

# Walgett Shire Development Control Plan 2016

August 2016

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## **Chapter 1: Introduction**

### **1.1. Name of Plan**

This plan is known as Walgett Shire Development Control Plan 2015

### **1.2. Land to which this plan applies**

This plan applies to all land within the Walgett Shire.

### **1.3. Date of Commencement**

This plan was adopted by Council on 25 October 2016.

### **1.4. Relationship to other plans and policies**

This plan repeals all other Development Control Plans applying in the Walgett Shire.

### **1.5. Aims of this Plan**

The aims of this plan are as follows:

- Define development standards that deliver the outcomes desired by the community and Council;
- Provide clear and concise development guidelines for various forms of development;
- Encourage innovation in design and development by not over-specifying development controls;
- Provide certainty of development outcomes for developers and the community.

### **1.6. Definitions**

Definitions used in this DCP are derived from and are included in the Environmental Planning and Assessment Act, Walgett Shire Local Environmental Plan 2013 and relevant Documents as cited in the plan.



## Chapter 2: Information Requirements

### 2.1. Introduction

This section of the DCP outlines the matters that have to be addressed within the Development Application (DA) documentation.

### 2.2. SEPP Building Sustainability Index 2004

A BASIX certificate must be submitted with the application where required. See State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 and <https://www.basix.nsw.gov.au/basixcms/> for more information.

### 2.3. Statement of Environmental Effects

A Statement of Environmental Effects is required to be lodged with all DAs. This is to address all of the relevant issues associated with the application and the site for the proposed development.

### 2.4. Plans and Reports

#### 2.1.1. Site Plans

A detailed site plan is required with all applications for residential development. In preparing this plan, an analysis of the range of environmental factors that will influence the proposed development is required. These factors may be both internal and external to the site. The level of site analysis varies with the complexity of the project.

For small alterations and additions, a simple plan/diagram outlining key site characteristics, such as:

- True north;
- Setbacks from boundaries;
- Location of trees, boundaries, buildings, and streets;
- Location of sewer lines, water lines, and septic tanks;
- Location of any stormwater lines, drainage lines, or natural waterways;
- Location of any easements.

#### 2.1.2. Floor Plans, Elevations & Sections

Detailed floorplans and elevations along with sections of the building are to be supplied as appropriate.

#### 2.1.3. Landscape Plans

A landscape plan is to accompany all development applications which involve commercial buildings, industrial buildings, or multi-unit dwellings.

#### 2.1.4. Identification surveys

An identification survey by a registered surveyor is required where Construction is proposed:

- On a lot boundary, or
- Within 300mm of National Construction Code prescribed setbacks.

## **2.5. Potential Site Contamination**

A statement may be required providing a history of the site to ascertain if it is potentially contaminated.

## **2.6. Development Notification**

### **2.6.1. Development that must be notified**

Apart from the exceptions listed below, all other development applications that involve alteration to the external configuration of a building, the erection of a new building, or variation to an adopted building line will be notified to adjoining land owners in accordance with this chapter. The kinds of development that will not automatically be notified comprise:

- Single storey dwelling house;
- Manufactured home;
- Single storey additions to a house;
- Minor dwelling additions such as: open car port, pergola, fence, veranda;
- Private swimming pool;
- Detached garage or shed associated with a dwelling;
- Any building on land within RU1 Primary Production, RU3 Forestry zone;
- Subdivision creating less than 5 lots;
- Commercial or industrial development within a business or industrial zone.
- Additions to public buildings.

Despite the above exclusions, following inspection of the site, and consideration of such factors as the character of the existing development, slope of the site and local amenity, Council may determine that notification should occur and the adopted fee will apply.

Written notice to adjoining landowners shall contain the following minimum information:

- Real property description and address of the land;
- Applicant's name;
- Description of the proposal for which consent is sought;
- The period in which submissions must be made.

### **2.6.2. Development that must be Advertised**

The following kinds of development will be advertised:

- Demolition of a building identified as a heritage item in Schedule 5 to the Walgett Local Environmental Plan 2013;
- Use of a heritage item for a purpose prohibited within the zone, as provided for by clause 5.10(10) of the Walgett Local Environmental Plan 2013;
- Major Council projects (not including utility service infrastructure) with a value exceeding \$1,000,000, or likely to be of significant community interest;
- Non-residential uses in or adjacent to the R1 General Residential, R5 Large Lot Residential, and RU5 Village Land use Zones;
- Subdivisions creating 20 or more allotments;
- Within the R1 General Residential, R5 Large Lot Residential or, RU5 Village Land use Zones, development applications for the purposes of:

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- ⇒ residential flat buildings; seniors housing; hostels; boarding houses; group homes; tourist and visitor accommodation; boarding houses; caravan parks;
- Any development identified by Senior Council staff that should be advertised in the public interest.

These developments will be advertised by:

- Notice of the development in a local Newspaper, containing the same information as is required to be given in the written notice;
- Written notice of the proposal to be given to all adjoining landowners;
- Period of exhibition to comprise a minimum of 14 days from the date notice is published (plus an additional 7 days of exhibition where the period of exhibition coincides with Public School Holidays, or additional day/s for a Public Holiday).

## **Chapter 3: Biophysical Hazards**

### **3.1. Introduction**

A number of site constraints and hazards can affect developments within the Shire. The aim of this section of the DCP is to:-

- To advise the community of the approach that Council will take in considering development applications for residential development proposals within Walgett Shire on land which is subject to environmental hazards;
- To ensure that acceptable standards of safety to life and property are applied when Council considers proposals for development on flood liable and bushfire prone land;
- To ensure that development that is approved in flood liable areas is structurally capable of withstanding the effects of flowing floodwaters including debris and buoyancy forces;
- To ensure that development is not permitted in flood liable and bushfire prone areas where that development would result in unnecessary risk of life to occupants or rescuers or unwarranted public costs;
- To inform the community of Council's requirements in relation to the development and use of flood liable and bushfire prone land;
- To encourage development and construction that is compatible with flood and bushfire hazard control measures.

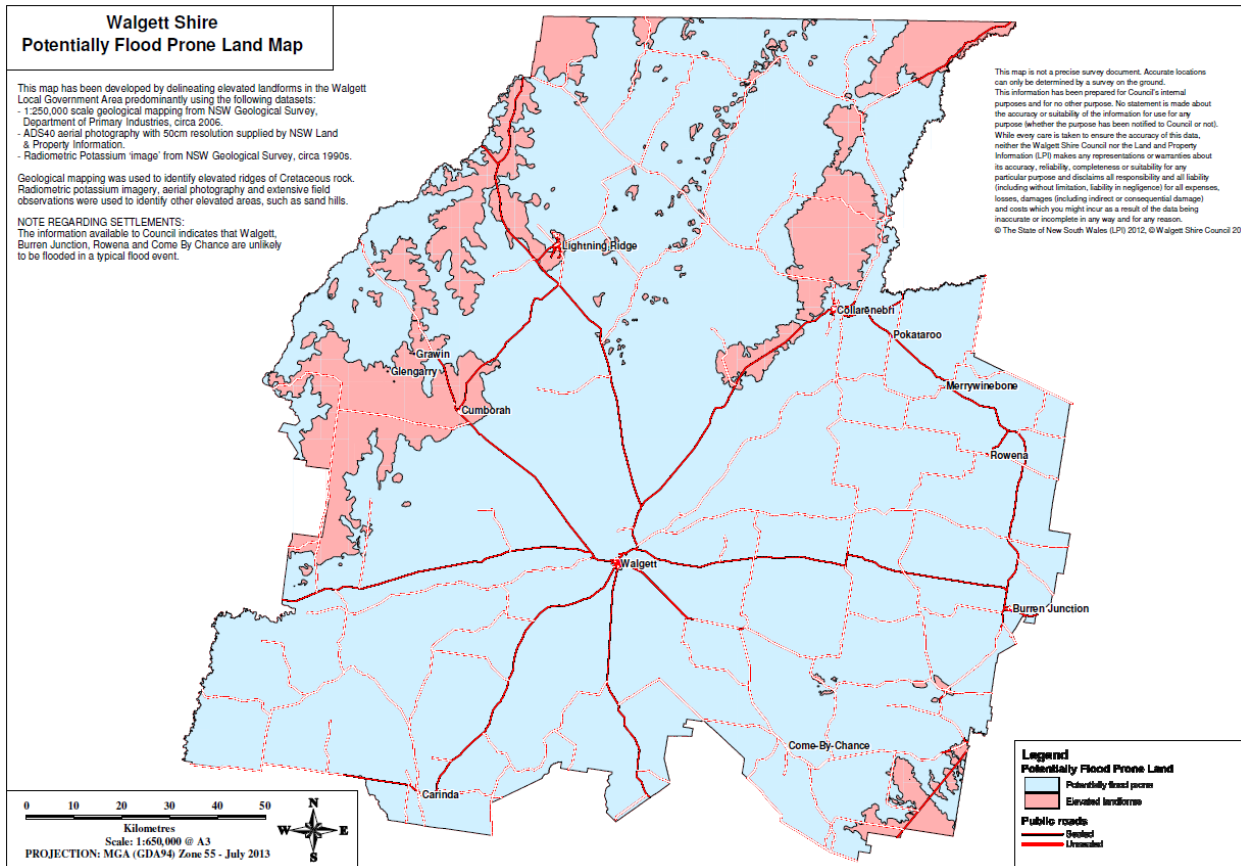
### **3.2. Flooding**

Definitions within this section are as per the Floodplain Development Manual (NSW Government)

#### **3.2.1. Flood Affected Land**

- A significant amount of land within the Shire (about 85%) consists of a flood plain land form and is potentially floodprone.
- The Walgett LEP states that development on land at or below the flood planning level must not be granted consent unless the consent authority is satisfied that the provisions of Clause 6.2 of the LEP have been met.
- Council will be satisfied that clause 6.2 has been complied with if the floor of a dwelling house is at least 500mm above the historical flood peak for the site.
- As a general rule, flood affected land within the Shire is that land that is black soil. Red soil is generally considered not to be floodprone.
- If a development is proposed for land on the black soil is, in the opinion of Council's Director of Planning & Regulatory Services, likely to be flood affected, then it is deemed to be flood affected land for the purposes of this DCP.
- The urban area of Walgett is protected by a flood levee bank which reduces the risk of flooding. For the purpose of the DCP, land within the levee bank is not regarded as flood affected land.

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LOCATION	GEOMORPHOLOGY	FLOOD HISTORY	FLOOD PRONE
Walgett 1731 people (2006 census)	Located on the flood plain of the Namoi River 1.8km upstream of confluence with the Barwon River. Surrounded by a levee bank currently being upgraded to withstand a 1% AEP flood event.	Current levee system was constructed 1961 to a level 0.6m higher than 1890 flood levels. It has never failed since it was constructed.	No
Collarenebri 477 people	Adjoins the Barwon River.	21/02/1976 8.89m flood where floodwater surrounded town & inundated the low-lying areas on the eastern, northern and western edges of town. Three homes in lower Maitland St flooded by water half way up the houses. Only small islands of high ground remained above floodwater that inundated about two thirds of the town.	Yes
Burren Junction 130 people	Located on a flood plain 4.0km south of the nearest named watercourse, Pian Creek, and 4.5km north of Cubbaroo Warrambool.	Anecdotal evidence indicates urban area has never been inundated by floodwater. The village has been surrounded by water due to localised flooding from heavy rainfall in the past, but dates and duration are unknown.	No

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Rowena 23 people	Located on a flood plain, 7.4km south-west of the nearest named watercourse, Thalba Creek.	Anecdotal evidence indicates village area has never been inundated by floodwater. During Feb 2012 the village was isolated by what was considered record flooding of Thalba Creek system.	No
Carinda 94 people	Located on a flood plain 0.5km east of Marthaguy Creek.	Anecdotal evidence indicates village has never been inundated by floodwater. Significant development of cotton farms ( <i>including levees and irrigation channels</i> ) upstream of Carinda has taken place in recent decades. Some residents believe that a flood event equivalent to the 1950's may render village vulnerable due to the altered flow paths. Floodwater has reached the edges of the village in more recent flooding events and it has been surrounded by water due to localised flooding from heavy rainfall in the past, but dates and duration are unknown.	Yes
Come by Chance <12 people	Located on a flood plain 0.4km west of Baradine Creek.	Anecdotal evidence indicates the 'urban' area of Come by Chance has never been inundated by floodwater. Floodwater has reached the northern and western edge of town during previous flooding events.	No
Pokataroo < 12 people	Located on a flood plain, 5.7km east of the nearest named watercourse, Big Waterhole Creek.	Anecdotal evidence indicates that the 'urban' area of Pokataroo has never been inundated by floodwater. During Feb 2012 it became isolated by what was considered record flooding spilling from the Moomin and Thalaba Creeks. At the time a temporary levee was erected by a local landholder around the area which diverted water and prevent flooding of the three dwellings at the location.	Yes

### 3.2.2. Access

- Flood free vehicle access is desired for all lots created by residential subdivision.
- Where flood free vehicle access is not possible, the development must be able to achieve safe wading criteria as specified in Figure L1 of the Floodplain Development Manual and historically access routes only have been subject to inundation for brief periods (eg, less than one week).

### 3.2.3. General Development Requirements

- No building or work (including land filling, fencing, excavation) shall be permitted on flood affected land where in the opinion of the Director of Planning & Regulatory Services, such building or work will obstruct the movement of floodwater or cause concentration or diversion of floodwaters.
- The Development Application must demonstrate the building or structure can withstand the force of flowing floodwaters, including debris and buoyancy forces as appropriate.

- All materials used in construction shall be flood compatible.

### 3.2.4. Residential Development

- Floor levels of all habitable rooms, or rooms with connection to sewer infrastructure including an on-site sewage management system shall not be less than the flood planning level.
- Where additions are below the flood planning level, Council must be satisfied that the addition will not increase risk to inhabitants in the event of a flood.
- Rebuilding part of a dwelling may be permitted provided the building maintains the same dimensions which result in the same impact on flood behaviour.

### 3.2.5. Commercial / Retail / Industrial Development

- Development shall incorporate measures to seal or flood proof buildings, to avoid activities or fittings susceptible to flood damage, or to store the contents of buildings above the flood planning level.

### 3.2.6. Landfilling

- Survey plan prepared by a registered surveyor is required, showing the contour levels of natural surface, any existing fill and the designed contour levels for the finished work.
- A report certified by a consulting engineer is required to detail the impact of the proposed fill on adjoining properties and, where levee banks are proposed, the methods of internal drainage.
- Applications shall be accompanied by a construction management plan to show:
  - ⇒ source of fill, including contamination assessment;
  - ⇒ an assessment of the impact of haulage vehicles on roads;
  - ⇒ precondition report of all haulage routes;
  - ⇒ details of method of compaction of fill and associated impacts: control of dust, sedimentation, water quality impacts, noise and vibration; and
  - ⇒ contingency for containment of fill in the event of a flood during placement.

### 3.2.7. Non-residential rural buildings

- Not permitted in "floodways".
- Floor areas shall be located above the flood planning level.

## 3.3. Bushfire

The publication *Planning for Bushfire Protection* was developed by the NSW Rural Fire Service in collaboration with the Department of Planning and Infrastructure. This Guideline provides the necessary planning considerations when developing areas for residential use in residential, rural residential, rural and urban areas when development sites are in close proximity to areas likely to be affected by bushfire events. This document is adopted for the purposes of this DCP and is available from the Rural Fire Service website [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au).

In accordance with the requirements of the Environmental Planning and Assessment Act, 1979 and "Planning for Bushfire Protection" Council has a Bushfire Prone Land Map which is publicly available via Council's web site.

### 3.3.1. Council requires

- That all residential development located within identified high bushfire risk areas is in accordance with the recommendations of publication "Planning for Bushfire Protection 2006".

### 3.3.2. Council recommends

- Prior to the submission of a development application for residential development, contact should be made with Council to ascertain whether or not the proposed development will be located within a high risk bushfire area;
- Where the development is located within a high risk bushfire area, preliminary discussions should be convened with the NSW Rural Fire Service to ascertain the Department's likely requirements;
- Prior to the submission of a development application for residential development, contact should be made with Council to ascertain whether a threatened species (flora & fauna) assessment is required.

### 3.4. Opal mining

Opal mining has occurred within parts of the Lightning Ridge and Cumborah localities for more than 100 years. Forms of mining undertaken include open cutting and underground methods, at depths ranging from the surface to about 25m below the surface.

Former opal mine workings can pose a hazard for the public and animals in the following contexts:

- Mine shafts can pose a fall hazard, primarily if they are not fenced or screened to prevent accidental entry. Mine shafts may be found on opal fields within the SP1 Special Activities Mining and RU1 Primary Production zones.
- Mine shafts that have been backfilled (ie filled in with mullock) are generally stable. Fill may settle over time, especially if water flows into the shaft. Settled mine shafts can leave a pit on the surface which ranges from less than a metre, up to several metres deep. Settled mine shafts occur periodically within the urban zones of Lightning Ridge, as well as opal fields within the SP1 Special Activities Mining and RU1 Primary Production zone.
- Extensive underground mine workings occasionally collapse in what is known as a subsidence event. This may leave a pit in the surface of the ground that is from 0.5 to 3.0m deep, and up to hundreds of square metres in area. Subsidence events have primarily occurred in opal fields within the SP1 Special Activities Mining and RU1 Primary Production zone.

There are no official detailed records of the extent of opal mining activity within the Shire. Prior to preparing a development application for land that may be affected by mining activity, Council recommends that intending applicants undertake their own inquiries to determine whether there is any evidence that the land is affected by mining activity. Such inquiries could include:

- Talking to nearby landholders;
- Reviewing historical aerial photography;
- Inspecting the site for evidence of mining disturbance;
- Contacting the Lightning Ridge office of the Mineral Resources unit of the Department of Primary Industries.



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As of June 2015 Council is not aware of any serious ongoing adverse impacts on individuals or buildings arising from settled or subsided mine workings within the Lightning Ridge urban area. In the event that there is evidence of a proposed development being vulnerable to adverse impacts due to historic mine workings on the site, the applicant will be required to provide certification from a geotechnical engineer that the site is suitable for the proposed development. Example scenarios where such certification would be required include where a:

- Dwelling is proposed to be established on a backfilled open cut.
- Multi-storey dwelling is proposed to be established on a site where a subsidence event is known to have occurred previously.

## Chapter 4: Development Types

### 4.1. Introduction

This chapter provides controls for development types that are anticipated within the Shire. These include the following:

- Housing (including dual occupancy and multi-unit development)
- Subdivision
- Industrial
- Commercial
- Intensive livestock
- Intensive plant agriculture

### 4.2. Objectives

- To ensure that all development is compatible with the surrounding development
- To ensure that development does not adversely impact on the surrounding development
- To ensure that development has adequate access to services and utility infrastructure

### 4.3. General Housing and Ancillary Structures

#### 4.3.1. Building Setbacks

The building setbacks are related to the zone in the Walgett Local Environmental Plan. They are set out in the following table

Zone	Street Frontage	Side / Rear Boundary	Outbuildings	
			Size	Cumulative Outbuildings
Primary Production (RU1)	20 m	10	Not specified	
Village (RU5)	6 m	BCA Requirements	150 m <sup>2</sup>	200 m <sup>2</sup>
General Residential (R1)	4.5 m, 5.5 m to garage	BCA Requirements	150 m <sup>2</sup>	200 m <sup>2</sup>

#### 4.3.2. Design

- No windowless facades at the street frontage(s).

#### 4.3.3. Building Height

Measured from natural ground level to:

- Topmost ceiling: maximum 7.2m
- Top of the ridge: maximum 10m

### 4.3.4. Utility Infrastructure Protection

Refer to Appendix A for Council's requirements for the protection of utility infrastructure.

### 4.3.5. Site Coverage

The maximum site coverage for all buildings is set out in the following table.

<b>Zone</b>	<b>Cumulative site Coverage</b>
Primary Production (RU1)	Not Specified
Village (RU5)	40%
General Residential (R1)	50%
Large Lot Residential (R5) 2 ha	25%
Large Lot Residential (R5) 40ha	25%
Lightning Ridge (SP2) Infrastructure zone	80%

### 4.3.6. Solar Access

- Two storey development >2m from the boundary does not require a shadow diagram or notification.
- Two storey dwellings <2m from the boundary shall ensure habitable rooms of adjoining dwellings and major part of their landscaped open space to retain a minimum of 4hrs sunlight between 9am-3pm on 21<sup>st</sup> June (winter solstice).

### 4.3.7. Privacy

- (1) A window in a new dwelling house or a new window in any alterations or additions to an existing dwelling house must have a privacy screen if:
  - (a) it is a window in a habitable room, that has a floor level of more than 0.7 metres above ground level (existing), and
  - (b) the wall in which the window is located has a setback of less than 3 metres from a side or rear boundary, and
- (2) A new balcony, deck, patio, pergola, terrace or verandah and any alterations to an existing balcony, deck, patio, pergola, terrace or verandah must have a privacy screen if it:
  - (a) has a setback of less than 2m from a side or rear boundary, and
  - (b) has a floor area more than 3m<sup>2</sup>, and
  - (c) has a floor level more than 0.7 metres above ground level (existing).
- (3) A detached deck, patio, pergola or terrace or any alterations or additions to an existing deck, patio, pergola or terrace must not have a floor level that is more than 0.7 metres above ground level (existing).

### 4.3.8. Parking

- Provision for off street parking behind the building line at:
  - One vehicle for dwellings with 2 bedrooms or less.
  - Two vehicles for dwellings with 3 bedrooms or more.

### 4.3.9. Access

- All weather 2WD access is required to the dwelling in zones R1 and RU5.

### 4.3.10. Fencing

- Street fencing shall be a minimum of 50% open, or a combination of open panels and masonry columns, to a maximum height of 1.8 metres generally, 1.5 metres within the building setback, and 1.5 metres in Fox, Wee Waa, Opal, and Morilla streets.
- Where a street fence is proposed, the section of side boundary fencing located in front of the building setback shall be open or combination of open panels and masonry columns to match front fence.
- Street fencing details are required with DA for dwelling.
- No barb wire is permitted.
- Solid panel fencing or gates are not permitted forward of the building line, unless otherwise exempted by legislation.

### 4.3.11. Outbuildings and Detached Garages

- Not within building setback.
- Not specified for Primary Production (RU1) zone

### 4.3.12. Temporary Accommodation during dwelling construction

- Not permitted in General Residential (R1) or Village (RU5) zones. This applies to the Primary Production (RU1) Zone.
- Maximum period of occupation is 12 months.
- Cannot be situated in front of the proposed dwelling.
- Footings of the main dwelling must be constructed and inspected before occupation of the temporary accommodation.
- Occupation of the temporary accommodation must be by the owner and immediate family only.

### 4.3.13. Relocated Dwellings

- Dwelling not to be moved onto site before development consent issued and no work is to commence on the re-erection of the dwelling until the Construction Certificate is approved by Council or the Principal Certifying Authority.
- The DA must include:
  - ⇒ A comprehensive report prepared by an accredited Building Surveyor or Structural Engineer certifying the soundness of the building; and
  - ⇒ Photographic evidence of the dwelling supported by a description of its condition.

### 4.3.14. Pools

- Where visible from a public place or road, details of screening are to be supplied.
- Any associated retaining walls or decks are not to exceed 1.0 metres above natural surface level.
- Pool pump enclosure to be placed greater than 15 metres from a habitable room in a dwelling on adjoining property or within a sound-proof enclosure.

### 4.3.15. Water tanks

- Located behind the street setback of the existing dwelling.
- Maximum height of 3.2 metres.

### 4.3.16. Car Ports

- Behind the building setback.
- If in front of main dwelling, must have 50% screening coverage with advanced vegetation to reduce visual impact.

## 4.4. Housing in SP1 Special Activities mining zone

### 4.4.1. Application of this Part

This part applies to the development associated with mining camp dwellings within the SP1 Special Activities Mining zone at Lightning Ridge, Grawin, Glengarry and Sheepyard which is shown as the SP1 Mining Special Activity Zone in Walgett Local Environmental Plan 2013.

### 4.4.2. Fencing

- Fencing shall be at least 50% open and to a maximum height of 1.8 metres.
- Opaque fencing may enclose an area of up to 500 square metres with a maximum height of 1.8 metres to provide private open space.
- Council will not approve any fence on a mining camp land title that has not been authorised in writing by the relevant government authority.
- Extensive barrier fencing along or in close proximity to major mining tracks is not permitted.

### 4.4.3. Dwellings and ancillary structures

- Must be located at least 5m from the boundary of any land title for a mining camp dwelling.
- Must not interfere with the use of an existing vehicle track unless written agreement has been obtained from an authorised representative of the Western Lands Commission and an authorised representative of Mineral Resources.
- Have a maximum height at the top of the ridge capping of 5m.
- New dwellings must be located on lots that are at least 50m away from any land title for a mining camp dwelling, unless they are replacing an existing authorised dwelling.

### 4.4.4. Multiple occupancies

Where multiple occupancies have previously been established on a single title, prior to the commencement of the Walgett LEP 2013, Council supports establishment of individual land titles over dwellings. New multiple occupancies are prohibited development within this zone under the Walgett LEP 2013.

## **4.5. Residential Dual Occupancy**

### **4.5.1. Building Setbacks**

Building setbacks are dependent upon the zoning of the land under the Walgett Shire Local Environmental Plan. They are set out in the following table.

<b>Zone</b>	<b>Single Storey</b>		<b>2 Storeys</b>	
	<b>Street Frontage</b>	<b>Side / Rear Boundary</b>	<b>Street Frontage</b>	<b>Side / Rear Boundary</b>
Village (RU5)	6 m	1 m (675mm#)	6m	2 m (1,125mm#)
General Residential (R1)	4.5 m, 5.5 m to garage		4.5 m, 5.5 m to garage	
Large Lot Residential (R5)	20 m	10m	20 m	10m

- No concession to secondary frontage.
- No continuous section of wall built on a side boundary shall exceed 50% of the length of the boundary up to a maximum of 10m.

### **4.5.2. Density**

- Minimum area per dwelling is 500 m<sup>2</sup> in the General Residential (R1) and Village (RU5) Zone.

### **4.5.3. Design**

- For corner lots, dwellings shall be designed to present to and have vehicle access from alternate frontages, unless one street is a collector road or greater, where both shall be accessed from the lesser street classification.

### **4.5.4. Building Height**

Measured from natural ground level to:

- Topmost ceiling: maximum 7.2m.
- Top of the ridge: maximum 10m.

### **4.5.5. Utility Infrastructure protection**

Refer to Appendix A for Council's requirements for the protection of utility infrastructure.

### **4.5.6. Site Coverage**

- Residential zones: Maximum site coverage of 60% (includes all hardstand areas).

### **4.5.7. Solar Access**

- Two storey development >2m from the boundary does not require a shadow diagram or notification.
- Two storey dwellings <2m from the boundary shall ensure habitable rooms of adjoining dwellings and major part of their landscaped open space to retain a minimum of 4hrs sunlight between 9am-3pm on 21<sup>st</sup> June (winter solstice).

### 4.5.8. Privacy

- (1) A window in a new dwelling house or a new window in any alterations or additions to an existing dwelling house must have a privacy screen if:
  - (a) it is a window in a habitable room, other than a bedroom, that has a floor level of more than 0.7 metres above ground level (existing), and
  - (b) the wall in which the window is located has a setback of less than 3 metres from a side or rear boundary, and
- (2) A new balcony, deck, patio, pergola, terrace or verandah and any alterations to an existing balcony, deck, patio, pergola, terrace or verandah must have a privacy screen if it:
  - (a) has a setback of less than 2m from a side or rear boundary, and
  - (b) has a floor area more than 3m<sup>2</sup>, and
  - (c) has a floor level more than 0.7 metres above ground level (existing).
- (3) A detached deck, patio, pergola or terrace or any alterations or additions to an existing deck, patio, pergola or terrace must not have a floor level that is more than 0.7 metres above ground level (existing).

### 4.5.9. Parking

Parking is to meet the minimum requirements set out in the following table:

Number of beds in each dwelling	Parking spaces per dwelling
1	1
2	1
3	2
4 or more	2

- Rooms capable of occupation as a bedroom (e.g. study) are treated as a bedroom for the purpose of calculating parking requirements.
- 1 visitor space must be provided onsite where on-street parking within the property's street frontage is not available.

### 4.5.10. Access

- All weather 2WD access is required to the dwelling.
- Dimensions to meet Australian Standard AS2890.1 Parking Facilities.
- All parking and manoeuvring areas to be hardstand (pavers or concrete).
- Onsite turning areas must be provided onsite where fronting a major road.

### 4.5.11. Landscaping

- Minimum of 50m<sup>2</sup> of landscaping for each dwelling, of which 50% must be planted garden areas.

### 4.5.12. Private Open Space

- Private open space must be provided in accordance with the following table in relation to its position relative to the dwelling for solar access.

Private Open Space Location	Minimum Amount	Minimum Dimension
North	35 m <sup>2</sup>	5m x 5m
East	50 m <sup>2</sup>	6m x 6m
South	60 m <sup>2</sup>	6m x 6m
West	45 m <sup>2</sup>	6m x 6m

- Must be directly accessible from a living area.
- Area calculation does not contain intrusions such as drying areas, electricity substation, water tanks, hot water systems, retaining walls.

### 4.5.13. Fencing

- Street fencing shall be open, or a combination of open panels and masonry columns, to a maximum height of 1.8 metres generally, 1.5 metres within the building setback.
- Where a street fence is proposed, the section of side boundary fencing located in front of the building setback shall be open or combination of open panels and masonry columns to match front fence.
- Street fencing details are required with DA for dwelling.
- No barb wire is permitted.
- Solid panel fencing is not permitted forward of the building line, unless otherwise exempted by legislation.

### 4.5.14. Outbuildings and Detached Garages

- Not within building setback.
- If in front of main dwelling, it must be:
  - ⇒ Same construction;
  - ⇒ Matching roof pitch; and
  - ⇒ Appear like part of the habitable dwelling.
- Maximum height of 3.2m to eave, 3.6m to peak of roof or match house roof pitch for General Residential (R1), Large Lot Residential (R5) or Village (RU5).
- Not specified for Primary Production zone.

### 4.5.15. Pools

- Where visible from a public place or road, details of screening are to be supplied.
- Any associated retaining walls or decks are not to exceed 1.0 metres above natural surface level.
- Pool pump enclosure to be placed greater than 15 metres from a habitable room in a dwelling on adjoining property or within a sound-proof enclosure.

### 4.5.16. Water tanks

- Located behind the street setback of the existing dwelling.
- Maximum height of 3.2 metres.



**4.5.17. Car Ports**

- Behind the building setback
- If in front of main dwelling, must:
  - ⇒ Match construction theme;
  - ⇒ Match roof pitch; and
  - ⇒ Appear like part of the habitable dwelling.

**4.5.18. Facilities**

- Clothes drying facilities are required to be free of access ways. Clothes lines and hoists shall be located at the rear of development and adequately screened from adjoining roads.

**4.5.19. Utilities and Services**

- Servicing strategy required to demonstrate the availability and feasibility of providing water, sewer and stormwater services appropriate for the scale of development.

**4.6. Residential Multi-Dwelling Development**

**4.6.1. Building Setbacks**

The building setbacks are related to the zone in the Walgett Local Environmental Plan. They are set out in the following table.

Zone	Single Storey		2 Storeys	
	Street Frontage	Side / Rear Boundary	Street Frontage	Side / Rear Boundary
General Residential (R1)	4.5 m, 5.5 m to garage	1 m (675 mm <sup>#</sup> )	4.5 m, 5.5 m to garage	2 m (1,125 mm <sup>#</sup> )
Local Centre (B2)	BCA Requirements	BCA Requirements	BCA Requirements	BCA Requirements

<sup>#</sup> roof eaves, sunhoods, gutters, downpipes, chimney flues, light fittings, electricity and gas metres, and aerials.

- No concession to secondary frontage.

**4.6.2. Density**

- Minimum area per dwelling is 500 m<sup>2</sup> in the General Residential (R1) Zone.
- No minimum area for Local Centre (B2) Zone.

**4.6.3. Design**

- For corner lots, dwellings be designed to present to and have vehicle access from alternate frontages, unless one street is a collector road or greater, where access shall be obtained from the lesser street classification.
- No continuous section of wall built on a side boundary shall exceed 50% of the length of the boundary up to a maximum of 10m.

### 4.6.4. Building Height

Measured from natural ground level to:

- Topmost ceiling: maximum 7.2m.
- Top of the ridge: maximum 10m (note maximum building height set by the LEP).

### 4.6.5. Utility Infrastructure Protection

Refer to Appendix A for Council's requirements for the protection of utility infrastructure.

### 4.6.6. Site Coverage

- Residential zones: Maximum site coverage of 75% (includes all hardstand areas).

### 4.6.7. Solar Access

- Shadow diagram are required for developments of  $\geq 2$  storeys and need to demonstrate habitable rooms of adjoining dwellings and major part of their landscaped open space to retain a minimum of 4hrs sunlight between 9am-3pm on 21st June (winter solstice).

### 4.6.8. Privacy

- (1) A window in a new dwelling house or a new window in any alterations or additions to an existing dwelling house must have a privacy screen if:
  - (a) it is a window in a habitable room, other than a bedroom, that has a floor level of more than 0.7 metres above ground level (existing), and
  - (b) the wall in which the window is located has a setback of less than 3 metres from a side or rear boundary, and
  - (c)
- (2) A new balcony, deck, patio, pergola, terrace or verandah and any alterations to an existing balcony, deck, patio, pergola, terrace or verandah must have a privacy screen if it:
  - (a) has a setback of less than 2m from a side or rear boundary, and
  - (b) has a floor area more than 3m<sup>2</sup>, and
  - (c) has a floor level more than 0.7 metres above ground level (existing).
- (3) A detached deck, patio, pergola or terrace or any alterations or additions to an existing deck, patio, pergola or terrace must not have a floor level that is more than 0.7 metres above ground level (existing).

### 4.6.9. Parking

Parking is to meet the requirements set out in the following table.

<b>Number of beds in each dwelling</b>	<b>Parking spaces per dwelling</b>	<b>Visitor Spaces</b>
1	1 (enclosed )	1 per 5 dwellings *
2	1 (enclosed )	
3	2 (both enclosed)	1 per 3 dwellings*
4 or more	2 (both enclosed)	1 per 2 dwellings*

\* This is the minimum requirement

- Rooms capable of occupation as a bedroom (eg study) are treated as a bedroom for the purpose of calculating parking requirements.

### 4.6.10. Access

- All weather 2WD access is required to the dwellings.
- Dimensions to meet Australian Standard AS2890.1 Parking Facilities.
- Stack parking is not deemed to satisfy parking requirements.
- All parking and manoeuvring areas to be hardstand (pavers or concrete).
- Developments requiring 4 or more car spaces are to provide adequate turning dimensions to allow all vehicles to enter and leave the site in a forward direction.

### 4.6.11. Landscaping

- Minimum of 50m<sup>2</sup> of landscaping for each dwelling, of which 50% must be planted garden areas.
- Location and grouping of plant types shall be multi-functional providing privacy, security, shading and recreation functions.
- Landscaping shall comprise only native, drought and frost tolerant species.
- Landscaping shall allow solar access to windows, solar collectors, living areas and drying areas in winter and shade to buildings and outdoor spaces in summer.
- Minimum width of 2m required for all landscaped areas.

### 4.6.12. Private Open Space

- Private open space must be provided in accordance with the following table in relation to its position relative to the dwelling for solar access.

<b>Private Open Space Location</b>	<b>Minimum Amount</b>	<b>Minimum Dimension</b>
North	35 m <sup>2</sup>	4 m x 4 m
East	50 m <sup>2</sup>	4 m x 4 m
South	60 m <sup>2</sup>	4 m x 4 m
West	45 m <sup>2</sup>	4 m x 4 m

- Must be directly accessible from a living area.
- Area calculation does not contain intrusions such as drying areas, electricity substation, water tanks, hot water systems, retaining walls.

### 4.6.13. Outdoor Lighting

- Must provide certification of compliance with AS4282 Control of Obtrusive Effects of Outdoor Lighting if >10 dwellings proposed.

### 4.6.14. Adaptability

Development of 5 or more units must provide 1 in 5 units capable of conversion to adaptable housing in accordance with AS4299 Adaptable Housing, Class C level.

### 4.6.15. Facilities

- Screened garbage storage required inside front property boundary, at the rear of each unit or within garages. Storage locations to be included in landscape plan.
- Clothes drying facilities required free of access ways. Clothes lines and hoists shall be located at the rear of development and adequately screened from adjoining roads.

### 4.6.16. Utilities and Services

- Multi- dwellings not permitted on land without Council sewer or effluent services.
- Servicing strategy is required to demonstrate the availability and feasibility of providing water, sewer and stormwater services appropriate for the scale of development.

### 4.6.17. Storage

- Must provide a minimum of 5m<sup>3</sup> of dedicated storage area per dwelling in addition to the standard internal storage provision (e.g. wardrobes, kitchen cupboards, pantry, linen press).

### 4.6.18. Fencing

- Street fencing shall be open, or a combination of open panels and masonry columns, to a maximum height of 1.8 metres generally, 1.5 metres within the building setback, and 1.5 metres in Fox, Wee Waa, Opal, and Morilla streets..
- Where a street fence is proposed, the section of side boundary fencing located in front of the building setback shall be open or combination of open panels and masonry columns to match front fence.
- Street fencing details are required with DA for dwelling.
- No barb wire is permitted.
- Solid panel fencing is not permitted forward of the building line, unless otherwise exempted by legislation.
- Street fencing details are required with DA for dwelling.

### 4.6.19. Outbuildings and Detached Garages

- Not within building setback.
- If in front of main dwelling, it must:
  - ⇒ Match construction theme;
  - ⇒ Match roof pitch; and
  - ⇒ Appear like part of the habitable dwelling.
- Maximum height of 3.2m to eave, 3.6m to peak of roof or match house roof pitch for General Residential (R1), Large Lot Residential (R5) or Village (RU5).

### 4.6.20. Pools

- Where visible from a public place or road, details of screening are to be supplied.
- Any associated retaining walls or decks are not to exceed 1.0 metres above natural surface level.
- Pool pump enclosure to be placed greater than 15 metres from a habitable room in a dwelling on adjoining property or within a sound-proof enclosure.

### 4.6.21. Water tanks

- Located behind the street setback of the existing dwelling.
- Maximum height of 3.2 metres.

## 4.7. Subdivision

### 4.7.1. Lot size

- "Lot size map" and Clause 4.1 of Walgett LEP 2013 prescribe the minimum lot sizes for all new allotments.
- Minimum lot sizes do not apply to Strata and Community Title Subdivisions.
- Residential lots must be able to accommodate a rectangle suitable for building purposes measuring 10m x 15m behind the street setback (note there is no concession to a second street frontage for setbacks).
- Easements are not to encumber more than 10% of the total area of the lot.

### 4.7.2. Servicing Strategy

- All development applications including a proposed residential land use shall provide a servicing strategy (water, sewer, stormwater, telecommunications and electricity) to demonstrate that it is feasible for the subdivision to be provided with appropriate services.
- The strategy shall include evidence that the developer has consulted with Council's Manager of Water and Wastewater in relation to the availability and

capacity of the existing water and sewer networks consistent with the likely future use of the land.

- For new estates this shall include nomination of a maximum number of equivalent tenements that will be serviced by the infrastructure.
- If development is proposed over Council water, sewer, or effluent mains refer to clause 5.2.5.

### **4.7.3. Sewer**

- The servicing strategy shall identify the method of providing sewerage or effluent disposal to the proposed lots in accordance with the relevant requirements of this DCP.

### **4.7.4. Water**

- The Servicing Strategy shall identify the method of providing water to the proposed lots in accordance with the Council's Engineering Guidelines for Subdivision and Development.
- Reticulated water is to be supplied to subdivisions of land in the General Residential R1 Zone.
- On-site water storage requirements will be applied when future development occurs on lots where the Lot Size Map specifies a minimum area of 20 hectares or greater.

### **4.7.5. Stormwater Drainage**

- The servicing strategy shall include consideration of existing natural flow, existing developed flow and post developed flow.
- Location of major flows are to be directed to a designated overland flow path and within a dedicated drainage reserve.
- Measures to control stormwater flow are required.
- Where drainage is required to the rear of the lot, inter-allotment drainage shall be located in easements in favour of the upstream properties benefitted by the easement.
- Lot layout and easements are to be established so that no future development will rely upon pump-out, infiltration systems or any other method other than connection to the gravity piped system.

### **4.7.6. Telecommunications**

- Telecommunications are to be provided underground.

### **4.7.7. Electricity**

- Where possible, the subdivision is to be serviced by underground electricity to land in the General Residential R1 Zone.
- For subdivision of land in the Primary Production Zone which includes a proposed residential land use, electricity supply is required.

### **4.7.8. Battle-axe shaped lots**

- Minimum area for battle-axe shaped lot is 800m<sup>2</sup> excluding the access handle.
- Access handles shall be of a minimum width of 4.5 metres, of which 3 metres is to be constructed and sealed with asphaltic concrete or interlocking pavers at the time of subdivision (RU1, B2, and RU5 zones only)
- The topography of the site may require installation of kerbing to manage overland stormwater.
- A maximum of one lot per residential subdivision is to use battle-axe handle access.

### 4.7.9. Industrial lots

- Industrial lots shall have a minimum street frontage of 30m and area of 1,000m<sup>2</sup>.

### 4.7.10. Road Network Design

- The road hierarchy shall be defined.
- Roads to be all weather sealed 6m wide pavement with table drains and entry culvert.
- Residential subdivision must incorporate appropriate facilities and opportunities for pedestrian and bicycle movement.
- The alignment, width and design standard for all roads shall be in accordance with the expected traffic volume, type of traffic and desired speed in accordance with the Council's Engineering Guidelines for Subdivision and Development.
- Kerb and gutter is required for subdivision where the Lot Size Map specifies a minimum lot size of up to and including 2 ha.
- The road pavement requirement will be determined based on vehicle movements (both current and future) and with consideration to the existing development and character of the locality. Generally, sealed pavement will be required where the Lot Size Map specifies a minimum lot size of up to and including 5 hectares.
- A road within a residential subdivision servicing 15 lots or more must include a constructed pedestrian footpath.
- Subdivision layouts shall make provision for road connection to adjoining undeveloped land.
- Subdivision design shall ensure that individual allotments are within 400 metres walking distance of a collector road.

### 4.7.11. Culs-de-sac

- Radius of a cul-de-sac bowl in a residential subdivision shall not be less than 12.5 metres.
- The design must accommodate stormwater drainage overland flow paths.
- Alternate cul-de-sac configuration is not permitted, such as "hammer-head" or "Y" shapes.

### 4.7.12. Landscaping

- Subdivision involving new road construction shall include street tree planting of suitable species.
- Landscape plans shall be provided for all dual use drainage reserves to enhance recreational opportunities and visual amenity without compromising drainage function.

### 4.7.13. Site Access

- Public road access is required to all lots that will be used for residential purposes.
- Commercial or industrial subdivision shall include provision of a kerb layback which is:
  - ⇒ located at either end of the property frontage;
  - ⇒ not closer than 6m to an intersecting road or break in a traffic island; and
  - ⇒ located so that sight distance is adequate;
- No direct access to arterial or sub-arterial roads shall be permitted where alternatives are available.

### **4.7.14. Lot Orientation**

- Where residential subdivision involves a road running north-south, allotments are to be designed to provide solar access for future development.
- Orientation shall minimise potential overshadowing impacts of existing and future buildings.

### **4.7.15. Open Space**

- Open space provision within residential subdivision will be determined compliance with the provisions of the Site Specific Design Criteria.
- Where required, subdivision design must provide open space achieving the following criteria:
  - ⇒ Minimum area of 0.5ha;
  - ⇒ Buffered from main roads and identified hazards for improved safety;
  - ⇒ Safely accessible by pedestrian and cycleway links;
  - ⇒ Connectivity maximised between open space;
  - ⇒ Walkable access to highest number of the population;
  - ⇒ High passive surveillance opportunities;
  - ⇒ Minimum slope; and
  - ⇒ Provide complimentary uses of open space (drainage, conservation, cycleways etc.) that ensures ongoing usability.

### **4.7.16. Vegetation**

- The design shall accommodate the retention of any significant trees and vegetation.

### **4.7.17. Garbage collection**

- Road design must accommodate the legal movement of garbage collection vehicles.
- Allotments are to allow for placement of garbage receptacles for collection within the alignment of that lot.
- Temporary turning facilities shall be provided to facilitate garbage collection services.

### **4.7.18. Community Title Subdivision**

Community title subdivision must include community facilities that are shared between the residents of the development. It is not appropriate that this form of development be used as an alternative to strata title where the only shared component is a driveway.

### **4.7.19. Contamination**

All subdivision development applications are to include consideration of potential land contamination.



**4.7.20. Road Widths**

Road widths are determined based on the road category, in accordance with the table below.

Road Category	Indicative Traffic Volume (vehicles per day)	Road Width (metres)				
		Road Reserve	Traffic Lane	Parking Lane	Median	Verge (footway)
4. Collector	2,000 - 4,000	20	2 x 3.5	2 x 3.0	Nil	2 x 3.5
5.1 Local Serving > 15 lots	500 - 2,000	18	2 x 3.5	2 x 3.0	Nil	2 x 3.5
5.2 Culs-de-sac and short loops	150 - 500	15	2 x 4.0	Nil	Nil	2 x 3.5
5.3 Minor culs-de-sac	0 - 150	13	1 x 6.0	Nil	Nil	2 x 3.5
5.4 Local Access street (laneway)	0 - 50	13	1 x 6.0	2.5 (parking bays)	Nil	2 x 3.5
6. Industrial	NA	20	2 x 3.5	2 x 5.5	Nil	2 x 3.5

**4.8. Industrial Development**

**4.8.1. Building Setbacks**

- Street setback must be a minimum of 5m.
- No concession for secondary frontage.
- Street setback must be landscaped.
- Side and rear setbacks to meet BCA requirements.

**4.8.2. Design**

- Building elevations to the street frontage or where visible from a public road, reserve, railway or adjoining residential area are to incorporate variations in façade treatments, roof lines and building materials.

**4.8.3. Services**

- Servicing strategy is required to demonstrate the availability and feasibility of providing water, sewer and stormwater services appropriate for the scale and nature of development.
- Applications must demonstrate adequate provision for storage and handling of solid wastes.
- Trade Waste Application and facilities are required where liquid wastes (excluding domestic waste from a hand wash basin, shower, bath or toilet) are to be discharged to Council’s sewerage system.
- Onsite stormwater capture and reuse shall be provided for maintenance of landscaping. Storage tanks shall be appropriately located and screened.

### 4.8.4. Utility Infrastructure Protection

Refer to Appendix A for Council's requirements for the protection of utility infrastructure.

### 4.8.5. Landscaping

- Landscaping is required in the front 5m of street setback, and areas adjacent to building entrances and customer access points. 50% must be planted garden areas.
- Landscaping shall comprise only low maintenance, drought tolerant species.

### 4.8.6. Fencing

- Fencing must be at least 50% open forward of the building line.
- A maximum height of 2.4m unless otherwise exempted by legislation. Security fencing must be also located behind the building setback area except when of a decorative nature to be integrated in the landscaped area.

### 4.8.7. Traffic and Access

- Turning and parking areas must have all weather access for 2WD vehicles.
- Driveways/crossovers must be constructed from concrete for any development likely to generate significant volumes of traffic.
- All vehicles must be able to enter and exit the site in forward direction.
- Site access not permitted:
  - ⇒ Close to intersection or roundabouts with inadequate sight distances;
  - ⇒ Where there is heavy and constant pedestrian movement on the footpath;
  - ⇒ Where right turning traffic entering the site may obstruct through traffic.
- Separate signposted entrance and exit driveways are required for developments requiring more than 50 parking spaces or where development generates a high turnover of traffic.
- The number of access points from a site to any one street frontage is limited to 1 ingress and 1 egress.
- Driveways must be provided in accordance with Australian Standard AS2890.1 Parking Facilities.

### 4.8.8. Parking

The parking requirements are set out in the following table.

Land Use	Parking Requirement
Industrial retail	1 space per 45m <sup>2</sup> GFA
Industrial	1 space per 75m <sup>2</sup> GFA or 1 space per 2 employees. Whichever is Greater
Transport / Truck Depot	space for each vehicle present at peak time onsite and driver parking
Vehicle Body Repair Workshop or Repair Station	1 per 40m <sup>2</sup> GFA or 3 spaces per workshop bay. Whichever is Greater
Warehouses	1 space per 300m <sup>2</sup> GFA or 1 space per employee. Whichever is Greater
Other	Based on predicted peak vehicle use

- A portion of customer parking is to be provided convenient to the public entrance.

### **4.8.9. Loading / unloading Facilities**

- Adequate space and facilities are required to be provided wholly within the site.
- Loading and delivery bays must be designed to allow vehicles to enter and exit the site in a forward direction.
- Loading bay(s) must be sited to avoid use for other purposes such as customer parking or materials storage and be linemarked and signposted.

### **4.8.10. Outdoor Signage**

- Single occupant industrial site:
  - ⇒ one free standing advertisement within the 5m landscaped setback; and
  - ⇒ one advertisement integrated within the facade of the building, but no higher than the building roof line.
- Multiple unit industrial site:
  - ⇒ one index board near site entrance or within the 5m landscaped setback; and
  - ⇒ one advertisement integrated within the facade of each unit, but no higher than the building roof line.
- Signage must comply with SEPP 64 – Advertising and Signage Schedule 1 Assessment Criteria.

### **4.8.11. Outdoor lighting**

- Must comply with Australian Standard AS4282 Control of Obtrusive Effects of Outdoor Lighting.

### **4.8.12. Noise**

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

## **4.9. Commercial & Retail Development**

### **4.9.1. Building Setbacks**

- No minimum setbacks are specified.
- Side and rear setbacks must meet BCA requirements.

### **4.9.2. Fencing**

- Where a street fence is proposed, the section of side boundary fencing located in front of the building setback shall be open or combination of open panels and masonry columns to match front fence.
- Street fencing details are required with DA.
- No barb wire is permitted.
- Solid panel fencing is not permitted forward of the building line.
- In B2 Local Centre zones, forward of the building line, tops of fences shall be loop or rail style, with no spear or arrow style barbs and a maximum height of 1.5 metres,

### 4.9.3. Outdoor Lighting

- Demonstrate compliance with AS/NZS 11583.1 Pedestrian Area (Category P) Lighting and AS4282 Control of Obtrusive Effects of Outdoor Lighting.

### 4.9.4. Outdoor Signage

- A single business premises is permitted to have:
  - ⇒ one under awning sign,
  - ⇒ one top hamper sign, and
  - ⇒ one fascia sign,
  - ⇒ that do not project above or beyond that to which it is attached.One of which may be illuminated, but not flashing, moving or floodlit.
- Design and location of signage must be shown on plans with DA.
- Where there is potential for light spill from signage to adjoining properties, all illuminated signage shall be fitted with a timer switch to dim or turn off the light by 11pm each night.
- Signage must comply with SEPP 64 – Advertising and Signage Schedule 1 Assessment Criteria.

### 4.9.5. Design

- Any security measures employed to protect windows or doors facing streets must not have:
  - Bars.
  - Heavy gauge wire mesh (note that 'crimsafe' style meshes are acceptable).
  - Exterior roller shutters.
- Such security measures installed on existing commercial premises are to be removed within 12 months of the issue of a Development Consent.
- Building facades shall be articulated by use of colour, arrangement of elements or by varying materials.
- The design of new buildings must reflect and enhance the existing character of the business precinct.
- Building design for new structures must relate to their retail/ commercial/ office function with quality materials at the pedestrian level. Damaged external surfaces on the front façade of existing buildings are to be repaired within 12 months of the issue of a Development Consent for a Change of Use.
- Large expansive blank walls not permitted unless abutting a building on an adjoining allotment.
- Plans must show the location of all external infrastructure (including air conditioning units, plant rooms, ducting) and demonstrate how it will be screened from view from a public place or road.
- Development on corner sites shall incorporate splays, curves, building entries and other architectural elements to reinforce the corner as a land mark feature of the street.

### 4.9.6. Post supported verandahs and balconies

- New verandahs and balconies must be constructed within the lot.
- Existing verandahs, supports, and balconies must be repaired and maintained in a manner that complements the style, materials and character of the building being altered.
- Public liability insurance must be maintained in accordance with Council requirements for any existing structures within the road reserve.

- Note that an Activity Approval may be required under section 68 of the Local Government Act 1993 to authorise a verandah, balcony or awning over the public footpath.
- Structures are not to interfere with operation of, or access to, utility infrastructure.

### 4.9.7. Services

- Servicing strategy required to demonstrate the availability and feasibility of providing water, sewer and stormwater services appropriate for the scale and nature of development. Evidence of consultation with the Council is to be provided.
- Applications must demonstrate adequate provision for storage and handling of solid wastes.
- Trade Waste Application and facilities are required where liquid wastes (excluding domestic waste from a hand wash basin, shower, bath or toilet) are to be discharged to Council's sewerage system.

### 4.9.8. Utility Infrastructure Protection

Refer to Appendix A for Council's requirements for the protection of utility infrastructure.

### 4.9.9. Traffic and Access

- All vehicles must be able to enter and exit the site in a forward direction.
- Design must demonstrate no conflict between pedestrian, customer vehicles and delivery vehicles.
- Wearing surfaces for access driveways, parking areas, loading/unloading facilities and associated vehicle manoeuvring areas must be designed relative to intended use.
- Unsealed vehicle movement areas are not acceptable due to environmental management impacts.
- Loading bay(s) must be sited to avoid use for other purposes such as customer parking or materials storage and be linemarked and signposted.
- Site access not permitted:
  - ⇒ Close to intersection or roundabouts with inadequate sight distances;
  - ⇒ Where there is heavy and constant pedestrian movement on the footpath;
  - ⇒ Where right turning traffic entering the site may obstruct through traffic.
- Separate, signposted entrance and exit driveways are required for developments requiring more than 50 parking spaces or where development generates a high turnover of traffic.
- The number of access points from a site to any one street frontage is limited to 1 ingress and 1 egress.
- Driveways must be provided in accordance with AS 2890.1 Parking Facilities.

**4.9.10. Parking**

<b>Land Use</b>	<b>Parking Requirements</b>
Bulky Goods	1 space per 45 m <sup>2</sup> gross floor area (GFA)
Business	1 space per 25 m <sup>2</sup> GFA
Child Care Centre	1 space per every 5 children (based on maximum allowed)
Hotel	1 space per hotel unit plus 1 space per 9 m <sup>2</sup> licensed public floor area
Medical Centres	1 space per 25 m <sup>2</sup> GFA or 3 spaces per practitioner plus 1 space per employee whichever is greater
Motel	1 space per accommodation unit plus 1 space per 2 employees
Retail Premises shops < 1,000 m GFA	1 space per 20 m <sup>2</sup> GFA
Retail Premises shops > 1,000 m GFA	1 space per 30 m <sup>2</sup> GFA

NB. Other land use requirements are provided in Parking Schedule of the Discretionary Development Standards.

**4.9.11. Brothels and Restricted Premises**

- Must be located at least 150m from any of the following:
  - ⇒ Existing dwelling;
  - ⇒ Residential zone;
  - ⇒ Place of worship;
  - ⇒ Any place designated for and utilised by children (e.g. child care centre, community facility, educational establishment, entertainment facility, recreation area/facility).

**4.9.12. Landscaping**

- Edging is to be provided to retain mulch and protect the landscaping from damage from vehicles.
- Landscaping shall comprise only low maintenance, drought and frost tolerant species.

### 4.10. Heritage

#### 4.10.1. Heritage Items

There are a number of buildings and sites within the Shire which have heritage significance. They are listed in the heritage schedule of the Walgett LEP.

The following objectives are in the Walgett LEP and are repeated here to provide context to the issue:

- To conserve the environmental heritage of Walgett Shire;
- To conserve the cultural heritage significance of heritage items, including significant fabric, settings and views;
- To conserve archaeological sites;
- To conserve Aboriginal objects and Aboriginal places of heritage significance.

When carrying out development on the same lot as a heritage item or on lots in the vicinity, it is necessary to identify the potential impact of the development on the heritage item.

#### 4.10.2. Aboriginal Heritage and Archaeology

Aboriginal objects and sites are protected under the *National Parks and Wildlife Act 1974* (NP&W Act) and can be discovered in a wide variety of areas. If at any point during the development process an Aboriginal object or site is discovered or suspected, the National Parks and Wildlife Service should be contacted immediately and any works must cease immediately. A permit is required to damage or disturb Aboriginal sites under Section 90 of the NP&W Act.

For development which may have an impact on an Aboriginal object, place or area, Council requires the preparation of an Aboriginal Heritage Assessment in consultation with the local Aboriginal community in accordance with the Office of Environment and Heritage's (OEH) Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010.

Examples of scenarios where Council requires the provision of an Aboriginal Heritage Assessment include where the development site adjoins or is located within an area that has:

- a) permanent or intermittent water bodies, or;
- b) mature, natural trees, or;
- c) rock outcrops or exposures, other than a non-Aboriginal mine or quarry site, or;
- d) sand hills, or;
- e) recorded in the NSW Office of Environment's Aboriginal Heritage Information Management System (AHIMS).

Although there is a higher frequency of sites being found in association with these features, it should be noted that Aboriginal sites can be found in other contexts, including land that has been cleared or ploughed. Also, some locations in urban areas may have historical significance to the local Aboriginal community.

Prior to any proposed development or activities that would damage or disturb the ground surface in the vicinity of identified sites or areas of archaeological potential. Any Development Application which proposes harm to an Aboriginal object or Aboriginal place must be dealt with as Integrated Development under Section 91 of

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the EP&A Act. Such applications must be forwarded to OEH to determine whether the Director General of OEH is prepared to issue an Aboriginal Heritage Impact Permit. Ultimately the DA cannot be approved by Council without the approval of OEH, if an Aboriginal Heritage Impact Permit is required to enable the development to proceed.

*Note: These development controls are derived from recommendations in the Walgett Shire LGA Aboriginal Heritage Study 2011, prepared by Australian Museum Business Services for Walgett Shire Council.*

### 4.10.3. European Heritage & Archaeology

Development on land containing a heritage item should consider the potential for archaeological remains from previous buildings on the site. For example, evidence of previous structures or relics could be revealed during excavation. In some circumstances, a permit may be required under the *Heritage Act 1977* before excavating or disturbing a site. Contact Council if you think this could be relevant to your site. If a person believes they have uncovered a relic, work should cease and the Heritage Council and Council should be notified.

### 4.10.4. Performance Outcomes and Acceptable Solutions

Performance Outcome	Acceptable Solution
PO.1 New development (including the replacement of existing buildings) achieves a future character that provides for one or two storey development, but does not directly copy or imitate past architectural styles. It is respectful of existing development both directly adjoining and in the immediate area.	AS1.1 New development, redevelopment or modifications of existing buildings are designed in accordance with the infill development guidelines provided in the NSW Heritage Branch document <i>Design in Context: Guidelines for Infill Development in the Historic Environment</i> .
PO.2 Changes and modifications are respectful of the original architectural design of the building, unless that design is incompatible with buildings in the immediate vicinity, in which case the design is to be respectful of those buildings or sites.	AS1.2 Heritage impact statement/heritage impact assessment for all constructed development within the site of a heritage item and outside the precinct adjacent to an item of the Environmental Heritage as identified in the LEP.
PO.3 Subdivision of a site containing a heritage item must maintain a suitable curtilage.	AS2.1 Subdivision plans include consideration of the following characteristics: of the site - Historical allotments; Design, style and taste Functional uses and relationships; Visual links; Scale; Significant features; Vegetation; Archaeological features.
PO.4 Fencing of heritage items must be of a scale comparable with the character of the site or building and the character of the surrounding area.	



## **4.11. Animal Boarding or Training Establishment**

### **4.11.1. Building Setbacks**

- All following proposed new structures or expansion of existing structures for the purpose of dog kennels, are required to comply with the minimum separation distances outlined below:

<b>Element</b>	<b>Distance</b>
Front building setback	65 m
Side or rear building setback	25 m
All residential zones	300 m
Any dwelling on a neighbouring property	200 m

### **4.11.2. Noise**

- Must comply with the Industrial Noise Policy of the Environment Protection Authority and any relevant policy.
- Sound-proofed holding sheds for all distressed animals must be provided.

### **4.11.3. Waste and Water Management**

- Must demonstrate that waste can be managed without detriment to the environment.
- Stormwater must be disposed of in a manner that does not interfere with adjoining land uses.
- Stormwater and wastewater generated from the cleaning of structures and yard areas will require treatment to remove pathogens prior to being reused on-site for irrigation purposes.
- Applications are to demonstrate that an adequate water supply (reticulated water, rainwater tanks and surface waters) is available to support the proposed development.
- In addition to the controls above, the following apply to animal boarding and training establishments for the purpose of dog kennels:
  - ⇒ The flooring of kennels must be constructed from concrete to facilitate ease in cleaning and must be a minimum of 75mm thick;
  - ⇒ Concrete flooring must have a graded fall to the front opening and must be serviced by a catchment drain that is integrated into the on-site wastewater management system prior to any reuse on-site.

## **4.12. Land Forming Development**

### **4.12.1. Definition**

Land forming development means works associated with agriculture that involve the process of adjusting or altering the natural formation or surface of land, and includes the construction of levees, drains, channels and dams.

### **4.12.2. Consideration of Development**

When considering an application for land forming development, it shall take into consideration the following matters:

- The effect of the development of the potential for wind erosion;
- The effect of the development on the landscape and scenic quality of the land;
- Whether any trees or other vegetation on the land should be preserved;

- The topography of the site and adjoining land, in particular, the level of the land to be developed in relation to the surrounding land;
- The flood liability of the land;
- The likely effect of flooding on adjoining or other land in the locality as a result of the development of the land;
- The risk of soil erosion and other land degradation;
- The loss of important vegetation systems and natural wildlife habitats;
- An estimation of natural peak discharge from the holding for a one in twenty, one in fifty and one in one hundred year rainfall pattern (based on Rational Method as set out in "Australian Rainfall and Run-off") or on such other method as the Council may agree to;
- An estimation of peak discharge from the holding for a one in twenty, one in fifty and one in one hundred year rainfall pattern after the completion of the development; and
- A whole farm plan indicating the proposed overall irrigation layout pattern including provisions for supply, drainage and on farm storage.

### 4.12.3. Design of Land Forming

- The land forming design must be able to:
  - ⇒ Maximise the distance of storm water travel to the discharge point of the holding;
  - ⇒ Maximise time concentration by slowing the rate of stormwater run-off;
  - ⇒ Minimise the volume of overland flow per unit area; and
  - ⇒ Provide buffers such as retention basins and vegetation plots to increase the time of concentration.

### 4.12.4. Plans

The following details are to be included on land forming development plans:

- *Site Plans* are recommended to be a scale to fit on an A3 or A1 sheet and should show existing and proposed lot boundaries, extent of works, features, vegetation, drainage lines, contours, existing buildings, flood prone land, existing and proposed roads, land capability, areas of special significance and any hazard land;
- *Survey Plans* are recommended to be a suitable scale to fit on an A1 or A3 sheet. These plans should indicate detailed locations of all lots and the balance of title, dimensions and areas lots;
- *Detail Plans* are required to show the following:
  - ⇒ Existing vegetation and trees on the land;
  - ⇒ Existing levels and topographical details of the land including contour lines drawn at suitable intervals;
  - ⇒ The natural pattern of rainfall run-off;
  - ⇒ Divert stormwater away from or around critical features such as steep slopes or unstable soil;
  - ⇒ Provide for zero net increase in peak discharge from the holding and direct such discharge to the natural discharge point; and
  - ⇒ Preserve natural drainage lines through the property or make provision for adequate alternative drainage lines.

### 4.12.5. Levels

- All plans should indicate falls for surface run-off. This may be done using ratios of percentage slope, i.e. 1 in 80 or 3%.
- Levels should also be indicated as spot levels or contour lines.
- Where changes of level are being incorporated into the design, both new and existing levels should be shown.

## 4.13. Intensive Livestock Agriculture

### 4.13.1. Siting and Setbacks

- Development for the purposes of intensive livestock agriculture, are required to comply with the minimum buffers distances outlined below.

	<b>Intensive livestock agriculture</b>
Front building setback	175 m
Side or rear building setback	150 m
Dwelling on same property	200 m
Any dwelling on a neighbouring property	500 m
All residential zones	2000 m
Watercourse	250m

- Development must be in accordance with the "Blue Book" Code of Practice for Animal Care produced by the Department of Primary Industries.
- Development for feedlots must be in accordance with the NSW Feedlot Manual
- Sites with a slope greater than 5% must not be used for intensive livestock agriculture.
- Sites that have residual chemicals in the soil such as organochlorides and arsenic must not be used for intensive livestock agriculture.
- Sites should have minimal soil permeability.

### 4.13.2. Noise, odour and dust

- Where possible, buildings and facilities are to be located out of the line of sight of adjoining neighbours.
- Ensure that feed grain is stored in a dry storage area to prevent fermentation.
- Prevent entry of drainage/seepage water into site sheds and storage facilities through the construction of earth contour banks and drainage.
- Feeding troughs and self-feeders must be designed to minimise any spillage that could potentially contribute to odour emissions.
- Noise levels generated must not exceed the requirements of the NSW Industrial Noise Policy (NSW EPA, 2000).
- Industry Best Practice Management measures developed to eliminate or reduce odour are to be employed.

### 4.13.3. Soil and Water Management

- Local drainage patterns are to be maintained and stormwater flows effectively managed.
- Development must incorporate the construction of stormwater diversion banks, sedimentation ponds and the installation of a wastewater treatment system to divert and treat wastewater and run-off.
- Suitable impermeable sedimentation pond structures must be constructed that will not contaminate surface and ground waters.
- Development must provide appropriate methods for the adequate management and handling of litter, manure, composting and removal of dead animals.
- Runoff from feeding pens and site buildings (sealed or compacted) is to be collected in sedimentation ponds prior to any irrigation on-site. Contaminated waters must be suitably treated before reuse on the farm.
- All sedimentation ponds are to be de-sludged to remove build-up of solid effluent when their storage capacity is reduced by more than 25%.
- Loads of litter, manure and feed being transported to the property are to be adequately covered.
- Prompt and safe disposal of feed by-products is to be arranged where recycling is not possible to avoid the harbouring of pests and vermin.
- Diversion banks may need to be constructed to intercept and divert runoff away from manure stockpile and carcass disposal area.
- Runoff from shed roofs, access tracks and hard stands (sealed or compacted) is to be collected and stored on site.

### 4.13.4. Transport and Access

- Internal access roads must be of all-weather design constructed and have turning areas adequate for large articulated vehicles where required.
- The location of roads, parking and turning areas must recognise potentially sensitive areas such as neighbouring houses.

## 4.14. Intensive Plant Agriculture

### 4.14.1. Siting and Setbacks

- Development for the purposes of intensive plant agriculture, are required to comply with the minimum buffers distances outlined below.

	<b>Horticulture (field based)</b>
Front building setback	Nil
Side or rear building setback	Nil
All residential zones	200 m
Dwelling on same property	20 m
Any other dwelling	50 m

- Development for the purposes of intensive plant agriculture must accommodate future expansion of the farm while maintaining recommended buffer distances.
- Must, where practical, be sited in locations that minimise impact to the amenity of surrounding land uses.
- Sites with a slope greater than 5% must not be used for intensive plant agriculture.
- Sites that have residual chemicals in the soil such as organochlorides and arsenic must not be used for intensive plant agriculture.

### 4.14.2. Noise and Odour

- Noise levels generated must not exceed the requirements of the NSW Industrial Noise Policy (NSW EPA, 2000).

### 4.14.3. Soil, Waste and Water Management

- Any cultivation of the site must follow the natural contour lines to increase soil water retention and to minimise erosion potential.
- Applications are to demonstrate that an adequate water supply is available to support the proposed development.
- Water quality tests must be performed to demonstrate that levels of salts, minerals, and pH are suited for horticultural use.
- Stormwater drains are to be wide, gently sloping open drains that are well vegetated to minimise erosion potential and facilitate filtering of solid particles contained in the runoff.
- Local drainage patterns are to be maintained and stormwater flows effectively managed.
- Development must incorporate the construction of stormwater diversion banks, sedimentation ponds and the installation of a wastewater treatment system to divert and treat wastewater and run-off.
- Runoff from site buildings (sealed or compacted) is to be collected in sedimentation ponds prior to any irrigation on-site. Contaminated waters must be suitably treated before reuse on the farm.
- Diversion banks may need to be constructed to intercept and divert runoff away from any composting areas.

### 4.14.4. Pest Management

- Pesticide use must meet the requirements of any relevant pesticide legislation (currently being the *NSW Pesticides Act 1999* and associated regulations such as the *Pesticides Regulation 2009*, *Pesticides Amendment (Records) Regulation 2001* and the *Pesticides Amendment (User Training) Regulation*, administered through the NSW Department of Environment, Climate change and Water).
- The storage, transport, and keeping of records for all pesticides used in intensive plant agriculture farms are to be in accordance with any relevant legislation (currently being the *NSW Pesticides Regulation 1995*).

### 4.14.5. Transport and Access

- Internal access roads must be of all-weather design constructed and have turning areas adequate for large articulated vehicles where required.
- The location of roads, parking and turning areas must recognise potentially sensitive areas such as neighbouring houses.

## **Chapter 5: General Development Specifications**

### **5.1 Introduction**

This chapter covers the development specifications for a number of development associated types like parking, landscaping, building over Council mains, outdoor lighting and advertising and signage that has not been discussed in the previous chapter.

### **5.2 Other Development Types**

#### **5.2.1 Parking**

- Parking must be provided as per the table in section 4.9.9.
- Where calculation of parking spaces required results in a fraction of a space, the total required number of spaces will be the next highest whole number.
- Parking and traffic requirements will be based on consideration of:
  - ⇒ likely peak usage times;
  - ⇒ the availability of public transport;
  - ⇒ likely demand for off street parking generated by the development;
  - ⇒ existing traffic volumes on the surrounding street network; and
  - ⇒ efficiency of existing parking provision in the location.
- Comply with Australian Standard AS2890.1 Parking Facilities.
- Where existing premises are being redeveloped or their use changed, the following method of calculation shall apply:-
  - (a) Determine the parking requirements of the previous or existing premises in accordance with section 4.9.9;
  - (b) Determine the parking requirement of the proposed development in accordance with section 4.9.9 to these Guidelines;
  - (c) Subtract the number of spaces determined in (a) above from the number of spaces calculated in (b) above;
  - (d) The difference calculated in (c) above represents the total number of parking spaces to be provided either in addition to the existing on-site car parking or as a cash-in-lieu contribution to Council where applicable.

#### **5.2.2 Landscaping**

- Location and grouping of plant types shall be multi-functional providing privacy, security, shading and recreation functions.
- Landscaping shall comprise low maintenance, drought and frost tolerant species.

#### **5.2.3 Outdoor Lighting**

- All developments shall demonstrate compliance with Australian Standard AS4282 Control of Obtrusive Effects of Outdoor Lighting.
- Sweeping lasers or searchlights or similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal is prohibited.

#### **5.2.4 Outdoor Advertising / Signage**

- Where there is potential for light spill to adjoining properties, all illuminated signage shall be fitted with a timer switch to dim or turn off by 10pm each night.
- Signage must comply with SEPP 64 – Advertising and Signage Schedule 1 Assessment Criteria.

- Advertising in Primary Production zones may only:
  - ⇒ advertise a facility, activity or service located on the land; or
  - ⇒ direct travelling public to a tourist facility or building or place of scientific, historical or scenic interest within the area. Cannot include names of proprietary products or services or sponsoring businesses. Each sign must be sited a minimum distance of 1km from each other.
  - ⇒ must not exceed 6 m<sup>2</sup>.
- External illumination to signs must be top mounted and directed downwards.
- The following types of signs are not acceptable:
  - ⇒ A roof sign or wall sign projecting above the roof or wall to which it is affixed;
  - ⇒ Flashing or intermittently illuminated signs;
  - ⇒ Signs fixed to trees, lights, telephone or power poles;
  - ⇒ Signs which could reduce road safety by adversely interfering with the operation of traffic lights or authorized road signs;
  - ⇒ 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;
  - ⇒ Numerous small signs and advertisements carrying duplicate information; and
  - ⇒ Overhead banners and bunting, except in the form of temporary advertisement.
- Advertising or signage in the SP1 Special Activities – Mining zone is not to be established without the express written approval of Crown Lands and Development Consent (approval) from Council, unless otherwise exempted by legislation.

## **Chapter 6: Environmental Controls**

This chapter establishes development specifications for the environmental controls required in conjunction with most development types.

### **6.1 Environmental Effects**

The application documentation shall identify any potential environmental impacts of the development and demonstrate how they will be mitigated. These impacts may relate to:

- ⇒ Traffic
- ⇒ Flood liability
- ⇒ Slope
- ⇒ Construction impacts
- ⇒ Solid and Liquid Waste
- ⇒ Air quality (odour and pollution)
- ⇒ Noise emissions
- ⇒ Water quality
- ⇒ Sustainability

### **6.2 Soil and Erosion Control**

Walgett Shire is located within a semi-arid area and most (about 85%) is flood plain. Ground cover vegetation generally covers 60 to 70% of the soil.

Generally erosion and sediment control measures are not required on land with a gradient less than 1:50 (11°). On sites with gradients higher than 1:50 or where there is evidence of existing erosion applicants should consider:

- The need to manage runoff to prevent any land degradation including offsite sedimentation;
- Cut and fill will be minimised and the site stabilised during and after construction; and
- Arrangements in place to prompt revegetation of earthworks to minimise erosion.

### **6.3 Vegetation**

Development design shall accommodate the retention of any significant trees and vegetation.

### **6.4 Waste Management**

General waste storage and collection arrangements shall be specified.



### 6.5 Noise

- Where relevant, applications are to contain information about likely noise generation and the method of mitigation.

### 6.6 Geology

- The design process must give consideration to the potential impact of erosive soils, saline soils, soils of low wet strength, highly reactive soils and steep slopes and document how these constraints are addressed.

### 6.7 Stormwater

Intense rainfall events occasionally occur in the region, especially during summer. This can result in 100mm or more of rainfall in less than 60 minutes. Adverse impacts from excessive or poorly managed stormwater commonly includes:

- Overland flows entering buildings built at, or near, ground level. This issue affects all areas, including sites on low lying land and ridges.
- Roof gutters discharging water in and around buildings.
- Stormwater channels and pipes discharging water in unintended places.
- Localised flooding.
- Pooling and retention of water which forms a habitat for mosquitoes to breed in.

It is recommended that developers consider constructing all proposed buildings with floor levels at least 225mm above mean natural ground level to reduce the risk of stormwater inundation.

General design considerations for stormwater disposal include:

1. Residential development where stormwater discharges into kerb and gutter, formed dish/spoon drain or stormwater channel:
  - No more than one 100mm discharge point.
2. Residential development outside urban areas:
  - Discharge on the downhill side at least 3 metres away from any structure and designed not to cause erosion.
3. Commercial development where stormwater discharges into kerb and gutter or formed dish/spoon drain within the road reserve:
  - One 100mm discharge point to any drainage system within the road reserve for buildings < 2000m<sup>2</sup> GFA
  - No more than two 100mm discharge points to any drainage system within the road reserve for buildings > 2000m<sup>2</sup> GFA
  - Over land to a dam or other water body that does not create a nuisance to adjoining properties or erosion.
4. Commercial development where stormwater discharges into a dedicated stormwater channel defined as Council's Infrastructure:
  - No more than one 300mm discharge point with head wall.
5. Commercial development where no Council Infrastructure is available:
  - Stormwater must be piped onto a hardened surface and directed away from any building, or

- Stormwater must be piped a minimum of 3.0 metres clear of any building to a rubble pit.
6. Other design considerations include:
- Stormwater must be disposed in a manner which will not create any additional nuisance to adjoining properties;
  - Drainage from evaporative air conditioners is to be directed onto lawn and garden areas only. It is not to be disposed of into Council's storm water or sewerage systems;
  - Rural properties must have a 20,000L water supply with 65mm metal Storz outlet with a gate or ball valve is provided for firefighting purposes on the site. The gate or ball valve, pipes and tank penetrations are to be designed to allow for a full 50mm inner diameter water flow through the Storz fitting and must be of a metal construction.

## 6.8 Common effluent drainage systems

### 6.8.1 Introduction

This Section of the DCP should be read in conjunction with:

- Local Government Act 1993
- Local Government (General) Regulation 2005
- Protection of the Environment Operations Act 1997
- AS/NZ 1546.1:2008 On-site domestic wastewater treatment units, Part 1 – Septic tanks
- AS/NZ 1546.2:2008 On-site domestic wastewater treatment units, Part 2 – Waterless composting toilets
- AS/NZ 1546.3:2008 On-site domestic wastewater treatment units, Part 3, Aerated wastewater treatment systems
- AS/NZ 1547:2012 On-site Domestic Wastewater Management
- AS/NZS 3500.5:2000 National Plumbing and Drainage Domestic Installations.

### 6.8.2 Collarenebri

- The Collarenebri urban area is serviced by a common effluent charged drainage system.
- All developments require a septic tank with adequate capacity in accordance with AS/NZ 1547 On-site Domestic Wastewater Management.
- All urban landowners need to install and maintain pump out systems.
- De-sludging of septic tanks is recommended on a regular cycle to ensure that the septic tank functions effectively and does not cause blockages within Council's effluent mains. Note that the desludging cycle may range from 1 to 15 years depending on the volume and types of waste passing through the system

### 6.8.3 Lightning Ridge

- The Lightning Ridge urban area is serviced by a common effluent drainage system.
- All developments require a septic tank with adequate capacity in accordance with AS/NZ 1547 On-site Domestic Wastewater Management.
- In most cases effluent is drained from the septic tank by gravity fall into a Council effluent main.
- Landowners may need to install and maintain pump out systems in situations where gravity fall is not possible.
- De-sludging of septic tanks is recommended on a regular cycle to ensure that the septic tank functions effectively and does not cause blockages within Council's effluent mains. Note that the desludging cycle may range from 1 to 15 years depending on the volume and types of waste passing through system.

## 6.9 Onsite sewage management systems

All developments that have the potential to generate sewage must be connected to an approved sewage system. In the case of land that cannot be connected to the Council's sewage system, a system of on-site sewage management is required. This Section of the DCP outlines how Walgett Shire Council implements the relevant legislation, guidelines and standards for developments that have the potential to generate sewage but are not proposed to connect to the Council's sewage system.

### 6.9.1 Regulatory & guideline requirements

This Section of the DCP should be read in conjunction with:

- Local Government Act 1993;
- Local Government (General) Regulation 2005;
- Protection of the Environment Operations Act 1997;
- AS/NZ 1546.1:2008 On-site domestic wastewater treatment units, Part 1 – Septic tanks;
- AS/NZ 1546.2:2008 On-site domestic wastewater treatment units, Part 2 – Waterless composting toilets;
- AS/NZ 1546.3:2008 On-site domestic wastewater treatment units, Part 3, Aerated wastewater treatment systems;
- AS/NZ 1547:2012 On-site Domestic Wastewater Management;
- AS/NZS 3500.5:2000 National Plumbing and Drainage Domestic Installations; and
- Environment & Health Protection Guidelines for On-site Sewage Management for Single Households (1998) (EHP Guidelines).

### 6.9.2 Objectives

- Ensure that development including rezoning, subdivision and single lot developments are not approved unless there is sufficient suitable land for the disposal of effluent on-site.
- Ensure all new applications are adequately assessed in accordance with relevant guidelines.
- Discourage the use of above ground irrigation in areas where environmental harm is likely to result.
- To provide clarity where existing guidelines or standards do not clearly set out requirements.
- To promote the sustainable use of water and waste resources.

- To ensure the protection of the surrounding environment including groundwater, surface water, land and vegetation through the selection of a system suitable for the specific site
- To prevent public health risks from on-site sewage disposal.
- To create a framework for improved management of on-site sewage / wastewater management systems.

### 6.9.3 Controls - general

1. Onsite sewer management facilities must be sited and designed to withstand flooding conditions (including consideration of structural adequacy, avoidance of inundation, and flushing/leaking into flowing flood waters). Tank and trench style of systems are not permitted on land affected by the Flood Planning Level.
2. On-site sewage management systems are not permitted on properties which are less than 2000m<sup>2</sup> in area.
3. Disposal areas for dwellings must account for wastewater disposal of a minimum of 5 person equivalent population.
4. All developments that will require a new on-site sewage management system that are to be constructed or installed must be the subject of a 'install, construct or alter an on-site sewerage system' Application on Council's approved form.
5. Developments must set aside an area of land with suitable soil and site properties to allow the development to receive the estimated wastewater loading and a reserve area of equivalent to 50% of the assessed capacity.
6. The area set aside must not breach the EHP Guideline buffer distance in relation to water bodies, boundaries and buildings.
7. Disposal methods proposed must not include surface irrigation where the EHP Guideline buffer distance in relation to water bodies, boundaries and buildings is breached.
8. A Construction Certificate may not be issued until an adequate effluent disposal area is identified and approved by Council.

### 6.9.4 Permissible treatment systems

The installation of the following treatment systems is permitted with the approval of Council subject to consideration of near surface water table:

- Septic tanks;
- Wet Composting toilets;
- Waterless composting toilets AS/NZ 1546.2:2001;
- Incinerating toilets;
- Aerated Wastewater Treatment Systems (AWTS) AS/NZ 1546.3;
- Bio filters;
- Reed beds or constructed wetlands;
- Sand filters;
- Mound system;
- Greywater treatment systems
  - AS/NZ 1546.2 *On-site domestic wastewater treatment units, Part 2 – Waterless composting toilets*
  - AS/NZ 1546.3 *On-site domestic wastewater treatment units, Part 3, Aerated wastewater treatment systems;*
- Any other system that stores, treats and/or disposes of sewage and wastewater on site that is accredited by NSW Health;

- Pump out systems will only be permitted on industrial sites or for public infrastructure; and
- Chemical closets are permitted under certain circumstances (temporary facilities).

### 6.9.5 Permissible disposal systems

The installation of the following disposal systems is permitted with the approval of Council:

- Absorption trench or Evapo-Transpiration Absorption (ETA) Beds as per AS/NZS 1547;
- Sub surface irrigation; and
- Mound Systems.

### 6.9.6 SP1 Special Activities – Mining and RU1 Primary Production zones

Surface irrigation will be permitted only where site and soil limitations are minor and where the EHP Guideline buffer distances can be achieved.

Council will not approve the installation or operation of conventional pit toilets, cess pits or long drop toilets except in the SP1 Special Activities Mining zone or for sites sporadically used to dispose of small volumes of waste, such as shearing shed accommodation. These long drop toilets are acceptable provided that they are:

- Not linked to any mine workings (ie a 'blind' shaft or pit).
- Located at least 5m from the boundary of the land title.
- Located at least 25m from any mining camps off the site.
- Maintained so that people cannot come into contact with untreated water.
- Excavated within soil or rock that is impermeable.
- Not located within, or immediately adjoining, a gully or channel where stormwater flows.
- Not used for the disposal of greywater.
- Single out house, not attached to a camp/dwelling have a minimum diameter of 0.2m and a minimum depth of 9m.
- For a camp/dwelling (new or additions) shall either have two blinds shafts, with a minimum diameter of 0.9m and a minimum depth of 9m, one being for black water and one for grey water or a permissible treatment systems as referenced in 6.9.4.

### 6.9.7 SP2 Infrastructure zone (Lightning Ridge Airport)

Where amenities are to be installed, landowners must install and maintain a pump out sewage management system.

### 6.9.8 Medium to high risk areas

These are vulnerable and sensitive environments where the release of sewage pollution can cause a lot of harm. If your septic system is in a HIGH risk area, Council will arrange to have regular checks made for the assurance of safety and good practice.

A system will be assessed as being high risk if it meets **ANY** of the following criteria:

1. Located in the village of Cumborah where a near surface water table is known to exist;

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2. The system is less than 100m from permanent surface waters;
3. The system is less than 50m from a well or bore used for domestic purposes;
4. The system is less than 20m from non-permanent water ways (drainage channels, gullies etc.);
5. The system is vulnerable to flooding;
6. The effluent produced by the system settles in a pond on the ground surface at any time;
7. An aerated system which has an irrigation area in poor condition;
8. The property has had a history of problems associated with the on-site system or the initial inspection reveals that it has not recently been operating in accordance with performance standards;
9. The owners of the system have demonstrated a lack of knowledge as to how to properly maintain the system, do not undertake regular maintenance or have not agreed to provide Council with documentation of on-going and regular maintenance upon request.

### 6.9.9 Low risk areas

These are areas where septic systems are located on good soil well away from waterways, drainage lines, homes and sensitive environments. If your septic system is in a LOW risk area, registration may be all that is required provided the landowner ensures that it is well managed and maintained.

### 6.9.10 Buffer distances

Required Buffer Distances For Onsite Wastewater Management Systems.

System	Required Buffer Distances
All land application areas	<ul style="list-style-type: none"> <li>• 100m to permanent surface waters (e.g. river, streams, lakes etc.),</li> <li>• 250m to domestic groundwater well (N.B. reduced distances in Burren Junction may be considered),</li> <li>• 40m to other waters (e.g. farm dams, intermittent waterways and drainage channels).</li> </ul>
Surface spray irrigation	<ul style="list-style-type: none"> <li>• 6m if area up-gradient and 3m if area, down gradient of driveways and property boundaries,</li> <li>• 15m to dwellings,</li> <li>• 3m to paths and walkways,</li> <li>• 6m to swimming pools.</li> </ul>
Surface drip and trickle irrigation	<ul style="list-style-type: none"> <li>• 6m if area up-gradient and 3m if area down gradient of swimming pools, property boundaries, driveways and buildings.</li> </ul>
Subsurface irrigation	<ul style="list-style-type: none"> <li>• 6m if area up-gradient and 3 m if area down gradient of swimming pools, property boundaries, driveways and buildings.</li> </ul>
Absorption System	<ul style="list-style-type: none"> <li>• 12m if area up-gradient and 6m if down gradient of property boundary</li> <li>• 6m if area up-gradient and 3m if area down gradient of swimming pools, driveways and buildings</li> </ul>

Source: Environment & Health Protection Guidelines – Onsite Sewage Management for Single Households 1998

## **6.10 Temporary sewage management facilities**

### **6.10.1 Construction sites**

The installation and operation of temporary facilities for the purpose of amenity for construction workers on construction sites are approved with the following conditions:

1. the facilities are self-contained;
2. the facilities are not on the site for more than 12 months;
3. the storage capacity is greater than the estimated volume of sewage generated in a normal two week period;
4. sewage is collected on a weekly basis or more frequently as required;
5. sewage is disposed of at a lawful wastewater facility;
6. there are no spills or leaks of sewage;
7. the performance standards set out in the Local Government (General) Regulation are met;
8. appropriate standards and NSW Department of Health approvals are complied with.

### **6.10.2 Associated with caravan or tent**

The installation and operation of temporary facilities for the purpose of amenity for people occupying a caravan, campervan or tent are approved with the following conditions:

1. the facilities are self-contained;
2. the facilities are not on the site for more than 12 months;
3. the operation of the facilities are restricted to no more than 2 days at a time and no more than 60 days (in total) in any single period of 12 months;
4. sewage is removed regularly;
5. sewage is not disposed of in another on-site sewage management system.

### **6.10.3 Temporary events**

The installation and operation of temporary facilities for the purpose of amenity for patrons to a temporary event are approved with the following conditions:

1. the facilities are self-contained;
2. the facilities are not connected to the sewer;
3. the facilities are not on the site for more than 7 days;
4. sewage is collected at least at twice the frequency of the anticipated capacity;
5. sewage is disposed of at a lawful wastewater facility;
6. there are no spills or leaks of sewage;
7. the performance standards set out in the Local Government (General) Regulation are met;
8. appropriate standards and NSW Department of Health approvals are complied with.

### **6.10.4 Evaporative air conditioners**

Drainage from evaporative air conditioners is to be directed onto lawn and garden areas only. It is not to be disposed of into Council's storm water or sewerage systems.

## Appendix A: Utility infrastructure protection

### A1.0 Background

Many development sites have one or more forms of utility infrastructure located on them, especially in urban areas. Common examples within the Walgett Shire include:

- Council water mains.
- Council sewer or effluent mains.
- Council stormwater mains or channels.
- Electricity mains, both above and below ground.
- Telecommunication lines, both above and below ground.

Most of Council's water supply and stormwater drainage mains are located on public land, while most sewerage or effluent mains are on private land.

Council infrastructure is protected via a range of measures, including:

- Provisions of the Local Government Act 1993 (eg Section 59A, 191A, 634 & 635).
- Easements registered on land titles.
- Identification markers (posts and signs).

This appendix outlines standards required by Council for developments which could affect Council's utility infrastructure.

### A2.0 Zone of influence

#### A2.1 Concept

Council expects that new buildings should not be established within the "zone of influence" of any Council owned water, sewer or stormwater main. The zone of influence concept is shown in Figure 1 below.

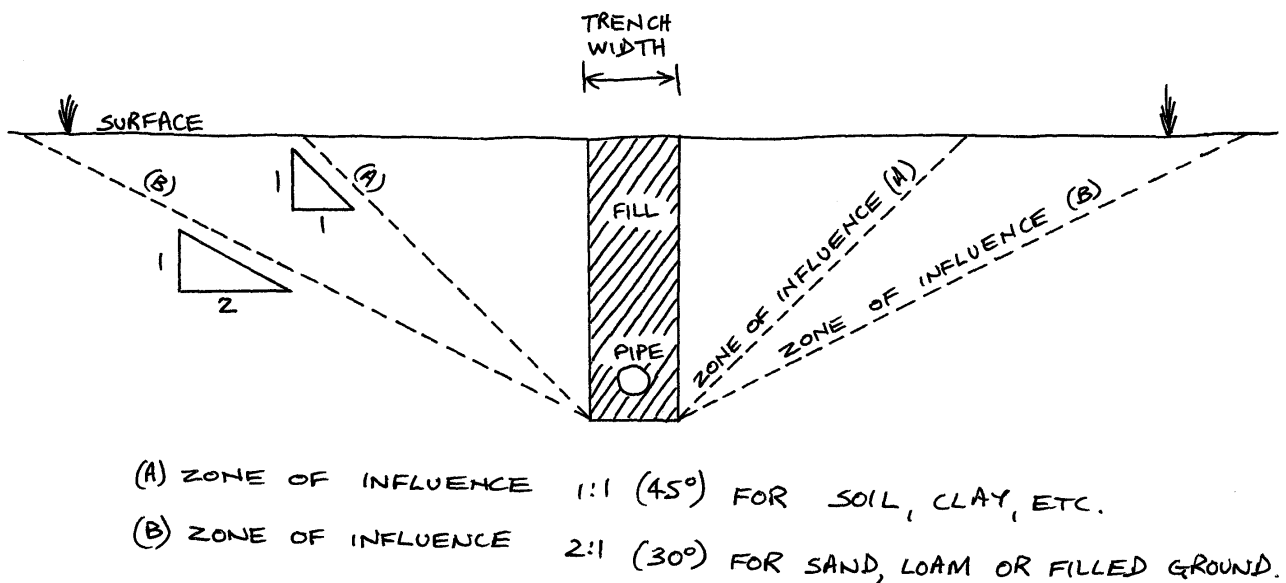


Figure 1 – Zone of influence



Council can provide maps which show the approximate location of Council owned water, sewer and stormwater infrastructure. Developers are encouraged to review such mapping at the earliest opportunity when drafting a development proposal to ensure that they avoid any development within the zone of influence.

### **A2.2 Development standards**

The following development standards apply to all zones of influence for Council owned water, sewer or stormwater mains:

1. Structures and buildings (including eaves) are not permitted to encroach on the zone.
2. Lawns, landscaping and gardens are permitted within the zone.
3. Asphalt and gravel car parks are permitted within the zone.
4. Concrete car parks and driveways are only permitted within the zone if appropriate keyhole joints are established and maintained on both sides of the centreline of the main.

## **A3.0 Easements for Council infrastructure**

### **A3.1 Context**

Where water supply pipelines and sewer rising mains are located on private land, council generally requires that an easement be placed over the pipeline at the time of construction. The easement places restrictions on the use of that part of the land covered by the easement, and protects the pipelines from damage while facilitating legal access for plant and equipment to enable council to carry out repair, maintenance and replacement works.

Council does not normally require easements over sewer or effluent gravity pipes, unless the circumstances warrant a different approach.

### **A3.2 When is an easement required?**

Council will usually require the creation of an easement over private land to protect affected Council mains in circumstances where:

- A significant new commercial building, public building or associated infrastructure is proposed in close proximity to a main.
- A subdivision is proposed which will create more than 4 lots.
- Strata subdivision is proposed with buildings or associated infrastructure in close proximity to a main.

### **A3.3 Easement specifications**

If an easement is necessary then the following matters will be considered when determining the dimensions, location and purpose of the easement required:

- The actual location and type of main/s involved.
- The applicable zone of influence, which will depend on trench width, pipe depth and ground conditions.
- The usual types of equipment and work practices necessary for future repair, maintenance and replacement of the main.

- The capacity of the main versus foreseeable demand.
- Any planned future works that have been documented.

### **A4.0 Modification of mains**

As a general principle Council will not allow modification of its existing mains in connection with a new development proposal. Exceptions to this may be made if Council is satisfied that:

- There will be no significant adverse impact on Council infrastructure.
- No costs will be incurred by Council.
- The nature of the site and/or development proposal requires modification to its mains.
- There is no viable alternative.
- There are significant public benefits in allowing the modification.

#### **A4.1 Relocation**

If Council agrees that modification of a main is justified, then the first preference is that the main be relocated. Such relocations are to be undertaken in a manner that:

- Is consistent with relevant Australian Standards.
- Involves the developer bearing the full cost.
- Does not disadvantage other landholders.
- Does not create additional future costs for Council. For example, a need to use more expensive specialised equipment or techniques for future maintenance.

#### **A4.2 Encasement**

If Council determines that relocation is not viable, then it may agree to concrete encasement of mains where a building or structure is proposed within the zone of influence. Such encasement is to be undertaken in a manner that:

- Is consistent with relevant Australian Standards.
- Involves the developer bearing the full cost.
- Does not disadvantage other landholders.
- Does not create additional future costs for Council. For example, a need to use more expensive specialised equipment or techniques for future maintenance.

### **A5.0 Unauthorised structures**

In some cases there may be a pre-existing structure within a zone of influence, and/or easement, without appropriate approval under the Environmental Planning and Assessment Act 1979. Where necessary to ensure adequate maintenance access, Council may take action to ensure that the structure is demolished, moved or substantially modified to comply with the principles of this DCP and Council's Enforcement Policy.

In the event that Council undertakes work on a water supply or public drainage system which adversely affects an unauthorised structure, Council will not accept liability for restoring or rehabilitating the structure. Council may also seek to recover any additional costs incurred due to the presence of the structure.

END.