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# Business Papers 2020

MID-WESTERN REGIONAL COUNCIL

ORDINARY MEETING  
WEDNESDAY 12 AUGUST 2020

**SEPARATELY ATTACHED ATTACHMENTS**

## ATTACHMENTS

Report 8.3	Attachment 1	Mudgee Large Lot Residential Strategy - 24 July 2020.....	3
Report 8.4	Attachment 1	Draft Development Control Plan 2013 (Amendment No.5).....	54
Report 9.3	Attachment 1	Council Report 17 June 2020 - Classification of Land - Lot 69 DP1262954 Drainage Reserve at 21 Steel Drive, Spring Flat.....	157
	Attachment 2	Council Minute 17 June 2020 - Classification of Land - Lot 69 DP1262954 Drainage Reserve at 21 Steel Drive, Spring Flat.....	161
	Attachment 3	Advertisement for classification of land - Lot 69 DP1262954 drainage reserve at 21 Steel Drive, Spring Flat - 19 June 2020 Mudgee Guardian .....	162



## Strategically Identifying Large Lot Residential Opportunities around Mudgee

**Meeting anticipated demand from 2030 to 2040**



24 July 2020



Navigate Planning

## TABLE OF CONTENTS

<b>1</b>	<b>INTRODUCTION.....</b>	<b>2</b>
<b>2</b>	<b>BACKGROUND.....</b>	<b>3</b>
2.1	Comprehensive Land Use Strategy 2010	3
2.2	Mudgee and Gulgong Urban Release Strategy 2014	3
2.3	Mid-Western Regional Local Environmental Plan 2012 (as amended in 2018)	4
2.4	Central West and Orana Regional Plan	4
2.5	Towards 2030, Mid-Western Region Community Plan	5
<b>3</b>	<b>METHODOLOGY.....</b>	<b>7</b>
<b>4</b>	<b>DEMAND AND SUPPLY .....</b>	<b>9</b>
4.1	Demand	9
4.2	Supply	10
<b>5</b>	<b>CONSTRAINTS .....</b>	<b>12</b>
<b>6</b>	<b>POTENTIAL DEVELOPMENT AREAS .....</b>	<b>16</b>
6.1	Area 1 – Spring Flat South Lane, south of Hill Sixty Drive, Spring Flat	17
6.2	Area 2 –Rocky Waterhole Road, Mount Frome	22
6.3	Area 3 –Hill End Road to Lower Piambong Road, Menah	27
6.4	Area 4 - Southern and Eastern Extension of Area 1, Spring Flat	33
6.5	Summary of Lot Yield from Identified Areas	38
6.6	Area Assessment Matrix	39
<b>7</b>	<b>RECOMMENDATIONS.....</b>	<b>40</b>
<b>8</b>	<b>ATTACHMENTS.....</b>	<b>42</b>



## 1 Introduction

Mudgee is a growing town with an expanding residential area. People moving to Mudgee have a wide range of expectations with regard to the type of housing they would like to purchase, from existing housing in close proximity to the town centre to rural-residential blocks on the outskirts of town.

There is a significant supply of residential land that is zoned, serviced and currently being developed. It was estimated in 2014 that there was a 20 year supply of standard residential lots and a 55 year supply of 2000 to 4000m<sup>2</sup> lots. There is also a large amount of rural-residential land around Mudgee in the 10 to 12 hectare range.

Mid-Western Regional Council has identified a shortfall in the supply of large-lot residential lots around 2 hectares in size. The gap in the market extends from above 4000m<sup>2</sup> to below 10 hectares. The largest development in Mudgee of this size is the Putta Bucca estate (Leaconsfield Drive and Wiradjuri Close) which is fully developed.

There are many reasons for this gap in supply, including a desire not to fragment land inappropriately and the many constraints to developing land of this size, including ensuring adequate water supply is available for the lots.

Two previous strategies have looked at the issue of large-lot residential development around Mudgee. These are the Comprehensive Land Use Strategy in 2010 and the Mudgee and Gulgong Urban Release Strategy in 2014. The recommendations of those strategies and any changes in planning since then have been explored in this review.

The Mid-Western Regional Local Environmental Plan 2012 (LEP 2012) incorporated a number of recommendations of those previous strategies, however a number of the recommendations relating to potential 2 hectare land remained unresolved.

LEP 2012 was amended in 2018 following three planning proposals for development of 2 hectare lots. The development of these lands into 2 hectare lots is subject to securing adequate water supply for each lot. If this cannot be achieved, the minimum lot size for new lots will be 5 hectares. However, even if all of these areas are developed into 2 hectare lots, there will still be a need to identify additional lands to meet the anticipated demand over the next 20 years. Given the uncertainty with regards to water supply, additional opportunities need to be identified now.

This review aims to identify land that, subject to future detailed investigations, has the most potential to be developed for additional 2 hectare lots, based on the criteria established in the 2010 Comprehensive Land Use Strategy and additional relevant criteria. The review will also identify potential areas for 5 hectare lots, as a mix of lot sizes is desirable and lots of this size are less constrained by the issue of water supply.

The land identified in this report should be considered for 2 and/or 5ha subdivision during the ten year period from 2030 to 2040. It is assumed that the demand for such lots in the preceding ten years from 2020 to 2030 will be met by the development of land recently rezoned for 2 and/or 5ha subdivision. In these areas, a total of 71 2 hectare lots are planned, being approximately seven lots per year.

For the areas identified, the ultimate development outcomes will be dependent on detailed environmental investigations, demonstrating adequate water supply can be achieved and the level of market demand, based upon the take-up of new 2 hectare lots over the next ten years.

In the 2014 Mudgee and Gulgong Urban Release Strategy, the demand for 2 hectare and above sized lots was estimated to be about seven lots per year over 20 years. Based on discussions with local real estate agents, there is potential that the demand has increased since 2014. Therefore, this review includes three demand scenarios: a base-line scenario of seven lots per year, a moderate growth scenario of 10 lots per year and a high growth scenario of 13 lots per year.

## **2 Background**

### **2.1 Comprehensive Land Use Strategy 2010**

In 2010, Mid-Western Regional Council adopted a Comprehensive Land Use Strategy that identified some opportunities for large-lot residential development around Mudgee. These are represented in Figure 1 on page 6. It should be noted that the areas identified in the Strategy for large-lot residential were primarily for lots in the 2000m<sup>2</sup> to 4000m<sup>2</sup> range and it did not specifically identify land for potential 2 hectare subdivision. Rather, the strategy included a set of criteria for determining whether land is suitable for 2 hectare subdivision. The criteria established in the Strategy is addressed in Section 5 of this report.

For the short-term, land on Ulan Road to the north of Mogg's Lane was identified as an opportunity. This land is now being developed for residential lots around 2000m<sup>2</sup> in size (Bombira Estate). Land further north of the Bombira Estate (almost to Edgell Lane) remains undeveloped, but is now zoned for residential development with a potential minimum lot size of 2000m<sup>2</sup> and 4000m<sup>2</sup>.

For the medium-term, the "southern investigation zone", being land between Lions Drive, Broadhead Road and Spring Flat Road, was identified as an opportunity. The bulk of this land remains undeveloped and contains lots approximately 10 hectares in size. Subject to detailed environmental assessment and future infrastructure planning, it is likely that this land will be suitable for lots smaller than 2 hectares.

For the longer-term, land on Putta Bucca Road was identified as an opportunity subject to the relocation of the Waste Treatment Plant. The treatment plant has since been relocated. The site of the former treatment plant is zoned for rural purposes while the land adjoining is zoned RU4 Primary Production Small Lots with a minimum lot size of 20 hectares. Subject to detailed environmental assessment and future infrastructure planning, it is likely that this land will be suitable for lots smaller than 2 hectares.

### **2.2 Mudgee and Gulgong Urban Release Strategy 2014**

In 2014, Council adopted the Mudgee and Gulgong Urban Release Strategy. The purpose of the strategy was to provide a framework for the timing or release and demand for residential land in Mudgee and Gulgong over a twenty year planning horizon based on the adopted Comprehensive Land Use Strategy, land already zoned in the Mid-Western Local Environmental Plan 2012 and planning proposals that were with Council for consideration. It did not strategically identify future opportunities. The strategy states that seven lots with a minimum area of 2 hectares are required each year.

## 2.3 Mid-Western Regional Local Environmental Plan 2012 (as amended in 2018)

Following the assessment of three planning proposals, additional land was rezoned for the potential development of 2 hectare lots. These areas are identified below.

- Land on the eastern side of Spring Flat Road across from Hill Sixty Drive was rezoned in 2018 for large-lot residential development with a potential minimum lot size of 2 hectares (subject to satisfactory water supply). Up to 25 lots are proposed. If satisfactory water supply cannot be achieved, the minimum lot size will be 5 hectares, reducing the number of potential lots to approximately 10.
- Land between Robertson Road and Broadhead Road to the south of some existing 2 hectare lots was zoned for large-lot residential development. In 2018, the minimum lot size for this land was changed to provide for a potential minimum lot size of 2 hectares (subject to satisfactory water supply). Up to 21 lots are proposed. If satisfactory water supply cannot be achieved, the minimum lot size will be 5 hectares, reducing the number of potential lots to approximately 8.
- Land at the corner of Wilbetree Road and Castlereagh Highway was rezoned for in 2018 for large-lot residential development with a potential minimum lot size of 2 hectares (subject to satisfactory water supply). Up to 25 lots are proposed. If satisfactory water supply cannot be achieved, the minimum lot size will be 5 hectares, reducing the number of potential lots to approximately 10.

In addition to the above, there are a number of small areas around Mudgee with a current minimum lot size of 2 hectares. A number of these have the potential to be subdivided into 2000m<sup>2</sup> or 4000m<sup>2</sup> lots (if serviced by reticulated water and sewer). They are:

1. Henry Bayly Drive (15 lots, if not developed for 4000m<sup>2</sup> lots – note some of this land has already been subdivided into 4000m<sup>2</sup> lots)
2. Albens Lane (0 new lots – land is already subdivided into 2 to 3 hectare lots)
3. Robertson Road (7 lots, if not developed for 2000m<sup>2</sup> lots)
4. Common Road (0 new lots – land is only approximately 3 hectares in size)
5. Saleyards Lane (0 new lots – land has already been subdivided)
6. Sawpit Road (12 lots, if not developed for 4000m<sup>2</sup> lots)
7. Putta Bucca and Bombira Estates (0 new lots – land is already developed or planned to be developed into 2000 and 4000m<sup>2</sup> lots)
8. Two areas adjoining the Mudgee Airport (not considered relevant to this review as these areas are zoned SP1 "Dwelling Incidental with Aviation").

Collectively, these lots provide a very small supply of 2 hectare lots, of between 0 and 34 lots.

## 2.4 Central West and Orana Regional Plan

The Central West and Orana Regional Plan provides overarching principles and directions for development in the region.

Direction 28 of the Central West and Orana Regional Plan relates to managing rural residential development. The following commentary is provided in the Regional Plan in relation to this issue:

*Rural residential housing is a popular lifestyle housing option driven by the desire for a rural lifestyle, particularly close to regional cities and strategic centres, and in some cases, close to Sydney. In some areas, this type of development has been seen as a way to attract new residents and reverse or stabilise population decline, although economic development is a much stronger driver of population trends.*

*Rural residential development can conflict with productive agricultural, industrial or resource lands. It may also increase pressure for new services outside existing settlements, with costs borne by councils*



*and the broader community. Managing this development and its cumulative impacts will be essential as the regional economy diversifies and development pressure increases.*

*A consistent planning approach is required to identify suitable locations for new rural residential development to avoid fragmentation of productive agricultural land, and protect high environmental value assets, cultural and heritage assets or areas with important rural landscape values. This type of development should not increase pressure on infrastructure and services, and should be located on land free from natural hazards.*

There are three actions in the Regional Plan in relation to rural residential development:

**28.1** *Locate new rural residential areas:*

- *close to existing urban settlements to maximise the efficient use of existing infrastructure and services, including roads, water, sewer and waste services, and social and community infrastructure;*
- *to avoid and minimise the potential for land use conflicts with productive, zoned agricultural land and natural resources; and*
- *to avoid areas of high environmental, cultural or heritage significance, regionally important agricultural land or areas affected by natural hazards.*

**28.2** *Enable new rural residential development only where it has been identified in a local housing strategy prepared by Council and approved by the Department of Planning and Environment.*

**28.3** *Manage land use conflict that can result from cumulative impacts of successive development decisions.*

This review has considered these and other relevant actions in the Regional Plan.

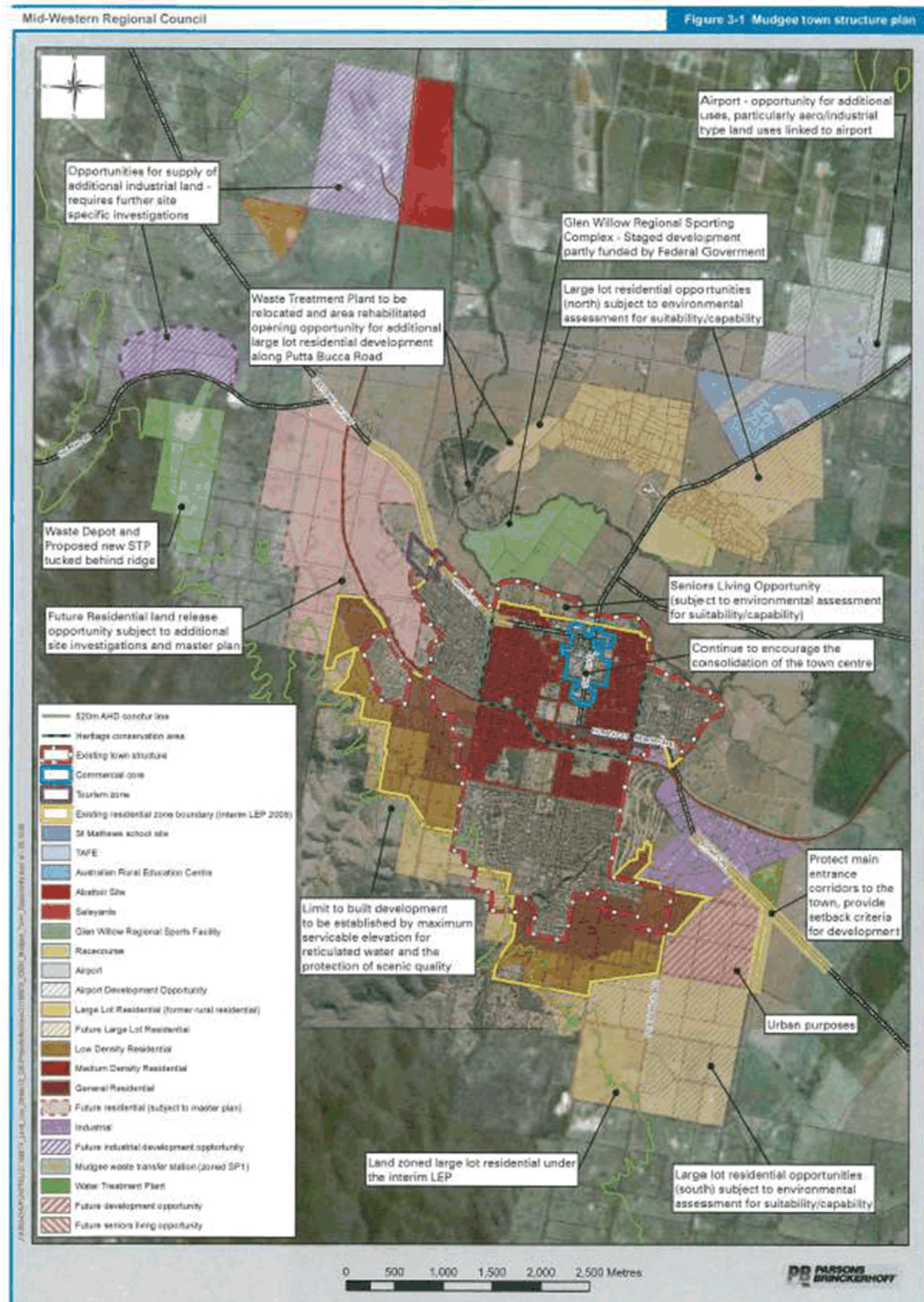
## **2.5 Towards 2030, Mid-Western Region Community Plan**

The Mid-Western Region Community Plan is a statement of the local community's desires and objectives for the future of the local government area to 2030. The Plan contains a number of strategies relevant to this review, including the following:

- Make available diverse, sustainable, adaptable and affordable housing options through effective land use planning
- Maintain and promote the aesthetic appeal of the towns and villages within the Region
- Ensure land use planning and management enhances and protects biodiversity and natural heritage
- Maintain and manage water quantity and quality

This review has considered these and other relevant strategies in the Community Plan.

**Figure 1: Mudgee Town Structure Plan from Council's Comprehensive Land Use Strategy**



### 3 Methodology

This strategic review of large lot residential land around the town of Mudgee is based on:

- An understanding of Council's existing strategic documents and directions, and the Central West and Orana Regional Plan 2036.
- An understanding of relevant land constraints, such as flooding, sensitive groundwater, biodiversity and bush fire hazard.
- The latest information on residential land supply and demand.
- Good planning principles, such as accessibility, sustainability, orderly and economic development and avoiding land use conflict.

The methodology for the review is outlined below.

#### 1. Literature Review

The outcomes of the review need to be based on a comprehensive understanding of all strategies, plans and policies relevant to the project. Section 2 of this report provides a summary of the relevant matters in previous and current strategies, plans and policies.

#### 2. Constraints Analysis

The study area has been analysed to understand and define any constraints to the development of large lot residential lots based on the 2 hectare criteria in Council's Comprehensive Land Use Strategy and having regard to Council's Urban Release Strategy. The criteria for identifying potential 2 hectare development opportunities is as follows:

1. The land can be managed to avoid land use conflict
2. The land is unconstrained by flooding, as it is above the flood planning level of the 1 in 100 ARI
3. The land can be connected to the existing road network by sealed road access
4. Development of the land is not visually intrusive
5. Development of the land will not undermine future residential land opportunities
6. Development of the land will not adversely impact on the groundwater system
7. Development of the land can be justified in terms of supply and demand
8. Development of the land can be managed to reduce bushfire hazard
9. Development should avoid Biophysical Strategic Agricultural Land
10. The land has access to a sustainable water supply

Three additional criteria have been established for the purposes of this review:

11. Development should avoid areas of moderate or high biodiversity sensitivity
12. Development will not undermine future business and industrial land opportunities
13. Development avoids detrimental impacts on identified Aboriginal and European heritage

Section 5 of this report provides the detailed constraints analysis and the constraints mapping is included in the Appendices to this report.



### **3. Demand and Supply Analysis**

A detailed demand and supply analysis was undertaken in the Mudgee and Gulgong Urban Release Strategy. This detailed analysis has been considered and updated based on current information and advice from local real estate agents. A roadside survey of the study area was also undertaken to identify land uses and to visually confirm land constraints and other issues.

Section 4 of this report provides a summary of the current situation with regards to the supply and demand of large-lot residential development around Mudgee.

### **4. Opportunities Analysis**

Based on the outcomes of the constraints analysis and the supply and demand analysis, this review strategically identifies and defines potential opportunities for large lot residential development around Mudgee. The opportunities have been ranked by their suitability based on the 2 hectare criteria in Council's Comprehensive Land Use Strategy and other relevant matters.

The review makes recommendations in relation to:

- The potential lot yield in each opportunity area,
- the potential timing of each opportunity (short, medium, long term), and
- key issues that need to be addressed in any planning proposal for each opportunity.

Section 6 of this report describes the opportunity areas and provides maps highlighting the boundaries of each opportunity area.

## 4 Demand and Supply

### 4.1 Demand

The issue of demand for 2 hectare and above lots was canvassed with local real estate agents. All believe that the demand is now stronger than in 2014 and all suggested that 12 to 15 lots per year would sell.

There was agreement amongst the agents that the demand for such lots is strong particularly from "tree-changers", people moving out of metropolitan areas. These people want some land but 10-12 hectares is too much land to manage. They want vacant land, to build their own home. Demand is also strong from young families (local families and those moving here to be closer to family), who want some land, but don't want to be more than 10kms from town.

Given the views of local real estate agents and the fact that it is good planning practice to plan for a range of outcomes, three demand scenarios have been developed in order to estimate the number of lots required in the period from 2030 to 2040. The three scenarios are:

1. Base line scenario of 7 lots per year, consistent with the 2014 Urban Release Strategy,
2. Medium growth scenario of 10 lots per year, and
3. High growth scenario of 13 lots per year, consistent with the views of local real estate agents.

The demand for 2 hectare lots in 2030 will be informed by the actual rate of development of the recently rezoned lots over the next ten years. Should these lots develop at a faster rate than 7 lots per year, some of the land identified in this review may be required to be brought forward.

Similarly, slower than anticipated development of land over the next ten years may delay the need for additional land.

Given this uncertainty, the three scenario strategy allows Council to plan for a range of development outcomes and timing. Based on the three scenarios outlined above, the need for additional land from 2030 to 2040 will be between 70 lots (7 lots per year) to 130 lots (13 lots per year).

This review considers that a mix of 2 hectare and 5 hectare lots is appropriate, depending on market demand, environmental assessments and the ability to provide adequate water supply. Assuming the majority of purchasers will prefer 2 hectares and the other criteria can be met, it is therefore proposed that 80% of development will be in 2 hectare lots and 20% in 5 hectare lots. Based on the upper end of demand, the required number of lots is as follows:

- 104 new 2 hectare lots (at approximately 10 per year), and
- 26 new 5 hectare lots (at approximately 3 per year).

The following table outlines the lot requirements for each scenario for the ten year period from 2030 to 2040.

Scenario	Rate	2 ha lots	5 ha lots	Total
1	7 lots per year	56	14	70
2	10 lots per year	80	20	100
3	13 lots per year	104	26	130

## 4.2 Supply

There is a relatively small supply of land around 2 hectares in size in close proximity to Mudgee. A slightly larger number of lots around 5 to 9 hectares exist, but most are of the higher size. Figure 2 shows the location of lots of this range around Mudgee and the land that currently has a Minimum Lot Size in this range.

The 2014 Mudgee and Gulgong Urban Release Strategy indicated that 149 lots at 2 hectare or larger would be required over the next 20 years (based on a rate of seven lots per year). The strategy identified that the current supply amounted to 63 lots (or a nine year supply), leaving a shortfall to 2035 of 86 lots.

The 63 lots identified as potential 2 hectare supply in 2014 consisted of:

- Area 7 – Rifle Range Road 3 (20 lots)
- Area 10 - South Mudgee Infill 3 (4 lots)
- Area 17 – Ulan Road (37 lots)
- Area 21 – Putta Bucca (2 lots)

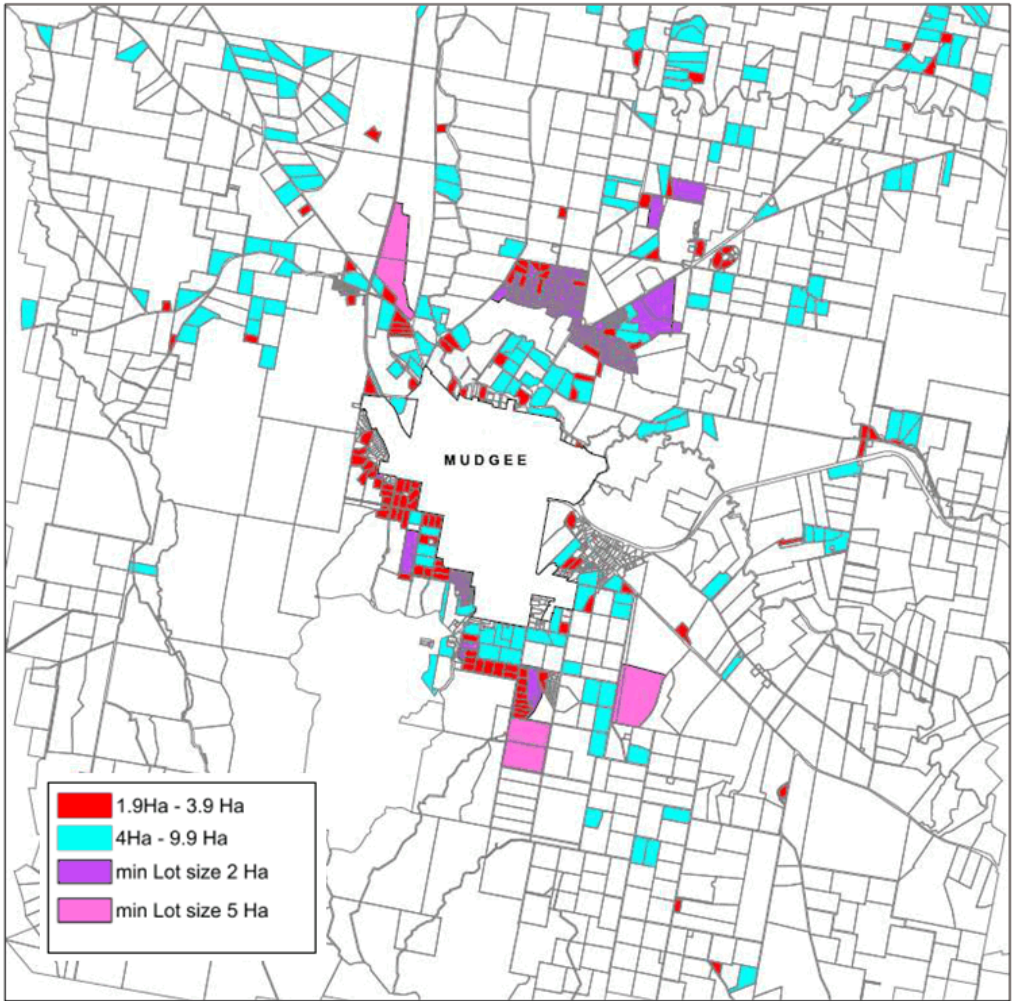
None of the above land is now potential supply of 2 hectare land. Current supply is therefore effectively zero. However, the recent rezoning of three areas of land for 2 hectare subdivision provides 71 lots, meeting the demand for the next ten years at 7 lots per annum. This is consistent with the estimated level of demand in the 2014 Urban Release Strategy.

Given the above, alternative land is required to be identified for potential 2 and/or 5 hectare lot development for the period from 2030 to 2040.

Section 6 of this report identifies and strategically analyses potential additional opportunities to ensure there is a reasonable supply of large-lot residential development into the future to meet market demand.



Figure 2: Supply of land between 2 and 10 hectares around Mudgee



## 5 CONSTRAINTS

The identification of land for potential development is subject to an analysis of the constraints of the land and the potential for conflicts with land uses on surrounding land. Around the town of Mudgee there are a number of constraints that need to be considered and issues of potential conflict to be addressed.

In the Comprehensive Land Use Strategy adopted by Council in 2010, a set of criteria was established to apply to the consideration of potential future rural residential development with a 2 hectare minimum in the Mid-Western Regional Local Government area.

Each criteria is outlined below, with some general commentary regarding each criteria:

### 1. ***The land can be managed to avoid land use conflict***

*Rural residential development should have regard to the surrounding agricultural land use and must provide a buffer to agricultural land.*

**Comment** – Around the town of Mudgee, agricultural land uses consist primarily of cropping and grazing on the Cudgegong River flood plain and vineyards in slightly more elevated locations. Cropping, grazing and viticulture activities can result in noise, odour and dust issues for occupants of surrounding land. It is important to acknowledge these impacts and provide suitable setbacks (buffers) to surrounding residential development to protect the ongoing viability of these activities. However, for lots 2 hectares in size (notionally 100m wide by 200m deep, or 50m by 400m), it is possible to achieve suitable setbacks within the rural residential lot, so the protection of any adjoining agricultural activity can be achieved through the appropriate location of dwellings on the lots and the planting of vegetated buffers between the dwelling and the agricultural activity. Where this is not achievable, it may be more appropriate to locate 5 hectare lots at the interface of agricultural activities.

This constraint is therefore not an absolute constraint and can be overcome by good design.

### 2. ***The land is unconstrained by flooding, as it is above the flood planning level of the 1 in 100 ARI***

*The area is not affected by flooding and has unconstrained flood free access out of the property and/or locality.*

**Comment** – There is a significant floodplain along the Cudgegong River and its tributaries to the north of Mudgee. Flooding is an absolute constraint to the development of dwellings, but does not constrain the whole of 2 hectare lots. Providing each lot has a suitable dwelling footprint out of the floodplain and the lot has flood free access, part of the lot could be within the flood planning level, subject to other constraints, such as avoiding land use conflict and the identification of Biophysical Strategic Agricultural Land.

### 3. ***The land can be connected to the existing road network by sealed road access***

*The area can be connected to the existing sealed road network by sealed road access and is fully serviced by a sealed road.*

**Comment** – The purpose of this criteria is to minimise the impact on Council's resources from increasing the demand for sealing existing unsealed roads. It may be viable for a developer of 2 hectare lots to extend an existing sealed road as part of the development, however this would be dependent on the length of road to seal and the number of lots created.

#### **4. Development of the land is not visually intrusive**

*There is no impact on the visual amenity or sensitive corridors identified in the CLUS or the Mudgee Town Structure Plan.*

**Comment** - In the Mid-Western Regional Local Environmental Plan 2012, visually sensitive land is identified along the hills to the east, west and south of the town. Development is achievable in visually sensitive land providing it can satisfy the following criteria in LEP 2012:

- a) the development will complement the visual setting forming the backdrop to Mudgee, and
- b) the development will be designed, set back and sited to respond sympathetically to the landform of the site on which the development is proposed to be carried out and will minimise visual intrusion.

The visual impact of development should be a consideration irrespective of whether the land is identified in LEP 2012 as visually sensitive or not.

#### **5. Development of the land will not undermine future residential land opportunities**

*It should be located on land that is not, or unlikely to be suitable for general residential land at some point in the future.*

**Comment** – There is currently a 20+ year supply of residential land in Mudgee. The opening up of the Carleon Estate to the west of Mudgee and a number of estates to the north and south of Mudgee, including Bombira and the Broadview Estate, along with additional zoned residential land, has extended the urban area of the town considerably. Notwithstanding this significant supply, the identification of potential 2 hectare lots around Mudgee should not prejudice the future expansion of residential land in appropriate locations.

#### **6. Development of the land will not adversely impact on the groundwater system**

*Mudgee is fully within an area identified by the NSW Department of Primary Industries - Water as being significant in terms of groundwater vulnerability. Any development, and in particular unserviced development, needs to demonstrate that it will not adversely impact on the groundwater system.*

**Comment** – Almost all of the land around Mudgee is identified as having groundwater sensitivity. Development that may impact on the groundwater system includes development that significantly changes the landform and development that discharges pollutants that could contaminate the groundwater. Rural residential development generally does not involve significant landform changes, but does involve on-site sewerage systems that if not designed and managed appropriately could adversely affect the groundwater. It is however manageable and is therefore not an absolute constraint to the identification of rural residential opportunities. Detailed studies would need to be undertaken at the planning and/or development stage.

#### **7. Development of the land can be justified in terms of supply and demand**

*Reference should be made to the Urban Release Strategy in terms of the likely anticipated demand (excluding land zoned but having a 2,000-4,000 square metre option subject to servicing).*

**Comment** – Section 4 of this report provides an analysis of supply and demand for large-lot residential development around Mudgee, based on the 2014 Mudgee and Gulgong Urban Release Strategy.

#### **8. Development of the land can be managed to reduce bushfire hazard**

*Bushfire hazards in the area can be appropriately managed or reduced.*

**Comment** – The vast majority of the land around the town of Mudgee is, or will be identified, as bush fire prone land. Unmanaged grasslands present the primary fire risks in the area. In some locations, bushland presents a higher bushfire risk. The risk of bushfire is not an absolute constraint as land around future dwellings can be managed as Asset Protection Zones to reduce the risk.



## 9. **Development should avoid Biophysical Strategic Agricultural Land**

*Reference should be made to BSAL mapping which identifies the existence of any BSAL at the site of potential development.*

**Comment** – The BSAL mapping identifies the Cudgegong River floodplain as being biophysical strategic agricultural land. Given this land is also flood prone and currently used for agricultural activities, it is unlikely that any of this land will be appropriate for future development of 2 hectare lots.

It is also important to consider the land and soil capability classification of the land. This is an assessment of the biophysical features of the land and can be used to determine suitability for a range of activities, including various agricultural activities, with the best land (extremely high capability) mapped as class 1 and the worst (extremely low capability) mapped as class 8. The 2 hectare criteria in the Comprehensive Land Use Strategy initially referred to avoiding class 1 and 2 (very high capability) land. This was subsequently amended to refer to the BSAL mapping. The majority of land around Mudgee in the study area is identified as class 3 (high capability) or 4 (moderate capability) land, with some class 5 (moderate-low capability) land, described below:

- Class 3 land has moderate limitations and is capable of sustaining high-impact land uses, such as cropping with cultivation, using more intensive, readily available and widely accepted management practices. However, careful management of limitations is required for cropping and intensive grazing to avoid land and environmental degradation.
- Class 4 land has moderate to high limitations for high-impact land uses. Will restrict land management options for regular high-impact land uses such as cropping, high-intensity grazing and horticulture. These limitations can only be managed by specialised management practices with a high level of knowledge, expertise, inputs, investment and technology.
- Class 5 land has high limitations for high-impact land uses. Will largely restrict land use to grazing, some horticulture (orchards), forestry and nature conservation. The limitations need to be carefully managed to prevent long-term degradation.

Around Mudgee, some cultivation is being undertaken in the class 3 and 4 agricultural lands, including in the Cudgegong River floodplain (fodder crops and pastures) and on the lower slopes (vineyards). The bulk of the agricultural lands around Mudgee are however being used for grazing or for rural residential uses. Where land is fragmented to below 100 hectares it is unlikely to be suitable for commercial grazing or cropping. Where land is under 50 hectares, it is unlikely to be suitable for commercial agriculture, except for vineyards, which can be commercially viable on as low as 20 hectares.

The existing zoning of land for rural purposes, particularly RU1 Primary Production and RU4 Primary Production Small Lots, and the current size of land holdings are also relevant matters for consideration in identifying whether land is constrained by existing or potential agricultural activities.

Based on the above, priority land for potential 2ha subdivision should be given to fragmented land mapped as class 4 and above, with land mapped as class 1 to 3, and large land holdings being retained for agricultural activities.

## 10 **The land has access to a sustainable water supply**

*The proposed lot must demonstrate the provision of a sustainable water supply. A sustainable water supply can be achieved by various means including the provision of reticulated water, roof water catchment or accessing water from a river, lake or aquifer in accordance with the Water Management Act 2000. Department of Primary Industries – Water 'How much water do I need for my rural property' provides one methodology to calculate a required supply.*

**Comment** – Large lot residential development with a minimum lot size of 2 hectares or greater is not development that will be serviced by reticulated (town) water. Dwellings on such lots will need to provide suitable sized water tanks for potable water plus have access to an alternative water supply such as a bore or a dam. Two-hectare sized lots are not large enough to have individual bores approved, but they may be

large enough to have dams. The recent planning proposals providing for 2 hectare subdivision potential were approved on the basis of the provision of communal bores, however this may not be a suitable solution for all areas, particularly where the land is already fragmented. Lots above 5 hectares in size are more likely to be able to have individual dams or bores as an alternative water supply.

In addition to the above criteria, the following criteria should apply:

**11. Development should avoid areas of moderate or high biodiversity sensitivity**

**Comment** – The Sensitive Biodiversity Map in the Mid-Western Regional Local Environmental Plan 2012 identifies areas of high biodiversity sensitivity along the Cudgegong River and its tributaries along with scattered patches of remnant vegetation. There is no land in the study area which is completely constrained by biodiversity, therefore this is not an absolute constraint to the identification of future 2 or 5 hectare development opportunities. Where identified land does contain some biodiversity, the highly sensitive areas can be accommodated within lots, providing there is suitable land for dwellings away from the sensitive areas.

**12. Development will not undermine future business and industrial land opportunities**

**Comment** – In addition to protecting potential future residential land, the identification of future large-lot residential development opportunities should not prejudice the potential for future business and industrial land in Mudgee. The existing industrial estate on Sydney Road may in time need expansion and this will need to be considered, as will the potential development of new industrial area on Hill End Road near the Waste Transfer Station.

**13. Development avoids detrimental impacts on identified Aboriginal and European heritage**

**Comment** – There are known Aboriginal cultural heritage items and European heritage items in and around Mudgee. Any development on land with known heritage items must give consideration to the potential impact on the significance of the items.

**14. Has potential for expansion beyond the 20 year horizon of this review**

**Comment** – Just as it is important to ensure there is potential expansion of residential land for the longer term, the identification of large-lot residential land should have regard to the potential for growth beyond the 20 year horizon of this review.

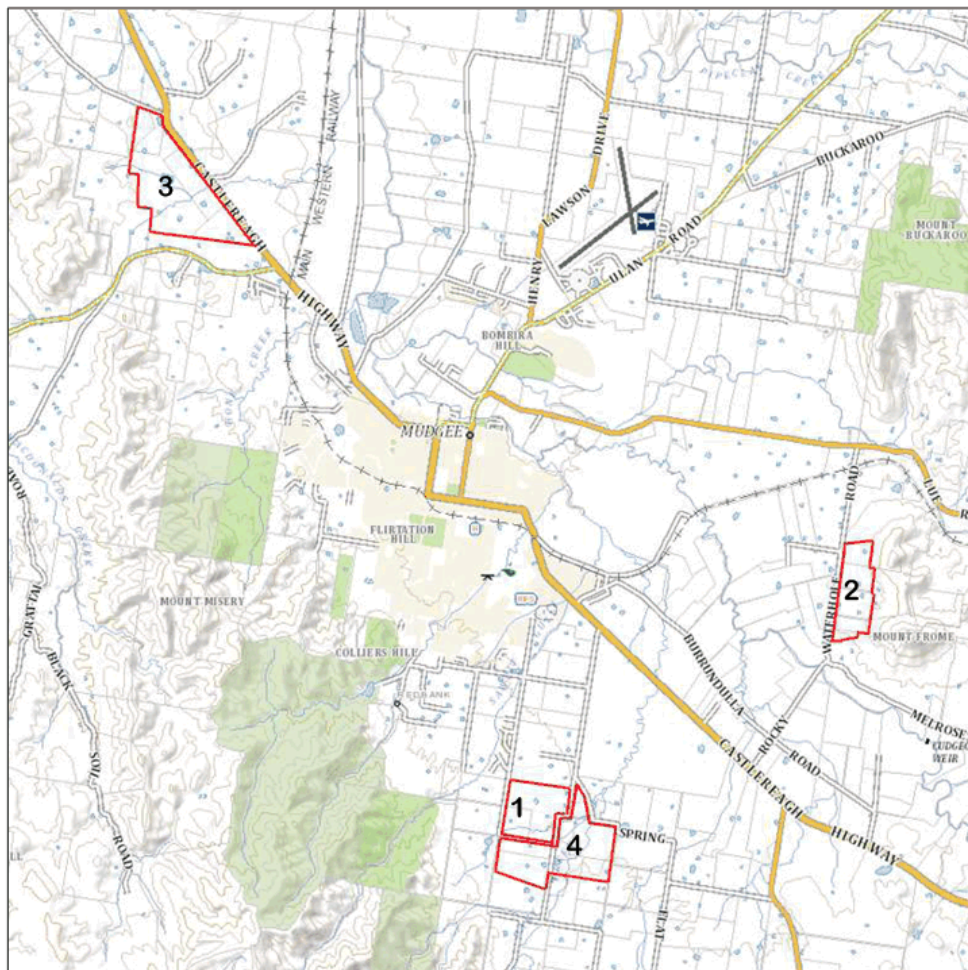
Each of the lands identified as an additional opportunity for future large lot residential development in Section 6 will be analysed against each of the above criteria.

## 6 POTENTIAL DEVELOPMENT AREAS

Based on the criteria outlined in Section 5, four areas have been identified for potential for 2 or 5 hectare lot development. The four areas are identified on the map below and are:

- Area 1: Spring Flat South Lane, south of Hill Sixty Drive, Spring Flat
- Area 2: Rocky Waterhole Road, Mount Frome
- Area 3: Castlereagh Highway, between Hill End Road and Lower Piambong Road, Menah
- Area 4: Southern and Eastern extension of Area 1, Spring Flat

### Map of Potential Development Areas





## 6.1 Area 1 – Spring Flat South Lane, south of Hill Sixty Drive, Spring Flat

### 6.1.1 Introduction

Land between Spring Flat South Lane and Broadhead Road, south of Hill Sixty Drive, as identified in the map below and the photos on the following page, adjoins an area recently rezoned for 2 hectare subdivision on the western side of Broadhead Road. The land is zoned R5 Large Lot Residential with a current minimum lot size of 12ha.





### 6.1.2 Photos of Area 1



View from Spring Flat South Lane looking west



View from Spring Flat South Land looking south-west towards potential expansion area



View from unformed road north of Area 1 looking south



View from corner of unformed road and Broadhead Road looking south-east



View from end of Broadhead Road looking south-east



View from Hill Sixty Drive looking north-west

### 6.1.3 Constraints Analysis of Area 1

Area 1 is just beyond the extent of seal on Broadhead Road, however the frontage to Spring Flat South Lane is fully sealed. Development of this land for 2 hectare lots would not be visually intrusive. There are no significant environmental or other constraints that could not be appropriately managed on lots of 2 hectares in size. Any future planning for such development would need to demonstrate adequate water supply can be provided to each lot.

Criteria	Complies	Comment
1. Can be managed to avoid land use conflict	Yes	The subject land is bounded to the north and west by existing and future large-lot residential land. To the east and south is land that also has potential to be future large-lot residential land (See Area 4). There are no land use conflicts arising from potential 2 ha subdivision of the area.
2. Is unconstrained by flooding (above 1 in 100 ARI)	Yes, subject to detailed assessment	The subject land is not known to be constrained by flooding, however detailed assessment of potential flooding along Darkeys Gully will be required along with assessment of overland flow paths.
3. Can be connected to the existing road network by sealed road access	Yes	Spring Flat Road and Spring Flat South Lane are sealed roads. Broadhead Road is sealed up to the Broadview Estate. An unformed road runs east to west along the northern boundary of the area. Any future development would be required to seal any unsealed road providing access to new lots.
4. Is not visually intrusive	Yes	The land is included in the Visually Sensitive Land Map in LEP 2012. However, as there are stands of vegetation along roadsides, watercourses and fencelines that provide some screening, development of the area can be undertaken in a manner that will not be visually intrusive.
5. Will not undermine future residential land opportunities	Yes	Any further expansion of residential land to the east of Mudgee is constrained by the capacity of existing water and sewer services. The subject land is unlikely to be serviced for urban residential development.
6. Will not adversely impact on the groundwater system	Subject to detailed assessment	The land is relatively flat and will not need significant earthworks for development. Subject to detailed assessment of on-site sewerage management systems, development will not adversely impact on the groundwater system.
7. Can be justified in terms of supply and demand	Yes	Likely to be a short to medium term opportunity, potentially providing approximately 28 2 hectare lots (25 new lots), plus 14 5 hectare lots (7 new lots) in Hill Sixty Drive.

8. Can be managed to reduce bushfire hazard	Yes	The subject land is potentially subject to grassfires. With suitable asset protection zones and management of land, the risk can be minimised.
9. Should avoid Biophysical Strategic Agricultural Land	Yes	The land is not identified as Biophysical Strategic Agricultural land. The land is mapped as class 4 agricultural land and is currently zoned R5 Large Lot Residential.
10. Has access to a sustainable water supply	Yes, subject to detailed assessment	The provision of water tanks and a supplementary water supply, such as a common well may be achievable in this area. Any planning proposal to reduce the minimum lot size for the land will need to demonstrate adequate water supply can be provided.
11. Avoids areas of moderate or high biodiversity sensitivity	Yes	There are some small patches of high biodiversity sensitivity in the area. Development of 2 ha lots can be undertaken without negative impact on biodiversity.
12. Development will not undermine future business and industrial land opportunities	Yes	The subject land is not likely to be required for employment purposes.
13. Development avoids detrimental impacts on identified Aboriginal and European heritage	Yes, subject to detailed assessment	There are some known Aboriginal heritage items in the area. Development of 2 ha lots can be undertaken in a manner that avoids impacts on these items. There are no European heritage items in the subject area or in the vicinity.
14. Has potential for expansion beyond the 20 year horizon of this review	Yes	There is additional land currently zoned R5 Large Lot Residential to the south and east of the subject land and additional land to the east that could in the future be made available for 2 or 5ha lots (See Area 4 below).

#### 6.1.4 Recommendations for Area 1

1. The subject land as shown in the recommendation map on the following page has potential for future 2 hectare subdivision, subject to demonstrating adequate water supply.

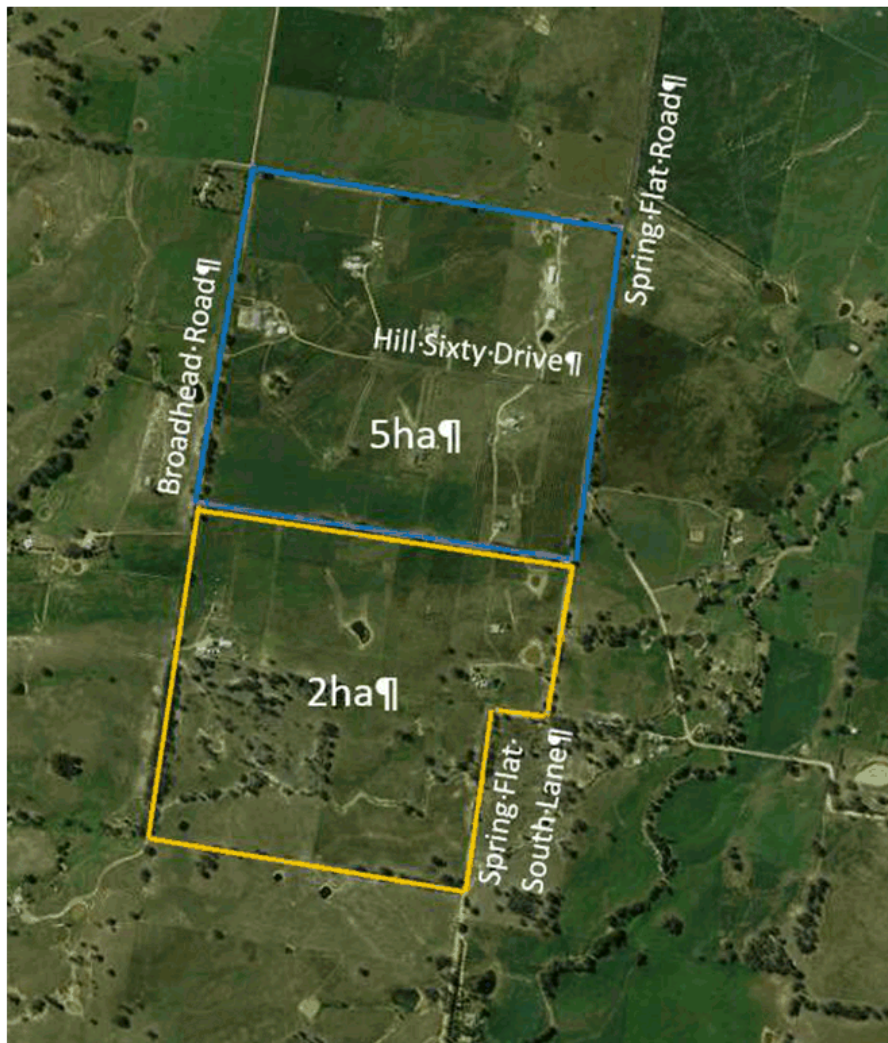
This area could yield up to 25 new 2 hectare lots or 8 new 5 hectare lots. This is based on the total site area, less 15% for infrastructure, divided by 2. For this area, 15% of the site area is allocated for infrastructure as there are no existing roads within the area. The calculation is as follows:

- Site area of approximately 67ha x 85% = 57ha /2 = 28 2ha lots (25 new lots), or
- Site area of approximately 67ha x 85% = 57ha /5 = 11 5ha lots (8 new lots)

The Hill Sixty Drive area could yield up to 14 5 hectare lots (7 new lots), based on multiplying the existing number of lots by 2.

2. Should adequate water supply not be able to be demonstrated, the minimum lot size for the identified areas should be 5 hectares.
3. The land at Hill Sixty Drive should have a 5 hectare minimum lot size, providing each existing lot with a potential two lot subdivision.
4. Planning proposals to facilitate potential 2 hectare development should address, amongst other relevant matters, the following:
  - a. Water supply
  - b. Visual sensitivity
  - c. Localised flooding and drainage
  - d. Groundwater impact
  - e. Biodiversity
  - f. Aboriginal and European heritage
  - g. Bushfire protection

#### **Recommendation Map – Area 1**





## 6.2 Area 2 –Rocky Waterhole Road, Mount Frome

### 6.2.1 Introduction

Land along the eastern side of Rocky Waterhole Road south of Lue Road and the Moothi Estate vineyard, as identified in the map below and in the photos on the following page, currently contains 6 large lots ranging from approximately 10 to 17 hectares in size. The land is zoned RU1 Primary Production with a 100 hectare minimum lot size.



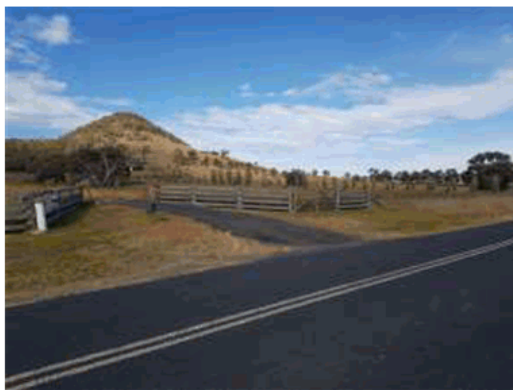
### 6.2.2 Photos of Area 2



Looking north along Rocky Waterhole Road



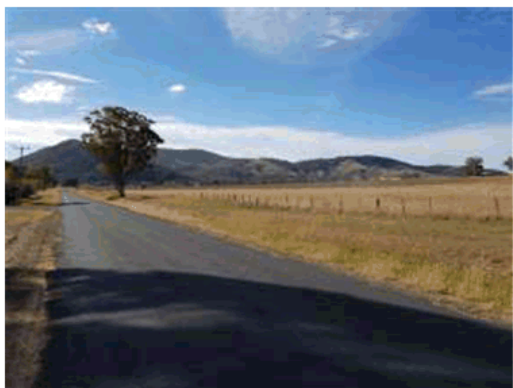
View looking north-east from Rocky Waterhole Road



View looking south-east from Rocky Waterhole Road



View from intersection of Rocky Waterhole Road and Melrose Road



View towards adjoining Moothi Estate vineyard



View across Rocky Waterhole Road from subject land

### 6.2.3 Constraints Analysis of Area 2

The land is currently predominantly used for residential purposes. The Moothi Estate vineyard and cellar door adjoins the subject area. An existing subdivision of 4 hectare lots exists on the southern side of Oaklands Road, across Rocky Waterhole Road from the subject area.

The land is adjoined to the west and south by farmland and the floodplain of the Cudgegong River. To the east are vegetated hills forming part of the backdrop to the town of Mudgee. The floodplain, the subject land and the hills to the east are all included in the Visually Sensitive Land Map in the LEP.

Rocky Waterhole Road is sealed for its entire length.

Criteria	Complies	Comment
1. Can be managed to avoid land use conflict	Yes	Development of the land into 5 hectare lots provides sufficient capacity for adequate dwelling setbacks to avoid land use conflicts.
2. Is unconstrained by flooding (above 1 in 100 ARI)	Yes	The land is not known to be flood prone and is above the defined floodplain of the Cudgegong River.
3. Can be connected to the existing road network by sealed road access	Yes	Rocky Waterhole Road is a sealed road.
4. Is not visually intrusive	Yes	While the land is included on the Visually Sensitive Land Map in the LEP, development at a 5 hectare scale is unlikely to be visually intrusive.
5. Will not undermine future residential land opportunities	Yes	It is unlikely that the subject land will be serviced with water and sewer, therefore it is unlikely to ever be required for residential land.
6. Will not adversely impact on the groundwater system	Yes	The land is flat to gently sloping and will not need significant earthworks for development. Subject to detailed assessment of on-site sewerage management systems, development will not adversely impact on the groundwater system.
7. Can be justified in terms of supply and demand	Yes	Given the lack of 5 hectare lots in the area and the potential for existing lots to be subdivided relatively easily, this area could fill a market gap in the short to medium term, providing up to 12 5 hectare lots (6 new lots).
8. Can be managed to reduce bushfire hazard	Yes	The subject land is potentially subject to grassfires and bushfires. With suitable asset protection zones and management of land, the risk can be minimised.

9. Should avoid Biophysical Strategic Agricultural Land	Yes	<p>The land is not identified as Biophysical Strategic Agricultural land. The land is mapped as class 4 agricultural land.</p> <p>The subject land is currently zoned RU1 Primary Production. The land is therefore zoned for extensive and intensive agricultural activities, including for vineyards of which there is one in the vicinity.</p> <p>While the land is considered suitable for additional agricultural activities, the existing level of fragmentation means it is unlikely that additional agricultural activities will occur.</p>
10. Has access to a sustainable water supply	Yes	The development of 5 hectare lots ensures there is enough land to provide adequate water supply through rainwater tanks and dams or bores.
11. Avoids areas of moderate or high biodiversity sensitivity	Yes	There are small patches of high biodiversity sensitivity in the subject area. Development of 5 hectare lots can be undertaken without negative impact on biodiversity.
12. Development will not undermine future business and industrial land opportunities	Yes	The subject land is not likely to be required for employment purposes.
13. Development avoids detrimental impacts on identified Aboriginal and European heritage	Yes, subject to detailed assessment	There are no known Aboriginal sites in the subject area, though detailed assessment would be required at a development application stage. There are no listed European heritage items in the subject area or in the vicinity.
14. Has potential for expansion beyond the 20 year horizon of this review	No	The subject land is bounded by floodplain to the west, agricultural land to the north and south, and vegetated hills to the east. Given the above, there is no significant opportunity for future expansion of this area.

#### 6.2.4 Recommendations for Area 2

The minimum lot size for the subject land should be changed to 5 hectares.

Given the existing fragmentation of the land and the proximity to a vineyard and other agriculture, it is considered that this land is best suited to 5 hectare subdivision. The area in total is approximately 63 hectares, with potential for 12 5 hectare lots (6 new lots).

The yield for this area is based on the size of existing lots in the area and dividing each lot size by 5.



**Recommendation Map – Area 2**

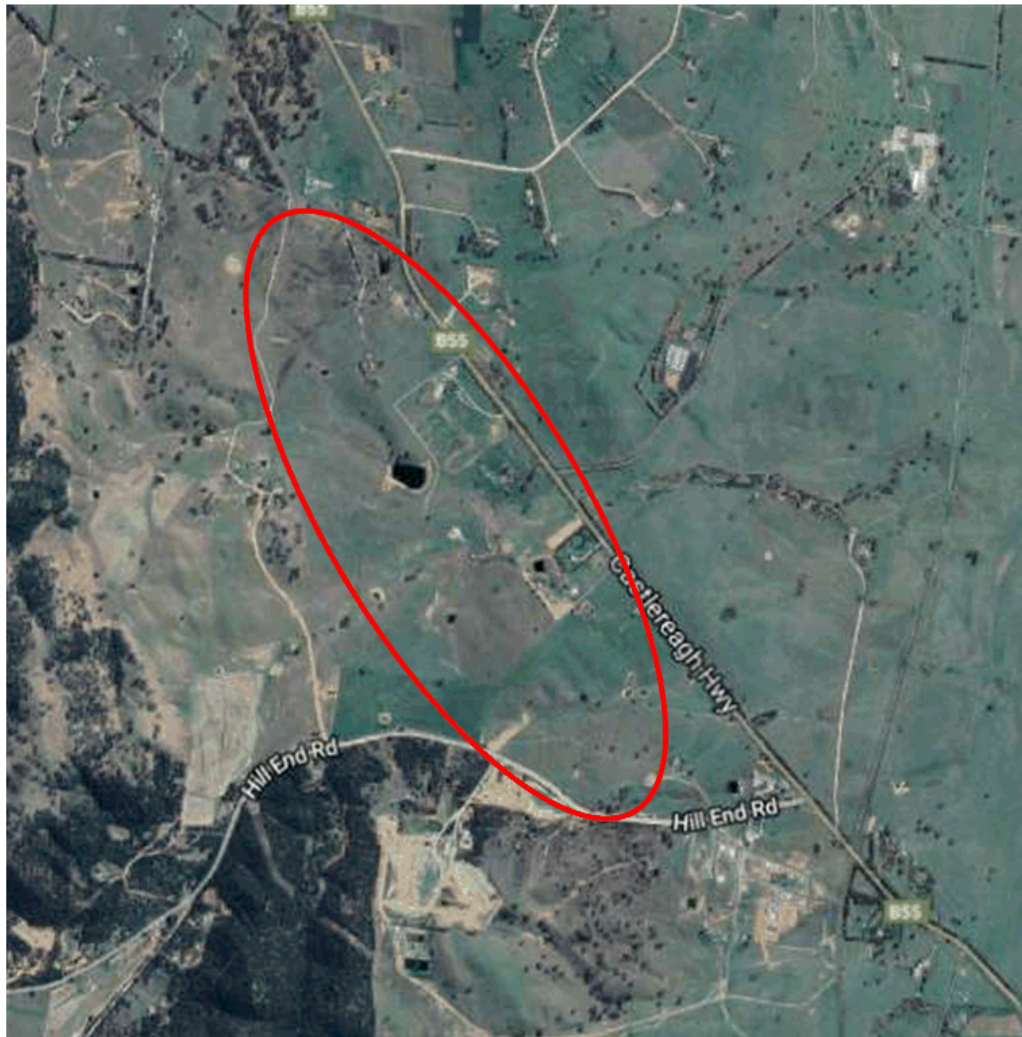


### 6.3 Area 3 –Hill End Road to Lower Piambong Road, Menah

#### 6.3.1 Introduction

Land along the Castlereagh Highway west of Mudgee between Hill End Road and Lower Piambong Road, as identified in the map below and in the photos on the following page, currently contains 9 large lots ranging from approximately 2 to 25 hectares in size and one rural lot approximately 80 hectares in size.

An area fronting Hill End Road opposite the entrance to the Mudgee Waste Depot was identified, and has since been zoned, for employment purposes. The subject area adjoins the future employment land to the east and north and is currently zoned RU1 Primary Production with a minimum lot size of 100 hectares.





6.3.2 Photos of Area 3



View west from Hill End Road at entrance to Carleon Estate



View north from Hill End Road at entrance to Carleon Estate



View south from Castlereagh Highway



View west from Castlereagh Highway near Lower Piambong Road



View west from Lower Piambong Road



View south from Lower Piambong Road

### 6.3.3 Constraints Analysis of Area 3

Hill End Road, Lower Piambong Road and the Castlereagh Highway are all sealed roads. The land is not currently serviced by water or sewer, however it is expected that the future employment lands will be serviced.

The area is flood free and relatively unconstrained, primarily used for grazing with some large rural residential lots. The land is flat to gently sloping along the Castlereagh Highway and steeper in the western part.

Subject to a lower density of development along the Castlereagh Highway, development of the subject area would not be visually intrusive. Subject to adequate water supply (not reticulated), the majority of the land could accommodate 2 hectare lots.

Criteria	Complies	Comment
1. Can be managed to avoid land use conflict	Yes	With adequate buffers to the future industrial land proposed on the northern side of Hill End Road, development with a mix of lot sizes from 5 hectares fronting the Castlereagh Highway (to minimise visual impact) and 2 hectares in the remainder of the land, development can avoid land use conflicts.
2. Is unconstrained by flooding (above 1 in 100 ARI)	Yes	The land is not known to be flood prone.
3. Can be connected to the existing road network by sealed road access	Yes	Castlereagh Highway, Hill End Road and Lower Piambong Road are all sealed. Access to any proposed new lots along the Castlereagh Highway is likely to be restricted. The use of existing access points, shared access points or rear access from new roads are preferred to additional highway access points.
4. Is not visually intrusive	Yes	The subject land is not mapped as visually sensitive and development will not be visually intrusive, subject to 5 hectare lots being located along the Castlereagh Highway.
5. Will not undermine future residential land opportunities	Subject to water and sewer extension	There is a reticulated water supply to the Mudgee Waste Depot that is likely to be extended to the proposed industrial area on the northern side of Hill End Road. Therefore, the land fronting Hill End Road is not included in this area, as it has potential to be serviced by water and sewer.
6. Will not adversely impact on the groundwater system	Yes	The land is mostly gently sloping, becoming steeper in the western parts. It is unlikely that significant earthworks will be required for development of 2 to 5 hectare lots. Subject to detailed assessment of slope and of proposed on-site sewerage management systems, development is unlikely to adversely impact on the groundwater system.



7. Can be justified in terms of supply and demand	Yes	Likely to be a short to medium term opportunity, potentially providing approximately 40 2 hectare lots (37 new lots) and 13 5 hectare lots (8 new lots).
8. Can be managed to reduce bushfire hazard	Yes	The land is potentially subject to grassfires but there are no significant stands of bushland in the vicinity to generate risk of bushfires. With suitable asset protection zones and management of land, the risk can be minimised.
9. Should avoid Biophysical Strategic Agricultural Land	Yes	<p>The land is not identified as Biophysical Strategic Agricultural land. The land is class 5 agricultural land.</p> <p>The subject land is partly zoned RU1 Primary Production, with land along the Castlereagh Highway zoned R5 Large Lot Residential Development.</p> <p>While the bulk of the RU1 zoned land is one relatively large lot, it is not the best agricultural land around Mudgee and is considered unlikely to be viable for agriculture in the long term.</p>
10. Has access to a sustainable water supply	Yes, subject to detailed assessment	Any 5 hectare lots developed are large enough to provide adequate water supply through rainwater tanks and dams or bores. The provision of water tanks and a supplementary water supply, such as a common well is considered to be achievable in the area to support 2 hectare development.
11. Avoids areas of moderate or high biodiversity sensitivity	Yes	There is no mapped biodiversity sensitivity in the subject area. Development of 2 and 5 hectare lots can be undertaken without negative impact on biodiversity.
12. Development will not undermine future business and industrial land opportunities	Yes, subject to design.	The area adjoins land zoned for future employment purposes. It is unlikely that the employment land will extend north, and is more likely to extend east or west in the future if required. Good design and buffers between the employment land and residential development will ensure the proposed employment land is not undermined.
13. Development avoids detrimental impacts on identified Aboriginal and European heritage	Yes, subject to detailed assessment	There are no known Aboriginal sites in the subject area, though detailed assessment would be required at a development application stage. There are no European heritage items in the subject area.
14. Has potential for expansion beyond the 20 year horizon of this review	Yes	There is similar land to the north-west of the subject area that could in the future be made available for 2 or 5ha lots.

#### 6.3.4 Recommendations for Area 3

1. The subject land as shown in the recommendation map on the following page has potential for future 2 and 5 hectare subdivision, subject to demonstrating adequate water supply.

Land fronting the Castlereagh Highway has potential for future 5 hectare subdivision, with the larger lots minimising visual impacts on the approach to Mudgee. The remainder of the subject land as shown in the recommendation map on the following page has potential for future 2 hectare subdivision, subject to demonstrating adequate water supply.

There is approximately 165 hectares of developable land, potentially yielding 40 2 hectare lots (37 new lots) and 13 5 hectare lots (8 new lots).

The yield for the 2 hectare part of this area is based on the total site area, less 20% for infrastructure, divided by 2. For this area, 20% of the site area is allocated for infrastructure as there are no existing roads within the area. The calculation is as follows:

- Site area of 100ha x 80% = 80ha / 2 = 40 2 ha lots (37 new lots).

The yield for the 5 hectare part of this area is based on the total site area divided by 5. The calculation is as follows:

- Site area of 65ha / 5 = 13 5ha lots (8 new lots).

2. Should adequate water supply not be able to be demonstrated, the minimum lot size for the whole of the identified areas should be 5 hectares.
3. Planning proposals to facilitate potential 2 and 5 hectare development should address, amongst other relevant matters, the following:
  - i. Water supply
  - ii. Visual sensitivity
  - iii. Groundwater impact
  - iv. Buffers to future employment lands
  - v. Aboriginal and European heritage

### Recommendation Map – Area 3





## 6.4 Area 4 - Southern and Eastern Extension of Area 1, Spring Flat

### 6.4.1 Introduction

Land along Spring Flat Road and Spring Flat South Lane to the south and east of Area 1, as shown on the map below and the photos on the following page, contains eight large lots ranging in size from 10 to 62 hectares in size. The land is zoned R5 Large Lot Residential, RU4 Primary Production Small Lots and RU1 Primary Production, with minimum lot sizes of 12, 20 and 100ha respectively.





#### 6.4.2 Photos of Area 4



View from corner of Spring Flat Road and Spring Flat South Lane



View looking south-east from bend in Spring Flat Road (vegetation marks line of Oaky Creek)



View from Spring Flat Road at western extent of Area 4



View of vegetation patch at main bend in Spring Flat South Lane



View of land along eastern side of Spring Flat South Lane



View of land along western side of Spring Flat South Lane

#### 6.4.3 Constraints Analysis of Area 4

Area 4 is to the south and east of Area 1, between Broadhead Road and Spring Flat Lane. This area is identified for potential 2 hectare subdivision only if the medium or high growth scenarios described in Section 4 of this report are realised. Development of this land for 2 hectare lots would not be visually intrusive. There are some environmental constraints that would need to be managed, including biodiversity and potential localised flooding along Oaky Creek. Any future planning for development of this area would need to demonstrate adequate water supply can be provided to each lot.

Criteria	Complies	Comment
1. Can be managed to avoid land use conflict	Yes	While this area is extending slightly into existing rural land, subdivision design and location of future dwellings on 2ha lots can be managed to avoid land use conflict.
2. Is unconstrained by flooding (above 1 in 100 ARI)	Yes, subject to detailed assessment	The subject land is not known to be constrained by flooding, however detailed assessment of potential flooding along Oaky Creek and Darkeys Gully will be required.
3. Can be connected to the existing road network by sealed road access	Yes	Spring Flat South Lane is a sealed road. Spring Flat Road is sealed a small part of the way into the subject area. Any future development would be required to seal any unsealed road providing access to new lots.
4. Is not visually intrusive	Yes	The land is included in the Visually Sensitive Land Map in LEP 2012. However, as there are stands of vegetation along roadsides, watercourses and fencelines that provide some screening, development of the area can be undertaken in a manner that will not be visually intrusive.
5. Will not undermine future residential land opportunities	Yes	The subject land is unlikely to be serviced for urban residential development.
6. Will not adversely impact on the groundwater system	Subject to detailed assessment	The land is relatively flat and will not need significant earthworks for development. Subject to detailed assessment of on-site sewerage management systems, development will not adversely impact on the groundwater system.
7. Can be justified in terms of supply and demand	Depending on level of demand	If the demand is 7 lots per year as predicted over the next 20 years, this area will not be required. However, should demand exceed this level, development of this area can be justified.
8. Can be managed to reduce bushfire hazard	Yes	The subject land is potentially subject to grassfires and adjoins bushfire prone land. With suitable asset protection zones and management of land, the risk can be minimised.

9. Should avoid Biophysical Strategic Agricultural Land	Yes	The land is not identified as Biophysical Strategic Agricultural land. The majority of the land is mapped as class 4 agricultural land, with the eastern portion mapped as Class 3. The land is zoned R5 Large Lot Residential, RU4 Primary Production Small Lots and RU1 Primary Production.
10. Has access to a sustainable water supply	Yes, subject to detailed assessment	The provision of water tanks and a supplementary water supply, such as a common well may be achievable in this area. Any planning proposal for the land will need to demonstrate adequate water supply can be provided.
11. Avoids areas of moderate or high biodiversity sensitivity	Yes	There are some small patches of high biodiversity sensitivity in the area. Development of 2 ha lots can be undertaken without negative impact on biodiversity.
12. Development will not undermine future business and industrial land opportunities	Yes	The subject land is not likely to be required for employment purposes.
13. Development avoids detrimental impacts on identified Aboriginal and European heritage	Yes, subject to detailed assessment	There are some known Aboriginal heritage items in the area. Development of 2 ha lots can be undertaken in a manner that avoids impacts on these items. There are no European heritage items in the subject area or in the vicinity.
14. Has potential for expansion beyond the 20 year horizon of this review	Not significantly	Land to the south-west is constrained by bushland, slope and visual sensitivity. Land to the east is class 3 agricultural land and should be retained as rural. Land to the south-east may be able to accommodate a small expansion.

#### 6.4.4 Recommendations for Area 4

1. This area will not be required for potential 2 hectare subdivision before 2040, unless demand is consistent with the medium or high growth scenarios described in Section 4 of this report. Should these growth scenarios be realised, the land to the west of Spring Flat South Lane should be the first part of this area considered for 2 ha subdivision.

This area could yield up to 35 new 2 hectare lots or 9 new 5 hectare lots. This is based on the total site area, less 15% for infrastructure, divided by 2. For this area, 30% of the site area is allocated for environmental constraints and infrastructure. The calculation is as follows:

- Site area of approximately 124ha x 70% = 87ha / 2 = 43 2ha lots (35 new lots), or
- Site area of approximately 124ha x 70% = 87ha / 5 = 17 5ha lots (9 new lots).

2. Should adequate water supply not be able to be demonstrated, the minimum lot size for whole of the area should be 5 hectares.



3. Planning proposals to facilitate potential 2 hectare development should address, amongst other relevant matters, the following:

- i. Water supply
- ii. Visual sensitivity
- iii. Groundwater impact
- iv. Localised flooding and drainage
- v. Biodiversity
- vi. Bushfire
- vii. Aboriginal and European heritage.

#### Recommendation Map – Area 4





## 6.5 Summary of Lot Yield from Identified Areas

For each area, a potential yield of 2 and 5 hectare lots has been established. The following table outlines the total lot yield achievable, assuming all 2 hectare areas can demonstrate adequate water supply.

	2ha		5ha	
Area	Total lots	New lots	Total lots	New lots
1 (including Hill Sixty Drive)	28	25	14	7
2	0	0	12	6
3	40	37	13	8
4	43	35	0	0
<b>Total</b>	<b>111</b>	<b>97</b>	<b>39</b>	<b>21</b>

In Section 4 of this report, three demand scenarios were outlined. The following discussion outlines how the estimated supply of new lots from the four areas meets the demand in each scenario.

In Scenario 1, 56 2 hectare lots and 14 5 hectare lots are required. To meet the demand for 2 hectare lots, all of Area 1 and part of Area 3 are required. To meet the demand for 5 hectare lots, it is anticipated that some lots in each of Areas 1, 2 and 3 will be subdivided. Area 4 is not required to meet the demand in Scenario 1.

In Scenario 2, 80 2 hectare lots and 20 5 hectare lots are required. To meet the demand for 2 hectare lots, all of Areas 1 and 3 and part of Area 4 are required. To meet the demand for 5 hectare lots, all of Areas 1, 2 and 3 are required.

In Scenario 3, 104 2 hectare lots and 26 5 hectare lots are required. To meet the demand for 2 hectare lots, all of Areas 1, 3 and 4 are required, with a small shortfall of seven lots in this high growth scenario. To meet the demand for 5 hectare lots, all of Areas 1, 2 and 3 are required, with a small shortfall of five lots in this high growth scenario.

## 6.6 Area Assessment Matrix

Each of the four areas have been assessed against the criteria outlined in Section 5 above. In the table below, each area is ranked according to how best they meet the criteria, and each criteria has been assigned a weighting based on the degree of relative importance.

Criteria and Weighting	Area 1	Area 2	Area 3	Area 4
<b>1. Land use conflicts</b>	3	3	2	2
Weighting (20)	60	60	40	40
<b>2. Flooding</b>	2	3	3	2
Weighting (2)	4	6	6	4
<b>3. Sealed road access</b>	2	3	3	2
Weighting (5)	10	15	15	10
<b>4. Not visually intrusive</b>	3	3	2	3
Weighting (15)	45	45	30	45
<b>5. Impact on future residential land</b>	3	3	1	4
Weighting (10)	30	30	10	30
<b>6. Impact on groundwater system</b>	2	2	2	2
Weighting (5)	10	10	10	10
<b>7. Supply and Demand</b>	3	3	3	1
Weighting (8)	24	24	24	8
<b>8. Bushfire risk</b>	3	2	2	2
Weighting (2)	6	4	4	4
<b>9. Avoid good agricultural land</b>	3	3	3	2
Weighting (15)	45	45	45	30
<b>10. Water supply</b>	2	3	2	2
Weighting (10)	20	30	20	20
<b>11. Biodiversity</b>	2	3	3	2
Weighting (2)	4	6	6	4
<b>12. Impact on future employment land</b>	3	3	2	3
Weighting (2)	6	6	4	6
<b>13. Heritage</b>	2	3	3	2
Weighting (2)	4	6	6	4
<b>14. Potential expansion</b>	3	0	3	1
Weighting (2)	6	0	6	2
<b>Total</b>	<b>310</b>	<b>324</b>	<b>260</b>	<b>247</b>
<b>Ranking</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>4</b>

3 = Meets criteria

2 = Can meet criteria with good design

1 = May meet criteria

0 = Does not meet criteria

## 7 RECOMMENDATIONS

Based on the assessment and the ranking, the following recommendations are made:

1. Area 1 at Spring Flat South Lane should be made available for 2 hectare development in the medium term (10-15 years). The minimum lot size for the Hill Sixty Drive area should be changed to 5 hectares in the short term.
2. Area 2 at Rocky Waterhole should be made available for 5 hectare development in the short term. This area will provide up to 30 5 hectare lots (20 new lots), which given the fragmentation of the land, are likely to be available to the market on a sporadic basis over 20 years.
3. Area 3 at the Castlereagh Highway between Hill End Road and Lower Piambong Road should be made available for a mix of 2 and 5 hectare development in the medium term (10-15 years).
4. Area 4 at Spring Flat Road and Spring Flat South Lane should, if demand exists, be made available for 2 hectare development in the medium to long term (15-20 years).
5. Annual reviews of the release of 2 and 5 hectare lots shall be undertaken through the Council's land monitor. Every 5 years, a broader review of supply and demand shall be undertaken to update, refine and extend the 20 year planning horizon for 2 and 5 hectare lots.

The staging of development to meet the demand over the ten year period from 2030 to 2040 is outlined in the following tables, based on each demand scenario described in Section 4 of this report.

### Staging of development of identified 2 hectare areas

#### Scenario 1 - Based on demand for 80% of 7 lots per year

Time period	Lots required	Supply
10-15 years	28	15 2ha lots at Area 1 (Spring Flat Road south of Hill Sixty Drive) 13 2ha lots at Area 6 (Hill End Rd to Lower Piambong Rd)
15-20 years	28	10 2ha lots at Area 1 (Southern Investigation Area) 18 2ha lots at Area 6 (Hill End Rd to Lower Piambong Rd)

#### Scenario 2 - Based on demand for 80% of 10 lots per year

Time period	Lots required	Supply
10-15 years	40	20 2ha lots at Area 1 (Spring Flat Road south of Hill Sixty Drive) 20 2ha lots at Area 6 (Hill End Rd to Lower Piambong Rd)
15-20 years	40	5 2ha lots at Area 1 (Spring Flat Road south of Hill Sixty Drive) 17 2ha lots at Area 6 (Hill End Rd to Lower Piambong Rd) 18 lots at Area 1 (Southern and Eastern extension)

#### Scenario 3 - Based on demand for 80% of 13 lots per year

Time period	Lots required	Supply
10-15 years	52	20 2ha lots at Area 1 (Spring Flat Road south of Hill Sixty Drive) 20 2ha lots at Area 6 (Hill End Rd to Lower Piambong Rd) 12 2ha lots at Area 1 (Southern and Eastern extension)
15-20 years	52	5 2ha lots at Area 1 (Spring Flat Road south of Hill Sixty Drive) 17 2ha lots at Area 6 (Hill End Rd to Lower Piambong Rd) 23 2ha lots at Area 1 (Southern and Eastern extension) Note: There is a shortfall of 7 2ha lots in this scenario.

## Staging of development of identified 5 hectare areas

### Scenario 1 – Based on demand for 20% of 7 lots per year

Time period	Lots required	Supply
10-15 years	7	3 5ha lots at Area 4 (Rocky Waterhole Road) 2 5ha lots at Hill Sixty Drive 2 5ha lots at Area 6 (Hill End Rd to Lower Piambong Rd)
15-20 years	7	3 5ha lots at Area 4 (Rocky Waterhole Road) 2 5ha lots at Hill Sixty Drive 2 5ha lots at Area 6 (Hill End Rd to Lower Piambong Rd)

### Scenario 2 – Based on demand for 20% of 10 lots per year

Time period	Lots required	Supply
10-15 years	10	3 5ha lots at Area 4 (Rocky Waterhole Road) 4 5ha lots at Hill Sixty Drive 3 5ha lots at Area 6 (Hill End Rd to Lower Piambong Rd))
15-20 years	10	3 5ha lots at Area 4 (Rocky Waterhole Road) 3 5ha lots at Hill Sixty Drive 3 5ha lots at Area 6 (Hill End Rd to Lower Piambong Rd)

### Scenario 3 – Based on demand for 20% of 13 lots per year

Time period	Lots required	Supply
10-15 years	13	3 5ha lots at Area 4 (Rocky Waterhole Road) 4 5ha lots at Hill Sixty Drive 6 5ha lots at Area 6 (Hill End Road to Lower Piambong Road)
15-20 years	13	3 5ha lots at Area 4 (Rocky Waterhole Road) 3 5ha lots at Hilly Sixty Drive 2 5ha lots at Area 6 (Hill End Road to Lower Piambong Road) Note: There is a shortfall of 5 5ha lots in this scenario.



## **8 ATTACHMENTS**

The attachments listed below follow consecutively:

**Map 1 The Study Area**

**Map 2A Environmental Constraints**

**Map 2B Environmental Constraints**

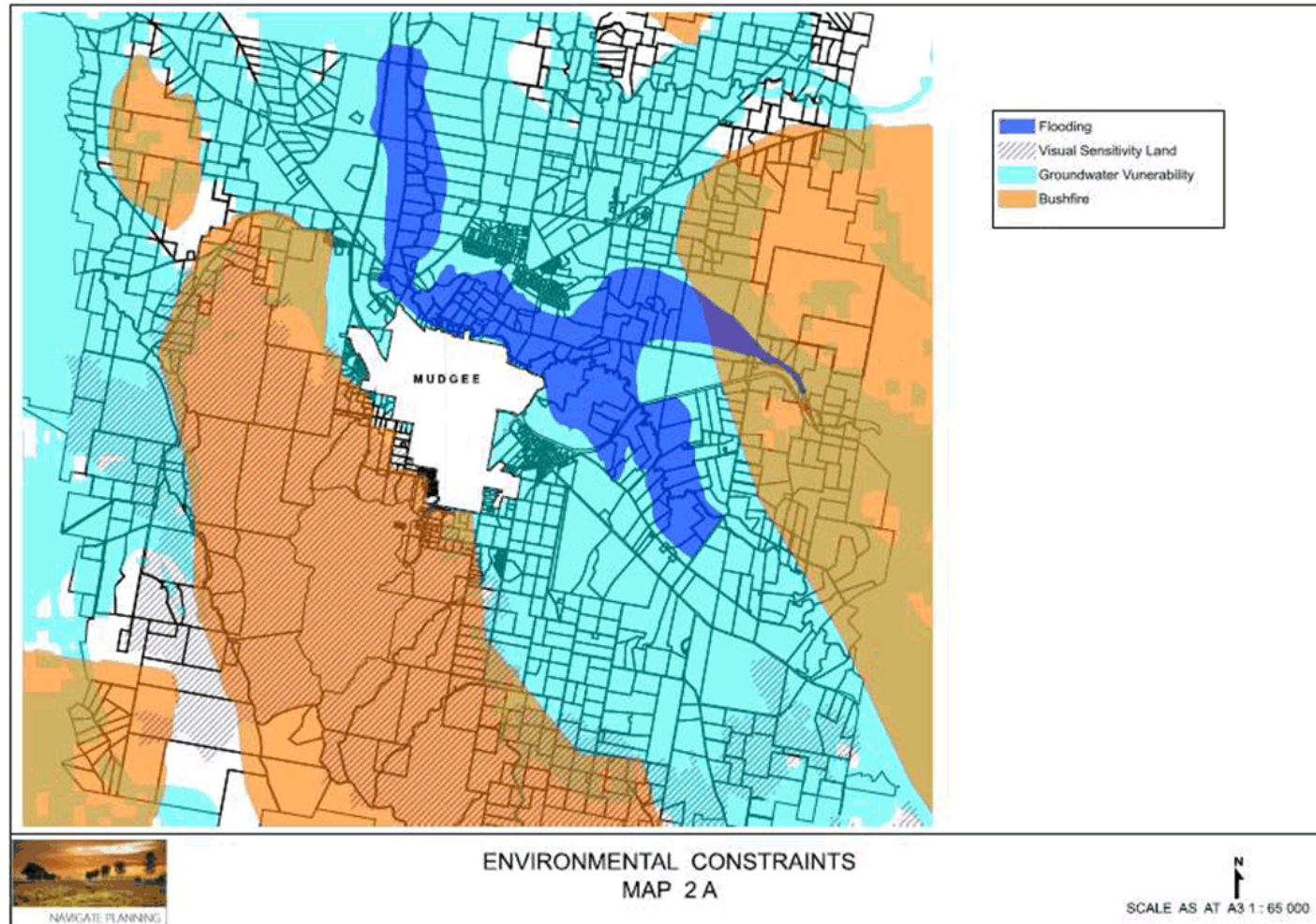
**Map 2C Environmental Constraints**

**Map 3 Land Zoning, Minimum Lot Size and Services**

**Map 1    The Study Area**



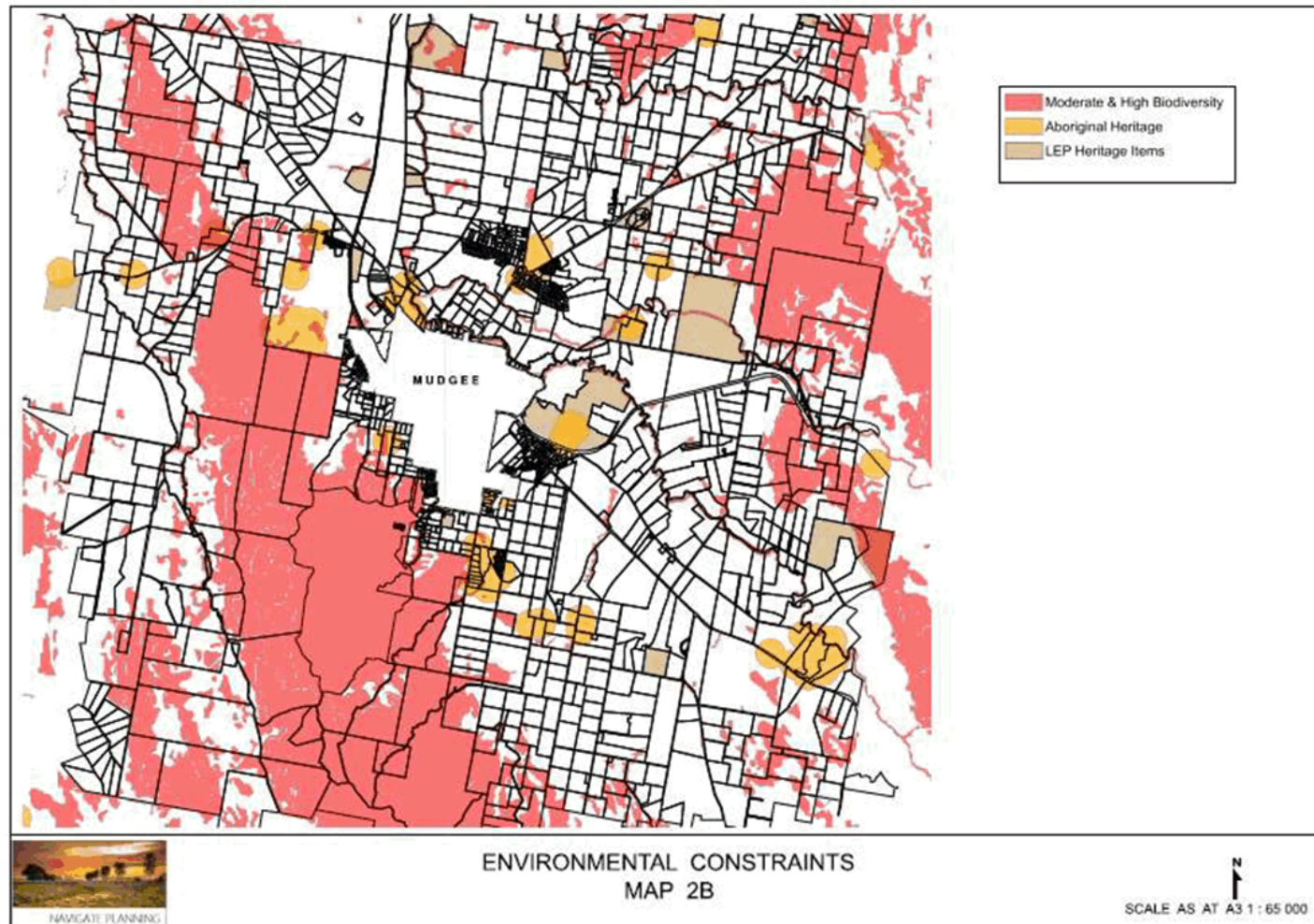
**Map 2A Environmental Constraints**





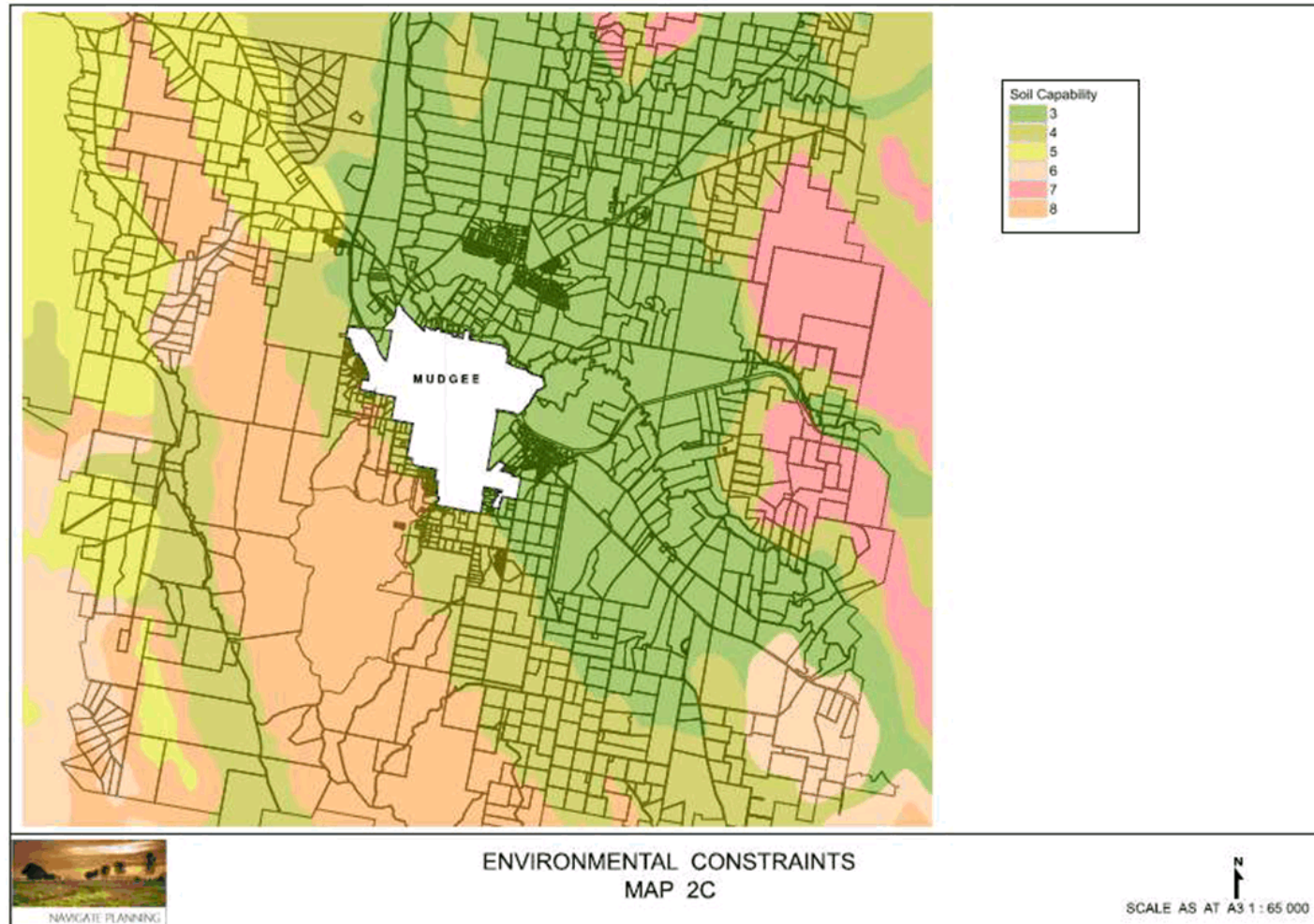


**Map 2B Environmental Constraints**





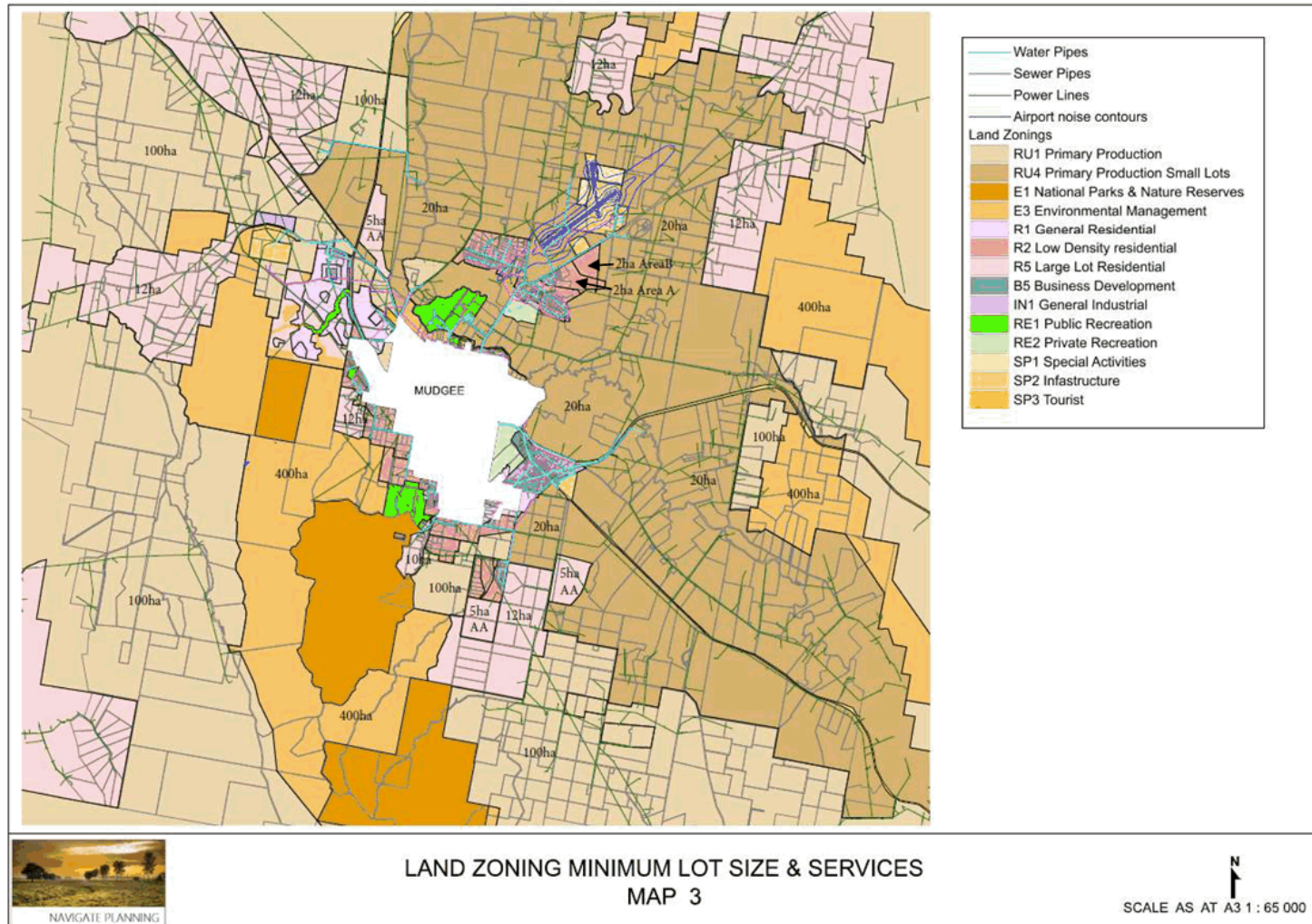
**Map 2C Environmental Constraints**







**Map 3 Land Zoning, Minimum Lot Size and Services**



# Development Control Plan 2013

Amendment No. 5

Further information email [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au) or telephone 1300 765 002



[www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au)

## CONTENTS

Part 1 Introduction.....	4
1.1 Purpose of the Plan.....	4
1.2 Aim of the Plan .....	4
1.3 How the Plan Works .....	4
1.4 Transition Provision .....	4
1.5 Fast Track Determinations.....	5
1.6 Documentation Required to Accompany a FASTTRACK DA .....	6
1.7 Don't meet the "deemed to satisfy" standards? .....	6
1.8 Relationship to other Plans .....	6
1.9 Developer Contributions .....	7
1.10 Private Covenants.....	7
1.11 Sewer infrastructure .....	7
1.12 Community Consultation.....	8
Part 2 Fast Track Development Applications .....	9
2.1 General Housing and Ancillary Structures "Deemed to Satisfy" Provisions .....	9
2.2 Dual Occupancy Development "Deemed to Satisfy" Provisions .....	12
Part 3 Discretionary Development Standards .....	15
3.1 Residential Development in urban areas (single dwellings and dual-occupancies) .....	15
Part 4 Specific Types of Development .....	21
4.1 Multi Dwelling Housing .....	21
4.2 Affordable Multi Dwelling Housing .....	26
4.3 Sex Services Premises (Brothels) .....	29
4.4 Signs.....	31
4.5 Commercial development .....	38
4.6 Industrial Development .....	41
4.7 Tree Preservation Order .....	44
Part 5 Development Standards .....	46
5.1 Car Parking .....	46
5.2 Flooding .....	50

5.3	Stormwater Management .....	53
5.4	Environmental Controls .....	60
Part 6	Development in Rural Areas .....	64
6.1	Dwellings.....	64
6.2	Temporary Workers Accommodation.....	66
6.3	Wind Farms.....	71
6.4	Tourist and Visitor Accommodation.....	76
6.5	Solar Energy Farms.....	78
Part 7	Subdivision.....	84
7.1	Urban Subdivision .....	84
7.2	Rural Subdivision .....	<b>Error! Bookmark not defined.</b> 87
Part 8	Site Specific Controls.....	92
8.1	Gulgong .....	92
8.2	West Mudgee .....	93
8.3	Caerleon Residential Area .....	94
Appendix A	Flood Schedules .....	95
Appendix B1	MWRC Auspec Stormwater Drainage Design .....	100
Appendix B2	Stormwater to Smartwater .....	101
Appendix C	Caerleon Development Control Plan.....	102
Appendix D	Implementing a Subdivision Consent.....	103



## PART 1 INTRODUCTION

### 1.1 PURPOSE OF THE PLAN

This Plan contains more detailed guidelines to complement the provisions contained in the Mid-Western Regional Local Environmental Plan 2012 which applies to all land within the Mid-Western Regional Local Government Area.

### 1.2 AIM OF THE PLAN

The aims of this Plan are to:

- Implement and support the objectives of the Local Environmental Plan (Mid-Western Regional LEP 2012);
- 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;
- Expedite development approvals by providing clear direction of Council's intent and criteria; and
- Provide certainty of development outcomes for developers and the community.

### 1.3 HOW THE PLAN WORKS

The Development Control Plan (DCP) provides specific criteria for local development within the Mid-Western Local Government Area, including the "deemed-to satisfy" criteria that will facilitate *fast – tracking* of certain development applications (DA).

The four different assessment streams for development are outlined in figure 1.

Under 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act), Council is required to consider a range of issues in the evaluation of a DA including the DCP. Therefore compliance with this DCP does not guarantee development approval will be issued. However, in relation to certain development types, Council has adopted "non-discretionary" development controls that establish a "deemed-to satisfy" standard of development. Where this standard is achieved, Council will not:

- Further consider those standards in determining the DA; or
- Give weight to objections received relating to those standards; or
- Refuse the DA on the grounds that the development does not comply with those standards; or
- Impose a condition of consent that has the same, or substantially the same, effect as those standards but is more onerous than those standards.

Where the "deemed to satisfy" standard is not achieved, the DA cannot be *fast-tracked*, and the DA must provide justification in line with the Discretionary Development Standards.

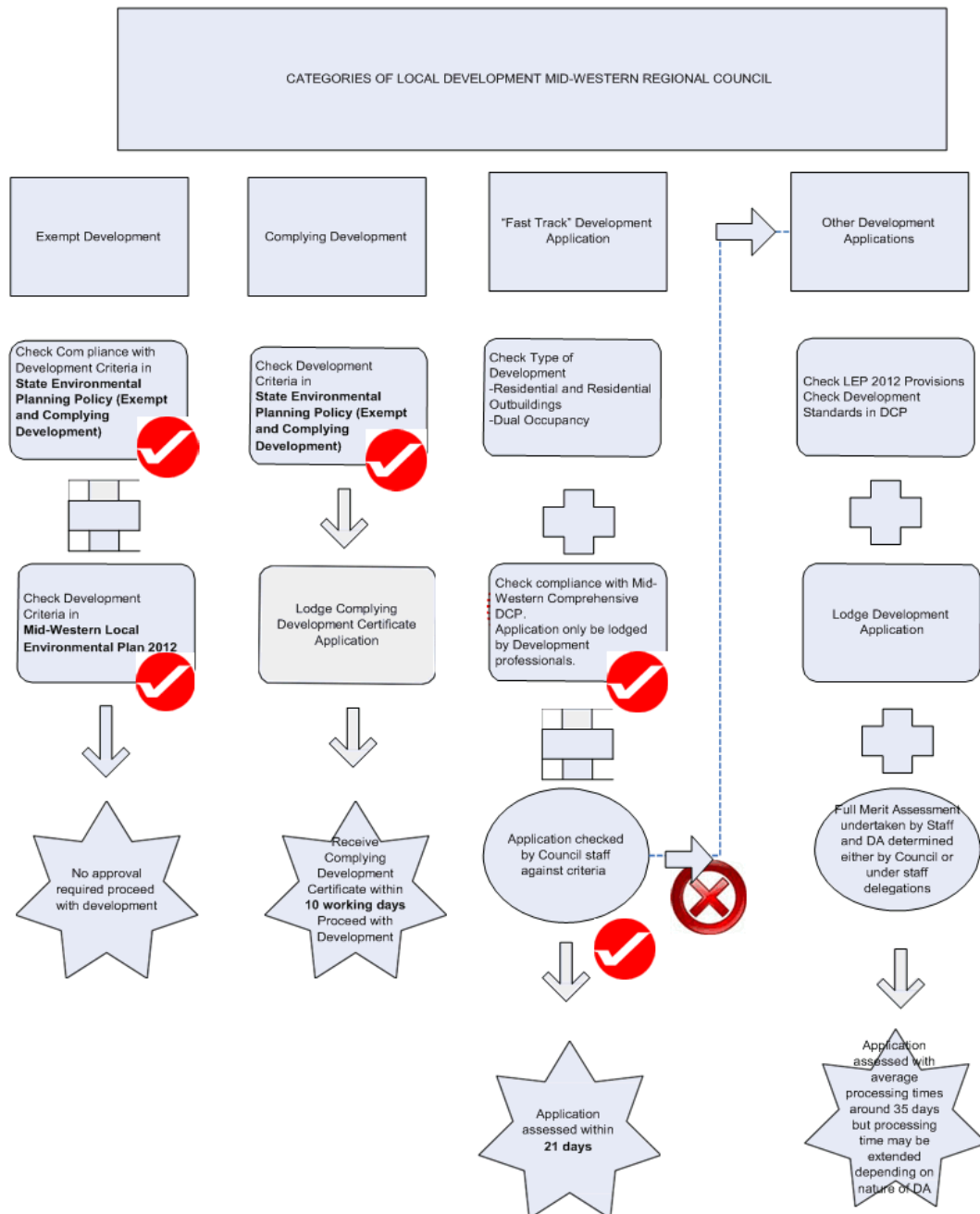
### 1.4 TRANSITION PROVISION

Where a development application is lodged prior to the commencement of this Development Control Plan the applicant must nominate if the application is to be assessed under this Development Control Plan or the Development Control Plans in place prior to the adoption of this Development Control Plan.

Where no development control plan is nominated an application will be assessed in accordance with the Development Control Plans in place prior to the adoption of this Development Control Plan.

## 1.5 FAST TRACK DETERMINATIONS

The *fast-track* process allows specific types of development to be determined more quickly than a standard DA where the proposal meets the “deem-to satisfy” provisions of this DCP. Where a proponent certifies that the minimum standards are met, determination should be issued within 21 days.



The new “deem-to satisfy” process is a simpler, faster approval pathway. Still merit-based, the process streamlines the assessment of common forms of development that can be clearly quantified as achieving outcomes sought by the community, the development industry and Council.

**The following types of development may be fast-tracked where the proponent certifies that the development complies with the minimum DCP controls:**

- Residential (General Housing including ancillary structures such as pools and carports).
- Dual Occupancy
- Fast-tracking does not apply to residential and dual-occupancy development on flood prone land or bushfire prone land.

***Fast-tracking* does not apply to any other development.**

**Development Applications lodged under the fast track process will need to be accompanied by signed certification.**

**Council will only accept applications certified by suitably qualified persons (such as planners, architects, engineers, draftsman and surveyors).**

**Where plans are subsequently found to not meet a standard, the application will be removed from the *fast-track* system and the development professional who provided the certification will not be eligible to claim fast track determinations for a period of at least 6 months.**

## 1.6 DOCUMENTATION REQUIRED TO ACCOMPANY A *FAST TRACK* DA

The documentation required to be prepared for a *fast track* DA is the same as for a regular DA. Schedule 1 of the Environmental Planning and Assessment Regulations 2000, specify this information,

A *Fast Track Certification Checklist* must also be completed to confirm that the proposal complies with all the “deemed –to satisfy” controls applicable to that form of development.

Separate checklists are provided for each development type in Council’s website – [Midwestern@nsw.gov.au](mailto:Midwestern@nsw.gov.au) .

## 1.7 DON’T MEET THE “DEEMED TO SATISFY” STANDARDS?

If your proposal does not meet the “deemed to satisfy” standards, your application must provide justification as the variation of the deemed to satisfy provisions and address the relevant performance standards in this DCP.

Applications that do not meet the “deemed-to-satisfy” criteria WILL NOT be processed under the *fast track* stream.

## 1.8 RELATIONSHIP TO OTHER PLANS

The DCP is only one of the matters that must be considered by Council in determining a DA.

The proposal must also be considered with regard to the other matters contained in Section 4.15 of the Environmental Planning and Assessment Act 1979, including relevant environmental planning instruments, the likely environmental effects, suitability of the site, any submissions received and the public interest.

Where inconsistency arises between this DCP and any environmental planning instrument applying to the same land, the provisions of the environmental planning instrument prevail.

## **1.9 DEVELOPER CONTRIBUTIONS**

As a consequence of development it is likely that an increase in the demand for public amenities and services (such as community facilities, local open space etc.) will occur. In this regard, a contribution under Section 7.11 of the Environmental Planning and Assessment Act 1979 may be required as a condition of the development consent in accordance with Mid-Western's Contributions Plan.

Council required developers to contribute towards the augmentation of water and sewerage works to meet the additional demands of the new development. In this regard, approval must be sought from Council under the Water Management Act 2000 to determine the required contributions.

## **1.10 PRIVATE COVENANTS**

Where inconsistency arises between this DCP and any private covenant, the provision of the DCP will prevail. Council is not required to have regard to private covenants in the assessment of development applications. Clause 1.9A of the Mid-Western Regional LEP 2012 outlines the full legal context associated with this provision.

## **1.11 SEWER INFRASTRUCTURE**

Council does not permit the following types of development over an existing sewer main or easement for sewer;

- erection of permanent structures,
- cut or fill of land,
- the planting of trees, or
- Concrete structures.



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**INTENTIONALLY LEFT BLANK**

Section 1.12 Community Consultation has been repealed and is superseded by the Community Participation Plan which can be found on Council's website

## PART 2 FAST TRACK DEVELOPMENT APPLICATIONS

### 2.1 GENERAL HOUSING AND ANCILLARY STRUCTURES “DEEMED TO SATISFY” PROVISIONS

The following criteria must be met to qualify for the “fast track” application process.

#### Building Setbacks

Zone	Street	Side/Rear	Secondary Frontage for Corner Lots *
R1, R2 and R3 where Lot size is less than 900m <sup>2</sup>	4.5m to building line or average of adjoining properties  5.5m to the garage	900mm	0m for garages in laneways 2m to side boundary
R1, R2 and R3 where Lot size is greater than 900m <sup>2</sup> , less than 2,000m <sup>2</sup>	6.5m to building line or average of adjoining properties 7.5 to the garage	900mm	2m
R2 where 2000m <sup>2</sup> to 1ha	10m	2.5m	5m
R5 Less than or equal to 5ha. In area	30m	20m	15m
RU1, RU4 and R5 Greater than 5ha. in area	60m	20m	15m
RU5	7.5m	BCA	3m

\*Applicant to nominate front and secondary setback.

- Where the lot is located on a Classified Road such as Ulan or Cope Road the front setback is 100m and side and rear setback is 20 metres.
- Where the lot is located on the State Highway (Castlereagh Highway) the front setback is 200 m and the side setback is 20 metres.
- Garages – the aggregate width of the garage door or carport shall not exceed 45% of the front elevation of the dwelling.

#### Building height

- Single storey (Single storey dwelling is one that has only one storey (as defined by the BCA) and the Finished Floor Level (FFL) is less than 1 metre above natural ground level.

#### Privacy

- Single storey development achieving setbacks do not require specific privacy controls.

#### Design

- 75% of the Private open space and internal living areas should have access to sunlight for 3 hours a day between 9 am and 3 pm with direct access to the

- 
- main living areas.
  - 80m<sup>2</sup> of private open space is provided with a minimum dimension of 5 metres.
  - No windowless facades at the street frontage(s).
  - Street elevations are to include at least 5% of openings including windows, doors.
  - Garages – the aggregate width of the garage door or carport shall not exceed 45% of the front elevation of the dwelling.
  - For corner allotments no fences, structures or landscaping exceeding 1 metre in height are to be located within the triangle formed by a sight line 12 metres x 6 metres from the intersection of the two street boundary lines.
  - Cannot be a transportable or relocated building.
- Parking**
- Provision for parking of two vehicles behind the building line including at least one space undercover.
- Utilities**
- Buildings and structures are to be located clear of utility infrastructure.
  - No building can be located within an easement for the purposes of utility infrastructure.
  - Structures are to be located 1,500 mm for the centre line of the water or sewer main.
  - Details of water supply and sewer reticulation are to be provided.
    - ❖ If available within 500 m connected to reticulated network.
    - ❖ Where no water supply is available, a minimum tank storage of 60,000 litres is required, of which a minimum of 20,000 litres is retained for fire fighting purposes.
  - Where there is no reticulated sewer system than approval is required for onsite disposal in accordance with Section 68 of the Local Government Act 1919
  - Stormwater shall be designed to flow to a gravity system. Alternatives are not acceptable.
  - No building on overland flow paths
- Fencing**
- Front fences to be open panels not to include “Colorbond” and are restricted to a maximum height of 1.2 metres.
  - Where a street fence is proposed, the section of side fence located in front of the building setback shall be open or a combination of open panels and masonry columns to match the front fence.
  - Dividing fences is not to adversely affect the flow of surface of surface water or create flooding problems to adjoining properties.
  - Maximum height of side and rear fences behind the building line to be 1.8 metres.
- Access**
- All weather two wheel drive access
  - Driveways to be located a minimum of 6m from an intersection.
  - For rural area the minimum sight distances-is 250m in the 100km/hr speed zone and 180km/hr for the 80km zone
  - Where the driveway exceeds a slope of 6 % appropriate erosion and sediment control is to be incorporated into the design of the access.

**Garages  
Outbuildings  
and Carports**

Maximum size of garages and outbuildings in urban areas\* shall be as follows:

Lot size m2	Shed Size m2
<750	50
751-1000	80
1001-2000	100
2001-3000	120
3001 and greater	150

\*urban areas are limited to residential areas which include the R1, R2, R3 zones and where a dwelling-house is approved or constructed on the land. A garage or outbuilding is not permitted on vacant urban land where a dwelling is not approved or constructed.

A maximum building height of 4.5 metres from natural ground level to the ridge applies in urban areas where the lot is under 2,000m<sup>2</sup>.

**Ridgelines**

- Development roofline must not project above the ridgeline where visible from any public road or place.

**Slope & Cut  
and Fill**

- The slope of the development site cannot exceed 15degrees.
- Cut is to be limited to 1,000mm.
- Fill is restricted to 600 mm. It must be clean fill and a geotechnical assessment issued for the fill to demonstrate compaction to the Australian Standard.
- Any cut and/or fill must be provided with retaining walls, drainage and must be setback a minimum of 300 mm from any boundary.
- Fill must not direct stormwater onto adjoining properties and drainage pits for overland flow paths are to be provided.
- Cut and fill is not permitted within water or sewer easements

**Pools**

- Pools and fencing to be located behind the building line.
- Where visible from a public place or road, details of screening to be provided with DA.
- Any associated retaining walls tor decks not to exceed 1.0 m above the natural ground surface.
- Pool pump enclosure to be placed greater than 15 m from a habitable room in any dwelling adjoining the property or within a sound proof enclosure.
- Compliance with the relevant Australian Standards – please check with Council to ascertain the correct standard.
- Pools over 40,000 Litres require a BASIX Certificate to be provided with application.

**Energy  
Efficiency**

- New Dwelling – Has a BASIX Certificate.
- Alteration and Additions that do not exceed \$50,000 in value shall provide R3 Ceiling insulation and R1.5 wall insulation (to be shown on the plans).

**Permissibility**

- The lot is to comply with the minimum area as designated on the LEP 2012 Lot Size Map or compliance must be achieved with Clause 4.2A for rural dwellings.

**Heritage**

- Heritage items are excluded from the fast track provisions.



## 2.2 DUAL OCCUPANCY DEVELOPMENT “DEEMED TO SATISFY” PROVISIONS

The following criteria must be met to qualify for the “fast track” application process.

- Minimum** Attached Dual Occupancy – minimum area 600m<sup>2</sup>  
**Lot Size** Detached Dual Occupancy – minimum area 800m<sup>2</sup>  
 Detached dual occupancy is PROHIBITED in the R2 Low Density Residential Zone.

### Building Setbacks

Zone	Street	Side/Rear	Secondary Frontage for Corner Lots *
R1, R2 and R3 where Lot size is less than 900m <sup>2</sup>	4.5m to building line or average of adjoining properties 5.5m to the garage	900mm	0m for garages in laneways 2m to side boundary
R1, R2 and R3 where Lot size is greater than 900m <sup>2</sup> , less than 2,000m <sup>2</sup>	6.5m to building line or average of adjoining properties 7.5 to the garage	900mm	2m
R2 where 2000 m <sup>2</sup> to 1 ha	10m	2.5m	5m
R5 Less than or equal to 5ha. in area	30m	20m	15m
RU1, RU4 and R5 Greater than 5ha. in area	60m	20m	15m
RU5	7.5m	BCA	3m

\*Applicant to nominate front and secondary setback.

- Where the lot is located a Classified Road such as Ulan or Cope Road the front setback is 100m and side and rear setback is 20 metres.
- Where the lot is located on the State Highway or Goolma Road the front setback is 200 m and the side setback is 20 metres.

- Building Height**
- Single storey (Single storey dwelling is one that has only one storey (as defined by the BCA) and the Finished Floor Level (FFL) is less than 1 metre above natural ground level.

- Design**
- Council will not consider mirror reversed or duplication of design for the two dwellings when fronting streets.
  - 75% of Internal living areas shall receive at least three hours effective sunlight between the hours of 9.00 am and 3.00 pm on 21 June (Winter solstice).
  - For attached and detached dual occupancies, any separation between the two dwellings is to be a minimum of 3 metres apart.
  - Compliment the appearance of the streetscape through the replication of the scale, spacing, fenestration, articulation, roof forms, setbacks and landscaping of dwellings on adjoining and surrounding lots.
  - All dual occupancies must have direct street frontage; that is no dual occupancy can be developed in a battleaxe arrangement.

- No windowless facades at the street frontage(s).
- Street elevations are to include at least 5% of openings including windows, doors.
- The dwellings shall not be relocated or manufactured homes.
- Garages – the aggregate width of the garage door or carport shall not exceed 45% of the front elevation of each dwelling.
- Cannot be a transportable or relocated building.

**Slope & Cut and Fill**

- The slope of the development site cannot exceed 15 degrees.
- Cut is to be limited to 1,000 mm.
- Fill is restricted to 600 mm. It must be clean fill and a geotechnical assessment issued for the fill to demonstrate compaction to the Australian Standard.
- Any cut and/or fill must be provided with retaining walls, drainage and must be setback a minimum of 300 mm from any boundary.
- Fill must not direct stormwater onto adjoining properties and drainage pits for overland flow paths are to be provided.
- Cut and fill is not permitted within water or sewer easements

**Open Space**

- Private open space should be on the northern or eastern side of the dwelling with direct access to the main living areas. Cannot be forward of the building line.
- Each dwelling shall have one principal private open space with a minimum area of 80 square metres and a minimum dimension of 5 metres (depth and width).
- For the purposes of this clause, living area means any room or rooms within the dwelling which are generally available for day-to-day use by residents and visitors and include such rooms as lounge, dining and kitchen.
- Decks, balconies and alfresco areas at or near ground level may only be counted as principal private open space area where they have direct northerly aspect and are no more than 25% of the private open space requirement.
- Council may consider private open space within the front setback.
- Where courtyards in the front setback are permitted, these shall be located behind a suitably landscaped area with a minimum width of 1.5 metres to the front boundary.

Such landscaping shall be maintained at all times to Council's satisfaction. Fencing of such areas will be incorporated into the landscaped area. The use of 'Colorbond' or similar fencing of such areas is prohibited in favour of timber or masonry materials.

- At least 75% of each required private open space area, courtyard, balcony, terrace or the like shall receive at least three hours effective sunlight between the hours of 9.00 am and 3.00 pm on 21 June (Winter solstice).

Council may require submission of shadow diagrams to demonstrate compliance with the requirement above.

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<b>Site Coverage</b>	<ul style="list-style-type: none"><li>• Maximum site coverage of 35%.</li></ul>
<b>Parking</b>	<ul style="list-style-type: none"><li>• Each dwelling to have two car parking spaces, at least one being a garage. The second space may be provided in a stacked arrangement in front of the garage providing the space is contained wholly within the subject site.</li><li>• All parking and manoeuvring areas to be hardstand.</li><li>• Driveways to be located 6m from an intersection.</li></ul>
<b>Utilities</b>	<ul style="list-style-type: none"><li>• Buildings and structures are to be located clear of utility infrastructure (Minimum 1m from light/power poles)</li><li>• No building can be located within an easement for the purposes of utility infrastructure.</li><li>• Structures are to be located 1500mm from the centre line of the water/sewer main.</li><li>• Details of water supply and sewer reticulation are to be provided. If the development is within 500 m of the reticulated water and sewer network, it must connect to that reticulated network.</li><li>• Dual Occupancy will not be permitted on allotments less than 5 ha where reticulated water and sewer is not connected.</li><li>• Where no water supply is available, a minimum tank storage of 60,000L is required, of which a minimum of 10,000L is retained for fire fighting purposes for each dwelling.</li><li>• Where there is no reticulate sewer system than approval is required for onsite disposal in accordance with Section 68 of the Local Government Act 1919</li><li>• Stormwater shall be designed to flow to a gravity system. Alternatives are not acceptable.</li><li>• No building over flow paths, no increase in flows.</li></ul>
<b>Fencing</b>	<ul style="list-style-type: none"><li>• All dual occupancy developments are required to provide a 1.8m high fence on the boundary of the development site and between private open space areas of individual units (all residential zones excluding R5 zone). All fencing is to be provided at full cost to the developer. All fencing which is in front of the building line shall be constructed of timber and/or masonry materials.</li><li>• Dividing fences are not to adversely affect the flow of surface of surface water or create flooding problems to adjoining properties.</li><li>• For corner allotments no fences, structures or landscaping exceeding 1 metre in height are to be located within the triangle formed by a sight line 12 metres x 6 metres from the intersection of the two street boundary lines.</li><li>• Maximum height of side and rear fences behind the building line to be 1.8 m.</li></ul>
<b>Heritage</b>	<ul style="list-style-type: none"><li>• Heritage items are excluded from the fast track provisions.</li></ul>

## PART 3 DISCRETIONARY DEVELOPMENT STANDARDS

Where a development does not comply with the “Fast-track” criteria, a normal development application may be lodged. In lodging the development application justification must be given to the variation from the fast track criteria by addressing the objectives outlined in the discretionary standards relevant to the particular type of development.

The discretionary standards represent the standard that Council wishes to apply to development. Variation to these standards will only be considered in extraordinary circumstances and will need to be fully justified due to the unique circumstances of a particular case. **NOTE: Failure to provide full justification to all variations proposed may delay the processing of the development application.**

### 3.1 RESIDENTIAL DEVELOPMENT IN URBAN AREAS (SINGLE DWELLINGS AND DUAL-OCCUPANCIES)

#### Buildings Setbacks

- Setbacks must be compatible with the existing and/or future desired streetscape.
- Side or rear building setbacks are to demonstrate no unreasonable adverse impact on the privacy or solar access of adjoining properties.
- Garages are to be setback a minimum of 5.5 metres from the front boundary.
- Side and rear walls within 900mm and eaves within 450mm of boundaries are to comply with the BCA requirements for fire rating.

#### Deem to satisfy

Zone	Street	Side/Rear	Secondary Frontage for Corner Lots *
R1, R2 and R3 where Lot size is less than 900m <sup>2</sup>	4.5m to building line 5.5m to the garage	900mm	0m for garages in laneways  2m to side boundary
R1, R2 and R3 where Lot size is greater than 900m <sup>2</sup> , less than 2,000m <sup>2</sup>	6.5m to building line 7.5 to the garage	900mm	2m
R2 where 2000m <sup>2</sup> to 1ha	10m	2.5m	5m

#### Building Height

- Elevated housing developments must minimise the impact on areas of predominantly single storey housing.
- Building height must ensure that adjacent properties are not overlooked or overshadowed.

Deem to satisfy is a single storey building with a FFL of less than 1 metre above Natural Ground Level.



- Site Coverage**
- Stormwater runoff must not exceed infrastructure capacity.
  - Development must be an appropriate bulk and scale for the existing residential surrounds.
  - Dual occupancy development is not to exceed 50% site coverage. Note: Site Coverage means:

The proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- Any basement,
- Any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- Any eaves,
- Unenclosed balconies, decks, pergolas and the like.

Deem to satisfy is 35% site coverage

- Solar Access**
- Development must have reasonable access to sunlight and must not unduly impede solar access of neighbouring dwellings.
  - Dwellings are to be positioned to maximise solar access to living areas.
  - Shadow diagram must include:
    - Location, size, height and windows openings of buildings on adjoining properties;
    - Existing shadow-casting structures such as fences, carports, hedges, trees etc.; and
    - Topographical details, including sectional elevations where land has any significant slope.
  - Living areas and gardens should be orientated to the north to maximise solar access to these areas.
  - North-facing pitched roofs should be incorporated where possible to provide opportunity for solar energy collectors.
  - Solar access should be controlled within buildings to allow warm winter sun to penetrate rooms while excluding hot summer sun by:
    - Using horizontal projecting screens such as balconies, awnings, verandah roofs, pergolas and wide eaves; and
    - Use of ceiling insulation.

Deem to satisfy

Living areas and private open space areas are to be located with a northerly aspect (i.e. on the north or eastern side of the building).

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**Privacy**

- a) Development must ensure that reasonable privacy is achieved for new dwellings and existing adjoining residences and private open space.

Deem to satisfy  
Dwellings must be single storey and have a finished floor level less than 1,000 mm above the natural ground level.

**Parking**

- a) Development must provide adequate off-street parking to maintain the existing levels of safety and safety on the road network.
- b) Parking areas and access driveways must be functional in design.
- c) Parking areas should be visually attractive and constructed, designed and situated so encourage their safe use.
- d) The number of spaces is determined based on the occupation potential. Note: rooms capable for use as a bedroom, e.g. 'study' are counted as a bedroom.
- e) Any vehicle entering or leaving the driveway must be visible to approaching vehicle pedestrians.
- f) Driveway access to a major road should be avoided where possible.

Deem to Satisfy  
Two (2) spaces per dwelling

**Land-scaping**

- a) Landscaping must enhance the quality of the built environment.
- b) Species selection and location should improve energy efficiency through reducing heat gain through windows and deflecting winter winds.
- c) Plants with low maintenance and water requirements should be selected.

**Open Space**

- a) Sufficient open space must be provided for the use and enjoyment of the residents.
- b) A plan shall be submitted which demonstrates that the dimensions of the open space provides for functional space, including placement of outdoor furniture.
- c) Open space areas provided must be suitably located and landscaped to obtain adequate sunlight and protection from prevailing winds.
- d) Private open space for dual occupancy development is to be a minimum area of 80m<sup>2</sup> and have a minimum dimension of 5 metres (depth and width).
- e) Private open space for dual occupancy development is to be located behind the front building line and on the northern, eastern or western side of the dwelling.

Deem to satisfy  
Private open space to be on the northern or eastern side of dwelling with direct access to living areas. Area to be 80m<sup>2</sup> with a minimum dimension of 5 metres.

- Corner lots**
- a) Development must address both street frontages.
  - b) Utility windows are not permitted on either elevation with frontage to the street unless they are integrated into architectural features of the development.

**Fencing**

Fencing facing the street or forward of the building line must avoid extensive lengths of 'Colorbond' as it presents a barrier to the street.

Solid fencing of a length greater than 30% may be permitted where landscaping is provided to soften the visual impact on the streetscape.

Deem to Satisfy  
1.8 metre high fence to all boundaries including private open space areas.  
All fencing forward of building line cannot be 'Colorbond' (All Residential zones excluding R5 zone).

- Infra-structure**
- a) Surface infrastructure (e.g. tanks, clotheslines) must not be located within front setback.
  - b) Surface infrastructure must not be visible from the street.
  - c) Garbage storage locations must be included in landscape plan and show how they will be screened.

- Garages, Out buildings**
- a) Outbuildings must not negatively affect the amenity of the streetscape or adjoining properties. The following standards apply for urban areas\*.

Lot size m2	Shed Size m2
<750	50
751-1000	80
1001-2000	100
2001 - 3000	120
3001 or greater	150

\*urban areas are limited to residential areas which include the R1, R2, R3 zones and where a dwelling-house is approved or constructed on the land. A garage or outbuilding is not permitted on vacant urban land where a dwelling is not approved or constructed.

A maximum building height of 4.5 metres from natural ground level to the ridge applies in urban areas where the lot is under 2,000m<sup>2</sup>.

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**Development near  
Ridgelines**

- a) A ridgeline is considered an elevated section of land, visible from beyond the individual property boundary.
- b) Development shall protect key landscape features, being the dominant ridgelines and slopes on the intermediate ridges forming a visual backdrop to existing and future urban localities and places of special landscape amenity.
- c) Development should not be visually intrusive or degrade the environmental value, landscape integrity or visual amenity of land.
- d) The dwelling-house and associated buildings must not be visible above the existing skyline or any prominent ridgeline or local hill top.
- e) The dwelling-house and associated buildings will be constructed from low reflectivity building materials and incorporate colours which are visually unobtrusive in relation to the surrounding environment.

**Slopes**

- a) Development maximises retention of natural ground levels and contours.
- b) Drainage is to avoid erosion of gullies, slopes and drainage lines in the locality.
- c) Cut and fill, earthworks, retaining walls, unprotected embankments and terraces etc are setback from boundaries such that there is no impact on the privacy or visual amenity of adjoining dwellings and their private open space. d) Cut and fill, earthworks, retaining walls, unprotected embankments and terraces etc are setback from boundaries such that they do not redirect the flow of surface water onto adjoining properties.

**Deem to Satisfy**

- Cut is to be limited to 1,000 mm.
- Fill is restricted to 600 mm. It must be clean fill and a geotechnical assessment issued for the fill to demonstrate compaction to the Australian Standard.
- Any cut and/or fill must be provided with retaining walls, drainage and must be setback a minimum of 300 mm from any boundary.
- Fill must not direct stormwater onto adjoining properties and drainage pits for overland flow paths are to be provided.
- Cut and fill is not permitted within water or sewer easements

**Access**

- a) All weather vehicle access is required to ensure that emergency services (fire, ambulance, police) are able to access the dwelling at all times.

**Relocated  
Dwellings**

- a) Dwellings proposed to be re-sited must be of a suitable standard both aesthetically and structurally.

**Adaptability**

- a) Adaptable housing design must incorporate practical and flexible features to meet the changing needs of residents of different ages and abilities over time. For example, hobless shower area, space for wheelchair access, height of light switches, arrangement and size of rooms.



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**Design  
Principles**

- a) Design should maximise surveillance with clear sightlines between public and private places, effective lighting of public places and landscaping that makes places.
- b) Physical and symbolic barriers should be used to attract, channel or restrict the movement of people to minimise opportunities for crime and increase the effort required to commit crime.
- d) Must be sympathetic with existing adjoining and surrounding developments in relation to bulk and height.
- e) Well-proportioned building form that contributes to the streetscape and amenity.
- f) Density appropriate to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.
- g) Design must demonstrate efficient use of natural resources, energy and water throughout its full life cycle, including construction.
- h) Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.
- i) Optimise amenity (e.g. appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility).
- j) Optimise safety and security, both internal to the development and for the public domain.
- k) Design must demonstrate response to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.
- l) Council will not support dual occupancy development where both dwellings are pre-manufactured or relocatable homes in urban zones.

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## PART 4 SPECIFIC TYPES OF DEVELOPMENT

### 4.1 MULTI DWELLING HOUSING

The provisions of this section apply to multi dwelling housing, residential flat buildings, villa and town house forms of development.

The location of multi-dwelling housing is only permissible on lots with an area of at least 1,200 m<sup>2</sup> and should comply with the following:

- Be located within the Heritage Conservation Areas of Mudgee or Gulgong and or within a Village Zone; or
- Be on a lot with two street frontages; or
- Be on any residential lot with a frontage width greater than 25m; or
- Must not be located on a lot which adjoins a lot which is approved for or contains multiple dwellings outside the Heritage Conservation Areas of Mudgee or Gulgong and or within a Village zone.

It is Council's intent to strictly apply this criteria to manage expectations of residents and developers.

#### **Built Form**

#### **Design**

- (a) Where existing buildings are to be retained as part of an overall proposal, those structures are to be upgraded to integrate with the new development.
- (b) Verandahs, steps in the roof line or other architectural features should be incorporated in the design to provide visual relief and to minimise the bulk and scale of development.
- (c) The design of the proposal must:
  - Optimise solar access and lot orientation; and
  - Be consistent with the appearance of the streetscape - the scale, spacing, setbacks and landscaping of buildings; and
  - Positively enhance the streetscape.

#### **Building Scale Height and Bulk**

- (a) Development, particularly when viewed from the street should be compatible with the scale of buildings in the immediate locality, consistent with the objectives of the zone and should not be visually obtrusive as a consequence of their height.
- (b) In determining appropriate building heights Council shall have regard for the scale of future development for which provision is made in the locality.
- (c) The maximum height of the building at any point shall be measured as the vertical distance between the ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communications devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.
- (d) Buildings shall not exceed two storeys and generally should not exceed 8.5 metres in height.

- (e) Each development or building will be assessed on its merits in terms of its visual impact on the streetscape and impact on the amenity, privacy, views and solar access of the surrounding properties.
- (f) Council may require an applicant to prepare and submit to Council shadow diagrams in order to determine the impact of a proposal on buildings and landscaped areas.  
Such diagrams should be based on a survey of the relevant site and adjoining development. It is essential that shadow diagrams be based on such detailed information in view of the fact that the shadows are the result of the relative height of structures and not just the height of a structure above ground level. In this regard the resultant shadow cast by a structure can vary greatly depending whether the structure is uphill or downhill of the area in question.

#### Setbacks

- (a) 4.5 metres to street frontage  
(b) 3 metres to side and rear boundaries  
(c) 3 metres to secondary frontages

#### Development Density

- (a) The number of units accommodated on a specific site shall be as follows;  
(i) These density standards apply to the towns of Kandos and Rylstone and to the areas of Mudgee and Gulgong outside the conservation areas, on lots with a single frontage of at least 25m or lots with two street frontages.

Unit Type	Site Area
1 Bedroom unit	1 dwelling unit per 300m <sup>2</sup> of site
2 bedroom unit	1 dwelling unit per 380m <sup>2</sup> of site
3 bedroom unit	1 dwelling unit per 450m <sup>2</sup> of site

- (ii) These density standards apply to the Gulgong and Mudgee Conservation areas:

Unit Type	Site Area
1 Bedroom unit	1 dwelling unit per 250m <sup>2</sup> of site
2 bedroom unit	1 dwelling unit per 280m <sup>2</sup> of site
3 bedroom unit	1 dwelling unit per 310m <sup>2</sup> of site

- (b) the minimum floor area (excluding balconies and garages) for multi-dwelling housing are as follows;

Unit Type	Floor Area m <sup>2</sup>
1 Bedroom unit	55
2 bedroom unit	70
3 bedroom unit	85

A residential flat building may contain any combination of one, two and three bedroom units.

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<b>Landscaping</b>	(a)	Site landscaping must not be less than 40% of the site area.
	(b)	Landscaping shall consist of well advanced trees and shrubs, preferably with a predominance of native species.
	(c)	The area of the site between the front building line and the street frontage must be landscaped as common property to a depth of at least 5m.
	(d)	landscaping is to be completed prior to the release of the Construction Certificate.
<b>Site Coverage and Private Open Space</b>	(a)	The maximum site coverage (excluding driveways) for residential development on land identified for medium density development, as a percentage of the total site area, shall not exceed 40%.
	(b)	Each dwelling shall have a principal private open space with a minimum area of 40 square metres and a minimum dimension of 5 metres (width and depth). These areas must be directly accessed from the living areas. For the purposes of this clause, living area means any room or rooms within the dwelling which are generally available for day-to-day use by residents and visitors and include such rooms as lounge, dining and rumpus rooms.
	(c)	Rainwater tanks are not to be located within the principal private open space.
	(d)	Patios, decks, balconies at or near ground level may only be counted as principal private open space, under the same roof, when they have a direct northerly aspect and are less than 25% of the overall private open space requirement.
	(e)	Wherever a dimension is less than 5 metres, it will not be counted as part of the calculation for a principal private open space.
	(f)	Where principal private open space in the front setback is permitted, these shall be located behind a suitably landscaped area with a minimum width of 1.5 metres to the front boundary. Such landscaping shall be maintained at all times to Council's satisfaction. Fencing of such areas will be incorporated into the landscaped area. The use of 'Colorbond' or similar fencing of these is prohibited in favour of timber or masonry materials.
	(g)	For all forms of development, at least 75% of each required principal private open space area and internal living areas shall receive at least three hours effective sunlight between the hours of 9.00 am and 3.00 pm on 21 June (Winter solstice). Council may require submission of shadow diagrams to demonstrate compliance with the requirement above.



**Vehicular  
Access and  
Parking**

- (a) The table for calculating the total number of car parking spaces required is shown below. One space only is to be allocated as resident parking for each dwelling with the remainder of the total requirement to be provided as visitor car parking, which is to remain available for use at all times. The second space required for a unit must be provided as general visitor parking or as an open space associated with the unit.

Type of Parking	Spaces provided
Residential Parking	<p>1 space per 1 bedroom flat</p> <p>2 spaces per 2 bedroom flat (other than in the Conservation Areas of Mudgee and Gulgong and Village Zones ion Rylstone and Kandos where the provision is 1 space per 2 bedroom flat)</p> <p>2 spaces per 3 bedroom flat or cluster dwelling</p>
Overflow Parking	1 space per 5 units – not required for developments of 3 or less units

Note: Car parking calculations shall be rounded up to the nearest whole number.

- (b) For dwellings above commercial premises, car parking shall be provided at the above mentioned rates, except in the case of a single dwelling, which requires one car parking space only.
- (c) Car parking must be designed so that either ingress to or egress from each space can be achieved in one movement.
- (d) Parking shall be located so that vehicles can enter and leave in a forward direction.
- (e) All geometric standards applicable to site access and car parking layout are to be in accordance with Council's Development Control Plan - Car Parking.

**Vehicular Access Design.**

- (f) Driveways are not to be continuous straight lines and are to be offset by landscaped sections and/or unit layout.
- (g) Driveways are to be designed as follows:
- A pavement width of 3 metres is required for developments of 3 to 4 dwellings.
  - A pavement width of 6 metres is required for developments of 5 or more dwellings.
  - Where the length of driveway exceeds 30m, the width of pavement must be 6m

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at intervals. This width may be varied along its length subject to provision being made for passing along the driveway.

- (h) Where access is to a major road a pavement width of not less than 6 metres for the first 5 metres of the driveway adjoining the road boundary is to be provided.
- (i) Driveways are to be offset a minimum of 2 metres from any side boundary for the full length of the required front setback (ie. 6 metres or 7.5 metres). The setback area should be suitably landscaped to screen the hardstand driveway surfaces and to provide visual appeal to the streetscape.

**Privacy and  
Amenity**

Where windows or balconies of dwellings are within 6 metres and facing windows or balconies of adjacent dwellings, windows must be offset by a minimum of 1 metre from the edge of the opposite window and balconies be screened or oriented to ensure visual privacy.

Window openings at first floor level and above should be orientated or designed to minimise the potential for overlooking of adjacent properties and the consequent loss of privacy.

Windows which are orientated towards adjoining properties and do not adequately restrict overlooking will be required to be opaque finish or located at appropriate heights above floor level to minimise overlooking of adjoining properties.

All developments are required to provide a 1.8m high fence on the boundary of the development site and between private open space areas of individual units.

All fencing is to be provided at full cost to the developer. All fencing which is in front of the building line shall be constructed of timber and/or masonry materials.

**Acoustic  
Privacy**

- (a) Site layout should separate active recreational areas, parking areas, vehicle accessways and service equipment areas from bedroom areas of dwellings.
- (b) Development adjacent to high levels of uncontrollable external noise shall incorporate a building design and external wall treatments to minimise the entry of that noise.

**Waste  
Disposal**

Development applications should provide details of an appropriate means of waste disposal via the provision of individual 240 litre mobile garbage, recycling bins to each dwelling.

All dwellings should provide an external access to the rear of the development (private open space area) to enable garbage bins to be taken to the street without the need for moving the bins through the dwelling. A garage can be used for this purpose if it provides direct access to the rear courtyard. All garbage bins should be stored within the private open space or garage of the dwelling.

Waste disposal collection points should not compromise the amenity of future residents in terms of noise, odour or aesthetic impact.

## 4.2 AFFORDABLE MULTI DWELLING HOUSING

### *State Environmental Planning Policy (Affordable Rental Housing) 2009 [SEPP]*

This SEPP provides incentives for the development of affordable housing in its various forms and should be used as the guideline for development for the purpose of affordable in-fill development, secondary dwellings, multi dwelling housing and residential flat buildings. The policy applies to the Mid-Western Region, however, the SEPP **only** applies where development is within **400m of a B2 Local Centre or B4 Mixed Use Zone**.

The purpose of this part of the DCP is to provide guidelines for the development of affordable multi dwelling housing on land that is further than the 400m prescribed by the SEPP.

#### **Definition**

##### **“affordable housing”**

In these provisions the definitions in the SEPP Affordable Rental Housing apply

##### ***Affordable Housing Principles***

- (a) Affordable housing is to be created and managed so that a socially diverse residential population representative of all income groups is developed and maintained in a locality.
- (b) Affordable housing is to be made available to a mix of very low, low and moderate income households.
- (c) Affordable housing is to be rented to appropriately qualified tenants and at an appropriate rate of gross household income.
- (d) Land provided for affordable housing is to be used for the purpose of the provision of affordable housing.
- (e) Buildings provided for affordable housing are to be managed so as to maintain their continued use for affordable housing.
- (f) Rental from affordable housing, after deduction of normal landlord's expenses (including management and maintenance costs and all rates and taxes payable in connection with the dwellings), is generally to be used for the purpose of improving or replacing affordable housing or for providing additional affordable housing.
- (g) Affordable housing is to consist of dwellings constructed to a standard that, in the opinion of the consent authority, is consistent with other dwellings in the vicinity.

#### **Application**

The following provisions apply to development for the purposes of dual occupancies, multi dwelling housing or residential flat buildings if:

- (a) the development concerned is permitted with consent under another environmental planning instrument, and
- (b) the development is on land that does not contain a heritage item that is identified in an environmental planning instrument, or an interim heritage order or on the State Heritage Register under the Heritage Act 1977.

#### **Location**

The following provisions apply to land with two street frontages or a single frontage of 25m and:

- Land Zoned R3 Medium Density Residential in Mudgee,
- Within the Conservation Area of Gulgong,
- Within the Village Zones in Kandos and Rylstone, and
- Land within 400m of a Business Zone.

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**Landscaping** (a) in the case of a development application made by a social housing provider—at least 35 square metres of landscaped area per dwelling shall be provided, or  
(b) in any other case—at least 30 per cent of the site area is to be landscaped,

**Solar Access** living rooms and private open spaces for a minimum of 70 per cent of the dwellings of the development shall receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.

**Parking** Parking is to be provided at the following rates:

Type of Parking	Spaces provided
Residential Parking	1 space 1 bedroom flat 1 space per 2 bedroom flat 1.5 spaces per 3 bedroom flat or cluster dwelling
Overflow Parking	1 space per 3 units

**Dwelling size** Floor areas are to be as follows:

Unit Type	Floor Area m <sup>2</sup>
1 Bedroom Units	45
2 bedroom units	70
3 bedroom units	85

A residential flat building may contain any combination of one, two and three bedroom units.

**Development Density** The following development density applies

Unit Type	Site Area
1 Bedroom unit	1 dwelling unit per 250m <sup>2</sup> of site
2 bedroom unit	1 dwelling unit per 280m <sup>2</sup> of site
3 bedroom unit	1 dwelling unit per 310m <sup>2</sup> of site

**Design** A consent authority must not consent to development to which this section applies

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<b>Requirements</b>	unless it has taken into consideration the provisions of the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> published by the Department of Infrastructure, Planning and Natural Resources in March 2004, to the extent that those provisions are consistent with this Policy.
<b>Character of Local Area</b>	A consent authority must not consent to development to which this section applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.
<b>Must be used for affordable housing for 10 years</b>	<p>A consent authority must not consent to development to which this section applies unless conditions are imposed by the consent authority to the effect that:</p> <ul style="list-style-type: none"><li>(a) for 10 years from the date of the issue of the occupation certificate:<ul style="list-style-type: none"><li>(i) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and</li><li>(ii) all accommodation that is used for affordable housing will be managed by a registered community housing provider, and</li></ul></li><li>(b) a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the <u>Conveyancing Act 1919</u>, that will ensure that the requirements of paragraph (a) are met.</li></ul> <p>(2) Subclause (1) does not apply to development on land owned by the Land and Housing Corporation or to a development application made by, or on behalf of, a public authority.</p>
<b>Subdivision</b>	Land on which development has been carried out under this Division may be subdivided with the consent of the consent authority.



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## 4.3 SEX SERVICES PREMISES (BROTHELS)

### Location

- a) Council will not consider an application for a brothel within view or within a 100 metre radius of a church, hospital, school, community facility, residential zone, or any other place regularly frequented by children for recreational activities or cultural activities.
- b) An entrance to or exit from a brothel is not to be within 300 metres of the entry to any other approved brothel.
- c) The interior of the premises is not to be visible from a public place.
- d) Brothels shall not be located in a building that contains a dwelling(s).

### Size Layout and Design

- a) An adequate reception/waiting room with a minimum area of 20m<sup>2</sup> is to be provided per premises.
- b) The premises is to be located on an allotment with a minimum size of 900m<sup>2</sup>.
- c) A brothel shall be restricted to a maximum of five (5) rooms where sexual services are provided at any one time.
- d) The brothels appearance shall be discrete and sympathetic with adjoining premises.

### Car Parking

- a) Provision for 2 car parking spaces per room used for prostitution
- b) Disabled parking to be provided close to the building entrance in accordance with the AS 2890.1 1993.
- c) Car parking areas to be well lit.

### Signs

- a) Signs do not display words or images which are sexually explicit or otherwise sexually suggestive.
- b) The sign identifies only the name of the person who conducts the business or the registered name of the business and be limited to 0.3m x 0.6 m lit by a single globe.
- c) A clearly visible street number must be displayed.
- d) There is only one sign per premises.
- e) The content, illumination, size and shape of the sign is well integrated and compatible with the building it is attached to.

### Security and Public Safety

- a) Development Applications are to provide details on measures to be undertaken to safeguard workers, clients and the general public. Such details are to address the number of hours of security personnel and the lighting of access ways and car parking areas.
- b) A private security company is to be engaged to monitor and regularly check entrances and exits.

### General Requirements

- a) The hours of operation nominated with the development application form part of any approval and businesses will be bound by those hours unless a

**Limit on  
Development  
Consent**

specific condition of consent is imposed by Council to the contrary.

- b) Should the specified operator change, Council must be notified prior to the business operating.
- c) If the number of sex workers, hours of operation or signage are proposed to be changed, it will be necessary to modify the consent or lodge a new application depending on the scale of the changes.
- d) Persons under the age of 18 years are not to be engaged in the business or permitted on the premises.
- e) No alcohol to be provided or offered for sale.

- a) All development consents granted to a brothel application shall be initially limited to a period of 12 months. At the completion of this period, Council will re-evaluate the proposal in terms of any complaints received regarding the operation of the business, and in terms of compliance with conditions of consent.

If Council is satisfied that the brothel has operated in an orderly manner with minimal impact upon nearby uses, and in compliance with conditions of consent, it may approve a modification to the consent under the Section 4.55 of the Environmental Planning and Assessment Act, 1979, to extend the consent.

Council may also impose conditions of consent relating to the hours of operation. This will also be subject of review after the 12 month trial. If, after the 12 month trial, any hours of operation are shown to be causing a nuisance or disturbance in the neighbourhood, the approved hours of operation may be further restricted.

## 4.4 SIGNS

### GENERAL REQUIREMENTS

Full details of sign type, size, lettering, location, colours etc. must be provided with a development application.

All advertising must relate to the lawful uses or activities carried out on the same land on which the advertising sign is to be erected.

### Types

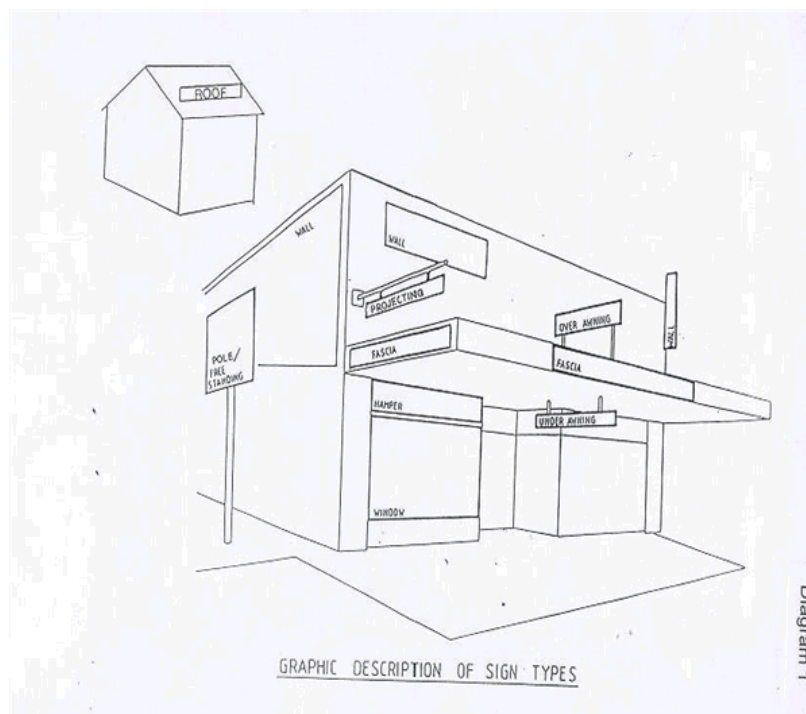
<b>Fascia Sign</b>	Attached to the fascia or return end of an awning.
<b>Pole or Pylon Signs</b>	A sign mounted on a single pole independent of any building or other structure.
<b>Projecting Wall Sign</b>	Attached to the wall of a building and projecting horizontally from the wall.
<b>Roof Sign</b>	A sign mounted on the roof of a building but do not project above the ridge cap. Roof signs will generally not be approved in business or residential zones.
<b>Under Awning/Verandah Sign</b>	A sign attached underneath the awning or verandah at right angles from the façade of the building.
<b>Wall Sign</b>	A sign attached directly to the wall of the building or painted directly onto the wall excluding signs including the parapet of the building.
<b>Window Sign</b>	A sign applied on or inside the glass of windows and doors, or etched, painted or attached to the glass or displayed directly behind the surface.
<b>Flags</b>	supported by a freestanding flag pole and not necessarily displaying any words or logos.
<b>Vertical Projecting Wall Signs</b>	Attached to the wall of a building.
<b>Wine Barrel Signs</b>	Signs which use a wine barrel as the template or mounting.
<b>Floodlit Sign</b>	Illuminated by an external source of artificial light.
<b>Post Supported Signs</b>	A sign supported by a post on either side pole independent of any building or other structure.
<b>Sandwich Board or A-Frame Sign</b>	A free standing sign within the property boundary.

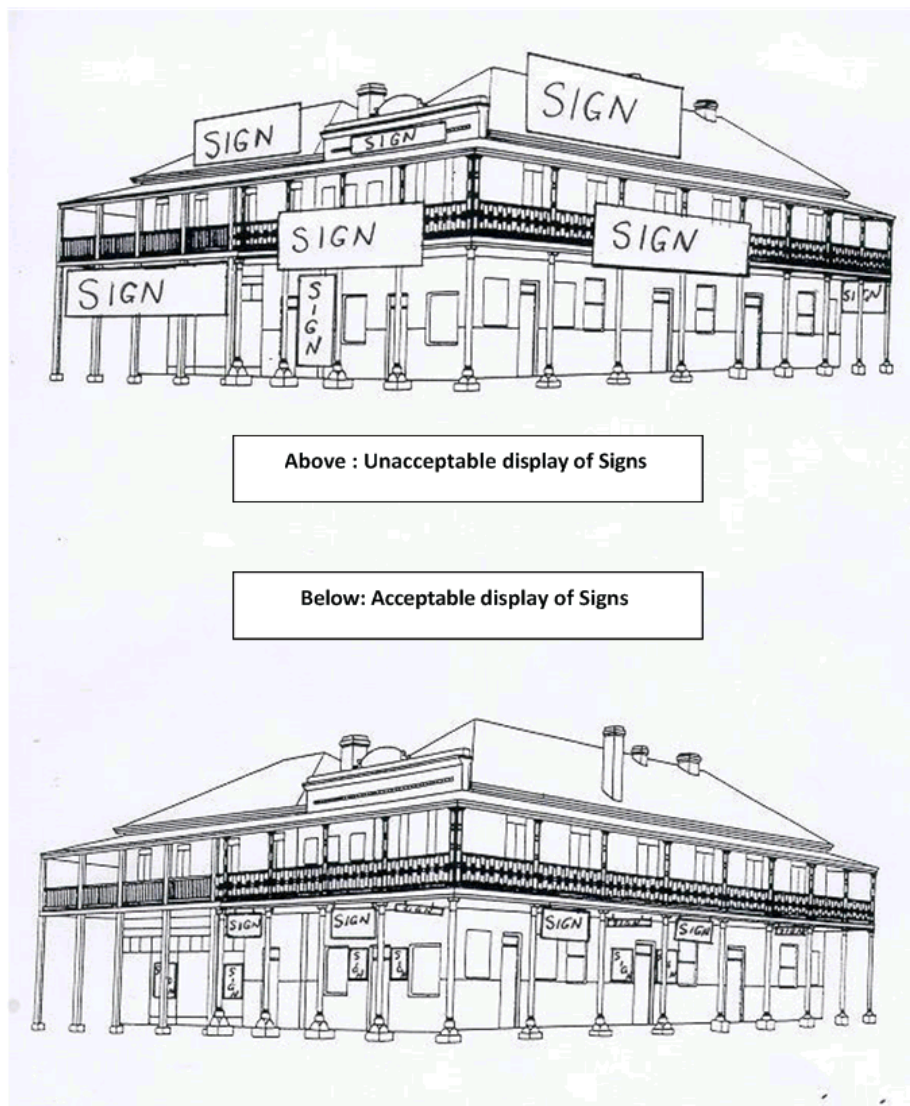
### Prohibited Signs

The following types of signs do not contribute to the character of the towns or rural areas and are prohibited.

<b>Advertising Fixed to Trees</b>	Any sign that uses a tree as a pole for mounting.
<b>Above Awning Signs</b>	Signs mounted above the awning or verandah of a building.
<b>Billboards</b>	Additional billboards where the structure is erected for the express purpose of displaying advertising not associated with the use of the land are prohibited.

<b>Bunting</b>	Small flags attached to a single siring mounting between posts or poles usually associated with Motor Vehicle Retailing.
<b>Illuminated Wall Signs</b>	Signs mounting directly onto the building above the level of the verandah or awning.
<b>Corporate Building Signs</b>	Painting buildings to reflect corporate colour schemes as a method of drawing attention to the building is considered to be an extension of advertising signage and will not be permitted.
<b>Flashing Signs</b>	Illuminated at frequent intervals by an internal source of light.
<b>Novelty Signs</b>	Odd shaped signs often three dimensional incorporating items such as cars, wine barrels, "big" product samples etc. Generally will not be permitted in business or residential and rural zones. Council may consider the use of wine barrels in association with wineries and cellar doors.
<b>Sandwich Board Signs</b>	Free standing sandwich board and A frame signs on public land including footpaths other than in the business areas of Mudgee, Gulgong, Kandos and Rylstone.
<b>Under awning Flags</b>	Small flags projecting from the front facade of a building often associated with newsagencies and photographic studios.
<b>Vehicle Signs</b>	Cars, trailers or equipment bearing advertising material do not make a positive contribution to the area and should not be parked for the express purpose of advertising or providing direction to a business.





### Signs in Towns and Villages

#### HERITAGE CONSERVATION AREAS

- (a) The streetscapes in the business areas of Mudgee, Gulgong, Rylstone and Hargraves are within a heritage conservation and particular attention is paid to the preservation and enhancement of the character and appearance of these areas.
- (b) Corporate identification should be carefully selected and amended where necessary to



retain the character of individual buildings and the surrounding locality.

- (c) Generally signs on individual buildings or within areas of special significance should be discreet and should complement the building or area. An important element of Council's planning policies involves the careful control of all advertisements, and external building colours in the main business areas.

#### **GULGONG HERITAGE CONSERVATION AREA**

- (a) **No new signs or changes to the outside of buildings in this area are permitted without development approval.** This provision also applies to repainting, replastering and/or other external redecoration of buildings.
- (b) Council is required to assess the colour, size, style and architectural/aesthetic impact of proposed works in the Conservation Area.
- (c) Internally illuminated advertisements are not permitted in the Gulgong Conservation Area. External illumination such as spot lighting is encouraged, provided the intensity of illumination is not obstructive in the surrounding area.
- (d) In Gulgong lettering should conform, where possible, with the style used in the 1850 - 1900 period (the most common types were Egyptian (antique), Ionic (Fat Clarendon) and Grosteque (Sans Serif).

#### **Business Areas**

- (a) Generally a maximum signage area per commercial building (regardless on number of tenancies) of 25% of the frontage is permitted per building.
- (b) **Under-awning/verandah signs** must have a minimum height of 2.6 metres distance from the pavement to the bottom of the sign and protrude no further than a maximum length of 3.5 metres as measured from the front wall of the commercial building and will not protrude beyond the line of the awning/verandah.
- (c) **Additional pylon signs, projecting wall signs, above awning signs, illuminated wall signs located above the verandah or awning and roof signs** are not permitted in both Mudgee and Gulgong business areas.
- (d) **Wall signs** should be either painted directly onto the building or constructed of painted wood, or coated at point of manufacture or powdercoated flat metal sheets. Wall signs utilising plastic or modern metal materials are not favoured. Specific consideration should be given to buildings that are Heritage Items or within a Heritage Conservation Area. In those instances it is recommended that you discuss your proposal with the Town Planning Section or Heritage Advisor prior to finalising the design.

#### **Industrial Areas**

- (a) **Non-Illuminated Pole/pylon** signs and directory boards shall be limited to a maximum of 6m<sup>2</sup> advertising area and a maximum overall height of 5 metres. In general the bottom of a pole or pylon signs should be at least 3 metres above ground level.
- (b) **Illuminated Pole or pylon** signs must have a maximum area of 4m<sup>2</sup>.
- (c) A maximum of one pole or pylon sign can be erected without Council approval if the above requirements are met.
- (d) A maximum of two (1) pole or pylon signs shall be permitted per site frontage.
- (e) In the case of an **industrial multi unit complex**, one (1) directory sign board of up to 8m<sup>2</sup> in any area may be permitted with approval. Each industrial unit may have a sign at the entrance of each unit having the maximum dimensions of 2000mm by 600mm without approval.

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## Business Activity Centres

- (f) One **sandwich board** sign per site is permitted without approval however must be located inside the property boundaries and weighted and securely fixed so that it will not blow over. A maximum area of 2m<sup>2</sup> per side applies.
- (g) Council will not approve the use of flashing lights, bunting and other devices to attract attention to a business.
- (h) Individual directional signage will not be permitted.

Business Activity Centres are areas where a number of businesses exist which are not on the main traffic routes and can demonstrate a need to provide direction for customers to the site.

These areas include:

- Gulgong Industrial Estate
- George Street Mudgee Industrial Area
- Depot Road Mudgee Industrial Area
- South Mudgee Shops
- Industrial Avenue, Mudgee
- Cooper Drive, Rylstone

Council will allow the erection of one major directory sign for each business activity centre, on land not necessarily utilised by the businesses.

Development Approval is required for these signs.

## Residential Areas

There are a number of businesses outside traditional shopping centres and industrial estates as well as many home industries.

Businesses in residential areas must have special controls to maintain the residential amenity of the neighbourhood.

**The following criteria must be met for businesses in residential areas:**

- (a) The sign shall only display the name and nature of the business, including address, hours of business, telephone number and the like;
- (b) The sign shall not be larger than one metre long and 300mm high;
- (c) The sign shall not be erected higher than one metre above ground level;
- (d) The above provisions apply to signage on the building or site of the business. Advertising signage on other land will not be permitted.
- (e) Council will not approve the use of flashing lights, bunting and other devices to attract attention to a business.
- (f) Any other signs to be erected on a property shall be considered in accordance with the type of business and whether there are any "existing-use" rights for signage.
- (g) Generally, only one sign will be allowed for home industries and home occupations.

## Rural Areas

The following criteria must be met for businesses in rural areas and includes signs relating to Landcare and Community Projects:

- (a) Advertising signs must describe premises and be located on private land, not in the road reserve.
- (b) Maximum of one sign only per site.
- (c) Maximum height of 2.5m

- (d) Maximum area 2m<sup>2</sup>
- (e) Made of Non-reflective material.
- (f) Must be free standing post sign
- (g) Must be set back 3m if located on a corner or intersection of a road
- (h) Not illuminated

### **Tourist Signage**

Tourist related development includes winery and cellar door facilities, restaurants, accommodation and other businesses catering for tourists.  
Signs on private land must relate to the business contained on the land itself.

#### **IDENTIFICATION SIGNS**

These are post supported or wall structures located at the front of the site with the express purpose of identifying the business or facility to the travelling public.

- (a) Post supported structures max. height of 3m above ground level or an advertising area of more than 3m<sup>2</sup> with typical dimensions being 1.2m x 2.5m.
- (b) Identification signs must relate to a lawful or approved use of the land and be located on private land, not in the road reserve.
- (c) The size, colour and shape of the signs will generally be left to the discretion of the business but should not include the use of bright or fluorescent colours or highly reflective or illuminated materials.
- (d) Each property shall be allowed **two Identification signs** (which may be double sided). In circumstances when the property has two road frontages Council will consider a third sign on the secondary frontage where that frontage has a minimum of 250m.
- (e) In circumstances where there are two or more businesses operating from a site, Council will consider increasing the maximum sign face area from 3m<sup>2</sup> to 4m<sup>2</sup>.

#### **ENTRANCE SIGNS**

Signs incorporated into the primary entrance of the site and may include fencing or walls. Advertising incorporated into the entrance structure is restricted to the name of the premises. In circumstances where the business operates after sunset, Council will consider low intensity external illumination of entrance signage.

#### **VINEYARD IDENTIFICATION SIGNS**

These signs can be erected when the vineyard name has been used on a wine bottle label. The maximum dimension of such signs shall be 3.0m<sup>2</sup>.

They shall contain only the company and vineyard name and the design of the sign face should reflect the design on the bottle label.

#### **INTERNAL SIGNAGE**

This includes signs that direct visitors within the site and include entry/exit signs, toilet and parking facilities, picnic areas and the like. These signs only require approval if they can be viewed from a public road.

#### **LARGE SCALE TOURIST DEVELOPMENT**

Council will consider an integrated approach to signage for large scale tourist developments outside the dimensional requirements identified above. Large scale developments must lodge a development application that details a signage theme for the property as part of the overall landscape design. In assessing such an application consideration will include;

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- (a) Surrounding landscape
  - (b) Impact on the rural character of the locality
  - (c) Integration of the signage with buildings and other landscape characteristics.

**Maintenance  
and Illegal  
Signs**

- (a) Signage is a reflection on the community as a whole. Council will not tolerate amateurish and poor quality signage.
- (b) A person intending to erect a sign should refer to a qualified sign writer for advice in relation to size, colour, location and design.
- (c) Unprofessional signs will be resisted. In circumstances where, in the opinion of Council, signs become unsightly or unsafe, Council will require the removal, repair or replacement as appropriate under the particular circumstances.
- (d) In circumstances where signs have been erected without prior approval of Council, a notice will be issued requesting the landowner to remove the subject sign. After a reasonable period, Council may pursue legal action where such a request has been ignored.
- (e) Signs that have been erected or placed on public land or within a road reserve without the approval of Council will be impounded without notice and administrative fees levied for their release. After 3 months signs may be sold to offset Council's costs.

**Temporary  
Signage**

- a) Temporary signage for the purpose of advertising a major or charitable event is permitted to be erected on any land (with the owner's consent) for a period of one (1) week prior to the event,
- b) This type of signage may include Variable Message Boards,
- c) This does not permit local businesses advertising particular sales or the like,
- d) Only one sign is permitted per event (multiple signs around a town are not permitted).

## 4.5 COMMERCIAL DEVELOPMENT

<b>Building Setbacks</b>	<ul style="list-style-type: none"><li>(a) No minimum front setbacks apply.</li><li>(b) Side and rear must comply with Building Code of Australia (BCA)</li></ul>
<b>Signage</b>	Refer section 4.4 Signs
<b>Design</b>	<ul style="list-style-type: none"><li>(a) The LEP includes provisions relating to active street frontages. All premises on the ground level of a building facing the street are used for the purposes of business premises or retail premises.</li><li>(b) All premises on the ground level of a building facing the street shall be comprised of windows and doors to encourage the interaction between pedestrians and the retail space</li><li>(c) Building facades shall be articulated by use of colour, arrangement of elements or by varying materials</li><li>(d) Consider elements within established heritage buildings and how its application may be applied to new development</li><li>(e) Consider the pattern of built form, scale, use of verandahs, fenestration, colour and materials.</li><li>(f) Design of new development should seek to be sympathetic to heritage items not reproduce them.</li><li>(g) Plans must include details of all external infrastructure (air conditioning ducts, plant rooms) and how it will be screen from view form a public road.</li><li>(h) Development on a corner must include architectural features to address both frontages.</li><li>(i) Where the development will adjoin the residential, village and mixed use zones, sufficient setbacks in the form of landscape buffers and access ways should be incorporated.</li></ul>
<b>Scale form and height</b>	<ul style="list-style-type: none"><li>(a) The LEP controls the height of buildings to a maximum of 8.5m</li><li>(b) Consistent with the existing heritage character of the town centres of Gulgong, Mudgee and Rylstone.</li><li>(c) Gulgong has a building height limit to a maximum of 5m</li></ul>
<b>Mortimer &amp; Church Street Mudgee</b>	<ul style="list-style-type: none"><li>(a) Development fronting Mortimer and Church Streets in Mudgee should enhance and maintain the streetscape established in Church Street between Market and Mortimer Streets by encouraging a coherent double storey pattern of development adopting zero front and side property setbacks.</li><li>(b) Where possible the use elements that emphasis the horizontal form of development established in the Town Centre, for example through the use of verandas.</li><li>(c) Any new development should provide for a visual treatment to minimise visual bulk and maintain established pattern of building frontage widths, by providing variance particularly on upper floor levels , every 20-25m. Variance may be provided through change in building materials, fenestration, or changes in parapet height etc.</li></ul>



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**Articulation and  
Facade Composition**

- (a) To break visual bulk and create interest, use secondary vertical elements such as fenestration or detail such as changes in materials and colour.
- (b) Excessive length of blank walls are not supported in the front facade.
- (c) Where blank walls are unavoidable (alongside or rear boundaries), break the visual impact through the provisions of landscaping, or by creating visual interest through patterning of the facade, signage or public art.

**Post  
supported  
verandahs  
and  
balconies**

- (a) Setback a minimum 600mm from edge of kerb
- (b) Complement the elements of the building to which it is attached
- (c) Public liability insurance and approval for works on public land will be required
- (d) Not interfere with the operations of or access to public utilities or infrastructure
- (e) The use of bollards at the base of posts to protect from rear parking vehicles will be required.

**Residential-  
Commercial  
Interface**

- (a) Provision of landscaping buffers to provide visual screening along residential boundaries that adjoin development sites in the Mortimer Street precinct (in particular .
- (b) Ground and first floor development should not overlook residential properties
- (c) Maintain acoustic privacy through the use of acoustic fencing, where vehicular movement adjoins property boundaries to reduce visual bulk of the proposed development.
- (d) Reduce visual bulk by locating buildings and structures away from residential boundaries, or where buildings must be located along property boundaries ensure that sufficient landscaping is provided
- (e) A development should not reduce the sunlight received by the north-facing windows of living area, private open space areas, or clothes drying areas of adjoining properties to less than 3 hours between 9 am and 3pm at the winter solstice.

**Utilities and  
services**

- (a) Documentation to demonstrate that the development is able to be services with water, sewer and drainage and adequate provision has been made for handling and disposal of solid waste
- (b) Trade Waste Application is required where liquid waste (other than water from wash basins, toilet or bathrooms) will be discharged into Council's sewerage system.
- (c) Building and structures are to be located clear of infrastructure
- (d) For new sewer mains structures are to be located 1m plus the equivalent inverted depth, whichever is greater) of the centreline of the main.

**Traffic and  
Access**

- (a) All vehicles must be able to enter and exit the site in a forward direction
- (b) All vehicle movement paths are to be sealed
- (c) Driveways must comply with Australian Standard AS 2890.1 Parking Facilities
- (d) For new commercial development all loading facilities are to be located within the

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site with no loading to occur from the public road system.

- (e) All loading facilities shall be designed to complying with Australian Standards.
- (f) Where the truck delivery paths extend through car parking areas due consideration should be given to the separation of truck, pedestrian and car traffic. Where separation cannot be achieved then the application it to address traffic flow and safety issues.

**Pedestrian  
Access**

- (a) Maintain existing covered pedestrian access within the town centres
- (b) Convenient and safe access through parking areas
- (c) Convenient and safe disabled access through parking areas and where relevant focus on improving links with the existing retail areas.

**Parking**

Refer Specific Provisions relating to parking section 1.3.

**Landscaping**

- (a) Landscaped areas within the car parks should be provided incorporating the use of canopy trees and buffer planting to residential boundaries.
- (b) Landscaping to comprise low maintenance, drought and frost tolerant species

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## 4.6 INDUSTRIAL DEVELOPMENT

The following standards are applicable to all development within industrial zones and industrial development generally.

### Setbacks

Site Area	Street	Side/Rear*	Secondary Frontage for Corner Lots *	Site Coverage
Less than 2000m <sup>2</sup>	6m	nil	4m	60%
2,001 to 5,000 m <sup>2</sup>	12m	nil	10m	55%
Over 5,001m <sup>2</sup>	15m	nil	12m	50%

\*Subject to compliance with fire rating requirements of BCA

- Landscaping**
- (a) In the front 5 metre where the site adjoins Sydney Road and in the front 3 metres on other sites.
  - (b) Landscaping should be provided in front of the building line to increase the visual presentation of the development to the street.
  - (c) In the side and rear setbacks where it provides visual relief from a public street or area.
  - (d) Landscaping to consist of mature trees and lawn which are low maintenance, drought and frost tolerant in nature.
  - (e) Landscaping shall be provided in outdoor car parking areas where >10 spaces are required to provide shading and soften the visual impact of large hard stand area.
- Design**
- (a) Low scale building elements such as display area, offices, staff amenities are to be located at the front of the premises and constructed in brick or finished concrete.
  - (b) Roof materials are to be non-reflective.
- Fencing**
- (a) All security fencing is to be pre-coloured or power coated.
  - (b) Open work areas or storage areas visible from a public place or street must be fenced by masonry material or pre-coloured metal cladding of minimum 2m height. This fencing is to be only located behind the front setback.
  - (c) Where perimeter fencing is proposed, any access gates are to be setback from the boundary by the length of the largest vehicle accessing the site.
- Utilities**
- (a) Statement of servicing to be provided to demonstrate the availability and feasibility of providing water, sewer, and stormwater appropriate for the scale of the development.
  - (b) Applications must demonstrate adequate provision for storage and handling of solid waste.
  - (c) Liquid Trade Waste Application and facilities are required where liquid

	<p>wastes (excluding domestic waste from a hand basin, shower, bath or toilet) are to be discharged to Council's sewer system.</p> <p>(d) No building can be located within an easement for the purposes of utility infrastructure.</p> <p>(e) For water and sewer mains structures are to be located 1500mm for the centre line of the main.</p>
<b>Traffic and Access</b>	<p>(a) A traffic assessment report to be submitted that demonstrates:</p> <ul style="list-style-type: none"> <li>i. Site Access</li> <li>ii. Loading and unloading facilities (to be contained within the site and to be able to cater for largest design vehicle.</li> <li>iii. Safe on-site manoeuvring area for the largest design vehicle</li> </ul> <p>(b) Unsealed vehicle movement areas are not acceptable due to environmental impacts.</p> <p>(c) All vehicles must be able to enter and leave in a forward direction.</p> <p>(d) The number of access points from a site to any one street frontage is limited to 1 ingress and 1 egress.</p> <p>(e) No vehicular access will be permitted to a Main Road where there is an alternate access point.</p> <p>(f) Driveways must be provided in accordance with AS2890.1 Parking Facilities.</p> <p>(g) A separate sealed hardstand loading area which is capable of accommodating trucks that service the site.</p> <p>(h) The loading area is to be provided behind the building line at the side or rear of the building.</p>
<b>Car parking</b>	<p>Refer section 5.1 Car Parking</p> <p>Customer parking should be provided convenient to the public entrance.</p>
<b>Signage</b>	<p>(a) Refer section 4.4 Signage</p> <p>(b) Single occupant industrial site:</p> <ul style="list-style-type: none"> <li>i. one free standing advertisement within the 5m landscaped setback; and</li> <li>ii. one advertisement integrated within the facade of the building, but no higher than the building roof line.</li> </ul> <p>(c) Multiple unit industrial site:</p> <ul style="list-style-type: none"> <li>i. one index board near site entrance or within the 5m landscaped setback; and</li> <li>ii. one advertisement integrated within the facade of each unit, but no higher than the building roof line.</li> </ul>
<b>Outdoor lighting and noise</b>	<p>(a) Must comply with <i>AS4282 Control of Obtrusive Effects of Outdoor Lighting</i>.</p> <p>(b) Windows, doors and other wall openings shall be arranged to minimise noise impacts on residences where proposed within 400m of a residential zone.</p> <p>(c) External plant (generators, air conditioning plant etc.) shall be enclosed to minimise noise nuisance where adjoining residential area.</p>

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**Subdivision**

- (a) Minimum 30 metre frontage for lots.
- (b) Roads to be designed to AusRoads standards for B-Doubles.
- (c) Lots are to be provided with reticulated water and sewer.
- (d) Stormwater drainage and water quality standards are to be implemented – see Section 5.3 – Stormwater Management
- (e) All lots are to be provided with services for telecommunications and underground electricity
- (f) Lots are to be designed to be B-double accessible.
- (g) All roads with new subdivisions are to be constructed with bitumen.



## 4.7 TREE PRESERVATION ORDER

A Tree Preservation Order exists in two forms, one being a significant tree register applying to the LGA and the second being specific approval for certain trees in the Village zone in Rylstone, Kandos, Charbon, Clandulla and Ilford.

### Mudgee and Gulgong

Mudgee and Gulgong Town and Environs – Specific trees have been identified as significant with in accordance with the table below:

LOCATION	SPECIES	SINGLE / GROUP
Tramp Café, Market Street, Mudgee	Betula pendula - Silver Birch	Single
Lot 671 Rifle Range Road, Mudgee	Angophora floribunda - Apple Gum	Group
Kelletts Carpark, Mudgee	Eucalyptus camaldulensis - River Red Gum	Single
158 Robertson Street, Mudgee	Eucalyptus cladocalyx - Sugar Gums	Group 16
Lot 2 Barigan Road, Wollar	Eucalyptus melliodora - Yellow Box	Single
472 Ridge Road, Cooks Gap	Ficus macrophylla - Morton Bay Fig	Single
Roadside Vegetation along Whitehorse Road between Spring Creek Rd & Henry Lawson Drive (including Snelsons Ln from Whitehouse) to form "T" shaped area of bush	Various Eucalyptus species - roadside vegetation	Various
Flirtation Hill, Mudgee	Eucalyptus calophylla - Marri, Port Gregory Gum	
49 Church Street Mudgee	Sebal plametto - Cabbage Palm	Two
Hospital Grounds Mudgee	Eucalyptus maculata - Spotted Gum	Group 84
Police Station Mudgee	Eucalyptus camaldulensis - River Red Gum	Single
Wilbetree Road	Eucalyptus camaldulensis - River Red Gum	Single

The consent of Council is not required for any tree not identified on the register.

### Rylstone, Kandos, Charbon, Clandulla and Ilford

- (1) This provision applies to all land within Zone RU5 Village in Rylstone and Kandos.
- (2) A person shall not, ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree without the consent of Council.
- (3) The consent of Council is not required:
  - i. for any tree having a height not exceeding 4m and a trunk diameter not exceeding 150mm (measured 1m above ground), or

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- ii. for the pruning of any tree for the purpose of its regeneration or shaping, or
  - iii. where the action proposed with respect to the tree is necessary to prevent imminent personal injury or imminent damage to property, or
  - iv. where the tree has otherwise become dangerous, or
  - v. for the removal of noxious plants.

## PART 5 DEVELOPMENT STANDARDS

### 5.1 CAR PARKING

Spaces shall be provided to the next highest whole number. Floor space areas refer to gross internal spaces, excluding stairs, amenities and corridors, except as noted in the schedule. Car parking requirements are based on the net increase in demand for parking created by a development. A reference to staff parking includes staff and management. Parking requirement rates are to be pro-rated in accordance with the proposed gross floor area (GFA) and rounded-up.

Where it is proposed to change the use of an existing retail premises/ floorspace to a restaurant, dining, and/or take food bar, additional car parking shall not be required where car parking cannot be provided on site.

Land Use	Car Parking Requirement
Dwellings (including dual occupancy)	2 spaces per dwelling – 1 space to be a garage, 1 space may be provided in a stacked arrangement in front of the garage provided that the space is contained wholly within the site.
Multi Unit Housing <ul style="list-style-type: none"> <li>Resident Parking</li> </ul>	1 space per 1 bedroom flat  2 spaces per 2 bedroom flat (other than in the Conservation Areas of Mudgee and Gulgong and Village Zones ion Rylstone and Kandos where the provision is 1 space per 2 bedroom flat)  2 spaces per 3 bedroom flat or cluster dwelling
<ul style="list-style-type: none"> <li>Over flow parking</li> </ul>	1 space per 5 units – not required for developments of 3 or less units
Offices and Business Premises	1 space per 30 m <sup>2</sup> gross floor area (gfa)
Bulky Goods Manufacturing Warehouse	1 space per 50m <sup>2</sup> GFA 1 space per 75m <sup>2</sup> GFA 1 space per 100m <sup>2</sup> GFA
Restaurants or cafes or Take away food and drink premises	1 space per 7 m <sup>2</sup> gfa or 1 space per 3 seats whichever is the greater (Restaurant).  1 space per 4m <sup>2</sup> for licensed floor including outdoor seating or dining
Drive thru food service	10 spaces, either in queue or as normal parking
vehicle body repair workshops, and vehicle repair stations	5 spaces per vehicle workbay
Recreation facilities indoor	3 spaces per court or lane

including Squash Courts, Tennis Courts and Bowling Alleys	
Other Recreation Facilities	As determined by Council, but generally a minimum of 20 spaces plus spectator parking.
Vehicle sales or hire premises	1 space per 50 m <sup>2</sup> of display area
Hospitals	1 space per 3 beds, plus 1 space per 2 staff (day shift)
Pub	Within the Commercial Core B3 zone, car parking study required. All other areas, 1 space per 5m <sup>2</sup> of public/licensed area plus 2 spaces per 3 guest rooms plus 2 spaces per 3 employees.
Tourist and Visitor Accommodation	1 space per unit, plus 2 spaces per 3 employees plus if restaurant included: 1 space per 7 m <sup>2</sup> gfa or 1 space per 3 seats whichever is the greater (Restaurant).  1 space per 4m <sup>2</sup> for licensed floor including outdoor seating or dining
Service Stations and Highway service centres	6 spaces per service bay (including automatic car wash bay), plus 2 driveway spaces per fuel bowser
Educational Establishments	1 space per staff member, plus adequate pickup space, plus 1 space per 10 senior students (Year 11 and up), plus Provision for at least three (3) parking spaces for buses.
Shops	1 space per 30 m <sup>2</sup> gfa
Places of Public Worship, Entertainment Facilities, Community facilities,	1 space per 4 seats or 1 space per 10m <sup>2</sup> of gfa whichever is the greater.
Amusement Centres	1 space per 4 machines
Bulky Goods Retailing, rural supplies, hardware and building supplies	1 spaces per 50m <sup>2</sup> gfa
Garden Centres, landscape material supplies and plant nurseries	1 space per 500m <sup>2</sup> of site area (minimum of 5 spaces) plus 0.5 spaces per staff member.
Child Care centre	1 space per 4 children.
Surgeries and Medical Centres	3 spaces per consulting room, plus staff parking.
Other Uses	Other uses not listed in this Development Control Plan shall be assessed individually heaving regard to the expected traffic generation.
Varying of Standards	Where site conditions warrant, Council may vary the above standards by up to 10% provided the applicant lodges a formal objection, including reasons, against the subject standard.  This is likely to require a car parking and/or traffic impact assessment as means of justification for the variation.

#### **Hours of Operation**

- a) Off-Peak development is development which operates or carries out its business outside the peak demand periods for parking which is generally between 9.00 am and 5.00 pm weekdays.
- b) Development of this type will be assessed in accordance with DCP and have regard to the characteristics of the proposed development, its hours of operation and the availability of publicly accessible parking in walking distance of the development site.

#### **Change of Use**

Where existing premises are proposed to be redeveloped or their uses changed, the following method of calculating car parking requirements shall apply.

- a) determine the parking requirement of the previous or existing premises in accordance with the parking rates contained in this plan;
- b) determine the parking requirement of the proposed development in accordance with the parking rates contained in this plan;
- c) subtract the number of spaces determined in (a) above from the number of spaces calculated in (b) above; and
- d) the difference calculated in (c) above represents the total parking spaces to be provided.

For a re-development or new development or any additional floorspace in excess of 100m<sup>2</sup> car parking shall be calculated and provided in accordance with the Development Control Plan.

#### **Car Parking Credits**

Historic parking credits for lawfully established uses are recognised under this clause and evaluated in accordance with the DCP.

Frontage credits related to parking availability on-street. The parking frontage credit calculation is the subject lot width reduced by the extent of driveways and no-parking zones.

The parking credit available is the historic credit and the frontage credit.

#### **Heritage Incentive**

The Mid-Western Regional Council may exempt development involving the restoration and/or conservation of a heritage item from part or all of the subject developments parking demand. The applicant shall make a claim for the exemption and the justification thereof in the development application.

The Heritage Incentive will only be applied where the applicant can demonstrate that the conservation of the building depends upon the use of this clause.

#### **Landscaping**

- a) Parking facility design shall consider the likely visual impact of the parking facility in the locality and provide an integrated landscape design addressing amenity impacts.



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- b) A landscaping plan including details of species selection of mature shade trees, species condition, size of beds, under storey and ground cover planting, irrigation provision shall be submitted to Council for approval.
  - c) Landscaping shall be provided to separate pedestrian and vehicle conflict points where possible.
  - d) Landscaping provision for sun control (shading) shall be provided at the rate of 1 shade tree for every 6 car parking spaces.
  - e) Existing trees on site are to be retained where possible.

Note: Design and layout including manoeuvring, provisions of accessible spaces and access reference should be made to AS 2890.1 Parking Facilities

## 5.2 FLOODING

<b>Definitions</b>	<p><i>Flood compatible materials</i> include those materials used in building which are resistant to damage when inundated. A list of flood compatible materials is attached in <b>Appendix A</b>.</p> <p><i>Flood evacuation strategy</i> means the proposed strategy for the evacuation of areas during periods of flood as specified within any policy of Council, the Floodplain Management Plan, the relevant (SES) Flood Plan, by advices received from the SES or as determined in the assessment of individual proposals.</p> <p><i>Flood prone land</i> means land indicated on the map marked “Flood Prone land” deposited in the office of Council and amended from time to time.</p> <p><i>Freeboard</i> is a height above the design floor level or ground level which compensates for factors such as wave action, localised hydraulic effects and construction variations.</p> <p><i>Note: Reference to freeboard in this Plan refers to an increased height of 0.5 metres except adjacent to Redbank Creek (within the Mudgee Township and Environs Floodplain) where it refers to an increased height of 1.0 metres.</i></p> <p><i>Probable Maximum Flood (PMF)</i> means the flood calculated to be the maximum likely to occur.</p>
<b>Flood Risk Precincts</b>	<p>Each of the floodplains within the local government area which have been subject to flood investigations have been divided based on different levels of potential flood hazard. The relevant Flood Risk Precincts (FRP’s) are outlined below.</p> <ul style="list-style-type: none"><li>• <b>High Flood Risk</b></li></ul> <p>Land that is below the 100 year ARI flood that is subject to high hydraulic hazard (ie provisional high hazard in accordance with the Floodplain Management Manual) or areas that are isolated in a 100 year ARI flood due to evacuation difficulties.</p> <ul style="list-style-type: none"><li>• <b>Medium Flood Risk</b></li></ul> <p>Land below the 100 year ARI flood level that is not subject to high hydraulic hazard and where there are no significant evacuation difficulties.</p> <ul style="list-style-type: none"><li>• <b>Low Flood Risk</b></li></ul> <p>All other land within the floodplain (i.e. within the PMF extent) but not identified as either in a high flood risk or medium flood risk precinct.</p>
<b>Development controls</b>	<p>The development controls apply to all known potentially flooded areas (that is up to the largest estimated flood including the PMF when known). The type and stringency of controls have been graded relative to the severity and frequency of potential floods, having regard to categories determined by the relevant Floodplain Management Study and Plan. The categories applicable to each floodplain are depicted on the planning matrices in Appendix A as follows:</p>

- **Matrix 1** – Urban Floodplains
- **Matrix 2** – All other floodplains.

Performance Criteria

- The proposed development should not result in any increased risk to human life.
- The additional economic and social costs which may arise from damage to property from flooding should not be greater than that which can reasonably be managed by the property owner and general community.
- The proposal should only be permitted where effective warning time and reliable access is available for the evacuation of an area potentially affected by floods, where likely to be required.
- Development should not detrimentally increase the potential flood affectation on other development or properties.

<b>Fill</b>	Earthworks that change the nature of a watercourse and have the potential to affect upstream or downstream properties is not permitted.  This standard applies to watercourses in the high hazard flood risk precinct.
<b>Development Application</b>	Applications must include information which addresses <u>all</u> relevant controls listed above, and the following matters as applicable.
<b>Minor Additions</b>	Applications for minor additions (refer to the Land Use Categories in Appendix A) to an existing dwelling on Flood Prone Land shall be accompanied by documentation from a registered surveyor confirming existing floor levels.
<b>Survey plan required</b>	<p>Development applications for Flood Prone Land shall be accompanied by a survey plan showing:-</p> <ol style="list-style-type: none"> <li>The position of the existing building/s or proposed building/s;</li> <li>The existing ground levels to Australian height datum around the perimeter of the building and contours of the site;</li> <li>The existing or proposed floor levels to Australian height datum; and</li> <li>A reliable access route, with regular levels to Australian Height Datum along the centreline of this route, wherever development is within a high or medium flood risk precinct.</li> </ol> <p>Applications for earthworks, filling of land and subdivision shall be accompanied by a survey plan (with a contour interval of 0.25m) showing relative levels to Australian height datum.</p>
<b>Flood Study</b>	For large scale developments, or developments in critical situations, particularly where an existing catchment based flood study is not available, a flood study using a fully dynamic one or two dimensional computer model may be required. For

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smaller developments the existing flood study may be used if available and suitable (e.g. it contains sufficient local detail), or otherwise a one dimensional steady state flood model would normally suffice.

A flood study must demonstrate that the cumulative impact of a development on flood levels for up and downstream properties is negligible.

### 5.3 STORMWATER MANAGEMENT

All development will need to address the issues associated with managing water on the site. Specific design and specification is attached as Appendix B.

#### PERFORMANCE TARGETS

Table 1 Development Categories, Performance Targets & Relevant references

Development Categories	Performance Target(s)	Requirements (refer below)	Section in the Technical Guidelines – Appendix B1
Single dwelling and Dual occupancy development	I. BASIX II. Quantity Management During Operation III. Quality Management During construction	A	0
Multi Dwelling housing	I. BASIX II. Quantity Management During Operation III. Quality Management During construction	A B C	0 3 4
Residential development in areas of high ground salinity	I. BASIX II. Quality Management During Construction III. Quality Management During Operation IV. Salinity prevention	A C D F	0 4 5 7
Roads in urban areas and Car Parks (> 5 cars) including new roads on subdivisions and road widening	I. Quality Management During Construction II. Quality Management During Operation III. Salinity Prevention (where applicable)	C D F	4 5 7
Commercial, Industrial Developments & Mixed Use	I. Quality Management During Construction II. Quality Management During Operation III. Water conservation IV. Salinity Prevention (where applicable)	C D E F	4 5 6 7
All other types of development including Council development that requires approval under the EP&A Act.	I. Quality Management During Construction II. Quality Management During Operation III. Water conservation IV. Salinity prevention only where applicable	C D E F	4 5 6 7



## A BASIX

The Development proponent shall meet all obligations included on their BASIX certificate.

## B QUANTITY MANAGEMENT DURING OPERATION

### EXEMPTIONS TO THIS PART

Rural development and development which is located in areas of high ground salinity.

### HOW TO COMPLY?

#### Step 1: Determine the minimum runoff storage volume required

The minimum runoff storage volume ( $m^3$ ) required is shown in equation 1 and is:

(1) Rainfall threshold depth, 0.022m x proposed impervious area ( $m^2$ )

*Note that all paved areas which are constructed from permeable paving shall be considered to be permeable for the purposes of applying this policy.*

#### Step 2: Work out how much a rainwater tank can reduce the infiltration volume?

The next step is to work out if a rainwater tank is to be included in the configuration of your solution. If it is, then credit will be given and the retention volume can be reduced in accordance with the following table (2) below.

If there is a rainwater tank obligation arising from BASIX, then credit will be given for the tank and the runoff storage volume will be reduced. If the applicant opts to install a larger tank than that required under BASIX, then even more credit may be given.

**Table 2 Credits (reductions in the runoff storage volume) given for various rain tank sizes and proposed end uses of the rainwater.**

Reduction in runoff storage volume ( $m^3$ ) for using a rainwater tank		
Proposed Rainwater Tank size (kL)	Where outdoor use only is proposed	Where both outdoor and internal use including toilets, hot water and laundry is proposed
<2.5	0	0
≥2.5	1	2.0
≥5.0	1.25	2.5
≥7.5	1.5	3.0
≥10.0	1.75	3.5
≥12.5	2	4.0
≥15.0	2.25	4.5

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**Step 3 Configure the proposed trench, rain garden or rainwater tank according to the supporting S2S - Supporting Technical Guidelines (Appendix B2)**

**Alternate solutions**

Alternatively, a unique solution supported with scientific evidence which demonstrates that the proposal complies with the performance targets may be submitted. The supporting technical guidelines document the minimum evidence requirements.

**C QUALITY MANAGEMENT DURING CONSTRUCTION**

**PERFORMANCE TARGETS**

**Table 3** identifies soil and erosion control requirements during construction for all Applicants.

Commercial and industrial internal alterations, refits and refurbishments which do not disturb any earth are exempt from complying with this part.

**Table 3. Water quality management requirements during construction**

Development Scale	Performance Target
Small Scale  < 800m <sup>2</sup> of disturbed area	As a minimum, Council requires a hand marked-up plan of proposed works showing sediment and erosion control measures. This plan must be prepared in accordance with the supporting Technical Guidelines
Medium  800 m <sup>2</sup> to 2,500 m <sup>2</sup> of disturbed area	An Erosion and Sediment Control Plan (ESCP) must be prepared in accordance with Landcom's Managing Urban Stormwater (2006) otherwise known as 'The Blue Book' (refer to the supporting S <sub>2</sub> S - Technical Guidelines).
Large  More than 2,500 m <sup>2</sup> of disturbed area	A Soil and Water Management Plan (SWMP) must be prepared in accordance with Landcom's Managing Urban Stormwater (2006) otherwise known as 'The Blue Book' (refer to the S <sub>2</sub> S - Supporting Technical Guidelines).

**D QUALITY MANAGEMENT DURING OPERATION**

**PERFORMANCE TARGETS**

This performance target is applicable to:

- Residential development in areas of high ground salinity
- Subdivisions that comprise the whole or major part of a catchment
- Car parks which have a capacity for more than 5 cars
- Commercial development (excluding internal refurbishment and refits)
- Industrial development (excluding internal refurbishment and refits)
- Any new Council or Special Uses development such as schools, hospitals, etc.

#### Water Quality Requirements for Urban Subdivision

Development Scale (average lot size of 800m <sup>2</sup> or equivalent land size)	Performance Target
Small Scale Up to 30 Lots	<ul style="list-style-type: none"> <li>• Bio-retention</li> <li>• Post development flows do not exceed pre-development flows up to and including 1.5 year ARI rainfall event</li> <li>• Bio filtration for overland flow paths</li> </ul>
Medium 30 – 100 lots	<ul style="list-style-type: none"> <li>• On Site Detention (OSD) up to 100 year ARI</li> <li>• All water quality requirements except Gross Pollutant Traps (GPTs)</li> </ul>
Large Beyond 100 lots	<ul style="list-style-type: none"> <li>• On Site Detention (OSD) up to 100 year ARI</li> <li>• All water quality requirements including Gross Pollutant Traps (GPTs) and biofiltration</li> </ul>

Water quality performance targets are stipulated in Table 4.

Table 4. Post development pollution reduction targets

Pollution Reduction Target
<ul style="list-style-type: none"> <li>• Total Suspended Solids (TSS) – 85% reduction of the typical annual load</li> <li>• Total Phosphorus (TP) - 65% reduction of the typical annual load</li> <li>• Total Nitrogen (TN) - 45% reduction of the typical annual load</li> <li>• 90% of gross pollutant loads (litter and heavy sediments), oil and grease are retained on site</li> </ul>

#### HOW TO COMPLY?

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#### DEEMED TO COMPLY SOLUTIONS

There are two deemed to comply solutions which are:

- 1) The use of a bioretention basin or raingarden (which can also be used to increase public amenity) configured to also promote infiltration where permitted.

The minimum area of the bioretention basin is to be based on the proposed impervious area. Table 6 defines the minimum requisite areas. The bioretention basin or rain garden is to be designed in accordance with the supporting S<sub>2</sub>S - Supporting Technical Guidelines (Appendix B2)

- 2) The use of a buried infiltration trench. The deemed to comply infiltration trench solution will need to have a minimum volume calculated in accordance with Table 5. The infiltration trench usually receives stormwater flows from the surface in the same manner as raingardens. However, if the trench is receiving sub-surface flows from the stormwater network then the flows will need to be pre-treated with a sediment trap to ensure that sediment is removed from the runoff before it enters the trench. This, in combination with routine maintenance to remove accumulated sediment will ensure the trench has a long life.
- 3) The provision of a rainwater tank as defined in Appendix B2.

Worked examples are included in the S<sub>2</sub>S - Supporting Technical Guidelines Appendix B2.

Table 5. Area of bioretention and volume of infiltration as a proportion of the upstream impervious area.

Average annual rainfall (mm/yr)	<800	>800
Area of bioretention for roads/carparks expressed as % of the upstream <u>impervious</u> catchment area (based on 100mm depth of surface ponding, 500mm filter media depth and 120mm/hour saturated hydraulic conductivity).	1.0%	1.2%
Minimum volume of storage required inside buried infiltration trench per 100m <sup>2</sup> of upstream <u>impervious</u> catchment.	0.5m <sup>3</sup> /100m <sup>2</sup>	0.75m <sup>3</sup> /100m <sup>2</sup>

Both the bioretention/raingarden and infiltration trench shall be constructed in accordance with the supporting S<sub>2</sub>S - Supporting Technical Guidelines Appendix B2.

#### Alternate solutions

Alternatively, a unique solution supported with scientific evidence which demonstrates that the proposal complies with the performance targets may be submitted. The supporting technical guidelines document the minimum evidence requirements.

#### E WATER CONSERVATION FOR NON RESIDENTIAL DEVELOPMENT

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#### EXEMPTIONS

This clause does not apply to residential development.

#### PERFORMANCE TARGETS

New development applicants (other than residential and commercial and industrial refurbishments and refits) shall reduce consumption of potable water by 40% benchmarked against a development which uses only potable water and which has no water conserving fixtures or fittings.

Commercial and Industrial refurbishments and refit applicants shall reduce consumption of potable water by 30% benchmarked against a development which only uses potable water and which does not use water conserving fixtures and fittings.

#### HOW TO COMPLY?

A Water Conservation Report is to be prepared and submitted with the DA which demonstrates how the water consumption on the proposed development will be reduced by 40% when benchmarked against a development which only uses potable water and does not have any water conservation measures. The measures proposed in the Water Conservation Report shall form a statement of commitment and be included on the conditions of consent.

Compliance with the target can be achieved by firstly reducing the demand for water (known as demand management), and secondly by substituting rainwater, stormwater or wastewater sources for town potable water.

With respect to refurbishments and refits and; where consumption is relatively minor, compliance might be achieved simply by implementing demand management measures alone. In all cases evidence must be provided to Council by way of the Water Conservation Report which defines current demand and demonstrates how future demand will be reduced by the relevant performance target.

Demand Management Measures include the following examples noting the list is not exhaustive:

- Use of minimum AAA rated fixtures and appliances
- Use of aerators on existing and proposed taps
- Flush arresters on existing toilets.
- Selection of plants and landscaping that require little or no watering.

If source substitution such as the use of rainwater tanks, grey water recycling systems or other measures are proposed then the applicant shall ensure that all water shall be fit for its intended purpose, including:

- Recycled water (treated wastewater or stormwater) may be used for non-potable purposes such as toilet flushing or irrigation and washdown.
- Rainwater may be used for both potable and non potable uses.
- Applicants are encouraged to maintain a town water supply (where available) to top up a rainwater tank when needed.



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- Where town water supply is available but not to be installed, agreement on adequate provisions for fire-fighting shall be made with the NSW Fire Brigade who may permit the use of rainwater for fire-fighting purposes provided it is stored in such a manner that it cannot be drawn down for any other purpose.

## F SALINITY PREVENTION

### AIMS

To prevent a decline in the health of receiving waters from development located in areas with high ground salinity.

### PERFORMANCE TARGET

In areas with high ground salinity or in areas where an elevated saline groundwater table exists, infiltration of runoff shall not be permitted.

Where a Quality Management During Operation performance target exists (such as for residential development in saline affected areas) and for reasons of high ground salinity infiltration is not permitted then:

- 1) Applicants shall be limited to one deemed to comply solution, which is either a rainwater tank, bioretention basin or raingarden.
- 2) If a bioretention basin or raingarden is adopted, it shall be lined to prevent infiltration and otherwise sized in accordance with Appendix B1 and constructed in accordance with the S<sub>2</sub>S - Supporting Technical Guidelines Appendix B2.
- 3) Wherever possible, explore the adoption of rainwater tanks or stormwater harvesting to reduce the volume of stormwater runoff as much as possible. This is possible for residential developments where tanks up to 15 kL in volume will help to reduce water bills and runoff greatly.

In areas which are affected by high ground salinity and which have an elevated saline groundwater table, permeable paving may be used provided that no additional areas drain onto the pavement, i.e. only the paved area drains through the pavement.

## 5.4 ENVIRONMENTAL CONTROLS

<b>Protection of Aboriginal Archaeological Items</b>	<ul style="list-style-type: none"><li>(a) Aboriginal archaeological relics are protected by the provisions of the National Parks and Wildlife Act 1974, which makes the disturbance or destruction of these relics, without permission of the Director, an offence.</li><li>(b) Proponents should determine whether their site has potential archaeological significance and if so, should submit an archaeological survey with their development application. Generally, where a site is located near a water course or on an elevated area, an archaeological study will be required.</li><li>(c) Proponents should determine if the development application is classified as integrated development under Section 4.46 of the EP&amp;A Act 1979 and if an Aboriginal Heritage Impact Permit is required.</li></ul>
<b>Bushfire Management</b>	<ul style="list-style-type: none"><li>(a) Where the development site is affected by a bushfire hazard as identified on the Bushfire Prone Land Map produced by the NSW Rural Fire Service, the design and management of the development shall comply with the guideline "Planning for Bushfire Protection" and where required; the Australian Standard AS 3959 - Construction of Buildings in Bush Fire Prone Areas.</li><li>(b) Buildings shall be located to ensure that requirements for fuel free or fuel reduced zones do not impact on existing native vegetation on the site.</li><li>(c) Proponents should determine if the development application is classified as integrated development under Section 4.46 of the EP &amp; A Act 1979 and if a Bushfire Safety Authority is required.</li></ul>
<b>Riparian and drainage line Environments</b>	<ul style="list-style-type: none"><li>(a) Proponents must identify all drainage lines, streams, creeks and rivers on development plans and identify how the development has been designed to respect and be setback from such waterways and their vegetation.</li><li>(b) Proponents should determine if the development application is classified as integrated development under Section 4.46 of the EP &amp; A Act 1979 and if a water use approval, water management work approval or activity approval is required.</li></ul>
<b>Pollution and Waste Management</b>	<ul style="list-style-type: none"><li>(a) Proponents should indicate all waste streams i.e. trade, liquid, chemical, solid, medical, and clarify how they will be managed and contained safely on-site and disposed of such that there are no environmental impacts or effects on adjoining properties, stormwater or sewerage systems or waterways.</li><li>(b) Proponents should determine if the development application is classified as integrated development under Section 4.46 of the EP&amp;A Act 1979 and if an environmental protection license is required.</li></ul>

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	(c) Proponents will refer to Groundwater Vulnerability Mapping associated with Mid-Western Regional Council Local Environmental Plan 2012.
<b>Threatened Species and Vegetation Management</b>	<p>(a) An assessment of any potential impact on native flora and fauna is to accompany a development application. If considered necessary by Council a Flora and Fauna Impact Assessment will be required from a suitably qualified professional. This Assessment will determine whether a Species Impact Statement will be required.</p> <p>(b) Development applications should indicate all existing vegetation.</p> <p>(c) Buildings and access areas should be sited to avoid removal of trees.</p>
<b>Building in Saline Environments</b>	<p><b><i>Information provided by the NSW Government indicates that salinity may occur in parts of the Mid-Western Regional Local Government Area (LGA). This salinity potential is due to inherent characteristics of the Mid-Western Regional LGA landscape. As a result, residential buildings in the Mid-Western Regional LGA may be susceptible to salt damage.</i></b></p> <p><b><i>The inclusion of this information in the DCP will assist the Council in the reasonable undertaking of its roles and responsibilities under the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.</i></b></p>
<b>Definitions</b>	<p><b><i>Salt damage</i></b> - the deterioration of material such as concrete, metal or brick caused by the chemical and physical impact of salts. Salts can be carried in surface water, soil, groundwater, rain or air.</p> <p><b><i>Residential Building</i></b> - Structures classified as either class 1, 2, 3, 9c or 10 in the Building Code of Australia (BCA)</p>
<b>Variation</b>	<p>Council will consider on merit, arguments relating to the application of this policy based on diminished salinity risk*. In all such instances the onus of proof rests with the applicant.</p> <p>*Diminished salinity risk may be argued through a risk assessment based on a site analysis consistent with the Department of Land and Water Conservation (2002) Guide: <i>Site Investigations for Urban Salinity</i> (ISBN: 0 7347 5305 5), and the incorporation into structure design, appropriate measures to manage the risk of salt damage.</p>
<b>House slabs and Footings</b>	<p><b>(A) The following measures must be used for house slabs and footings:</b></p> <ol style="list-style-type: none"><li>1. For slab on ground construction, a layer of sand at least 50 mm deep under the slab must be provided;</li><li>2. A high impact damp proof membrane (rather than a vapour proof membrane) must be laid under the slab (NSW BCA3.2.2.6);</li><li>3. The damp proof membrane must be extended to the outside face of the external edge beam up to the finished ground level. <i>(As per clause 3.2.2.6 and figure 3.2.2.3 of the BCA);</i></li><li>4. Class 25 MPa (N25) concrete must be used OR a sulphate resisting Type SR cement with a water cement ratio of 0.5 must be used. Water, which will reduce the concrete strength below 25 MPa must not be added to the concrete at the</li></ol>

construction site;

5. Slabs must be vibrated and cured for a minimum of three days. Care must be taken not to over vibrate the concrete during placement, as segregation of the concrete aggregates will occur;
6. The minimum cover to reinforcement must be 50 mm from unprotected ground. Chairs including lateral supports should be in position prior to inspection and subsequent pouring of the concrete;
7. The minimum cover to reinforcement must be 30 mm from a membrane in contact with the ground;
8. The minimum cover to reinforcement must be 50 mm for strip footings and beams irrespective of whether a damp proof membrane is used;
9. Admixtures for waterproofing and/or corrosion prevention may be used.

**Brickwork**

**(B) The following measures must be used for brickwork:**

1. The damp proof course must consist of polyethylene or polyethylene coated metal and be correctly placed; (NSW BCA 3.3.4.4);
2. Exposure class masonry units must be used below the damp proof course level. *(Clause 3.3.1.5 (b) and Table 3.3.1.1 of the BCA);*
3. Appropriate mortar (M4 grade) and mixing ratio must be used with exposure class masonry units; *(clause 3.3.1.6 of the BCA);*
4. Admixtures for waterproofing and/or corrosion prevention may be used.

**All buildings**

**(C) The following measures must be used for all buildings:**

1. Once installed the damp proof course or the vapour barrier must not be breached by any later works or additions such as; steps, verandas, walls, rendering, bagging, pointing, paving or landscaping.
2. Appropriate sub-soil drainage must be installed for all slabs, footings, retaining walls and driveways;
3. The dwelling must be designed to suit the sites existing topography and any cut and fill required must not exceed 1000 mm in total.

**Additional controls recommended for all buildings:**

Landscaping and garden designs should not be placed against walls and be designed to minimise the use of water on the site.

Low water requiring plants and water-wise garden designs are required in accordance with the requirements of the Building Sustainability Index.

Buildings shall be maintained in accordance with the requirements of AS2870 Australian Standard Residential Slabs and Footings – Construction. Drainage is to be designed and constructed to avoid the ponding of water against or near footings.

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**Alterations  
and Additions**

**(D) Alterations and Additions.**

Applications for alterations or additions to existing buildings shall comply with the requirements for new structures. Existing buildings affected by the impact of salinity shall be repaired in accordance with the requirements for new buildings and any necessary remediation carried out to the site to ensure the impacts of salinity are eliminated.

Property owners are to obtain advice from suitably qualified building professionals with experience in this field before commencing any repairs or remedial action.

Situations requiring demolition of parts of the building, repairs to drainage systems or structural alterations should not be commenced before the appropriate Construction Certificate or Combined Development Certificate is obtained for the work proposed.

*Notes:*

- 1. In the event that the requirements of this section of the DCP contradicts the Building Code of Australia, the requirements of the Building Code of Australia prevail.*
- 2. Design and construction requirements in this section of the DCP are based on AS3600 Australian Standard Concrete Structures, for moderately aggressive to aggressive environments.*



## PART 6 DEVELOPMENT IN RURAL AREAS

### 6.1 DWELLINGS

There are provisions within the LEP that prescribe circumstances for the erection of dwellings on rural land. These controls relate to Rural zoned (RU1, RU3, RU4, RU5) land and Large lot residential (R5) zoned land.

The subdivision controls in section 7.2 address dwellings associated with new lots. Additional guidelines are as follows.

**Primary Production Small Lots** Dwellings on land within the Primary Production Small lots zone will only be approved where it can be demonstrated that the dwelling is required to support the agricultural use of the land.

The agricultural use of the land for the purposes of the RU4 zone means intensive plant agriculture (defined in LEP) or the irrigation of pasture and fodder crops.

Applications for a dwelling will need to include:

- ❖ Details of the proposed/existing intensive plant agricultural activity
- ❖ Business plan prepared by a suitably qualified professional detailing production costs, harvesting potential and conservative market prices
- ❖ Evidence of water licenses satisfactory for the use
- ❖ Evidence of commencement or intention to commence the activity

Land adjacent to the Mudgee Airport – Dwellings on land zoned RU4 Primary Production Small Lots and having a minimum lots size of 2ha on the Lot Size Map shall only be considered where the dwelling is designed to incorporate a hanger. Such an application will need to address:

- ❖ The relationship between the airport and the development site in respect to the interface with the airport; and
- ❖ Access to the airport for private aircraft.

**Dwellings on rural lots within the former Rylstone LGA** The LEP provides for the erection of a dwelling on a lot (including a lot which forms part of larger holding) on which the erection of a dwelling was permissible immediately before the commencement of the (LEP) plan.

This clause ensures that despite the Lot Size Map, a dwelling house may be erected on a lot with a minimum area of at least 40ha within the former Rylstone LGA.

Reference should be made to the provisions of the LEP 2012 which provide for dwellings on lots below the minimum lot size in particular circumstances, for example existing holdings.

**Services** Where the dwelling will be erected on a lot that is within 500m of an R1 General Residential or R2 Low Density Residential zone, it must:

- ❖ Be on a lot with have sealed road frontage and be connected to the sealed road network; and
- ❖ connect to the reticulated water and sewer infrastructure.

#### Dwellings adjacent to Village Zones

Consideration will be given to applications for the erection of dwellings on existing lots within 500m of an RU5 Village zone where the lot has sealed road frontage and is connected to the sealed road network – in many cases this is likely to mean that the proponent will be responsible for the upgrade of the road as part of any development approval.

In circumstances where the site is within 500m of reticulated water or sewer infrastructure, the dwelling will need to be connected as part of any development approval.

#### Building Setbacks

Zone	Street	Side/Rear	Secondary Frontage for Corner Lots *
R5 Less than or equal to 5ha. in area	30m	20m	15m
RU1, RU4 and R5 Greater than 5ha. in area	60m	20m	15m
RU5	7.5m	BCA	3m
<ul style="list-style-type: none"> <li>Where the lot is located a Classified Road such as Ulan or Cope Road the front setback is 100m and side and rear setback is 20 metres.</li> <li>Where the lot is located on the State Highway the front setback is 200 m and the side setback is 20 metres.</li> </ul>			

#### Out-buildings and Farm buildings

Outbuildings including a farm building\* must not negatively affect the amenity of the streetscape or adjoining properties. The following standards apply for rural areas:

Lot size	Shed Size m2
Up to 5ha	150
Greater than 5ha and less than 40ha	200
Greater than 40ha	500

*\*Farm building is defined in the Standard Instrument as a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.*

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## 6.2 TEMPORARY WORKERS ACCOMMODATION

### Definition

**temporary workers' accommodation** means any habitable buildings and associated amenities erected on a temporary basis for the purpose of providing a place of temporary accommodation for persons employed to carry out large-scale infrastructure, including development for the purposes of an extractive industry, mining, renewable energy or an electricity transmission or distribution network.

### Location

**The development is to be located:**

- (i) if the development relates to a mine—within 5 kilometres of the relevant mining lease under the Mining Act 1992, or
- (ii) in any other case—within 5 kilometres of the large-scale infrastructure in which persons are to be employed.
  - Provision of suitable arrangements for the disposal of waste water and the provision of a water supply. It should be noted that proposals relying on the provision of water transported by tankers will not be supported.
  - Design of the facility to ensure that there is no adverse visual impact discernable from outside the project site.
  - Submission of a plan of management to address the social concerns having regard to the particular location of the accommodation.
  - The application should address health and residential amenity issues that arise due to the location near the major infrastructure project site.
  - Provision of additional access and parking infrastructure commensurate with the additional demand.
  - Provision of a Social Impact Assessment.
  - The application should identify and address potential positive and negative economic impacts of the proposal.

### Need

The proponent shall demonstrate the need for the facility by providing an analysis of the number of major infrastructure project (including mining) jobs currently approved and the total number of temporary workers accommodation beds approved. The expected life of the Temporary Workers Accommodation facility shall be included in the Statement of Environmental Effects indicating the expected timing of decommissioning to relate to the life of the major infrastructure project.

### Social Impact Assessment

There are many definitions of *social impact*. A contemporary definition (Armour, 1992) defines social impacts as changes that occur in:

- People's way of *life* (how they live, work, play and interact with one another on a day-to-day basis);
- Their *culture* (shared beliefs, customs and values); and
- Their *Community* (its cohesion, stability, character, services and facilities).

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**Key principles of assessing social impacts.**

To achieve a useful and appropriate framework for assessing social impacts, a number of key principles are important.

- The purpose of assessing social impacts is to provide focused relevant details on the significant or problematic impacts.
- It is essential to consider the positive and negative social aspects of the development.
- Persons and groups that may be affected by the proposal should be consulted. Community consultation should identify the possible impacts and mitigating measures that may be introduced. Community consultation should occur early in the process and should lead to the formulation of the terms of reference of the Social Impact Statement. It is a requirement that the proponent consult the NSW Police Local Area Command and local health providers (including General Practitioners and Dentists operating in the local area) during the preparation of the Social Impact Statement. It is recommended that the proponent consult Council after the terms of reference are formulated.
- The proponent should incorporate practical measures that will enhance the positive aspects, may improve the development and limit any possible negative social impacts.

The Social Impact Statement should include but is not limited to the following:

- Identification and an in-depth analysis of social impacts of the proposal.
- Outline the process of community consultation and address issues raised by the community.
- consideration of cumulative impacts, intergenerational equity, impacts on the provision of all services and identify ways to address these impacts.
- The results of consultation with relevant service providers including police and health providers.
- Identification of a strategy to mitigate impacts, encourage integration with the community, and permanent relocation to the area, timeframe for implementation of the strategy and a monitoring program.
- Identify and implement provisions that will address the needs identified by the SIS and the demands generated by the development in a way that will not adversely impact upon the existing community.

**Transportable Buildings**

The application must illustrate that all transportable buildings can be permanently affixed to the site by footings in accordance with the requirements of the National Construction Code and associated Engineer's Certification.

Detail that all buildings and structures will have adequate form and appearance, including material and colours in soft earth browns, creams and greens, which do not detract from the visual amenity of the area. The use of reflective cladding material on walls will not be permitted. Where the use of second hand buildings is proposed the application must be accompanied by the following information:

- Photographs clearly showing the condition from all four elevations of the

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	<p>building.</p> <p>An inspection report from a certified structural engineer or accredited building surveyor that the buildings are suitable for the proposed use and relocation.</p>
<b>Accessibility</b>	<p>Accessibility requirements established by Access to Premises Standard, the National Construction Code and the associated Australian Standards are to be addressed in the application.</p>
<b>Density</b>	<p>Development shall be limited to a maximum of 100 beds per hectare.</p>
<b>Facilities</b>	<p>The accommodation facility is to provide the following facilities as a minimum:</p> <ul style="list-style-type: none"> <li>• Ablution facilities to be provided in each accommodation room including shower, toilet and wash basin connected to an approved effluent disposal system. ;</li> <li>• Communal laundry and associated facilities connected to an approved effluent disposal system</li> <li>• A covered/ sheltered entry for each building;</li> <li>• An outdoor activity area of which part shall be shaded;</li> <li>• Adequate and secure storage space for workers, equipment and other material associated with the management and maintenance of the accommodation facility;</li> <li>• Adequate Lighting for pedestrian and vehicular safety and security throughout the complex.</li> <li>• Paved internal pedestrian access to and between all buildings and facilities is to be provided.</li> </ul>
<b>Traffic and Parking</b>	<ul style="list-style-type: none"> <li>• Internal road and vehicular access provided in accordance with Australian Standard No. AS2890 Council standard.</li> <li>• Provision of one car parking space per room and one space per staff member in accordance with the car parking section of this DCP.</li> <li>• Designated bus parking and collection/drop off area located within the development area with sufficient manoeuvring area to allow the bus to enter and leave the site in a forward direction.</li> <li>• Designated delivery areas.</li> </ul>
<b>Services</b>	<ul style="list-style-type: none"> <li>• Provision of a potable water supply capable of providing a minimum of 140 litres per person per day. A lower daily minimum may be acceptable where the proposed development includes water saving measures such as recycling systems or non-potable water supply sources.</li> <li>• A water balance is to be submitted demonstrating that the proposed provisions for water and sewer services can be met by the development.</li> <li>• Demonstration of adequate water supply to maintain the accommodation facility including landscaping.</li> <li>• Where the facility is to connect to a reticulated system provided by the local authority, the applicant must demonstrate that the reticulated system can support the additional demand generated by the Temporary Workers Accommodation whilst allowing adequate capacity to service existing demand, demand to meet land already zoned within the</li> </ul>



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	<p>catchment, uses already approved to connect to the reticulated service and land identified in the Comprehensive Land Use Strategy.</p> <ul style="list-style-type: none"> <li>• Provision of waste collection and where necessary entering into a waste disposal agreement with Council or an approved waste collection operator.</li> <li>• First aid facilities.</li> </ul>
<b>Landscaping</b>	<p>A landscape plan should be provided with the application. Where possible, remnant vegetation should be retained. Landscaping should focus on:</p> <ul style="list-style-type: none"> <li>• Providing a buffer to surrounding land, in this case vegetation should consist a combination of mature trees and shrubs to achieve a visual buffer;</li> <li>• Providing privacy within the development;</li> <li>• Improving the residential amenity through the provisions of shade.</li> <li>• Consist mainly of native species or species that thrive in this locality.</li> <li>• At least 25% of the site should be openspace.</li> </ul> <p>It will be a requirement of any development consent that the landscaping is to be maintained for the life of the development in accordance with the approved landscaping plan.</p>
<b>Plan Management</b>	<p>of The applicant shall provide a Plan of Management that shall form part of any approval granted by Council. The Plan shall address, but is not limited to, the following issues:</p> <ul style="list-style-type: none"> <li>• Identification of measures introduced to mitigate social impacts</li> <li>• Management of security and safety of tenants, community and surrounding residents.</li> <li>• Noise, dust, odour, light spill and litter.</li> <li>• Potential conflict with adjoining owners/occupiers that may be affected by the operation of the accommodation facility.</li> <li>• The method of transport of the workers to the project site.</li> <li>• The consumption of alcohol at the accommodation facility (if applicable).</li> <li>• Where adjacent to a town or village, access to facilities.</li> <li>• Access to medical services.</li> <li>• Methodfor the collection of waste within the site.</li> <li>• Emergency response procedures.</li> <li>• Soil, groundwater and surface water protection methods.</li> <li>• Details of signage at the entrance to the accommodation which is to include the following: <ul style="list-style-type: none"> <li>➤ Site Manager / Operator</li> <li>➤ Specific Rules of the Accommodation site</li> <li>➤ Emergency Contact Details</li> </ul> </li> <li>• Complaints Handling Procedure that will be publicly available and include a compliant contact phone number.</li> </ul>
<b>Decommissioning</b>	<p>The application shall be accompanied by a Decommissioning Plan that shall form part of any approval granted by Council. The Plan shall address the following issues:</p>

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- When the facility shall be decommissioned;
  - Works or facilities that shall remain in place following decommissioning;
  - Details of the clean –up and rehabilitation of the site;
  - The proposed use of the site after decommissioning; and
  - The transfer to public ownership of any legacy infrastructure.

**Developer  
Contributions**

Council will seek to negotiate planning agreements for major developments in accordance with s93F of the Environmental Planning and Assessment Act 1979. Proposal involving less than 50 beds will be assessed in accordance with Council Section 94 Contributions Plan as commercial development.

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## 6.3 WIND FARMS

### Scope

For the purpose of the development control plan, commercial wind power generation turbine(s) or towers with a peak capacity power rated output greater than 10kW require development consent and must comply with the provisions of this plan.

For the purposes of this Plan, commercial wind power generation includes wind power generation

Turbine(s) or towers with a peak capacity of power rated output greater than 10kW. The erection of a wind monitoring tower also requires Council's consent.

#### Objectives

- To minimise potential land use conflicts,
- To ensure that there is no unreasonable interference with the comfort or response of adjoining land users,
- To ensure road access and other issues are identified and sufficient information is included with each development application to enable proper assessment, and
- To ensure that adequate provisions are made to restore developed land at the end of the life of the development.

#### State Significant Development

Due to the high capital investment value of large wind farms they often are categorised as State Significant Development. In these circumstances the assessment of the application is undertaken by the Department of Infrastructure and Planning. To determine if your proposal falls within this category reference should be made to State Planning Policy (State and Regional Development 2011).

In the event that your proposal falls within the category of State Significant Development such that Council is not the approving authority, consistency with this Development Control Plan is nevertheless sought.

### Statement of Environmental Effects (SEE)

The development application must be accompanied by a Statement of Environmental Effects

The SEE as a minimum shall contain the following information:

- The location of the property, land contours, boundary dimensions and site area. This should include a topographic map of 1:25,000 scale showing the location of the proposed development, the route of transmission lines to the electricity grid (and include access road, pylon, gradient and erosion control assessments), the service roads on and to the site, and the proximity to significant features such as dwellings, environmentally sensitive land, prime crop and pasture land, forests, national parks, heritage items and aircraft facilities.
- The site plan or plans showing positions of the proposed wind turbines, site boundaries, land contours, native vegetation, the proposed vehicular access points, the location of existing and proposed vegetation and trees on the land, the location and uses of all existing and proposed buildings, power lines, sub-station and fences on the land.
- A description of the proposed wind turbine/s, including all relevant details such as number, make, model, dimensions, generation capacity, tower

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height, blade length, materials and colour.

- A land use description of the adjoining land and/or affected lands and landscape including assessment of the likely future impact.
- A noise impact assessment demonstrating compliance with the Department of Environment, Climate Change and Water licensing requirements (whether a licence is required or not) the NSW Wind farm Guidelines (2012) and any other NSW Acts, Rules or Regulations applicable to wind farm noise. The application shall also detail proposed monitoring program(s) for full spectrum noise testing (including low frequency sound and infrasound) to validate predicted noise impacts on neighbouring properties. The impact of The Van Den Berg effect (ie the effects of the wind profile at night on wind turbine sound) is also to be specified.
- A description and assessment of the visual effects including photomontages, plate or panoramic photomontages, computer assisted photo simulations or other graphic representations of the appearance of the wind turbines and transmission lines. Viewshed modelling via the use of a suitable GIS (e.g. "MapInfo") is encouraged. Shadow prediction and shadow flicker assessments shall be included in the visual assessment(s).
- An evaluation of the electromagnetic radiation and/or interference from the wind turbines and/or transmission lines. This should include impacts on human and animal health, emergency services, RFS, Police, Ambulance etc. and local television and radio reception and other local communications.
- A construction program and environmental management plan incorporating the proposed staging of the project, erosion and sedimentation controls, heavy vehicle movements, site access including all service roads, transmission towers, substation, underground wiring, construction phase impacts including facilities, waste disposal, staff/contractor numbers etc., weed control, farm impacts and all other works.
- A report detailing investigations into the impact of construction vehicles on the proposed route having regard to public safety especially school bus hours and citizens' peak hour travel to work shall accompany the development application. Detailed road condition reports will be required as part of any consent. Council will require a full traffic assessment as part of the development application;
- An evaluation of flora and fauna impacts with specific mention of migratory species potentially impacted by the development. Where the development is in close proximity to known habitats of threatened species (Flora or Fauna), early consultation with the Department of Environment, Climate Change and Water is highly recommended.
- A decommissioning and site restoration plan and program.
- Demonstration that all issues raised by relevant Agencies have been addressed (e.g. CASA for aviation safety, SCA for water quality issues - AAA for aerial agriculture implications etc.)
- The heritage significance of the site and surrounds.
- An assessment of any risks involved in soil disturbance or arising from vibration or microclimate impact including contamination impacts on hydrology and archaeological issues.
- Assessment of the development regarding all relevant legislation and applicable policies.
- Applicants are required to keep the local community fully informed

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throughout their design process.

- Additional information may be required depending upon the circumstances of the development proposal and level of detail, and accuracy provided within the development application.

#### **Controls**

The following must be included as part of the design criteria and assessment of any related development application:

- The development should be sited and carried out to minimise impacts on, or restrictions to grazing, farming and forestry practices;
- The development should be carried out in a way that minimises any physical adverse effects on adjoining land and the development site, including, but not limited to:
  - (i) land degradation
  - (ii) alteration to drainage patterns
  - (iii) pollution of ground water
  - (iv) spread of noxious plants and animals, and
  - (v) bushfire hazard
- The developer must assess the visual impact of the project including an assessment of scenic value. The developer must consult with the Council and the community on appropriate visual impact measures;
- The developer must assess the cumulative impact of the development having regard to wind farms in existence, those approved but yet to be constructed, those for which a Development Application has been lodged with a planning authority and those for which written licenses have been granted to a developer for wind farm assessment purposes Council does not favour large expanses of ridgelines being covered with wind farms and turbines;
- Proposed wind turbines shall comply with the NSW Wind farm Guidelines and any other NSW Acts, Rules or Regulations applicable to wind farm noise. Note that where noise levels are found to exceed those guidelines, Council shall require remediation work and may require the cessation or decommissioning of the turbines to reduce the noise impacts on sensitive receptors such as non-related dwellings. The developer shall, upon request of council or an adjoining landowner, furnish the following information: a) noise attributable to the wind farm; b) associated wind speed and direction at the wind farm, weather conditions at the wind farm and power output of individual turbines at the wind farm; and (c) data collected on low frequency noise and Infrasound levels occurring at a representative sample of neighbouring non-host residences;
- Turbines shall not be located within 5.0 kilometres of any dwelling not associated with the development or from any lot upon which a dwelling may be constructed. The 5.0 kilometre setback proposes utilising a precautionary principle in addressing perceived visual, noise and health concerns;
- Turbines shall not be located within a distance two times the height of the turbine (including the tip of the blade) from a formed public road. A greater distance may be required by the road authority;
- Turbines shall not be located within a distance 2.0km from a non-related property boundary;



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- Existing and proposed screenings may be used to minimise visual impacts to non-related properties. However, due to the height of turbines, screening is not the preferred method of minimising visual impact. Turbines shall be located in positions so as to have minimal visual impact on nearby properties, especially existing dwellings and lots on which dwellings may be constructed;
  - Turbine locations are to be sensitive to existing related dwellings on the subject site. Noise and shadow flicker should be minimised and turbines should not be located in close proximity to existing dwellings;
  - Turbine locations shall not surround a non-related property. Turbines shall be located with the specified setbacks from property boundaries to minimise the visual impact of the development on adjacent and nearby non-related property. Cumulative impacts, having regard to existing turbines, turbines approved but yet to be constructed, those for which a Development Application has been lodged with a planning authority and those for which written licenses have been granted to a developer for wind farm assessment purposes should be assessed;
  - A Communications Study should identify the existing status of communications and detail the proposed method of dealing with potential communication interference. The development should not detract from the reception of radio, TV, internet or other communication methods. Where necessary, it may be required to install additional services (boosters/communication towers/ re-transmission towers etc.) to maintain such services in the vicinity of the development. Where this is determined to be necessary, the work and equipment shall be at the developers cost;
  - Construction vehicles, including concrete trucks, carriers of turbine components, and related heavy vehicles (including relevant contractors) shall only travel on an approved route. This route shall be identified in a report having regard to public safety especially school bus hours and citizens peak hour travel to work and approved in accordance with this Plan;
  - A report detailing investigations into the impact of construction vehicles on the proposed route shall accompany the development application. Detailed road condition reports will be required as part of any consent. Council will require a full traffic assessment as part of the development application;
  - Council will require road works to cope with the over size and overweight traffic movements related to the construction of a wind farm. Bonds will also be required for any potential damage to roads during the construction phase. The road works and bond amounts will be determined by Council professional staff, but will be determined generally by the length of road and condition of road surface/base bridge, drainage etc. relevant to the selected route. Where road works are determined necessary for the development, costs associated with the road works shall be the developer's responsibility;
  - The construction and maintenance of internal roads (roads within the property subject to the development) shall be the responsibility of the developer. Council will require proof that they have been adequately designed and constructed for their purpose. Council and relevant State Government Agencies shall be provided with adequate information about the environmental aspects of the internal road construction;
  - All infrastructure related to the wind farm should be included in the development application. Management of temporary facilities, waste, numbers of contractors/employees, etc, should be part of the Development

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Application information. All infrastructure should be located in low visual impact locations and interconnection cables/wiring and the like should be underground;

- Within six months of the wind turbine generators ceasing to operate, any rights of carriageways that were created to enable maintenance to be conducted on the wind turbine generators are to be extinguished by the developer and the land made good, unless otherwise agreed with the landowner;
- Within twelve months of the wind turbine generators ceasing to operate, they are to be fully dismantled and removed from the site. A security guarantee/bond is to be lodged with the consent authority (prior to any work commencing on-site) in an amount determined by the consent authority to cover the cost of dismantling and removal of the turbines; and
- Details of the proposed connection to the electricity reticulation network shall be included as part of the Development Application Environmental Assessment.

#### **Other Aspects**

##### **Notification**

On lodgement of the DA, Council will notify property owners within a 5 kilometre radius of the development in addition to the notification requirements outlined in the DCP. All submissions received will be presented to the Council for their consideration in the assessment and determination process. Where Council is the consent authority, Council will hold a notification and submission period of not less than 60 days and will require the developer to hold a minimum of one public information night during the exhibition and submission period. The developer shall undertake additional consultation with the community and affected property owners.

Much of Council's road network is generally not capable of sustaining the overweight loads involved with wind farms and will require substantial upgrading to accommodate the wind farm construction vehicles. Appropriate bonds will be required to ensure any road damage is repaired to Council's satisfaction. Such bonds are payable prior to commencement of any works on the site. Road sealing shall be required where appropriate on unsealed public roads utilised by the proponent.

##### **Consultation with State Government Authorities**

Proponents are advised to consult with public authorities that may have a role in assessing their development application. Council may consult relevant public authorities.

## 6.4 TOURIST AND VISITOR ACCOMMODATION

### Definition

**tourist and visitor accommodation** means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- (a) backpackers' accommodation,
  - (b) bed and breakfast accommodation,
  - (c) farm stay accommodation,
  - (d) hotel or motel accommodation,
  - (e) serviced apartments,
- but does not include:
- (f) camping grounds, or
  - (g) caravan parks, or
  - (h) eco-tourist facilities.

Note: Refer to the LEP 2012 for individual definition of the above terms.

**serviced apartment** means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

**Development for the purposes of cabins or self contained holiday accommodation, the definition of serviced apartment is applied.**

### Location

- (a) Must comply with the MLS map or demonstrate compliance with Clause 4.2A of the LEP 2012.
- (b) All tourist and visitor accommodation has a residential component and therefore Council will not consider the establishment of any tourist and visitor accommodation on land on which a single dwelling is not permissible in the LEP 2012.

### Design & Layout

- (a) The development should address the constraints of the site including topography, existing vegetation
- (b) Development for the purpose of services apartments (cabins or the like) shall be limited to a maximum of 6 individual accommodation units and one permanent dwelling (or manager's residence).
- (c) The use of manufactured or relocated homes will not be permitted in the urban areas.

### Water Cycle Management

Council will require a Water Cycle Management Report for each lot in the subdivision which identifies that there is a suitable area capable of the disposal of on-site wastewater. The report must include a plan showing a nominal effluent management area for each proposed dwelling or cabin site (as the case may be), in relation to slope, aspect and other site constraints. The plan must indicate all nearby waterways with a buffer of a least 100 metres between effluent management areas and perennial or intermittent creeks or watercourses and 40 metres to drainage depressions.

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**Electricity**      The proponent shall demonstrate that the development can be serviced by electricity either via connection to the grid or solar power. Generators will generally not be accepted as a source of electricity.

**Parking**              Refer to car parking requirements section 5.1 in the DCP

**Signage**              Refer to requirement for signs section 4.4 in the DCP

## 6.5 SOLAR ENERGY FARMS

**Scope** For the purpose of the development control plan, ‘electricity generating works’ comprising of solar energy systems that do not achieve the provisions of exempt or complying development under Part 3, Division 4 of State Environmental Planning Policy (Infrastructure) 2007 must comply with the provisions of this plan. The placement of inverters and associated infrastructure to support the solar energy system also requires Council’s consent. It is highly recommended that a pre-application meeting with Council is held prior to submitting a Development Application.

### **Objectives**

- *To minimise potential land use conflicts;*
- *To ensure that there is no unreasonable interference with the comfort or response of adjoining land users;*
- *To ensure that impacts on agricultural land, businesses and tourism are appropriately considered;*
- *To ensure road access, visual impacts, noise, health, waste, construction management and environmental constraints are identified and sufficient information is included with each development application to enable proper assessment; and*
- *To ensure that adequate provisions are made to restore developed land at the end of the life of the development.*

### **State Significant Development**

Due to the high capital investment value of larger solar energy farms, they often are categorised as State Significant Development. In these circumstances the assessment of the application is undertaken by the Department of Planning and Environment. To determine if a proposal falls within this category, reference should be made to State Planning Policy (State and Regional Development 2011).

In the event that a proposal falls within the category of State Significant Development such that Council is not the approving authority, Council will request via the Secretary’s Environmental Assessment Requirements (SEAR’s) process that consistency with this section of the Development Control Plan is still required.

### **Statement of Environmental Effects (SEE)**

All development applications must be accompanied by a Statement of Environmental Effects (SEE).

The SEE, as a minimum, shall contain the following information:

- The location of the property, land contours, boundary dimensions and site area. This should include a topographic map of 1:25,000 scale showing the location of the proposed solar development, the route of transmission lines to the electricity grid (and include access road/s and erosion control assessments), the service roads on and to the site, and the proximity to significant features such as main townships or villages, main roads, other solar farm developments, dwellings, environmentally and visually sensitive land, watercourses or drainage lines, crop and pasture land, forests, national parks, heritage items or conservation areas and aircraft facilities.
- The site plan or plans showing the position of the proposed solar panel arrays, inverters, battery storages and all construction facilities from site boundaries, the



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land contours, native vegetation to be removed or retained, the proposed vehicular access points, the location and uses of all existing and proposed buildings, power lines, sub-station and fences on the land.

- A description of the proposed solar arrays including all relevant design details such as number, dimensions, generation capacity, overall height once mounted, rotational information and materials / colour including if mirror or lenses are proposed. This may also be supported by an elevation plan.
- Details of the proposed connection to the electricity reticulation network shall be included as part of the Development Application.
- A land use description of the adjoining land and/or affected lands and landscape including assessment of the likely future impact.
- A Land Use Conflict Risk Assessment (LUCRA) shall be prepared in accordance with the Land Use Conflict Risk Assessment Guide produced by the Department of Primary Industries.
- A preliminary risk screening in accordance with SEPP No. 33 – Hazardous and Offensive Development shall be included, particularly if battery storage is proposed onsite. If the proposal is deemed “potentially hazardous”, a Preliminary Hazard Analysis (PHA) shall be prepared and submitted with mitigation measures to manage the risks including but not limited to spontaneous ignition, bushfire and electro-magnetic fields in accordance with relevant Australian Guidelines.
- A noise impact assessment demonstrating compliance with the NSW Noise Policy for Industry 2017, Noise Construction Guidelines and any other NSW Acts, Rules or Regulations applicable to solar farm noise including during construction and decommissioning.
- A description and assessment of the visual effects on all scenic, neighbouring and public view locations including photomontages, plate or panoramic photomontages, computer assisted photo simulations or other graphic representations of the appearance of the solar arrays and ancillary infrastructure such as inverters, transmission lines and battery storages. Viewshed modelling via the use of a suitable GIS (e.g. “MapInfo”) is recommended.
- A glint and glare assessment, including full details on night lighting shall be submitted with the DA.
- A construction program and environmental management plan incorporating the proposed staging of the project, erosion and sedimentation controls, heavy vehicle movements, site access including all service roads, substation, underground wiring, construction phase impacts including facilities, waste disposal, staff/contractor numbers etc., weed control, farm impacts and all other works.
- The developer shall ensure that a workforce management plan including workforce accommodation considerations are detailed in the DA for the construction and operation phases of the project.
- Council will require a full traffic assessment as part of the development application which shall detail the impact of construction vehicles on the proposed route having regard to public safety especially school bus hours and citizens’ peak hour

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travel to work. Detailed road condition reports will be required as part of any consent.

- An evaluation of flora and fauna impacts with specific mention of migratory species potentially impacted by the development. Where the development is in close proximity to known habitats of threatened species (Flora or Fauna), early consultation with the Office of Environment and Heritage is highly recommended.
- A decommissioning and site restoration plan should be included that provides measures to remediate the land in accordance with SEPP No 55 – Remediation of Land along with details of appropriate disposal methods for all infrastructure.
- Demonstration that all issues raised by relevant State Agencies consulted have been addressed (e.g. CASA for aviation safety, DPI Water for water impacts, OEH for flora and fauna impacts).
- The cultural heritage significance of the site and surrounds.
- An assessment of any risks involved in soil disturbance or arising from vibration or microclimate impact including contamination impacts on hydrology and archaeological issues.
- Assessment of the development regarding all relevant legislation and applicable policies.
- Applicants are required to keep the local community fully informed throughout the design process.
- Additional information may be required depending upon the circumstances of the development proposal and level of detail, and accuracy provided within the development application.

#### **Controls**

The following must be included as part of the design criteria and assessment of any related development application:

- The developer should assess the visual impact of the project including an assessment of the development on the scenic value and character of the locality. This assessment should consider how the proposal will maintain the unique local character of the area, all significant vistas and also examine local community values towards key elements which form the identity of the area being impacted by the proposal.
- The development should be sited and carried out to minimise impacts on, or restrictions to grazing, farming, residential, tourism, business and forestry practices.
- The development should be carried out in a way that minimises any physical adverse effects on adjoining land and the development site, including, but not limited to:
  - (i) land degradation
  - (ii) native vegetation loss
  - (iii) alteration to drainage patterns
  - (iv) pollution of surface and ground water
  - (v) spread of noxious plants and animals, and

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(vi) bushfire hazard.

- The developer should assess the cumulative impact of the development having regard to solar energy farms already built and, those approved but not yet constructed. Council does not favour large expanses of land being covered with solar energy farms where there is significant cumulative impact.
- Proposed solar farms should consider the NSW Department of Planning and Environment Solar Energy Guidelines, NSW Noise Policy for Industry and any other NSW Acts, Rules or Regulations applicable to solar energy farms.
- Where the proposal is located within a 5km radius from main townships and villages, the proposal must demonstrate that it will not impact on the scenic value and character of the locality.
- Solar Energy Farms should not be located within 500m of any dwelling not associated with the development or from any lot upon which a dwelling may be constructed.
- Solar Energy Farms should not be located within 200m from a formed Local Public Road or 500m from a Regional or State Road. A greater distance may be required by the road authority where visual impact mitigation is necessary.
- Solar Energy Farms should not be located within 100m from a non-related property boundary; existing and proposed screenings may be used to minimise visual impacts to non-related properties. However, screening is not the only preferred method of minimising visual impact. Solar arrays shall be located in positions so as to have minimal visual impact on nearby properties, especially existing dwellings and lots on which dwellings may be constructed.
- Solar Energy Farm locations are to be sensitive to existing related dwellings on the subject site. Noise and glare should be minimised in all respects.
- Solar Energy Farms should not surround a non-related property. Solar arrays shall be located with the specified setbacks from property boundaries to minimise the visual impact of the development on adjacent and nearby non-related property.
- Construction vehicles, including concrete trucks, carriers of solar/ inverter/battery storage components, and related workforce vehicles (including relevant contractors) shall only travel on an approved route. This route should be identified in a traffic report having regard to public safety especially school bus hours and citizens peak hour travel to work and approved in accordance with this Plan.
- Council may require road works to cope with the traffic movements related to the construction of a Solar Energy Farm. Bonds will also be required for any potential damage to roads during the construction phase. The road works and bond amounts will be determined by Council professional staff, but will be determined generally by the length of road and condition of road surface/base bridge, drainage etc. relevant to the selected route. Where road works are determined necessary for the development, costs associated with the road works shall be the developer's responsibility.
- The construction and maintenance of internal roads (roads within the property subject to the development) shall be the responsibility of the developer. Council will require proof that they have been adequately designed and constructed for

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their purpose. Council and relevant State Government Agencies shall be provided with adequate information about the environmental aspects of the internal road construction.

- All infrastructure related to the Solar Energy Farm should be included in the development application. Management of temporary facilities, waste, numbers of contractors/employees, etc., should be part of the Development Application information. All infrastructure should be located in low visual impact locations and interconnection cables/wiring and the like should be underground.
- Within six months of the Solar Energy Farm ceasing to operate, any rights of carriageways that were created to enable maintenance to be conducted are to be extinguished by the developer and the land made good, unless otherwise agreed with the landowner.
- Within twelve months of the Solar Energy Farm ceasing to operate, all infrastructure is to be fully dismantled and removed from the site.

#### **Other Aspects**

##### **Notification**

On lodgement of the DA, Council will notify property owners within a one (1) kilometre radius of the development in addition to the notification requirements outlined in the DCP (advertising of the DA will be undertaken).

##### **Council Assets**

Much of Council's road network is generally not capable of sustaining the increase in large scale construction traffic and may require substantial upgrading to accommodate construction vehicles. Appropriate bonds will be required to ensure any road damage is repaired to Council's satisfaction. Such bonds are payable prior to commencement of any works on the site. Road sealing shall be required where appropriate on unsealed public roads utilised by the proponent.

##### **Consultation with State Government Authorities**

Proponents are advised to consult with public authorities that may have a role in assessing the Development Application. Council may also consult with those relevant public authorities during the application process.

##### **Developer Contributions**

Council will seek to negotiate voluntary planning agreements for major solar energy farm developments in accordance with 7.4 of the Environmental Planning and Assessment Act 1979. However, this does not exclude application of section 7.11 or 7.12 Developer Contributions in accordance with the relevant Contributions Plan in force at the time of determination.

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## PART 7 SUBDIVISION

### 7.1 URBAN SUBDIVISION

*This section of the Plan provides guidelines for the subdivision of land zoned residential (R1 General Residential, R2 Low Density Residential and R3 Medium Density Residential),.*

<b>Lot Size</b>	<p>The minimum lot size is determined by the Mid-Western Regional LEP 2012</p> <ul style="list-style-type: none"><li>(a) All lots must have street frontage.</li><li>(b) As slope increases the minimum size of the lots will be required to increase according to the following:-<table><tr><td>0-10°</td><td>600m<sup>2</sup></td></tr><tr><td>10-15°</td><td>700m<sup>2</sup></td></tr><tr><td>15-20°</td><td>800m<sup>2</sup></td></tr></table></li><li>(c) Development will not be permitted on slopes in excess of 20°. All lots must have a minimum width of 16m at the building line (4.5 metres from the front property boundary) in the case of lots within residential and village zones.</li></ul> <p>Battleaxe handles in R1 General Residential and R3 Medium Density Residential and RU5 Village zones must have a minimum width of 4m and R2 Low Density residential and R5 large lot residential zones must have a minimum width of 6m</p>	0-10°	600m <sup>2</sup>	10-15°	700m <sup>2</sup>	15-20°	800m <sup>2</sup>
0-10°	600m <sup>2</sup>						
10-15°	700m <sup>2</sup>						
15-20°	800m <sup>2</sup>						
<b>Lot Design</b>	<ul style="list-style-type: none"><li>(a) For infill developments in established areas, lot orientation should optimise solar access while taking account of the existing pattern and solar orientation of development.</li><li>(b) For subdivisions in new release areas and at the edge of established residential areas, orientation should maximise solar access by providing a north-south orientation within the range of 30° east of north or 20° west of north as the preferred option. Lots orientated east-west should have increased width and the midpoint of each lot with access to a minimum of 3 hours sunlight between 9.00 am and 3.00 pm on 21 June (Winter solstice)</li><li>(c) Lots should be generally rectangular in shape. Lots on the southern side of the road should provide a greater frontage to allow better solar orientation of the future dwelling.</li><li>(d) Corner lots should be created of a sufficient area to allow development for the purposes of dual occupancies with the supply of appropriately located independent utility connection points.</li></ul>						
<b>Street Design and Layout</b>	<ul style="list-style-type: none"><li>(a) A Traffic Impact Statement is to be submitted for any subdivision involving 5 or more allotments and in all cases where the creation of a new road is proposed.</li><li>(b) A subdivision layout will need to detail the road hierarchy and how the development integrates with the existing residential area. New roads associated with subdivisions must provide 'through road' connections between surrounding roads and road heads where they exist in the</li></ul>						



locality.

- (c) Where a cul de sac treatment is unavoidable, the applicant will need to incorporate pedestrian linkages between streets throughout the subdivision. Multiple use of cul de sacs and “no through roads” is discouraged.
- (d) The maximum number of lots serviced by a cul de sac in a residential zone is 12, or otherwise a cul-de-sac is restricted to less than 150 metres in length.
- (e) A subdivision involving more than 80 residential lots should be able to accommodate travel without excessive backtracking.

#### Road Standards for New Development

A road hierarchy has been established in Mudgee and distinguishes between, Minor Roads, Collector Roads, Sub Arterial Roads and Arterial Roads. This hierarchy is to be maintained. The following table sets out the required standards for the construction of new roads.

#### Urban Road Standards

Access to and within a residential subdivision (the road network and internal roads) are to be upgraded or constructed to the following standards. All roads are to be constructed with asphalt or bitumen in accordance with AusRoads standards.

Road Type	Road Reserve	Carriage-way	Nature Strip	Footpath	Kerbing
Minor Road- Cul-de-sac serves ≤10 dwellings	16m	8m	2x4m	No	Roll-over
Residential Road – serves 31-120 dwellings	18m	9m	2x4.5m	1x1.2m	Roll-over
Major Residential Road (collector road) - serves >120 dwellings	20m	11m	2x4.5m	1x1.2m	Roll-over
Sub-arterial Road –Bus Route and/or cycle lane (on one side only)	22m	13m	2x4.5m	2.5m	Barrier
Commercial & Industrial subdivision roads	24m	13m	2x5.5m	1x1.2m	Barrier/ roll over

**Note: The minimum radius of Cul-de-sac kerb return is 8.5m with road reserve of 12.5m**

**Cul-de-sacs will only be considered in commercial/industrial subdivisions where there is no alternative option and should be designed having regard to the size of the lots proposed.**

#### Cycle ways and Footpaths

- (a) Cycle ways and alternative pedestrian networks are encouraged within new subdivisions. Where the site is included in a cycleway plan or pedestrian strategy, the design of the development will need to address this. In other cases, all new residential subdivisions are required to plan and provide combined pedestrian/cycle ways, which will provide direct, convenient and safe access to major facilities eg schools, playing fields, playgrounds, shops,

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bus stops, etc.

- (b) Ends of cul-de-sacs may be required to include pedestrian pathways (or share ways) preferably in conjunction with stormwater drainage to provide access to adjacent streets or parks. The minimum width of pathway and/or drainage overland flow outlets is 10 metres.
- (c) The developer will be required to pay council a contribution for the installation of cycle ways and footpaths prior to the release of a subdivision certificate.

**Open Space**

(a) Subdivision of Greenfield sites where more than 20 lots are proposed shall ensure that all lots are within 400m of a local park, playground or passive open space

(b) Where on-site detention basins are proposed to double as open space the basin must include a sizeable raised level area which incorporates playground or fitness equipment or the like and shading landscaping to ensure that it can be activated for active and passive recreation.

**Landscaping**

A Landscape plan detailing the proposed treatment of the public domain is required to be submitted with the development application. This plan is to include treatment of the nature strip, street furniture, paving materials etc.

Land to be dedicated as a public reserve is to be top soiled, levelled and turfed prior to the release of the Subdivision Certificate. The developer will need to maintain this land for a period of two years and therefore the construction of the public reserves at the start of a green field subdivision is encouraged.

**Street Trees**

All new lots require the establishment of 2 street trees per lot. The developer is required to pay a levy Council to carry out these works in the future. This is the preferred method for street tree planting as Council can plant these trees after much of the construction work (80% of the lots have been built upon) has taken place. The fee associated with this type of arrangement will be provided in Council's Management Plan.

**Utility Services**

A servicing plan shall be submitted with the development application and include the provisions of underground electricity, reticulated sewer and water services, drainage and telecommunications to the development.

Evidence of consultation with the relevant authorities is to be submitted with the development application.

In the R1 General Residential Zone and the R3 Medium Density Residential Zone an initial assessment will be undertaken at the development application to nominate those lots considered suitable for dual occupancy development. This assessment will have regard to the requirements of this DCP (see Section 2.2 and 3.1) and the suitability of the site. Where a site has been nominated Council will require dual utility services to be provided for those lots. Dual services are to include water,

sewer, stormwater, electrical and telecommunication services. Identification of the site does not pre-empt that development consent will be given for dual occupancy development. Any subsequent Development Application for a dual occupancy will be subject to a full assessment pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979.

**Drainage** Refer to section 5.3 Stormwater & Drainage

## 7.2 RURAL SUBDIVISION

*This section of the Plan provides guidelines for the subdivision of land zoned rural and R5 Large Lot Residential.*

**Site Plan** Applicants are required to submit a site plan which identifies existing vegetation, farm improvements including dwellings, sheds, dams, fences and access roads.

The application should:

- ❖ Detail the existing use of the land.
- ❖ Address access points and location of proposed lot configuration to public roads.
- ❖ Identify unformed roads and other crown land within and adjoining the subject site.
- ❖ Show any easements for electricity or other services.
- ❖ Clearly mark designated streams or watercourses within the site.

**Lot Size**

- (a) Lots must be of sufficient area to enable the construction of a dwelling house, associated outbuildings, services, vehicle parking and access, private open space without excessive terracing and allow for maximum retention of existing vegetation.
- (b) The minimum area for subdivision will apply to that area that is considered productive for the agricultural pursuit for which the lot is being created.

**Primary Production Small Lots** Subdivision applications on land in the RU4 zone for the purpose of intensive agriculture and a dwelling will need to include:

- ❖ Details of the proposed/existing intensive agricultural activity.
- ❖ Business plan prepared by a suitably qualified professional detailing production costs, harvesting potential and conservative market prices.
- ❖ Evidence of water licenses satisfactory for the use.
- ❖ Evidence of commencement or intention to commence the activity.

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Land adjacent to the Mudgee Airport – Subdivision of land zoned RU4 Primary Production Small Lots and having a minimum lots size of 2ha on the Lot Size Map shall only be considered where the subdivision will facilitate the development of hangers in conjunction with a dwelling. Such an application will need to address:

- ❖ The relationship between the airport and the development site in respect to the interface with the airport; and
- ❖ Access to the airport for private aircraft.

Any dwelling component will be ancillary to the use of the lot for a hanger.

#### Services

Where the proposed lot(s) is within 500m of an R1 General Residential or R2 Low Density Residential zone, the new lots must:

- ❖ have sealed road frontage and be connected by sealed road to the sealed road network;
- ❖ connect to the reticulated water and sewer infrastructure.

#### Roads

Traffic volumes (vehicles per day) post development determine the standard of road required. Therefore the existing traffic volume plus the forecast traffic from the development will determine the required standard.

All roads with traffic volumes greater than 150 vehicles/day will be required to be brought up to a sealed road standard.

New rural subdivisions be appropriately connected to the existing road network;

- i. All roads within a rural subdivision are to be sealed or connected to the sealed road network if the proposed lots are less than 500 metres from the sealed road network.
- ii. Road upgrades should extend from the new subdivision to a point where the existing road network is satisfactory
- iii. Alternative to i. and ii. above a Traffic Report is required to be submitted and must be prepared by a suitably qualified person, detailing, but not necessarily limited to:
  - the types and numbers of traffic to be generated by the proposal;
  - details of the existing condition, widths, depths of pavement and its suitability or otherwise for the carriage of transport to be associated with the land use;
  - proposed upgrading to be undertaken by the applicant

Council will then assess the suitability of the proposed upgrade work for approval.

The following road width and alignment standards are required:

Average Daily Traffic		Width	Hierarchy	Alignment (horizontal & Vertical alignment)
>1000	Sealed Road	min 9m Seal / 11m carriageway	Arterial	Refer to Austroads or RMS standard for classified roads
500-999		8m seal / 10m carriageway	Sub- Arterial	Refer to Austroads
150-499		7.2m seal / 9.2m carriageway	Collector	Refer to Austroads
50-149	Gravel Road	7.0 m gravel carriageway	Local	Refer to ARRB Unsealed Roads Manual
10 - 49		4.0- 6.0m gravel carriageway		Refer to ARRB Unsealed Roads Manual
<10		Min 3.0m gravel carriageway		Refer to ARRB Unsealed Roads Manual

#### Lot design

New lots to be created to minimise environmental impacts including:

- soil disturbance/erosion,
- creek/waterway crossings,
- tree removal, and
- adequate separation distances for new and existing development and environmental features.

#### Bushfire prone areas

Safe siting of lots within Bushfire Prone Areas is essential. Such sites should avoid the need for extensive clearing of native vegetation and must provide for safe access for Bushfire and Emergency Service vehicles where the land is Bush Fire Prone Land. A bushfire risk assessment must be submitted in accordance with Planning for Bushfire Protection 2019, a NSW Rural Fire Service Publication.

Please note a referral fee (payable to the NSW Rural Fire Service) is required with all mandatory referrals to the NSW Rural Fire Service.

#### Heritage

A cultural heritage assessment will be required to be submitted along with an application for subdivision where the subdivision will result the creation of a dwelling entitlement and there are overland drainage lines and/or elevated parts of the property (ridgelines and plateaus).

#### Vegetation/flora

The Biodiversity Conservation Act prohibits the removal of native vegetation without prior approval, unless the clearing is found to be below the requirements of the Biodiversity Offsets Scheme Threshold and is not found to be mapped to hold outstanding biodiversity value or identified to affect threatened species, ecological communities or their habitats.

Council is required to take into consideration the likely impact of the proposed development on biodiversity values as assessed in a biodiversity development assessment report that relates to the application. The consent authority may (but is not required to) further consider the likely impact of the proposed development on biodiversity values.

As a result, a biodiversity assessment report is required to be submitted with the application.



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<b>Fauna</b>	<p>The OEH should also be consulted to identify any threatened fauna that might be on the development site. If there is a possibility of any threatened fauna species or their habitat on your land, <b>this shall be detailed in the biodiversity assessment report</b> submitted with the application.</p>
<b>Crown Roads</b>	<p>If the development is proposed to open or use a Crown Road, the written consent of the NSW Land and Property Management Authority to the making of the application is required prior to the submission of the development application to Council.</p> <p>Any crown road relied upon for the subdivision will be required by Council to be acquired from the Crown and upgraded by the applicant to Councils required standards. Thereafter the road will be designated to Council.</p> <p>Council will only be responsible for the maintenance of roads in accordance with Council's Unmaintained and Unformed Roads Policy.</p>
<b>Watercourses</b>	<p>Works on or near waterways under the Water Management Act and any crossing of protected waters will require an activity approval from the <b>Natural Resources Regulator and / or NSW Water</b> prior to the construction of the crossing.</p>
<b>Rights of Carriageway</b>	<p>Subdivision of land for the purpose of a dwelling house where access is proposed by way of a right of carriageway which serves or is capable of serving any other portion or allotment of land other than that on which the dwelling house is to be erected, is generally not supported by Council.</p> <p>A detailed submission supporting this type of access must be submitted with the development application along with the written approval of all of the owners of the land over which a right of carriage way is proposed or currently exists to be submitted with the development application.</p>
<b>Battle axe handle access</b>	<p>Subdivision of land where access is proposed by a battleaxe handle is generally not supported by Council. A detailed submission supporting this type of access must be submitted with the development application.</p> <p>No more than two battle axe handles will be permitted. Where more than one battle axe handle is required the access will be redesigned, upgraded and designated as a public road such that all lots created have direct frontage to a road.</p>
<b>Water cycle management report</b>	<p>Council will require a Water Cycle Management Report for each lot in the subdivision which identifies that there is a suitable area capable of the disposal of on-site wastewater. The report must include a plan showing a nominal effluent management area for each proposed lot, in relation to slope, aspect and other site constraints. The plan must indicate all nearby waterways with a buffer of a least 100 metres between effluent management areas and perennial or intermittent creeks or watercourses and 40 metres to drainage depressions.</p>

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<b>Telecommunications Infrastructure advice</b>	<p>Telstra Corporation is the Primary Universal Service Provider for telecommunications infrastructure in Australia. Extensions to the Telstra network are planned in light of the size and pace of each stage of proposed development and the proximity of existing Telstra network. Early notification of any proposed development will enable Telstra to deliver services with minimal disruption and enable coordination of trenching with other infrastructure. To provide early notification, planned property developments can be registered on the Telstra website.</p> <p>Council requires the extension of the Telstra cable network to all new allotments within any subdivision for residential purposes.</p> <p>Additionally, NBN is also required to be provided to the lots unless the development is able to achieve the requirements of the “Exemption from the pit and pipe requirements” – Part 20A of the Telecommunications Act 1997. Registration and notification with the Secretary of the Department of Communications will be required to receive the exemption.</p>
<b>Electricity</b>	<p>Council requires that electricity services be provided to each allotment created with a dwelling entitlement. Proposed alternative methods of power supply will be considered by Council for subdivision in RU1 Primary Production Zone, RU4 Primary Production Small Lots Zone and R5 Large Lot Residential Zone where the development is more than 1km from the grid system or the cost to provide electricity exceeds \$30,000 per lot subject to a covenant being imposed on the land title stating that the provision of electricity to the allotment is to be provided by the landowner. The approval of alternative methods of power supply is at the discretion of Council.</p>
<b>Land Use History</b>	<p>Any application on rural land would need to demonstrate the previous use of the land and potential for contaminating land uses.</p>
<b>Community title Subdivision</b>	<p>Any application on Large Lot Residential (R5) zoned land cannot create an overall lot density greater than the Minimum lot size prescribed by the LEP.</p>

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***Additional provision for the creation of lots with a minimum lots size of 2ha***

**Water Supply**

For the purpose of this Clause a water reticulation system is a reticulated community bore scheme.

Required water volumes are detailed in the Department of Primary Industries Water publication 'How Much Water Do I need for my Rural Property'. The average combined dwelling and outbuilding rainwater catchment area for the region equates to a required potable water supply of 0.256 mega litres per year.

For lots with a minimum area of 2 hectares, a minimum non-potable water supply of 0.200 mega litres per year must be provided.

To demonstrate this, a copy of the licence issued in accordance with the Water Industry Competition Act (WICA) 2006 issued by the Independent Pricing and Regulatory Tribunal NSW is to be provided to Council with the development application for subdivision.

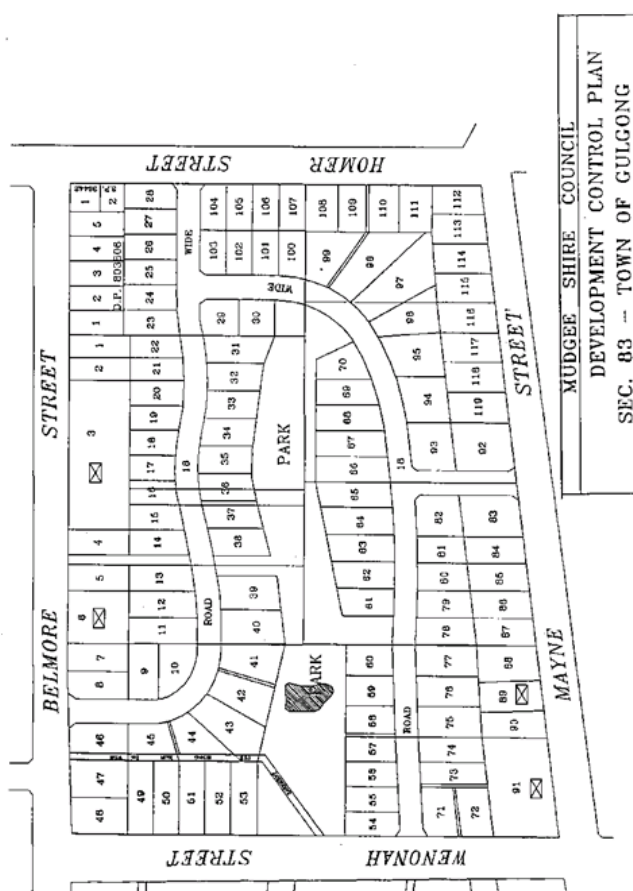
If it is demonstrated that a licence issued in accordance with the WICA 2006 is not required, a draft Community Management Statement and Community Title Subdivision Plan is to be submitted with the development application for subdivision. The statement and plan must detail all the required infrastructure (both private and common) for the reticulated community bore scheme.

## PART 8 SITE SPECIFIC CONTROLS

### 8.1 GULGONG

A person shall not subdivide land to which this plan applies (other than by strata subdivision) for the purpose of a dwelling house unless the site area of the lot to be created has an area of not less than 600m<sup>2</sup> and frontage at the front of the building alignment of not less than 18 metres.

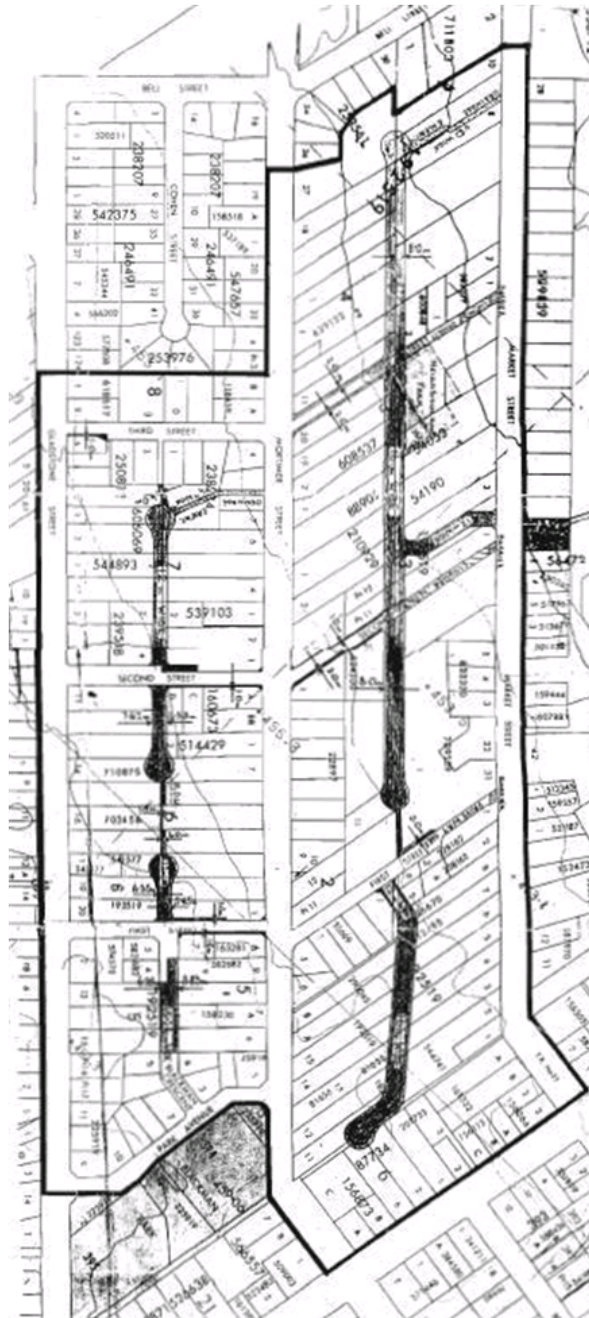
Any subdivision shall occur generally in accordance with the layout in the plan below.



## 8.2 WEST MUDGEE

A person shall not subdivide land to which this plan applies (other than by strata subdivision) for the purpose of a dwelling house unless the site area of the lot to be created has an area of not less than 600m<sup>2</sup> and frontage at the front of the building alignment of not less than 15 metres.

Any subdivision shall occur generally in accordance with the layout in the plan below.





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### 8.3 CAERLEON RESIDENTIAL AREA

Site specific controls have been developed for the Caerleon precinct north west of Mudgee. The full detail of these controls is outlined in Appendix C Draft Caerleon Development Control Plan.

The Caerleon Precinct is to be assessed in accordance with the whole DCP except where specific provision is made for a standard in Appendix C.

## APPENDIX A FLOOD SCHEDULES

### FLOOD COMPATIBLE MATERIALS

BUILDING COMPONENT	FLOOD COMPATIBLE MATERIAL
<b>Flooring and Sub-floor Structure</b>	<ul style="list-style-type: none"> <li>concrete slab-on-ground monolith construction suspension reinforced concrete slab.</li> </ul>
<b>Doors</b>	<ul style="list-style-type: none"> <li>solid panel with water proof adhesives</li> <li>flush door with marine ply filled with closed cell foam</li> <li>painted metal construction aluminium or galvanized steel frame</li> </ul>
<b>Floor Covering</b>	<ul style="list-style-type: none"> <li>clay tiles</li> <li>concrete, precast or in situ</li> <li>concrete tiles</li> <li>epoxy, formed-in-place</li> <li>mastic flooring, formed-in-place</li> <li>rubber sheets or tiles with chemical-set adhesives</li> <li>silicone floors formed-in-place</li> <li>vinyl sheets or tiles with chemical-set adhesive</li> <li>ceramic tiles, fixed with mortar or chemical-set adhesive</li> <li>asphalt tiles, fixed with water resistant adhesive</li> </ul>
<b>Wall and Ceiling Linings</b>	<ul style="list-style-type: none"> <li>fibro-cement board</li> <li>brick, face or glazed</li> <li>clay tile glazed in waterproof mortar</li> <li>concrete</li> <li>concrete block</li> <li>steel with waterproof applications</li> <li>stone, natural solid or veneer, waterproof grout</li> <li>glass blocks</li> <li>glass</li> <li>plastic sheeting or wall with waterproof adhesive</li> </ul>
<b>Insulation</b> <b>Windows</b>	<ul style="list-style-type: none"> <li>foam (closed cell types)</li> <li>aluminium frame with stainless steel rollers or similar corrosion and water resistant material.</li> </ul>
<b>Wall Structure</b>	solid brickwork, blockwork, reinforced, concrete or mass concrete
<b>Roofing Structure (for Situations Where the Relevant Flood Level is Above the Ceiling)</b>	<ul style="list-style-type: none"> <li>reinforced concrete construction</li> <li>galvanised metal construction</li> </ul>

<b>Nails, Bolts, Hinges and Fittings</b>	<ul style="list-style-type: none"> <li>• brass, nylon or stainless steel</li> <li>• removable pin hinges</li> <li>• hot dipped galvanised steel wire nails or similar</li> </ul>
<b>Electrical and Mechanical Equipment</b>	<p>For dwellings constructed on land to which this Policy applies, the electrical and mechanical materials, equipment and installation should conform to the following requirements.</p> <p><b>Main power supply</b> - Subject to the approval of the relevant authority the incoming main commercial power service equipment, including all metering equipment, shall be located above the relevant flood level. Means shall be available to easily disconnect the dwelling from the main power supply.</p> <p><b>Wiring</b> - All wiring, power outlets, switches, etc., should, to the maximum extent possible, be located above the relevant flood level. All electrical wiring installed below the relevant flood level should be suitable for continuous submergence in water and should contain no fibrous components. Earth core linkage systems (or safety switches) are to be installed. Only submersible-type splices should be used below the relevant flood level. All conduits located below the relevant designated flood level should be so installed that they will be self-draining if subjected to flooding.</p> <p><b>Equipment</b> - All equipment installed below or partially below the relevant flood level should be capable of disconnection by a single plug and socket assembly.</p> <p><b>Reconnection</b> - Should any electrical device and/or part of the wiring be flooded it should be thoroughly cleaned or replaced and checked by an approved electrical contractor before reconnection.</p>
<b>Heating and Air Conditioning Systems</b>	<p>Heating and air conditioning systems should, to the maximum extent possible, be installed in areas and spaces of the house above the relevant flood level. When this is not feasible every precaution should be taken to minimise the damage caused by submersion according to the following guidelines.</p> <p><b>Fuel</b> - Heating systems using gas or oil as a fuel should have a manually operated valve located in the fuel supply line to enable fuel cut-off.</p> <p><b>Installation</b> - The heating equipment and fuel storage tanks should be mounted on and securely anchored to a foundation pad of sufficient mass to overcome buoyancy and prevent movement that could damage the fuel supply line. All storage tanks should be vented to an elevation of 600 millimetres above the relevant flood level.</p> <p><b>Ducting</b> - All ductwork located below the relevant flood level should be provided with openings for drainage and cleaning. Self draining may be achieved by constructing the ductwork on a suitable grade. Where ductwork must pass through a water-tight wall or floor below the relevant flood level, the ductwork should be protected by a closure assembly operated from above relevant flood level.</p>

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LAND USE CATEGORIES

Essential Community Facilities	Critical Utilities	Subdivision	Residential
<p>Place of assembly, public building or community centre which may provide an important contribution to the notification and evacuation of the community during flood events;</p> <p>Generating works;</p> <p>Hospitals;</p> <p>Institutions; and Educational establishments.</p>	<p>Telecommunication facilities;</p> <p>Public utility undertaking which may cause pollution of waterways during flooding, are essential to evacuation during periods of flood or if affected during flood events would unreasonably affect the ability of the community to return to normal activities after flood events.</p>	<p>Subdivision of land which involves the creation of new allotments.</p>	<p>Bed and breakfast establishment;</p> <p>Boarding houses;</p> <p>Caravan park– long-term sites only;</p> <p>Child care centre;</p> <p>Craftsman’s studio;</p> <p>Dwelling;</p> <p>Dwelling house;</p> <p>General store;</p> <p>Home industry;</p> <p>Home occupation;</p> <p>Housing for aged or disabled persons;</p> <p>Group homes;</p> <p>Professional consulting rooms;</p> <p>Residential flat building;</p> <p>Tourist facilities; and</p> <p>Utility installations (other than critical utilities)</p>
<p><b>Recreational Uses</b></p> <p>Golf courses</p> <p>Playing Fields</p> <p>Amenity Buildings</p>	<p><b>Agricultural Uses</b></p> <p>Cultivation</p> <p>Pastures</p> <p>Hay sheds</p> <p>Machinery sheds</p>		

## MATRIX 1 URBAN FLOODPLAINS

### Urban Floodplains

#### Planning & Development Controls

Planning Consideration	Flood Risk Precincts (FRP's)																	
	Low Flood Risk						Medium Flood Risk						High Flood Risk					
	Essential Community Facilities	Critical Facilities	Subdivision	Residential	Commercial & Industrial	Tourist Related Development	Recreation & Agriculture	Minor Development	Essential Community Facilities	Critical Facilities	Subdivision	Residential	Commercial & Industrial	Tourist Related Development	Recreation & Agriculture	Minor Development	Essential Community Facilities	Critical Facilities
Floor Level		3		2	2	2						2	2	2	1	2,4		
Building Components		2		1	1	1						1	1	1	1	1		
Structural Soundness		2										2	2	2	2	2		
Flood Affection		2	2		2	2					1	2	2	2	2	2		
Evacuation		2									1	1	1	1	1	1		
Management & Design		4,5									1		2,3,5	2,3,5	2,3,5	2,3,5		

Not Relevant

Unsuitable Land Use

Note: reference to freeboard refers to an increased height of 0.5 metres

#### Floor Level

- 1 All floor levels to be equal to or greater than the 20 year ARI flood (plus freeboard) unless justified by site specific assessment
- 2 Habitable floor levels to be equal to or greater than the 100 year ARI flood (plus freeboard)
- 3 All floor levels to be equal to or greater than the PMF flood (plus freeboard)
- 4 Floor levels to be as close to the design floor level as practical & no lower than the existing floor level when undertaking alterations or additions

#### Building Components & Method

- 1 All structures to have flood compatible building components below or at the 100 Year ARI flood level (plus freeboard)
- 2 All structures to have flood compatible building components below or at the PMF level (plus freeboard)

#### Structural Soundness

- 1 Engineers report to certify that any structure can withstand the forces of floodwater, debris & buoyancy up to and including the 100 year AR flood (plus freeboard)
- 2 Applicant to demonstrate that any structure can withstand the forces of floodwater, debris & buoyancy up to and including the 100 year AR flood (plus freeboard)
- 3 Applicant to demonstrate that any structure can withstand the forces of floodwater, debris & buoyancy up to and including a PMF flood (plus freeboard)

#### Flood Affection

- 1 Engineers report to certify that the development (or potential development in the case of subdivision) will not increase flood affection elsewhere
- 2 The impact of the development on flooding elsewhere to be considered

#### Evacuation

- 1 Reliable access for pedestrians or vehicles required during a 100 year ARI flood
- 2 Reliable access for vehicles required during a 100 year ARI flood
- 3 Reliable access for pedestrians and vehicles required during a PMF flood

#### Management and Design

- 1 Applicant to demonstrate that potential development as a consequence of subdivision proposal can be undertaken in accordance with this Plan
- 2 Flood plan required where floor levels are below the design floor level
- 3 Applicant to demonstrate that area is available to store goods above the 100 year ARI flood (plus freeboard)
- 4 Applicant to demonstrate that area is available to store goods above the PMF flood (plus freeboard)
- 5 No external storage of materials below the design floor level which may cause pollution or be potentially hazardous during any flood



## MATRIX 2 NON URBAN FLOODPLAINS

### Non-Urban Floodplains

#### Planning & Development Controls

Planning Consideration	Flood Risk Precincts (FRP's)																								
	Low Flood Risk							Medium Flood Risk							High Flood Risk										
	Essential Community Facilities	Critical Facilities	Subdivision	Residential	Commercial & Industrial	Tourist-Related Development	Recreation & Agriculture	Minor Development	Essential Community Facilities	Critical Facilities	Subdivision	Residential	Commercial & Industrial	Tourist-Related Development	Recreation & Agriculture	Minor Development	Essential Community Facilities	Critical Facilities	Subdivision	Residential	Commercial & Industrial	Tourist-Related Development	Recreation & Agriculture	Minor Development	
Floor Level		3		2	2	2					2	2	2	1	2,4									1	2,4
Building Components		2		1	1	1					1	1	1	1	1	1								1	1
Structural Soundness		2									2	2	2	2	2	2								1	1
Flood Affection		2	2			2	2				1	2	2	2	2	2								1	1
Evacuation		2									1	1	1	1	1	1								1	1
Management & Design	4,5										1		2,3,5	2,3,5	2,3,5	2,3,5							2,3,5	2,3,5	

Not Relevant

Unsuitable Land Use

Note: reference to freeboard refers to an increased height of 0.5 metres

#### Floor Level

- 1 All floor levels to be equal to or greater than the 20 year ARI flood (plus freeboard) unless justified by site specific assessment
- 2 Habitable floor levels to be equal to or greater than the 100 year ARI flood (plus freeboard)
- 3 All floor levels to be equal to or greater than the PMF flood (plus freeboard)
- 4 Floor levels to be as close to the design floor level as practical & no lower than the existing floor level when undertaking alterations or additions

#### Building Components & Method

- 1 All structures to have flood compatible building components below or at the 100 Year ARI flood level (plus freeboard)
- 2 All structures to have flood compatible building components below or at the PMF level (plus freeboard)

#### Structural Soundness

- 1 Engineers report to certify that any structure can withstand the forces of floodwater, debris & buoyancy up to and including the 100 year AR flood (plus freeboard)
- 2 Applicant to demonstrate that any structure can withstand the forces of floodwater, debris & buoyancy up to and including the 100 year AR flood (plus freeboard)
- 3 Applicant to demonstrate that any structure can withstand the forces of floodwater, debris & buoyancy up to and including a PMF flood (plus freeboard)

#### Flood Affection

- 1 Engineers report to certify that the development (or potential development in the case of subdivision) will not increase flood affection elsewhere
- 2 The impact of the development on flooding elsewhere to be considered

#### Evacuation

- 1 Reliable access for pedestrians or vehicles required during a 100 year ARI flood
- 2 Reliable access for vehicles required during a 100 year ARI flood
- 3 Reliable access for pedestrians and vehicles required during a PMF flood

#### Management and Design

- 1 Applicant to demonstrate that potential development as a consequence of subdivision proposal can be undertaken in accordance with this Plan
- 2 Flood plan required where floor levels are below the design floor level
- 3 Applicant to demonstrate that area is available to store goods above the 100 year ARI flood (plus freeboard)
- 4 Applicant to demonstrate that area is available to store goods above the PMF flood (plus freeboard)
- 5 No external storage of materials below the design floor level which may cause pollution or be potentially hazardous during any flood

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## APPENDIX B1 MWRC AUSPEC STORMWATER DRAINAGE DESIGN

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## APPENDIX B2 STORMWATER TO SMARTWATER

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## APPENDIX C CAERLEON DEVELOPMENT CONTROL PLAN

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## APPENDIX D IMPLEMENTING A SUBDIVISION CONSENT



## 9.7 Classification of Land - Lot 69 DP1262954 Drainage Reserve at 21 Steel Drive Spring Flat, Mudgee

REPORT BY THE PROPERTY OFFICER  
TO 17 JUNE 2020 ORDINARY MEETING  
GOV400087, P25884

### RECOMMENDATION

#### That Council:

1. **receive the report by the Property Officer on the Classification of Land - Lot 69 DP 1262954 Drainage Reserve at 21 Steel Drive Spring Flat, Mudgee;**
2. **give public notice of a proposed resolution to classify Lot 69 DP1262954 as Operational Land in accordance with Chapter 6, Part 2, Division 1 Local Government Act 1993 (the Act); and**
3. **receive a further report after the public notice exhibition period to consider any submissions and deal with the next steps in the classification process as required by the Act.**

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### Executive summary

This report seeks to commence the process for classification of Lot 69 DP1262954 being land vested in the ownership of Mid-Western Regional Council located at 21 Steel Drive, Spring Flat for the purposes of a drainage reserve, as Operational land.

### Disclosure of Interest

Nil

### Detailed report

In accordance with the Local Government Act 1993 (LGA), all public land must be classified as either "Community" or "Operational" land. The purpose of classification is to identify clearly that land which should be kept for use by the general public (Community land) and that land which need not (Operational land).

Community land would ordinarily incorporate land such as a public park, reserve or sporting grounds. The use and management Community Land is to be regulated by a Plan of Management.

Community land must not be sold (except in limited circumstances referred to in the Act). Community Land must not be leased or licenced for more than 21 years and may only be leased / licensed for more than 5 years if public notice of the proposed lease or licence is given. In the event that an objection is made to the proposed lease/licence, the Minister's consent is required. These restrictions do not apply to Operational Land.

Operational Land would comprise land held as an asset, land which facilitates a council carrying out its functions or is land that may not be open to the public, such as in this case, where the land parcels are required for drainage purposes.

Any land acquired by a Council that is not classified under the Act S31 i.e. resolved by Council at the end of 3 months, is taken to have been classified as Community land.

*31 Classification of land acquired after 1 July 1993*

*(2) Before a Council acquires land, or within 3 months after it acquires land, a Council may resolve (in accordance with this Part) that the land be classified as community land or operational land.*

To commence the process for the classification of the land parcel, Council must resolve to classify the land parcel as Operational land and its intention must be advertised for a period of 28 days during which time written submissions to the proposed classification will be accepted. Upon completion of this process, a further report will be presented to Council on the outcomes of the exhibition and the next steps in the classification process as required by the Act.

## Community Plan implications

Theme	Good Governance
Goal	An effective and efficient organisation
Strategy	Prudently manage risks association with all Council activities

## Strategic implications

### Council Strategies

Not Applicable

### Council Policies

Not Applicable

### Legislation

Chapter 6, Part 2, Division 1 of the Local Government Act 1993, directs that all public land must be classified as either Community or Operational land

## Financial implications

Not Applicable

## Associated Risks

Any land acquired by a Council that is not classified under the Act i.e. resolved by Council at the end of 3 months, is taken to have been classified as Community land.

The drainage reserve was dedicated to Council on 19 May 2020 and will be classified as Operational land within the stipulated timeframe.

MID-WESTERN REGIONAL COUNCIL | ORDINARY MEETING - 17 JUNE 2020  
REPORT 9.7

103

LILIAN MUTYIRI  
PROPERTY OFFICER

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

2 June 2020

*Attachments:* 1. Drainage Reserve marked by a red boundary and indicated as A.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

M.G.A. COORDINATE SCHEDULE						
MARK	MGA COORDINATES		CLASS	PU	METHOD	STATE
	EASTING	NORTHING				
PH 183743	743995.478	6386232.037	D	-	SCIMS	FOUND
SSH 192704	743940.122	6386444.866	D	-	SCIMS	FOUND
SSH 192705	743930.029	6386277.856	D	-	SCIMS	FOUND
SSH 28199	743826.452	6386327.789	D	N/A	CAD TRAY	PLACED
SSH 28190	743290.973	6386508.833	D	N/A	CAD TRAY	PLACED
SSH 28194	743996.189	6386371.720	D	N/A	CAD TRAY	PLACED
DATE OF SCIMS COORDINATES 2nd JANUARY 2020 MGA ZONE: 55						
MGA DATUM: GDA 2020 COMBINED SCALE FACTOR: 1.000294						

REFERENCE TO CORNERS			
CORNER	BEARING	DISTANCE	FROM
A	271°45'00"	0.77	RM GI PIPE FD
B	81°40'00"	1.94	RM DH & WING
C	354°03'30"	22.84	RM SSH 28194
D	276°03'00"	19.25	RM GI PIPE FD
E	284°08'15"	0.65	RM GI PIPE FD
F	284°44'45"	9.075	RM SSH 192704 FD
G	104°47'35"	0.495	RM GI PIPE FD
H	14°40'00"	0.595	RM GI PIPE FD
I	38°40'00"	5.56	RM DH & WING
J	164°09'00"	8.875	RM DH & WING
K	222°12'00"	4.955	RM DH & WING
L	236°12'00"	13.795	RM DH & WING
M	240°51'00"	4.06	RM DH & WING
N	240°39'00"	13.665	RM DH & WING
O	248°18'00"	4.865	RM DH & WING
P	239°15'00"	13.695	RM DH & WING
Q	188°47'00"	4.245	RM DH & WING
R	187°54'00"	13.62	RM DH & WING
S	191°25'00"	4.275	RM DH & WING
T	190°22'00"	13.695	RM DH & WING
U	187°45'00"	0.865	RM GI PIPE FD
V	121°01'00"	0.82	RM GI PIPE FD
W	145°56'00"	4.595	RM DH & WING
X	144°27'00"	20.37	RM DH & WING
Y	137°28'00"	6.995	RM DH & WING
Z	137°17'00"	8.88	RM DH & WING
AA	102°40'00"	10.6	RM SSH 28199
AB	304°47'00"	1.745	RM DH & WING
AC	304°45'00"	12.35	RM DH & WING
AD	302°47'00"	1.72	RM DH & WING
AE	300°50'00"	12.19	RM DH & WING
AF	137°24'00"	8.565	RM DH & WING
AG	102°41'00"	12.325	RM DH & WING
AH	130°45'00"	3.73	RM DH & WING
AI	130°26'00"	12.85	RM DH & WING
AJ	254°36'30"	17.03	RM SSH 28190
AK	290°07'00"	4.085	RM DH & WING
AL	240°58'00"	13.68	RM DH & WING
AM	121°25'00"	0.51	RM GI PIPE
AN	64°55'00"	6.91	RM GI PIPE
AO	124°36'00"	0.56	RM GI PIPE

SCHEDULE OF SHORT & CURVED LINES						
LINE	BEARING	CHORD	ARC	RADIUS	LINE	BEARING
(1)	187°28'50"	24.725	9.250	13.5	(10)	16°12'10"
(2)	194°43'05"	9.375	9.465	20	(11)	47°32'20"
(3)	87°36'05"	21.895	22.025	5.8	(12)	122°52'40"
(4)	138°54'45"	25.635	25.895	5.8	(13)	172°52'30"
(5)	144°26'30"	3.565	3.565	5.8	(14)	217°38'25"
(6)	147°12'10"	1.545	-	-	(15)	242°15'05"
(7)	151°12'10"	5.18	-	-	(16)	228°59'20"
(8)	188°12'10"	4.245	-	-	(17)	291°02'45"
(9)	51°22'45"	8.535	8.54	64	(18)	223°54'30"
(10)	42°52'05"	23.74	23.88	64	(19)	235°34'45"
(11)	16°12'10"	4.245	-	-	(20)	196°12'10"
(12)	194°43'05"	1.025	1.025	20	(21)	197°44'15"
(13)	287°12'30"	15.16	16.1	13.5	(22)	391°00'00"
(14)	397°42'20"	9.375	9.465	20	(23)	312°40'05"
(15)	312°40'05"	1.025	1.025	20	(24)	305°47'45"
(16)	305°47'45"	16.325	16.475	60	(25)	355°40'45"
(17)	355°40'45"	13.03	13.065	13.5	(26)	343°50'55"
(18)	343°50'55"	13.03	13.065	13.5	(27)	302°24'50"
(19)	302°24'50"	12.00	12.00	13		

(XM) LAND EXCLUDE(S) MINERALS - SEE CROWN GRANT(S)

- (A) EASEMENT TO DRAIN SEWAGE 3 WIDE  
 (B) EASEMENT TO DRAIN SEWAGE 3 WIDE & VARIABLE  
 (C) EASEMENT TO DRAIN SEWAGE 3.5 WIDE  
 (D) EASEMENT TO DRAIN WATER 3 WIDE  
 (E) EASEMENT TO DRAIN WATER 3.5 WIDE  
 (F) EASEMENT FOR UNDERGROUND POWERLINES 2 WIDE  
 (G) EASEMENT FOR MULTI-PURPOSE ELECTRICAL INSTALLATION 4.2 WIDE  
 (H) EASEMENT FOR TRANSMISSION LINES 4.5 WIDE (VIDE P15788)  
 PF DENOTES PEG FOUND

Surveyor: DANIEL KURZAWA  
 Date of Survey: 14/02/2020  
 Surveyor's Reference: 9-350

PLAN OF SUBDIVISION OF LOT 37 IN DP 1212812

LGA: MID-WESTERN REGIONAL  
 Locality: SPRING FLAT  
 Subdivision No: SC041/2020  
 Lengths are in metres. Reduction Ratio: 1:1500

Registered  
 19.5.2020

DP1262954



## MID-WESTERN REGIONAL COUNCIL

COUNCIL MEETING EXTRACT  
COUNCIL MEETING: 17 JUNE 2020

9.7 CLASSIFICATION OF LAND - LOT 69 DP1262954 DRAINAGE  
RESERVE AT 21 STEEL DRIVE SPRING FLAT, MUDGEES  
GOV400087, P25884

195/20

**MOTION: Shelley / Holden**

**That Council:**

1. receive the report by the Property Officer on the Classification of Land - Lot 69 DP 1262954 Drainage Reserve at 21 Steel Drive Spring Flat, Mudgees;
2. give public notice of a proposed resolution to classify Lot 69 DP1262954 as Operational Land in accordance with Chapter 6, Part 2, Division 1 Local Government Act 1993 (the Act); and
3. receive a further report after the public notice exhibition period to consider any submissions and deal with the next steps in the classification process as required by the Act.

*The motion was carried with the Councillors voting unanimously.*



# PUBLIC NOTICE

## Proposed Classification of Land

In pursuance of section 34 of the Local Government Act, 1993, Council proposes to classify Lot 69 DP1262954, as marked by a red boundary on the map below, being a Drainage Reserve at 21 Steel Drive, SPRING FLAT as **Operational Land for Drainage purposes**.

A period of twenty eight days from the date of this notice is allowed for any person to lodge a written submission to the proposed classification. Submissions should be made in writing and addressed to the General Manager. Any enquiries regarding this proposal should be directed to Council's Property Department on (02) 6378 2850 or 1300 765 002.



**NOTE: SUBMISSIONS RECEIVED MAY BE MADE PUBLICLY AVAILABLE UNLESS YOU REQUEST THAT PERSONAL DETAILS BE SUPPRESSED**