

# dcp

blue mountains  
City Council

## 2015



## Revisions

This DCP came into effect on the 15 February 2016.

The following table lists revisions made to the DCP and their commencement date.

Revision	Description	Date
Amendment 2	Addition of controls for Zone SP3 Tourist (Parts A, B, C & F) and locality management controls for a number of strategic tourism sites (Part G)	15 December 2018
Amendment 1	Addition of precinct controls for Woodford Great Western Highway Precinct (Part G13)	28 June 2019



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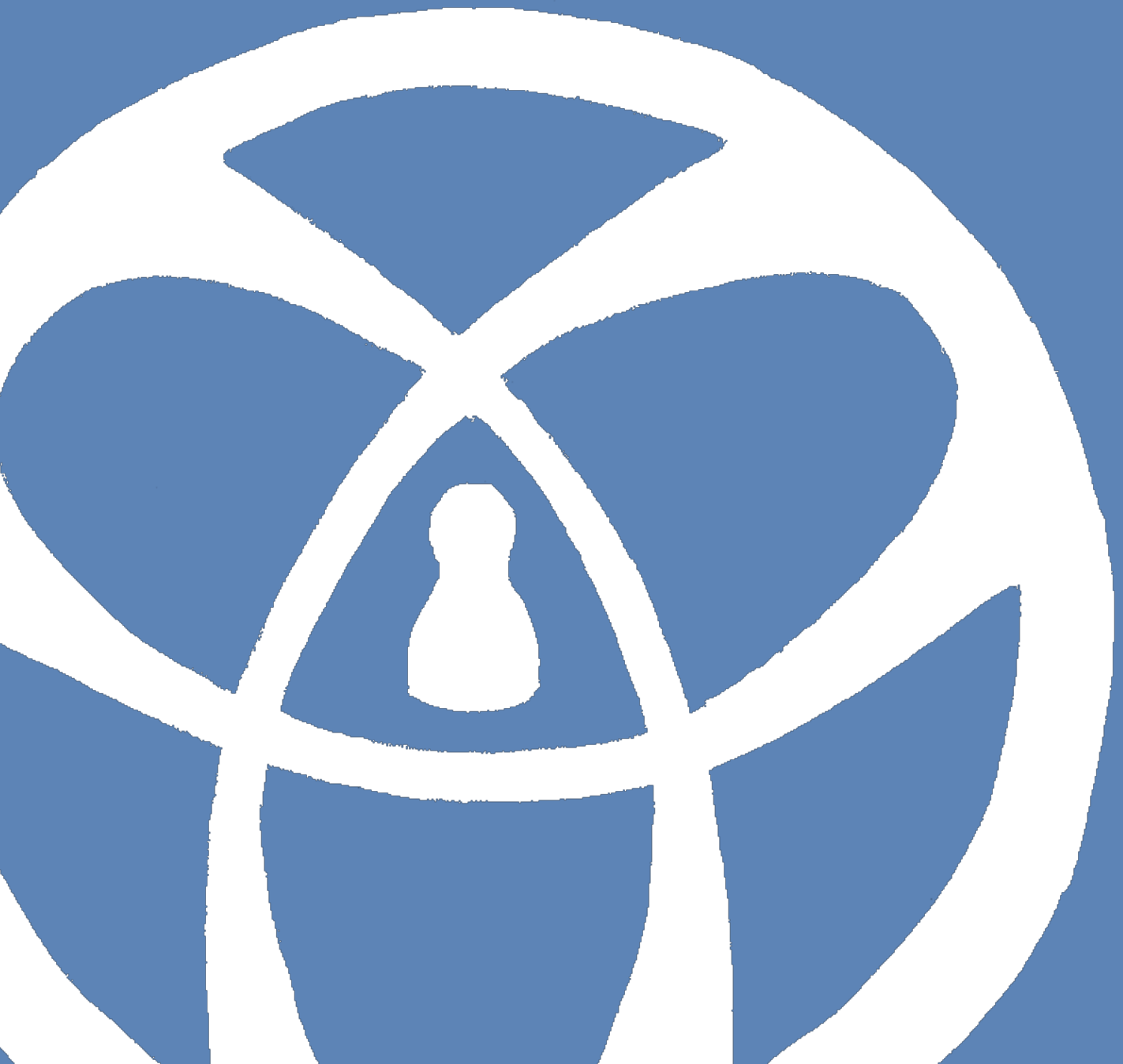
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# PART A INTRODUCTION

*About this DCP and a guide to its use*

**Revision: Amendment 2 (December 2018)**





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## Introduction

Development shapes the character of our towns and villages. The Blue Mountains Local Government Area (LGA) is defined by a string of villages and towns, many with a unique character, located along the Great Western Highway and within the World Heritage Blue Mountains National Park.

It is this combination of elements which distinguishes the Blue Mountains LGA and in many ways defines the way it needs to be planned and managed.

The unique and internationally recognised natural environment of the Blue Mountains LGA attracts residents and visitors alike. The natural bushland setting, topography and rare flora and fauna are all fundamental components of the Blue Mountains and require consistent and careful management, such that both residents and visitors can continue to appreciate this environment in the coming generations.

The Blue Mountains LGA is also rich in cultural heritage. The region includes some of the traditional lands of the Gundungurra and Darug peoples, and it is important that development considers Indigenous cultural heritage to avoid any potential harm to places and objects of Aboriginal cultural significance.

The Blue Mountains local government area (LGA) has also retained significant heritage associated with early European settlement. There are buildings and places within the LGA which have both state and local heritage significance, and contribute greatly to the character and setting of the villages and towns.

These significant environmental and cultural features attract a high level of tourism annually, which is central to the local economy. Commercial development for tourist and visitor accommodation, and other businesses which support the tourism industry – including restaurants and cafés, retail outlets and other commercial enterprises, are an integral part of the Blue Mountains as a City and as a tourist destination.

In this context, achieving a balance between development and conservation is vital to create vibrant places for people to live in, work and visit, while appreciating and preserving the unique environmental context of this local government area.

## AI.1. Name of the Plan

This plan is cited as Blue Mountains Development Control Plan 2015 (DCP 2015) and will be referred to throughout this document as 'the DCP'.

## AI.2. Where this Plan applies

This DCP applies to all land in the Blue Mountains Local Government Area to which Blue Mountains Local Environmental Plan 2015 (LEP 2015) applies.

**Note:** Land deferred from LEP 2015 is addressed under the current relevant LEP and DCP.

## AI.3. Status of the Plan

This plan has been prepared in accordance with Section 74(C) of the *Environmental Planning and Assessment Act* (EP&A Act) and Part 3 of the *Environmental Planning and Assessment Regulation 2000* (the Regulation). This plan may be amended only in the manner prescribed in the Regulation.

This plan came into effect on 15th February 2016 in accordance with Clause 21(4) of the Regulation.

## AI.4. Role of the Plan

The role of the DCP is as a 'guideline' document, as set out in the *Environmental Planning and Assessment Act 1979*. Each application will need to adequately demonstrate that the development either complies with the DCP objectives, numerical standards and qualitative standards, or that the application adequately provides justification for departure from those standards.

## AI.5. Relationship to LEP 2015

In order to have effect, Clause 74C of the EP&A Act requires this DCP to be consistent and compatible with LEP 2015.

## AI.6. Repeal of other DCPs

The following DCPs are repealed:

- Better Living Development Control Plan 2005;
- DCP No.5 Echo Point
- DCP No.9 Significant Trees
- DCP No.14 Sorensens Nursery Site, Herbert Street Leura





- DCP No.15 Parklands, Govetts Leap Road Blackheath
- DCP No.21 Advertising and Information Signage;
- DCP No.31 Public Infrastructure Works in Subdivision and Developments
- DCP No.33 Exempt and Complying Development

The above DCPs continue to apply, as relevant, to land deferred from LEP 2015

## **AI.7. Notes, Schedules and Conventions**

### **AI.7.1. Notes and Schedules**

Notes in this DCP are provided for guidance and do not form part of this Plan.

Submission requirements contained in Part I and guideline documents contained in Part J are provided for guidance and do not form part of this DCP. They are intended to reflect current best practice and knowledge. Guideline documents will be updated and changed to reflect legislation and policy changes as required.

### **AI.7.2. Australian Standards**

Any reference to an Australian Standard within this plan is to be the most recent version of that standard.



## AI.8. Blue Mountains context and character

Following is a summary of the significant natural features and the historical development of the Blue Mountains. Both of the elements provide the context for planning controls within the Blue Mountains Local Government Area (LGA). These planning objectives and controls are intended to explain why particular characteristics are identified for protection, and to guide future development of the Blue Mountains such that its unique attributes can be preserved and enhanced.

### AI.8.1. Natural settings and World Heritage Status

The Blue Mountains has an environmental complexity due to the combinations of landform, hydrology, climate, soils, vegetation, wildlife and scenery. Much of the Blue Mountains is ecologically sensitive; therefore careful analysis, management and environmental controls are necessary.

#### **World Heritage status**

The Greater Blue Mountains Area consists of 1.03 million ha of sandstone plateaux, escarpments and gorges dominated by temperate eucalypt forest. The setting of the Blue Mountains is of local, state, national and international significance, as recognised by the United Nations Educational, Scientific and Cultural Organisation (UNESCO) listing of the Blue Mountains in 2000 as a World Heritage Site. UNESCO identifies the Greater Blue Mountains Area for its exceptional expression of the structural and ecological diversity of the ninety-one eucalypt taxa associated with its wide range of habitat, and for the significant representation of Australia's biodiversity including a significant number of rare or threatened species.

It is this environmental rarity and resultant significance which requires consistent and careful management, such that both residents of and visitors to the Blue Mountains, can continue to appreciate and enjoy this environment for generations to come.

#### **Environmentally sensitive land**

The term environmentally sensitive land is defined in the dictionary to LEP 2015. It refers to land that is environmentally sensitive, such as areas with significant slope, significant vegetation communities, ecological buffer zones around watercourses, areas of rare flora or significant geological features. Development potential within these areas is usually limited due to the sensitivity of the natural features and the potential for adverse impacts on these features by development. Reference should be made to clause 6.1 (Impact on environmentally sensitive land) of LEP 2015 and Part CI of this DCP.





### **Bushfire prone land**

The Blue Mountains is highly bush fire prone due to a combination of climatic, vegetation and geographic factors. Bushfire hazard mitigation is a critical issue to land use and building construction in the Blue Mountains.

Land mapped as bush fire prone is identified on the Bush Fire Prone Land Map. For development on land identified as bush fire prone, there are particular approval pathways required, including referral of applications to the NSW Rural Fire Service. These processes are identified within Part C4 of this DCP.

## **AI.8.2. Historic context**

### **Historic overview**

The Blue Mountains and surrounding region incorporates significant parts of the traditional lands of the Gundungurra and Darug people. Evidence suggests that the Blue Mountains region has been inhabited by Aboriginal people for at least 20,000 years and probably longer.

The recognition and preservation of Indigenous heritage and culture is central to ensuring that important spiritual and cultural links to land are maintained. Development pressures have resulted in the destruction of many Aboriginal sites, and those that remain need to be protected.

The Europeans who settled in Sydney considered the Blue Mountains an impassable barrier until 1813, when Gregory Blaxland, William Charles Wentworth, and Lieutenant Lawson officially crossed the mountains and established a route for a ridge-top road to Bathurst. This road was designed as a 12-foot wide carriageway by surveyor William Cox and built within a year by convict labour.

Subsequent development in the Blue Mountains has followed a linear pattern established by the first tracks and roads. A string of villages has developed around favourable stopping points along this route. This track has developed over time into a significant road and rail transport corridor between Sydney and the agricultural hinterland of the Megalong Valley and beyond.

### **Village development and land between towns**

Each town and village has its own characteristics and features. Towns and villages are separated by 'land between towns' which has retained a natural bushland character, and is protected under the LEP 2015 clause 6.13 (Protected area – land between towns).



Most villages have developed from a commercial core, with most based on a main street style traditional layout and a surrounding grid layout of streets and lanes. These urban centres contain dense patterns of development, with many buildings having zero setbacks to the front and side, and heights of multiple storeys. The predominant building types are shops, guesthouses, hotels and public buildings. There are also churches, schools, and recreational facilities.

Many of these urban centres are identified as precincts, with specific character controls in Part G of this DCP and objectives in LEP 2015 Part 7 (Additional local clauses-development in villages). There are also significant concentrations of heritage items, heritage conservation areas and areas of Period Housing (protected character areas under LEP 2015 clause 6.18 (Period housing area)) within these urban centres.

Surrounding each village are the early residential subdivision patterns and dwellings developed during the historical growth of the villages following the consolidation of the town centres. Many of these areas, particularly notable in the upper mountains towns, were laid down over 100 years ago, and retain highly intact and consistent dwelling house patterns with high cultural significance.

The periphery of the villages has a strong interface with the pre-eminent natural environment of bushland, escarpments, extraordinary views and native fauna. The Megalong Valley is a rural landscape with its own identified character and values.

## **Heritage planning**

### **Indigenous heritage protection**

Indigenous or Aboriginal heritage consists of objects and places that are of significance to Aboriginal people. These may include physical or non-physical elements; for example, objects including stone tools, art sites or ceremonial grounds, as well as places of spiritual and cultural importance. There are state requirements, as well as the requirements under LEP 2015 clause 5.10 (Heritage conservation), for the protection of these objects and places. These required processes are included in Part DI of this DCP.

### **European heritage planning**

The towns and villages of the Blue Mountains have many exceptional heritage properties with high cultural significance. The significance of these properties can relate to historic events, activities or people and to the fine quality of the architecture or layout of gardens. Some heritage listings relate to the prominence of the railway, religious buildings, even natural rock formations or valleys.



There are also nineteen heritage conservation areas. These conservation areas have an intact character, quality and consistency of streetscape. They consist of historic town centres and residential neighbourhoods. The buildings within the conservation areas often have high representative value as excellent examples of their type.

These heritage items and heritage conservation areas are listed in Schedule 5 of LEP 2015 and are identified on the accompanying Heritage maps. The objectives and controls for heritage are identified in LEP 2015 clause 5.10 (Heritage conservation). This DCP provides further supporting controls and objectives Part D1.

### AI.8.3. Planning context

Development in the Blue Mountains requires careful analysis of the constraints that may apply to land. Due to the sensitive natural and cultural environment of the Blue Mountains, there are planning controls in LEP 2015 which specifically address these characteristics, through the identification of zones, precincts and protected areas. Each of these is described in the following section.

#### Zones

Zoning is one of a number of tools used to guide the desired future character of a LGA through specifying land uses for certain areas. This helps define town centres and industrial areas, and seeks to limit adverse amenity impacts of development. The zoning of a land parcel will identify the type of uses permissible on that land.

The zoning of land can be found on the *LEP Land Zoning Map*.

Following is a list of main zones where development can occur within the Blue Mountains:

- RU2 – Rural Landscape
- RU4 – Primary Production Small Lots
- R1 – General Residential
- R2 – Low Density Residential
- R3 – Medium Density Residential
- B1 – Neighbourhood Centre
- B2 – Local Centre
- B7 – Business Park
- IN1 – General Industry
- IN2 – Light Industry
- RE1 – Public Recreation
- RE2 – Private Recreation
- E2 – Environmental Conservation
- E3 – Environmental Management
- E4 – Environmental Living
- SP3 – Tourist

LEP 2015 Part 2 (Permitted or prohibited development) and the Land Use Table in that part, identifies the zones relevant to the Blue Mountains, the zone objectives, those types of development that are permitted in each zone, and also those that are prohibited.

The specific objectives for each zone seek to guide development towards the desired future character outcomes for that zone. These objectives are found in the Land Use Table of LEP 2015 and all development is required to comply with the zone objectives that are relevant to that development.

### Precincts

Specific parts of the Blue Mountains villages are identified as individual precincts and fall under the precinct provisions of Part G of this DCP. The following information should be used as a starting point:

- (a) Identify the land on the *LEP 2015 Built Character Map*.
- (b) Precincts are identified by a reference number and each precinct outlined in a heavy blue edge line;
- (c) Using the reference number, locate the precinct objectives in LEP 2015 Part 7 (Additional local clauses-development in villages). These objectives apply to all development within the specific precinct;
- (d) Part G – Specific Precincts of this DCP contains the specific provisions for each precinct.

### Protected areas

Protected areas are described in Part 6 of LEP 2015 and identified in the supporting maps to LEP 2015. The function of Protected areas is to enable environmental attributes and constraints or character elements to be identified and their values protected from adverse impacts. These areas are identified as having a particular environmental or cultural sensitivity. The Protected areas provide the basis for managing development at the site level to account for these characteristics.

#### Protected area – slope constraint area

- Land within this protected area is identified as ‘Protected area – slope constraint area’ on the *LEP 2015 Natural Resources – Land Map*.
- Development on land within this protected area is required to comply with the objectives identified in clause 6.4 (Protected area-slope constraint area) of LEP 2015.

#### Protected area – landslide risk

- Land within this protected area is identified as ‘Protected area - landslide risk area’ on the *LEP 2015 Natural Resources – Land Map*.
- Development on land within this protected area is required to comply with the objectives identified in clause 6.5 (Protected area-landslide risk) of LEP 2015.

#### Protected area – vegetation constraint area

- Land within this protected area is identified as ‘Protected area – vegetation constraint area’ on the *LEP 2015 Natural Resources – Biodiversity Map*.





- Development on land within this protected area is required to comply with the objectives identified in clause 6.6 (Protected area-vegetation constraint area) of LEP 2015.

#### Protected area – ecological buffer area

- Land within this protected area is identified as ‘Protected area – ecological buffer area’ on the *LEP 2015 Natural Resources – Biodiversity Map*.
- Development on land within this protected area is required to comply with the objectives identified in clause 6.7 (Protected area-ecological buffer area) of LEP 2015.

#### Protected area – riparian lands and watercourses

- Land within this protected area is identified as ‘Protected area – watercourses’ and ‘Protected Area – riparian land’ on the *LEP 2015 Riparian Lands and Watercourses Map*.
- Development on land within this protected area is required to comply with the objectives identified in clause 6.8 (Protected area-riparian lands and watercourses) of LEP 2015.

#### Protected area – escarpment

- Land within this protected area is identified as ‘Protected area – escarpment’ on the *LEP 2015 Scenic and Landscape Values Map*.
- Development on land within this protected area is required to comply with the objectives identified in clause 6.12 (Protected area-escarpment) of LEP 2015.

#### Protected area – land between towns

- Land within this protected area is identified as ‘Protected area – land between towns’ on the *LEP 2015 Scenic and Landscape Values Map*.
- Development on land within this protected area is required to comply with the objectives identified in clause 6.13 (Protected area-land between towns) of LEP 2015.

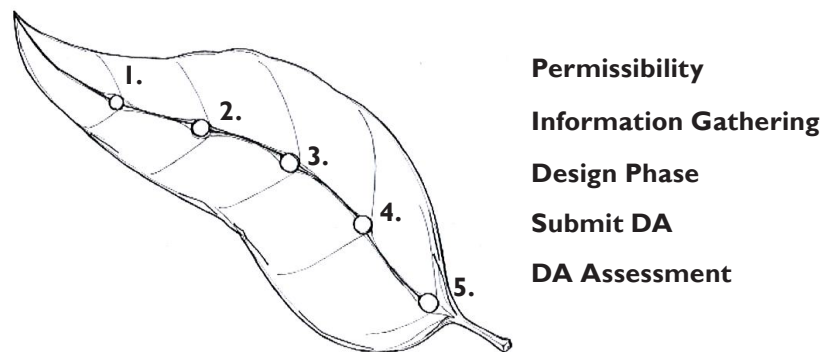
#### Period Housing Area

- Land within this protected area is identified as ‘Period Housing Area’ on the *LEP 2015 Built Character Map*.
- Development on land within this protected area is required to comply with the objectives identified in clause 6.18 (Period housing area) of LEP 2015.

**Note:** In addition to Protected areas identified in LEP 2015, State Government Policy that identifies areas of value to be protected from adverse impacts may also apply to development. The State Environmental Planning Policy (SEPP) Drinking Water Catchment 2011 and the State Regional Environmental Plan (SREP) No.20 Hawkesbury-Nepean Catchment are State Government plans specific to areas including parts of the Blue Mountains LGA, and must be considered for development where relevant.

## AI.9. Key steps in preparing a DA

The following diagram is to illustrate the process of preparing and submitting a DA, and the list below is to assist in locating the relevant information for each step. This section is a guide only and as each proposal and site is different, the constraints, controls, and required information will vary between individual DAs.



### 1. Permissibility

- Zoning on the *LEP 2015 Land Zoning Map* (Council's interactive mapping tool)
- Permissible land uses in Part 2 Land Use Table of LEP 2015
- Development types (land uses) defined in the LEP 2015 Dictionary.

### 2. Information gathering

- Site analysis requirements in Part B1 Site and Context analysis of this DCP
- LEP 2015 and other mapped constraints (Council's interactive mapping tool)
- Development standards (controls) in LEP 2015 Parts 4, 5 & 6
- Part B2 Building Envelope of this DCP

### 3. Design phase

- Detailed controls in this DCP
  - Part C - landscaping, stormwater, and environmental controls
  - Part D - controls for heritage properties and areas
  - Part E - controls for all developments such as car parking access
  - Part F - controls for specific development types
  - Part G - controls for specific areas in town centres

### 4. Submit DA

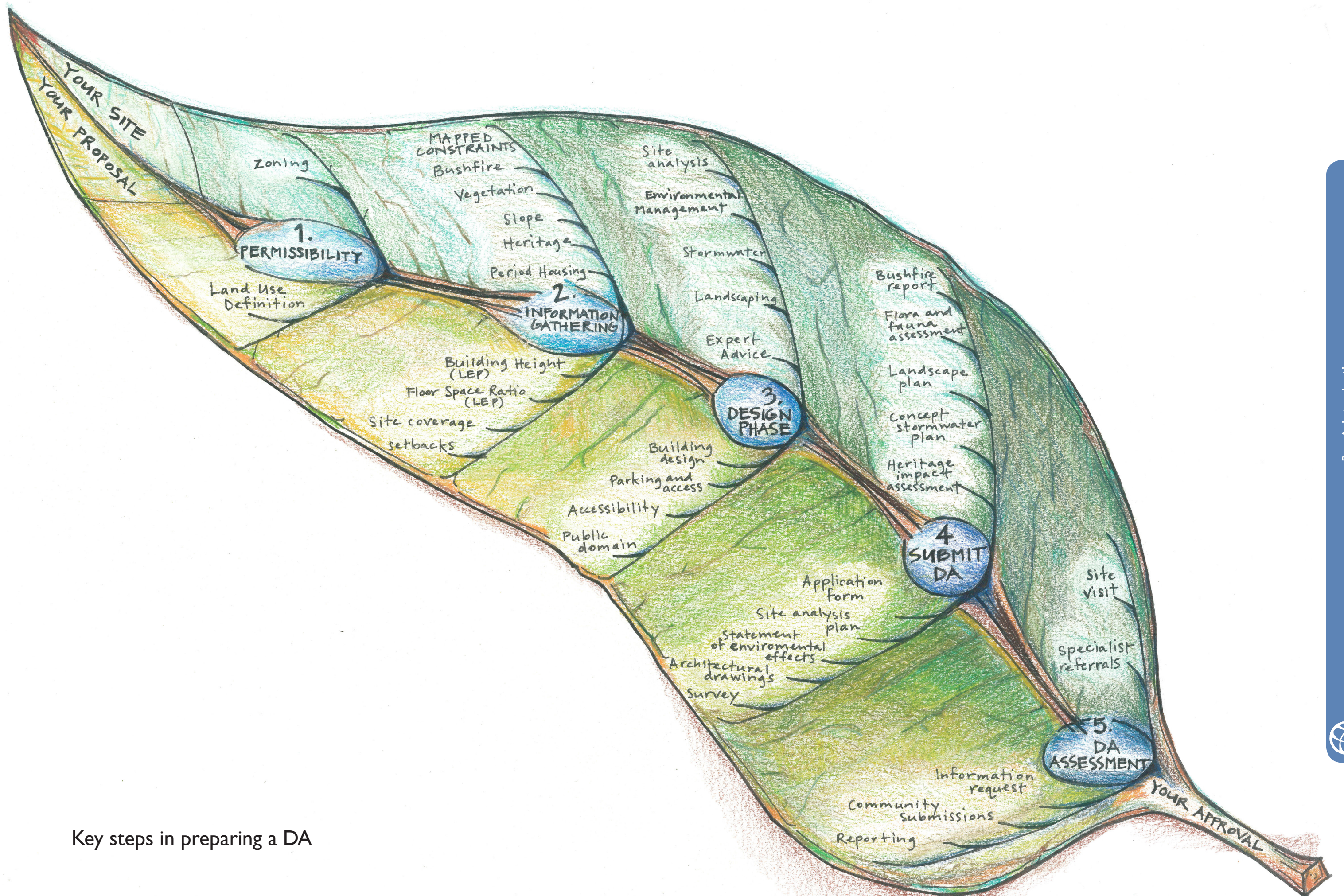
- DA submissions requirements in Part I Submission Requirements of this DCP
- Part J Guidelines of this DCP for further information if necessary

### 5. DA assessment

- Information and DA tracking on Council's website

**Note 1:** The diagram on the adjacent page, Part AI - Figure I - DA process, is not part of this plan and is provided for guidance only





Key steps in preparing a DA





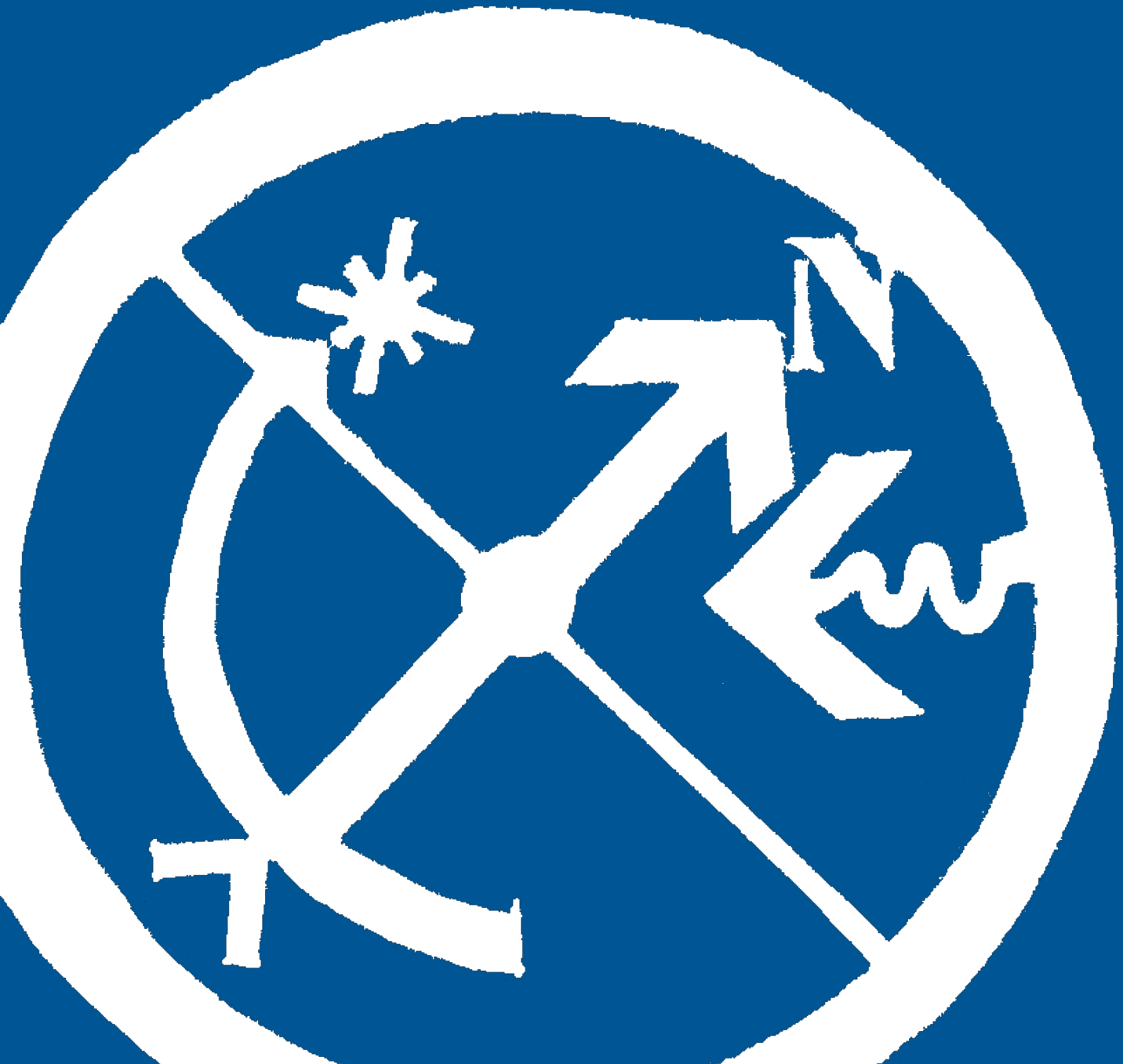


# PART B

## CONTEXT, SITE ANALYSIS AND DESIGN

*Site analysis and a guide to core controls for all development*

**Revision: Amendment 2 (December 2018)**





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# PART BI SITE AND CONTEXT ANALYSIS



## Introduction

Good design goes beyond the simple application and compliance with development controls. Careful consideration and systematic analysis of a site, of its relationship with adjoining development and consideration of any natural and man-made constraints are essential starting points.

To ensure site analysis is an important part of the design process, development proposals need to illustrate how design decisions have been based on careful analysis of the site conditions and their context. By identifying and describing the physical elements of the locality and the conditions that impact upon the development site, opportunities and constraints for development can be understood and addressed in the design.

A good design response creates harmonious and seamless relationships with surroundings or site characteristics, whether they be a neighbourhood of historic housing, a specific topography or bush setting or soil conditions.

Site planning will then minimise issues relating to noise, overshadowing, community safety, access, views, privacy, energy consumption and waste generation.

Landscape and topography are significant limiting and determining features of development in the Blue Mountains area, and the particular constraints affecting development in the Blue Mountains can vary considerably.

Using the principles of sustainability, the site analysis looks at on-site resources (water, timber, rock, building materials) and options for providing sustainable outcomes with a reduction in impact on soil, water runoff, native bushland and so on.





**Read in conjunction with:**

**Part E - Site Development  
and Management**



**All**

**Part F - Development  
Types**



**All**

**Part G - Precincts**



**All**



## BI.1. Site Analysis of Opportunities and Constraints

### Explanation

As a first step in preparing for a development, a site analysis is to be undertaken.

An integrated site analysis understands the relationship of a particular site within a given context. It looks at opportunities and constraints to ensure this information is used to inform a design outcome. Buildings designed to specifically address topographic and climatic considerations are generally more comfortable to live in.

Appropriate site planning and building design can also minimise issues relating to environmental impact, overshadowing and solar access, privacy and amenity, vehicular access, waste generation and community safety.

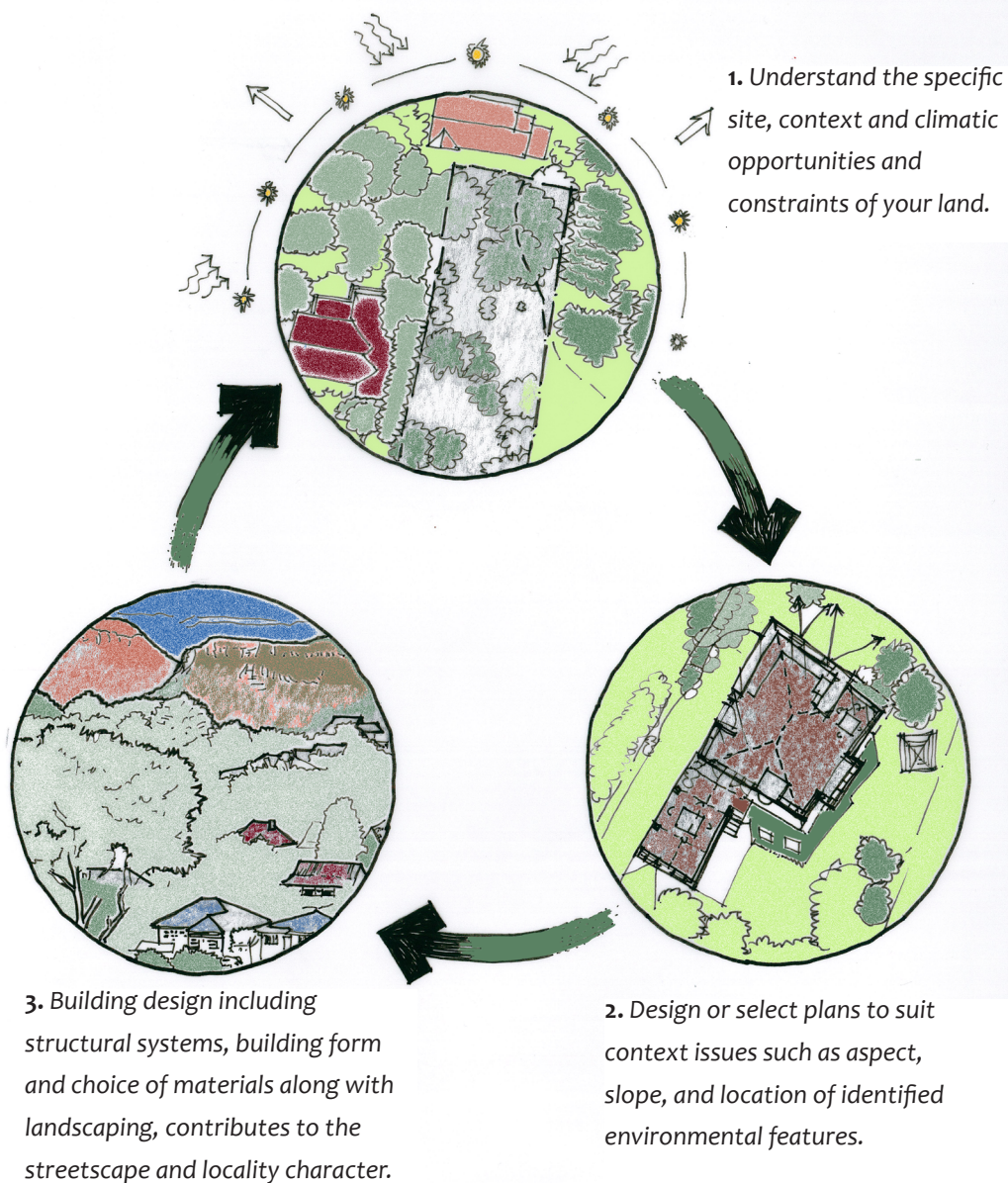
The *Environmental Planning and Assessment Regulation 2000*, under Schedule 1, requires certain information to be included in any development application. The requirements include but are not limited to a site plan of the land, a sketch of the development and a statement of environmental effects. Refer to the regulations for further information.

The site analysis plan should identify the key opportunities and constraints of the site, taking into account the planning controls within Blue Mountains Local Environmental Plan 2015 (LEP 2015) and this DCP, with particular reference to:

- Zoning (identified on *LEP 2015 Land Zoning Map*)
- Protected areas (identified on LEP 2015 maps)
- Bush fire prone land (identified on Council's bush fire prone land map).
- Heritage listing (identified on the LEP 2015 Heritage Map).
- Period Housing Areas and precincts (identified on *LEP 2015 Built Character Map*)

Council's pre-lodgement service provides the opportunity for applicants to discuss concept designs with Council once a context and/or site analysis has been carried out.





**Part B1 - Figure 1:** An integrated site analysis understands the relationship of a particular site within a given context. It looks at opportunities and constraints to ensure this information is used to inform a design outcome. Buildings designed to specifically address topographic, climatic and environmental conditions are generally more comfortable to live in.



## Objectives

The objectives of undertaking a site analysis are to:

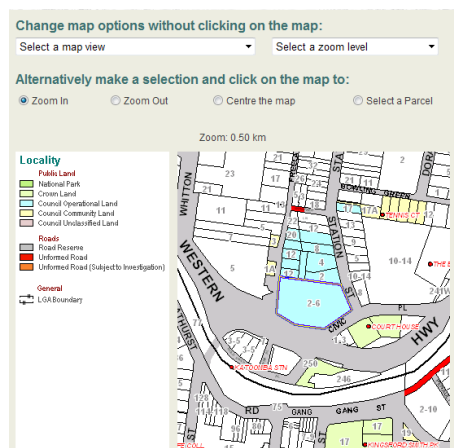
- O1. identify the opportunities and constraints of a development site to create a site responsive application, and
- O2. enable the most appropriate siting of a development through the identification of protected areas and environmentally sensitive land, and
- O3. reduce adverse amenity impacts such as overshadowing, loss of privacy, views or solar access, and improve sustainability outcomes of development, during its construction and operation, and
- O4. determine the most appropriate form in terms of bulk and scale that a site can accommodate.

## Controls

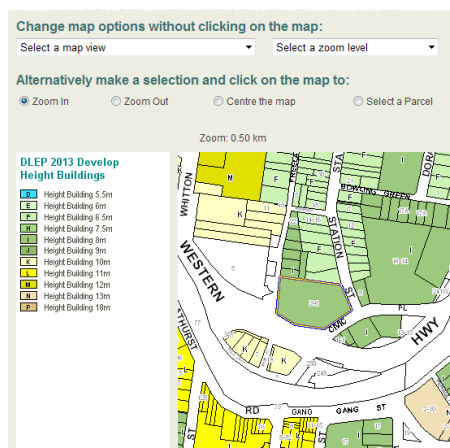
- C1. A site analysis plan is generally required with any development application that includes a new building or external alterations to existing buildings. For minor applications where the land has minimal constraints or the proposal is for minimal external changes, a separate drawing or plan may not be necessary, and the site analysis information can be incorporated onto the site plan. It may also be necessary to incorporate relevant written discussion into the statement of environmental effects.
- C2. Site analysis information shall generally take the form of a scaled plan drawing. The site analysis plan is to map basic site features and information, and any additional mapped features. Refer to Part II.I.I in Part I Submission Requirements for details of site analysis features.

**Note:** An indicative building envelope or potential development space can be dotted onto the site analysis plan once all constraints have been identified.

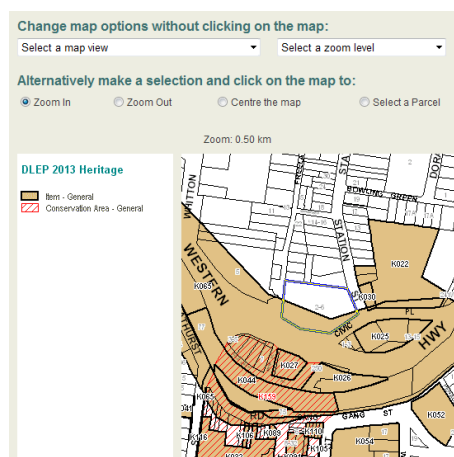




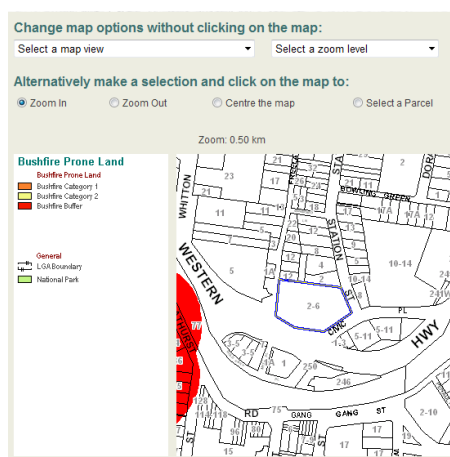
**Part BI - Figure 2(a): BMCC Locality map**



**Part BI - Figure 2(b): BMCC Height of buildings map**



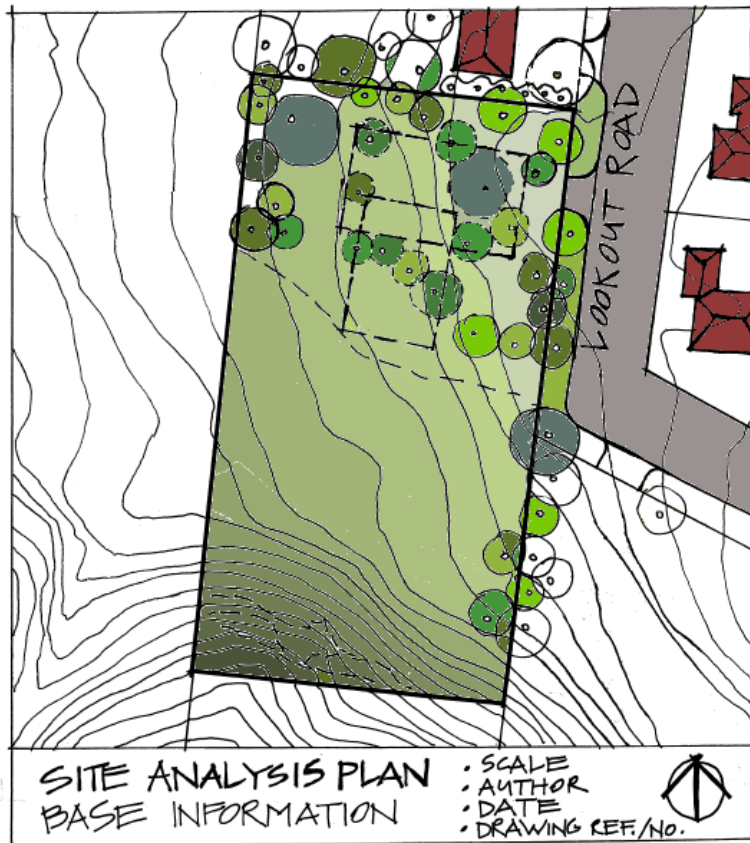
**Part BI - Figure 2(c): BMCC Heritage map**



**Part BI - figure 2(d): BMCC Bushfire prone land map**

**Figures 2a-2d:** Council's website has an interactive mapping tool which is capable of providing detailed mapping information which can be used in the preparation of a site analysis plan. References to LEP 2015 or other Council maps throughout this DCP provide a hyperlink to this interactive mapping tool. Instructions regarding the use of the interactive mapping is also available on Council's website.





**Part BI - Figure 3(a)** - Site analysis basic information

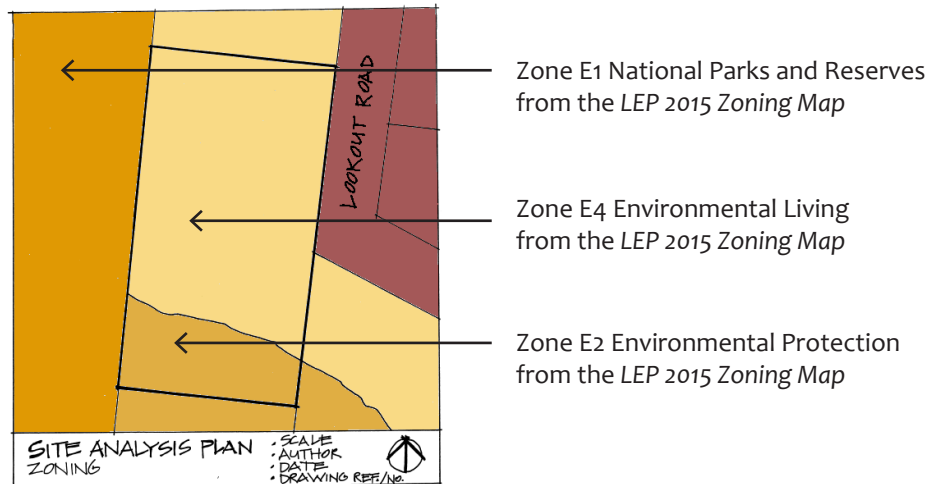
The above image is a base guide to the presentation of site analysis information. The site analysis plan should contain relevant site characteristics, including:

- Title block information (see above)
- Lot boundaries, including adjacent lots or part thereof
- Site area and dimensions
- Adjacent road reserves, and site access points nearby (subject and surrounding driveways)
- Contours (preferably at 1 or 2 metre intervals)
- All trees on and adjacent to the site, establishing which trees originate from which site, and size and species where possible.
- Trees proposed to be removed clearly marked as such; trees to be retained clearly marked as such
- Mapped, known or observed environmental features including native vegetation, watercourses, swamps and rock outcrops
- Any existing buildings, sheds, tanks, parking and the like on the site and near site boundaries
- Neighbouring buildings
- Indication of important views to and from the site – for example, protected escarpment areas indicate the importance of uninterrupted views of the tree canopy
- Prevailing sun angles and wind directions

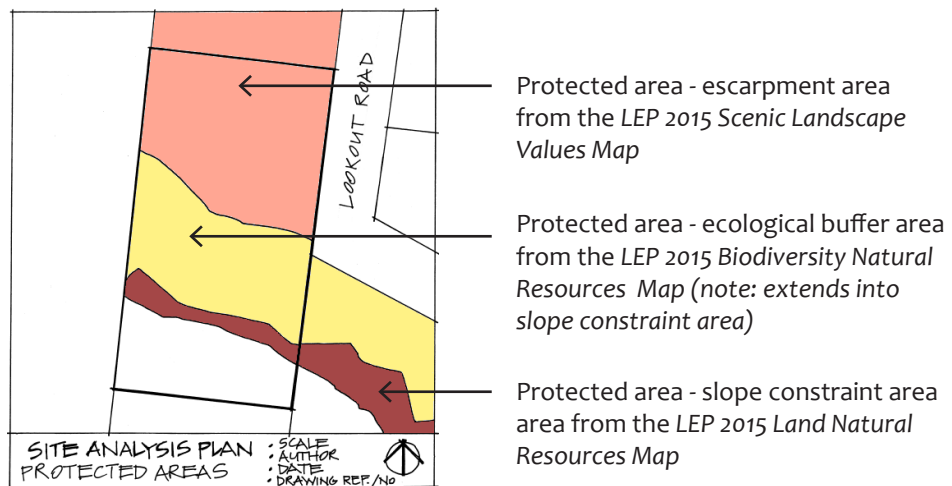


- Potential Asset Protection Zones (APZs) can be shown if relevant
- Required setbacks from front, side and rear boundaries can be shown
- A notional development space after all site constraints have been identified and considered

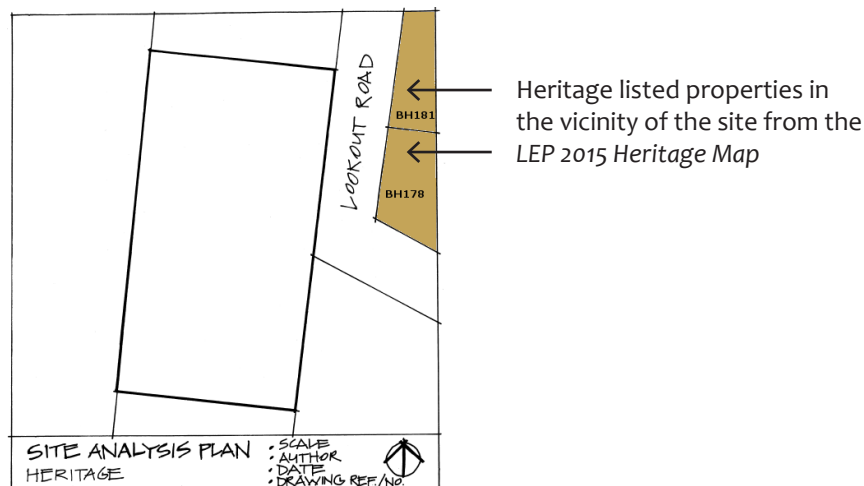
Refer to Part II.I.I of Part I – Submission Requirements for full details.



Part BI - Figure 3(b) - Site analysis zoning information



Part BI - Figure 3(c) - Site analysis protected areas



Part BI - Figure 3(d) - Site analysis heritage information

## B1.2. Context Analysis

### Explanation

For development within Period Housing Areas an assessment of the prevailing characteristics of an area within which the development is located and the identification of streetscape character values is required (refer to Part D2 Period Housing of this DCP).

This type of assessment may also be required for large scale development or smaller developments where the proposal would have a significant impact on the streetscape and locality. The level of analysis will vary depending on the scale of the proposal, and may include:

- (a) local analysis (the local context around the site including local services and infrastructure, local environmental issues, and the local built form and landscape context of the site); and
- (b) regional analysis (the regional context in relation to nearest urban centres, major services and infrastructure, and broad environmental catchments).

The context analysis can build upon the information included in the site analysis. A separate plan, or the preparation of wholly separate information may not be required.

**Note:** Council's website has an interactive mapping tool which is capable of providing detailed mapping information which can be used in the preparation of a context analysis plan. Instructions regarding the use of the interactive mapping is also available on Council's website.

### Control

- CI. A context analysis is generally required for works within Period Housing Areas, and for large, complex and/or highly significant applications. For minor applications within Period Housing Areas, (such as non-visible works to the rear only), a full context analysis may not be required, and additional written discussion on context, streetscape and character can be incorporated into the statement of environmental effects.

Refer to the submission requirements for context analysis in Part I Submission Requirements.





# PART B2

# BUILDING ENVELOPE



## Introduction

A building envelope is a three dimensional space on an allotment of land that prescribes the limits of where development can occur. The core elements which in combination define a building envelope are:

- building height;
- floor space ratio (FSR);
- setbacks; and
- site coverage and landscaped area.

The controls for each of these elements are primarily based on the zoning of the land. However, there are also precincts in a number of Blue Mountains villages that are subject to specific building envelope controls. These controls are intended to reflect the development potential of an area and respond to established village character.

The intention of this part is to provide the core building envelope controls for all types of development, before moving into the other parts of the DCP.

For LEP based controls and development within Precincts, this part provides direction to the relevant part of the DCP or the LEP as necessary.



**Read in conjunction with:**

**Part E - Site Development  
and Management**



**All**

**Part F - Development  
Types**



**All**

**Part G - Precincts**



**All**



## B2.1. Building Height

### Explanation

Building height means the vertical distance between ground level and the highest point on the building. The height of a dwelling influences the scale and bulk of a development which in turn has implications for streetscape character. Building height controls apply in all zones.

### Objectives

- OI. To ensure that the height of development is not excessive and relates well to the local context.

### Controls

- CI. The height of a building is not to exceed the maximum height of a building set by LEP 2015 clause 4.3 (Height of buildings) and the Height of Buildings Map.

## B2.2. Floor Space Ratio

### Explanation

The floor space ratio (FSR) of buildings is the ratio of the gross floor area of all buildings within a site to the site area. FSR controls seek to regulate bulk and scale of buildings and prevent over development of a site. FSR controls apply in all zones.

### Objectives

- OI. To ensure development is compatible with the bulk, scale and character of existing and future surrounding development and is appropriate to the site.

### Controls

- CI. The floor space ratio of a development is not to exceed the maximum floor space ratio set by LEP 2015 clause 4.4 (Floor space ratio) and the Floor Space Ratio Map.



## B2.3. Setbacks & articulation

### B2.3.1. Setbacks

#### Explanation

Setbacks define the footprint of a building by establishing limitations on distances between the outer walls of the building and the front, side and rear property boundaries. Setback controls seek to maintain or establish appropriate building lines and to ensure adequate building separation to provide for access and landscaping and to preserve amenity.

#### Objectives

- O1. To ensure that the bulk and scale of development is consistent with the existing streetscape of the locality and, where appropriate, promotes a prominent landscape setting.
- O2. To ensure that overshadowing of adjoining buildings and impact on solar access to those buildings is minimised.
- O3. To ensure that the design and location of buildings responds to individual site constraints and minimises site disturbance and clearing of vegetation.

#### Controls

- C1. For land within Zone **RU2 Rural Landscape** or **RU4 Primary Production Small Lots**, building setbacks will be subject to a merit based assessment.
- C2. For land within Zone **RI General Residential** and within a Precinct identified on the LEP 2015 Built Character Map, building setbacks are to comply with the relevant controls contained within Part G Locality Management.
- C3. For land within Zone **R2 Low Density Residential**:
  - (a) the maximum width across an allotment of any building that has a street frontage is not to be greater than 80% of the greatest width of the allotment at any one point, and
  - (b) front building setback is to be within 20% of the average setback of buildings on immediately adjoining allotments in established areas or, where there are no buildings on these allotments, a minimum of 8m from the primary road frontage, and



- (c) in the case of corner lots, building setback from the secondary frontage is to be a minimum of 3m, and
- (d) in the case of hatchet shaped lots, building setback from the rear boundary of the lot in front is to be a minimum of 9m, and

**Note:** Garages, car ports and the like are permitted within the building setback prescribed by C3(d).

- (e) setback from side and rear boundaries is to be a minimum of 1m.

C4. For land within Zone **R3 Medium Density Residential** and within a Precinct identified on the LEP 2015 Built Character Map, building setbacks are to comply with the relevant controls contained within Part G Locality Management.

C5. For land within Zone **R3 Medium Density Residential** not within a Precinct:

- (a) front building setback is to be within 20% of the average setback of buildings on immediately adjoining allotments in established areas or, where there are no buildings on these allotments, a minimum of 8m from the primary road frontage, and
- (b) in the case of corner lots, building setback from the secondary frontage is to be a minimum of 3m, and
- (c) in the case of hatchet shaped lots, building setback from the rear boundary of the lot in front is to be a minimum of 9m, and

**Note:** Garages, car ports and the like are permitted within the building setback prescribed by C3(d).

- (d) setback from side boundaries is to be a minimum of 2m.

C6. For land within Zone **B1 Neighbourhood Centre** and within a Precinct identified on the LEP 2015 Built Character Map, building setbacks are to comply with the relevant controls contained within Part G Locality Management.

C7. For land within Zone **B1 Neighbourhood Centre** not within a precinct:

- (a) front building setback is to be within 20% of the average setback of buildings on immediately adjoining allotments, and
- (b) side and rear building setbacks will be subject to a merit based assessment.



- C8. For land within Zone **B2 Local Centre** and within a Precinct identified on the LEP 2015 Built Character Map, building setbacks are to comply with the relevant controls contained within Part G Locality Management.
- C9. For land within Zone **B7 Business Park**:
- (a) setback from the primary front boundary is to be a minimum of 2m and a maximum of 4m and be landscaped, and
  - (b) side and rear building setbacks will be subject to a merit based assessment.
- C10. For land within Zone **IN1 General Industrial** or **IN2 Light Industrial**:
- (a) setback from the primary front boundary is to be a minimum of 4m and a maximum of 8m and be landscaped, and
  - (b) side and rear building setbacks will be subject to a merit based assessment.
- C11. For land within Zone **RE1 Public Recreation**, setback from the primary front boundary is to be a minimum of 8m from a road reserve.
- C12. For land within Zone **RE2 Private Recreation** and within a Precinct identified on the LEP 2015 Built Character Map, building setbacks are to comply with the relevant controls contained within Part G Locality Management.
- C13. For land within Zone **RE2 Private Recreation** not within a Precinct, setback from the primary front boundary is to be 8m from a road reserve.
- C14. For land consisting of or including an area of less than 4,000m<sup>2</sup> within Zone **E3 Environmental Management** or **E4 Environmental Living**:
- (a) front building setback is to be within 20% of the average setback of buildings on immediately adjoining allotments in established areas or, where there are no buildings on these allotments, a minimum of 8m from the primary road frontage, and
  - (b) in the case of corner lots, building setback from the secondary frontage is to be a minimum of 3m, and
  - (c) in the case of hatchet shaped lots, building setback from the rear boundary of the lot in front is to be a minimum of 9m, and



**Note:** Garages, car ports and the like are permitted within the building setback prescribed by C14(c)

(d) setback from side and rear boundaries is to be a minimum of 1m.

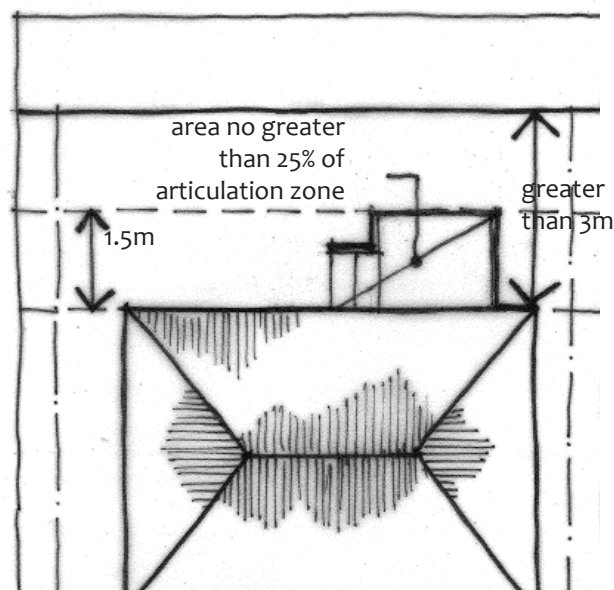
**Note:** clause 4.4B (Principal development area) of LEP 2015 applies to land consisting of or including an area of more than 4,000m<sup>2</sup> within Zone **E3 Environmental Management** or **E4 Environmental Living**.

- C15. For land within **Zone SP3 Tourist** and within a Precinct identified on the LEP 2015 Built Character Map, building setbacks are to comply with the relevant controls contained within Part G Locality Management.



## B2.3.2. Building articulation – residential development

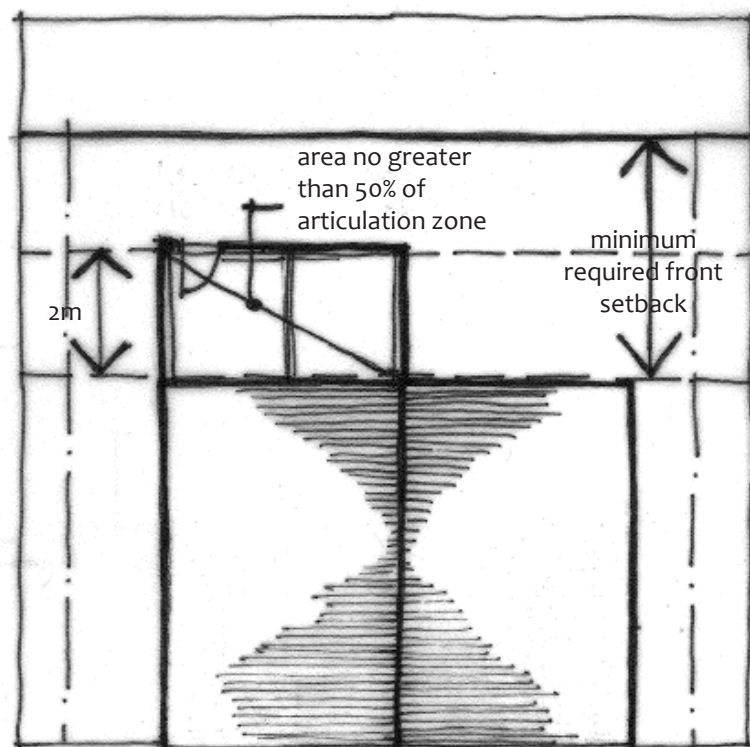
- C1. Residential development, other than residential development that has a setback from a primary road of less than 3m, may incorporate an articulation zone that extends from the building line to a distance of 1.5m into the required setback from the primary road.
- C2. The following building elements are permitted in an articulation zone in the setback from a primary road:
- (a) an entry feature or portico, and
  - (b) a balcony, deck, patio, pergola, terrace or verandah, and
  - (c) a window box treatment, and
  - (d) a bay window or similar feature, and
  - (e) an awning or other feature over a window, and
  - (f) a sun shading feature.
- C3. A building element on a dwelling house (other than a pitched roof to an entry feature or portico that has the same pitch as the roof on the dwelling house) must not extend more than:
- (a) 1m above the gutter line of the eaves of a single storey dwelling house, or
- C4. above the gutter line of the eaves of a two storey dwelling house. The maximum total area of all building elements within the articulation zone, other than a building element listed in C2 (e) or (f), must not be more than 25% of the area of the articulation zone.



**Part B2 - Figure I:** Articulation zone for residential development.

### B2.3.3. Building articulation – industrial development

- CI. The following building elements are permitted within an articulation zone for an industrial building:
- (a) an entry feature or portico, and
  - (b) an awning or canopy over a door or window.
- C2. A building element within the articulation zone of an industrial building:
- (a) is not to reduce the required landscape area, car parking spaces or driveway, and
  - (b) may extend 2m into the minimum required front setback, but must not be more than 50% of the width of the front facade of the building, and
  - (c) is not to be more than the maximum height of the building.



**Part B2 - Figure 2:** Articulation zone for industrial development.

## B2.3.4. Exceptions to setbacks

- C1. Council may permit development that does not comply with setback requirements to a minor extent where it is satisfied that:
- (a) the failure to comply enables the development to better achieve the zone objectives and other provisions applicable to the land, and
  - (b) any decrease in setback will improve the protection of environmentally sensitive land by the relocation of buildings within the site, and
  - (c) the proposed development incorporates a design that minimises its apparent bulk when viewed from a road.
- C2. Council may permit development that does not comply with the minimum setback:
- (a) from a primary street frontage, where the development involves minor alterations or additions and is consistent with the front building setback established by the existing building; or
  - (b) from a side boundary, or a secondary street frontage, where the development involves minor alterations or additions (including the erection of an outbuilding) and is located along or within a line projected from the wall of an existing building.
- C3. A greater front, side or rear setback may be required for development within the vicinity of a heritage item in order to maintain the visual setting of the heritage item. This is to be determined on a site by site basis.
- Note:** Council may require a *Heritage Impact Statement* (HIS) to demonstrate that the proposed development will not adversely impact the significance of the affected item. Refer to Part D1 of this DCP for further information.
- C4. Side and rear setbacks do not apply to:
- (a) any aerial, antenna, awning, eave, flue, chimney, pipe, cooling or heating appliance, any rainwater tank or any other structure associated with the provision of a utility service if it is located at least 450 millimetres from the relevant boundary, and
  - (b) any fence, fascia, gutter, downpipe, light fitting, electricity or gas meter, driveway, pathway or paving if it is located within any required setback area to the relevant boundary.

- C5. The setback from a road does not apply to:
- (a) a driveway, fence, pathway, paving or retaining wall, or
  - (b) the articulation zone and any building element that is permitted within that zone.

### B2.3.5. Setback from a Classified Road

- CI. Where land adjoins a Classified Road, other than a Tourist Road, the setback of any buildings from the alignment or proposed alignment of the road is to comply with *Part B2 - Table 1*.

**Note:** Classified Road has the same meaning as in the Roads Act 1993 and includes the Great Western Highway, Hawkesbury Road, Darling Causeway and Bell's Line of Road.

**Part B2 - Table 1:** Setback from Classified Roads.

Zone	Setback
E3 Environmental Management	30m
Any other zone	18m

- C2. Council may consent to development that does not comply with CI only if it is satisfied that the existing development on the land or the physical or functional circumstances of the land would warrant a lesser setback, and this would not result in the creation of a traffic hazard.



## B2.4. Site Coverage and Pervious Area

### Explanation

Site coverage is expressed as a percentage of the total site area and refers to the area of a site that is to be built upon. Site coverage controls work in conjunction with floor space ratio and setbacks to manage the extent of development permitted on a site and to ensure the retention of pervious and landscaped areas. Pervious area controls are also expressed as a percentage of total site area. Pervious areas facilitate infiltration of stormwater which in turn helps to protect catchment health.

**Note 1:** In LEP 2015 *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; and
- any part of an awning that is outside the outer walls of a building; and
- any eaves; and
- unenclosed balconies, decks, pergolas and the like.

**Note 2:** For the purpose of calculating site coverage, reference in the LEP 2015 definition to 'buildings' is considered to include buildings ancillary to the main building, including tennis courts. Reference to 'unenclosed balconies, decks, pergolas and the like' is considered to include swimming pools or spas, access ramps, and pathways or pavings.

**Note 3:** Pervious area means the proportion of a site area that is capable of absorption and infiltration of stormwater and excludes hard areas except for water tanks, unenclosed areas of spaced decking and swimming pools.

**Note 4:** Where single dwellings or dual occupancy developments exceed the maximum site coverage or have less than the required minimum pervious area, additional stormwater quality measures are to be provided. Refer to Part C6.1 Control 9 of this DCP.

### Objectives

- OI. To limit the extent of development and ensure the retention of pervious areas that aid stormwater management.

### Controls

- CI. For land within Zone **RU2 Rural Landscape** or **RU4 Primary Production Small Lots**:
- (a) The maximum site cover for buildings, including buildings ancillary to the main building, is to be:



- i. 40% of the total allotment area or 160m<sup>2</sup>, whichever is greater, for allotments less than 1,000m<sup>2</sup>, or
  - ii. 300m<sup>2</sup> plus 10% of any amount by which the allotment area exceeds 1000m<sup>2</sup>, for allotments of 1,000m<sup>2</sup> or more but less than 2,000m<sup>2</sup>, or
  - iii. 400m<sup>2</sup> plus 5% of any amount by which the allotment area exceeds 2000m<sup>2</sup>, up to a maximum total building site cover of 2500m<sup>2</sup>, for allotments 2000m<sup>2</sup> or greater.
- C2. For land within Zone **R1 General Residential** and within a Precinct identified on the LEP 2015 Built Character Map, maximum site cover and minimum pervious area are to comply with the relevant controls contained within Part G Locality Management.
- C3. For land within Zone **R2 Low Density Residential**:
  - (a) the maximum site cover for buildings, including buildings ancillary to the main building, is 40% of the total allotment area or 160m<sup>2</sup>, whichever is greater, and
  - (b) the minimum area to be retained as pervious area is 40% of the total allotment area.
- C4. For land within Zone **R3 Medium Density Residential** and within a Precinct identified on the LEP 2015 Built Character Map, maximum site cover and minimum pervious area are to comply with the relevant controls contained within Part G Locality Management.
- C5. For land within Zone **R3 Medium Density Residential** and not within a Precinct:
  - (a) the maximum site cover for buildings, including buildings ancillary to the main building, is 40% of the total allotment area or 160m<sup>2</sup>, whichever is greater, and
  - (b) the minimum area to be retained as pervious area is 40% of the total allotment area.
- C6. For land within Zone **B1 Neighbourhood Centre** and within a Precinct identified on the LEP 2015 Built Character Map, maximum site cover and minimum pervious area are to comply with the relevant controls contained within Part G Locality Management.
- C7. For land within Zone **B2 Local Centre** and within a Precinct identified on the LEP 2015 Built Character Map, maximum site cover and minimum pervious area is to comply with the relevant controls contained within Part G Locality Management.



- C8. For land within Zone **B7 Business Park** the minimum area to be retained as pervious area is 20% of the total allotment area.
- C9. For land within Zone **IN1 General Industrial** the minimum area to be retained as pervious area is 20% of the total allotment area.
- C10. For land within Zone **IN2 Light Industrial** the minimum area to be retained as pervious area is 30% of the total allotment area.
- C11. For land within Zone **RE2 Private Recreation** and within a Precinct identified on the LEP 2015 Built Character Map, maximum site cover and minimum pervious area are to comply with the relevant controls contained within Part G Locality Management.
- C12. For land within Zone **RE2 Private Recreation** and not within a Precinct:
- (a) for any allotment having an area of less than 1,000m<sup>2</sup>, the maximum site cover for buildings and buildings ancillary to the main building is 30% or 160m<sup>2</sup> whichever is greater; or
  - (b) for any allotment having an area of 1,000m<sup>2</sup> or greater, the maximum site cover for buildings and buildings ancillary to the main building is:
    - i. 300m<sup>2</sup>; and
    - ii. an additional amount equivalent to 10% of the amount by which the site area exceeds 1,000m<sup>2</sup>, but not exceeding 100m<sup>2</sup>; and
  - (c) the minimum area to be retained as pervious area is 60% of the total allotment area.
- C13. For land within Zone **E3 Environmental Management**, site cover controls are prescribed in LEP 2015 clause 4.4A (Site coverage and landscaped area).
- C14. For land within Zone **E4 Environmental Living**, site cover and pervious area controls are prescribed in LEP 2015 clause 4.4A (Site coverage and landscaped area).
- C15. For land within Zone **SP3 Tourist** and within a Precinct identified on the LEP 2015 Built Character Map, maximum site cover and minimum pervious area are to comply with the relevant controls contained within Part G Locality Management.



# PART B3 CHARACTER AND DESIGN



## Introduction

The Blue Mountains urban environments are low-key and low-scale compared to the high density living of large cities. Despite this, urban design issues are still of critical importance in town centres, specifically identified precincts and also ordinary neighbourhoods, and ensure that neighbourhood character and heritage considerations are respected and enhanced through new development. The character of the environment is equally relevant everywhere, not just in retaining or improving a few select 'special' areas that already have high amenity values.

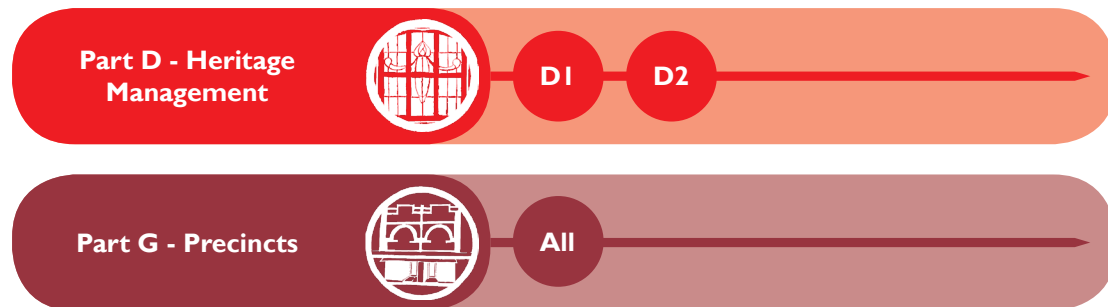
The creation of attractive street environments can help to slow traffic, foster the use of streets as places for social interaction between pedestrians and residents, and promote pedestrian and cyclist activity.

Neighbourhood character is not limited to the prevailing architectural style or era of development. The layout and form of the area is critical, as is the relationship of the natural environment and topography in the public and private domain to built forms. Settings, vistas, sensory delight and a sense of place can be created through thoughtful urban design responses.

*Part B3.1 part applies to land identified as within a heavy blue line and with a precinct reference on the LEP 2015 Built Character Map.*

*Part B3.2 applies to all development of low-density residential dwellings, in particular free-standing single dwellings.*

Read in conjunction with:



## B3.1. Character considerations within precincts

This part applies to development in town centres and surrounding areas identified as precincts areas on the LEP 2015 Built Character Map. The primary controls for these areas are within Part G Locality Management of this DCP.

This section provides further guidelines to supplement the specific controls within Part G. This includes considerations for urban design, infill development, design of shopfront buildings and medium-density residential development.

### B3.1.1. Urban design

#### Explanation

Under clause 6.19 (Design excellence) of LEP 2015, Council must have regard to particular urban design matters in assessing development applications within specific precincts. These precincts are the land identified as edged by a heavy blue line on the LEP 2015 Built Character Map.

Part G Precincts of this DCP sets out specific controls for each individual precinct. The urban design principles of this part may be used in the assessment of developments with the specific precincts of Part G.

These controls apply to zones B1, B2, R1, R3 and SP3, where character considerations apply to a village setting.

#### Objectives

- O1. To achieve excellence in urban design and infill development.
- O2. To identify key components of urban design to be considered and addressed in development proposals.
- O3. To retain and enhance the unique qualities of neighbourhood character and context, by responding to the essential elements that make up the character of the surrounding area and the desired future character.

#### Controls

- CI. Significant development within the identified precincts, where impacting upon significant public domain spaces, major roads, town centres and significant streetscapes, is to demonstrate consideration of the following urban design principles:
  - (a) **structure and connections:** organise places that are consistent with or improve the urban structure and are well connected, and





- (b) **accessibility:** provide ease, safety and choice of access for all people, and allow for the smooth movement of vehicles, pedestrians and bicycles, and
  - (c) **complementary mix of use and types:** maintain and create a complementary mix of uses and types of buildings and spaces, and
  - (d) **appropriate density:** provide appropriate density, with the highest density focused on commercial centres and public transport nodes where accessibility is the greatest, and
  - (e) **urban form:** clearly define public and private space, create spaces that are appropriate to the hierarchy, function and character of places, and reduce opportunities for undesirable activities, and
  - (f) **legibility:** help people to understand places and find their way around, and
  - (g) **activation:** stimulate activity and a sense of vitality in public places, and
  - (h) **sense of place and character in street and townscapes:** recognise, conserve and enhance the characteristics that give places a valued identity and create high quality and distinctive streetscapes and townscapes, and
  - (i) **settings:** provide integrated landscaping, water, native bushland, interpretive devices and signage to enhance public spaces and places of cultural interest and tourism sites, and
  - (j) **vistas:** enhance vistas and street views that reveal the topography, and the relationship between the urban environment and important natural elements, and
  - (k) **sensory** pleasure: create places that engage the senses and delight the mind.
- C2. For large development proposals, Council may require photomontages or perspectives that demonstrate the impact of the proposed development on existing views of the property from the public domain or other place identified by Council. A model may be required for major development, particularly if infill development is proposed.
- C3. If a larger scaled development is proposed (for example, where several lots are to be amalgamated and the site redeveloped), additional site-specific controls may be required to address the specific issues relevant to the site and its setting.

### B3.1.2. Infill development

The use of land within existing urban areas, whether vacant land or land containing older buildings or uses, is termed infill development.

Opportunities for infill development provide the chance for the continuing enrichment of urban areas and the creation of additional housing through urban consolidation. The addition of new built forms is an expression of contemporary life and has the potential to create dialogue with older buildings and styles in the vicinity.

Council does not necessarily advocate the replication of historical architectural styles for infill development. A contemporary design approach which respects the historic context and achieves a cohesive relationship between the existing and new fabric is required.

This section applies to infill development on land within the specific precincts in Part G Precincts of this DCP, that falls within zones B1, B2, R1 and R3, where character considerations apply to a village setting. The primary controls for these areas are within Part G Precincts of this DCP.

In heritage conservation areas and for heritage items, the criteria and controls for infill development are more stringent than for other areas. Refer to *Part D1.9.8 Infill development*.

Landscaping required to accompany development is discussed in detail in Part C3 Landscaping.

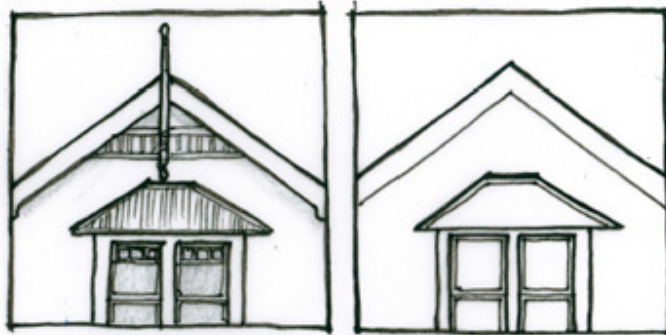
#### Objectives

- O1. To ensure infill development achieves a cohesive relationship between new and existing urban fabric and where relevant, retains and enhances cultural significance.
- O2. To ensure the design of infill development responds respectfully and sensitively to significant contextual indicators and incorporates innovative design responses.
- O3. To ensure the façade of buildings are articulated to address the streetscape and reinforce the architectural character of the village centre streets.
- O4. To encourage infill development that demonstrates a high quality contemporary design response where respect for and sympathy with surrounding development can be demonstrated.

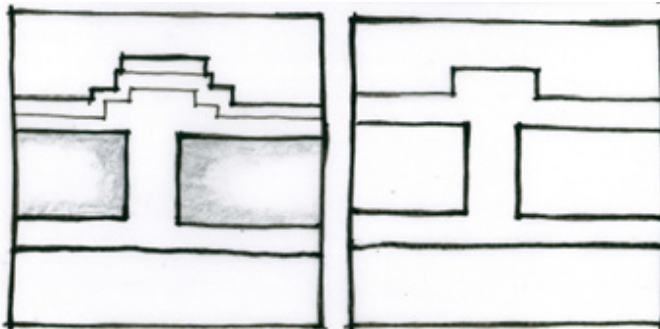
#### Controls

- CI. Designers of infill development are required to provide a detailed site and context analysis. Refer to *Part B1 Site Analysis* and *Part I* for submission requirements. For single dwellings this information can be included in the statement of environmental effects.

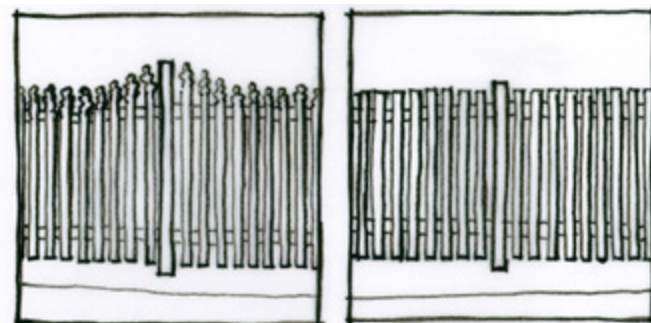
- C2. Infill development is to reference established aspects of the character of the area, including, floor levels, solid to void ratios of elevations, fenestration patterns, coursing lines and any other significant details of neighbouring buildings. Historic detailing is not to be imitated. Refer to *Part B3 - Figure 1*.



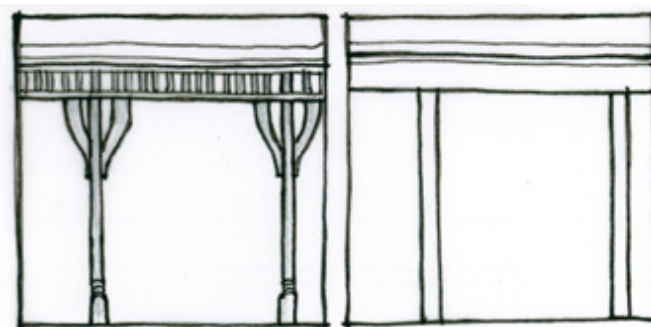
(a) Original historic gable treatment and simplified gable treatment



(b) Original historic fence treatment and simplified rendered brick fence



(c) Original historic picket fencing and simplified timber picket fence



(d) Original historic verandah treatment and simplified timber verandah details

**Part B3 - Figure 1:** Simplified detailing for infill development.



- C3. The established orientation pattern of the streetscape and neighbouring buildings is generally to be adopted by new development.
- C4. Buildings are to formally address the street with entrances and windows. Verandahs and balconies can also be appropriate elements.

### B3.1.3. Infill shopfront buildings

#### Explanation

The town centres of the Blue Mountains contain a variety of shopfront buildings, with most based on a traditional pattern of continuous shopfronts in a main street form. In the upper Mountains, most shopfront precincts have high heritage and character value. Due to the historic pattern of town development along the transport corridor, many town centres are small and compact and focus on proximity to road and rail. The existing patterns of small narrow shopfronts with some laneways to provide filtered access to rear parking and secondary areas is a valued aspect of the Mountains character.

Where renewal of individual shops, groups of shops or larger areas is proposed, consideration is to be given to traditional shopfront forms, designs and detailing. This section provides guidelines for acceptable types of shopfront design to retain town centre character.

These controls apply to zones B1, B2, R1 and R3, where character considerations apply to a village setting. Reference should also be made to *Part G Precincts* of this DCP.

Shopfront buildings that are listed as heritage items or within heritage conservation areas, or those properties in the vicinity of items or conservation areas, are dealt with under the heritage provisions in Part D1 Heritage.



**Part B3 - Figure 2:** Sympathetic infill development, despite the disparity in the number of storeys



**Part B3 - Figure 3:** Sympathetic infill development relating to the scale of surrounding context

#### Objectives

- O1. To ensure that the character of small traditional main street and commercial strip development, with filtered access to rear parking areas and secondary areas, is protected and enhanced.

- O2. To encourage high quality contemporary shopfronts in appropriate locations and where respect for and sympathy with surrounding development can be demonstrated.

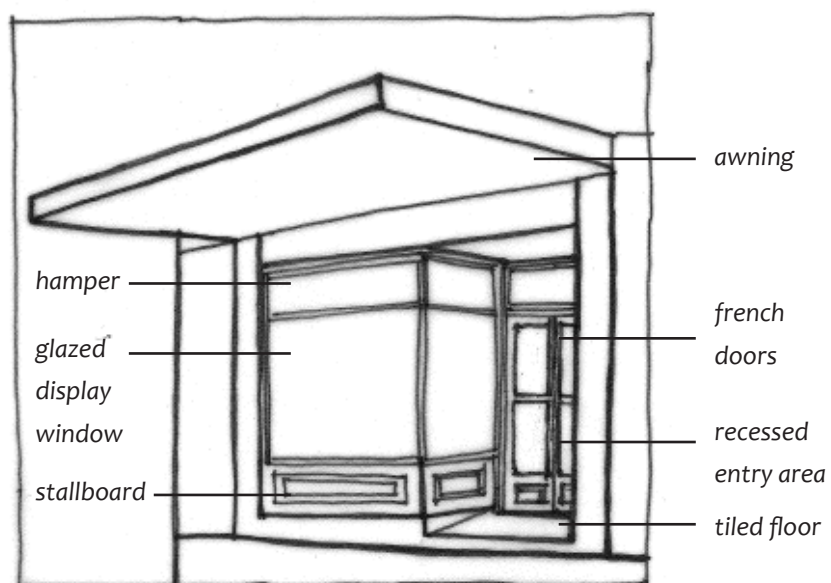
### Controls

- C1. Proposals for infill development within the vicinity of significant traditional shopfront buildings are required to demonstrate adequate consideration of the impacts upon those traditional shopfront buildings.

**Note:** Refer to *Part D1.9.7 Traditional shopfront buildings* where heritage considerations apply.

- C2. Redevelopment of sites on which significant and contributory buildings are located are to retain and improve the existing street presentation.

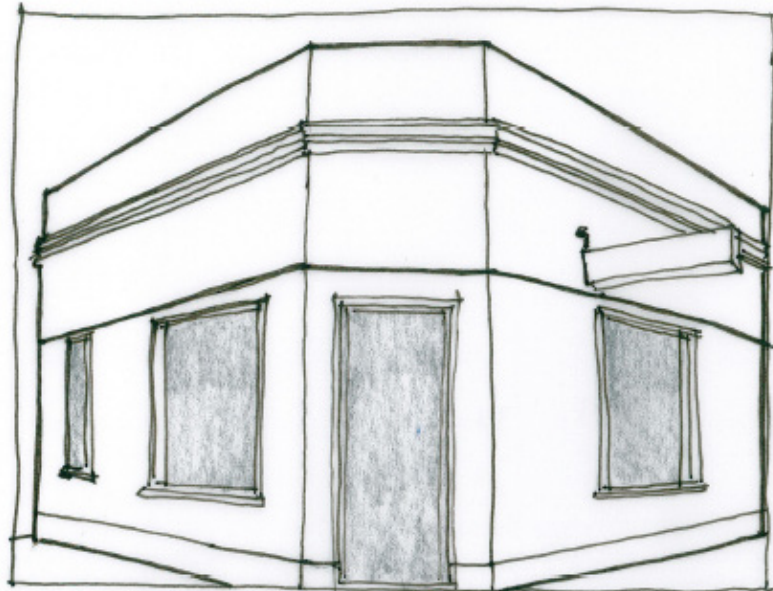
- C3. Shopfront buildings are generally to contain the following:
- (a) vertically-proportioned doors and windows, and
  - (b) glazed shopfronts to all ground floor retail areas, and
  - (c) a stallboard below the glazing at least 400mm high, and
  - (d) a recessed and generally splayed entry, and
  - (e) continuous suspended metal awnings fronting main streets, and
  - (f) a high solid to void ratio above awning level, and
  - (g) parapets or pediments above the upper level, and
  - (h) cornices or coursing lines below the parapet.



**Part B3 - Figure 4:** Traditional shopfront elements

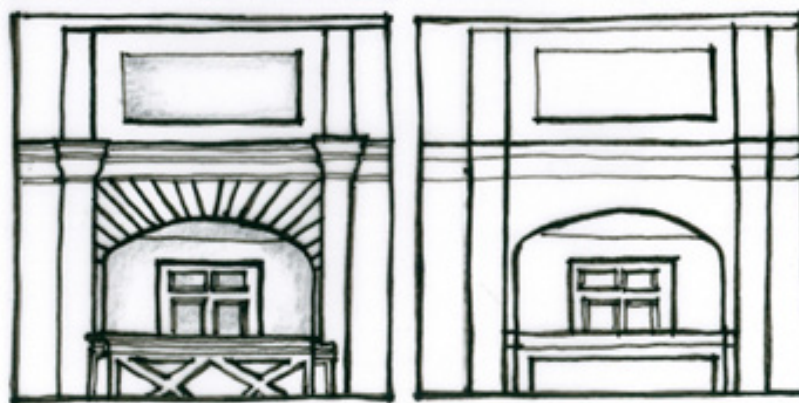


- C4. Buildings on corner sites are to incorporate splayed corners and other elements to articulate corners. Each frontage of a corner building is to present as a main street frontage, with suspended metal awnings continuing around each corner.



**Part B3 - Figure 5:** Traditional shopfront addressing a corner

- C5. Balconies, if provided should be recessed to minimise the visual impact on the streetscape.
- C6. Separate the street address for retail uses from residential and commercial uses within each building.
- C7. When pitched roofs are proposed, slopes or pitches should match the existing pitched roofs of the area.
- C8. Historic details are not to be slavishly imitated. Refer to **Part B3 - Figure 4**.



**Part B3 - Figure 6:** Simplification of original historic shopfront detailing provides contextual fit for new development.

- C9. Incorporate lift overruns and service plant equipment into the design of the roof and reduce their visibility.
- C10. Avoid attic windows and dormers in the roof.
- C11. Highly reflective finishes and curtain wall glazing are not likely to be supported above the ground floor.
- C12. The following wall materials are preferred:
  - (a) brick with render painted a pale colour, and
  - (b) plain glass windows with timber or thin steel/metal frames, and
  - (c) timber joinery and signage.
- C13. The following materials are incompatible with the desired character of town centres:
  - (a) large wall tiles, and
  - (b) fibre-cement sheeting, and
  - (c) concrete blocks, and
  - (d) curtain wall systems, and
  - (e) reflective or tinted glass.
- C14. Use colour schemes compatible with surroundings structures and avoid corporate colour schemes.

### B3.1.4. Medium-density residential development

#### Explanation

Some older lots within the Blue Mountains, mostly close to town centres, may be appropriate for urban renewal in the form of new medium-density development. These types of developments can have a significant impact upon streetscape and character values, and can determine the developing character of areas undergoing transition. Proper integration of these types of new development into traditionally low-density neighbourhoods is critical to ensure the streetscape retains coherence and a pleasing and attractive pedestrian-friendly environment. Design issues relating to the scale, forms, roof forms, materials, detailing, colours and landscaping concept are dealt with in this part.

These controls apply to zones B1, B2, R1 and R3, where character considerations apply to a village setting.



**Note:** Reference should be made to the additional provisions for medium-density development in Part FI Residential Development.

### Objectives

- OI. To ensure that medium-density residential development adequately considers the scale, forms, roof forms, materials, detailing, colours and landscaping of new developments.

### Controls

- CI. Infill development is to demonstrate compliance with the following design indicators where relevant:
  - (a) **modest scale** – new development is not to dominate the surrounding environment, but is to be consistent with the predominant scale of existing development, including dominant ridge and/or parapet lines and building massing (building volume and size); and
  - (b) **repetition of forms** – New development is to provide good articulation of forms to achieve a modest scale, and provide a repetition of forms that expresses a rhythm and pattern of individual units. To create diversity within repeating forms, there can be differentiation by colour or texture of materials or surfaces; and



**Part B3 - Figure 7:** Successful medium-density development incorporates simple rhythms, referential roof forms and details, and a modest scale to achieve a successful outcome.

- (c) **traditional roof forms** – new development in older areas can relate to existing development by using traditional forms, the most significant being gabled and/or hipped roof forms with a pitch of approximately 35 degrees, and skillion verandah forms to the front and side elevations; and
- (d) **quality materials** – new development should wherever possible be constructed of quality materials, including high quality dry-pressed bricks, corrugated metal roofing, terracotta roof tiles, stone, render and solid timber. The materials and finishes should relate to the surrounding established context, and be used in appropriate locations and proportions; and
- (e) **simple detailing without overt imitation** – the use of verandahs with posts or piers, vertically-proportioned windows, awnings to windows, and articulated fencing that filters views; and
- (f) **traditional colours** – colour schemes are to be generally from a natural and/or historic palette, whether strong heritage colours or muted bushland tones as appropriate. Intense and/or excessively bright colours are to be avoided; and
- (g) **landscaping** – landscaping is to soften the edges of new development, frame primary elevations and provide visual layers through thoughtfully-placed plantings.

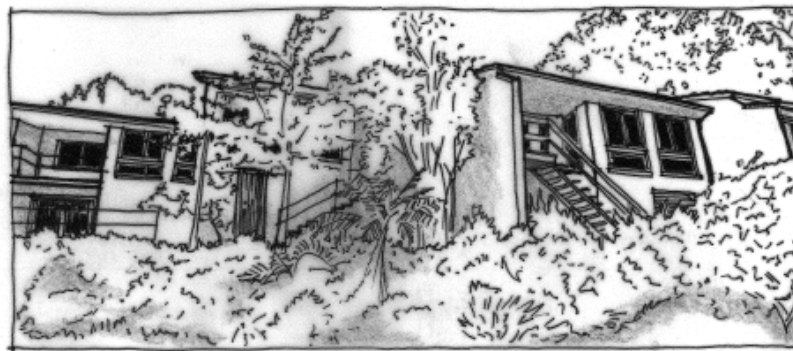


**Part B3 - Figure 8:** An original building on a large lot can provide room for medium-density housing development to the rear whilst retaining the character of the existing streetscape.





**Part B3 - Figure 9:** The use of picket fencing, front verandahs with timber posts, and gabled roof forms in this example provide simple but effective references to more traditional housing types.



**Part B3 - Figure 10:** Medium-density housing can incorporate some level changes and substantial landscaping to integrate successfully with bushland areas.



**Part B3 - Figure 11:** The use of quality materials, references to traditional detailing and well-designed landscaping can contribute to strong urban design infill. In this example, new housing around an existing church uses stone walling, large roof forms and gables to create a sense of place.



## B3.2. Single dwelling design considerations

### Introduction

High quality site-specific and contextual design of individual sites underpins the provision of high quality desirable environments for living, working and enjoyment. It allows neighbourhoods to be read and understood coherently and creates a sense of place and identity. Good design enhances and strengthens community relationships, and provides safe and sometimes beautiful environments. It preserves the qualities of the environment that are valuable and enhances those qualities.

Specific site planning and good design will build on the site analysis and include the considerations set out below to achieve high-quality buildings that fit harmoniously with surrounding development and the environment.

This part applies to all new buildings and significant alterations and additions to existing buildings within the LGA; however, the controls are most applicable to free-standing residential dwelling development in the R2 Low Density Residential, E2 Environmental Conservation, and E4 Environmental Living zones.

This part also applies to the design of new buildings in a bushland setting, where contextual fit with the natural environment is desirable in order to sympathetically integrate new development into a predominantly bush setting. This is particularly relevant in the E2 Environmental Conservation and E4 Environmental Living zones.

Considerations of building height and floor space ratio are covered by the provisions of LEP 2015, and these two variables, in conjunction with the site coverage and setback requirements of Part B2 Building Envelope of this DCP, can be manipulated at the design stage to provide a building envelope that is respectful towards surrounding development and is responsive to site conditions.

For residential designs, LEP 2015 requires the consideration of residential character. Clause 6.17 (Consideration of character and landscape) of LEP 2015 has objectives and controls for residential design in residential and environmental zones. It requires consideration of issues such as scale and massing of buildings, materials, colours and finishes, building form and design, siting, setting and neighbourhood amenity. This section expands upon the consideration of these matters.

Where a design deviates from the following controls, justification is to be provided with the application to support the proposed changes. Provision of supporting documentation will not necessarily guarantee support from Council for the proposed deviation.

**Note 1:** Reference should be made to the additional provisions for low-density development in Part FI Residential Development.



**Note 2:** Buildings that are heritage items, within heritage conservation areas or within Period Housing areas have additional context and character requirements, and are guided by the provisions of Part D Heritage Management of this DCP. Buildings within specific precincts are guided by the provisions of Part G Precincts of this DCP.

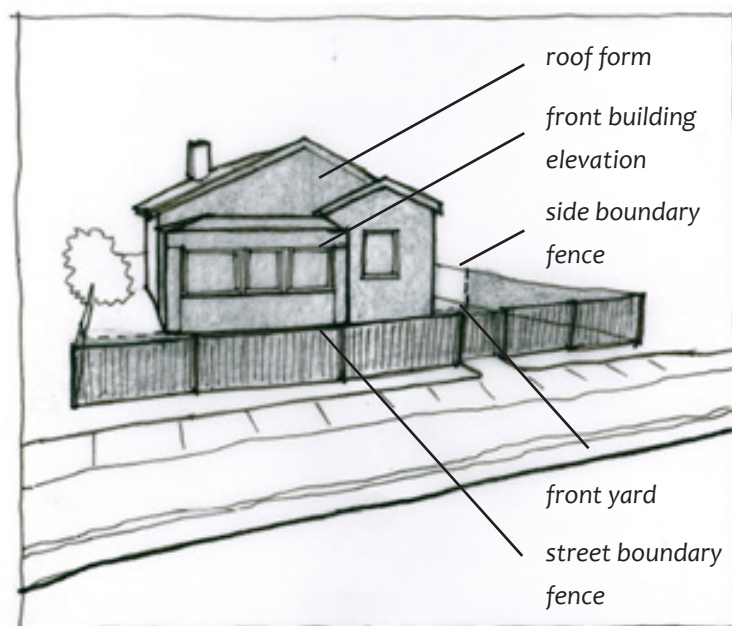
**Note 3:** For landscaping controls and guidelines, refer to Part C3 Landscaping of this DCP.

### B3.2.1. Context considerations

#### Explanation

Context can be defined as the key natural and built features of an area. This includes the underlying natural landform, distinctive landscape elements, date and style of buildings, scale and form of buildings, street and subdivision patterns, setbacks, materials, building techniques and details, views, vistas and skylines, the solid to void relationships and orientation.

This part applies particularly to the streetscape and the street front zone of properties, and is particularly important where there is a consistent and/or established character. The street front zone (sometimes referred to as the 'front building setback') is what is visible from the street, and includes the front and side boundary fences and front garden, and also the front elevation and front and side roof plane/s wherever visible. The scope and type of landscaping is also a consideration in the street front zone. The street front zone establishes the connection between the public and private domains and therefore sets or contributes to the context and character of the neighbourhood.



**Part B3 - Figure 12:** Definition of street front zone.

Design considerations apply to all sites; however, factors such as the visibility of a building from the street, and the building size, siting and lot size all contribute to the impact of a building on its context.

This section applies to zones R2, E2 and E4, where considerations apply to a low-density, mixed character and/or a sloping, bushland setting.

### Objectives

- O1. To ensure that new development is responsive and sympathetic to the surrounding context in scale, massing, orientation, siting, form, construction and materials.
- O2. To retain, conserve and enhance the setting and character of streetscapes and the contribution of significant natural and cultural features.
- O3. To ensure that new development emphasises the street and public domain as a vibrant, safe and attractive place for activity and community interaction.
- O4. To encourage contemporary architectural expression that is also sensitive to the natural and built setting.
- O5. To respect and reinforce established bushland character through sensitive design, and to promote contemporary design that has a good contextual fit with an established bushland setting.

### Controls

- C1. Development proposals are to identify local character considerations and demonstrate how new buildings will respond and contribute to the quality and identity of the area. For single dwellings this information can be included in the statement of environmental effects.
- C2. Buildings are to be located to ensure compatibility with the site layout and design of adjoining buildings and the prevailing streetscape, in particular in terms of scale, form and other defining elements, whilst allowing for reasonable variation to enable design solutions that avoid uniformity and respond appropriately to context and site characteristics. Refer to *Part B3 - Figure 13*.





**Part B3 - Figure I3:** Contextual fit within an existing streetscape.

- C3. New development is to minimise visual impacts upon bushland settings, including scenic drives, the Blue Mountains National Park and other significant elements through the use of design, colours and materials which preserve important natural and cultural settings.
- C4. New development is to provide legibility, by creating places and spaces that can be easily and positively remembered by people. This can include the creation of architectural elements, paths, and landscaping that have a distinctiveness. Those elements are to contribute to the overall impression of the urban environment.
- C5. Buildings are to formally address the street, street corners, parks and open spaces and shared driveways through the visually harmonious placement of windows, doors, verandahs, porches and or entry areas to improve streetscape, access and passive surveillance.

### B3.2.2. Siting and site design

#### Explanation

Siting is the location and orientation of the building. Appropriate siting will take into account factors both internal and external to the site: the specific site constraints and opportunities, and the relationship of the building to surrounding buildings and building patterns.

Sloping land is common in the Blue Mountains, with steeply sloping land of 1 in 5 or higher usually severely constrained, with site access problems, erosion potential, fire hazards, winds, development visibility, site disturbance and costs greatly increased.

The design controls below require adequate consideration of some of the basic design issues related to siting of structures, and compatibility with the clauses of LEP 2015 identified in the note below.



This section applies to zones R2, E2 and E4, where considerations apply to a low-density, mixed character and/or a sloping, bushland setting.

**Note 1:** Properties that are considered slope constrained, at risk of landslide, or proposals that require earthworks will need to consider clauses 6.4 (Protected area – slope constraint area), 6.5 (Protected area – landslide risk) and 6.14 (Earthworks) of LEP 2015. These clauses seek to identify and protect areas where topography and slope make development unsuitable. Properties affected by this mapping can be identified through the LEP 2015 maps.

**Note 2:** For landscaping controls and guidelines, refer to Part C3 Landscaping of this DCP.

### Objectives

- O1. To ensure that buildings are sited to fit harmoniously with the existing topography and to minimise visual impacts upon natural settings.
- O2. To ensure that the siting of buildings considers significant site constraints such as slope, and minimises site disturbance.
- O3. To ensure that the siting of buildings avoids overshadowing of adjoining buildings and that adverse impacts to the solar access to living areas and private open space of adjoining buildings are minimised.

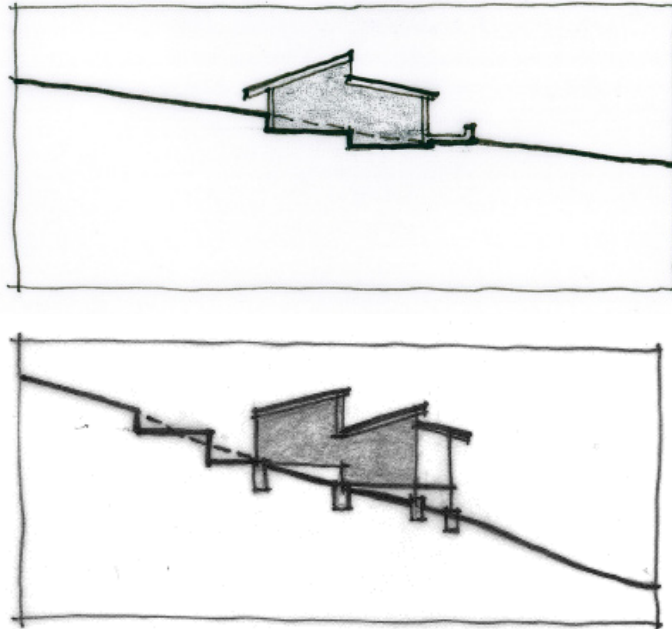
**Note:** Amenity of residential building is covered in detail in Part F1 Residential Development of this DCP.

### Controls

- C1. Development siting and design is to respect and enhance the natural landscape attributes that contribute to the character and distinct sense of place of the streetscape and neighbourhood, including:
  - (a) prominence of ridgelines, and
  - (b) landmarks, and
  - (c) topography, and
  - (d) views, vistas and outlooks, and
  - (e) waterways, and
  - (f) vegetation.
- C2. Buildings, particularly in bushland settings, are to be located to minimise adverse physical and visual impacts on the site.

## Slope controls

- C3. Development is encouraged to follow the slope of the site and reduce the need for significant cut and fill through split level design.



**Part B3 - Figure 14:** Design on sloping sites is to respond to the topography.

- C4. Development on land steeper than 1 in 5 is to use split level design and raised floor construction with a protected underfloor where possible.
- C5. Slab on ground construction is not to be used on slopes steeper than 1 in 10. Split-level slab on ground construction may be acceptable where slabs follow ground levels.

## Site disturbance controls

- C6. Buildings are to be sited and designed to keep site disturbance to a minimum. This includes changes in natural ground level, removal of natural topographical features and vegetation and disruption of natural water run-off.
- C7. Cut and fill is to be minimised as far as possible and be contained within the building footprint where conditions allow. Cut and fill is generally to be limited to a maximum of 1m in height and depth unless contained within or retained by the walls of the building footprint, particularly where there is potential for adverse environmental impacts or impacts upon adjoining properties.
- C8. Roads and paths are to follow the landform where possible.



### B3.2.3. Building scale, forms and articulation

#### Explanation

The scale of a building is its relative size compared to other elements such as the street, surrounding buildings and the human scale. A building has an overall scale, and can also incorporate elements that give a deliberate perception of scale, in order to reduce perception of height and bulk and to relate to the human scale.

Form includes the overall shape, volume and arrangement of its parts. The form of the building will dictate to a large degree the presentation and appearance of the building from the street, as well as the ability to integrate with surrounding development. Form, along with appropriate scale, is a major determinant of high quality design and the protection and enhancement of streetscape qualities.

Residential buildings are generally increasing in size, and the desire for amenity and facilities is expanding. These factors are creating a slow but inexorable change in the character, construction and size of new residential buildings.

This section applies to zones R2, E2 and E4, where considerations apply to a low-density, mixed character and/or a sloping, bushland setting.

#### Objectives

- O1. To ensure that building forms provide a presentation appropriate to the surrounding neighbourhood and immediate neighbours in terms of visual appearance and amenity.
- O2. To ensure that new forms preserve and enhance site characteristics, site constraints and neighbourhood amenity.
- O3. To ensure that building forms provide for quality design of buildings and quality external and internal spaces.
- O4. To ensure that new building forms allowed under maximum floor space ratio and building height controls do not inhibit proper consideration of other relevant objectives and controls.

#### Controls

- CI. Provide an appropriate bulk and scale to suit the scale of the street and the surrounding buildings. Building design should recognise the predominant scale (height, bulk, density etc.) of the setting and respond sympathetically. The impact of an inappropriately scaled building cannot be compensated for by building form, design or detailing.





**Part B3 - Figure 15:** Contemporary infill dwellings should be sympathetic to the surrounding context; in this example the referencing of adjacent forms is harmonious, and the retention of the original fence and landscaping ease contextual fit.

- C2. Provide a considered response to the scale of existing development in precincts undergoing transition. Proposed bulk and height needs to achieve the scale identified for the desired future character of the area.
- C3. Where new development is proposed for a corner site, the building is to provide a building form and detailing that addresses both primary and secondary frontages.



**Part B3 - Figure 16:** A traditional building responding to a corner site, enhancing both the corner and the resulting architecture.



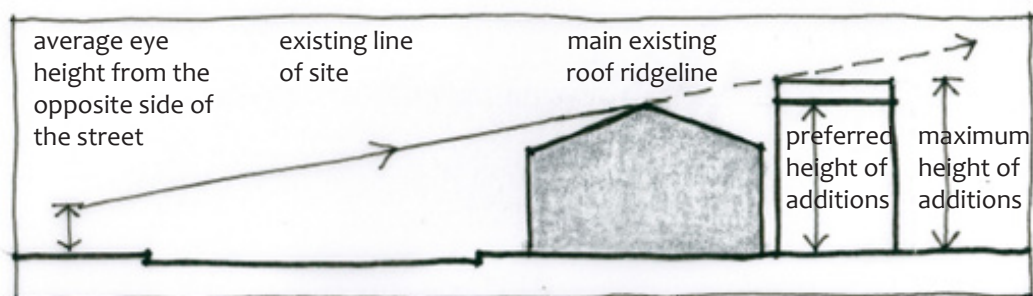
- C4. Development is to retain the detached dwelling character of lots through filtered views down side boundaries in low-density residential areas.

#### Building articulation

- C5. Design is to seek a fine-grained and articulated architectural expression. Excessively long roof forms, roof ridges, and unbroken unarticulated walls are to be eliminated. Floor plans are to be articulated such that any wall or roof plane is not to be longer than 15 metres without being articulated by the intersection of other forms and/or details.

#### Alterations and additions

- C6. Additions to an existing building are generally to be:
- (a) located to the rear or side of the existing building when viewed from the street front zone, and
  - (b) not visible over the roof ridge of the primary building, and
  - (c) compatible with the existing building in regards to bulk and scale, roof forms and materials.



**Part B3 - Figure 17:** Acceptable envelope for rear alterations and additions.

### B3.2.4. Roof forms

#### Explanation

Roof forms vary with the layout of the building. The layout of the building's interior and external walls determine the ultimate form of the roof; the interior, walls, floor levels, openings and roof must function harmoniously to create the most functional and pleasing internal and external forms.

This section applies to zones R2, E2 and E4, where considerations apply to a low-density, mixed character and/or a sloping, bushland setting.

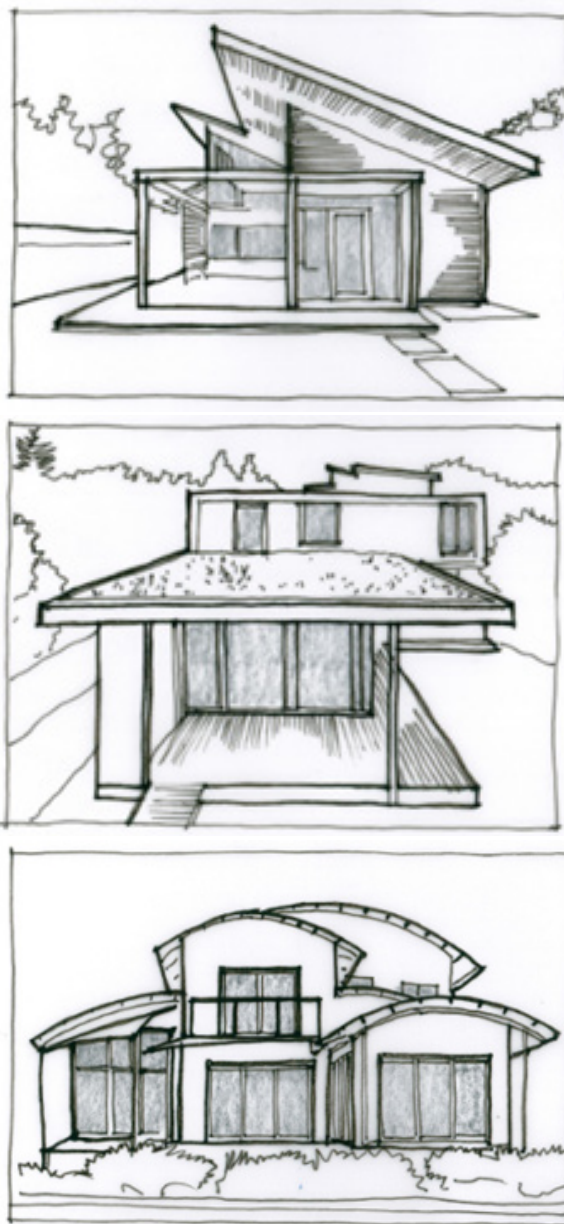


## Objectives

- O1. To ensure that the design of roof forms maximises the potential for functional internal layouts and building envelopes.
- O2. To ensure that the design of roof forms is compatible with the surrounding streetscape where desirable.
- O3. To ensure that roof designs in bushland settings are compatible with sloping topography.

## Controls

- CI. Roof forms should complement the building envelope, provide good functionality and present well to the street.



**Part B3 - Figure 18:** Atypical roof forms in the Blue Mountains: single skillion roofs, flat roofs and curved roofs.

- C2. In bushland settings, rooflines should follow slopes and be below the established tree canopy wherever possible.
- C3. Proposals with earth-covered roofs will require specialist information to be submitted for assessment and will be considered on merit.

### B3.2.5. Materials, details, finishes and colours

#### Explanation

A wide variety of building materials, details and techniques are used in the Blue Mountains, particularly in low-density residential zones associated with later subdivisions. Accompanying these materials, details and techniques is a building stock of similar diversity in age, size and style. This is commensurate with the ongoing redevelopment of older properties and the expanding development pressures from the Sydney plains. Building style options are applied to building layouts to reproduce a vast array of historic styles and contemporary takes on those styles. This diversity is expected to continue outside of heritage and Period Housing areas.

Contemporary designs, materials and techniques are also apparent within the housing stock. There is an increasing interest and importance placed upon sustainability, and this has affected the procurement of new materials and recycling of old building materials. Sustainable forestry practices, reduction in the use of toxic chemicals, and the reuse of salvaged building materials are all practices that positively contribute to sustainability.

This section applies to zones R2, E2 and E4, where considerations apply to a low-density, mixed character and/or a sloping, bushland setting.

#### Objectives

- O1. To encourage choice of materials, details and finishes that are sympathetic to and harmonious with the existing context.
- O2. To encourage quality contemporary design through simple detailing of buildings.
- O3. To encourage applicants to consider the nature of the building materials, the flows of energy, and materials required for the life of the project.
- O4. To ensure that in the consideration of development proposals, adequate consideration is given to the life cycle costs of the materials being used, the ultimate disposition of the site and the materials, and ways in which these environmental impacts can be reduced or mitigated.



### Controls

- C1. Materials and details are to be a pleasing and balanced composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development.
- C2. The use of off-the-shelf or distinctive historic decorative features applied to new buildings is discouraged.
- C3. In bushland settings, building materials, finishes and external colours are to use natural muted earth tones of low reflective quality to blend in with bushland. Colours include ochres, browns, olives, and greys.
- C4. Façades or roofs are not to incorporate large areas of highly reflective materials.
- C5. Avoid expanses of any single material.
- C6. The use of recyclable and reusable materials is to be encouraged and maximised whenever possible.
- C7. Building applications using straw bales, mud brick, recycled shipping containers and other alternative building materials and techniques will likely require specialist information to be submitted for assessment and will be considered on merit and site suitability.



# PART C

# ENVIRONMENTAL

# MANAGEMENT

*Balancing the protection of the natural environment and development*

**Revision: Amendment 2 (December 2018)**





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# PART CI BIODIVERSITY AND NATURAL RESOURCES



## Introduction

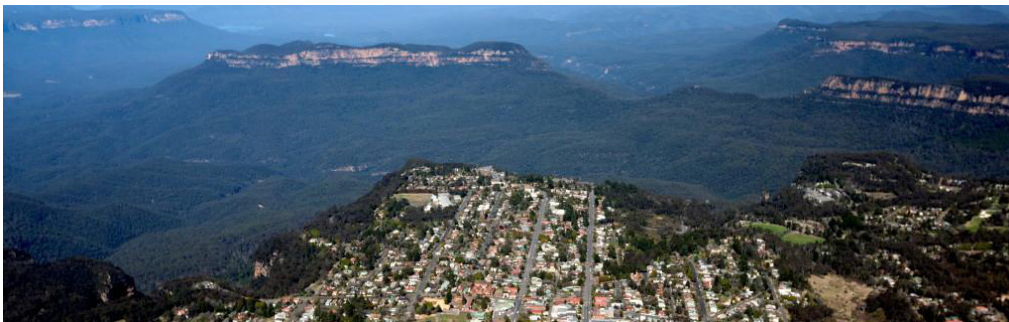
Biodiversity (biological diversity) is the variety of life: the different species of plants, animals and microorganisms, the genes they contain and the various populations, communities and ecosystems of which they form a part. Biodiversity, and the natural functions that occur in healthy ecosystems, provide essential processes including nutrient, carbon and energy cycling, atmospheric oxygen production, pollination, seed dispersal and climate regulation. These processes are referred to as ecosystem services and provide us with fresh water, clean air, soil fertility and biological pest control.

Conservation of biodiversity and ecological integrity is a fundamental principle of ecologically sustainable development. The Blue Mountains contains rich biodiversity values and natural resources due to its unique setting within the Greater Blue Mountains World Heritage Area, and the network of bushland connecting the towns and villages. The natural areas are comprised of unique landscape and geological features, environmentally sensitive areas including escarpments, caves, rock outcrops, watercourses, wetlands, swamps, groundwater seepage zones, heath and scrub, woodland and forest vegetation. Flora and fauna species, vegetation communities and ecosystem composition vary according to aspect, slope, underlying geology, soil type and depth, groundwater and surface water conditions.

There are many threats to biodiversity including vegetation and habitat loss and fragmentation, nutrient enrichment, water pollution, altered microclimate and drainage patterns, soil disturbance, introduced and invasive species, altered fire regimes, climate change and the unsustainable use of natural resources. This part details requirements for the protection of biodiversity, environmentally sensitive or significant natural features and natural resources occurring on or adjacent to sites proposed for development and provides controls for the protection of: threatened species and populations, threatened ecological communities or their habitat; significant native vegetation communities and rare or threatened Australian plants; fauna corridors; ecological buffer areas; watercourses, wetlands and riparian land; escarpment areas and sandstone geological features; and the National Park and the World Heritage Areas.

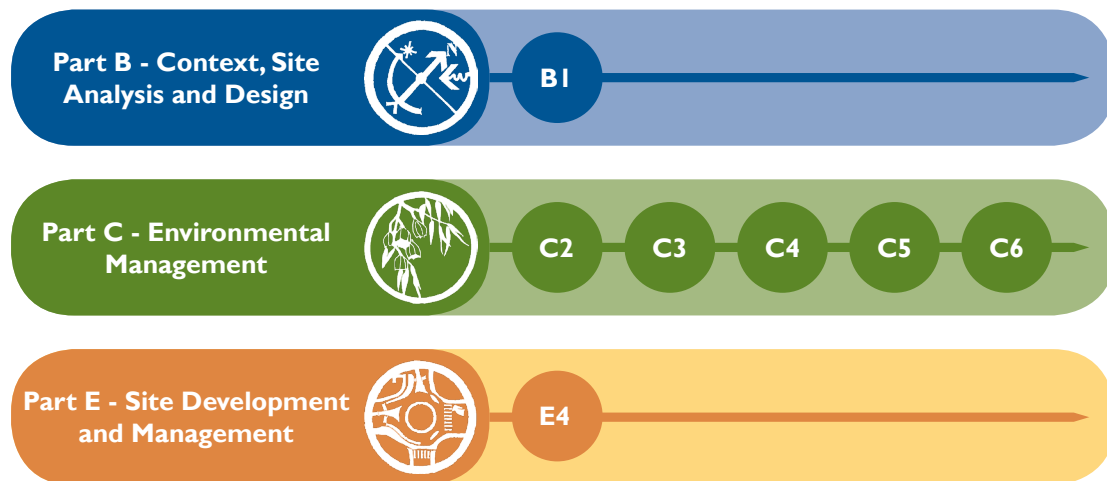
In assessing a development proposal, Council will consider all likely environmental impacts, including those which may be caused by future vegetation clearing to the full entitlement permissible under the NSW Rural Fire Service 10/50 Vegetation Clearing Code of Practice (where this entitlement is applicable).

The term *site* is used within this Part to describe a property and/or area affected by the proposed development.



**Part CI - Figure I:** Aerial of Katoomba - 'City within a World Heritage Area'

**Read in conjunction with:**



**Submission requirements:**

*One or more of the following types of reports may need to accompany a development application:*

- *Site Analysis Plan*
- *Flora and Fauna Assessment*
- *Vegetation Survey and Species Inventory*
- *Vegetation Management Plan*



## CI.1. Biodiversity & Natural Resources

### Objectives

- O1. To protect and enhance biodiversity, environmentally sensitive or significant features and natural resources where they occur on or adjacent to, sites proposed for development.
- O2. To apply the principles of ecologically sustainable development including: conserving biological diversity and ecological integrity, exercising the precautionary principle and ensuring inter-generational and intra-generational equity.
- O3. To balance the conservation of the natural environment with the protection of life and property from bush fire.

### Controls

- CI. Protect and enhance biodiversity, environmentally sensitive or significant natural features and natural resources by:
  - (a) implementing sustainable development design, layout and practices, and
  - (b) maintaining native flora and fauna and their habitat, native vegetation diversity, structure, function and linkages, and the ecological processes and services provided by an ecosystem, and
  - (c) maintaining natural geological, landscape and escarpment features and habitat areas, and
  - (d) identifying all likely environmental impacts that may result from the proposed development, and
  - (e) avoiding, minimising, mitigating and offsetting environmental impacts in an acceptable way using effective measures, ensuring all practical opportunities to avoid environmental impact are utilised.

**Note:** The consideration of all likely environmental impacts that may result from the proposed development includes 10/50 vegetation clearing entitlement areas (NSW RFS Vegetation Clearing Code of Practice).

- C2. Provide a site responsive development and protect the environmental values of the site by ensuring the location and design of the development:
  - (a) effectively integrates with the natural topography and reflects and compliments natural site features through the location of structures, outlook, design and materials, and





- (b) is located as far as practicable within existing cleared areas and avoids unnecessary clearing of native trees and other native vegetation, and
  - (c) minimises site disturbance and cut and fill, and
  - (d) is located outside of environmentally sensitive land as far as practicable, and
  - (e) provides adequately sized buffer areas to protect environmentally sensitive or significant natural features, and
  - (f) maximises the retention of native vegetation linkages across the landscape, and
  - (g) incorporates best practice water management techniques to protect the surface and groundwater regimes and water quality of the site.
- C3. Development is to balance the conservation of the natural environment with the protection of life and property from bushfire by:
- (a) locating and designing developments and asset protection zones that minimise impacts on native flora and fauna and where possible, are located outside of environmentally sensitive areas, and
  - (b) considering measures to avoid and minimise environmental impact when implementing all appropriate bushfire protection measures, and
  - (c) utilising environmentally sensitive methods for fuel reduction in bushland areas.
- Note:** With reference to C3(b), these measures may include radiant heat shields; sprinklers; increased building construction Bushfire Attack Levels (BAL) or alternative development location
- C4. Undertake all reasonable environmental protection works including conservation, regeneration, restoration, management and maintenance to protect and enhance the condition, structure and function of retained bushland and natural areas within the site, including specific environmental protection works necessary for the protection of:
- (a) threatened species, threatened populations, and threatened ecological communities and their habitat, and
  - (b) significant vegetation communities or rare flora species, and
  - (c) fauna corridors, and

- (d) ecological buffer areas, and
- (e) watercourses, wetlands and riparian land, and
- (f) escarpment areas and geological features, and
- (g) National Park and World Heritage Areas.

C5. To protect biodiversity, best management practices are to be implemented in accordance with:

- (a) Part C2 - Bushland and weed management - environmental protection works and environmental and noxious weed control, and
- (b) Part C3 - Landscaping - environmentally sensitive landscaping, and
- (c) Part C4 - Bushfire - design and vegetation management in asset protection zones, and
- (d) Part C6 - Water management - water sensitive urban design, and
- (e) Part E4 - Site management - erosion and sedimentation controls.

C6. Prior to granting consent to development that has the potential to impact upon biodiversity and environmentally sensitive features or areas, a *Flora and Fauna Assessment* prepared in accordance with Council's guideline may be required. In some circumstances, depending on the scale and impact of a proposed development, the condition of the site and history of environmental assessment, a *Vegetation Survey and Species Inventory* may be required to be prepared instead of a *Flora and Fauna Assessment*.

**Note 1:** A *Flora and Fauna Assessment* is often required in (though not limited to) the following circumstances where:

- areas of intact bushland will be removed or modified by the development, or
- LEP 2015 environmental protection zones or mapped protected areas are likely to be impacted, or
- threatened species, threatened ecological communities, significant vegetation communities or their habitat are likely to be directly or indirectly impacted, or
- surface or groundwater changes may result, particularly if on-site effluent disposal or groundwater interception is proposed within the catchment of a groundwater dependent ecosystem, or





- proposed works may directly or indirectly impact upon a habitat features such as watercourses or waterbodies, trees with hollows, caves, crevices or other rock habitat features.

**Note 2:** Where Council determines that a significant effect on threatened species, threatened populations or threatened ecological communities and their habitats are likely a Species Impact Statement is to be prepared in accordance with State government guidelines.

- C7. A *Vegetation Management Plan* (VMP) prepared in accordance with Council's guideline may be required to guide the development of the site in circumstances where:
- (a) environmental protection works including but not limited to conservation, regeneration, restoration, management and maintenance are necessary, or
  - (b) the construction or future operation of the development will require removal, or ongoing management of, native vegetation and/or habitat



## CI.2. Threatened Species, Threatened Populations and Threatened Ecological Communities

### Explanation

The Blue Mountains is home to many threatened flora and fauna species, populations and communities listed for protection under the following legislation:

- *NSW Threatened Species Conservation (TSC) Act, 1995* and records identified on the Wildlife Atlas,
- *NSW Fisheries Management Act, 1994*
- *Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act, 1999.*

Threatened flora found within the Blue Mountains LGA includes *Leionema lachnoides*, *Pultenaea glabra* (Smooth Bush Pea), *Acacia bynoeana* (Bynoe's Wattle), *Persoonia acerosa* (Needle Geebung), *Ptherosphaera fitzgeraldii* (Dwarf Mountain Pine) and *Leucopogon fletcheri* subsp. *Fletcheri*.



**Part CI - Figure 2:** *Ptherosphaera fitzgeraldii*

Threatened fauna species found within the Blue Mountains LGA include *Petalura gigantea* (Giant Dragonfly), *Eulamprus leuraensis* (Blue Mountains Water Skink), *Hoplocephalus bungaroides* (Broad-headed Snake), *Calyptorhynchus lathami* (Glossy Black-Cockatoo), *Cercartetus nanus* (Eastern Pygmy-Possum) and *Dasyurus maculatus* (Spotted-tailed Quoll).



**Part CI - Figure 3:** Giant Dragonfly



A threatened population of *Pultenaea villifera* var. *villifera* located in the Springwood, Winmalee and Warrimoo areas is listed in the NSW TSC Act, 1995.

Critically endangered, endangered and vulnerable ecological communities (CEEC, EEC or VEC) listed in Schedule 1, 1A and 2 of the NSW TSC Act, 1995 and located within the Blue Mountains LGA include:

- Blue Mountains Shale Cap Forest in the Sydney Basin Bioregion (EEC),
- Blue Mountains Swamps in the Sydney Basin Bioregion (VEC),
- Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, South East Corner, South Eastern Highlands and Australian Alps Bioregions (EEC),
- Newnes Plateau Shrub Swamp in the Sydney Basin Bioregion (EEC),
- Shale/Sandstone Transition Forest (EEC),
- Sun Valley Cabbage Gum Forest in the Sydney Basin Bioregion (CEEC),
- Sydney Turpentine-Ironbark Forest (EEC).

Threatened ecological communities (TEC) listed under the Commonwealth Environment Protection and Biodiversity Conservation Act, 1999 include:

- Shale/Sandstone Transition Forest (EEC),
- Temperate Highland Peat Swamps on Sandstone (EEC)
- Turpentine-Ironbark Forest, in the Sydney Basin Bioregion (CEEC)
- Upland Basalt Eucalypt Forest of the Sydney Basin Bioregion (EEC)

The above listed threatened communities are also recognised by the Local Environment Plan as being significant vegetation communities.

Many key threatening processes, including the removal of vegetation and habitat loss or change, predation by pest animals, weed invasion and infection by diseases, have been identified in the TSC Act, 1995 and the EPBC Act, 1999 as leading to the decline or threat of extinction of threatened species, populations or ecological communities.

Section 5A of the *Environmental Planning and Assessment Act 1979* requires an assessment to determine whether a development proposal is likely to result in a significant adverse effect on threatened species, populations or ecological communities or their habitats. Council must consider Section 5A in the determination of all development applications. A Flora and Fauna Assessment may be required to be prepared in accordance with Council's guideline.



**Note:** Commonwealth assessment and approval under the EPBC Act, 1999 is independent of the Council development application process. It is the responsibility of the applicant to meet obligations under the EPBC Act. However, it is recommended that potential impacts under the EPBC Act are considered concurrently by a Flora and Fauna Assessment, where this is being undertaken for the purpose of a development application.

### Objectives

- OI. To protect, enhance and restore threatened species, threatened populations and threatened ecological communities (TECs) and their habitat.

### Controls

- CI. Identify the location, extent and nature of all threatened species, threatened populations and TECs that occur within the site, relative to the development proposal, on a Site Analysis Plan. Refer to BI Site Analysis and Part I – Submission Requirements.
- C2. The location, design and implementation of the development and any asset protection zone is to demonstrate achievement of the following:
  - (a) in satisfying Section 5A of the *Environmental Planning and Assessment Act 1979*, there is to be no significant adverse impact upon any threatened species, threatened populations or threatened ecological communities or their habitats, and
  - (b) consistency with the management actions and measures specified in all applicable recovery plans or priority action statements for relevant listed threatened species, threatened populations or TECs, and
  - (c) be sited outside of land containing the threatened species, threatened populations and threatened ecological communities and their habitat, and the ecological buffer areas required to protect them, unless no practical alternative is available, and
  - (d) maintain, or enhance where necessary, the natural environmental, hydrological and micro-climatic conditions in which that threatened species, threatened population or threatened ecological community exists, and
  - (e) protect, or enhance where necessary, the natural structure, species diversity and ecological processes of the native vegetation community, within which the threatened species or threatened population exists, or that are representative of the threatened ecological community.

- C3. Prior to granting consent to development that has the potential to impact upon threatened species, threatened populations or threatened ecological communities, or their habitats, a Flora and Fauna Assessment prepared in accordance with Council's guideline may be required.

**Note:** Where Council determines that a significant effect on threatened species, threatened populations or threatened ecological communities and their habitats are likely a Species Impact Statement is to be prepared in accordance with State government guidelines.

- C4. A *Vegetation Management Plan* (VMP) prepared in accordance with Council's guideline may be required to guide the development of the site. The VMP is to demonstrate the appropriate protection, rehabilitation, restoration and management of threatened species, populations, and threatened ecological communities, and their habitat.



## CI.3. Significant vegetation and rare flora species

### Explanation

Native vegetation mapping in the Blue Mountains local government area has identified 31 significant vegetation communities (identified in LEP 2015 Schedule 6), including Blue Mountains Heath and Scrub, Blue Mountains Escarpment Complex, Megalong Granite Forest and Blue Gum River Flat Forest.

A number of these significant vegetation communities are also currently listed as critically endangered, endangered or vulnerable ecological communities in the *NSW Threatened Species Conservation Act 1995* and the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*.

Rare flora species as referred to in the LEP 2015 and this DCP means any flora species listed in the publication entitled “Rare or Threatened Australian Plants”, Briggs & Leigh, 1995 Revised Edition, also referred to as ROTAP species.

Rare flora such as *Eucalyptus burgessiana* (Faulconbridge Mallee Ash), *Lomandra brevis* (Tufted Mat-rush) and *Lissanthe sapida* (Native Cranberry) and *Almaleea incurvata* are supported by unique habitats within the Blue Mountains LGA.

Significant vegetation communities and rare species are to be protected in accordance with the provisions of the LEP 2015 clauses 6.1 (Impact on environmentally sensitive land), 6.6 (Protected area-vegetation constraint area) and 6.7 (Protected area-ecological buffer area), and Schedule 6.



**Part CI - Figure 4:** Blue Mountains Swamp Community



**Part CI - Figure 5:** *Eucalyptus deanei* in Blue Mountains Shale Cap Forest



## Objectives

- OI. To protect, enhance and restore significant vegetation communities and rare flora species, and the ecological buffers required to protect them.

## Controls

- CI. Identify the location, extent and nature of all significant vegetation communities and rare species of flora that occur within the site, relative to the development proposal, on a *Site Analysis Plan*. Refer to BI Site Analysis and Part I – Submission Requirements.
- C2. The location, design and implementation of the development and any asset protection zone is to demonstrate achievement of the following:
  - (a) In accordance with the provisions of clause 6.1 (Impact on environmentally sensitive land) of LEP 2015, there is to be no adverse impact on any significant vegetation communities and rare flora species, and
  - (b) Be sited outside of land containing the significant vegetation communities and rare flora species, and the ecological buffer areas required to protect them, unless no practical alternative is available, and
  - (c) Maintain, or enhance where necessary, the natural environmental, hydrological and micro-climatic conditions in which the significant vegetation communities and rare flora species exists, and
  - (d) Protect, or enhance where necessary, the natural structure, species diversity and ecological processes of the native vegetation community within which rare flora species exists, or that are representative of the significant vegetation communities.
- C3. Prior to granting consent to development that has the potential to impact upon significant vegetation communities and rare flora species, or their habitats, a *Flora and Fauna Assessment* prepared in accordance with Council's guideline may be required.
- C4. A *Vegetation Management Plan* (VMP) prepared in accordance with Council's guideline may be required to guide the development of the site. The VMP is to demonstrate the appropriate protection, rehabilitation, restoration and management of threatened species, populations, and threatened ecological communities, and their habitat.



## CI.4. Fauna corridors

### Explanation

Within cleared or developed areas, remnant native bushland in the form of a corridor that provides a link between surrounding reserves is important to facilitate fauna movements and maintain connections between fauna populations.

Within the Blue Mountains, such linkages often occur along watercourse corridors and can also occur where bushland extends between townships and across ridgelines between adjoining catchments.

Smaller scale pockets or islands of native vegetation within urban areas are also important to maintain landscape quality, bushland character and provide fauna refuge areas.

Fauna corridors are to be protected in accordance with the provisions of LEP 2015, clause 6.3 (Terrestrial biodiversity) and where native vegetation or landscape features are otherwise identified as providing connectivity between vegetation remnants, habitats and fauna populations.

The *LEP 2015 Natural Resources–Biodiversity Map* shows Fauna Biocorridors.

### Objectives

- OI. To protect, enhance and restore, and prevent the fragmentation of important landscape corridors and native vegetation linkages that provide for fauna movement and connectivity between habitats and fauna populations.

### Controls

- CI. Identify the location, extent and nature of all existing and potential fauna corridors that occur within the site, relative to the development proposal, on a *Site Analysis Plan*. Refer to BI Site Analysis and Part I – Submission Requirements.
- C2. If fauna corridors are not identified in accordance with clause 6.3 (Terrestrial biodiversity) of LEP 2015, but are otherwise confirmed to be present during the preparation or assessment of the development application, the site layout and design of development is to maximise the protection of those fauna corridors, unless no practical alternative is available.







- C3. The location, design and implementation of the development and any asset protection zone is to demonstrate achievement of the following:
- (a) In accordance with the provisions of clause 6.3 (Terrestrial biodiversity) of LEP 2015, there is to be no adverse impact on any fauna corridor, and
  - (b) Be sited outside of land identified as an existing or potential fauna corridor unless no practical alternative is available, and
  - (c) Maintain, or enhance where necessary, the natural environmental, hydrological and micro-climatic conditions in which the native vegetation community comprising a fauna corridor exists, and
  - (d) Protect, or enhance where necessary, the natural structure, species diversity and ecological processes of the native vegetation community that comprises the fauna corridor, and
  - (e) Conserve an appropriate corridor width with regard to core habitat areas, potential edge effects and fragmentation, and
  - (f) Conserve natural habitat requirements and landscape features that are necessary for the fauna corridor to function effectively.
- C4. Prior to granting consent to development that has the potential to impact upon a fauna corridor, a *Flora and Fauna Assessment* prepared in accordance with Council's guideline may be required. The assessment is to provide recommendations for an appropriate fauna corridor width to be protected or restored.
- C5. A *Vegetation Management Plan* (VMP) prepared in accordance with Council's guideline may be required to guide the development of the site. The VMP is to demonstrate the appropriate protection, rehabilitation, restoration and management of fauna corridors and native vegetation connectivity.

## CI.5. Ecological buffer areas

### Explanation

Ecological buffer areas protect native vegetation from the adverse edge effects caused by adjacent development.

Ecological buffer areas are the optimal and necessary mitigating measure for development proposals on sites where significant vegetation such as LEP 2015 Schedule 6 Significant vegetation communities, or other flora determined to have regional, State or Commonwealth significance, is required to be protected.

An ecological buffer area comprising native vegetation helps to mitigate edge effects and limit long-term degradation of significant vegetation by regulating the microclimate, maintaining site hydrology, and buffering the impacts of nutrient enrichment, weed invasion, erosion, sedimentation, pollution and direct impacts from urban settlement.

An effective buffer area is sized and designed to maintain the significant vegetation to be protected in a natural self-sustaining condition.

An adequate buffer width should be determined with consideration of the existing or potential value of the vegetation being protected; site and buffer characteristics; the intensity of adjacent land use and the desired buffer performance outcomes.

Ecological buffer areas are to be protected in accordance with the provisions of the LEP 2015 clauses 6.1 (Impact on environmentally sensitive land), clause 6.6 (Protected area—vegetation constraint area) and clause 6.7 (Protected area—ecological buffer area).

Appropriate vegetated buffer areas are also used as a mitigating measure to protect a range of other environmentally sensitive or significant natural features in the relevant sections of Part CI.

### Objectives

- OI. To protect, enhance and restore the ecological buffer areas necessary to protect and maintain in their natural condition:
  - (a) significant vegetation communities listed in Schedule 6 of LEP 2015, and
  - (b) rare species of flora, and
  - (c) flora of State or Commonwealth significance





## Controls

- C1. Identify the location, extent and nature of all ecological buffer areas that are required within the site, relative to the development proposal, on a Site Analysis Plan. Refer to BI Site Analysis and Part I – Submission Requirements.
- C2. If unmapped Significant vegetation communities are confirmed to be present during the preparation or assessment of the development application, then the development is to be sited to provide an adequately sized ecological buffer (presumed to be 60 metres until determined by environmental assessment) to protect that significant vegetation.
- C3. For all ecological buffer areas, whether mapped or unmapped, the location, design and implementation of the development and any asset protection zone is to demonstrate achievement of the following:
  - (a) Be sited outside of land identified as an ecological buffer area unless no practical alternative is available, and
  - (b) Maintain, or enhance where necessary, the natural environmental, hydrological and micro-climatic conditions in which the native vegetation community comprising the ecological buffer area exists, and
  - (c) Protect, or enhance where necessary, the natural structure, species diversity and ecological processes of the native vegetation community that comprises the ecological buffer area, and
  - (d) Conserve an adequately sized buffer area with due regard for:
    - i. land use zoning and the relevant objectives of the LEP 2015 and this DCP, and
    - ii. achieving the effective protection of the significant vegetation being protected by the buffer, and
    - iii. the structure, composition and sensitivity of the significant vegetation being protected by the buffer, and
    - iv. effectively mitigating and absorbing the edge effects that would otherwise extend into and degrade the significant vegetation being protected by the buffer, and
    - v. adjacent land use intensity, and
    - vi. buffer area composition and site characteristics.



- C4. Prior to granting consent to development that has the potential to impact upon an ecological buffer area, a *Flora and Fauna Assessment* prepared in accordance with Council's guideline may be required. The assessment is to identify the location, extent and nature of significant vegetation required to be protected, and provide recommendations for the ecological buffer areas necessary to protect that significant vegetation.
- C5. A *Vegetation Management Plan* (VMP) prepared in accordance with Council's guideline may be required to guide the development of the site. The VMP is to demonstrate the appropriate protection, rehabilitation, restoration and management of ecological buffer areas.

## CI.6. Riparian land and watercourses

### Explanation

Watercourses and adjacent riparian land together form a riparian corridor that provides important ecosystem services and protects catchment health. Riparian land contains the transition zone between dry terrestrial and aquatic environments.

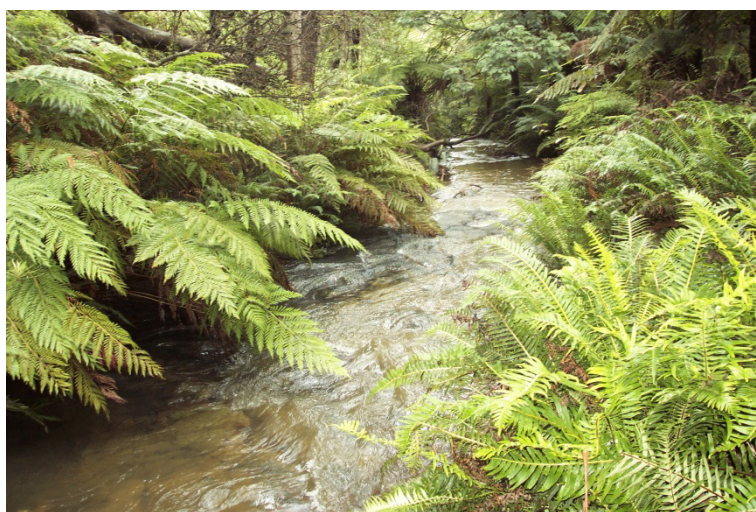
A healthy riparian corridor contributes significantly to the biodiversity value and stream health of a watercourse. They help sustain the food chain for wildlife and provide vegetation connectivity between wildlife habitats.

The protection and restoration of native vegetation on riparian land (within a riparian zone) is important for providing bed and bank stability, protecting water quality and providing food, shade, shelter and breeding sites for terrestrial, riparian and aquatic wildlife.

Vegetated buffer areas are needed adjacent to riparian zones to protect surface and groundwater regimes, minimise the entry of pollutants and mitigate adverse edge effects of development on riparian zone habitat areas.

Development applications for works in and near watercourses may also require State Government Approval under the *Water Management Act 2000* or *Fisheries Management Act 1994* and are to be lodged with Council as Integrated Development. These developments are to comply with State Government requirements and guidelines for in-stream works, riparian corridor protection and fish passage.

Riparian land, wetlands and watercourses are to be protected in accordance with the provisions of the LEP 2015 clause 6.1 (Impact on environmentally sensitive land) and clause 6.8 (Protected area – riparian lands and watercourses).



**Part CI - Figure 6:** Riparian land and watercourse - Leura Falls Creek





## Objectives

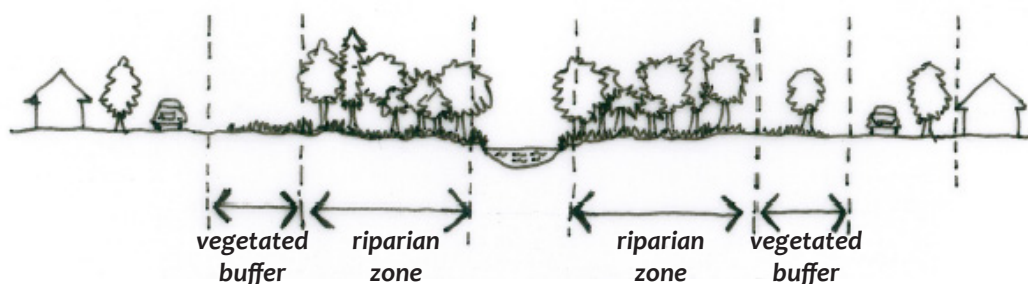
- O1. To protect, enhance and restore watercourses, wetlands and riparian lands and their natural hydrologic, hydraulic, geomorphic and ecological functions.
- O2. To protect and enhance the condition and function of riparian and aquatic ecosystems and the life forms they support.
- O3. To protect and enhance surface and ground water quality and catchment health.
- O4. To provide vegetated buffers between development, and watercourses and their riparian zones.
- O5. To rehabilitate degraded watercourses, riparian corridors and riparian vegetation.

## Controls

- CI. Identify the location, extent and nature all watercourses, wetlands and riparian land that occur within the site, relative to the development proposal, on a *Site Analysis Plan*. Refer to BI Site Analysis and Part I – Submission Requirements.
- CI. If development is located adjacent to a watercourse, then that development is to comply with LEP 2015 clause 6.8 (Protected area – riparian lands and watercourses).
- C2. The location, design and implementation of the development and any asset protection zone are to be sited outside of watercourses, wetlands and riparian land unless no practical alternative is available.
- C3. Maintain and restore where necessary the health and integrity of watercourses and riparian land by:
  - (a) conserving and enhancing riparian corridors, and
  - (b) protecting the natural landforms and functions of water courses and riparian land, and
  - (c) avoiding modifications to natural watercourses, and
  - (d) facilitating the restoration of degraded watercourses, and
  - (e) applying best-practice design to in-stream works.

C4. Riparian corridors are to be conserved and enhanced by demonstrating the following:

- (a) A native vegetation riparian zone is to be protected, and enhanced where necessary, on both sides of a watercourse as shown in *Part CI - Figure 1*.
- (b) To mitigate the adverse edge effects of adjacent development, particularly for intensive land uses, a vegetated buffer area is to be provided where ever possible between built or hard development surfaces and riparian zones as shown in *Part CI - Figure 7*.



**Part CI - Figure 7:** A native vegetation riparian zone is to be provided on both sides of a watercourse

- (c) The riparian zone for a watercourse is to be in the range of 10 to 60m, provided on each side of the watercourse and measured from the top of each bank.
- (d) The location, extent and nature of riparian zones and vegetated buffer areas required to protect the watercourse, are to be identified, relative to the development proposal, on a Site Analysis Plan.
- (e) Council will assess the riparian corridor requirements of each development on its merits. In determining the actual width of the riparian zones and any vegetated buffer areas, the following factors are to be considered:
  - i. Land use zoning and the relevant objectives of the LEP 2015 and this DCP.
  - ii. Achievement of multiple outcomes including protection of biodiversity, riparian and aquatic systems, ecological processes, water quality and soil and stream stability.
  - iii. Maintaining or restoring riparian corridor connectivity up and downstream of the site.





- iv. Protection of any significant vegetation communities or other flora determined to have regional, State or Commonwealth significance.
  - v. Stream order of the watercourse as defined by the Strahler system.
  - vi. Adjacent land use intensity.
  - vii. Buffer area composition and site characteristics.
  - (f) Native vegetation within the riparian zone is to be protected or regenerated/revegetated where necessary, to achieve, fully structured form (trees, shrubs and groundcover species) or other structure representative of the locally occurring riparian community.
  - (g) Riparian corridors are to be linked, with other areas of native vegetation to enhance fauna corridors and connectivity between significant natural features wherever possible.
- C5. Natural landforms and functions of watercourses and riparian land are to be protected by ensuring any development:
- (a) maintains the natural hydrologic regime and hydraulic conditions, and
  - (b) preserves the natural alignment of watercourses, and
  - (c) conserves natural habitat and landscape features that are necessary for the watercourses and riparian zones to function effectively, and
  - (d) maintains the natural geomorphic and ecological forms and functions of watercourses and riparian land, and
  - (e) maintains bed and bank stability, prevents erosion and sedimentation and preserves the diversity of in-stream aquatic habitats, and
  - (f) maintains environmental flow characteristics of the downstream watercourse as far as practicable, and
  - (g) protects the natural structure, species diversity and ecological processes of the native vegetation communities that occur on riparian land, and
  - (h) protects water quality and in-stream habitat with effective erosion and sedimentation controls and environmental protection works necessary to prevent erosion and pollution and maintain stream stability.





- C6. Avoid modifications to natural watercourses by ensuring:
- (a) watercourses are not piped, filled, excavated, re-located or straightened to reduce the natural meander or flow path, and
  - (b) overland flow paths are identified and accommodated in site planning and development design.
- C7. Facilitate the restoration of degraded watercourses by ensuring consideration is given to the following:
- (a) Where a development will have a direct impact on a watercourse that has been piped or modified with a constructed channel or gabion wall, this should be removed to restore a natural channel form except where: it is technically unfeasible to reverse the piping or channelization, or restoration of a natural channel form will create a hazard, and
  - (b) The design and location of any development is not to preclude the future retrofit of piped or otherwise modified watercourses into an open natural channel form.
- C8. In-stream works are to achieve best practice design by:
- (a) emulating the natural contours of the bed and banks of the watercourse, not obstructing or adversely affecting the flow of water and maintaining the ecological values and functions of the riparian corridor, and
  - (b) minimising the number of watercourse crossings, and
  - (c) providing stormwater outlets that are located to avoid impacts to existing native vegetation, directed downstream, graded at bed level or just below any permanent water level and providing adequate scour protection, and
  - (d) comprising a design and materials compatible with the natural environment e.g. an environmentally sensitive soft-engineered design, such as a rock-rip rap. Gabions or concrete are to be avoided, and
  - (e) where appropriate, bank or swamp stabilisation works are to preferably use biodegradable techniques such as brush or coir logs, and



- (f) incorporating the re-establishment of native vegetation within disturbed areas utilising locally native sedges, rushes, groundcovers, shrubs and trees as appropriate for the location within the watercourse, riparian zone or floodplain. Revegetation is to emulate the naturally occurring community, species diversity and density.
- C9. Prior to granting consent to development that has the potential to impact upon watercourses, wetlands and riparian land, a *Flora and Fauna Assessment* prepared in accordance with Council's guideline may be required. The assessment is to provide recommendations for the size and treatment of riparian zones and any vegetated buffer areas, necessary to protect watercourses and riparian land.
- CI0. A *Vegetation Management Plan* (VMP) prepared in accordance with Council's guideline may be required to guide the development of the site. The VMP is to demonstrate the appropriate protection, rehabilitation, restoration and management of fauna corridors and native vegetation connectivity.

## CI.7. Escarpment areas and geological features

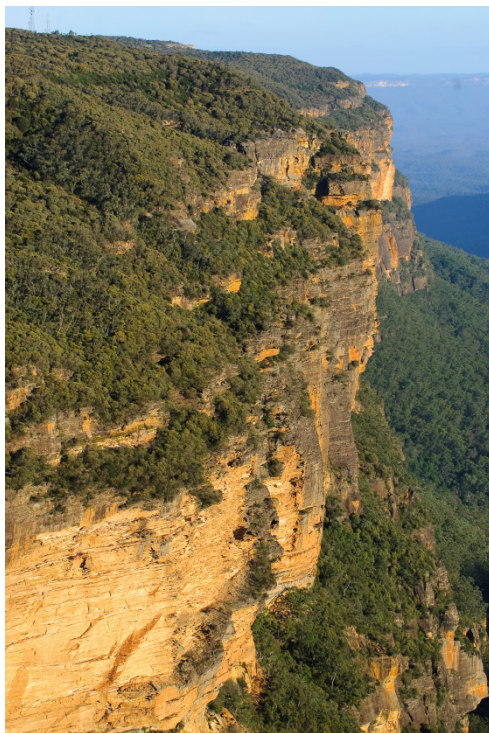
### Explanation

The escarpment areas of the Blue Mountains comprise a range of unique landforms and features including moist sheltered rock faces, gorges, crevices, ledges, caves, bush rock, steep vegetated slopes and extensive outcroppings of sandstone, escarpments, geological formations and talus slopes.

These diverse escarpment landforms and features are associated with a complex variety of distinctive vegetation communities that can vary on a very small scale, ranging from moist cliff line vegetation, heath, swamp, rainforest, mallee and forest. Collectively, this vegetation is recognised as a significant vegetation community, Blue Mountains Escarpment Complex in LEP 2015 Schedule 6.

Escarpment areas support a great diversity of plant species, forms and habitat niches and provides unique habitat for many rare or threatened species of flora and fauna.

Escarpment areas and geological features are to be protected in accordance with the provisions of the LEP 2015 clause 6.1 (Impact on environmentally sensitive land), and clause 6.12 (Protected area - escarpment).



**Part CI - Figure 8** Blue Mountains escarpment

### Objectives

- OI. To protect the rock faces, crevices, ledges, caves, talus slopes, bush rock, rock outcrops, escarpments, geological formations, steep vegetated slopes and other significant landscape features that comprise the escarpment system of the Blue Mountains.





- O2. To protect the Blue Mountains natural and cultural heritage and its distinctive character and amenity.
- O3. To protect unique and rare flora and fauna habitat values and distinctive vegetation communities that the escarpment areas / system supports.

### Controls

- CI. Identify the location, extent and nature of all geological and landscape features comprising escarpment areas within the site, relative to the development proposal, on a Site Analysis Plan. Refer to BI Site Analysis and Part I – Submission Requirements.
- C2. Moist sheltered rock faces, crevices, ledges, caves, talus slopes, bush rock, rock outcrops, escarpments, geological formations, steep vegetated slopes and other significant landscape features that comprise the escarpment system of the Blue Mountains are to be protected and maintained as part of any development.
- C3. The location, design and implementation of the development and any asset protection zone is to demonstrate achievement of the following:
  - (a) The integrity of geological and landscape features comprising the escarpment area are maintained, and
  - (b) The protection of vegetation features comprising the escarpment area is maximised, and

**Note:** The escarpment area provides natural habitat requirements for many threatened flora and fauna species, threatened ecological communities and significant vegetation communities and rare flora. The development is to comply with the provisions of Part CI.2 (Threatened Species, Threatened Populations and Threatened Ecological Communities) and Part CI.3 (Significant vegetation and rare flora species).

- (c) Be sited outside of geological, landscape and vegetation features comprising the escarpment area unless no practicable alternative is available, and
- (d) Canopy conservation within the escarpment area is maximised. Demonstrate the development and asset protection zones will not have an unacceptable impact with a view analysis from points where the site is visible.

## CI.8. National Park and World Heritage Areas

### Explanation

Blue Mountains National Park is part of the Greater Blue Mountains World Heritage Area; listed for its remarkable geographic, cultural and botanic values.

Development can result in the degradation of the National Park due to urban edge effects including nutrient enrichment, weed invasion and stormwater pollution and erosion.

Natural vegetated buffer areas are required to protect the natural, conservation, scientific, scenic, aesthetic, historical, and cultural and heritage values of the Blue Mountains National Park where adjoining development is proposed.

National Parks are included within LEP 2015 as Zone **EI National Parks and Nature Reserves**.

National Parks are to be protected in accordance with the National Parks and Wildlife Act, 1974. The potential impacts of adjoining development are required to be managed in accordance with the provisions of the LEP 2015 clause 6.1(3) (Development near Blue Mountains National Park).



**Part CI - Figure 9:** Blue Mountains National Park

### Objectives

- O1. To maintain the natural, conservation, scientific, scenic, aesthetic, historical, and cultural and heritage values of the Blue Mountains National Park (which forms part of the Greater Blue Mountains World Heritage Area).
- O2. To recognise the importance of the Blue Mountains National Park as the setting of the City.
- O3. To provide adequately sized native vegetation buffer areas to protect the natural environment of the Blue Mountains National Park.





## Controls

- C1. Development and any bush fire asset protection zone located on land adjacent to the Blue Mountains National Park is to protect the natural landscape and the aesthetic, historical, heritage, natural, scenic and scientific attributes of the land within the Blue Mountains National Park.
- C2. Identify and incorporate all necessary measures to effectively avoid, remedy or mitigate any adverse environmental impact on land within the Blue Mountains National Park. Ensure all opportunities to avoid environmental impact are utilised.
- C3. The location, design and implementation of the development and any asset protection zone is to provide an adequately sized native vegetation buffer area, to mitigate adverse environmental impacts of the development on the adjoining Blue Mountains National Park land.
- C4. Identify the location, extent and nature of any native vegetation buffer areas required within the site to protect the Blue Mountains National Park, relative to the development proposal, on a *Site Analysis Plan*. Refer to BI Site Analysis and Part I – Submission Requirements.

# PART C2 BUSHLAND AND WEED MANAGEMENT



## Introduction

Among the principal aims of the LEP 2015 is the conservation and enhancement, for current and future generations, of the ecological integrity, environmental heritage and environmental significance of the Blue Mountains. Sensitive management of vegetation and natural features on private property will significantly increase the potential to achieve this goal, and will enable the ongoing persistence and evolution of the rich biodiversity contained within surrounding natural areas within Council Reserves, Crown land or the Greater Blue Mountains World Heritage areas.

Damaging impacts upon natural areas may be cumulative, and each adverse influence may act together, compounding the effects and leading to degradation of ecological systems. Conversely, private landholders may create or enhance ecological diversity in the landscape at a localised scale, and may contribute to restoring and maintaining the biological values of the local area. Individual actions can improve ecological processes such as carbon capture and storage, groundwater recharge and nutrient cycling.

Council aims to provide residents with appropriate and adequate guidelines, to ensure that their development proposal does not have an unacceptable impact on the natural environment. This accords with the Key Directions of the Sustainable Blue Mountains 2025:

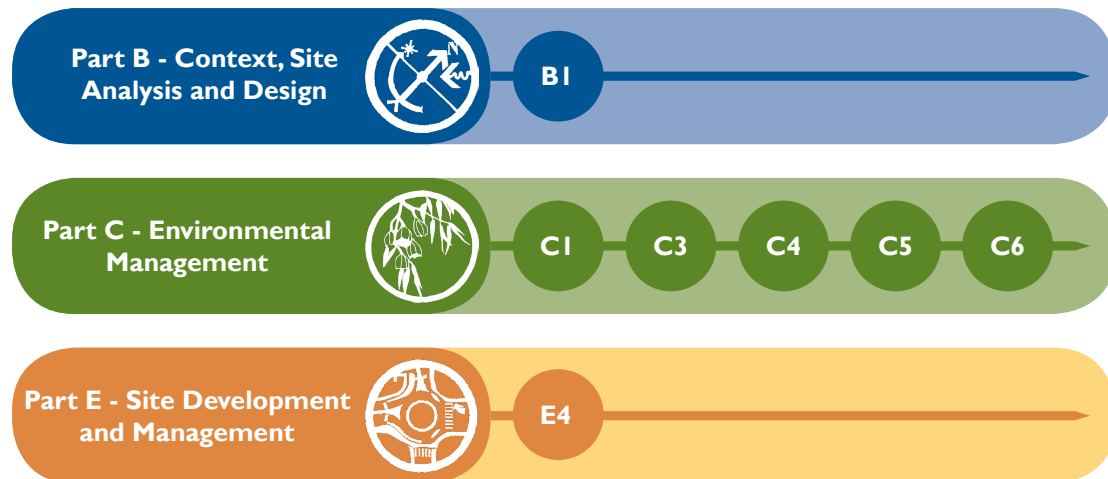
- *We value our surrounding bushland and the World Heritage National Park.*
- *Recognising that the Blue Mountains natural environment is dynamic and changing, we look after and enjoy the healthy creeks and waterways, diverse flora and fauna and clean air.*
- *Living in harmony with the environment, we care for the ecosystems and habitats that support life in the bush and in our backyards.*
- *We aim to conserve energy and the natural resources we use and reduce environmental impacts by living sustainably.*

This part provides direction and guidelines to enable applicants to manage bushland and control weeds through long-term preservation, restoration and management actions.





**Read in conjunction with:**



**Submission Requirements:**

*One or more of the following types of reports may need to accompany a development application:*

- *Landscape Plan*
- *Vegetation Management Plan*
- *Weed Management Strategy*



## C2.1. Bushland management

### Explanation

Specific environmental protection works may be required as a component of development so as to achieve compliance with general or specific objectives within the LEP 2015. This may include measures to mitigate or offset likely impacts of the development or to repair existing damage to natural features on the development site.

Under Part 6 of LEP 2015, certain additional local provisions allow for the retention, restoration and management of areas of bushland or indigenous vegetation outside the area immediately required for the development. This may be required in order to minimise or mitigate the impact of development upon:

- Environmentally sensitive land, LEP 2015 clause 6.1 (Impact on environmentally sensitive land)
- Fauna Corridors, LEP 2015 clause 6.3 (Terrestrial biodiversity)
- Protected Areas; LEP 2015 clauses 6.4 (Protected area-slope constraint), 6.6 (Protected area-vegetation constraint area), LEP 2015 clause 6.7 (Protected area-ecological buffer area), 6.8 (Protected area-riparian land and watercourses), 6.12 (Protected area-escarpment), and 6.13 (Protected area-land between towns).

This part of the DCP provides guidelines to describe and direct the type of *environmental protection works* necessary under a number of different circumstances. This will ensure that these works are undertaken in a manner consistent with current best environmental practices, and in line with Council's requirements. This part applies to the following areas:

- parts of the development area which contain indigenous vegetation which is to be retained essentially intact, and
- areas of the development site which lie beyond those required for the development, and which are to be retained as predominantly natural areas, and
- parts of the development site which contain environmentally sensitive land or protected areas, and
- degraded land within Zones **E2 Environmental Conservation**, **E3 Environmental Management** and **E4 Environmental Living**.
- degraded land within Zone **SP3 Tourist** where adjoining land zoned **E2 Environmental Conservation**.

Qualifications and experience of workers may be required under certain circumstances.





Council may specify that, due to the sensitivity of the site, the presence of threatened species or communities, the complexity of the restoration tasks or the necessity for the works to be completed within a restricted time frame, suitably qualified personnel with specialist skills relevant to the situation be engaged to implement necessary Environmental Protection Works.

**Note 1:** As a guide, trained bushland regeneration practitioners should hold a minimum of the Bushland Regeneration Certificate II/Natural Area Restoration Certificate III, plus 500 hours of practical bushland regeneration under an experienced supervisor. Supervisors would be required to have at least some supervisory experience, preferably a higher qualification and a minimum of 700 hours bush regeneration.

**Note 2:** If bush regeneration practitioners are engaged to use pesticides (herbicides) for commercial and occupational purposes, they are to be trained to the appropriate level of competency in pesticide use in accordance with the provisions of the Pesticides Regulation 2009.

### **Qualifications and experience may not be required under other circumstances**

It is often appropriate for private land owners to undertake the required environmental protection works themselves, particularly when an approved *Vegetation Management Plan* (VMP) establishes a strategy that runs over a number of years. Many professional restoration practitioners will provide training for landholders to facilitate this process. They may also provide a level of supervision of the works.

**Note:** Determination can be made on a case by case basis. If in doubt, ask the relevant Council staff to clarify this aspect.

### **Objectives**

- O1. To ensure that environmental protection works to conserve, maintain or restore the ecological, scientific, cultural, intrinsic and aesthetic values of native vegetation, waterways, habitat areas and natural features, are recognised and considered as a component of development.
- O2. To ensure that the environmental values of the extensive urban/ bushland interface in localities within the Blue Mountains are appropriately enhanced through responsive site management.
- O3. To ensure that appropriate environmental protection works are identified during the development assessment process.
- O4. To ensure that the primary objective for environmental protection works is to achieve restored bushland areas which are resilient, self-sustaining and suitably integrated into the larger ecological matrix, with which they may interact.



- O5. To ensure that all environmental protection works necessary to protect biodiversity or reduce unacceptable impacts to the environment are implemented in a manner which achieves optimal restoration outcomes relevant to the site.
- O6. To ensure that existing adverse impacts upon vegetation, including weed invasion and land degradation, are identified and reasonably managed through suitable environmental protection works as a component of development;
- O7. To ensure that the conservation of the natural environment is balanced with the need to protect people and property from the risk of bushfire in the Blue Mountains.

### Controls

- C1. Environmental protection works necessary to achieve the conservation or restoration of identified natural features or ecological communities are to be identified and documented in an appropriately detailed *Vegetation Management Plan* (VMP), prepared in accordance with Council's guideline.
- C2. The *ecological restoration* requirements for a development site are to be based on the site's existing condition and capacity to recover. The following hierarchy of methods, from least interventionist to most, is to form part of any proposed strategy:
  - (a) Conservation, which means all processes and actions of looking after a place so as to retain its natural significance and always includes protection, maintenance and monitoring.
  - (b) Bushland regeneration, which is the practice of restoring bushland by focusing on reinstating and reinforcing the systems' ongoing natural regeneration (recovery) processes for the maintenance of ecological integrity and the operation of dynamic processes.
  - (c) Assisted natural regeneration, which is a staged process which aims to stimulate or trigger the growth of native plant propagules (such as seed, tubers or rhizomes etc.) already present on site or having the ability to migrate onto the site. It may also involve low impact weed control and repair of damaged land surfaces.
  - (d) Reconstruction though revegetation, which involves the introduction of locally indigenous and preferably local provenance plant species. Planting patterns and species composition is modelled on the diversity and structural characteristics of a pre-existing vegetation community.



- (e) Landscape fabrication refers to the creation, through land reshaping, soil amendment or replanting, of a vegetated area which is distinctly different in species diversity, composition, structure and appearance to the pre-existing bushland community on a site. This is only used on highly degraded sites where the restoration of a pre-existing vegetation community cannot be achieved due to the significant and permanent alteration of key abiotic habitat components.
- C3. Within the areas subjected to ecological restoration works, the following actions are to be eliminated or restricted (unless they have been recommended within an approved VMP) as they may degrade existing bushland or inhibit or diminish the recovery potential of degraded areas of indigenous vegetation:
- (a) Removal of indigenous species, or
  - (b) Mowing, slashing and trimming of vegetation, or
  - (c) Raking and / or removal of natural organic material, or
  - (d) Excavation or addition of soil material or compost, or
  - (e) Planting of non-endemic species, or
  - (f) Provision of deep organic mulch, or
  - (g) Vehicular movement or parking, or
  - (h) Storage of plant or equipment, or
  - (i) Stockpiling of materials or waste.
- C4. Noxious and environmental weed species are to be effectively and appropriately controlled in a timely manner, in all areas to which this part applies. A *Weed Management Strategy* may need to be submitted if weed infestation is substantial.
- C5. All specified environmental protection works are to be consistent with industry recognised and recommended ecological restoration practices and techniques.
- Note:** These standards can be accessed through the Australian Association of Bush Regenerators (AABR).
- C6. In providing an asset protection zone to satisfy *Planning for Bushfire Protection 2006* requirements, the restoration and conservation of remnant vegetation is to be prioritised over landscape fabrication. Representative vegetation from all stratum (i.e. shrub, tree, groundcovers) is to be retained as appropriate.

## C2.1.1. Environmentally Sensitive Land

C1. Where development is permitted in or adjacent to the habitat area of threatened species or threatened ecological communities, environmental protection works are to include management actions designed to limit the impact or operation of key threatening processes<sup>1</sup>, including:

- (a) the clearing of native vegetation, and
- (b) removal of bushrock, and
- (c) invasion and establishment of significant weed species, and
- (d) the loss and degradation of native plant and animal habitat by invasion of escaped garden plants, including aquatic plants, and
- (e) the removal of dead wood and dead trees, including those with hollows, and
- (f) forest eucalypt dieback associated with over-abundant psyllids and Bell Miners.

**Note:** <sup>1</sup>A threatening process is something that threatens, or could potentially threaten, the survival or evolutionary development of a plant or animal species, population or ecological community. A threat can be listed under the *Threatened Species Conservation Act 1995* (TSC Act) as a 'key threatening process' if it adversely affects threatened species, populations or ecological communities or if it could cause species, populations or ecological communities that are not threatened to become threatened. Current and updated listings may be accessed at the Office of Environment and Heritage website.

C2. Development of land containing *significant vegetation*, threatened flora species or threatened ecological communities is to include provisions for environmental protection works to conserve and enhance the operation of ecological functions and ecological connectivity which may include, but not be limited to the following:

- (a) Retain, protect and manage any flora species which are considered to be characteristic of the threatened ecological community or significant vegetation community, and
- (b) Improve resilience levels and retain genetic information by salvaging any viable indigenous plant material from the development footprint, for transplanting to suitable recipient sites, and





- (c) Promote spontaneous recruitment and establishment of species representative of the threatened ecological community, or seedlings of the threatened species, by managing or eliminating degrading impacts or activities, and
- (d) Improve the condition and stability of the land surface and reinstate or restore the natural hydrology and soil processes, and
- (e) Re-establish suitable corridor links in fragmented habitat areas to improve recolonization opportunities for indigenous plant and animal species, enhance climate adaptation opportunities and improve the genetic health of small populations, and
- (f) Undertake any other specific actions or measures recommended by any relevant recovery plan or priority action statement.

**Note:** Recovery plans and Priority Action Statements may be accessed via the Office of Environment and Heritage website.

- C3. Development of any land adjoining natural waterways is to include any environmental protection works necessary to protect, manage and restore the natural ecological function, ecological processes and scenic value of the waterway. Refer to Part CI Biodiversity and Natural Resources of this DCP.
- C4. Development on land adjoining National Park is to implement any environmental protection works determined to be necessary to avoid, remedy or mitigate any adverse impact of development. This may include, but not be limited to, the maintenance, fabrication or enhancement planting of vegetated buffers and control of environmental weeds in all areas of the site.

### C2.1.2. Land containing high quality remnant bushland

- CI. Development of land containing high quality remnant native vegetation, or identified habitat areas for threatened species or threatened populations, is to include conservation works to maintain and enhance the endemic biodiversity and habitat areas of the Blue Mountains, so as to create breeding and local migration opportunities for indigenous wildlife. This may include, but not be limited to, any of the following:
  - (a) Salvage of suitable woody plant material removed as a component of development, and appropriate redistribution of the material into areas of suitable bushland to create habitat complexity ,and



- (b) Retention of foraging opportunities for wildlife through the conservation and regeneration of high habitat value shrubs, and
- (c) Retention of a healthy and diverse range of indigenous tree species, from a variety of age classes, which may represent components of wildlife corridors and which contain diverse habitat provisions, including hollows, rough bark, flowers and fruit, and
- (d) Retention and management of dense ground layer and/or low shrub vegetation necessary as a key habitat component for a number of threatened fauna species, and
- (e) Monitoring and protection from threats and disturbances, including recreational overuse, weed invasion, disturbance by domestic animals, nutrient enrichment or establishment of over abundant native species which may degrade the health and integrity of the bushland area.

### C2.1.3. Land containing poor quality or weed affected native vegetation

- C1. Existing threats to the health and integrity of the bushland area are to be identified.
- C2. The means by which identified threats or disturbances may be eliminated or reduced is to be determined. This will inform the environmental protection works required on the site.
- C3. Assisted natural regeneration is to be used manage weed species and improve the health and viability of existing indigenous vegetation.
- C4. Resilience is to be enhanced in those areas displaying minimal to nil recruitment, through the use of reconstruction through revegetation, or reinstatement of habitat elements.
- C5. Monitor and manage regeneration, and stage any weed control to conserve habitat. The short term habitat value of over-abundant colonising species or certain weed species is to be recognised, and these features retained or managed until other vegetation matures.





#### C2.1.4. Land containing highly degraded native vegetation, or mainly cleared areas

- C1. Development of land containing disturbed native vegetation within slope constraint areas, escarpment conservation areas, land between towns and Zone **E2 Environmental Conservation** is to include provisions for environmental protection works to progressively restore, regenerate and maintain vegetation characteristic of the pre-existing locally indigenous vegetation community, or an appropriate reference community.
- C2. Where land has been cleared and degraded through surface compaction and/or erosion, environmental protection works necessary to restore the functional capacity of the soil are to be undertaken. This may include any of the following measures:
  - (a) restore an appropriate level of organic matter, including light mulch, logs and seed bearing branches, to protect soil surfaces from rainsplash impacts, and
  - (b) to prevent erosion and allow for the retention and reuse of water and gradual accumulation of organic matter, use soft engineering solutions to stabilise and reinforce bare soil areas having a slope of 1:3 or steeper.
- C3. Revegetation of locally indigenous species, characteristic of the reference ecosystem, is to be undertaken in a manner which will reinstate both resilience and restore ecological function to cleared or highly degraded areas.

#### C2.1.5. Environmental zones: E3 Environmental Management and E4 Environmental Living

- C1. Development of any land within Zones **E3 Environmental Management** and **E4 Environmental Living**, regardless of the condition of the vegetation or the presence of any environmentally sensitive feature or area, is to include any environmental protection works necessary to achieve the following outcomes:
  - (a) the protection, restoration and conservation of areas of indigenous vegetation outside of the areas approved for development, including asset protection zones. These are to be retained as 'natural areas' for the life of the development, and
  - (b) the progressive restoration of cleared or degraded land which is outside of the areas approved for development, including asset protection zones, to an appropriate reference condition or pre-existing locally indigenous vegetation community.

## C2.2. Weed Management

**Note:** For the purpose of this part, weed control and management is a class of Environmental Protection Works.

### Explanation

Weeds are considered to be “a plant that requires some form of action to reduce its harmful effects on the economy, the environment, human health and amenity” (Commonwealth of Australia 2007).

In New South Wales, weeds pose the second greatest threat to the conservation of biodiversity and ecosystem function after land clearing and habitat loss. The loss and degradation of native plant and animal habitat by invasion of escaped garden plants, including aquatic plants, is listed as a key threatening process under the provisions of the *Threatened Species Conservation Act 1995*.

There are currently over 400 weed species known to occur in the Blue Mountains, and a substantial proportion of these have their origins as garden plants. Many are transported from development on ridge lines and upper catchment areas into surrounding bushland via water and wind movement, or via native and feral wildlife. The establishment of weeds into the natural environment is assisted by soil disturbance, clearing of native vegetation for urban development, nutrient enrichment of soils and water, and excessive stormwater runoff from urban areas. Once established, the weed populations themselves become a degrading factor which further alters environmental conditions, and accelerates the loss of native vegetation and habitat.

Weed management is an essential and integral part of the sustainable management of natural resources for the benefit of the economy, the environment, human health and amenity. Combating weed problems is a shared responsibility.

During the planning and implementation of development, measures need to be taken to prevent weeds being introduced to the natural environment, and ensure that effective control strategies for existing weed infestations are developed and implemented. This is consistent with strategies and objectives identified in Blue Mountains City Councils Weed Management Vision and Outcomes 2010 and Sustainable Blue Mountains 2025. This section therefore identifies both control measures for existing weed infestations and restrictions and advice on the use of identified invasive species in new development.

### Objectives

- O1. To reduce the impact of urban development on the environment and catchment areas by requiring the control of existing noxious and environmental weed infestations as an integral component of all private land development.





- O2. To protect and enhance the habitat area of native flora and fauna on development sites through the restoration and rehabilitation of weed dominated flora.
- O3. To ensure that the urban amenity of a locality is not eroded by the unregulated growth of weed species on private property.
- O4. To enhance the ecological and amenity value of the urban/bushland interface by ensuring that these areas do not become dominated by weed invasion.
- O5. To limit opportunities for the emergence of new weed infestations by restricting the use of recognised invasive species within landscaped areas on private and public property.

### Controls

- C1. Declared (noxious) weeds are not to be planted in any land use zone.  
**Note:** All current weeds relevant to the Blue Mountains are listed in Part C2.3 of this DCP.
- C2. Existing infestations of declared weeds are to be systematically and effectively controlled.  
**Note:** Information relating to current noxious weed declarations and information may be accessed on the Blue Mountains City Council website and through the NSW Department of Primary Industries.
- C3. To assist in offsetting the environmental impact of development, control of listed environmental weeds will generally be required to be undertaken over areas of the development site not required for building or asset protection.
- C4. Control techniques employed are to be the most effective for the subject weed and the most suitable for use in the given situation, particularly within sensitive vegetation communities and adjacent to waterways.  
**Note:** Weed management techniques for specific weeds may be accessed via the Blue Mountains City Council website.
- C5. Weed control activities are not to result in environmental harm to the affected system, including harm to non-target species, destabilisation of steep slopes or pollution of water. All weed control is to be undertaken in accordance with current industry best practice techniques and practices.  
**Note:** Guidelines for low impact control of weeds can be accessed via the Australian Association of Bush Regenerators website.



- C6. Factors which are promoting weed growth are to be identified and reduced as an integrated component of weed control, and weed control is to be combined with measures designed to enhance the ability of the bushland to resist future weed invasion.
- C7. Where herbicide is used in weed control, it is to be done so in accordance with the current regulations and permits designed to reduce the potential for environmental harm, (including to waterways and aquatic organisms) and to ensure the use of the most suitable and effective chemical against the target weed(s).

**Note:** Further information about the use of chemicals for weed control and precautions for their use can be accessed via the Australian Government website.

- C8. Where weeds are present on land being subdivided, a detailed weed control strategy is to be devised and implemented, to ensure that all listed environmental and declared weeds are effectively and systematically controlled in a timely manner. The weed control strategy will need to identify realistic milestones by which the success of the weed control may be determined prior to the release of a subdivision certificate.
- C9. All weed control strategies are to be based on the existing site condition and capacity to recover. The following hierarchy of considerations and principles is to be included in any proposed strategy:
- (a) Ensure that all weeds are correctly identified so that the appropriate control techniques may be determined, and
  - (b) Identify and mitigate site factors which have promoted the establishment of the weeds, and
  - (c) Identify the impact of each weed species, and determine which are causing harm to the affected community, and which may be providing benefit, and
  - (d) Determine if the weeds are providing wildlife habitat. If so, retain and control spread until compensatory plantings have matured, and
  - (e) Determine priorities for weed control, identifying high to low priority weeds and high to low priority areas on site, and
  - (f) Determine the level of control which will be realistically achieved for the weed(s), based on the current (localised) extent of the weed, its ecology and persistence and the likelihood of reinvasion within the short term, and



- (g) Determine if other measures need to be undertaken in concert with the weed control, including revegetation, erosion control and waste management, and
  - (h) Determine the time frame for achieving control and / or containment of the weed(s).
- C10. All weed control is to include any supplementary environmental protection works necessary to improve site resilience and increase resistance to weed reinvasion, including any of the following actions:
- (a) Apply appropriate triggers to stimulate regeneration of soil stored weed seed to exhaust supply, and
  - (b) Apply triggers to stimulate regeneration of indigenous plant material, and
  - (c) Provide competitive plantings using provenance plant material, and
  - (d) Reduce light levels through canopy restoration, and
  - (e) Reduce any factors which may promote the growth of weeds and degrade the health of indigenous plant material, including nutrient enrichment or stormwater flows.

### C2.2.1. Environmentally sensitive land

- C1. Weed control in drainage lines, creek banks or riparian zones is not to result in soil erosion or other contamination of waterways.

**Note 1:** The manner in which weeds should be controlled in these areas may be accessed via the Australian Association of Bush Regenerators (AABR).

**Note 2:** Always observe restrictions on the use of chemicals and fertilisers near waterways imposed by *Pesticides Act 1999*, the *Pesticides Regulation 2009* and the *Protection of the Environment Operations Act 1997*.

- C2. In order to protect and enhance the biodiversity value of the vegetation community, and reduce factors which may degrade the vegetation or the habitat area, listed weed species are to be systematically and effectively controlled over land identified as containing any Significant Vegetation Community listed in Schedule 6 of LEP 2015. A detailed Weed Management Strategy may need to be submitted.



- C3. Where weed control is required within any vegetation community listed under the provisions of the *Threatened Species Conservation Act 1995* (TSC Act), or the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act), the preparation of a detailed *Weed Management Strategy* will generally be required. The strategy will need to be prepared in accordance with any best practice guidelines or principles relevant to the threatened community.

**Note:** Relevant guidelines include best practice guidelines: Sydney Turpentine Ironbark Forest available from the NSW Office of Environment and Heritage website.

- C4. Weed control in *Threatened Ecological Communities* or within the habitat area of threatened species is to be undertaken by practitioners with adequate and appropriate qualifications in ecological restoration and pesticide application.

**Note:** Ongoing maintenance weeding and other restoration works undertaken in the habitat area of threatened species or within a threatened ecological community may require licensing under s.91 of the *Threatened Species Conservation Act 1995* (unless the Director – General determines that a licence is not required in which case a certificate to that effect will be issued). The licence is to be held by the landowner.

- C5. Weeds representing breeding or important foraging habitat of threatened fauna species are to be conserved, and controlled only following the establishment of suitable compensatory replanting or during non-breeding periods.

### C2.2.2. Use of listed weed species in landscaped areas.

- C1. In order to protect and enhance the scientific and recreational value of the natural environment, and avoid adverse environmental impact, properties which adjoin public reserves, Crown Land or National Park, are not to include listed weed species within new landscaped areas. Measures are to be implemented to ensure that propagules from existing established landscape species do not to escape beyond lot boundaries.
- C2. So as to limit the potential for invasive species to result in deleterious impact upon the natural environment which may detract from the recreational experience, weed species listed in Part C2.3 of this DCP are to be excluded from landscaping works on land within Zone **RE1 Public Recreation** or **RE2 Private Recreation**.

- C3. Landscaping undertaken for or on behalf of Council, or landscaping and new planting undertaken by private residents on Council owned land (including road reserves) is not to include the retention or planting of any weed species listed in Part I of this DCP.
- C4. So as to protect and conserve the ecological integrity of sensitive environments within the Blue Mountains, weed species listed within Part C2.3 of this DCP are not to be used within landscape areas in any of the following zones or areas:
- (a) on any Environmentally Sensitive Land, or
  - (b) on land within Zones **E2 Environmental Conservation**, **E3 Environmental Management** and **E4 Environmental Living**, or
  - (c) within any asset protection zone (APZ), or
  - (d) on land within Zones **B7 Business Park**, **IN1 General Industry** or **IN2 Light Industry**.
  - (e) On land within residential Zones **R1 General Residential**, **R2 Low Density Residential**, and **R3 Medium Density Residential** a weed species listed within Part I of this DCP will only be accepted for inclusion in the landscape proposal, if it can be demonstrated to Councils satisfaction, that no alternative species is capable of achieving the heritage or character objectives relevant to the landscaping of the site.
  - (f) On land within Zone **SP3 Tourist**.



## C2.3. Weeds of the Blue Mountains

### Explanation

The following is a list of noxious and environmental weeds which have been evaluated as posing a potential weed risk in natural environments in the Blue Mountains Local Government Area (LGA). This assessment has been made using the NSW Weed Risk Management System (Johnson 2009\*).

These weed risk assessments have been based on current knowledge and research, and are not based solely on current distribution in the local government area: the evaluation also takes into account the weed's potential distribution and impacts in the specific climatic, geological and biological conditions occurring in the region.

The list is not exhaustive. The selection of species to be assessed was based on plants or groups of plants known to have weed potential, which are commonly used in landscaping, gardening or agricultural situations and are generally commercially available.

This list will be periodically reviewed and updated. As new species become commercially available, or new information on the weed risk of some plants emerges, species may be reassessed and added or removed from the list.

**Disclaimer:** Council recognises that some weed species pose a lesser or higher risk in specific climatic and geological regions within the LGA. The current weed risk assessments have been conducted based on current knowledge and broad vegetation and risk categories. It should be noted, however that there are limitations with the assessment process for weeds which are only invasive in a small percentage of habitats, but these habitats have high conservation significance (e.g. swamps/shale based communities). In these instances, the weed risk may be assessed as lower than might truly be the case for that specific weed where it occurs in these specific habitats. These plants have been identified by an asterisk against their Weed Risk Category.

### Use of this list

This list is to be read in conjunction with Part C2: Bushland and Weed Management, Part C3: Landscaping, and Part C5: Tree and Vegetation Removal, of this DCP, where general and specific controls on the removal, control and landscape use of these plant species is provided.

This list is also a useful reference for land management agencies, consultants, landowners and residents operating in the Blue Mountains LGA as a tool for identifying weeds in their area and species to be avoided when selecting plants for landscape purposes.

\* Dr Stephen Johnson, Industry and Investment New South Wales, ORANGE NSW 2800, September 2009/ © State of New South Wales through Industry and Investment NSW 2009.







### C2.3.1. Categories of weeds listed

**Noxious weeds** are those that have been identified as posing a significant threat to human health, agriculture or natural resources and which legally require some measure of control. They are 'declared' weeds under the Noxious Weeds Act 1993.

Further information on noxious weeds can be sourced from Council's website at:

[www.bmcc.nsw.gov.au/sustainableliving/weedmanagement/weedcontrolnotification](http://www.bmcc.nsw.gov.au/sustainableliving/weedmanagement/weedcontrolnotification)

Noxious weeds are classified as follows:

- Class 1: State Prohibited Weeds
- Class 2: Regionally Prohibited Weeds
- Class 3: Regionally Controlled Weeds
- Class 4: Locally Controlled Weeds
- Class 5: Restricted Plants

A noxious weed that is classified as a Class 1, 2 or 5 noxious weed is referred to in this Act as a notifiable weed, which needs to be reported.

**Environmental Weeds** include, but are not restricted to species listed under the Noxious Weeds Act 1993. The nomination of species eligible for listing as environmental weeds is generally a matter for local agencies and organisations including Local Councils, Local Land Services, Community groups such as Landcare, Conservation societies and organisations, Research Centres and other members of the scientific community.

Further information can be sourced from the Department of Primary Industries and the Council's website through the following links:

[www.dpi.nsw.gov.au/agriculture/pests-weeds/weeds/wrm-system](http://www.dpi.nsw.gov.au/agriculture/pests-weeds/weeds/wrm-system)

<http://www.bmcc.nsw.gov.au/sustainableliving/weedmanagement>



Common Name	Scientific Name	Risk Category	Note
Trees			
African Olive	<i>Olea europaea</i> spp. <i>africana</i>	DECLARED	
Albizia/Cape Leeuwin Wattle	<i>Paraserianthes lophantha</i>	Very High	
Bird Cherry	<i>Prunus serotina</i>	High	
Black Locust	<i>Robinia pseudoacacia</i>	High	
Blackthorn	<i>Prunus spinosa</i>	High	
Box Elder Maple	<i>Acer negundo</i>	High	
Broad leaf Pepper tree	<i>Schinum terebinthifolius</i>	DECLARED	
Camphor Laurel	<i>Cinnamomum camphora</i>	DECLARED	
Canary island Date Palm	<i>Phoenix canariensis</i>	Medium	Removal is only exempt if the tree is <6m high
Cherry Laurel	<i>Prunus laurocerasus</i>	High	
Cherry Plum	<i>Prunus cerasifera</i>	Medium	
Chinese Celtis	<i>Celtis sinense</i>	DECLARED	
Chinese Pistachio	<i>Pistachia chinensis</i>	High	
Chinese Tallow	<i>Triadica sebifera</i>	High	
Coastal Lily Pily	<i>Syzigium paniculatum</i>	Medium	Removal is only exempt if the tree is <6m high
Common Alder	<i>Alnus glutinosa</i>	Very High	
Cootamundra Wattle	<i>Acacia baileyana</i>	Very High	
Coral Tree	<i>Erythrina crista-galli</i> , <i>E. x sykesii</i>	High	
European Nettle Tree	<i>Celtis australis</i>	Medium	Removal is only exempt if the tree is <6m high
Flame Tree	<i>Brachychiton acerifolius</i>	Very High	Removal is only exempt if the tree is <10m high
Himalayan Strawberry Tree	<i>Cornus capitata</i>	High	

Holly	<i>Ilex aquifolium</i>	Very High	
Honey Locust	<i>Gleditsia triacanthos</i>	DECLARED	
Hoop Pine	<i>Araucaria cunninghamia</i>	Medium	Removal is only exempt if the tree is <10m high
Irish Strawberry Tree	<i>Arbutus unedo</i>	Low	Removal is only exempt if the tree is <3m high
Jacaranda	<i>Jacaranda mimosifolia</i>	Medium	Removal is only exempt if the tree is <6m high
Large-leaf Privet	<i>Ligustrum lucidum</i>	DECLARED	
Lemon scented Gum	<i>Corymbia citriodora</i>	Very High	
Loquat	<i>Eriobotrya japonica</i>	Medium	
Mexican Pine	<i>Pinus patula</i>	Very High	
Miconia	<i>Miconia calvenscens</i>	Low	
New Zealand Cabbage Palm	<i>Cordyline australis</i>	Medium	
New Zealand Pittosporum	<i>Pittosporum eugenoides</i>	Medium	
Olive	<i>Olea europaea europaea</i>	High	
Persian silk tree	<i>Albizia julibrissin</i>	Medium	Removal is only exempt if the tree is <6m high
Port Wine Magnolia	<i>Michelia figo</i>	Low	
Portuguese Laurel	<i>Prunus lusitanica</i>	Medium	
Qld Silver Wattle	<i>Acacia podalyriifolia</i>	High	
Radiata Pine, Monterey Pine	<i>Pinus radiata</i>	Very High	Removal is only exempt if the tree is <10m high
Rhus Tree	<i>Toxicodendron succedaneum</i>	DECLARED	
Rubber Tree	<i>Ficus elastica</i>	Medium	
Silky Oak	<i>Grevillea robusta</i>	High	Removal is only exempt if the tree is <10m high



Spotted Gum	<i>Corymbia maculata</i>	High	Removal is only exempt if the tree is <10m high
Sycamore Maple	<i>Acer pseudoplatanus</i>	High	
Tree Lucerne/ Tagasaste	<i>Chamaecytisus palmensis</i>	Very High	
Tree-of-Heaven	<i>Ailanthus altissima</i>	Very High	
Umbrella Tree	<i>Schefflera actinophylla</i>	High	
White Cedar	<i>Melia azedarach</i>	Very High	
White Poplar	<i>Populus alba</i>	Medium	Removal is only exempt if the tree is <10m high
Noxious Willows	<i>All Salix spp.</i>	DECLARED	
Other willows	<i>S. babylonica, S. x reichardii, S. calodendron</i>	TBA	Removal is only exempt if the tree is <10m high
Common Name	Scientific Name	Risk Category	
Shrubs			
African Boxthorn	<i>Lycium ferocissimum</i>	DECLARED	
Barberry /Berberis	<i>Berberis thunbergia, B. vulgaris, B. aristata, B. darwinii.</i>	Very High	
Blackberry	<i>Rubus fruticosus spp. agg</i>	DECLARED	
Boneseed, Bitou Bush	<i>Chrysanthemoides monilifera</i>	DECLARED	
Broom	<i>Genista linifolia</i>	DECLARED	
Butterfly Bush	<i>Buddleja davidii</i>	High	
Cape Broom/Montpellier Broom	<i>Genista monspessulana</i>	DECLARED	
Cassia	<i>Senna pendula var glabrata</i>	Very High	
Cassia,Arsenic Bush	<i>Senna Septemtrionalis</i>	High	
Castor Oil Plant	<i>Ricinus communis</i>	Medium	
Cestrum-Red Flowering	<i>Cestrum elegans</i>	Very High	
Chinese Holly	<i>Mahonia aquifolium (syn. Berberis aquifolium)</i>	High	
Chinese Lantern	<i>Abutilon pictum</i>	High	



Common Privet	<i>Ligustrum vulgare</i>	Very High
Cotoneaster	<i>Cotoneaster franchetti</i> , <i>C. lacteus</i> , <i>C. pannosus</i> , <i>C. glaucophyllus</i>	Very High
Firethorn	<i>Pyracantha</i> spp.	Very High
Golden Wreath Wattle	<i>Acacia saligna</i>	Very High
Gorse	<i>Ulex europaeus</i>	DECLARED
Green Cestrum	<i>Cestrum parqui</i>	DECLARED
Hawthorn	<i>Crataegus monogyna</i>	Very High
Himalayan Honeysuckle	<i>Leycesteria formosa</i>	Very High
Indian Hawthorn	<i>Raphiolepis indica</i>	Medium
Karo	<i>Pittosporum crassifolium</i>	Very High
Karoo Thorn	<i>Acacia karoo</i>	DECLARED
Lantana	<i>Lantana camara</i>	DECLARED
Lions Tail	<i>Leonitis leonurus</i>	Medium
Looking Glass Plant	<i>Coprosma</i> spp.	Very High
Mickey Mouse Plant	<i>Ochna serrulata</i>	Very High
Milkwort/Polygala	<i>Polygala paniculata</i> ; <i>P. virgata</i>	Very High
Oleander	<i>Nerium oleander</i>	Medium
Plectranthus shrubs - Blue spur flower	<i>Plectranthus ecklonii</i> , <i>P. grandis</i> ,	High
Sacred bamboo	<i>Nandina domestica</i>	Medium
Scotch/English Broom	<i>Cytisus scoparius</i>	DECLARED
Scurf Pea	<i>Psoralea pinnata</i>	Very High
Siam Weed	<i>Chromolaena odorata</i>	Very High
Small-Leaf Privet	<i>Ligustrum sinense</i>	DECLARED
Spanish Heath	<i>Erica lusitanica</i>	Very High
Sweet Pea Shrub	<i>Polygala myrtifolia</i>	Very High
Thorny olive/Evil Agnes	<i>Elaeagnus pungens</i>	Very High
Tree Heath	<i>Erica arborea</i>	Very High
Tutsan, Goldflower	<i>Hypericum androsaemum</i> , <i>H. kouytchense</i> ( <i>H. x moserianum</i> )	DECLARED





Wild Tobacco	<i>Solanum mauritianum</i>	High
Yellow Bells	<i>Tecoma stans</i>	DECLARED
Common Name	Scientific Name	Risk Category
Perennials and Ground Covers		
Agapanthus	<i>Agapanthus praecox ssp. orientalis</i>	Very High
Alligator Weed	<i>Alternanthera philoxeroides</i>	DECLARED
Arum or Calla Lily	<i>Zantedeschia aethiopica</i>	High
Asparagus Fern	<i>Asparagus aethiopicus</i> , <i>A. africanus</i>	DECLARED
Asthma Weed	<i>Parietaria judaica</i>	Low
Bathurst/Noogoora/Californian Burr	<i>Xanthium</i> spp.	DECLARED
Blue Periwinkle	<i>Vinca major</i> ; <i>V. minor</i>	Very High
Broomrapes	<i>Orobanche</i> spp.	DECLARED
Canna Lily	<i>Canna indica</i>	Low
Coreopsis	<i>Coreopsis lanceolata</i>	Very High
Creeping Buttercup	<i>Ranunculus repens</i>	*Low
Creeping Lantana	<i>Lantana montevidensis</i>	Very High
Crofton Weed	<i>Ageratina adenophora</i>	DECLARED
Day Lily	<i>Heimerocallis</i> spp.	*Low
Fennel	<i>Foeniculum vulgare</i>	*Low
Fireweed	<i>Senecio madagascariensis</i>	High
Forget-Me-Not	<i>Myosotis sylvatica</i>	Very High
Formosan Lily	<i>Lilium formosanum</i>	Very High
Gaura, Clock weed; Butterfly plant	<i>Oenothera curtiflora</i> (syn <i>Gaura parviflora</i> ),	DECLARED
Ginger Lily	<i>Hedychium gardnerianum</i>	Very High
Hawkweed	<i>Hieracium</i> spp.	DECLARED
Horsetail	<i>Equisetum arvense</i>	DECLARED
Impatiens/Busy Lizzy	<i>Impatiens balsamina/walleriana</i>	Medium
Japanese Knotweed	<i>Persicaria capitata</i>	Medium
Japanese Windflower	<i>Anemone x hybrida</i>	Medium

Kochia	<i>Kochia scoparia</i>	DECLARED
Mistflower	<i>Ageratina riparia</i>	High
Montbretia	<i>Crocosmia x crocosmiiflora</i>	DECLARED
Nasturtium	<i>Tropoleum majus</i>	High
New Zealand Flax	<i>Phormium</i> spp.	*Low
Ox-eyed Daisy	<i>Leucanthemum vulgare</i>	Medium
Oyster Plant	<i>Acanthus mollis</i>	Very high
Parthenium Weed	<i>Parthenium hysterophorus</i>	Very High
Patersons Curse/Viper Bugloss	<i>Echium</i> spp.	DECLARED
Peruvian Lily	<i>Alstromeria aurea</i>	High
Plectranthus ground covers	<i>Plectranthus ciliatus</i> , <i>P. verticillatus</i> , <i>P. amboinicus</i> , <i>P. ornatus</i> , <i>Poertendahlia</i>	High
Prostrate Cotoneaster	<i>Cotoneaster microphyllus</i> / <i>horizontalis</i>	Very high
Red Hot Poker	<i>Kniphofia</i> spp.	High
Seaside Daisy	<i>Erigeron karvinskianus</i>	Very High
Self Heal	<i>Prunella vulgaris</i>	Medium
Shasta Daisy	<i>Leucanthemum</i> spp.	Low
Spotted Knapweed	<i>Centaurea maculosa</i>	Medium
St Johns Wort	<i>Hypericum perforatum</i>	DECLARED
Topped lavender; French/ Italian	<i>Lavandula stoechas</i>	Medium
Veldt Daisy	<i>Osteospermum</i> (syn. <i>Dimorphotheca</i> ) <i>ecklonis</i>	Very High
Wandering Jew	<i>Tradescantia fluminensis</i>	Very High
Watsonia	<i>Watsonia meriana</i> "bulbillifera"	High
Watsonia	<i>Watsonia borbonica</i>	High
Wild Iris	<i>Dietes bicolor</i> , <i>D. iridioides</i>	High
Common Name	Scientific Name	Risk Category
Grasses and Grass-Like Plants		
African Feathergrass	<i>Pennisetum macrourum</i>	DECLARED
African Lovegrass	<i>Eragrostis curvula</i>	Very High





Bamboo,Rhizomatous	<i>Phyllostachys spp.</i>	DECLARED
Brown Top Bent	<i>Agrostis cappillaris</i>	Low
Cocksfoot	<i>Dactylis glomerata</i>	**High
Columbus Grass	<i>Sorghum x alnum</i>	DECLARED
Common/Soft Rush	<i>Juncus effusus</i>	High
Coolatai Grass	<i>Hyparrhenia hirta</i>	DECLARED
Creeping Bent	<i>Agrostis stolonifera</i>	**High
Ehrharta	<i>Ehrharta erecta</i>	Very High
Giant Parramatta Grass	<i>Sporobolus fertilis (syn.indicus)</i>	DECLARED
Giant Reed	<i>Arundo donax</i>	DECLARED
Johnson Grass	<i>Sorghum halepense</i>	DECLARED
Mexican Feather Grass	<i>Nassella tenuissima</i>	DECLARED
Pampas Grass	<i>Cortaderia selloana</i>	DECLARED
Parramatta Grass	<i>Sporobolus indica</i>	Low
Paspalum	<i>Paspalum dilatatum</i>	**Very High
Plume/ Fountain Grass	<i>Pennisetum setaceum, P. alapecaroides</i>	DECLARED
Prairie Grass	<i>Bromus catharticus</i>	**Medium
Red Natal Grass	<i>Rhynchelytrum repens (syn.Melinis repens)</i>	**Medium
Reed Canary Grass	<i>Phalaris urundinaceae</i>	**Very High
Rhodes Grass	<i>Chloris gayana</i>	**High
Sedge	<i>Cyperus congestus</i>	Medium
Serrated Tussock	<i>Nassella trichotoma</i>	DECLARED
Spider Plant/Ribbon Grass	<i>Chlorophytum comosum</i>	Medium
Sweet Vernal Grass	<i>Anthoxanthum odoratum</i>	**High
Tall Fescue	<i>Festuca arundinacea (syn. F. elatior)</i>	**High
Tiny-headed Rush	<i>Juncus microcephalus</i>	Medium
Umbrella Sedge	<i>Cyperus eragrostis</i>	*Medium
Vasey Grass/Giant Paspalum	<i>Paspalum urvillei</i>	High
Whiskey Grass	<i>Andropogon virginicus</i>	High



Yorkshire/Creeping Fog	<i>Holcus lanatus</i> , <i>H. mollis</i>	Very High
Zebra Grass	<i>Miscanthus sinensis</i> and varieties	Medium
Common Name	Scientific Name	Risk Category
Vines		
Balloon Vine	<i>Cardiospermum grandiflorum</i>	Very High
Black-eyed Susan	<i>Thunbergia alata</i>	Medium
Blue-bell Creeper	<i>Billardiera</i> (syn. <i>Sollya</i> ) <i>heterophylla</i>	Very High
Briar Rose	<i>Rosa rubiginosa</i>	Very High
Dog rose	<i>Rosa canina</i>	Very High
Bridal Creeper	<i>Asparagus asparagoides</i>	DECLARED
Canary Creeper	<i>Senecio tamoides</i>	Medium
Cape Honeysuckle	<i>Tecoma capensis</i>	Very High
Cape Ivy	<i>Delairea odorata</i>	Very High
Cats Claw Creeper	<i>Dolichandra</i> (syn. <i>Macfadyena</i> ) <i>unguis-cati</i>	DECLARED
Clematis cultivars	<i>Clematis</i> spp.	Very High
Climbing Groundsel	<i>Senecio angulatus</i>	Very High
Dodder	<i>Cuscuta campestris</i>	DECLARED
Dolichos pea	<i>Dipogon lignosus</i>	Very High
English Ivy	<i>Hedera helix</i>	Very High
Greater Bindweed	<i>Calystegia sylvatica</i>	Medium
Japanese Honeysuckle	<i>Lonicera japonica</i>	Very High
Madeira Vine	<i>Anredera cordifolia</i>	Very High
Maidenhair Vine	<i>Muehlenbeckia complexa</i>	Low
Morning Glory	<i>Ipomoea indica</i> , <i>I. cairica</i>	High
Moth Vine	<i>Araujia sericifera</i>	Very High
Passionfruit (Common Banana, White)	<i>Passiflora edulis</i> , <i>P. mollisina</i> <i>P. subpeltata</i> , <i>P. cinnabarina</i>	High
Turkey Rhubarb	<i>Acetosa sagittata</i>	Very High
White Jasmine	<i>Jasminum polyanthum</i>	Very High





Common Name	Scientific Name	Risk Category
Ferns		
Sword Fern/Fishbone Fern	<i>Nephrolepis cordifolia</i>	Low
Coin spot/Scaly tree fern	<i>Cyathea cooperi</i>	Medium
Cacti and Succulents		
Agave	<i>Agave americana</i>	Medium
Aloe	<i>Aloe arborescens</i>	Medium
Fairy Crassula	<i>Crassula multica</i>	Medium
Harrisia Cactus	<i>Harrisia spp</i>	DECLARED
London's Pride	<i>Saxifraga umbrosa</i>	Low
Mother of Millions, Mother of Thousands, Resurrection plant	<i>Bryophyllum delagoense</i> ; <i>B. proliferum</i> , <i>B. daigremontianum</i> ; <i>B x houghtonii</i> , <i>B. pinnatum</i>	DECLARED
Prickly Pear	<i>Opuntia spp.</i>	DECLARED
Swedish Ivy / Creeping Charlie	<i>Plectranthus verticellatus</i>	High
Yucca	<i>Yucca aloifolia</i>	High
Aquatic Plants		
Alligator Weed	<i>Alternanthera philoxeroides</i>	DECLARED
Cabomba/Fanwort	<i>Cabomba caroliana</i>	DECLARED
Dwarf Rotala	<i>Rotala rotundifolia</i>	High
Egeria	<i>Egeria densa</i>	DECLARED
Lagarosiphon	<i>Lagarosiphon major</i>	DECLARED
Mexican Water Lily	<i>Nymphaea mexicana</i>	High
Salvinia	<i>Salvinia molesta</i>	DECLARED
Senegal Tea Plant	<i>Gymnocoronis spilanthoides</i>	DECLARED
Water Hyacinth	<i>Eichhornia crassipes</i>	DECLARED
Water Lettuce	<i>Pistia stratiotes</i>	DECLARED
Water Primrose	<i>Ludwigia peruviana</i>	DECLARED

\* These species are identified as high risk in swamps and riparian (creekline) habitats

\*\* These species are identified as low risk in pasture situations in rural land use areas

# PART C3 LANDSCAPING



## Introduction

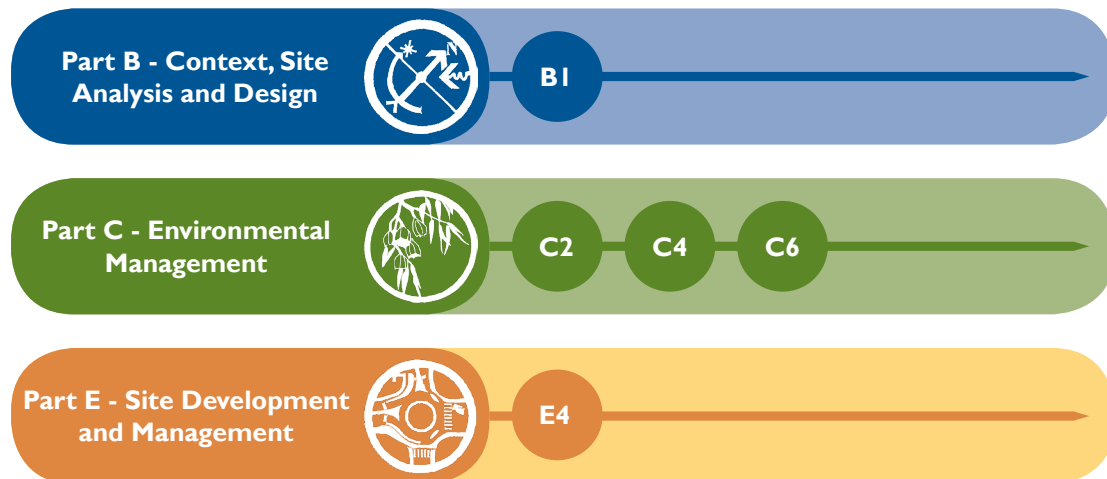
Well designed, constructed and maintained landscapes are an asset to the community, and provide numerous positive outcomes.

Landscaping contributes to the attractiveness and liveability of our outdoor spaces, both public and private, and to the health and wellbeing of the community. Landscape plantings may assist in maintaining privacy between adjoining properties and between private and public spaces, contribute to energy efficiency and help to establish a character setting for development in a manner that defines the locality. Many landscaped areas also contribute to the habitat requirements of indigenous wildlife, and much of the Blue Mountains rich flora is well suited to landscape applications. Appropriately landscaped areas also help to conserve and enrich the significant cultural heritage of the village setting in the older areas of the Blue Mountains, in a manner sensitive to surrounding natural areas, including the surrounding World Heritage Blue Mountains National Park, the Sydney drinking water catchment and the Hawkesbury Nepean River System.

In order to ensure that landscaped areas and the plants selected for use on private property achieve these positive outcomes, it is important that the landscaping of the site is considered in the early planning stage of a development. This includes careful consideration of existing vegetation on the site, the potential impact of the development on this vegetation and if it may be conserved and incorporated into the landscape, and the requirement for new landscape areas and treatments that are appropriate to design and siting of the development. This part of the DCP provides both general and specific objectives, controls and guidelines relating to the landscape design, plant selection and outcomes for each land use zone within the Blue Mountains.



Read in conjunction with:



### Submission Requirements

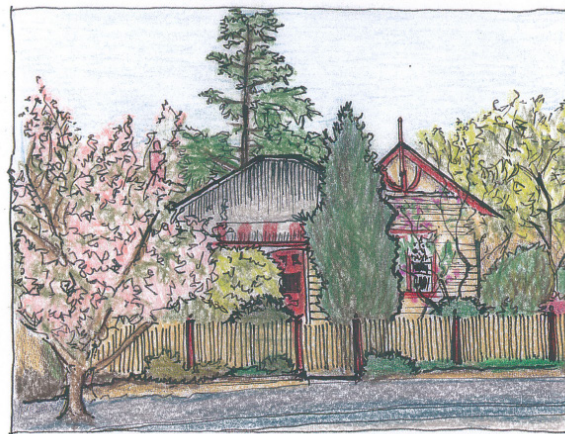
*One or more of the following types of reports may need to accompany a development application:*

- *Tree Removal and Retention Plan or Arboricultural Survey Report*
- *Arboricultural Impact Assessment*
- *Vegetation Survey and Species Inventory*
- *Vegetation Management Plan and/or Weed Management Strategy*
- *Landscape Plan*



## C3.1. Landscaping Objectives

- O1. To ensure that landscaping preserves and contributes to the visual amenity of the Blue Mountains and the existing and past cultural landscape.
- O2. To promote the use of a landscaping style which reflects and reinforces the character of the locality and the maintenance of any aesthetic, cultural, scientific and biodiversity values which apply to the site.
- O3. To encourage the retention of trees and other vegetation which are of ecological, aesthetic and cultural significance, through the integration of these features into the landscape.
- O4. To provide adequate landscaping in accordance with the type, scale, location and land use zone of the proposed development.
- O5. To ensure that landscaping is designed, constructed and maintained to appropriately manage the interface between the natural landscape and the urban environment, in a manner consistent with the sustainability of the Blue Mountains ecological systems and biodiversity and the need to protect life and property from bush fire.
- O6. To minimise the potential harm to fauna and flora habitat areas and ecological processes through the selection of non-invasive plant material as a first choice for landscaping in all land use zones.
- O7. To ensure that landscaping does not unreasonably interfere with the liveability and/or solar access to buildings or open space areas on adjoining properties.
- O8. To promote climate change adaptation through landscape design which minimises water use, provides for microclimate modification, consolidates and interconnects vegetation, habitat and waterways, is resilient to storms and minimises bushfire risk.



**Part C3 - Figure 1:** “It is possible to beautify almost any area, whatever shape or size, with a garden”. Ellis Stones

## C3.2. Demonstration of landscaping objectives

### Explanation

Landscape Plans assist Council in determining the manner in which the proposed development will retain and manage existing vegetation, provide adequate and appropriate new plantings and mitigate the visual and environmental impact of the development. Landscape plans need to demonstrate that both general and zone specific landscaping objectives will be met.

### Controls

CI. A landscape plan, drawn at an appropriate scale and including all relevant site and landscaping information as detailed in this Part, is to be submitted in support of all development applications which involve site works and land disturbance of an area  $>50\text{m}^2$  within the following land use zones:

- R1 General Residential,
- R2 Low Density Residential,
- R3 Medium Density Residential;
- B7 Business Park;
- E3 Environmental Management,
- E4 Environmental Living;
- IN2I General Industry,
- IN2 Light Industry, and
- W1 Natural Waterways.
- SP3 Tourist

**Note:** The content and format of the landscape plan is detailed in Part I2.1.8 of this DCP.



### C3.3. Retention and protection of trees and other vegetation

#### Explanation

The retention of established trees and other vegetation on development sites contributes to the conservation of existing landscape amenity, the retention of habitat components within the urban setting, and may reduce the overall environmental impact of new development.

#### Controls

- C1. Development should minimise the removal of mature vegetation and site disturbance, and wherever practicable, existing established indigenous or other desirable landscape trees and other vegetation are to be prioritised for retention and incorporation into the landscape design.

**Note:** Trees and landscape settings within conservation areas or heritage items may require special consideration for retention. Refer to D1.9.4 Curtilages, settings, gardens and landscape settings, and C5.3 .

- C2. Vegetation retention is to consider resilience. Healthy, structurally sound and undamaged trees and other vegetation are to be the first priority for conservation within proposed landscape areas.
- C3. Consideration is to be given to the retention of trees in groups wherever it is possible to do so, as this generally provides increased resistance to storm events.
- C4. Existing street front and road reserve plantings and remnant vegetation are to be conserved except where their removal is necessary for site access via a single road opening, which is to be located so as to minimise vegetation loss.
- C5. Where the removal of landscape features which contribute to the streetscape or character of the locality is required to enable development, their loss is to be adequately compensated by replanting, subject to:
- (a) whether site conditions permit replanting, and
  - (b) the necessity for further planting, having regard to the overall retention of trees and vegetation on the development site.

**Note:** Species selected to meet compensatory tree planting requirements should generally be of an equivalent stature (particularly height at maturity) to the landscape elements removed.





**Part C3 - Figure 2:** Streetscape trees: Tall streetfront trees with strong architectural form may enhance the amenity of the locality and contribute significantly to the neighbourhood character.

- C6. Cut and fill and other soil modification is to be avoided in locations where vegetation and trees are to be retained. Where this cannot be avoided, an *Arboricultural Impact Assessment* is to be submitted which provides an assessment of the safe useful life expectancy (SULE) of that vegetation as it is affected by the proposal.
- C7. Provision is to be made for the adequate protection of existing trees and vegetation to be retained. Exclusion zone fencing and any other measures determined to be necessary to ensure their protection during construction, are to be detailed on a landscape plan or similar documentation.

**Note:** A *Tree Removal and Retention Plan* or an *Arboricultural Survey Report* of existing trees on the development site and/or on lands which immediately adjoin the development area may be required. This may be necessary to determine the viability and suitability of trees for retention in the landscape, and in order to determine the extent of tree protection required.



## C3.4. Landscape design, scale and amenity

### Explanation

Landscaped areas perform a multiplicity of functions; some primary (such as screening and privacy or conservation of local amenity) and others secondary (including micro-climate modification). In the development of the landscape design, it is therefore important to identify all of the functional requirements that relate to a development, so that these can inform your design requirements.

### Controls

- C1. Landscape design should be responsive and complementary to the bulk and scale of the proposed development. It is to include plant material capable of achieving sufficient mature height to achieve a balance between the built form and the landscape elements.
- C2. Sufficient space is to be reserved for the installation of appropriate plantings within parts of the site proposed for private open space areas, *deep soil zones* and permeable surfaces. These areas are to be effectively distributed on the site to achieve a visual balance between the built form and open space.
- C3. Landscape planting is to assist in minimising the visual impact of the development from public areas and from adjoining properties, whilst also maintaining opportunities for natural surveillance. To achieve this outcome, screen planting should generally be provided at the following densities within garden bed areas:
  - (a) trees at 8m centres, and
  - (b) larger shrubs at 3m centres, and
  - (c) medium shrubs at 1.5m - 2m centres, and
  - (d) groundcovers and small shrubs at 0.5m – 1.0m centres.

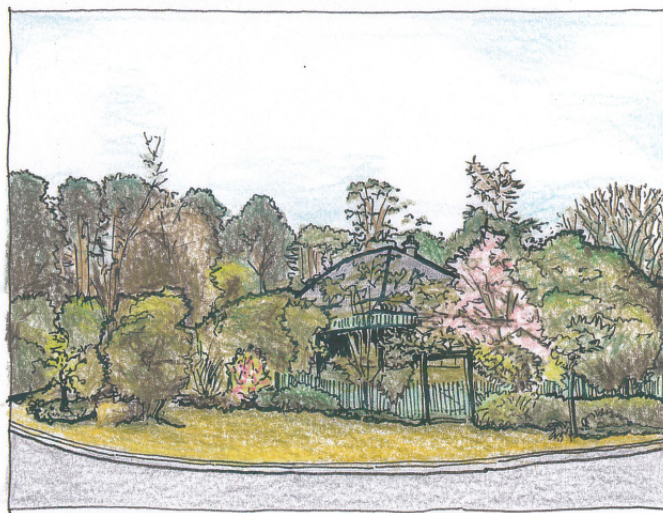
**Note 1:** The outcome can be adjusted by varying the planting density of large to medium shrubs.

**Note 2:** The overall depth and continuity of the screen planting area may need to be adjusted on bushfire prone land.



- C4. A proportion of the front building setback on land within **Residential Zones** and within Zones **E3 Environmental Management** and **E4 Environmental Living** is to be maintained as landscaped area (comprised of garden beds containing trees, shrubs and groundcovers or areas of retained indigenous vegetation). As a general guide:
- (a) 25% for lots less than 18m wide, and
  - (b) 50% for lots greater than 18m wide.

**Note:** Provision for the planting of trees is encouraged in the property front setback area unless the width of the block or the dimensions of the existing front setback area are inappropriate for tree planting.



**Part C3 - Figure 3:** Landscape scale: Tall mid-block canopy plantings form a visual backdrop for multiple layers of more complex and smaller-scale plantings in proximity to the dwelling.

- C5. The landscape is to incorporate garden bed areas of appropriate dimension and sufficient soil volume, to enable the successful establishment of landscape elements. The following minimum garden bed widths are generally required:
- (a) garden beds without trees: 1.5m, and
  - (b) garden beds with trees: 5m.

**Note:** The soil volume required for tree establishment may, under certain circumstances, be partially met by any pervious area devoid of structures, which adjoins a narrower garden bed. Also see requirements for deep soil zones.





- C6. Deep Soil Zones, retained as areas of natural ground, free of artificial structures and with a relatively unmodified soil profile are to be provided within the development site. *Deep Soil Zones* are to have minimum dimensions of 3m x 3m in order to permit the establishment and growth of large trees, and to promote rainwater infiltration. The following minimum areas are to be provided:
- (a) single dwelling development within Zones **E3 Environmental Management** and **E4 Environmental Living**: 40% of the site area, and
  - (b) within Zone **R1 General Residential**, **R2 Low Density Residential** and **R3 Medium Density Residential**: 15% of the site area, and
  - (c) within Zone **B7 Business Park**, **IN1 General Industry** and **IN2 Light Industry**: 10% of the site area.
  - (d) within Zone **SP3 Tourist**: 20% of site area.
- C7. The principles of passive solar design are to be incorporated into landscape design and the selection and location of tree and hedge species. There is to be consideration of the current and future amenity of neighbours in terms of solar access, and the location of existing solar energy systems roof mounted on adjoining properties is to be taken into account.
- C8. The location of structures, services (overhead and underground) and footpaths is to be adequately considered during the design of the landscape and in the selection of plant material. This will reduce potential future damage to these features.
- C9. Stormwater management, including improved infiltration and the reduction of overland flow, is to be promoted within the landscape design and in the selection of plant material. The inclusion of Water Sensitive Urban Design features is to be considered.
- Note:** Refer to Part C6 Water Management of this DCP, with particular reference to Water Sensitive Urban Design (WSUD).
- C10. Landscaping should contribute in a positive manner to bushfire protection strategies. The design is to ensure that landscaped areas are established and maintained in accordance with any Asset Protection Zone (APZ) requirements that may apply to the site, particularly in relation to building setbacks, vegetation density and canopy continuity.
- Note:** Refer to Part C4 Bushfire of this DCP.

- C11. Landscaping in the vicinity of a heritage item is not to detract from the heritage value of the place. Careful consideration is to be given to plant selection and placement to ensure the potential for overshadowing or visual obstruction of heritage features is minimised.

**Note:** Refer to D1.5 Development in the vicinity of heritage items or conservation areas.

- C12. Constructed elements within the landscape, including retaining walls, excavated and filled areas and ponds, are to be designed and located so as not to adversely impact on retained trees, natural features or an adjoining property.

**Note 1:** Adverse impacts may include damage to plant roots, diversion of stormwater runoff, modification or interference with ground water or surface aquifers, and any changes to the structural integrity of existing fencing or privacy screening.

**Note 2:** If the ground level is modified within the canopy spread of a tree to be retained, an arborist's report may be required to assess the impact of the proposed works. Refer to AS4970 Protection of Trees On Development Sites.



## C3.5. Plant Material Selection

### Explanation

Plant material is one of the key elements to consider within the landscape design. Living in the Blue Mountains does not limit plant selection to the use of only indigenous species. Although this is an objective of some land use zones (**E3 Environmental Management** and **E4 Environmental Living**), within other residential zones (**R1 General Residential**, **R2 Low Density Residential** and **R3 Medium Density Residential**), the use of exotic species may be more appropriate, depending upon the character and setting of the development site. However, when using non-indigenous species in any zone, whether these are native or exotic, it is important to ensure that these are not known to be invasive in bushland areas of the Blue Mountains.

### Controls

- C1. Plant material selection is to consider the land use zone within which the development is located, and compatibility with the specific objectives of that zone.
- C2. Plant selection for all landscaping work is to consider its suitability to existing site conditions such as soils, aspect, drainage, elevation above sea level and prevailing climatic conditions.
- C3. Plant material selected for use within each area of the landscape is to include an appropriate range of height and foliage density to meet specific landscape functional requirements identified for the landscape.
- C4. Plant material with high aesthetic appeal, longevity, water use efficiency and known or predictable maintenance requirements should be prioritised for use in the landscape.



**Part C3 - Figure 4:** Blended landscapes: Indigenous canopy trees can be combined with traditional elements such as dry stone walls and exotic understorey plantings.



- C5. Landscape planting proposed along front and side boundary alignments is to consider the plants mature height, width and root architecture to ensure that they will not unreasonably impact on adjoining land.
- C6. Plant species listed within Part C2.3 Weeds of the Blue Mountains of this DCP, are not to be included in any new landscaped areas.
- C7. Where development is located in or adjoining environmentally sensitive areas, the selection of plant material is to be restricted to appropriate locally indigenous vegetation.
- C8. Within Asset Protection Zones, plant material selected for use is to contain low levels of volatile oils, possess high leaf moisture content and retain low levels of dead material, flaky or stringy bark.  
**Note:** Refer to Part C4 Bushfire of this DCP.
- C9. Landscape planting and plant selection within any road verge area is to be in accordance with the Blue Mountains City Council Street Tree Masterplan guidelines.  
**Note:** Refer to Part E8 Public Domain of this DCP.
- CI0. Deciduous species are to be located away from stormwater flow paths and roadways to limit the pollution and obstruction of waterways from leaf material.



## C3.6. Soil management

### Explanation

Soil is a living, dynamic resource that supports plant life. It is a source of water, minerals, nutrients and symbiotic or partnership organisms. The soils of the Blue Mountains are ancient and fragile, and have taken millions of years to form. Their conservation should be a priority during development and construction of the landscape, as soils in good condition will grow healthy plants, maintain or improve the quality of water, reduce the impact of stormwater runoff on catchment areas and help remove pollution and waste from the environment.

### Controls

- C1. The retention and appropriate management of existing site soils for reuse is to be prioritised and recommended where appropriate on landscape plans. Any imported soil is to comply with *AS4419 Soils for landscaping and garden use*.
- C2. Native topsoils and organic layers represent a component of the Blue Mountains biodiversity. Their conservation in situ and protection from inversion, burial or other loss is to be prioritised in all areas beyond the approved construction zone.
- C3. All landscaped embankments having a slope of 1 horizontal to 3 vertical, or steeper, are to be stabilised to prevent erosion or slumping. Stabilisation techniques may include the use of dense ground covers, erosion control netting, mesh or fabric, coir logs or rock stabilisation.





## C3.7. Plant material establishment and maintenance

### Explanation

It is necessary to support the establishment of plant material. It is equally important to ensure that planted areas are adequately maintained if the approved landscape is to mature and satisfy the expected landscape outcomes.

- C1. In order to ensure the establishment and growth of all plantings, the landscape plan is to include recommendations for the management or improvement of soil prior to planting, and the type of fertilisers which may be necessary to ensure optimal growth of species within the planting schedule.
- C2. Following successful installation and establishment of approved landscape plantings, landscaped areas are to be adequately maintained (weeding, watering, spraying, pruning, re-fertilising) for the life of the development. Plants that die or are removed are to be replaced with the same species or similar species in an equivalent stage of growth, unless remaining plantings satisfactorily achieve the identified landscape objectives.
- C3. Excessive use of fertilisers or pesticides in landscaped areas is to be avoided as it may lead to undesirable impacts including eutrophication of waterways, contamination of groundwater, release of greenhouse gases or unintentional loss of biodiversity.
- C4. Netting and wire fencing used around any landscape elements or area is not to result in entanglement, entrapment or injury to wildlife. These measures are to be installed in accordance with current best practice guidelines.

**Note:** The Wildlife Friendly Fencing Project provides clear guidelines.



## C3.8. Additional Zone Specific Controls

### Explanation

Each land use zone listed under LEP 2015 has specific objectives for development, and a number of these relate to character, landscape and environmental outcomes. This section provides guidance and controls relating to the landscape character for specific land use zones, and identifies the level of detail required within the landscape plan.

### Controls

- C1. A landscape plan is required to support any development application within Zones **RI General Residential**, **R2 Low Density Residential**, **R3 Medium Density Residential**; **B7 Business Park**; **E3 Environmental Management**, **E4 Environmental Living**; **IN-1 General Industry**, **IN2 Light Industry**, **W1 Natural Waterways** and **SP3 Tourist** except for those developments which do not include external works, or are for minor additions and alterations.

**Note 1:** The following zone specific controls, in combination with the former general controls, and any development specific controls which are nominated elsewhere in this DCP, provide guidance relevant to the character, style and spatial extent of landscaping required within each land use area.

### **RI General Residential, R2 Low Density Residential and R3 Medium Density Residential**

- C2. Sufficient landscape planting is to be included as an integral component of any development proposal, except for minor additions and alterations.
- C3. Landscape style and plant selection is to recognise and maintain the distinct character of the relevant village location and is to maintain appropriate transitions to adjoining land uses.
- C4. The established traditional streetscape character and heritage values are to be retained and enhanced by the use of appropriate landscape design and thoughtful species selection, whilst being mindful of issues such as solar access and the location of overhead and underground services.
- C5. Given the invasive potential of certain traditional plant species, the use of alternative, non-invasive or low weed risk species capable of achieving the desired landscape outcomes is to be investigated for all new landscaping works.



**Part C3 - Figure 5:** Enhanced cultural landscape: Landscaping within heritage precincts and along major tourist routes should seek to retain and enhance traditional garden settings and promote interactive street frontages.

- C6. Interactive street frontages are to be promoted through the use of tiered planting in preference to tall mono-specific hedges within the front setback. The planting palette in these areas should contain a suitable selection of tree, shrub and groundcover species of mixed form and colour to enhance the street front presentation, visual accessibility and local amenity.
- C7. Where development is located on streets which represent major tourist routes, priority is to be given to the retention of healthy and structurally sound indigenous canopy trees or mature landscape trees which retain and frame view lines. The planting of tall hedges which may impede views is not supported.
- C8. Street trees are to be provided at a ratio of 1 per 9 linear metres of site frontage.

**Note:** Species selection is to be in accordance with the guidelines provided within the Street Tree Master Plan. Refer to Part E8 Public Domain, of this DCP.

#### **B7 Business Park, IN1 General Industrial and IN2 Light Industrial**

- C9. A landscape setting for industrial land uses is to be promoted, and wherever possible, existing bushland, environmentally sensitive features or other local character elements are to be retained and incorporated into the landscape setting.



- C10. Dominant plant species selected for use should be non-invasive and long lived exotic or native species of moderate diversity, with low maintenance requirements. Plant material selected needs to be tolerant of higher intensity site use.
- C11. Landscape elements proposed are to be consistent with any provided or required Water Sensitive Urban Design (WSUD) elements, and are not to result in any conflict in achieving water quality outcomes.
- C12. Street trees are to be provided at a ratio of 1 per 9 linear metres of site frontage.

**Note:** Species selection is to be in accordance with the guidelines provided within the Street Tree Master Plan. Refer to Part E8 Public Domain, of this DCP.

### **E3 Environmental Management and E4 Environmental Living**

- C13. Landscape style is to reflect the characteristics of the locally indigenous vegetation and reinforce the bushland character and natural qualities of the environment. The use of single species or formal style hedges and other formal planting styles is discouraged.



**Part C3 - Figure 6:** Landscape settings in zone E3 Environmental Management: Landscape settings feature retained indigenous vegetation as a dominant element to minimise the visual impact of development.

- C14. Within Zone **E3 Environmental Management** existing locally indigenous plant species are to be retained within the front setback to the maximum practical extent so as to maintain the bushland character and provide mitigation of the visual impact of the proposed development, subject to protecting life and property from bushfire.

- C15. Within Zone **E4 Environmental Living**, existing locally indigenous plant species, where present, are to be retained and incorporated into site landscaping.
- C16. Locally indigenous or other non-invasive native species are to be provided as the dominant component of new planting. As a guide, the following proportions are recommended:
- (a) within Zone **E3 Environment Management**: 80%, and
  - (b) within Zone **E4 Environmental Living**: 60%.

Plant selection should prioritise species of high habitat value and low flammability.

- C17. Within areas adjoining or overlooking the Blue Mountains National Park, existing locally indigenous vegetation and/or new landscaping is to be provided between the built form and the Park boundary, subject to protecting life and property from bushfire, so as to minimise the visual impact of development.
- C18. Where natural features such as rock outcrops occur on site, these are to be protected and conserved for their amenity and habitat value.
- C19. Where indigenous vegetation has been previously cleared or damaged, replanting of locally indigenous species is to be provided so as to emulate a bushland setting for the development, subject to the provision of any required Asset Protection Zone (APZ). New planting is to include species from all stratum (tree, shrub and ground layer) which may have naturally occurred in the locality.

**Note:** Additional environmental protection works may be required to facilitate the establishment of plantings. Refer to Part C2 Bushland and Weed Management.

- C20. Should additional or complementary planting be required in areas identified as containing a *Significant Vegetation Community* or a threatened ecological community, only local provenance plant material is to be used.
- C21. Plant species listed within Part C2.3 Weeds of the Blue Mountains of this DCP are not to be retained or used in any new landscaped areas. Existing weed infestations are to be systematically and progressively controlled.

**Note:** Refer to Part C2.2 for weed control requirements





- C22. Landscaped areas are to contain good structural and plant diversity to provide a variety of habitat niches for a broad range of indigenous wildlife. Excavated bush rock should be reused in the landscape to create habitat complexity and assist in soil conservation.
- C23. Within zone **E3 Environmental Management**, development for the purposes of horticulture is to be designed to minimise adverse impacts on adjoining natural areas through implementation of the following elements:
- (a) ensuring that the planted area is adequately banded to minimise impacts from fertilizers and irrigation, and
  - (b) providing buffer plantings which are nutrient tolerant and non-invasive around the perimeter of horticultural areas to limit nutrient leachate.

### **WI Natural Waterways**

- C24. Only locally indigenous or where possible, local provenance plant material is to be used. Plant species are to be from all stratum which might naturally occur and are to be planted in a manner which protects and enhances the ecological function and value of the land and waterway.
- C25. Existing environmental and noxious weed infestations present within the riparian areas are to be systematically and progressively controlled using appropriate low impact techniques suited to the riparian environment.

**Note:** Refer to Part C2.2.1 for weed control requirements in environmentally sensitive land.

### **SP3 Tourist**

- C26. Within areas adjoining or overlooking Reserves or the Blue Mountains National Park, existing locally indigenous vegetation and/or new landscaping is to be provided between the built form and the Reserve or Park boundary, subject to protecting life and property from bushfire, so as to minimise the visual impact of development.
- C27. The established traditional streetscape character and heritage values are to be retained and enhanced by the use of appropriate landscape design and thoughtful species selection, whilst being mindful of issues such as solar access and the location of overhead and underground services.



- C28. Interactive street frontages are to be promoted through the use of tiered planting in preference to tall mono-specific hedges within the front setback. The planting palette in these areas should contain a suitable selection of tree, shrub and groundcover species of mixed form and colour to enhance the street front presentation, visual accessibility and local amenity.
- C29. Where development is located on streets which represent major tourist routes, priority is to be given to the retention of healthy and structurally sound indigenous canopy trees or mature landscape trees which retain and frame view lines. The planting of tall hedges which may impede views is not supported.
- C30. Dominant plant species selected for use should be non-invasive and long lived exotic or native species of moderate diversity, with low maintenance requirements. Plant material selected needs to be tolerant of higher intensity site use.
- C31. Landscape elements proposed are to be consistent with any provided or required Water Sensitive Urban Design (WSUD) elements, and are not to result in any conflict in achieving water quality outcomes.
- C32. Street trees are to be provided at a ratio of 1 per 9 linear metres of site frontage.

**Note:** Species selection is to be in accordance with the guidelines provided within the Street Tree Master Plan. Refer to Part E8 Public Domain, of this DCP.







# PART C4

## BUSHFIRE



## Introduction

The Blue Mountains is highly bush fire prone due to a combination of climatic, vegetation and geographic factors. The City is also located within a World Heritage Estate, recognised for its unique landforms and ecology.

This combination of factors creates a challenging environment where the measures to address bush fire threat need to be balanced with the protection of a highly sensitive natural environment.

One of the core aims of the LEP 2014 is to ensure that development of bush fire prone land incorporates effective measures that protect human life, property and highly valued environmental and other assets from bush fire, without unacceptable environmental impacts.

It is not possible to prevent all damage and loss due to the unpredictable nature of bush fires. However the objectives and controls within this section of the DCP are intended to guide development towards measures which, in compliance with the relevant legislation, employ ecologically sustainable methods to lessen bush fire risk to that development.

This section applies to land identified on the Bush Fire Prone Land Map.



## Submission requirements

*For all applications over land mapped as bush fire prone, one or more of the following types of documents may need to accompany a development application:*

- *Bushfire Threat Assessment:*
  - *For dwellings in accordance with section 79BA of the Environmental Planning and Assessment Act 1979;*
  - *For subdivision and Special Fire Protection Purposes in accordance with section 100b of the Rural Fires Act 1997.*
- *Vegetation Management Plan*



## C4.1. Legislative requirements for bush fire prone land

The following state level legislation and policy provides the requirements and provisions for the implementation of bush fire protection measures on bush fire prone land:

### ***Environmental Planning and Assessment Act 1979 (EP&A Act)***

Section 79BA of the EP&A Act requires that Council as the consent authority does not grant consent to any development, other than for the purposes of subdivision or development for a special fire protection purpose, unless it is satisfied that the development conforms to the specifications and requirements of Planning for Bush fire Protection 2006 (PBP) that are relevant to the development. The Council is also required to consult with the NSW Rural Fire Service concerning matters to be considered, with respect to the development, to protect persons, property and the environment from bushfire.

Development on bush fire prone land for the purposes of residential or rural residential subdivision or a special fire protection purpose is considered to be Integrated Development under section 91 of the EP&A Act. Council is required to refer these development applications to the NSW Rural Fire Service for their assessment and issue of a Bush Fire Safety Authority under Section 100B of the Rural Fires Act prior to the issue of consent.

### ***Rural Fires Act 1997***

Section 100B of the Rural Fires Act requires the issue of a Bush Fire Safety Authority by the NSW Rural Fire Service before development for the purposes of residential or rural residential subdivision, or development for special fire protection purposes can be consented to.

Special Fire Protection Purpose is defined under the Rural Fires Act 1997 and includes land uses such as a school, child care centre, hospital (including a hospital for the mentally ill or mentally disordered) and hotel, motel or other tourist accommodation. The definition also includes a building wholly or principally used as a home or other establishment for mentally incapacitated persons, seniors housing within the meaning of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, a Group Home within the meaning of State Environmental Planning Policy No 9—Group Homes, a retirement village and any other purpose prescribed by the regulations.

**Note:** Additional fees will also be required for referral to the RFS when lodging a development application.



## ***Planning for Bushfire Protection 2006***

The development controls and acceptable solutions for development on bushfire prone land are contained within *Planning for Bushfire Protection 2006* (PBP). This guide is prepared by the NSW Rural Fire Service (RFS).

Compliance with PBP is required under section 79BA of the EP&A Act, except for development for either residential or rural residential subdivision or development defined as a special fire protection purpose. These types of development are referred to the Rural Fire Service for assessment under the provisions of Planning for Bush Fire Protection.

### ***10/50 Vegetation Clearing Code of Practice***

The 10/50 Vegetation Clearing Code of Practice prepared by the Commissioner of the NSW Rural Fire Service, was released on 1 August 2014. The Code allows for the clearing on properties within the entitlement area, of trees within 10m and vegetation within 50m of an external wall of a building containing habitable rooms that comprises or is part of residential accommodation or a high-risk facility. There are certain limitations to this entitlement. Details on these limitations and the mapped entitlement area can be sourced from the Rural Fire Service website [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au).



## C4.2. Bush Fire Prone Land Map and Vegetation Categories

Bushfire prone land is land that is likely to be subject to bushfire attack. The Blue Mountains Bush Fire Prone Land Map, certified by the Rural Fire Service (RFS) in accordance with Section 146 of the *Environmental Planning and Assessment Act, 1979*, shows all land considered at risk from bushfire. It identifies two vegetation types indicative of bushfire threat:

'Vegetation Category 1' is the most hazardous vegetation category, and refers to forest, woodlands, heath and wetlands greater than 1 hectare in size.

'Vegetation Category 2' refers to moist forests, shrublands, open woodlands, mallee, grasslands, and pockets of Category 1 vegetation less than 1 hectare in size. 'Category 2' vegetation is at less risk from bush fire than Category 1 vegetation.

Land that directly adjoins bushland is also classified as 'Vegetation Buffer 100m & 30m'. These are the areas in which developments and people are most likely to be affected by a bushfire burning in the adjacent land.

The buffer area extends for a distance of 100m from the vegetation Category 1 areas and for a distance of 30m from the vegetation Category 2 areas.



## C4.3. Development on Bush Fire Prone Land

### Explanation

Large portions of the Blue Mountains are mapped as bush fire prone land. Therefore, development in these areas needs to take bush fire hazard into account when designing development, but balance this with the environmental constraints of the land. This could mean that the size, scale or location of development on the site may need to be adjusted to ensure that bush fire, environmental and cultural values are not compromised. The importance of site analysis and the careful planning of building location and design, landscaping, access and services is therefore underscored.

### Objectives

- O1. To balance conservation of the natural environment, with the protection of life and property from bushfire.
- O2. To protect habitable buildings during the passage of any fire front by appropriate siting, design, choice of materials and construction.
- O3. To contain asset protection zones and other bush fire protection measures within the boundaries of the site of the development that they are designed to protect, wherever possible.
- O4. To enable the maintenance of bushfire protection measures and ongoing vegetation management for the life of the development by the owner or occupier.
- O5. To ensure the protection and maintenance of biodiversity values, and the avoidance of unnecessary vegetation removal.
- O6. To ensure that retained vegetation and introduced plantings are appropriate in bush fire prone areas.
- O7. To place restrictions on the erection of buildings requiring special fire protection measures, including buildings whose occupants could be highly vulnerable to bush fires, buildings in which people work or assemble and buildings situated on sites where the proposed intensity of land use provides an unacceptable level of bushfire risk.
- O8. To enable infill development that provides effective asset protection and that responds to the pattern of development within existing urban areas that are bushfire prone.
- O9. To enable the defence of habitable buildings against bushfire attack by providing adequate water supplies, on-site access and safe access networks for firefighting purposes.



## C4.4. Asset Protection Zones

### Explanation

Asset Protection Zones (APZs) are one of the key *bushfire protection measures* outlined in *Planning for Bushfire Protection 2006* (PBP) and further detailed in the document *Standards for Asset Protection Zones*. The implementation of APZs, in combination with measures such as the construction standard and design of a building, the provision of adequate water supply and suitable landscaping, reduce the bushfire risk to life and property.

Asset Protection Zones generally fall into the following two categories:

- Inner Protection Areas (IPA)

The IPA is located closest to the building or asset, is intended to provide defensible space and to manage heat intensities at the surface of the building.

- Outer Protection Areas (OPA)

The OPA is located beyond the Inner Protection Area, and is intended to slow the fire, filter embers and reduce the likelihood of a crown fire.

The requirements and specifications for these types of APZs are contained in PBP.

Where APZs are required within bushland areas, it is important that vegetation modification (i.e. slashing, pruning, thinning and removal) is undertaken in a way which will comply with the relevant bushfire legislation, as well as the requirements for environmental protection under LEP 2015.

### Controls

CI. Development is to balance the conservation of the natural environment with the protection of life and property from bushfire by:

- (a) locating and designing developments and asset protection zones that minimise impacts on native flora and fauna and where possible, are located outside of environmentally sensitive areas, and
- (b) considering measures to avoid and minimise environmental impact when implementing all appropriate *bushfire protection measures*, and
- (c) utilising environmentally sensitive methods for fuel reduction in bushland areas.

**Note:** With reference to CI(b), these measures may include radiant heat shields; sprinklers; increased building construction Bushfire Attack Levels (BAL) or alternative development location



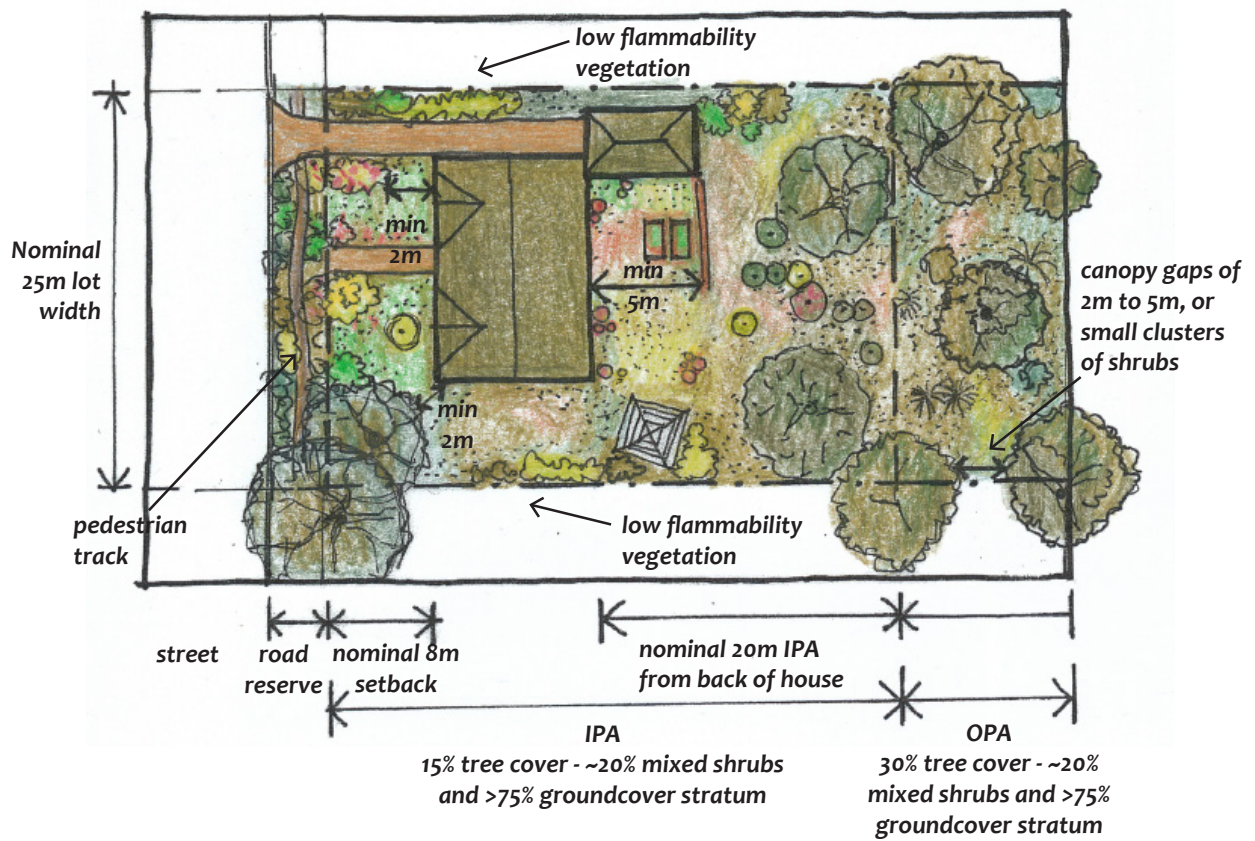




- C2. The extent, nature, method and timeframes for vegetation modification required to establish and/or maintain the required asset protection zones is to be detailed and implemented in accordance with a *Vegetation Management Plan (VMP)* or as otherwise conditioned by Council in the development consent.
- C3. Vegetation modification is to involve the minimum level of disturbance (i.e. slashing, pruning, thinning or removal) to existing vegetation required to comply with PBP and *Standards for Asset Protection Zones*.
- C4. Vegetation modification is to maintain the natural vegetation character and habitat values of the site by retaining and/or allowing the regeneration of elements of each stratum (groundcover/ shrub/ canopy).
- C5. To achieve the reduced fuel levels, any indigenous vegetation removal is to selectively target the removal of more flammable species and prioritise the retention of those species with lower flammability and high habitat value.
- C6. Undertake vegetation modification using methods which result in minimal soil disturbance and minimal damage to adjacent bushland to be retained.
- C7. Ensure retained shrub and tree clumps do not form a continuous canopy across the APZ and prune selected limbs to achieve both vertical and horizontal separation in preference to complete tree removal.
- C8. Maintain at least 75% cover of appropriate ground layer vegetation, and up to 90% on steep slopes to reduce the potential for soil erosion and weed invasion.
- C9. Where tree removal is required to achieve canopy separation:
  - (a) Select trees for removal based on their type, health and structure, and prioritise trees of poor quality and form, and
  - (b) Only remove trees where necessary to achieve a 15% canopy cover for an IPA or a 30% canopy cover for OPA, and
  - (c) Only remove trees where necessary to achieve a maximum canopy separation of two to five metres between clusters or islands of vegetation or between retained vegetation and built structures, and
  - (d) Aim to retain a variety of age classes of trees within the APZ to ensure sustainability of the canopy, and



- (e) Retain tall, forest form trees with light or open canopies in small clumps or islands, where they are better able to resist wind , and
  - (f) Stumps may be ground or retained in situ to maintain soil stability, and
  - (g) Prioritise species with smooth or hard, persistent bark for retention over rough or ribbon barked species within the IPA, and
  - (h) To retain greater habitat complexity, species with rough, flaky or ribbon bark may be retained in small numbers within the APZ, but not directly adjacent to any asset, and
  - (i) Avoid removal of trees with hollows, or where there is evidence of fauna occupation. Where removal of an occupied tree is unavoidable, safe removal and relocation of fauna is to be undertaken by a licensed wildlife handler prior to carrying out any works.
- C10. Weed removal is to be prioritised over indigenous vegetation removal within any APZ. Any noxious or environmental weeds are to be removed to ensure regeneration of these weeds does not occur.
- Note:** For a list Noxious and Environmental Weeds refer to Part C2.3 Weeds of the Blue Mountains of this DCP.
- C11. Where the APZ extends into degraded bushland, facilitate the restoration of cleared or degraded areas, using low impact bush regeneration methods or native revegetation using native species local to the area, within the limits of maintaining the required fuel levels.
- C12. Employ strategies to ensure the maintenance of soil and slope stability on land with slope in excess of 20%.



**Part C4 - Figure 1:** Indicative diagram of the appropriate native vegetation retention, tree layout and plantings for a dwellings house with an Inner Protection Area (IPA) and an Outer Protection Area (OPA) in bushfire prone area.



## C4.5. Plant species selection and landscape design in Bush Fire Prone Areas

### Explanation

Bush fire protection often incorporates a number of different measures for any single property, including the implementation of Asset Protection Zones (APZs) and the construction standards of a building. Appropriate species selection for retention and planting on bush fire prone land can also contribute to lessening the bushfire risk to a property.

Two terms are often used when talking about the flammability characteristics of a plant, and these have very specific and quite different meanings.

**Fire resistant** is a term that describes plant species that survive being burnt and will regrow after a bushfire. They are resistant to being killed by a bushfire, but not to being burnt. Therefore, they may be highly flammable and inappropriate for a garden in a high bushfire risk area.

**Fire retardant** can also be misleading when referring to plants. It implies that a plant will not burn readily or may slow the passage of a fire. All plants will burn under the right conditions, however, certain species are less likely to ignite or burn as intensely as others, and many have growth characteristics which make them less likely to promote the spread of fire.

Poorly located vegetation that burns readily may expose a house to increased levels of radiant heat and flame contact.

Well-placed vegetation with low flammability may help protect houses by:

- reducing the amount of radiant heat received by a house, and
- reducing the chance of direct flame contact on a house, and
- reducing wind speed around a house, and
- deflecting and filtering embers, and
- reducing flammable landscaping materials within the defensible space.

This section provides guidelines for the planting and retention of both native and non-invasive exotic species on bush fire prone land based on current understanding, and emphasises basic garden design principles suitable for application in these areas.

The species selection provided is indicative only, and based on relevant guidelines and current theory. There are always exceptions to general plant selection guidelines. For example, Cherry Laurel (*Prunus laurocerasus*) a commonly used hedge plant in the Blue Mountains, and a listed environmental weed, is highly flammable, despite possessing large, dark green leaves with apparently low oil content.



Differences of opinion also surround the use of conifers in bushfire prone locations. Most contain high levels of resin, and have leaf and architectural characteristics which would indicate their unsuitability in bushfire prone locations, but there is both anecdotal evidence and research to suggest that this may not always be the case. The advice provided herein therefore provides guidance rather than guarantees, and ongoing research will continue to inform such advice.

### C4.5.1. Location and Maintenance of Vegetation

The location, type and ongoing maintenance of vegetation within a property have a significant impact on the bushfire risk to any house. These factors can prevent the accumulation of debris and prevent the spread of fire towards a building.

When designing a new garden or modifying an existing one, carefully consider the placement of garden beds, trees and other vegetation to reduce the bushfire risk to the house.

When selected and located correctly, plants can contribute positively to the protection of assets. However, plants can also contribute to house loss by:

- providing a continual fuel path to the house, allowing direct flame contact, and
- dropping leaf litter on the ground, which readily ignites leading to ember attack, and
- dropping limbs or tree branches onto the house, and
- adding to fuel loads on or near the house, such as creepers over pergolas, fences or verandahs, and
- if located too close, producing radiant heat that may ignite the house or cause windows to break, allowing embers into the house, and
- acting as ladder fuel from the ground into tree canopies, increasing the intensity and potential spread of the fire.

Vegetation should always be kept clear of access to and from the house and property, and use driveways and paths to create separation between vegetation and the house.

Pathways, either formal or informal throughout the asset protection zone, also provide easy access to the area for regular maintenance and they provide separation between clusters of plantings or retained vegetation.



## C4.5.2. Principles for suitable plant material selection

The following characteristics are important considerations when selecting trees or vegetation for retention in bushland areas of an asset protection zone (APZ), or for new plantings on bush fire prone land. Select plant material which has all or most of the following characteristics:

**P1. Relatively high moisture content of leaves**

However, this will vary in most plants according to the time of day, season, age of the leaf and the plant itself, location of the plant and exposure levels and environmental conditions, including soil moisture levels and air temperature. Some plants also lose moisture more readily than others under pre-ignition conditions.

**P2. Low levels of volatile oils, waxes and resins in leaves**

The leaves of plants containing significant amounts of oils, waxes and resins will often have a strong scent when crushed. For example Rosemary, Lavender and Tea Trees have oil in their foliage and pine trees can have high resin content.

**P3. Large or hard leaves with simple margins**

Small, thin and narrow leaves have a high surface-area-to-volume ratio, which may make them more susceptible to drying out, and more flammable. However, some small leaved native species have strategies to conserve moisture. The shape of leaves also influences how easily they are caught in vegetation when they fall off the plant.

**P4. Plants that do not accumulate dead leaf and stem material below them or suspended in the foliage**

If leaves are caught within plants it will increase that plant's flammability as leaf litter dries out and ignites readily. Dead pine needles are a good example of leaves that readily catch in other plants.

**P5. Smooth, hard, or persistent bark, rather than flaky, papery or ribbon bark**

Bark that is loose, stringy or fibrous will ignite easily and can break off to create burning embers that are carried ahead of a bushfire. These types of bark can also act as ladder fuels that carry fire into the canopy of a tree, increasing the intensity of the fire.

**P6. Plants which have a reliable and fairly predictable size and shape**



Alternatively, choose species which can easily be pruned to restrict their spread or ultimate size.

**P7. Plants which may be periodically heavily pruned to reduce biomass ahead of the fire season, without needing to remove the whole plant**

Many plants respond positively to regular pruning, and may flower more prolifically in subsequent years as a result.

**P8. Avoid the use of vines**

These typically add fuel directly to a structure or to supporting vegetation. They act as ladder fuels, bridging gaps between surface and canopy fuels.

**P9. Trees with low leaf-litter production over summer**

Ensure that trees which are selected do not shed leaves under drought conditions.

### C4.5.3. Landscape Maintenance

Regular maintenance actions are essential if the landscape is to provide positive benefits during the fire season:

- Clear ground fuel from underneath plants, on and around the house, and
- Prune plants with low-hanging branches, providing separation of at least 2 metres above the ground, and
- Replace plants that die or become diseased, and
- Maintain pathways to ensure access is available to all areas of the APZ, and
- Keep plants well hydrated through watering and mulch. Watering less frequently but for longer encourages the plants to develop deep roots reducing moisture loss during dry periods, and
- Replace or cover organic mulch such as woodchips, straw or dead plant matter with non-flammable mulches, and
- Remove other flammable objects from your defensible space, and
- Remove any fine, dead material that has accumulated in plants, and
- Remove weeds from the APZ as these often contribute to high fuel loads.





Part C4 - Table 1(a) - (e) provides guidance on some suitable species to be used within Asset Protection Zones.

**Note:** Links to PlantNet, Sydney Royal Botanic Garden, or Australian Native Plants Society are provided for the indigenous species listed, where images and descriptions are available.

**Part C4 - Table 1(a): Native Species (Most are locally indigenous)**

PROTEACEAE family: One of the most suitable groups of plants for use within the asset protection zone

Botanic Name	Common Name
<i>Banksia marginata</i>	Silver Banksia
<i>Banksia serrata</i>	Old-man Banksia, Wiryagan (Cadigal)
<i>Banksia spinulosa</i>	Hairpin Banksia
<i>Conospermum taxifolium</i>	Variable Smoke-bush
<i>Conospermum tenuifolium</i>	Sprawling Smoke-bush, Slender Wire Lily
<i>Grevillea buxifolia</i>	Grey Spider Flower
<i>Grevillea laurifolia</i>	Laurel-leaf Grevillea
<i>Grevillea linearifolia</i>	Linear-leaf Grevillea
<i>Grevillea mucronulata</i>	Green Spider Flower
<i>Grevillea sericea</i>	Pink Spider Flower
<i>Grevillea shiressii</i>	
<i>Grevillea speciosa</i>	Red Spider Flower
<i>Hakea dactyloides</i>	Finger Hakea, Broad-leaved Hakea
<i>Hakea gibbosa</i>	Needlebush
<i>Hakea sericea</i>	Needlebush
<i>Lambertia formosa</i>	Mountain Devil
<i>Lomatia ilicifolia</i>	Holly Lomatia, Native Holly
<i>Lomatia myricoides</i>	River Lomatia, Long-leaf Lomatia
<i>Lomatia silaifolia</i>	Crinkle Bush, Fern-leaved Lomatia, Parsley Bush
<i>Persoonia lanceolata</i>	Lance Leaf Geebung
<i>Persoonia laurina</i>	Laurel Geebung
<i>Persoonia levis</i>	Broad-leaved Geebung



<i>Stenocarpus salignus</i>	Scrub Beefwood,
<i>Telopea speciosissima</i>	Waratah
<i>Xylomelum pyriforme</i>	Woody Pear

**Part C4 - Table 1(b):** Other suitable open forest species which provide good ground cover or low shrubbery

Botanic Name	Common Name
<i>Acacia oxycedrus</i>	Spike Wattle
<i>Dampiera purpurea</i>	Purple Dampiera
<i>Dianella longifolia</i>	Blue Flax-Lily, Blueberry Lily
<i>Dianella prunina</i>	Purple leaf Dianella
<i>Epacris pulchella</i>	Wallum Heath
<i>Goodenia ovata</i>	Hop Goodenia
<i>Hibbertia aspera</i>	Rough Guinea Flower
<i>Hibbertia dentata</i>	Trailing Guinea Flower
<i>Hibbertia saligna</i>	Twining Guinea Flower
<i>Indigofera australis</i>	Australian indigo
<i>Pimelea linifolia</i>	Slender Rice Flower
<i>Pittosporum revolutum</i>	Rough fruit Pittosporum
<i>Pratia purpurascens</i>	Whiteroot
<i>Dichondra repens</i>	Kidney Weed
<i>Viola hederacea</i>	Native Violet

**Part C4 - Table 1(c):** Other 'mesic' species (trees and shrubs) which perform well in the local area

Botanic Name	Common Name
<i>Backhousia myrtifolia</i>	Grey myrtle, Ironwood
<i>Callicoma serratifolia</i>	Black Wattle, Silver-leaf Butterwood
<i>Ceratopetalum gummiferum</i>	New South Wales Christmas Bush
<i>Doryanthes excelsa</i>	Giant Lily Gynea Lily
<i>Doryphora sassafras</i>	Sassafras





<i>Elaeocarpus reticulatus</i>	Blueberry Ash, Fairy Petticoats
<i>Eucryphia moorei</i>	Eastern Leatherwood, Plumwood
<i>Ficus coronata</i>	Sandpaper Fig
<i>Ficus rubiginosa</i>	Port Jackson Fig, Rusty Fig
<i>Hymenosporum flavum</i>	Native Frangipani
<i>Myrsine howittiana</i> (syn. <i>Rapanea howittiana</i> )	Brush Muttonwood
<i>Myrsine variabilis</i> (syn. <i>Rapanea variabilis</i> )	Variable Muttonwood
<i>Tristania neriiifolia</i>	Water Gum
<i>Tristaniopsis collina</i>	Mountain Water Gum, Hill Kanuka
<i>Tristaniopsis laurina</i>	Water gum, Kanooka, Kanuka

**Part C4 - Table 1(d):** Other landscape species (exotic and cultivated native trees and taller shrubs) which may be suitable for bushfire prone locations:

Botanic Name	Common Name
<i>Acmena smithii</i> "Minor" cultivars	Lilli Pilli
<i>Camellia japonica</i>	Japanese Camellia
<i>Camellia sasanqua</i>	Sasanqua Camellia
<i>Carpinus japonica</i>	Japanese Hornbeam
<i>Lagerstroemia indica</i> cultivars	Crepe Myrtles
<i>Liquidambar styraciflua</i>	Sweet Gum
<i>Liriodendron tulipifera</i>	Tulip Tree
<i>Magnolia</i> species deciduous or ever-green	
<i>Malus floribunda</i>	Showy Crabapple
<i>Photina</i> species and cultivars	
<i>Quercus rubra</i>	Red Oak
<i>Rhododendron</i> cultivars	Rhododendron and Azalea
<i>Tibouchina</i> species and cultivars	Lasiandra
<i>Viburnum davidii</i>	Dauids Viburnum

**Part C4 - Table I(e):**Exotic and cultivated native low shrubs and ground covers

Botanic Name	Common Name
<i>Abelia x grandiflora</i>	Glossy Abelia
<i>Ajuga reptans</i>	Blue Bugle
<i>Buxus sempervirens</i>	(Dutch Box)
<i>Ceanothus</i> "Blue Pacific"	
<i>Correa</i> "Dusky Bells" and similar cultivars	
<i>Daphne odora</i>	(Common Daphne)
<i>Escallonia</i> (Pink Pixie)	
<i>Gardenia</i> species and cultivars	
<i>Hebe</i> oval leaf species and varieties	
<i>Hydrangea</i> varieties	
<i>Myoporum parvifolium</i>	Creeping Boobialla
<i>Pieris japonica</i>	(Lily-of-the-valley-bush)
<i>Rosa</i> cultivars	





# PART C5 TREE AND VEGETATION PRESERVATION



## Introduction

Collectively, all the individual trees within both private and public lands, whether indigenous or introduced, form the urban forest canopy of the Blue Mountains LGA. Urban forests provide a number of benefits, including influence on micro-climate, soil and water management and carbon storage, as well as cultural and aesthetic value.

Single trees within the urban forest and patches of indigenous vegetation may represent corridors through developed areas which link the wider forested landscape. These links contribute to biodiversity conservation and genetic exchange capabilities in a landscape. The conservation and appropriate management of these trees is therefore important.

As a standard provision across NSW, clause 5.9 (Preservation of trees or vegetation) of LEP2015 has as its objective: “to preserve the amenity of an area, including biodiversity values, through the preservation of trees and other vegetation”.

The intention of this part of the DCP is to outline which trees and vegetation are prescribed under this LEP clause. A permit is required to remove prescribed trees and vegetation.

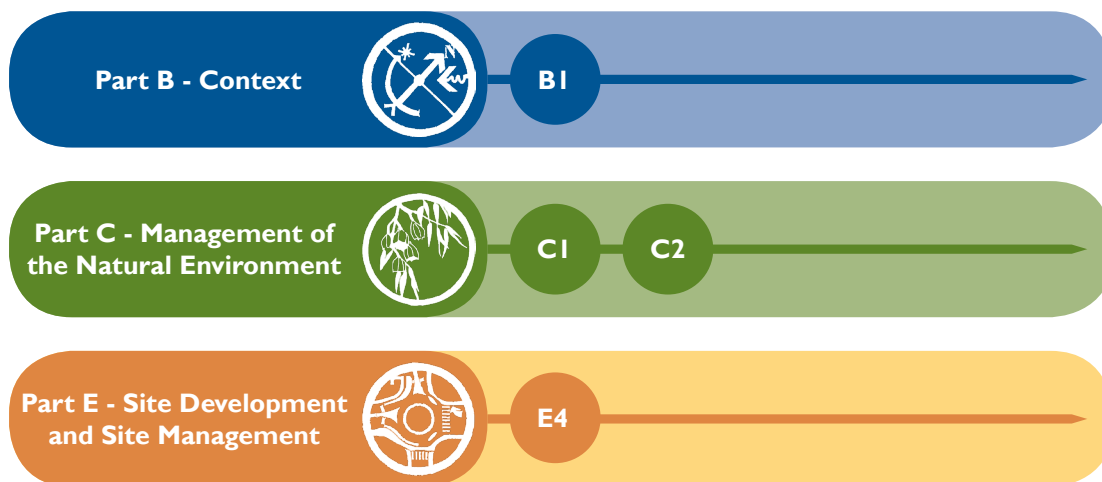
**Any tree and vegetation works permit is valid for 12 months from the date of issue, and all approved works are to be completed within this time.**

Trees and other vegetation proposed for removal as a component of development are assessed via the development application process, and require more detailed assessment than is generally required for the purpose of securing a Tree or Vegetation Removal Permit.

**Note 1:** This Part should be read in conjunction with the I0/50 Vegetation Clearing Code of Practice prepared by the Commissioner of the NSW Rural Fire Service, available at [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au).

**Note 2:** In the assessment of applications for tree removal or pruning permits, the Council takes guidance from judgements delivered by the Land and Environment Court in matters heard under the Trees (Disputes Between Neighbours) Act 2006.



**Read in conjunction with:****Submission requirements:**

*Applications for a permit to prune or remove prescribed trees or vegetation are to include the following supporting information:*

- *Written consent from the tree or vegetation owner giving permission for the application to be lodged;*
- *A plan of the site sufficient to identify the trees or vegetation to be pruned or removed,*
- *Reasons for the proposed tree or vegetation pruning or removal;*
- *Information in support of the reasons for pruning or removal,*
- *Proposed replacement planting (where required)*

**Relationship to other documents:**

*Where relevant, this part of the DCP should be read in conjunction with the following documents:*

- *Blue Mountains City Council Street Tree Master Plan*
- *Blue Mountains City Council Register of Significant Trees*
- *Australian Standard AS4373 – Pruning Of Amenity Trees*
- *Australian Standard AS4970 – Protection of Trees on Development Sites*



## C5.1. Tree and vegetation preservation objectives

- O1. To foster and develop the visual, cultural and landscape amenity of the Blue Mountains through the protection and enhancement of trees and other vegetation.
- O2. To maintain and enhance the ecological value of Blue Mountains native and exotic canopy species and ensure their long-term survival.
- O3. To improve Urban Forest Management to maximise the benefit to the community based on the principles of Ecologically Sustainable Development (ESD).  
**Note:** Supporting documentation can be accessed via the Local Government Association website.
- O4. To minimise the risk of injury to people or damage to property from trees through a formal assessment process.
- O5. To ensure sufficient compensatory replanting is specified where appropriate and undertaken as a component of the tree permit approval process.
- O6. To integrate the tree permit approval process, as far as practical, with the 10/50 Vegetation Clearing Code of Practice prepared by the Commissioner of the NSW Rural Fire Service





## C5.2. Prescribed trees

### Explanation

In accordance with clause 5.9 (Preservation of trees and vegetation) of LEP 2015, this part of the DCP prescribes trees which require development consent or a permit granted by the Council to undertake any of the activities identified in that clause.

### Controls

- CI. For the purposes of this DCP a prescribed tree is:
- (a) a long lived woody perennial plant with one or relatively few main stems, being of any species whether indigenous, exotic or introduced and that is 4m or more in height and/or has a crown spread of more than 4m, or
  - (b) any mallee formed *Eucalyptus* species, irrespective of size, with such a tree having multiple leader form seldom exceeding five metres in height, originating from a lignotuber at or near ground level.



## C5.3. Trees which are not prescribed (exempt)

### Explanation

In accordance with clause 5.9AA (Trees or vegetation not prescribed by development control plan) of LEP 2015, this part of the DCP describes trees which are not prescribed by this development control plan, and therefore do not require development consent or a permit granted by the Council to undertake any of the activities identified in that clause.

### Controls

- C1. Any tree species listed in 'Weeds of the Blue Mountains' in Part C2.3 of this DCP, except:
- (a) if it exceeds the nominated height limitation in Part C2.3, or
  - (b) if it is located on any land to which Part D Heritage Management of this DCP applies.

- C2. Any non-indigenous species located on a Council owned and maintained bushland reserve, irrespective of height, where a Council directed bushland restoration program is operational.

- C3. Any tree which poses an imminent danger to human life, buildings or other property as a result of a bush fire burning in the vicinity of the land on which the tree is situated.

**Note:** Clause 5.9(5) and 5.9(6) of LEP 2015 list other circumstances trees are exempt from requiring a development consent or permit.

- C4. Any tree that complies with the 10/50 Vegetation Clearing Code of Practice prepared by the Commissioner of the NSW Rural Fire Service.

**Note:** Where a tree is pruned or removed under the exemption provisions, evidence of the condition or characteristics of the tree is to be retained by the owner for a minimum of six months and presented to the Council upon request. That evidence may include:

- detailed photos of the tree; or
- where the photographs do not provide adequate or clear description of the circumstances, a declaration from a third party which corroborates the facts regarding the removal.



## C5.4. Prescribed vegetation

### Explanation

In accordance with clause 5.9 (Preservation of trees or vegetation) of LEP 2015, this part of the DCP prescribes vegetation which requires development consent or a permit granted by the Council to undertake any of the activities identified in this clause.

### Controls

- C1. For the purposes of this DCP vegetation is defined as:
- (a) Vegetation that is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and/or floristics of the natural vegetation, and
  - (b) Young age class and regenerating indigenous trees not of a size sufficient to be classed as a 'tree', plus shrub and ground layer vegetation.
- C2. Prescribed Vegetation for the purposes of this DCP is all vegetation, except vegetation that is exempt under this DCP.



## C5.5. Vegetation which is not prescribed (exempt)

### Explanation

In accordance with Clause 5.9AA (Trees or vegetation not prescribed by development control plan) of LEP 2015, this part of the DCP describes vegetation which is not prescribed by this development control plan, and therefore does not require development consent or a permit granted by the Council to undertake any of the activities identified in that Clause.

### Controls

- CI. Vegetation which is not prescribed includes:
- (a) Any vegetation species listed in 'Weeds of the Blue Mountains' in Part C2.3, and
  - (b) Any introduced vegetation (but not trees), for the maintenance of an established exotic garden, and
  - (c) Native vegetation previously planted for agriculture, agroforestry, forestry, horticulture or woodlot purposes, and
  - (d) Regrowth native vegetation (but not trees) in areas previously cleared with consent, and
  - (e) Vegetation removed for the purpose of the ongoing maintenance of fuel load limits within approved asset protection zones, but only in accordance with the terms and conditions of any issued development consent, and
  - (f) Native vegetation removed or cleared in bushland for the purposes of creating gardens where:
    - i. the work does not involve the removal of trees, and
    - ii. the area to be cleared is within 35 metres of a dwelling for which consent or a building approval has been granted on the same allotment as the proposed clearing, and
    - iii. the area to be cleared is not within Environmentally Sensitive Land, and,
    - iv. the work is undertaken in such a manner that it does not result in injury to trees which may result in their premature decline and/or death, and
    - v. the removal of native vegetation is not contrary to any condition of consent or any plan approved by the Council, and



- vi. there is to be no planting of any species listed as a 'Weed of the Blue Mountains' in Part C2.3 of this DCP.
- (g) Any vegetation that complies with the 10/50 Vegetation Clearing Code of Practice prepared by the Commissioner of the NSW Rural Fire Service.

**Note:** Where vegetation is pruned or removed under the exemption provisions, evidence of the condition or characteristics of the vegetation is to be retained by the owner for a minimum of six months and presented to the Council upon request. That evidence may include:

- detailed photos of the vegetation; or
- where the photographs do not provide adequate or clear description of the circumstances, a declaration from a third party which corroborates the facts regarding the removal.



## C5.6. Tree and vegetation preservation on heritage items and heritage conservation areas

### Explanation

Clause 5.9(7) of LEP 2015 allows for 'activities of a minor nature or for the maintenance of the heritage item' to occur to trees and vegetation within a heritage item or a heritage conservation area, or to an Aboriginal object or within a place of Aboriginal significance. The following objectives and controls provide guidance on what works can be considered 'of a minor nature'. Note this refers to the minor nature of heritage impacts, rather than minor nature in terms of arboricultural impacts.

Where this clause does not or cannot apply, development consent is required, and reference should be made instead to Clause 5.10 Heritage Conservation of LEP 2015, and Part DI Heritage of this DCP.

### Objectives

- O1. To preserve heritage significant landscapes, gardens, trees and vegetation, where these elements have significance in their own right, and/or contribute to the significance of heritage items, heritage conservation areas, Aboriginal objects or places of Aboriginal significance.
- O2. To ensure a clear distinction is made between works of minor heritage significance and those that would require a development application.

### Controls

- CI. Works of a minor nature in terms of heritage impacts will generally need to be considered on a case-by-case basis under clause 5.9 Preservation of trees or vegetation of LEP 2015. Examples of works that may be considered of a minor nature include:
  - (a) Exotic trees and/or vegetation that have self-seeded (and thus do not form part of any garden or planting scheme);
  - (b) Trees and/or vegetation that are causing significant damage to heritage buildings, structures and/or elements (and thus some immediate adverse heritage impacts may be mitigated by greater heritage benefits in the long term);
  - (c) Trees and/or vegetation that are inappropriately located in terms of size or form (and thus longer-term heritage considerations must be taken into account).

**Note:** Replacement plantings may be required to maintain heritage values. Selection of replacement plantings may require advice from a heritage consultant.



## C5.7. Requirements for tree removal

### Explanation

Where a permit or development consent has been provided for the removal of a tree, any potential impacts on adjacent trees and the associated landscape are to be appropriately considered. This is both to ensure the safety and integrity of the trees which remain, as well as to mitigate any impacts on the streetscape as a result of the tree removal.

### Controls

- C1. Approved tree removal is to be undertaken in a manner which prevents significant damage to the root zone, trunk or major branch scaffold of any adjacent trees which are being retained.
- C2. Trees (and tree stumps) are not to be pushed, pulled or mechanically extracted during tree removal adjacent to other trees, as doing so may cause an unacceptable level of root damage to trees that remain. Under these circumstances stumps may be ground to 100mm below ground level or retained in situ.
- C3. Compensatory replanting following tree removal may be a condition of the permit, unless remaining trees and other vegetation satisfy any landscape outcomes relevant to the site. Replacement trees, capable of achieving a minimum height specified by the permit, will need to be provided under the following circumstances:
  - (a) where approval is granted for the removal of trees within the front set back to a dwelling, or
  - (b) where approval is granted for the removal of significant streetscape trees, or
  - (c) where approval is granted for the removal of trees which represent a component of a fauna corridor, or
  - (d) where approval is granted for the removal of trees which represent the last of the canopy components on a site, or
  - (e) where approval is granted for the removal of trees which have been damaged by landscape, service installation or other similar works.
- C4. Replacement trees are to be planted and maintained in a healthy condition until they reach maturity. Plants that die, or become unviable due to poor condition, health, and/or architectural form are to be replaced with the same species and maintained as above.
- C5. Replanting is to be completed within 12 months from the date of tree removal.



## C5.8. Pruning

### Explanation

This part of the DCP describes the circumstances where development consent or a permit granted by the Council is not required to prune prescribed trees and vegetation.

### Controls

CI. Development consent or a permit granted by the Council is not required for the following pruning works to prescribed trees and vegetation:

- (a) the removal of structurally failed storm-damaged branches, and
- (b) deadwooding', being the removal of dead wood from the tree, provided the branch being removed is not a branch with hollows on a likely habitat tree, and
- (c) the seasonal pruning of fruit trees for the purposes of maintaining fruit production. This exemption does not apply to the following native species *Acmena* spp. or *Syzygium* spp. (all Lilli Pilli), nor to *Elaeocarpus* spp. (all Blueberry Ash) *Ficus coronata* (Sandpaper Fig) *Ficus rubiginosa* (Rusty or Port Jackson Fig) or *Macadamia* spp. (Macadamia nut), and
- (d) selective pruning, being only pruning to remove branches back to the nearest branch collar or junction to clear a roof, where trees directly overhang the roof of a dwelling, garage or commercial building, and only if the owner of the land where the centre of the tree originated or where the majority of the tree is growing, is in agreement, and

**Note:** Where the tree owner does not consent to the pruning works, the disagreement remains a civil matter between neighbours. Civil matters may be resolved through mediation services independent of Council or through *Trees (Disputes Between Neighbours) Act 2006* proceedings initiated by the aggrieved neighbour.

- (e) target pruning of branches overhanging public pathways from trees originating on private property, to a maximum height of 2.5m above natural ground level.

C2. Any pruning that complies with the 10/50 Vegetation Clearing Code of Practice prepared by the Commissioner of the NSW Rural Fire Service, on land to which that code applies.





- C3. All pruning works are to be undertaken in accordance with Australian Standard AS 4373, Pruning of Amenity Trees.
- C4. All pruning and shaping of trees undertaken in accordance with the provisions of this exemption, is to ensure that the structural and aesthetic integrity of the tree is maintained.





# PART C6

## WATER MANAGEMENT



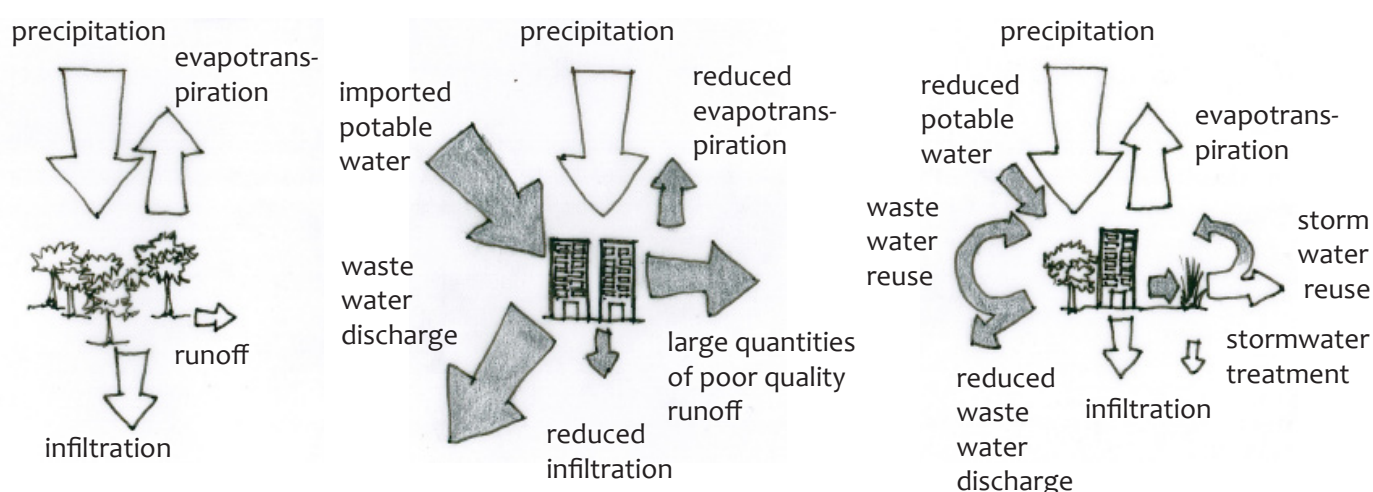
## Introduction

Stormwater runoff from the impervious surfaces created by development has the potential to cause adverse impacts to the receiving natural environment and the natural water cycle, as a result of increased runoff volumes and peaks, reduced infiltration and reduced water quality. The appropriate treatment of stormwater is therefore important, and particularly so in the Blue Mountains due to its location adjacent to World Heritage listed national park, and partly within the Sydney drinking water catchment.

Water sensitive urban design (WSUD) seeks to restore the natural water balance within the urban environment by promoting the retention and reuse, evapotranspiration, and infiltration of rainfall, and conveyance of stormwater runoff within systems that enable natural filtering and cleaning processes (*Part C6 - Figure 1*).

With the practice of water sensitive urban design, stormwater management measures can be undertaken in a manner that protects natural hydrological processes, conserves biodiversity and is integrated within landscape outcomes to achieve improved urban amenity.

The consideration of all opportunities and constraints for the cycling of water through the urban environment at the early planning stage will provide for an integrated approach to best practice water cycle management.



**Part C6 - Figure 1:** The urban water cycle showing changes to the natural water cycle with traditional urban development and with WSUD. Source: *Water by Design (2009) Concept Design Guidelines for Water Sensitive Urban Design Version 1*, South East Queensland Healthy Waterways Partnership, Brisbane, March 2009)

Read in conjunction with:

**Part C - Management of the Natural Environment**



C1

**Part E - Site Development and Site Management**



E1

E2

E4

E7

### Submission Requirements

One or more of the following types of reports may need to accompany a development application:

#### *Small-scale developments*

- *Concept Stormwater Management Plan*

*Supporting documentation including:*

- *Proposed and existing impervious area calculation*
- *Small scale stormwater quality model (s3qm) certificate (if applicable)*

#### *Large-scale developments*

- *Concept Stormwater Management Plan*
- *Water Sensitive Urban Design (WSUD) strategy*

*Supporting documentation including:*

- *Proposed and existing impervious area calculation*
- *Pre and post development water quality analysis*
- *Geo-technical investigation*

#### *All development within the Sydney drinking water catchment*

- *NSW Water (formerly the Sydney Catchment Authority) information requirements to demonstrate a neutral or beneficial effect on water quality*



## C6.1. Water Sensitive Urban Design and Stormwater Management

### C6.1.1. Key principles and design outcome objectives for all development

#### Explanation

The location, topography and environmental sensitivity of the Blue Mountains are such that the measures for water conservation and reuse, and the treatment of stormwater are particularly important. A lack of appropriate measures can result in adverse impacts within and beyond the development site.

This part of the DCP details Water Sensitive Urban Design (WSUD) guidelines for all development, to minimise any adverse impacts of stormwater on the natural environment through the implementation of best practice principles and techniques. Different types of development will require different solutions. The following objectives and controls detail the requirements for all development, appropriate for the scale and potential impact of that development proposal.

#### Objectives

The following objectives are applicable to all forms of development, where any water conservation and reuse or stormwater treatment is required or proposed to be modified.

- O1. To ensure that water management measures for development incorporate key principles of WSUD, being to:
  - (a) protect existing hydrological and ecological processes of natural features and systems including watercourses, wetlands, lagoons and aquatic, riparian and groundwater dependant ecosystems; and
  - (b) maintain the natural hydrologic behaviour of catchments, and
  - (c) protect the water quality of surface and ground waters, and
  - (d) minimise demand on reticulated water supply system, and
  - (e) minimise wastewater impacts to the natural environment, and
  - (f) integrate water into the landscape to enhance ecological, visual, social, economic and cultural values.
- O2. To integrate the management of all parts of the urban water cycle (rainwater, groundwater, potable water, stormwater, wastewater, grey water) in a sustainable way.

- O3. To promote the reuse of rainwater and promote the harvesting and reuse of stormwater where appropriate.
- O4. To provide a stormwater management system that implements a best practice WSUD strategy to treat the range of expected nutrients and pollutants for the proposed development.
- O5. To maximise opportunities for absorption, infiltration and evapotranspiration to reduce runoff and promote groundwater recharge.
- O6. Implement stormwater management devices, including outlets that are appropriate for the site and environmental conditions, in suitable locations and with adequate measures to protect the natural environment.
- O7. To provide improved visual, recreational and urban amenity and integrate the landscaping design with water cycle management measures.
- O8. To provide feasible and cost effective operation, access and maintenance for all devices comprising the stormwater management system.
- O9. To ensure that development in the Sydney drinking water catchment demonstrates a neutral or beneficial effect on water quality.

### C6.1.2. Application of requirements for Water Sensitive Urban Design

#### Explanation

The scale and type of development contribute to the potential for stormwater impacts. This therefore leads to the requirement for different levels of assessment and treatment, to ensure that the site, adjoining land and the broader receiving environment are adequately protected.

Development within the Sydney drinking water catchment is also regulated by Water NSW (formerly the Sydney Catchment Authority) and must have a neutral or beneficial effect on water quality in accordance with the requirements of the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011.

All developments within the drinking water catchment must provide the information requirements outlined within the Water NSW publication “Developments in the Sydney drinking water catchment – water quality information requirements” and refer to the Neutral or Beneficial Effect on Water Quality Assessment Guideline, both found at the following link:

<http://www.sca.nsw.gov.au/catchment/development/norbe>





- C1. The controls in this part of the DCP apply to all types of development, including additions and alterations, demolition and rebuild, and new development on vacant land.
- C2. All applications are to submit a *Concept Stormwater Management Plan* to demonstrate compliance with the relevant WSUD and stormwater management provisions.
- C3. Small scale development includes:
  - (a) all single dwelling and dual occupancy developments, or
  - (b) where the total impervious area of the proposed development is less than 2500m<sup>2</sup>.
- C4. Small scale developments are to provide appropriate stormwater quality treatment and quantity control devices to provide water conservation and re-use, detention, retention, filtering, infiltration and disposal in accordance with the small scale development provisions at Part C6.1.3 of this DCP.
- C5. Large scale development is development that exceeds any of the provisions in control C3 above.
- C6. Large scale developments are to provide appropriate stormwater quality treatment and quantity control devices to provide water conservation and re-use, detention, retention, filtering, infiltration and disposal in accordance with the large scale development provisions at Part C6.1.4 of this DCP.

### C6.1.3. Water Sensitive Urban Design for Small Scale Development

#### Controls

##### Water Conservation and Re-use

- C1. Maximise on-site retention and re-use of stormwater runoff through measures such as rainwater tanks, dual plumbing and accredited grey water use.

**Note:** Any proposed grey water treatment is to utilise a system that has been accredited by NSW Health and approved by Council.





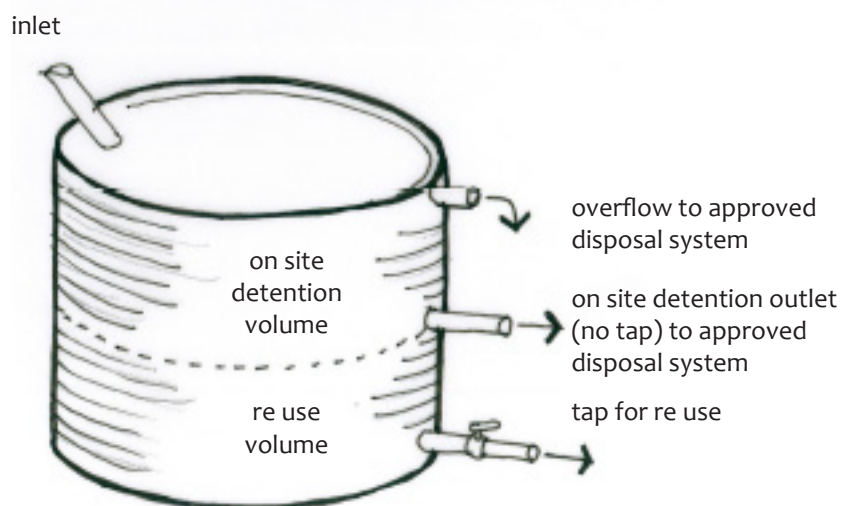
C2. Rainwater tanks shall:

- (a) have a collection capacity of not less than 4,000 litres per 100m<sup>2</sup> of proposed additional impervious area, for the reuse of water drained from those surfaces, for development within zones E3 Environmental Management and E4 Environmental Living, and
- (b) have a collection capacity of not less than 1000 litres per 100m<sup>2</sup> of proposed additional impervious area, for the re-use of water drained from those surfaces for development within other zones, and

**Note:** If the development is subject to other rainwater tank capacity requirements to comply with the BASIX Building Sustainability Index or NSW Rural Fire Service conditions for bushfire protection, then the largest of all applicable rainwater tank capacity requirements is to be provided.

- (c) include a first flush device to maximise water quality. The first flush device is to divert the first 1mm of roof water and include an outlet for drainage of the first flush device between rain events. The first flush water is to be directed to a stable vegetated area, rain garden or other absorption or infiltration measure, and
- (d) be located and designed to maximise the percentage of roof area directed to the tank(s), and
- (e) ensure overflows are drained to an adequately sized absorption or infiltration device, rain garden or bio-retention system or equivalent device, and
- (f) incorporate additional storage volume for (temporary) on-site detention of stormwater where required.

C3. Where rainwater tanks are used for retention and reuse, as well as on-site detention system, the tank shall include an outlet (without a tap) to ensure that the on-site detention volume is available for the next storm. Refer to *Part C6 - Figure 2*.



**Part C6 - Figure 2:** Combined re-use and detention tank.

- C4. Industrial and commercial developments that are not subject to the requirements of the BASIX Building Sustainability Index are to:
- demonstrate that consideration has been given to the interaction of all elements of the urban water cycle (potable water, stormwater and wastewater), and
  - identify how each water source is appropriate for its end use, and
  - ensure any water use fittings demonstrate compliance with the minimum standards defined by Water Efficiency Labelling and Standards (WELS) Scheme, and
  - provide alternative sources (e.g. rainwater, stormwater, recycled water, grey water) to meet demand for non-potable uses where practicable.

#### Stormwater Design

- C5. All stormwater management measures are to be located within the site boundaries and are not to result in impacts on adjoining properties.
- C6. Minimise hydrologic impacts by:
- ensuring that the design, location and function of stormwater management devices protects, restores or replicates the natural water cycle for the site, and



- (b) maintaining pre-development surface and groundwater regimes, run-off volumes and natural flow velocities, rates, peaks, and durations, and
- (c) maintaining the sites natural topography, landforms, catchment areas, drainage patterns and flow paths by minimising cut and fill and avoiding redirection of surface flows, and
- (d) retaining pervious areas and preserving the natural interactions between surface and groundwater, including soil permeability, groundwater seepage and recharge areas, and
- (e) minimising the size of impervious areas and the amount of runoff generated from the site, and
- (f) maximising opportunities to provide on-site absorption and infiltration where site conditions are suitable, and
- (g) locating stormwater treatment devices to maximise the area of impervious areas that are treated.

**C7. Minimise environmental impacts by:**

- (a) ensuring that all stormwater management measures and water sensitive urban design devices do not extend below the groundwater table or into bedrock and are appropriate for the given soil permeability and depth, and
- (b) locating devices wholly outside of environmentally sensitive areas, unless no alternative is available and it is demonstrated that minimal adverse impact will result, and
- (c) designing stormwater treatment measures to cater for high flows above the devices' design size and locating them outside of the 1:100 year flow path to prevent the release of previously trapped sediment or pollutants by high flows or flood waters, and avoid damage to vegetation components, and
- (d) keeping infiltration devices and rain gardens or bio-retention systems separate from on-site effluent disposal/management areas, and



- (e) ensuring that developments with potential to generate pollutants such as fuels, heavy metals, oils, solvents, detergents, fertilisers, pesticides and the like, demonstrate appropriate containment and operational methods (e.g. bunding, first flush systems, dedicated vehicle washing bay), and provide appropriate water quality treatment and management measures to mitigate impacts of stormwater runoff. Such developments are to provide contingency management measures in the event of an accidental spill, and

**Note:** Environment pollution licenses may apply under the Protection of the Environment Operations Act, 1997.

- (f) providing disposal, scour protection and dissipation mechanisms compatible with protecting the natural environment, by:
  - i. preferentially disposing of stormwater runoff within the site boundaries by re-use, absorption, and infiltration or evapotranspiration measures to the maximum extent that the expected site usage and site conditions allow, and
  - ii. minimising the area of impervious areas directly connected by piped or sealed drainage infrastructure to the receiving natural environment, and
  - iii. providing level spreading overflows to stable vegetated areas, and
  - iv. minimising the number of concentrated stormwater outlets, and
  - v. providing scour protection using environmentally sensitive, soft-engineered methods such as a rough and permeable rock riprap surface combined with native revegetation, rather than gabions, concrete surfaces or concrete grouting, and
  - vi. providing grassed filter strips or vegetated buffer areas to protect the receiving natural environment from stormwater runoff, and
  - vii. disposing of stormwater design overflows from absorption, infiltration, rain garden or bio-retention devices, which may not be otherwise disposed of within the site, to the street gutter where the site falls to the street, and

- viii. disposing of stormwater design overflows from absorption, infiltration, rain garden or bio-retention devices via a level spreading overflow to a stable vegetated area, and any other measures necessary to protect the receiving natural environment where the site falls away from the street and towards bushland or natural areas, and
- ix. disposing of stormwater design overflows from absorption, infiltration, rain garden or bio-retention devices to an interallotment drainage system where the site falls away from the street and towards areas that are not bushland or natural areas, and

**Note:** See Part C6.6 regarding connections to interallotment drainage systems and alternate methods of stormwater disposal.

- x. not piping or otherwise discharging stormwater directly to a watercourse unless no alternative is available.

#### Stormwater Infiltration

C8. To provide appropriate stormwater infiltration:

- (a) stormwater runoff from proposed impervious areas less than 50m<sup>2</sup> in area may be directed to adjacent stable vegetated areas via single cross fall design or other appropriate method to distribute flows evenly and allow on-site absorption, infiltration and dissipation, and

**Note:** Stormwater runoff from impervious areas less than 50m<sup>2</sup> as referred to above, may be a sub-catchment of a larger impervious area.

- (b) stormwater runoff from proposed impervious areas greater than or equal to 50m<sup>2</sup> in area and all rain tank overflows are to be absorbed and infiltrated, to the maximum extent possible, via an appropriately designed and adequately sized device(s) such as infiltration trench, absorption trench or pit, proprietary infiltration tunnel, an un-lined rain garden or bio-retention system or equivalent device, and

**Note:** infiltration may be achieved within an appropriately designed water quality treatment device such as an un-lined rain garden or bio-retention system (if required) rather than providing two separate devices.

- (c) all absorption and infiltration devices are to be located at least 4m from any property boundary, retaining wall or building, and



- (d) for single dwellings and dual occupancies, absorption trenches shall measure at least 600mm wide x 600mm deep x 2m long for each down pipe, and
- (e) all absorption and infiltration devices are to provide suitable collection and disposal of design overflows to a stormwater drainage system (street gutter, inter-allotment drainage system or drainage easement), unless these overflows can be otherwise safely disposed of within the site.

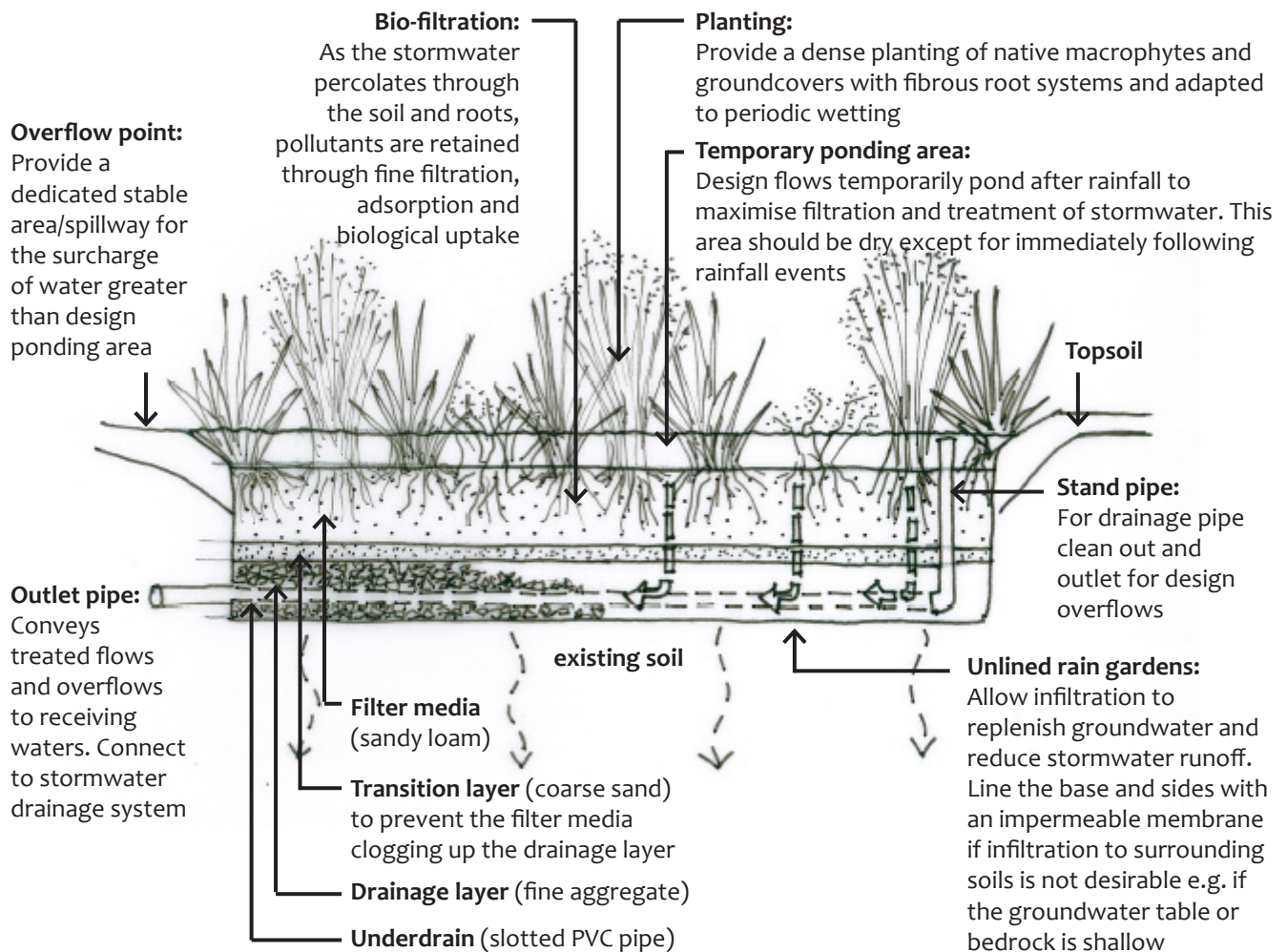
### Stormwater Quality

C9. To ensure the quality of surface or groundwater is not reduced in the short or long term, all single dwelling or dual occupancy developments that exceed the maximum site coverage or that have less than the minimum pervious area provisions in Part B2.4 of the DCP, are to provide one of the following measures:

- (a) a rain garden or bio-retention system with the filter surface area sized to be at least 2% of the total proposed increase in impervious area, or

**Note:** A rain garden is comprised of a soil based filter (specified sandy loam material), with a sand transition layer and gravel trench underneath that contains a slotted drain pipe (ag pipe) that is connected to the drainage system. A typical system (looking through the side of the filter) is shown below.





**Part C6 - Figure 3:** Typical rain garden system.

- (b) a stormwater treatment train certified by the NSW Water's (formerly Sydney Catchment Authority) Small Scale Stormwater Quality Model (s3qm) that demonstrates the achievement of a neutral or beneficial effect on water quality (NorBE), or

**Note:** A certificate from an assessment completed using s3qm must be submitted with these proposals. The s3qm model is available at [www.s3qm.com.au](http://www.s3qm.com.au) and information about s3qm is available at the NSW Water website [www.sca.nsw.gov.au](http://www.sca.nsw.gov.au).

- (c) an alternative solution with equivalent stormwater quality treatment performance outcomes designed and certified by a suitably qualified person and that demonstrates the achievement of NorBE.

**Note:** all development within the Sydney drinking water catchment is required by the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 to achieve a NorBE (<http://www.sca.nsw.gov.au/catchment/development/councils>).





C10. To ensure the quality of surface or groundwater is not reduced in the short or long term, all small scale developments (other than single dwellings and dual occupancies) where there is a proposed increase in impervious area of 250m<sup>2</sup> or more, are to provide either one of the measures referred to in C9 (b) or C9 (c).

- (a) a stormwater treatment train certified by the Sydney Catchment Authority's Small Scale Stormwater Quality Model (s3qm) that demonstrates the achievement of a neutral or beneficial effect on water quality (NorBE), or

**Note:** A certificate from an assessment completed using s3qm must be submitted with these proposals. The s3qm model is available on the SCA's website.

- (b) an alternative solution with equivalent stormwater quality treatment performance outcomes designed and certified by a suitably qualified person and that demonstrates the achievement of NorBE.

**Note:** all development within the Sydney Drinking Water Catchments is required by the *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* to achieve a NorBE.

#### Landscape, Visual and Social Amenity

C11. The development and its associated water sensitive urban design measures are to enhance the landscape, visual, social and recreational amenity by:

- (a) incorporating stormwater treatment and control measures into the urban and landscape design where appropriate, and
- (b) incorporating local indigenous plant species into vegetated stormwater management devices to enhance the natural attributes of the Blue Mountains local government area, and
- (c) ensuring the location and design of stormwater treatment and control devices do not compromise the achievement of landscape and streetscape outcomes and the protection of natural features, and
- (d) maximising the retention and restoration of vegetated areas and deep-rooted trees to maintain the water table conditions, stabilise the soil, decrease runoff volumes and velocities, capture sediment and filter nutrients.



## Operation and Maintenance

- CI2. Provide for the ongoing operation and maintenance of WSUD devices by locating and designing devices with appropriate access for all maintenance activities necessary to ensure their effective operation to meet the required performance and treatment targets over the life of the development.

**Note:** The designer of proposed stormwater treatment measures should prepare a maintenance schedule for each measure.

### C6.1.4. Water Sensitive Urban Design for Large Scale Development

#### Explanation

Large scale development includes any development other than single dwellings and dual occupancies, where the total impervious area of the proposed development is equal to, or greater than, 2500m<sup>2</sup>.

#### Controls

##### Water Sensitive Urban Design Strategy

- CI. A WSUD strategy is to be submitted with the development application for all large scale development to provide for water conservation and re-use, on-site detention, retention, water quality treatment, infiltration and safe disposal to the receiving natural environment.

The WSUD strategy is to demonstrate that the proposed development will achieve the water sensitive urban design objectives.

**Note 1:** Applicants and developers are to employ the services of appropriately qualified and experienced practitioners for the development of appropriate WSUD plans and strategies.

**Note 2:** Prior to lodgement of a development application, the applicant is encouraged to submit a pre-lodgement application with Council to seek advice regarding stormwater and WSUD requirements, particularly for large or complex development proposals.

#### Guidelines

- C2. The WSUD strategy and stormwater management system is to be appropriately designed and sized in a manner consistent with the latest guidelines and current best management practices for WSUD.





## Water Conservation and Re-use

- C3. Demonstrate that consideration has been given to the interaction of all elements of the urban water cycle (potable water, stormwater and wastewater).
- C4. Identify and implement all opportunities for on-site retention, water conservation, harvesting and re-use through measures such as rainwater tanks and dual plumbing and accredited grey water use.

**Note:** Any proposed grey water treatment is to utilise a system that has been accredited by NSW Health and approved by Council.

- C5. Provide alternative sources to meet demand for non-potable uses where practicable, such as recycled water, roof water and harvested stormwater for vehicle washing, irrigation, water features.
- C6. The water source used for a particular end use should reflect the quality required for that end use (i.e. be fit for purpose).
- C7. Ensure any water use fittings demonstrate compliance with the minimum standards defined by Water Efficiency Labelling and Standards (WELS) Scheme.
- C8. Rainwater tanks shall:
  - (a) for development on land zoned E3 Environmental Management and E4 Environmental Living have a collection capacity of not less than 4,000 litres per 100m<sup>2</sup> square metres of proposed impervious area, for the reuse of water drained from those surfaces, and
  - (b) for development on land in other zones have a collection capacity of not less than 1,000 litres per 100m<sup>2</sup> of proposed impervious area, for the re-use of water drained from surfaces, and
  - (c) provide pre-screening of organic matter (leaf litter) prior to the collection of water in the rainwater tank, and
  - (d) include a first flush device to maximise water quality. The first flush device is to divert the first 1mm of roof water and contain an outlet for drainage of the first flush device between rain events. The first flush water is to be directed to a stable vegetated area, rain garden or other absorption or infiltration measure, and
  - (e) be located and designed to maximise the percentage of roof area directed to the tank(s), and

- (f) ensure overflows are drained to an adequately sized absorption or infiltration device, rain garden or bio-retention system or equivalent device.

#### Stormwater Treatment Performance Targets

C9. The development must demonstrate the achievement of the following stormwater treatment performance targets.

(a) Water quality

The WSUD strategy and stormwater management system is to provide appropriate water quality treatment to ensure that the quality of surface or ground water leaving the site is not to be reduced in the short or long term. The development must achieve a neutral or beneficial effect (NorBE) on water quality.

The achievement of this performance objective is to be demonstrated by using the Model for Urban Stormwater Improvement Conceptualisation (MUSIC) developed by the Cooperative Research Centre for Catchment Hydrology (now eWater) or an equivalent industry standard water quality model.

For development within the Sydney drinking water catchment, the Sydney Catchment Authority (2012) 'Using MUSIC in the Sydney Drinking Water Catchment' guideline applies.

(b) Water quantity

The WSUD strategy and stormwater management system is to take all reasonable management actions appropriate for the site conditions to minimise adverse hydrologic impacts by:

- i. ensuring that the design, location and function of stormwater management devices protects, restores or replicates the natural water cycle for the site, and
- ii. maintaining pre-development surface and groundwater regimes, run-off volumes and natural flow velocities, rates, peaks, and durations, and
- iii. maintaining the sites natural topography, landforms, catchment areas, drainage patterns and flow paths by minimising cut and fill and avoiding redirection of surface flows, and





- iv. retaining pervious areas and preserving the natural interactions between surface and groundwater, including soil permeability, groundwater seepage and recharge areas, and
- v. maintaining the physical nature of pre-development flows into receiving environments (i.e. where the receiving environment receives dispersed flows, concentration of flows is to be avoided), and
- vi. reducing runoff volumes and preserving natural surface and groundwater hydrologic regimes by incorporating the following measures into the WSUD strategy:
  - identifying and implementing all opportunities for water conservation, harvesting and re-use, and
  - minimising the size of impervious areas and the amount of runoff generated from the site, and
  - locating stormwater quantity control devices to maximise the area of impervious areas that are treated, and
  - maximising on-site absorption, infiltration and evapotranspiration by:
    - » maximising the provision of permeable surfaces, and
    - » minimising the size of impervious areas that are directly connected by piped or sealed drainage infrastructure to the receiving environment by directing runoff to infiltration and evapotranspiration mechanisms or to other grassed, vegetated or landscaped areas designed to accept these flows.

#### Environmental and Site Constraints and Opportunities

- C10. The stormwater management system is to be appropriate for the given site conditions and address the following potential environmental and site constraints:
- (a) the soil depth, character and permeability/hydraulic conductivities, and
  - (b) the presence of rock outcropping and depth to bedrock, and

- (c) any impermeable clay layers, and
- (d) the depth to groundwater, perched groundwater tables, groundwater seepage and recharge areas, and
- (e) any watercourses, riparian land or groundwater dependant ecosystems, and
- (f) any steep slopes, and
- (g) any environmentally sensitive areas.

**Note:** The following *Part C6 - Table 1* indicates the site constraints that should be considered for a range of WSUD measures

**Part C6 - Table 1:** Site constraints for various WSUD measures.

*Source: Adapted from Water by Design (2009) Concept Design Guidelines for Water Sensitive Urban Design Version 1, South East Queensland Healthy Waterways Partnership, Brisbane, March 2009*

WSUD Measure	Steep site	Shallow bedrock	Low permeability soil e.g. clay	High permeability soil e.g. sand	High water table	High sediment input
Gross pollutant capture devices	Y	D	Y	Y	D	Y
Sediment basins	D	D	Y	D	D	Y
Grass or vegetated swales	X	D	Y	D	X	D
Sand filter	Y	D	Y	Y	X	D
Bioretention systems	D	D	Y	D	X	D
Constructed wetlands	X	D	Y	D	D	D
Rainwater tanks	Y	Y	Y	Y	Y	Y
Porous pavements	X	X	X	Y	X	X
Infiltration measures	X	X	X	Y	X	X

X = Constraint may preclude use

D = Constraint may be overcome through appropriate design

Y = Generally not a constraint





- C11. A geotechnical investigation and report is required to be undertaken by a qualified geotechnical professional with demonstrated experience to investigate the current site conditions and suitability of the site to accommodate WSUD devices to provide stormwater water quality control, infiltration and treatment systems.
- C12. The results of the investigation are to inform the WSUD strategy and confirm the nature of WSUD devices are suitable and effective for the site.

#### Stormwater Design Principles

- C13. All stormwater management measures are to be located within the site boundaries and are to not cause nuisance to adjoining properties.
- C14. Locate devices wholly outside of environmentally sensitive areas, unless no alternative is available and it is demonstrated that minimal adverse impact will result.
- C15. The WSUD strategy is include a treatment train that is to comprise all necessary stormwater treatment devices, to provide the retention, filtering, infiltration and safe disposal necessary to meet the required stormwater treatment performance outcomes.
- C16. The selection and order of stormwater management devices in the treatment train is to provide the necessary primary, secondary and tertiary treatment, in the appropriate sequence, to effectively remove the expected range of pollutants (including but not necessarily limited to sediment, gross pollutants, Total Phosphorous, Total Nitrogen, Total Suspended Solids, heavy metals, oils & greases, hydrocarbons) to achieve the required treatment.
- C17. The coarse fraction of pollutants (i.e. litter and coarse sediment) must generally be removed first to ensure subsequent finer and dissolved pollutant treatments are effective.
- C18. The stormwater treatment device(s) within the treatment train must be suitable for the characteristics of the target pollutants being generated from the development.

Particle classification and size (micrometres)	Treatment Measures				
	GPTs	Sediment basins (wet and dry)	Grass swales and buffer strips	Wetlands	Filtration systems (eg: bioswales / bioretention)
Stage of Treatment	Primary	Primary, secondary	Primary	Secondary, Tertiary	Tertiary
Gross solids Greater than 5000 micrometres					
Coarse to medium 5000 to 125 micrometres					
Fine particulates 125 to 10 micrometres					
Very fine/colloidal 10 to 0.45 micrometres					
Dissolved particulates Less than 0.45 micrometres					

**Part C6 - Figure 4:** Pollutant ranges for best management practice treatment measure

Source: Blacktown City Council (adapted from Ecological Engineering (2003) Landcom Water Sensitive Urban Design Strategy - Design Philosophy and Case Study Report, Landcom NSW).

- C19. The treatment train is to prioritise the use of filtration and infiltration source controls where ever possible over a single end-of-line measure.
- C20. Sediment traps, vegetated filter strips or equivalent measures are to be provided upstream of porous paving to reduce sediment inputs and minimise likelihood of clogging.
- C21. To minimise site disturbance, consideration is to be given to the achievement of multiple stormwater management objectives in one device (e.g. water quality treatment, retention and detention).
- C22. To prevent the release of previously trapped sediment or pollutants by high flows or flood waters, and avoid damage to vegetation components, stormwater treatment measures are to be designed to cater for high flows above the devices' design size and located outside of the 1:100 year flow path.
- C23. Any bio-retention filter areas must be the minimum size required to achieve the required stormwater treatment performance criteria and to minimise site disturbance. The minimum size required is to be demonstrated by a supporting stormwater quality analysis (e.g. via MUSIC model).

**Note 1:** The planting schedule is to ensure vegetative components within the bio-retention system(s) include local macrophytes and groundcovers that:

- a. are adapted to local climatic conditions, and
- b. are adapted to the expected high and variable nutrient and moisture conditions, and





- c. are suitable for the bio-retention basin's expected management and maintenance requirements, and
  - d. include plants with extensive fibrous root systems, spreading rhizomatous or suckering habitat in preference to plants with a clumped habit, and
  - e. are to be established at a minimum density of at least 8 plants per square metre across the base and any side batters of the bio-retention systems, and
  - f. ensure complexity and year round coverage by including at least 4 different macrophyte or groundcover species within the basin area.
- C24. Roof gardens and wall gardens are to be considered and incorporated as a measure to maximise water re-use opportunities and enhance landscape outcomes where feasible to do so, particularly for developments with minimal pervious areas.
- C25. Impermeable liners are to be utilised to prevent infiltration from any infiltration system or bio-retention device within areas of shallow groundwater or where potential groundwater contamination is identified.
- C26. Developments with potential to generate pollutants such as fuels, heavy metals, oils, solvents, detergents, fertilisers, pesticides and the like, must demonstrate appropriate containment and operational methods (e.g. bunding, first flush systems, dedicated vehicle washing bay), and provide appropriate water quality treatment and management measures to mitigate impacts of stormwater runoff. Such developments are to provide contingency management measures in the event of an accidental spill to protect the natural environment.

**Note:** Environment pollution licenses may apply under the *Protection of the Environment Operations Act, 1997*.
- C27. All absorption and infiltration, devices are to be located at least 4m from any property boundary, retaining wall or building.
- C28. All absorption and infiltration devices are to provide suitable collection and disposal of design overflows to a stormwater drainage system (street gutter, inter-allotment drainage system or drainage easement), unless these overflows can be otherwise safely disposed of within the site.





C29. Stormwater disposal outlets are to provide scour protection and dissipation mechanisms compatible with protecting the natural environment, by:

- (a) preferentially disposing of stormwater runoff within the site boundaries by re-use, absorption, and infiltration or evapotranspiration measures to the maximum extent that the expected site usage and site conditions allow, and
- (b) minimising the area of impervious areas directly connected by piped or sealed drainage infrastructure to the receiving natural environment, and
- (c) providing level spreading overflows to stable vegetated areas, and
- (d) minimising the number of concentrated stormwater outlets, and
- (e) providing scour protection using environmentally sensitive soft-engineered methods such as a rough and permeable rock riprap surface combined with native revegetation, rather than gabions, concrete surfaces or concrete grouting, and
- (f) providing grassed filter strips or vegetated buffer areas to protect the receiving natural environment from stormwater runoff, and
- (g) disposing of stormwater design overflows from absorption, infiltration, rain garden or bio-retention devices, which may not otherwise be disposed of within the site to the street gutter, where the site falls to the street, and
- (h) disposing of stormwater design overflows from absorption, infiltration, rain garden or bio-retention devices via a level spreading overflow to a stable vegetated area and any other measures necessary to protect the receiving natural environment where the site falls away from the street and towards bushland or natural areas, and
- (i) disposing of stormwater design overflows from absorption, infiltration, rain garden or bio-retention devices to an interallotment drainage system where the site falls away from the street and towards areas that are not bushland or natural areas, and

**Note:** See Part C6.6 regarding connections to interallotment drainage systems and alternate methods of stormwater disposal.

- (j) not piping or otherwise discharging stormwater directly to a watercourse unless no alternative is available.



#### Landscape, visual and social amenity

- C30. The development and its associated water sensitive urban design measures are to enhance the landscape, visual, social and recreational amenity by:
- (a) incorporating stormwater treatment and control measures into the urban and landscape design where appropriate, and
  - (b) incorporating local indigenous plant species into stormwater and landscaping design to enhance the natural attributes of the Blue Mountains LGA, and
  - (c) ensuring the location and design of stormwater treatment and control devices do not compromise the achievement of landscape outcomes and protection of environmentally sensitive areas, and
  - (d) maximising the retention and restoration of vegetated areas and deep-rooted trees to maintain the water table conditions, stabilise the soil, decrease runoff volumes and velocities, capture sediment and filter nutrients, and
  - (e) considering, and where appropriate providing adaptability to, climate change in the design and planning of vegetation in the landscape.

#### Operation and maintenance – requirements, feasibility and costs

- C31. Provide for the ongoing operation and maintenance of WSUD devices by locating and designing devices with appropriate access for all maintenance activities necessary to ensure their effective operation to meet the required performance and treatment targets over the life of the development.

#### Assets proposed to be transferred to the Council

- C32. Stormwater assets proposed to be transferred to Council are to relate to the treatment of runoff from public land only.
- C33. Any proposal to transfer stormwater treatment assets to Council must be demonstrated to be an effective sound solution and in the public interest.
- C34. Any stormwater assets transferred to Council must be designed and located in a manner that ensures effective ongoing operation and maintenance.

## C6.2. On-site stormwater detention

### Explanation

On-site Stormwater Detention (OSD) temporarily stores excess stormwater on a site. It acts to restrict the rate that the stormwater leaves the site with the aim of better managing the rate of stormwater entering the drainage system, to reduce the risk of downstream scouring and flooding effects.

### Objectives

- O1. To control the rate of release of private stormwater into Council's drainage system so as to not exceed the hydraulic and environmental capacity of the receiving system.

### Controls

- C1. OSD is required for all developments, other than single dwellings, that increase the impervious area of a site by more than 100m<sup>2</sup>.
- C2. OSD will be required for single dwelling developments where there is a restriction on the title of the land requiring OSD, or where increases in stormwater discharge rates are likely to result in adverse environmental impacts or where there are known downstream hydraulic capacity constraints.
- C3. OSD systems shall be designed and constructed to achieve post development discharge rates that are no greater than the pre-development discharge rates for all storms up to and including the 100 year event.
- C4. All development applications that require OSD are to be supported by a *Concept Stormwater Management Plan* (SMP) that sizes and locates the proposed OSD system. The SMP is to include calculations justifying the sizing of the OSD system and specifying the 100 year event top water level in the system.
- C5. Where a site discharges to separate sub-catchments pre-development, discharge into those sub-catchments and discharge rates are to be maintained post development.
- C6. OSD storage is to be located at a level that is above the 1:5 ARI flood level.





- C7. OSD proposed in car parking areas may be a combination of above and below ground storage. All storage in car parks is to be below ground for all storms up to the 20 year event, and the above ground storage is to be no greater than 200mm in the 100 year event.
- C8. Below ground OSD tanks are to be a minimum internal depth of 800mm to allow access for maintenance.
- C9. OSD systems are to be provided with an emergency overflow/surcharge path to a public road, or to a watercourse within the site. The overflow/surcharge path is to have the capacity for the post-development 100 year event.

## C6.3. Groundwater

### Explanation

Sustainable development requires sound groundwater management that protects groundwater regimes, water quality and groundwater dependent ecosystems.

Groundwater is an integral part of the water cycle and is an important resource and natural asset. While water availability in a river can change very quickly because of rainfall or dry conditions, groundwater availability is more stable.

Groundwater can be found almost everywhere but the depth of the water table may vary. Groundwater supplies are replenished, or recharged, by rain. During heavy rain the water table may rise and during extended dry weather may fall.

Water in aquifers may be brought to the surface naturally via a spring or discharge into a local creek or river via the water table.

Perched aquifers are a type of aquifer of generally limited extent that occurs where an impermeable layer prevents the downward infiltration of groundwater. The formation of perched aquifers may occur within soils or rocks, but are most commonly presented as groundwater retained upon clay layers within unconfined alluvial aquifers. Perched aquifers are common in the upper Blue Mountains and support groundwater dependent ecosystems such as Blue Mountains Swamps.

Springs occur where groundwater intersects with the land surface. Such springs are generally developed from shallow, perched groundwater systems that are of limited lateral extent and can be depleted rapidly in the absence of continuing recharge.

This section applies to all development sites where ground water is evident and excavations may interact with the groundwater table, and also applies to all development proposals other than single dwellings, with an excavation greater than 1m.

### Objectives

- O1. To protect and maintain groundwater regimes and natural hydrological processes.
- O2. To protect and maintain groundwater quality.
- O3. To protect and maintain groundwater dependant ecosystems and their supporting groundwater systems.
- O4. To ensure appropriate site investigations are undertaken to identify the potential for a development to affect groundwater.





## Controls

- C1. Development is to be designed, constructed and operated to ensure no adverse impacts to the nature, extent and behaviour of natural groundwater systems. Where an adverse impact cannot be avoided, it is to be minimised, mitigated and offset.
- C2. The design and construction methods of all development shall avoid the need for aquifer interference and sub-surface drainage.
- C3. If interference with the water table is unavoidable, all groundwater management systems are to be located and designed so that they are easily maintained.
- C4. The development is to demonstrate that there will be no adverse impact on surrounding or adjacent properties, infrastructure, natural groundwater systems or groundwater dependant ecosystems as a result of changes in the nature or behaviour of groundwater on site or in the surrounding area caused by:
  - (a) the design of the constructed form, and
  - (b) the method of construction chosen, and
  - (c) the groundwater management system implemented, and
  - (d) the cumulative impact the development may have on groundwater.

**Note:** Groundwater dependant ecosystems are common in the Blue Mountains LGA.
- C5. All development proposals where ground water is evident and excavations may interact with the groundwater table, and all development proposals other than single dwellings, with an excavation greater than 1m, are to undertake a Groundwater Assessment (or Geotechnical Investigation) to establish whether the development may impact upon groundwater.
- C6. If proposed development is determined to impact upon groundwater, then the development application is to be supported by a Groundwater Management Plan.



C7. Where an impediment to the natural flow paths is created as a result of the nature of the construction methods utilised or the bulk of the below-ground structure, a temporary or permanent groundwater management system may be utilised. These systems may only be utilised where it can be demonstrated that the natural groundwater flow regime is restored both up-gradient and down-gradient of the site, without any adverse effects on surrounding property, infrastructure, natural groundwater systems or nearby groundwater dependant ecosystems.

C8. All development applications involving excavations that require temporary de-watering are to include a statement prepared by a suitably qualified engineer experienced in the construction of structures below a water table. The statement shall:

- (a) outline the proposed method of construction and dewatering, and
- (b) outline the proposed method to reintroduce the extracted water back into the water table, and
- (c) confirm that the development can be feasibly constructed without causing unreasonable impacts on the groundwater system or neighbouring properties.

**Note:** Dewatering activities may require concurrence from the NSW Office of Water/State Government Approval Body. The NSW State Government must be consulted if dewatering is proposed prior to lodgement of the application. If State Government approval is required, then the development application must be lodged as Integrated Development - *Water Management Act 2000*.

C9. Where the development is to involve construction of permanent structures below the water table, details of the method of construction, other than pile or footing installation are to be provided. The details provided must be prepared by a suitably qualified engineer experienced in the construction of structures below a water table and be sufficient to demonstrate compliance with the following:

- (a) all components of the structure including subsoil drainage must be located entirely within the property boundary, and
- (b) disposal of collected sub soil water must be achieved through a gravity drainage system, and
- (c) the groundwater management system must not have an adverse impact on the natural hydrological regime of the locality.

## C6.4. Flooding

### Explanation

Flooding in NSW is managed in accordance with the NSW Government's Flood Prone Lands Policy, which aims to reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property, and to reduce private and public losses resulting from floods, utilising ecologically positive methods wherever possible.

Blue Mountains City Council is in the process of undertaking Floodplain Risk Management Studies and Plans for its catchments to quantify flooding risks and potential measures in accordance with the NSW Government's Floodplain Development Manual. This part of the DCP is to be read in conjunction with the City of Blue Mountains Flood Liable Land Policy.

This part of the DCP applies to:

- all development on land below the 1% Annual Exceedance Probability (AEP) flood plus the required freeboard, and
- development of critical facilities on land below the Probable Maximum Flood (PMF) plus the required freeboard, and
- development on all land affected by or adjacent to a stormwater drainage system, and
- development on land in a catchment that has not been the subject of a Floodplain Risk Management Study, but due to its location and topography, it is considered reasonable to expect that the land may be subject to an overland flow path and/or flood impacts.

Applicants are encouraged to liaise with Council early in the design process to identify any applicable flooding implications.

### Objectives

- O1. To control development at risk of flooding in accordance with the NSW Government's Floodplain Development Manual.
- O2. To ensure that the economic and social costs which may arise from damage to property due to flooding is minimised and can be reasonably managed by the property owner and general community.
- O3. To reduce the risk to human life and damage to property caused by flooding by controlling development on land impacted by potential floods.
- O4. To ensure that development is appropriately sited and designed according to the site's sensitivity to flood risk.







## C6.4.1. Flood Studies and Plans

### Objectives

- O1. To ensure that development addresses any relevant flood studies, and is consistent with the requirements of any floodplain risk management studies or plans.

### Controls

- CI. Development applications are to identify any flood related information including flood levels, locations of floodways or overland flow paths impacting the site. Where the site is affected, the application is to be supported by a site specific flood study or other calculations to demonstrate there is no adverse impact on the development from flooding or overland flow paths in a 1% AEP event.
- C2. The development proposal is to comply with any catchment-specific controls in an adopted Floodplain Risk Management Plan in addition to the controls in this section.

**Note:** As the Council prepared flood studies are broad scale assessments generally utilising aerial photography contours, a site specific flood study may be required even if the site is located in a catchment where a Council flood study has already been prepared.

## C6.4.2. Flood effects

### Objectives

- O1. To ensure that development, either individually or cumulatively, minimises adverse impacts on flooding, conveyance of floodwaters and floodplain storage volume.
- O2. To ensure that floodways and overland flow paths are not obstructed by development.

### Controls

- CI. The development shall not increase flood effects elsewhere, having regard to loss of flood storage, changes in flood levels and velocities and the cumulative impact of multiple potential developments, for floods up to and including the 1% AEP flood.
- C2. Floodways and overland flow paths must not be obstructed or diverted onto adjoining properties.

- C3. Areas identified as flood storage areas must not be filled unless compensatory excavation is provided to ensure that there will be no net loss of floodplain storage volume below the 1% AEP flood.

### C6.4.3. Floor levels

#### Objective

- O1. To ensure that floor levels are set at an appropriate height to reduce the frequency of inundation of structures and floors to an acceptable probability.

**Note:** Floor levels refer to the minimum required building floor levels. For development such as basements, the floor level refers to the lowest level at each access point.

#### Controls

- C1. Building floor levels shall comply with the *Part C6 - Table 2*.
- C2. For the purposes of this part of the DCP, non-habitable floors include areas such as laundries or sheds, but exclude garages. All other floor spaces are habitable areas.

**Part C6 - Table 2:** Floor levels for buildings

Scenario	Floor Level
Habitable Floors - all development (excluding critical facilities)	
Inundated by flooding	1% AEP + 0.5m freeboard
Inundated by overland flow path	1% AEP + 0.5m freeboard
Habitable floors - Critical facilities	
Inundated by flooding	PMF + 0.5m freeboard
Inundated by overland flow path	1% AEP + 0.5m freeboard
Non-habitable floors – residential outbuildings (excluding garages)	
Gross floor area less than or equal to 10 square metres.	1% AEP but not less than 0.15m above surrounding ground level
Gross floor area greater than 10 square meters.	The applicable habitable floor level
Non-habitable floors – Industrial and commercial	
Located on flooding or over land flow path	1% AEP but not less than 0.15m above surrounding ground level

#### Material storage locations – all development

Materials sensitive to flood damage, or which may cause pollution or be potentially hazardous during flooding	1% AEP + 0.5m freeboard
---	-------------------------

**Note:** Floor levels for car parking areas are covered in *Part C6 - Table 3*.

### C6.4.4. Building components

#### Objective

- O1. To ensure the structure and construction of development is compatible with flooding up to the applicable floor level.

#### Controls

- C1. All development shall have flood compatible building components below the floor levels identified in *Part C6 - Table 2*.
- C2. All structures within the flood plain shall be constructed to withstand the forces of floodwater, debris and buoyancy up to and including the floor levels identified in *Part C6 - Table 2*.
- C3. All development that is in 'cut' is to address the impacts of overland flow path from upstream catchments, and ensure that there is adequate provision for flows paths around the structure, stepping up at least 225mm from the finished ground level to the floor level of the structure.

### C6.4.5. Driveway access and car parking

#### Objectives

- O1. To ensure car parking and site access is constructed to an acceptable flood standard.
- O2. To require appropriate protection measures for warning and safe evacuation from basement car parking.
- O3. To minimise the likelihood of cars or other objects becoming floating debris during a flood.

#### Controls

- C1. Car parking floor levels shall comply with *Part C6 - Table 3*.





- C2. Vehicular access is to be located where the road level is greater than or equal to the required floor level for the car park. Where road access above the required floor level is not available, the vehicular access is to be located at the highest feasible location.
- C3. The level of the driveway between the road and car park shall be no lower than 0.3m below the 1% AEP flood, or such that the depth of inundation during the 1% AEP flood is not greater than the depth of flooding at either the car park or the road where the site is accessed.
- C4. Underground car parking accommodating more than three vehicles shall have warning signage to ensure safe evacuation.
- C5. Barriers are to be provided to prevent floating vehicles leaving the site during a 1% AEP flood if the depth of flooding exceeds 0.3m.
- C6. Vehicle access to critical facilities that have an emergency function must be achieved for floods up to the PMF.

**Part C6 - Table 3: Floor Levels for Car Parking**

Scenario	Floor Level
Above ground level open car parking, car ports and garages	
Open car parking spaces and car ports	5% AEP flood
Residential garages with up to two spaces	1% AEP but not less than 0.15m above surrounding ground level
Residential garages with more than two spaces	Applicable residential habitable floor level requirement (Table 2)
Enclosed industrial/ Commercial parking spaces	Applicable industrial/commercial floor level requirement (Table 2)
Underground car park (where floor level is more than 0.8m below surrounding ground level)	
All driveways	1% AEP plus 0.3m freeboard at its highest point
All emergency exits	All underground garages and car parks to have emergency exits protected from inundation up to the 1% AEP flood plus 0.5m freeboard with a minimum of 0.2m freeboard from vehicle entry point.
All other openings inundated by flooding or local overland flow path	All openings to be sealed up to 1% AEP + 0.5m freeboard with a minimum of 0.3m above the surrounding ground level

## C6.5. Stormwater infrastructure

### Explanation

This section applies to all development in proximity to public stormwater infrastructure or inter-allotment drainage, and all development requiring new connections to the Council's drainage system.

### Objectives

- O1. To ensure stormwater infrastructure is designed and constructed to an acceptable standard.
- O2. To prevent adverse impacts of development on the performance, serviceability and integrity of interallotment drainage lines and publicly owned stormwater systems.
- O3. To ensure that private stormwater systems discharge to the public stormwater system in an acceptable manner.

### Controls

- C1. Natural flow paths and discharge points from the site are to be retained and directed to its natural catchment.
- C2. Structures are not to be constructed above public stormwater infrastructure or inter-allotment drainage.
- C3. Redevelopment of existing structures above public stormwater infrastructure or inter allotment drainage shall occur only where:
  - (a) relocation of the stormwater conduit or structure is not feasible, and
  - (b) the conduit is reconstructed to meet relevant standards and to ensure structural soundness and serviceability for the life of the structure and the life of the conduit, and increased in capacity to accommodate the 100 year event upstream runoff, with a 50% blockage factor, if there is no safe alternate surcharge path.
- C4. Stormwater is to be gravity drained to Council's drainage system or a natural watercourse. This may require the provision of an inter-allotment drainage system
- C5. Where the private stormwater drainage system is unable to connect to the road gutter within the frontage of the site due to differences in level, the piped road drainage may be extended to the site to facilitate direct connection to the new road drainage pit.



- C6. Where an inter-allotment drainage easement is required to facilitate a development, the applicant is to negotiate the creation of the easement over downstream properties for drainage purposes prior to the lodgement of the development application. A letter of consent from the owners of the affected downstream properties is to be submitted with the development application.

**Note:** If consent is granted to the development, the registration of the easement/s will be required as a deferred commencement consent matter, prior to the issue of an operational consent.

- C7. Alternate solutions to interallotment drainage will only be considered where the applicant can demonstrate that they have undertaken a thorough and complete negotiation process with the owners of downhill properties, and have written evidence of that negotiation and the downhill property owners' refusal to grant the easement. The negotiation process is to include a reasonable offer of compensation based upon advice from a licensed land valuer.
- C8. Alternate solutions to interallotment drainage, in descending order of preference are:
- (a) a combination of onsite detention, retention and absorption, or
  - (b) a charged drainage line to the road gutter, or
  - (c) an onsite sump and pump to the road gutter.
- C9. Charged drainage lines are to incorporate a mechanism to permit cleaning of material from the lowest point of the drainage line.
- C10. Sumps for onsite sump and pump system are to have the capacity to hold runoff from the 4 hour, 1 in 100 year ARI storm event (to allow for loss of power during storm events).



# PART D

## HERITAGE MANAGEMENT

*Guiding the development of heritage properties and  
within Period Housing Areas*







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# PART DI HERITAGE



## Introduction

The Blue Mountains is an area of outstanding natural beauty with a rich cultural heritage of both indigenous and European derivation. There are approximately 900 local heritage items and 19 heritage conservation areas. 28 items are listed on the NSW State Heritage Register.

There are high natural and cultural landscape values associated with the views and vistas of the spectacular scenery. Natural formations are heritage-listed where significant, as well as the lookouts, bridges and walking tracks associated with the exploration and naming of these features. There are also known and potential Aboriginal and European archaeological relics in many locations across the Blue Mountains.

Many towns have retained a remarkably homogeneous character considering that the settlement of those towns and villages has spanned over 150 years. There are large cohesive neighbourhoods of intact buildings and streetscapes from the key periods of development between 1890-1940, with many fine village and bushland streetscapes and groups of buildings from a range of architectural periods and styles. Significance is also attached to certain tree species and particular landscape and townscape elements.

The cultural landscape and heritage of the Blue Mountains is experiencing increasing pressure for change. Development to upgrade properties to provide for increased amenity and facilities, as well as the requirements for parking, accessibility and fire safety measures are all components which can have a significant effect on the historic character of dwellings, commercial buildings and streetscapes.

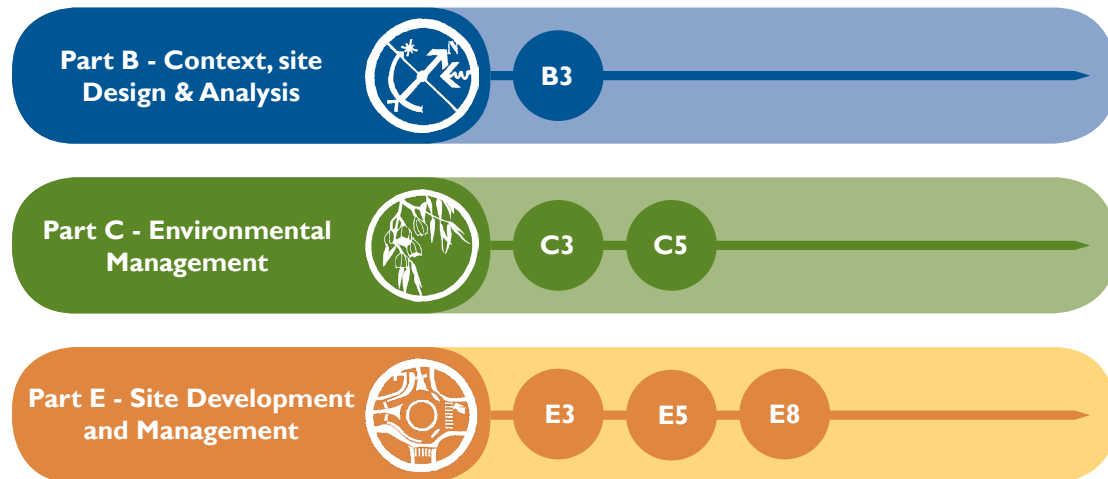
Changes to heritage buildings and heritage sites should be based on the following principles:

- do as much as is necessary and as little as possible;
- change should be based on an understanding of heritage significance; and
- the level of change should respect the heritage significance of the item or area.

This part of the DCP adopts the conservation policy embodied in the Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (The Burra Charter). The Burra Charter is widely accepted by Government agencies at all levels and by private industry as the standard philosophy for heritage conservation practice in Australia. The Charter sets down principles, processes and practices for the conservation of significant places. A copy of The Burra Charter is available on Council's website.

To the extent that the provisions of this part are inconsistent with the provisions of any other part of this DCP, the provisions of this part will prevail.

**Read in conjunction with:**



**Submission requirements:**

*The following documents may be required to manage heritage conservation:*

- *Heritage Impact Statement*
- *Conservation Management Plan*
- *Cultural Heritage Assessment*



## D1.1. Heritage items

### Explanation

Heritage items are listed in Schedule 5 of Blue Mountains Local Environmental Plan 2015 (LEP 2015) and identified on the *LEP 2015 Heritage Map*.

Local heritage listings are applied on a 'whole property' basis (by Lot and DP number). This recognises that the significance of any heritage item normally relates to more than the front or street façade of buildings. For example, gardens, outbuildings, fences, garages, awnings and signage may all form part of a heritage item.

Individual heritage inventory sheets have been prepared for each heritage item. These provide basic background information about the history of the property, a description of the item, and an assessment of the various heritage values. These heritage inventory sheets should be referred to early in the development process. They are also required to be considered when preparing a heritage management document for submission to Council with a development application. The inventory sheets are available from Council and are also on the NSW Office of Environment and Heritage (OEH) website.

**Note:** Where a BASIX certificate is required, applicants are encouraged to check compliance with BASIX well before the intended lodgement date of the development application as modifications can be required to achieve compliance.

**Note:** Reference should be made to the landscaping provisions that may be relevant to heritage in C3 Landscaping.

### Objectives

- O1. To ensure that heritage items are retained and conserved, in particular significant features and original fabric.
- O2. To ensure that changes to heritage items are based on an understanding of heritage significance.
- O3. To ensure that new development is sympathetic to heritage significance with particular regard to bulk, form, scale, setbacks, style, character, materials and details.
- O4. To ensure that existing significant settings, plantings and garden elements are protected and integrated into development.

### Controls

- CI. Heritage items are to be retained and conserved, that is:
  - (a) Significant fabric is to be retained;
  - (b) Original principal building forms (including roof pitch, eaves height and chimneys) are to be retained;

- (c) No alterations or additions are to be made to the original elevations, details, materials or finishes of the principal building form except to allow for restoration and reconstruction;
  - (d) Original verandahs and balconies are not to be infilled or enclosed;
  - (e) Original room layouts of the principal building forms are to be retained.
- C2. Changes to the original fabric and layouts of heritage items due to adaptive re-use or redevelopment should be reversible and not remove the capacity to revert to the original or early uses and layouts of the building and grounds.
- C3. An adequate and respectful curtilage is to be retained around heritage items to preserve their setting.
- C4. Any proposed work to a heritage item is to consider the relative significance of various elements in order to manage the effects of development.
- C5. Works to a heritage item are to be generally in accordance with D1.9 Development controls for heritage properties and D1.10 Specific building elements in this part.
- C6. A Heritage Impact Statement is required for works to a heritage item that require consent. The Heritage Impact Statement is to be in accordance with the submission requirements guidelines in Part 11.4. Submission Requirements. The scope and nature of the report will depend upon the significance of the item and the proposed degree of change to the item.
- C7. Any work to items on the State Heritage Register or sites covered by an Interim Heritage Order requires approval from the NSW Heritage Council under the *NSW Heritage Act 1977*, as well as by Council under LEP 2015. This can be done through the 'integrated development' process described in the Environmental Planning and Assessment Act 1979, when Council will refer the application to the Heritage Council for concurrence. Alternatively, the applicant can obtain a Section 63 approval from the Heritage Council to lodge with the development application to Council.
- C8. Where relevant, all works are to be consistent with an adopted Conservation Management Plan or Strategy, or the recommended management from a heritage inventory sheet where applicable.



## D1.2. Archaeology

### Explanation

Some items in Schedule 5 of LEP 2015 are those that have been identified as having archaeological potential. Other sites may be identified as having archaeological potential due to known historical uses or evidence on the site. However, by its nature, the archaeological potential of a site may only be understood when works are undertaken on that land.

The archaeology on a site may be related to Indigenous or non-Indigenous heritage, or sometimes both. Information and controls related to Indigenous heritage are detail in part D1.3 of this DCP.

### Relationship to other Legislation

The heritage system in NSW provides comprehensive statutory protection for archaeological relics and mechanisms to ensure that they are properly protected, investigated and interpreted. The primary legislation which protects all known and potential archaeological relics in NSW is the *NSW Heritage Act 1977* (as amended).

When intending to disturb or excavate land where archaeological relics have been identified or where there is considered potential for them to occur, it is the responsibility of the property owner to seek relevant approvals.

### Objective

- OI. To preserve known and potential archaeological heritage.

### Controls

- CI. With reference archaeological heritage, all development is to be in accordance with the relevant provisions of the *NSW Heritage Act 1977*.





## DI.3. Indigenous heritage

### Explanation

Indigenous or Aboriginal heritage consists of objects and places that are of significance to Aboriginal people. These may include physical or non-physical elements, for example, objects including stone tools, art sites or ceremonial grounds, as well as places of spiritual and cultural importance.

The Blue Mountains and surrounding region incorporates significant parts of the traditional lands of the Gundungurra and Darug people. Evidence suggests that the Blue Mountains region has been inhabited by Aboriginal people for at least 20,000 years and probably longer.

The recognition and preservation of indigenous heritage and culture is central to ensuring that important spiritual and cultural links to land are maintained. Development pressures have resulted in the destruction of many Aboriginal sites, and those that remain need to be protected.

### Relationship to other Legislation

The primary piece of legislation which protects Aboriginal cultural heritage in NSW is the *National Parks and Wildlife Act 1974* (NPW Act). Under section 86(4) of this Act, it is an offence to harm or desecrate an Aboriginal object or Aboriginal place, or in relation to an object, move the object from the land on which it has been situated.

Protection of Aboriginal Cultural Heritage is also required under the:

- *Environmental Planning and Assessment Act 1979* (EP&A Act) and,
- *Blue Mountains Local Environmental Plan 2015* (clause 5.10(8) (Aboriginal places of heritage significance))

Other state and commonwealth legislation that may influence Aboriginal heritage protection and management to varying degrees, include the following:

- *NSW Heritage Act 1977*;
- *Aboriginal Land Rights Act 1983*;
- *Native Title (New South Wales) Act 1994*;
- *Native Title Act 1993* (Commonwealth);
- *Environment Protection and Biodiversity Conservation Act 1999*



### D1.3.1. Declared Aboriginal Places in the Blue Mountains

#### Explanation

Aboriginal Places can have spiritual, historical, social, educational or other significance or could have been used for their natural resources. Declaration of these places protects ceremonial and spiritual values as well as areas containing objects such as middens, burials, and rock art.

An Aboriginal place declaration recognises that these places are (or were) of special significance to Aboriginal culture. Aboriginal Places are a way of legally recognising and protecting Aboriginal cultural heritage on public and private lands, and are declared under Section 84 of the NPW Act by the Minister for the Environment.

There are currently four (4) declared Aboriginal places within the Blue Mountains Local Government Area:

- The Three Sisters;
- The Upper Kedumba River Valley – The Gully;
- Kings Tableland;
- Shaws Creek.

#### Objective

- OI. To preserve and protect places of Aboriginal cultural and archaeological significance.

#### Control

- CI. With reference to Aboriginal Cultural Heritage, all development is to be in accordance with the relevant provisions of Section 86 of the *National Parks and Wildlife Act* and the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*.

**Note:** Declared Aboriginal places are mapped on the *LEP 2015 Heritage Map*, and on the NSW Atlas of Aboriginal places on the NSW Office of Environment and Heritage website.

### D1.3.2. Minimum requirements for initial site analysis and investigation

#### Explanation

At the planning and design stage, an archaeological investigation may be necessary depending on the location and landscape features of the site, and whether or not the land has been historically disturbed.

The minimum standards in New South Wales for initial site investigations related to Aboriginal Cultural Heritage are specified in *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (prepared by the then Department of Environment Climate Change and Water; now administered by the Office of Environment and Heritage).

For certain development, it is likely information will also need to be sourced from the Local Aboriginal Community (Refer to '*Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*').

### Objective

- O1. To preserve and protect objects and places of Aboriginal cultural and archaeological significance.

### Controls

- C1. All development is to be in accordance with the relevant provisions of Section 86 of the *National Parks and Wildlife Act* and the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*.

**Note:** The code is accessible via the Office of Environment and Heritage

- C2. Where development including earthworks is proposed on undisturbed bushland, land adjoining undisturbed bushland or on a site containing significant landscape features, it is recommended that a preliminary Aboriginal Cultural Heritage Assessment be undertaken at the planning stage. At this initial stage, this would include:

- (a) A search of the Aboriginal Heritage and Information Management System (AHIMS) register, and
- (b) The identification of any significant landscape features located on or adjacent to the site.

**Note 1:** The New South Wales Office of Environment and Heritage (OEH) administer the Aboriginal Heritage Information Management System (AHIMS) of notified Aboriginal sites and declared Aboriginal places in NSW.

**Note 2:** For the purpose of C2, significant landscape features include those listed within the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*.

- C3. Development for the purposes of subdivision is to be designed so as to avoid any direct or indirect impact to known objects of Aboriginal Cultural significance.
- C4. Where further investigation is required, this is to be conducted by a suitably qualified archaeologist in conjunction with the relevant Local Aboriginal Land Councils and communities.



## DI.4. Heritage conservation areas

### DI.4.1. Understanding conservation areas

The heritage conservation areas of the Blue Mountains are listed in Schedule 5 of LEP 2015 and identified on the *LEP 2015 Heritage Map*. Heritage conservation areas are significant for the following values in particular:

- streetscape character
- cohesive groups of buildings and/or a quality or diversity of architectural style which provide collective interest and value
- coherence of natural and built elements both public and private that create a sense of place

Individual heritage inventory sheets have been prepared for each heritage conservation area. These provide basic background information about the history of the area, a description of the area, and an assessment of the various heritage values. These heritage inventory sheets should be referred to early in the development process. They are also required to be considered when preparing a heritage management document for submission to Council with a development application. The inventory sheets are available from Council and are also on the OEH website. The information in the heritage inventory sheets will be considered by Council as part of its assessment of development applications.

Buildings within heritage conservation areas can be recognised as being contributory, neutral or uncharacteristic to the heritage conservation area. Council has not formally recognised individual properties as being within a particular category: the category is to be identified on a case-by-case basis.

**Contributory buildings** (sometimes also called significant buildings) are defined as buildings or elements that make an important contribution to the character and significance of a heritage conservation area. They have a reasonable to high degree of integrity and date from a significant historical or key period of development within the conservation area. They range from highly or substantially intact to altered yet recognisable and reversible. They are generally not listed as heritage items, as they usually only have moderate historic and aesthetic significance. The value in identifying them is to acknowledge their individual contribution to streetscape values within a conservation area, and manage the retention of those values.

**Neutral buildings** are those that do not contribute nor detract from the significant character of the heritage conservation area. Neutral buildings are:

- from a significant historical period, but highly altered and unlikely to be reversed;
- sympathetic contemporary infill; or
- from a non-significant historical period but do not detract from the character of the heritage conservation area.

**Uncharacteristic buildings** are those that are intrusive to a heritage conservation area because of inappropriate scale, bulk, setbacks, setting, design or materials. They do not represent a key period of significance and detract from the character of a heritage conservation area.

## DI.4.2. Development in heritage conservation areas

**Note:** Where a BASIX certificate is required, applicants are encouraged to check compliance with BASIX well before the intended lodgement date of the development application as modifications can be required to achieve compliance.

**Note:** Reference should be made to the landscaping provisions that may be relevant to heritage in C3 Landscaping.

### Objectives

- O1. To ensure that new development does not adversely impact upon the setting, streetscape or views associated with any heritage conservation area.
- O2. To ensure that additions or changes to the external appearance of buildings within heritage conservation areas respect the original built form, architectural style and character.

### Controls

- C1. Development to contributory and neutral buildings within a heritage conservation area is to be consistent with the general heritage controls in DI.9 Development controls for heritage properties and DI.10 Specific building elements of this part, and where applicable, the specific heritage conservation area controls in DI.11 Specific heritage conservation areas of this part.
- C2. Development is to respect the streetscape values. This includes:
  - (a) the scale of buildings, and
  - (b) setbacks from boundaries, and
  - (c) views between houses to the garden area beyond, and
  - (d) well-planted front gardens, and
  - (e) large canopy trees in the back garden.





- C3. A *Heritage Impact Statement* is required for works to any building in a heritage conservation area that requires development consent. Refer to the submission requirements in Part II.4 Submission Requirements. The scope and nature of the report will depend upon the significance of the property and the proposed degree of change to the property.
- C4. Development on sites containing uncharacteristic buildings is to improve the contribution of the site within the heritage conservation area.

## D1.5. Development in the vicinity of heritage items or conservation areas

### Explanation

The protection of sites of heritage significance can extend beyond the lot boundaries of the heritage item, particularly where an item has a wide visibility or a particular view corridor. There is also the potential for impacts upon heritage properties through construction works on adjoining sites, including vibration, excavation and destabilisation. The historic curtilage or setting of an item is to be considered for development in the vicinity of heritage items or heritage conservation areas, to ensure that significant views, settings and the structural stability of the item or conservation area are retained and protected.

### Objectives

- O1. To ensure that new work is designed and sited to avoid adverse impacts upon the heritage significance of heritage items and heritage conservation areas and their settings.

### Controls

- C1. All development in the vicinity of a heritage item or heritage conservation area is required to consider, and where necessary, mitigate the effects of that development upon the heritage values of properties in the vicinity.

**Note:** 'Vicinity' generally refers to those buildings and properties immediately adjacent and in the immediate visual catchment, but can also include heritage properties within a larger visual catchment area where important views and/or settings are affected by a proposed development.

- C2. Significant development in the vicinity of a heritage item, heritage conservation area, archaeological site or Aboriginal site will require the submission of a *Heritage Impact Statement* which addresses potential impacts and mitigation of impacts. The *Heritage Impact Statement* is to be in accordance with the submission requirements guidelines in Part I Schedules.
- C3. Where a proposal is minor in scale, scope and size, a *Heritage Impact Statement* may not be required for an application. In this case the *Statement of Environmental Effects* is to include a section addressing this component of any application.



## D1.6. Development consent exceptions

LEP2015 has heritage conservation provisions under Clause 5.10(2) which provide details of when development consent is required for heritage reasons. Clause 5.10(3) (When consent not required) of LEP 2015 provides for certain exemptions to the need for consent. These clauses should be referred to as a starting point to understanding consent requirements and any exemptions.

Generally, work to heritage items and most external work within conservation areas requires development consent. In the case of heritage items, this includes:

- the painting of the building in a new colour scheme,
- changes to fencing,
- structural internal changes.

**Note:** It is important that any change to the interior of a heritage item or building in a heritage conservation area does not affect the structural integrity of the building through the removal of internal supporting walls or other structural systems. For that reason, alterations to the internal structure of a heritage item will require development consent.

Work which may be perceived as being of a minor nature, but which may require development consent includes:

- changing external materials including re-roofing or new verandah flooring
- painting or rendering over unpainted exterior surfaces particularly face brickwork, whether on the front, sides or rear of brick buildings;
- demolishing or removing materials containing asbestos;
- removing lead paint;
- alterations to the internal structure of a heritage item or building within a heritage conservation area, including removal of structural internal walls.

### D1.6.1. Minor works requiring written approval

Clause 5.10(3) (When consent not required) of LEP 2015 functions as a 'minor works clause', and allows certain development to be carried out to heritage-listed properties without the need for development consent, and generally without a Heritage Impact Statement, providing that the proposed development:

- is of a minor nature or consists of maintenance of the item or building, work, archaeological site, tree or place within a heritage conservation area, and
- the applicant has notified the consent authority in writing of the proposed work and the consent authority advises the applicant in writing that it is satisfied that development consent is not required.

Council's written agreement is to be obtained before any work is carried out. This can be done via a letter or email to Council, setting out the proposed minor works with adequate description and detail of the works proposed.





The types of development that can be done under this 'minor works clause' are determined by Council on a case-by-case basis. To be considered 'minor' works, as a guide, new work should match existing fabric in terms of details, materials, and surface finishes. Repairs to building elements are often minor as long as no 'change' can be said to have occurred. The installation of utility meters, water heaters and television aerials are generally minor as long as they are not visible from a public place. Minor garden works can be carried out as long as this does not include the lopping or removal of trees.

As a guideline, the following types of work are likely to be considered 'minor' providing that the new work matches the existing and no more than 30% of the building component is replaced:

- repair, replacement, restoration or reconstruction of front fences or paths;
- repair or replacement of roof sheeting or tiles;
- repair, replacement or repainting of damaged guttering, damaged pointing, tuck pointing or roughcast rendering;
- repair, replacement or repainting of stairs and handrails, timber windows, external doors or joinery;
- repair of existing tiling or floorboards to balconies, verandahs, front steps or pathways;
- repainting already painted external surfaces in the same colours;
- repair or repainting of chimneys, verandahs, balcony balustrades and valences;
- repair or replacement of decks or letter boxes; and
- utility installation such as gas meters, satellite dish, antenna, television aerials, meter boxes, water heaters, water tanks (excluding solar panels) that are not visible from a public place.

**Note:** Works permissible under clause 5.10(3) (When consent not required) of LEP 2015 generally do not require a Heritage Impact Statement.

## DI.6.2. Maintenance not requiring consent

All buildings require regular maintenance to protect and conserve their structural soundness/integrity.

Timber was used extensively as a structural material in the villages of the upper Blue Mountains and it is particularly important that external walls, doors and windows are inspected and re-painted regularly to protect them from deterioration from sun and water damage. Timber windows and shutters should also be kept in good repair, including sashes and operating mechanisms. It is also important to keep garden plantings away from the base of timber-clad walls since regular splashing when watering can lead to damage to the fabric of the building.



Although minor and decorative internal works may be done without the need to seek approval for heritage reasons, care should be taken not to remove elements such as fireplaces, internal doors, picture rails, skirtings, architraves, fittings, paint finishes, and other decorative elements that add significant value and authenticity to heritage properties. The retention of these elements provides the continuity and integrity of internal and external character.

The following maintenance works may be carried out without the need to consult with Council or seek development approval:

- replacing of screws and bolts to ensure fixtures are held in place securely;
- re-hinging doors or gates;
- replacing of plumbing and/or wiring;
- internal works such as:
  - » repairing, sanding, polishing or oiling of floor boards;
  - » maintaining or upgrading non-original kitchens, bathrooms or laundry fixtures and fittings;
  - » removing or replacing non-original floor coverings, built in cupboards or wardrobes, non-original internal light fittings; and
  - » repainting.
- maintenance of gardens including the replacement of elements with compatible plants, trees, shrubs and lawns (unless the garden or tree is a heritage item).

### D1.6.3. Exempt and complying development

The State Government's *State Environmental Planning Policy (Exempt and Complying Development) 2008* ('the Codes SEPP') sets out which new works are considered exempt, and which new works are capable of complying with identified standards for development consent.

Exempt works are considered to be of minor impact or for maintenance purposes only, and thus some exemptions apply to heritage properties. Exempt development may be carried out without the need to obtain any approval providing that it satisfies the requirements of the Codes SEPP. Many categories of exempt development are permitted to both local heritage items and in heritage conservation areas.

Complying development is larger in scale and impact than exempt development, and many types of complying development may be carried out in heritage conservation areas. Complying development does not apply to heritage items, even if they are located in a heritage conservation area. Work to be done as complying development still requires the submission of an application to Council or a private certifier prior to works commencing.

If the proposed works comply with the Codes SEPP there is no need to also submit a 'request for minor works' application.

## Part DI - Table I: Approval requirements for development types

Approval requirements for various examples of development types	
Type of work	Typical examples
<b>Category I - Minor routine maintenance</b> No application required No development approval required	
<p><u>Description:</u> Work to protect and care for building or work.</p> <p><u>Approval requirements:</u> Development consent is not required for minor routine maintenance works. Such works are permitted as exempt development pursuant to satisfying the provisions of clause 3.1 (Exempt development) and Schedule 2 to LEP 2015.</p> <p><u>Application requirements:</u> No application required. Note: The listing description and heritage inventory sheet for the item should be referred to in order to ensure that internal fabric or elements such as built-in cupboards or light fittings are not specifically listed or identified, in which case their removal and replacement is not exempt.</p>	<ul style="list-style-type: none"> <li>• Replacement of screws and bolts to secure fixtures.</li> <li>• Re-hinging doors and gates.</li> <li>• Replacement of plumbing and wiring which does not involve the interference with floor, wall or ceiling linings.</li> <li>• Repairing (excluding the replacement of floorboards), sanding, polishing or oiling floorboards.</li> <li>• Removal or replacement of floor coverings (excluding the removal of floorboards).</li> <li>• Maintenance or upgrades of kitchens or bathrooms (excluding the removal of walls, widening of openings, demolition of chimney breast or fireplaces).</li> <li>• Removal or replacement of built-in cupboards.</li> <li>• Removal or replacement of internal light fittings.</li> <li>• Repainting internal surfaces of a building.</li> <li>• Replacement of broken glass panes within windows which does not involve a change in the opacity or colour of the glass.</li> <li>• Replacement of broken roof tiles</li> </ul>



## Approval requirements for various examples of development types

Type of work	Typical examples
<b>Category 2 - Routine Maintenance</b> Written request to Council required Council's authorisation required	
<p><u>Description:</u>            Work to protect and care for a building or work.            Work that does not alter the structure of a building.</p> <p><u>Approval requirements:</u>            Written authorisation must be obtained from Council that states that the proposed works will not have an adverse impact on the heritage significance of an item or conservation area in accordance with clause 5.10(3)(a) of LEP 2015.</p> <p><u>Application requirements:</u>            The applicant must notify Council in writing (via letter or email) and Council must confirm or advise in writing that it is satisfied that proposed development will not adversely affect the heritage significance of the heritage item.            The application letter must include all the details of the proposed works in order that Council can carry out a proper assessment. Contact Council's town planners for further information prior to making a written request.</p>	<ul style="list-style-type: none"> <li>• Repair, replacement, restoration or reconstruction of:               <ul style="list-style-type: none"> <li>• Front fences</li> <li>• Paths</li> <li>• Roofing</li> <li>• Letter boxes</li> <li>• Decks</li> <li>• Damaged guttering</li> <li>• Damaged tuck pointing or rough cast render</li> <li>• Handrails</li> <li>• Steps</li> <li>• Timber windows, doors or joinery</li> </ul> </li> <li>• Repair or repainting of:               <ul style="list-style-type: none"> <li>• Chimneys</li> <li>• Verandahs</li> <li>• Balcony balustrades</li> <li>• Valences</li> <li>• Repair of existing tiling to:                   <ul style="list-style-type: none"> <li>• Balconies</li> <li>• Verandahs</li> <li>• Front steps</li> <li>• Pathways</li> </ul> </li> </ul> </li> <li>• Replacing or maintaining gardens with compatible plants, trees, shrubs and lawns.</li> <li>• Removal or unsympathetic or non-original features to the building.</li> <li>• Garden maintenance.</li> <li>• Any other minor maintenance or restoration works not listed above that Council considers are likely to have an adverse impact upon heritage significance.</li> </ul>



## Approval requirements for various examples of development types

Type of work	Typical examples
<b>Category 3 - Exempt development</b> Written request to Council may be required Council's authorisation may be required	
<p><u>Description:</u> Development that is considered minor and will have a minimal impact upon the local environment.</p> <p><u>Approval requirements:</u> Development consent is not required for exempt development provided the requirements outlined in clause.3.1 (Exempt development) and Schedule 2 of LEP 2015 are satisfied or the relevant provisions of the SEPPs mentioned here.</p> <p><u>Application requirements:</u> Depending on the type of exempt development, the applicant may be required to notify Council in writing and Council must confirm or advise in writing that it is satisfied that the proposed development would not adversely affect the heritage significance of the item.</p> <p>The application letter must include all the details of the proposed works in order that Council can carry out a proper assessment. Contact Council's town planners for further information prior to making a written request.</p>	<p>No exemptions are currently listed in Schedule 2 of LEP 2015.</p> <p>Refer to the relevant sections of the following State Environmental Planning Policies (SEPPs) that relate to exempt development:</p> <ul style="list-style-type: none"><li>• Exempt and Complying Development Codes 2008 ('the Codes SEPP')</li><li>• SEPP (Infrastructure) 2007</li><li>• SEPP (Temporary Structures) 2007</li></ul>





## Approval requirements for various examples of development types

Type of work	Typical examples
<b>Category 4 – Complying development</b> Complying development certificate required to Council or an accredited certifier Complying development certificate required	
<p><u>Description:</u>            Low impact development types that can be addressed by predetermined development standards.</p> <p>Complying development does not apply to heritage items listed in Schedule 5 of LEP 2015.</p> <p>Complying development may apply to contributory, neutral and uncharacteristic items within a heritage conservation area.</p> <p><u>Approval requirements:</u>            Development consent is not required for complying development outlined in Schedule 3 of LEP 2015.</p> <p>To carry out the development you must obtain a Complying Development Certificate from an accredited certifier or Council. If your application is successful, the Council or certifier will issue a Complying Development Certificate, subject to conditions.</p> <p><u>Application requirements:</u>            A Complying Development Certificate to be submitted to Council or an accredited certifier.</p> <p>If unsure about the requirements for a particular type of complying development, contact Council's town planners for further information prior to lodging an application.</p>	<p>No complying development is currently listed in Schedule 2 of LEP 2015.</p> <p>Refer to the relevant sections of the following State Environmental Planning Policies (SEPPs) that relate to complying development:</p> <ul style="list-style-type: none"> <li>• Exempt and Complying Development Codes 2008 ('the Codes SEPP')</li> <li>• SEPP (Infrastructure) 2007</li> </ul>
<b>Category 5 – Development consent</b> Development application to Council required Development consent required	
<p><u>Description:</u>            Any other development not identified in Categories 1 to 4 inclusive.</p> <p><u>Approval requirements:</u>            Development consent is required pursuant to Clause 5.10(2) of LEP 2015.</p> <p><u>Application requirements:</u>            A development application is to be submitted to Council.</p>	<p>All other works not identified above, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Painting of the building in a new colour scheme</li> <li>• Changes to fencing</li> <li>• Structural internal changes</li> <li>• Changing external materials including re-roofing or new verandah flooring</li> <li>• Painting or rendering over unpainted exterior surfaces particularly face brickwork, whether on the front, sides or rear of brick buildings.</li> </ul>

## DI.7. Demolition of heritage properties

### Explanation

Demolition is considered to include full demolition of a building or structure, or any major alterations that constitute demolition of at least 50% of the buildings footprint and/or building material.

### Objectives

- O1. To ensure that heritage items and contributory buildings within heritage conservation areas are retained.
- O2. To outline the criteria which need to be considered by Council should applicants still seek to demolish a heritage item or a contributory building within a heritage conservation area.

### Controls

- C1. Heritage items and contributory items in heritage conservation areas are not to be demolished, and Council generally does not support demolition of such heritage properties, unless it can be satisfactorily demonstrated that the item contains structural or other irreparable damage.

**Note:** Council may require the submission of a report by a structural engineer with heritage experience to determine whether the building is, or is not, structurally capable of reasonable and economic use.

- C2. The demolition of a non-contributory or neutral building in a heritage conservation area and its replacement by an appropriately designed infill building is generally supported, provided it can be demonstrated that:
  - (a) restoration of the building is not reasonable, and
  - (b) the replacement building will not compromise the heritage significance of the conservation area.
  - (c) the potential for archaeological elements inside or under the buildings or structures is either negligible or has been investigated satisfactorily.
- C3. A *Heritage Impact Statement* is required to be submitted for the demolition of any building that is a heritage item or within a heritage conservation area. The *Heritage Impact Statement* is required to be in accordance with the submission requirement guidelines in Part I of this DCP.





- C4. In assessing a development application for the demolition of a heritage item or a contributory building in a heritage conservation area, Council will consider:
- (a) the heritage significance of the item or building, and
  - (b) the structural condition of the building, and
  - (c) pest inspection reports, and
  - (d) other options that have been considered prior to proposing demolition and the reasons for then proposing demolition, and
  - (e) the contribution the item or building makes to the streetscape.
- C5. Where the demolition of a heritage item building or a contributory building is approved, it will generally be conditional upon the submission of a photographic archival recording using either film or digital capture to provide a stable and long term record. The archival record is required to be in accordance with the submission requirements set out in Part I.4 Submission Requirements.
- C6. Where demolition of a neutral building is allowed, a basic photographic record of the building will be required to be submitted to Council.



## DI.8. Subdivision of heritage properties

### Explanation

Subdivision patterns play an important role in defining the character of an area by establishing the spacing of buildings and gardens, which in turn creates the rhythm of the streetscape.

The landscape of much of the Blue Mountains is characterised by the low densities of development formed by the pattern of relatively large lot sizes. The majority of gardens in these older estates feature trees and large ornamental shrubs and flowering fruit trees, all of which contribute to the attractive and characteristic streetscapes of the villages and towns. Most of the heritage items and heritage conservation areas of the Blue Mountains are located within mature landscapes.

Subdivision of a heritage item or property within a heritage conservation area on bushfire prone land requires particular consideration.

### Objectives

- O1. To retain and conserve the integrity of important and characteristic historical subdivision patterns.
- O2. To preserve the integrity of streetscape views, rhythms and patterns.
- O3. To ensure that any subdivision of a heritage property protects its heritage significance including fabric, historic curtilage, setting and associated views.
- O4. To ensure that the subdivision of land does not enable a building envelope that, if developed, is likely to obscure or confuse views to or from the heritage item or its setting or within the heritage conservation area.
- O5. To ensure that the subdivision of land will not have an unacceptable impact upon existing significant gardens or bushland through the need to provide bushfire asset protection zones for new building envelopes.

### Controls

- C1. New development, including site consolidation, is not to obscure or degrade the established subdivision pattern of the streetscape in the vicinity of the heritage item or within the heritage conservation area.
- C2. Any subdivision of land that is the site of a heritage item or within a heritage conservation area is:
  - (a) to preserve the traditional links and connections between the property and its setting, including significant buildings, gardens, outbuildings and views, and



- (b) to conserve the heritage significance of the historic curtilage and garden setting of the property, particularly the historic and aesthetic values, and
- (c) to ensure that significant secondary elements to a main residence, such as outbuildings, gardens or view corridors, are not divided up or alienated by subdivision, and
- (d) to ensure that the ability to appreciate the significance, setting and views of the property as part of a group of heritage properties, and/or within a significant streetscape is not adversely impacted by the creation of new lots and potentially intrusive new building envelopes, and
- (e) to ensure that the heritage building can continue to be used for existing or compatible future uses commensurate with its size and is not compromised by lack of curtilage for requirements such as parking, servicing and landscaping, and
- (f) to ensure that the need for new fencing is minimised and that adverse impacts upon the aesthetic quality of the setting of the item caused by new fencing are minimised, and
- (g) to ensure that the clearing of significant vegetation associated with the setting of the item is minimised when required to provide a bushfire Asset Protection Zone for any existing building and any new building envelope.

C3. All lots created by subdivision should be large enough to provide a generous zone suitable for the planting of trees which, when they reach maturity will contribute to the setting of the item and/or the heritage conservation area.

C4. In cases where the subdivision of a large estate is proposed, a community or strata titled approach (depending on the zoning of the land) may provide a solution that retains the unity of the perimeter of the estate and allows the form and siting of any future buildings to be managed carefully so that they can sit more traditionally within the gardens and landscape setting of the estate.





## DI.9. Development controls for heritage properties

This part sets out the guidelines for the development of heritage properties in accordance with the principles of heritage *conservation* as outlined in the *ICOMOS Burra Charter*. The overriding aim of these controls is to maximise the retention of significant fabric, spaces and settings. A *Heritage Impact Statement* is usually required for development affecting heritage items and within heritage conservation areas.

Development in a heritage conservation area requires a slightly different approach to that required for heritage items. In the case of a heritage conservation area the considerations usually focus more on the context and siting of new work and how it will affect the heritage values of not only the property, but the streetscape and the heritage values of the heritage conservation area as a whole.

New work to heritage items is to consider the impact on the surrounding area, but needs to focus on impacts to the historic fabric of the building and its immediate setting. Special consideration is to be given to managing proposed changes of use, upgrading of services and facilities, and the retention of interiors, outbuildings and garden settings.

The loss of significant fabric weakens the integrity and authenticity of heritage buildings and conservation areas, and a heavy hand can sterilise the character of heritage properties, so a cautious approach is required. The reinstatement of building elements where altered or missing to a known former configuration or, where appropriate, matching the style and period, is also encouraged.

### DI.9.1. Land uses

#### **Explanation**

Proposed new uses may be substantially different from the original use of the heritage property and minimising adverse impacts requires sensitivity. Physical works associated with changes in use can have a significant impact on heritage values. Additional facilities such as bathrooms, new parking areas or other site works might be required to make the use viable, which could impact upon heritage fabric and settings. New services and upgrading of existing services are often warranted but can impact the entire building.

Usually low-impact uses will be more sympathetic and compatible with heritage properties. It is therefore important to consider which land uses are likely to have an acceptable impact when looking at the adaptive re-use of a heritage item or building within a heritage conservation area.

### Objectives

- O1. To encourage and provide for the continuation of original uses where practicable.
- O2. To provide for compatible and sympathetic uses that minimise adverse impacts.

### Controls

- C1. Original and early uses are to be continued wherever possible.
- C2. Where traditional uses become redundant or a building's use is proposed to be changed, new uses are to be compatible with the original use of internal and external spaces, and to minimise fabric intervention to suit the new use.

**Note:** A variety of solutions should be considered. New attached structures and buildings in preference to major alterations can minimise impact upon existing heritage fabric.

- C3. Parking, access and other interventions are to be sensitively designed to minimise adverse impacts on the settings of heritage sites where a change of use occurs.

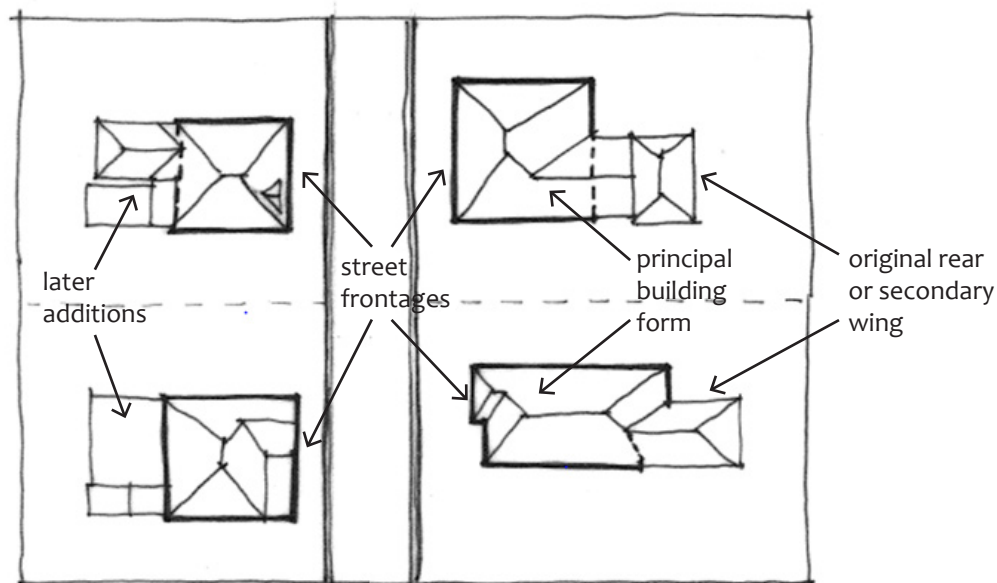
## D1.9.2. Original fabric

### Explanation

The original materials and finishes of heritage properties, which together are sometimes referred to as the building's fabric, are usually of primary heritage significance and contribute greatly to the style and character of individual buildings and items, and also to the character and significance of a conservation area.

The primary part of the building can be referred to as the principal building form, and its integrity should be retained. Refer to *Part D1 - Figure 1*.





**Part D1 - Figure 1:** Examples of principal building form.

The materials and trades associated with historic buildings are becoming increasingly rare and difficult to source, and preservation and repair of original fabric keeps alive historic crafts, trades and materials. Examples of historic materials and trades still considered highly useful are lime and lime washes, solid timber, terracotta, stone and stonemasonry, dry-pressed bricks, leadlight glass and render.

### Objectives

- O1. To conserve the significant original fabric of historic buildings and the traditional trades, crafts and construction methods associated with that fabric.
- O2. To encourage the removal of inappropriate or uncharacteristic structures or elements.
- O3. To retain the distinctive shared characteristics of groups of similar buildings.

### Controls

- C1. Original facades are to be retained and conserved without significant alteration, including the scale, proportions, materials and detailing.
- C2. Original materials and building fabric are to be retained, unless it can be demonstrated that significant deterioration has occurred and repair is not practical. Any repair and replacement should be with matching, or where not possible to match, similar materials.



- C3. Appropriate traditional building techniques and construction methods are to be used as part of repair and replacement wherever possible.
- C4. Council encourages and may require the reconstruction of missing elements including but not limited to original balconies and verandahs, fences, chimneys, joinery and shopfront detailing.
- C5. Hidden fabric that comes to light during maintenance or development work or other means should be retained wherever possible for its ability to potentially provide additional historic information.

### D1.9.3. Alterations and additions

#### Explanation

Alterations and additions to heritage properties should be guided by the principle 'do as much as necessary and as little as possible'.

Alterations and additions to heritage properties may sometimes be desirable to meet contemporary expectations. Sometimes a degree of restoration is desirable, to remove unwanted or intrusive later elements.

Changes should not overwhelm or detract from the significance of the property and the contribution the building makes to the streetscape. New additions should be in keeping with the forms and materials of heritage items but not imitate decorative details. Alterations and additions to heritage properties should be simply constructed, without forms or details that draw attention away from the original heritage building. Additions are to be subservient to any existing style, to allow the historic fabric to be 'read' clearly.

#### Objectives

- O1. To retain the original built form characteristics of significant items as the predominant elements when viewed from all angles.
- O2. To ensure alterations and additions to a significant item are designed:
  - (a) to respect the heritage significance of streetscapes and group views, and
  - (b) to respect the individual significance of heritage items and the group values of heritage conservation areas, and
  - (c) to be consistent with the original architectural style, form, massing, materials and finishes of the item, and
  - (d) to be subservient in detailing to the original architectural style; and

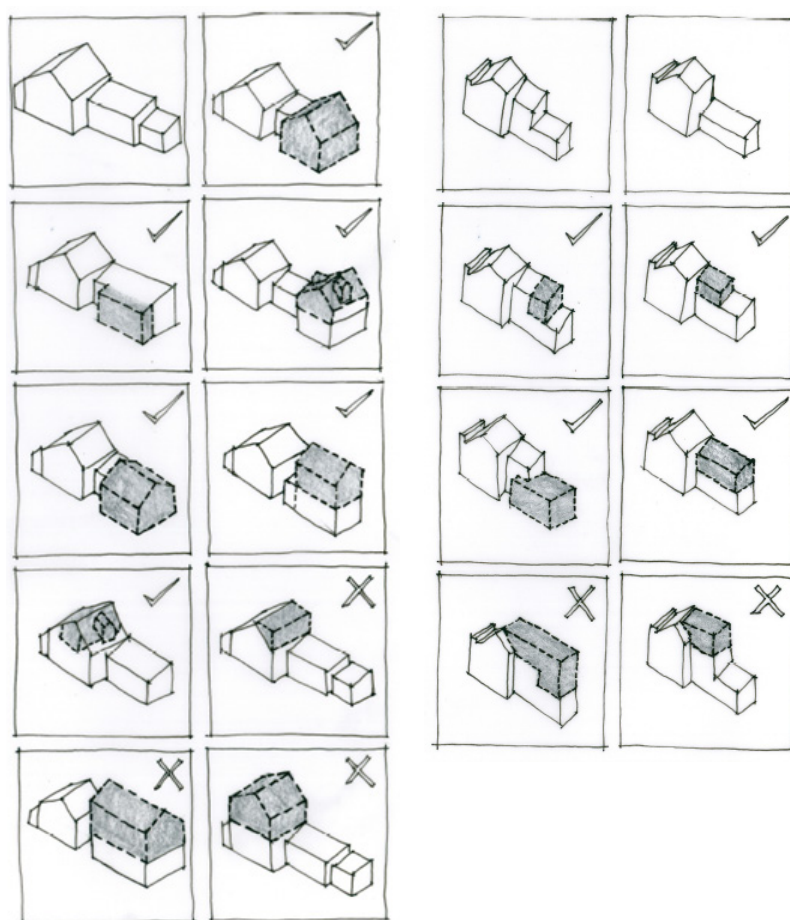
- (e) not to have an adverse impact on the curtilage and setting of the item.
- O3. To ensure that the various heights and setbacks of significant buildings within the streetscape are retained, in order to retain streetscape and setting values.

### Controls

- C1. Alterations and additions are not to significantly alter the appearance of principal and *significant* facades, except to remove detracting elements.
- C2. The removal of *intrusive* elements is encouraged.
- C3. Reconstruction is to be based on known earlier features. Documentation to support reconstruction proposals may be required. Missing elements should be reinstated from evidence such as old photographs, remnants or evidence on site. If historical evidence is not available, it may be appropriate for similar buildings of the same style in the local area to be used as a guide.
- C4. Additions are generally to be sited to the rear, and to be visually recessive.
- C5. The height of an alteration or addition to the rear of a building is to generally be below the ridgeline of the main roof of the existing building. An exception may be where a separate pavilion to the rear is not visible from the street.
- C6. Where possible the use of pavilion forms that are separate from the *principal building form* are encouraged.
- C7. Alterations and additions in heritage conservation areas are to respond to and respect the setbacks of surrounding properties.
- C8. New building forms, roof forms and layouts are to be sympathetic and visually subservient in scale, form and detailing to the existing building where visible from the public domain.
- C9. New work that impacts upon original fabric or elements should be reversible where possible.
- C10. New work to the rear, particularly where visible, is to follow the traditional hierarchy of diminishing scale and detail in forms, roofs, windows etc.
- C11. New work is to respect the pattern, style and dimensions of original windows and doors.



- C12. New materials must respect and respond to the original and early materials of the building, and of the group if part of a larger group.
- C13. New work is to use traditional building materials and techniques wherever appropriate and possible.
- C14. 'Upstyling' (adding additional decoration for visual interest) of exteriors is discouraged.



**Part D1 - Figure 2:** Acceptable and unacceptable forms for rear additions to single-storey buildings. **Part D1 - Figure 3:** Acceptable and unacceptable forms for rear additions to two-storey buildings.

## D1.9.4. Curtilages, settings, gardens and landscape settings

### Explanation

The listing of a heritage item includes the whole of the property, together with the gardens and outbuildings, garages and fences. Each of these elements can contribute to the heritage significance of the property. Substantial heritage properties were often built with an important relationship established to surrounding garden areas, particular trees, and incorporated carefully landscaped





views to and from the primary buildings and their verandahs. The 'grounds' of the property may be included in the listing description.

Landscapes and garden settings are also a highly significant contributor to the aesthetic and cultural values of the Blue Mountains.

The setting, or visual curtilage, of a heritage place includes the area around the item that contributes to its heritage significance. This almost always includes the front garden area and those of the adjacent properties, local views along the immediate streetscape and even views over the roofs of the buildings in the streetscape and down the side driveways to trees or buildings in the street beyond that form part of the property's 'visual catchment'.

In the case of a property within a retail or commercial streetscape the setting includes the presentation and relationship between the item and the other shops or buildings in the street as well as the rear elevation and how this relates to the qualities of the service areas behind the row of shops. These areas may not be considered conventionally pleasing but have a significance related to building forms, and previous uses and service functions. Many significant public buildings and places play an important role in local views and vistas, and these views in return become part of the setting of the item.

Not all properties in heritage conservation areas have individual heritage value, but all form part of the streetscape and most contribute in some way to the heritage values of the area as a precinct.

### Objectives

- O1. To protect the setting of heritage items and significant places and properties within heritage conservation areas.
- O2. To ensure that elements, including spatial elements that contribute to the setting of the significant item or streetscapes within the heritage conservation area are retained.
- O3. To retain original plantings and landscape elements that are of heritage significance and contribute to the setting of items and conservation areas.
- O4. To promote landscaping that is consistent with the character of individual buildings and groups of buildings, and with the character of heritage conservation areas.

### Controls

- CI. For development which affects significant gardens, landscaping, curtilage and/or setting of heritage items and properties within heritage conservation areas, a detailed landscape plan will be required.

**Note:** Refer to the submission requirements for landscape plans in Part I Schedules.

- C2. Original garden settings, remnants of gardens and individual plantings are to be retained, particularly where visible from the public domain or noted within an approved conservation management plan or heritage inventory sheet.
- C3. New work is not to result in the loss of significant garden plantings or garden areas whether directly or through loss of sunlight or access to groundwater.
- C4. Significant trees are to be retained in place.  
  
**Note:** In some cases, a Tree Management Permit must be obtained to carry out tree works.
- C5. Front gardens should include low formal planting and or landscape designs which allow views of the streetfront elevation to be maintained.
- C6. New plantings are to maintain appropriate curtilages for buildings and protect important views and landscape features.
- C7. Where mature trees or landscaping require removal to enable development, compensatory replanting with trees and landscaping of equivalent stature and landscape function is to be provided.
- C8. Succession planting programs are to be initiated for significant trees and mature plantings reaching the end of their life cycle.
- C9. The effect of any proposed excavation and landfill as part of development must be considered and minimised in order to avoid adverse impacts on the current and future health of trees located on the development site or adjoining sites.

## D1.9.5. Views

### Explanation

The sloping topography of the Blue Mountains offers wide-ranging panoramic and district views from many private and public places. These views are significant features of the area's character. Important and iconic views from the public domain allow people to see and interpret the landscape and landmark features. These public domain areas include ordinary streets and identified vantage points. Tourist drives and significant tourist and town sites with iconic views are particularly important to preserve from adverse impacts. Views from major heritage items are also important.



### Objectives

- O1. To conserve significant views and vistas, including immediate street views, district views and distant views to, from and within significant items and streetscapes.
- O2. To provide additional views from streets and other public spaces where opportunities arise.

### Controls

- C1. Significant and distinctive views in and around conservation areas and their identified significant features are to be retained.
- C2. Views from public open spaces to skylines, escarpments, and long district views are to be preserved, and adverse impacts minimised.
- C3. Locations of new trees are to enable views to be framed and protected when the trees reach maturity.

## DI.9.6. Commercial, industrial and public buildings

### Explanation

Commercial, industrial and public buildings have always been an important feature of Blue Mountains towns. Many town centres have significant buildings with architectural styles that include the Victorian, Federation and the Inter-War periods and date from the 1860s to the 1940s.

Public building types include shops, hotels, hospitals, churches, schools, post office buildings, police stations, courthouses and railway stations. Building materials include stone, brick, stucco, render and timber.

Early industrial buildings are also spread throughout the LGA with a variety of forms, materials and intactness and may include garages, workshops, service stations and light industry factories. These buildings sometimes have a monumental but simple 'shed' aesthetic of brick and corrugated iron. Some industrial buildings are not conventionally considered 'attractive' due to their basic functionality but have an important aesthetic significance and sometimes technical significance associated with industrial practices.

Traditional shopfront buildings are dealt with in the following part DI.9.7 Traditional shopfront buildings.

### Objectives

- O1. To retain forms, significant elevations, details and finishes of commercial, industrial and public buildings.

- O2. To retain good representative examples of significant architectural styles in the historic development of commercial, industrial and public buildings.

### Controls

- C1. Principal building forms are to be retained.
- C2. Significant architectural elevations and significant finishes and details are to be retained.
- C3. New work for the adaptive re-use of a building is to be consistent with the overall character of the building type, its architectural style and its context.

## D1.9.7. Traditional shopfront buildings (*Late Victorian, Federation, Edwardian and Inter-War c.1890-c.1945*)

Most of the Blue Mountains village centres have historic shopfronts which are remnants of the growing tourist industries and town development of the late 19th and early 20th centuries. There are substantial numbers of traditional shopfront buildings, particularly in Blackheath, Katoomba and Leura. These retail precincts are notable for their intact historic character and compact form and the older retail buildings are representative of early twentieth century forms, being narrow two- or three-storey masonry buildings with parapets to the street, an iron skillion roof behind, and with shopfronts opening to the footpath and a small residence or commercial space on the level above. Many are heritage-listed.

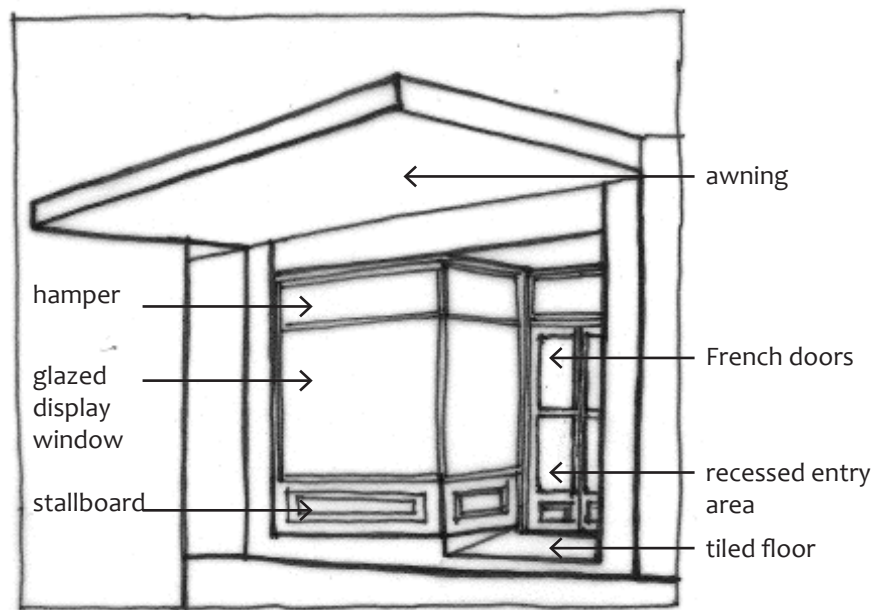
The cohesiveness of these retail areas is derived from the continuous planes of the upper level parapet forms and over-footpath awnings. Traditional shopfront detailing is diverse, which adds appeal and visual interest to the overall streetscape.

This section applies to traditional shopfront buildings dating from the Late Victorian, Federation, Edwardian and Inter-War periods (c.1890 – c.1945). This includes buildings listed as heritage items or within heritage conservation areas but is also relevant to those shopfront buildings within specific town centre precincts identified in Part G of this DCP and to some degree within Period Housing areas. Specific precinct controls are identified in Part G Locality Management.

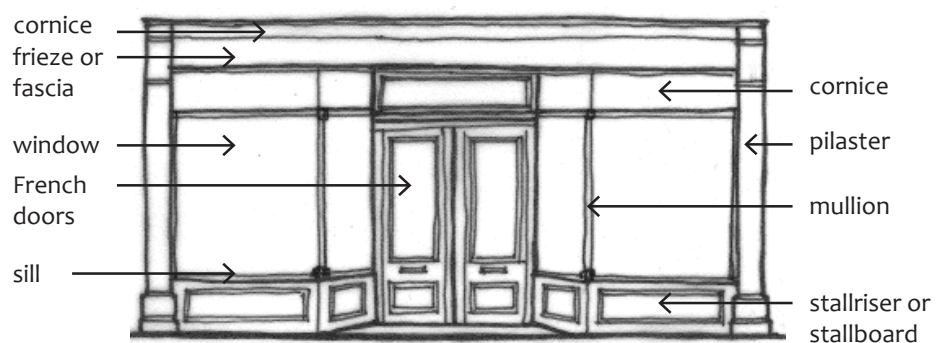
Characteristics of original shopfronts include:

- decorative facades and parapets
- bronze alloy or timber shopfront framing with large display windows

- recessed and tiled entries or 'in-gos'
- steel awnings suspended from the first floor facade
- decorative joinery
- patterned terrazzo floor tiling
- glazed enamel wall tiling
- leadlight glass
- roofs generally simple skillion forms falling to the rear of the property from behind the parapet in a single long slope



**Part DI - Figure 4:** Traditional shopfront elements. A single frontage is the most common type of shopfront in the Blue Mountains.



**Part DI - Figure 5:** Double-fronted shopfront type

## Objectives

- O1. To preserve the original and early fabric of traditional shopfront buildings.



- O2. To ensure restoration, reconstruction and infill development involving traditional shopfronts is in accordance with, or sympathetic to, traditional shopfront design and detailing, and that adverse impacts and loss of fabric is minimised. Refer to Figures 4 and 5 above.
- O3. To ensure new development near or adjacent to traditional shopfront buildings is sympathetic to the historic character, and where relevant, the heritage significance, of shopfronts and streetscapes.

### Controls

#### Original fabric and restoration

- C1. Development applications relating to significant shopfront buildings must demonstrate an understanding of the style and period of the shopfront, particularly where the site is part of a group.
- C2. All original or early shopfronts and any associated fabric are to be retained and conserved where significant, including tiled and terrazzo flooring to shop entrances.

**Note:** Where accessibility requirements conflict with the original fabric of shop entry areas, a solution is to be reached that appropriately balances conflicting requirements.

- C3. The internal layout and structural walls of residential shop-top housing that forms part of a traditional shopfront building is generally to be retained.
- C4. Where original shopfronts or facades have been altered, significant contributory detailing and other characteristic elements are to be reinstated where there is evidence of the original style or detailing on the building or within the row or group.
- C5. Repairs or replacement of traditional shopfront fabric must retain the 'in-go' (recessed entry) form of the shopfront where existing.
- C6. Where there is evidence of early suspended streetfront awnings, such as original suspension points and suspension devices, these are to be retained or reinstated where possible.

#### New shopfronts and infill

- C7. New work must respect the traditional patterns of the shopfronts in the wider streetscape.

- C8. New work must respect the differing street frontage conditions of other building types such as former post offices, churches, hotels and early office buildings. Conversion of these building types to shopfronts is not generally supported.
- C9. New forms, materials and details should match or be sympathetic to the (predominant) style and period of the wider streetscape.
- C10. New shopfronts may be contemporary in style, but respond to the characteristic elements of traditional and significant shopfronts in the surrounding area, including coursing lines, window arrangements, surface treatments, and awning details.
- C11. The whole of the frontage at ground floor should be glazed within an appropriate framing structure, except where there is a side entry to an upper level.
- C12. A recessed entry should be provided.
- C13. Detailing is to use *Part D1 - Figure 4 and 5* as a guide to new development.
- C14. New street verandahs or balconies of infill development are not to imitate or replicate traditional verandah or balcony detailing, but are to reference traditional forms using contemporary design and traditional materials where possible.
- C15. Blanking out of glazed areas with signage or opaque film is not supported.
- C16. Roller shutters are not acceptable for shopfront windows. Traditional black scissor-grilles should be used for security if required.

### D1.9.8. Infill development

#### Explanation

*Infill development* refers to new development within an existing urban context. Infill development provides an opportunity for the continuing enrichment of urban areas by adding new built form which is an expression of contemporary life. When this occurs within the context of a heritage conservation area or within the curtilage of a heritage item special consideration must apply in order to retain *heritage significance*.

For infill development in heritage conservation areas and on heritage sites, the design will be required to demonstrate an appropriate response to context and an approach which enhances the conservation area and its *cultural significance*.



A contemporary design approach which respects the historic context and achieves a cohesive relationship between the existing and new urban fabric is promoted, rather than the replication of historical architectural styles for infill development.

### Objectives

- O1. To encourage development on infill sites which reflects contemporary values and employs contemporary design, and provides an appropriate response to the historic context of the area.
- O2. To ensure that infill development is sympathetic to and harmonises with the established context and character of the area, making a positive contribution to the area.

### Controls

- C1. For infill development in heritage conservation areas or on heritage sites, applicants are required to provide a *Heritage Impact Statement* as well as a site and context analysis that identifies the important characteristics and features of the surrounding area. The site and context analysis should follow the guidelines for site and context analysis set out in *BI Site Analysis*.
- C2. Infill development is to be sympathetic to existing buildings in siting, scale, form and proportion, without imitating historic detailing. New work must be visually subservient to the existing character within the vicinity, and be able to be understood as new development.
- C3. All buildings are to have features such as windows, doors and/or verandahs oriented to address the primary street frontage and enliven the streetscape.
- C4. Materials, finishes, textures and colours are to respond to the historic context. They are generally to be similar or sympathetic to the characteristic materials, finishes, textures and colours of the original significant buildings within the streetscape. Refer to the materials in *Part D1 - Table 1* for traditional materials and acceptable solutions for infill.



## DI.9.9. Accessibility, fire upgrading and fire safety

### Explanation

Heritage significance and heritage fabric can be at odds with the legislative requirements to provide equitable access, fire safety upgrading and bushfire protection measures. Often there are a number of possible ways these requirements can be met and those options which allow for the least impact to heritage items and heritage conservation areas are encouraged.

The advice of a heritage specialist can be beneficial in the formulation of alternative solutions and design detailing to ensure maximum retention of heritage value.

Refer to E3 Accessibility for a guide to equitable access and the relevant legislation, and part E5 Safety and Security for fire safety in buildings and the relevant legislation.

**Note 1:** The Office of Environment and Heritage (OEH) has a Fire, Access and Services Advisory Panel (FASAP) that provides formal advice and assistance. The OEH website has useful information.

### Objectives

- O1. To ensure that the need to provide equitable access, fire safety upgrading of buildings and bushfire protection measures takes into consideration the heritage significance of heritage items and buildings within heritage conservation areas.
- O2. To ensure that the maximum possible heritage fabric is retained during upgrading processes for access, fire safety and bushfire protection measures.

### Controls

- C1. When new elements such as ramps, lifts, railings, signage and alarms are required in order to provide equitable access, adverse impacts upon heritage fabric are to be minimised. This includes heritage spaces, features and building appearance from the street.
- C2. The installation of new elements such as fire doors, stair nosings, ceiling linings, wall linings, railings, exit signs, fire extinguishers, hose reels, protective materials or treatments and other equipment, and the requirement to re-swing exit doors, is to take into consideration and minimise the adverse impacts upon heritage fabric, spaces, features and appearance from the street.
- C3. Alternative solutions, deemed-to-satisfy provisions and negotiated agreements with fire safety and access experts are to be applied wherever possible to maximise positive heritage outcomes.



## DI.10. Specific building elements

The following guidelines apply to development that affects heritage items and heritage conservation areas.

Any *Heritage Impact Statement* required for development affecting heritage items and within heritage conservation areas will need to set out how development proposals have responded to the following objectives and controls where relevant.

### DI.10.1. Building materials

#### Explanation

Building materials are often referred to as the fabric of the building. When put together in a building they become what is seen and appreciated visually; literally they are the building. Much of the significance of heritage buildings lies in their original fabric. Retention of fabric is critical to the integrity of the building, and removal should only be considered when elements are beyond repair.

Worn elements such as door sills, stairs and floorboards do not necessarily need replacing if sound. The evidence of use apparent through wear on the *fabric* is part of its history, and *conservation* should protect such evidence.

#### Objectives

- O1. To retain and conserve the original external materials and finishes of heritage items and buildings within heritage conservation areas, and where appropriate, internal materials and finishes.
- O2. To ensure that alterations and additions to heritage properties are constructed of materials and finishes that adequately take into consideration the existing building type, architectural style and construction period.

#### Controls

- C1. New or replacement materials to heritage fabric and significant forms are to use the materials in *Table DI-1* below as a guide to appropriate materials for different architectural elements, periods and styles.
- C2. New materials are to be compatible in terms of colour, texture, finishes and proportions within a building and a group.
- C3. Original weatherboards are not to be removed or covered by new cladding.

C4. Existing face brickwork and stone walls are not to be coated, rendered or painted.

C5. Original render is not to be removed.

**Note:** Buildings with render over brickwork were not intended to have exposed brickwork. The bricks are usually of lesser quality and can weather rapidly due to their age and porosity. Removal of render is discouraged.

C6. Mortar colour and type is to be appropriate to the affected brick or stone. New cement and repointing is to match a traditional mortar mix. The use of lime is generally preferred over a high cement content.

C7. The impact of new services is to be minimised and isolated wherever possible. Chasing in to stone or brick is strongly discouraged; conduit and pipe is to be surface-mounted wherever possible.

**Part D1 - Table 2:** Traditional, preferred and intrusive building materials.

Building component	Typical external building materials
ROOFS	
Traditionally	<ul style="list-style-type: none"><li>• Victorian and Federation brick buildings: Welsh slate and South Australian slate. Occasionally with traditional ornamental patterns in contrasting colours.</li><li>• Federation and Edwardian weatherboard cottages: Corrugated galvanised iron in short lengths and associated details and fixings.</li><li>• Federation and Inter-War buildings: Unglazed terracotta/ Marseille tiles.</li></ul>
Preferred new roof materials	<ul style="list-style-type: none"><li>• Traditional roof materials to suit the style and period (see above).</li><li>• Victorian and Federation buildings in heritage conservation areas: Zinc-coated corrugated steel with associated zinc-coated gutter details and fixings (zincalume/Colourbond) is generally acceptable, in appropriate colours from a heritage palette or earth tones.</li></ul>
Intrusive roof materials	<ul style="list-style-type: none"><li>• Klip-lok or metal deck roofing</li><li>• Concrete roof tiles</li><li>• Metal roof colours that are inappropriate such as cream, blue, beige. (Heritage red or green is preferable, or plain galvanised).</li><li>• Terracotta tiles on pre-Federation buildings</li><li>• Glass (other than permitted in skylights)</li></ul>





## WALLS

Traditional materials and preferred new wall materials

- Victorian or Federation brick buildings: Sandstone blocks for walls or as a base course to brick walls
- Victorian, Federation and Inter-War buildings: Face brick (dry-pressed). The associated details may include tuck pointing on the principal elevation and areas of roughcast render.
- Victorian, Federation and Edwardian cottages: Timber weatherboards. The profiles vary depending on the construction date and building façade. Primary facades often have rusticated profile weatherboards.
- Victorian and Federation buildings - sides of dormer windows and outbuildings: corrugated galvanised iron, zinc-coated corrugated steel ripple iron or weatherboards.
- Edwardian and Inter-War cottages: Fibrous cement sheeting with battens and a rendered and painted finish – but only if window reveals of minimum 100mm external depth are achieved.

Intrusive wall materials

- Extensive areas of glass sheeting.
- Poor reproduction fibre-cement or plastic weatherboards and faux texturing.
- Circular pattern render (mock Spanish).

## WINDOWS

Traditionally

- Timber framed, double-hung or casement windows. Grouping of windows more complex in the Federation and Inter-War periods.
- Plain glass in the Late Victorian era.
- Often with multi-paned and coloured glass panes to top and bottom of windows in Federation era.
- Leadlight and patterned glass in the Inter-War period.

Preferred new windows

- Timber framed windows – double hung or casement.
- Steel frames to rear of buildings where not visible from the public domain.
- Metal frames for ground floor shops and commercial premises where appropriate.
- Plain clear glass.
- Coloured and patterned glass for replacement in appropriate circumstances.
- Black-painted metal scissor grilles for shopfronts.

Intrusive windows	<ul style="list-style-type: none"> <li>• Metal frames, other than to the rear of buildings where not visible from the public domain.</li> <li>• Sliding windows.</li> <li>• Window walls, glass bricks and bubble glass.</li> <li>• Timber or metal frames not reflecting traditional proportions.</li> <li>• Roller shutter security and roll-down security screens to windows.</li> </ul>
<b>DOORS</b>	
Traditionally	<ul style="list-style-type: none"> <li>• Victorian and Federation: Timber solid core, panelled. Utilitarian doors are usually ledged and braced.</li> <li>• Edwardian and Inter-War doors are high-waisted.</li> <li>• Etched or frosted glass in the top panels of the late-Victorian front doors and small coloured glass panes in Federation doors.</li> </ul>
Preferred new doors	<ul style="list-style-type: none"> <li>• Solid core timber-framed and panelled doors to match original doors for reconstruction work.</li> <li>• Solid core timber-framed, glazed timber-framed doors, glazed steel frame in appropriate circumstances.</li> <li>• Black-painted metal scissor grilles for shopfronts.</li> </ul>
Intrusive doors	<ul style="list-style-type: none"> <li>• Fully-glazed doors to the streetfront elevation of residential properties.</li> <li>• Hollow core and timber doors with detail and panels inappropriate to the architectural style of the building.</li> <li>• Roller shutter doors to residential houses, retail and commercial premises.</li> </ul>
<b>SHUTTERS</b>	
	<ul style="list-style-type: none"> <li>• Victorian: Timber louvred shutters are appropriate for some windows and/or doors on certain building types.</li> </ul>
<b>VERANDAHS AND BALCONIES</b>	
Traditionally	<ul style="list-style-type: none"> <li>• Victorian, Edwardian, Federation: Corrugated iron or slate roofs to match the principal roof material.</li> <li>• Timber boarding for floors, and timber framing for floor structure or verandah framing.</li> <li>• Victorian: Floors of stone flagging, marble, unglazed multi-coloured tessellated tiles on masonry buildings.</li> <li>• Victorian, Federation: Timber posts or sometimes cast iron, of a square or circular cross-section, with chamfered edges and other decorative details.</li> <li>• Victorian: Cast iron friezes, brackets and balustrade panels with iron or timber handrails.</li> <li>• Early Victorian and Federation: Timber balustrades.</li> <li>• Late Victorian and Federation timber buildings: Timber brackets, spindles, friezes, handrails, balustrades, joists and other joinery, often with decorative detail.</li> </ul>





Preferred verandah materials	<ul style="list-style-type: none"> <li>• Traditional materials for reconstruction.</li> <li>• Materials similar to traditional materials for infill buildings but without elaborate detailing.</li> </ul>
Intrusive verandahs and balconies	<ul style="list-style-type: none"> <li>• Pebble-crete, modern concrete, large form modern tiles.</li> <li>• Perspex or similar type materials for roofs.</li> <li>• Glass roofs to street elevations.</li> <li>• Glass balustrading</li> <li>• Wire fencing</li> </ul>
<b>FENCES</b>	
Traditionally	<ul style="list-style-type: none"> <li>• Victorian: Iron palisade, on sandstone or rendered bases. Occasionally rendered masonry with inscribed ashlar coursing.</li> <li>• Victorian and Federation timber buildings: Timber pickets with spaced posts. Detail of post tops and picket tops to be appropriate in relation to house.</li> <li>• Federation brick buildings: Low brick fence with piers and panels.</li> <li>• Federation, Edwardian, Inter-War: Woven wire on a timber or metal frame.</li> <li>• Inter-War: Low brick fence with cast iron decorative Art Deco panels or similar to match house.</li> <li>• Brick and timber fences or brick with iron inserts on some Federation period buildings.</li> <li>• Timber post, rail and paling to side and rear boundaries beyond front building line.</li> </ul>
Preferred fence materials	<ul style="list-style-type: none"> <li>• Generally as per traditional fences but with consideration to building style and context.</li> <li>• Contemporary interpretation or simplified traditional fence details with traditional materials for infill development.</li> </ul>
Intrusive and unacceptable fences	<ul style="list-style-type: none"> <li>• Cement blocks.</li> <li>• Full height brick fences.</li> <li>• Sheet metal and aluminium fences.</li> <li>• Materials and forms inappropriate to the building style.</li> <li>• Paling fences to front boundaries.</li> <li>• Brushwood fencing.</li> </ul>

## D1.10.2. Roof forms

### Explanation

Traditional roof forms vary with the layout of the building. Most roofs will begin with a main roof form of a rectangular hipped form or gable over the principal building, which is then modified with the addition of gables or further hipped forms over front, rear or side projections. The layout of the building interior and external walls determine the ultimate form of the roof; the interior, walls and roof must function harmoniously to create the most functional and pleasing internal and external forms. Refer to *Part D1 - Figure 6* for roof forms and terms.

The angle of roof pitch is an important indicator of roof form. Traditional roof pitches are around 35 degrees. The pitch of roof should remain constant throughout the primary building, as differing degrees of pitch usually create problems. Roofs became more gently pitched in the Inter-War and Post-War periods.

Commercial buildings usually have a brick parapet wall to the streetfront, with a simple and long skillion form concealed behind the parapet over the shop itself to the rear.

Detailing of ridges, eaves, gutters and downpipes, gable ends all affect the appearance and character of the roof.

### Objectives

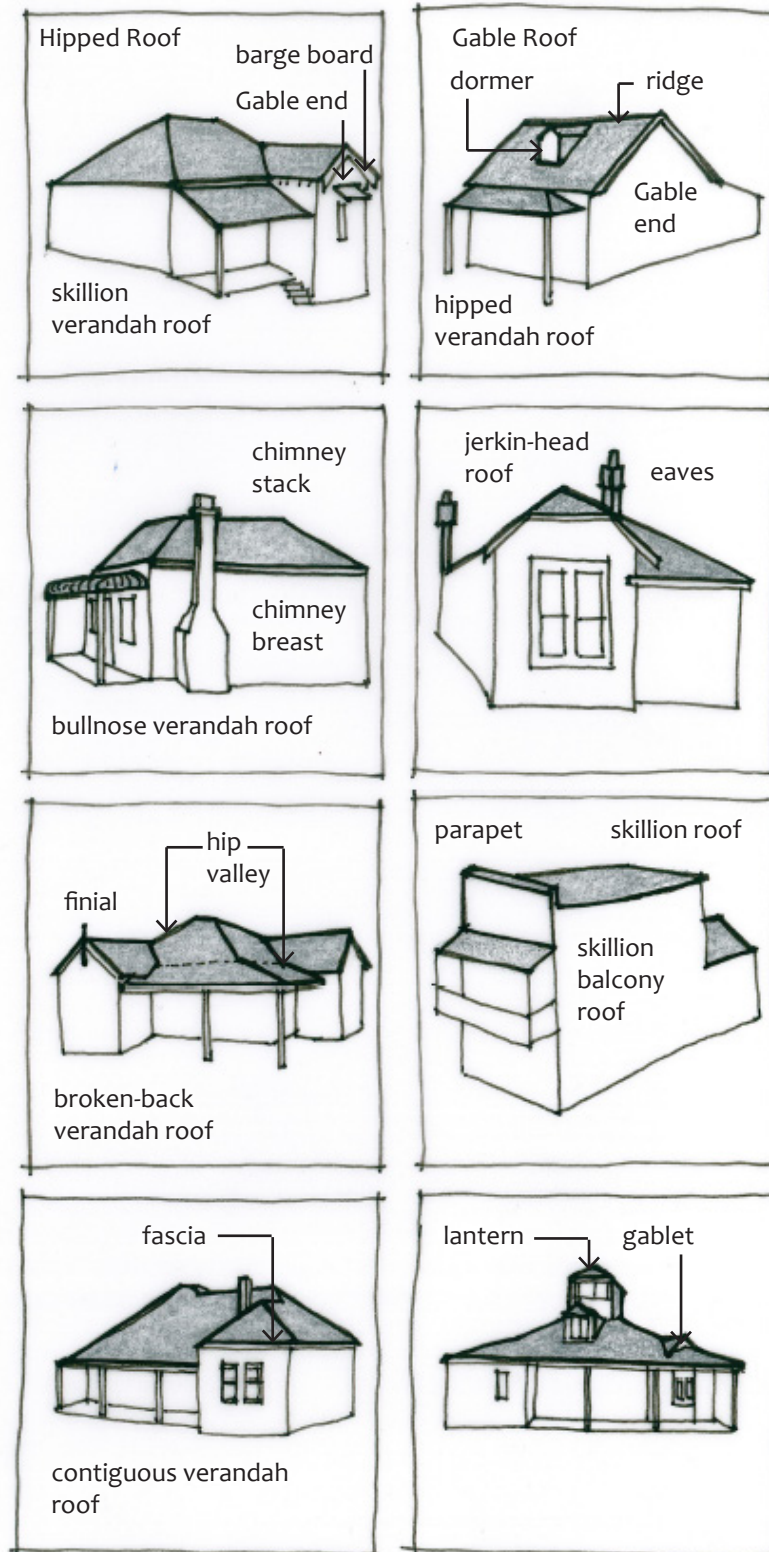
- O1. To retain and conserve the original forms of roofs and their associated detailing and components.
- O2. To ensure that new roofs are compatible in design, form and construction with traditional roofs.

### Controls

- C1. The original roof form is to remain the dominant built element.
- C2. The roof forms of alterations and additions are to be consistent and or compatible with the forms, pitch and detailing of the primary roof.
- C3. The ridgeline of any new roof is to match or be lower than that of the primary roof. An exception may be alterations and additions to the rear where a separate pavilion roof is not visible from the street.
- C4. Existing roofs are not to be re-pitched to accommodate attic development.
- C5. Dormer windows to front roof planes are not likely to be supported unless there is evidence of their previous existence.



- C6. If an attic development is proposed, dormers and/or skylights are only to be constructed in the rear roof planes, or side planes if not visible from the public domain. Support for dormers will generally be a merit-based assessment dependant on individual circumstances.



**Part DI - Figure 6:** Traditional roof forms and roof elements.



## D1.10.3. Verandahs

### Explanation

Many buildings obtain their visual interest from verandahs, which create a strong pattern of light and shade by their projection and add decorative detail. Verandah roofs can be of various forms, with the most common being the simple skillion form. Other forms are bullnose and ogee, with many verandah roofs continued on from the main roof, with the pitch of the verandah roof sometimes being lesser than the main roof. This is termed a 'broken back' verandah roof.

Verandahs have an important function in creating a transitional space between the exterior and interior of the house, and provide amenity and weather protection as well as a place for passive surveillance. Where verandahs are visible from the street, they are an important contribution to the streetscape.

Detail incorporated into verandah forms includes timber or cast iron posts, brackets, friezes, balustrades and railings, and covering roof forms. Timber is the prevalent material for traditional verandah construction and detailing in the Blue Mountains.

Many verandahs in the Blue Mountains have been infilled to create an additional internal space and provide better weather protection. Early verandah infill can be part of a buildings' heritage significance.

### Objectives

- O1. To retain and conserve the original and early forms of verandahs and their associated detailing and components.
- O2. To ensure reconstruction or infill of verandahs is carried out with due consideration for significance.

### Controls

- C1. Existing verandahs on front elevations and their original detailing are to be retained and not altered.
- C2. Verandahs must not be enclosed by security grilles or roller shutters.
- C3. Existing verandah enclosures can remain although restoration is also desirable. Support for the removal of earlier verandah enclosures will generally be a merit-based assessment dependant on individual circumstances. The ridgeline of any new roof is to match or be lower than that of the primary roof. An exception may be alterations and additions to the rear where a separate pavilion roof is not visible from the street.



- C4. New or replacement enclosures must be traditional in form and detailing, with lightweight finishes and grouped casement-style windows to the external elevation. Support for the construction of new verandah enclosures will generally be a merit-based assessment dependant on individual circumstances.

## DI.10.4. Windows and doors

### Explanation

The majority of window types available in the late nineteenth and early twentieth century were double-hung timber-framed sash windows. Windows are commonly rectangular in shape and vertically-proportioned. Where a larger opening was desired, windows were set in groups. Casement windows became popular in the Federation period. Often these were grouped in threes.

The number of panes reflected stylistic fashions and advances in the manufacture of the size of sheets of glass. In the Federation period both casements and double-hung windows were sometimes embellished with additional glazing bars, panes and coloured and patterned glass. Decoration was focussed on the street elevation where it could be shown off to advantage. Windows to the rear of properties remained plain.

Bay windows to front gables and side windows often have a protective window hood or awning supported on decorative timber brackets.

The front door was the most elaborate door of the house, commonly featuring moulded and recessed timber panels, with glass panels textured, patterned, etched and or coloured. Around 1910 the front door was commonly 'high-waisted', with the central cross beam of the door structure raised above the centre of the door. Doors to verandahs were usually timber French doors. More elaborate doors had fanlights above the door and/or sidelight windows to either side of the front door.

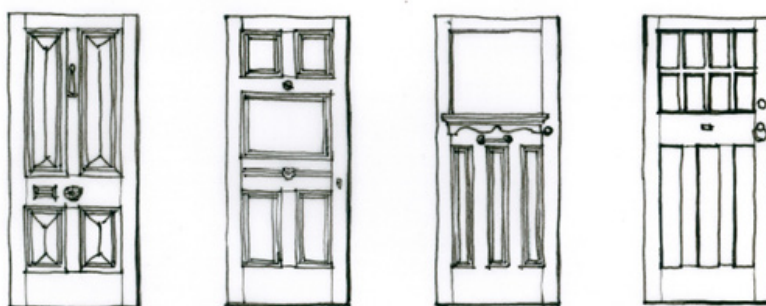
### Objectives

- O1. To retain original doors and windows and their associated detailing and joinery components.
- O2. To reinstate traditional windows and doors consistent with the architectural style of the building on significant elevations facing streets.
- O3. To retain the visual prominence of windows and doors visible from the public domain.



## Controls

- C1. Door and window style is to be appropriate to building style and period. Refer to *Part DI - Figures 7 and 8*.
- C2. Vertical proportions of existing openings are to be retained, and new windows and doors are to be of vertical proportions.
- C3. The installation of double glazing to original windows must not be apparent from the external face of the window.
- C4. Security bars, mesh or roller shutters are not likely to be supported, particularly where visible from the public domain.



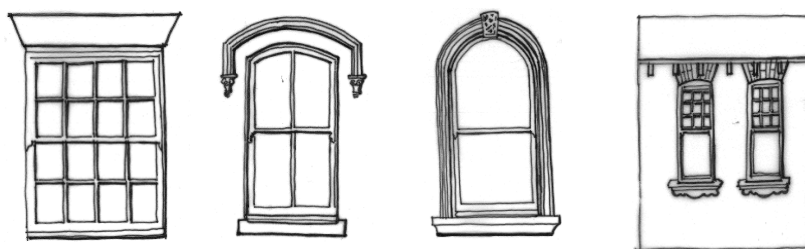
Late Victorian

Edwardian

About 1915

About 1925

**Part DI - Figure 7:** Door types of the Victorian, Federation and Inter-War periods. Source: "How to Restore the Old Aussie House", Ian Stapleton, Flanner Flower Press, 1991

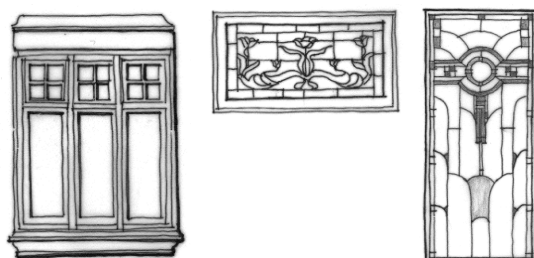


Early Victorian  
c.1830-1850

Mid Victorian  
c.1850-1870

Late Victorian  
c.1890-1910

Federation/  
Edwardian  
c.1900-1910



Federation/  
Edwardian  
c.1915

Art Nouveau  
leadlight c.1900-  
1915

Art Deco  
leadlight c.1915-  
1940

**Part DI - Figure 8:** Window types of the Victorian, Federation and Inter-War periods



## D1.10.5. Interiors

### Explanation

The interiors of heritage properties are important and surviving original fabric and layouts have the ability to demonstrate historic ways of living and of working, and of the domestic, social and commercial practices of past generations. Original elements generally significant to the building interior include timber floors, fireplaces, distinctive joinery, staircases, pressed metal ceilings and decorative plasterwork.

### Objectives

- O1. To protect original internal features such as fireplaces, mantles, timber detailing, ceilings, cornices, original floorboards and tiles that retain character and authenticity of items and buildings in conservation areas.

### Controls

- C1. New openings in internal walls and floors and ceiling structures must retain the structural integrity of the building (and its neighbours where relevant), and retain the significant original ceilings and cornices. Interpretation of original wall positions and room proportions should be provided.
- C2. Where substantial guest houses, hotels and residential flat buildings have foyers with significant interior features, including hallway detailing, panelling and significant staircases, designed to be visible from the street, these elements are to be retained.



## D1.10.6. Exterior colours

### Explanation

Exterior colours used on buildings of the Victorian, Federation and Inter-War periods were from a comparatively narrow range due to the limited availability of colouring agents. They were used to enhance the natural colours of building materials and highlight particular elements or decoration. Generally in the Victorian and Federation periods the wall colours were to imitate the natural colours of stone, and were from the pale palette – off-white, buff, biscuit, cream and so on. Decoration would be picked out with richer tones: deep red or deep green, browns.

### Objectives

- O1. To conserve historic colour schemes.
- O2. To protect the values of heritage conservation areas by ensuring heritage colour schemes are consistent within the streetscape and enhance the values of the conservation area.
- O3. To promote colour schemes that are appropriate to the character of the individual buildings, groups of buildings, and the historic context.

### Controls

- C1. Colour schemes must be appropriate to the building type and style.
- C2. Colour schemes are to relate to heritage colour palettes but can be a contemporary interpretation. A paint scrape exercise to determine original or early colour schemes may be required with some applications.
- C3. At least two contrasting colours are to be chosen for the elements of the principal facade (and secondary façade if a corner building).
- C4. Fluorescent paints and primary colours are unlikely to be supported by Council.
- C5. Buildings within the Katoomba Central Urban Conservation Area are to demonstrate adequate consideration of the paint schemes of the Katoomba Town Centre Heritage Paint Scheme Study available from Council upon request.

**Note:** Original unpainted sandstone, brickwork, terracotta, glazed or tessellated tiling that is unpainted or unfinished by other mediums is not to be rendered, bagged, painted or otherwise refinished.



## D1.10.7. Fences, walls and gates

### Explanation

Front fences and gates are often the first thing that is seen when approaching a heritage property and can set the tone for the rest of the experience. Fences should be of an appropriate style to ensure they match the house and provide a harmonious setting. The most critical component of a fence is the material choice: the fencing material should always match the primary building material. Timber houses generally had timber fencing; brick houses had brick fencing. Fencing panels may match the balustrading on the front verandah.

Fences can also dominate the streetscape, block neighbourhood surveillance, and reduce social interaction. Tall blank fences facing the street are particularly unsympathetic as they separate the house from the public domain.

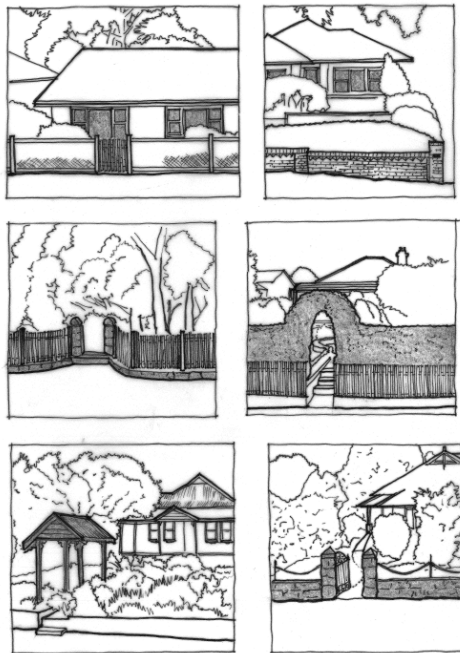
### Objectives

- O1. To retain original walls, fences and gates.
- O2. To reinstate traditional fences and gates on street frontages in a style and manner consistent with the existing buildings.
- O3. To maintain traditional heights of fences and their elements.

### Controls

- C1. Original fences and gates are to be retained and repaired as necessary. Details and heights must match the existing where repairs occur.
- C2. Fences forward of the building line are to be consistent in materials and detail with the period and/or style of the primary building, and to be semi-transparent to allow views through to the front setback.
- C3. New fences are to be compatible with surrounding development.
- C4. Fence heights forward of the building line are to be a maximum of 1.2m high.
- C5. If a higher fence is supported by Council for particular circumstances, it should be screened with planting at the boundary line, which may require the fence to be set back within the existing property boundary.
- C6. Colorbond or other sheet fencing is not appropriate for any boundary fence and is unlikely to be supported. Side and rear fencing should be unpainted timber palings.
- C7. Gates are to extend to no higher than the top of the fence.

- C8. Elaborate worked metal gates (including security gates) are not likely to be supported.



**Part D1 - Figure 9:** fencing is to match or be sympathetic to the character of the building. Edwardian and Federation timber buildings usually have timber picket fences and brick buildings of the Inter-War period usually have low brick fences.



## D1.10.8. Car parking and garages

### Explanation

Garages built to the street are usually unsympathetic intrusions in heritage properties and heritage conservation areas, as the majority of properties were built prior to the common use of the motor car. Garages, carports, parking areas, driveways and crossovers reduce opportunities for trees, soft landscaping and usable open space in the front setbacks of properties. These elements are to be carefully designed to ensure that they do not detract from the appearance and appeal of established streetscape patterns and the rhythm of front gardens and front elevations.

### Objectives

- O1. To ensure that significant buildings, rather than vehicular access and parking structures, remain the dominant element in the streetscape.
- O2. To ensure that the design of garages, carports, driveways, fences and gates are sympathetic in their location, form, materials and details to the setting of nearby buildings.
- O3. To encourage development that is scaled for the pedestrian in terms of height, articulation and modulation.

### Controls

- C1. No additional formal parking or garaging is likely to be supported in that area of the site which forms the front building setback.
- C2. Garages are to be detached structures located in the rear garden area.
- C3. Driveways should be formed of two wheel tracks wherever possible to reduce visual impact on the conservation area and setting of the building.
- C4. Car parking should not be constructed in mature gardens at the expense of the landscape setting.
- C5. Car parking below additions, infill or existing buildings is not likely to be supported unless historic evidence in relation to the site supports this.
- C6. Garage design and external materials are to be compatible with and sympathetic to the primary building style.
- C7. Driveways are not to be surfaced with bright white, stamped or patterned concrete.



## DI.10.9. Aerials, air conditioners, solar panels, and satellite dishes

### Explanation

The roofscapes of town centre heritage conservation areas are an integral part of their overall significance. The introduction of unsympathetic and intrusive visual elements such as satellite dishes, solar heating devices, air-conditioning and condenser units can have an adverse impact on the aesthetic significance of the individual buildings and the area generally. The fixing of these structures on roofs and chimneys can also contribute to physical damage and possible loss of original fabric and detail.

**Note:** Certain exemptions apply for heritage items and buildings in heritage conservation areas under the *State Environmental Planning Policy (Exempt and Complying Development) 2008* ('the Codes SEPP') and also the *State Environmental Planning Policy (Infrastructure) 2007* ('the Infrastructure SEPP').

### Objectives

- O1. To protect and retain significant roofscapes and views.
- O2. To protect the original fabric and details of roofs and chimneys.
- O3. To ensure that satellite dishes, solar heating devices, solar electricity generators, air conditioning systems, aerials, solar panels and similar devices do not detrimentally impact on the character and significance of individual buildings and the streetscape.

### Controls

- C1. Solar panels are not generally permitted to the front roof planes or where highly visible from the street.
- C2. Solar panels must make minimal intrusive change to significant roof fabric.
- C3. Solar water heater storage tanks, ventilators, wind generators, air conditioning units, satellite dishes and antennae and the like should not be visible on the main elevation of a building or attached to chimneys where they will be obvious. Services and equipment should be installed to the rear, within the roof space or flush with the rear roof cladding and at the same pitch. They are to be of modest size and not prominent from the street or adjoining properties.
- C4. External conduits must be bundled and concealed by matching the colour of the external surfaces of the building.



## DI.II. Specific heritage conservation areas

### Explanation

The City of the Blue Mountains has nineteen heritage conservation areas. Most of the heritage conservation areas are small groups of residential buildings. The remainder are the larger heritage conservation areas focused on town centre shopping precincts in the upper Mountains such as Katoomba, Leura and Wentworth Falls. Heritage conservation areas are relevant not just to private properties within the conservation area but also to the public domain of streets, parks, and so on, and to properties adjacent or within the vicinity of the conservation area.

Larger conservation areas such as the Central Katoomba Urban Conservation Area contain a large diversity of buildings with varying degrees of heritage significance, intactness and physical condition.

In most cases, these features are to be conserved and their values protected. Should any inconsistency arise, the specific controls prevail over the general conservation area controls.

Where no specific heritage provisions apply in this section for an identified heritage conservation area, the general development controls in DI.9 Development controls for heritage properties will apply.

Reference should be made to the heritage inventory sheets Council has prepared for each conservation area. These are available on the Heritage Branch website.

### DI.II.I. Central Mount Victoria Village, Mount Victoria (MV023)

Mount Victoria is unique amongst all of the villages in the City of Blue Mountains. It provides a great deal of evidence of the growth and development of the Blue Mountains with the advent of the railway line during the second half of the nineteenth century and the subsequent consolidation of road transport during the twentieth century. It was a most important railway terminus for many years and a major tourist destination until the era after World War I. These aspects of its past are evident in built items such as the railway station and the large resort hotels that are still visual landmarks in the town. Its school is historically significant, being the first public school established in the Blue Mountains, and the early date of its post office underlines the importance of the village in the economy of the Blue Mountains at the end of the nineteenth century.

The village has great aesthetic significance because of the inter-relationship of its built fabric, placed in a setting characterised by open spaces and extensive stands of mature trees. Winding approaches to the village are distinguished by tall pine trees that mark the presence of the village in the bushland landscape. The alignment of the village streets reflects the gradual and unplanned patterns of original settlement. Roads are distinguished by soft edges and unformed

drainage swales which contribute to the village character. There are important views within the village including to significant buildings and landscape elements. The vistas presented on Station Street between the Great Western Highway and Montgomery Street are amongst the finest townscapes in the Blue Mountains.

**Note:** The relevant controls of D1.9 and D1.10 also apply to development.

### Objectives

- O1. To ensure that the setting of scattered, informal patterns of modestly-scaled buildings (excepting the guesthouses), low density, open spaces and large lots, is maintained and not altered by infill development or significant intensification of existing development.
- O2. To ensure that the extensive stands of mature trees are maintained.
- O3. To conserve the exceptional views and vistas on Station Street, between the Great Western Highway and Montgomery Street.

### Controls

- C1. The existing guesthouses and hotels are to remain the main built forms in terms of the scale, form and appearance of the village. Any large service land use is to adaptively re-use an existing building rather than provide a new purpose-built structure.
- C2. New fencing is not supported where no fencing currently exists. Informal and formal landscaping elements as appropriate should define roads, lanes and borders rather than fencing.

## D1.11.2. Lurline Street Guesthouse Group, Katoomba (K053)

The group of guesthouses on Lurline Street between Gang Gang Street and Church Lane is a cohesive group of early- to mid-twentieth century two- to three-storey guesthouses with a mix of stylistic influences ranging from Arts and Crafts and Classical motifs to Californian bungalow style. The group displays a unity of scale, form and materials. They are representative of the development of guesthouses and the tourist industry in the upper Mountains in the early twentieth century. They also reflect the significance of estate agents in Katoomba between the wars, not only in buying, selling and leasing holiday accommodation and commercial premises but also in their own speculative building of new accommodation houses.

**Note:** The relevant controls of D1.9 and D1.10 also apply to development.



## Objectives

- O1. To preserve the imposing scale and consistency of built form of the guesthouse group.
- O2. To encourage the conservation of the existing buildings and their ongoing use for holiday accommodation.

## Controls

- C1. Inter-War colour schemes are to be retained and enhanced.
- C2. The ability to share from street level the viewscape enjoyed from the guesthouses should not be affected by new development (including on the eastern side of Lurline Street).
- C3. The fine sandstone retaining walls to Lurline Street are to be retained without modification, for example, the construction of additional openings.
- C4. Any new garage openings are to follow the existing pattern of single-width openings.
- C5. Use of the buildings as guesthouses is retained in preference to alternative uses.
- C6. The pattern of building siting that results in a series of stepped facades is to be preserved.
- C7. Relationships between the group and the retail areas to the south and west are to be retained.
- C8. Relationships between the eastern facades and the local viewscape particularly to the east and southeast are to be retained.
- C9. The detailing of the public domain including the rock-faced sandstone retaining walls, and the rhythm of individual garage openings, is retained and enhanced.

### D1.11.3. Central Katoomba, Katoomba (K159)

The Katoomba Town Centre has been assessed as being of State significance because it provides strong evidence of the importance and growth of Katoomba as a tourist destination in the early twentieth century through its surviving shops, cinemas, cafés, churches and flats, many of which were built as speculative developments to serve the tourist market.

The Katoomba commercial precinct has an outstanding intact collection of early twentieth century commercial buildings representative of many of the popular



commercial styles of the Federation and Inter-War periods, many of which have retained their original leadlight to the transoms, with timber or chrome-framed glazing for display cases and windows, and recessed shopfronts. Some have also retained their original gilded painted signs to the glazing above the front door, which is a very rare feature, and several, such as the Niagara and Paragon, continue to serve their early functions as refreshment rooms. Others such as the Savoy demonstrate the evolution of theatres and amusement halls into cinemas.

Buildings such as the Carrington Hotel, the Savoy, the former Embassy theatre, the Paragon and the Niagara are of high individual historic, aesthetic and social significance.

The dominance of the Carrington Hotel and its associated garages and former powerhouse, with its imposing chimney on the landscape, give the townscape a strong identity and focal point. The chimney stack is a powerful yet utilitarian marker for the town centre that is at odds with the gracious qualities of the Hotel.

The survival of a number of churches and residential flats within the commercial precinct gives an added dimension to the streetscape, providing a subtle break in rhythm. The church groups provide additional interest as free standing buildings with their own curtilage created by the use of individual street walls.

The precinct has additional appeal with its network of laneways and driveways penetrating beyond the shopfronts and providing links to the nearby residential areas, flats and guesthouses. A contemporary layer of street furniture helps to emphasise the coherence of the long streetscape of Katoomba Street.

**Note:** The relevant controls of D1.9 and D1.10 also apply to development.

### Objectives

- O1. To maintain and enhance the distinctive pattern of narrow-fronted retail shops set closely to form a largely continuous and stepped retail streetscape, punctuated by significant buildings.
- O2. To ensure that any infill development respects the consistency of built forms, materials and detailing of the original shops in the precinct.
- O3. To ensure that any new retail shopfront is traditional in its form even if contemporary in its details.
- O4. To retain and enhance the network of narrow lanes and passages that provide through-links to Lurline Street, Pioneer Place, the Cultural Centre and the Carrington Hotel grounds.

## Controls

- C1. The Carrington Hotel is to remain the predominant element in the landscape.
- C2. The distinctive pattern of streets, laneways, passageways and driveways within and accessing the conservation area are to be retained and enhanced.
- C3. The predominantly two-storey character of the retail parts of the conservation area is to be retained.
- C4. The stepped pattern of development down Katoomba St and surrounding topography is to be retained and enhanced.
- C5. Original shopfront detailing, such as bronze-, chrome-, and timber-framed glazing with decorative leadlight and glass, painted and gilded signs, tiled entries, original doors, and pressed metal soffits to awnings are to be retained and conserved.
- C6. The clock arch over the northern part of Katoomba Street is to be retained.

### DI.11.4. Railway Parade, Leura (LA029)

The heritage conservation area demonstrates substantial houses in a range of styles that were popular at the time, built on generous lots with traditional cool-climate gardens. The group provides evidence of the key period of settlement of Leura, as a burgeoning and prestigious village, desirable for permanent occupation by affluent families following the opening of the railway station. The group reflects a diversity of forms and styles from 1880 to 1930, some of which are rare in the upper Mountains. All dwellings are substantially intact and no infill development has occurred to diminish the coherence of the group.

The streetscape has high aesthetic qualities due to the curvilinear alignment of Railway Parade and the sweeping curves of the fences, street plantings, footpaths, gardens and building setbacks that mirror and define this curve and the edge of the private and public domains. Individual buildings have staggered setbacks as a result of the traditional pattern of setting back buildings a consistent distance from the curving road alignment. The St Bonaventure's Catholic Church is an important contributory component of local streetscape views. Deloraine is associated with the Church through its former use as a school associated with the Church.

**Note:** The relevant controls of DI.9 and DI.10 also apply to development.

## Objectives

- O1. To encourage the continuation of traditional uses and limit inappropriate uses.
- O2. To protect the integrity of the precinct as an intact group demonstrating a range of forms of substantial housing typical of that found in Leura at the turn of the twentieth century.

## Controls

- C1. The houses are to remain occupied as private dwellings wherever possible.
- C2. The church is to remain in community use.
- C3. The integrity and variety of traditional built forms in the conservation area are to be respected in all new development.
- C4. The integrity of garden areas and individual plantings are not to be harmed by infill development or significant intensification of existing development.
- C5. The streetscape plantings of London Plane Trees are to be retained.

### D1.11.5. Central Leura, Leura (LA018)

The commercial section of Leura Mall is of State significance because of the integrity of the assemblage of commercial and public service buildings which grew up rapidly after the railway station opened in Leura in 1890. The Mall is also significant, like Katoomba, in having a major church building within the commercial precinct. The roadway itself is of significance because of the difficulties which it presented to the municipal authorities to maintain and beautify.

The Central Leura conservation area retains a substantial number of early twentieth century buildings that combine to give the streetscape a distinctive character. A large number of early shopfronts with their recessed entries, metallic framing, marble and tiled work survive and provide important pedestrian interest. This aspect of the streetscape has been reinforced by mid-twentieth century buildings with their chrome shopfronts and curved glass entries. The compactness of the commercial centre reinforces the village atmosphere of the precinct.

The Central Leura conservation area retains the typical character of an early twentieth century commercial centre in a small town, and is a rare example of a high quality small commercial centre retaining very substantial integrity. There are important views from the rear of many of the shops toward Katoomba,



and similarly, important views from parts of Katoomba to the rear of the shops within the western boundary of the conservation area.

**Note:** The relevant controls of DI.9 and DI.10 also apply to development.

### Objectives

- O1. To maintain and enhance the largely intact and contiguous retail streetscape comprised of small groups of narrow-fronted shops punctuated by modestly scaled public and community buildings.
- O2. To retain the form and visual prominence of the central median as the focus of the shopping precinct.
- O3. To retain the undeveloped character of the area at rear of the shops along the western elevation of Leura Mall.

### Controls

- C1. The central planted strip of London Plane trees are to be retained as the focus of the precinct.
- C2. All development is to respect the village-scale of the shopping precinct by being less than two stories in height, stepping down the hill, addressing the main street frontage and being traditional in its scale and form.

## DI.11.6. Great Western Highway Residential Precinct, Wentworth Falls (VWF044)

This group of houses along the highway created before the First World War, including residences, a guesthouse and ultimately a police station has local significance as an early strip development adjacent to the village of Wentworth Falls. The seven houses have significance as an attractive group set well back from the main road at the entrance to Wentworth Falls.

Although most of the front setback and garden settings of each property have been lost, and one building demolished, the group continues to include good representative examples of many of the early twentieth century residential forms of the upper Mountains, including two examples that are rare within the local government area.

**Note:** The relevant controls of DI.9 and DI.10 also apply to development.





### Objectives

- O1. To protect the integrity of the group of modest, yet prominently sited and substantially intact residential dwellings that demonstrate a range of styles and forms from the late nineteenth and early twentieth centuries.
- O2. To appropriately revegetate and re-establish the front setbacks where negatively impacted by the Highway upgrade.

### Controls

- C1. Maintain the low density, residential nature of development.
- C2. Alterations and additions are to occur at the rear of the properties.
- C3. Surviving garden areas and individual plantings are to be preserved.
- C4. New development is to include revegetation of front gardens.

## DI.11.7. Wentworth Falls Cottages, Wentworth Falls (WF073)

The group of cottages in Westbourne Avenue demonstrate their original architectural form and the characteristics of their setting. It is understood that the cottages may have been built originally at one of engineer Thomas Mort's docks in Balmain on Sydney Harbour and then transported or rebuilt in their present location. Mort was involved in the construction of the Zig-Zag Railway from Victoria Pass and this theory may be a valid one. Confirmation would require detailed inspection of the sub-floor and roof fabric as well as more detailed documentary research.

These are potentially very rare examples of the practice of moving wooden Victorian cottages around. If the strong local belief that they came from Mort's Dock in Balmain can be substantiated, the level of significance becomes higher, though still at the local level.

**Note:** The relevant controls of DI.9 and DI.10 also apply to development.

### Objectives

- O1. To retain the integrity of the cottages as a highly intact group, demonstrating very rare design and compositional detailing, particularly in their context as a group of originally identical cottages.
- O2. To preserve the integrity of the dwellings as a set of very modest cottages with an atypical form set on generous lots in an informal, bushland-edge setting.
- O3. Retain the natural and traditional elements of the setting as a complementary curtilage for the cottages.

### Controls

- C1. Retain the rare asymmetrical, yet balanced, composition of the street façade of each cottage.
- C2. Retain the streetscape rhythm of setbacks and stepping levels.
- C3. Existing roof forms are to be conserved.
- C4. Alterations and additions are not to compromise the character of the group as a whole.
- C5. Roofs of additions are not to be visible from the street where impacting the appreciation of the principal building forms.
- C6. The setting of modest cottages on large generous garden lots is to be retained.
- C7. Views through to the rear between each cottage are to be retained.
- C8. Bushland is to be retained to the rear to frame views over the group.
- C9. Subdivision and siting patterns are to be retained. Subdivision and infill development are not likely to be supported.
- C10. Retain the soft road verges and unformed edges to Westbourne Avenue.

### DI.11.8. Station Street Precinct, Wentworth Falls (WF032)

The Station Street Precinct provides an important focus for the entrance to the centre of the Wentworth Falls village from the Great Western Highway, and includes several individually significant buildings and socially significant public places such as the original 1896 station buildings, which unlike most on the Blue Mountains line, were not altered as a result of the duplication of the line in 1902; civic memorials such as the 1921 War Memorial designed by architect John Burcham Clamp; and a small, but well maintained, semi-formal park named in commemoration of Queen Elizabeth II's coronation.

The streetscape qualities of the precinct are strong, with the open space of the park and railway station (and the undeveloped area further to the east) being balanced by the strongly expressed street wall of the shops and the activity and pedestrian interest of the intact shopfronts with a variety of cafés and local shops for both visitors and local residents.

**Note:** The relevant controls of DI.9 and DI.10 also apply to development.

## Objectives

- O1. To conserve the visual and functional dominance of the existing group of shops and former post office building as the focus of retail activity in Wentworth Falls.
- O2. To ensure that the existing group of shops retains its form and detailing as a highly intact group of early twentieth century shops that can be readily appreciated from the public domain and 'in the round'.
- O3. To protect the strong visual and functional link between the shopping precinct and the station through the linking memorial garden.

## Controls

- C1. The quality of the streetscape, with the fine group of distinctive shop buildings balanced by the well planted and maintained park and railway station is to be conserved.
- C2. The War Memorial and Coronation Park is to be conserved and enhanced in line with the strong social and community feeling it evokes.
- C3. The intact views to the buildings from the entrances to and within the Precinct, and the undeveloped, vegetated quality of the backdrop to these views is to be retained and enhanced.
- C4. New work is to respect and respond to the traditional forms of the shops and other buildings within the heritage conservation area.
- C5. Any adaptive re-use of a building or space within the precinct is to respect and respond to the heritage significance of the fabric of the building and its role as part of the Station Street precinct.
- C6. New retail or commercial development is to be contained within the existing footprint of the precinct.
- C7. The rear elevations and intact alternating rear forms to the shops and Post Office building in Station Street are to be retained and conserved.
- C8. Traditional brick paving is to be retained and conserved. Repairs are to use matching bricks.



### DI.II.9. Other heritage conservation areas

The following heritage conservation areas are also identified in Schedule 5 of LEP 2015 and on the accompanying *LEP 2015 Heritage maps*:

- Mt Tomah and environs (MT002)
- Mt York and environs (MY008)
- Mt Irvine and environs (MI001)
- Mt Wilson Conservation Precinct (MW026)
- Jamison Valley (K007)
- Residential Precinct (LA 033)
- Honour Gardens, Lawson (LN014)
- Henry Street Cottages, Lawson (LN025)
- San Jose Avenue and Badgerys Crescent Cottages, Lawson (LN030)
- Railway Parade, Hazelbrook (H008)
- Macquarie Road, Springwood (SP056)

The heritage inventory sheets for the above heritage conservation areas should be used as guiding documents for development in these areas. The heritage inventory sheets are available on the OEH website.

- CI. Development within these conservation areas is to be in accordance with the provisions of Parts DI.9 Development controls for heritage properties and DI.10 Specific building elements.



# PART D2

# PERIOD HOUSING



## Introduction

The historic character of Blue Mountains towns and villages, particularly in the upper Mountains, is an integral part of the Blue Mountains' identity as a unique community and as a major tourist destination. Character values are based around historic towns and older housing set within the spectacular and scenic natural environment and established garden settings. Despite the initially remote setting of Mountains towns, national and international architectural styles of the twentieth century are represented in a myriad variety of residential forms.

The larger villages and towns of the mid to upper Mountains include extensive areas of substantially intact Late Victorian, Federation, Edwardian and Inter-War housing that are linked with the early development of the Mountains and the subsequent boom periods. The buildings and streetscapes of these areas have high representative and aesthetic value. These building types and styles contribute a character that is rare due to the consistency of building scale, lot size and streetscape. They contribute to the overall cultural significance of the area.

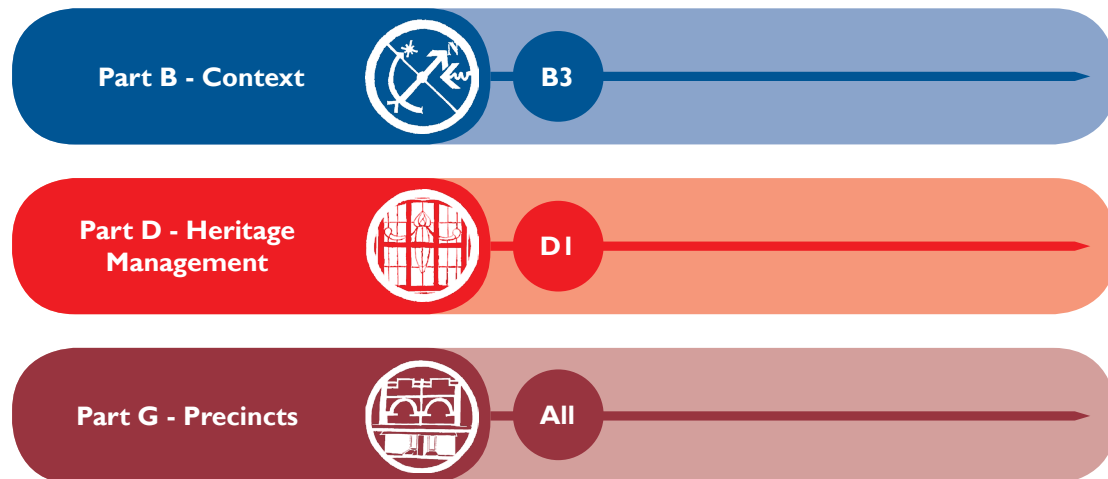
Although individual houses may sometimes be inconsistent with the historic character, overall the streetscape rhythms and coherence of these areas has been maintained. Single-storey dwellings forms are generally retained at a consistent scale and density, and an established mixture of native and exotic plantings create a soft and pleasing setting for many streetscapes and building frontages.

Some properties within a Period Housing Area may also be listed as *heritage items* and/or within *Heritage Conservation Areas*. Heritage Items and Heritage Conservation Areas are mapped on the *LEP 2015 Heritage Map*. In these cases, where any inconsistency arises within this DCP, the heritage controls for heritage items and heritage conservation areas listed in Part D1 Heritage Conservation take precedence.

Period Housing Areas may also occasionally overlap with precinct areas identified on the *LEP 2015 Built Character Map*. Refer to the development controls for specific precincts listed in Part G Locality Management, which take precedence over the Period Housing Area controls, in the event of any inconsistency.

**Note:** It is also necessary in the case of Period Housing Areas to refer to Part C3 Landscape of this DCP, in particular the zone-specific controls for residential zones under Part C3.7.

**Read in conjunction with:**



**Submission requirements:**

*One or more of the following types of reports may need to accompany a development application:*

- *Character Assessment;*
- *Demolition Report*



## D2.1. Development controls for Period Housing

### Explanation

Period Housing Areas provide an important contribution to the historic character of many towns and villages within the Blue Mountains. These areas are protected under clause 6.18 (Period housing area) of LEP 2015. The following controls provide further guidance for works to buildings within Period Housing Areas, in order to achieve the period housing objectives within the LEP 2015.

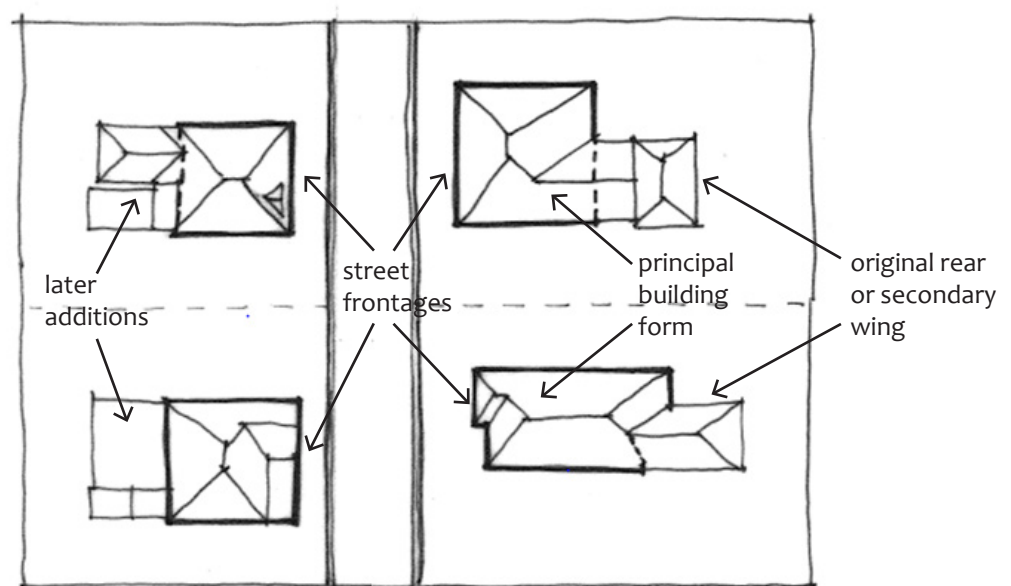
### Objectives

- O1. The objectives for buildings and land within Period Housing areas are set out in LEP 2015.

### Controls

Retention of character and streetscape values

- C1. Existing traditional older buildings are to be retained as the primary structure. Generally this applies to the principal building form as defined in *Part D2 - Figure 1*.



**Part D2 - Figure 1:** Illustration of principal building form

- C2. Original fabric and features from the primary façade and any secondary façade, particularly where visible from the public domain are to be retained.
- C3. The reconstruction of lost original windows and doors or other elements visible from the street is encouraged.





- C4. The removal or reversal of unsympathetic alterations and additions that obscure the original form or fabric is encouraged.
- C5. Existing sympathetic landscape elements are to be retained, including trees and other plantings, driveways, paths fences and outbuildings.
- C6. New landscaping is to be provided that is compatible in size, form and plant selection with the bulk, scale and character of the buildings on site. Landscaping is not to obscure the presentation of the building or its contribution to the streetscape.
- C7. Fences and gates are to match the primary building in terms of materials, scale and details. Fences should be low and transparent; high fences that block views are discouraged.

#### Alterations and additions

- C8. New work is generally to be located to the rear of the building.
- C9. Rear additions are not to be visible from the street front above the roof ridge of the principal building form.
- C10. New roof forms are to maintain consistent form and pitch with the primary roof, and where relevant, adhere to traditional roof forms.
- C11. Roofs are not to be re-pitched to accommodate attic development.
- C12. If an attic development is proposed, dormers and/or skylights are only permitted in the rear roof plane, or where not visible from the public domain.

#### Materials

- C13. Existing face brickwork is not to be rendered, bagged or painted.
- C14. New building materials are to match or be sympathetic to the original materials or to traditional materials.

#### New and infill development

- C15. New development is to retain the modest scale and presentation of significant residential building types and their settings.
- C16. New development is to retain the dominance of the existing primary roof form from the public domain.



- C17. Development is to contribute to and continue the built character of a local area by incorporating forms consistent with surrounding development, particularly roof forms, roof pitch, ridge and/or parapet heights. Buildings should respond to the articulation and scale of walls. New forms can also include the use of verandahs, porches and awnings.
- C18. The proportions of new buildings where visible from the public domain are to respond to typical and/or traditional door and window patterns and solid to void ratios. Refer to *Part D2 - Figure 2*.
- C19. Design of new buildings is to balance horizontal and vertical proportions, window positions and openings on all building facades where visible from the public domain.
- C20. Applications for changes to Period Housing properties are to have regard to the relevant part of the style guide in D2.2. and retain character elements.

#### Submission requirements

- C21. LEP 2015 clause 6.18(3) sets out criteria to be considered for the assessment of development in Period Housing areas. Generally these considerations would be addressed in a detailed assessment of character. A character assessment for a Period Housing development is to include a component of site analysis and a component of context analysis. Reference should be made to the site analysis and context analysis requirements within Part B1 Site Analysis of this DCP which will assist in providing further detail on submission requirements to satisfy this clause.
- C22. Demolition of a building in a Period Housing area is constrained by the considerations of LEP 2015 clause 6.18(4). Where documentary evidence is required in regard to the condition or economic viability of the building, a demolition report prepared by a suitably qualified consultant is to be submitted, demonstrating that the cost of the repair would exceed the value of the repaired buildings. It would also need to be conclusively demonstrated that the values of the Period Housing Area would not be adversely affected by a loss of significance.

## D2.2. Significant residential building types in Period Housing areas

The Blue Mountains has an impressive number and variety of older residential buildings that contribute to the Blue Mountains historic character and charm for residents and visitors alike. These buildings contribute to the major town centres and to the surrounding older residential neighbourhoods. Many of these buildings have remained untouched and intact over time due to the limited pressures for redevelopment of Blue Mountains urban areas. These buildings often have high representative and streetscape value, and as a whole demonstrate a wide variety of architectural and decorative features typical of each style and period.

This section provides a basic style guide to the most prevalent styles of timber and brick cottages and bungalows within Period Housing areas. The development controls earlier in this part should be used to guide new development.

### D2.2.1. Timber cottages (*Late Victorian to Federation, c.1890 – c.1915*)

#### Farmhouse cottages

The farmhouse cottage form references the early verandahed buildings of the Colonial and Victorian periods, and is based on a simple and symmetrical layout of four rooms arranged around a central hallway, with a central front door. The cottage is usually centrally placed on a wide block and positioned to address the street. The early cottages are set close to the ground usually raised on stumps or brick piers where required by the site topography.

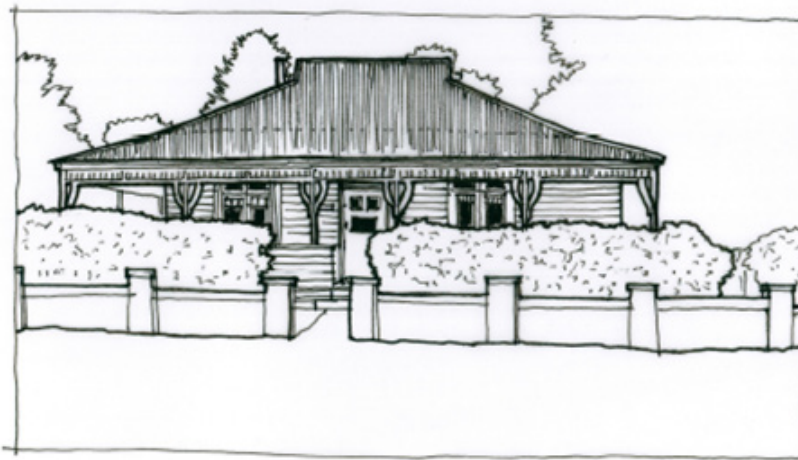
Basic features of the farmhouse cottage include:

- Single-storey generous form, with verandahs creating a wider frontage.
- Corrugated iron roof with one or two chimneys.
- Chimneys of brick with round terracotta pots.
- Utility rooms such as kitchens and bathrooms were provided under skillion roofs to the rear or in separate outbuildings.
- Vertically-proportioned windows symmetrical to the main façade.
- Timber weatherboards with rusticated weatherboards to the front elevation.
- Timber-framed doors.
- Garages, sheds and outbuildings were separate structures at the rear of the site.
- Simple timber double-hung sash windows with clear glass.
- Prominent wide verandahs encircle three sides.
- Front fences and gates were simple in design, generally timber pickets or woven wire on timber frames.
- Larger lots had hedging or windbreak trees at the frontage.
- Specimen tree plantings were popular, along with fruiting trees in back gardens.





**Part D2 - Figure 2:** Simple symmetrical farmhouse cottage c.1900 with wraparound verandah.



**Part D2 - Figure 3:** Farmhouse cottage c. 1910 with verandah roof 'broken back' to the main roof (change of roof pitch), and decorative verandah detailing including timber frieze with spindles and decorative posts and brackets. Brick fence is uncharacteristic; a timber picket fence would be more appropriate to the period.



**Part D2 - Figure 4:** Traditional variations on the farmhouse cottage include the enclosing or partial enclosure of front verandahs with lightweight fibro walls and banks of casement-style sliding or fixed windows.



## Simple cottages

The simple cottage form had a similar room layout to the farmhouse cottage, with rooms arranged around a central hallway, although more modest variations were single-fronted, with only one room wide aside the hallway. Timber joinery appears throughout, with generally a fireplace to the front room/s and also the rear kitchen. Attic additions are rare due to the pitch of the roof, but occasionally symmetrically-placed vertically-proportioned dormers are an early addition. Rear additions are built either as a wing or across the width of the cottage.

Typical features include:

- Single-storey modest form.
- Vertically-proportioned windows and doors.
- Verandah across the front only; simple skillion, hipped or bullnose shape.
- Utility rooms such as kitchens and bathrooms were provided under skillion roofs to the rear or in separate outbuildings.
- Timber weatherboards and corrugated iron roofing.
- Front fences and gates were simple in design, generally timber pickets or woven wire on timber frames.
- Generally limited or basic decorative elements.
- Specimen tree plantings were popular, along with fruiting trees in back gardens.
- Built on narrower or smaller lots closer to town centres with a long narrow building form.
- Fences to back gardens were generally paling fences 1.8m high, or strung wire.
- Symmetrical forms where double-fronted.
- Garages, sheds and outbuildings were separate structures at the rear of the site.
- Brick chimney to one side.



**Part D2 - Figure 5:** Simple cottage c.1910s with skillion verandah roof and symmetrical window and door arrangement.



**Part D2 - Figure 6:** Simple unadorned weatherboard cottage c.1905 with symmetrical form and hipped bullnose roof to verandah.



**Part D2 - Figure 7:** Simple single-fronted cottage of narrow form commonly found in groups of narrower subdivisions. Single room width plus hallway. Hipped verandah roof. Uncharacteristic brick wall and gate from a later period.

### Gabled cottages

Gabled cottage forms are similar in materials and details to the earlier and more basic cottage forms, but the most noticeable change is the L-shaped plan that created a projecting room with a gable end that presents to the street. The remainder of the front elevation usually contains a verandah to act as a porch and shelter the entry door.

The asymmetrical presentation to the street became popular in the late Victorian period when free-standing buildings became more common and more diverse. This style of form and plan was increasingly used after 1850, and became typical after 1900. Many basic elements were retained from the farmhouse cottage style.

Typical features of the form include:

- Single-storey modest form.
- Central entry door is now within an offset front-facing verandah.



- Roofs generally clad in corrugated iron.
- Timber joinery for verandah construction such as turned or plain posts, brackets, friezes and spindles. Simple or ornate detailing to timber work.
- Vertically-proportioned timber windows and doors.
- Windows becoming more decorative, with small panes of coloured or plain glass appearing in the Federation period.
- Solid brick chimney form.
- Windows to side elevations and to the front gable, where not protected by the verandah, were often protected by a simple fixed awning.
- Front fences matched the materials of the house; weatherboard houses had simple pickets.
- Traditional variations included the return verandah which extended along the side and terminated in a second gabled room that extended over the garden elevation.
- The timber gable sometimes had a timber finial or other relatively simple details such as decorative barge boards or timber battening in a pattern layout.



**Part D2 - Figure 8:** High-pitched gabled cottage c.1905 with decorative timber barge board to gable. The pitch is reminiscent of the Victorian era. The verandah extends around the side.



**Part D2 - Figure 9:** Simple gable-front timber cottage c.1910, unusually with brick piers to verandah posts. No decoration to the front gable.





**Part D2 - Figure 10:** Gabled cottage with verandah roof broken back to the main roof, timber arches to verandah instead of brackets, and verandah-end infilled sympathetically to create additional internal space. Front verandah infilled with weatherboards, and originally returned around the side elevation (now infilled).



**Part D2 - Figure 11:** Gabled cottage with Federation detailing including coloured glass panes to windows and fanlight, two separate gable windows and plastered gable end.

### D2.2.2. Bungalows (*Federation and Inter-War periods c.1910 – c.1945*)

#### **Federation bungalows (including Arts & Crafts & Queen Anne styles)**

The Federation Bungalow style was the Australian response to the bungalow style that was developing in America. It can be seen as a transition phase between the Federation Queen Anne style and the later Californian Bungalow style that brought American Craftsman style to the world.

Stylistically, it exploited the qualities of the bungalow while frequently retaining the flair and idiosyncrasies of the Queen Anne style, although usually in simplified form.

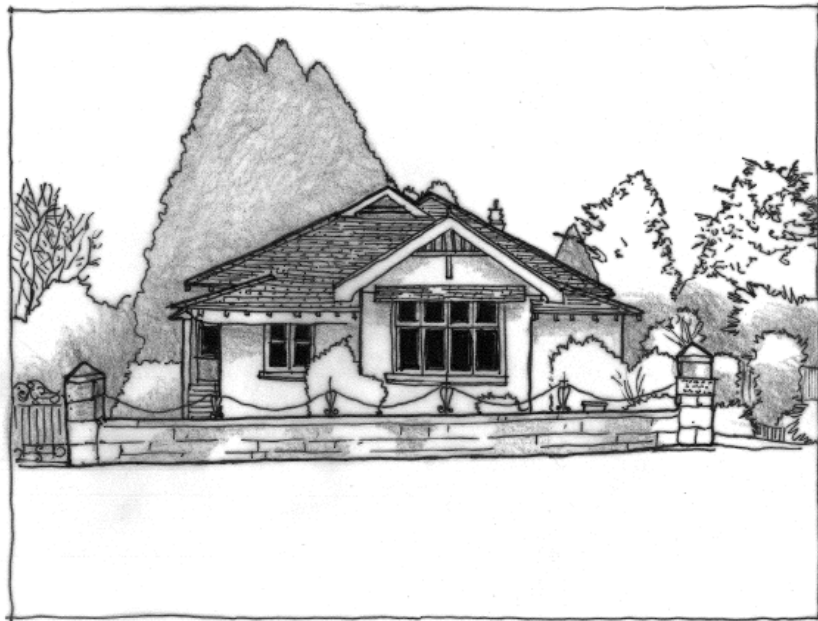


Queen Anne style influences include:

- White painted ornate timber joinery to verandahs
- Terracotta detailing

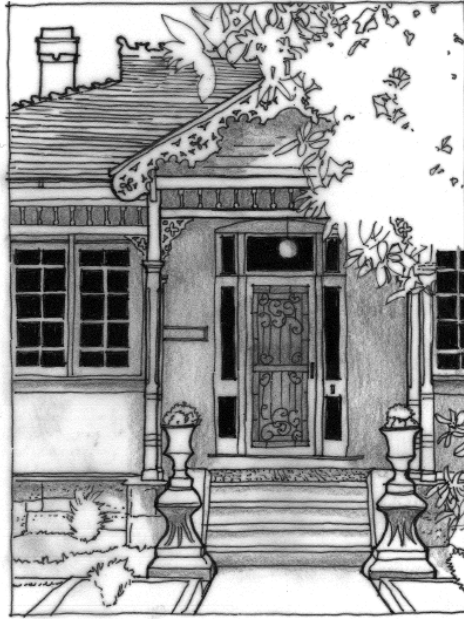
Arts and Crafts influences include:

- Leadlight glass in windows and front door panes
- Increasing heaviness of timber joinery and simplification of detailing
- Shingles to verandahs, awning roofs and gables
- Increasing emphasis on presentation of a solid front verandah, often with heavy brick piers
- The new terracotta Marseille tiles which arrived in Australia around 1890
- Increasing horizontality of building form
- High-waisted front doors



**Part D2 - Figure 12:** Expressed roof structure through visible beam ends, low stone wall, slate roof and strong details give this Federation Bungalow a solid rustic appearance





**Part D2- Figure 13:** Intricate timber detailing to gable ends, verandah posts, brackets and frieze are contrasted with fine tuckpointed brickwork giving this Federation bungalow a high level of technical expertise of construction

### Californian and Inter-War weatherboard bungalows

Bungalows in the Blue Mountains continued the preference for timber weatherboards over brickwork, although examples of both brick and timber can be seen. The new stylistic influences of the American Craftsman style were coming more into play, in particular the following:

- Timber battened gables
- Shingles to gables and verandah roofs
- Roof forms often became a double-gable form, and verandahs were often in the front gable, which could be enhanced with large masonry piers supporting the roof gable
- Honest expression of structure by the addition timber brackets and rafters at eaves, under window sills and at gable barge boards
- Fences were low or transparent to show off the garden
- Heavy verandah forms across the frontage with solid brick piers
- Gables might have roughcast render
- Infill of front verandahs is common in the upper Mountains to form a front porch area insulated from the main house. Many are highly sympathetic and do not detract from the significance or appearance of the building
- Increasing horizontality through lower roof pitch, horizontal window sets, longer verandahs and wider forms



**Part D2 - Figure 14:** Weatherboard bungalow c.1920 with symmetrical layout, heavy verandah posts and shingled verandah roof, showing influences from the Californian Bungalow style.



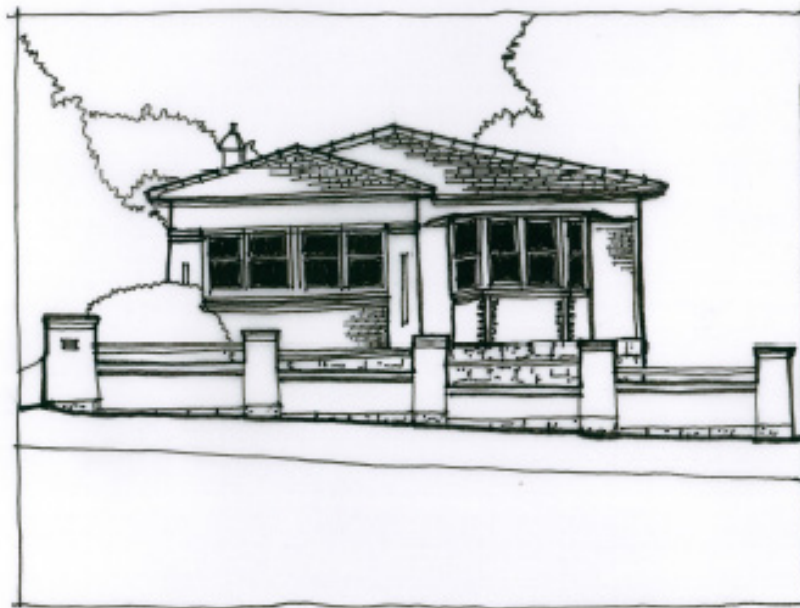
**Part D2 - Figure 15:** Weatherboard bungalow c.1920 with double frontage, heavy verandah posts and shingled and battened gables, with leadlight windows, showing influences from the Californian Bungalow style.



**Part D2 - Figure 16:** Weatherboard bungalow c.1920s with double frontage and heavy brick verandah showing influences from the Arts and Crafts and Californian Bungalow style.

### Inter-War Old English brick bungalows

Brick houses became highly desirable following World War One, and bungalow styles diversified into a variety of types. The Old English style of bungalow or cottage involved a certain sentimental attachment to the English vernacular style, which had originally referenced Tudor buildings. Typical Old English bungalows in the Blue Mountains were highly simplified, but used features such as dark face brickwork and Marseille tiles with leadlight windows to create a house of solid and comfortable appearance. In the Inter-War period leadlight glass became popular, and gable-front windows became projecting bays.



**Part D2 - Figure 17:** Solid and well-constructed Old English style of bungalow c.1930s with brick and tile appearance, but enhanced by two-tone brickwork in quoins to bay window structure and leadlight windows. Frontage formed from bay window and verandah (now sympathetically infilled with matching windows), with roof form hipped over verandah (note lack of gable form). Roof pitch has decreased from previous styles.



**Part D2 - Figure 18:** Solid and comfortable Old English style of bungalow c.1930s with garage structure attached at side. Similar to previous figure but note variation on roof form with roof hipped over bay window and verandah roof incorporated into main roof. Roof pitch has decreased from previous styles.

### Inter-War Arts and Crafts brick bungalows

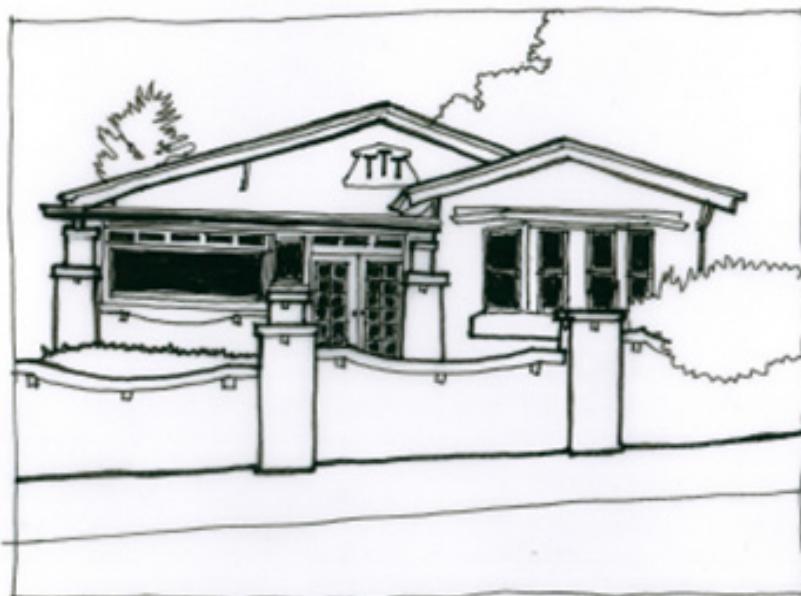
As the bungalow style developed, an infinite variety of forms and features proliferated. As the bungalow style gained popularity during the Inter-War years, the style became more solid, horizontal and rustic, with brick, stone and roughcast render more common than weatherboard as a wall material.





Verandahs become deeper and more enclosed, and the heavier construction of the house gave a more solid and cosy appearance.

The Period Housing Areas of the Blue Mountains demonstrate the wide variety of detailing employed by builders working in a vernacular of cottage and bungalow styles.



**Part D2 - Figure 19:** Arts and Crafts detailing is a feature of this gable-end bungalow, which displays a heavy verandah structure (now sympathetically infilled), roughcast render, and expression of structure through small corbels to the post caps, fence cap, window sills and brackets to the eaves.



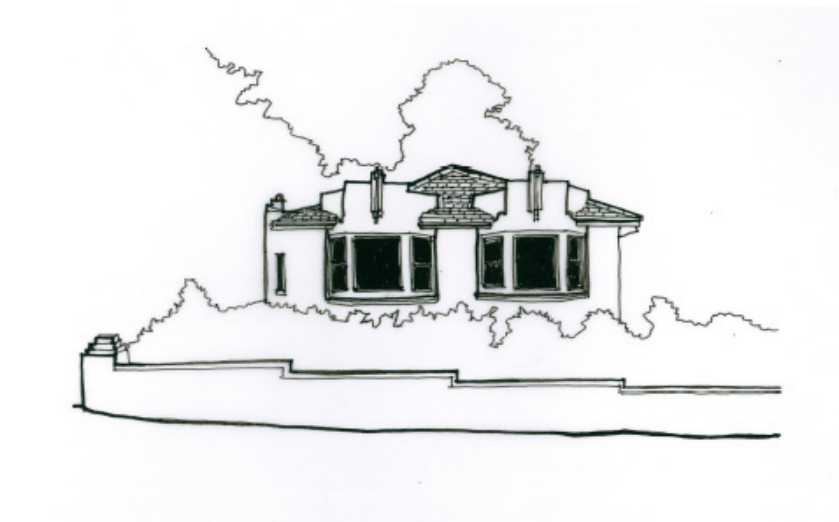
**Part D2 - Figure 20:** Although partially hidden behind a high fence, this c.1930s bungalow demonstrates the heavy horizontal form of an American Craftsman gable end across the frontage, with double posts over brick piers, fine joinery, batted gabling and leadlight windows. A mixture of Arts and Crafts and Old English details.

### Inter-War Art Deco and Mediterranean brick bungalows

During the Inter-War period, Modernism and other international styles became known and popularised worldwide. This allowed a freer rein in style, producing detailing that often blended diverse aesthetics and mixed stylistic references.



**Part D2 - Figure 21:** Inter-War face brick cottage c.1930s with decorative gable showing an amalgam of international influences including Art Deco and Mediterranean.



**Part D2 - Figure 22:** Pure Art Deco brick cottage, with matching strong faceted Art Deco forms of bay windows topped by Art Deco parapets and geometric central brick feature elements.





**Part D2 - Figure 23:** Simple brick semi-detached cottages c.1930a with Mediterranean style influences of Marseille tiles and rendered classical arched verandahs (now infilled). Small tiles are embedded in the rendered façade. Leadlight windows.

### D2.2.3. Post-War cottages (c.1945-c.1960)

An objective of the Period Housing Area is to preserve housing stock that pre-dates 1946. However within these areas, there are many contributory buildings from the Post-War years which display significant character and add to the streetscape.

The following section is intended to provide guidance for applicants on the traditional features of these buildings, despite sitting outside of the timeframe covered by the Period Housing Area controls.

Houses built in the Post-War years are generally simple in form and materials. They include the Austerity style houses of the 1950s and the range of project houses built in the 1960s and 1970s. General characteristics continue to demonstrate the heritage values of the villages and towns, including the low density patterns of development, the importance of gardens and a natural setting and the generally modest scale of structures.

Many traditional or accepted features were retained from earlier models:

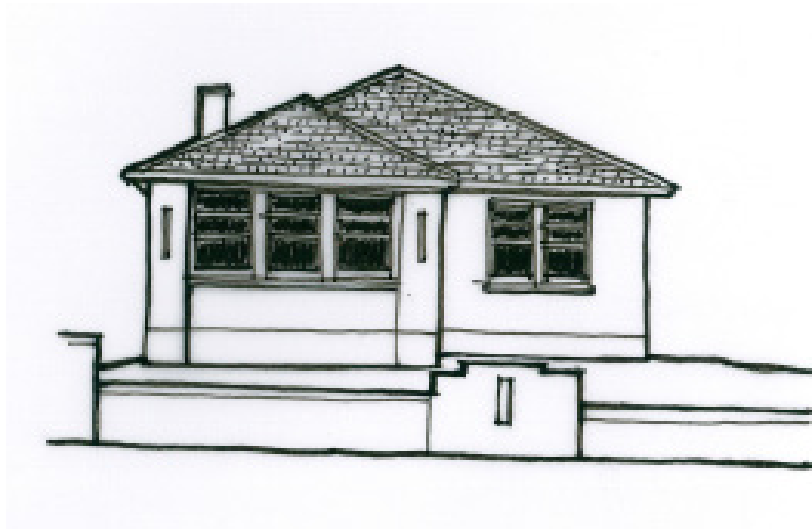
- Maintenance of single-storey forms
- Simple low brick fences with details to match house
- Use of brick and tile as the main building materials
- Weatherboards, with smaller and plainer profiles

Several key differences can be seen between the houses of the pre and post WW2 periods:

- Simplification of the details of earlier periods
- Entry areas were small porches



- Chimneys could be a decorative feature, with decorative brickwork and placement on exterior walls facing the street
- Single-storey forms sometimes had a garage underneath
- Lower-pitched roofs, with sometimes complex hipped roof form variations
- Glazed terracotta roof tiles in favour of unglazed
- Front fences were often low walls built using matching brick, and could have welded panels in contemporary designs
- The growing importance of the garage
- Materials include timber weatherboard cladding, brick and asbestos cement (fibro) panels
- Picture windows became a feature of front and side elevations, often set at a principal front corner
- Complexity of asymmetrical forms presented to the street
- Windows timber or aluminium-framed
- Specimen tree plantings were popular in the early post-War years, with native plantings becoming popular towards the end of the century



**Part D2 - Figure 24:** Simple Post-War cottage including low brick fence with details to match house. Note larger size of windows in relation to wall area.





**Part D2 - Figure 25:** Post-War cottage c.1950s with external chimney as feature to front elevation.



**Part D2 - Figure 26:** Post-War timber weatherboard cottage of unusual design and form, with curved panels of vertical weatherboards framing entry. Post-War weatherboards are relatively narrow.



**Part D2 - Figure 27:** Post-War cottage with garage incorporated into building form resulting in a more complex roof form.

# PART E

## SITE DEVELOPMENT AND MANAGEMENT

*Providing appropriate services and facilities with equity and safety*





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# PART EI SERVICES

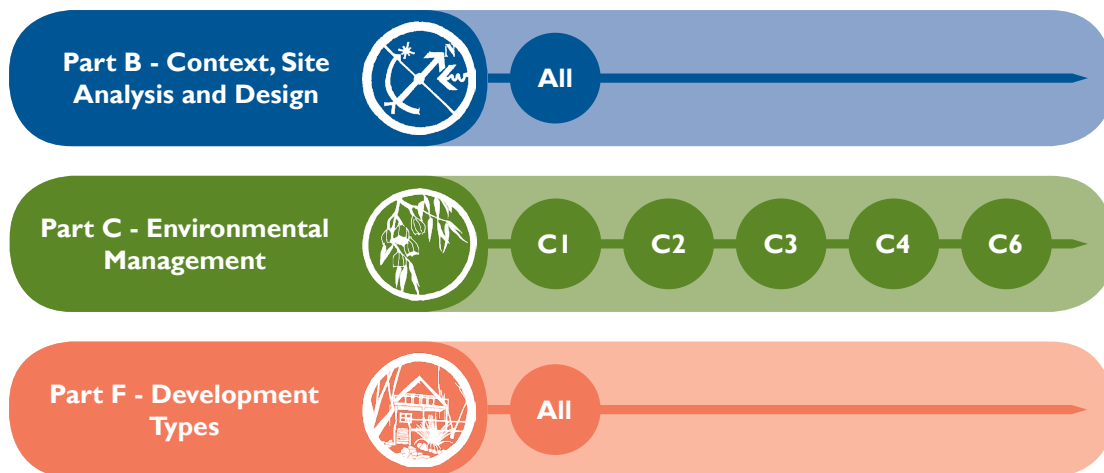


## Introduction

Blue Mountains Local Environmental Plan 2015 (LEP 2015) requires that consent is not to be granted to development unless the consent authority is satisfied that a range of services essential for the development are available or that adequate arrangements have been made to make them available when required.

The early consideration of the servicing requirements of a proposal is critical in the design and delivery of good development. The location and capacity of existing services, specific requirements of service authorities, and the location of proposed new infrastructure (such as service main extensions, pumping stations, onsite wastewater disposal systems, hydrant booster valves, electricity substations and the like) can affect the siting and design of the development.

**Note:** It is recommended that applicants consult with the relevant service authority at the initial stages of the concept planning for a development.

**Read in conjunction with:****Submission requirements:***All development:*

- A plan showing the location of existing and proposed services, connection points, easements, clearances and access ways.

*For development including Onsite wastewater disposal:*

- A Water Cycle Management Study

*For development including a Pumpout system:*

- Site and Soil Assessment Report



## EI.1. Requirements for all Development

### Explanation

The provision of adequate services is essential for all development. Consideration of servicing requirements at an early stage is important to ensure the requirements of service providers are incorporated into proposed design, and that the potential environmental and visual impact of the provision of services and service extensions are adequately considered.

The following objectives and controls apply to all development where the provision of services or service extensions is required.

### Objectives

- O1. To ensure that services that are essential to a development are made available to that development.
- O2. To identify new infrastructure and service requirements at an early stage of the development planning process.
- O3. To ensure utilities are integrated in the site planning and design of the development.
- O4. To ensure the provision of service main extensions and amplifications are fully understood such that their impacts can be assessed as part of the development application assessment process.
- O5. To minimise the environmental impact of the provision of services for a development.
- O6. To minimise the risk of service outages in extreme natural events.
- O7. To protect and improve the visual amenity of the street frontage of development.
- O8. To ensure the location and siting of service infrastructure does not impact on pedestrian, cyclist and vehicle safety.
- O9. To enable private connections to service mains with minimal impact on existing road infrastructure.

### Controls

- C1. Extension of service mains through environmentally sensitive land is to be avoided where practicable.
- C2. Service main extensions or relocations are to be installed underground.
- C3. All private service connections to the service mains are to be made within the development site or within the road frontage of the site.

**Note:** In exceptional circumstances, private service connections may be made beyond the site's road frontage with Council approval.

- C4. Proposals that encroach into an easement will require the approval of the relevant authority prior to the issue of any development consent.
- C5. Provision of services to development on bush fire prone land is to comply with the requirements of the NSW Rural Fire Service Planning for Bush Fire Protection.
- C6. In the case of full width road construction, service conduits are to be installed across the carriageway to enable properties on the side of the road opposite to the service mains to make future service connections, with minimal impact on the road infrastructure.

**Note:** A road opening permit under the Roads Act 1993 is required to be obtained from the Council prior to any excavation within the road reserve for service connections.



## E1.2. Wastewater

### Explanation

There are a number of factors which can contribute to the degradation of the quality of groundwater, watercourses and associated ecosystems. A primary source is wastewater pollution, which includes both 'grey' water (such as discharge from laundries, kitchens and showers etc.) and 'black' water (effluent). Good wastewater management practices are central to both ecosystem function and public health.

Wastewater management and treatment may be carried out via a direct connection to the Sydney Water reticulated sewer system, by onsite disposal or by a commercial pumpout service.

For areas within the Sydney drinking water catchment, onsite wastewater management must demonstrate a neutral or beneficial effect on water quality.

For further information on development in the drinking water catchment under State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 and the relevant Water NSW (previously Sydney Catchment Authority) guidelines and standards, applicants should refer to the Water NSW website at [www.waternsw.com.au](http://www.waternsw.com.au).

### Controls

- C1. Sewer main extensions, private sewer lines, pumpout systems and onsite wastewater disposal systems are not to be located within environmentally sensitive land or a mapped Flood Planning Area, unless no alternative is available.
- C2. The development application is to detail the manner in which effluent disposal is proposed to be achieved, including the route of any proposed sewer main extensions, pumping stations and onsite disposal systems.
- C3. All tanks used for storage or treatment of wastewater shall be located:
  - (a) so as not to interfere with any structural elements of buildings, and
  - (b) with a minimum setback of 3m from property boundaries, and
  - (c) to be a minimum of 3m from the dwellings.

**Note:** The treatment and reuse of grey water for laundry purposes and toilet flushing is encouraged on all properties.

#### Reticulated sewer connections

- C4. Where a development site is within 75m of a Sydney Water sewer main, the sewer main is to be extended to the development site and the effluent disposal from the development is to be connected to that sewer system.
- C5. Developments are to connect to the sewer main either within the development site or within the public road frontage of the site.

#### Onsite wastewater disposal systems

- C6. Onsite disposal systems are to be designed to prevent:
  - (a) degradation of soils and native vegetation, and
  - (b) loss of amenity, and
  - (c) risk to public health, and
  - (d) pollution of surface and/or ground water.
- C7. Onsite wastewater disposal systems must be wholly contained within the boundaries of the site.
- C8. Onsite wastewater disposal systems may only be located on sites that have at least 4,000m<sup>2</sup> of land that is not identified as being environmentally sensitive land. Onsite wastewater disposal systems may be located on sites that have less than 4,000m<sup>2</sup> of land that is not identified as being environmentally sensitive land only in exceptional circumstances.
- C9. Developments that propose onsite wastewater disposal systems are to be supported by a Water Cycle Management Study prepared in accordance with the Water NSW current recommended practice in *Designing and Installing Onsite Wastewater Systems*, the *Environmental Health Protection Guidelines On-site Sewage Management for Single Households* (the Silver Book), and ASI547.
- C10. The Water Cycle Management Study is to be prepared by a suitably qualified consultant, and is to determine whether the site is capable of sustainably managing treated wastewater generated from the development on the property without causing any unacceptable health or pollution risks.

**Note:** Further information regarding choosing a consultant can be obtained from the Sydney Catchment Authority (now Water NSW) publication titled *Using a Consultant to Prepare Your Water Cycle Management Study* which is available via the Water NSW website.





- C11. The *Water Cycle Management Study* is to include information, reports and modelling appropriate to the type of development and the risks the development poses to water quality. Higher risk proposals require more in-depth studies. The water cycle management study is to include the following:
- (a) the specific details of the proposed wastewater treatment and effluent disposal system being applied for, including the proposed site of the effluent management area, and
  - (b) the adequacy of the proposed system for the frequency of use, availability of power, slope, soils, and
  - (c) a site analysis plan showing the location of the proposed wastewater treatment system and effluent management area in relation to site boundaries, proposed and existing buildings and environmentally sensitive land, and
  - (d) a water balance report that identifies the volume of water utilised and wastewater generated by the development.
- C12. All systems are to be designed for the maximum potential occupancy of the premises. For the purposes of calculating the maximum potential occupancy, rooms that have the potential to be a bedroom, such as studies and the like, are to be considered bedrooms.
- C13. All systems and facilities that serve an equivalent occupancy of ten or more people must be installed and/or constructed to a design or plan that is the subject of a current certificate of accreditation from the Director-General of the Department of Health.
- C14. Suitably sized flow balancing tanks are required at all premises which might be occasionally occupied by greater than ten people to ensure that the effluent can be treated and distributed more evenly following peak usage periods.
- C15. Where a premises is likely to be intermittently occupied, Aerated Wastewater Treatment Systems (AWTS) are not suitable as they require a continuous power source. Infrequent or irregular use of these systems is likely to result in adverse environmental impacts due to discharge of untreated or poorly-treated effluent.
- C16. Surface irrigation is not permitted and subsurface drip irrigation is to be utilised instead.



- C17. The hydraulic design of irrigation systems is to be in accordance with the Sydney Catchment Authority (now Water NSW) current recommended practice Designing and Installing Onsite Wastewater Systems and undertaken by a suitably qualified and experienced consultant.

#### Pump out systems

- C18. New and replacement pumpout systems will only be considered in relation to a dwelling-house and only in circumstances where a Site and Soil Assessment Report prepared in accordance with AS1547 justifies to the Council's satisfaction that this is the only option available.

- C19. Pumpout systems are to be designed so as to:

- (a) locate the septic tanks and collection wells together, and
- (b) ensure tanks and collection wells are at least 3m from buildings and boundaries, and
- (c) locate tank lids above ground level to avoid surface water from entering the tank, and
- (d) ensure that any decking or any other structures are not erected over the tanks unless there is a means of access to the septic tank and collection well, and
- (e) use plastic tanks only where it is impractical to use concrete tanks because of access and delivery constraints, and
- (f) concrete the tanks into the ground and key them together to avoid differential movement and pipe breakage, and
- (g) ensure the holding or collection well has the capacity to accommodate a minimum of 7 days' daily flow for a weekly pumpout service, and
- (h) include a suction line that is to be 50mm in diameter, Class 12 pressure pipe, with the last 1.5m to the property boundary and the upstand being 50mm galvanised iron pipe. The upstand and elbow is to be concreted to the ground to prevent movement and damage when the pump is operational, and
- (i) provide an all-weather access and parking at the pumpout line for pumpout tankers.



## E1.3. Telecommunications

### Explanation

Telecommunication systems are now considered a basic service and include the hard line services as well wireless devices and their associated infrastructure. Consideration about how and where these services are installed can limit the potential impacts on the environmental, health, character and amenity values of an area.

### Controls

#### Service lines

- C1. Where development requires the construction of new public or private road or construction of any unformed road, all telecommunication main extensions are to be installed underground.

#### Receivers

- C2. Telecommunication receivers (including antennae or dishes) are to be integrated with the design and appearance of any building or structure on or within which it is located.
- C3. Telecommunications receivers are to be located so as to avoid obstruction of views to and from significant landmarks or heritage items.
- C4. Multi-dwelling house development should preferably include the provision of a centralised receiver system rather than individual antennae or dishes on each residence.

**Note:** Refer to Part D – Heritage Management for further controls on receivers on heritage and period housing areas.

#### Telecommunication facilities

- C5. Applications for telecommunications facilities are to demonstrate that the facility:
  - (a) cannot satisfactorily be located on an existing telecommunications tower; and
  - (b) contributes toward meeting the current and future telecommunications servicing needs of the locality (including future servicing needs of newly developed areas); and

- (c) where proposed within a precinct (link to map), complements or enhances, and be visually integrated with, the character and streetscape of the surrounding area; and
  - (d) incorporates effective measures to avoid or mitigate damage to vegetation, threatened species and critical habitats.
- C6. Telecommunications towers are to be located so that they, and any necessary maintenance access, do not adversely impact on any environmentally sensitive land.
- C7. Telecommunications facilities are to be designed, installed and operated to comply with standards relating to human exposure to electromagnetic energy (EME) appearing in any applicable code or standard made under the applicable state or federal legislation.
- C8. Telecommunications facilities are to be designed to minimise public exposure to EME through the principle of prudent avoidance, whereby low or no cost measures are employed to avoid or reduce exposures.
- C9. Applications for telecommunications facilities are to be supported by a report by a suitably qualified consultant that addresses the impacts of the facility and its compliance with the Australian Radiation Protection and Nuclear Agency (ARPANSA) Radiation Protection Standard for Maximum Exposure Levels to Radio Frequency Fields. The report is to estimate the likely population exposure within a reasonable area around the site, including estimates of highest public exposure. Procedures for making these estimates should follow the protocol developed by ARPANSA.



## E1.4. Water Supply

### Explanation

A reliable water supply is necessary for most development to provide for drinking, washing, irrigation and firefighting. The supply is generally provided from Sydney Water's reticulated water main system, however it may also be provided by onsite rain water tanks, as well as drawing from dams, watercourses, bores and wells.

### Controls

- C1. The method of water supply proposed, the route of any proposed water main extensions, and the location of any proposed static water supplies, is to be detailed as part of the development application.
- C2. Where the development solely relies upon a static water supply, the rainwater tank is to have a minimum capacity of 30,000L separate to any volume required for bushfire fighting.
- C3. For developments other than single dwellings or dual occupancies, the development application is to detail the location of any proposed fire hydrants and booster valves.



## EI.5. Electricity supply

### Explanation

A reliable electricity supply is necessary for most development. That supply is generally provided from the service provider's electricity mains; however it may also be provided or supplemented by onsite generation from solar panels or wind turbines.

### Controls

- C1. The method by which an electricity supply will be provided to a development, including the route of any proposed electricity main extensions, and the location of any proposed substations and their related easements and clearances, is to be provided as part of the development application.
- C2. Where development requires the construction of any unformed road reserve or results in new public or private road construction, all service main extensions are to be installed underground.
- C3. Where development necessitates the replacement or relocation of existing aerial mains, they are to be replaced with aerial bundled cable or relocated underground.
- C4. On sites mapped as bushfire prone land and where the development necessitates the replacement of existing timber power poles, these poles are to be replaced with concrete poles.
- C5. Power generators are to be located so as to minimise their visual and amenity impacts on the streetscape and neighbouring properties.



## EI.6. Private Service extensions

### Explanation

In some circumstances, service mains are not available to properties within their boundaries or within the road fronting the site. Where these properties require service connections, the Council will normally require the service mains to be extended to the property or its road frontage. In some exceptional circumstances, the Council may consider the installation of private service extensions within the road reserve to make connections to the service mains remotely from the property.

### Objectives

- OI. To enable connection to services where extensions of service mains to the development site are impractical.

### Controls

- CI. The Council may consider applications to install private service lines within Council's road reserve where:
- (a) it is not feasible or practical for the individual to extend the service provider's main to the property, and
  - (b) the property is within 150m of the relevant service authority's main to which it is proposed to connect, and
  - (c) there are a maximum of 4 properties that need, or potentially need, to install private service lines within that section of road reserve.



# PART E2

# TRAFFIC, PARKING AND ACCESS



## Introduction

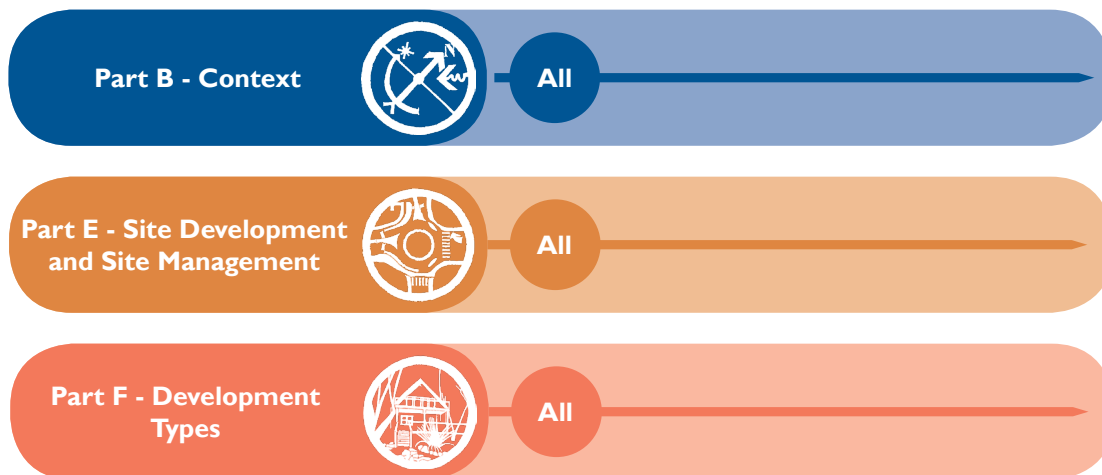
Vehicle, pedestrian and cycle access, circulation and parking are crucial ingredients in good design of neighbourhoods and villages. Transport related design elements and traffic impacts need to be considered in all development to ensure a safe environment and to reduce the environmental, social and economic impacts.

Traffic, parking and access relate primarily to the road and pedestrian networks, driveway and parking areas, and issues associated with traffic and connectivity. This part of the DCP recognises that land use and development can result in parking demands, traffic generation and road safety impacts, as well as impacts on road hierarchies.

These issues are inter-related and need to be dealt with in a holistic manner. Additionally, these aspects of the development can influence and impact upon site planning, design and built form, infrastructure and servicing, streetscape and public domain areas.





**Read in conjunction with:****Submission requirements:**

One or more of the following types of reports may need to accompany a development application:

- A Parking and Traffic Report or a Traffic Impact Study.
- Preliminary Construction Traffic Management Plan

**Relationship to other legislation and documents :**

- Australian Standards (AS)
  - » AS1158.3 Lighting for roads and public areas
  - » AS 1428 Design for access and mobility
  - » AS1680.2.1 Interior and workplace lighting - Specific applications – Circulation spaces and other general areas
  - » AS 2890 Parking facilities series (including AS2890.3 Bicycle parking facilities)
  - » AS 4299 Adaptable Housing
- State Environmental Planning Policy (Infrastructure) 2007
- RMS Guide to Traffic Generating Developments 2002
- Austroads guides
- Blue Mountains City Council Design and Construction Specification
- Blue Mountains City Council Public Domain Technical Manual
- NSW Planning Guidelines for Walking and Cycling
- Blue Mountains Bike Plan 2020



## E2.1. Traffic , Parking and Access Objectives

- O1. To ensure that the traffic and parking impacts of a proposed development are appropriately understood, considered and addressed.
- O2. To ensure that an appropriate level of off-street parking and loading facilities are provided in a manner which is safe, convenient, functional and accessible.
- O3. To ensure car parking facilities, service and delivery areas, access and public road infrastructure are designed to minimise adverse impact on the environment, heritage and streetscape character.
- O4. To ensure that access paths and driveways are integrated into the development design, with minimal impact on road systems and minimal loss of existing on-street parking.
- O5. To ensure the provision of car parking complements the broader transport network.
- O6. To minimise the adverse impacts of increased vehicle, pedestrian and cycle traffic and parking on the community and the Council's infrastructure.
- O7. To ensure that any public infrastructure created by a development is of a suitable standard that does not result in an ongoing maintenance burden for the community and the Council.
- O8. To ensure that each property has a stable and safe vehicle access from a public road.
- O9. To provide a safe, convenient and legible movement network for people with diverse abilities (including those using wheelchairs, mobility scooters, people with prams, small children elderly people and people with temporary injuries), between residences and points of attraction within and beyond development.
- O10. To provide walking routes along predictable pathways of travel, including approaches to schools, parks and shopping precincts.
- O11. To encourage cycling as a regular form of transport through the provision of secure, convenient and accessible bicycle routes and parking.
- O12. To ensure that new bicycle paths are to be consistent with the objectives of the Blue Mountains Bike Plan 2020.

## E2.2. Parking

### Explanation

This part provides vehicle parking rates, as well as design and location requirements for car parking areas within development sites. The provision of adequate onsite parking as part of a development is important to ensure that new land uses do not result in increased street parking or adverse impacts on local road networks. Appropriate location and design of car parking areas can contribute to improved manoeuvrability within the site, and minimise adverse impacts on the streetscape.

This part also details the level of information required to be submitted in different development scenarios, such that traffic demand generated by the development can be assessed and managed.

**Note:** The provision of a percentage of small car spaces, compliant with the requirements of AS2890.1, with ready access to facilities is encouraged in new commercial developments.

### E2.2.1. Traffic and Parking Studies

#### Controls

- CI. All development, other than single dwellings, which will result in an increase in parking demand is to identify:
  - (a) the parking need generated by the development in accordance with the rates included in Part E2.2.2 of this DCP, and
  - (b) the proposed parking provisions within the development site.
- C2. Where all parking generated by the development cannot be accommodated onsite, justification as to how parking demand can be managed without adverse impacts on the locality is to be provided.
- C3. Where there are multiple land uses incorporated into the development, the parking generation is to be calculated separately for all defined land uses.
- C4. A Parking and Traffic Report is required for all development, other than a single dwellings, where it:
  - (a) is considered by the Council to have more than a minor impact on the parking and traffic within the locality, or
  - (b) proposes vehicle access directly to the site from a classified or collector road, or



- (c) is located in areas of high pedestrian and vehicle traffic, and where on street parking availability is limited at peak generation times for the development.

- C5. A Traffic Impact Study is required for all development that results in a traffic generation of more than 50 peak hour trips, and those developments listed in Schedule 3 of *State Environmental Planning Policy (Infrastructure) 2007* (SEPP Infrastructure).

**Note:** Council is required under SEPP Infrastructure to refer to the Roads and Maritime Services (RMS) certain development applications. The types of development are listed in the SEPP.

In certain circumstances Council may also refer additional development applications to the Development, Local or Regional Traffic Committees for their review and comment.

#### Preliminary Construction Traffic Management Plan

- C6. A Preliminary Construction Traffic Management Plan is to be submitted with applications for development that includes substantial demolition and/or construction on sites adjoining classified or collector roads, areas of high pedestrian and vehicle traffic, within Town Centres, adjacent to transport nodes or on difficult sites.

## E2.2.2. Vehicle Parking Rates

### Explanation

The vehicle parking rates apply to all new development, alterations and additions to existing development and proposals for change of use. The provision of bicycle, motor cycle or scooter parking in addition to the car parking provisions is encouraged to promote these modes as viable, energy efficient transport options.

### Controls

- CI. Vehicle parking is to be provided in accordance with the parking rates in *Part E2 - Table 1*.

**Note:** The *Community Infrastructure Contributions Plan for Lawson Town Centre* applies to land within the Lawson Town Centre Precinct. The plan contains provisions for parking credits on certain land fronting the Great Western Highway. The plan can be accessed via Council's website.



- C2. Where a land use is not listed or no parking rate is specified in *Part E2 - Table 1*, the required parking provision will be based on a merit assessment, or where specified, a parking and traffic report or traffic impact study. In these cases, the applicant is to estimate the rate based on a comparison with operating development of a similar type and scale, or on rates listed in the RMS Guide to Traffic Generating Developments.
- C3. Parking calculations are to be rounded down to the nearest whole number.
- C4. Any excess provision of parking over the required rate, will be included in gross floor area calculations.
- C5. Parking for service/delivery vehicles, bicycles and people with a disability need to be considered for the relevant land use and in accordance with this DCP.
- C6. Where development comprises an extension, modification or change of use, Council will generally only require additional parking be provided to cater for the parking demand generated by that extension, modification or change of use.
- C7. Where a proposal includes demolition and rebuilding, the parking generation is to be based upon the total proposed development less any parking credit for an existing lawful use on the site, in accordance with the parking rates in Part E2 – Table 1.

**Part E2 - Table 1: Vehicle Parking Rates**

Land use	Proposed
<b>Agriculture</b>	
Animal boarding or training establishments	1 space per employee present at any one time, plus 1 visitor/client space
Horticulture	Merit based assessment
<b>Residential accommodation</b>	
Attached dwellings	1 space per dwelling
Boarding houses	1 space per 3 beds, plus 1 space per 3 employees present at any one time
Dual occupancies (attached)	1 space per dwelling with a GFA of less than 125m <sup>2</sup> . 2 spaces per dwelling with a GFA equal to or greater than 125m <sup>2</sup> . Where the development proposes a change of use from a single dwelling to a dual occupancy, additional parking is not required for the existing dwelling.



Dual occupancies (detached)	1 space per dwelling with a GFA of less than 125m <sup>2</sup> 2 spaces per dwelling with a GFA equal to or greater than 125m <sup>2</sup> Where the development proposes a change of use from a single dwelling to a dual occupancy, additional parking is not required for the existing dwelling.
Dwelling houses	1 space per dwelling
Group homes (permanent)	In accordance with the requirements of <i>SEPP (Affordable Rental Housing) 2009</i>
Group homes (transitional)	
Home-based child care	1 space per practitioner, plus 1 visitor space
Hostels	1 space per 3 beds plus 1 space per 3 employees present at any one time
Multi-dwelling housing	1 space per dwelling with a GFA of less than 125m <sup>2</sup> 2 spaces per dwelling with a GFA of equal to or greater than 125m <sup>2</sup> 1 visitor space per 5 dwellings
Residential flat buildings	1 space per dwelling plus 1 visitor space per 5 dwellings
Rural worker's dwelling	1 space per dwelling
Semi-detached dwellings	1 space per dwelling with a GFA of less than 125m <sup>2</sup> 2 spaces per dwelling with a GFA of equal to or greater than 125m <sup>2</sup>
Seniors housing	In accordance with the requirements of <i>SEPP (Housing for Seniors or People with a Disability) 2004</i>
Residential care facilities	In accordance with the requirements of <i>SEPP (Housing for Seniors or People with a Disability) 2004</i>
Shop top housing	0.5 spaces per dwelling
Tourist and visitor accommodation	
Backpackers' accommodation	1 space per 4 beds plus 1 space per 3 employees
Bed & breakfast accommodation	1 space per proprietor, plus 1 space per guest room
Camping grounds	Parking and traffic report
Caravan parks	Parking and traffic report
Eco-tourist facilities	1 space per proprietor plus 1 space per accommodation suite
Farm stay accommodation	1 space per proprietor plus 1 space per guest room
short-term rental accommodation (Holiday lets)	1 space per guest room



Hotel or Motel Accommodation	<p><i>Hotel</i></p> <p>1 space per 5m<sup>2</sup> of public/licensed area plus 2 spaces per 3 employees on duty at any one time plus 2 spaces per 3 guestrooms</p> <p>plus the applicable parking provision for any additional use incorporated into the development</p> <p><i>Motel</i></p> <p>1 space per unit plus 2 spaces per 3 employees on duty at any one time</p> <p>plus the applicable parking provision for any additional use incorporated into the development</p>
Serviced apartments	1 space per accommodation suite plus 2 spaces per 3 employees present at any one time
<b>Commercial premises</b>	
Amusement centres	1 space per 25m <sup>2</sup> GFA
Bulky goods premises	1 space per 45m <sup>2</sup> GFA
Business premises	1 space per 40m <sup>2</sup> GFA
Cellar door premises	1 space per 40m <sup>2</sup> GFA
Entertainment facility	1 space per 4 seats or 1 space per 10m <sup>2</sup> GFA whichever is the greater
Food & drink premises	See pubs, restaurants or cafés, take-away food & drink premises
Function centres	1 space per 20m <sup>2</sup> GFA
Funeral homes	1 space per 40m <sup>2</sup> GFA
Garden centres	0.5 spaces per 100m <sup>2</sup> of the site area used for display of plants & associated products plus 1 space per 40m <sup>2</sup> for associated ancillary uses
Hardware & building supplies	1 space per 40m <sup>2</sup> of GFA
Industrial retail outlets	1 space per 40m <sup>2</sup>
Kiosks	1 space
Landscaping material supplies	0.5 spaces per 100m <sup>2</sup> of the site area used for display of plants & associated products plus 1 space per 40m <sup>2</sup> for associated ancillary uses
Neighbourhood shops	<p>1 space per employee on duty at any one time</p> <p>Where adequate on-street parking is not available, additional parking may be required on-site to minimise the impact on the existing road network</p> <p>Or 1 space per 25m<sup>2</sup> GFA with a maximum of 2 spaces being a shared area for loading/deliveries and staff parking</p>
Office premises	1 space per 40m <sup>2</sup> GFA
Plant nurseries	0.5 spaces per 100m <sup>2</sup> of the site area used for display of plants & associated products plus 1 space per 40m <sup>2</sup> for associated ancillary uses



Pubs	1 space per 5m <sup>2</sup> of public/licensed area, plus the applicable parking provision for any additional use incorporated into the development
Registered clubs	1 space per 5m <sup>2</sup> of public/licensed area, plus 2 spaces per 3 employees on duty at any one time. plus the applicable parking provision for any additional use incorporated into the development Parking provisions for bowling greens are subject to a Parking and Traffic Report
Restaurants or cafés	15 spaces per 100m <sup>2</sup> GFA
Restricted premises	1 space per 25m <sup>2</sup> GFA
Rural supplies	1 space per 45m <sup>2</sup> GFA
Service stations	6 spaces per work bay plus 1 space per 20m <sup>2</sup> of GFA for a convenience store component plus the applicable parking provision for any additional use incorporated into the development.
Sex services premises	1 space per 40m <sup>2</sup> GFA
Shops	1 space per 25m <sup>2</sup> GFA
Take-away food and drink outlets	1 space per 25m <sup>2</sup> GFA
Timber yards	1 space per 40m <sup>2</sup> GFA
Vehicle sales and hire premises	1 space per 150m <sup>2</sup> of display area plus 1 space per 40m <sup>2</sup> of office area plus parking in accordance with vehicle repair station for any work bays
Veterinary hospitals	3 spaces per consulting room
Wholesale supplies	Parking and Traffic Report
Rural industries	
Merit based assessment	
Industries	
General industries	1 space per 80m <sup>2</sup> of GFA, plus 1 space per 40m <sup>2</sup> GFA for ancillary office space. Any retail component associated with the industry shall provide parking at the rate applicable for retail premises
High technology industries	1 space per 80m <sup>2</sup> GFA plus 1 space per 40m <sup>2</sup> GFA for ancillary office space. Any retail component associated with the industry shall provide parking at the rate applicable for retail premises plus the applicable parking provision for any additional use incorporated into the development
Home industry	1 space per practitioner plus 1 space for visitors





Light industries	1 space per 80m <sup>2</sup> GFA, plus 1 space per 40m <sup>2</sup> GFA ancillary office space. Any retail component associated with the industry shall provide parking at the rate applicable for shops. plus the applicable parking provision for any additional use incorporated into the development
Vehicle body repair workshops	6 spaces per work bay plus 1 space per 40m <sup>2</sup> of sales and office area
Vehicle repair stations	6 spaces per work bay plus 1 space per 40m <sup>2</sup> of sales and office area
Heavy industrial storage establishments	
Liquid fuel depots	Parking and Traffic Report
Storage premises	
Depots	1 space per employee present at any one time plus 1 visitor/ client space
Self storage units	1 space per 40m <sup>2</sup> of office/administration area floor space, plus 1 space per 300m <sup>2</sup> storage area
Warehouse or distribution centres	1 space per 300m <sup>2</sup> GFA
Waste or resource management facilities	
Resource recovery facilities	1 space per 80m <sup>2</sup> display area plus 1 space per 40m <sup>2</sup> ancillary office space
Waste disposal facilities	Traffic Impact Study
Waste or resource transfer stations	Traffic Impact Study
Land Use terms relating to infrastructure	
Passenger transport facilities	Merit based assessment
Transport depots	Traffic Impact Study
Truck depots	Traffic Impact Study
Educational establishments	
School	2 spaces per 3 employees, plus 1 space per 10 students over 17 years old.
Tertiary Institution	2 spaces per 3 employees, plus 1 space per 5 students  Provision is to be made for buses. A temporary standing area suitable for dropping off and collecting students is to be designed so that vehicles can enter and leave the site in a forward direction





Land Use terms relating to community infrastructure	
Child care centres	1 space per 4 children in care, plus 1 space per 20 children in care for staff parking (Check staff requirements per child) Provision of suitable standing area for dropping off and collecting children, designed so vehicles can enter and leave the site in a forward direction
Community facilities	1 space per 20m <sup>2</sup> of GFA
Emergency services facilities	Parking and Traffic Report
Industrial training facilities	Parking and Traffic Report
Information and education facilities	1 space per 25m <sup>2</sup> GFA
Places of public worship	1 space per 4 seats or 1 space per 10m <sup>2</sup> GFA, whichever is greater
Public administration buildings	1 space per 40m <sup>2</sup> GFA
Research stations	1 space per 2 employees present at any one time
Respite day care centres	1 space per 2 clients, with 50% of spaces allocated for staff parking
Health services facilities	
Health consulting rooms	3 spaces per maximum number of consulting rooms occupied at any one time, plus an ambulance space
Hospitals	Traffic Impact Study
Medical centres	3 spaces per maximum number of consulting rooms occupied at any one time, plus an ambulance space
Land Use terms relating to recreation	
Environmental facility	Traffic Impact Study
Recreation facilities (indoors)	1 space per 40m <sup>2</sup>
Recreation facilities (major)	Sports stadium: 1 space per 5m <sup>2</sup> GFA or 1 space per 6 seats, whichever is greater
Recreation facilities (outdoor)	Traffic Impact Study
Miscellaneous Land Use terms	
Exhibition homes	1 space per 40m <sup>2</sup> of office/sales area floor space. A minimum of 2 spaces to be provided
Mortuaries	1 space per 40m <sup>2</sup> GFA

## E2.2.3. Parking location and design

### Explanation

Parking area location and design needs to be carefully considered to ensure pedestrian safety, clear sight lines and to maintain streetscape character and amenity.

The specific requirements for parking layout, dimensions, design and construction (for parking spaces, aisles, disabled, grades, line marking, sign posting, wheel stops etc.) are provided in the relevant Australian Standard and the RMS Guidelines. All development needs to comply with these standards as a minimum level of provision to ensure car parking facilities are efficient, adequate and safe.

### Controls

- C1. Unless otherwise stated, the car parking location and design is to comply with the relevant Australian Standard and the RMS Guidelines for layout, dimensions, aisle widths, grades, access requirements for different uses & users (e.g. those with disabilities), driveway widths, service and delivery needs.
- C2. In all developments, other than single dwellings, dual occupancies, secondary dwellings, holiday lets and bed and breakfast accommodation, the parking area is to be designed such that all vehicles can enter and exit the site in a forward direction. On classified roads, in high pedestrian and vehicle traffic areas, or areas with poor sight distance, the car parking design for single dwellings, dual occupancies, holiday lets and bed and breakfast accommodation may also be required to accommodate forward entry and exiting of vehicles.
- C3. Circulation routes are to be logical, intuitive and generally in a clockwise direction.
- C4. All car parking spaces and aisles are to be appropriately line marked and sign posted.
- C5. On constrained sites, the Council may consider the use of stacked spaces for staff parking only.
- C6. On large developments or where there is restricted sight distance for exiting vehicles, exits from car parking areas are to be controlled with Stop signs, linemarking and a speed hump.
- C7. Motor cycle parking spaces are to be a minimum of 1.2m wide by 2.5m long and clearly marked.



- C8. Motor cycle spaces are to be designed and located so they are not vulnerable to being struck by manoeuvring vehicles.
- C9. Motor cycle spaces must be located on flat and even surfaces as they rely on side-stands to park.
- C10. Lighting of car parking areas is to be in accordance with AS1158.3 Lighting for roads and public areas and AS1680.2.1 Interior and workplace lighting - Specific applications – Circulation spaces and other general areas.

**Note:** The Council will provide the design brief in cases where the lighting is to become a Council asset.

## E2.2.4. Parking requirements for accessible spaces

### Explanation

The Federal Government's Disability Discrimination Act 1992 (DDA) sets the framework for ensuring that people with a disability have the same rights to equality before the law as the rest of the community and are not discriminated against in areas such as housing, education, employment, access and provision of goods and services. The National Construction Code (NCC) and Disability (Access to Premises—Buildings) Standards establish the access requirements and rates for car parking for people with a disability.

This part of the DCP should be read in conjunction with Part E3 Accessibility, Adaptability and Housing Choice.

### Controls

- C1. All development must provide accessible car parking for people with a disability as set out in the NCC and the relevant Australian Standard (AS).
- C2. The dimensions for car spaces including headroom and access requirements for people with a disability are to comply with AS 2890.6.

## E2.2.5. Service and Delivery Vehicles

### Explanation

The provision of appropriate and safe service and delivery vehicle access and onsite parking is essential for effective development, and to minimise conflicts with pedestrians and other vehicles.

### Controls

- C1. Service and delivery vehicle parking spaces are to be provided onsite.





- C2. Service vehicle dimensions, layout and service/loading bays are to comply with Australian Standard AS 2890.2 Off street commercial vehicle facilities.
- C3. Where a site has rear lane access, the service and delivery vehicle access is to be provided from that lane, unless it can be demonstrated that this location is inadequate for the purpose.
- C4. Service vehicle parking and manoeuvring areas are to be separated from car parking and pedestrian access routes.

**Note:** Variations, such as shared spaces, can be considered where service vehicles can be appropriately managed to occur outside operating hours.

## E2.2.6. Bicycle parking

### Explanation

Healthy, vibrant and sustainable cities support alternative modes of transport such as bicycles and the provision of suitable infrastructure for safe cycleways. Consistent with this has been the development of the *Blue Mountains Bike Plan 2020*, an infrastructure and operational plan which identifies the need for safe and accessible pathways of travel that encourage the use of bicycles for everyday transportation and enjoyment.

Major activity nodes, such as town centres, shopping precincts, transport nodes, civic buildings, tourist facilities and lookouts generate demand for non-car transport. Through improved facilities for cyclists, there is an opportunity to promote sustainable transport by reducing car dependency, encouraging walking and cycling and improving community health.

### Controls

- C1. All new development is to provide on-site bike parking additional to other parking requirements, in accordance with *Part E2 - Table 2*.
- C2. The location, design and construction of bicycle facilities is to comply with AS2890.3 and the *Blue Mountains Public Domain Technical Manual*.
- C3. Bicycle parking for residents and/or staff should be located close to building entry/exits and lifts and be given priority over other parking uses to ensure they are well located, designed and ultimately used. Avoid locating bicycle parking in hidden niches, at the end of aisles and under staircases etc.
- C4. Where parking is located in basement levels, bicycle parking must be located on the upper most basement level close to pedestrian exits.

- C5. Bicycle parking spaces must be clearly marked and easily accessible, have good surveillance and provide a means of securely locking bicycle frames and wheels.
- C6. A safe path of travel from bicycle parking areas to entry/exit points is to be marked and have a minimum width of 1.5m. Adequate sight lines are to be provided to ensure safety.
- C7. Bicycle parking for visitors must be provided in an accessible on-grade location near a major public entrance to the development and is to be sign posted.
- C8. Minimum locker provisions for work places should be in accordance with the NSW Planning Guidelines for Walking and Cycling.

**Note:** The minimum number of bike parking spaces is to be rounded up to the nearest whole number

**Part E2 - Table 2: Bicycle parking rates**

Sources: Marrickville Council, Sydney City Council and NSW Planning Guidelines for Walking and Cycling

Proposed Use	Resident/Employees	Customer/Visitors
Residential housing & accommodation		
Shop top housing, multi dwelling housing, residential flat buildings	1 bike space per 4 units	1 per 20 units
Boarding Houses and student accommodation	1 bike space per 4 rooms	1 per 20 rooms
Back packers' accommodation	1 bike space per 4 staff	1 per 20 beds
Serviced apartments, hotels and motels	1 bike space per 8 staff	1 per 40 rooms
All other development		
Commercial, retail, industrial, community, educational, recreational etc.	1 bike space per 15 car parking spaces.	

## E2.3. Access

### Explanation

The efficient functioning of the Blue Mountains relies upon safe, logical and appropriate access within and through the local government area, and between the public road network and private property.

In this regard access is considered a fundamental requirement for all development. Issues such as access and egress in medical or bush fire emergencies, waste collection, convenience of users and visitors are important considerations.

### Controls

- C1. All properties, development and new lots are required to have a legally constituted physical access from a formed public road.
- C2. Access is to be located, designed and constructed so as to minimise environmental impacts, and avoid environmentally sensitive land unless no other alternative is available.
- C3. All access is to be safe, convenient and practical, and constructed in accordance with the relevant standard.

### E2.3.1. Public roads

#### Explanation

To ensure appropriate access is achievable to new development, all properties must have a legally constituted physical access from a formed public road. Depending upon the type of development, the impacts of that development, and the status of the proposed access, works may be required within an existing public road, or a new public road may need to be constructed and dedicated.

#### Controls

- C1. Road reserve widths and the design and construction of public road infrastructure is to be in accordance with the Council's Design and Construction Specification and Public Domain Technical Manual.
- C2. In bushfire prone areas, the road reserve widths and the design and construction of public road infrastructure is also to comply with the requirements of the NSW Rural Fire Service document *Planning for Bush Fire Protection*.
- C3. Public road design and construction is to accommodate the expected future traffic volumes and nature of traffic.

**Note:** The RMS Guide to Traffic Generating Developments provides the basis for calculating the anticipated traffic volumes.



## E2.3.2. Unformed public roads

### Explanation

The extent of the trafficable public road network that is currently maintained by Council is classified as 'formed roads'. Beyond this extent, the road reserves are classified as 'unformed'. Unformed roads are not maintained or constructed by Council.

As a component of development, an applicant may propose to construct an unformed road. Before the Council can accept the responsibility for the maintenance of the unformed roads, the road infrastructure is required to be constructed in accordance with this provisions in this DCP. The cost of the survey, design, approvals, construction and inspections of these works is the responsibility of the applicant for the development which necessitated the works.

Upon completion of the road design and construction, the Council will reclassify the road as 'formed', and following a standard applicant maintenance period, the Council will take over the maintenance responsibility for that section of road.

### Controls

- CI. Where the road will only provide access to a single dwelling, the minimum construction standard required to reclassify an 'unformed' road to 'formed' is:
- (a) the road carriageway is to be at least 4m wide, with a further 1m wide shoulder on both sides. In bush fire prone areas, the NSW Rural Fire Service may specify wider carriageway construction and removal of vegetation to facilitate bush fire vehicle access and protection in accordance with Planning for Bush Fire Protection; and
  - (b) the road pavement is to comply with the requirements of the Council's Design and Construction Specification, and be no less than 150mm thick compacted road base (DBG20) on an approved subgrade; and
  - (c) the road construction is to extend from the end of the 'formed' section of the road to the driveway onto the development site, plus a minimum of 6m beyond the driveway to facilitate any necessary reversing manoeuvres out of the site; and
  - (d) the road and pavement construction must incorporate adequate turning facilities at the end of the construction suitable for emergency, bush fire and waste collections vehicles to enter and leave in a forward direction; and





- (e) the road must be sealed for any section where the grades of the road are between 10 and 16%. Where the grade of the road exceeds 16%, or for any sections subject to water flows, the road must be sealed with asphaltic concrete or concrete. Where more than 50% of the road is to be sealed because of these requirements, the entire length of the road construction shall be sealed; and
  - (f) where necessary to control stormwater runoff and minimise scouring, sealed gutters, concrete kerb and gutter and/or drainage infrastructure may be required; and
  - (g) passing bays must be provided at no greater than 100m distances. Passing bays are to be visible from one another.
- C2. Where a development includes more than one dwelling, or where the road construction will ultimately provide access to multiple allotments, the carriageway must be at least 6m wide with a further 1m shoulder on both sides and be sealed for its full length.
- C3. For other forms of development a higher standard of construction will apply and will be subject to the traffic generation expected from the development.

### E2.3.3. Driveways

#### Explanation

Driveways to properties are necessary to ensure the shortest, most direct vehicle access is provided and that connections to public roads allow vehicle entry/exit in a safe and efficient manner.

#### Controls

- CI. All development (other than development which is assessed as being of a temporary nature) that requires vehicle access, is to demonstrate that provision has been made for legally constituted access onto the land from a public road.
- C2. Driveway design and construction is to comply with AS2890, Council's Design and Construction Specification, Council's Public Domain Technical Manual, and on bush fire prone land, in accordance with the NSW RFS Planning for Bush Fire Protection.



- C3. The driveway is to be designed to minimise grades and to suit contours and must not be on slopes in excess of 33% unless there is no alternative available. Where no alternative is available, the driveway is to be no steeper than 25%, and minimise the extent of cut and fill batters by the use of retaining walls or similar.
- C4. Driveways are to be generally no steeper than 5% across the road reserve verge, and no steeper than 25 % within the property.
- C5. In order to minimise the risk of vehicles scraping or bottoming out, transitions of at least 2m in length are to be provided where the change of grade of the driveway exceeds 12.5%.
- C6. Within the road reserve, driveways are to be constructed of reinforced concrete, at least 150mm thick, on an approved subgrade and include a concrete layback, dishdrain or rolltop kerb and gutter in the gutter alignment. Where the road shoulder is unsealed, the driveway construction is to include pavement construction and asphalt sealing to the edge of the sealed carriageway.
- C7. Provision of driveways from classified or collector roads is not permitted if a suitable alternative is available from a side road or rear lane.
- C8. Within the property, driveways are to be setback from the side boundary to facilitate landscaping as required for the nature of the development.
- C9. Where driveways traverse a watercourse or a significant vegetation community, and it has been demonstrated that no alternative means of access is possible, such crossings must be a clear span construction rather than a culvert.



## E2.3.4. Pedestrian access

### Explanation

Due to the topography and character of the Blue Mountains, standards of pedestrian access vary widely, from full width sealed footpaths in town centres to heavily vegetated verges in rural areas where most pedestrians would walk along the carriageway.

The type of any pedestrian access to be provided in association with a development is dependent upon a variety of factors, including the nature of the development, the likely pedestrian generation and desire lines, the existing and future traffic volume within the local streets and the character of the area.

### Controls

- CI. Developments that generate significant pedestrian traffic, or require an accessible path of travel will be required to construct pedestrian pathways.
- C2. The width, location and finish of pathways are to be in accordance with the Council's Design & Construction Specification and Public Domain Technical Manual.



### E2.3.5. Bicycle access

#### Explanation

To encourage cycling as a mode of transport, good cycling access and routes should be designed into the urban fabric. This includes such measures as bicycle parking facilities, slower vehicle speeds and low traffic volumes, appropriate lane widths along local streets to allow cyclists to share travel lanes with cars, wide kerbside lanes on busy streets and routes parallel to collector, local distributor and roads of higher classification.

#### Controls

- C1. Where a development proposes bicycle paths and facilities, they are to be consistent with the NSW Bicycle Guidelines (RTA 2003), Austroads Part 14 for Bicycle Facilities, the Council's policies regarding pedestrian access and mobility and the Blue Mountains Public Domain Technical Manual.
- C2. The minimum width of off-street shared cycle and pedestrian pathways is to be 2.5m on local routes and 3m on major connector routes and constructed using common, robust materials with a long durability and which are easily repaired. Shared cycle and pedestrian pathways are to be sealed.
- C3. Pedestrian and cycle routes and facilities in public spaces are to be safe, well lit, clearly defined, functional and accessible to all.
- C4. Cycle pathways and pedestrian refuge islands are to be designed to be fully accessible by all in terms of access points and gradients, in accordance with AS 1428.



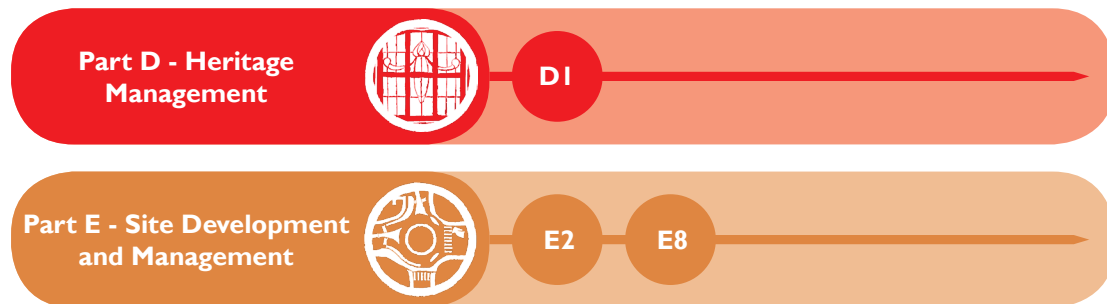
# PART E3 ACCESSIBILITY, ADAPTABILITY AND HOUSING CHOICE



## Introduction

Accessibility is an integral element of any development, particularly in the context of the aging population. The provisions within this section aim to ensure that people with a disability, the elderly and those with limited mobility have dignified and equitable access to buildings, facilities and services. This part also addresses the need for buildings to be adaptable, so that as people age or their situation changes, they are able to easily modify living spaces in a relatively straightforward way to suit their needs.

Housing choice is also another component of accessible housing. These provisions recognise that more modest, and therefore affordable dwellings are likely to be in demand as family sizes get smaller and the population ages.

**Read in conjunction with:****Submission requirements:**

*One or more of the following types of reports may need to accompany a development application:*

- *Access report*

**Relationship to other legislation and documents :**

- *Disability Discrimination Act 1992*
- *Disability (Access to Premises – Buildings) Standards 2010*



## E3.1. Accessibility

### Explanation

An accessible building is one that incorporates features to enable dignified and equitable use of that building by people with a disability. *The Disability (Access to Premises – Buildings) Standards 2010* prescribes a single set of design and construction requirements covering access to new buildings and an extension to, or modification of, an existing building. These requirements are called up by the *National Construction Code (NCC)*.

### Objectives

- O1. To ensure that dignified and equitable access to buildings, and facilities and services within buildings, is provided for people with disabilities.

### Controls

- C1. All new building work is to comply with the accessibility provisions of the *Disability (Access to Premises – Buildings) Standards 2010* and the *National Construction Code (NCC)* as required.

### Access and Heritage

- C2. The provision of access for people to and within a heritage item or a building within a heritage conservation area (HCA) is to minimise impact on the significant fabric and setting of the item or HCA and, as far as practical, be reversible.

**Note:** Refer to Part D Heritage Management for guidance and controls in respect of heritage listed buildings.

### Access and Public Land

- C3. Encroachment upon or alteration of public land to achieve compliance with accessibility requirements will not be permitted except in circumstances where it can be demonstrated that:
  - (a) access by other means will result in substantial adverse impacts to significant fabric of a heritage item or heritage conservation area, and there are no alternative access options available, or
  - (b) the proposal involves a public building or a building intended for general use by the public and there are no alternative access options available.





- C4. Development proposals that encroach upon or alter public land will not be permitted unless it can be demonstrated that the safety, accessibility, and functionality of public land will not be adversely affected.

Consideration of alternative solutions

- C5. In cases where a development proposal does not achieve strict compliance with accessibility requirements, Council may request that the applicant submit a report prepared by a suitably qualified access consultant which demonstrates that the proposed alternative solution satisfies the relevant performance requirements of the NCC.



## E3.2. Adaptability

### Explanation

Adaptable housing is housing that is designed and constructed in such a way that it can be modified easily and at minimum cost to become accessible to both occupants and visitors with disabilities or progressive frailties. Provision of adaptable housing is particularly important in the Blue Mountains where the proportion of older people in the community is steadily increasing and access to care facilities is more limited than within major urban centres. Particular focus is required in relation to the increased proportion of older people in the population that is not matched by a commensurate increase in suitable housing stock to meet these changing needs.

### Objectives

- O1. To ensure that new dual occupancies and a proportion of dwellings within new development that comprise 3 or more dwellings are designed to be flexible and easily modified to cater for occupants and visitors with disabilities or progressive frailties.

### Controls

- C1. At least one of the dwellings comprising a dual occupancy is to be adaptable.
- C2. Where a new development comprises 3 or more dwellings, adaptable housing is to be provided in accordance with the *Part E4 - Table 1*.

**Part E3 - Table 1:** Adaptable housing.

No. of dwellings	Minimum No. of adaptable units
3-5 dwellings	2 adaptable dwellings
6-10 dwellings	3 adaptable dwellings
11+ dwellings	4 adaptable dwellings + 20% of additional dwellings beyond 10 (rounded up to the nearest whole number).

- C3. All adaptable housing is to be designed and constructed in accordance with Australian Standard 4299 – Adaptable Housing, incorporating as a minimum all essential features to satisfy Classification Level C of that Standard.
- C4. To provide a range of housing options, adaptable dwellings are to be evenly distributed among different dwelling types and sizes within the development.



## E3.3. Housing Choice

### Explanation

Australian Bureau of Statistics data indicates that over the years there has been a marked change to family composition, with a greater proportion of couples without children, single parent families and an elderly population that is aging in place. As family composition changes the housing stock required to house the population should meet changing demands. It is important that multi dwelling housing developments in the Blue Mountains respond to the housing needs of the community over time.

### Objectives

- O1. To ensure that development for the purposes of multi dwelling housing contributes to the provision of housing choice in the Blue Mountains.

### Controls

- C1. New multi dwelling housing developments shall incorporate a range of dwelling sizes, particularly contributing to the increased provision of single and two bedroom dwelling stock.
- C2. At least 33% of dwellings (to the nearest whole number) within a new multi dwelling housing development shall have a gross floor area not greater than 100m<sup>2</sup>.





# PART E4

# SITE MANAGEMENT



## Introduction

This part of the DCP provides requirements for the management of sites during the demolition and construction phases of development. While some of these requirements may be embodied in conditions of consent, it is important that consideration is given to site management at the planning stage of a development, to ensure that all requirements can be effectively addressed. This part will also stipulate when certain documents / reports are to be submitted with a development application.

**Read in conjunction with:**

**Part C - Environmental  
Management**



**C1**

**C3**

**Part E - Site Development  
and Management**



**E6**

**Submission requirements:**

*One or more of the following types of reports may need to accompany a development application:*

- *Construction Management Plan;*
- *Noise Management Plan;*
- *Noise and Vibration Report;*
- *Erosion and Sediment Control Plan;*
- *Soil and Water Management Plan*



## E4.1. Protecting amenity

### Explanation

The demolition and construction phases of a development can be potentially disruptive to residents or businesses adjoining, and nearby development sites. The following objectives and controls seek to limit the likelihood of adverse impacts during the construction phase of a development, through effective site management.

### Objectives

- OI. To ensure that neighbourhood and environmental amenity is not compromised by way of excessive noise, vibration, odours and emissions during the demolition and construction phases of development.

### Controls

#### Hours of work

- C1. Hours of work are generally to be confined to 7am to 6pm Monday to Friday and 8am to 3pm on Saturdays. No work is permitted on Sundays or public holidays.
- C2. Hours of work in town centres may also be further restricted on Saturdays, or between Christmas and New Year, or within specific event periods within that town centre.

#### Noise & vibration

- C3. Noise or vibration generated during demolition and construction of the development is to be managed so as not to adversely impact the amenity of residents or businesses adjoining or nearby the development site.

**Note:** Refer to the Interim Construction Noise Guideline (DECC 2009) and Accessing Vibration: A Technical Guideline (DEC 2006) for information regarding how best to manage demolition / construction noise and vibration.

- C4. Where the construction phase of a development is likely to exceed 26 weeks the construction is to be managed in accordance with a *Noise Management Plan* (NMP) prepared by a suitably qualified acoustic consultant.

**Note:** The NMP will typically form part of a comprehensive *Construction Management Plan*. Council will determine if the NMP is required prior to determination of the application or at construction certificate stage.





- C5. Where there is considered to be a reasonable likelihood that construction noise or vibration is adversely impacting amenity, Council may request an independent report to confirm that noise emissions are within acceptable limits. Costs associated with the report will be the responsibility of the applicant.



## E4.2. Site disturbance

### Explanation

Limiting site disturbance begins at the design stage of the project. Buildings and structures should be positioned according to the capability of the site and its characteristics, for example, to avoid slopes where possible. Minimising site disturbance is also an important consideration during construction. Minimal site disturbance equates to a more orderly building site and limits the potential for erosion and sediment migration and the associated environmental impacts.

### Objectives

- OI. To ensure that site disturbance is minimised during the demolition and construction phases of development, in order to limit potential for erosion and facilitate early rehabilitation of the site post-construction.

### Controls

- CI. Development is to be staged in order to minimise the extent and duration of site disturbance.
- C2. Grassed areas and vegetation are to be preserved where possible, clearing only those areas necessary to enable construction works to occur.



## E4.3. Erosion and sediment control

### Explanation

Efficient erosion and sediment control is part of good site management. Benefits include cleaner waterways, healthier aquatic life and reduced clean-up costs to the community. Added benefits to the developer include improved site conditions and wet weather access.

### Objectives

- O1. To prevent sediment, building materials, waste and other pollutants from leaving the site and entering adjoining land, street gutters, drains or watercourses.

### Controls

- C1. For proposals where the area of soil disturbance is less than 2,500m<sup>2</sup> (excluding minor additions and development that disturbs less than 50m<sup>2</sup> of the site), an *Erosion and Sediment Control Plan* (ESCP) is to accompany the development application.
- C2. The ESCP is to be prepared in accordance with *Managing Urban Stormwater: Soils and Construction – Volume 1 (4th Ed. Landcom 2004)* and should address, but not be limited to, the following:
  - (a) the location and extent of all existing and proposed areas where the natural ground cover is or will be disturbed; and
  - (b) the location of natural areas requiring specific planning or management responses including watercourses, seasonally wet areas, areas prone to ponding or waterlogging and unstable slopes; and
  - (c) the nature and extent of all earthworks, including the location, extent and depth of any proposed cut or fill; and
  - (d) the location of all potential sources of sediment on the site, including (where known) any stock piles of soil or building materials or waste; and
  - (e) site rehabilitation proposals, including final contours.



- C3. Where the nature, scale or location of a proposed development warrants a greater level of detail to facilitate the full consideration of the proposed development, an ESCP is to include, in addition to those elements referred to in C2:
- (a) a maintenance strategy for erosion and sediment control works including the nomination of responsibility for the follow-up maintenance required on any permanent measures, and
  - (b) a chart outlining the construction sequence over the duration of the works including measures for erosion and sediment control and their maintenance, and
  - (c) a description of the effect of any permanent site controls on the sub-catchments or catchments.
- C4. For proposals where the area of soil disturbance is more than 2500m<sup>2</sup>, a *Soil and Water Management Plan* (SWMP) is to be prepared in accordance with *Managing Urban Stormwater: Soils and Construction – Volume 1 (4th Ed. Landcom 2004)* and lodged with the development application.
- C5. The maximum area of soil exposure at any one time must not exceed 2.5 hectares.

**Note:** Council may vary requirements, especially where there is a higher or lower risk of polluting receiving waters. Further information may be required for any site depending on, but not limited to, the calculated soil loss, sediment type and an assessment of site constraints and opportunities.



## E4.4. Exclusion zones and tree protection during construction

### Explanation

Trees, vegetation and other significant site features such as slopes and rock outcrops can be damaged and irreparably compromised during the demolition, site preparation and construction phases of a project. Care should be taken to ensure that activity, including stockpiling and plant operation, only occurs on that part of the site where development works are being undertaken.

### Objectives

- O1. To protect trees, vegetation and other significant site features during the demolition, site preparation and construction phases of a development.

### Controls

- C1. Provision is to be made for an exclusion zone to be established and maintained around the immediate perimeter of an approved development including driveway and associated construction works. This is to be established prior to the commencement of any work on site, including site preparation and clearing.
- C2. During site development, there is to be:
  - (a) no placement of temporary buildings or stockpiling of material; and
  - (b) no parking or movement of machinery; and
  - (c) no change to the soil grade or level; and
  - (d) no changes to soil aeration or hydrological capacity; and
  - (e) no open cut trenching; and
  - (f) no spillage/disposal of any building chemicals.
- C3. Tree Protection Zones (TPZs) are to be established around all trees to be retained and are to ensure that the root zone of trees are not impacted by:
  - (a) physical damage; and
  - (b) excavation or increased soil levels; and
  - (c) storage of building materials and placement of worker's amenities etc; and



- (d) installation of underground services; and
- (e) chemical run-off (including concrete wash, paint wash etc.); and
- (f) parking and operation of vehicles and plant; and
- (g) altered hydrology.

**Note 1:** Tree Protection Zones are to be established in accordance with Australian Standard *AS 4970 Protection of Trees on Development Sites* (unless alternative measures are specified by the project arborist).

**Note 2:** Where unintended loss of trees occur, compensatory actions are likely to be required. These include measures such as tree replenishment and site rehabilitation.

## E4.5. Demolition management

### Explanation

Consent is generally required for demolition works, other than for the demolition of development that would be exempt under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. Applying for demolition consent may form part of the development application to redevelop the site.

**Note:** Demolition waste is to be managed and disposed of in accordance with E6 Waste Management of this DCP.

### Objectives

- O1. To ensure that demolition is carried out by a competent person in a safe and coordinated manner, limiting any adverse impacts on adjoining and nearby properties.
- O2. To ensure that the reuse potential of building materials is maximised through careful deconstruction of existing buildings and structures.

### Controls

- C1. Demolition should be carried out in the reverse order of construction and in a manner that minimises the noise, dust and vibration impacts on the adjoining buildings and properties.
- C2. Demolition works must be carried out by a competent person and in accordance with the requirements of the Work Cover Authority. The site must be secured at all times against unauthorised entry of persons or vehicles.
- C3. All materials are to be kept damp during the demolition process to limit dust, while ensuring that any excess water is contained and managed on the site.
- C4. Where the soil conditions are changeable, consideration should be given to the use of shoring or underpinning.



## E4.6. Decommissioning sewage systems

### Explanation

As reticulated sewerage becomes available to an area and premises connect to the sewer, existing septic tanks and collection wells become redundant. These on-site sewage management facilities can be demolished, or reused as a stormwater storage vessel. There is also potential for these systems to be sold second hand and reinstalled. Where it is feasible to reuse a septic tank, collection well, or Aerated Waste Treatment System (AWTS) there are a number of precautions to be observed to minimise risks to public health.

### Objectives

- O1. To ensure that redundant septic tanks and collection wells are decommissioned in a safe and appropriate manner.

### Controls

- C1. Septic tanks, collection wells and / or any other waste management system are not to be reused to hold water for domestic purposes.
- C2. To demolish a septic tank and / or collection well the following guidelines are to be followed:
  - (a) a contractor licensed by the Environmental Protection Authority is to be engaged to remove the contents of the septic tank / collection well; and
  - (b) the sides, lid, baffle (if fitted) and square junctions of the tank are to be hosed down as the waste is being removed; and
  - (c) the tank is to be disinfected by spreading builders lime over the exposed surfaces; and
  - (d) the base of the tank should be punctured with several holes. The lid and those parts of the walls, baffle and square junctions above the ground should be demolished and collapsed into the tank and the tank filled with clean soil or rubble and topped with clean soil.





## E4.7. Asbestos

### Explanation

Certain building materials have the potential to cause harm if they are incorrectly handled, stored or transported. Domestic building materials produced prior to 1987 commonly contain asbestos. Generally building materials containing asbestos will not present a health problem unless they are disturbed or damaged typically during demolition, renovation or maintenance.

### Objectives

- OI. To ensure that hazardous materials are handled, stored and transported according to legal requirements and best practice methods so as to reduce the chances of exposure and subsequent harm to human life.

### Controls

- CI. The handling, storage, transportation and disposal of asbestos is to be undertaken in accordance with the provisions of the *Work Health and Safety Regulation 2011* and the *Protection of the Environment Operations (Waste) Regulation 2005*.

**Note:** Refer to the NSW Environmental Protection Authority and NSW WorkCover websites for information and fact sheets relating to the handling and disposal of asbestos material.

- C2. Where a development proposal involves the demolition of or disturbance to building material produced prior to 1987, such material is to be assessed by a qualified occupational hygienist or other suitably qualified professional, prior to commencing work. The assessment is to determine the presence and extent of asbestos material, so that it may be handled and disposed of appropriately .

**Note:** Details of testing authorities and licensed asbestos removal contractors are available from WorkCover.

- C3. Buildings clad in asbestos cement cannot be relocated, re-sited or re-clad unless all cladding containing asbestos is removed.
- C4. Any asbestos cement cladding on existing buildings that is proposed to be cladded over or re-clad is to be removed.
- C5. A licensed asbestos contractor is to be engaged to deconstruct and dispose of fire damaged buildings containing asbestos (generally, any building or structure that comprises building materials produced prior to 1987).



**Note:** Asbestos waste can only be disposed of at specific landfills located in various regions of in NSW. Blaxland Waste Management facility is one such location however asbestos is accepted by appointment only. Refer to the *Disposal of Asbestos in the Blue Mountains* fact sheet for further information in regard to asbestos disposal practices. The fact sheet can be downloaded from Council's website.



# PART E5 SAFETY AND SECURITY



## Introduction

Consideration of safety and social impact are essential for all development. A particular development may have an effect on the whole community, the local economy or on particular groups, businesses or individuals in the community. This may be due to the type or scale of a development, but also elements of how a development is operated and maintained.

This part of the DCP addresses a number of safety considerations for development, beginning with the broader principles of crime minimisation through environmental design. The design of development can contribute significantly to crime minimisation through surveillance of open spaces and creating clear pathways for access to and through public areas.

This part also provides guidance on social impact assessments and the need to consider how a particular development, or elements of that development, are likely to impact on individuals but also the community more broadly. This may be due to the type of land use proposed, the scale of the use, or the fact that the proposal is a significant change from the current use of the site.

Specific safety considerations are also included here, namely designing for food safety, and requirements for fire safety within buildings. Controls in these areas are predominantly found in national and state legislation, and the Australian Standards. The relevant provisions are summarised in the following part of this DCP.



**Read in conjunction with:**

**Part B - Context, Site  
Analysis and Design**



**B1**

**Part F - Development  
Types**



**F2**

**F3**

**Submission requirements:**

*One or more of the following types of reports may need to accompany a development application:*

- *Social Impact Assessment*



## E5.1. Crime minimisation

### Explanation

The design of urban spaces, including streetscapes and parks, and also private development should include design for crime prevention through environmental design (CPTED). The principles of CPTED require a design approach that seeks to deter criminal and undesirable activity, by reducing opportunities for crime. This can occur through increasing opportunities for the surveillance of open spaces, directing pedestrian movements in public places, and limiting environments where criminal acts can occur.

The four principles of CPTED are:

- (a) **Surveillance** - enabling maximum natural surveillance of buildings, streets, car parking facilities and open spaces.
- (b) **Access control** - providing a clear indication of areas where people are and are not permitted to go, and incorporating security measures to restrict access to private or high risk areas.
- (c) **Territorial reinforcement** - encouraging the ownership of public space, clearly delineating between public and private space, and designing spaces to reflect the intended use.
- (d) **Space management** - ensuring that spaces are well maintained and used as they were intended.

Applicants are encouraged to read the Guidelines for CPTED, which are appended to this DCP in Part J5.

### Objectives

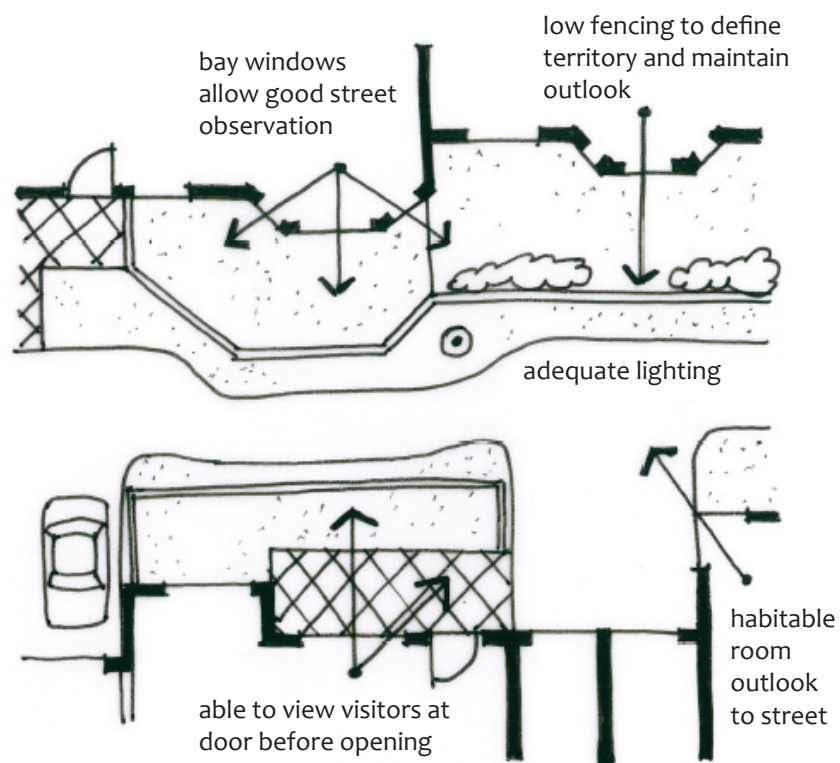
- O1. To ensure that development is designed to reduce crime risk and minimise opportunities for crime.
- O2. To optimise safety and the perception of safety in public and semi-public spaces.
- O3. To encourage the consideration and application of crime prevention principles when designing, siting and landscaping buildings and spaces, to avoid dark and non-visible areas and provide clear, safe access points.
- O4. To encourage dwelling layouts and considered choice of materials that facilitate safety, passive surveillance and encourage interaction and recognition between residents.
- O5. To provide quality public spaces that cater for desired recreational uses, provide lighting appropriate to the location and desired activities, and clearly define public and private spaces.



## E5.1.1. General provisions for all development

- C1. Design is to minimise the opportunity for crime by:
  - (a) ensuring that passive surveillance of buildings, streets, car parking facilities and open spaces is maximised, and
  - (b) utilising elements such as signage, building features or landscaping to reduce the likelihood of inappropriate activity and clearly define individual areas and uses, and
  - (c) incorporating landscaping, without providing places for concealment.
- C2. Development is to provide or enhance opportunities for effective passive surveillance by providing:
  - (a) clear sight lines between public and private places, and
  - (b) designs which maximise natural observation of vehicle and pedestrian movement.
- C3. Access to development is to be controlled by:
  - (a) avoiding upper level access due to large trees, carports, skillion extensions, fences or downpipes next to upper level windows or balconies; and
  - (b) restricting access from the balconies, roofs and windows of neighbouring development.
- C4. Development is to reinforce site boundaries and distinct areas by providing transitional features to strengthen the distinction between private space and the public domain. Strategies could include fences, gardens, lawn strips, and varying textured surfaces to create physical or psychological barriers.





**Part E5: Figure 1:** Security by design. Source: Amcord

## E5.1.2. Additional provisions for Multi-dwelling housing, Commercial, Industrial and Mixed-use developments

- C1. Development for the purposes of medium-density housing and certain commercial, industrial and/or mixed-use development proposals may be required to provide a crime minimisation statement which demonstrates how the development has been designed with consideration to the principles of crime prevention through environmental design (CPTED) and the provisions of this section.

**Note:** This requirement is in accordance with Council's *Blue Mountains Crime Prevention Plan 2014-2017*.

- C2. Development is to provide opportunities for passive **surveillance** by:

- (a) positioning active uses or habitable rooms with windows adjacent to main communal/public areas, such as playgrounds, swimming pools, gardens, car parks, etc., and

**Note:** Passive surveillance from interior spaces needs to be balanced with potential acoustic impacts on habitable areas.

- (b) creating staff entrances that are separate from the main entrance and located to maximise opportunities for natural surveillance from the street or other public areas, and





- (c) locating offices, desks, and work-stations so as to overlook public areas, car parking areas and entrances to buildings, and
  - (d) activating façades at ground level by locating after-hours uses so they are visible from the publicly accessible areas.
- C3. Development **access** is to be controlled by:
  - (a) providing separate access from public and common areas, and
  - (b) providing separate access for any residential components of mixed-use developments, and
  - (c) providing secure keyed or electronic access for residents where appropriate, and
  - (d) fitting the main entry doors with viewing ports to allow identification of visitors, and
  - (e) designing the route between the main entrance of a development and the dwellings within it to maximise occupant safety and be as direct as possible. The routes from car parking areas to the lift lobby are particularly important in this regard. Clear sight lines and well-lit routes are to be provided.
- C4. **Concealment** opportunities are to be minimised from development by:
  - (a) eliminating blind or dark alcoves near lifts and stairwells, and
  - (b) providing clear sight lines and well lit routes throughout the development, and
  - (c) providing appropriate levels of illumination for all common areas.
- C5. Development is to encourage a sense of **community ownership** of public spaces by:
  - (a) encouraging people to gather in common spaces and engender a sense of responsibility for its use and condition, and
  - (b) clearly defining the use of common spaces, and
  - (c) distinguishing dwellings or groups of dwellings or uses by using design features such as colour, vegetation, paving, fencing, furniture etc.
- C6. Where, as a result of the nature of the development, there are specific security requirements, measures to meet such requirements are to be included at the design stage and identified on submitted plans.



- C7. Roller shutters are discouraged in preference to retractable open security grilles, such as scissor grilles.
- C8. Larger scale developments and developments for certain land uses may be referred to the NSW Police Service for formal comment and are likely to require a crime minimisation statement. These developments include:
- (a) multi-dwelling housing of 20 or more dwellings; and
  - (b) mixed use developments (incorporating retail/commercial and residential uses) containing more than 5 dwellings; and
  - (c) new or upgraded commercial/retail developments which include substantial building works and entry/access changes; and
  - (d) new industrial development with multiple industrial units; and
  - (e) new or upgraded schools, child care centres, hospitals; and
  - (f) any development on or associated with railway stations; and
  - (g) large sporting or community facilities; and
  - (h) clubs and hotels (including additions, applications for liquor licences, extension to operating hours, gaming rooms etc.); and
  - (i) service stations (including the addition of retail element); and
  - (j) atypical developments (including sex services premises, amusement centres etc.); and
  - (k) community parks (whether large or small); and
  - (l) civic buildings/development (such as libraries, public open space).

**Note:** Requirements will vary depending on the size and scope of the application. This requirement is in accordance with Council's *Blue Mountains Crime Prevention Plan 2014-2017*.

## E5.2. Social Impacts

### Explanation

The potential social impact of a proposed development is one of the matters Council is obligated to consider under the provisions of section 79C of the *Environmental Planning and Assessment Act 1979*. An assessment of social impact seeks to understand what the potential impact of a development will be on people. It also aims to anticipate outcomes that may flow from a proposed development which could affect a person's way of life, culture or the community both now and in the future.

The scale of development can contribute to social impact, in conjunction with the type of development and the degree of change that will occur as a result of the proposal, for example a significant change in the type or intensity of a land use, or the introduction of a new use which may attract community interest or debate.

The following sections provide guidelines on when a social impact statement may be required, and the core matters that should be considered within this statement.

### Objectives

- OI. To respond to and enhance the social context and the needs of the local community.

### Controls

- CI. A social impact assessment may be required to be submitted with certain applications where required by Council. Circumstances where a specific social impact assessment may be required include developments that are likely to have:
  - (a) a distinct effect on a particular social group, or
  - (b) an identifiable effect on the social composition and/or character of a locality, or
  - (c) an identifiable effect on the availability and use of existing community services and facilities or where these services and facilities may be required, or
  - (d) an impact that is normally conventionally assessed, for example traffic noise, may have a differential effect on various social groups.





- C2. Social impact assessments are to address the considerations relevant to the proposal and site which can include but are not limited to:
  - (a) the effects of increased population densities in established urban areas, which may include traffic or urban design impacts, and
  - (b) effects on the amenity or character of the local area arising from the number and/or characteristics of the incoming population, and
  - (c) effects on the incoming residents themselves, and
  - (d) displacement effects, that is, the direct effects on residents and other activities occupying a site that is being considered for redevelopment for urban housing.
- C3. A social impact assessment will generally require community consultation and a sound analysis of existing social conditions.

## E5.3. Design of food premises

### Explanation

Food safety practices are essential for the health and safety of our community. The design, construction and fit-out of food premises is essential to satisfy relevant standards and ensure good food-handling practices, health and hygiene are maintained where food is prepared and/or sold.

All food premises, including temporary food operators/stalls, mobile food vendors, home businesses, community service groups and charities are required to notify Council of their activities and obtain approval from Council in order to operate. The relevant requirements of the *Food Act 2003* and the Food Standards Code are to be met.

Council's Environmental Health Officers inspect all registered food premises prior to operation. They also regularly check compliance with the relevant food safety requirements and the condition and cleanliness of the premises.

Applicants are encouraged to read the Guidelines for Food Safety, which are appended to this DCP in Part J6.

### Objectives

- OI. To ensure that all food premises and food practices are designed and operated to meet the minimum standards for food safety in order to maintain the health and well-being of the community.

### Controls

- CI. All food premises must be designed, constructed and operated in accordance with the following requirements:
  - (a) NSW Food Act 2003, and
  - (b) NSW Food Regulation 2010, and
  - (c) Australia & New Zealand Food Authority (ANZFA) Food Standards Code, and
  - (d) Australian Standard AS4674 Design, construction and fit-out of food premises, and
  - (e) Building Code of Australia.
- C2. Development that proposes kitchen facilities must provide a detailed layout on an appropriately-scaled drawing that adequately identifies the details of the proposed kitchen facilities, and addresses the requirements of AS4674 Design, construction and fit-out of food premises.





- C3. Mobile food or drink vendors must have approval under section 68 of the *Local Government Act 1993* to sell food, drinks or any articles in a public place (for example a road, footpath, public park or reserve). An application and registration form must be submitted to Council at least 14 days prior to the proposed commencement of trade.
- C4. Temporary food stalls or vendors being provided as part of a community event, must provide all relevant details, including a copy of the Public Liability Insurance, to the Event Organiser for inclusion in the Festivals and Events Application Form submitted by the Event Organiser to Council for events on public land.

**Note 1:** Events may require consent for a temporary use or temporary structures.

**Note 2:** Events such as fetes and markets which are normally held on private land such as schools and churches do not come under the Event Application process and will need to be addressed under a separate process.

**Note 3:** Street stalls also have a separate application process.

**Note 4:** Charities, fundraisers and 'home made goods' may all have requirements to notify the NSW Food Authority and/or Council in regard to food production and sale.

- C5. Temporary food premises and home businesses that prepare food are required to be registered with Council.

**Notes:** All food business operators are also required to provide their business details to the NSW Food Authority. For detailed information, refer to the information, standards and fact sheets provided by Food Standards Australia New Zealand and the NSW Food Authority. Fact Sheets on the Food Standards Australia New Zealand (FSANZ) website are available in a range of languages other than English.

## E5.4. Fire safety in buildings

### Explanation

Clauses 93 and 94 of the *Environmental Planning and Assessment Regulation 2000* require Council to assess existing buildings for compliance with current fire safety standards when development is proposed. Clause 93 applies when a change of use is proposed without any building construction works. Clause 94 applies when alterations and additions are proposed. Council may require an applicant to upgrade some or all of the non-compliant components of the existing building. This upgrading can include any of the following:

- (a) alterations to existing features to support fire safety and safe egress under fire conditions. This can include changes to building materials, stairs, lifts, corridors, railings, or
- (b) installation of fire safety features such as sprinklers, drenchers over windows, smoke alarms, hose reels, extinguishers, blankets, exit signs, and emergency lighting, or
- (c) reducing the distances to exits or providing additional means of egress.

Council will also assess the merits of any new buildings in regard to fire safety outcomes and may request changes to proposed development to achieve compliance with fire safety regulations.

Retrofitting of fire safety measures in heritage buildings is dealt with in Part DI Heritage of this DCP.

### Objectives

- O1. To ensure that existing buildings are upgraded to an acceptable level of fire safety.
- O2. To ensure that all new building work provides for an acceptable level of fire safety to persons or property in the vicinity.

### Controls

Single residential dwellings and secondary dwellings

- CI. Smoke alarms are to be installed in appropriate locations when new buildings or alterations and additions are proposed. For single residential dwellings and secondary dwellings the location of smoke alarms must be shown on the floor plan.

**Note:** Approved smoke alarms must be installed in accordance with the Building Code of Australia and Australian Standard AS 3786-1993 - Smoke Alarms.





#### Commercial, industrial, public buildings and residential flat buildings

- C2. For building work (other than work in relation to a dwelling house or building or structure that is ancillary to a dwelling house) under a complying development certificate or a construction certificate, a list of any existing or proposed fire safety measures is to be provided in relation to the subject building on the land as a consequence of the building work. The list must describe the minimum standard of performance of each of the measures concerned.
- C3. For a change of use, whether via a development application or a complying development certificate, the proposed and existing fire safety measures are required to be considered in accordance with Category 1 Fire Safety Provisions being the following parts of the Building Code of Australia, including:
- (a) E1.3 - Fire Hydrants, and
  - (b) E1.4 - Fire Hose Reels, and
  - (c) E1.6 - Portable Fire Extinguishers, and
  - (d) E2.1 - Automatic Fire Detection & Alarm Systems (Class 2, 3 or 9a buildings or Class 4 part), and
  - (e) E2.2 - Evacuation & Fire Safety Management Plan.

#### Essential fire safety requirements

- C4. Buildings containing essential fire safety measures must be inspected and tested at regular intervals and building owners are required to submit an Annual Fire Safety Statement to Council each year.

**Note:** The essential fire safety measures apply to all Class 2 to Class 9 buildings that have been issued with a building approval, construction certificate, complying development certificate or fire safety notice or order by Council.

- C5. Building owners are required to submit a Fire Safety Certificate to Council before a new building or part of a building is occupied, and when works required under a Council fire safety order are completed.
- C6. Copies of the Fire Safety Certificate and Fire Safety Statement must be displayed in a conspicuous position in the building and also be forwarded to the Fire and Rescue NSW.

**Notes:** The regulations for Fire Safety Certificates and Fire Safety Statements are set out in Part 9 of the *Environmental Planning and Assessment Regulation 2000*.



An Annual Fire Safety Statement must be issued within 12 months of the original certificate or statement being issued. It must be given to Council every year by the due date.

Building owners (including owners' corporations and strata schemes) must arrange for their fire safety measures to be inspected and certified in advance to ensure that the fire safety statement can be given to Council by the due date. Owners are advised to employ a professional building and fire safety consultant.

Failure to comply with these requirements by the due date is an offence and will make the owner liable to substantial penalties.





# PART E6

# WASTE MANAGEMENT



## Introduction

Waste and resource consumption is a major environmental issue and a priority for all levels of government within Australia. This is particularly the case in the Blue Mountains as the community owns only one site which is suitable for landfill operation, and this site has limited remaining life. In this context landfill space is an extremely precious commodity. Everyone in the community is exposed to the issue of managing the increasingly large volumes of waste generated by our society, and conservation of resources is an increasing imperative.

More sustainable resource management and waste minimisation has emerged as a priority action area in the movement towards Ecologically Sustainable Development (ESD). Critical actions in this regard include the following, in order of priority:

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

Building and construction activities have the potential to be major contributors to waste, much of which may be deposited to landfill. The implementation of effective waste avoidance and minimisation strategies has the potential to significantly reduce these volumes. Effective waste planning and management can also benefit the builder/developer through reduced costs, improved workplace safety, enhanced public image and compliance with relevant legislation.



### Read in conjunction with:

**Part B - Context, Site  
Analysis and Design**



**B1**

**Part E - Site Development  
and Management**



**E4**

**E7**

**Part F - Development  
Types**



**F1**

**F2**

**F3**

**F4**

### Relationship to other legislation:

*The following legislation and policy provides requirements and provisions for waste management:*

- *The Waste Avoidance and Resource Recovery Act, 2001*
- *Protection of the Environment Operations Act, 1997*
- *The Food Act, 1989 incorporating The Food Regulations 2001 and the ANZ Food Standards Code*



## E6.1. Waste Management Objectives

- O1. To ensure waste minimisation by encouraging resource use, recovery and recycling during demolition, construction and for the ongoing life of the development.
- O2. To ensure waste systems are functional and accessible, allowing for safe and efficient storage, collection and disposal of demolition, construction and operational waste.
- O3. To ensure that waste storage and collection facilities are located and designed to protect the health and amenity of occupants, collectors and the natural environment.
- O4. To ensure that waste storage and collection facilities are located and designed to be compatible with streetscape character.

## E6.2. Waste Management Plan

A Waste Management Plan (WMP) outlines measures to minimise and manage waste generated during demolition, construction and ongoing use of a site or premises. The WMP nominates volume and type of waste and recyclables to be generated, articulates methods for storage and treatment of waste and recyclables on site, describes how residual waste and recyclables will be disposed of and outlines operational procedures for ongoing waste management once the development is complete.

C1. With the exception of low density residential development, a completed waste management plan is to be submitted with development applications involving:

- (a) demolition; or
- (b) construction of a new building(s); or
- (c) a change of use or alterations/additions to existing premises (where the proposal is likely to result in or alter the nature and extent of waste generation).

C2. A waste management plan is to be prepared in accordance with the Blue Mountains City Council Waste Management Strategy for Development Guide.

**Note:** More details are required in WMPs for larger and more complex developments. The amount of supporting information and diagrams also increases.



## E6.3. Demolition and construction waste

### Explanation

The demolition stage provides great scope for waste minimisation. Applicants are encouraged to consider possible adaptive reuse opportunities of existing buildings/structures and the reuse of materials or parts thereof.

Similarly, significant waste minimisation gains can be secured at construction stage. Proponents should consider waste sensitive construction techniques and management practices and pay particular attention to materials estimates.

### Controls

- C1. Wherever possible, adaptive reuse opportunities of buildings and structures are to be pursued in preference to demolition.
- C2. Reuse and recycling is to be facilitated through careful deconstruction and sorting of building materials.
- C3. Where materials have been salvaged through the deconstruction process, opportunities for reuse on the site are to be pursued as a first priority.
- C4. An area for the storage of materials for reuse, recycling and disposal is to be provided and comply with the following:
  - (a) be appropriately located, giving consideration to slope, drainage patterns, the location of stormwater outlets, waterways and vegetation, and access and handling requirements, and
  - (b) provide separate bins or storage areas designated for materials for reuse, recycling and disposal, and
  - (c) provide clear labelling and signposting to identify the purpose and content of bins and storage areas, and
  - (d) implement measures to prevent migration of waste from the site, damage by the elements and odour and health risks. These measures may include bunding, skip covers, asbestos rated enclosures or other appropriate controls.

**Note:** Storage areas should be clearly identified on the plans that form part of the WMP. See Blue Mountains City Council Waste Management Strategy for Development Guide for further information.

- C5. In the planning of building design and construction techniques, recycled building materials are to be prioritised over new building materials.





- C6. All residual waste is to be transported and disposed of at a licensed waste management facility.

**Note:** In the Blue Mountains, Council operates two waste management facilities: Attunga Road in Blaxland and Woodlands Road in Katoomba. Not all waste types are accepted at each facility. Please refer to Council's website for waste types, terms and conditions.

- C7. Records demonstrating lawful disposal of waste are to be retained and kept readily accessible.

**Note:** Regulatory authorities who may make a request to inspect records of lawful waste disposal include Council, the Environmental Protection Authority and WorkCover NSW.

- C8. Materials that have reuse potential or can be recycled are not to go to landfill.



## E6.4. Operational waste management

### E6.4.1. Low density residential development

*(Including single dwellings, secondary dwellings, semi-detached dwellings and dual occupancy development)*

#### Explanation

Appropriate design of waste and recyclable storage areas within residential development can provide for ease of use and limited amenity loss associated with the movement and handling of waste for the life of the development. In the Blue Mountains, the majority of housing stock takes the form of low density development and it is therefore important that the design and operation of waste management within homes provides for optimal waste minimisation.

#### Controls

- CI. The location and design of waste and recycling storage areas are to:
- (a) minimise adverse visual impact, and preferably be positioned behind the front building line, and
  - (b) avoid nuisance by way of noise and smell such that the amenity of adjoining properties is protected, and
  - (c) be easily accessible and have unobstructed access to the collection point. To this end, the distance of travel between storage location and the collection point is to be minimised, and
  - (d) ensure the bin storage area has minimum dimensions of 1200mm (height) x 2100mm (width) x 985mm (depth) per residence, with easy access to stored bins.
- C2. Provision is to be made for sufficient space within the kitchen (or alternate location within the dwelling) for the interim storage of waste and recyclables.
- C3. The provision of composting areas is encouraged. These are to be within designated areas that will not impact on the amenity of adjoining properties.
- C4. The placement of bins for collection at the nominated collection point is to ensure adequate traffic and pedestrian safety is maintained.

**Note:** Adequate space to allow 1m distance between each bin is required.

## E6.4.2. Medium density residential development

*(Including multi dwelling housing, residential flat buildings and housing for seniors or people with a disability)*

Waste and recycling storage areas within developments for multiple dwellings can affect the amenity of residents, as well as the ease of waste collection, due to factors including waste volumes and the often restricted manoeuvring areas of these more densely developed sites. It is therefore important that these areas are designed and located appropriately. Resources such as the *Better Practice Guide for Waste Management in Multi-Unit Dwellings*, DECC NSW, June 2008, (Better Practice Guide for Multi-unit Dwellings) should be used to inform design of multi-unit dwellings.

### Controls

- C1. Waste collection and storage facilities are to be identified on design plans and sufficient space is to be provided within the kitchen (or an alternate location within the dwelling) for the interim storage of waste and recyclables.

**Note:** Should bin collection be proposed on site, a Deed of Agreement (DoA) will need to be made with Council. Refer to Council's Waste Management Strategies for Development Guide.

- C2. The composting of waste is encouraged. Where this is proposed, provision is to be made within each dwelling for individual composting containers or a communal composting container on the site. This is to be appropriately located to minimise odour and other amenity impacts on adjoining neighbours.

### Multi Dwelling Housing and Housing for Seniors and people with a Disability

- C3. Development for the purposes of Multi dwelling housing and Housing for Seniors or people with a disability is to:
- (a) provide individual waste and recycling storage facilities for each dwelling, or provide a communal facility in the form of a waste and recycling room (or rooms) designed in accordance with Appendix A (Waste Generation Rates) of the Better Practice Guide for Multi-Unit Dwellings, and
  - (b) locate and design waste and recycling storage areas to reduce adverse impacts upon neighbouring properties and limit the visual impact to the premise on which it is located.





C4. Development for the purposes of Residential flat buildings is to provide:

- (a) communal waste and recycling storage facilities in the form of a waste and recycling storage room (or rooms) designed in accordance with the Council's Waste Management Strategies for Development Guide and the Better Practice Guide for Multi-Unit Dwellings, and
- (b) where the development includes ten or more dwellings, a dedicated room or caged area for the temporary storage of discarded bulky items which are awaiting removal. The storage area is to be readily accessible to all residents and located close to the main waste storage room or area.

**Note:** Should bin collection be proposed on site, a Deed of Agreement (DoA) will need to be made with Council. Refer to Council's Waste Management Strategies for Development Guide.

C5. The following location and design criteria shall apply to collection and storage facilities:

- (a) There is to be an unobstructed and Continuous Accessible Path of Travel (as per Australian Standard 1428 Design for Access and Mobility) from the waste and recycling storage area(s) or room(s) to:
  - i. the entry to any Adaptable Housing (as per Australian Standard 4299 Adaptable Housing), and
  - ii. the principal entrance to each residential flat building, and
  - iii. the point at which bins are collected/emptied.

In instances where a proposal does not comply with these requirements, Council will consider alternative proposals that seek to achieve a reasonable level of access to waste and recycling storage area(s) or room(s).

- (b) Communal waste storage areas should have adequate space to accommodate and manoeuvre Council's required number of waste and recycling containers by ensuring bin storage areas have minimum dimensions of 1200mm (height) x 2100mm (width) x 985mm (depth) per residence, and
- (c) Each service room and storage area is to be located for convenient access by users and is to be well ventilated and well lit in accordance with AS1668.2 and AS1680.2.2 respectively, and



- (d) Where site characteristics, number of bins and length of street frontage allow, bins may be collected from a kerbside location. In instances where kerbside bin collection is not appropriate, bins are to be collected onsite. Bins that are collected onsite are to be collected either from their usual storage point or from an onsite temporary holding area located inside the property boundary and close to a property entrance, and
- (e) Where bins cannot be collected from a kerbside location the development is to be designed to allow for on-site access by garbage collection vehicles (of dimensions detailed at Appendix C (Collection Vehicles) and Appendix D (Vehicle Access / Turning Circles) of the Better Practice Guide for Multi-unit Dwellings). In these instances, the site is to be configured so as to allow collection vehicles to enter and exit the site in a forward direction and so that collection vehicles do not impede general access to, from or within the site, and

**Note 1:** Should bin collection be proposed on site, a Deed of Agreement (DoA) will need to be made with Council. Refer to Council's Waste Management Strategies for Development Guide.

**Note 2:** In all cases, a hazard assessment will be undertaken by Council prior to a waste services Deed of Agreement.

- (f) Should a collection vehicle be required to enter a property, access driveways and internal roads are to be designed in accordance with Australian Standard 2890.2 Parking Facilities – Off-Street Commercial Vehicle Facilities, and
- (g) If Council waste collectors and/or waste collection vehicles are required to enter a site for the purpose of providing waste services, then site specific arrangements are to be in place (It is likely that this will take the form of a Deed of Agreement between Council and the proponent/landowner).
- (h) Waste and recycling storage areas are to be serviced by a cold water supply for the cleaning of bins and the storage areas. Storage areas are to be constructed and designed to be weather proof and easy to clean, with wastewater discharged to sewer, and
- (i) The design and location of waste storage areas and facilities should be such that they complement the design of both the development and the surrounding streetscape, and

- (j) Developments containing four or more storeys should be provided with a suitable system for the transportation of waste and recyclables from each storey to waste storage and collection areas, and
- (k) Garbage chutes are to be designed in accordance with Appendix B (Waste Management Equipment) of the Better Practice Guide for Multi-Unit Dwellings, and relevant sections of the Building Code of Australia (BCA). Garbage chutes are not suitable for recyclable materials and are to be clearly labelled to discourage improper use. Alternative interim disposal facilities for recyclables should be provided at each point of access to the garbage chute system.

C6. Agents of the owners' corporation are to take responsibility for the management of waste and recyclable materials generated upon the site. Arrangements are to be in place in regards to the management, maintenance and cleaning of all waste/recycling management facilities.

### E6.4.3. Non-residential development and change of use

*(Including shops, office premises, food and drink premises, tourist and visitor accommodation, registered clubs, education establishments, entertainment facilities and health services facilities)*

A range of non-residential uses present an array of unique waste minimisation opportunities and management requirements. Significant waste minimisation gains can be made in regards to the operation of various types of non-residential development, through the planning and coordination of waste management and removal. Flexibility in size and layout is often required to cater for the different needs of multiple tenants as well as future changes in use.

**Note:** Storage and disposal of liquid waste, such as oils and chemicals, are not covered by these controls. Businesses that generate liquid waste are to comply with certain requirements pursuant to the *Protection of the Environment Operations Act 1997*.

#### Controls

CI. Convenient access between each tenancy and the waste and recycling storage room(s) or area(s) is to be provided. In addition, provide step-free access between the point at which bins are collected and emptied and the waste and recycling storage room(s) or area(s).





- C2. Every development is to include a designated waste and recycling storage area or room(s), designed in accordance with Appendix F (Waste Management Plan Checklists - Design Phase) of the *Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities*, NSW EPA, December 2012 (Better Practice Guidelines for Commercial and Industrial).
- C3. Depending upon the size and type of the development, it may be necessary to include multiple waste and recycling storage rooms or areas for the development.
- C4. All commercial tenants are to keep written evidence on site of a valid contract with a licensed waste contractor for the regular collection and disposal of the waste and recyclables that are generated on site.
- C5. Arrangements are to be in place for all parts of the development for the separation of recyclable materials from general waste. Arrangements are also to be made for the movement of recyclable materials and general waste to the main waste/recycling storage room/area. For multiple storey buildings, this might involve the use of a goods lift.
- C6. The waste/recycling storage room/area is to be able to accommodate bins that are of sufficient volume to contain the quantity of waste generated (at the rate described in Appendix A (Waste/Recycling Generation Rates) of the Better Practice Guidelines for Commercial and Industrial between collections.
- C7. The waste/recycling storage room/area is to provide separate containers for the separation of recyclable materials from general waste to appropriate volumes to the commercial purpose. Standard and consistent signage on how to use the waste management facilities should be clearly displayed.
- C8. The type and volume of containers used to hold waste and recyclable materials is to be compatible with the collection practices of the nominated waste contractor.
- C9. Waste management facilities are to be suitably enclosed, covered and maintained so as to prevent polluted wastewater runoff from entering the stormwater system.
- C10. Collection should be undertaken at a suitable time of day so as to minimise adverse impacts upon residential amenity, pedestrian movements and vehicle movements. Where possible, waste/recycling containers should be collected from a rear lane access point.

- C11. Provide a sufficient space within each kitchen (including kitchen areas in hotel rooms, motel rooms and staff food preparation areas) in a development for the interim storage of waste and recyclables.
- C12. Premises that discharge trade wastewater are to do so only in accordance with a written agreement from Sydney Water.  
  
**Note:** Sydney Water defines trade wastewater as “any liquid, and any substance contained in it, which may be produced at the premises in an industrial and commercial activity, but does not include domestic wastewater (e.g. from hand-basins, showers and toilets).”
- C13. Premises which generate 50 litres or greater per day of meat, seafood or poultry waste are to have that waste collected on a daily basis or are to store that waste in a dedicated and refrigerated waste storage area until collection.
- C14. Any garbage chutes are to be designed in accordance with the requirements of Appendix B (Waste Management Equipment) of the Better Practice Guidelines for Commercial and Industrial, and the relevant sections of the BCA. Garbage chutes are not suitable for recyclable materials and are to be clearly labelled to discourage improper use.

#### E6.4.4. Mixed Use Developments

*(Developments comprising both residential and non-residential uses)*

Where residential and commercial land uses occur within the one building or development waste management will necessitate a balancing of variable demands, including preservation of residential amenity.

##### **Controls**

- C1. The controls at Part E6.4.2 Multi-Unit Dwellings apply to the residential component of mixed-use development.
- C2. The controls at Part E6.4.3 Commercial Developments apply to the non-residential component of mixed-use development.
- C3. Mixed Use development is to incorporate separate and self-contained waste management systems for the residential component and the non-residential component.







- C4. In particular, the development is to incorporate separate waste/recycling storage rooms/areas for the residential and non-residential components. Commercial tenants are to be discouraged (via signage and other means), from using the residential waste/recycling bins and vice versa.
- C5. The residential waste management system and the non-residential waste management system is to be designed so that they can efficiently operate without conflict. Conflict may potentially occur between residential and non-residential storage, collection and removal systems, and between these systems and the surrounding land uses.
- Note:** For example, collection vehicles disrupting peak residential and commercial traffic flows or causing noise issues when residents are sleeping.
- C6. Residential bin storage areas are to provide a minimum clearance of 1200mm (height) x 2100mm (width) x 985mm (depth) per residence and easy access to stored bins.

#### E6.4.5. Industrial

Industrial development typically produces a diverse range of waste products. Some of these waste products may be hazardous and require compliance with established laws/protocols that are additional to the controls contained in this DCP. Other waste products are similar in nature to commercial and domestic waste streams. Mixing waste products limits potential reuse and recycling opportunities and may distribute toxic material through a larger volume of wastes.

##### Controls

- C1. Evidence of compliance with any specific industrial waste laws/protocols. For example, those related to production, storage and disposal of industrial and hazardous wastes as defined by the *Protection of the Environment Operations Act 1997*.
- C2. Convenient access between each tenancy and the waste and recycling storage room(s) or area(s) is to be provided. In addition, provide step-free access between the point at which bins are collected and emptied and the waste and recycling storage room(s) or area(s).



- C3. Every development is to include a designated general waste/recycling storage area or room(s) (designed in accordance with Appendix F (Waste Management Plan Checklists - Design Phase) of the Better Practice Guidelines for Commercial and Industrial, as well as designated storage areas for industrial waste streams (designed in accordance with specific waste laws/protocols).
- C4. Depending upon the size and type of the development, it may be necessary to include multiple waste and recycling storage rooms or areas for the development.
- C5. All tenants are to keep written evidence on site of a valid contract with a licensed waste contractor for the regular collection and disposal of all the waste streams and recyclables which are generated on site.
- C6. Arrangements are to be in place in all parts of the development for the separation of recyclable materials from general waste. Arrangements are to be in place in all parts of the development for the movement of recyclable materials and general waste to the main waste/recycling storage room/area.
- C7. The waste/recycling storage room/areas are to be able to accommodate bins that are of sufficient volume to contain the quantity of waste generated between collections.
- C8. The type and volume of containers used to hold waste and recyclable materials are to be compatible with the collection practices of the nominated waste contractor.
- C9. Waste management storage rooms/areas are to be suitably enclosed, covered and maintained so as to prevent polluted wastewater runoff from entering the stormwater system.
- C10. Provide a sufficient space within each kitchen in a development for the interim storage of waste and recyclables. Premises that discharge trade wastewater are to do so only in accordance with a written agreement from Sydney Water.  
  
**Note:** Sydney Water defines trade wastewater as “any liquid, and any substance contained in it, which may be produced at the premises in an industrial and commercial activity, but does not include domestic wastewater (e.g. from hand-basins, showers and toilets).”
- C11. Production, storage and disposal of hazardous wastes (such as contaminated or toxic material) require particular attention, and is to be undertaken in accordance with State requirements.

# PART E7 CONTAMINATION



## Introduction

Land contamination is most often the result of past or present land uses. It can arise from activities that took place on or adjacent to a site and be the result of improper chemical handling or disposal practices or accidental spillages or leakages of chemicals during manufacturing or storage. Activities not directly related to the site may also cause contamination. For example, diffuse sources such as polluted groundwater migrating under a site or dust settling out from industrial emissions.

When carrying out planning functions under the *Environmental Planning and Assessment Act 1979* (EP&A Act), a consent authority must consider the possibility that land may be contaminated and as such may pose a potential risk to health or the environment. Decisions must then be made as to whether the land should be remediated, or use of the land restricted, in order to reduce the risk.

### Read in conjunction with:

Part B - Context, Site  
Analysis and Design



B1

Part E - Site Development  
and Management



E4

E6

### Relevant legislation:

*One or more of the following types of reports may need to accompany a development application:*

- *Contaminated Land Management Act 1997 (CLM Act)*
- *State Environmental Planning Policy No 55 – Remediation of Contaminated Land (SEPP 55)*
- *The Department of Planning's Managing Land Contamination – Planning Guidelines 1998 (Guidelines)*



## E7.1. Relationship to other Legislation

Council's *Contaminated and Potentially Contaminated Land Policy* (the Contaminated Lands Policy), adopted 22 August 2000, stipulates when site contamination information is to be submitted with a development application and outlines the Council's decision making process in respect of development proposals on contaminated or potentially contaminated lands. The Contaminated Lands Policy can be accessed online via Council's website.

The Contaminated Lands Policy draws together the provisions and requirements of the following state level legislation and policy:

- *Contaminated Land Management Act 1997* (CLM Act)

This Act establishes who is responsible for investigating and remediating contaminated land and gives the Environmental Protection Authority (EPA) the powers to order the assessment and remediation of land in some circumstances. It also provides the framework for the use of site auditors and the independent review of assessment reports.

- *State Environmental Planning Policy No 55 – Remediation of Contaminated Land* (SEPP 55)

SEPP 55 specifies the general situations where approval is required for the remediation of contaminated land and ensures that Council is provided with information about the site contamination and remediation. It seeks to ensure a consistent approach to the management of contaminated land by requiring works to comply with EPA standards and outlines the circumstances under which proposed remedial work constitutes category 1 or 2 remediation, with the former requiring consent from Council.

- *The Department of Planning's Managing Land Contamination – Planning Guidelines 1998* (Guidelines)

The Guidelines were prepared by the Department of Planning and published in 1998. The Guidelines are to be used in association with SEPP 55 and establish best practice for managing land contamination through the planning and development control process. The Guidelines provide information to assist in the investigation of contamination possibilities and detail a decision making process that responds to the information obtained from an investigation.

This package of state legislation and supporting guidelines is cross referenced and the documents work in conjunction with each other. The Contaminated Lands Policy should be read in conjunction with these documents. NSW Legislation can be downloaded from the NSW Legislation website and the Guidelines can be downloaded from the Department of Planning website.



## E7.2. Contamination investigation

Both the EP&A Act and SEPP 55 require Council to consider the suitability of land for a proposed development. Ultimately, the consent authority needs to be satisfied that a site is suitable for its proposed use or can and will be made suitable.

If contamination is or has the potential to be present, the applicant must investigate the site and provide the consent authority with the information it needs to carry out its planning functions. The appropriate level of investigation will depend on the circumstances and may involve one or more of the stages described below in the site investigation process.

**Note:** The applicant or person(s) benefiting from the consent is responsible for demonstrating that a site is suitable for the proposed development, in regards to land contamination. The costs of undertaking the necessary investigations are to be borne by the applicant.

### Preliminary Investigation

The main objectives of a preliminary investigation are to identify any past or present potentially contaminating activities, provide a preliminary assessment of any site contamination and, if required, provide a basis for a more detailed investigation.

The Contaminated Lands Policy describes the circumstances under which a preliminary investigation will be required to be submitted with a development application. The Policy also contains details and advice regarding the preparation of a preliminary investigation.

If the consent authority is satisfied that a preliminary investigation report concludes that a site is suitable for the proposed use, it will not require any further land contamination investigations to be conducted.

### Detailed Investigation

A detailed investigation is only necessary when a preliminary investigation indicates that the land is contaminated or that it is, or was, formally used for an activity listed in *Part E7 - Table 1* of the Guidelines, and a land use change is proposed that has the potential to increase the risk of exposure to contamination.

A detailed investigation will also need to be conducted as part of a remediation proposal. The objectives of a detailed investigation are to define the nature, extent and degree of contamination; to assess potential risk posed by contaminants to health and the environment; and to obtain sufficient information to develop a remedial action plan (RAP), if required.



The Contaminated Lands Policy describes the circumstances under which a detailed investigation will be required to be submitted with a development application. The Policy also contains details and advice regarding the preparation of a detailed investigation.

**Part E7 - Table I: Extract from Guidelines - Some Activities that may Cause Contamination**

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

### Remedial Action Plan

The objective of a Remedial Action Plan (RAP) is to set objectives and document the process to remediate the site. All development applications for or including site remediation must be accompanied by a RAP prepared by a suitably qualified person in accordance with the Environmental Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites, 1997.

The Contaminated Lands Policy describes the circumstances under which a RAP will be required to be undertaken. The Policy also contains details and advice regarding the preparation of a RAP and the development consent requirements associated with remediation action.

### Validation and Monitoring

The objective of validation and monitoring is to demonstrate whether the objectives stated in the RAP and any conditions of development consent have been achieved. SEPP 55 requires a notice of completion for all remediation work. Validation is an important prerequisite of this notice. The Contaminated Lands Policy includes details concerning the required content and timing of validation reports.





## E7.3. Obtaining contamination information

### **Council's Property Information System**

Council has details of known contaminated and potentially contaminated land in its property information system. This information is compiled usually as a result of a development application which has prompted a contamination investigation and submission of a subsequent report. It should be noted that Councils records are not exhaustive and there may be land that is yet to be identified as contaminated yet has the potential to be contaminated based on historical land uses.

### **I49 Planning Certificates**

Under SI49 of the EP&A Act a person may request a Planning Certificate from Council containing specific information about the land. A Section 149(2) Planning Certificate includes information on prescribed matters arising under the Contaminated Land Management Act 1997. A Section 149(5) Planning Certificate will stipulate if Council records indicate if any activities listed in Table 1 of the Guidelines have occurred on the site, and if there is any site investigations held by Council, and/or any notification of remediation, and/or copies of any site audit statement held by Council.



## E7.4. Independent auditing

The CLM Act provided for the NSW Site Auditor Scheme. Site Auditors are accredited experts who can provide an independent review of the work of a primary consultant for all types of contaminated sites.

The consent authority may request a site audit (or independent review) to be undertaken at any or all stages of the site investigation process. The site audit is to be carried out by an accredited Site Auditor and the cost borne by the applicant.

Council may require a site audit where it:

- believes on reasonable grounds that the information provided by the proponent is incorrect or incomplete
- wishes to verify the information provided by the proponent adheres to appropriate standards, procedures and guidelines
- does not have the internal resources to conduct its own technical review.

The Contaminated Lands Policy contains further detail regarding the NSW Site Auditor Scheme and the content of a site audit. The NSW Environmental Protection Authority have also prepared Guidelines for the NSW Site Auditor Scheme June 2002, which outline the NSW Site Auditor Scheme, the process of appointing site auditors, and the legal, administrative and technical directions and guidelines for site auditors and the preparation of site audits statements.



# PART E8

# PUBLIC DOMAIN



## Introduction

The public domain of the Blue Mountains towns and villages provides the interface between public and private property and acts as a venue for access and social interaction as well as a corridor for essential and non-essential services. When combined with all elements of the setting, the public domain is a key component of the function and identity of the place.

While the public domain is usually Council owned land such as roads, footpaths and parks; those parts of private property that line, or intersect with roads and footpaths, particularly in town and village centres, should be included where accessible by members of the public for a public purpose.

The key principles to be established in the development and management of the public domain are:

- *To enhance and integrate the function, character and quality of the street;*
- *To respect the existing streetscape when building new amongst old - understanding the character of the area and designing to achieve sympathetic new development or alterations;*
- *To maximise the coordination and integration of public land and private development where they intersect;*
- *To ensure that appropriate species are planted to enhance the character, amenity and environmental quality of the street;*
- *To maximise safety and access for all as a considered process of inclusion.*



### Read in conjunction with:

Part E - Site Development  
and Management



E2

Part D - Heritage  
Management



DI

Part G - Precincts



All

### Relationship to other legislation and documents:

*One or more of the following types of reports may need to accompany a development application:*

- *The Public Domain Technical Manual*
- *The Street Tree Masterplan*

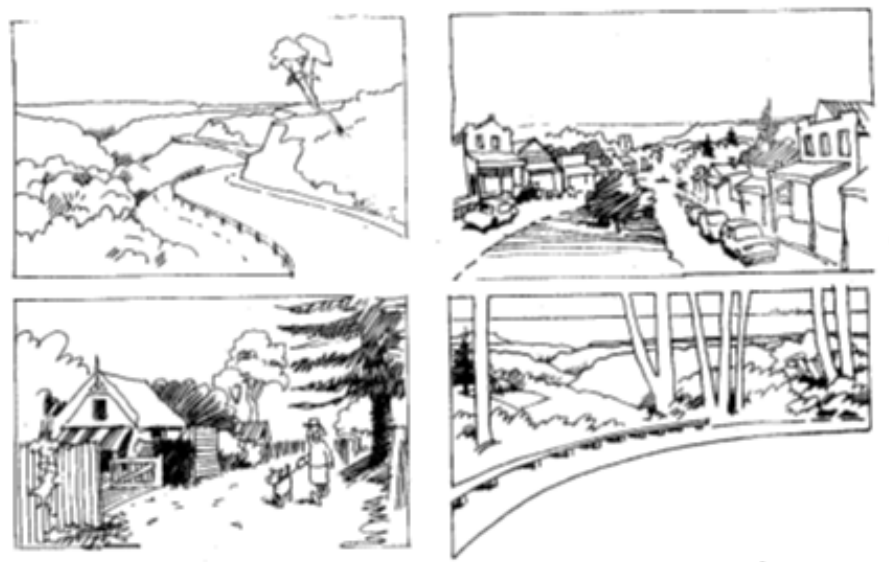


## E8.1. Street Hierarchy

### Introduction

The natural topography of the Blue Mountains means that the towns and villages connected by roads and separated by bushland have a particularly distinct character. Roads dip and bend across the topography, and streets open up to famous vistas or are enclosed by canopies of trees and the thickness of native vegetation. Back lanes and scenic drives, suburban roads, formal avenues and the Great Western Highway are all distinctive responses to topography, development, traffic and engineering. This hierarchy of streets adds to the legibility of the Local Government Area as a whole and the individual towns and villages to locals and visitors alike.

The scale of the road to the setting, the character and quality of edge treatments, the design of infrastructure and the layout and materials of footpaths all signal the logic of the local development pattern for residents and visitors.



**Part E8 - Figure 1:** Distinctive scenic views give the Blue Mountains a unique character of natural and cultural beauty

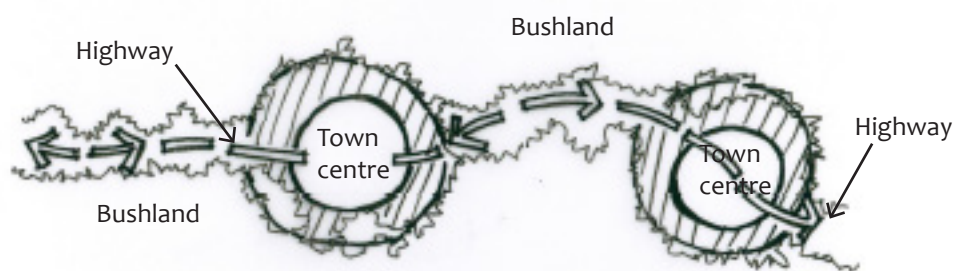
The design of street elements may enhance or devalue the experience for observers - whether town centre, residential back street, or major regional road. The following objectives and controls seek to maintain and enhance this distinctive pattern and hierarchy.

This section applies when work is proposed within the public or private domain on or adjacent to the following road types, regardless of the scale or type of development.

## E8.1.1. Great Western Highway

### Explanation

The Great Western Highway has been the major route through the Blue Mountains since the early nineteenth century. It has developed multiple layers of character and heritage deserving of considerable respect. Its linear configuration connects a string of towns and villages and increases rapidly in elevation from around 60m above sea level to over 1000. There is a clear progression of separated and distinct towns and villages which are, individually and together, integral to the character and identity of the local government area.



**Part E8 - Figure 2:** The linear configuration of the Great Western Highway has created a string of separated and distinct towns and villages

All roadwork and maintenance between the roadside kerbs along the Highway is the responsibility of the Roads and Maritime Service and it is recommended that contact is to be made with this agency in advance of lodging any application requiring works in this area. The following controls focus on areas between the back of the kerb and the private property boundary.

### Objectives

- O1. To maintain the separation of towns and strengthen the bushland character of the land between towns.
- O2. To ensure the Great Western Highway retains its historic associations, physical remnants and landscape elements that contribute to its streetscape;
- O3. To considerably integrate new development into the historic environment.
- O4. To consider the potential impacts upon the scenic and character values of the location.
- O5. To continue to landmark the town and village centres with appropriate street tree planting, or the town entry access from the Great Western Highway, as appropriate.



- O6. To ensure safe and appropriate landscaping that simultaneously consolidates desired location character, improves pedestrian amenity and maintains open sight lines and safety.
- O7. To continue the provision of a continuous pedestrian/cycle path along the Great Western Highway length.
- O8. To ensure that associated infrastructure is appropriate to its setting.
- O9. To ensure that public art opportunities are considered for inclusion where appropriate.

### Controls

- C1. Construction works associated with parts of the Great Western Highway that have thickly vegetated roadside are to include rehabilitation of indigenous vegetation of local provenance

**Note:** Definition of “in town” and “between towns” for the purposes of landscaping and selection of plant material should be guided by the Strategy maps in the current edition of Council’s Street Tree Masterplan.

- C2. Construction works associated with those parts of the Great Western Highway that are in town areas are to include rehabilitation or new planting of street trees in accordance with Council’s Street Tree Masterplan. These works are to include establishment maintenance for any street trees proposed.
- C3. Construction work from the back of kerb is to be unobtrusive and compatible with the roadside landscape.
- C4. Stormwater management is to be unobtrusive and should incorporate Water Sensitive Urban Design devices such as landscaped swales where possible.
- C5. Landscaping in roadside settings should use a combination of groundcovers (maximum height 500mm) and single trunked trees with elevated canopies to ensure open sightlines.
- C6. Where development intersects with the shared pedestrian / bicycle way , appropriate transitions and links to this access way in accordance with Council’s Public Domain Technical Manual.



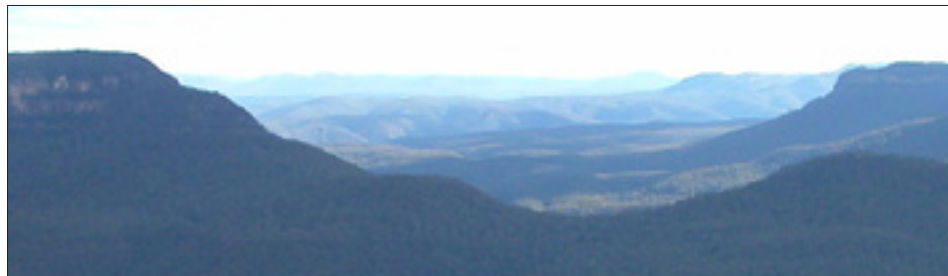


## E8.1.2. Scenic Drives

### Explanation

The Blue Mountains has a number of scenic drives from Lapstone to Bell, developed over the last 100 years. These are documented in the “Greater Blue Mountains Drive” literature and include roads at:

- Mounts Wilson and Irvine
- Blackheath and Megalong Valley
- Katoomba
- Leura
- Wentworth Falls
- Glenbrook



**Part E8 - Figure 3:** The Jamison Valley from Cliff Drive, Katoomba

Probably the most eminent of these is Cliff Drive at Katoomba. Views range from small tree-framed vistas to grand panoramas. Sometimes a series of views lead to a lookout and the progression of views may be a vital part of the streetscape. Scenic drives are usually long established and can be associated with significant heritage values and social history. Any upgrading, construction, landscaping or adjacent development should be consistent with the setting of these drives.

### Objectives

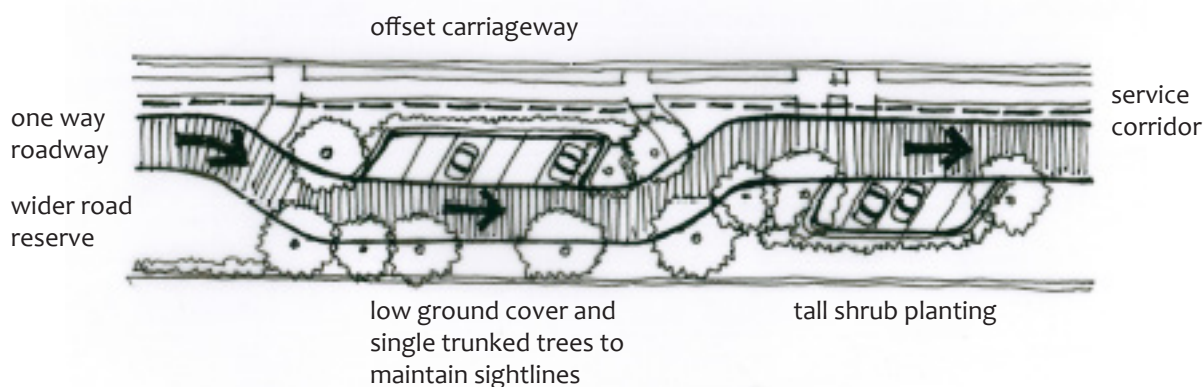
- O1. To retain the balance of scale between the road and natural environment on scenic drives.
- O2. To ensure scenic drives retain the historic associations, physical remnants and landscape elements that contribute to their character and history.
- O3. To ensure that development adjacent to scenic drives considers the potential impacts upon the values of the scenic drives.
- O4. To strengthen the character of the land on the edges and between towns through replanting of indigenous species and vegetation rehabilitation.



- O5. To sensitively integrate infrastructure such as stormwater drainage through site appropriate measures.

### Controls

- C1. Construction works associated with major roads and scenic drives that have thickly vegetated roadsides are to include vegetation rehabilitation.
- C2. Parking and services are to be unobtrusive and integrated with landscaping;
- C3. Construction works associated with scenic drives and lookouts must be low-key and compatible with the natural landscape, including treatments such as:
- (a) Planted or grassed swales for stormwater disposal;
  - (b) Use of compacted earth or stabilised granite in preference to concrete or unit paving;
  - (c) Reuse of timber and stone from the site in edging, tracks and steps – refer Public Domain Technical Manual.
- C4. Stormwater management devices are to be unobtrusive, and utilise materials and finishes in accordance with the Public Domain Technical Manual.
- C5. Any proposed tourist amenities such as toilets, picnic furniture, shelters and playgrounds are to be constructed of natural materials with natural surface finishes, and carefully sited to be unobtrusive and retain natural views.
- C6. Rolled kerbs, plantings, grassed swales and offset parking bays or carriageways are to be used in preference to concrete kerbs and guttering where possible.



**Part E8 - Figure 4:** An example of offset parking and road.

### E8.1.3. Town & Village Centre Main Streets

#### Explanation

Part of the special attraction of Blue Mountains towns is, in many cases, the character of their main streets. These streets perform many functions and must work at a practical level. However they also represent the town's social history, embody its identity to residents and often present a strong town character to visitors. A number of the town centres are protected as heritage conservation areas (reference should be made to Part DI Heritage of this DCP) reinforcing the concentration of social and historical significance.

Improvements to pedestrian amenity, appearance, accessibility and safety are seen as ways of revitalising, activating and enhancing the character and vitality of the town and village centres which vary in size and significance from village to district centre.

#### Objectives

- O1. To ensure that development in town and village centres enhances the public domain and is appropriate to the character of its particular setting;
- O2. To ensure that development provides a positive interface between public and private realms and that development demonstrates a high level of urban design quality;
- O3. To ensure active frontages are provided at main street elevations to enliven the public domain;
- O4. To ensure that appropriate materials and furniture are used in publicly accessible areas of town and village centres;
- O5. To provide improved amenity, safety and access to town and village centres.

#### Controls

- CI. New development, including alterations and additions to existing buildings is to demonstrate a high level of integration between existing and new work. Where a developed materials palette and design approach is evident in the street, this approach should be repeated. Reference should be made to the Council's Public Domain Technical Manual for materials and finishes.

Where no particular materials palette is evident, pavements, furniture and structural elements are to be provided in accordance with the Council's Public Domain Technical Manual.

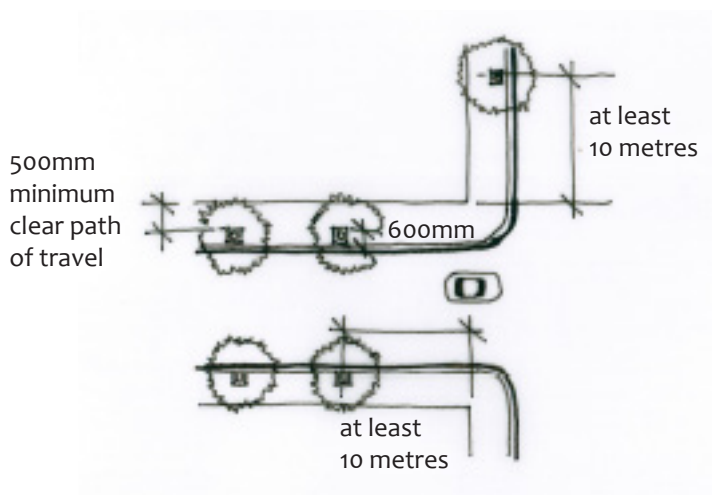


**Note:** Consultation with Council's Assets and City Planning Branches should be undertaken prior to the final preparation and lodgement of any application.

- C2. Street trees should be provided that are consistent with established themes, and appropriately sized deep soil zones are to be retained for these trees.

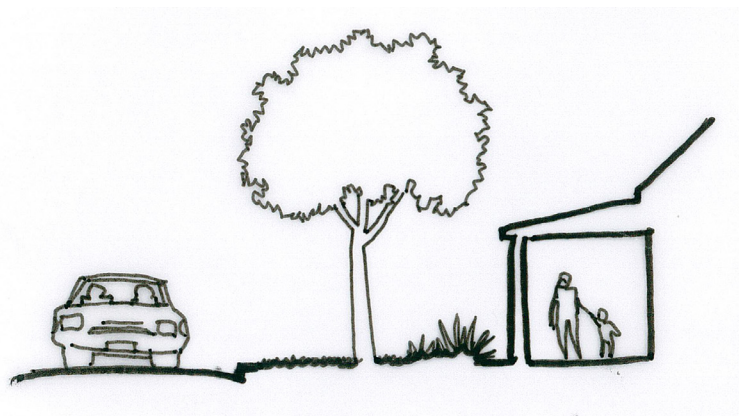
**Note:** Refer to Part C3 Landscaping of this DCP for information on Deep Soil Zones.

- C3. Street trees are to be sited to maintain or improve sightlines and to reduce conflicts between pedestrians and cars.



**Part E8 - Figure 5:** Position street trees to maintain sightlines

- C4. Main Street landscaping is to be simple and robust to minimise maintenance. Combinations of low shrubs or groundcovers to a maximum of 500mm height and street trees which carry their canopy high are preferred to maintain sightlines which are as open as possible.



**Part E8 - Figure 6:** Landscaping to town centre streets: plant combinations must be selected and arranged to keep open sightlines for both safety of pedestrians and personal security.

- C5. Weatherproofing in the form of continuous awnings should be provided to all the main street frontages of existing and new shopfront buildings.
- C6. Ensure adequate provision and integration of street drainage.
- C7. The principles of Crime Prevention through Environmental Design (CPTED) should be applied to all design in the public domain.

**Note:** Refer to Part E5 Safety and Security for further information.

## E8.1.4. Town Centre Laneways & Through-Site Links

### Explanation

Many of the larger town and village shopping centre precincts of the Blue Mountains contain networks of passages and lanes (either external or internal) that allow fine-grain pedestrian access through and around shops, and provide key links to the main street from car parks and residential areas. These can be found in the town centres of Leura, Katoomba, Blackheath, Springwood, Blaxland, Glenbrook, Lawson, Wentworth Falls and Hazelbrook. These laneways offer a different character and experience to the main streets, and can present a legitimate and interesting “back of house” view to the old, often heritage listed Edwardian and Inter-War shopfronts.

Through-site links are encouraged where the opportunity arises to integrate other frontages at the rear of shops with the main street.

The urban design detailing and activation of lanes and links is to conserve and enhance their character and consolidate their contribution to the functioning of the main centre, by improving permeability while also addressing safety and amenity.



**Part E8 - Figure 7:** Laneways provide a dynamic ‘back of house’ character and experience, in contrast to the main streets





## Objectives

- O1. To identify opportunities for maximising through-site and laneway links.
- O2. To achieve a high standard of urban design to town centre laneways which maximises safety, security and general amenity.
- O3. To increase activation where possible through flexibility in adjacent floor plan and use of existing and new penetrations to laneway frontages.
- O4. To maintain the setting of heritage items and of buildings within a heritage conservation area or adjacent to heritage-listed buildings whilst allowing for an appropriate level of adaptation.
- O5. To encourage the inclusion of public art or elements of interest where appropriate to generate activity and through-traffic.

## Controls

- C1. An appropriately qualified and experienced professional such as an architect, landscape architect, or urban designer is to be used to design and detail new development affecting lanes and through-site links;
- C2. Views in and out of lanes and through-site links are to be maintained. Short, straight runs linking points of existing high activation are to be prioritised and dead ends avoided;
- C3. Lighting to new pedestrian lanes and through-links is to:
  - (a) Be designed by an appropriate lighting engineer;
  - (b) Comply with AS/NZS 1158.3.1
  - (c) Be reviewed by the Council's Asset Branch where the lanes and links are to become a Council asset.
  - (d) Should replicate adjacent lighting infrastructure.
- C4. New lanes and footpaths and any accompanying street furniture is to be constructed in accordance with the Council's Public Domain Technical Manual and Design and Construction Specification. If a developed materials palette is evident, consistency is preferred
- C5. Opportunities for artwork should be sought and identified.

## E8.1.5. Residential Footpaths

### Explanation

Footpaths in the Blue Mountains Local Government Area must retain a high level of functionality while still demonstrating a standard of visual and practical amenity. Whether main roads or quiet residential setting, footpaths need to be accessible, safe, attractive and durable. They are used not only by pedestrians, but in some locations must be shared with cyclists. Footpath design should consider the needs of older residents and those with impaired mobility.

### Objectives

- O1. To provide a footpath of sufficient width to accommodate pedestrians and where appropriate, shared areas for pedestrians and cyclists;
- O2. To ensure footpaths are constructed using common, robust materials with a relatively long durability and which are easily repaired and replicated;
- O3. To ensure the retention of soft, pervious and landscaped areas, particularly in relation to street trees, that contributes to landscape setting, residential amenity and catchment health.

### Controls

- C1. The Public Domain Technical Manual is to be used to guide the dimensions, materials and detailing of footpaths.
- C2. The setting out of footpaths is to have regard to the retention of existing trees, where trees are in good health.
- C3. Avoid planting shrubs which hinder open sightlines. Low groundcovers and single trunked trees with elevated canopies are preferred.





## E8.2. Improving the Public Domain in Town Centres

### Explanation

The Council's guiding strategic plan for the City, *Sustainable Blue Mountains 2025: Our City Our Future*, seeks to strengthen liveability, vibrancy and safety in all town and village centres. Other important qualities of town and village centres listed in this document are retention of character, accessibility, sustainability, vitality and diversity. These qualities are important for both residents and visitors alike. This section aims to provide standards which support these development directions.

**Note:** In addition to complying with the provisions of this DCP, development in the public domain of town centres must also comply with the principles and provisions of the NSW Disability Inclusion Act 2014.



**Part E8 - Figure 8:** Lawson Town Centre

### E8.2.1. Footpath Awnings

#### Explanation

Awnings and weather protection elements increases the suitability and amenity of public footpaths by protecting pedestrians from all weather conditions. They encourage pedestrian activity along streets and in conjunction with active edges such as retail frontages (cafés etc.), support and enhance the vibrancy of the local area. Awnings also provide architectural continuity and contribute to the streetscape.

#### Objectives

- O1. To provide shelter from wind, rain and sun for streets where most pedestrian activity occurs.
- O2. To provide a visually integrated streetscape.



## Controls

- C1. Awnings are to be provided at specific locations identified within key precincts. Refer to Part G of the DCP.

**Note:** Precincts are identified on the *LEP 2015 Built Character Map*.

- C2. Awnings should be an integral component of new developments (including alterations and additions) and where appropriate, stepped to accommodate sloping streets.
- C3. Stepped awnings are to be detailed to provide continuous weather protection.
- C4. Awning design is to match building facades and be complementary to those of adjoining buildings.
- C5. Awnings are to be cantilevered from the face of the building or suspended. The installation of support posts within the public area is not supported.
- C6. Awning dimensions should generally be:
- (a) setback from the face of the kerb a minimum of 600mm to allow for clearance of street furniture including street trees, and
  - (b) a minimum soffit height of 3.2m and maximum of 4m, and
  - (c) stepped for design articulation or to accommodate sloping streets. These are to be integral with the building design and should not exceed 700mm; and
  - (d) low profile, with slim vertical fascias or eaves generally not to exceed a height of 300mm height for new awnings. Where existing awnings are being replaced, the existing fascia height may be maintained.
- C7. For corner sites, awnings are to wrap around the building up to 6m along the secondary street frontage.
- C8. The provision of under awning lighting (where appropriate) should be recessed into the soffit of the awning or mounted to the building façade to facilitate pedestrian movement at night and improve public safety.
- C9. Stormwater drainage from the awning is to be drained to the footpath level with a downpipe recessed into the face of the building, and then piped under the footpath to the face of the kerb.



- C10. Where the awning is to encroach over the road reserve, including the footpath, a separate approval to erect the awning over the road reserve is to be obtained under the *Roads Act 1993*.

## E8.2.2. Street Trees

### Explanation

The planting, establishment and management of street trees is undertaken by the Council to achieve a number of objectives fundamental to the character and amenity of the Local Government Area as a whole.

The outline of these objectives as well as guidance on planting, species selection and ongoing management can be found in the Council's Street Tree Masterplan. The urban conditions of town centres provide difficult settings for street trees. Proper planning, design and establishment maintenance are required to grow viable trees of appropriate size and form in town centre locations. Species selection is particularly important to consolidate town character, provide a high level of amenity and reduce or avoid the hazards that trees can present if not appropriately selected, installed and managed.



**Part E8 - Figure 9:** street trees can contribute to an attractive urban environment

### Objectives

- O1. To ensure the viability of new plantings is maximised through careful placement and preparation of planting pits, and minimising conflicts with utilities.
- O2. Consolidate and concentrate town and village character using existing themes in relation to tree species, in accordance with the Street Tree Masterplan.
- O3. To ensure that the placement of street trees limits hazard and potential adverse impacts on sightlines



### Controls

- CI. Species selection and planting location of street trees is to be undertaken in accordance with the relevant provisions of the Street Tree Masterplan and the Public Domain Technical Manual.
- C2. Planning, designing and detailing the installation of Street trees is to be in accordance with the Public Domain Technical Manual.

## E8.2.3. Street Furniture

### Explanation

Street furniture includes light poles, signage, seating, bus shelters, garbage bins, planter boxes and balustrades. Where development intersects with the public domain within town centre main streets, careful consideration is to be given to impacts on existing street furniture as well as to any furniture proposed as part of the development.

Early consultation will be required with Council's Assets branch and Urban Designer in relation to street furniture, either existing or proposed. Reference should also be made to the Public Domain Technical Manual.

The range of street furniture listed in Council's Technical Manual has been carefully selected to be robust, easily maintained with accessible spare parts, and carefully coordinated to balance a contained product range with the need for Blue Mountains towns and villages to display their individual identity.

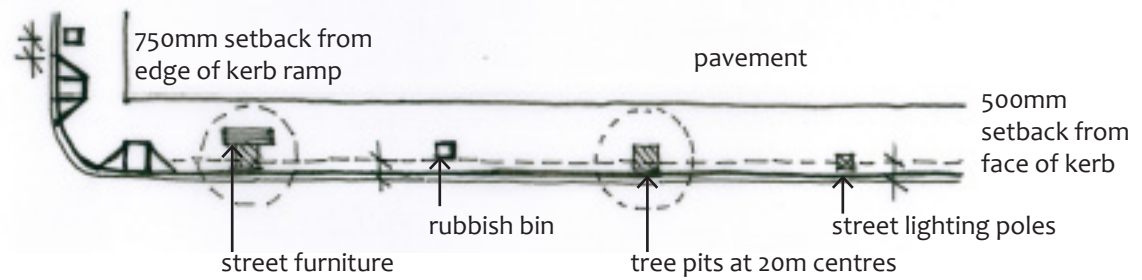
### Objectives

- O1. Placement and spacing of furniture must relate to functional street requirements and be coordinated with existing street furniture.
- O2. Street furniture elements should be set out as part of an integrated streetscape design scheme.

### Controls

- CI. Where new development is likely to impact on existing street furniture and require relocation, this is to be undertaken at the expense of the applicant and in consultation with Council.
- C2. Any street furniture proposed as part of a development is to be selected from the range specified in the Public Domain Technical Manual and match any existing street furniture.
- C3. Street furniture is to be located generally in accordance with the following:

- (a) Light poles and signage are to have a minimum of 500mm clearance from the face of kerb; and
- (b) Kerbside furniture elements are to be set back from the face of the kerb by 750mm and located so as to provide for a minimum 2m clear path of travel for pedestrians.



**Part E8 - Figure 10: Positioning street furniture**



## E8.3. Cycling Networks

### Explanation

One of the core infrastructure plans for the Blue Mountains Local Government Area is the creation of safe and accessible pathways of travel. Consistent with this is the development of the *Blue Mountains Bike Plan 2020* (Bike Plan).

The following objectives and controls are intended to guide development which includes or connects to local path infrastructure, and ensure that such development is consistent with the Bike Plan objectives, and facilitates the use of bicycles across the local government area.

### Objectives

- O1. To ensure new paths are consistent with the objectives in the *Blue Mountains Bike Plan 2020*.
- O2. To ensure any new bicycle pathways provided as part of a development are appropriately constructed from robust materials, which are durable and easily repaired;
- O3. To ensure secure and convenient bicycle parking, with appropriate bicycle infrastructure, is available and conveniently located within the Blue Mountains.

### Controls

- C1. All new bicycle paths and connections to these paths are to be consistent with the “Shared Standard Footpath” detail in the Public Domain Technical Manual as a minimum standard.
- C2. New development is to include secure and convenient bicycle parking, including bicycle racks and the like, as part of the required parking provision for that development.

**Note:** Reference is to be made to Part E2 Traffic, Parking and Access for bicycle parking rates.

- C3. Where bicycle racks and the like are proposed on public land as part of a development proposal, these are to be located and mounted in accordance with the provisions outlined in the Public Domain Technical Manual.





# PART F SPECIFIC DEVELOPMENT TYPES

*Additional provisions for certain types of development*

**Revision: Amendment 2 (December 2018)**







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# PART FI RESIDENTIAL DEVELOPMENT



## Introduction

Part FI establishes additional provisions for residential development in the Blue Mountains and is divided into low density residential, medium density residential and ancillary development.

In practice most of the controls relevant to residential development will be contained in earlier parts of the Blue Mountains Development Control Plan. This part contains supplementary controls relating to open space, residential amenity and the like.

To the extent of any inconsistency between this section and any other DCP sections, this section will prevail.

### Read in conjunction with:

Part C - Environmental  
Management



All

Part E - Site Development  
and Management



All

Part F - Specific  
Development Types



F6

### Relationship to other legislation and documents

- *State Environmental Planning Policy (Exempt and Complying Codes) 2008*



## FI.1. Low Density Residential

This part contains objectives and controls which apply to development for the purposes of low density residential development, including the following types of development defined in the Blue Mountains Local Environmental Plan 2015 (LEP 2015):

- Dwelling houses
- Dual occupancy
- Secondary dwellings
- Semi-detached dwellings
- Group homes

### FI.1.1. Private open space

#### Explanation

Private open space areas allow for passive recreation and contribute to the health and amenity of low density residential development.

#### Objectives

- O1. To provide private open space that functions as an accessible extension to the living area of a dwelling, is designed to protect privacy and optimise solar access, and allows for passive recreation.

#### Controls

- C1. Private open space is not to be situated in the front building setback.
- C2. Development for the purposes of a secondary dwelling is to have at least 25m<sup>2</sup> of private open space that is accessible from the secondary dwelling (whether or not associated with the principal dwelling).
- C3. For each dwelling of a dual occupancy development, provision is to be made for a minimum area of private open space, based on the number of bedrooms in the dwelling, as specified in *Part FI - Table 1*.

**Part FI - Table 1:** Minimum area of private open space based on number of bedrooms

Number of bedrooms	Minimum area of POS
One (including bedsits)	25m <sup>2</sup>
Two	40m <sup>2</sup>
Three +	50m <sup>2</sup>





- C4. Private open space provided to comply with C3 is to include at least one area that:
- (a) has reasonable access to a living area of the subject dwelling, and
  - (b) is on a compatible level with a living area of the subject dwelling, and
  - (c) has a slope of less than 10%, and
  - (d) complies with the minimum area and minimum width, based on the number of bedrooms in the dwelling, as specified in *Part FI - Table 2*.

**Part FI - Table 2:** Principal area of private open space based on number of bedrooms

Number of bedrooms	Minimum area	Minimum width
One (including bedsits)	15m <sup>2</sup>	3m
Two	20m <sup>2</sup>	3.5m
Three +	25m <sup>2</sup>	4m

## FI.1.2. Visual privacy

### Explanation

Low density residential development should be designed to optimise visual privacy by minimising overlooking and cross viewing to adjoining dwellings. Complete visual privacy is often difficult to achieve in the urban context and is not necessarily desirable. Some level of cross viewing between properties is beneficial as this serves to improve security through passive surveillance.

**Note:** Council's assessment of development applications is guided by Land and Environment Court Planning Principles. In the case of privacy Council may refer to the Planning Principle established in *Meriton v Sydney City Council [2004] NSWLEC 313* to guide the decision making process.

### Objectives

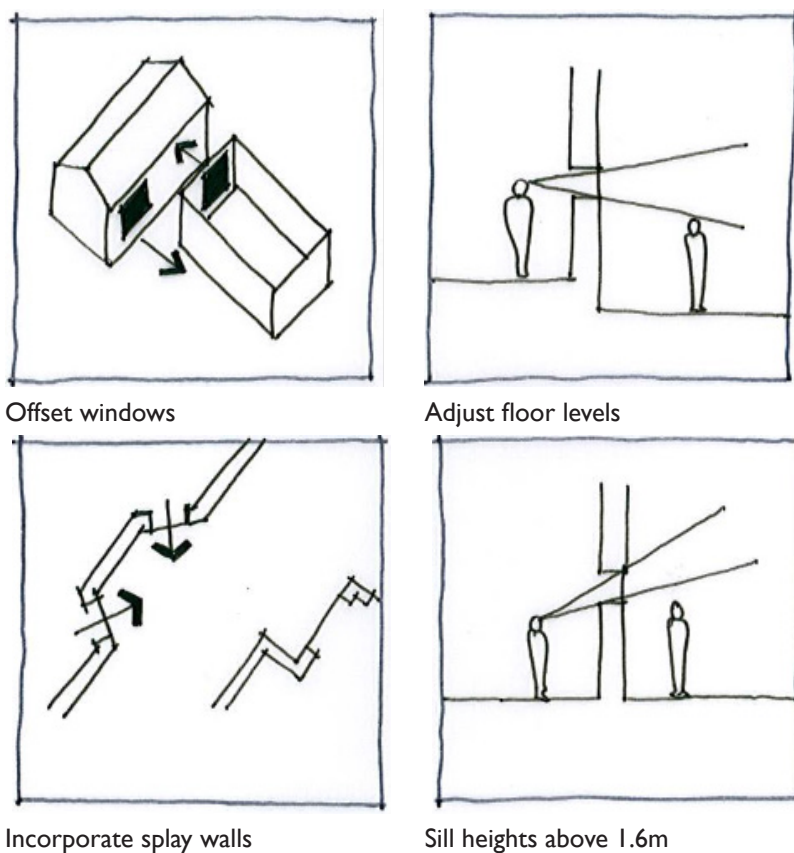
- O1. To ensure that low-density residential development is designed to provide a reasonable level of privacy for dwellings and to protect the privacy of adjacent and nearby properties.



## Controls

- C1. The location, scale and design of a dwelling house or secondary dwelling shall ensure that the visual privacy of residents of buildings on adjoining allotments is not significantly impacted upon.
- C2. Direct views from a dwelling house or secondary dwelling into the principal private open spaces or habitable rooms of dwellings on adjoining allotments are to be minimised or effectively screened.

**Note:** Part FI - Figure 1 illustrates some of the design approaches that may be incorporated into development to minimise direct views of private open spaces or habitable rooms of dwellings on adjoining allotments.



**Part FI – Figure 1:** Design approaches to minimise direct views. Source: AMCORD

- C3. Proposed habitable room windows of a dual occupancy with a direct outlook to habitable room windows or private open space of an adjacent dwelling are to have a separation distance of no less than 6m.



- C4. Where proposed habitable room windows of a dual occupancy will have a direct outlook to habitable room windows or private open space of an adjacent dwelling and are separated by less than 9m, the window shall:
- (a) be offset a minimum of 1m from the edge of the proposed window to the edge of the existing window, or
  - (b) have sill heights of at least 1.6m above floor level, or
  - (c) have fixed obscure glazing applied to any part of the window below 1.6m above floor level.
- C5. Overlooking from or to private open space areas is to be reduced by ensuring that any upper level balconies of a dual occupancy are designed and screened to minimise the potential for overlooking of the private open space of any lower level of adjoining dwellings.
- C6. Where potential overlooking from a dual occupancy cannot be avoided, views of private open space areas may be obscured in the following ways:
- (a) by solid translucent screens or perforated panels or trellises, which have a maximum of 25% openings and that are designed to blend in with the proposed redevelopment, and are to be permanent components of the structure and difficult to alter,
  - (b) by retention or planting of dense mature vegetation on the development site, if used in conjunction with (a).
- C7. The setback between shared driveways or access ways (including a right of carriageway) and the habitable room windows of a dwelling is to be no less than 1.5m.

### FI.1.3. Acoustic Privacy

#### Explanation

Low density residential development should be designed to minimise noise intrusion for dwellings. Clever layout and design can serve to improve acoustic amenity, particularly in regard to positioning of noise generating rooms such as living areas and private open space.

#### Objectives

- O2. To ensure that low-density residential development is located and designed to minimise the impact of noise transmission between dwellings and from significant external noise sources such as rail corridors and busy roads.

### Controls

- C1. Private open space areas and associated outdoor facilities including swimming pools, tennis courts and BBQ areas are to be located away from noise sensitive rooms of adjoining dwellings.
- C2. Operating plant including air conditioning systems and pool pumps are to be located away from noise sensitive rooms of adjoining dwellings.
- C3. Residential development adjacent to a rail corridor or a classified road is to be located and designed to ameliorate potential noise impacts arising from the adjacent rail corridor or classified road. Refer to requirements in State Environmental Planning Policy (Infrastructure) 2007 and the NSW Department of Planning document Development near Rail Corridors and Busy Roads – Interim Guideline.

## FI.1.4. Sunlight access

### Explanation

Adequate solar access contributes to the health and amenity of low density residential development and its inhabitants. Good solar access also reduces reliance on artificial lighting and heating which has subsequent financial and environmental benefits.

**Note:** Council's assessment of development applications is guided by Land and Environment Court Planning Principles. In the case of sunlight access Council may refer to the Planning Principle established in *The Benevolent Society v Waverley Council [2010] NSWLEC 1082* to guide the decision making process.

### Objectives

- O1. To ensure that low-density residential development is located and designed to optimise solar access to living areas and private open space, and to maintain reasonable solar access to adjacent properties.

### Controls

- C1. Locate and design development so that between the hours of 9am and 3pm on 21 June:
  - (a) a total area of at least 1m<sup>2</sup> of living room windows associated with the development receive a minimum of 3 hours of unobstructed sunlight, and



- (b) at least 50% of private open space areas (or the principal area of private open space in the case of multi dwelling housing) associated with the development receive a minimum of 3 hours of unobstructed sunlight.
- C2. Locate and design development so that between the hours of 9am and 3pm on 21 June:
  - (a) a total area of at least 1m<sup>2</sup> of living room windows associated with neighbouring development receive a minimum of 3 hours of unobstructed sunlight, and
  - (b) at least 50% of private open space areas or the principal area of private open space in the case of multi dwelling housing associated with development on adjoining allotments receive a minimum of 3 hours of unobstructed sunlight.
- C3. Where pre-development sunlight access enjoyed by development on adjoining allotments is less than the outcomes prescribed in C2, new development is not to create any additional overshadowing for that development.
- C4. Shadow diagrams for 9.00 am, 12.00 pm and 3.00 pm on the winter solstice (21 June) are to be submitted with a development application where building comprising two storeys or more (or a building that is of a similar scale and massing to a two storey building) is proposed.

**Note:** Where fences, evergreen trees and the like are likely to impact solar access, these elements should be accounted for in shadow diagrams.

**Note:** Council may request that shadow diagrams be submitted for single storey buildings where solar access is deemed to be an area of concern.

## FI.1.5. Views

### Explanation

Many dwellings and public places in the Blue Mountains enjoy bushland and escarpment views which contribute to the amenity of the property. New development should be sited and designed to minimise the impact on views from adjoining and nearby properties where practicable.

**Notes:** Council's assessment of development applications is guided by Land and Environment Court Planning Principles. In the case of view sharing Council may refer to the Planning Principle established in *Tenacity Consulting v Warringah Council [2004] NSWLEC 140* to guide the decision making process.

**Objectives**

- OI. To ensure that view loss from adjoining or nearby properties is minimised without unreasonably limiting the development potential of a site.

**Controls**

- CI. Locate and design development to allow for view sharing ensuring that existing views enjoyed by surrounding properties and from public open spaces are not unreasonably affected.

**FI.1.6. Driveways and parking****Explanation**

The location and design of driveways are key considerations when planning for development. Driveways that are appropriately located serve to maintain the safety and functionality of the public road network and allow for the retention of on-street parking.

The location and design of parking facilities such as garages, carports and landings are an important determinant of streetscape appearance. Parking facilities that are well designed and thoughtfully positioned do not form a visually prominent built element in the streetscape.

**Objectives**

- OI. To ensure that low-density residential development provides sufficient and convenient parking for residents without compromising streetscape appearance or traffic safety and function.

**Controls****Driveway**

- CI. One driveway is permitted on each road frontage of an allotment.
- C2. Notwithstanding CI, Council may consider a second driveway where it can be demonstrated that:
  - (a) an allotment has a frontage of substantial width, and
  - (b) ample on-street parking is available in the locality, and
  - (c) traffic and pedestrian safety will not be compromised.
- C3. Provide driveways from a secondary street or rear lane in preference to the primary street frontage where practicable.

- C4. Driveways are to be positioned so that on-street parking and landscaping on the site is maximised, and removal or damage to existing street trees is avoided.
- C5. Driveway widths are to comply with *Australian Standard 2890.1 Parking Facilities – Off-street car parking* and be a minimum of 3m wide and no wider than the parking structure to which the driveway relates other than as necessary to enable vehicles to access car parking spaces.
- C6. Within the road reserve, driveways are to be constructed of reinforced concrete, at least 150mm thick, on an approved subgrade.
- C7. Within the property, driveways may be constructed of porous materials such as compacted crushed stone, pebble, gravel and semiporous pavers, where slopes are negligible.
- C8. Within the property, driveways on slopes shall be constructed in accordance with *Part FI - Table 3*:

**Part FI - Table 3:** Driveway construction

Slope	Minimum construction requirement
Less than 10%	All weather gravel
10% – 16%	Sealed (i.e. pavers, two coat seal, asphaltic concrete or concrete)
Greater than 16%	Asphaltic concrete or concrete.

- C9. Where possible, driveways are to be drained to adjoining landscaped areas.
- C10. A driveway should be setback a minimum 1m from side boundaries to provide for landscaping or pervious area between the driveway and the side boundary.
- C11. On busy roads, roads with poor sight distance or on steep driveways, a turning facility may be required to ensure safe forward entry and exit.

#### Parking

- C12. On-site parking is to be provided in accordance with the parking rates table provided in Part E2 Traffic, Parking and Access.
- C13. Garages and car parking areas are to be located behind the front alignment of buildings and are not to form a visually prominent element of the streetscape.



- CI4. The amount of street frontage (including the front elevation) of a dwelling house that may be taken up by openings for garages or carports is limited to:
- (a) a maximum of 4m where the width of the allotment is less than 15m, or
  - (b) a maximum of 6m where the width of the allotment is equal to or greater than 15m.
- CI5. Notwithstanding CI4, Council may consider openings for garages and carports that are greater than the limits prescribed where:
- (a) the design is visually appropriate and does not detract from the streetscape, and
  - (b) the part of the garage or carport opening that exceeds the prescribed limit is setback behind other garages by at least 1m.

### FI.1.7. Dual occupancy

#### Explanation

Dual occupancy means two dwellings on one lot of land, which can be either attached or detached. The controls in this part supplement the controls prescribed in earlier parts of the DCP and prevail over those controls in the case of any inconsistency.

#### Objectives

- OI. To ensure that development for the purpose of a dual occupancy achieves a built form and streetscape appearance that is consistent with the desired character of an area, protects residential amenity and provides adequate landscaping opportunities.

#### Controls

##### Building separation

- CI. The dwellings of a detached dual occupancy are to be separated by a minimum distance of 6m or alternative distance as required such that:
- (a) visual separation between the two dwellings is achieved, and
  - (b) adequate visual privacy, acoustic privacy and solar access can be achieved for each of the dwellings, and
  - (c) the area between the dwellings provides for the retention of existing vegetation and/or ample space for landscaping.





### Orientation and appearance

- C2. The form, design and appearance of a dual occupancy, including the roof pitch, colours and materials, shall be complementary to the adjoining and adjacent buildings and any existing dwelling house on the land.
- C3. The appearance and location from the primary street frontage of a dual occupancy should retain or enhance the existing character and appearance of a low-density residential area and shall avoid, in all but exceptional circumstances, a mirror-reversed design.
- C4. Dual occupancies located on a corner allotment shall be designed to separately address the primary and secondary street frontages, where practicable.
- C5. A professionally prepared and detailed Landscape Plan is to be submitted as a component of any development application for dual occupancy. The plan is to demonstrate the manner in which the development will achieve high quality landscape outcomes.
- C6. Landscaping is to incorporate plantings of sufficient number and complexity to ensure the promotion of a garden setting and the enhancement of privacy and amenity for each of the dwellings and adjacent properties.
- C7. Landscape planting is to be of an appropriate scale to ensure that the mature landscape contributes to the streetscape character and amenity.
- C8. All plantings of feature trees and screening shrubs are to be provided in an advanced stage of growth at planting (25 litre containers for shrubs and minimum 45 litre container for trees or equivalent if purchasing bare rooted specimens). Trees are to be at least 2 metres in height at planting.

**Note:** the landscaping controls prescribed above supplement the objectives and controls prescribed in Part C3 Landscaping.

## FI.1.8. Secondary dwellings

### Explanation

Secondary dwellings may also be referred to as a granny flat. The controls contained in this part supplement the controls prescribed in earlier parts of the DCP and prevail over these controls in the case of any inconsistency.

**Note:** Secondary dwellings may be constructed as complying development on land within **Zones R1 General Residential, R2 Low Density Residential** and **R3 Medium Density Residential** provided the land upon which they are proposed and the development itself satisfies the provisions and relevant development standards of *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

### Objectives

- OI. To ensure that development for the purpose of a secondary dwelling is of an appropriate scale, thoughtfully positioned and is compatible with the desired residential character of the locality.

### Controls

#### Lot requirements

- C1. Development for the purposes of a secondary dwelling may only be carried out on a lot that at the completion of the development will have only one principal dwelling and one secondary dwelling.
- C2. Subdivision of an approved secondary dwelling for the purposes of making the secondary dwelling and the principal dwelling available for separate sale is not permitted.

#### Height & setbacks

- C3. Where a secondary dwelling is being incorporated into a new development, or where part of an existing dwelling is being converted into a secondary dwelling, the secondary dwelling must comply with the height and setback requirements for single dwellings.
- C4. Despite C3, a dwelling on a lot that has a rear boundary with a secondary road may have a building line that abuts that boundary for up to 50% of the length of that boundary.

#### Building design & articulation

- C5. The design and location of a secondary dwelling must complement the style, scale and appearance of the primary dwelling on the allotment.
- C6. Development for the purposes of a secondary dwelling on a lot with a frontage to a secondary road (i.e. corner lot or parallel roads) is to result in either the principal dwelling or the secondary dwelling having a window to a habitable room in the building wall that faces a secondary road.





## FI.2. Medium Density Residential

This part contains objectives and controls which apply to development for the purposes of medium density housing, including the following types of development defined in the LEP 2015:

- Multi dwelling housing
- Residential flat buildings
- Attached dwellings
- Boarding Houses

*Note: State Environmental Planning Policy No. 65 Design Quality of Residential Flat Development* applies to the erection of a new residential flat building (RFB), the substantial redevelopment or refurbishment of an existing RFB or the conversion of an existing building to an RFB.

### FI.2.1. Building articulation and separation

#### Explanation

The spatial separation of buildings and articulation of built form is an important determinant of massing and streetscape appearance. Adequate building separation and thoughtful articulation 'softens' the visual mass of medium density residential development, improves amenity and allows for landscaping opportunities.

#### Objectives

- OI. To ensure that building separation achieves a built form and streetscape appearance that is consistent with the desired character of an area, protects residential amenity and provides adequate landscaping opportunities.

#### Controls

- CI. Building separation between detached dwellings within a multi dwelling housing development or residential flat building development is to comply with minimum distances prescribed in *Part FI - Table 4*.

**Part FI - Table 4:** Separation distances based on number of storeys

Number of storeys	Room type	Minimum separation distance
Up to 2 storeys	All room types	6m

Greater than 3 storeys	Between non-habitable rooms	6m
	Between habitable rooms or balconies and non-habitable rooms	9m
	Between habitable rooms or balconies	12m

- C2. Notwithstanding C1, consideration will be given to an alternative separation distance where it can be demonstrated that:
- (a) the scale and massing of the development is visually appropriate and consistent with streetscape appearance, and
  - (b) adequate visual privacy, acoustic privacy and solar access can be achieved for each of the dwellings, and
  - (c) the area between the dwellings provides for the retention of existing vegetation and/or ample space for landscaping.
  - (d) Reduce the visual bulk of roof forms by breaking down the roof into smaller elements, rather than having a single uninterrupted roof structure.
- C3. Reduce the visual impact of unrelieved walls by limiting length of walls and / or articulating built form, particularly on narrow side and rear setbacks.

## F1.2.2. Private open space

### Explanation

Private open space areas allow for passive recreation and contribute to the health and amenity performance of medium density residential development.

### Objectives

- O1. To ensure that private open space functions as an accessible extension to the living area of a dwelling, is designed to protect privacy and optimise solar access, and allows for passive recreation.



## Controls

- C1. For each dwelling of a multi dwelling housing development, provision is to be made for a minimum area of private open space, based on the number of bedrooms in the dwelling, as specified in *Part FI - Table 5*.

**Part FI - Table 5:** Minimum area of private open space based on number of bedrooms

Number of bedrooms	Minimum area of POS
One (including bedsits)	25m <sup>2</sup>
Two	40m <sup>2</sup>
Three +	50m <sup>2</sup>

- C2. Private open space provided to comply with C1 is to include at least one area that:
- (a) has reasonable access to a living area of the subject dwelling, and
  - (b) is on a compatible level with a living area of the subject dwelling, and
  - (c) has a slope of less than 10%, and
  - (d) complies with the minimum area and minimum width, based on the number of bedrooms in the dwelling, as specified in *Part FI - Table 6*.

**Part FI - Table 6:** Principal area of private open space based on number of bedrooms

Number of bedrooms	Minimum area	Minimum width
One (including bedsits)	15m <sup>2</sup>	3m
Two	20m <sup>2</sup>	3.5m
Three +	25m <sup>2</sup>	4m

- C3. For each dwelling at ground level in a residential flat building, provide at least one area of private open space, with an area of not less than 25m<sup>2</sup> and a depth of not less than 4m.
- C4. For each dwelling above ground level in a residential flat building, provide at least one area of private open space in the form of a balcony, with an area of not less than 10m<sup>2</sup> and a minimum depth of 2m.



### FI.2.3. Communal open space

#### Explanation

Communal open space supplements the provision of private open space in residential flat building development. Communal open space facilitates recreation and social opportunities and enhances the amenity and appearance of the development.

**Note:** Communal open space areas exclude driveways, parking areas, essential access paths such as fire escape routes, indoor gyms and clothes drying areas.

#### Objectives

- OI. To ensure the provision of a functional and accessible area of communal open space for passive recreation that is designed to protect privacy and optimise solar access.

#### Controls

- CI. Where a residential flat building is proposed, provide an area of communal open space that is at least 25% of the site area and has a minimum dimension of 6m.
- C2. Notwithstanding CI, Council may consider an area of communal open space that does not satisfy the minimum area requirements where it can be demonstrated that:
  - (a) Residential amenity is provided in the form of increased private open space for dwellings within the development; or
  - (b) Residential amenity is provided by way of a contribution to public open space that is reasonably accessible to residents of the development.
- C3. Communal open space provided to comply with CI is to include at least one area that:
  - (a) is located at ground level, and
  - (b) comprises a principal area of not less than 50m<sup>2</sup>, with a slope of less than 10%, and
  - (c) is highly visible and directly accessible to as many dwellings as can practically be achieved, and
  - (d) is designed and located to minimise potential overshadowing from adjoining buildings and to promote natural airflow, and

- (e) incorporates acoustic treatments, where necessary and practical, to minimise disturbance to residents of adjoining dwellings.

## FI.2.4. Landscaping

Multi dwelling housing development generally results in higher urban densities and there are subsequently fewer opportunities to achieve good landscaping outcomes. For this reason, it is important that existing vegetation and desired landscape outcomes are considered in more detail at the development design stage.

**Note:** The landscaping controls prescribed below supplement the objectives and controls prescribed in Part C3 Landscaping.

### Objectives

- O1. To ensure a superior landscape outcome which complements and enhances the multiplicity of design and functional outcomes associated with multi dwelling housing.

### Controls

- C1. A professionally prepared and detailed Landscape Plan is to be submitted as a component of any development application for multi dwelling housing.
- C2. Landscaping is to incorporate plantings of sufficient number and complexity to ensure the promotion of a garden setting and the enhancement of privacy and amenity for each of the dwellings and adjacent properties.
- C3. Landscape planting is to be of an appropriate scale to ensure that the mature landscape contributes to the character and amenity of the locality.
- C4. Landscaped areas are to include an appropriate number of retained or re-established canopy trees to mitigate the heat island effect of extensive hardstand areas.
- C5. Rapid establishment of the landscape is necessary. All plantings of feature trees and screening shrubs are to be provided in an advanced stage of growth at planting (25 litre containers for shrubs and minimum 45 litre container for trees or equivalent if purchasing bare rooted specimens). Trees are to be at least 2 metres in height at planting.



- C6. Where communal open space is required, landscaping is to be used to enhance the privacy of dwelling occupants where balconies, terraces or bedroom windows overlook active communal areas.
- C7. Plant materials must be compatible with pedestrian access, safety and amenity, and must not produce high levels of leaf, flower or fruit debris that may contribute to slip hazard, nor produce barbs, thorns, spines or allergenic substances likely to cause injury or harm to pedestrians.

**Note:** Where the pattern of neighbourhood development has deep soil planting at the front of the site, it may be desirable to replicate this pattern.

## F1.2.5. Visual privacy

### Explanation

Medium density residential development should be designed to optimise visual privacy by minimising overlooking and cross viewing to adjoining dwellings. Complete visual privacy is often difficult to achieve in the urban context and is not necessarily desirable. Some level of cross viewing between properties is beneficial as this serves to improve security through passive surveillance.

**Note:** Council's assessment of development applications is guided by Land and Environment Court Planning Principles. In the case of privacy Council may refer to the Planning Principle established in *Meriton v Sydney City Council [2004] NSWLEC 313* to guide the decision making process.

### Objectives

- O1. To ensure that medium density residential development is designed to provide a reasonable level of privacy for dwellings, and to protect privacy of adjacent and nearby properties.

### Controls

- C1. Proposed habitable room windows with a direct outlook to habitable room windows or private open space of an adjacent dwelling are to have a separation distance of no less than 6m.
- C2. Where proposed habitable room windows will have a direct outlook to habitable room windows or private open space of an adjacent dwelling and are separated by less than 9m, the window shall:
  - (a) be offset a minimum of 1m from the edge of the proposed window to the edge of the existing window, or
  - (b) have sill heights of at least 1.6m above floor level, or





- (c) have fixed obscure glazing applied to any part of the window below 1.6m above floor level.
- C3. Overlooking from or to private open space areas is to be reduced by ensuring that any upper level balconies are designed and screened to minimise the potential for overlooking of the private open space of any lower level of adjoining dwellings.
- C4. Where potential overlooking cannot be avoided, views of private open space areas may be obscured in the following ways:
  - (a) by solid translucent screens or perforated panels or trellises, which have a maximum of 25% openings and that are designed to blend in with the proposed redevelopment, and are to be permanent components of the structure and difficult to alter,
  - (b) by retention or planting of dense mature vegetation on the development site, if used in conjunction with (a).
- C5. The setback between shared driveways or access ways (including a right of carriageway) and the habitable room windows of a dwelling is to be no less than 1.5m.

## FI.2.6. Acoustic privacy

### Explanation

Medium density residential development should be designed to minimise noise intrusion for dwellings. Clever layout and design can serve to improve acoustic amenity, particularly in regard to positioning of noise generating rooms such as living areas and private open space.

### Objectives

- O1. To ensure that medium density residential development is located and designed to minimise the impact of noise transmission between dwellings and from significant external noise sources such as rail corridors and busy roads.

### Controls

- C1. Private open space, communal open space and associated outdoor facilities including swimming pools, tennis courts and BBQ areas are to be located away from noise sensitive rooms of adjoining dwellings.
- C2. Operating plant including air conditioning systems and pool pumps are to be located away from noise sensitive rooms of adjoining dwellings.

- C3. Residential development adjacent to a rail corridor or a classified road is to be located and designed to ameliorate potential noise impacts arising from the adjacent rail corridor or classified road. Refer to requirements in *State Environmental Planning Policy (Infrastructure) 2007* and the NSW Department of Planning document *Development near Rail Corridors and Busy Roads – Interim Guideline*.

## F1.2.7. Sunlight access

### Explanation

Adequate solar access contributes to the health and amenity of medium density residential development and its inhabitants. Good solar access also reduces reliance on artificial lighting and heating which has subsequent financial and environmental benefits.

**Note:** Council's assessment of development applications is guided by Land and Environment Court Planning Principles. In the case of sunlight access Council may refer to the Planning Principle established in *The Benevolent Society v Waverley Council [2010] NSWLEC 1082* to guide the decision making process.

### Objectives

- O1. To ensure that medium density development is located and designed to optimise solar access to living rooms and private open space areas, and to maintain reasonable solar access to adjacent properties.

### Controls

- CI. Locate and design development so that between the hours of 9am and 3pm on 21 June:
- (a) at least 1m<sup>2</sup> of living room windows receive a minimum of 3 hours of unobstructed sunlight, and
  - (b) at least 50% of private open space areas (or the principal area of private open space in the case of multi dwelling housing) receive a minimum of 3 hours of unobstructed sunlight, and
  - (c) at least 30% of the required communal open space area receives a minimum of 3 hours of unobstructed sunlight.

**Note:** This control applies to at least 70% of dwellings within a residential flat building.



- C2. Locate and design development so that between the hours of 9am and 3pm on 21 June:
- (a) at least 1m<sup>2</sup> of living room windows associated with neighbouring development receive a minimum of 3 hours of unobstructed sunlight, and
  - (b) at least 50% of private open space areas (or the principal area of private open space in the case of multi dwelling housing) associated with development on adjoining allotments receive a minimum of 3 hours of unobstructed sunlight.
- C3. Where pre-development sunlight access enjoyed by development on adjoining allotments is less than the outcomes prescribed in C2, new development is not to create any additional overshadowing for that development.
- C4. Limit number of single-aspect dwellings with a southerly aspect (SW-SE) to a maximum of 10% of the total dwellings proposed in a residential flat building.
- C5. Shadow diagrams for 10.00 am, 12.00 pm and 2.00 pm on the winter solstice (21 June) are to be submitted with a development application where a building of two storeys or more is proposed.
- Note:** Council may request that shadow diagrams be submitted for single storey buildings where solar access is deemed to be an area of concern.
- Note:** Where fences, evergreen trees and the like are likely to impact solar access, these elements should be accounted for in shadow diagrams

## FI.2.8. Views

### Explanation

Many dwellings and public places in the Blue Mountains enjoy bushland and escarpment views which contribute to the amenity of the property. New development should be sited and designed to minimise the impact on views, where practicable.

**Notes:** Council's assessment of development applications is guided by Land and Environment Court Planning Principles. In the case of view sharing Council may refer to the Planning Principle established in *Tenacity Consulting v Warringah Council [2004] NSWLEC 140* to guide the decision making process.



### Objectives

- OI. To ensure that view loss from adjoining or nearby properties is minimised without unreasonably limiting the development potential of a site.

### Controls

- CI. Locate and design development to allow for view sharing ensuring that existing views enjoyed by surrounding properties and from public open spaces are not substantially affected.

## FI.2.9. Driveways and parking

### Explanation

The location and design of driveways are key considerations when planning site layout. Driveways that are appropriately located serve to maintain the safety and functionality of the public road network and allow for the retention of on-street parking.

The location and design of parking facilities such as basement parking, garages and landings are an important determinant of streetscape appearance. Parking facilities that are well designed and thoughtfully positioned do not form a visually prominent built element in the streetscape.

### Objectives

- OI. To ensure that medium density residential development provides sufficient and convenient parking for residents without compromising streetscape appearance or traffic safety and function.

### Controls

#### Driveways

- CI. One driveway is permitted on each road frontage of an allotment.
- C2. Notwithstanding CI, Council may consider a second driveway where it can be demonstrated that:
  - (a) an allotment has a frontage of substantial width, and
  - (b) ample on-street parking is available in the locality, and
  - (c) traffic and pedestrian safety will not be compromised.
- C3. Provide driveways from a secondary street or rear lane in preference to the primary street frontage where practicable.

- C4. Driveways are to be positioned so that on-street parking and landscaping on the site is maximised, and removal or damage to existing street trees is avoided where possible.
- C5. Driveway widths are to comply with *Australian Standard 2890.1 Parking facilities – Off-street car parking* and be a minimum of 3m wide and no wider than the parking structure to which the driveway relates other than as necessary to enable vehicles to access car parking spaces.
- C6. Within the road reserve, driveways are to be constructed of reinforced concrete, at least 150mm thick, on an approved subgrade.
- C7. Within the property, driveways shall be constructed in accordance with *Part F1 - Table 7*:

**Part F1 - Table 7:** Driveway construction

Slope	Minimum construction requirement
Less than 16%	Sealed (i.e. pavers, two coat seal, asphaltic concrete or concrete)
Greater than 16%	Asphaltic concrete or concrete.

- C8. Driveways associated with medium density residential development shall be designed to:
- enable vehicles to enter and leave the site in a forward direction, and
  - incorporate passing bays at least every 30m.
- C9. The alignment of driveways shall:
- be located at least 1m from any side boundary to provide for landscaping or pervious area between the driveway and the side boundary, and
  - be varied to avoid a 'gun barrel' appearance.
- C10. Shared driveways are to be set back a minimum of 1.5m from windows of habitable rooms or a minimum of 1m where the floor level of the habitable room is at least 1m above the driveway at the window opening.

#### Parking

- C11. On-site parking is to be provided in accordance with the parking rates table provided at E2 Traffic, Parking and Access.



- C12. Garages and car parking areas are to be located behind the front alignment of buildings and are not to form a visually prominent element of the streetscape.
- C13. Stacked parking may be proposed where two spaces are provided for a specific dwelling.
- C14. Visitor parking is to be clearly identified by way of pavement marking or discreet signage, and shall be conveniently located.

#### Basement parking

- C15. Basement car parking shall:
  - (a) be located within the limits of the building footprint and project no more than 1m above natural ground level, and
  - (b) facilitate natural ventilation, and
  - (c) incorporate lighting in accordance with the Australian Standard 1680.2.1 Interior and workplace lighting – Specific applications – Circulation spaces and other general areas.

## FI.3. Ancillary Development

### Explanation

Development ancillary to a dwelling house commonly includes fences, studios, sheds and swimming pools/spas. Ancillary development should be visually compatible with the design of the subject building and sympathetic to the character of the locality.

**Note:** Some forms of ancillary development may be categorised as exempt or complying development pursuant to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)*.

### FI.3.1. Fences

**Note:** When proposing a side or rear fence the proponent must also refer to the requirements of, and understand their obligations under, the *Dividing Fences Act 1991*.

### Objectives

- OI. To ensure that fences for residential development are appropriately scaled and allow for passive surveillance between public and private realms.

### Controls

#### Residential & Environmental Zones

- CI. The maximum height of a fence is to comply with the height limits prescribed in *Part FI - Table 8*.

**Part FI – Table 8:** Maximum height of fence

Location	Maximum height above ground level
Primary frontage	1.2m
Secondary road frontage	1.2m between the front boundary and the front building line 1.8m between the front building line and the rear boundary
Common boundary	1.8m 1.2m between the front boundary tapering to 1.8m at the front building line 1.2m if masonry construction



- C2. Fences installed on a primary road frontage shall be open for at least 20% of the area of the fence that is more than 400mm above ground level, with any individual solid element of the fence above this height being no more than 350mm in width with a minimum aperture of 25mm.
- C3. If a lot has a frontage to a secondary road(s), C2 applies to 50% of contiguous secondary road boundaries, measured from the corner with the primary road boundary.
- C4. Despite C1, if the fence is erected on a sloping site and stepped to accommodate the fall in the land:
  - (a) a fence that is required to be not more than 1.2m above ground level, must not be more than 1.5m above ground level at each step, and
  - (b) a fence that is required to be not more than 1.8m above ground level, must not be more than 2.2m above ground level at each step.
- C5. Long sections of fencing on a secondary road frontage are to include recessed portions located at regular intervals along the length of the fence for the purpose of additional landscaping.

### Rural Zones

- C6. The maximum height of a fence is to be no higher than 1.8m above ground level unless the fence is erected on a sloping site and is stepped to accommodate the fall in the land in which case it may not be more than 2.2m above ground level at each step.
- C7. A fence shall not include any masonry construction that extends more than 3m from either side of the entrance to the property from the primary road.
- C8. Fences are to be constructed using post and wire or post and rail.
- C9. If the fence includes an entrance gate, the gate shall not open outwards.





## FI.3.2. Detached studios

### Explanation

A detached studio is established in conjunction with, and on the same lot as, a dwelling house and is not capable of being occupied as a separate dwelling. Detached studios may be used for purposes such as a bedroom, an artist's workspace, a home office, a hobby room, a rumpus room, a teenagers 'retreat' or similar habitable room.

**Note:** Detached studios may be constructed as complying development in R1, R2 and R3 zones provided the land upon which they are proposed and the development itself satisfies the provisions and relevant development standards of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

### Objectives

- O1. To ensure that development for the purpose of a detached studio is of an appropriate scale, thoughtfully positioned and is compatible with the desired residential character of the locality.

### Controls

- C1. A detached studio is to be located behind the building line of the primary street frontage.
- C2. Not more than one detached studio may be located on a lot.
- C3. Kitchen and laundry facilities are not permitted in detached studios.
- C4. An application for, or incorporating, a detached studio is to be supported by a floor plan showing all proposed facilities as well as a statement of use.

**Note:** The statement of use assists in determining which facilities, if any, would be permitted given the stated use of the detached studio. The following facilities may be permitted within the detached studio depending on the proposed use:

- A shower / toilet facility;
- A sink (free standing or in a bench top) with a hot and cold water supply for washing hands and / or cleaning art / hobby equipment only;
- Other facilities which are appropriate for the proposed use and do not provide for separate occupancy.



### FI.3.3. Sheds

#### Objectives

- O1. To ensure that sheds are of an appropriate scale and have regard to residential amenity.

#### Controls

- C1. Sheds are to be located behind the building line of any road frontage.
- C2. Notwithstanding C1, a shed may be located forward of the building line on land within Zone **RU2 Rural Landscape, RU4 Primary Production Small Lots** or **E3 Environmental Management**, where it can be demonstrated that:
- (a) the form, scale and design of the shed is visually appropriate and is consistent with streetscape appearance in the locality, and
  - (b) the shed is suitably screened by vegetation and will not present as a prominent element in the streetscape.
- C3. The height of a shed shall not exceed the building height of the dwelling located on the subject land.
- C4. The floor area of a shed is to comply with the areas prescribed in *Part FI - Table 9*.

**Part FI – Table 9:** Maximum floor area for sheds based on lot size

Lot size	Maximum floor area
Less than 1,200m <sup>2</sup>	44m <sup>2</sup>
Between 1,200m <sup>2</sup> - 2,000m <sup>2</sup>	68m <sup>2</sup>
Greater than 2,000m <sup>2</sup>	Merit based assessment

- C5. The form and scale of the shed, including roof forms, shall be consistent with, or complementary to, the form and massing of buildings in the locality.
- C6. Building materials shall complement the materials commonly used in buildings in the locality and, to the extent that the structure is comprised of metal components, be low reflective.
- C7. Council may require that the shed incorporate appropriate acoustic attenuation measures to ensure that residential amenity is not unduly impacted.
- C8. A shed is not to be habitable.



### FI.3.4. Swimming pools and spas

**Note:** *The Swimming Pools Act 1992* prescribes requirements which apply to swimming pools (both outdoor and indoor) that are situated, or proposed to be constructed or installed, on premises on which a residential building, a moveable dwelling, or tourist and visitor accommodation is located.

#### Objectives

- O1. To minimise the visual impact of swimming pools and spas and maintain a reasonable level of visual and acoustic privacy for neighbouring properties.

#### Controls

- C1. Swimming pools and spas should be located at the rear of properties.
- C2. Swimming pools and spas are to be set back a minimum of 1.2m from any property boundary.
- C3. Position swimming pools or spas away from noise sensitive rooms (i.e. bedrooms) of both the subject dwelling and neighbouring dwellings.
- C4. Mechanical equipment associated with swimming pools and spas are to be housed in an enclosure that is soundproofed.
- C5. Position any pool related decking away from the side and rear boundaries of the property to minimise adverse privacy impacts on the neighbours.
- C6. Where illumination is proposed, use low level lighting and direct away from adjoining properties.



### FI.3.5. Tennis Courts

#### Objectives

- O1. To ensure that tennis courts are appropriately located and do not adversely affect the amenity of the locality.

#### Controls

- C1. Tennis courts are to be located behind the building line of any road frontage.
- C2. Tennis courts shall not involve cut or fill of more than 1m below or above existing ground level.
- C3. Tennis courts are to be set back a minimum of 5m from a side or rear boundary.
- C4. Position tennis courts away from noise sensitive rooms (i.e. bedrooms) of both the subject dwelling and neighbouring dwellings.
- C5. Screen planting should be provided between a tennis court and adjoining properties.
- C6. The colour of any associated fencing is to be recessive (e.g. black) to minimise visual impact.
- C7. Flood lighting is generally not permitted unless it can be demonstrated that the lighting and use of the court at night will not interfere with neighbour amenity.



# PART F2

# RETAIL AND COMMERCIAL DEVELOPMENT



## Introduction

Retail and commercial enterprises provide an essential service for the community. In the Blue Mountains, these businesses serve both the permanent residential population as well as an itinerant tourist population.

Additionally, villages and towns are separated by bushland and areas of World Heritage National Park, due to the linear layout of the local government area, which stretches along the Great Western Highway. This separation contributes to the creation of distinct village character for which the Blue Mountains is known, but it also highlights the need for establishment and rationalisation of core businesses and services within the each town centre. The provision of retail shops, restaurants and business services as well as health, recreation and education facilities are all important elements for the establishment of a community.

To the extent of any inconsistency between this part and any other part of the DCP (with the exception of Part G Locality Management), this part will prevail.



### Read in conjunction with:

Part C - Environmental  
Management



All

Part E - Site Development  
and Management



All

Part F - Specific  
Development Types



F1

F6

### Relationship to other legislation and documents:

- *State Environmental Planning Policy (Exempt and Complying Codes) 2008*

### Submission requirements:

*One or more of the following types of reports may need to accompany a development application:*

- *Acoustic Impact Assessment*
- *Odour Assessment*



## F2.1. Building Design and Site Planning

### Explanation

Through high quality building design and appropriate site planning, development for commercial and retail purposes can make a positive contribution to the streetscape and provide for functional and inviting access for the general public.

The majority of commercial and retail businesses are located within town centres and immediately surrounding areas. These localities are in the main, identified as precinct areas on the *LEP 2015 Built Character Map*, and are to meet the particular objectives and controls identified in Part G Locality Management, of this DCP. The following controls are supplementary to Part G, and where there is any inconsistency in the provisions, Part G prevails.

### Objectives

- O1. To identify key components of urban design to be considered and addressed in development proposals.
- O2. To retain and enhance the unique qualities of neighbourhood character and context, by responding to existing features and elements of desired future character.
- O3. To ensure that the operation of commercial and retail enterprises minimises impact on the amenity of adjoining and nearby residential land uses.

### Controls

- C1. New commercial and retail development, including additions and alterations, in precinct areas as identified on the *Built Character Map* in LEP 2015, is to be undertaken in accordance with the relevant provisions in Part B3 Design of this DCP.
- C2. New commercial and retail development, including additions and alterations, is to minimise bulk and scale and utilise design elements such as articulation to limit visual intrusion.





## F2.2. Parking and Access

### Explanation

Development for commercial and retail purposes is often by nature located within main streets and more densely developed areas in the centre of town. In the Blue Mountains, these centres often have heritage value and a development pattern that has been in place since the early commercial development of these areas. The provision of onsite parking within these locations is often difficult, as existing buildings are generally built to the property boundary, particularly within Heritage Conservation Areas and other established areas.

While onsite parking is important to ensure that development does not impact on adjoining neighbours and the local street network, this part of the DCP provides some flexibility for the provision of onsite parking in locations (particularly within town centres) where physical site constraints mean it is not possible or aesthetically desirable to provide onsite parking (e.g. the site is fully developed, or provision of off street parking in the frontage of a heritage item or in areas of significant streetscape value).

This section also provides controls for the location and design of parking areas for larger commercial and retail development.

### Objectives

- O1. To ensure that commercial and retail development provide onsite parking that is adequate for the land use, without compromising streetscape appearance or traffic safety and function.
- O2. To provide flexibility where compliance with parking rates may not be possible due to physical site constraints, or may result in an adverse impact on streetscape, amenity or character.

### Controls

#### Driveways

- C1. Only one driveway is to be provided at each road frontage of an allotment.
- C2. Notwithstanding C1, Council may consider a second driveway where it can be demonstrated that:
  - (a) an allotment has a frontage of substantial width, and
  - (b) it is required for manoeuvrability within the site (due to the operation of the commercial use or the size of vehicle required to access the site), and





- (c) sufficient on-street parking is available in the locality, and
- (d) traffic and pedestrian safety will not be compromised.

- C3. The alignment of driveways shall be located at least 2m from any side boundary to provide space for landscaping and pervious area, except in town centres where building site cover precludes that outcome.
- C4. Driveways are to be positioned so that on-street parking and landscaping on the site is maximised, and removal or damage to existing street trees is avoided.
- C5. Driveway widths are to comply with *Australian Standard 2890.2 Parking facilities – Off-street commercial parking facilities* and be a minimum of 3m wide and no wider than the parking structure to which the driveway relates other than as necessary to enable vehicles to access car parking spaces.
- C6. Driveways associated with large scale commercial development shall be designed to:
  - (a) enable vehicles to enter and leave the site in a forward direction, and
  - (b) be capable of accommodating the entry and exit manoeuvres of the largest vehicle expected to enter the site.

#### Parking

- C7. On-site parking is to be provided in accordance with the parking rates table provided at Part E2 Traffic, Parking and Access of this DCP, *Part E2: Table 1*.
- C8. Car parking areas should preferably be located behind the front alignment of buildings and are not to form a visually prominent element of the streetscape.
- C9. Where parking cannot be located behind the front building alignment, parking areas are to be designed to provide appropriate space for landscaping; both on the boundaries and along street frontages, as well as at regular intervals between parking spaces.

#### Basement parking

- C10. Basement car parking shall:
  - (a) be located within the limits of the building footprint and project no more than 1m above finished ground level, and

- (b) facilitate natural ventilation, and
  - (c) incorporate lighting in accordance with the Australian Standard 1680.2.1 Interior and workplace lighting – Specific applications – Circulation spaces and other general areas.
- CII. Separate pedestrian access to buildings is to be provided.

### F2.2.1. Exceptions to parking rates

- CI. Compliance with the parking rates in Part E2: Table I is not generally required where:
- (a) the proposed commercial or retail development (including any associated shop top housing) is located within Zone B2 Local Centre, and
  - (b) Buildings extend to the front and side property boundaries such that access to the site for parking would not be possible, and
  - (c) the site does not have rear access or the provision of parking in this part of the site would not be practical or would result in an adverse impact on streetscape character.
- C2. Compliance with the parking rates prescribed in Part E2 – Table I is not required for development proposed upon land situated between Davies Lane and Ha'penny Lane with a frontage to the eastern boundary of Pioneer Place.
- C3. With the exception of CI, a variation sought to the parking rates is to address the following issues (as relevant to the particular development):
- (a) Site constraints that inhibit the provision of the required parking onsite,
  - (b) Justification as to how the parking demand that cannot be accommodated onsite can be managed without adverse impacts on the locality.
  - (c) A survey of available on-street parking within walking distance from the site at peak parking generation times relevant to the proposed development.
  - (d) Existing parking facilities already provided prior to the proposed development.
  - (e) Any complementary uses of the available parking spaces.
  - (f) The proximity and access to public transport.



- (g) Location of local services, employment, retail and recreational facilities.
- (h) Safety of vehicles, pedestrians and cyclists.

**Note:** It is the responsibility of the applicant through the development application and assessment process to demonstrate that the proposed level of parking provision is adequate, or that the overall planning benefits of the proposed development outweigh any parking deficiencies.

## F2.3. Landscaping for parking areas

### Explanation

Commercial and Retail development, particularly larger scale proposals, generate the need for onsite parking. With reference to Part F2.2 of this DCP, in town centres, this parking requirement may not be able to be provided onsite. However where parking is required onsite it is important that these hard stand areas are designed to accommodate appropriate landscaping, so as to soften the development and contribute to streetscape amenity.

**Note:** The landscaping controls prescribed below supplement the objectives and controls prescribed in Part C3 Landscaping.

### Objectives

- OI. To ensure that commercial and retail development is appropriately planned and sited to accommodate landscaped areas within car parks and associated hard stand areas of the site.

### Controls

- CI. Landscaping is to be used to minimise the physical and visual dominance of car parking and vehicular circulation areas.
- C2. Where it is not possible or practical to retain existing trees, new advanced trees are to be provided within the landscaped areas to rapidly reinstate a canopy presence of equivalent stature.
- C3. The soil volume provided within planter beds is to be sufficient to ensure successful establishment and growth of selected tree and shrub species. As a guide the following soil volumes (unobstructed root area) are required for tree establishment:
  - (a) Between 5 and 15m<sup>3</sup> for a small tree (6-8m height with a 5m crown spread); and
  - (b) Between 20 and 40m<sup>3</sup> for a medium sized tree (10-12m height with a 8m crown spread); and
  - (c) Between 50 and 80m<sup>3</sup> for a large tree (16-20m height with a 16m crown spread).
- C4. Planter beds are to use Gap Graded or “structural” soils in the subsoil layer to assist in the provision of a sustainable growing medium for selected species. Structural subsoil is to also be provided beneath parking bays adjacent to planted trees so as to increase available soil volume.



- C5. In order to reduce the potential for damage to tree trunks and to reduce subsequent pruning maintenance, trees are to be located to the centre of planting beds.
- C6. Plant materials selected are to be compatible with pedestrian access, safety and amenity. Trees which produce high levels of leaf, flower or fruit debris or large quantities of resin are to be avoided.
- C7. Plant spacing, layout and characteristics are to provide adequate opportunities for natural surveillance and the maintenance of required sight lines at egress and entrance points.
- C8. Artificial lighting and associated infrastructure is to be located so as to avoid conflict with existing and proposed canopy elements. Ensure adequate space is provided to accommodate mature tree canopy without compromising illumination.



## F2.4. Amenity

### Explanation

Commercial and Retail development, depending on the nature of the business, can have the potential to impact on the amenity of adjoining and nearby properties. This may be due to the scale or nature of a business or other factors such as noise, odour or potential impacts to adjoining properties in relation to sunlight access or loss of views.

### Objectives

- O1. To ensure adverse impacts to the amenity of adjoining and nearby properties are minimised.
- O2. To provide effective measures, both operational and constructed, to minimise the impacts of operational noise and odour.
- O3. To design and locate commercial development to maintain reasonable solar access to adjacent properties.
- O4. To minimise view loss from adjoining or nearby properties without unreasonably limiting the development potential of a site.

### F2.4.1. Operational Noise and Odour

#### Explanation

Commercial and retail development includes a number of different land uses, which as a result of differing scale, operational requirements or other factors, have the potential to generate noise or odour which could impact adjoining neighbours. This may be due to loading and unloading, deliveries or fumes from the operation of a kitchen for example. With careful site planning and management these potential impacts can be effectively minimised.

#### Controls

- CI. Operating plant, including air conditioning systems, generators or other equipment, is to be located:
  - (a) sufficiently distant from any adjoining residential development, and
  - (b) within an enclosed space to provide for noise attenuation and management of fumes, and
  - (c) to minimise the visual impact on the streetscape and adjoining development, and may need to be screened to achieve this outcome.



Depending on the scale and type of the development, impact assessments for Noise and Odour may need to be submitted as part of a development application.

- C2. Proposed development is to consider the following with regard to hours of operation:
- (a) Proximity to residential development should night trading be proposed, and
  - (b) Deliveries and loading outside of core operating hours with regard to noise and light spill, and
  - (c) Levels of traffic generation of the proposed development.

## F2.4.2. Sunlight access

### Explanation

Adequate solar access contributes to the health and amenity, and good solar access also reduces reliance on artificial lighting and heating which has subsequent financial and environmental benefits.

**Note:** Council's assessment of development applications is guided by Land and Environment Court Planning Principles. In the case of sunlight access Council may refer to the Planning Principle established in *The Benevolent Society v Waverley Council* [2010] NSWLEC 1082 to guide the decision making process.

### Controls

- CI. Locate and design development so that between the hours of 9am and 3pm on 21 June:
- (a) at least 1m<sup>2</sup> of living room windows associated with neighbouring development receive a minimum of 3 hours of unobstructed sunlight, and
  - (b) at least 50% of private open space areas associated with development on adjoining allotments receive a minimum of 3 hours of unobstructed sunlight.
- C2. Where pre-development sunlight access enjoyed by development on adjoining allotments is less than the outcomes prescribed in CI, new development is not to create any additional overshadowing for that development.



- C3. Shadow diagrams for 9.00 am, 12.00 pm and 3.00 pm on the winter solstice (21 June) are to be submitted with a development application where a building of two storeys or more is proposed.

**Note:** Council may request that shadow diagrams be submitted for single storey buildings where solar access is deemed to be an area of concern.

### F2.4.3. Views

#### Explanation

Many areas of the Blue Mountains enjoy bushland and escarpment views which contribute to the amenity of a property. New commercial or retail development, particularly where located adjoining or within close proximity to residential areas, should be sited and designed to minimise the impact on views, where practicable.

**Notes:** Council's assessment of development applications is guided by Land and Environment Court Planning Principles. In the case of view sharing Council may refer to the Planning Principle established in *Tenacity Consulting v Warringah Council [2004] NSWLEC 140* to guide the decision making process.

#### Controls

- CI. Locate and design development to allow for view sharing ensuring that existing views enjoyed by surrounding properties and from public open spaces are not unreasonably affected.





# PART F3 INDUSTRIAL DEVELOPMENT



## Introduction

Industrial zones permit a wide range of land uses including storage premises, some commercial and residential land uses, and general industrial development. In general, industrial land uses have a greater potential to result in adverse impacts than some other land uses and these need to be managed as part of site planning and design. Such development may also be adjoining or adjacent to residential zones. These types of developments need to be carefully planned and managed, to limit the potential for land use conflict in these areas.

To the extent of any inconsistency between this section and any other DCP sections, this section will prevail.



**Read in conjunction with:**

**Part C - Environmental  
Management**



**All**

**Part E - Site Development  
and Management**



**All**

**Part F - Specific  
Development Types**



**F1**

**F6**

**Relationship to other legislation and documents**

- *State Environmental Planning Policy (Exempt and Complying Codes) 2008*



## F3.1. Building Design and Site Planning

### Explanation

Through high quality building design and appropriate site planning, industrial developments despite often having a larger bulk and scale, can provide and maintain a suitable level of visual, acoustic and environmental quality. Such design and site planning is required to maintain the amenity of adjoining neighbours and enhance the streetscape of the locality. This is particularly important where industrial development adjoins or is in close proximity to residential development.

### Objectives

- O1. To ensure that industrial development is designed and sited to minimise impacts on the environment and on the visual and acoustic privacy of adjoining and nearby development.
- O2. To ensure that industrial development is compatible with the amenity of existing and likely future residential use within the adjoining residential zone.

### Controls

- C1. New industrial development is to minimise bulk and scale and utilise design elements such as articulation to limit visual intrusion.

**Note:** Refer to Part B2 Building Envelope of this DCP, with particular reference to B2.3.3.

- C2. Where new industrial development adjoins a residential zone, new buildings are to be sited so as to retain the visual and acoustic privacy of residents of properties in these adjoining residential zones.
- C3. Warehouses and industrial buildings are to be equipped with permanent ridge venting.



## F3.2. Driveways and Parking

### Explanation

The location and design of driveways are key considerations when planning for development. Driveways that are appropriately located serve to maintain the safety and functionality of the public road network and allow for the retention of on-street parking.

The location and design of parking facilities such as basement parking, garages and landings are an important determinant of streetscape appearance. Parking facilities that are poorly designed and inappropriately positioned can compromise the appearance of a streetscape.

### Objectives

- OI. To ensure that industrial development provides sufficient and convenient onsite parking without compromising streetscape appearance or traffic safety and function.

### Controls

#### Driveways

- CI. Only one driveway is to be provided at each road frontage of an allotment.
- C2. Notwithstanding CI, Council may consider a second driveway where it can be demonstrated that:
  - (a) an allotment has a frontage of substantial width, and
  - (b) it is required for manoeuvrability within the site (due to the operation of the industrial use or the size of vehicle required to access the site) within the second driveway, and
  - (c) sufficient on-street parking is available in the locality, and
  - (d) traffic and pedestrian safety will not be compromised.
- C3. The alignment of driveways shall be located at least 2m from any side boundary to provide space for landscaping and pervious area.
- C4. Driveways are to be positioned so that on-street parking and landscaping on the site is maximised, and removal or damage to existing street trees is avoided.





- C5. Driveway widths are to comply with Australian Standard 2890.2 Parking facilities – Off-street commercial parking facilities and be a minimum of 3m wide and no wider than the opening associated with the parking facility other than as necessary to enable vehicles to access car parking spaces.
- C6. Driveways associated with industrial development shall be designed to:
  - (a) enable vehicles to enter and leave the site in a forward direction, and
  - (b) be capable of accommodating the entry and exit manoeuvres of the largest vehicle expected to enter the site.

#### Parking

- C7. On-site parking is to be provided in accordance with the parking rates table provided at Part E2 Traffic, Parking and Access of this DCP: *Part E2: Table 1*.
- C8. Car parking areas should preferably be located behind the front alignment of buildings and are not to form a visually prominent element of the streetscape.
- C9. Where car parking cannot be located behind the front building alignment, parking areas are to be designed to provide appropriate space for landscaping (that is, along property boundaries and at regular intervals between parking spaces) without prejudicing the aim, objectives and relevant provisions of *Planning for Bushfire Protection*, NSW Rural Fire Service.

#### Basement parking

- C10. Basement car parking shall:
  - (a) be located within the limits of the building footprint and project no more than 1m above existing ground level, and
  - (b) facilitate natural ventilation, and
  - (c) incorporate lighting in accordance with the Australian Standard 1680.2.1 Interior and workplace lighting – Specific applications – Circulation spaces and other general areas.
- C11. Separate pedestrian access to buildings is to be provided.



## F3.3. Landscaping for parking areas

### Explanation

Industrial development has the potential to result in larger scale development comprising sizable hard stand areas for parking and site manoeuvrability. With consideration for these design elements, there are often more limited landscaping opportunities. However, because of the bulk and scale of industrial development, landscaping has an important role to play in both the provision of spaces on the site to absorb run off, and also to visually soften development and contribute to streetscape amenity.

**Note:** The landscaping controls prescribed below supplement the objectives and controls prescribed in Part C3 Landscaping.

**Note:** In the case of development of land zoned IN1, IN2 or B7 that is also classified as bush fire prone land, the provision of landscaping is not to prejudice the aim, objectives and relevant provisions of *Planning for Bushfire Protection*, NSW Rural Fire Service.

### Objectives

- OI. To ensure that industrial development is appropriately planned and sited to accommodate landscaped areas within car parks and associated hard stand areas of the site.

### Controls

- C1. Landscaping is to be used to minimise the physical and visual dominance of car parking and vehicular circulation areas.
- C2. Where it is not possible or practical to retain existing trees, new advanced trees are to be provided within the landscaped areas to rapidly reinstate a canopy presence of equivalent stature.
- C3. The soil volume provided within planter beds is to be sufficient to ensure successful establishment and growth of selected tree and shrub species. As a guide the following soil volumes (unobstructed root area) are required for tree establishment:
  - (a) Between 5 and 15 cubic metres for a small tree (6-8m height with a 5m crown spread); and
  - (b) Between 20 and 40 cubic metres for a medium sized tree (10-12m height with a 8m crown spread); and
  - (c) Between 50 and 80 cubic metres for a large tree (16-20m height with a 16m crown spread).



- C4. Planter beds are to use Gap Graded or “structural” soils in the subsoil layer to assist in the provision of a sustainable growing medium for selected species. Structural subsoil is to also be provided beneath parking bays adjacent to planted trees so as to increase available soil volume.
- C5. In order to reduce the potential for damage to tree trunks and to reduce subsequent pruning maintenance, trees are to be located to the centre of planting beds.
- C6. Plant materials selected are to be compatible with pedestrian access, safety and amenity. Trees which produce high levels of leaf, flower or fruit debris or large quantities of resin are to be avoided.
- C7. Plant spacing, layout and characteristics are to provide adequate opportunities for natural surveillance and the maintenance of required sight lines at egress and entrance points.
- C8. Artificial lighting and associated infrastructure is to be located so as to avoid conflict with existing and proposed canopy elements. Ensure adequate space is provided to accommodate mature tree canopy without compromising illumination.

## F3.4. Amenity and Privacy

### Explanation

Development in industrial zones can take a number of forms. Some land uses permitted within these zones are commercial or recreational in nature, and others are light industrial uses of a limited scale. Some uses can result in excessive noise, unpleasant odours, the obstruction of natural light and/or the creation of intrusive unnatural light after dark. Any of these outcomes have the potential to diminish the amenity of neighbours.

In a number of areas of the Blue Mountains, industrial zones are located adjoining, or within close proximity of residential zones. The use of appropriate building materials, landscaping and adequate setbacks, can reduce conflict between these land uses and allow the amenity and privacy of residential neighbours to be maintained.

### Objectives

- O1. To ensure adverse impacts to the amenity of adjoining and nearby properties are minimised.
- O2. To provide effective measures, both operational and constructed, to minimise the impacts of operational noise and odour.
- O3. To design and locate industrial development to maintain reasonable solar access to adjacent properties, with particular consideration for adjoining residential zones.

### Controls

- CI. Development within Zones **B7 Business Park**, **IN1 General Industry** and **IN2 Light Industry** and on land which adjoins or is adjacent to land that permits residential accommodation is to be compatible with the amenity of any existing and likely future residential use, having regard to:
  - (a) the relative building scale, bulk, design and height and the siting of the proposed development, and
  - (b) the retention of acoustic and visual privacy of residents of properties in the residential zone, and
  - (c) the hours of operation of the proposed development, and
  - (d) levels of traffic generation of the proposed development, and
  - (e) any noise, light dust and odour impacts likely to be generated by the proposed development, and



- (f) overshadowing of, and retention of solar access to, properties in the residential zone.

#### Site Planning

- C2. Site landscaping is to include sufficient planting within side and rear setbacks so as to provide privacy and enhance visual amenity within the site and for adjacent dwellings.
- C3. Operating plant, including air conditioning systems, generators or other equipment, is to be located:
  - (a) sufficiently distant from any adjoining residential development, and
  - (b) within an enclosed space to provide for noise attenuation and management of fumes, and
  - (c) to minimise the visual impact on the streetscape and adjoining development.

Depending on the scale and type of the development, impact assessments for Noise and Odour may need to be submitted as part of a development application.

#### Sunlight Access

- C4. Locate and design development so that between the hours of 9am and 3pm on 21 June:
  - (a) at least 1m<sup>2</sup> of living room windows associated with neighbouring development receive a minimum of 3 hours of unobstructed sunlight, and
  - (b) at least 50% of private open space areas associated with development on adjoining allotments receive a minimum of 3 hours of unobstructed sunlight.
- C5. Where pre-development sunlight access enjoyed by development on adjoining allotments is less than the outcomes prescribed in C4, new development is not to create any additional overshadowing for that development.
- C6. Shadow diagrams for 10.00 am, 12.00 pm and 2.00 pm on the winter solstice (21 June) are to be submitted with a development application where a building of two storeys or more is proposed.

**Note 1:** Council may request that shadow diagrams be submitted for single storey buildings where solar access is deemed to be an area of concern.



**Note 2:** Council's assessment of development applications is guided by Land and Environment Court Planning Principles. In the case of sunlight access Council may refer to the Planning Principle established in *The Benevolent Society v Waverley Council [2010] NSWLEC 1082* to guide the decision making process.

#### Hours of Operation

- C7. Having regard for the hours of operation of the development, particular consideration is to be given to noise and light spill resulting from deliveries and loading outside of core operating hours.

#### Views

- C8. Locate and design development to allow for view sharing ensuring that existing views enjoyed by surrounding properties and from public open spaces are not substantially affected.

**Notes:** Council's assessment of development applications is guided by Land and Environment Court Planning Principles. In the case of view sharing Council may refer to the Planning Principle established in *Tenacity Consulting v Warringah Council [2004] NSWLEC 140* to guide the decision making process.



## F3.5. Industrial Ancillary Development

### F3.5.1. Industrial Retail Outlets

#### Explanation

Development within Zones **B7 Business Park**, **IN1 General Industry** and **IN2 Light Industry**, can include a retail component for the display or sale of those goods manufactured on the site, in conjunction with the associated industry. This enables manufacturers to sell products from their production site on a limited basis, without needing to take up another retail premise for this purpose.

#### Controls

- C1. The retail floor area of any Industrial Retail Outlet is to be in accordance with the provisions of LEP 2015 clause 5.4(4) (Industrial retail outlets).
- C2. Industrial retail outlets are to be accessed via a separate entrance, located away from the manufacturing area of the development. This entrance is to be clearly identified and easily accessible from any parking areas.

### F3.5.2. Dwellings (Caretaker's residence)

#### Explanation

Industrial development may include the provision of an ancillary caretaker's residence. This is not a defined use in LEP 2015, and a dwelling of this type will be assessed under the general provisions of this DCP, and those for Low Density Residential development. However, there are some particular considerations in relation to this type of dwelling, due to their location within an industrial site.

#### Objectives

- O1. To ensure that private open space functions as an accessible extension to the living area of a dwelling, is designed to protect privacy, optimise solar access and allows for passive recreation.

#### Controls

- C1. Private open space is not to be situated in the front building setback.



- C2. Development for the purposes of a dwelling ancillary to industrial development is to have at least 25m<sup>2</sup> of private open space, and this open space area is to:
- (a) have a minimum width of 4m;
  - (b) be appropriately screened and appropriately separated from the industrial development on the site, and
  - (c) have reasonable access to a living area of the subject dwelling, and
  - (d) have a slope of less than 10%.







# PART F4 TOURIST DEVELOPMENT



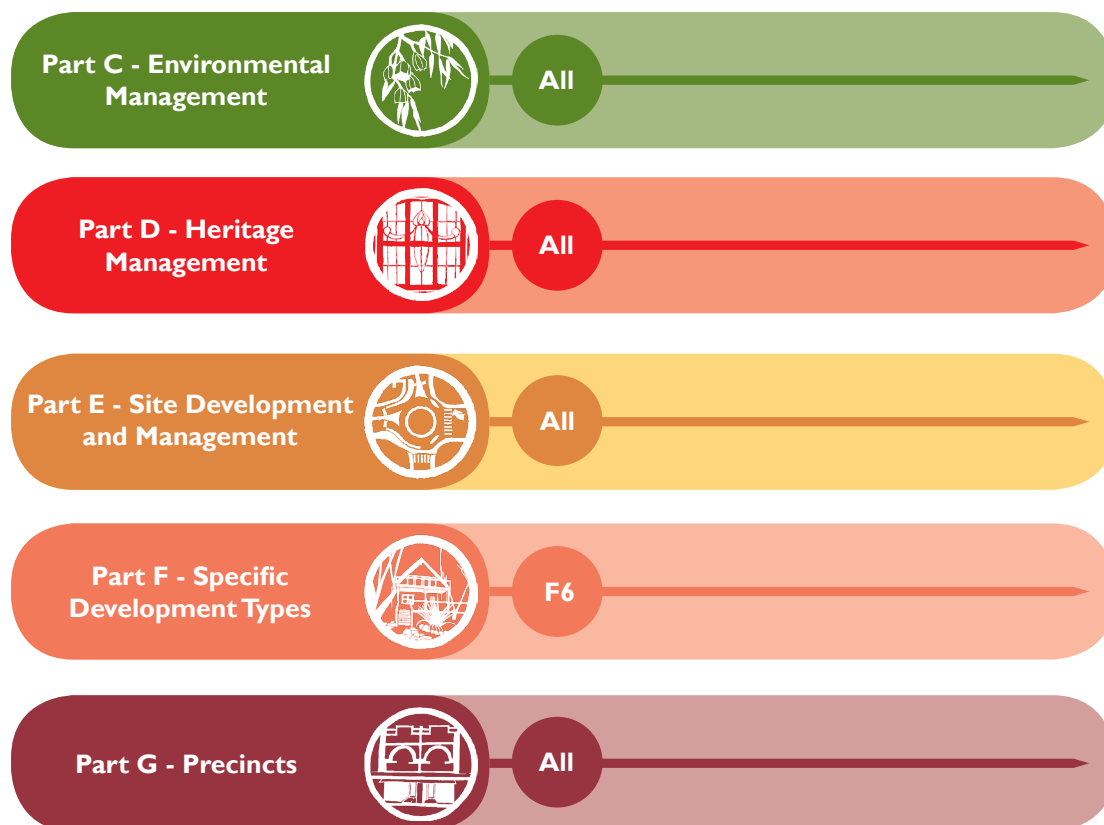
## Introduction

Tourism is core business in the Blue Mountains, with the Local Government Area being one of the most highly visited tourist destinations in New South Wales. Tourism provides support for the local economy, as well educating and exposing visitors to the village and towns within the World Heritage National Park.

This environmentally sensitive location and the regular influx of people beyond the resident population, also presents challenges in relation to the management of services, traffic and parking, as well as the privacy and amenity of residents who adjoin properties used for tourist and visitor facilities.

This part of the DCP provides objectives and controls for visitor and tourist accommodation, to ensure that the City can provide inviting and well serviced places for people to stay, without adversely impacting on the amenity and well-being of permanent residents.

**Read in conjunction with:**



**Relationship to other legislation and documents**

- *State Environmental Planning Policy (Exempt and Complying Codes) 2008*



## F4.1. General objectives for all Visitor and Tourist Accommodation

- O1. To encourage environmentally sustainable tourist development that provide quality built outcomes, which respond to the unique qualities of neighbourhood character, for the economic and social benefit of the City.
- O2. To ensure that tourist-based development results in a net benefit to the condition of the land upon which it is located.
- O3. To ensure that the amenity and privacy of adjoining properties is preserved, including visual and acoustic privacy, and solar access.
- O4. To provide an appropriate proportion of accessible accommodation suites for the elderly, people with a disability and people with limited mobility.
- O5. To ensure that adequate onsite parking is provided for guests and staff, and that these parking areas do not detract from streetscape amenity and character of the locality.
- O6. To ensure that the provision of services and plant does not result in visual clutter.

## F4.2. Bed & Breakfast Accommodation, Short-term Rental Accommodation and Farm Stay Accommodation

### Explanation

*Bed and Breakfast Accommodation* is common throughout the Blue Mountains, and provides for a relatively low scale, low impact form of tourist accommodation operated from a dwelling by the permanent residents of that dwelling. It is important that this type of development is appropriately designed to minimise impacts to adjoining neighbours and provide appropriate services for guests, such as onsite parking and accessible access.

**Note 1:** *Bed and Breakfast Accommodation* is considered complying development in certain circumstances, under the provisions of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, and a complying development certificate is required rather than a development application.

*Short-term rental accommodation*, commonly referred to as holiday lets, is the use of a dwelling house, or part thereof, for short-term paid accommodation where visitors or tourists stay for a period of less than 60 consecutive days and have a principal place of residence elsewhere. Short-term rental accommodation is a common form of tourist accommodation in the Blue Mountains, and located throughout the local government area, but predominantly in tourist areas.

**Note:** Development consent may not be required for the purposes of short-term rental accommodation, should the development meet certain criteria. Refer to clause 6.29 (Short-term rental accommodation) of LEP 2015.

*Farm Stay Accommodation* is short term accommodation for paying guests on a working farm as a secondary business to primary production.

### F4.2.1. Site Planning and Bush fire requirements

#### Explanation

The location and size of an allotment are important factors with regard to the siting of a development. This is more pertinent when the allotment is identified as bush fire prone land on the *Bush fire prone land Map*. The following controls should be referred to early in the design stage of the proposal.

#### Controls

- CI. In accordance with LEP 2015 clause 5.4(1) (Bed and breakfast accommodation), bed and breakfast accommodation is limited to four (4) bedrooms.



- C2. Bed and Breakfast accommodation can only be operated from a dwelling located on a site that has a total area of 1200m<sup>2</sup> or greater.
- C3. Where *bed and breakfast accommodation* or development for the purposes of a *short-term rental accommodation* is proposed to be located on bush fire prone land as identified on the Bush Fire Prone Land Map, a *Bush fire Threat Assessment* is to be submitted as part of any application. The development is to comply with the requirements of the *Rural Fires Act 1997* and *Planning for Bush fire Protection*. Refer to Part E4 of this DCP.

**Note 1:** *Bed and breakfast accommodation* and *short-term rental accommodation* are considered Special Fire Protection Purposes under the provisions of the *Rural Fires Act 1997*. Development applications for these land uses will therefore be referred to the Rural Fire Service for the issue of a Bush Fire Safety Authority.

**Note 2:** *Bed and breakfast accommodation* may be exempt from the requirement for a Bush fire Safety Authority if it is proposed to be located more than 30m from native vegetation. Refer to clause 45 of the *Rural Fires Regulation 2014*.

**Note 3:** Should any Voluntary Code of Conduct established by government or the industry apply to Short-term rental accommodation, this is to be incorporated into the management practices of the development

## F4.2.2. Parking and Access

### Explanation

While *bed and breakfast accommodation* and *short-term rental accommodation* are a low scale form of tourist accommodation, it does result in some traffic generation which can affect adjoining and neighbouring residents. To ensure that the development does not result in overflow parking to the street, but does provide appropriately located, accessible parking for guests the following controls detail how parking is to be provided within the property.

### Controls

#### Driveways

- CI. Only one driveway is to be provided at each road frontage of an allotment.
- C2. Notwithstanding CI, Council may consider a second driveway where it can be demonstrated that:

- (a) an allotment has a frontage of substantial width, and
- (b) it is required for efficient manoeuvrability within the site, and
- (c) sufficient on-street parking is available in the locality, and
- (d) traffic and pedestrian safety will not be compromised.

#### Parking

- C3. On-site parking is to be provided in accordance with the parking rates table provided at Part E2 Traffic, Parking and Access of this DCP, Part E2: Table 1.
- C4. Car parking areas should preferably be located behind the front alignment of buildings and are not to form a visually prominent element of the streetscape.
- C5. Car parking spaces and vehicle turning areas are generally not permitted within the front setback area. Consideration will be given to varying the location where it is desirable for environmental reasons, or where there is a substantial setback and dense landscape screening.
- C6. For new construction for the purposes of *bed and breakfast accommodation*, *short-term rental accommodation* and *farm stay accommodation*, all parking is to be provided onsite, and guest parking is to be clearly identifiable and easily accessed.

### F4.2.3. Amenity

#### Explanation

The location of *Bed and breakfast accommodation* and *short-term rental accommodation* within residential areas has the potential to result in adverse impacts on adjoining properties and nearby neighbours, particularly in relation to privacy and noise. With well-considered design of both the site and the dwelling, these potential impacts can be minimised.

#### Controls

##### Acoustic Amenity and Privacy

- CI. Noise emissions not be audible inside any adjoining dwelling between 10:00pm and 7:00am on weekdays and between 10:00pm and 8:00am on Saturdays, Sundays and public holidays. At all other times, noise levels must not exceed 5DbA above ambient background noise level measured at the lot boundary.





- C2. For new construction, any balcony, deck or outdoor entertaining / recreation area (such as BBQ areas, swimming pools or spas) is to be located and designed in a manner that does not adversely impact on the privacy or amenity of adjoining neighbours, and located away from the bedroom areas of adjoining dwellings.
- C3. Where the development is a change of use from a dwelling to bed and breakfast accommodation or short-term rental accommodation, privacy screening and any other measures to limit privacy and amenity impacts are to be included for existing balcony, deck or outdoor entertaining / recreation areas.
- C4. Operating plant, including air conditioning systems, generators, pool pumps or other equipment, is to be located:
  - (a) sufficiently distant from any adjoining residential development, and
  - (b) where appropriate, within an enclosed space to provide for noise attenuation.
- C5. To ensure the amenity of adjoining properties and the immediate vicinity is preserved, guest numbers for *short-term rental accommodation* are to be limited to a maximum of 2 guest per bedroom. It is generally expected that a 4 bedroom dwelling would accommodate a maximum of 8 guests.

#### F4.2.4. Sunlight Access

##### Controls

- CI. For new construction for the purposes of *bed and breakfast accommodation, short-term rental accommodations and farm stay accommodation*, the development is to be designed and located so that between the hours of 9am and 3pm on 21 June:
  - (a) at least 1m<sup>2</sup> of living room windows associated with neighbouring development receive a minimum of 3 hours of unobstructed sunlight, and
  - (b) at least 50% of private open space areas associated with development on adjoining allotments receive a minimum of 3 hours of unobstructed sunlight.



- C2. Where pre-development sunlight access enjoyed by development on adjoining allotments is less than the outcomes prescribed in C1, new development is not to create any additional overshadowing for that development.

## F4.2.5. Services

### Controls

- C1. For new dwellings to be used for *bed and breakfast accommodation* or *short-term rental accommodation*, the provision of electricity and gas services is to be provided underground.
- C2. Provision is to be made for only one external television aerial to service the bed and breakfast accommodation or holiday let.
- C3. For all dwellings to be used for *bed and breakfast* or *short-term rental accommodation*, the following dedicated areas are to be provided on site:
- (a) A common clothes drying area, and
  - (b) An area for storing garbage, recycling and composting bins, which is suitably located and screened.



## F4.3. Hotel or Motel Accommodation, Serviced Apartments and Backpackers' Accommodation

### Explanation

By definition, *hotel or motel accommodation, serviced apartments and backpackers' accommodation* are relatively high density land use compared with other forms of tourist accommodation in the Blue Mountains, and includes not only accommodation and parking facilities for visitors, but also commonly incorporates separate land uses such as a restaurant facility for both guests and the general public for example. It is therefore important this type of development is planned and managed to limit potential impacts on adjoining neighbours and the surrounding area.

### F4.3.1. Site Planning and Building Design

#### Explanation

Through high quality building design and appropriate site planning, development for *hotel or motel accommodation* and *serviced apartments* can make a positive contribution to the locality and provide for functional and inviting access for the general public. This development type is primarily located within town centres and immediately surrounding areas. These areas are in the main, identified as precinct areas on the *LEP 2015 Built Character Map*, and are to meet the particular objectives and controls identified in Part G Locality Management, of this DCP. The following controls are supplementary to Part G, and where there is any inconsistency in the provisions, Part G prevails.

#### Controls

##### Design

- C1. New development for the purposes of *hotel or motel accommodation, serviced apartments or backpackers' accommodation*, including additions and alterations, in precinct areas as identified on the *LEP 2015 Built Character Map*, is to be undertaken in accordance with the relevant provisions in Part B3 Design of this DCP.
- C2. New hotel or motel accommodation, serviced apartments and backpacker's accommodation, including additions and alterations, is to minimise bulk and scale and utilise design elements such as articulation to limit visual intrusion.



## F4.3.2. Building articulation and separation

### Explanation

The spatial separation of buildings and articulation of built form is an important determinant of massing and streetscape appearance. Adequate building separation and thoughtful articulation 'softens' the visual mass of medium density residential development, improves amenity and allows for landscaping opportunities.

### Controls

- C1. Building separation between detached dwellings within a hotel or motel accommodation development is to comply with minimum distances prescribed in *Part F - Table 1*.

**Part F4 - Table 1:** Separation distances based on number of storeys

Number of storeys	Room type	Minimum separation distance
Up to 2 storeys	All room types	6m
Greater than 3 storeys	Between non-habitable rooms	6m
	Between habitable rooms or balconies and non-habitable rooms	9m
	Between habitable rooms or balconies	12m

- C2. Notwithstanding C1, consideration will be given to an alternative separation distance where it can be demonstrated that:
- (a) the scale and massing of the development is visually appropriate and consistent with streetscape appearance, and
  - (b) adequate visual privacy, acoustic privacy and solar access can be achieved for each of the dwellings, and
  - (c) the area between the dwellings provides for the retention of existing vegetation and/or ample space for landscaping.
- C3. Reduce the visual bulk of roof forms by breaking down the roof into smaller elements, rather than having a single uninterrupted roof structure.



- C4. Reduce the visual impact of unrelieved walls by limiting length of walls and / or articulating built form, particularly on narrow side and rear setbacks.

### F4.3.3. Site Requirements and Services

#### Controls

- CI. Development for hotel or motel accommodation, with the exception of low scale tourism development subject to clause 6.28 (Rural and nature-based tourist facilities) of LEP 2015, is not to be located on land without a reticulated sewerage system in place that has the existing capacity to service the development, or can be upgraded to accommodate the additional capacity as part of the development.
- C2. For new construction, the provision of electricity and gas services is to be provided underground, where reticulated services are available.

### F4.3.4. Parking and Access

#### Explanation

Development for *hotel or motel accommodation, serviced apartments or backpackers' accommodation* has the potential, particularly larger scale proposals, to generate a substantial parking need. Onsite parking is important to ensure that development does not impact on adjoining neighbours and the local street network. It is important that these parking areas are appropriately designed and located to allow for safe and efficient vehicle movement to and from the site, as well as minimise the impact of these hard stand areas on local amenity of the streetscape.

#### Objectives

- OI. To ensure that development for the purposes of hotel or motel accommodation provides onsite parking that is adequate for the land use, without compromising streetscape appearance or traffic safety and function.

#### Controls

##### Driveways

- CI. Only one driveway is to be provided at each road frontage of an allotment.



- C2. Notwithstanding C1, Council may consider a second driveway where it can be demonstrated that:
  - (a) an allotment has a frontage of substantial width, and
  - (b) it is required for manoeuvrability within the site (due to the operation of the commercial use or the size of vehicle required to access the site), and
  - (c) sufficient on-street parking is available in the locality, and
  - (d) traffic and pedestrian safety will not be compromised.
- C3. The alignment of driveways shall be located at least 2m from any side boundary to provide space for landscaping and pervious area.
- C4. Driveways are to be positioned so that on-street parking and landscaping on the site is maximised, and removal or damage to existing street trees is avoided.
- C5. Driveway widths are to comply with Australian Standard 2890.2 Parking facilities – Off-street commercial parking facilities and be a minimum of 3m wide and no wider than the opening associated with the parking facility other than as necessary to enable vehicles to access car parking spaces.
- C6. Driveways associated with large scale hotel or motel accommodation shall be designed to:
  - (a) enable vehicles to enter and leave the site in a forward direction, and
  - (b) be capable of accommodating the entry and exit manoeuvres of the largest vehicle expected to enter the site.

#### Parking

- C7. On-site parking is to be provided in accordance with the parking rates table provided at Part E2 Traffic, Parking and Access of this DCP, *Part E2: Table 1*.
- C8. Car parking areas are to be located behind the front alignment of buildings and are not to form a visually prominent element of the streetscape.
- C9. Where parking cannot be located behind the front building alignment, parking areas are to be designed to provide appropriate space for landscaping; both on the boundaries and along street frontages, as well as at regular intervals between parking spaces.



#### Basement parking

##### C10. Basement car parking shall:

- (a) be located within the limits of the building footprint and project no more than 1m above existing ground level, and
- (b) facilitate natural ventilation, and
- (c) incorporate lighting in accordance with the Australian Standard 1680.2.1 Interior and workplace lighting – Specific applications – Circulation spaces and other general areas.

##### C11. Separate pedestrian access to buildings is to be provided.

### F4.3.5. Landscaping

#### Explanation

Development for the purposes of *hotel or motel accommodation, serviced apartments or backpackers' accommodation* generally results in higher urban densities and there are subsequently fewer opportunities to achieve good landscaping outcomes. For this reason, it is important that existing vegetation and desired landscape outcomes are considered in more detail at the development design stage. This includes consideration of landscaping within the main part of the site, and specifically within parking areas for the proposed development.

**Note:** The landscaping controls prescribed below supplement the objectives and controls prescribed in Part C3 Landscaping.

#### Objectives

- O1. To ensure hotel or motel accommodation is appropriately planned and designed to:
  - (a) provide for adequate and appropriate areas that are set aside for landscape purposes, and
  - (b) accommodate landscaped areas within car parks and associated hard stand areas.

#### Controls

- CI. The landscape objective and controls contained within this part of the DCP do not apply to hotel or motel accommodation proposed on land in zone E3.

- C2. To facilitate absorption of run-off and provide for adequate landscaping opportunities, a deep soil zone comprising at least 10% of the site area is to be provided as a single area at the rear of the site. Where the pattern of neighbourhood development has deep soil planting at the front of the site, it may be desirable to replicate this pattern.

#### Landscaping for Car park Areas

- C3. Landscaping is to be used to minimise the physical and visual dominance of car parking and vehicular circulation areas.
- C4. Where it is not possible or practical to retain existing trees, new advanced trees are to be provided within the landscaped areas to rapidly reinstate a canopy presence of equivalent stature.
- C5. The soil volume provided within planter beds is to be sufficient to ensure successful establishment and growth of selected tree and shrub species. As a guide the following soil volumes (unobstructed root area) are required for tree establishment:
- (a) Between 5 and 15m<sup>3</sup> for a small tree (6-8m height with a 5m crown spread), and
  - (b) Between 20 and 40m<sup>3</sup> for a medium sized tree (10-12m height with a 8m crown spread), and
  - (c) Between 50 and 80m<sup>3</sup> for a large tree (16-20m height with a 16m crown spread).
- C6. Planter beds are to use Gap Graded or “structural” soils in the subsoil layer to assist in the provision of a sustainable growing medium for selected species. Structural subsoil is to also be provided beneath parking bays adjacent to planted trees so as to increase available soil volume.
- C7. In order to reduce the potential for damage to tree trunks and to reduce subsequent pruning maintenance, trees are to be located to the centre of planting beds.
- C8. Plant materials selected are to be compatible with pedestrian access, safety and amenity. Trees which produce high levels of leaf, flower or fruit debris or large quantities of resin are to be avoided.
- C9. Plant spacing, layout and characteristics are to provide adequate opportunities for natural surveillance and the maintenance of required sight lines at egress and entrance points.





- C10. Artificial lighting and associated infrastructure is to be located so as to avoid conflict with existing and proposed canopy elements. Ensure adequate space is provided to accommodate mature tree canopy without compromising illumination.

### F4.3.6. Visual privacy

#### Explanation

Complete visual privacy is often difficult to achieve in the urban context and is not necessarily desirable. Some level of cross viewing between properties is beneficial as this serves to improve security through passive surveillance.

**Note:** Council's assessment of development applications is guided by Land and Environment Court Planning Principles. In the case of privacy Council may refer to the Planning Principle established in *Meriton v Sydney City Council [2004] NSWLEC 313* to guide the decision making process.

#### Controls

- C1. Proposed habitable room windows with a direct outlook to habitable room windows or private open space of an adjacent dwelling are to have a separation distance of no less than 6m.
- C2. Where proposed habitable room windows will have a direct outlook to habitable room windows or private open space of an adjacent dwelling and are separated by less than 9m, the window shall:
- (a) be offset a minimum of 1m from the edge of the proposed window to the edge of the existing window, or
  - (b) have sill heights of at least 1.6m above floor level, or
  - (c) have fixed obscure glazing applied to any part of the window below 1.6m above floor level.
- C3. Overlooking to private open space areas on adjoining properties is to be reduced by ensuring that any upper level balconies are designed and screened to minimise the potential for overlooking of the private open space of any lower level of adjoining dwellings.
- C4. Where potential overlooking cannot be avoided, views of private open space areas may be obscured in the following ways:
- (a) by solid translucent screens or perforated panels or trellises, which have a maximum of 25% openings and that are designed to blend in with the proposed redevelopment, and are to be permanent components of the structure and difficult to alter,



- (b) by retention or planting of dense mature vegetation on the development site, if used in conjunction with (a).
- C5. The setback between shared driveways or access ways (including a right of carriageway) and the habitable room windows of a dwelling is to be no less than 1.5m.

### F4.3.7. Acoustic privacy

#### Explanation

Clever layout and design can serve to improve acoustic amenity, particularly in regard to the positioning of noise generating rooms such as living areas, and designing to minimise impacts from external noise sources such as rail corridors and busy roads.

#### Controls

- C1. Outdoor facilities including swimming pools, tennis courts and BBQ areas are to be located away from noise sensitive rooms of adjoining dwellings.
- C2. Operating plant, including air conditioning systems, generators or other equipment, is to be located:
  - (a) sufficiently distant from any adjoining residential development, and
  - (b) within an enclosed space to provide for noise attenuation and management of fumes, and
  - (c) to minimise the visual impact on the streetscape and adjoining development.

Depending on the scale and type of the development, impact assessments for Noise and Odour may need to be submitted as part of a development application.

- C3. Residential development adjacent to a rail corridor or a classified road is to be located and designed to ameliorate potential noise impacts arising from the adjacent rail corridor or classified road. Refer to requirements in *State Environmental Planning Policy (Infrastructure) 2007* and the *NSW Department of Planning document Development near Rail Corridors and Busy Roads – Interim Guideline*.



### F4.3.8. Sunlight access

#### Explanation

Adequate solar access contributes to the health and amenity of medium density residential development and its inhabitants. Good solar access also reduces reliance on artificial lighting and heating which has subsequent financial and environmental benefits.

**Note:** Council's assessment of development applications is guided by Land and Environment Court Planning Principles. In the case of sunlight access Council may refer to the Planning Principle established in *The Benevolent Society v Waverley Council* [2010] NSWLEC 1082 to guide the decision making process.

#### Objectives

- OI. To ensure that medium density development is located and designed to optimise solar access to living rooms and private open space areas, and to maintain reasonable solar access to adjacent properties.

#### Controls

- CI. Locate and design development so that between the hours of 9am and 3pm on 21 June:
  - (a) at least 1m<sup>2</sup> of living room windows associated with neighbouring development receive a minimum of 3 hours of unobstructed sunlight, and
  - (b) at least 50% of private open space areas associated with development on adjoining allotments receive a minimum of 3 hours of unobstructed sunlight.
- C2. Where pre-development sunlight access enjoyed by development on adjoining allotments is less than the outcomes prescribed in CI, new development is not to create any additional overshadowing for that development.
- C3. Limit number of single-aspect dwellings with a southerly aspect (SW-SE) to a maximum of 10% of the total dwellings proposed in development for hotel or motel accommodation.
- C4. Shadow diagrams for 9:00 am, 12:00 pm and 3:00 pm on the winter solstice (21 June) are to be submitted with a development application where a building of two storeys or more is proposed.

**Note:** Council may request that shadow diagrams be submitted for single storey buildings where solar access is deemed to be an area of concern.



## F4.3.9. Views

### Explanation

Many dwellings and public places in the Blue Mountains enjoy bushland and escarpment views which contribute to the amenity of the property. New development should be sited and designed to minimise the impact on views, where practicable.

**Note:** Council's assessment of development applications is guided by Land and Environment Court Planning Principles. In the case of view sharing Council may refer to the Planning Principle established in *Tenacity Consulting v Warringah Council [2004] NSWLEC 140* to guide the decision making process.

### Controls

- CI. Locate and design development to allow for view sharing ensuring that existing views enjoyed by surrounding properties and from public open spaces are not unreasonably affected.



## F4.4. Eco-tourist Facility

### Explanation

An eco-tourist facility is a low scale form of tourist accommodation, intended to provide guests with a direct experience of special ecological or cultural features, while being sensitively located within the environment. To ensure this type of development respects the environmental values of the land, factors including the scale of the development, the management of waste, and impacts on visual and landscape values must be appropriately considered.

### Objectives

Eco-tourist facilities are to comply with the general objectives at Part F4.1 related to all Tourist and Visitor Accommodation, as well as those listed below:

- O1. To comply with the provisions of clause 5.13 (Eco-tourist facilities) of LEP 2015
- O2. To facilitate and support the establishment of low scale nature based tourism in accordance with clause 6.28 (Rural and nature-based tourism facilities) of LEP 2015.
- O3. To ensure the size and scale of eco-tourist facilities is consistent with the aim of protecting and enhancing the natural environment or scenic amenity of the locality.
- O4. To ensure that eco-tourist facilities are sympathetically designed and sited such that development does not impinge on the amenity of adjoining properties.

### F4.4.1. Design and Operation

#### Controls

- C1. The development is to be designed to utilise building materials that blend with the surrounding landscape. The use of recycled materials and materials sourced from the region is also encouraged.
- C2. A plan for the environmental repair and enhancement of the property (vegetation management plan or biodiversity conservation management plan) is to be submitted with any development application for an eco-tourist facility.



**Note:** In line with clause. 5.13 (Eco-tourist facilities) of LEP 2015, an approval for an eco-tourist facility will generally be conditioned to require that the operation of the facility is undertaken in accordance with a management strategy which will, among other things, prescribe ongoing evaluation practices, procedures and processes.

## F4.4.2. Services

### Controls

- CI. A water management plan is to be submitted with any development application for an eco-tourist facility. The plan is to demonstrate how rain water is to be stored and reused within the facility.
- C2. A waste management plan is to be submitted with any development application for an eco-tourist facility. The plan is to set out at a minimum, measures to separate and dispose of green waste, paper products, and other recyclable materials.





# PART F5 SUBDIVISION AND CONSOLIDATION



## Introduction

In the Blue Mountains, subdivision of land often has to take into account constraints including bushfire, environmental issues, water quality, slope, heritage and infrastructure capacity. Accordingly, the nature of subdivision in the Mountains is very different to the large release areas or green field subdivisions in western Sydney.

As there is little remaining land stock available for Torrens title subdivisions, it is anticipated that future higher density development in closer proximity to town centres will result in an increase in strata and community title subdivisions.

Consolidation of allotments does not require consent. It will generally be included as a condition of consent where a development extends over two or more allotments, to avoid any potential separate sale of an essential component of the development.

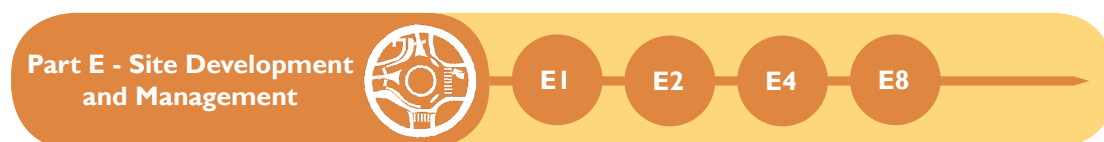
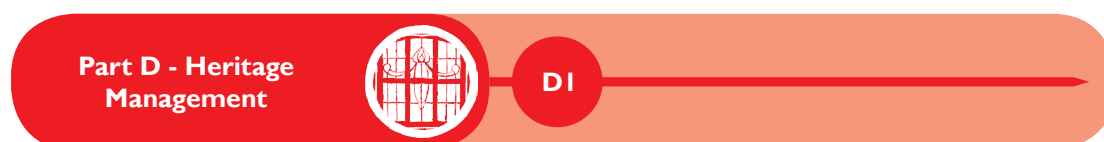
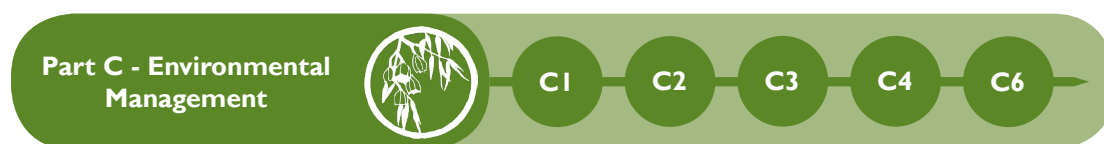
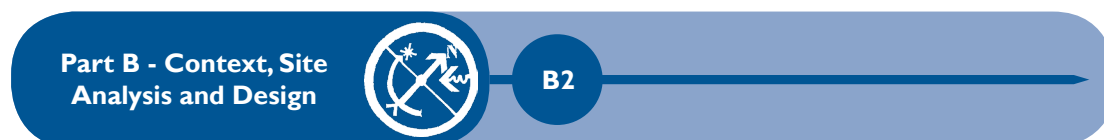
The minimum area requirements for new allotments and the circumstances where developments may be strata subdivided are prescribed in LEP 2015.

To the extent of any inconsistency between this section and any other DCP sections, this section will prevail.





**Read in conjunction with:**



**Submission requirements:**

*One or more of the following types of reports may need to accompany a development application:*

- *A bushfire threat assessment where the proposal is on bush fire prone land; and*
- *Concept stormwater, road and access plans*



## F5.1. Subdivision

### Objectives

- O1. To create lots that can be developed, serviced, accessed and protected from bushfire while minimising adverse environmental, character, privacy and amenity impacts.
- O2. To ensure that the subdivision complements the predominant subdivision pattern of the area.
- O3. To ensure that lot sizes and street frontages can support the future development type and function.
- O4. To create a subdivision layout that addresses any access and traffic constraints and maximises vehicle and pedestrian safety.

### Controls

- CI. Subdivision is to be designed to:
  - (a) ensure that the subdivision works, any necessary bush fire protection measures and future development of the lots have minimal environmental impact; and
  - (b) have a lot and road layout that takes the site topography and slope into account to minimise the need for cut and fill associated with road, access and future building construction; and
  - (c) protect natural, cultural and heritage features; and
  - (d) ensure that a heritage item and its curtilage are wholly contained within a single allotment; and
  - (e) have regard to the views to and from the site, and
  - (f) retain significant trees and vegetation communities through:
    - i. appropriate lot and road configuration; and
    - ii. not locating the proposed boundaries through and adjacent to significant vegetation; and
    - iii. the provision of suitable building envelopes outside the significant vegetation that can be protected from bushfire without the need to hazard reduce the significant vegetation; and
    - iv. the alignment of access points and location of services a sufficient distance from significant vegetation.



- C2. Subdivisions on bushfire prone land are to comply with the requirements of the NSW Rural Fire Service document *Planning for Bush Fire Protection*, and ensure that any necessary bush fire asset protection zones are wholly contained within the site.
- C3. New allotments are to be regular in shape, with an orientation and alignment that enables:
  - (a) future buildings to have adequate street frontage and optimise solar access; and
  - (b) adequate private open space to be located behind future dwellings; and
  - (c) parking and stormwater measures for future development to be accommodated wholly within the allotment.
- C4. The building envelope within all proposed lots is to be capable of being accessed via a driveway that is not located over environmentally sensitive land, and that is connected to a public road.
- C5. Applications are to demonstrate that new allotments within **Zones R2 Low Density Residential, Zone E3 Environmental Management and Zone E4 Environmental Living** are to be able to accommodate a minimum 300m<sup>2</sup> building envelope that:
  - (a) is 15m by 20m or 12m by 25m, and
  - (b) does not include any Environmentally Sensitive Land, and
  - (c) does not contain land steeper than 10% slope, and
  - (d) is wholly outside the 1% Annual Exceedance Probability (AEP) flood, and
  - (e) is not within the boundary setbacks prescribed by LEP 2015 or the DCP; and
  - (f) can be readily and safely accessed by a vehicle from a public road.
- C6. Applications are to demonstrate that new allotments within **Zone R2 Low Density Residential, Zone 3 Environmental Management and Zone E4 Environmental Living** are able to accommodate a minimum 150m<sup>2</sup> area for private open space that:
  - (a) is at least 10m wide or deep, and
  - (b) is not Environmentally Sensitive Land, and
  - (c) does not contain land steeper than 10% slope, and



- (d) is located behind the building envelope specified in control C5, and
- (e) can be readily accessed on foot from the building envelope.

C7. New allotments are to comply with the minimum lot widths prescribed in *Part F5 - Table 1*. Lot widths are measured at the relevant building setback as specified in the DCP or LEP.

**Part F5 - Table 1:** Minimum lot widths for new allotments.

Zone	Minimum lot width
R1 General Residential	18.5m
R2 Low Density Residential	18.5m
R3 Medium Density Residential	18.5m
IN2 Light Industrial	18.5m
E3 Environmental Management	30m
E4 Environmental Living	22m

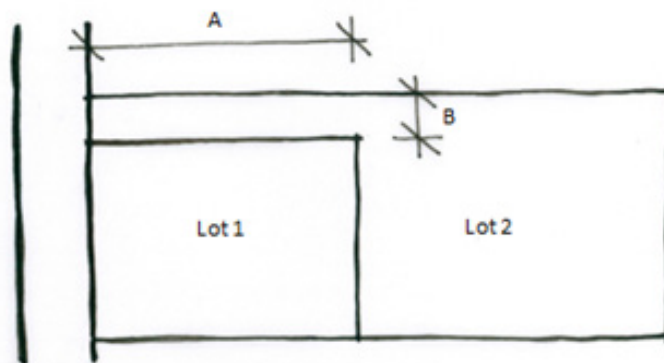
- C8. In other zones, the allotment widths are to be such that the lot is fit for purpose.
- C9. The ratio between lot width to depth is to be between 1:1 and 1:4 within Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, and Zone E4 Environmental Living.
- C10. Subdivision of large sites for residential development should allow for a range of lot sizes to suit a mix of housing types and sizes.
- C11. All lots are to be capable of legally and practically draining stormwater to a public road, a public drainage system or a natural watercourse. Where lots slope away from a public road and do not contain a public drainage system or a watercourse, piped interallotment drainage easements are to be provided over the downhill allotments to facilitate appropriate drainage to a public road, a public drainage system or a natural watercourse.
- C12. Private interallotment drainage easements must be a minimum of 1m in width to enable ongoing maintenance access.
- C13. All road, access and drainage design and easements are to:
- (a) be in accordance with the Council's Design and Construction Specification; and



- (b) comply with the Council's Public Domain Technical Manual Specification within town centres; and
  - (c) comply with the NSW Rural Fire Service document Planning for Bush Fire Protection in bush fire prone areas.
- C14. All services are to be installed underground where new roads are created or existing roads are extended as part of the subdivision.

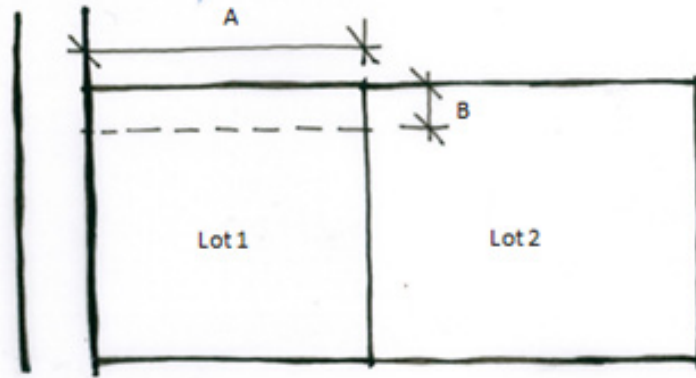
#### Battleaxe allotments

- C15. For the purpose of Controls C15 to C19, a 'battleaxe allotment' is a lot proposed in a subdivision that relies on an access handle or a right of carriageway for the provision of access to a public road.
- C16. The area of the battleaxe handle is excluded from the minimum lot area calculation for a battleaxe allotment as per *Part F5 - Figure 1*.
- C17. Where a battleaxe allotment is accessed via a right of carriageway, the area and width of the right of carriageway is excluded from the minimum area and width calculations on the burdened lot as per *Part F5 - Figure 2*.
- C18. Notwithstanding C17, the area and width of the right of carriageway is included in the minimum area and width calculations on the burdened lot only if that right-of-carriageway will provide the sole vehicular access for a dwelling on the burdened lot.



**Part F5 - Figure 1:** Calculating the minimum area of a battleaxe allotment (Lot 2); the battleaxe handle area ( $A \times B$ ) is to be excluded from Lot 2.





**Part F5 - Figure 2:** Calculating the minimum area and width of a lot burdened by a right of carriageway to a battleaxe allotment; the right of carriageway area ( $A \times B$ ) and width ( $B$ ) is to be excluded from Lot 1 where vehicle access to Lot 1 is located outside the right of carriageway.

- C19. A handle to a battleaxe allotment is to:
- (a) have a passing bay approximately at mid length where the handle is longer than 50m, and
  - (b) serve a maximum of 3 allotments, and
  - (c) be a minimum of 4.5m wide where accessing a single allotment, and
  - (d) be a minimum of 6m wide where serving more than 1 allotment.

#### Strata subdivisions

- C20. The strata titling of commercial and industrial development and affordable housing is discouraged as it may restrict the future redevelopment potential of the site by having multiple different owners.
- C21. Within a strata or community title subdivision, parking spaces and spaces used for other purposes (e.g.: storage) that are associated with an individual unit are to be included in the same allotment as the unit.
- C22. Landscaping, communal open space, access areas, services areas and directory board signage, where not part of an individual unit in a strata subdivision, are to be designated as common property.

## F5.2. Consolidation

### Objectives

- O1. To minimise the potential of integral parts of a development being sold separately.
- O2. To promote the efficient use of land and to avoid the creation of sites that are isolated from established urban settlements.

### Controls

- C1. Where development extends over 2 or more allotments, the allotments are to be consolidated prior to the issue of any Occupation Certificate.
- C2. Consolidation of allotments for multi-unit development is encouraged so as to avoid isolated single dwellings on small lots surrounded by high density development.







# PART F6 SIGNAGE



## Introduction

Rational, well located and appropriately designed signage serves to effectively identify and promote buildings and businesses in the Blue Mountains and can positively contribute to streetscape character. Conversely, signs that are inappropriately located, poorly designed and excessive in number create visual and physical clutter and can significantly detract from streetscape character. The objectives and controls contained in this part of the DCP apply to proposals for, or incorporating, signage.

### Read in conjunction with:

Part F - Specific  
Development Types



F2

F3

Part G - Precincts



All

### Relationship to other legislation and documents:

- *State Environmental Planning Policy (Exempt and Complying Codes) 2008*
- *State Environmental Planning Policy No. 64 - Advertising and Signage*



## F6.1. General requirements

### F6.1.1. General objectives

- O1. To provide a consistent approach to the control, location and design of signage.
- O2. To encourage signage that is compatible with the desired amenity and visual character of an area.
- O3. To ensure that signage is of a high quality design and finish.
- O4. To ensure signage is adequate and effective and recognises the need for signs to provide direction, business identification and promotion.
- O5. To prevent the proliferation of signage and to encourage the rationalisation of existing and proposed signs.
- O6. To ensure signs are not located where they may be hazardous and/or distracting to pedestrians or motorists.

### F6.1.2. Unacceptable signage

Certain sign types and displays have the potential to significantly detract from the unique character of Blue Mountains townships. Sign types and displays which may be common in areas of metropolitan Sydney are often not appropriate in the historic village and bushland contexts of the Blue Mountains. The following signs are discouraged and will generally not be supported by Council:

- (a) Advertising displays, including commercial advertising and advertising for promotional purposes,
- (b) Bunting, other than of a temporary nature (fetes, festivals and the like),
- (c) Flashing and animated (moving) signs,
- (d) Above awning signs being a sign constructed or installed above the awning of a building,
- (e) Roof or sky signs being a sign constructed or installed above the roof, parapet or eaves of a building,
- (f) Large inflatable signs such as those used for commercial promotions,
- (g) Signs displayed on parked vehicles.

### F6.1.3. Exempt Development

Some forms of advertising and signage fall into the category of exempt development, that is, development for which consent is not required. *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP) prescribes a range of exempt signage types and their associated

development standards. Where signage does not satisfy the development standards of the Codes SEPP, the proposal is likely to require consent and will be assessed against the objectives and controls contained within this part of the DCP.

#### F6.1.4. Replacement of existing signs

Part 2, Division 2 of the Codes SEPP allows the replacement of existing building identification and business identification signs and the content of such signs without the need for consent, subject to a series of development standards. The development standards specify that the development (or replacement sign) must:

- (a) replace a lawful sign, and
- (b) not be greater in size than the sign that it replaces, and
- (c) not be animated, flashing or illuminated unless the sign it replaces has development consent to be animated, flashing or illuminated, and
- (d) not involve any alteration to the structure on which the sign is displayed, and
- (e) not obstruct or interfere with traffic signs.

Alterations to existing approved signs beyond what is permitted by the Codes SEPP will require modification of the corresponding development consent pursuant to Section 96 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). An application to modify an existing consent for signage will be assessed against the objectives and controls contained within this part of the DCP.

#### F6.1.5. Signage in the public domain

Council's Local Approval Policy permits the placement of A-frame, sandwich board signs and information display stands on public roads (i.e. footpaths) without the need for approval, provided that they comply with the prescribed criteria. Such signs must be positioned so as not to present a public hazard to pedestrians or vehicles. The Local Approvals Policy can be downloaded from Council's website.

Where a sign or part of a sign projects over a public road, including a footpath, the sign is to be approved under section 138 of the *Roads Act 1993*. An application for such an approval is to be made to Council and is commonly termed a Roads Act Approval. Where the signage proposal is the subject of a development application, any subsequent consent will include a condition requiring the Roads Act Approval, if such an approval is required.



## F6.1.6. Number, location and design of signs

### Controls

#### Number of signs permitted

- C1. No more than 1 building identification sign per street frontage.
- C2. No more than 3 business identification signs are permitted to be constructed or installed in relation to a building if the building houses only one commercial tenant.
- C3. No more than 6 business identification signs are permitted to be constructed or installed in relation to any building.
- C4. No more than one business identification sign is permitted to be constructed or installed in relation to a home business, home industry or home occupation.

#### Location of signs

- C5. Signage must pertain to the business or use carried out on the land upon which the sign is installed or constructed.
- C6. Location of signs should generally be confined to the ground level of buildings, the awning fascia or suspended under the awning.
- C7. Multi-unit buildings within industrial zones are to be identified at the entrance by a directory board sign, identifying the name of the units, and the occupants.

**Note:** Maintenance of directory board signs should be the responsibility of the body corporate or the owner.

#### Design of signs

- C8. Signs are to be integrated into the design of the building to which the sign relates.
- C9. The scale and configuration of a sign should be compatible with the scale of the building or site to which the sign relates.
- C10. Signage proposals are to give consideration to existing signs on a building or within a site as well as the streetscape to ensure that any new sign does not result in visual and physical clutter.



- C11. Corporate colours, logos and other graphics are to achieve a high degree of compatibility with the architecture, materials, finishes and colours of the building or site to which the sign relates and are to complement the streetscape.
- C12. Signs are to add visual interest and exhibit a high level of design quality.
- C13. Signs in residential zones are to be discreet and consistent with residential character. In this regard, colour schemes of signs should complement the colour schemes of the subject and surrounding properties.
- C14. Where a signage proposal relates to a site or building that is in the vicinity of a heritage item, the proposal must not detract from the heritage significance of the item by impacting visual curtilage or streetscape character.

## F6.1.7. Illumination

### Objectives

- O1. To ensure that illumination of signs, whether internal or external, does not impact on the amenity or character of Blue Mountains villages.

### Controls

- C1. Illumination should be minimal and simple. In this regard, flashing and animated (moving) signs will generally not be supported by Council.
- C2. Illuminated signs are to comply with AS 4282, Control of the obtrusive effects of outdoor lighting.
- C3. Lighting is to be located and directed to avoid light spill that is likely to:
  - (a) impact the safety of pedestrians or vehicles, and/or
  - (b) detract from the amenity of any residence or other form of accommodation.
- C4. In some cases Council may require that illuminated signs:
  - (a) have the functionality to allow the intensity of illumination to be adjusted, and/or
  - (b) be subject to a curfew, or limited to hours of operation.



- C5. Cables, fixtures and fittings associated with an illumination scheme are not to detract from the appearance of the building or site to which the illumination scheme relates and should be concealed where possible.

### F6.I.8. Heritage items and heritage conservation areas

The following objectives and controls apply to items and areas of environmental heritage listed in Schedule 5 of LEP 2015.

Where signage is proposed to be constructed or installed on a heritage item or within a heritage conservation area (HCA), a development application is generally required. Where a site is listed as an item of State Significance under the *Heritage Act 1977*, separate approval may be required from the NSW Heritage Council.

It is important that the location, design and configuration of signs constructed or installed on or in the vicinity of a heritage item or within a HCA is carefully considered to achieve a high degree of compatibility with the heritage significance of the building or streetscape so as not to detract from that significance.

#### Objectives

- O1. To ensure that existing signs on heritage items and within heritage conservation areas that have heritage significance are retained and conserved, and not compromised by the construction or installation of any new sign.
- O2. To ensure that the installation of signage does not result in irreversible damage to significant heritage fabric.
- O3. To ensure that signage is compatible with the significance of a heritage item or heritage conservation area in terms of location, configuration, materials, finishes and colours, and that adverse impact is minimised.
- O4. To ensure that the significance of a heritage item or heritage conservation area is not compromised by excessive signage.

#### Controls

##### Signage location

- CI. Where a sign is proposed to be constructed or installed on a heritage item or within a heritage conservation area, the location and configuration of the sign is to accord with the following:
  - (a) Signs above the ground floor or awning level are not permitted unless it can be demonstrated that this part of the building was historically used for signage, and





- (b) A sign is not to dominate the architectural form or features of a heritage listed building and is to be proportionate to any architectural feature to which the sign may relate, and
- (c) Historic signs may have their own significance and are not to be obscured or damaged by new signage, and
- (d) New signage is to be located at a reasonable and respectful distance from the borders of existing significant signage.

### Signage Design

- C2. Where a sign is proposed to be constructed or installed on a heritage item or within a heritage conservation area, the design of the sign is to demonstrate the following:
- (a) Materials are to be compatible with the heritage significance of the heritage item or heritage conservation area, and be typical of the era or style of building to which the sign relates, and  
E.g. matte finish rather than glossy; painted signs rather than printed.
  - (b) Colours are to be sympathetic to the heritage significance of the heritage item or heritage conservation area. This includes corporate signage which will require special consideration and design to avoid visually dominating the character of the heritage building or place.  
E.g. muted tones rather than bright colours.
- C3. The installation or construction of internally illuminated signs on a heritage item or within a heritage conservation area is discouraged unless it can be demonstrated that internal illumination is an important aspect of the heritage significance of that item or area.
- C4. Externally illuminated signs are permitted only where:
- (a) The design of the sign achieves a high degree of compatibility with the heritage item or heritage conservation area; and
  - (b) The cabling and conduit supplying power to the sign is concealed and does not involve or damage significant fabric.
- C5. The number of signs installed or constructed on a heritage item is not to be excessive and generally be limited to two signs e.g. an awning fascia and under awning sign.

**Note:** Where a heritage building has multiple street front tenancies, additional signs will be considered on a merits basis.

- C6. The construction or installation of any sign on a heritage item is to be undertaken in such a manner that damage to significant fabric is avoided or reversible.

### Further Information

The following reference material offers helpful guidance on appropriate sign design in heritage conservation areas and on heritage buildings.

- *Conserving Historic Signs: Conservation Guidelines for Historic Signs and New Signs on Heritage Buildings*, NSW Heritage Office, 2006.
- *Street Smart: Corporate Development in Historic Town Centres*, NSW Heritage Office, 1998.
- *Streetwise: A Practical Guide for the Revitalisation of Commercial Heritage Precincts and Traditional Main Streets in Australian Cities and Towns*, Elizabeth Vines, the National Trust of Australia, 1996.

## F6.2. Controls for specific sign types

### F6.2.1. Building identification signs

A building identification sign is defined as a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.

**Note:** Building identification signs may be exempt development pursuant to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP).

#### Controls

- C1. Subject to C2, building identification signs are to accord with each of the design requirements prescribed in *Part F6 - Table 1*:

**Part F6 - Table 1:** Design requirements for building identification signs

Element	Standard
Maximum No. of signs	Limited to one per elevation
Maximum area (per sign)	2.5m <sup>2</sup>
Installation	Flat mounted against exterior wall or parapet
Maximum projection	300mm from face of wall or parapet
Illumination	Permitted if not animated, flashing or moving

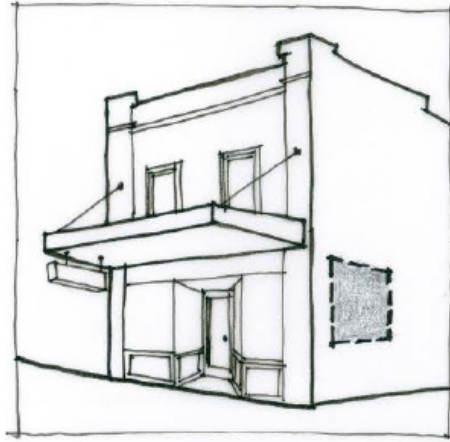
- C2. Building identification signs that do not accord with the design requirements prescribed in C1 are unlikely to be supported however will be assessed on the merits of the proposal and are to demonstrate:
- (a) compatibility with the existing or desired future character of an area, and
  - (b) compatibility with scale, proportion and other characteristics of the building or site on which the signage is proposed to be located.

### F6.2.2. Wall signs

A wall sign is defined as a business identification sign (including a business identification sign for a home business) that is flat mounted or painted on the exterior wall of an existing building, or on an existing boundary fence or wall.



**Note:** Wall signs may be exempt development pursuant to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP).



**Part F6 - figure 1:** suitable location for a wall sign

### Controls

C1. Subject to C2, wall signs are to accord with each of the design requirements prescribed in *Part F6 - Table 2*:

**Part F6 - Table 2:** Design requirements for wall signs

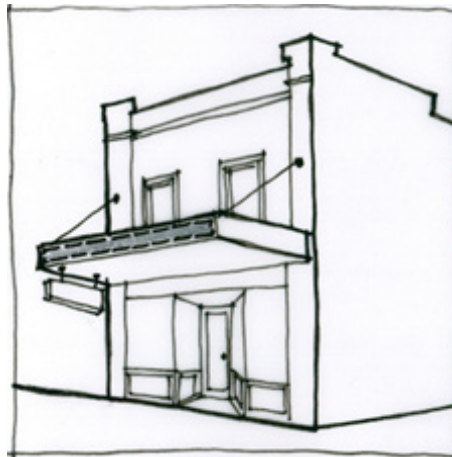
Element	Standard
Maximum No. of signs	One (1) per elevation up to a maximum of 3.
Maximum area (per sign)	<div> <div> B1 Neighbourhood Centre, B2 Local Centre </div> <div> • 5m<sup>2</sup> </div> </div>
	<div> <div> IN1 General Industrial, IN2 Light Industrial </div> <div> • 16m<sup>2</sup> if attached or fixed to a building or 20% of the surface area of the wall if painted or applied by adhesive material </div> </div>
	<div> <div>All other zones</div> <div> • A sign for a home business, home industry or home occupation - 1m<sup>2</sup>  • A sign for any other use - 2.5m<sup>2</sup> </div> </div>
Installation	Flat mounted or painted against exterior wall of existing building or boundary fence or wall
Maximum projection	Not to project beyond the parapet or eaves of the building to which the sign is attached
Illumination	Permitted if not animated, flashing or moving

- C2. Wall signs that do not accord with the design requirements prescribed in C1 will be assessed on the merits of the proposal and are to demonstrate:
- (a) compatibility with the existing or desired future character of an area, and
  - (b) contribution to visual interest of the streetscape or setting, and
  - (c) compatibility with scale, proportion and other characteristics of the building or site on which the signage is proposed to be located, and
  - (d) rationalisation of existing signage and the minimisation of visual and physical clutter.

### F6.2.3. Fascia signs

A fascia sign is defined as a business identification sign on the existing fascia of the awning of a building.

**Note:** Fascia signs may be exempt development pursuant to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP).



**Part F6 - Figure 2:** suitable location for a fascia sign

#### Controls

- C1. Subject to C2, fascia signs are to accord with each of the design requirements prescribed in *Part F6 - Table 3*:

**Part F6 - Table 3:** Design requirements for fascia signs



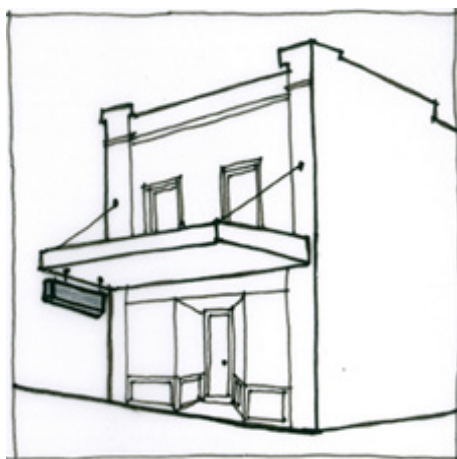
Element	Standard
Installation	Flat mounted or painted and securely fixed to the fascia
Maximum projection	Not project below, above or beyond the sides of the fascia
Location	600mm behind the alignment of any kerb in the adjacent road
Illumination	Must not be illuminated

- C2. Fascia signs that do not accord with the design requirements prescribed in C1 are unlikely to be supported however will be assessed on the merits of the proposal, and are to demonstrate:
- (a) compatibility with the existing or desired future character of an area, and
  - (b) compatibility with scale, proportion and other characteristics of the building or site on which the signage is proposed to be located.

#### F6.2.4. Under awning signs

An under awning sign is defined as a business identification sign suspended below the existing awning of a building.

**Note:** Under awning signs may be exempt development pursuant to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP).



**Part F6 - Figure 3:** suitable location for an under-awning sign

## Controls

- C1. Subject to C2, under awning signs are to accord with each of the design requirements prescribed in *Part F6 - Table 4*:

**Part F6 - Table F4:** Design requirements for under awning signs

Element	Standard
Maximum No. of signs	One (1) per ground floor tenancy. 2 under awning signs permitted where a tenancy is situated on a corner allotment and has a frontage to both streets.
Maximum area (per sign)	1.5m <sup>2</sup>
Maximum dimensions	2.5m in length
Installation	Suspended at a right angle to the building with lower edge 2.6m above ground level (existing)
Maximum projection	Not to project beyond the awning fascia
Illumination	Permitted if not animated, flashing or moving

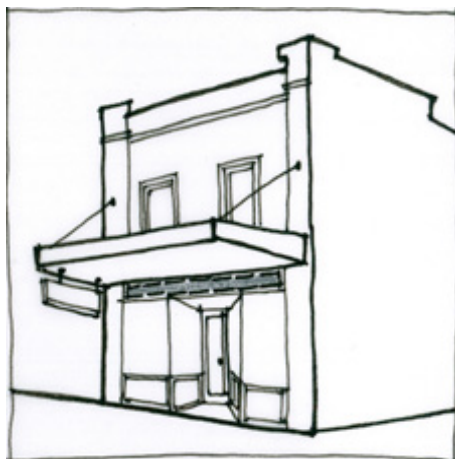
- C2. Under awning signs that do not accord with the design requirements prescribed in C1 are unlikely to be supported however will be assessed on the merits of the proposal and are to demonstrate:
- (a) rationalisation of existing signage, and/or the minimisation of visual and physical clutter, and
  - (b) appropriate clearance such that the proposal will not compromise pedestrian safety.

### F6.2.5. Top hamper signs

A top hamper sign is defined as a business identification sign above a display window or attached to the transom of a doorway in an existing building.

**Note:** Top hamper signs may be exempt development pursuant to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP).





**Part F6 - Figure 4:** suitable location for a top hamper sign

### Controls

- C1. Subject to C2, top hamper signs are to accord with each of the design requirements prescribed in *Part F6 - Table 5*:

**Part F6 - Table 5:** Design requirements for top hamper signs

Element	Standard
Maximum No. of signs	One (1) per ground floor tenancy.
Maximum area (per sign)	2.5m <sup>2</sup>
Maximum dimensions	600mm in height
Installation	Fixed flush to the transom
Maximum projection	Not to project below the transom of the doorway
Illumination	Permitted if not animated, flashing or moving

- C2. Top hamper signs that do not accord with the design requirements prescribed in C1 will be assessed on the merits of the proposal and are to demonstrate:
- compatibility with the existing or desired future character of an area, and
  - compatibility with scale, proportion and other characteristics of the building or site on which the signage is proposed to be located, and
  - rationalisation of existing signage and the minimisation of visual and physical clutter.



## F6.2.6. Window signs

A window sign is defined as a business identification sign inside any window of an existing building and includes adhesive window decals commonly referred to as 'lifestyle' graphics.

**Note:** Window signs may be exempt development pursuant to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP).



**Part F6 - Figure 5:** suitable location for a window sign

### Controls

- C1. Subject to C2, window signs and decals are to accord with each of the design requirements prescribed in *Part F6 - Table 6*:

**Part F6 - Table 6:** Design requirements for window signs

Element	Standard
Maximum area	Not cover more than 20% of the surface of the window in which it is displayed or 6m <sup>2</sup> , whichever is the lesser
Location	Must not unreasonably obstruct existing or potential sight lines between the interior of a premise and the public domain, or compromise active street frontages. Consideration will be given to privacy requirements.
Illumination	Must not be illuminated

- C2. Window signs that do not accord with the design requirements prescribed in C1 will be assessed on the merits of the proposal and are to demonstrate:
- compatibility with the existing or desired future character of an area, and



- (b) compatibility with scale, proportion and other characteristics of the building or site on which the signage is proposed to be located.

## F6.2.7. Community notice and public information signs

Community notice and public information signs are signs that provide information on, or advertise services or activities on a site for a public or community institution or organisation.

**Note:** Community notice and public information signs may be exempt pursuant to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP).

### Controls

- C1. Subject to C2, community notice and public information signs are to accord with each of the design requirements prescribed in *Part F6 - Table 7*:

**Part F6 - Table 7:** Design requirements for community notice and public information

Element	Standard
Maximum No. of signs	One (1) per road frontage
Maximum area (per sign)	3.5m <sup>2</sup>
Maximum dimensions	5m in height
Location	Wholly within site boundaries
Illumination	Must not be illuminated

- C2. Community notice and public information signs that do not accord with the design requirements prescribed in C1 are unlikely to be supported however will be assessed on the merits of the proposal and are to demonstrate:
- (a) compatibility with the existing or desired future character of an area, and
  - (b) appropriate positioning so as not to compromise vehicular or pedestrian safety by obscuring sightlines.

## F6.2.8. Temporary event sign

A temporary event sign is defined as a sign or banner that advertises a commercial, community or retail event or a private function (including sponsorship of the event or function).

**Note:** Temporary event signs may be exempt development pursuant to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP).

### Controls

- C1. Subject to C2, temporary event signs are to accord with each of the design requirements prescribed in *Part F6 - Table 8*:

**Part F6 - Table 8:** Design requirements for temporary event signs

Element	Standard
Maximum No. of signs	One (1) per road frontage
Maximum area (per sign)	6m <sup>2</sup>
Location	Wholly within site boundaries
Maximum projection	Not project more than 100mm from building, fence or wall
Illumination	Must not be illuminated
Period of display	Not be displayed earlier than 14 days before an event and be removed within 2 days after an event

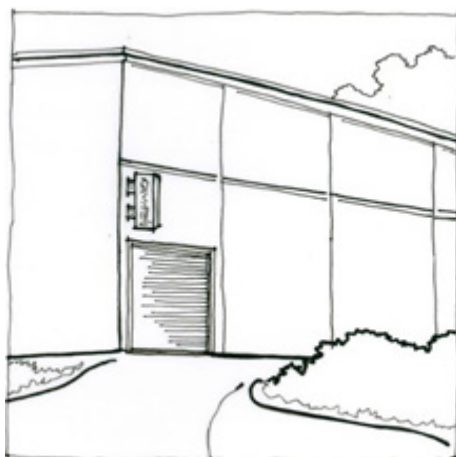
- C2. Temporary event signs that do not accord with the design requirements prescribed in C1 are unlikely to be supported however will be assessed on the merits of the proposal, and are to demonstrate:
- (a) compatibility with the existing or desired future character of an area, and
  - (b) appropriate positioning so as not to compromise vehicular or pedestrian safety by obscuring sightlines.

## F6.2.9. Projecting wall sign

A projecting wall sign is defined as a business identification sign that projects from the exterior wall of an existing building.

**Note:** Projecting wall signs may be complying development pursuant to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP).





**Part F6 - Figure 6:** suitable location for a projecting wall sign

### Controls

- CI. Subject to C2, projecting wall signs are to accord with each of the design requirements prescribed in *Part F6 - Table 9*:

**Part F6 - Table 9:** Design requirements for projecting wall signs

Element		Standard
Generally not acceptable within the following zones		RU2 Rural Landscape, RU4 Primary Production Small Lots, R2 Low Density Residential, R3 Medium Density Residential, E2 Environmental Conservation, E3 Environmental Management, E4 Environmental Living
Location		600mm behind the alignment of any kerb in the adjacent road
Maximum No. of signs		One (1) per elevation to a maximum of 3. Multiple projecting wall signs on the same elevation will be considered for premises with multiple commercial tenants within Zone IN1 General Industrial and Zone IN2 Light Industrial
Maximum area (per sign)	INI General Industrial, IN2 Light Industrial	2.5m <sup>2</sup>
	B1 Neighbourhood Centre, B2 Local Centre, RE1 Public Recreation, RE2 Private Recreation, R1 General Residential, SP3 Tourist	1.5m <sup>2</sup>
Maximum projection	INI General Industrial, IN2 Light Industrial	<ul style="list-style-type: none"> <li>• Not to project more than 1.5m horizontally from wall of building</li> <li>• Not to project beyond the parapet or eaves</li> </ul>
	B1 Neighbourhood Centre, B2 Local Centre, RE1 Public Recreation, RE2 Private Recreation, R1 General Residential, SP3 Tourist	<ul style="list-style-type: none"> <li>• Not to project more than 0.75m horizontally from wall of building</li> <li>• Not to project beyond the parapet or eaves</li> </ul>
Installation		Suspended at a right angle to the building with lower edge 2.6m above ground level (existing)
Illumination		Illuminated only during approved operating hours

- C2. Projecting wall signs that do not accord with the design requirements prescribed in C1 will be assessed on the merits of the proposal and are to demonstrate:
- compatibility with the existing or desired future character of an area, and
  - contribution to visual interest of the streetscape or setting, and



- (c) compatibility with scale, proportion and other characteristics of the building or site on which the signage is proposed to be located, and
- (d) rationalisation of existing signage and the minimisation of visual and physical clutter.

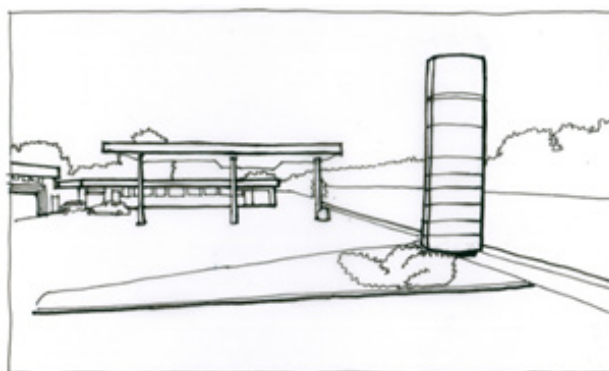
### F6.2.10. Freestanding pylon and directory board signs

A freestanding pylon or directory board sign is defined as a business identification sign that is displayed on a freestanding structure that is mounted on the ground on one or more supports.

**Note:** Freestanding pylon and directory board signs may be complying development pursuant to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP).



**Part F6 - Figure 7:** suitable location for a freestanding directory board sign



**Part F6 - Figure 8:** suitable location for a freestanding pylon sign

#### Controls

- CI. Subject to C2, freestanding pylon and directory board signs are to accord with each of the design requirements prescribed in *Part F6 - Table 10*:

**Part F6 - Table 10:** Design requirements for freestanding pylon and directory board signs

Element	Standard
Generally not acceptable within the following zones	RU2 Rural Landscape, RU4 Primary Production Small Lots, R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, E2 Environmental Conservation, E3 Environmental Management, E4 Environmental Living
Location	Wholly within site boundaries in a location that does not obstruct the sight lines of, or interfere with, any traffic control device, including traffic control lights
Maximum No. of signs	One (1) per street frontage provided the frontage is more than 15m in width
Maximum dimensions	IN1 General Industrial, IN2 Light Industrial, B1 Neighbourhood Centre, B2 Local Centre 6m in height
	RE1 Public Recreation, RE2 Private Recreation, SP3 Tourist 3m in height
Maximum area (per sign)	IN1 General Industrial, IN2 Light Industrial, B1 Neighbourhood Centre, B2 Local Centre <ul style="list-style-type: none"> <li>• 8m<sup>2</sup> if the sign relates to a premises with a single commercial tenant</li> <li>• 16m<sup>2</sup> if the sign relates to a premise with multiple commercial tenants</li> </ul>
	RE1 Public Recreation, RE2 Private Recreation, SP3 Tourist 4.5m <sup>2</sup>
Illumination	Illuminated only during approved operating hours

C2. Freestanding pylon and directory board signs that do not accord with the design requirements prescribed in C1 are unlikely to be supported however will be assessed on the merits of the proposal and are to demonstrate:

- (a) compatibility with the existing or desired future character of an area, and
- (b) contribution to visual interest of the streetscape or setting, and



- (c) appropriate positioning so as not to compromise vehicular or pedestrian safety by obscuring sightlines.



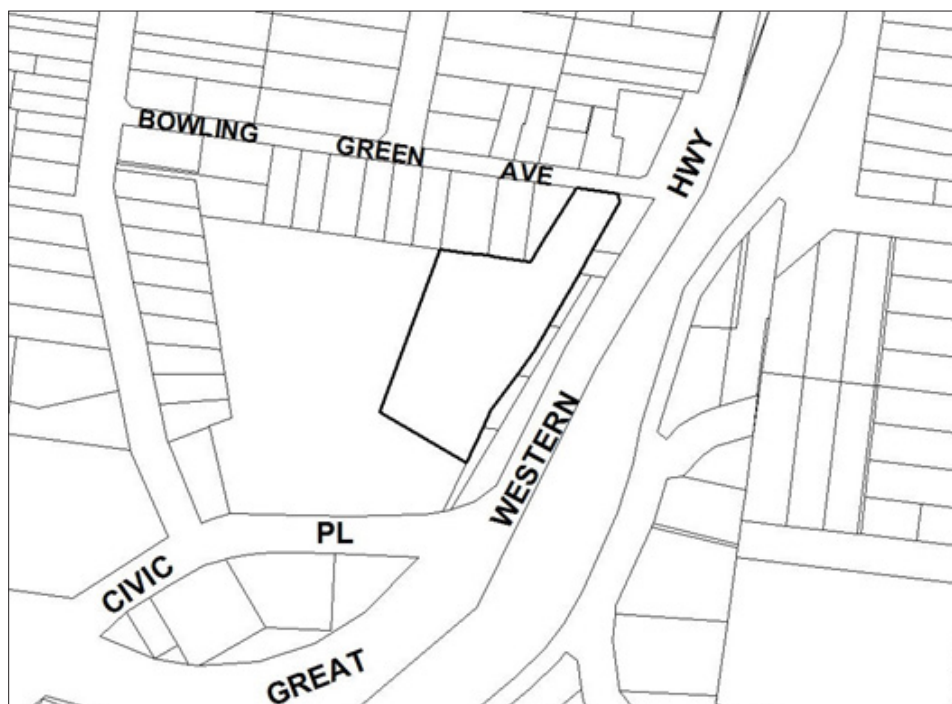


## F6.3. Area specific signage controls

The provisions and controls contained in this part are intended to regulate the installation and construction of signage at specific sites.

### F6.3.1. The Edge Cinema

This part applies to “The Edge” cinema located at Lot 1 DP848603, 225–237 Great Western Highway, Katoomba.



**Part F6 - Figure 9:** The Edge Cinema

#### Permitted signage

- A wall advertisement is an advertisement that is generally painted on or fixed flat to the wall of a building.
- A special promotional advertisement is an advertisement for an activity or event of a civic or community nature.

**Note:** The provisions and controls contained in this part are to be read in conjunction with the *Transport Corridor Outdoor Advertising and Signage Guidelines 2007* (Guidelines). Outdoor advertising formats are defined in the Guidelines.

#### Controls

- C1. Wall advertisements or special promotional advertisements are to be located within the area shown in *Part F6 - Figure 10*.
- C2. Wall advertisements or special promotional advertisements are to have a maximum area of 85m<sup>2</sup> and a minimum area of 45m<sup>2</sup>.



**Note:** The display of an advertisement that has an area greater than 20m<sup>2</sup> or that is higher than 8m above the ground is advertised development for the purposes of the EP&A Act.

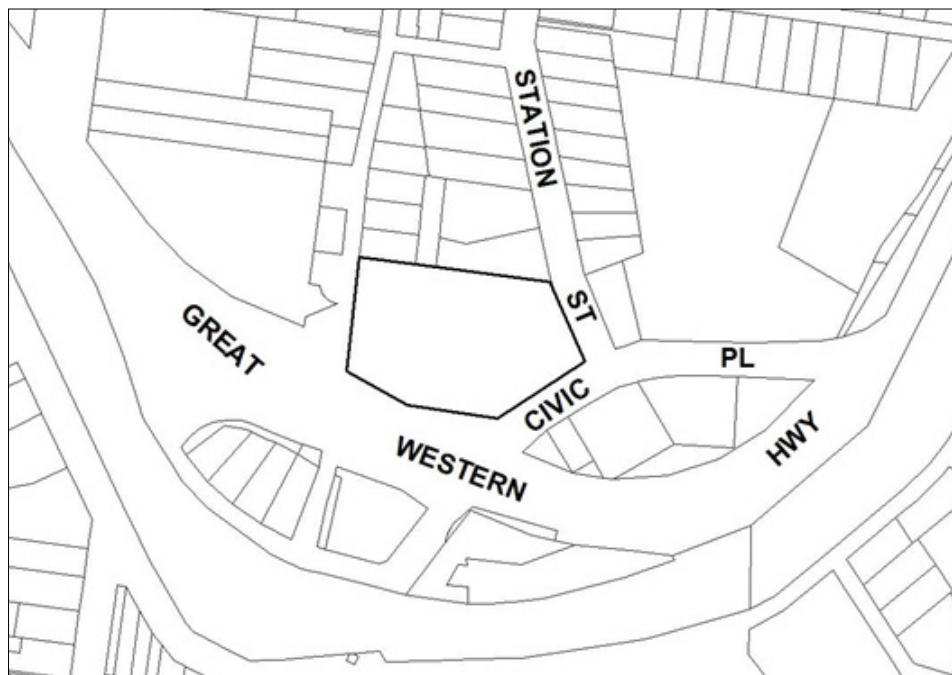
- C3. The content of wall advertisements is restricted to information relating to events and movies held at “the Edge” cinema.
- C4. The display of a special promotional advertisement is limited in time to a total of 3 months in any 12 month period.
- C5. Should there be more than one sign erected, signage must be integrated as one panel or coordinated in terms of size and location.
- C6. Signage may take the form of banners attached to the wall or images projected onto a screen which is securely fixed to the wall.
- C7. Any light projections or illumination of signage must comply with the *Transport Corridor Outdoor Advertising and Signage Guidelines, July 2007*.



**Part F6 - Figure 10:** Location of wall advertisements or special promotional advertisements.

## F6.3.2. BMCC Headquarters

This part applies to the Blue Mountains City Council Headquarters building, located at Lot 1 DP705910 – 2 – 6 Civic Place, Katoomba.



**Part F6 - Figure 11: BMCC Headquarters**

### Permitted signage

- A special promotional advertisement is an advertisement for an activity or event of a civic or community nature.

**Note:** The provisions and controls contained in this part are to be read in conjunction with the *Transport Corridor Outdoor Advertising and Signage Guidelines 2007* (Guidelines). Outdoor advertising formats are defined in the Guidelines.

### Controls

- C1. Special promotional advertisements are to be located within the areas shown in *Part F6 - Figure 12*.
- C2. Maximum area of special promotional advertisement signs is 25m<sup>2</sup>.
- Note:** The display of an advertisement that has an area greater than 20m<sup>2</sup> or that is higher than 8m above the ground is advertised development for the purposes of the EP&A Act.
- C3. Special promotional advertisements are to be consistent with Council's Public Art Policy.
- C4. Should there be more than one sign erected, signage must be integrated as one panel or coordinated in terms of size and location.



- C5. Signage may take the form of banners attached to the wall or images projected onto a screen which is securely fixed to the wall.
- C6. Any light projections or illumination of signage must comply with the *Transport Corridor Outdoor Advertising and Signage Guidelines, July 2007*.



**Part F6 - Figure 12:** Location of special promotional advertisements.

# PART F7 OTHER DEVELOPMENT



## Introduction

This part provides objectives and controls for particular types of development. These development types may have site specific requirements or ,simply due to the nature of the development, require separate consideration.

To the extent of any inconsistency between this section and any other DCP sections, this section will prevail.

**Read in conjunction with:**

**Part C - Environmental  
Management**



**All**

**Part E - Site Development  
and Management**



**All**

**Part F - Specific  
Development Types**



**F1**

**F6**

**Relationship to other legislation:**

- *State Environmental Planning Policy (Exempt and Complying Codes) 2008*



## F7.1. Child Care Centres

### Explanation

Child care centres provide an important service to the community and it is important that these facilities are appropriately planned and located, to provide for safety for the children in care, and to minimise the impact from this form of development on adjoining land, particularly where this is used for residential purposes.

### Objective

- O1. To provide child care centres which are appropriately located and planned so as to provide for a safe environment and identify key components of urban design to be considered and addressed in development proposals.
- O2. To retain and enhance the unique qualities of neighbourhood character and context, by responding to existing elements and elements of desired future character.
- O3. To ensure that the operation of child care centres minimises impact on the amenity of adjoining and nearby residential land uses.

### Controls

#### Access and Parking

- C1. Child care centres are not permitted on battle-axe allotments or where the access is to be provided via a right-of-carriageway due to the potential for amenity, traffic and noise impacts on adjoining properties.
- C2. To provide for pedestrian safety, pick-up, set-down and pedestrian areas are to be separated from the general parking areas and driveways.

#### Amenity and Noise

- C3. Noise levels (measured at any point on the boundary of the site, between the proposed child care centre and adjoining property) is not to exceed 5 decibels (dBA) above the background level.
- C4. Public address systems or amplified music are not to be installed or used with the child care centre.
- C5. Outdoor play areas are not to be located within the front building setback.



- C6. Play equipment is not to be located within 2m of the fence line, and is not be higher than the fencing.
- C7. 50% of all outdoor play areas are to be shaded during the hours of 10:00am to 3:00pm, at the summer solstice (21 December).



## F7.2. Home Employment

### Explanation

Home employment provides an opportunity for people to develop and operate local scale businesses from their home (or in association with a dwelling). By their nature therefore, they operate within a residential setting, and consideration of the potential impacts on adjoining neighbours is necessary, particularly in relation to noise and amenity.

### Objective

- O1. To ensure that home employment is appropriately scaled and operated within consideration for the residential setting in which it is located.

### Controls

- C1. The total site coverage resulting from the home employment land use is not to exceed that specified for the land elsewhere in this DCP, and
- C2. Any external lighting associated with the home employment land use is to be located and directed to minimise impact on adjoining residential properties, and
- C3. A separate or defined access is to be provided from the street to the home employment area.
- C4. For privacy and security, a clearly identifiable separate area for the operation of the home employment land use is to be provided, that can be separated from the balance of the dwelling.
- C5. It must be able to be demonstrated that it is reasonably practical for the home employment area to be converted back to part of the residence, or be a separate granny flat or self-contained unit.
- C6. The character of the proposed home employment land use is to be consistent with the scale and massing of the surrounding area, where it is located in an existing residential setting.



## F7.3. Service Stations

### Explanation

Service stations often require direct access to the Great Western Highway or other major arterial road, generating the need for particular access requirements. Other elements of consideration for this development type include traffic manoeuvrability (both within the site and upon entry and exit), as well as safety considerations for fuel loading etc.

### Objectives

- OI. To ensure that access arrangements are functional and safe, and do not result in traffic hazards, particularly on main arterial roads.

### Controls

- CI. Development for the purpose of a service station is to be located on an allotment that:
  - (a) is at least 90m from the junction or intersection of a classified road, with another main or arterial road, and
  - (b) has a frontage of not less than 50m.
- C2. Provision is to be made for separate entrances to and exits from the site. Those entrances and exits are to be separated by physical barriers constructed on the road alignment and so identified by suitable signs which are readily visible to persons using the adjoining road or entering the site.
- C3. Inlets to bulk fuel storage tanks are to be situated on the site so as to ensure that tankers, whilst discharging fuel into the storage tanks, stand wholly within the site.



## F7.4. Sex Services Premises

### Explanation

Sex services premises is a permitted use within limited areas of the Blue Mountains, being only on land within zone INI – General Industrial. Within this zone, there are other restrictions with regard to the location of this land use, relative to other forms of development.

### Objectives

- OI. To ensure sites proposed for use as sex services premises are appropriately located and sufficiently distant from other incompatible land uses.

### Controls

- CI. Sex services premises are not to be located:
- (a) Adjacent to, adjoining or within 100m of an educational establishment, a childcare centre, a recreational area, a place of worship, a hospital, or any other place regularly frequented by children for recreational or cultural activities, and
  - (b) Within 50m of the boundary of any zone in which a dwelling house is a permissible use, and
  - (c) On land fronting, or with direct vehicular access from, the Regional Transport Corridor.



## F7.5. Intensive plant agriculture

### Explanation

Intensive plant agriculture is permitted within limited areas of the Blue Mountains, being land within zone RU2 Rural Landscape and zone RU4 Primary Production Small Lots. By nature, this land use requires the use of fertilisers, pesticides, capital and labour, and may also employ new and innovative technologies and improved practices to improve profitability and sustainability. Intensive plant agriculture is sometimes accompanied by ancillary developments such as farm gate sales or cellar door premises. Potential environmental impacts are required to be considered, as well as potential amenity impacts, including noise and odour.

### Objectives

- O2. To ensure there is no risk to public health from the operation of intensive plant agriculture.
- O3. To protect native flora and fauna biodiversity, and the hydrological condition of the land.
- O4. To ensure the development is managed to prevent the spread of noxious and environmental weeds.
- O5. To avoid erosion through the use of appropriate farming practices.
- O6. To ensure that the operation of the site minimises any impacts on the amenity of adjoining land and the immediate locality, particularly in relation to noise , odour and light spill.

### Controls

- C1. Chemicals are to be stored securely and in accordance with the *NSW Pesticides Act 1999*.
- C2. Chemical use to be in accordance with the *Australian Pesticides and Veterinary Medicines Authority (APVMA)*.
- C3. Water collection and storage to be in accordance with regulated or licensing requirements.
- C4. Odours to be controlled in accordance with NSW EPA Guidelines.  
**Note:** An Odour Impact Assessment may be required to be submitted with a development application.
- C5. Leachate from organic fertilisers is to be contained to the area approved for intensive plant agriculture.
- C6. To avoid any form of contamination or impact, a suitable buffer to the intensive plant agriculture land use is to be provided.



## F7.6. Keeping of Hoofed Animals

### Explanation

A hoofed animal is defined as an animal with a hard covering to the foot and includes horse, sheep, donkey, goat, pig, deer, cattle, llama and alpaca.

The keeping of hoofed animals is not a land use defined in LEP 2015, and would be considered ancillary to certain residential and rural development on appropriately sized land. This part includes objectives and controls to ensure appropriate consideration for care of the animals and any the environmentally sensitive areas on the site. Potential environmental impacts can occur as a result of soil compaction, grazing/browsing on native vegetation, ringbarking trees, degradation of land adjacent to creek lines and the generation of organic waste (manure).

### Objectives

- OI. To ensure the keeping and management of hoofed animals occurs on adequately sized sites and does not result in adverse impacts to any environmentally sensitive land.

### Controls

- C1. Hoofed animals are to be managed and cared for in accordance with the *Part 1 - Animal Management of the Blue Mountains Local Orders Policy 2013*, and
- C2. The keeping of a hoofed animal is restricted to an allotment with an area greater than 1 hectare, where any environmentally sensitive land is excluded from that area. A stocking rate of 1 hoofed animal per 5 hectares is recommended.
- C3. Environmentally sensitive land is to be fenced to exclude hoofed animals. Fencing for livestock must not be a hazard for wildlife, cause destruction to any watercourse or cause destruction of any scheduled vegetation.
- C4. There is to be no access for stock to a creek or waterbody and water points are to be minimum 10 metres from any waterbody or environmentally sensitive land.
- C5. For properties in proximity to residential land uses, the management of the manure, include storage, is to be in a manner that does not attract flies or generate odour or where it can contaminate any waterbody.



- C6. Where shelters and sheds associated with the keeping of hoofed animals do not satisfy the standards of *State Environmental Planning Policy (Exempt and Complying Development) 2008*, development consent is likely to be required.

**Note:** Development including the keeping of hoofed animals is also to give due consideration to the standards prescribed within *Local Government (General) Regulations 2005* (Schedule 2, Part 5 – Standards for keeping birds and animals).







# PART G LOCALITY MANAGEMENT

Revision: Amendment 1 (June 2019)



## Introduction

The provisions in this part recognise the importance of guiding the character of new development in village centres, due either to the high development potential and/or sensitive village character of these sites. At times, a significant change or transition is anticipated within certain precincts, and the controls seek to achieve the appropriate type and level of change.

Each precinct in this part contains a character statement that encourages development to preserve and enhance existing significant structures and elements, and to contribute positively to the character of the neighbourhood through high quality contemporary design. The objectives for each precinct within this part are found in Part 7 of Blue Mountains Local Environmental Plan 2015 (LEP 2015).

This part applies to land identified by a blue outline and a precinct reference on the *LEP 2015 Built Character Map*. These controls apply to zones B1, B2, R1, R3 and SP3, where character considerations apply to a village setting.

Land to which this part applies is also required to consider Clause 6.19 (Design excellence) of LEP 2015. This clause requires Council to have regard to a number of matters when assessing development proposals. These include the design quality and detailing, form and appearance of new development, as well as amenity impacts such as provision of views and solar access, and environmental and public domain impacts.

A guide to character considerations within precincts, including guidelines on appropriate urban design, infill development, infill shopfront buildings and medium density residential development is found in Part B3.1 of this DCP and supplements this Part.

Many sites within village precincts are either heritage items, within heritage conservation areas or within Period Housing areas. Where any inconsistency arises between these precinct provisions and the heritage provisions, the heritage provisions are to prevail. Reference may also need to be made in these instances to the Heritage Conservation provisions of LEP 2015 in clause 5.10 (Heritage conservation) and the Period Housing provisions of LEP 2015 in clause 6.18 (Period housing area). Parts D1 Heritage and D2 Period Housing of this DCP are also relevant.

Reference should be made to other parts of this DCP, including the context and design content in Part B3, the landscaping provisions of Part C2, the heritage conservation provisions of Part D1, the site development provisions of Part E, and the specific development type controls of Part F. In particular, the character provisions of D2 Specific Character considerations provide guidance on traditional building types.



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# GI. BLACKHEATH

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## GI.1 Blackheath Precinct B2-BH01—Town Centre Precinct

This precinct remains a compact town centre, accommodating a diverse range of small retailers, local businesses, tourist-related activities and permanent residents.

Modestly-scaled buildings are arranged in a traditional main street pattern, creating continuous facades of one and two-storey buildings that reflect the traditional shopfront architecture of the Victorian, Federation and Inter-War periods. As a whole, the group display an interesting variety of form and design. The form and architectural detail of landmark corner buildings, hotels and the former Victory Theatre are preserved.

Future development is to be sympathetic and subservient to the distinctive character of these landmarks and this urban pattern, and promote new retail frontages facing existing carparks and laneways. Active street frontages are encouraged, with pedestrian activity concentrated along the streets, laneways and around the carparks, encouraging informal community gatherings in areas that are protected from undesirable impacts of through traffic.

Reference should be made to the precinct objectives in clause 7.2(I) of LEP 2015.



**Blackheath Precinct B2-BH01—Town Centre Precinct**

## Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (development in villages) and be consistent with the precinct objectives of clause 7.2(l) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.
- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.
- C4. Front and side setbacks are to be zero, except in the case of side setbacks if it can be satisfactorily demonstrated that a side boundary adjoins the public domain and that an active street frontage will be provided.
- C5. The maximum site cover for buildings is 80% of the total allotment area.
- C6. The existing continuity of retail and other businesses facing the Highway, Govetts Leap Road and Wentworth Street is to be retained.
- C7. On properties with secondary frontages to the public domain, the secondary frontage is to provide new retail or other commercial activity to at least 50% of ground level frontages to the public domain, and for all storeys above ground, balconies or extensive windows, or both, facing the public domain is to be provided.
- C8. On properties facing Hydora Lane, the laneway can be activated by commercial use. Development is to be subservient to the traditional rear wing forms and layouts of the shopfront buildings, and is to maintain the use of traditional rear elevation materials such as commons bricks, timber joinery and corrugated metal sheeting. Views of the upper level rear elevations of properties fronting Govetts Leap Road and the Highway are to be maintained.
- C9. The pattern of traditional main street Victorian, Federation and Inter-War shop-terraces facing principal street frontages is to be retained and enhanced.
- C10. Existing or original shopfront buildings are to be retained and conserved, including the street façade, principal rooms and all associated original elements and details.



**Note:** Refer to D1.9.7 Traditional shopfront buildings in Part D1 Heritage where heritage considerations apply.

Alterations and additions to shop buildings and infill development are to be in accordance with traditional shopfront building design, and to ensure that where appropriate, continuous awnings and/or balconies are provided.

**Note:** Guidelines on traditional shopfront design are found in B3.1.3 Infill shopfront buildings in B3 Character and design, and in D1.9.7 Traditional shopfront buildings in Part D1 Heritage where heritage considerations apply.

- C11. Development on large allotments is to distribute floorspace into carefully-articulated structures that are composed of separate wings, pavilions or interconnected buildings, with traditionally-pitched roofs and appropriately landscaped garden courtyards with canopy trees.
- C12. On-site parking areas are to be accessed only from the rear or side of buildings via existing public carparks, laneways or secondary streets, and are to be concealed behind retail or business floorspace wherever possible.
- C13. The existing pedestrian network is to be expanded by promoting new retail frontages surrounding the public domain.
- C14. Solar access to the public domain is to be protected and enhanced.
- C15. Continuous weather protection along all public frontages in the form of awnings or overhanging balconies is to be provided.
- C16. Ground floor walls and structures are to protect and enhance sight lines in the public domain.





## GI.2 Blackheath Precinct B2-BH02—*Business Cottages Precinct*

A variety of businesses, retailers, tourist-related activities and dwellings are accommodated in predominantly traditional Federation weatherboard cottages surrounded by established garden settings.

Existing cottages are conserved and sympathetically enhanced to maintain the historical value of this prominent location and to provide a visually distinctive backdrop to the neighbouring main street.

Reference should be made to the precinct objectives in clause 7.2(2) of LEP 2015.



**Blackheath Precinct B2-BH02—*Business Cottages Precinct***

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.2(2) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.
- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.
- C4. The height above ground for the lowest habitable floor level is not to exceed 1m.



- C5. Cut or fill within 5m of any property boundary is not to exceed 0.5m.
- C6. Development is to provide front setbacks consistent with that of adjacent buildings.
- C7. Development is to provide a minimum side boundary setback of 2m.
- C8. Development is to provide a minimum rear boundary setback of 6m.
- C9. All setback areas are to be landscaped.
- C10. The maximum site cover for buildings is 50% of the total allotment area.
- C11. The minimum area to be retained as soft, pervious or landscaped area (excluding hard surfaces) is 40% of the total allotment area.
- C12. New development is to be sympathetic to the traditional building forms, materials and details of the precinct, including the use of traditionally-pitched roofs, articulated layouts and forms, verandahs, timber joinery, vertically-proportioned openings and some painted external finishes, with a curtilage of landscaped areas and an address to the street provided. New development is to be similar in form and materials to quality older buildings but subservient in detail to distinguish it as new work.
- C13. Any non-residential activities are to be accommodated in buildings with a residential scale and character.
- C14. Buildings are not to exceed 18m width or depth in any direction.
- C15. Gardens are to provide and maintain a backdrop of canopy trees along rear boundaries, plus trees and shrubs scattered through front and side yards.
- C16. Driveways, parking areas and garages are to be integrated with the design of surrounding landscaped areas, with garages and parking to be behind the front building setback.

## GI.3 Blackheath Precinct B2-BH03—Highway Business Precinct

A variety of medium-scale retail and other businesses and tourist-related activities are accommodated in a location that is both visually prominent and highly accessible, serving both the resident community and visitors.

New development is to promote a scenically-distinctive highway frontage to the Blackheath village, with landscaped settings that incorporate backdrops of tall canopy trees and distinctively-landscaped front gardens, plus building forms that reflect features of traditional main street shops or landmark guesthouses.

Reference should be made to the precinct objectives in clause 7.2(3) of LEP 2015.



**Blackheath Precinct B2-BH03—Highway Business Precinct**

### Controls

- CI. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.2(3) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.
- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.
- C4. The height above ground for the lowest habitable floor level is not to exceed 1m.





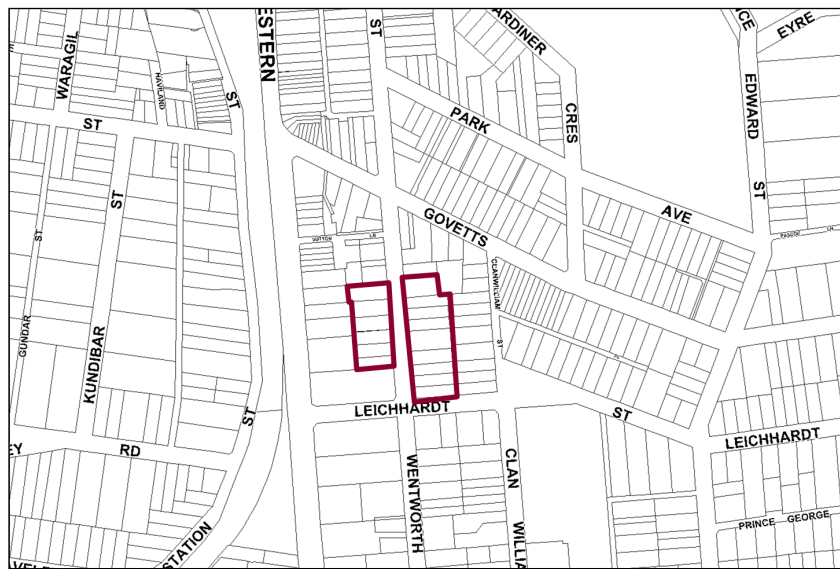
- C5. Cut or fill within 5m of any property boundary is not to exceed 0.5m.
- C6. Development is to provide a minimum setback to the Great Western Highway of 6m.
- C7. Development is to provide a minimum side boundary setback of 2m.
- C8. For development that shares a rear boundary with existing residential development, the development is to provide a minimum rear boundary setback of 6m.
- C9. All setback areas are to be landscaped.
- C10. The maximum site cover for buildings is 55% of the total allotment area.
- C11. The minimum area to be retained as soft, pervious or landscaped area (excluding hard surfaces) is 35% of the total allotment area.
- C12. Development facing the Highway is to promote new retail or other commercial activity along at least 50% of ground level frontages, and for all storeys above ground, incorporate balconies and/or extensive windows.
- C13. New development is to be sympathetic to the traditional building forms, materials and details of the precinct, and incorporate traditionally-pitched roofs and/or parapets, traditional shopfront design, articulated building forms and layouts, vertically-proportioned openings, and sympathetic materials and detailing as appropriate to the context. New development is to be similar in form and materials to quality older buildings but subservient in detail to distinguish it as new work.  
  
**Note:** Guidelines on traditional shopfront design are found in B3.1.3 Infill shopfront buildings in B3 Character and design, and in D1.9.7 Traditional shopfront buildings in Part D1 Heritage where heritage considerations apply.
- C14. Gardens are to provide a backdrop of canopy trees along rear boundaries, plus scattered trees and shrubs through front and side yards to frame buildings, driveways and parking areas.
- C15. On-site parking areas are to be located behind buildings and concealed from the Highway where possible, and are to be integrated with landscape design of garden areas.
- C16. New retail frontages are to be provided along the Highway to expand the existing town centre pedestrian network.

## GI.4 Blackheath Precinct R3-BH04—Wentworth Street Precinct

A mix of single and multiple-unit dwellings are located close to the town centre, expanding the range of residential accommodation that is available in the Blackheath village.

In order to provide a visually distinctive backdrop to the neighbouring town centre, redevelopments are encouraged to restore existing cottages and retain visually significant elements of established garden settings. New buildings will reflect the pattern, scale, forms and detailing of traditional cottage forms.

Reference should be made to the precinct objectives in clause 7.2(4) of LEP 2015.



**Blackheath Precinct R3-BH04—Wentworth Street Precinct**

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.2(4) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.
- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.
- C4. The height above ground for the lowest habitable floor level is not to exceed 1m.



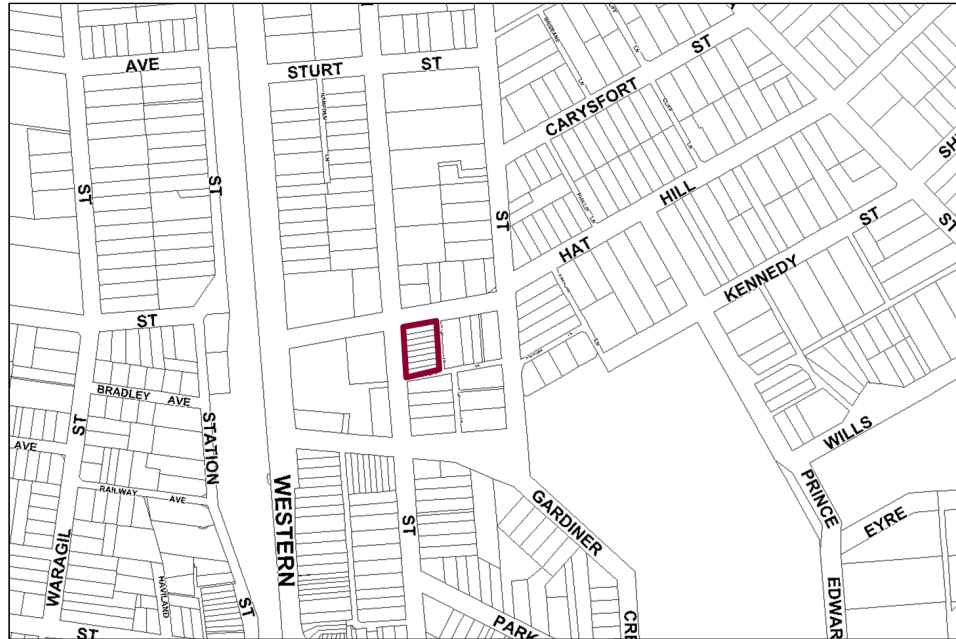


- C5. Cut or fill within 5m of any property boundary is not to exceed 0.5m.
- C6. The setback to Wentworth Street is to be a minimum of 8m.
- C7. On corner allotments, the setback to the secondary frontage is to be a minimum of 4m.
- C8. Side boundary setbacks are to be a minimum of 2m.
- C9. Development located on the western side of Wentworth Street is to provide a minimum rear setback of 2m.
- C10. Development located on the eastern side of Wentworth Street is to provide a minimum rear setback of 6m.
- C11. All setback areas are to be landscaped.
- C12. The maximum site cover for buildings is 50% of the total allotment area.
- C13. The minimum area to be retained as soft, pervious or landscaped area (excluding hard surfaces) is 40% of the total allotment area.
- C14. New development is to be sympathetic to the traditional building forms, materials and details of the precinct, including the use of traditionally-pitched roofs, articulated layouts and forms, verandahs, timber joinery, vertically-proportioned openings and some painted external finishes, with a curtilage of landscaped areas and an address to the street provided. New development is to be similar in form and materials to quality older buildings but subservient in detail to distinguish it as new work.
- C15. Buildings are not to exceed 15m width or depth in any direction.
- C16. Any non-residential activities are to be accommodated in buildings with a residential scale and character.
- C17. Gardens are to incorporate a backdrop of canopy trees along rear boundaries, plus trees and shrubs scattered through front and side yards.
- C18. Driveways, parking areas and garages are to be integrated with the design of surrounding landscaped areas, with garages and parking to be behind the front building setback.

## GI.5 Blackheath Precinct R3-BH05—Cnr Hat Hill Road and Wentworth Street Precinct

Alternative forms of housing are provided within a landscaped setting that is in sympathy with the park opposite. The housing contributes to meeting housing demand in accordance with changing demographics within the Blue Mountains.

Reference should be made to the precinct objectives in clause 7.2(5) of LEP 2015.



**Blackheath Precinct R3-BH05—Cnr Hat Hill Road and Wentworth Street Precinct**

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.2(5) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.
- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.
- C4. The minimum setback from the street frontage is 4.5m.
- C5. The maximum site coverage for each allotment is 50%.
- C6. The minimum pervious area required for each allotment is 40%.





- C7. Development is to provide articulation and building modulation in order to minimise the bulk of buildings.
- C8. Development is to provide an activated street frontage to the primary street.
- C9. Development is to provide landscaping along the street frontages that is reflective of plantings along Wentworth Street.
- C10. Garages, access and car parking are to be screened from the public domain with garages and parking areas located internally so as not to adversely impact upon streetscape, pedestrian circulation, and building character.



## GI.6 Blackheath Precinct *RI-BH06— Govetts Leap Road Precinct*

This site has a long history of providing tourist and visitor accommodation set within a well-established heritage listed garden. In addition to the complex of ‘high-end’ cottages, the facilities on the site are able to cater for special occasions such as weddings and conferences. The site is located within a reasonable walking distance of the Blackheath town centre and 1.2 km from Blue Mountains National Park and is adjoined by residential development on the fringes of the town centre.

Any future development must take into consideration the importance of the location in relation to heritage value and environmental sensitive character of the adjoining Nature Reserves to the north. Consideration of bulk and scale, settings, views, architectural treatments and commercial signage are paramount.

Reference should be made to the precinct objectives in clause 7.2(6) of LEP 2015.



**Blackheath Precinct *RI-BH06—Govetts Leap Road Precinct***

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.2(6) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying Height of Buildings Map.





- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying Floor Space Ratio Map.
- C4. The minimum setback from side boundaries is 15m. Setbacks are to be landscaped with trees, shrubs and groundcovers to ensure that development on the site is appropriately screened from outside the site.
- C5. The minimum setback from Govetts Leap Road is 20m. Setbacks are to be landscaped with trees, shrubs and groundcovers to ensure that development on the site is appropriately screened from Govetts Leap Road
- C6. The minimum setback from northern boundary is 40m. Within this 40m setback a 15m wide vegetated buffer, using locally indigenous vegetation, adjacent to Popes Glen Reserve, is to be installed and maintained.
- C7. All buildings on the site are to be designed to ensure character, scale, architectural details and finished materials are complementary in theme to the existing buildings on the site.
- C8. All buildings on the site are to be distributed throughout the site so as to minimise the impact when viewed from any given point, either internally or externally.
- C9. Conserve and actively manage all existing tree stands and shrubs. Development shall only be permitted in existing cleared areas.
- C10. Successional planting and landscape management is to retain and enhance the existing landscape character of the site.
- C11. Vehicular access to the site is limited to one vehicle access point to Govetts Leap Road and one vehicle access point to Cleopatra Street.
- C12. Garages, access and car parking are to be integrated with landscaped areas such that they are well screened from the public domain, with garages and parking areas located so as to not adversely impact upon streetscape, pedestrian circulation, building character and adjoining residential amenity.

**Note:** Additional landscape controls specific to the R1 zone apply, refer to Part C3.8

# G2.BLAXLAND

G2.1	Blaxland Precinct B2-BX01—Town Centre Precinct	604
G2.2	Blaxland Precinct R3-BX02—Layton Avenue Precinct	607
G2.3	Blaxland Precinct R3-BX03—Hope Street Precinct (106 Great Western Hwy, Blaxland)	609
G2.4	Blaxland Precinct R3-BX04—Village Housing Precinct	611



## G2.1 Blaxland Precinct B2-BX01—Town Centre Precinct

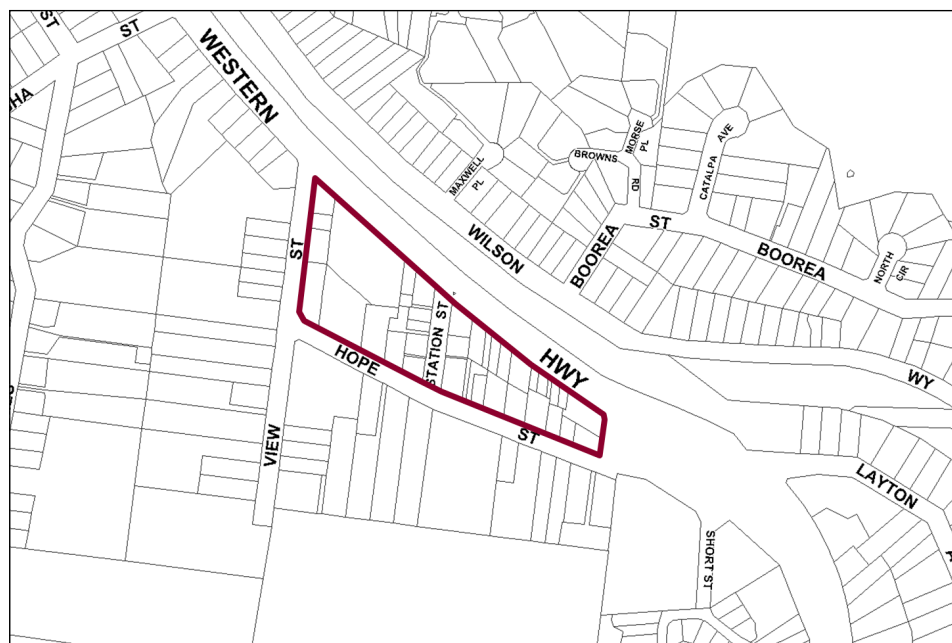
This precinct remains a compact town centre, accommodating a diverse range of small-to-medium scale retail and other businesses and permanent residents.

Modern buildings are arranged in a traditional main street pattern, with a continuous row of one and two-storey shop-fronts surrounding a substantial open car park to the rear. Pedestrian movement is concentrated outdoors, encouraging informal community meeting places.

The central car park is surrounded by eucalypts, including a distinctive large copse at the corner of View and Hope Streets, providing both a green backdrop to the town centre and a barrier to surrounding residential areas.

Future development promotes an improved scenic presentation for this town centre, with buildings displaying some diversity of form and design, and maintaining glimpses of the National Park from the highway pedestrian bridge. The design of buildings and signage is coordinated, and there is visible indoor activity facing all public places including streets, laneways and car parks.

Reference should be made to the precinct objectives in clause 7.3(l) of LEP 2015.



**Blaxland Precinct B2-BX01—Town Centre Precinct**

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.3(l) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.



- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.
- C4. Development is to have a zero front setback, except in Hope Street where the setback is to be a minimum of 6m and is to be landscaped.
- C5. Development is to have a zero side setback, except where the side boundary adjoins the public domain. In this case setbacks greater than zero may be considered where an active frontage will be provided.
- C6. Notwithstanding C4 and C5, front and side setbacks at the intersection of Hope and View Streets are to be increased to protect the visually significant eucalypt canopy.
- C7. The maximum site cover for buildings is 100% of the total allotment area, except for buildings on an allotment fronting Hope Street, where the maximum site cover is 80% of the total allotment area.
- C8. Notwithstanding C7 at the corner of Hope and View Streets the footprint shall be reduced as necessary to conserve the visually significant eucalypt canopy.
- C9. The existing continuity of retail and other business premises on properties that face the Highway is to be maintained.
- C10. On properties with a secondary frontage to a public place, new retail or other business premises are to be promoted along at least 50% of ground level frontages to public car parks, side streets and laneways, and for all storeys above ground, balconies and/or extensive windows facing those public places are to be included.
- C11. On properties fronting Hope Street, extensive balconies and/or windows are to be promoted in all facades facing that street.
- C12. New development is to have regard to the scale, forms and detailing of traditional shopfront buildings and to ensure that where appropriate, continuous awnings and/or balconies are provided.  
  
**Note:** Guidelines on traditional shopfront design are found in B3.1.3 Infill shopfront buildings in B3 Character and design.
- C13. Buildings are to present a high standard of architectural form and detailing, and formally address significant public domain areas within the immediate setting; service function areas are to be compact and discreetly located.

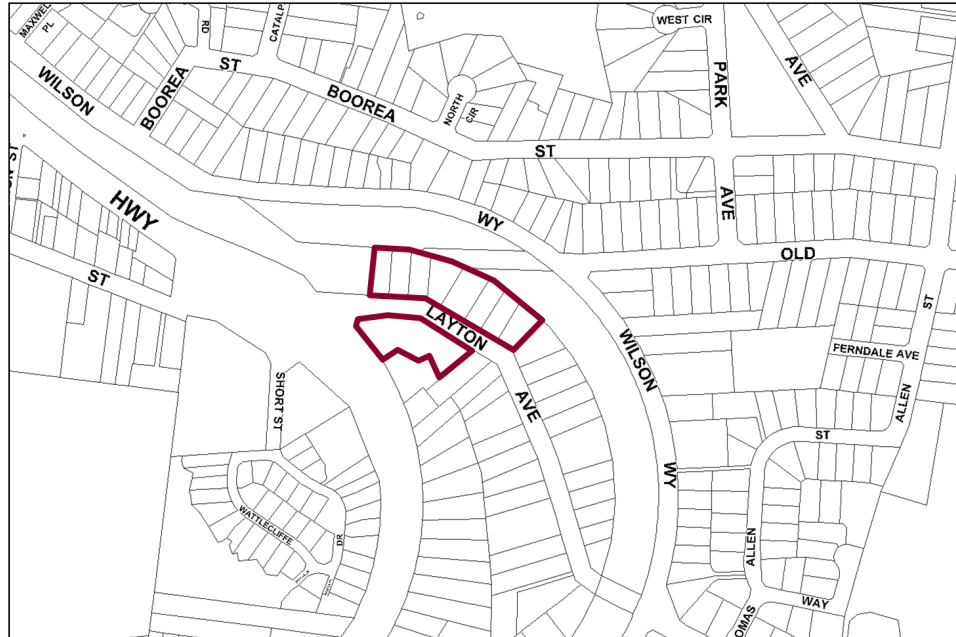
- C14. Development on large allotments is to distribute floorspace into well-articulated structures that are composed of separate wings or interconnected buildings, with traditionally pitched roofs and appropriately-landscaped garden courtyards.
- C15. Existing canopy trees are to be retained to frame building presentation. New landscaping is to be appropriately-sized and characteristic of the locality.
- C16. On-site parking areas are to be accessed only from the rear or side of buildings via existing public car parks, laneways or secondary streets, and are to be concealed from principal frontages behind retail or other business premises.
- C17. The existing pedestrian network is to be expanded by promoting new retail frontages surrounding the public places.
- C18. Solar access to the public domain is to be protected and enhanced.
- C19. Continuous weather protection is to be provided along all public frontages in the form of awnings or overhanging balconies.
- C20. Ground floor walls and structures are to protect and enhance sight lines in public places.



## G2.2 Blaxland Precinct R3-BX02—Layton Avenue Precinct

This precinct provides sensitive redevelopment for the purpose of alternate housing forms, designed so as to present a positive residential amenity in close proximity to services and public transport. New development contributes to the streetscape by providing active street frontages to Layton Avenue.

Reference should be made to the precinct objectives in clause 7.3(2) of LEP 2015.



**Blaxland Precinct R3-BX02—Layton Avenue Precinct**

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.3(2) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.
- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.
- C4. The minimum setback from Layton Avenue is 5m.
- C5. Building form is to provide an active street frontage to Layton Avenue and facades fronting Layton Avenue are to be articulated through, for example, the provision of verandahs, windows and front doors.



- C6. Development is to provide private open space in the form of landscaping with screening at the rear of the site.

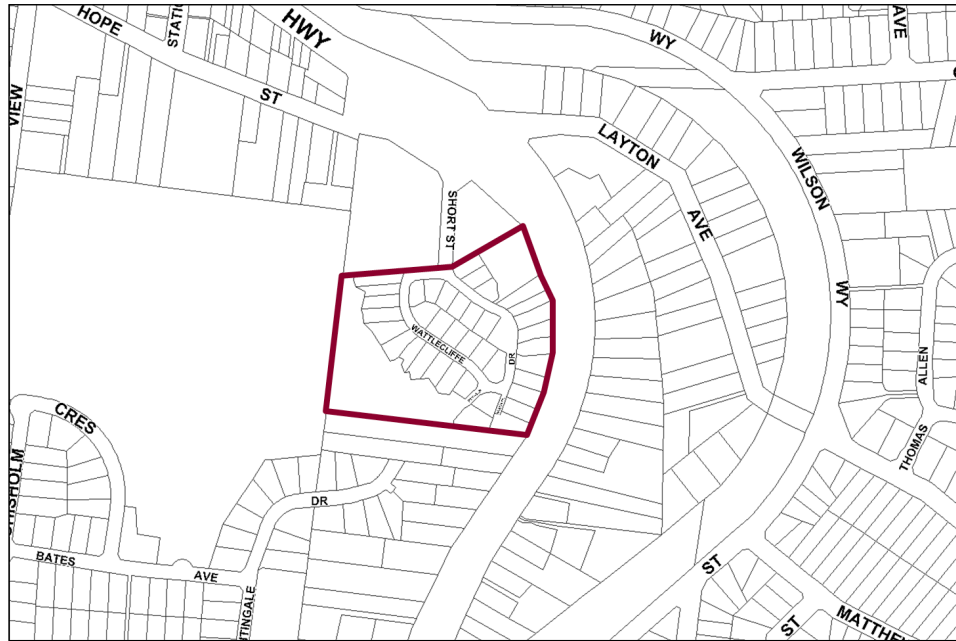




## G2.3 Blaxland Precinct R3-BX03—Hope Street Precinct (106 Great Western Highway, Blaxland)

This precinct promotes sensitive development for the purpose of promoting alternate housing forms, designed so as to present a positive residential amenity in close proximity to services and public transport. Development of this site maintains the bushland character of the locality and limits access onto the Great Western Highway.

Reference should be made to the precinct objectives in clause 7.3(3) of LEP 2015.



**Blaxland Precinct R3-BX03—Hope Street Precinct (106 Great Western Highway, Blaxland)**

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.3(3) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.
- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.
- C4. The minimum setback from the Great Western Highway is 14m.





- C5. The maximum number of integrated dwellings permitted is 43.
- C6. Building form is to provide for active street frontages to the internal streets in the development and facades fronting these streets shall be articulated through, for example, the provision of verandahs, windows or front doors.
- C7. The development is to provide screening in the form of landscaping along the Great Western Highway frontage of the site in order to provide private open space and provide visual and acoustic amenity for residents.
- C8. The development is to incorporate appropriate mitigation measures such as stormwater treatment and bushland regeneration to ensure the protection of habitat for threatened species such as the Red-crowned Toadlet.
- C9. Communal open space is to be provided so as to provide recreational opportunities for the residents of the development, allow for stormwater management on site, and promote bushland regeneration to ensure the protection of habitat for threatened species, such as the Red-crowned Toadlet.
- CI0. Vehicular access to land within the precinct is to be provided from the public road linking the northern boundary of the precinct to the Great Western Highway.

## G2.4 Blaxland Precinct R3-BX04—Village Housing Precinct

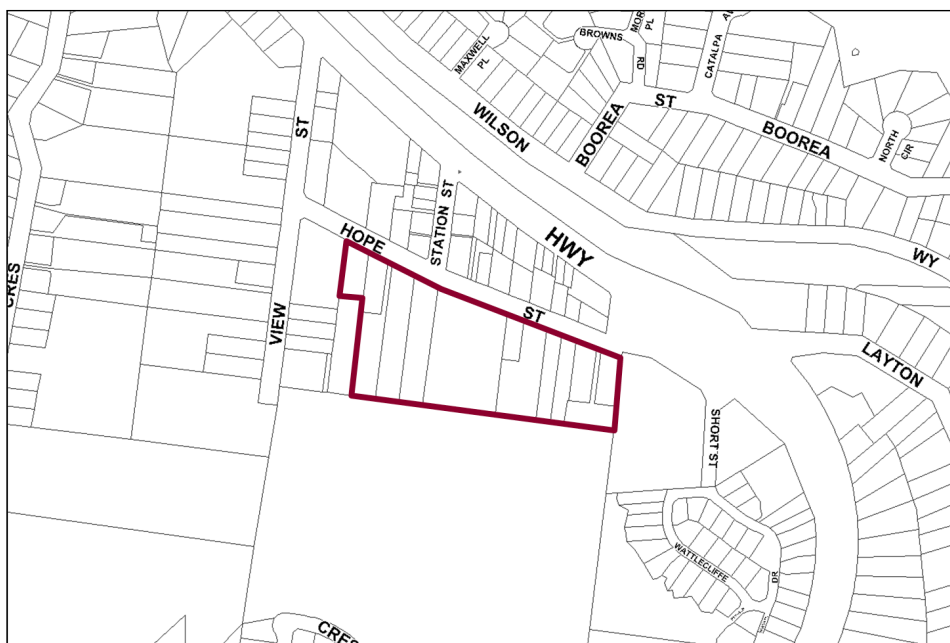
This precinct provides a mix of single and multiple-unit dwellings, plus a variety of low-key businesses facing Hope Street.

Future development is planned and constructed to protect neighbouring bushland from adverse visual or environmental impacts, as well as to provide an attractive backdrop to the town centre, and to expand the range of residential accommodation and community services available in the Blaxland Village.

New development will reflect the scale, forms, materials and details of existing traditional cottages, and provide garden settings that support a dense bushland backdrop.

Buildings and site works are set close to Hope Street, protecting steeper wooded slopes from disturbance and maintaining substantial landscape buffers of canopy trees and understorey along the rear boundary. Street frontages are landscaped to provide a visually distinctive backdrop to the town centre.

Reference should be made to the precinct objectives in clause 7.3(4) of LEP 2015.



**Blaxland Precinct R3-BX04—Village Housing Precinct**

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.3(4) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.





- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.
- C4. The height above ground for the lowest habitable floor level is not to exceed 1.5m.
- C5. Cut or fill within 5m of any property boundary is not to exceed 0.5m.
- C6. The minimum setback from the street frontage is 8m.
- C7. Side boundary setbacks are to be a minimum of 2m.
- C8. All setback areas are to be landscaped.
- C9. The maximum site cover for buildings is 40% of the total allotment area.
- C10. The minimum area to be retained as soft, pervious or landscaped area (excluding hard surfaces) is 50% of the total allotment area.
- C11. Development is to be sited, designed and constructed to minimise impacts upon surrounding bushland.
- C12. Landscaping is to minimise impacts on neighbouring bushland communities whilst minimising bushfire hazard. New landscape plantings are to be either endemic to the locality or be of low to nil invasive potential.
- C13. New development is to be sympathetic to traditional building forms, materials and details, including the use of traditionally-pitched roofs, articulated layouts and forms, verandahs, timber joinery, vertically-proportioned openings and some painted external finishes, with a curtilage of landscaped areas and an address to the street provided. New development is to be similar in form and materials to quality older buildings but subservient in detail to distinguish it as new work.
- C14. Buildings are not to exceed 15m width or depth in any direction.
- C15. Any non-residential activities along Hope Street are to be accommodated in buildings with a residential scale and character.
- C16. Driveways, parking areas and garages are not to dominate any street frontage, and are to be integrated with the design of surrounding landscaped areas.

# G3. GLENBROOK

G3.1

Glenbrook Precinct B1-GB01—Glenbrook Shops Precinct

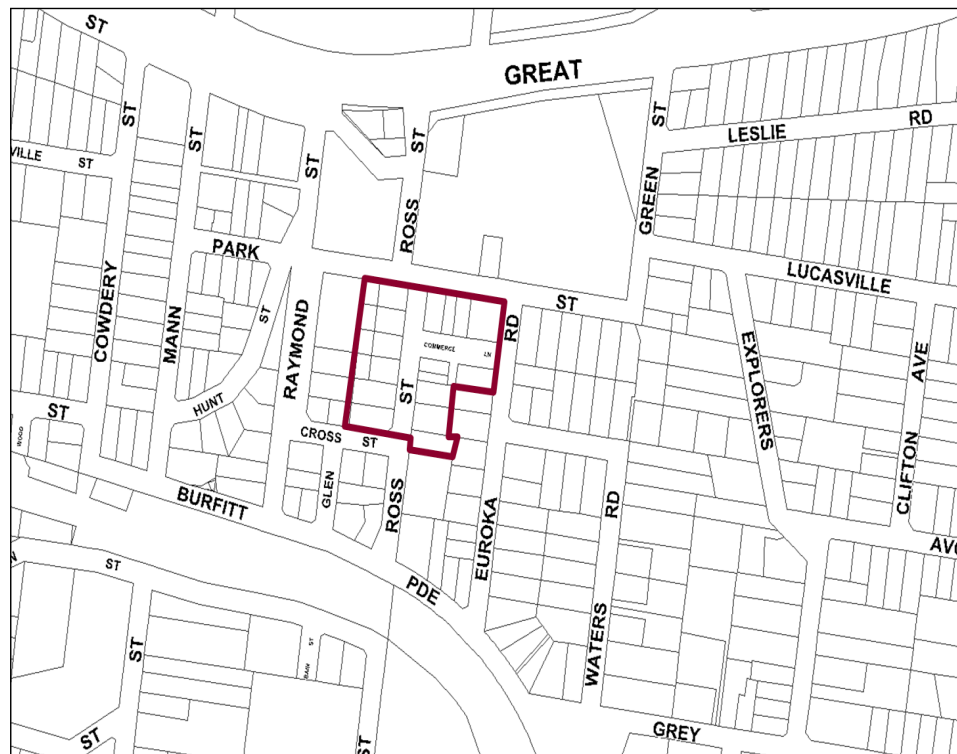
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### G3.1 Glenbrook Precinct *BI-GB01—Glenbrook Shops Precinct*

Situated beside Glenbrook Park and surrounded by residential neighbourhoods, the shopping precinct supports a variety of small retail and other commercial businesses that serve the local community as well as visitors. The setting is pedestrian-friendly and principal streets are lined by single-storey shop front buildings and converted cottages. Public car parking is concentrated along secondary streets behind the business premises.

Reference should be made to the precinct objectives in clause 7.4 of LEP 2015.



**Glenbrook Precinct BI-GB01—Glenbrook Shops Precinct**

#### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.4 of LEP 2015.
- C2. For new development on properties with existing shop front buildings facing Park Street, Ross Street and Euroka Road, there is to be a zero front and side setback.
- C3. For new development on properties that contain existing cottages, the existing front setback is to be maintained and side setbacks of 1m minimum are to be provided. The built frontage is not to exceed 75% of the lot width.

- C4. Rear boundary setbacks adjoining a residential neighbourhood are to be a minimum of 6m and to retain any existing vegetation that forms a visually significant streetscape element.
- C5. All existing vegetation forming visually significant streetscape elements is to be retained.
- C6. Development fronting Park Street, Ross Street and Euroka Road is to incorporate visible retail or commercial activity along the entire length of that street frontage, and continuous overhead awnings over the entire length of that frontage.
- C7. Development with a frontage to a lane is to incorporate visible retail or commercial activity along a minimum of 50% of any allotment frontage, and continuous overhead awnings over the entire length of that frontage.
- C8. New development is to be sympathetic to the periods and architectural character of existing buildings in its forms and finishes.
- C9. Walls are not to be left blank or unarticulated.
- C10. For allotments with shop front buildings, development is to be of masonry walls, with simple skillion roofs behind parapets, and detailing sympathetic and subservient to the existing character of the precinct.  
  
**Note:** Guidelines on traditional shopfront design are found in B3.1.3 Infill shopfront buildings in B3 Character and design, and in D1.9.7 Traditional shopfront buildings in Part D1 Heritage where heritage considerations apply.
- C11. For allotments with existing cottages, development is to continue traditional residential building forms that reflect the existing cottage, use light-weight cladding materials and articulate any facades visible from the public domain.
- C12. Local design themes are to predominate over corporate signage and reflect the village character.
- C13. Signage is to be coordinated with shop front design.
- C14. On-site vehicular access is to be, where possible, from a lane and not via Park, Euroka or Ross Streets for a property with frontage to these streets.
- C15. On-site car parking is to be concealed behind commercial premises, or screened by landscaping or an architectural treatment that is consistent with the building adjoining the point of access.







# G4.HAZELBROOK

G4.1	Hazelbrook Precinct B2-HB01—Town Centre Precinct	618
G4.2	Hazelbrook Precinct R3-HB02—Glendarrah Street Precinct	621
G4.3	Hazelbrook Precinct R3-HB03—Addington Road Precinct	623
G4.4	Hazelbrook Precinct B1-HB04 – Old Hazelbrook Shops Precinct	625



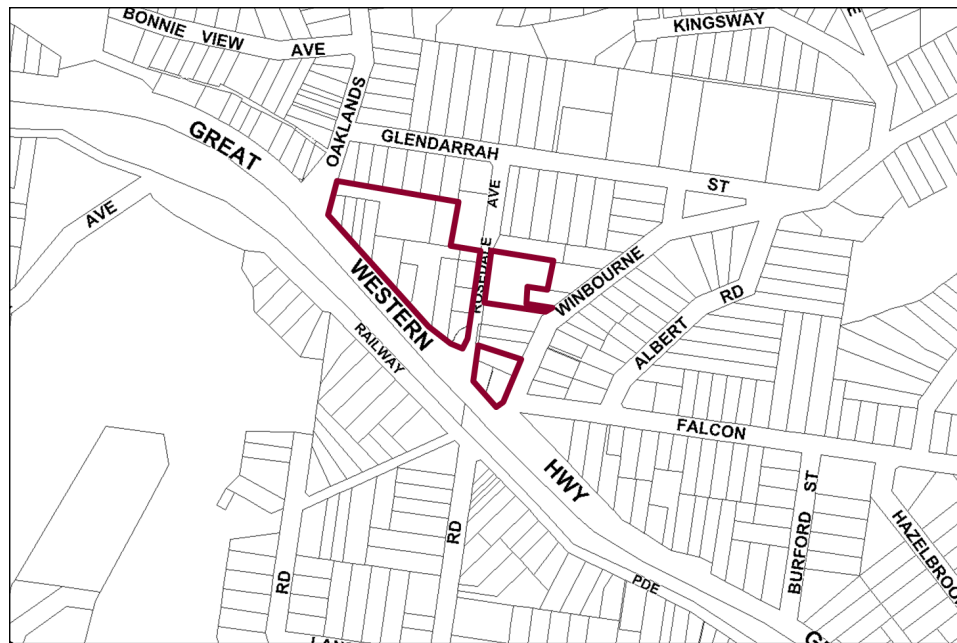
## G4.1 Hazelbrook Precinct B2-HB01—Town Centre Precinct

This precinct remains a compact town centre, accommodating a diverse range of small-to-medium scale retailers, other local businesses and permanent residents, surrounding a central car park landscaped with tall eucalypts that provide scenic backdrops to the centre as well as buffers to surrounding residential streets.

Modern buildings display a co-ordinated design theme that reflects the traditional main street pattern of continuous one and two-storey shop front buildings. Development promotes improved standards of scenic presentation for this town centre, with buildings maintaining vistas towards the existing tree canopy and maintaining landscaped setbacks to neighbouring residential properties and residential streets.

Indoor activities are visible along all public frontages, with pedestrian movement concentrated outdoors and promoting focal points for informal community gatherings that are protected from undesirable impacts of through traffic.

Reference should be made to the precinct objectives in clause 7.5(1) of LEP 2015.



**Hazelbrook Precinct B2-HB01—Town Centre Precinct**

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.5(1) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.

- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.
- C4. Development adjoining the public domain is generally to provide a zero setback, except where it can be demonstrated that an active frontage will be provided. The exception is at the Great Western Highway and Glendarrah Street where development is to provide a minimum setback of 6m.
- C5. All setback areas are to be landscaped.
- C6. The maximum site cover for buildings is 100% of the total allotment area, except for buildings on land adjoining an existing residential allotment where the site is limited to 70% of the total allotment area.
- C7. The existing continuity of retail and other business premises on properties that face the public car park is to be maintained.
- C8. For allotments adjoining the public car park and facing the Great Western Highway, new buildings are to provide new retail or other business premises with shop fronts along at least 50% of ground level frontages, and balconies or extensive windows, or both, for aboveground storeys.
- C9. On any allotment adjoining an existing residential property, facades are to locate balconies or windows, or both, in a way that is designed to protect residential amenity.
- C10. New retail development facing principal streets is to be in accordance with the design of traditional shopfront buildings, and to generally provide the following:
  - (a) narrow shopfronts, and
  - (b) continuous awnings and/or balconies, and
  - (c) references to traditional shopfront detailing in sympathetic contemporary materials and details.

**Note:** Guidelines on traditional shopfront design are found in B3.1.3 Infill shopfront buildings in B3 Character and design.
- C11. Landscaped setbacks adjacent to residential properties or facing residential streets are to incorporate eucalypt species that are consistent with the established canopy.



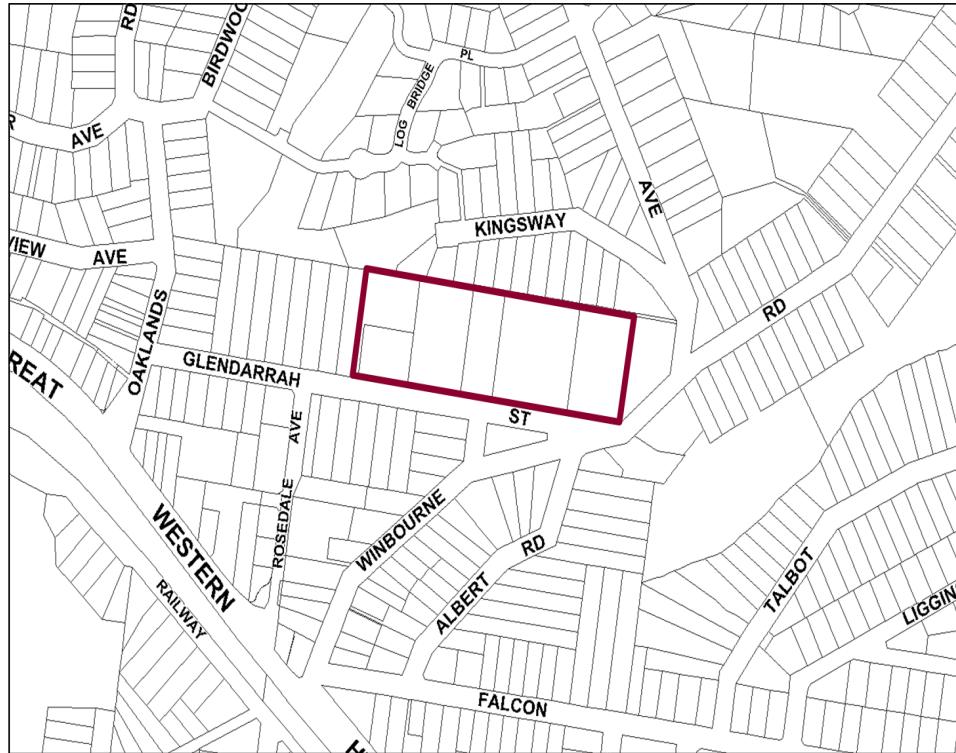


- C12. On-site parking areas are to be accessed only from the rear or side of buildings via existing public carparks, laneways or secondary streets, and are to be concealed from principal frontages behind retail or other business premises.
- C13. The existing pedestrian network is to be expanded by promoting new retail frontages surrounding public places and fronting the Highway.
- C14. Solar access to the public domain is to be protected and enhanced.
- C15. Continuous weather protection along all public frontages in the form of awnings or overhanging balconies is to be provided.
- C16. Ground floor walls and structures are to protect and enhance sight lines in public places.

## G4.2 Hazelbrook Precinct R3-HB02—Glendarrah Street Precinct

This precinct provides alternative housing types within a landscape setting of substantial radiata pines.

Reference should be made to the precinct objectives in clause 7.5(2) of LEP 2015.



**Hazelbrook Precinct R3-HB02—Glendarrah Street Precinct**

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.5(2) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.
- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.
- C4. Building height and roof pitch are to be varied in order to minimise the bulk of buildings.
- C5. The minimum setback of buildings from Glendarrah Street is 15m.





- C6. Building form is to provide an activated and safe, pedestrian-friendly street frontage through the provision of windows, verandahs and doorways to Glendarrah Street.
- C7. Car parking areas and hard surfaces are to be screened through the provision of dense planting.
- C8. The existing mature pine trees are to be retained and enhanced with further planting in the building setback in order to substantially screen any development from Glendarrah Street.

## G4.3 Hazelbrook Precinct R3-HB03—Addington Road Precinct

This precinct provides a mix of single and multiple-unit dwellings located close to the town centre and expands the range of residential accommodation available in the Hazelbrook village.

Redevelopment is to restore existing traditional cottages, and retain visually significant elements of established garden settings. New buildings will reflect the pattern, scale and architectural style of traditional Federation and Inter-War cottages surrounded by gardens.

Reference should be made to the precinct objectives in clause 7.5(3) of LEP 2015.



**Hazelbrook Precinct R3-HB03—Addington Road Precinct**

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.5(3) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.
- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.
- C4. The height above ground for the lowest habitable floor level is not to exceed 1m.



- C5. Cut or fill within 5m of any property boundary is not to exceed 0.5m.
- C6. The minimum setback from the primary street frontage is 8m.
- C7. On corner allotments, the setback to the secondary frontage is to be a minimum of 4m.
- C8. Side boundary setbacks are to be a minimum of 2m.
- C9. All setback areas are to be landscaped.
- C10. The maximum site cover for buildings is 50% of the total allotment area.
- C11. The minimum area to be retained as soft, pervious or landscaped area (excluding hard surfaces) is 40% of the total allotment area.
- C12. New development is to be sympathetic to traditional building forms, materials and details, including the use of traditionally-pitched roofs, articulated layouts and forms, verandahs, timber joinery, vertically-proportioned openings and some painted external finishes, with a curtilage of landscaped areas and an address to the street provided. New development is to be similar in form and materials to quality older buildings but subservient in detail to distinguish it as new work.
- C13. Buildings are not to exceed 18m width or depth in any direction.
- C14. Gardens are to incorporate a backdrop of indigenous canopy trees along rear boundaries, and a mix of native and exotic trees and shrubs through front and side yards.
- C15. Any non-residential activities are to be accommodated in buildings with a residential scale and character.
- C16. Driveways, parking areas and garages are not to dominate any street frontage, and are to be integrated with the design of surrounding landscaped areas.



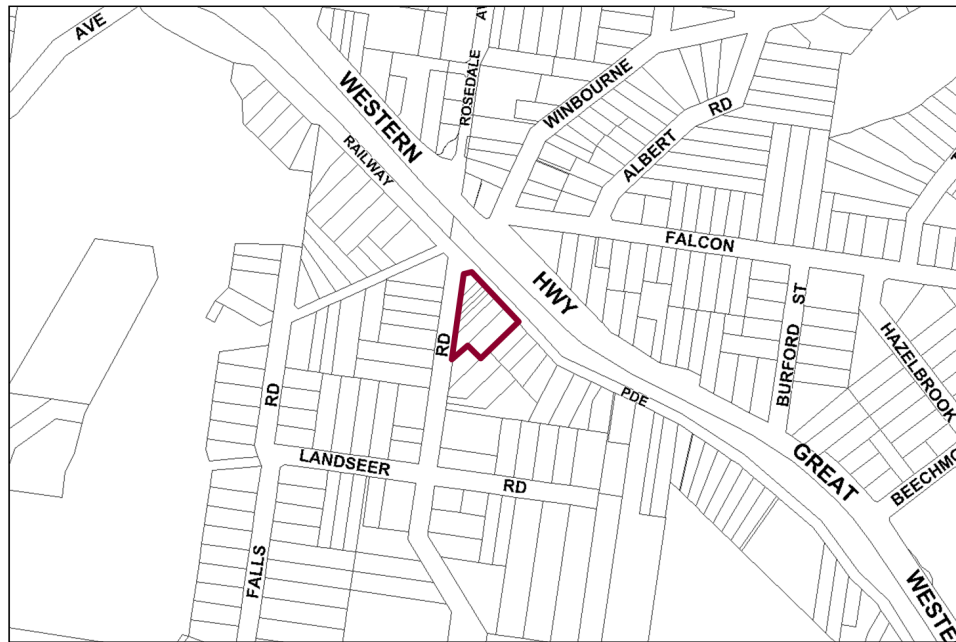


## G4.4 Hazelbrook Precinct BI-HB04 – Old Hazelbrook Shops Precinct

This precinct comprises a small strip of traditional shop buildings and a number of older residences used for commercial purposes set in a main street arrangement adjacent the railway station. The buildings present a diversity of periods, styles and forms, many of which have historic significance. The group retains a small-scale and local presence as a commercial precinct within a residential neighbourhood, with an emphasis on pedestrian activity and relationship to the railway station.

New development should consolidate and enhance the shopping precinct as an historic local retail area with a mixture of tourist-related and local businesses. Active street frontages to shopfront buildings are to be provided to create a pedestrian-friendly and safe environment.

Reference should be made to the precinct objectives in clause 7.5(4) of LEP 2015.



**Hazelbrook Precinct BI-HB04 – Old Hazelbrook Shops Precinct**

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (development in villages) and be consistent with the precinct objectives of clause 7.5(4) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.



- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.
- C4. Development is to preserve and enhance the heritage items and their settings.
- C5. Development is to provide front boundary setbacks consistent with adjacent traditional shopfronts or traditional freestanding cottages as relevant, including location of forms such as verandahs, shop frontages and landscaped setbacks. The settings of existing cottages are to be respected and enhanced by new development.
- C6. The maximum site coverage for buildings is 40% of the total allotment area.
- C7. The minimum area to be retained as soft, pervious or landscaped area (excluding hard surfaces) is 50% of the total allotment area.
- C8. Rear gardens are to be landscaped to screen parking areas and other service-related spaces.
- C9. Additional floorspace should be incorporated into new rear wings or separate pavilions located to the rear of existing buildings and surrounded by landscaped open space.
- C10. New development is to have regard to the scale, forms and detailing of traditional shopfront buildings, and to ensure that where appropriate, continuous awnings and/or balconies are provided.
- Note:** Guidelines on traditional shopfront design are found in B3.1.3 Infill shopfront buildings in B3 Character and design, and in D1.9.7 Traditional shopfront buildings in Part D1 Heritage where heritage considerations apply.
- C11. On-site parking areas are to be accessed only from the rear of buildings, and are to be concealed from principal frontages behind retail or other business premises.

# G5.KATOOMBA

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## G5.1 Katoomba Precinct B2-KA01—Katoomba Street and Bathurst Road Shopping Strip Precinct

The precinct is a traditional main street shopping strip in a distinct environmental setting which accommodates a diverse mix of traditional town centre uses and residential uses, serving both the local community and tourists alike.

Exhibiting high levels of pedestrian amenity, convenience and safety, the precinct functions as the most active and vibrant part of the Katoomba village, with shops and other premises trading for extended hours, over evenings and on weekends.

Future development will maintain a streetscape that is generally two and three storeys in scale, conserves and celebrates built heritage and historic character and is represented by a near continuous row of separate and narrow shop-fronts. New development will also generate active street frontages to all public areas including both Pioneer and Pryor Places.

Reference should be made to the precinct objectives in clause 7.6(I) of LEP 2015.



**Katoomba Precinct B2-KA01—Katoomba Street and Bathurst Road Shopping Strip Precinct**

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.6(I) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.
- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.

**Note:** Refer to LEP 2015 clause 4.3A (Exceptions to the maximum floor space ratio and height of buildings) for additional provisions regarding height and floor space for development in this precinct.

- C4. Buildings are generally to have zero front and side setbacks; however, when there is a front building line established by adjacent buildings, new development may provide a setback consistent with the adjacent setback; and where the side boundary adjoins the public domain, setbacks greater than zero may be considered, but only where it can be demonstrated that an active street frontage will be provided.
- C5. Visible retail or commercial activity is to be provided along the entire length of primary street frontages to Katoomba Street, Bathurst Road and Waratah Street.
- C6. New development with secondary frontages to a public road, laneway or public place is to provide a visible and active street frontage distributed along a minimum of 65% of that frontage.
- C7. Development fronting Katoomba Street, Waratah Street and Bathurst Road is to generally provide the following:
  - (a) narrow terraced building forms of masonry construction, and
  - (b) parapets that step with the topography, with pitched or skillion roofs behind, and
  - (c) symmetry and vertical proportion of window and door openings, and
  - (d) articulation of shopfront elements, and
  - (e) cantilevered metal awnings.

**Note:** Guidelines on traditional shopfront design are found in B3.1.3 Infill shopfront buildings in B3 Character and design, and in D1.9.7 Traditional shopfront buildings in Part D1 Heritage where heritage considerations apply.

- C8. Signage is to be sympathetic to the style and detailing of the shop front, and be of appropriate size, scale and location.
- C9. Buildings fronting Lurline Street are to present a frontage compatible with the diversity of the predominantly residential streetscape.
- C10. Continuous overhead awnings, where appropriate, are to be provided along the length of a frontage to a street, laneway or public place.
- C11. Appropriate levels of lighting are to be incorporated into all on-site pedestrian areas. All light fittings are to be of a form and character consistent with that of the building.
- C12. On-site car parking is not to be accessed from Katoomba Street or Waratah Street.



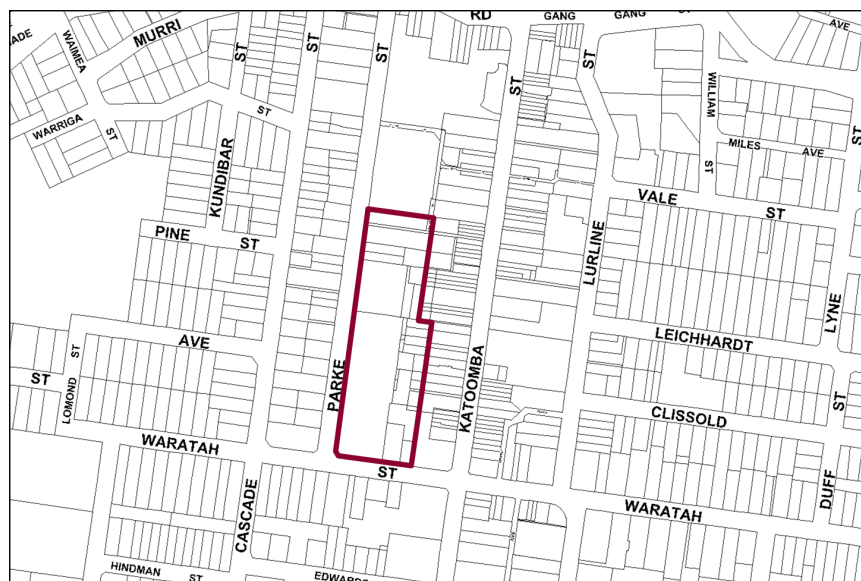
## G5.2 Katoomba Precinct B2-KA02—District Retail Precinct

Serving as the core area for district-scale retailing facilities, this precinct will see increases in commercial floor space in response to increasing retailing demands for upper mountains residents.

Future development is to be represented in well-designed, multi-level buildings of a more contemporary form. Building designs will incorporate stronger interfaces with Parke and Waratah Streets, represented by active street frontages and prominent building entries.

The precinct provides an enhanced public domain that offers high levels of accessibility to both pedestrians and vehicles, but minimises conflicts between the two. The precinct will be well served by vehicle parking and heavy vehicle access, however neither will be visually prominent elements. The precinct will also provide clear and tangible links between existing retailing on Katoomba Street, and Katoomba Precinct B2-KA06 to the north.

Reference should be made to the precinct objectives in clause 7.6(2) of LEP 2015.



**Katoomba Precinct B2-KA02—District Retail Precinct**

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.6(2) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.





- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.
- C4. All viewing opportunities from the podium level of the Blue Mountains Cultural Centre to the town, Jamison Valley and Frank Walford Park are to be maintained. A view analysis may be required.  
  
**Note:** Podium level is defined as: at or below an Australian Height Datum of 1024.5m, at or below the finished level of College Lane at the northern boundary of the precinct, and at or below 12m above the finished level of College Lane at the south eastern boundary of the precinct.
- C5. Buildings with a frontage to Parke and Waratah Streets are generally to have a zero setback to that frontage, except where it can be demonstrated that the increased setback forms part of a building entry and incorporates an active street frontage.
- C6. Visible retail or other commercial activity is to be provided along a minimum of 50% of a frontage to a public road or pathway, except in the case of Pioneer Place, where a minimum of 65% is to be provided.
- C7. Where development involves long elevations, they are to present varied heights and forms.
- C8. Walls in new development visible from the public domain are not to be left blank, unadorned or unarticulated.
- C9. Roof forms to new development are to conceal mechanical plant and equipment from adjacent buildings, private open space and public areas.
- C10. Awnings or colonnades are to be provided over the entire length of public footpaths and pedestrian areas.
- C11. Paths and plaza areas are to minimise conflicts between vehicles and pedestrians.
- C12. Clear sight lines are to be provided along the entire length of a pedestrian area.
- C13. New development is to incorporate appropriate levels of lighting to all pedestrian areas. All light fittings are to have a form and character that is consistent with that of the building.
- C14. The design and provision of any pedestrian accessways to Waratah Street, Parke Street, or adjoining precincts is to ensure equitable access for all pedestrians.



- C15. No additional vehicular access points are permitted off Parke or Waratah Streets.
- C16. Primary access to parking is to be off Parke Street.
- C17. Any parking and heavy vehicle loading and manoeuvring areas are to be designed to minimise visual impact when viewed from the public domain, and to be safely and efficiently designed.



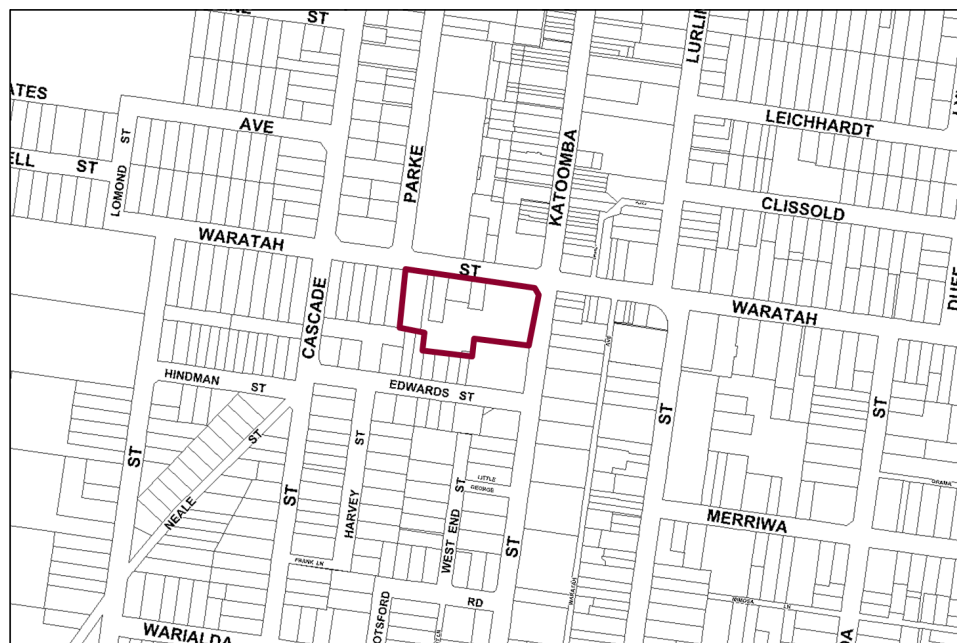
## G5.3 Katoomba Precinct B2-KA03 - Waratah Commercial Precinct

Defining the southern edge of the town centre, this precinct serves as a transition between the retail core and adjacent residential areas. It accommodates a mix of land uses including lower order retail activities, but is characterised by a predominance of commercial and community activities.

The form and scale of new development is to respond to the topography of the site, to reflect the mix of residential and commercial uses and to be limited to one and two-storey buildings.

Access and parking is to be managed efficiently to minimise conflicts with vehicle movements in Waratah Street and the precinct to the north.

Reference should be made to the precinct objectives in clause 7.6(3) of LEP 2015.



**Katoomba Precinct B2-KA03 - Waratah Commercial Precinct**

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.6(3) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.
- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.



**Note:** Refer to LEP 2015 clause 4.3A (Exceptions to the maximum floor space ratio and height of buildings) for additional provisions regarding height and floor space for development in this precinct.

- C4. New development with a frontage to Waratah or Katoomba Street is generally to have a zero setback; however greater setbacks may be considered where it can be demonstrated that the setback incorporates active street frontages.
- C5. Development is to respond to the topography of the site and step down the slope.
- C6. Walls visible from the public domain shall not be left blank, unadorned or unarticulated.
- C7. Development shall present visible retail or other commercial activity along a minimum of 65% of a frontage to Waratah and Katoomba Streets.
- C8. Development fronting the public domain shall provide continuous overhead awnings along the length of that frontage.
- C9. Any parking and heavy vehicle loading and manoeuvring areas are to be designed to minimise visual impact when viewed from the public domain, and to be safely and efficiently designed.

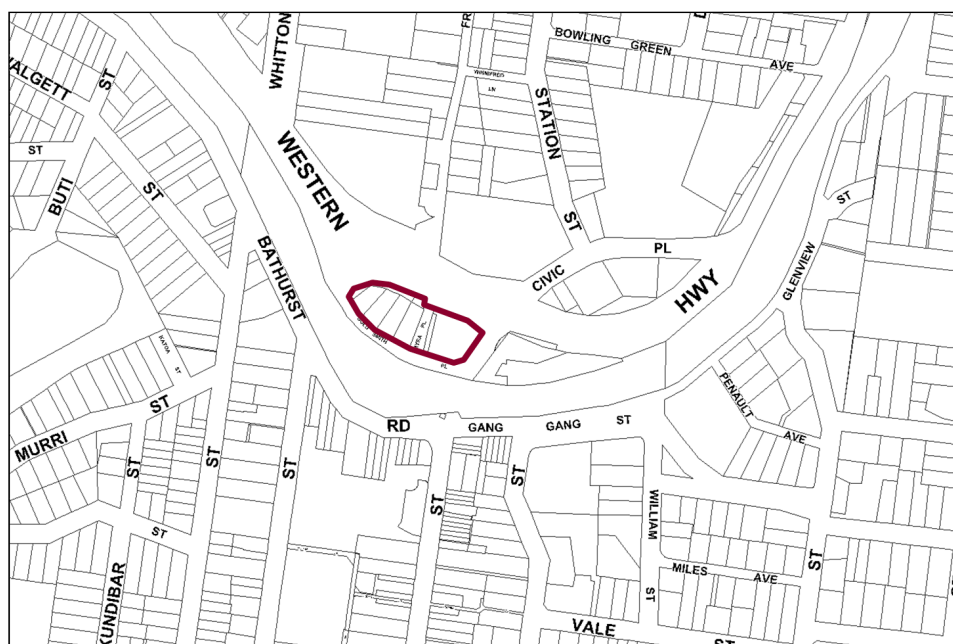


## G5.4 Katoomba Precinct B2-KA04—Town Approach Precinct

Located adjacent to the primary road and rail corridors, this precinct will experience substantial redevelopment of sites and will operate as both a “gateway” and transport interchange for the Katoomba Village. New development will support this gateway role by presenting urban design of the highest quality that contributes to a positive first experience of Katoomba. This, together with a mix of land uses that support the role of the town centre, will entice passing traffic to enter the town.

Trading over extended hours, development will provide passive surveillance and improved public safety and amenity. The precinct’s interchange role will be supported by ample provision of commuter car parking, coach parking and convenient pedestrian access to the town centre. Whilst offering high levels of accessibility to both pedestrian and vehicles, potential conflicts between the two will be minimised.

Reference should be made to the precinct objectives in clause 7.6(4) of LEP 2015.



.Katoomba Precinct B2-KA04—Town Approach Precinct

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.6(4) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.





- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.

**Note:** Refer to LEP 2015 clause 4.3A (Exceptions to the maximum floor space ratio and height of buildings) for additional provisions regarding height and floor space for development in this precinct.

- C4. Buildings fronting Goldsmith Place are to have zero setback to that frontage; however, greater setbacks may be considered, but only where it can be demonstrated that the setback incorporates active street frontages.
- C5. New development is to have visible and interactive uses distributed regularly along 65% of its frontage to Goldsmith Place.
- C6. Where development involves long elevations, they are to present varied heights and forms.
- C7. Walls in new development visible from the public domain are not to be left blank, unadorned or unarticulated.
- C8. Roof forms to new development are to conceal mechanical plant and equipment from adjacent development, private open space and the public domain.
- C9. New development is to provide gateway or entry elements at the corner and frontage of the Great Western Highway and Yeaman Bridge.
- C10. All parking areas and delivery docks are to be concealed from public view.
- C11. New development is to provide awnings or colonnades over the entire length of public footpaths and pedestrian areas.
- C12. New development is to provide pathways that minimise conflicts between vehicles and pedestrians.
- C13. Clear sight lines are to be provided along the entire length of a pedestrian area.
- C14. New development is to incorporate appropriate levels of lighting to all pedestrian areas. All light fittings are to have a form and character that is consistent with that of the building.
- C15. New development is to provide public pedestrian access between Yeaman Bridge and Goldsmith Place, where development provides a frontage to both places.

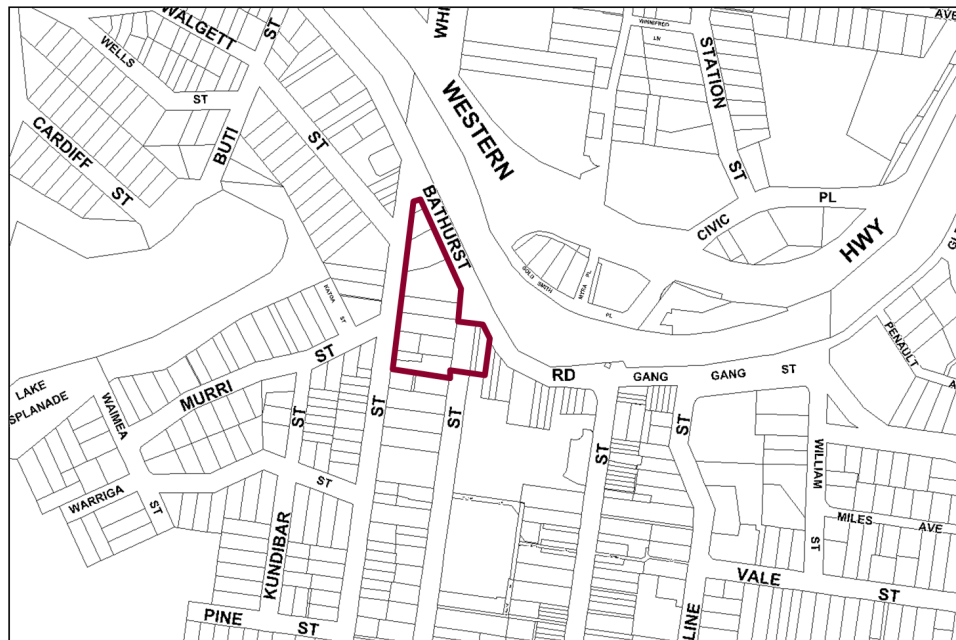
## G5.5 Katoomba Precinct B2-KA05—Town Entry Precinct

This precinct derives its prominence from its town entry position and associated visibility from Yeaman Bridge, Bathurst Road and Parke Street.

New development provides high quality entry statements and contributes to the definition of Katoomba as a town with a unique character defined by its historic built form and environmental setting. This precinct will support the viability of the town's core retail areas by providing a mix of land uses including commercial, residential and retailing opportunities.

Future development will provide a streetscape that is generally two storeys in scale, conserves and celebrates built heritage and period items, and is represented by a near continuous row of separate shop buildings on narrow-fronted allotments. Traffic management measures are provided to facilitate ready vehicular access to the town centre.

Reference should be made to the precinct objectives in clause 7.6(5) of LEP 2015.



**Katoomba Precinct B2-KA05—Town Entry Precinct**

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.6(5) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.





- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.

**Note:** Refer to LEP 2015 clause 4.3A (Exceptions to the maximum floor space ratio and height of buildings) for additional provisions regarding height and floor space for development in this precinct.

- C4. Buildings are to have zero setback to the primary street frontage.
- C5. Buildings are to extend across the full width of the primary street frontage.
- C6. New development is to provide visible retail or other commercial activity along the entire length of primary street frontages.
- C7. New development is to provide a visible and active street frontage distributed along a minimum of 65% of secondary frontages to a public road, laneway or public place.
- C8. Development fronting Parke Street and Bathurst Road is to generally provide the following:
- (a) narrow terraced building forms of masonry construction, and
  - (b) parapets that step with the topography, with pitched or skillion roofs behind, and
  - (c) symmetry and vertical proportion of window and door openings, and
  - (d) articulation of shopfront elements, and
  - (e) cantilevered metal awnings.

**Note:** Guidelines on traditional shopfront design are found in B3.1.3 Infill shopfront buildings in B3 Character and design, and in D1.9.7 Traditional shopfront buildings in Part D1 Heritage where heritage considerations apply.

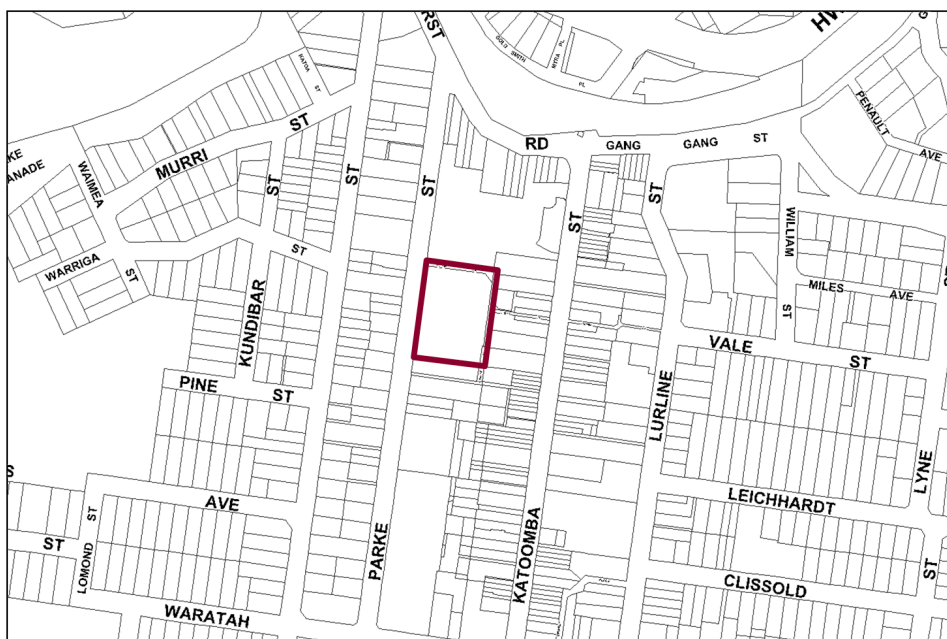
- C9. Signage is to be sympathetic to the style and detailing of the shop front, and be of appropriate size, scale and location.
- C10. New development is to provide continuous overhead awnings along the length of a frontage to a street, laneway or public place.
- C11. New development is to incorporate appropriate levels of lighting to all pedestrian areas. All light fittings are to have a form and character that is consistent with that of the building.
- C12. On-site car parking is not to be accessed directly from Bathurst Road.

## G5.6 Katoomba Precinct B2-KA06—Cultural Centre Precinct

The precinct is defined by the success of the urban renewal strategy that has seen it transformed from a predominantly vacant site into a place that provides a focus for cultural and social activities and learning. The precinct includes shopping experiences, contributing to Katoomba's revitalisation. The development enhances the urban environment in this part of Katoomba and defines the western edge of the town centre as a principal vehicular entry into the town, which is also a gateway to the Echo Point precinct.

The highly successful new landmark buildings contribute a contemporary layer to Katoomba's townscape qualities and to the surrounding urban pattern. The podium provides views of the town's historic streetscapes and the magnificent natural setting. The development is immediately recognisable to visitors of Katoomba as an identifiable cultural and tourism destination. The community and visitors value this place as it celebrates the unique character of Katoomba, while telling its own ongoing story.

Reference should be made to the precinct objectives in clause 7.6(6) of LEP 2015.



**Katoomba Precinct B2-KA06—Cultural Centre Precinct**

### Controls

- CI. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.6(6) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of buildings set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.







- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.
- C4. The maximum site cover for buildings with enclosed walls that are to be erected on the podium level is not to exceed 75% of the total podium area.

#### Design considerations

- C5. Development of the cultural centre is to be the product of an integrated design approach.
- C6. Development is to create significant, interlinked public spaces that can be used independently or in conjunction with the cultural centre.
- C7. Retail development is to include a district supermarket or a major store and may include associated specialty outlets.
- C8. A direct, dedicated and vertically integrated pedestrian route is to link all levels of the cultural facility, retail area and car park.
- C9. Facades are to generally be highly articulated and differentiated to incorporate appropriate rhythm, with proportions and depth in the facade to reduce bulk and mass.
- C10. Long, continuous elevations are to be avoided, with principal facades broken into discrete bays or modules; verticality is encouraged.
- C11. Windows, openings and cultural displays are to be a predominant element on the eastern facade to College Lane.
- C12. Windows are to be provided in the southern facade of the library building.
- C13. The design of parking and heavy vehicle loading and manoeuvring areas on the Parke Street facade is to minimise visual impact when viewed from public streets and places.
- C14. Parke Street elevations are to provide a variety of architectural and urban design elements such as landscaping, viewing places, and windows or openings, with art works or display cases provided along the windowless facades.
- C15. The north-western entry of the site is to achieve a sense of visual connectivity between Parke Street and the public court by measures such as the provision of an open visual entry statement and vistas of the public court for passing vehicles and pedestrians.





- C16. Doors, which are to be provided to any loading bay, are to be fully integrated with architectural elements of the street facade.
- C17. Building design elements such as the use of finishes, materials and colours are to be sympathetic to the historic town centre and adjacent heritage items and avoid large expanses of reflective materials.
- C18. The building design is to indicate locations for public art and commercial signs which will be presented in a manner that does not compromise the building's contribution to the streetscape.
- C19. The development and adjacent public places are to adopt an integrated approach to urban design, landscaping, the display of public art and built form, which serves to identify, and act as a visual attractor for, the cultural facility.

#### Energy conservation

- C20. The design and siting of buildings is to maximise energy conservation techniques in construction, and is to use materials with low embodied energy.
- C21. Water conservation and water management systems are to be implemented.

#### Public spaces

- C22. A major court is to be provided in the northern part of the Precinct at the podium level, providing:
  - (a) a link to the Carrington Hotel to the north, and
  - (b) access between College Lane and Parke Street, which is suitable for use by all members of the community including those with limited mobility.
- C23. The court is to include some shelter and soft landscaping elements to assist with the creation of pleasant liveable space.
- C24. Development is to provide public spaces that are integrated by a suite of directional signage, street furniture and light fittings, which complement and reinforce links to prominent adjoining public places.
- C25. A development application is to show how crime minimisation is to be achieved, particularly for public spaces that could lead to anti-social behaviour.



- C26. The public spaces are to be capable of housing public art initiatives and other events.
- C27. Development is to include public spaces and buildings which provide places from which to view the town and the Jamison Valley and Frank Walford Park.

#### Traffic management

- C28. A Traffic Impact Assessment shall be prepared which identifies the traffic impacts of proposed development and provides mitigation measures, if required, for the local road network.
- C29. College Lane is to be designed for shared pedestrian and vehicular access.

#### Heritage

- C30. Architectural design of any building must respect the heritage significance of the site and its heritage setting.
- C31. Roof forms are to be designed to be viewed from above, with mechanical plant and equipment being concealed or treated to minimise any visual impact.
- C32. Any heritage impact statement required for new development is to demonstrate that the proposed development does not significantly impede views from the upper terrace level of the Carrington Hotel to the Jamison Valley.
- C33. The heritage significance of the Precinct as the location of the first permanent private residence in Katoomba (Froma House, c1867) and as a school site since 1912 shall be interpreted as part of any development proposed for the site.

#### Advertising signage

- C34. The design and size of advertising signage is to:
  - (a) be compatible with the cultural facility;
  - (b) respect the cultural significance of the building;
  - (c) reduce visual clutter by rationalising and simplifying signage; and
  - (d) be the product of an integrated signage package for the entire building or the precinct as a whole.



C35. Advertising signage is to be fully integrated with the architectural elements of that part of the building on which it is located.

C36. Advertising signage that identifies, or relates to the use of, the entire building or the precinct as a whole shall:

- (a) be designed to complement the display of any public art work on the building on which it is located, and
- (b) be located below the podium level.

**Note:** Podium level is defined as: at or below an Australian Height Datum of 1024.5m, at or below the finished level of College Lane at the northern boundary of the precinct, and at or below 12m above the finished level of College Lane at the south eastern boundary of the precinct.

C37. Advertising signage related exclusively to development for the purpose of the district supermarket or other commercial premises located below the podium level, and any associated facilities, is to:

- (a) be compatible with the scale and proportion of the building on which the signage is to be located, and
- (b) be limited to business identification purposes for the major tenant for any signage within the precinct visible from Parke Street, and shall be contained within an envelope or envelopes with a total maximum area of 15m<sup>2</sup>, and
- (c) be limited to business identification purposes for the major tenant and associated retail tenants for any signage within the precinct that is visible from College Lane, and shall be contained within an envelope or envelopes with a total maximum area of 20m<sup>2</sup>, and
- (d) not be used for product promotion or other temporary advertising purposes.

**Note:** Podium level is defined as: at or below an Australian Height Datum of 1024.5m, at or below the finished level of College Lane at the northern boundary of the precinct, and at or below 12m above the finished level of College Lane at the south eastern boundary of the precinct.

C38. Advertising signage must be attached to a building and shall:

- (a) be flush to the wall and not protrude beyond 300mm from the wall to which the structure is attached, or



- (b) be suspended under an awning, entrance or the like, but only where a clearance of 2500mm is provided between the structure and the floor or road pavement below.
- C39. Advertising signage may be considered that does not comply with Control 38 above only if:
  - (a) it is demonstrated that the signage assists in reducing the area of advertising signage and is of a high design quality and finish, or
  - (b) the signage relates to development for the purpose of a cultural facility.
- C40. Any illumination of advertising signage must not:
  - (a) result in unacceptable glare, or
  - (b) affect the safety of pedestrians or vehicles, or
  - (c) detract from the amenity of any residence within the locality.
- C41. To ensure that advertising signage does not compromise safety, signage shall be designed so that:
  - (a) users of the public road are not hindered or distracted by signage, and
  - (b) the sightlines for pedestrians and/or cyclists from public places are not obstructed.

## G5.7 Katoomba Precinct *RI-KA07—Lurline Street South Precinct*

This location presents a range of tourist-related uses that contribute to the visitor experience by providing an interesting and interactive streetscape. Development retains a generally single-storey scale and reflects traditional architectural features of the historic built form within this precinct.

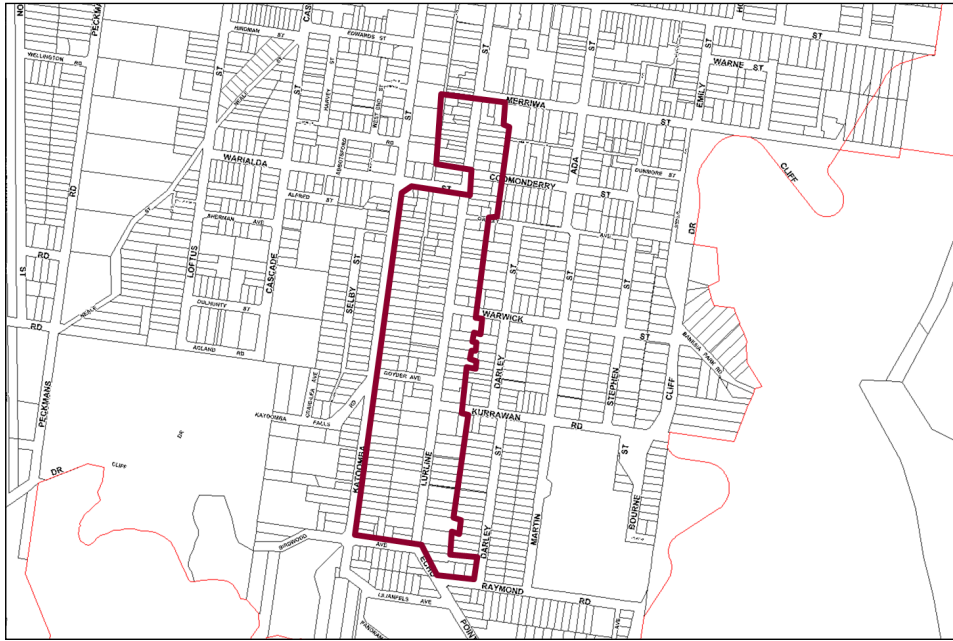
Some typical 19th/early 20th century details present in the locality and are:-

- fence and balustrade railings of vertical or diagonal forms (not horizontal), and
- timber verandahs roofed independently from the main roof, and
- timber windows, usually double hung or casement, and
- doors of panelled construction, and
- weatherboarding and timberwork dressed and painted, and
- circular downpipes, and
- chimneys and chimney pots, and
- fret-worked timber barge boards, and
- timber supported window canopies.

It is essential for new development in this area to be compatible with the predominant heritage and domestic character of the precinct, particularly that typified by the numerous, high-quality Federation period houses present.

Reference should be made to the precinct objectives in clause 7.6(7) of LEP 2015.





**Katoomba Precinct RI-KA07—Lurline Street South Precinct**

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.6(7) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.
- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.
- C4. Development is to have a minimum 10m setback to front road boundaries. This area is to be fully landscaped utilising non-invasive exotic plantings prevalent in the locality. Detailed landscaping plans may be required for larger applications.
- C5. The minimum setback for a front wall of a building or carport, for a non-residential land use, is 3m.
- C6. The maximum area of any site which is to be developed with buildings is 30%.
- C7. No more than 10% of the site is to be hard paved.
- C8. New structures are not to dominate or compete with those existing.

- C9. Streetscape qualities are to be preserved.
- C10. New development is to provide activated street frontages.

#### Forms and finishes

- C11. The building mass of new developments is to be broken into elements of no more than 10m in any dimension to ensure an appropriate scale results.
- C12. Roof form is to relate to neighbouring examples, and have a traditional pitch (approximately 35 degrees) in hipped and/or gabled forms. Flat or simple skillion roofs for a main roof form are inappropriate unless concealed by a parapet.
- C13. Roof cladding is to be generally corrugated metal sheeting or unglazed terracotta (Marseille) tiles.
- C14. Buildings are to incorporate forms and materials that are consistent with, or complementary to, the periods and architectural character of adjoining buildings. This is to include gables, verandahs, hipped roofs, timber cladding or other architectural elements. The treatment of facade elements such as windows, walling and verandahs are to be in keeping with the predominant proportions of existing buildings.
- C15. New work is to be sympathetic to older details without direct imitation. New development is to remain subordinate to the established character through simplified detailing.
- C16. New development is not to conflict in character or scale, but maintain consistency of streetscape.
- C17. Walls in new development visible from the public domain are not to be left blank, unadorned or unarticulated.
- C18. Timber column-supported verandahs should be incorporated in the front elevation where possible and appropriate, to produce a shadow-effect and be a defining element of a building facade. Verandah widths can be varied to suit the measure of climatic control required. Verandahs need not return around all sides of a building to provide a desirable appearance.
- C19. The verticality of windows is to be preserved where visible. Both doors and windows can be grouped together in bays to provide large glass areas if required and where appropriate.





- C20. Timber windows are generally to be used in preference to aluminium particularly where visible. Timber windows are generally to be painted externally.
- C21. Front fences are to match the primary material of the house, and be either of low brick construction with piers and panels, timber pickets or hedges.
- C22. Appropriate wall surfaces are to be used. These include simple face brickwork, plain dry-pressed 'commons' bricks, rendered and painted brick walls, timber weatherboards, and fibre cement sheeting.
- C23. Traditional heritage colour schemes are generally to be followed; a light stone colour should be chosen for walling, with a dark colour for architectural trim. Corrugated metal roofs are preferably dark green, dark red or plain galvanised steel. Many standard 'Colorbond' colours are not appropriate for historic precincts.
- C24. Buildings are to be constructed on solid brick or stone bases surrounding sub-floor areas.
- C25. Commercial signage is to be co-ordinated to reflect a village character, with local design themes predominating over corporate signage.

#### Landscaping

- C26. Existing plantings, mature trees and dominant garden elements are to be generally maintained. This is of particular importance in front setback areas. Landscaping of new developments is to repeat appropriate elements of existing plantings in the locality. A strong preference is to be given to non-invasive exotic species.

#### On-site parking

- C27. Garages, access and car parking are to be screened from the public domain and located behind the front building line so as not to adversely impact upon streetscape, pedestrian circulation, and building character.
- C28. All parking demands generated by developments are to be met fully on-site.



### Existing Buildings (Dwellings)

- C29. Where non-residential uses on developed sites are proposed, priority is to be given to the conservation, adaptive re-use and restoration of existing dwellings. The demolition of existing buildings will generally not be supported unless, in the opinion of the Council, the subject building is not contributory to the character and value of the streetscape.

### Existing Motels

- C30. The existing motels in this precinct are discordant elements and their sympathetic redevelopment is encouraged, to provide a more domestic scale. This generally means:
- (a) articulated forms of no greater than 10m by 15m, and
  - (b) one or two-storey height, and
  - (c) traditional building and roof forms, and
  - (d) parking underground or out of sight of the road, and
  - (e) driveway entrances with a domestic scale of approximately 3m wide, and
  - (f) substantial tree planting, and
  - (g) limited signage, and
  - (h) vehicular access limited to Katoomba Street and Lurline Street.

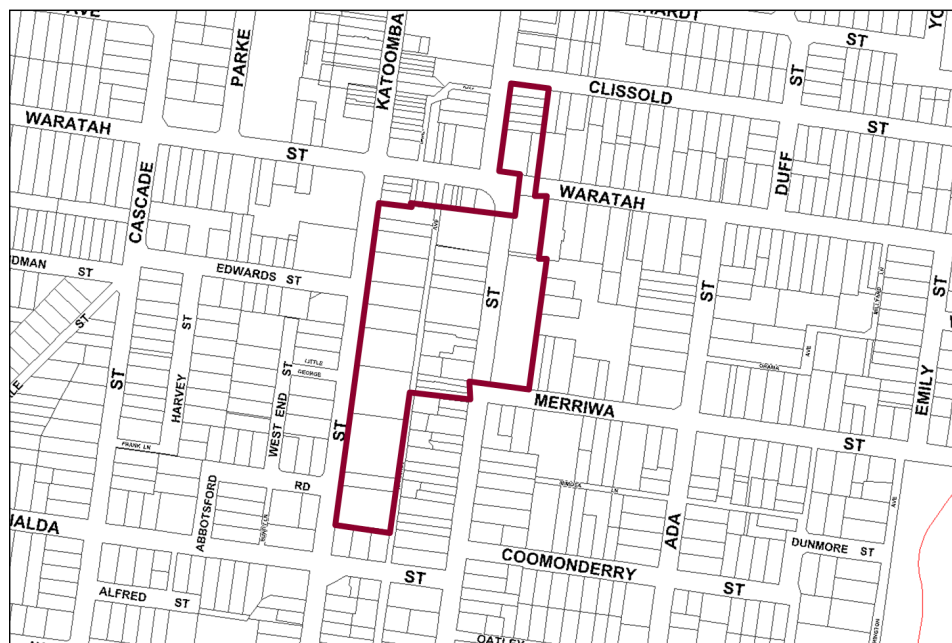


## G5.8 Katoomba Precinct R1-KA08—Lurline Street North Precinct

The precinct is characterised by a diversity of residential and commercial uses catering to both local residents and tourists. It contains a mixture of single dwellings, larger character properties such as guesthouses and hotels, as well as modern buildings which interrupt the historic character of the town centre fringes. Built form is of a comparatively denser scale and takes advantage of the unique views available to the east over the Jamison Valley. Architectural detailing reflects forms and finishes present in the historic guesthouses and other residential buildings typical in and around Lurline Street.

Future development is to consolidate the higher density built form and tourist land uses within this area. The consolidation of land uses assists in providing a connection between the Katoomba town centre and Echo Point.

Reference should be made to the precinct objectives in clause 7.6(8) of LEP 2015.



**Katoomba Precinct R1-KA08—Lurline Street North Precinct**

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.6(8) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.

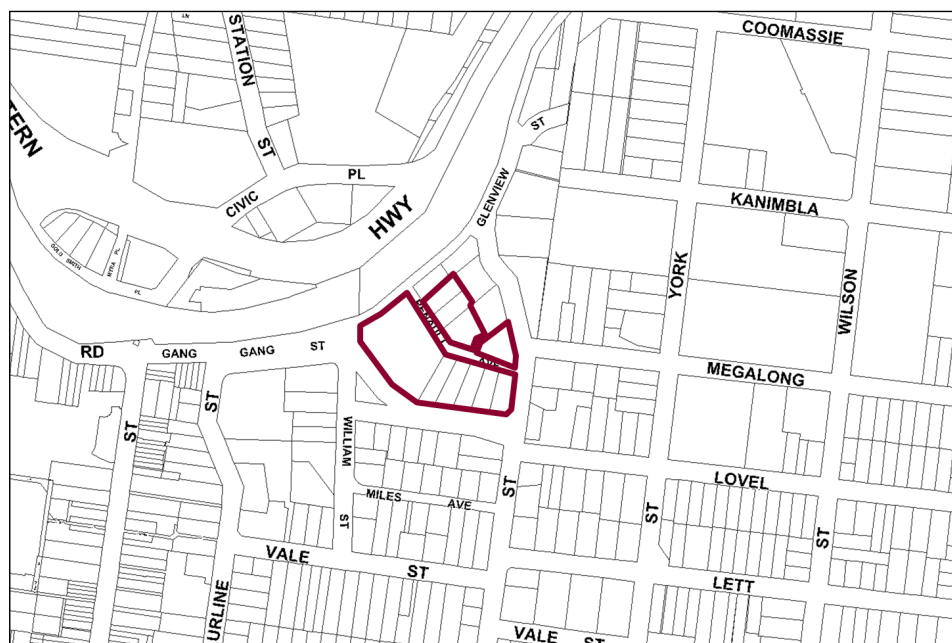
- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.
- C4. Front setbacks are to be consistent with setbacks of adjoining properties.
- C5. The maximum site coverage of any building is not to exceed 50% of the total site area.
- C6. New development must enable view sharing with surrounding development, particularly from main habitable rooms of that development.
- C7. New development must be able to provide for basement car parking if required.
- C8. New development is to incorporate through-site pedestrian links to improve the permeability of the area if appropriate and desirable.
- C9. New development is to provide activated street frontages.
- C10. New development is to be sympathetic to the traditional building forms, materials and details of the precinct, including the use of traditionally-pitched roofs, articulated layouts and forms, verandahs, timber joinery, vertically-proportioned openings and some painted external finishes, with a curtilage of landscaped areas and an address to the street provided. New development is to be similar in form and materials to quality older buildings but subservient in detail to distinguish it as new work.
- C11. Walls in new development visible from the public domain are not to be left blank, unadorned or unarticulated.
- C12. Commercial signage is to be co-ordinated to reflect a village character, where local design themes predominate over corporate signage.
- C13. Garages, access and car parking are to be screened from the public domain and located behind the front building line so as not to adversely impact upon streetscape, pedestrian circulation, and building character.



## G5.9 Katoomba Precinct RI-KA09—Gang Gang Street East Precinct

Situated on one of the highest points in Katoomba and with expansive views to the Jamison Valley, development on this site reinforces the historically significant tradition of guesthouse accommodation within the precinct. Development is responsive to the historic significance of buildings within the precinct and provides for a transition of building scale, with reduced scale toward the land within the zone E4 Environmental Living to the north. The commanding presence of the built form within a landscape setting is maintained and there are strong pedestrian linkages between the precinct and the town centre. Period features are retained. Any additions to the existing buildings are consistent with the historic architectural themes.

Reference should be made to the precinct objectives in clause 7.6(9) of LEP 2015.



**Katoomba Precinct RI-KA09—Gang Gang Street East Precinct**

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.6(9) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.

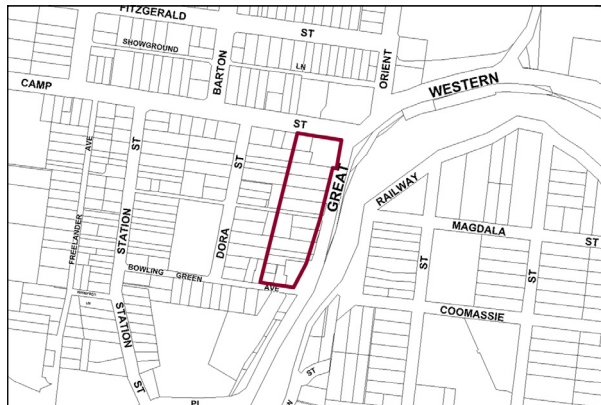
- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.
- C4. The minimum setback from the Gang Gang Street boundary of the precinct is to be consistent with that established by existing development.
- C5. The minimum setback from the southern frontage of Penault Avenue is 2m.
- C6. The minimum setback from the northern frontage of Penault Avenue is 8m.
- C7. The minimum setback from the precinct boundary adjoining Glenview Street is 3m.
- C8. The maximum site coverage for buildings shall not exceed 50% of the total site area.
- C9. Development is to retain and enhance the landscape setting of buildings fronting Gang Gang Street, with terraced gardens and paths extending down to street level.
- C10. New development is to incorporate forms and finishes that are consistent with, or complement the periods and architectural character of adjoining buildings.
- C11. Walls that are visible from any public road or the transport corridor are not to be left blank, unadorned or unarticulated.
- C12. Commercial signage is to be non-obtrusive and complement the historical character of the precinct.
- C13. Parking is to be located off Penault Avenue.
- C14. Existing landscaping within the building setback to the north of Penault Avenue is to be retained or enhanced as part of any development proposal.



## G5.10 Katoomba Precinct R3-KA10—Great Western Highway Precinct

This location provides opportunities for the provision of urban housing in a form that positively contributes to the eastern approach to Katoomba and incorporates distinctive tree planting.

Reference should be made to the precinct objectives in clause 7.6(10) of LEP 2015.



### Katoomba Precinct R3-KA10—Great Western Highway Precinct

#### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.6(10) of LEP 2015 .
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.
- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.
- C4. The minimum setback from the Great Western Highway is 10m.
- C5. The existing dwelling houses (excluding sheds and buildings ancillary to the dwelling house) are to be retained and restored as part of the redevelopment of any site.
- C6. Tree plantings in accordance with the Street Tree Masterplan are to be provided within the front building setback of allotments that front the Great Western Highway to enhance the eastern entry to Katoomba.
- C7. Development is to provide an activated and pedestrian-friendly street front to Edwin Lane and Bowling Green Avenue.

## G5.11 Katoomba Precinct R3-KA11—Dora Street Precinct

Alternative forms of housing are provided in close proximity to community uses and Katoomba town centre whilst retaining the older (pre-1946) houses within the Period Housing Area.

Reference should be made to the precinct objectives in clause 7.6(11) of LEP 2015.



**Katoomba Precinct R3-KA11—Dora Street Precinct**

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.6(11) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.
- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.
- C4. The minimum setback from the boundary to Dora Street and Edwin Lane is 4m.
- C5. The existing dwelling houses (excluding sheds and buildings ancillary to the dwelling house) are to be retained and restored as part of the redevelopment of the site.
- C6. Development is to provide an activated and pedestrian-friendly street front to Edwin Lane and Dora Street. The activated street front may be achieved through incorporation of the existing dwellings as part of the development, which is encouraged.



## G5.12 Katoomba Precinct R3-KA12—GWH Between Bowling Green Avenue and Station Street Precinct

The site contains the Renaissance Centre, a heritage item which forms a visually significant landmark at the eastern entrance to Katoomba. Development is to respond to the visual dominance of the Renaissance Centre whilst allowing for opportunities for the concentration of alternate residential development in close proximity to Katoomba town centre.

Reference should be made to the precinct objectives in clause 7.6(12) of LEP 2015.



**Katoomba Precinct R3-KA12—GWH Between Bowling Green Avenue and Station Street Precinct**

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.6(12) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.
- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.



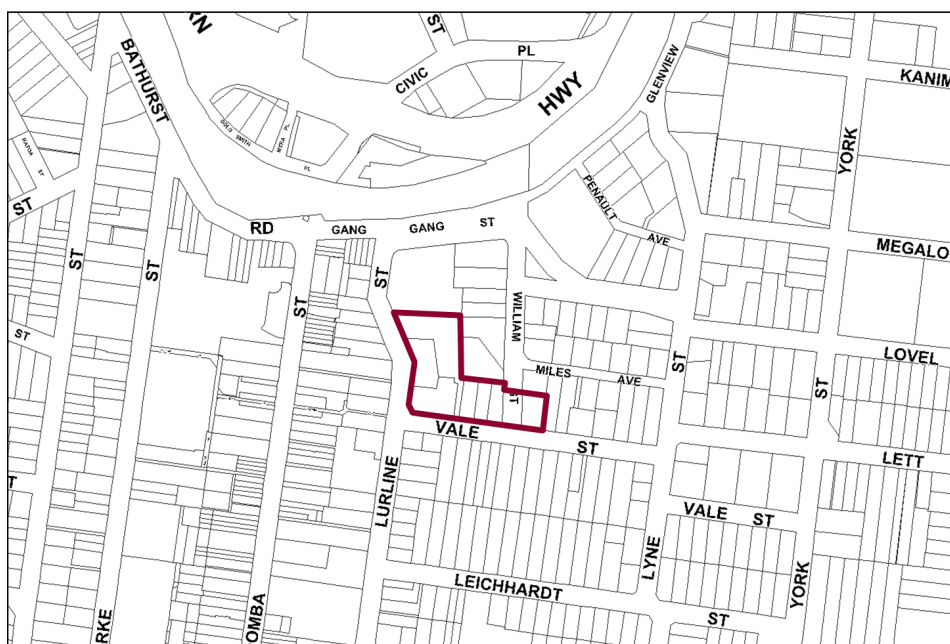
- C4. New work to the Renaissance Centre is to be executed in accordance with and must have regard to the recommendations of a detailed heritage assessment and conservation management plan prepared by a qualified heritage consultant aimed at minimising adverse heritage impacts related to development of the site. New development will require approval from the NSW Heritage Council.
- C5. Any new buildings for the site are to be located to preserve the curtilage of the Renaissance Centre that is established, to the satisfaction of the consent authority, by the heritage impact assessment and conservation management plan for the site.
- C6. The existing buildings on site are to be retained.
- C7. Access to the site is to be provided via Station Street.
- C8. The existing mature eucalypts are to be retained where possible and substantial plantings undertaken in order to screen hard surfaces and car parking areas from the Great Western Highway.



## G5.13 Katoomba Precinct R3-KA13—Lurline and Vale Streets Precinct

Alternative forms of housing incorporate views to the southeast and provide passive surveillance of Kingsford Smith Park. The topography of the site promotes development that steps down the slope, thus permitting the retention of views to the south-east from Lurline Street. Design of buildings is to be responsive to the heritage significance of Kingsford Smith Park and the character of the historic buildings within the vicinity and also respond to the prominence of the location and the topography of the site.

Reference should be made to the precinct objectives in clause 7.6(13) of LEP 2015.



**Katoomba Precinct R3-KA13—Lurline and Vale Streets Precinct**

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.6(13) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.
- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.
- C4. The minimum setback from Lurline Street is 8m.

- C5. The minimum setback from Vale Street is to be within 20% of the average setback of dwellings on adjoining allotments.
- C6. Buildings are to step down the slope.
- C7. Development is to take into consideration the retention of existing views from buildings on Lurline Street and is to retain view corridors from Lurline Street to the south east to the satisfaction of the consent authority.
- C8. Filtered views are to be provided from the living areas of dwellings into Kingsford Smith Park where possible.
- C9. Development adjacent to Vale Street is to address the street and provide an active frontage such as windows, doors and verandahs.
- C10. Landscaping is not to significantly obstruct views from buildings into Kingsford Smith Park.



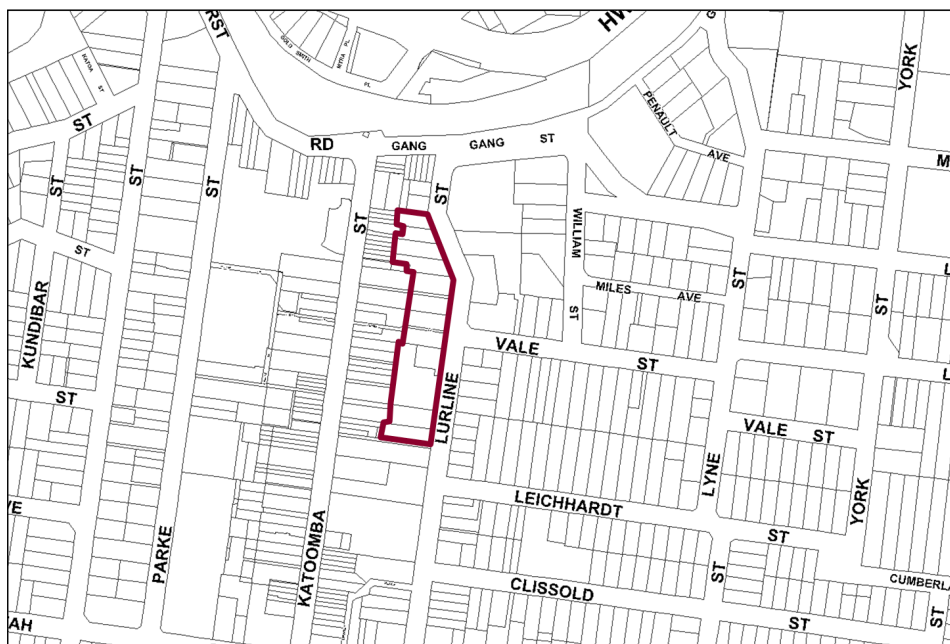
## G5.14 Katoomba Precinct R3-KA14—Lurline Street Housing Precinct

Forming the eastern edge of the town centre, this precinct provides multi-dwelling accommodation for both tourists and residents in a setting that is representative of a diversity of early twentieth century period apartment buildings and guesthouses.

New development is to contribute to the availability of diverse housing opportunities; however, traditional housing forms and their gardens are to be conserved and new development is to be of a built form consistent with and sympathetic to the relevant style of traditional housing.

The precinct will maintain strong connections to Katoomba Street through safe and convenient stairways and laneways.

Reference should be made to the precinct objectives in clause 7.6(14) of LEP 2015.



**Katoomba Precinct R3-KA14—Lurline Street Housing Precinct**

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.6(14) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.

- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.
- C4. Development is to provide a front building line consistent with that established by existing and adjacent development.
- C5. Buildings are to conform to established building height patterns and be set behind landscaped front gardens.
- C6. Building design is to be sympathetic to existing Federation and Inter-War apartment and guesthouse forms, and utilise open and/or glazed verandahs, traditionally-pitched roofs with appropriate roof detailing, articulated and painted brickwork walls, projecting bay windows, vertically-proportioned openings, and timber-framed balconies as relevant.
- C7. Garages may front Lurline Street where the site grade and traffic safety permits.

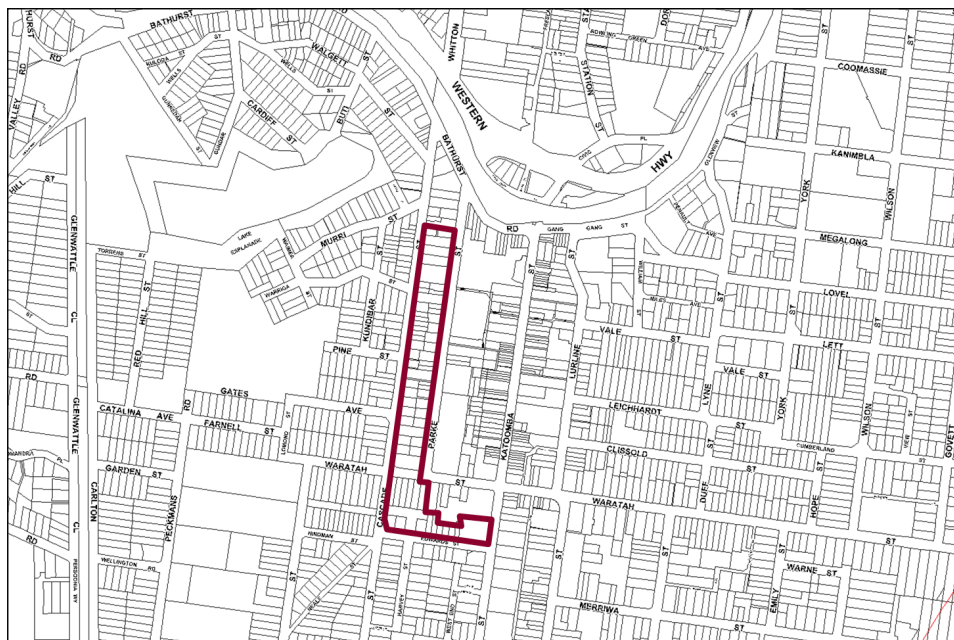


## G5.15 Katoomba Precinct R3-KA15—*Cascade and Parke Street Edge Precinct*

Defining the western and southern edges of the town centre, this precinct serves as a transition between the retail core and adjacent residential areas. It accommodates a mix of land uses including lower order commercial and smaller home based employment activities.

New development reflects the mix of residential and commercial uses, however new development will be consistent with a predominantly residential streetscape, which is characterised by one and two-storey scale development with curtilages made up of gardens and landscaping.

Reference should be made to the precinct objectives in clause 7.6(15) of LEP 2015.



**Katoomba Precinct R3-KA15—*Cascade and Parke Street Edge Precinct***

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.6(15) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.
- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.

- C4. Buildings fronting Parke Street are to have a minimum setback of 3m.
- C5. Buildings fronting Cascade Street is to have a minimum setback of 5m.
- C6. Development on Cascade Street are to incorporate landscaped front gardens.
- C7. New development is to be sympathetic to the traditional building forms, materials and details of the precinct, including the use of traditionally-pitched roofs, articulated layouts and forms, verandahs, timber joinery, vertically-proportioned openings and some painted external finishes, with a curtilage of landscaped areas and an address to the street provided. New development is to be similar in form and materials to quality older buildings but subservient in detail to distinguish it as new work.
- C8. Parking areas are to be designed in a manner that minimises their visual impact when viewed from the public domain.
- C9. Pedestrian access is to be provided to public walkways adjacent the precinct.
- CI0. Separate entrances are to be provided for residential and commercial uses in mixed use developments.



## G5.16 Katoomba Precinct R3-KA16—Cnr Great Western Highway and Camp Street Precinct

Development recognises and retains the important role and prominence of the site as part of the eastern approach to Katoomba. Infill development on the site presents a high quality urban design that complements the low density scale of development on the adjoining lands and retains existing period buildings within the precinct. Existing mature plantings are retained and further planting incorporated into the future development of the site.

Reference should be made to the precinct objectives in clause 7.6(16) of LEP 2015.



**Katoomba Precinct R3-KA16—Cnr Great Western Highway and Camp Street Precinct**

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.6(16) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.
- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.



- C4. The setback from the Great Western Highway, Orient Street and Showground Lane boundaries of the precinct is to be consistent with that established by existing development.
- C5. The setback from the Camp Street frontage is to allow for established vegetation gardens to be retained and is to be within 20% of the average setback of adjacent dwellings along Camp Street.
- C6. The maximum site coverage for buildings is 50% of the total site area.
- C7. Buildings facing Camp Street and Orient Street are to incorporate windows, doors, gables, awnings, verandahs and similar along these frontages.
- C8. Tree plantings in accordance with the Street Tree Masterplan, are to be provided within the front building setback to Camp Street.
- C9. The existing motel building and Federation cottage fronting Orient Street are both to be retained in new development.
- CI0. Garages and car parking are to be screened from the public domain and located internally so as not to dominate streetscape views.



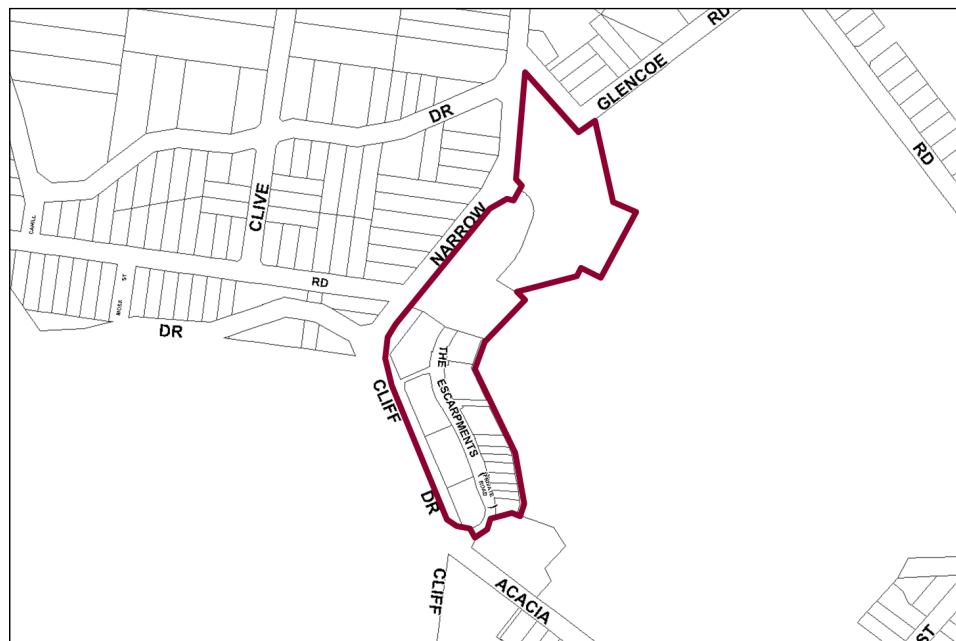
## G5.17 Katoomba Precinct R3-KA17—Katoomba Golf Course Housing Precinct

The precinct will accommodate a mix of attached townhouse style dwellings and detached dwellings that contribute to meeting housing demand in accordance with changing demographics in the Blue Mountains.

The development of the precinct will include high quality urban design outcomes in response to environmental constraints and the opportunities provided by its location adjacent to a ridgeline overlooking the Katoomba Golf Course, Katoomba urban area and the Blue Mountains National Park.

New building works will reflect the general pattern, scale and forms of existing adjacent residential development.

Reference should be made to the precinct objectives in clause 7.6(17) of LEP 2015.



**Katoomba Precinct R3-KA17—Katoomba Golf Course Housing Precinct**

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.6(17) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.



- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.
- C4. The height above the existing ground level for the lowest habitable floor level is not to exceed 3m.
- C5. The maximum cut is 2m for townhouses and 1m for detached dwellings.
- C6. The maximum fill is 2m for townhouses and 2.5m for detached dwellings.
- C7. The minimum setback from The Escarpments street frontage and the internal road street frontage (that intersects with Narrow Neck Road) is 5m for townhouses and 6m for dwelling houses.
- C8. The minimum side boundary setback is 1m for townhouses and 1.5m for dwelling houses.
- C9. The minimum building setback from the Narrow Neck Road boundary and the Glencoe Road boundary is 12m. A minor departure from this provision may be supported if the Council is satisfied that the objectives and provisions for the precinct will be achieved.
- C10. Apart from the provision of an access road, pedestrian pathways, fences, mailboxes and the like, existing vegetation within 12m of the boundaries of the reserves of Narrow Neck Road or Glencoe Road is not to be disturbed.
- C11. All setback areas are to be landscaped.
- C12. The maximum site cover for buildings is 40% of the total allotment area.
- C13. The minimum area to be retained as soft, pervious or landscaped area (excluding hard surfaces) is 40% of the total allotment area.
- C14. Development is to be sited, designed and constructed to minimise impacts on surrounding areas.
- C15. Landscaping is to be compatible with the native bushland communities and exotic plantings and exotic plantings on adjacent properties while minimising bush fire hazard.



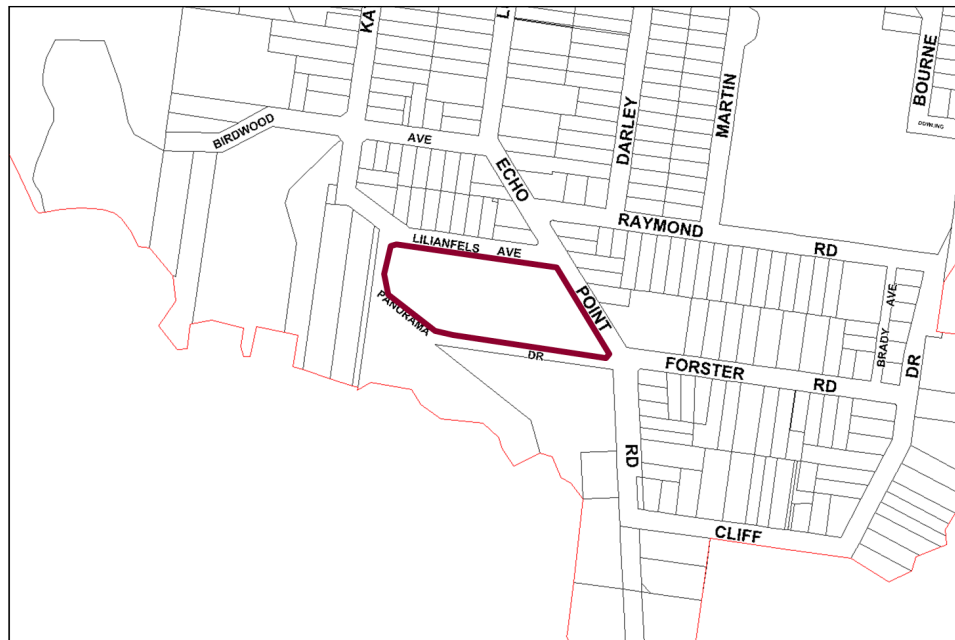
- C16. A landscaped area not less than 5m wide is to be provided between any building and the golf course. That area is to be planted with species that will, at maturity, provide a soft filtered view of the building from the golf course. The species used to achieve this screening are to be either endemic to the area or non-invasive exotic species compatible with the existing plantings used on the golf course.
- C17. Provision is to be made around and between any building for the planting of trees that grow to sufficient heights to provide a canopy that will reduce the prominence of such buildings in the landscape when viewed from distant viewpoints. Plant species that minimise bush fire hazard are preferred.
- C18. Building design is to integrate with the surrounding residential scale and to enhance amenity through the creation of view corridors, view sharing, passive solar design, quality architectural treatment and recessive colour schemes (neutral or earthy tones with low reflectivity).
- C19. Driveways, parking areas and garages are not to dominate any street frontage, and are to be integrated with the design of surrounding landscaped areas.
- C20. A maximum of two vehicular access points are to be provided to access the combined development. Each access point is to incorporate a roundabout in the existing public road to be located and designed to the Council's satisfaction.
- C21. A combined cycleway and footpath is to be provided from the junction of Glencoe and Narrow Neck Roads to the existing golf clubhouse.

## G5.18 Katoomba Precinct R1-KA18 - Lilianfels

This precinct operates as a substantial tourist accommodation complex that has been incorporated into a highly significant heritage site. Lilianfels Park to the south and the surrounding streets are of high streetscape and cultural value adjacent the Echo Point area. The precinct is adjacent multiple significant and spectacular views and viewing points.

Future development must take into consideration the sensitivity of the location in relation to exceptionally important areas of natural and cultural value. Consideration of bulk and scale, settings, views, architectural treatments and commercial signage are paramount.

Reference should be made to the precinct objectives in clause 7.6(18) of LEP 2015.



**Katoomba Precinct R1-KA18—Lilianfels**

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.6(18) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.
- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.





- C4. A minimum curtilage of 30m is to be retained around Lilianfels within which no new above-ground development is to occur.
- C5. Stands of mature trees, including street plantings, are to be preserved.
- C6. Lilianfels garden, and its principal elements (paths, hedges, gazebos) is to be retained, restored and enhanced according to management principles of a relevant conservation management plan.
- C7. The minimum setback to any road frontage for all new buildings is 10m.
- C8. Vehicular access to any new development is to be restricted to Echo Point Road and/or Panorama Drive.
- C9. Vehicular access-ways are not to be created on or within 15m of a corner.
- C10. Landscaping of the site is to be in accordance with professionally prepared and approved plans, utilising predominantly non-invasive exotic plantings and elements characteristic to the locality.
- C11. No more than 30% of the surface area of the land is to be developed with buildings.
- C12. No more than 10% of the surface area is to be hard paved.
- C13. No uses or activities deemed to be noisy or disruptive to the residential amenity of the area will be supported.
- C14. The use of the land is limited to low-key, guesthouse-style tourist accommodation and associated facilities such as a restaurant or tea room.
- C15. No new building development north of Lilianfels is to occur.
- C16. No new building is to exceed the maximum height above ground level of Lilianfels, or visually dominate it or surrounding roadways.
- C17. Existing views from adjacent residences to the south are to be maintained.
- C18. New development which is to be located to the east of Lilianfels is not to exceed two storeys in height, where the second storey is contained within a pitched roof space.
- C19. The architectural treatment and design of new development is to be sympathetic and subservient to Lilianfels in form, materials and detailing.

- C20. All parking demands generated by any new development are to be met and fully provided on-site.
- C21. New work to Lilianfels is to be executed in accordance with a detailed conservation management plan prepared by a qualified heritage consultant and will require approval from the NSW Heritage Council.



## G5.19 Katoomba Precinct R1-KA19—Echo Point Road Precinct

This precinct currently operates as budget to mid-range tourist accommodation and enjoys views towards the iconic Echo Point. In addition, significant sightlines into the site are exposed as visitors leave the major tourist attraction of Echo Point traveling north along Echo Point Road. The site adjoins the Lilianfels precinct to the west and nestles within a residential area characterised by single dwelling houses with prominent traditional garden settings.

Future development must take into consideration the sensitivity of the location in relation to the important areas of cultural and heritage value. Consideration of bulk and scale, settings, views, architectural treatments and commercial signage are paramount.

Reference should be made to the precinct objectives in clause 7.6(19) of LEP 2015.



**Katoomba Precinct R1-KA19—Echo Point Road Precinct**

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.6(19) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying Height of Buildings Map.





- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying Floor Space Ratio Map.
- C4. The minimum setback to Forster Road frontage for all new buildings is 15m.
- C5. The minimum setback to Echo Point Road frontage for all new buildings is 10m.
- C6. The minimum setback to the side (eastern) boundary is to be 6m. Setback is to be landscaped to ensure adjoining residential amenity is protected.
- C7. The minimum setback to the rear (northern) boundary is to be 3m to allow for sufficient landscaping to screen the development from residential properties to the north.
- C8. Landscaping of the site is to be in accordance with professionally prepared and approved plans, utilising predominantly non-invasive exotic planting and elements characteristic to the locality.
- C9. Landscaping of the site should provide screening of the development from both Forster Road and Echo Point Road.
- C10. Existing healthy and structurally sound mature trees are to be retained and protected.
- C11. A minimum of 60% of the site area is to be soft pervious or landscaped area.
- C12. No uses or activities deemed to be noisy or disruptive to the residential amenity of the area will be supported.
- C13. Vehicular access-ways are not to be created on or within 15m of the intersection of Echo Point Road and Forester Road.
- C14. All parking demands generated by any new development are to be met and fully provided on-site.
- C15. Car parking is to be screened from the public domain and integrated with surrounding landscaped areas.

**Note:** Additional landscape controls specific to the R1 zone apply, refer to Part C3.8

## G5.20 Katoomba Precinct RE2/SP3-KA20—Violet Street Precinct

Recreational and tourism related activities have long been established within this precinct, which is located on the edge of the escarpment and world heritage listed national park, well outside the Katoomba town centre. The precinct provides employment and business opportunities which complement the town centres and provide increased variety for recreation and tourism related land uses. The precinct is also adjoined by residential development and the Katoomba golf course.

Future development must take into consideration the sensitivity of the location in relation to the exceptionally important areas of environmental and cultural value. Consideration of bulk and scale, settings, views, architectural treatments, commercial signage and residential amenity are paramount.

Reference should be made to the precinct objectives in clause 7.6(20) of LEP 2015.



### Katoomba Precinct RE2/SP3-KA20— Violet Street Precinct

#### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.6(20) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying Height of Buildings Map.



- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying Floor Space Ratio Map.
- C4. Buildings and other structures located on land identified as having Scenic Landscape Value on the Scenic Landscape Value Map are to be landscaped so as to minimise the visual impact from any public place, Reserve or National Park, including but not limited to Echo Point.
- C5. All buildings on 119 Cliff Drive, Katoomba are to be distributed throughout the site so as to minimise the impact when viewed from any given point, either internally or externally.
- C6. The existing bushland character of the precinct is to be retained and enhanced.
- C7. The minimum setback for any new development, from any road reserve is 8m.
- C8. The maximum building site coverage for land at 41 Violet Street, Katoomba and land at 119 Cliff Drive is 15%.
- C9. The minimum area to be retained as soft pervious or landscaped (excluding hard surfaces) on land at 41 Violet Street and 119 Cliff Drive, Katoomba is 70% of the total allotment area.  
  
In calculating the landscaped area of 41 Violet Street, the landscaped area can include an area for car parking up to a maximum of 15,000m<sup>2</sup>, provided that the car parking area incorporates effective water sensitive urban design measures, in accordance with Blue Mountains DCP 2015.
- C10. The minimum area to be retained as soft pervious or landscaped area (excluding hard surfaces) on land at 2 Violet Street, Katoomba (Scenic World) is 10% of that part of the site not zoned E2 Environmental Conservation.
- C11. The minimum area to be retained as soft pervious or landscaped (excluding hard surfaces) on land at 4-12 Violet Street, Katoomba is 60% of the total allotment area.
- C12. Development is to provide articulation and building modulation in order to minimise the bulk of buildings.
- C13. Development must consider amenity impact on the adjoining residential dwellings and include reasonable measures to mitigate impacts.



C14. Development is to provide landscaping along the street frontages that is reflective of landscape character and existing endemic vegetation communities along Cliff Drive and Violet Street.

C15. Car parking is to be integrated with landscaped areas such that it is well screened from the public domain. Parking areas should be located so as to not to adversely impact upon streetscape, pedestrian circulation, building character and residential amenity.

**Note 1:** Additional landscape controls specific to the SP3 zone apply, refer to Part C3.8

**Note 2:** Additional landscape controls specific to car parking areas apply, refer to Part F

# G6.LAWSON

G6.1	Lawson Precinct B2-LA01—Town Centre Precinct	678
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G6.4	Lawson Precinct R3-LA04—Housing Precinct	686

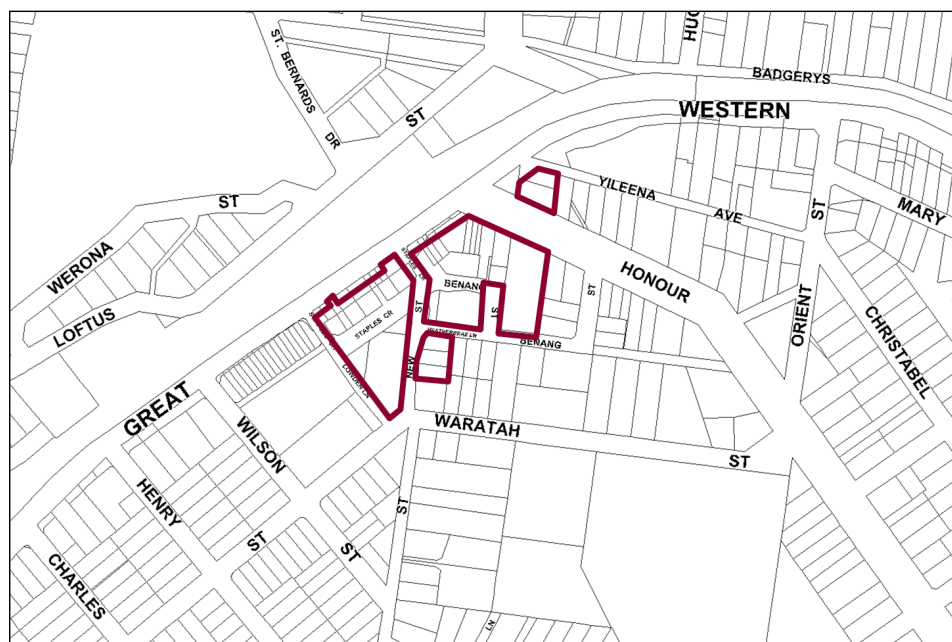


## G6.1 Lawson Precinct B2-LA01—Town Centre Precinct

The Lawson Town Centre precinct has experienced significant changes associated with the widening of the Great Western Highway. The Lawson Village Centre Masterplan was prepared to guide future development of the Town Centre Precinct, which is undergoing revitalisation. A site-specific DCP was also prepared to promote and guide the progression of the Masterplan.

The predominant objectives of the Masterplan have been achieved with the creation of the public domain within the new town centre. The restored Heatherbrae has become the focus for a new village centre and park.

The Lawson DCP has been consolidated into the existing Town Centre Precinct controls following the completion of the public domain elements, to ensure that future development within the precinct remains consistent with the aims of the Masterplan and the DCP.



**Lawson Precinct B2-LA01—Town Centre Precinct**

### Desired future character

The Town Centre precinct presents opportunities to enhance community well-being through the expansion and improvement of commercial and community facilities, whilst retaining the village scale and the cultural elements important to the local community and history of Lawson. The retail /commercial activities within the town centre cater for the needs of the community and passing highway trade including tourism opportunities. Sustainability and accessibility are further components of the continuing redevelopment of the town centre.



The relationship with the Highway and railway is enhanced and protected, as is the clear urban structure of the roads, streets and public spaces. Vehicular parking areas fronting shops along the Highway provide good access for Highway traffic; however, a new focus for local retail and community activity is protected and enhanced to the rear of shops that face the Highway. Good parking availability and safe pedestrian routes interact to provide a compact urban structure with high levels of amenity and accessibility.

A sense of place and positive links to the past are enhanced through landscape elements and built form, with adequate open space and safe pedestrian-friendly places. New built form seeks to complement the traditional character of surrounding buildings and the character of other villages. Welcoming open spaces are defined by built form. Four public spaces predominate:

- (a) Douglass Square: Heritage character around Douglass Square is retained and interpreted, enhancing this place as the main civic and historical place in Lawson, and a heritage gateway to the town centre;
- (b) Heatherbrae: The setting and landscape of Heatherbrae is a 'Village Park' fronting New Street as a second public domain space. Important views of and from Heatherbrae and distant views of the natural environment to the south are retained and enhanced;
- (c) A Village Square is a focal point behind the shops that front the Highway, with outdoor seating and retail frontages;
- (d) The Community Centre is capable of extension, with a community garden area at the rear.

These public spaces are interconnected through walkways and pathways. The primary entrance to the town centre is marked at the intersection of New Street and the Great Western Highway. Two public spaces act as pedestrian gateways to the precinct; at Douglass Square and at the Mid Mountains Community Centre. New Street is consolidated as the main street in the Lawson town centre.

Diverse commercial activity caters for both locals and visitors, with an emphasis on a strong local economy. Additional shop buildings give an expanded active street frontage layout that adds vitality and viability to the precinct. Commercial uses are maintained along the Highway to attract passing trade. Additional residential accommodation or additional commercial uses are housed in two-storey buildings facing the Highway, where shop-top housing can enable passive surveillance and after-hours activity. Community spaces in the vicinity of the Mid Mountains Community Centre and Heatherbrae support a sense of place.

Reference should be made to the precinct objectives in Clause 7.7(1) of LEP 2015.



**Note:** The *Community Infrastructure Contributions Plan for Lawson Town Centre* (Lawson Contributions Plan) applies to this precinct. Parking credits are identified within the Lawson Contributions Plan for certain lots fronting the Great Western Highway. The plan can be accessed via Council's website.

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.7(1) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.
- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.
- C4. Development is to have a zero side setback, except where the side boundary adjoins a public place, where side setbacks greater than zero may be considered, but only when it can be demonstrated that an active frontage is provided.
- C5. Development may provide a maximum site cover of 100% of the total allotment area.
- C6. Visible retail or other commercial activity is to be promoted along the entire length of primary street frontages.
- C7. Each secondary frontage to a public road, lane way or public place is to provide a visible and active street frontage distributed along a minimum of 65% of that frontage.
- C8. Street corners are to be reinforced through design elements such as splay walls and orientation of entry and window elements.
- C9. New development, including alteration and additions to existing shopfronts, is to have regard to the scale, forms and detailing of traditional shopfront buildings, and to ensure that where appropriate, continuous awnings and/or balconies for weather protection are provided.

**Note:** Guidelines on traditional shopfront design are found in B3.1.3 Infill shopfront buildings in B3 Character and design, and in D1.9.7 Traditional shopfront buildings in Part D1 Heritage where heritage considerations apply.



- C10. Servicing areas are to be located to the rear of buildings fronting the Highway to maintain a continuous retail streetscape.
- C11. Appropriate site servicing facilities for retail, commercial and residential uses are to be located and designed to minimise their impact on the amenity of adjoining properties and the streetscape.
- C12. Existing landscape features throughout the town centre are to be retained and enhanced. Reinstate and / or interpret early tree planting layouts wherever possible.
- C13. Additional tree plantings that enhance streets and public domain areas are encouraged.
- C14. Significant views to and from Heatherbrae are not to be built out or obscured.
- C15. Development in the public domain is to consider and where relevant satisfy the requirements of the Lawson Village Centre Masterplan and the Lawson Public Domain Manual.





- C6. The minimum setback from the side boundary adjoining Avon House (10 San Jose Avenue) is 8m.
- C7. Land zoned E2 Environmental Conservation is not to be taken into consideration when calculating the floor space ratio.
- C8. The three-storey tower located in the south-east corner of the site, and its immediate curtilage, are to be retained. The height, massing and location of any development is to ensure that the tower is maintained as the visually dominant feature of the site, particularly when viewed from the surrounding public roads.
- C9. Development is to have regard to the recommendations of a detailed heritage impact statement and conservation management plan, and to minimise the impact of development on the site.
- C10. The two course, rock-faced masonry wall along the boundary of the site to San Jose Avenue is to be retained as a feature of the site.
- C11. The mature boundary trees, including pines and cypresses, located along the San Jose Avenue boundary of the site are to be retained as part of any redevelopment.
- C12. Land zoned E2 Environmental Conservation is to be revegetated with locally indigenous vegetation.
- C13. Design elements of the sanatorium and Stratford Girls School building such as brick construction, hipped corrugated metal roofing, arched windows and verandahs are to be incorporated in any building design.



## G6.3 Lawson Precinct R3-LA03—Loftus Street Precinct

The two heritage items within the precinct are maintained and conserved. The relationship between the two buildings is retained and these buildings remain in use for public purposes.

Landscaping elements are introduced within the Loftus Street setback reflective of the garden character typical of the locality. Residential development is provided to the rear of the site in a manner that responds to the topography of the site.

Reference should be made to the precinct objectives in Clause 7.7(3) of LEP 2015.



**Lawson Precinct R3-LA03—Loftus Street Precinct**

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.7(3) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.
- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.
- C4. Land zoned E2 Environmental Conservation is not to be taken into consideration when calculating the floor space ratio.

**Note:** Refer to the *LEP 2015 Floor Space Ratio Map*.

- C5. Landscape screening is to be provided for the development when viewed from Loftus Street.
- C6. A curtilage is to be provided to the heritage items in the following manner: 15m to the west of the former Shire offices, 6m to the north-west of the Shire offices and the former Electricity Substation, and 4m to the south-west of the former Electricity Substation.
- C7. Development is to have regard to the recommendations of a detailed heritage impact statement and conservation management plan, and to minimise the impact of development on the site.
- C8. The heritage items on the site are to be retained and incorporated into the design of the development.
- C9. Public access to the heritage items is to be maintained.
- CI0. Land between the two heritage items is to be maintained and landscaped.
- CI1. The land between the heritage buildings may be considered suitable for the purpose of driveways used to access a future housing development on the site if the treatment of the entry and driveways, including landscaping, complements the heritage buildings.
- CI2. Land zoned E2 Environmental Conservation is to be revegetated with locally indigenous vegetation.



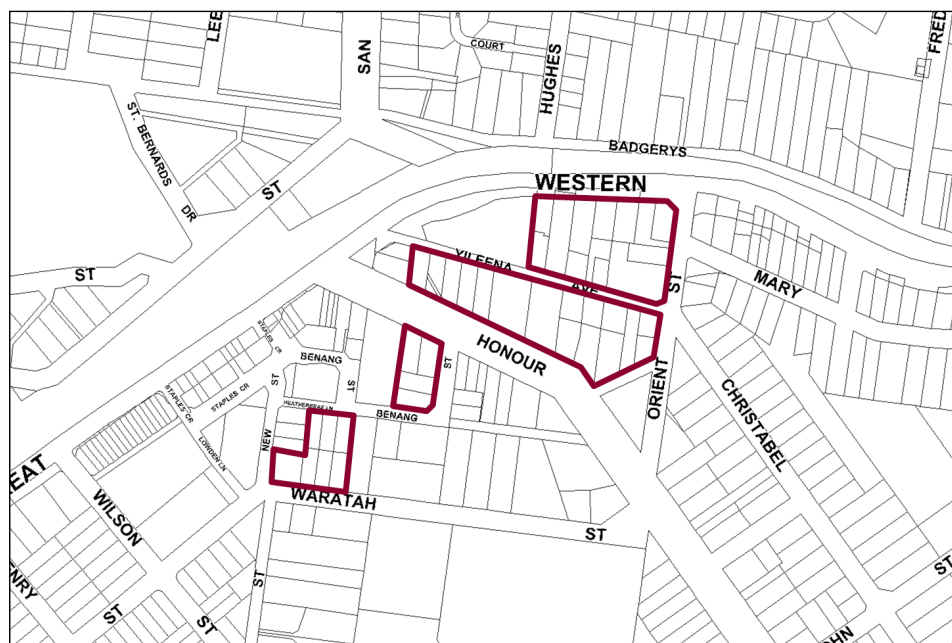
## G6.4 Lawson Precinct R3-LA04—Housing Precinct

A mix of single and multiple-unit dwellings are located close to the town centre and expand the range of residential accommodation available in the Lawson Village.

All heritage items in the precinct are conserved. Redevelopment is encouraged to restore existing traditional cottages, and retain visually significant elements of established garden settings.

New buildings reflect the pattern, scale and architectural style of traditional modest cottages surrounded by established gardens.

Reference should be made to the precinct objectives in clause 7.7(4) of LEP 2015.



**Lawson Precinct R3-LA04—Housing Precinct**

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.7(4) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.
- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.
- C4. The height above ground for the lowest habitable floor level is not to exceed 1.5m.

- C5. Cut or fill within 5m of any property boundary is not to exceed 0.5m.
- C6. Development is to provide setbacks to the primary street frontage consistent with that of adjacent buildings.
- C7. Side boundary setbacks are to be a minimum of 2m.
- C8. All setback areas are to be landscaped.
- C9. The maximum site cover for buildings is 50% of the total allotment area.
- C10. The minimum area to be retained as soft, pervious or landscaped area (excluding hard surfaces) is 40% of the total allotment area.
- C11. Development is to be sited, designed and constructed to minimise impacts upon surrounding bushland.
- C12. Landscaping is to minimise impacts on neighbouring bushland communities whilst minimising bush fire hazard. New landscape plantings are to be either endemic to the locality or be of low to mid invasive potential.
- C13. New development is to be sympathetic to traditional building forms, materials and details, including the use of traditionally-pitched roofs, articulated layouts and forms, verandahs, timber joinery, vertically-proportioned openings and some painted external finishes, with a curtilage of landscaped areas and an address to the street provided. New development is to be similar in form and materials to quality older buildings but subservient in detail to distinguish it as new work.
- C14. Buildings are not to exceed 15m width or depth in any direction.
- C15. Driveways, parking areas and garages are not to dominate any street frontage, and are to be integrated with the design of surrounding landscaped areas.

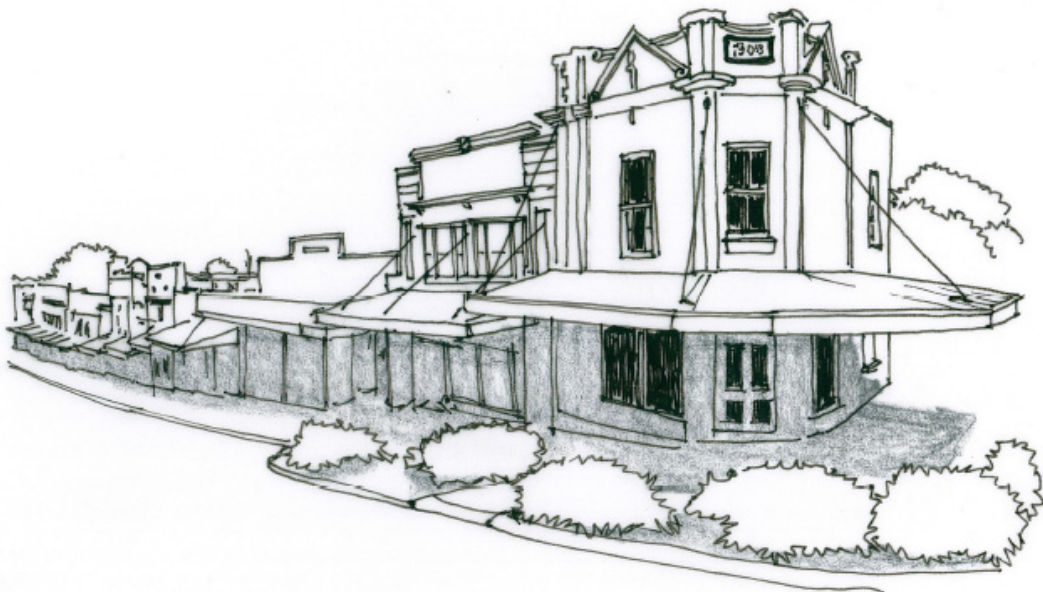






# G7. LEURA

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## G7.1 Leura Precinct B2-LE01—Leura Mall Precinct

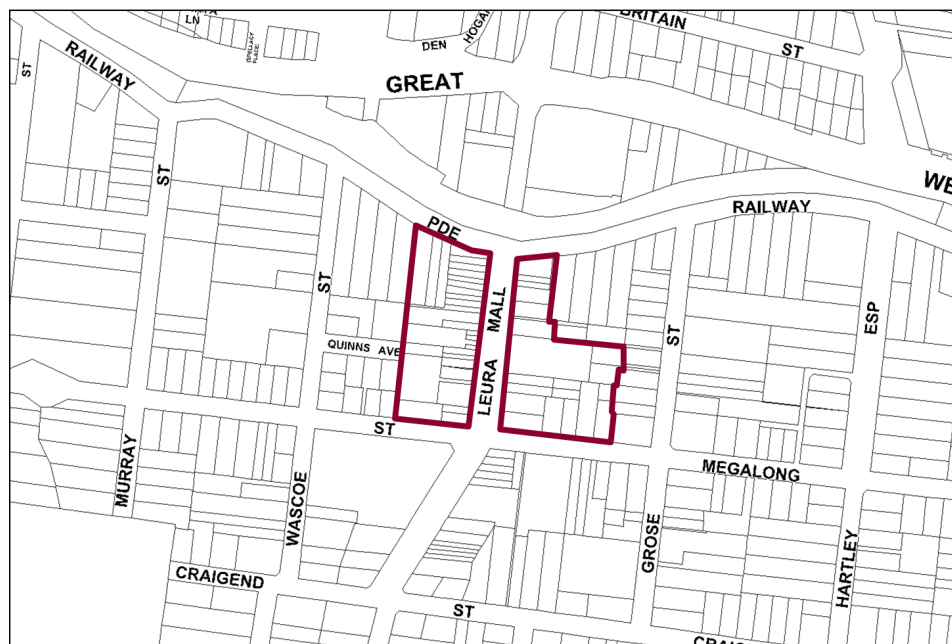
This precinct continues to operate as a traditional shopping strip for Leura residents as well as the central focus for tourists to Leura. Presenting a village scale and character, the streetscape is dominated by the near continuous row of one- and two-storey shop fronts of early twentieth-century Federation, Edwardian and Inter-War buildings. The large central median island lined with cherry trees represents a safe haven for pedestrians with the adjacent footpaths providing important areas of character and interest.

New development is to be of the highest design quality and to respect the existing character and scale of this fine-grained commercial precinct. The mall will increasingly become a community focus area and gathering place for local residents and tourists.

The precinct will experience a gradual increase in the range of local services and facilities available, and require the reuse and development of upper floor areas for commercial and residential uses.

The precinct is to remain a pedestrian-friendly environment and provide a range of retail uses and services.

Reference should be made to the precinct objectives in clause 7.8(I) of LEP 2015.



**Leura Precinct B2-LE01—Leura Mall Precinct**

### Controls

- CI. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.8(I) of LEP 2015.



- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.
- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.
- C4. Development is to generally have zero front and side setbacks, unless a side boundary adjoins the public domain and an active street frontage is proposed that positively contributes to the public domain.
- C5. Development may provide a maximum site cover of 100% of the total allotment area, except where adjoining an allotment within zone E4 Environmental Living or within the block bounded by Quinns Avenue, Wascoe Street, and Megalong Street, where the maximum site cover is to be 70% of the total allotment area.
- C6. The existing continuity of retail and other businesses facing Leura Mall, Megalong Street or Railway Parade is to be maintained.
- C7. On properties with secondary frontages to the public domain, new commercial businesses are to be promoted along at least 50% of those ground level frontages to public carparks, side streets and laneways, and for all storeys above ground, balconies and/or extensive windows overlooking the street are to be provided.
- C8. New development is to have regard to the scale, forms and detailing of traditional shopfront buildings, and to ensure that where appropriate, continuous awnings and/or balconies are provided.  
  
**Note:** Guidelines on traditional shopfront design are found in B3.1.3 Infill shopfront buildings in B3 Character and design, and in D1.9.7 Traditional shopfront buildings in Part D1 Heritage where heritage considerations apply.
- C9. For properties with existing two-storey traditional shop terraces, future development is to retain and restore the principal shop front structure plus the adjoining rooms.  
  
**Note:** Guidelines on traditional shopfront design are found in B3.1.3 Infill shopfront buildings in B3 Character and design, and in D1.9.7 Traditional shopfront buildings in Part D1 Heritage where heritage considerations apply.
- C10. Development on large allotments is to distribute floorspace into well-articulated structures that are composed of separate wings or interconnected buildings, with traditionally pitched roofs and appropriately landscaped garden courtyards with canopy trees.

- C11. On-site parking areas are to be accessed only from the rear or side of buildings via existing public carparks, laneways or secondary streets, and are to be concealed behind retail or business floorspace wherever possible.
- C12. The existing pedestrian network should be expanded by promoting new retail frontages surrounding the public carparks or facing side streets and laneways.
- C13. Solar access to the public domain is to be protected and enhanced.
- C14. Continuous weather protection along all public frontages in the form of awnings or overhanging balconies is to be provided.
- C15. Ground floor walls and structures are to protect and enhance sight lines in public places.

## G7.2 Leura Precinct *RI-LE02—Leura Gateway Precinct*

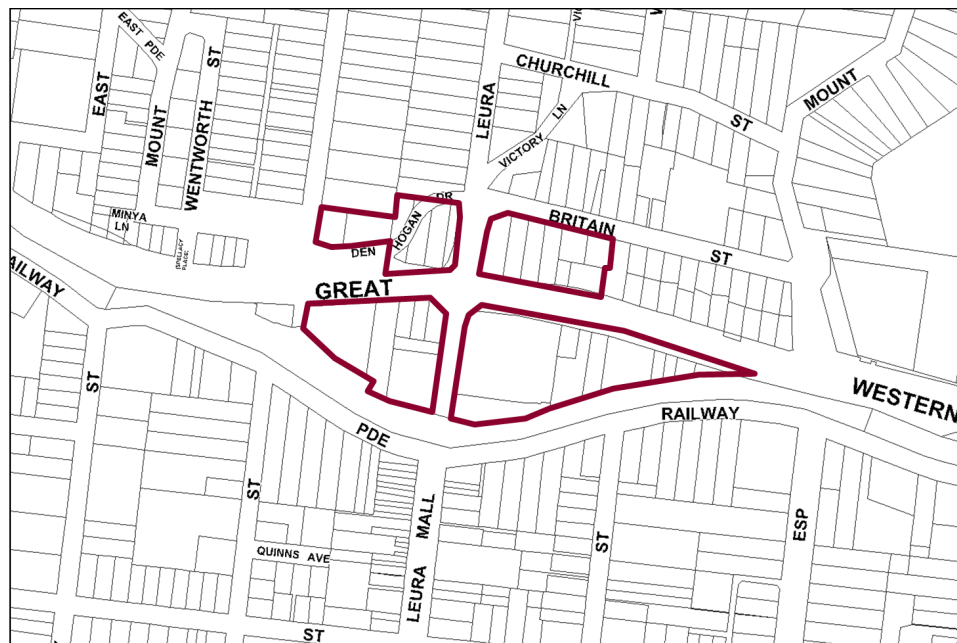
Located adjacent to the primary road and rail corridors, this precinct experiences substantial redevelopment of sites and operates as the “gateway” to the Leura Village. New development supports this gateway role by presenting urban design of the highest quality that contributes to a positive first experience of the Leura Village. This, together with a mix of land uses that support the tourist role of the village serves as an enticement to passing traffic.

Development of this precinct, including the changes to the Highway interchange, assist in enhancing both pedestrian and vehicle access to the Village and enhance connectivity between north and south Leura. Whilst offering high levels of accessibility to both pedestrians and vehicles, potential conflicts between the two are minimised.

The form and scale of new development responds to that of existing buildings in the village and new buildings shall address both the highway and the Leura Mall. Signage associated with development is provided at a modest scale and does not seek to be legible from the distant approaches.

New buildings on the old Chateau Napier site respect the heritage of the previous use, but recapture the landmark status of that site.

Reference should be made to the precinct objectives in clause 7.8(2) of LEP 2015.



**Leura Precinct *RI-LE02—Leura Gateway Precinct***

### Controls

- CI. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.8(2) of LEP 2015.





- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.
- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.
- C4. The height above ground for the lowest habitable floor level is not to exceed 1.5m.
- C5. Cut or fill within 5m of any property boundary is not to exceed 0.5m.
- C6. Development is to provide setbacks to the Great Western Highway and Leura Mall consistent with that of existing and adjacent buildings in the precinct.
- C7. The maximum site cover for buildings is 50% of the total allotment area.
- C8. The minimum area to be retained as soft, pervious or landscaped area (excluding hard surfaces) is 40% of the total allotment area.
- C9. New development is to be sympathetic to nearby traditional building forms, materials and details, including the use of traditionally-pitched roofs, articulated layouts and forms, verandahs, timber joinery, vertically-proportioned openings and some painted external finishes, with a curtilage of landscaped areas and an address to the street provided. New development is to be similar in form and materials to quality older buildings but subservient in detail to distinguish it as new work.
- C10. Buildings are not to exceed 18m width or depth in any direction.
- C11. New development may incorporate prominent or landmark features at the corner of Leura Mall and the Great Western Highway.
- C12. Driveways, parking areas and garages are not to dominate any street frontage, and are to be integrated with the design of surrounding landscaped areas.
- C13. Gardens and landscaped areas are to protect and enhance exotic and indigenous canopy trees, which provide a visual backdrop that contributes to the character of the precinct.

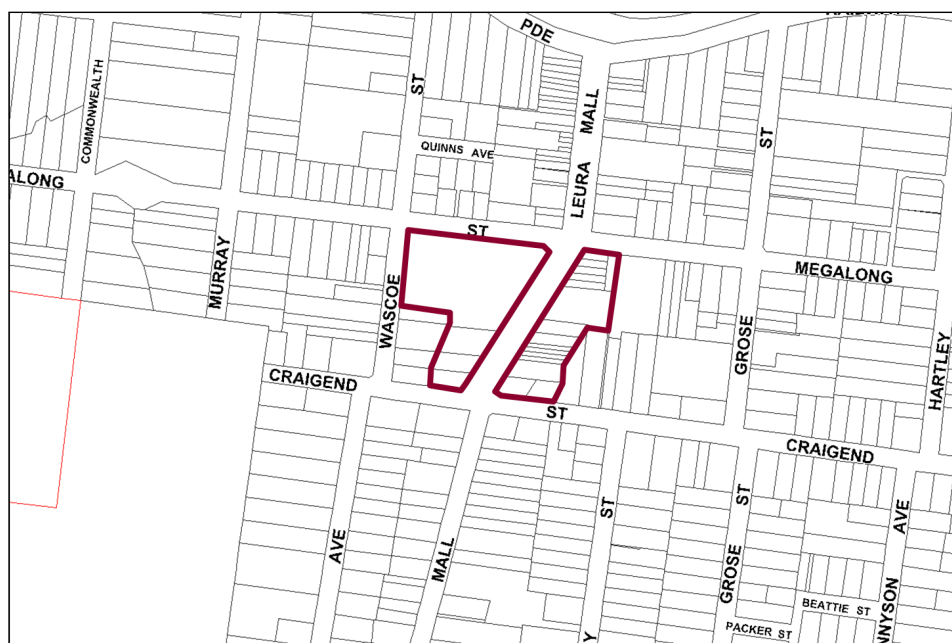
## G7.3 Leura Precinct RI-LE03—Southern Tourist Precinct

Located to the south of the core village area, this precinct serves as a transition between the retail core and adjacent residential areas.

Accommodating the continued growth in tourism activity in Leura, the precinct provides a mix of new land uses including arts and craft galleries, refreshment rooms and tourist accommodation.

Existing buildings are generally used to accommodate these new land uses. Where new development is provided, it maintains the residential scale and character of the precinct, including the established gardens and mature vegetation that make a significant contribution to the character of the precinct.

Reference should be made to the precinct objectives in clause 7.8(3) of LEP 2015.



**Leura Precinct RI-LE03—Southern Tourist Precinct**

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.8(3) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.
- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.







- C4. The height above ground for the lowest habitable floor level is not to exceed 1m.
- C5. Cut or fill within 5m of any property boundary is not to exceed 0.5m.
- C6. Development is to provide front setbacks consistent with that of adjacent buildings.
- C7. Development is to provide a minimum side boundary setback of 2m.
- C8. Development is to provide a minimum rear boundary setback of 4m.
- C9. All setback areas are to be landscaped.
- C10. The maximum site cover for buildings is 40% of the total allotment area.
- C11. The minimum area to be retained as soft, pervious or landscaped area (excluding hard surfaces) is 50% of the total allotment area.
- C12. New development is to be sympathetic to nearby traditional building forms, materials and details, including the use of traditionally-pitched roofs, articulated layouts and forms, verandahs, timber joinery, vertically-proportioned openings and some painted external finishes, with a curtilage of landscaped areas and an address to the street provided. New development is to be similar in form and materials to quality older buildings but subservient in detail to distinguish it as new work.
- C13. Buildings are not to exceed 18m width or depth in any direction.
- C14. Any non-residential activities should be accommodated in buildings with a residential scale and character.
- C15. Gardens should incorporate a backdrop of canopy trees along rear boundaries plus trees and shrubs scattered through front and side yards.
- C16. Driveways, parking areas and garages should not dominate any street frontage, and are to be integrated with the design of surrounding landscaped areas.



## G7.4 Leura Precinct R3-LE04—Grose Street North Precinct

An area that has a significant streetscape character. Older cottages are retained whilst sensitively designed residential infill development is located at the rear of lots. Development on vacant lots is to maintain the existing residential character through the presentation of single storey dwellings with landscaped front setbacks.

Reference should be made to the precinct objectives in clause 7.8(4) of LEP 2015.



**Leura Precinct R3-LE04—Grose Street North Precinct**

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.8(4) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.
- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.
- C4. The minimum setback from Grose Street is 12m.
- C5. Existing older dwellings (pre-1946) are to be retained and incorporated as part of the redevelopment of the site.



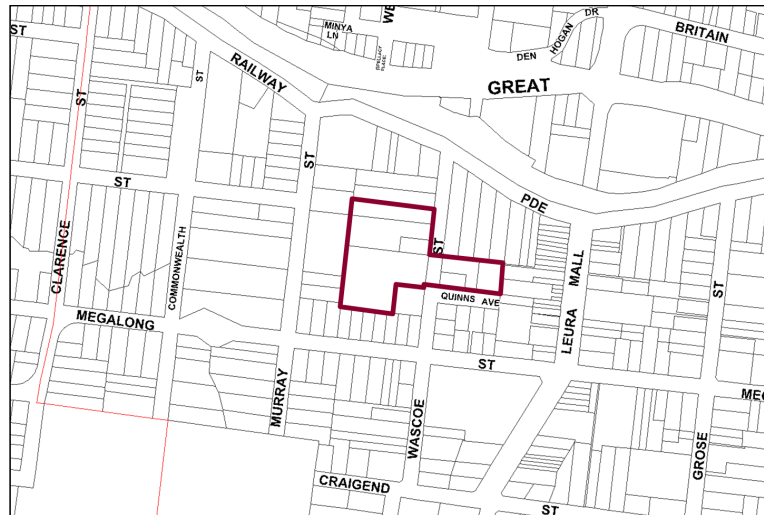


- C6. Design of buildings is to allow for direct views from the living areas of dwellings into the adjoining parkland.
- C7. Landscaping is to be in character with adjoining gardens and is to be provided within the front setback.

## G7.5 Leura Precinct R3-LE05—Wascoe Street Precinct

Alternative forms of housing are consolidated in close proximity to Leura village. Mitigation measures are undertaken that minimise the impact of development and contribute to the regeneration of the adjacent watercourse buffer areas.

Reference should be made to the precinct objectives in clause 7.8(5) of LEP 2015.



**Leura Precinct R3-LE05—Wascoe Street Precinct**

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.8(5) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.
- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.
- C4. The minimum setback from Wascoe Street is 8m.
- C5. Existing older dwellings (pre-1946) are to be retained and incorporated as part of the redevelopment of any site.
- C6. Development is to promote a landscape setting and provide screening of future development through planting of appropriate trees and shrubs that minimise the visibility of development from Megalong Street.
- C7. Development is to provide active street frontages to Wascoe Street and Quinns Avenue.



## G7.6 Leura Precinct R3-LE06—*Eastern Edge Precinct*

Defining the eastern edge of the Leura Village centre, this precinct serves as a transition between the retail core and adjacent residential areas. It accommodates a mix of land uses including lower order commercial and smaller home-based employment activities.

New development reflects the mix of residential and commercial uses, however new development is consistent with a predominantly residential streetscape, which is characterised by one and two-storey scale development with curtilages of landscaped gardens.

Reference should be made to the precinct objectives in clause 7.8(6) of LEP 2015.



**Leura Precinct R3-LE06—*Eastern Edge Precinct***

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.8(6) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.
- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.

- C4. Development is to provide front setbacks consistent with that of adjacent buildings.
- C5. Development is to provide a minimum side boundary setback of 2m.
- C6. Development is to provide a minimum rear boundary setback of 4m.
- C7. All setback areas are to be landscaped.
- C8. The maximum site cover for buildings is 50% of the total allotment area.
- C9. The minimum area to be retained as soft, pervious or landscaped area (excluding hard surfaces) is 40% of the total allotment area.
- C10. New development is to be sympathetic to nearby traditional building forms, materials and details, including the use of traditionally-pitched roofs, articulated layouts and forms, verandahs, timber joinery, vertically-proportioned openings and some painted external finishes, with a curtilage of landscaped areas and an address to the street provided. New development is to be similar in form and materials to quality older buildings but subservient in detail to distinguish it as new work.
- C11. Buildings are not to exceed 18m width or depth in any direction.
- C12. Any non-residential activities are to be accommodated in buildings with a residential scale and character.
- C13. Gardens are to incorporate a backdrop of canopy trees along rear boundaries plus trees and shrubs scattered through front and side yards.
- C14. Driveways, parking areas and garages are not to dominate any street frontage, and are to be integrated with the design of surrounding landscaped areas.



## G7.7 Leura Precinct RP-LE07 – Former Leura Golf Clubhouse Precinct

Formerly the site of the Leura Golf Clubhouse and Bowling Club, which has its origins in the early twentieth century, the Former Leura Golf Clubhouse Precinct is in an area of Leura recognised for its streetscape character, landscaped garden setting and areas of older housing. The site has a prominent position on the tourist route between the Leura town centre and Sublime Point.

Development in the precinct accommodates accessible housing and a range of services and facilities to meet the needs of residents. Future housing development should contribute to providing a quality living environment for older people, with access to necessary services and facilities. As the focal element of the precinct, the former Leura Golf Clubhouse should be retained as a facility for residents and in recognition of its contribution to the streetscape.

The precinct contributes to the character of the locality by establishing a landscape setting and gardens within building setbacks and common open space. Buildings respect the scale and architectural form of surrounding development through articulated roof forms and floor plans and by presenting a generally single-storey appearance.



**Leura Precinct RP-LE07 – Former Leura Golf Clubhouse Precinct**

### Objectives

- O1. To enable the provision of accessible housing with a building form and scale consistent with residential character in the locality and utilising the facilities provided by the former Leura Golf Clubhouse.
- O2. To ensure the retention and enhancement of the former Leura Golf Clubhouse for use as a community facility and in recognition of its contribution to the streetscape character of the locality.

- O3. To minimise the impact of development on the environment and on residential amenity through appropriate siting and design of buildings.
- O4. To maintain and improve streetscape character by establishing a landscaped garden setting, consistent with the settings of residential and other land uses in the locality.

### Controls

- C1. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.

**Note:** The height of a building fronting Fitzroy Street may be measured from the finished ground level of the bowling green (rather than from street level):

- (a) if measuring from that level is necessary to preserve the landscape setting of the building or to enhance the relationship of the building to Fitzroy Street by limiting the visual prominence of its roof structure, and
  - (b) provided that the building will have a single-storey appearance from Fitzroy Street.
- C2. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.
- C3. The retention of the Clubhouse as a common facility for residents and an integral component of the streetscape is encouraged.
- C4. Buildings fronting Fitzroy Street are to have a setback of not less than 12m and not more than 15m.
- C5. Buildings fronting Gladstone Road are to have a setback of not less than 8m.
- C6. No buildings are to be located between the former Leura Golf Clubhouse and Fitzroy Street, in an area extending 10m from the outermost walls of the Clubhouse.
- C7. A building on land that adjoins residential zoned land or the golf course is to have:
  - (a) if the building has a building height of 6m or less—an average setback of not less than 4.5m, or
  - (b) if the building has a building height greater than 6m—an average setback of not less than 6m.





- C8. A building located within 50m of the southernmost boundary of the Former Leura Golf Clubhouse Precinct is only likely to be supported if the building:
- (a) has a setback of at least 10m from that boundary, and
  - (b) maintains adequate view lines from each adjoining property on residential zoned land to the golf course, and
  - (c) contains no more than two dwellings, and
  - (d) provides a transition in terms of bulk, scale and form between development within the precinct and the housing forms on adjoining residential zoned land.
- C9. The maximum site coverage for buildings (including ancillary buildings, swimming pools and tennis courts) is 30% of the total precinct area, except for buildings within 50m of Fitzroy Street, where the maximum site coverage is 1,000m<sup>2</sup> (excluding the site coverage of any existing buildings).
- C10. The minimum area to be retained as soft, pervious or landscaped areas (excluding hard surfaces) is 55% of the total precinct area.
- C11. New development fronting Fitzroy Street is to be sympathetic to nearby traditional building forms, materials and details, including the use of traditionally-pitched roofs, articulated layouts and forms, verandahs, timber joinery, vertically-proportioned openings and some painted external finishes, with a curtilage of landscaped areas and an address to the street provided. New development is to be similar in form and materials to quality older buildings but subservient in detail to distinguish it as new work.
- C12. Development on land in the Former Leura Golf Clubhouse Precinct is not to have a detrimental effect on the contribution of the former Leura Golf Clubhouse to the streetscape and character of the locality.
- C13. Consent for development on land in the Former Leura Golf Clubhouse Precinct may be granted subject to a condition that requires the creation of a restrictive or positive covenant that provides for the retention and continued maintenance of the former Leura Golf Clubhouse, but this subclause does not:
- (a) limit the kinds of conditions that may be imposed on a development consent, or
  - (b) allow conditions to be imposed on a development consent otherwise than in accordance with the *Environmental Planning and Assessment Act 1979*.





- C14. Consent will not be granted for development involving the demolition of the exterior, or part of the exterior, of the former Leura Golf Clubhouse unless Council is satisfied that the building, or part of the building, proposed for demolition, is either structurally unsound (on the basis of documentary evidence), and not economically repairable (on the basis of documentary evidence prepared by a suitably qualified person that demonstrates that the cost of the repair would exceed the value of the repaired building).
- C15. Built forms are to provide a transition from larger buildings in the centre of the Former Leura Golf Clubhouse Precinct to domestic scale cottages, as viewed from the golf course and any public place.
- C16. Generally buildings are to have pitched tiled roofs, with materials and form that complement the former Leura Golf Clubhouse. However, low-pitched and/or decked roofs are permissible to internal roof areas of buildings if they are not visible from a public place or from adjacent properties.
- C17. Soil within the Fitzroy Street front building setback is to be remediated to provide a deep planting zone, which is to be planted to provide a garden setting that will make a significant contribution to the streetscape within 10 to 15 years.
- C18. Buildings are to reflect the principles of water sensitive urban design.
- C19. A landscaped screen sufficient to separate the site from existing residential properties on residential zoned land and the golf course is to be provided along the perimeter of the shared boundaries.
- C20. Buildings are to retain existing solar access for a minimum of 3 hours between the hours of 9am to 3pm on 21 June for the living rooms and private open space of existing dwellings.
- C21. A variety of heights and forms are to be incorporated, and varied setbacks are encouraged.
- C22. Vehicular access to the precinct is to be limited to a single point of access to Fitzroy Street.
- C23. Vehicular access, parking and garages for dwellings fronting Fitzroy Street are to be located to the rear of the former bowling green to minimise visibility from the street.

## G7.8 Leura Precinct RI-LE08—Chambers Road Precinct

This precinct incorporates the Waldorf Leura Gardens Resort and Blue Mountains International Hotel Management School as complementary tourist and visitor land uses. Both sites feature landscaped gardens in keeping with prominent traditional garden settings of the adjoining residential area.

New development is to retain the visually significant elements of established garden settings and will be sensitive to the pattern, scale, form and detailing of surrounding residential dwellings.

Reference should be made to the precinct objectives in clause 7.8(8) of LEP 2015.



**Leura Precinct RI-LE08—Chambers Road Precinct**

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.8(8) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying Height of Buildings Map.
- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying Floor Space Ratio Map.
- C4. The minimum setback from the street frontages is 8m.



- C5. The minimum setback to any side and rear boundary where the precinct boundary does not adjoin a street is 1.0m.
- C6. The maximum site coverage for each part of the precinct, that is, east of Chambers Road and west of Chambers Road, shall not exceed 40% of the site area.
- C7. The minimum area to be retained as soft, pervious or landscaped area (excluding hard surfaces) for each part of the precinct, that is, east of Chambers Road and west of Chambers Road, is 50%.
- C8. Development is to provide articulation and building modulation in order to minimise the bulk of buildings.
- C9. Development is to be sympathetic in terms of bulk, scale and form and provide for an appropriate transition to adjoining residential dwellings.
- C10. Development is to provide landscaping to adjoining street frontages that is reflective of the traditional garden setting typical of the surrounding neighbourhood.
- C11. Any future landscaping works is to ensure that the existing landscape character is retained and enhanced.
- C12. Development is to be undertaken in a manner which conserves significant landscape elements. Where their conservation cannot be achieved sufficient compensatory plantings of similar structure, form and character to the existing landscape is to be provided and maintained.
- C13. Development is to retain and enhance the landscaped areas at the corner of Northcote and Gladstone Road (of approximately 1,500m<sup>2</sup>) and at the corner of St Andrew Road and Fitzroy Street (of approximately 2,500m<sup>2</sup>), in keeping with the traditional garden setting typical of the surrounding neighbourhood.
- C14. Garages, access and car parking are to be integrated into landscaped areas such that they are well screened from the public domain with garages and parking areas located so as not to adversely impact upon streetscape, pedestrian circulation, building character and adjoining residential amenity.

## G7.9 Leura Precinct SP3-LE07— *Sublime Point Road Precinct*

The Fairmont Resort is located on the edge of Leura Village and the World Heritage Blue Mountains National Park overlooking the Jamison Valley to the south and Leura Golf course to the north. The resort provides luxury accommodation and includes facilities suitable for both weddings and conferences. Existing native vegetation on the site is to be retained as a protective interface to the adjoining National Park.

Future development must take into consideration the sensitivity of the location in relation to the exceptionally important areas of environmental and cultural value. Consideration of bulk and scale, settings, views, architectural treatments and commercial signage are paramount.

Note: Precinct controls do not apply to land zoned E2 Environmental Conservation

Reference should be made to the precinct objectives in clause 7.8(7) of LEP 2015.



**Leura Precinct SP3-LE07— *Sublime Point Road Precinct***

### Controls

- CI. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.8(7) of LEP 2015.



- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying Height of Buildings Map.
- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying Floor Space Ratio Map.
- C4. The minimum setback from the street frontage is 8.0m.
- C5. The maximum site cover for buildings is 20% of the total allotment area.
- C6. Development is to be located within the central core of the site to minimise and mitigate any impact of development on the adjoining National Park and land zoned E2 Environmental Conservation.
- C7. Development is to provide articulation and building modulation in order to minimise the bulk of buildings.
- C8. Development is to utilise non-reflective material and muted colours that ensure the development blends into the broader landscape when viewed from any public place.
- C9. The minimum area to be retained as soft, pervious or landscaped area (excluding hard surfaces) is 65% of the total allotment area.
- C10. Plant species used within landscaping adjoining land zoned E1 or E2, must be endemic to that locality.
- C11. Garages, access and car parking are to be integrated into landscaped areas such that they are well screened from the public domain. Garages and parking areas shall not adversely impact upon streetscape, pedestrian circulation, and building character.

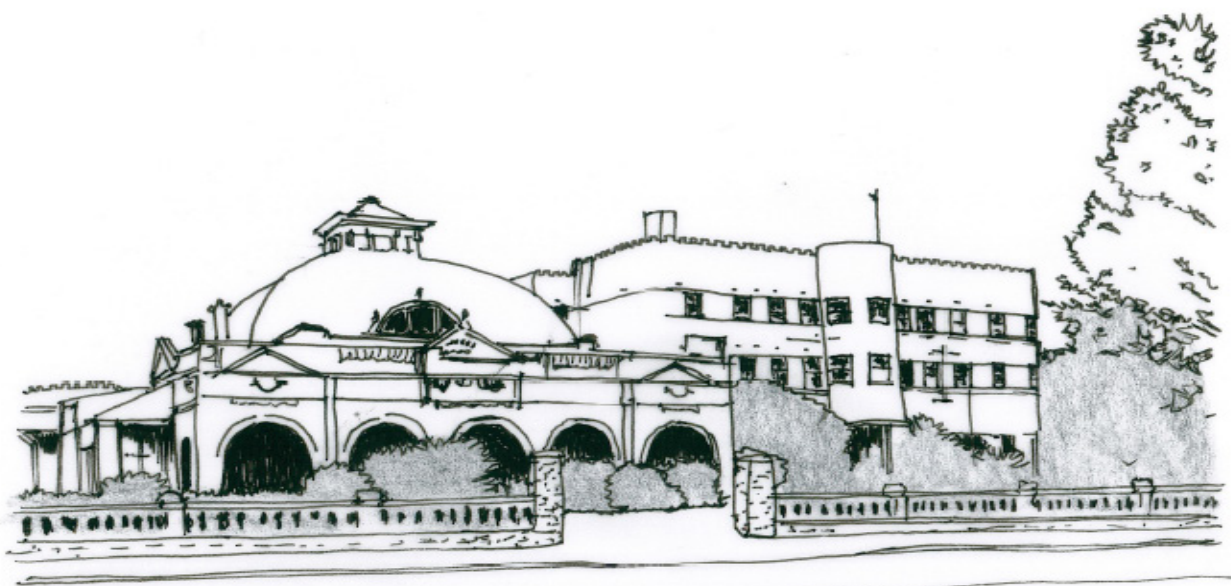


# G8.MEDLOW BATH

G8.1

Medlow Bath Precinct SP3-MB01—Great Western Highway Precinct

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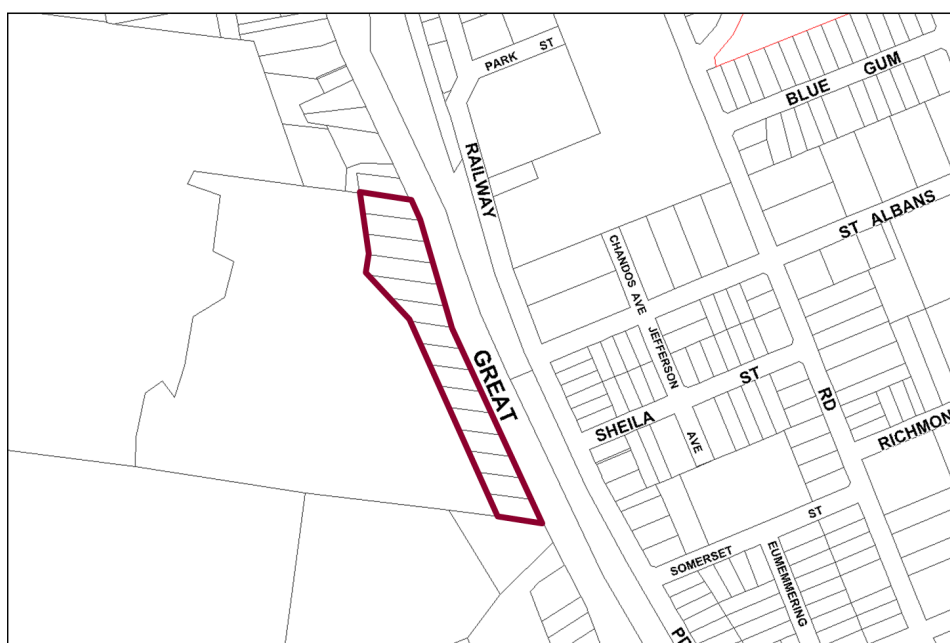


## G8.1 Medlow Bath Precinct SP3-MB01—Great Western Highway Precinct

The area is characterised by the historical association of the site with the Hydro Majestic and the development of associated tourist and highway uses. The area has views over Megalong Valley and is constrained by the presence of the escarpment on the south-western boundary.

Future development is to respond to the environmental constraints imposed by the precinct's location and maintain the dominance of the Hydro Majestic. Tourist uses are to be consolidated and the area promoted as a predominant tourist attraction within the Blue Mountains.

Reference should be made to the precinct objectives in clause 7.9 of LEP 2015.



**Medlow Bath Precinct SP3-MB01—Great Western Highway Precinct**

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.9 of LEP 2015.
- C2. Consent must not be granted unless the consent authority has considered a heritage impact statement and conservation management plan that proposes measures to minimise the impact of development on the Hydro Majestic and its grounds.

**Note:** Refer to the heritage provisions of DI Heritage Conservation.

- C3. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.





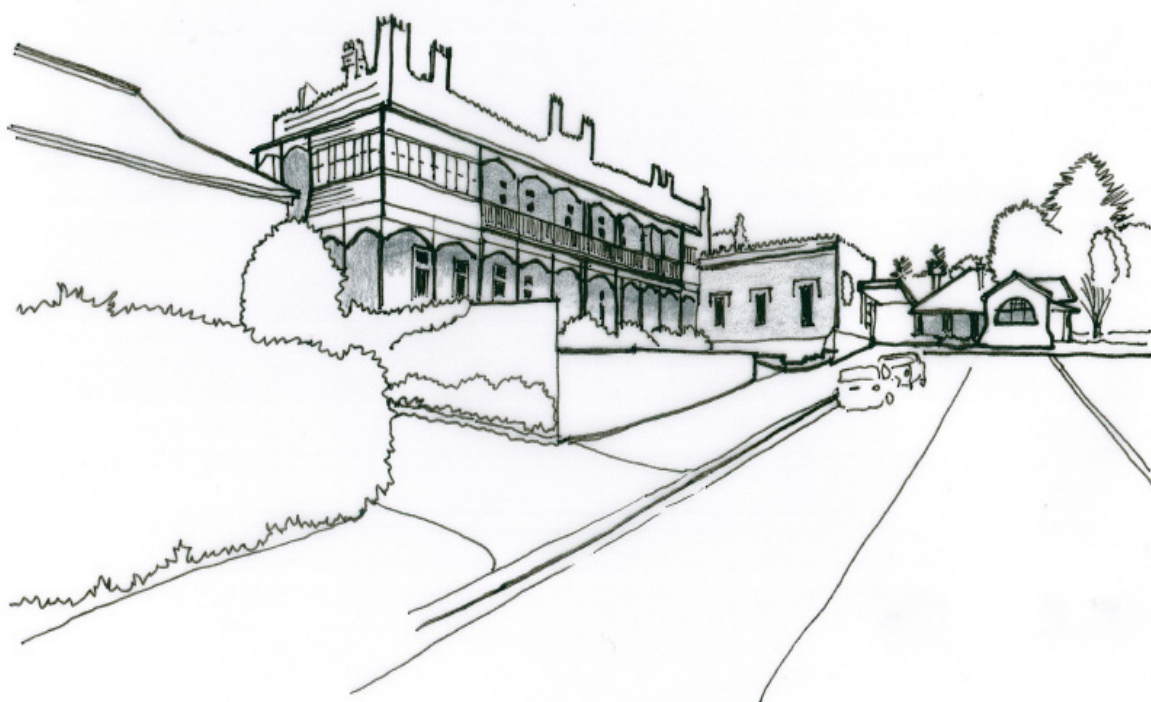
- C4. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.
- C5. The minimum front setback is 10m.
- C6. The maximum site coverage for any development is not to exceed 35%.
- C7. Appropriate landscaping shall be provided within the front setback.
- C8. The existing mature vegetation on the site (particularly *Pinus radiata*) is to be retained.
- C9. Front facades are to address the street and be well-articulated through the provision of architectural features including doors, windows and verandahs.
- C10. Building height and roof pitch are to be varied in order to minimise the bulk of buildings.
- C11. Tree planting should be consistent with existing exotic landscaped gardens within the area.
- C12. New development is to be constructed of non-reflective, muted colours that do not undermine the visual dominance of the Hydro Majestic Hotel when viewed from Megalong Valley.
- C13. The minimum building setback to the E2 zone is 10m.
- C14. New development is to be sympathetic in materials and architectural details to the original Hydro Majestic building and any approved Conservation Management Plan for the site. New development is not to adversely impact on the setting and character of the Hydro Majestic particularly when viewed from the Great Western Highway.
- C15. Successional planting is to retain and enhance the existing landscape character of the site.
- C16. Landscaping adjoining the land zoned E2 Environmental Conservation is to be largely comprised of endemic vegetation.

**Note:** Additional landscape controls specific to the SP3 zone apply, refer to Part C3.8



# G9. MOUNT VICTORIA

G9.1	Mount Victoria Precinct <i>B1-MV01—Town Centre Precinct</i>	716
G9.2	Mount Victoria Precinct <i>R1-MV02—Station Street Precinct</i>	718
G9.3	Mount Victoria Precinct <i>R1-MV03—Harley Avenue Precinct</i>	720



## G9.1 Mount Victoria Precinct *BI-MV01—Town Centre Precinct*

This is a compact town centre, accommodating a diverse range of small-scale retail and other businesses that serve the resident community as well as visitors, plus a scattering of existing residences.

A variety of modestly-scaled cottages, shops and former civic buildings are arranged in a traditional country town pattern that comprises a continuous row of single storey buildings with shop-fronts and garden forecourts. This pattern of buildings provides a scenic and distinctive Highway backdrop, and structures range from the late-Victorian period to the Inter-War period.

Buildings provide an active street frontage along the Highway, encouraging pedestrian movement along a safe footpath that is protected from through traffic.

Reference should be made to the precinct objectives in clause 7.10(1) of LEP 2015.



**Mount Victoria Precinct *BI-MV01—Town Centre Precinct***

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.10(1) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.

- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.
- C4. New development is to respond sympathetically to the adjacent setback patterns and respect established building settings and views.
- C5. The maximum site cover for buildings is 50% of the total allotment area.
- C6. The minimum area to be retained as soft, pervious or landscaped area (excluding hard surfaces) is 40% of the total allotment area.
- C7. Additional floorspace is to be accommodated in single-storey wings added to an existing building, or accommodated in a separate pavilion located to the rear of an existing building and surrounded by landscaped open space.
- C8. Gardens are to provide a backdrop of canopy trees along rear boundaries, plus scattered trees and shrubs along any front or side setbacks.
- C9. Driveways, parking areas and garages can be visible from the Highway where appropriate but are not to dominate the street frontage. Safe access must be provided to and from the Highway, and parking areas, driveways and garages are to be integrated with the design of surrounding landscaped areas.



## G9.2 Mount Victoria Precinct RI-MV02—Station Street Precinct

This precinct accommodates a diverse range of small-scale retail and other businesses serving the local community, plus some permanent residences. The variety of buildings and garden settings remain historically and scenically distinctive, and includes landmark guesthouses and hotels, modest shop-terraces and cottages, plus visually prominent backdrops of canopy trees located in back yards or the neighbouring park.

Future development is to conserve and enhance the local architectural heritage that includes a range of styles from the mid-Victorian to the Edwardian period, and maintain the established diversity of architectural form and design. Active street frontages are maintained, encouraging pedestrian movement along footpaths that are protected from the undesirable impacts of through traffic.

Reference should be made to the precinct objectives in clause 7.10(2) of LEP 2015.



**Mount Victoria Precinct RI-MV02—Station Street Precinct**

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.10(2) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.

- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.
- C4. The height above ground for the lowest habitable floor level is not to exceed 1m.
- C5. Cut or fill within 5m of any property boundary is not to exceed 0.5m.
- C6. New development is to respond sympathetically to the adjacent setback patterns and respect established building settings and views.
- C7. For allotments on the eastern side of Station Street, development is to provide minimum rear boundary setbacks of 10m.
- C8. The maximum site cover for buildings is 40% of the total allotment area.
- C9. The minimum area to be retained as soft, pervious or landscaped area (excluding hard surfaces) is 50% of the total allotment area.
- C10. Building design is to have regard to the heritage significance of existing buildings and gardens.
- C11. Additional floorspace is to be accommodated in wings added to an existing building, or accommodated in a separate pavilion located to the rear of an existing building and surrounded by landscaped open space.
- C12. Gardens are to provide a backdrop of canopy trees compatible with species established in Mount Victoria Park, plus scattered trees and shrubs where front or side setbacks are provided.
- C13. Driveways, parking areas and garages are not to dominate any street frontage, are to be located to the rear of buildings and accessed from secondary streets or rights of way, and are to be integrated with the design of surrounding landscaped areas.



## G9.3 Mount Victoria Precinct *RI-MV03—Harley Avenue Precinct*

This precinct provides a variety of accommodation for tourists and permanent residents. New residential-style buildings in garden settings minimise disturbance to existing hillside topography and maintain the continuity of existing canopy trees that are visually significant features along the Highway.

New buildings will be consistent with and sympathetic to the forms and materials of Victorian, Federation and Edwardian period architecture, and be compatible with the distinctive architectural heritage of the village.

Visible indoor activity is maintained along active street frontages to Harley Avenue, encouraging pedestrian movement along footpaths that are protected from the undesirable impacts of through traffic.

Reference should be made to the precinct objectives in clause 7.10(3) of LEP 2015.



**Mount Victoria Precinct *RI-MV03—Harley Avenue Precinct***

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.10(3) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.





- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.
- C4. The height above ground for the lowest habitable floor level is not to exceed 1.5m.
- C5. Cut or fill within 5m of any property boundary is not to exceed 0.5m.
- C6. The minimum setback to Harley Avenue is to be 10m.
- C7. On corner allotments, the setback to the secondary frontage is to be a minimum of 6m.
- C8. Side boundary setbacks are to be a minimum of 3m.
- C9. Rear boundary setbacks are to be a minimum of 10m.
- C10. The maximum site cover for buildings is 40% of the total allotment area.
- C11. The minimum area to be retained as soft, pervious or landscaped area (excluding hard surfaces) is 50% of the total allotment area.
- C12. New development is to be sympathetic to the traditional building forms, materials and details of the precinct, including the use of traditionally-pitched roofs, articulated layouts and forms, verandahs, timber joinery, vertically-proportioned openings and some painted external finishes, with a curtilage of landscaped areas and an address to the street provided. New development is to be similar in form and materials to quality older buildings but subservient in detail to distinguish it as new work.
- C13. Development is to respond to the topography through appropriate siting and stepped building forms.
- C14. Landscaping is to conserve existing visually prominent trees and be based on appropriate design, layout and species selection.
- C15. Garden areas are to maintain the existing backdrop of canopy trees along the Highway boundary, as well as provide space for new trees and shrubs in front and side yards to frame buildings, driveways and parking areas.
- C16. Driveways, parking areas and garages are not to dominate any street frontage, and are to be integrated with the design of surrounding landscaped areas.



# G10. SPRINGWOOD

G10.1	Springwood Precinct B2-SP01—Town Centre Precinct	724
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G10.5	Springwood Precinct R3-SP05— <i>Eastern Precinct</i>	733



## G10.1 Springwood Precinct B2-SP01—Town Centre Precinct

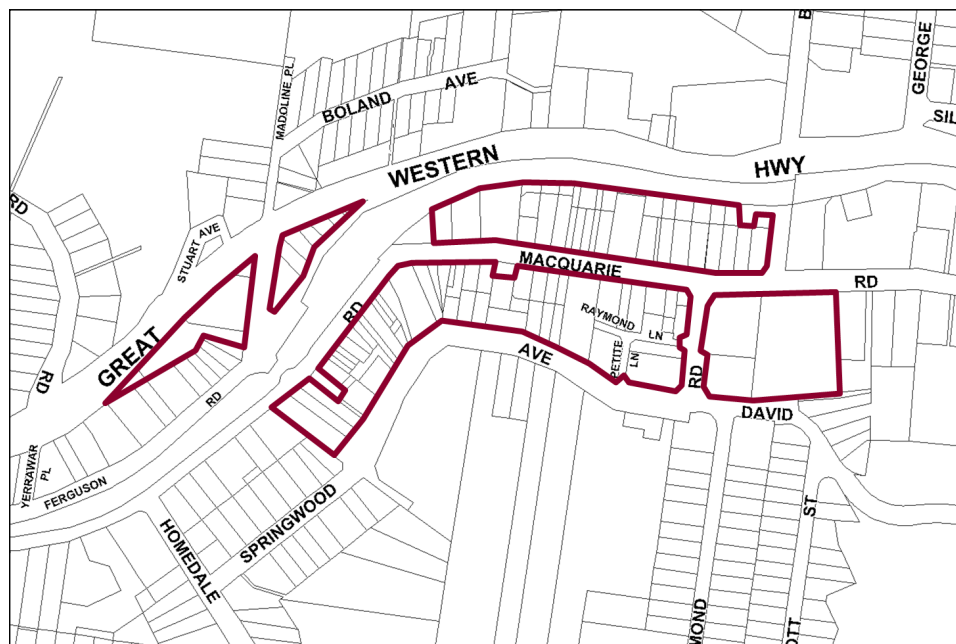
This precinct remains a compact town centre, accommodating a diverse range of small-to-medium scale retailers, other businesses and permanent residents.

Buildings are arranged in a traditional main street pattern with continuous rows of one- and two-storey shop fronts interspersed by landmark hotels, with a scattering of visually prominent canopy trees on hillsides facing Springwood Avenue and the railway.

Development provides visible indoor activity facing all public places, including streets, laneways and car parks, in order to concentrate pedestrian movement outdoors and to encourage informal community meeting places.

Buildings are designed to reflect the local architectural tradition of Edwardian and Inter-War retail terraces, displaying some overall diversity of form and design, and maintaining National Park vistas that are available from public places.

Reference should be made to the precinct objectives in clause 7.11(1) of LEP 2015.



**Springwood Precinct B2-SP01—Town Centre Precinct**

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.11(1) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.

- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.
- C4. Development is to have a zero front setback, except to Springwood Avenue, where the setbacks are to be 6m with landscaping provided.
- C5. Development is to have a zero side setback, except where the side boundary adjoins the public domain, in which case setbacks greater than zero may be considered if an active frontage is provided.
- C6. The maximum site cover for buildings is 100% of the total allotment area, except on properties with frontages to Springwood Avenue where the maximum site cover is 70%.
- C7. The existing continuity of retail and other business premises on properties that face Macquarie or Raymond Roads is to be retained.
- C8. On properties with secondary frontages to the public domain, new retail or other business premises to those secondary frontages are to be promoted along at least 50% of ground level frontages to public carparks, side streets and laneways, and for all storeys above ground, balconies and/or extensive windows facing the public domain are to be provided.
- C9. On properties facing Springwood Avenue, extensive balconies and/or windows are to be provided in all facades facing that street.
- C10. New development is to have regard to the scale, forms and detailing of traditional shopfront buildings, and to ensure that where appropriate, continuous awnings and/or balconies are provided.

**Note:** Guidelines on traditional shopfront design are found in B3.1.3 Infill shopfront buildings in B3 Character and design, and in D1.9.7 Traditional shopfront buildings in Part D1 Heritage where heritage considerations apply.

- C11. On properties that contain two-storey traditional shop buildings, new development is to retain the principal shopfront structure and elements, and also the adjoining rooms.

**NNote:** Guidelines on traditional shopfront design are found in B3.1.3 Infill shopfront buildings in B3 Character and design, and in D1.9.7 Traditional shopfront buildings in Part D1 Heritage where heritage considerations apply.

Development on large allotments is to distribute floorspace into well-articulated structures that are composed of separate wings or interconnected buildings, with traditionally pitched roofs and appropriately landscaped garden courtyards.



- C12. Existing canopy trees are to be retained to frame building presentation. New landscaping is to be appropriately-sized and characteristic of the locality.
- C13. On-site parking areas are to be accessed only from the rear or side of buildings via existing public car parks, laneways or secondary streets, and are to be concealed behind retail or business floorspace wherever possible.
- C14. The existing pedestrian network is to be expanded by promoting new retail frontages surrounding the public domain.
- C15. Solar access to the public domain is to be protected and enhanced.
- C16. Continuous weather protection along all public frontages in the form of awnings or overhanging balconies is to be provided.
- C17. Ground floor walls and structures are to protect and enhance sight lines in public places.

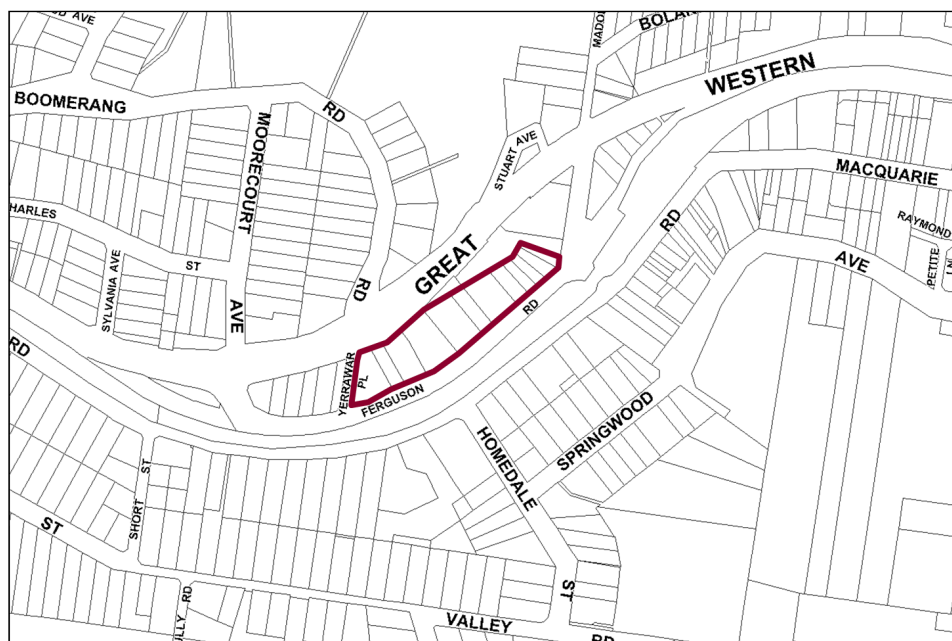
## G10.2 Springwood Precinct R3-SP02—Ferguson Road Precinct

This precinct provides a mix of single and multiple-unit dwellings located close to the town centre and expanding the range of residential accommodation that is available in the Springwood village.

New development will reflect the scale, forms, materials and details of existing traditional cottages.

In order to provide a distinctive backdrop to both the town centre and the highway, redevelopment is to retain visually significant elements of established garden settings, such as canopy trees in front and rear yards, and restoration of existing cottages is encouraged.

Reference should be made to the precinct objectives in clause 7.11(2) of LEP 2015.



**Springwood Precinct R3-SP02—Ferguson Road Precinct**

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.11(2) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.
- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.



- C4. The height above ground for the lowest habitable floor level is not to exceed 1.5m.
- C5. Cut or fill within 5m of any property boundary is not to exceed 0.5m.
- C6. The minimum setback from the street frontage is 8m.
- C7. Side boundary setbacks, including any secondary frontage to Yerrawar Place is to be a minimum of 2m.
- C8. All setback areas are to be landscaped.
- C9. The maximum site cover for buildings is 50% of the total allotment area.
- C10. The minimum area to be retained as soft, pervious or landscaped area (excluding hard surfaces) is 40% of the total allotment area.
- C11. New development is to be sympathetic to traditional building forms, materials and details, including the use of traditionally-pitched roofs, articulated layouts and forms, verandahs, timber joinery, vertically-proportioned openings and some painted external finishes, with a curtilage of landscaped areas and an address to the street provided. New development is to be similar in form and materials to quality older buildings but subservient in detail to distinguish it as new work.
- C12. Buildings are not to exceed 18m width or depth in any direction.
- C13. Any non-residential activities are to be accommodated in buildings with a residential scale and character.
- C14. Driveways, parking areas and garages are not to dominate any street frontage, and are to be integrated with the design of surrounding landscaped areas.



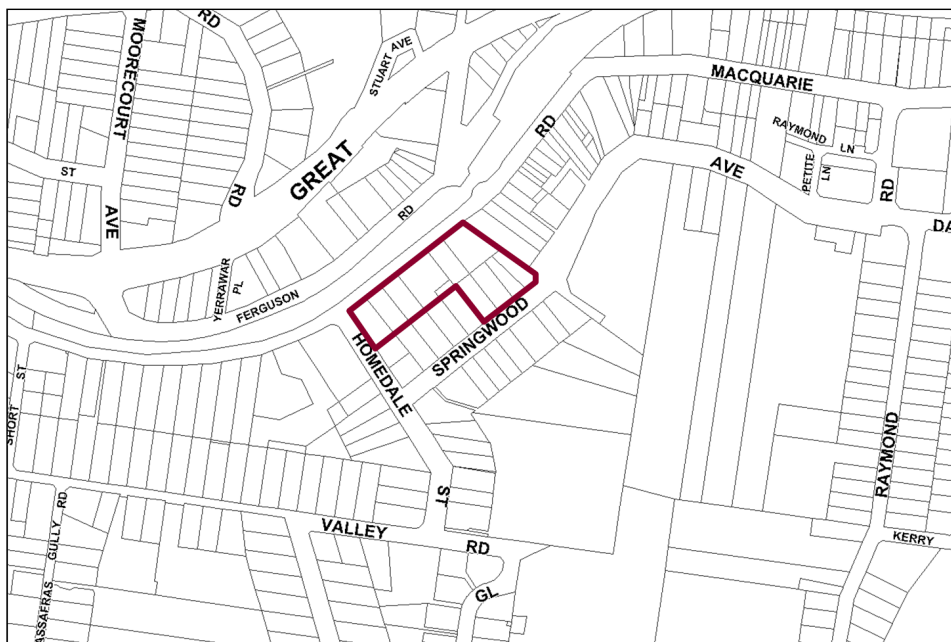
## G10.3 Springwood Precinct R3-SP03—Western Precinct

This precinct provides a mix of single and multiple-unit dwellings, located close to the town centre and expanding the range of residential accommodation that is available in the Springwood village.

New development will reflect the scale, forms, materials and details of existing traditional cottages, and conserve and enhance established garden settings.

In order to provide a visually distinctive backdrop to the town centre, redevelopment is to retain visually significant elements of established garden settings, particularly tall eucalypts and other canopy trees on hillside sites.

Reference should be made to the precinct objectives in clause 7.11(3) of LEP 2015.



**Springwood Precinct R3-SP03—Western Precinct**

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.11(3) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.
- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.



- C4. The height above ground for the lowest habitable floor level is not to exceed 1.5m.
- C5. Cut or fill within 5m of any property boundary is not to exceed 0.5m.
- C6. The minimum setback from the primary street frontage is 8m.
- C7. On corner allotments, the setback to the secondary frontage is to be a minimum of 4m.
- C8. Side boundary setbacks are to be a minimum of 2m.
- C9. All setback areas are to be landscaped.
- C10. The maximum site cover for buildings is 50% of the total allotment area.
- C11. The minimum area to be retained as soft, pervious or landscaped area (excluding hard surfaces) is 40% of the total allotment area.
- C12. New development is to be sympathetic to traditional building forms, materials and details, including the use of traditionally-pitched roofs, articulated layouts and forms, verandahs, timber joinery, vertically-proportioned openings and some painted external finishes, with a curtilage of landscaped areas and an address to the street provided. New development is to be similar in form and materials to quality older buildings but subservient in detail to distinguish it as new work.
- C13. Buildings are not to exceed 15m width or depth in any direction.
- C14. Any non-residential activities are to be accommodated in buildings with a residential scale and character.
- C15. Driveways, parking areas and garages are not to dominate any street frontage, and are to be integrated with the design of surrounding landscaped areas.

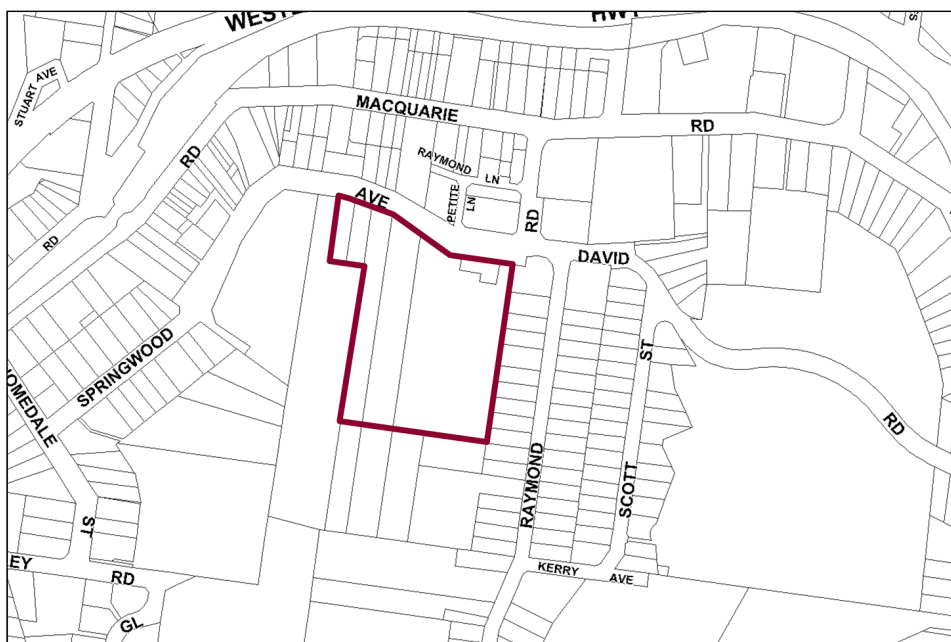


## G10.4 Springwood Precinct R3-SP04—Southern Precinct

Multiple-unit dwellings in this precinct are planned and constructed to protect the neighbouring bushland reserve of Fairy Dell from adverse visual or environmental impacts, as well as to provide an attractive backdrop to the Springwood Village centre and to expand the range of residential accommodation that is available in the Springwood Village.

Buildings and site works are confined to street frontages along Springwood Avenue, avoiding disturbance to steeper wooded slopes surrounding Fairy Dell. Substantial landscape buffers of canopy trees and understorey are maintained along all street and park boundaries, screening buildings and maintaining a quiet bushland atmosphere in the neighbouring reserve.

Reference should be made to the precinct objectives in clause 7.11(4) of LEP 2015.



**Springwood Precinct R3-SP04—Southern Precinct**

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.11(4) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.
- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.



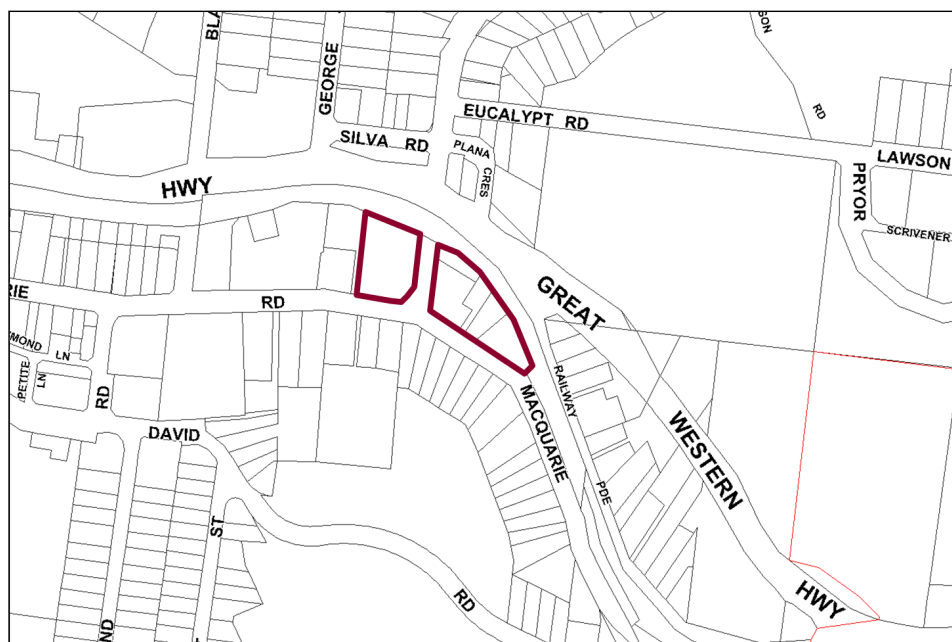
- C4. The height above ground for the lowest habitable floor level is not to exceed 1.5m.
- C5. Cut or fill within 5m of any property boundary is not to exceed 0.5m.
- C6. The minimum setback from Springwood Avenue is 10m.
- C7. Side boundary setbacks are to be a minimum of 4m.
- C8. All setback areas are to be landscaped.
- C9. The maximum site cover for buildings is 30% of the total allotment area.
- C10. The minimum area to be retained as soft, pervious or landscaped area (excluding hard surfaces) is 60% of the total allotment area.
- C11. Buildings and landscaping are to minimise impacts on the surrounding bushland and environmentally sensitive land whilst minimising bushfire hazard. New landscape plantings are to be either endemic to the locality or be native species of low to mid invasive potential.
- C12. Buildings are to incorporate design elements that integrate new development sensitively with the bushland setting. This includes well-articulated and site-responsive forms, pitched roofs that align with the topography, and earthy materials and colours.
- C13. Buildings are not to exceed 25m width or depth in any direction.
- C14. Any non-residential activities are to be accommodated in buildings with a residential character.
- C15. Driveways, parking areas and garages are not to dominate any street frontage, and are to be integrated with the design of surrounding landscaped areas.

## G10.5 Springwood Precinct R3-SP05—*Eastern Precinct*

Multiple-unit dwellings in this precinct are designed to establish an attractive and distinctive eastern gateway to the neighbouring town centre, as well as expanding the range of residential accommodation that is available in the Springwood Village.

In order to provide a visually distinctive backdrop to the neighbouring town centre, buildings are surrounded by landscaped settings that include copses of tall eucalypts. Building forms are well-articulated and incorporate traditional building elements such as traditionally-pitched hipped and/or gabled roofs, dry-pressed brickwork walls and timber joinery for traditionally-designed verandahs and balconies.

Reference should be made to the precinct objectives in clause 7.11(5) of LEP 2015.



**Springwood Precinct R3-SP05—*Eastern Precinct***

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.11(5) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.
- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.





- C4. The height above ground for the lowest habitable floor level is not to exceed 1m.
- C5. Cut or fill within 5m of any property boundary is not to exceed 0.5m.
- C6. The minimum setback to Macquarie Road or Hawkesbury Road frontage is 6m.
- C7. On corner allotments, the setback to the secondary frontage is to be a minimum of 4m.
- C8. Side boundary setbacks is to be a minimum of 2m, except to any boundary adjoining the railway, where setbacks are to be a minimum of 8m.
- C9. The maximum site cover for buildings is 55% of the total allotment area.
- C10. The minimum area to be retained as soft, pervious or landscaped area (excluding hard surfaces) is 35% of the total allotment area.
- C11. Buildings are to present a high standard of architectural form and detailing and formally address significant public domain areas within the immediate setting; service function areas are to be compact and discreetly located.
- C12. New development is to be sympathetic to traditional building forms, materials and details, including the use of traditionally-pitched roofs, articulated layouts and forms, verandahs, timber joinery, vertically-proportioned openings and some painted external finishes, with a curtilage of landscaped areas and an address to the street provided. New development is to be similar in form and materials to quality older buildings but subservient in detail to distinguish it as new work.
- C13. Buildings are not to exceed 15m width or depth in any direction.
- C14. Any non-residential activities are to be accommodated in buildings with a residential scale and character.
- C15. Driveways, parking areas and garages are not to dominate any street frontage, and are to be integrated with the design of surrounding landscaped areas.

# GII. WENTWORTH FALLS

GII.1	Wentworth Falls Precinct B2-WF01— <i>Town Centre Precinct</i>	736
GII.2	Wentworth Falls Precinct R3-WF02— <i>Adele Street Precinct</i>	739
GII.3	Wentworth Falls Precinct R3-WF03— <i>Great Western Highway Precinct</i>	741





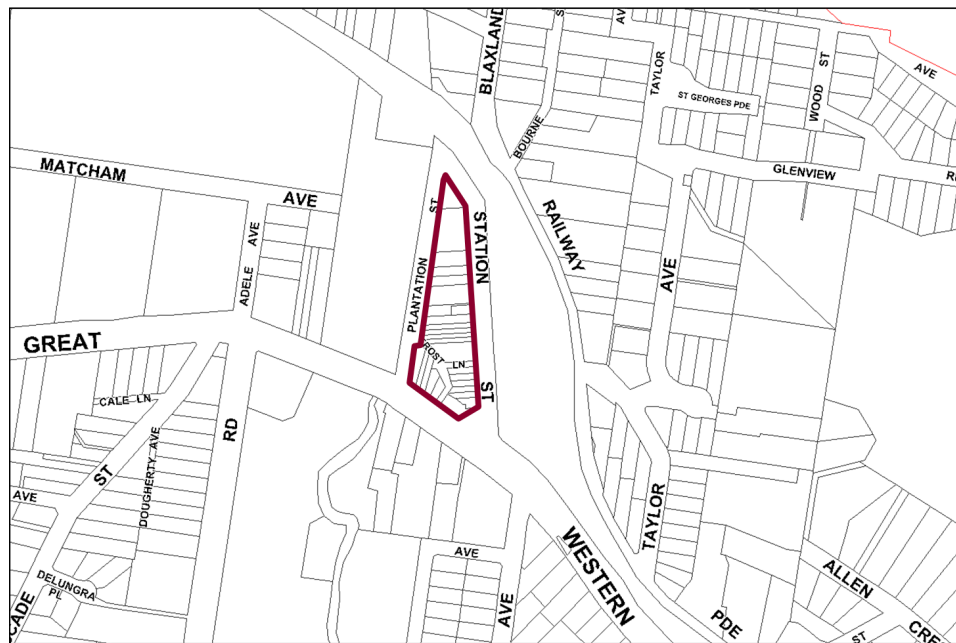
## G11.1 Wentworth Falls Precinct B2-WF01—Town Centre Precinct

This remains a compact town centre, accommodating a diverse range of small retail and other local businesses, tourist-related activities and permanent residents.

Modestly-scaled buildings are arranged in a traditional main street pattern, with a continuous row of one and two-storey buildings that reflect local architectural traditions yet display some variety of form and design. The form and architectural detail of landmark retail terrace buildings are preserved. Future development emphasises the distinctive character of these landmarks, and promotes new retail frontages along Plantation Street, as well as existing laneways and the Highway.

Buildings provide visible indoor activity along all public frontages, and pedestrian activity is concentrated along the streets and laneways, encouraging informal community gatherings in areas that are protected from undesirable impacts of through traffic.

Reference should be made to the precinct objectives in clause 7.12(1) of LEP 2015.



**Wentworth Falls Precinct B2-WF01—Town Centre Precinct**

### Controls

- CI. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.12(1) of LEP 2015.



- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.
- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.
- C4. Development is to have a zero front setback, except in Plantation Street, where the setbacks are to be a minimum of 2.5m.
- C5. Development is to have a zero side setback, except where the side boundary adjoins the public domain, where setbacks greater than zero may be allowed, but only when it can be demonstrated that an active frontage will be provided.
- C6. Development may provide a maximum site cover of 100% of the total allotment area.
- C7. The existing continuity of retail and other business premises and shop fronts facing Station Street and the Highway is to be maintained.
- C8. On properties facing Plantation Street or a public laneway, new retail or other business with shop fronts or accessible courtyards are to be promoted along at least 50% of ground level frontages to any public street or laneway, and for all storeys above ground, balconies and/or extensive windows overlooking the street are to be provided.
- C9. New development, including alteration and additions to existing shopfronts, is to have regard to the scale, forms and detailing of traditional shopfront buildings, and to ensure that where appropriate, continuous awnings and/or balconies are provided.

**Note:** Guidelines on traditional shopfront design are found in B3.1.3 Infill shopfront buildings in B3 Character and design, and in D1.9.7 Traditional shopfront buildings in Part D1 Heritage where heritage considerations apply.

- C10. On properties with existing two-storey traditional shop terraces, future development is to retain and restore the principal shop front structure plus the adjoining rooms.

**Note:** Guidelines on traditional shopfront design are found in B3.1.3 Infill shopfront buildings in B3 Character and design, and in D1.9.7 Traditional shopfront buildings in Part D1 Heritage where heritage considerations apply.

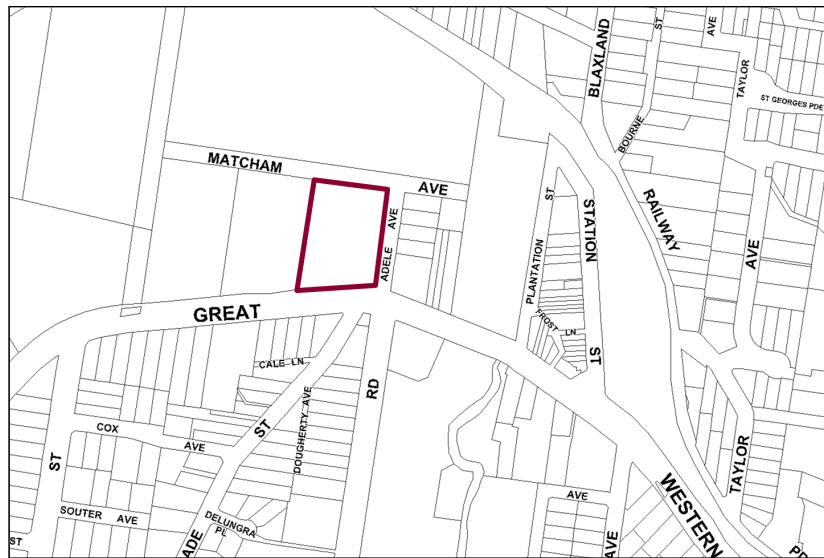


- C11. Development on large allotments is to distribute floorspace into well-articulated structures that are composed of separate wings or interconnected buildings, with traditionally pitched roofs and appropriately landscaped garden courtyards.
- C12. Existing canopy trees are to be retained to frame building presentation. New landscaping is to be appropriately-sized and characteristic of the locality.
- C13. On-site parking areas are to be accessed only from the rear or side of buildings via existing public car parks, laneways or secondary streets, and are to be concealed from Station and Plantation Streets behind retail or business floorspace.
- C14. Buildings fronting Plantation Street with a zero setback may be allowed as part of a development proposal that provides for variable setbacks and articulated building frontages to enhance building presentation and facilitate associated activities such as outdoor dining.
- C15. The existing pedestrian network is to be expanded by promoting new retail frontages facing Plantation Street and other public places.
- C16. Solar access to the public domain is to be protected and enhanced.
- C17. Continuous weather protection along all public frontages in the form of awnings or overhanging balconies is to be provided.
- C18. Ground floor walls and structures are to protect and enhance sight lines in public places.

## G11.2 Wentworth Falls Precinct R3-WF02—Adele Street Precinct

Containing a screen of dense vegetation, this site provides alternative housing forms in close proximity to Wentworth Falls shops. The design of buildings is sympathetic to the heritage items located adjacent to the precinct and shall include forms and finishes that minimise the visual impact of buildings from the Great Western Highway.

Reference should be made to the precinct objectives in clause 7.12(2) of LEP 2015.



**Wentworth Falls Precinct R3-WF02—Adele Street Precinct**

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.12(2) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.
- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.
- C4. The minimum setback from the Great Western Highway is 25m.





- C5. No direct vehicular access is to be provided from the Great Western Highway. Vehicular access to development on the site is to be provided via Adele Street or Matcham Street and is to demonstrate appropriate sight distances for driveways.
- C6. Building form and location is to provide for active frontages of dwellings to Adele and Matcham Streets.
- C7. Planting of screening vegetation is to be provided between any building and the boundary with Blue Mountains Grammar School. This screen planting is to incorporate a fence that restricts access between the building and the school.
- C8. The existing bushland within the Great Western Highway setback is to be retained and, where necessary, revegetated to screen buildings from the Great Western Highway.
- C9. Development for the purpose of multi-dwelling housing in this precinct will respect and complement the existing historical and heritage values of adjoining sites.

## G11.3 Wentworth Falls Precinct R3-WF03—Great Western Highway Precinct

This site consolidates a range of housing alternatives and a mix of uses in close proximity to Wentworth Falls shops. Pedestrian accessibility is maximised and the design of buildings is sympathetic to the heritage items within and adjacent to the precinct. Existing buildings of heritage significance with frontage to the Great Western Highway are maintained, and provided with appropriate curtilages. The bulk of development is screened from the Great Western Highway and is accessed via Page Avenue.

Reference should be made to the precinct objectives in clause 7.12(3) of LEP 2015.



**Wentworth Falls Precinct R3-WF03—Great Western Highway Precinct**

### Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.12(3) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.
- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.
- C4. The minimum setback from Page Avenue is 4m.

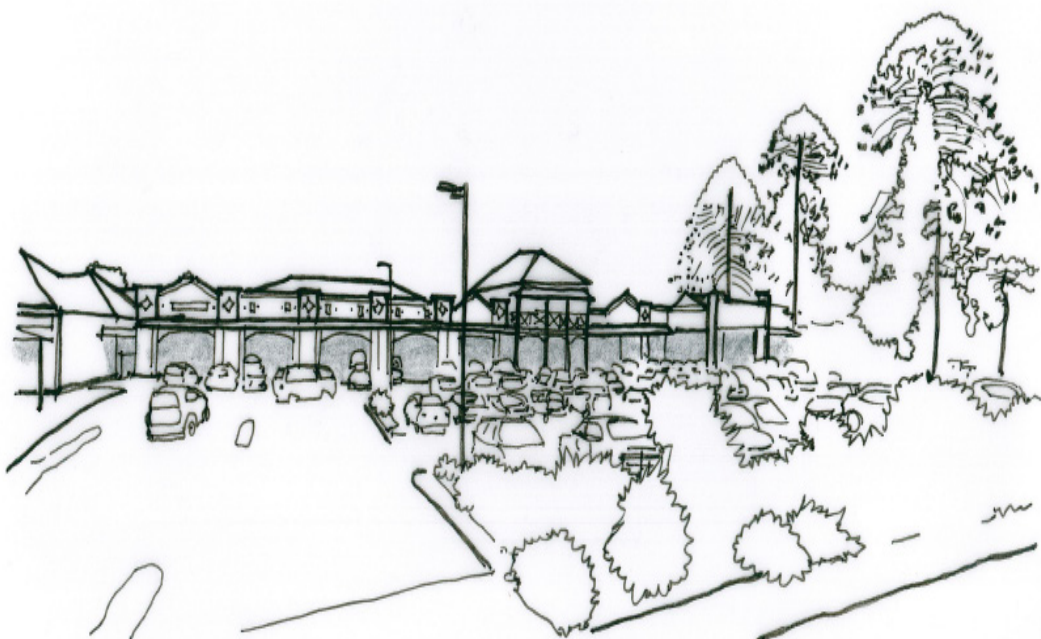




- C5. No direct vehicular access is to be provided from the Great Western Highway. Vehicular access to the development is to be provided via Page Avenue and is to demonstrate appropriate sight distances for driveways.
- C6. Building form and location is to provide activated safe and pedestrian-friendly street frontages to dwellings at Page Avenue.
- C7. Development is to respect and complement the existing heritage values of adjoining sites.

# G12. WINMALEE

G12.1	Winmalee Precinct B2-WL01 –Town Centre Precinct	744
G12.2	Winmalee Precinct R3-WL02 –Village Housing Precinct	746



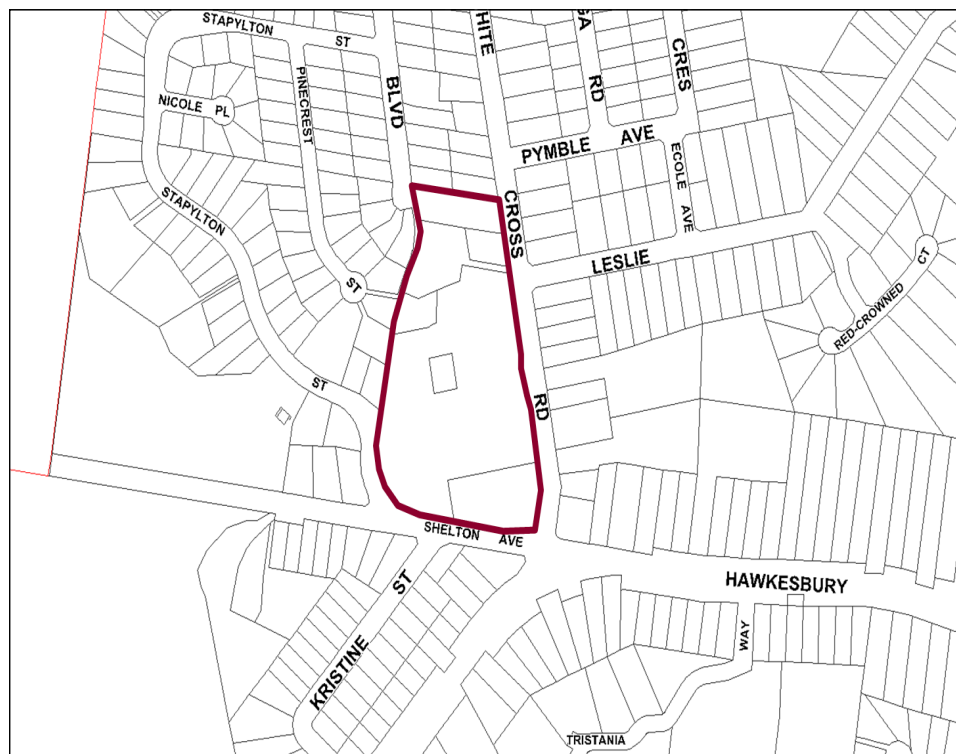
## G12.1 Winmalee Precinct B2-WL01 –Town Centre Precinct

The precinct remains a compact town centre, accommodating a diverse range of retail and other businesses that complement the district level retail facilities that form the main focus of commercial activity for the precinct.

Development in the northern section of the precinct is in keeping with the residential scale form and character of the surrounding residential areas. Heritage items are preserved and form a significant visual element to be taken into account in the design of new development.

The development of the precinct is to incorporate the low densities and bushland character elements that have characterised the traditional development of Winmalee village. The visual impact of built components is minimised through design elements and native vegetation screening from surrounding roadways. Significant trees, including the heritage listed Bunya Pines, are retained and enhanced with new plantings, particularly within and surrounding car parking areas.

Reference should be made to the precinct objectives in clause 7.13(I) of LEP 2015.



**Winmalee Precinct B2-WL01 –Town Centre Precinct**



## Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.13(1) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.
- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.
- C4. The minimum setback is to be within 20% of the average setback of adjoining allotments.
- C5. The maximum site cover for buildings is 40% of the total allotment area.
- C6. External walls, where visible from the public domain are to be articulated with appropriate design elements and heavily screened with appropriate native vegetation plantings.
- C7. New development is to provide circulation that minimises conflicts between vehicles and pedestrians.
- C8. Commercial signage is to be co-ordinated with building and shop front design to reflect a village character.
- C9. The heritage items within the precinct are to be retained and incorporated into any future development proposals.



## G12.2 Winmalee Precinct R3-WL02 – Village Housing Precinct

The precinct reinforces a compact town centre, accommodating a diverse range of residential, medical and other professional services that complement the adjacent district level retail and community facilities.

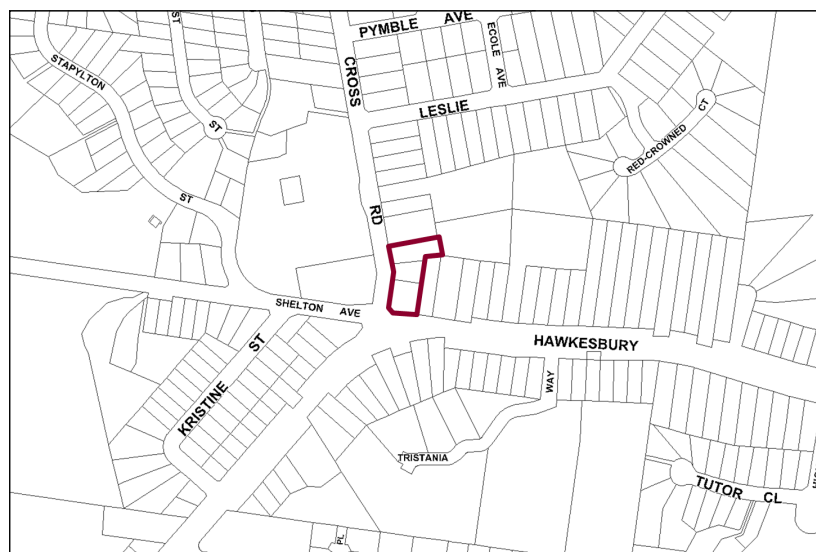
Buildings in the precinct are designed to establish an attractive and distinctive gateway to the neighbouring town centre, as well as expanding the range of residential, medical and other professional services that are available in the Winmalee village.

New building works are well-articulated and reflect the pattern and scale of the surrounding residential areas, together with surrounding gardens. In order to provide a visually distinctive backdrop to the neighbouring town centre, development is to incorporate visually significant elements of established garden settings, particularly tall eucalypts and other canopy trees.

Buildings and associated infrastructure in the precinct are planned and constructed to protect neighbouring land zone E2 Environmental Conservation land from environmental effects.

The development of the precinct is to incorporate the low densities and bushland character elements that have characterized the traditional development of Winmalee village. The visual impact of built components is minimised through design elements and native vegetation screening from surrounding roadways. Significant trees are retained and enhanced with new plantings, particularly within and surrounding car parking areas.

Reference should be made to the precinct objectives in clause 7.13(2) of LEP 2015.



**Winmalee Precinct R3-WL02 – Village Housing Precinct**

## Controls

- C1. Development is to satisfy LEP 2015 clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.13(2) of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.
- C3. The floor space ratio of a development is not to exceed the maximum floor space ratio set by clause 4.4 of LEP 2015 and the accompanying *Floor Space Ratio Map*.
- C4. The height above ground level for the lowest habitable floor level is not to exceed 1.5m.
- C5. Cut or fill within 5m of any property boundary is not to exceed 0.5m.
- C6. The minimum setback to Hawkesbury Road is to be 8m.
- C7. The minimum setback to White Cross Road is to be 6m.
- C8. All setback areas are to be landscaped.
- C9. The maximum site cover for buildings is to be 55% of the total site area.
- C10. The minimum area to be retained as soft, pervious or landscaped area (excluding hard surfaces) is to be 35% of the total site area.
- C11. Buildings and landscaping are to minimise impacts on the surrounding bushland and environmentally sensitive land, whilst minimising bushfire hazard. New landscape plantings are to be either endemic to the locality or to be of low to nil invasive potential.
- C12. Buildings are to incorporate design elements that integrate new development sensitively with the bushland setting. This includes well-articulated and site-responsive forms, pitched roofs that align with the topography, and earthy materials and colours.
- C13. Residential buildings are not to exceed 15m in width or depth in any direction.
- C14. Any non-residential activities are to be accommodated in buildings with a residential character.



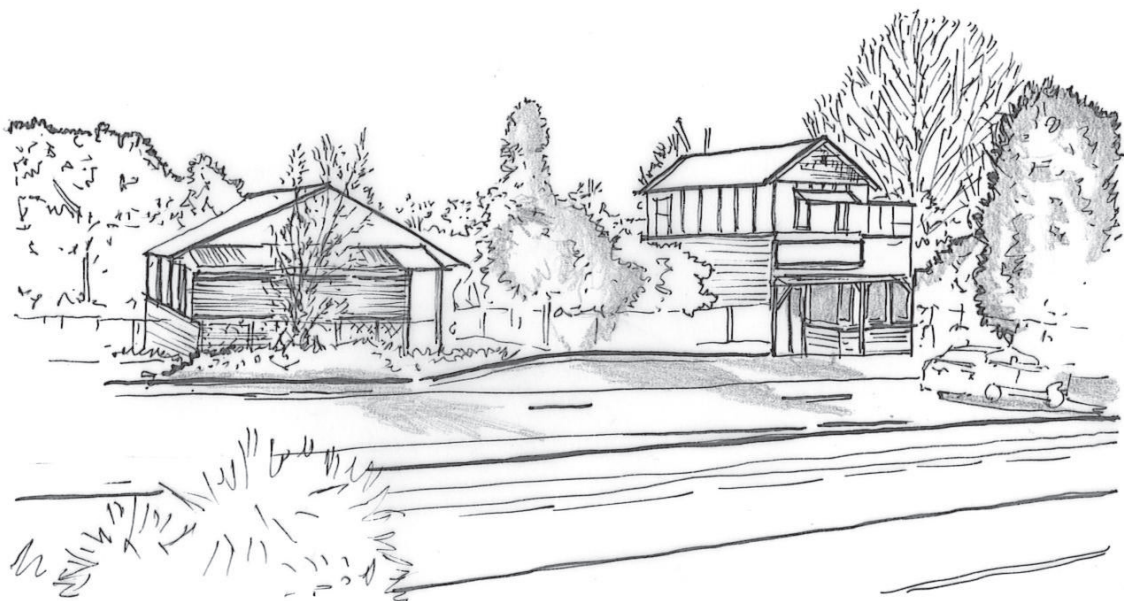


- C15. Driveways, parking areas and garages are not to dominate any street frontage, and are to be integrated with the design of surrounding landscaped areas.
- C16. All vehicular access and egress to the site is to be via White Cross Road and located in a position that does not unreasonably interfere with the flow of vehicular and pedestrian movements on White Cross Road, and also into and out of the Winmalee Shopping Centre, adjoining properties and the Winmalee Public School.

# G13. WOODFORD

G13.1 Woodford Precinct B1-WD01 –Great Western Highway Precinct

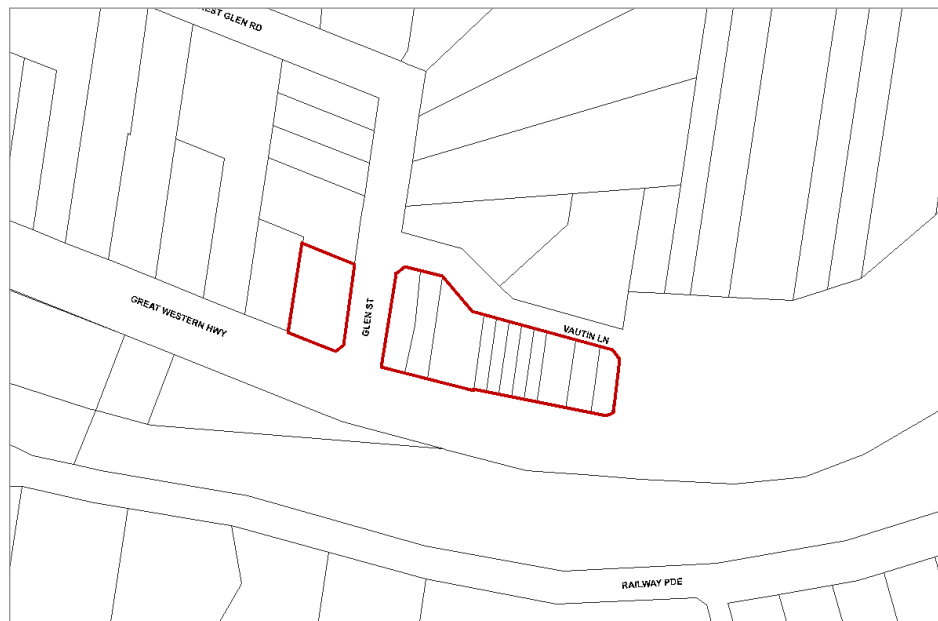
750



## G13.1 Woodford Precinct BI-WD01 – Great Western Highway Precinct

Situated in a visually prominent position on the northern side of the Great Western Highway and adjoining residential neighbourhoods, this precinct provides a variety of small-scale retail and commercial businesses that serve the local community and visitors. New development is to promote the scenically-distinctive highway frontage to the Woodford village with building forms that reflect traditional village shops or detached dwellings with landscaped gardens and vistas towards the National Park.

Reference should be made to the precinct objectives in clause 7.14 of LEP 2015.



**Woodford Precinct BI-WD01 – Great Western Highway Precinct**

### Controls

- C1. Development is to satisfy LEP 2015 Clause 7.1 (Development in villages) and be consistent with the precinct objectives of clause 7.14 of LEP 2015.
- C2. The height of a building is not to exceed the maximum height of building as set by clause 4.3 of LEP 2015 and the accompanying *Height of Buildings Map*.
- C3. The floor space ratio is not to exceed the maximum floor space ratio set out by clause 4.4 of LEP 2015 and the accompanying *Floor Space ratio Map*.



- C4. New dwelling houses, including extensions to existing dwellings, bed and breakfast accommodation and short term rental accommodation are to be a minimum 8m from the boundary with the Great Western Highway.
- Such developments are to be within 20% of the average setback of buildings immediately adjoining allotments for setbacks from Vautin Lane, Glen Street or Station Street and no less than 6m.
- C5. Setbacks for all development types not referred to in C4 above are generally to have zero setback to the highway. Setbacks greater than zero may be considered where it can be demonstrated that precinct objectives are met.
- C6. The minimum area to be retained as soft, pervious or landscaped area (excluding hard surfaces) is 35% of the total allotment area.
- C7. For all new developments, all vehicular access is to be via the local road network (Vautin Lane, Glen Street and Station Street)
- C8. For all new commercial developments, all loading and unloading activities of vehicles, including waste collection, are to occur from the local road network (Vautin Lane, Glen Street and Station Street).
- C9. Any parking and vehicle loading and manoeuvring areas are to be designed to minimise visual impact when viewed from the public domain, and to be safely and efficiently designed.
- C10. Car parking areas are to be screened from the public domain so as not to dominate streetscape views.
- C11. Pedestrian access to any new development shall be available from the Great Western Highway frontage.
- C12. For all new subdivisions, all vehicular access is to be via the local road network only (Vautin Lane, Glen Street and Station Street) and any existing vehicular crossings on the highway frontage to be closed. There will be no new vehicular accesses to the highway.
- C13. All existing vegetation forming visually significant streetscape elements is to be retained and appropriate landscaping shall be provided within any setbacks.
- C14. New development shall present to the Great Western Highway and local streets through the design of building facades, landscaping and fences.



- C15. New development is to adopt traditional building forms and incorporate traditionally pitched roofs and/or parapets, traditional shopfront design, articulated building forms and layouts, vertically-proportioned openings, and sympathetic materials and detailing. New development is to be sympathetic to the its immediate surroundings.

**Note:** Guidelines on traditional shopfront design are found in B3.1.3 Infill shopfront buildings in B3 Character and design.

- C16. Walls in new development visible from the public domain are not to be left blank, unadorned or unarticulated.
- C17. Commercial signage is to be co-ordinated to reflect a village character.



# PART H

## PUBLIC PARTICIPATION





## Contents

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## Introduction

The most common matters that are referred to the community for comment are development applications. This section of the DCP outlines the criteria and procedures used to inform the community of development applications. It seeks to achieve a consistent approach to the notification of development applications and to balance the public participation process with the timely assessment of an application.

The requirements of this part of the DCP apply to land in the Blue Mountains Local Government Area to which LEP 2015 applies.

Not all notification is undertaken by the Council, for example 'State significant' development is managed by the State Government. There are also other development categories that have either no approval or pre determination notification requirements, such as 'Exempt' and 'Complying' development. This part of the DCP focuses on the notification requirements managed by the Council for 'Designated', 'Advertised' and 'other notifiable' development.

## Advisory notes

### ‘Affected’ defined

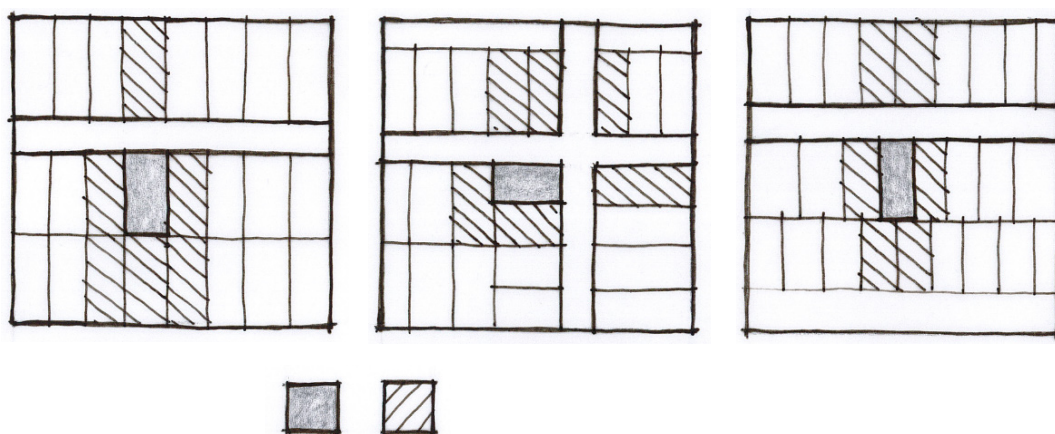
*Affected: is any property, as determined by the Council, the enjoyment of which may be detrimentally influenced by the proposed development. This will generally be adjoining properties. However, the need for notification will be determined by the potential for detrimental impact. This may include properties not directly abutting the proposed development but which may be visually affected or properties along a road where traffic impact is likely to be significant.*

*Whether land may be detrimentally affected is to be determined by taking into consideration the effect that a proposal would have on:*

- *views to and views from the land*
- *overshadowing*
- *privacy*
- *noise*
- *the quality and character of the adjoining streetscape*
- *light spillage*

### ‘Adjoining’ defined

*Adjoining: means land which abuts or has a common boundary with or is directly opposite an application site or is separated from it only by a pathway, driveway or similar thoroughfare. See examples.*



Subject property    affected land

**Part H - Figure I:** definition of adjoining properties under various configurations: standard arrangement, street corner, and offset boundaries

## HI Designated development

Designated development is defined under the Environmental Planning and Assessment Act 1979 (EP&A Act) as a class of development declared as such by an environmental planning instrument or the Environmental Planning and Assessment Regulation 2000 (Regulation). Schedule 3 of the Regulation lists the various activities and types of development that are 'Designated'. Very few applications received in the Blue Mountains are associated with this type of development. The public participation process for 'Designated' development is specified under s.79 of the Act and the Regulation. The procedures outlined below follow the Act and Regulation with additional provisions to clarify administrative processes.

### Criteria for notification

All 'Designated' development applications are notified.

### Time period for notification

The notification period for 'Designated' development is 30 calendar days. Notification shall not commence or end between the Christmas and New Year period (i.e. 20 December until 5 January). Notification spanning this time shall also make allowance for the holiday period.

The notification period will apply from the date on which the notice was first published in the newspaper.

### Online notification

Council's website publishes an updated list of applications in notification. Documents submitted by the applicant will generally be available for viewing online during the notification period.

### Written notice

A written notice will be given to:

- Persons who appear to own or occupy adjoining land, and
- Those public authorities that Council considers may have an interest in the determination of the application (other than concurrence authorities or other approval authorities), and
- Such other persons as appear to own or occupy the land, the use or enjoyment of which, in Council's opinion, may be detrimentally affected if the 'Designated' development is carried out. Where the area of affectation is large then advertising in the local press shall occur instead of notification for other than the properties in the immediate vicinity, and



If a notification letter is sent and that notice is returned, Council is considered to have fulfilled its obligations.

For the purpose of written notification:

- Where the land is a lot within the Strata Titles Act, Strata Titles Leasehold Act or Community Development Act, a written notice to the Body Corporate is taken to be a written notice to the owner of each lot.
- If the land is owned or occupied by more than one person, a written notice to one owner or one occupier is taken to be a written notice to all the owners and occupiers of that land.
- The notice sent to the land owner will be at the address shown on Council's ownership records at the date the notice was generated.
- The written notice is to occur at the same time as the published notice.

### **Published notice**

A published notice will be included in the local paper as soon as practical after the development application is lodged. The notice for 'Designated' development must:

- Be published on at least 2 separate occasions;
- Appear across 2 or 3 columns in the display section of the newspaper;
- Be headed in capital letters and bold type "DEVELOPMENT PROPOSAL".

### **Notice on the land**

- A signpost or board must be exhibited on the land to which the development relates and, if practical, in a location capable of being read from a public place.
- The sign will be installed at the same time as the published notice.

### **Content of a written / published notice**

The written and published notice will contain:

- A description of the land (including the address) on which the development is proposed to be carried out, and
- The name of the applicant and the name of the consent authority, and
- A description of the proposed development, and
- A statement that the proposed development is 'Designated' development, and
- A statement that the application and the documents accompanying that application (including the environmental impact statement) may be viewed on Council's website during the notification period, and

- The dates of the notification period and a statement that any person may, during the notification period specified, make a written submission, and
- The written notice shall also contain an A4 notification plan showing the elevations and site plan and advice that if a submission is made by way of objection, the grounds of objection must be specified.

### Content of notice on the land

The notice on the land must be clear and legible and headed in capital letters and bold type “DEVELOPMENT PROPOSAL”.



**Part H - Figure 2:** indicative content of the sign, which must be exhibited on the land to which the development application relates, during the exhibition period

The sign must contain under that heading:

- A statement that the development application has been lodged;
- The name of the applicant;
- A brief description of the development application;
- Notice that the development application and relevant environmental impact statement may be inspected on Council’s website during the notification period.

### Amendment after notification

Council will not re-notify an application that has been amended prior to determination, where Council considers the amended, substituted or later application:

- differs only in minor respects from the original application; or
- is of a lesser impact; or
- addresses impact issues.

Such an application will be referred to as a ‘replacement’ application. Where re-notification occurs, the application will be notified to any person who made a submission to the original application, and to owners of land who Council considers could suffer increased adverse impacts due to the proposed amendment.



## H2 Advertised development

'Advertised' development is defined in the *Environmental Planning and Assessment Act 1979* (EP&A Act) and includes the following:

- Any development listed as a scheduled activity at any premises under the *Protection of the Environment Operations Act 1997* (other than those identified as 'Designated' development).
- Nominated Integrated Development under s91(1) of the EP&A Act being relevant applications under *Heritage Act 1977*, *Water Management Act 2000* and *Protection of the Environment Operations Act 1997*.
- Threatened Species development that requires a species impact statement under Division 2 of Part 6 of the *Threatened Species Conservation Act 1995*.
- Class 1 aquaculture development under *State Environmental Planning Policy No. 62 – Sustainable Aquaculture*.
- Any development identified as 'Advertised' by a Local Environmental Plan (LEP).

Specific provisions apply under s.79A of the EP&A Act and the Regulations.

The procedures outlined below follow the Act and Regulations with additional provisions to clarify administrative processes.

### Criteria for notification

All 'Advertised' development applications are notified.

### Time period for notification

The notification period for 'Advertised' development is:

- 30 calendar days for nominated integrated or threatened species development;
- 14 calendar days for all other types of 'Advertised' development.
- Notification shall not commence or end between the Christmas and New Year period (i.e. 20 December until 5 January). Notification spanning this time shall also make allowance for the holiday period.

The notification period will apply from the date on which the notice was first published in the newspaper.

### Online notification

Council's website publishes an updated list of applications in notification. Documents submitted by the applicant will generally be available for viewing online during the notification period.



**Note:** For more complex development applications, a hard copy version of the submitted development application will be available at Council's Katoomba and Springwood offices during business hours.

### Written notice

A written notice will be given to:

- Persons who appear to own or occupy adjoining land; and
- Those public authorities that Council considers may have an interest in the determination of the application (other than concurrence authorities or other approval authorities).
- If a notification letter is sent and that notice is returned, Council is considered to have fulfilled its obligations.

For the purpose of written notification:

- Where the land is a lot within the Strata Titles Act, Strata Titles Leasehold Act or Community Development Act, a written notice to the Body Corporate is taken to be a written notice to the owner of each lot.
- If the land is owned or occupied by more than one person, a written notice to one owner or one occupier is taken to be a written notice to all the owners and occupiers of that land.
- The notice sent to the land owner will be at the address shown on Council's ownership records at the date the notice was generated.

### Published notice

A published notice will be included in the local paper as soon as practical after the development application is lodged.

### Content of a written / published notice

The written and published notice will contain:

- A description of the land (including the address) on which the development is proposed to be carried out;
- The name of the applicant and the name of the consent authority;
- A description of the proposed development;
- A statement that the application and the documents accompanying that application may be inspected on Council's website during the notification period;
- The dates of the notification period and a statement that any person may, during the notification period specified, make a written submission.



- The written notice shall also contain an A4 notification plan showing the elevations and site plan and advice that if a submission is made by way of objection, the grounds of objection must be specified.

In the case of Nominated Integrated development, the following additional information will be included in the written and published notice:

- A statement that the development is 'nominated integrated development';
- The approvals that are required and the relevant approval bodies for those approvals; and
- In the case of development that is threatened species development, a statement that the development is threatened species development.

### **Amendment after notification**

Council will not re-notify an application that has been amended prior to determination, where in the opinion of Council, the amended, substituted or later application:

- differs only in minor respects from the original application; or
- is of a lesser impact; or
- addresses impact issues.

Such an application will be referred to as a replacement application. Where re-notification occurs, the application will be notified to any person who made a submission in respect of the original application, and to the owners of land who Council considers could suffer increased adverse impacts as a result of the proposed amendment.



### H3 Other notifiable development (also referred to as specified development)

This category includes any development proposal other than 'Designated' or 'Advertised' development. The majority of development applications received fall into this category. There are no statutory requirements to formally notify this type of development, the Council however chooses to do so in some circumstances. In accordance with s79A(2) of the EP&A Act, these circumstances are stated below.

#### Criteria for notification

A written notice will be sent to the owners of adjoining land (refer to definition of 'adjoining') to obtain their view in relation to the proposal, unless:

- The application is for internal works in an existing building and there will be no change or external impact as a result of that application;
- The application involves the demolition of a structure (other than a heritage item);
- It is a strata application involving the adjustment of boundaries;
- In the opinion of Council, it is considered that the enjoyment of the adjoining land will not be detrimentally affected (refer to definition of 'affected').

A published notice in the local newspaper will only occur where:

- The application is for a significant development that is not expected to occur with any frequency in that land use zone;
- The application is for a non-residential use, other than where the application comprises: ancillary works, change of use; first use or similarly minor works;
- The application is for a multi residential development (including villas, townhouses) other than where the application comprises ancillary or similarly minor works;
- More than 5 additional lots are proposed.

#### Time period for notification

The notification period for 'other notifiable' development is 14 calendar days.

For exceptionally complex development proposals the notification period may be increased to 30 calendar days. Notification shall not commence or end between the Christmas and New Year period (i.e. 20 December until 5 January). Notification spanning this time shall also make allowance for the holiday period.

Where published the time frame will apply from the date on which the notice was first in the newspaper.

#### Online notification



The Council's website publishes an updated list of applications in notification. Documents submitted by the applicant will generally be available for viewing online during the notification period.

**Note:** For more complex development applications, a hard copy version of the submitted development application will generally be available at Council's Katoomba and Springwood offices during business hours.

### **Written notice**

A written notice will be forwarded to the land owner at the address shown on the Council's ownership records at the date the notification letter was generated.

If a notification letter is returned, Council is considered to have fulfilled its obligations.

For the purpose of written notification:

- Where the land is a lot within the Strata Titles Act, Strata Titles Leasehold Act or Community Development Act, a written notice to the Body Corporate is taken to be a written notice to the owner of each lot.
- If the land is owned by more than one person, a written notice to one owner is taken to be a written notice to all the owners of that land.
- The notice sent to the land owner will be at the address shown on Council's ownership records at the date the notice was generated.

### **Published notice**

A published notice (where required) will be included in the local paper as soon as practical after the development application is lodged.

### **Content of a written / published notice**

The written and published notice will contain:

- A description of the land (including the address) on which the development is proposed to be carried out;
- The name of the applicant and the name of the consent authority;
- A description of the proposed development;
- A statement that the application and the documents accompanying that application may be inspected on Council's website during the notification period;
- The dates of the notification period and a statement that any person may, during the notification period specified, make a written submission.

The written notice shall also contain an A4 notification plan showing the elevations and site plan.

In the case of an application nominated for integrated development, the following additional information will be included in the written and published notice:

- A statement that the development is nominated as integrated development;
- The approvals that are required and the relevant approval bodies for those approvals.

### **Amendment after notification**

Council will not re-notify an application that has been amended prior to determination, where in the opinion of Council, the amended, substituted or later application:

- differs only in minor respects from the original application; or
- is of a lesser impact; or
- addresses impact issues.

Such an application will be referred to as a replacement application.

Where re-notification occurs, the application will be notified to any person who made a submission in respect of the original application, and to the owners of land that in the opinion of Council, could suffer increased adverse impacts as a result of the proposed amendment.

## H4 Modifications

Changes may occur to a development application after determination. The following sets out Council's criteria and procedures for notification associated with a modification to a development application.

### Criteria for notification

The Environmental Planning and Assessment Act provides for three levels of modifications:

- Modification involving a 'Minor Error, Misdescription or Miscalculation' – Section 96(1). No notification required.
- Modification involving 'Minimal Environmental Impact' – Section 96(1A). Generally, no notification required unless the original consent was issued by the Court.
- All 'Other Modifications' – Section 96(2). These modifications are notified in accordance with the type of development as detailed below.

### Designated development

Notice of the proposed modification must be:

- Published in a local paper;
- Forwarded to any persons who made a submission in respect of the original application; and
- Forwarded to the owners or occupiers of land, who in the opinion of Council, could suffer increased adverse impacts as a result of the proposed amendment.

The information contained in any written or published notice shall include:

- A brief description of the development consent, the land to which it relates and the modification sought; and
- A statement that written submissions concerning the proposed modification may be made to the Council within the time period specified.
- The notification period for a modified 'Designated' development is 30 calendar days.

### Other notifiable development

Written notice of the proposed modification will be forwarded to:

- Any persons who made a submission in respect of the original application.
- To the owners of land, in the opinion of Council, could suffer increased adverse impacts as a result of the proposed amendment.



The information contained in any written notice shall include:

- A brief description of the development consent, the land to which it relates and the modification sought; and
- A statement that written submissions concerning the proposed modification may be made to the Council within the time period specified.

The notification period for a modification associated with other notifiable development is 14 calendar days.



## H5 Review of determination & revocation of consent

### **Revocation of consent**

Under s.96A of the Environmental Planning and Assessment Act, a development consent can in certain circumstances be revoked or modified by the Director General.

In such cases, Council is required to notify any person who it considers would be adversely affected by the revocation, prior to the making of any such decision. The time period for notification will be determined on the basis of the revocation being considered.

### **Review of determination**

The Council will not notify an application seeking a review of determination under s.82A of the Environmental Planning and Assessment Act, except where an applicant proposes to make amendments to the development and such amendments are, in the opinion of the Council, likely to increase the environmental impacts of the development.

In these cases the application will be notified to any person who made a submission in respect of the original application, and to the owners of land, who in the opinion of Council could suffer increased adverse impacts as a result of the proposed amendment.

A notification period of 14 calendar days will apply.



## H6 Advisory notes

### *Models/artist impressions*

Where a model/artist impression is supplied by the applicant this will be displayed at our Katoomba office (for development on land from Lawson to 'the Mounts') or Springwood office (for development between Lapstone to Hazelbrook).

### *Copying of documents*

All plans and reports associated with a development application are subject to copyright. Whilst documents may be viewed online, print access will be restricted to only those parts exempt for the purposes of s.105 of the Environmental Planning and Assessment Act 1979. Copies of Environmental Impact Statements which accompany a 'Designated' development are made available for purchase.

### *Content of a submission*

In determining an application the Council forms a decision based on the overall merits of the proposal. An extensive range of planning matters is considered and these are outlined in planning instruments such as Blue Mountains Local Environmental Plan 2015 and relevant State and/or Regional Environmental Plans.

Submissions, referral comments from agencies and compliance with planning instruments form part of the assessment.

In making a submission, view the development proposal in the context of the character of the streetscape. Consider amenity impacts such as accessibility, privacy and overshadowing, potential loss of views, landscaping, stormwater management, traffic and parking as well as other environmental, social and economic impacts in the locality. Also consider ways in which adverse impacts (if any) could be mitigated.

### *Political donations*

A person or an associate of that person who makes a submission on a development application is required to disclose political donations and gifts (if any) to a local Councillor or employee. This includes any donation or gift within 2 years before the submission is made up until the application is determined. Further details refer to Council's website.

### *Lodgement of a submission*

A submission to an application can be made by mail, email or via the online form. Refer to 'Development applications on notification' section of Council's website. To allow for proper consideration of submissions (and where the application is 'Designated' development, to retain any third party appeal rights), submissions should be received in the Council offices before the close of business on the last nominated date.



Submissions are acknowledged. In the case of:

- Form letters, letters and emails - the acknowledgement will be sent to the name and address where that name and address is legible and complete.
- Petitions - (i.e. submissions received referencing more than one address) the acknowledgement will be sent to the representative nominated on the petition where that name and address is legible and complete.

Where a submission is acknowledged all other communications (e.g. advice of a Council meeting or the determination outcome of the development application) will follow to that submitter's name and address.

#### *Confidentiality of submissions*

Submissions are not confidential.

A submitter who has concerns about the release of their name and address, or any other identifying material, must provide and highlight in their submission valid written reasons for seeking confidentiality. In such circumstances, the Council may attempt to withhold the release of the submission. If an application is called up before the Courts all details are available.

A copy of all submissions received in response to the public exhibition of a development application for 'Designated' development is sent to the Director-General immediately after the relevant submission period. Note: This does not apply if the Director-General has waived the requirement under s.80(10)(b).

Copies of submissions are also given to the determining authority, such as Joint Regional Planning Panel.

#### *Calling of a public meeting*

Where Council determines that a proposal for which consent may be given is of sufficient interest and significance to the community, a public meeting may be called to discuss the proposal before the assessment is finalised. This is however followed only in unusual circumstances where such a meeting can add information not easily obtained through submissions.

In such circumstances meetings will generally be arranged by written invitation to those persons who made submissions. Where there is likely to be a wider community interest, a notice will be placed in the local newspaper or displayed in a prominent position in the respective village/town.

Council has in place a Mediation Policy which in some circumstances may be an appropriate means of facilitating the resolution of conflicting points of view.



#### *Notice of Council meeting*

Where a development application is referred to the Council for determination, people who have made a written submission to that application, together with applicants will be advised of the scheduling of the item for the Council meeting.

While Council will endeavour to give reasonable notice of the meeting, the period may be limited due to the scheduling of meetings. Copies of business papers are available online at Council's website.

#### *Notice of Joint Regional Planning Panel meeting*

Where an application is to be determined by a Joint Regional Planning Panel, people who have made a written submission to that application, together with applicants, will be advised of the date and time of the meeting by the Panel Secretariat.

#### *Advice of determination*

A list of development consents and refusals will be regularly published in the local newspaper. The notice will describe the land and the development, and advise that the determination is available for inspection free of charge at the office of the Council during ordinary office hours.

Any person who makes a written submission to a development application will be notified of the determination of that application. In the case of a modification to a consent, advice will only be sent to those who made a submission on the modification.

In the case of 'Designated' developments, advice to an objector will be made at the same time as the notice of determination is given to the applicant and will advise the objector of the rights of appeal. A consent for a 'Designated' development will not commence operation until 30 days after the issue of the notice, being the time in which objectors may lodge an appeal in the Land and Environment Court.

#### *Complying Development Certificates*

In accordance with s.101 of the Environmental Planning and Assessment Act 1979, a determination notice of a complying development certificate is notified in the local newspaper by the issuing authority. If the public notice is given by an accredited certifier then they must send a copy of the page of the newspaper to Council within 7 days after the notice is published.

#### *Register of applications*

Council is required to keep a register of applications under cls.264-265 of the Environmental Planning and Assessment Regulation 2000. This register is available in an electronic format and may be viewed at Katoomba and Springwood Offices. or via Council's website.

# PART I

## SUBMISSION REQUIREMENTS





## Contents

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## Introduction

The Environmental Planning and Assessment Regulation 2000 Schedule 1 sets out the documents required to accompany a development application. Additional guidelines for Council's requirements for certain documentation is included in this Part

Each part of the DCP references reports and other documentation that may be required to be submitted as part of a development application. This part provides additional detail on the elements to be included in these reports, how they should be prepared, and resources to aid this preparation.



# **I1** Submission requirements for Part B - Context, Site Analysis and Design

The primary submission requirement within this part is a Site Analysis Plan.

**Note:** The level of detail required for a context analysis is relative to the size, scope and impact of the development proposal.

## **I1.1** Submission requirements for Part B1.1 Site Analysis

### **I1.1.1** Site Analysis Plan

The site analysis plan is to identify the key opportunities and constraints of the site, taking into account the planning controls within LEP 2015 and this DCP.

It should generally take the form of a scaled plan drawing which includes but not be limited to the following list of the requirements.

The following list of requirements represents preliminary site analysis requirements, derived from readily available or observed information. In certain circumstances specialist reports (to identify additional details or provide further investigations) may be required, in response to existing or potential site conditions. Identification of these elements should include areas contiguous with or surrounding the immediate site, if known.

For minor applications where the land has minimal constraints or the proposal is for minimal external changes, a separate drawing or plan may not be necessary, and the site analysis information can be incorporated onto the site plan. It may also be necessary to incorporate relevant written discussion into the Statement of Environmental Effects.

#### **Site Characteristics**

- (a) Property details including site boundaries, dimensions and area showing north point and scale;
- (b) Site contours and/or spot contours at an appropriate interval (usually 1m intervals) of the subject site and surrounding allotments as necessary to depict slope conditions;
- (c) Sun movements across the site in summer and winter;
- (d) Prevailing wind directions and wind speeds;
- (e) Encumbrances such as easements or rights of way;
- (f) Orientation, aspect, views and microclimate;
- (g) Existing noise sources, light spillage and overshadowing;
- (h) Existing development including buildings, fences, driveways, parking areas, signage, retaining walls and hard surface areas;





- (i) The location and identity of existing trees, vegetation and natural features;
- (j) Location of above and below ground services and infrastructure including stormwater drainage, power and water supply, sewer pipes, kerb crossings;  
  
**Note:** Council's mapping contains some information on service lines and infrastructure. The 'Dial before you Dig' service is also designed to provide information on underground servicing and can be accessed at [www.1100.com.au](http://www.1100.com.au);
- (k) Access and street features including roads, poles, footpaths, driveways;
- (l) Existing heritage or archaeological features on or adjoining the site;
- (m) Existing land and development adjoining the site.

### ***Environmental mapping information***

**Note:** Council's website has an interactive mapping tool which is capable of providing detailed mapping information on many different site aspects, which can be used in the preparation of a site analysis plan. Refer to [http://www.bmcc.nsw.gov.au/bmccmap/parcel\\_search.cfm](http://www.bmcc.nsw.gov.au/bmccmap/parcel_search.cfm)

- (n) The zoning of the land.
- (o) Mapped environmental features
  - i. Environmental features identified on LEP 2015 maps, including zone E2 Environmental Conservation, significant vegetation communities, fauna biocorridors, Protected Areas (Slope Constraint, Landslide Risk, Vegetation Constraint, Ecological Buffer, Watercourses, Riparian Land and Escarpment);
  - ii. Land identified at or below the flood planning level;
  - iii. The level of the probable maximum flood;
  - iv. Land adjoining Blue Mountains National Park; and
  - v. Land adjoining Council or Crown reserve land.
- (p) Known or observed features
  - i. Existing trees (exotic or native), trees with hollows, areas of native vegetation, rock outcrops, rock ledges, cliffs and caves, springs, groundwater seepage areas, gullies, minor flow paths, watercourses, wetlands, swamps and visually prominent scenic locations.
  - ii. Existing structures, landscaped areas, dams, drainage easements and infrastructure.

- (q) Whether the land is mapped as bushfire prone.

If so, it is useful to map the location, extent and vegetation group of any bushland on or within 100 metres of the site; the slope and aspect of the site and of any bushfire prone land within 100 metres. These are some of the environmental features used by the Rural Fire Service to assess the bushfire risk of a property.

- (r) Whether the land or land in the vicinity is identified as heritage-listed (either a heritage item, heritage conservation area, archaeological item, or Aboriginal item or place);

- (s) Whether the land is identified as within a Period Housing Area;

**Note:** Development within Period Housing Areas generally requires the submission of a detailed assessment of character to demonstrate consideration of the requirements of clause 6.18 (Period housing area) of LEP 2015.

- (t) Information on any other constraints including:

- i. Land inundation that may impact on the design;
- ii. Any known contamination.

**Note:** The Sydney Drinking Water Catchment is covered by the State Environmental Planning Policy (SEPP) Drinking Water Catchment 2011. Refer to the interactive map of the catchment at the Sydney Catchment Authority website at <http://www.sca.nsw.gov.au/water/supply/system>. Applications should identify whether their property is located within the Sydney Water Catchment.



## **I1.2 Submission requirements for Part B1.2 Context Analysis**

A context analysis is to include identification of key characteristics and elements of the surrounding urban form to which the design should respond. As a guide this is to include (but not be limited to):

- (a) photographs of adjoining buildings and streetscapes;
- (b) setbacks, height (storey/metres), use and location of buildings, structures, and any other significant features on adjoining land;
- (c) any potential noise sources, private open space areas, balconies or windows which may overlook the site;
- (d) any views to and from the land;
- (e) adjoining streets, footpaths, kerbs, reserves and any other significant local features;
- (f) location of site in relation to shops, community facilities and transport;
- (g) form and character of adjacent and opposite buildings in the streetscape, including both sides of the street that the development fronts;
- (h) location and important characteristics of adjacent public communal and private open space(s);
- (i) orientation and overshadowing of the site and adjoining properties by neighbouring structures and trees.

## **I1.3 Submission requirements for Part B2 Building Envelope**

There are no specific submission requirements for this section, however the core building envelope controls would need to be addressed as part of any Statement of Environmental Effects submitted with the development application.

## **I1.4 Submission requirements for Part B3 Design**

### **I1.4.1 Site and Context Analysis**

Proposals for significant infill development are to provide a detailed site and context analysis. This is to include a statement outlining the proposed measures to minimise the adverse impacts of the infill development on neighbouring lands including the public domain; and the philosophy of how the design elements relate to the proposal's context in terms of built form, materials and character. Applicants are to identify elements that contribute to the quality of the place, and demonstrate how these elements are reinterpreted in the new development

Council's website has an interactive mapping tool which is capable of providing detailed mapping information which can be used in the preparation of a context analysis plan. Instructions regarding the use of the interactive mapping is also available on Council's website.





## **I2 Submission requirements for Part C - Environmental Management**

Part C – Environmental Management covers areas such as biodiversity, landscaping and bush fire. These considerations are interconnected and the submission requirements may be the same or have some content which overlaps.

As such, the following list of submission covers all sections within Part C of the DCP, with the exception of C6 Water Management.

The level of environmental and landscape information to be submitted with a development application will depend on a number of factors, such as the type and scale of the development, the location, extent and nature of the proposed site works, and whether environmental features will be impacted.

### **I2.1 Submission requirements for Part C1 Biodiversity and Natural Resources – C5 Tree Vegetation and Preservation**

One or more of the following types of surveys, reports and strategy documents may need to accompany a development application:

#### **I2.1.1 Site Analysis Plan**

Details on how to prepare a site analysis plan are contained at B1. Council's website has an interactive mapping tool which is capable of providing detailed mapping information which can be used in the preparation of a site analysis plan. Instructions regarding the use of the interactive mapping is also available on Council's website.

#### **I2.1.2 Flora and Fauna Assessment**

It is important that a Flora and Fauna Assessment submitted to Council considers the environmental impact of the proposed development (including ancillary works such as asset protection zones, effluent disposal, stormwater management and landscaping works etc.) by addressing the relevant clauses from LEP 2015 with respect to flora and fauna protection and management. In addition the assessment must address the requirements of the relevant state and federal legislation.

Council's guide on how to prepare a Flora and Fauna Assessment can be found at: <http://www.bmcc.nsw.gov.au/sustainableliving/developmentcontrolplans/dcp2015>

#### **I2.1.3 Vegetation Survey and Species Inventory**

In some circumstances depending on the scale and impact of a proposed development, the condition of the site and the history of environmental assessment, a Vegetation Survey and Species Inventory may be required to be prepared instead of a Flora and Fauna Assessment.

This is to be conducted by an environmental consultant, or other practitioner, with relevant qualifications and experience in botanical identification.

A flora inventory or list of all flora species occurring within the footprint of the proposed development including any asset protection zone is to be prepared. The inventory is to include the following information: scientific/common name, age class/size, habitat value, rare/threatened status, exotic/native).

An accompanying plan (such as a Site Analysis Plan) is to be provided to show proposed development including any asset protection zones and the location of any rare or threatened flora species observed; and the location, extent and description of observed native vegetation communities present within the site. The plan is to identify the presence of any significant vegetation communities (listed under LEP 2015 Schedule 6) or any Endangered Ecological Communities (listed under the NSW Threatened Species Conservation Act, 1995 or Commonwealth Environment Protection and Biodiversity Conservation Act, 1999).

Depending on the outcomes of the Vegetation Survey and Inventory, further information to complete a full Flora and Fauna Assessment may be required.

#### **12.1.4 Vegetation Management Plan (VMP)**

A Vegetation Management Plan (VMP) is a map based report intended to assist the property owner or occupier in managing their development site (planned or existing) in order to ensure that existing bushland elements on their land are protected from excessive human induced disturbance. A VMP is generally a requirement on sites where there are number of environmental constraints or high level ecological values. It should contain a concise written report (Part 1) and a map or plan drawing (Part 2) of the study area.

Council's The Vegetation Management Plan Guide (VMP Guide) will assist in the preparation of a detailed vegetation management plan, and can be accessed at:

<http://www.bmcc.nsw.gov.au/sustainableliving/developmentcontrolplans/dcp2015>

#### **12.1.5 Weed Management Strategy (WMS)**

A weed management strategy is to be comprised of two parts; an annotated aerial photograph or site plan and an accompanying document, predominantly in tabular format, specifying the weed control strategy and timing. Complex weed management strategies will need to be prepared by a suitably qualified and experienced weed control or bushland restoration practitioner.

A weed management strategy is to contain the following information:

- (a) A site plan/annotated aerial photograph, with vegetation management zones identified, and the location of existing weeds clearly identified (See Vegetation Management Plan (VMP) guidelines for further explanation)



- (b) A statement which identifies the factors or processes promoting the weeds on the site, and
- (c) The actions which will be taken to remediate or mitigate these factors and processes so as to reduce opportunities for further weed growth
- (d) Methods to be used to stabilise all areas where weeds are to be removed so as to maintain soil stability until such time as the site is fully regenerated or revegetated with desirable species (if relevant), or otherwise permanently stabilised.
- (e) A table which identifies the following:
  - i. Scientific and common names of all noxious and dominant environmental weeds present on the site, and their weed class (noxious weeds only)
  - ii. The most appropriate and applicable control technique(s) for each weed or class of weed
  - iii. Appropriately staged timing for implementation of the weed control strategy
  - iv. An indication of the level of weed control to be achieved on all parts of the site, within the following time frames:
    - within three months of the date of development approval
    - within six months from the date of development approval
    - prior to the issue of the occupation certificate
    - within three years of occupation

#### **I2.1.6 Arboricultural Survey Report and Arboricultural Impact Assessment**

In circumstances where large and/or significant trees occur on a proposed development site, an Arboricultural Survey Report, providing detailed information on the trees present, is to be prepared by a qualified Consulting Arborist and submitted in support of the development application. Full detail of trees to be removed as well as trees proposed for retention should be given.

Where significant trees are identified during the Arboricultural Survey as suitable for retention, an Arboricultural Impact Assessment Report is to explain design and construction methods proposed to minimize impacts on retained trees where there is encroachment into the calculated Tree Protection Zone (TPZ). It will recommend measures necessary to protect the trees throughout all demolition and construction stages.

The Arborist's Reports on existing trees taller than 4m are to include the following information where appropriate:



- (a) Allocated survey number (to correlate with survey plan and identify location within site).
- (b) Species name & common name.
- (c) Trees to be retained.
- (d) Trees to be removed due to the proposed development.
- (e) Trees to be removed due to death or disease.
- (f) Estimated Height (to aid on-site identification and assessment of significance)
- (g) DBH (Diameter at Breast Height – to indicate tree maturity and allow estimation of lateral root spread).
- (h) Canopy spread (to allow assessment of any requirement to prune or likely impact of overshadowing).
- (i) Health and/or Condition status (which may include SULE rating or comparative suitability for retention).
- (j) Recommended TPZ (Tree Protection Zone) for trees, which are to be retained, if applicable. This is the minimum distance from the centre of any tree at which development should commence.

All trees on adjoining properties that are within 3 metres of the boundary of the proposed development shall be incorporated into the Arboricultural Survey report. When the proposed development will have a significant impact upon the future health and suitability for retention of other large or significant trees located on adjacent properties, but which are further away than three metres, the arborist is to note their existence, and provide appropriate recommendations for their management.

All assessment and recommendations should be consistent with the Australian Standard AS 4970—2009, The Protection of Trees on Development Sites.

### **12.1.7 Tree Removal and Retention Plan (Basic plan)**

In some circumstances for small scale development applications, a Tree Removal and Retention Plan may be required as an alternative to an Arboricultural Survey Report

The Tree Removal and Retention Plan is to be prepared by an appropriate person, and is to show the approximate location of all existing trees within the proposed development footprint, including any asset protection zone or landscaped area, and indicate whether they are proposed for removal or retention.

The trees are to be identified by scientific and/or common name, and each tree provided with a unique identifying number on both the plan drawing and on site (using suitable markers).





### **I2.1.8 Landscape Plan**

Almost all development proposals within the Blue Mountains are required to provide details of site landscaping. Generally, only minor additions and alterations (where development involves an area <50m<sup>2</sup>) and proposals which do not include site works, are exempt from this requirement. It is important to recognise landscaping as an integral part of development planning and design, regardless of the level of development proposed.

‘Landscaping’ may include approaches which seek to retain and manage existing indigenous vegetation as far as is practicable, through to the creation of a formal European style garden.

This will depend upon the following factors:

- the land use zone and locality character;
- the development type and scale;
- site characteristics and condition including, for example, if it contains natural bushland, if it is bushfire prone or if it contains established landscape plantings which contribute to the streetscape;
- the presence of any environmentally sensitive areas which require conservation, and
- any protected area controls that may apply to the property, including those associated within the urban precincts and heritage conservation areas.

The extent and type of landscape information required as part of the development application will largely depend upon the type of development proposed, although certain land use zones may trigger the requirement for considerable landscape detail for all development applications, including single residential dwellings.

The following indicates the basic information to be provided in the Landscape Plan. Much of this is based upon the information collected and presented on plans during the Site Analysis.

### **I2.1.9 Site survey**

- (a) Demonstrates the lot and its boundaries
- (b) Demonstrates the entire area to be landscaped, and its relationship to any other areas of the site which are not to be landscaped (if relevant)

### **I2.1.10 Plan information**

- (a) Scale of plan at 1:100 or 1:200 plus bar scale
- (b) North point
- (c) Name and qualifications of the person preparing the Landscape Plan

**12.1.11 Existing site features**

- (a) Existing buildings and other structures such as walls, fences, retaining walls, overland flow paths and drainage lines
- (b) Significant natural features
- (c) The location, size and species of existing vegetation to be removed as a component of the development or otherwise potentially affected by construction activities, including trees, hedges, large shrubs, shrub beds and any areas of natural vegetation on the subject site and any trees > 4 metres in height within 3 metres of the property boundary, and
- (d) The location and extent of existing vegetation to be retained including trees, hedges, large shrubs, shrub beds and any areas of natural vegetation. Include botanical name, common name and spread of foliage.

**12.1.12 Proposed site features**

- (a) Proposed buildings and other structures such as walls, fences, roadways, driveways, carpark and footpaths and other impervious areas.
- (b) Calculations and total proposed area of pervious / landscaped area and impervious area / site cover
- (c) Any other proposed land modification, including cut and fill outside the building footprint, retaining walls, stormwater detention areas, mounded embankments, modified overland flow paths or drainage lines.
- (d) Any Water Sensitive Urban Design features where these occur in areas set aside for landscape treatments or where they require a vegetative component
- (e) Protection measures (e.g. exclusion zone fencing) for retained trees, areas of indigenous or other existing vegetation or significant site features to ensure their conservation
- (f) A planting plan showing the general location of trees and large shrubs and the areas to be planted with low shrubs and ground covers
- (g) An indicative planting schedule, containing common and botanical names of major trees, screening shrubs and groundcover species or types proposed.

In most single dwelling residential developments, landscape plans do not need to be prepared by a professional consultant. However, the landscape design is to demonstrate consistency with any of the specific landscape objectives and controls of this DCP that are relevant to the application, and the plant selection is to be consistent with the zone objectives and character of the locality.





### **I2.1.13 Detailed landscape plans**

For complex or large developments, detailed landscape plans will generally need to be professionally prepared. Those with suitable qualifications include accredited landscape architects, landscape designers or horticulturists with relevant design experience. Under these circumstances, the landscape plan will need to demonstrate that a high quality landscape outcome will be achieved by including additional information such as;

- (a) The precise location and number of proposed plantings;
- (b) Pot size at planting and mature heights and width of all plants;
- (c) The manner in which the landscape area will be prepared, installed and maintained;
- (d) Location of utility areas and screening details (e.g. garbage receptacle area, storage of recyclable waste, clothes drying area, letter boxes, play areas, private and common open space); and
- (e) location and details of lighting and other outdoor fixtures (e.g. signs, furniture).

### **I2.1.14 Bushfire Threat Assessment**

- (a) For any development (other than subdivision or a special fire protection purpose), in accordance with section 79BA of the Environmental Planning and Assessment Act 1979;
- (b) For subdivision and Special Fire Protection Purposes in accordance with section 100B of the Rural Fires Act 1997

A Bush Fire Threat Assessment is required to be submitted as part of a development application. For all development, other than residential class 1 and 10 development, the Assessment is to be prepared by a suitably qualified consultant.

**Note I:** The RFS recognises consultants within certain accreditation schemes. These can be found at: <http://www.rfs.nsw.gov.au/plan-and-prepare/building-in-a-bush-fire-area/legal-obligations/qualified-consultants>

## **I2.2 Submission requirements for Part C6 Water Management**

### **I2.2.1 Small Scale Development: Concept Stormwater Management Plan**

The Concept Stormwater Management Plan (SMP) is a drawing that depicts the process of capture, conveyance, treatment and disposal of stormwater runoff from the site. The plan is to provide enough detail for Council to determine that the proposal will function in accordance with the development controls of this Section of the DCP and in accordance with accepted engineering practices.



The Concept SMP is to show:

- (a) the entire site, with scale bar, scale ratio and north arrow; and
- (b) proposed development, extent of works, existing and proposed impervious areas and areas of disturbance; and
- (c) existing land use and vegetation cover / condition; and
- (d) overland flow paths, drainage lines, sub-catchment areas; and
- (e) constraint areas including planning, ecological, archaeological, geotechnical, flood prone land etc; and
- (f) water conservation, re-use and detention measures; and
- (g) location and design of stormwater quality and quantity control measures; and
- (h) drainage layouts, pit and pipe design/sizing, discharge points; and
- (i) any required sub-soil drainage; and
- (j) any legal easements.

### **I2.2.2 Small Scale Development: Small Scale Stormwater Quality Model**

This submission requirement only applies to development required to provide stormwater quality treatment and proposing to achieve this using a stormwater treatment train determined by the Sydney Catchment Authority's Small Scale Stormwater Quality Model (s3qm).

A certificate from an assessment completed using s3qm must be submitted with these proposals.

The s3qm model is available on the SCA's website at [www.sca.nsw.gov.au](http://www.sca.nsw.gov.au).

The following parameters are to be used in the s3qm model:

- climate region = Refer to the climate zones identified by the SCA at <https://www.s3qm.com.au/documentation>. For sites located outside of the identified climate zones, utilise zone 25; and
- soil type = Select sandy loam, sandy clay, sand or clay, as occurs on the site; and
- assessment type = NorBE; and
- assessment method = Design.



### **I2.2.3 Large Scale Development: Concept Stormwater Management Plan**

The Concept Stormwater Management Plan (SMP) is a drawing that depicts the process of capture, conveyance, treatment and disposal of stormwater runoff from the site. The plan must provide enough detail for Council to determine that the proposal will function in accordance with the development controls of this Section of the DCP, and in accordance with accepted engineering practices.

The Concept SMP is to show:

- (a) the entire site, with scale bar, scale ratio and north arrow; and
- (b) the proposed development, extent of works, existing and proposed impervious areas and areas of disturbance; and
- (c) the existing land use and vegetation cover / condition; and
- (d) any overland flow paths, drainage lines, sub-catchment areas; and
- (e) any constraint areas – planning, ecological, archaeological, geotechnical, flood prone land etc; and
- (f) the water conservation, re-use and detention measures; and
- (g) the location and design of stormwater quality and quantity control measures; and
- (h) the drainage layouts, pit and pipe design/sizing, discharge points; and
- (i) any required sub-soil drainage; and
- (j) any legal easements.

### **I2.2.4 Large Scale Development: WSUD strategy**

For all large developments, a WSUD strategy comprising a written report must accompany the Concept Stormwater Management Plan drawing.

The WSUD strategy is to address the whole water cycle (potable, stormwater, waste water) in a sustainable and integrated way to provide for water conservation and re-use, on-site detention, retention, water quality treatment, infiltration and safe disposal to the receiving natural environment. The WSUD strategy is to demonstrate the proposed development will meet the objectives and controls of this Part of the DCP.

A detailed WSUD strategy is to cover the following items:

- (a) Background information – summarise relevant background information, relevant studies (flood, geotechnical, contamination, environmental) and Council mapping data; and
- (b) Site context – identify all sub-catchment areas, drainage lines, flow paths and receiving environments, the ecological values of the site and its receiving waters; and



- (c) Proposed development – provide an accurate description of the proposed development. Illustrate the proposed development on a detailed site plan showing site boundaries, contours, proposed infrastructure, staging, access, location and extent of existing and proposed land uses/existing and proposed impervious areas/vegetation cover and asset protection zones; and
- (d) WSUD objectives and targets – describe the WSUD objectives and identify stormwater treatment performance targets that apply to the proposal, consider Council requirements and Sydney Catchment Authority requirements in Sydney's Drinking Water Catchments; and
- (e) Integrated Water Cycle Management – address the whole water cycle (potable, stormwater, wastewater) in a sustainable and integrated way; and
- (f) Water conservation maximised – identify all opportunities to reduce consumption and re-use water, demonstrate how potable water will be conserved through the use of roof water, harvested stormwater or grey water; and
- (g) Constraints and opportunities – identify the key environmental and site constraints and opportunities for water management on the site including flooding, soil/geological and surface/groundwater conditions, environmentally sensitive features that require protection. The strategy is to be consistent with the findings of any related geotechnical investigation, flood studies and/or environmental assessments; and
- (h) Hydrologic and ecological impacts minimised - Outline all necessary ameliorative measures taken to avoid, minimise and mitigate the impacts; and
- (i) Stormwater management – demonstrate how the quality and quantity targets will be met with a best practice stormwater treatment train that provides appropriate devices in the correct sequence. Identify the location, size and configuration of stormwater treatment measures and drainage layout proposed for the development; and
- (j) Water quality modelling - WSUD performance analysed and measured against targets, include water quality and flow modelling results, sub-catchment plan, inputs and assumptions of the model. Provide a statement as to whether the development has a neutral or beneficial effect (NorBE) on water quality in accordance with the Sydney Catchment Authority and Council's water quality requirements; and
- (k) Integration with urban and landscape design – Outline how the WSUD elements will integrate with the built and landscaped urban design. Show how landscape, visual and social amenity will be enhanced; and



- (l) Operation and maintenance details – Identify basic monitoring, maintenance and access requirements to ensure the effective ongoing structural integrity, operation, maintenance and required performance of the stormwater management system for the life of the development.

### **12.2.5 Large Scale Development: Pre and Post development water quality analysis**

All large scale development is required to provide a MUSIC Model or equivalent detailed water quality analysis with an industry standard water quality model is required to demonstrate that the stormwater treatment performance outcomes will be achieved. The applicant is to ensure:

- (a) the MUSIC model analyses the WSUD strategy being proposed and be consistent with the accompanying Concept Stormwater Management Plan; and
- (b) a digital file containing the water quality model is to submitted with the development application; and
- (c) the application includes a catchment plan for the pre and post development scenarios; and
- (d) all pre and post development modelling parameters, inputs, assumptions, calculations and output files are to be included in the accompanying Stormwater Management Plan; and
- (e) the water quality model is to comply with the Sydney Catchment Authority document “Using MUSIC in Sydney’s Drinking Water Catchment A Sydney Catchment Authority Standard”.

### **12.2.6 Geotechnical Investigation**

A geotechnical investigation and report may be required to be undertaken by a qualified geotechnical professional with demonstrated experience that specifically addresses the current site conditions and suitability of the site to accommodate water sensitive urban design (WSUD) devices to provide stormwater water quality control, infiltration and treatment systems.

The investigation is to confirm the following:

- (a) the geology and soil character/depth; and
- (b) the soil permeability/hydraulic conductivities/infiltration rates; and
- (c) the presence and depth of any groundwater in the vicinity of required WSUD devices; and
- (d) the presence and depth of any bedrock in the vicinity of required WSUD devices; and
- (e) any apparent soil and groundwater contamination issues



The results of the investigation are to inform the detailed stormwater management design and confirm the nature of WSUD devices considered suitable and effective for the site.

#### **I2.2.7 Onsite stormwater detention**

A concept stormwater management plan showing the location of the proposed onsite stormwater detention system. The plan is to include levels to demonstrate that the detention system is able to drain stormwater to the proposed discharge point.

Pre-development and post-development calculations to size the onsite stormwater detention tank.

#### **I2.2.8 Groundwater Assessment (or Geotechnical Investigation)**

A Groundwater Assessment (or Geotechnical Investigation) that meets Councils requirements is to be conducted, prepared and submitted as part of any Development Application for all development proposals, other than single dwellings, incorporating an excavation greater than 1m, and for all development where ground water is evident, to establish whether the development may impact upon groundwater.

This investigation is to be undertaken by a suitably qualified geotechnical or hydrogeological engineer and submitted with the development application.

The Groundwater Assessment (or Geotechnical Investigation) must provide information on:

- (a) the local hydrology including depth to water table and an assessment of the recharge characteristics; and
- (b) the presence of contaminated soil, surface water or groundwater including details of the contamination; and
- (c) the presence of any conditions that require specific management measures; and
- (d) an assessment of the potential for interaction with, or potential for impacts on groundwater; and
- (e) the likelihood of groundwater contamination resulting from the development; and
- (f) any adverse impacts the development may have on groundwater dependant ecosystems; and
- (g) the cumulative impact the development may have on groundwater resources and its usage.





### 12.2.9 Groundwater Management Plan

A Groundwater Management Plan is required to be prepared if the Groundwater Assessment (or Geotechnical Investigation) determines that there is potential for interaction with, or potential for impacts on groundwater.

The Groundwater Management Plan is to comprise a written document that must be prepared by a practitioner with relevant tertiary qualifications, technical knowledge and a minimum of five (5) years demonstrated experience in the geotechnical or hydrogeological field and be prepared in accordance with the Sydney Coast Councils Group Groundwater Management Handbook 2006, subsequent updates or superseding documents.

The Groundwater Management Plan is to include and identify:

- (a) a summary of the findings of the Groundwater Assessment (or Geotechnical Investigation); and
- (b) more detailed information on the local hydrogeology where relevant, such as groundwater flow rates; and
- (c) the ambient chemical characteristics of the groundwater and measures to protect against corrosive attack of any affected infrastructure; and
- (d) the proximity of surrounding structures or buildings their footing systems and soil conditions; and
- (e) the potential for settlement and water seepage; and
- (f) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development on groundwater systems; and
- (g) the concept design of any temporary or permanent measures to be employed to manage groundwater interference, with sufficient detail and explanation to demonstrate that the measures will provide an acceptable level of performance; and
- (h) the location and assessment of risk to adjoining properties; and
- (i) options for the disposal of groundwater and stormwater; and
- (j) how the existing groundwater regime will be maintained.; and
- (k) a monitoring program in accordance with any licensing requirements, or in the absence of licensing requirements as determined by Council (Fluctuations in water level should also be monitored pre, during and post construction to inform any necessary remedial action); and
- (l) an assessment of possible reasons for performance falling short of the required level and a contingency plan to deal with sub-standard performance and any unforeseen circumstances; and
- (m) documentation to satisfy requirements for any permits or licensing to be obtained from the NSW State Government; and

- (n) any other features that will have an influence on the site or surrounding area.

#### **I2.2.10 Flooding**

- (a) A flood study that estimates the 1% Annual Exceedance Probability (AEP) flood level and flow path through the existing and proposed developed site.
- (b) A site plan that plots the area below the flood planning level



## **I3** Submission requirements for Part D - Heritage Management

### **I3.1** Submission requirements for Part DI Heritage

#### **I3.1.1** Heritage impact statements

Development of heritage properties is to consider potential heritage impacts and mitigate adverse impacts. Owners of heritage items and buildings within conservation areas who wish to develop their properties are required to demonstrate adequate assessment of impact of their proposal on existing heritage values of the property and locality.

Clause 5.10(5) (Heritage assessment) of LEP 2015 identifies that Council may require a Heritage Impact Statement for development or works to heritage properties. This section provides further guidance on those requirements under clause 5.10(5) (Heritage assessment).

A Heritage Impact Statement (or HIS) is to be submitted for development applications affecting:

- Heritage items identified in LEP 2015; or
- Properties within a heritage conservation area identified in LEP 2015; or
- Properties within the vicinity of a heritage item or heritage conservation area.

A Heritage Impact Statement is to be prepared by a suitably qualified person, such as a heritage consultant or architect with heritage experience. A list of heritage practitioners can be found on the website of the Office of Environment and Heritage (OEH) at <http://www.environment.nsw.gov.au/heritageapp/HeritageConsultantsDirectory.aspx>

Guidelines for the preparation of Statements of Heritage Impact are available on the website of the Office of Environment and Heritage at <http://www.environment.nsw.gov.au/Heritage/publications/index.htm#S-U>

The scope and size of the Heritage Impact Statement will vary according to the scope and size of the changes proposed. The size of the Heritage Impact Statement should be in concise form or full form, depending on the proposal.

**Concise Heritage Impact Statement:** For small alterations and additions, and works to modest properties, and where a heritage inventory sheet has been adequately prepared for minor works and modest properties, only a concise Heritage Impact Statement is required. For properties in the vicinity of a heritage item or heritage conservation area, it is also likely that only a concise form of Heritage Impact Statement would be required, as only the curtilage or setting and views of the item or area are likely to be affected by development.





**Full Heritage Impact Statement:** For larger applications where substantial works are proposed, and more complex heritage items, a full Heritage Impact Statement will be required. Primary and secondary research may be required to confirm information in the inventory sheet and guide the appropriateness of various works. More detailed fabric analysis is likely to be required.

Either form of the Heritage Impact Statement is to generally include research, descriptions, illustrations (photographs and drawings) and analysis, and to clearly and succinctly provide the following:

- (a) An assessment of the heritage significance of the heritage item and/or the contribution which the building makes to the heritage significance of the heritage conservation area. This can be taken from the heritage inventory sheet if available for smaller applications, and no further primary or secondary research may be required;
- (b) A thorough description of the current proposal with supporting plans;
- (c) Compliance with the relevant controls of Part DI – Heritage conservation of the DCP, preferably in a tabulated form for ease of reference.
- (d) The options that were considered when arriving at a preferred development and the reasons for choosing the preferred option;
- (e) The resultant impact of the proposed development on the heritage significance of the heritage item, heritage items or conservation areas within the vicinity, or the heritage conservation area;
- (f) The compatibility of the development with either conservation policies of a Conservation Management Plan or Conservation Management Strategy, or the recommended management from the Heritage Inventory Sheet for the item or conservation area.

For properties with significant gardens, curtilages and or landscape settings, the report is to include:

- (a) an assessment of significance of the landscape elements, trees, gardens and landscape design;
- (b) a discussion of the impacts of the proposal upon the landscape elements, trees, gardens and landscape design, including visual impacts and views, tree removal and streetscape impacts.

If a proposed development will not comply with one or more of the objectives and controls in DI – Heritage conservation, the documentation accompanying the development application is to demonstrate how the proposal will still satisfy the heritage conservation objectives by providing a detailed analysis.



A heritage impact statement may not be required for certain applications such as minor works applications under clause 5.10 (3) of LEP 2015, and where Council exercises its discretion for minor development applications. Contact should be made with Council to clarify requirements early in the development application process.

### **I3.1.2 Conservation management plans**

A conservation management plan (CMP) is a more comprehensive document than a heritage impact statement. It identifies the heritage significance of a place, and provides an assessment of that significance, which then informs the preparation of guiding policy for future works or potential changes of use. A Heritage Impact Statement is sometimes appended to or incorporated into a CMP to assess currently proposed works.

Clause 5.10(6) (Heritage conservation management plans) of LEP 2015 identifies that Council may require a Conservation Management Plan for development or works to heritage properties. This section provides further guidance on those requirements under clause 5.10(6) (Heritage conservation management plans).

A conservation management plan (or CMP) prepared by a suitably qualified heritage consultant to accompany a development applications is required for the following:

- Any alterations to the fabric or setting of a heritage item listed on the State Heritage Register which requires consent;
- An application under the heritage conservation incentives provisions of 5.10(10) (Conservation incentives) of LEP 2015;
- Substantial alterations and/or additions to a heritage item considered by Council to be of high local significance, unless the consent authority determines that it is not required.
- A change of use of a heritage item listed on the State Heritage Register;

A conservation management plan is to be prepared by a suitably qualified person, such as a heritage consultant or architect with heritage experience. A list of heritage practitioners can be found on the website of the Office of Environment and Heritage (OEH) at <http://www.environment.nsw.gov.au/heritageapp/HeritageConsultantsDirectory.aspx>

The conservation management plan is to include:

- (a) Detailed documentary evidence of the historic development and physical fabric of the heritage item;
- (b) A comparative analysis of properties of similar size and use, similar style and period, an architect's body of work, as relevant;
- (c) A curtilage assessment;



- (d) Assessment of significance according to the accepted heritage criteria and using the endorsed heritage inventory sheet;
- (e) Investigation of the constraints and opportunities for the item;
- (f) Conservation policies which address the following as a minimum:
  - i. Conservation of the fabric and setting of the item;
  - ii. Appropriate uses of the item;
  - iii. Appropriate options for interpretation of the item and interpretive devices;
  - iv. Management of the item;
  - v. Guidelines for future development;
- (g) Priorities for instigation of conservation policies.

In certain cases, Council may consider a conservation management strategy (or CMS) as an appropriate alternative to a conservation management plan for heritage items of local significance depending on the scope of the works and the significance of the item.

A CMP or a CMS is to be prepared in accordance with the format prepared by the NSW Office of Environment and Heritage and 'The Conservation Plan' By James Semple Kerr (National Trust, 1982).

A CMP needs to be regularly updated, particularly where major new works are proposed. The timeframe for updating a CMP is generally after five years.

### **I3.1.3 Cultural Heritage Assessments**

#### **I3.1.4 Aboriginal Cultural Heritage Assessments**

Cultural Heritage Assessments are to be prepared by a suitably qualified archaeologist in accordance with the guidelines prepared by the Office of Environment and Heritage.

Further information can be sourced from the Office of Environment and Heritage website.

The core guideline documents include:

- Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW;
- Aboriginal Cultural Heritage Consultation requirements for proponents;
- Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales.



### **I3.1.5 Historical Archaeological Assessments**

A Historical Archaeological Assessment may be required for sites where there is known or potential presence of Archaeological heritage. The NSW Heritage Act 1977 was amended in 2009 such that the definition of archaeological 'relic' includes an archaeological deposit, resources or feature that has heritage significance at a local or State level. The definition is no longer based on age.

The NSW Heritage Council has adopted specific criteria for heritage assessment, related to the NSW Heritage Act 1977.

These criteria and further guidelines on the requirements for Archaeological Assessments can be sourced from the Office of Environment and Heritage website at:

<http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/ArchSignificance.pdf>

### **I3.1.6 Archival recording**

The requirement for an archival record is generally a condition attached to a development consent. It is usually required for demolition of or significant change to a heritage item or a building within a heritage conservation area. An archival record provides accurate documentation of the current condition of a property prior to that substantial change or loss. The archival record is held at the Local Studies Library and may be used by the public for research purposes.

An archival record may be required as a condition of consent to a development, where demolition or substantial changes are proposed to an item or conservation area.

The archival record is to be completed by a suitably qualified consultant who can demonstrate a working knowledge of archival principles. A list of heritage practitioners can be found on the website of the Office of Environment and Heritage (OEH) at <http://www.environment.nsw.gov.au/heritageapp/HeritageConsultantsDirectory.aspx>

As a minimum, the archival record is to include the following:

- (a) Title, author, date and property details;
- (b) Site description, history and significance (can be extracted from Heritage Impact Statement);
- (c) Copies of approved plans appended at A4 for reference; and
- (d) Extensive photographic record using digital capture.
- (e) Photographic material is to be individually captioned and cross-referenced to site plans and/or plans of each building level.



Two sets of the documents are to be submitted. Each set is to be contained within an archival-quality binder (Albox or similar) and include printed photographic records and all other documentation as above, and an electronic version on CD.

**Note:** One copy will be retained on file at Council and a second copy will be sent to the Local Studies Library.

Photographic archival records must be taken of the building, landscape or item and may use the following references as guidelines:

- Archives Advice 7: Protecting and Handling Photographs (2007), National Archives of Australia;
- Archives Advice 30: Which Paper? (2007), National Archives of Australia;
- Assessing Heritage Significance (2001), Heritage Branch;
- How to Prepare Archival Records of Heritage Items (1998), Heritage Branch;
- Photographic Recording of Heritage Items Using Film or Digital Capture (2006), Heritage Branch.

### **I3.1.7 Additional requirements and variations**

Where development is in relation to a highly significant or sensitive property, or development is contentious in nature, applicants are advised to consult Council's Heritage Advisor as early as possible in the process to determine Council's potential support, and what additional information will be required. This would generally be in the form of a pre-lodgement application, where specialist heritage advice can be made available.

- (a) Council may require photomontages or perspectives that demonstrate the impact of the proposed development on existing views of the property from the public domain or other place identified by Council depending on the nature of the proposed development. A model may be required for major development, particularly if infill development is proposed.
- (b) If a larger scaled development is proposed (for example, where several lots are to be amalgamated and the site redeveloped), additional site-specific controls may be required to address the specific issues relevant to the site and its setting.
- (c) Where an applicant proposes a good quality design solution that will protect the heritage significance of the property or heritage conservation area, Council may support variation from the standards identified in this part.

## **I3.2 Submission requirements for D2 Period Housing**

Character assessment (refer to B1.2 Context analysis required under Part B)



## **I4** Submission requirements for Part E - Site Management

### **I4.1** Submission requirements for E2 – Traffic, Parking and Access

#### **I4.1.1** Traffic and Parking Report

This report is to include:

- (a) A parking generation calculation as required in C1; and
- (b) if all parking cannot be accommodated onsite, a survey of available on-street parking within walking distance from the site at peak generation times relevant to the proposed development; and
- (c) estimates of the peak hour traffic generation for the development; and
- (d) on classified or collector roads, or areas of high pedestrian and vehicle traffic, the report is to include a queue length analysis for vehicles entering and leaving the site.

#### **I4.1.2** Traffic Impact Study

A Traffic Impact Study is to be prepared by a suitably qualified traffic engineer and is to include:

- (a) The requirements within the Parking and Traffic Report; and
- (b) the requirements of Section 2.2 of the Roads and Maritime Services (RMS) Guide to Traffic Generating Developments.

#### **I4.1.3** A Preliminary Construction Traffic Management Plan

This plan is to include details of how the proposed development will be able to undertake loading and unloading, demolition and construction including the manoeuvring of trucks in and out of a site, parking of construction and staff vehicles with minimum disruption to vehicular and pedestrian traffic or transportation networks.

#### **I4.1.4** Services Plan (for all development)

A plan showing the location of existing and proposed services, connection points, easements, clearances and access ways.

#### **I4.1.5** Water Cycle Management Study

This study is to be provided for all development which includes Onsite wastewater disposal

#### **I4.1.6** Site and Soil Assessment Report

This study is to be provided for development including which includes a pumpout system.





# PART J

## GUIDELINES





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## Introduction

This part contains guideline documents to provide detailed advice on how to prepare certain reports or plans.

These documents are to provide guidance and do not form part of the DCP.

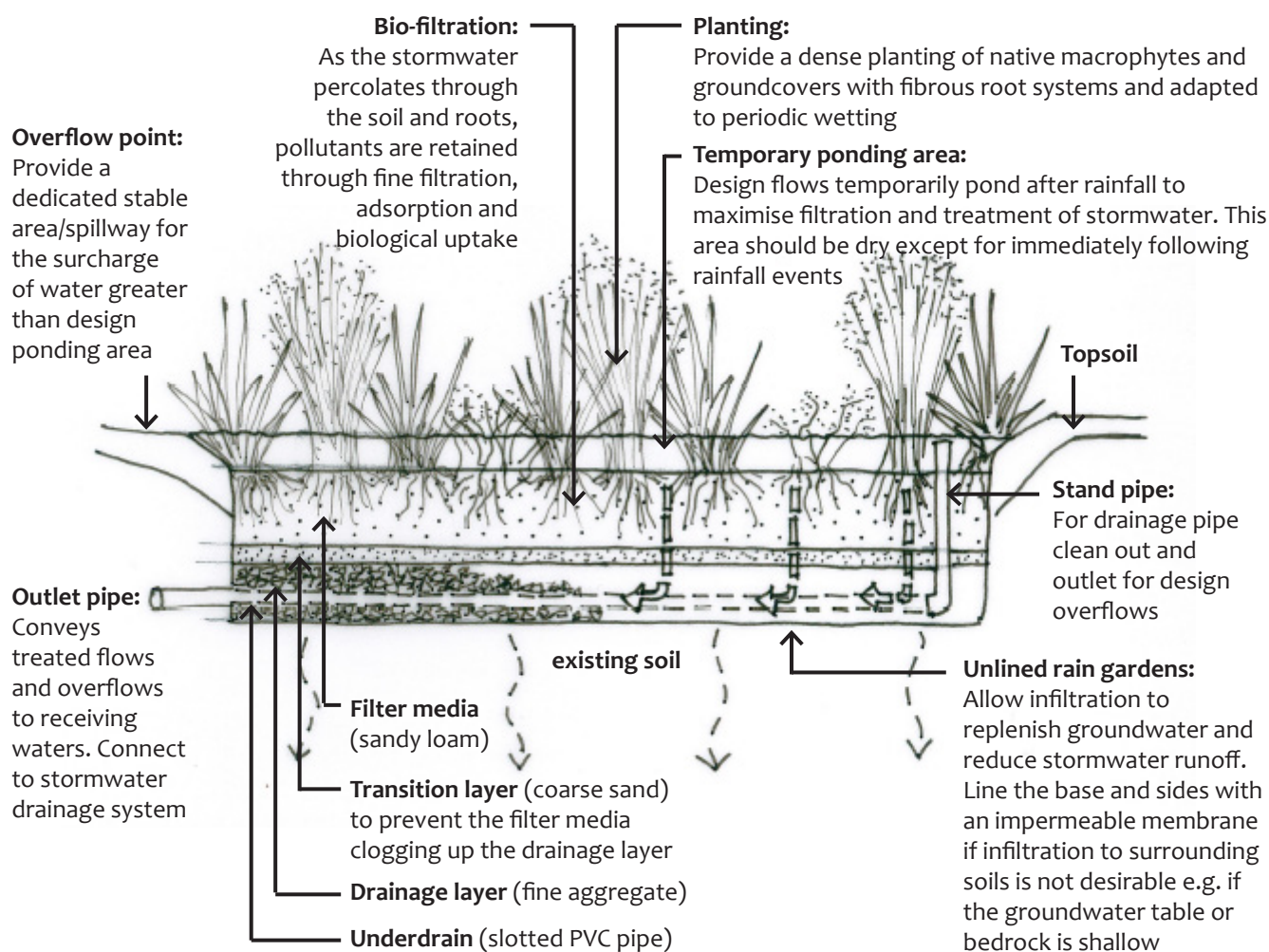


J1

## PART C6: Typical rain garden or bio-retention system design for single dwellings and dual occupancies

Building a rain garden is a simple way to help the environment and the health of our local waterways while providing a self-watering garden for your backyard. A rain garden is a specially prepared garden designed to capture and filter stormwater run-off from impervious areas such as roofs or other hard surfaces such as driveways or paving.

A rain garden is comprised of a soil based filter (specified sandy loam material), with a sand transition layer and gravel trench underneath that contains a slotted drain pipe (ag pipe) that is connected to the drainage system. A typical system (looking through the side of the filter) is shown below.



Part J1 - Figure 1: Typical rain garden system.



Typical design criteria for a rain garden or bio-retention system to be used in a single dwelling or dual occupancy development are as follows:

- (a) Rain gardens may be any shape provided the filter area is at least 2% of the contributing impervious area catchment. For example, a 400 square metre impervious area catchment would require an 8 square metre rain garden. The 8 square metre system could be 4m long and 2m wide, or 8m long and 1m wide, or any other combination that gives 8 square metres in surface area.
- (b) All rain gardens (except systems with the side and base lined with an impermeable membrane) should be set back from the boundary by 2m.
- (c) Provide adequate setbacks to any underground services (gas, electricity, water, on-site effluent disposal systems) and to the foundations of existing buildings and structures.
- (d) Rain gardens should be positioned to treat as much of the site's impervious area runoff (from roof downpipes, rain tank overflows, driveway, paved areas) as possible.
- (e) Minimum Design Criteria are as follows:
  - The temporary ponding area should be at least 200mm deep.
  - Filter media should be sandy loam and be between 200-400mm depth.
  - Transition layer should be coarse sand and be approximately 100mm depth.
  - Drainage layer should be gravel and be at least 200mm depth.
  - The perforated collection pipe or underdrain should be at least 90mm in diameter and be connected to the stormwater drainage system.
- (f) Infiltration from the base of the drainage layer of a rain garden is recommended to be provided where ever this can be safely accommodated by the site and environmental conditions (soil depth and permeability, depth to groundwater table or bedrock).
- (g) Where rain gardens are located near shallow groundwater or bedrock, or where soils of low permeability occur, the base and sides must be lined with an impervious membrane to prevent infiltration.
- (h) Provide suitable collection and disposal of design overflows to a stormwater drainage system (street gutter, inter-allotment drainage system or drainage easement), unless these overflows can be otherwise safely infiltrated within the site.
- (i) Rain gardens should be densely planted with native macrophyte or groundcover species that:



- are adapted to the local climatic conditions and high and variable nutrient and moisture conditions; and
- contain extensive fibrous root systems, spreading rhizomatous or suckering habitat are preferred over a clumped habit; and
- are established at a minimum density of at least 8 plants per square metre across the filter area base and any side batters; and
- provide complexity and year round coverage by including at least 4 different species within the filter area, use mainly moisture tolerant species such as *Juncus planifolius*, *Juncus usitatus*, *Carex appressa*, *Gahnia*, *Lepidosperma*, *Schoenus* and *Restio* species. Other species that may be incorporated are *Poa sieberiana*, *Lomandra*, *Patersonia*, *Dianella* and *Blechnum* species or other similar local native species.

**Note:** For further information consult <http://www.melbournewater.com.au/raingardens>. The plant species suggested in this information need to be modified to be compatible with local Blue Mountains conditions.



## PART C6: Water Sensitive Urban Design (WSUD) guidelines for large scale development

The WSUD strategy and stormwater management system is to be appropriately designed and sized in a manner consistent with the latest guidelines and current best management practices for WSUD

The latest WSUD guidelines include but are not limited to:

- (a) Using MUSIC in Sydney's Drinking Water Catchment A Sydney Catchment Authority Standard dated March 2012 by the Sydney Catchment Authority (for use in Sydney's Drinking Water Catchments) ([http://www.sca.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0019/39313/Using-MUSIC-in-Sydneys-Drinking-Water-Catchments.pdf](http://www.sca.nsw.gov.au/__data/assets/pdf_file/0019/39313/Using-MUSIC-in-Sydneys-Drinking-Water-Catchments.pdf))
- (b) Draft NSW MUSIC Modelling Guidelines, by BMT WBM NSW Government and Sydney Metro Catchment Management Authority dated August 2010 (<http://wsud.org/wp-content/uploads/2012/07/Draft-MUSIC-Modelling-Guidelines-31-08-201011.pdf>)
- (c) Concept Design Guidelines for WSUD by Water by Design SEQ Version 1.1 April 2010 (<http://waterbydesign.com.au/conceptguide/>)
- (d) Construction and Establishment Guidelines by Water by Design SEQ Version 1.1 April 2010 (<http://waterbydesign.com.au/CEguide/>)
- (e) Water Sensitive Urban Design – Technical Design Guidelines for South East Queensland, by Water by Design SEQ 2006 (<http://waterbydesign.com.au/TechGuide/>)
- (f) Maintaining Vegetated Stormwater Assets by Water by Design SEQ 2012 (<http://waterbydesign.com.au/maintenanceguide/>)
- (g) Stormwater Bio-filtration Systems Adoption Guidelines, Planning Design and Practical information, by Facility for Advancing Water Bio-filtration, Version 1, June 2009 (<http://www.monash.edu.au/fawb/products/>)
- (h) Australian Runoff Quality - A Guide to Water Sensitive Urban Design by Engineers Australia, 2006 (<http://www.wsud.org/resources-examples/case-studies/australian-runoff-quality/>)
- (i) WSUD Engineering Procedures Stormwater by Melbourne Water dated 2005 (<http://www.publish.csiro.au/au/pid/4974.htm>)
- (j) WSUD Technical Guidelines for Western Sydney by Stormwater trust and the Upper Parramatta River Catchment Trust dated May 2004 (<http://www.wsud.org/wp-content/uploads/2012/08/part1.pdf>)
- (k) Managing Urban Stormwater: Harvesting and Reuse by the NSW Department of Environment and Conservation, 2006 (<http://www.environment.nsw.gov.au/stormwater/publications.htm>)

- (l) Developments in Sydney's Drinking Water Catchment – Water Quality Information Requirements by the Sydney Catchment Authority (as relevant to the Sydney Drinking Water Catchment). ([http://www.sca.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0015/36402/Developments-in-Sydney-water-quality-information-requirements.pdf](http://www.sca.nsw.gov.au/__data/assets/pdf_file/0015/36402/Developments-in-Sydney-water-quality-information-requirements.pdf))
- (m) Water Sensitive Design Guide for Rural Residential Subdivisions, Water Sensitive Urban Design;
- (n) Draft Water Sensitive Urban Design Book I Policy by Landcom (2006) ([http://landcom.com.au/downloads/uploaded/WSUD\\_BookI\\_Policy\\_Draft\\_0409\\_6d9c.pdf](http://landcom.com.au/downloads/uploaded/WSUD_BookI_Policy_Draft_0409_6d9c.pdf))
- (o) Other Council's guidelines - Blacktown City Council Developer Handbook for Water Sensitive Urban Design (Version 1.1 November 2013) ([http://www.blacktown.nsw.gov.au/Planning\\_and\\_Development/Plans\\_and\\_Guidelines/Engineering\\_Guidelines\\_for\\_Development/Water\\_Sensitive\\_Urban\\_Design](http://www.blacktown.nsw.gov.au/Planning_and_Development/Plans_and_Guidelines/Engineering_Guidelines_for_Development/Water_Sensitive_Urban_Design))

**Note:** These documents provides relevant general technical guidance however may include stormwater treatment targets or other criteria that are different to targets required by Blue Mountains City Council).



## PART C6: Typical WSUD devices

The WSUD strategy is to include a treatment train that is to comprise all necessary stormwater treatment devices, to provide the retention, filtering, infiltration and safe disposal necessary to meet the required stormwater treatment performance outcomes.

The WSUD strategy is to include appropriate water quality and quantity treatment devices, such as:

- (a) Rainwater tanks and reuse
- (b) Grey water treatment and tanks for re-use
- (c) Detention basins
- (d) Sediment basins
- (e) Gross pollutant capture devices
- (f) Oil/grit/grease/water separators
- (g) Vegetated filter strips
- (h) Grass or vegetated swales
- (i) Bio-retention swales or basins
- (j) Sand filter beds
- (k) Porous pavements
- (l) Infiltration measures
- (m) Constructed wetlands

**Note** - Adaptability to climate change should be considered in the planning, design and management of WSUD strategies and infrastructure, particularly with regard to long term stormwater harvesting schemes and landscaping species selection. Consider potential changes in the volume and frequency of rainfall, temperatures and other climatic conditions, bushfire and storm recurrence and intensity and ecological succession.



## J4 PART D I: Heritage Listings

Clause 5.10 (heritage conservation) of LEP 2015 provides for the protection of the heritage of the Blue Mountains. Heritage items and heritage conservation areas are identified by property address and real property description in Schedule 5 of LEP 2015 and also on the accompanying *Heritage maps*. Heritage listings are based on studies carried out by qualified heritage consultants engaged by Council, and heritage listing has been the result of a rigorous approval process.

All items on Schedule 5 of LEP 2015 are listed as being of local heritage significance; however, a number of items are also assessed as being of state significance, meaning they have significance and value to the broader community of NSW. Some of these items with state-significant assessments have been formally listed on the State Heritage Register. The listing status (whether local or state) is identified in Schedule 5 of the LEP.

Individual heritage inventory sheets have been prepared for each heritage item and heritage conservation area. These provide background information about the history of the property or area, a description of the item or area and an assessment of the various heritage values. These heritage inventory sheets should be referred to early in the development process. They are also required to be considered when preparing a heritage management document for submission to Council with a development application. These inventory sheets are available from Council and on the NSW Heritage Branch's website at <http://www.environment.nsw.gov.au/heritageapp/heritagesearch.aspx>. The information in the heritage inventory sheets will be considered by Council as part of its assessment of development applications.

### J4.1 Understanding a property's significance

Individual heritage inventory sheets have been prepared for each heritage item and heritage conservation area. These provide background information about the history of the property or area, a description of the item or area and an assessment of the various heritage values. These heritage inventory sheets should be referred to early in the development process. They are also required to be considered when preparing a heritage management document for submission to Council with a development application. These inventory sheets are available from Council and on the NSW Heritage Branch's website at <http://www.environment.nsw.gov.au/heritageapp/heritagesearch.aspx>. The information in the heritage inventory sheets will be considered by Council as part of its assessment of development applications.

There are a number of ways to determine the heritage significance of heritage items and conservation areas.

### J4.2 Heritage inventory sheets

Search for the property's heritage inventory sheet on the Heritage Council





website. Properties within heritage conservation areas will not be separately listed, so the search should be for the name of the heritage conservation area.

Research and investigation is an ongoing process, and some inventory sheets may appear incomplete; however, this does not mean that the property is not significant.

### **J4.3 Researching property history**

Without clear information from a heritage inventory sheet, additional research may be required. The purpose of undertaking research into a property's history is to assist Council in considering how the proposed development has taken into account the history and significant features of the item. Important or relevant information could include:

Historical details: dates, architects/builders, period of subdivision, names of any significant original or early owners, significant previous uses or associations

Heritage significance: any previous assessments of significance

Intactness and condition: an analysis of materials and elements to establish original, early and later fabric and details; to identify later or new elements; to identify the condition of important elements

Braemar, Springwood: Local Studies Library

Council has a Local Studies Library that contains records, photographs and other archival and historic material that may be of relevance in preparing information in support of proposed changes to heritage properties. The librarian at the Library should be contacted for assistance.

Conservation and heritage community groups

There are a number of local community-based conservation and heritage groups who can provide information and guidance.

### **J4.4 Records search**

Council's records may contain useful information on file which can be accessed by a GIPA search. This is a free service provided by Council, following the submission of the application form, which can be found here: <http://www.bmcc.nsw.gov.au/yourcouncil/accesstoinformation>. File material may contain previous heritage assessments, approvals and consent conditions, old photos and other material useful in understanding the history of the site.

#### **J4.5 Heritage assessment guidelines**

The Office of Environment and Heritage (OEH) provides free publications to assist owners, local Councils, consultants and others in understanding heritage significance. A primary document is 'Assessing Heritage Significance' which is available to download at <http://www.environment.nsw.gov.au/Heritage/publications/index.htm>

A list of heritage practitioners can be found on the website of the Office of Environment and Heritage (OEH) at <http://www.environment.nsw.gov.au/heritageapp/HeritageConsultantsDirectory.aspx>

#### **J4.6 Guidelines**

- The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 1999

This part of the DCP is consistent with the Australian International Council on Monuments and Sites (ICOMOS) Charter for the Conservation of Places of Cultural Significance (The Burra Charter). The Burra Charter is available on Council's website.

- The Conservation Plan, by James Semple Kerr, National Trust, 2000

This seminal text sets out the format for and is a guide to the preparation of Conservation Plans. Available as a free download on the NSW Heritage Branch website at <http://www.environment.nsw.gov.au/Heritage/publications/index.htm>

- Heritage Branch publications

The Heritage Branch provides a diverse range of publications covering many heritage and conservation topics: technical advice, conservation by of particular building types, heritage nominations, assessing significance, thematic histories, and more. Many are available free to download.

Also available is Design in Context, guidelines for infill development, and New Uses for Heritage Places, publications prepared in association with the Australian Institute of Architects, and available as free downloads. The Heritage Branch of NSW publications are available at <http://www.environment.nsw.gov.au/Heritage/publications/index.htm>

- State Environmental Planning Policy (Exempt and Complying Development) 2008

The 'Codes SEPP' details exemptions for a range of minor works for heritage items and within heritage conservation areas. It also allows complying development within conservation areas but does not allow complying development to heritage items.



## J5 PART E5: Crime Prevention Through Environmental Design (CPTED) Guidelines

### J5.1 Site building layout

Orientate the main entrance towards the street or both streets if located on a corner.

Offset windows, doorways and balconies to allow for natural observation while protecting privacy.

Avoid large trees, carports, skillion extensions, fences or downpipes next to second storey windows or balconies that could provide a means of access.

Design balconies and windows to maximise natural observation of vehicle and pedestrian movement.

Set buildings back from the verge to create a perception of semi-private space.

### J5.2 Entrances and building identification

Locate entrances in prominent positions.

Use design features such as numbering and directional signage so that entrances are easily recognisable.

Providing common access points to no more than 6 to 8 dwellings.

Where buildings accommodate a number of dwellings or uses, the building entry should clearly state the dwelling numbers accessed from that entry.

Include a viewing window/vision panel in fire exit doors to allow visibility before opening. (The materials must comply with the fire rating requirements of the Building Code of Australia.)

Staff entrances that are separate from the main entrance must be located to maximise opportunities for natural surveillance from the street or other public areas.

Locate offices, desks, work-stations so as to overlook public areas, carparking areas, entrances to buildings, adjoining arcades, malls and the like.

Place street numbers so they are clearly visible and not obscured by foliage.

### J5.3 Blind corners

Design direct pathways.

Make sure that any barriers along pathways are visually permeable ('see through'), including landscaping and fencing.

Install glass panels in stairwells to maximise visibility.

Use mirrors so that users can see around corners or ahead of them.







## **J5.4 Lighting**

Use diffused lights and/or movement sensitive lights.

Direct these lights towards access/egress routes to illuminate potential offenders, rather than towards buildings or resident observation points.

Lighting should have a wide beam of illumination, which reaches to the beam of the next light, or the perimeter of the site or area being traversed.

Avoid light spillage onto neighbouring properties as this can cause nuisance and reduce opportunities for casual surveillance.

Light areas to enable users to identify a persons face 15 metres away.

Lighting of all pathways, areas adjoining public spaces and outdoor/open carparking areas is to be in accordance with Australian/ New Zealand Standard 1158.3.1:1999 – Pedestrian Area Lighting.

Illuminate possible places for intruders to hide, including letterboxes and communal areas.

Use energy efficient lamps, fittings and switches to save energy.

Ensure that external areas such as letterboxes and communal areas are well lit and observable from inside.

Ensure that entrances to buildings are well illuminated.

## **J5.5 Communal/public areas**

Position active uses or habitable rooms with windows adjacent to main communal/ public areas, such as playgrounds, swimming pools, gardens, car parks, etc.. Whilst natural surveillance is encouraged in this instance, consideration also needs to be given to acoustic impacts on habitable areas. A balance needs to be sought.

Make sure utility/service areas are easily secured, well lit and free of possible entrapment spots such as alcoves. For aesthetic reasons, garbage storage areas should be screened from public places using fencing or vegetation. Careful and innovative design is required to balance both of these design criteria.

Open style or transparent materials are encouraged on doors and/or walls where stairwell or elevators are provided.

Waiting areas and entries to elevators/stairwells should be close to areas of active uses and should be visible from the building entry.

Seating should be located in areas of active uses.

## **J5.6 Ownership**

Distinguish dwellings or groups of dwellings by using design features such as colour, vegetation, paving, fencing, furniture etc.



Physical and/or psychological barriers, such as fences, gardens, lawn strips, varying textured surfaces can be used to define different spaces and to clearly distinguish between public, semi public-private and private spaces.

### **J5.7 Landscaping**

Avoid medium-height vegetation with concentrated top to bottom foliage. Plants such as low hedges and shrubs, creepers, ground covers and high canopied vegetation are good for natural surveillance.

Trees with dense low growth foliage should be spaced or 'crown raised' to avoid a continuous barrier.

When landscaping around children's play areas, car parks and along pedestrian pathways, use low ground covers or high canopied trees which have clean (i.e., free of foliage) trunks to a minimum height of 2 metres.

Where planting is provided within 5 metres of a pedestrian pathway, it should be lower than 1 metre or be thin trunked with a high canopy.

Keep a cleared space of 3 to 5 metres on either side of pathways and bicycle routes. Step back vegetation in height beyond this point.

Planting should not prevent informal surveillance by adjacent residents.

Avoid vegetation which conceals the building entrance from the street.

Prickly plants may be used as effective barriers, where appropriate.

Landscaping techniques can be used to prevent access to windows and walls for better security and graffiti management.

### **J5.8 Fences**

Fences should not inhibit surveillance of communal areas, pathways and footpath by occupants of the building. Both the height of the fence in relation to the building, as well as the nature of the construction materials needs to be considered.

Keep fences and walls low and/or open to improve observation and maximise sunlight. Vegetation should not obscure building entrances, windows and other vulnerable areas.

Install double glazing where noise is a problem at the front of the building rather than using a high solid fence.

Use light coloured open fencing, if privacy is an issue, as this will provide more privacy than dark coloured open fencing, but will still allow a level of surveillance from the street.

Colourbond fences should not be used as a fencing material adjoining public open space or thoroughfare unless vegetation is planted in front to reduce graffiti access.



## **J5.9 Security**

Door and window locks should be installed in accordance with the relevant Australian Standard in all residential developments comprising three or more dwellings and in commercial and industrial developments.

Display security system notices prominently.

Ensure that perimeter doors and windows are of solid construction and fitted with quality deadlocking devices.

Fit the main entry doors with viewing ports to allow identification of visitors.

Install sensor lighting or timed lighting that can be controlled from within the building.

Encourage casual use of public and semi-private open spaces during evening hours so they can be 'animated' with legitimate activities.

## **J5.10 Building materials**

Use toughened or laminated glass at ground floor level.

Modulate large walls and use dark colours to discourage graffiti.

Consider the use of vegetation such as 'creepers' on walls or the use of murals which can be effective in deterring graffiti.

Use strong, wear-resistant laminate, impervious glazed ceramics, treated masonry products, stainless steel materials or use anti-graffiti paint or clear over sprays.

Avoid flat or porous finishes where graffiti is likely to be a problem.

Ensure that skylights and roofing tiles cannot be easily removed from the outside.

Glass should be reinforced with shatter resistant material to prevent entry.

## **J5.11 Public facilities**

Employ traffic calming measure to slow cars and encourage pedestrian activity where possible.

Locate public facilities in highly visible locations that are well lit and near activities with extended trading hours such as restaurants, convenience stores, taxi ranks, etc..

Locate public facilities away from possible entrapment spots such as fire exits, alleys, etc..

Design ATM's to incorporate mirrors or reflective materials so that users can observe people behind. Do not locate ATM's in alcoves which limit visibility.

Provide directional signs to key services and landmarks such as railway stations, police stations, taxi ranks, etc.



Design pedestrian pathways to be of generous width in busy areas.

Construction of pathways through existing vegetation should consider the appropriateness of the route, the need to thin vegetation at the base of trees and to the location and orientation of lighting.

Design open spaces so that they are clearly designated and easily observed by people. Parks and playgrounds should face the street rather than lanes and be placed in close proximity to public activity (such as in front of a building, shopping centre).

Play equipment, seating, BBQ areas and the like, should be provided to encourage active use of these areas.

Seating should be conveniently located and easily seen.

Facilities such as toilets and telephones should be located close to areas of active uses.

Bus and taxi shelters are to be located within close proximity to active areas (street, pathways, adjoining businesses, etc.). Vegetation surrounding such shelters should be minimised or maintained to maximise visibility. Shelters should be well lit.

Pathways should be direct, follow pedestrian sight lines and avoid blind corners. Avoid sudden changes of grade on pathways, where possible, if it reduces sight lines.

Directional and behavioural signage should be provided at entrances to parks / open space areas.

## **J5.12 Car parking facilities**

Avoid large expanses of car parks. If this is not possible provide surveillance such as security cameras (in accordance with the NSW Government policy, statement and guidelines for the 'Establishment and Implementation of CCTV in Public Places').

Access to lifts, stairwells and pedestrian pathways should be clearly visible.

Pedestrian sight lines should be clearly identified to direct users to exits or key points within the car park facility such as the use of lighting, pavement markings, etc..

Locate disabled parking spaces in highly visible and convenient locations.

Locate car parks in areas that can be observed by adjoining uses.

Minimise the number of entry and exit points. Where possible, locate entry/exit points in proximity to active uses such as shops.

Staff parking facilities should be separated, secured (where appropriate), well lit and easily accessible.

Internal car park structure (such as concrete columns, solid internal walls, service rooms and enclosed fire exits) can create significant visual obstructions in car parks. Adequate sight lines are to be provided and design alternatives such as minimising vertical columns through engineering design or placing 'portholes' in car park walls increases visibility.

Avoid the use of the 'herring-bone' configuration in open car parking areas where possible, as this restricts natural supervision and limits sight lines.



## J6 PART E5: Food Safety Guidelines

All food businesses are required to satisfy the following key food safety requirements:

### J6.1 Approval requirements

The relevant approvals must be obtained from Council prior to commencing the operation and use of any food business.

### J6.2 Food premises fit-out

Food premises must be designed and constructed in accordance with specific standards and requirements to facilitate cleaning, good food-handling practices, health and hygiene and to minimise potential contamination and food-borne illnesses as set out in the Food Safety Code and Australian Standard 4674 – 2004 Design, construction and fit-out of food premises.

### J6.3 Food handlers: skills and knowledge

All food handlers must have the necessary skills and knowledge in food safety and food hygiene.

The operator or manager of the business must have high-level skills and knowledge in food safety and food hygiene and they must ensure that all staff have sufficient knowledge and skills in food safety.

Council recommends that all food handlers undertake formal training in food safety and food hygiene, such as relevant TAFE or food/catering college training course. At least one food safety supervisor must be appointed for each venue within a business.

### J6.4 Food handling practices and controls

The operator or manager of the business and all food handlers must ensure that food products are handled in a safe and controlled manner, from transportation, receipt, storage, processing, display, service and disposal.

Incorrect or sloppy food-handling practices significantly increase the risk of food becoming contaminated and causing potentially serious food poisoning incidents.

Food must be stored, prepared, displayed and handled in a way that does not increase the risk of contamination or the growth of bacteria and toxins.

Standard 3.2.2 of the Food Standards Code contains detailed requirements and procedures for food handling.





## **J6.5 Temperature control**

To minimise the risk of food spoilage, food poisoning and the growth of bacteria or toxins, it is essential that potentially hazardous food is kept under appropriate temperature control.

Potentially hazardous food includes:

- raw and cooked meat or poultry, or foods containing meat or poultry, e.g. casseroles, curries, meat pies, sausage rolls, kebabs, lasagne, spaghetti bolognese
- dairy products, e.g. milk, custard, cream, dairy based desserts
- seafood, e.g. fish, prawns, lobsters, oysters, calamari, shellfish
- processed fruits and vegetables, e.g. salads
- cooked rice, pasta and pasta salads
- foods containing eggs, beans, nuts or other protein rich foods, e.g. quiche, soy products
- foods that contain these foods, e.g. sandwiches and rolls.

Potentially hazardous food must be maintained:

- at or below 5°C (i.e. in a refrigerator or freezer), or
- at or above 60°C (i.e. in a heated display cabinet).

Potentially hazardous food should be cooled from 60°C to 21°C within 2 hours and 21°C to 5°C within a further 4 hours, and be refrigerated as soon as practicable (generally within 2 to 4 hours).

All refrigerators, freezers and heated food display cabinets must be monitored with an accurate thermometer (can be located within the appliance where readily visible), to ensure that food is maintained within the appropriate temperature range (e.g. digital-probe type thermometer).

Standard 3.2.2 of the Food Standards Code details the specific requirements for keeping potentially hazardous food at appropriate temperatures.

## **J6.6 Prevention of contamination**

Food business operators must ensure that all practicable measures are taken to protect food from the likelihood of contamination.

Food contamination can be caused by a number of inappropriate practices and controls, including:

- inappropriate temperature control
- inappropriate thawing and re-heating practices
- vermin and pests (e.g. mice, rats, flies, cockroaches, birds, insects)
- unclean equipment, appliances, utensils and surfaces

- unclean hands and clothing
- cross contamination of food, between raw food and cooked/ready to eat food
- incorrect or poor food-handling practices (e.g. from touching cooked/ready-to-eat food without gloves)
- contamination from customers (e.g. handling or sneezing upon the food)
- poor transportation and storage practices
- poor cleaning and person hygiene practices
- inappropriate or insufficient waste disposal facilities
- other physical and chemical contamination

Raw foods (e.g. meat, chicken, seafood) must be stored, prepared and processed separately or away from ready-to-eat cooked food to prevent possible cross contamination of food.

Standard 3.2.2 of the Food Standards Code contains further details and requirements to prevent contamination of food.

### **J6.7 Cleaning and sanitising**

It is essential that food premises are kept in a clean condition at all times including all walls, floors, ceilings, shelving, windows, cooking equipment, ventilation equipment, fridges, appliances, cupboards, utensils, crockery, cutlery, furniture and fittings.

The most effective and efficient way of keeping the premises clean and hygienic is to develop and implement an ongoing cleaning program.

The cleaning program should identify who, what, when and how the particular area or items will be cleaned.

To ensure that surfaces, equipment and utensils etc. are thoroughly cleaned and sanitised, it is recommended that specific commercial 'cleaning and sanitising' products be used from a commercial kitchen, catering or cleaning supplier, in accordance with the manufacturers directions.

### **J6.8 Health and hygiene**

Everyone is a potential carrier of bacteria and bacteria can easily be transferred from someone's hands, clothing and utensils or other articles to the food, or to the surfaces of food preparation areas or utensils.

All staff must wash their hands regularly (with warm water and hand cleanser), especially:

- before starting work
- before starting work after a break





- after handling money and before handling food
- after handling dirty dishes, glasses or utensils
- after doing any cleaning
- after using the toilet
- after smoking
- before handling cooked food - after handling raw food
- after handling rubbish or other waste
- after touching their hair, mouth, nose or any other body part.

It is also important that food handlers minimise potential contamination of food. For example, by wearing gloves or using tongs to avoid touching ready-to-eat or cooked food, and by wearing clean clothing and footwear.

## **J6.9 Food storage and waste disposal**

Food products must be stored in an appropriate location, in a suitable container and at a controlled temperature, to prevent potential contamination and growth of bacteria.

Potentially hazardous food should be stored in appropriate plastic containers with lids, to reduce the risk of contamination from other food (e.g. to separate raw food and cooked or ready-to-eat food), and from food handling, dirt, dust and other physical and chemical contaminants.

To minimise the growth of bacteria:

- keep the food cold (below 5°C)
- keep the food hot (above 60°C)
- always re-heat and cool food quickly.

To reduce the risk of contamination, all food premises must also have sufficient and appropriate waste disposal facilities and receptacles.

Waste bins must be provided with lids and be located in a suitable area, so as not to potentially contaminate any food, other surfaces or equipment.

Food storage and waste storage areas must be kept in a clean and sanitary condition, free from vermin, flies, cockroaches and other pests.

Food businesses must arrange for their waste materials and recycling to be collected and disposed of by an approved trade/commercial waste contractor (Council's Trade Waste Service or a private licensed contractor).

## J7

## Current environmental guides and strategies

The Council has produced a number of environmental guides and strategies to provide detailed advice on how to prepare submissions as part of a development application and to further explain provisions within development control plans.

Included here are the following guidelines:

- Flora and Fauna Assessment;
- Vegetation Management Plan;
- Waste Management Strategy

# PART K

## DEFINITIONS

## Definitions

**Note:** Definitions from the Blue Mountains Local Environmental Plan 2015 (LEP 2015) are identified by 'LEP 2015' at the end of each definition.

**1% Annual Exceedance Probability (AEP) flood** means a flood with a 1% (1:100) probability of occurring in any given year, also known as the 100 year Average Recurrence Interval (ARI).

**5% AEP flood** means a flood with a 5% (1:20) probability of occurring in any given year, also known as the 20 year ARI.

**Aboriginal object** means physical evidence of the use of an area by Aboriginal people. They can also be referred to as 'Aboriginal sites', 'relics' or 'cultural material'.

**Aboriginal place** means a place that was or is of special significance with respect to Aboriginal culture, as defined in the NSW National Parks and Wildlife Act 1974 (NPW Act).

**Adaptation** means modification of a heritage item to suit the proposed, compatible use.

**Aesthetic significance** means an item having this value is significant because it has visual or sensory appeal, landmark qualities and/or creative or technical excellence

**Alter** (*as it applies to a heritage item or to a building or work within a heritage conservation area*) means to make structural changes to the outside of the heritage item, building or work, or to make non-structural changes to the detail, fabric, finish or appearance of the outside of the heritage item, building or work, but not changes that involve the maintenance of the existing detail, fabric, finish and appearance of the outside of the heritage item, building or work.

**Archaeological site** means place that contained evidence of past human activity. Below-ground archaeological sites include building foundations, occupation deposits, features and artefacts. Above-ground archaeological sites include buildings, works, industrial structures and relics that are intact or ruined.

**Articulation zone** means an area of a lot forward of the building line within which prescribed building elements are permitted to be located, being an between (a) one side boundary of the lot to the opposite side boundary of the lot, or (b) if the lot is a corner lot-the secondary road boundary of the lot to the boundary opposite the secondary road boundary.

**Assisted natural regeneration** (the main practical approach to ecological restoration) is a staged process which aims to stimulate or “trigger” the growth of native plant propagules (such as seed, tubers or rhizomes etc.) already present on site or having the ability to migrate onto the site. This is used in preference to the use of revegetation. It generally employs low impact techniques to treat existing weed incursions and repair damaged land surfaces (including creek banks and swamps).

**Building identification sign** means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services. (LEP 2015)

**Bunding/bunded** means an impervious embankment of earth, or a wall of brick, stone, concrete or other suitable material, which may form part or all of the perimeter of an area that provides a barrier to retain liquid.

**Bush regeneration** is defined by the Australian Association of Bush Regenerators (AABR) as meaning: the practice of restoring bushland by focusing on reinstating and reinforcing the systems' ongoing natural regeneration processes"

**Bush fire protection measures (BPMs)** means a range of measures (controls) available to minimise the risk arising from a bush fire. BPMs include Asset Protection Zones, construction standards, suitable access arrangements, water and utility services, emergency management arrangements and landscaping. (Ref: NSW Rural Fire Service, *Planning for Bushfire Protection* 2006).

**Compatible use** means use for a heritage item which involves no change to its culturally significant fabric, changes which are substantially reversible or changes which make a minimal impact.

**Conservation** (*as it applies to vegetation management*) means all the processes and actions of looking after a place so as to retain its natural significance and always includes protection, maintenance and monitoring. Conservation may, according to circumstance, also include regeneration, restoration, enhancement, reinstatement, preservation or modification, or a combination of more than one of these. Conservation includes conserving natural processes of change (as opposed to artificially accelerated changes).

**Conservation** (*as it applies to heritage*) means all the processes of looking after an item so as to retain its cultural significance. It includes maintenance and may, according to circumstances, include preservation, restoration, reconstruction and adaptation and will be commonly a combination of most on one of these.

**Conservation management plan** means a document prepared in accordance with the requirements of the NSW Heritage Branch that establishes the significance of a heritage item, place or heritage conservation area, and proposes policies and management mechanisms to retain that significance. It can include guidelines for additional development or maintenance of the place.

**Contributory building** means a building and its setting, which contributes to the heritage significance of a heritage conservation area but which is not listed as a heritage item.

**Contributory item** means a building, work, archaeological site, tree or place and its setting, which contributes to the heritage significance of the heritage conservation area. The contributory properties may have historic, aesthetic, social or scientific values but will most typically have historic and/or aesthetic significance including streetscape value.

**Critical facilities** means hospitals, police, fire, ambulance, SES stations, major transport facilities, major sewage or water supply or electricity or telecommunication plants, schools, nursing homes and retirement villages

**Cultural landscape** means those areas of the landscape which have been significantly modified by human activity and may contain various heritage items, contributory items or heritage conservation areas and act as the heritage curtilage to those items or areas. They include rural lands such as farms, villages and mining sites, as well as country towns.

**Cultural significance** means a term frequently used to encompass all aspects of significance, particularly in guideline documents such as the Burra charter. Also one of the categories of significance listed in the *Heritage Act 1977*.

**Curtilage** in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage conservation area, or building, work or place within a heritage conservation area, that contributes to its heritage significance. (LEP 2015)

**Damage** refers to acute and obvious changes within an ecosystem.

**Dead** (*as it applies to trees or vegetation for the purpose of the DCP*) means a tree with no living vascular tissue. This includes the following symptoms such as permanent leaf loss in both deciduous and evergreen plants; permanent wilting (the loss of turgidity which is marked by the drying out of stems, leaves and roots); shedding of the epidermis (bark dries out and peels off to the beginning of the sapwood).

**Deep soil zones** means landscaped areas which are free of artificial structures and with a relatively unmodified soil profile. They are allocated to permit the establishment and growth of tall trees and to promote rainwater infiltration, and are to have minimum dimensions of 3m x 3m. These areas should be located to the rear of the development site, unless an improved outcome may be achieved by locating the area contiguous with deep soil zones on adjoining properties in an alternative location. Established trees which are to be retained will generally be presumed to be supported by a deep soil zone, and such areas may be included within deep soil zone area calculations.

**Degradation** means any subtle or gradual decline in the quality of natural resources or natural integrity of a place or the viability of an ecosystem, caused directly or indirectly by human activities.

**Degraded bushland** means bushland which is either overcleared, or contains disturbed or contaminated soils, or which has lost all or some of its component stratum or species, or which is significantly burdened by introduced 'weed' species. Degraded bushland does not represent optimal habitat for native fauna species, and it may represent a point source of weed propagules for other areas of the catchment.

**Demolition** means the damaging, defacing, destroying or dismantling of a heritage item or a component of a heritage conservation area, in whole or in part.

**Ecological connectivity** means physical or ecological events that permit the flow of material, organisms and ecological processes between habitat areas that are intermittently or permanently isolated in space or time.

**Ecologically Sustainable Development (ESD)** requires the effective integration of economic and environmental considerations in decision-making processes. Ecologically sustainable development can be achieved through the implementation of the following principles and programs:

- (a) the precautionary principle—namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

In the application of the precautionary principle, public and private decisions should be guided by:

- i. careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and
  - ii. an assessment of the risk-weighted consequences of various options,
- (b) inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,
- (c) conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,
- (d) improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as:
  - i. polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,
  - ii. the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,
  - iii. environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.

**Ecological processes** means all those processes that occur between organisms, and within and between communities, including interactions with the non-living environment, that result in existing ecosystems and bring about changes in ecosystems over time.

**Ecological Restoration** is the process of assisting the recovery of an ecosystem that has been degraded, damaged or destroyed, The aim is to return existing habitats to a known past state or to an approximation of the natural condition.

**Endangered Ecological Communities (EEC)** are groups of plants and animals that occur together in a particular area, and which are listed under the Threatened Species Conservation Act 1995 (TSC Act) or the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) as critically endangered, endangered or vulnerable, depending on their risk of extinction.

**Endemic** means local and restricted to a particular area, although the level of endemism can be very broad (e.g. endemic to Australia) or very narrow (e.g. endemic to Katoomba and Leura). It may also be used to indicate locally indigenous vegetation that is 'remnant' on a site.

**Enhancement** means the introduction of additional organisms, genotypes, species or elements of habitat or geodiversity to those that naturally exist in a place. Enhancement planting must be restricted to endemic species, and where possible, to those of 'local' genetic provenance.

**Environmentally sensitive areas** means environmentally sensitive land, protected areas, springs or areas with a shallow groundwater table, environmentally sensitive or significant natural areas as identified in Part C1 Biodiversity and Natural Resources Section of this DCP.

**Environmentally sensitive land** includes the following land:

- (a) land in zone E2 Environmental Conservation,
- (b) land identified as "Protected area - Slope constraint area" on the *LEP 2015 Natural Resources - Land Map* that has a slope exceeding 20%, excluding any land that has an area of less than 100 square metres and that is not within 20 metres of other land that has a slope exceeding 20%, but only if that land is not otherwise environmentally sensitive land,
- (c) land identified as "Protected Area - Ecological Buffer Area" on the *LEP 2015 Natural Resources - Biodiversity Map*,
- (d) land that is a watercourse and land that is within 40 metres of the top of the bank of a watercourse,
- (e) land on which any significant vegetation community is located and land that is within 60 metres of any such community,
- (f) land on which any rare species of flora is located and land that is within 20 metres of any such species,
- (g) land comprising any significant geological feature, such as rock outcrops and escarpments,

but does not include land determined under LEP 2015 clause 6.2 (Assessment of certain environmentally sensitive land) not to be environmentally sensitive land for the purposes of LEP 2015. (LEP 2015)

**Exotic plants** means any plant not originating in Australia.



**Fabric** means all the physical material of an item, including surroundings and contents which contribute to its heritage significance. In the case of a building, fabric would include materials such as brick, stone, timber, mortar, glazing, iron, steel, terracotta, plaster.

**Façade** means the elevation of a building facing the street. In the past the practice of retaining only the facade of buildings was regarded as a gesture in recognition of its heritage value. The Heritage Council (and Blue Mountains City Council) no longer condones this practice.

**Flood planning level** means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard. (LEP 2015)

**Form** means the way that the parts of the building enclose the spaces – for example, the shape of the building and roof. The form is also influenced by semi-enclosed spaces around the building, such as verandahs, courtyards and carports. Elements such as chimneys, parapets and towers are part of the building's form.

**Fragmentation or habitat subdivision** describes the emergence of discontinuities in an organism's preferred environment, and isolation of preferred habitat areas within a hostile environmental matrix or dissimilar and unsuitable vegetated matrix .

**Freeboard** means a factor of safety typically used in relation to floor levels, to ensure that the required standard of protection is achieved.

**Height** (*as it applies to trees*) means the distance measured vertically between the horizontal plane of the lowest point of the base of the tree/s which is immediately above ground level and the horizontal plane of the uppermost point of the tree/s.

**Heritage assessment criteria** mean the principles by which the values for heritage significance are described and tested. The New South Wales Heritage Council has adopted criteria for the assessment of heritage significance based on six core values: historic value, historic association value, aesthetic value, research value, social value, representative value and rarity value. See the publication *Assessing Heritage Significance* published by the New South Wales Heritage Council for a detailed description of these values and how they are interpreted.

**Heritage conservation area** means an area of land of heritage significance:

- (a) shown on the *LEP 2015 Heritage map* as a heritage conservation area, and
  - (b) the location and nature of which is described in Schedule 5 of LEP 2015,
- and includes any heritage items situated on or within that area (LEP 2015)

**Heritage item** means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5 of LEP 2015. (LEP 2015)

**Heritage significance** means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value. (LEP 2015)

**Heritage value** means the same as heritage significance.

**Horticulture** means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include a plant nursery, turf farming or viticulture. (LEP 2015)

**Imminent danger** means where the structural condition of the tree in part or full is so unstable that it would be unreasonable and dangerous to delay so as to go through an approval process. An example may be obvious instability of the root system, evidence of soil uplifting, cracking, loss of structural roots, storm damage and structural defects that are imminently hazardous such as cracking/splitting of the trunk and/or main branches.

**Impervious area** means a hard surface area such as roof areas, roads, driveways, car parking areas or pathways that prevent the entry of water into the soil causing runoff the surface in greater quantities and at an increased rate of flow.

**Infill development** means new buildings sited and designed to ‘fit in’ and respect the context within which it is located. Infill development occurs where there is an existing building which is to be demolished or where there is a vacant allotment.

**Injury** (*as it applies to trees or vegetation for the purpose of the DCP*) means removing a tree or vegetation; pruning, damaging, breaking or tearing of live branches and/or roots that is not carried out in accordance with AS 4373 – 2007 – Pruning of Amenity Trees); lopping (height reduction) or topping a tree; poisoning a tree or vegetation, or spilling and or damaging the root zone through directed contaminants or compaction or stripping of top soil; ringbarking, scarring or otherwise causing physical damage to the tree; underscrubbing of native vegetation, particularly carried out by mechanical tools such as brushcutters, skid steers, backhoes and the like.

**Integrity** (*as it applies to a building or place*) means the soundness, quality and condition of the fabric. A heritage item is said to have integrity if its assessment and statement of significance is supported by sound research and analysis, and its fabric and curtilage are still largely intact.

**Intrusive development** means development which is inappropriate to the significant heritage character of the heritage item or heritage conservation area due to its form, scale, bulk, materials and proportions and which adversely affects adjoining buildings, the streetscape and general character of the area.

**Landscape fabrication** means the creation, through any or all of the processes of construction, land reshaping, soil amendment and replanting, of a landscaped area which is distinctly different in species diversity, composition, structure and appearance to the pre-existing bushland community on a site.

**Likely habitat tree** means any naturally-occurring tree, living or dead, (being native vegetation or remnant native vegetation) which contains one or more visible hollows (cavities within the trunk or branches) and which is suitable for the occupation of hollow-dependent fauna such as nesting birds, arboreal marsupials such as possums, or native placental mammals such as bats for the purposes of nesting, roosting and/or denning sites, or which is supporting the growth of locally indigenous or endemic epiphytic plants such as orchids.

**Listed Weed Species** means those declared and environmental weed species contained within Part I of this DCP, under Weeds of the Blue Mountains.

**Local provenance** means the specific plant is genetically similar to other plants naturally occurring (either currently or historically) on a site.

**Local provenance plants** are grown from seed that is collected from healthy plants growing near the planting site in similar environmental situations. Using plants of local provenance is important because local plants are genetically adapted to local conditions. Planting local plants increases the success of revegetation projects and decreases the risk of disrupting the local flora gene pool.

**Local significance** means items that are of heritage significance to the local community.

**Locally indigenous species** means a species that occurs at a place within its historically known natural range and that forms part of the natural biodiversity of a place.

**Locally indigenous** means a plant which grows ‘naturally’ (either currently or historically) in the bushland of the local area

**Maintenance** (*as it applies to biodiversity*) means the continuous protective care of the biodiversity and geodiversity of a place or ongoing care (including remedial action) of an item, comprising a single tree, area of remnant bushland or of the fabricated (created) landscape, and may include weed control or supplementary watering.

**Maintenance** (*as it applies to heritage*), in relation to a heritage item, Aboriginal object or Aboriginal place of heritage significance, or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care, but does not include the removal or disturbance of existing fabric, alterations (such as carrying out extensions or additions) or the introduction of new materials or technology. (LEP 2015)

**Modification** means altering a place to suit proposed uses that are compatible with the natural significance of the place. Modification may involve changes to safeguard the natural significance of a place

**Monitoring** means ongoing review, evaluation and assessment to detect changes in the natural integrity or improved condition of a site, with reference to a baseline condition. Monitoring is used to assist review of decisions by providing knowledge of the effects of conservation processes, and allows the consent authority to determine if objectives of the environmental protection works are being achieved.

**Moveable heritage** means heritage items or parts of an item not fixed to a site or place (for example, furniture, locomotives, archives).

**Native plant** (*as it applies to horticultural use*) means originating anywhere in Australia, and may be a cultivated variety of a native plant (cultivar).

**Natural Areas** (*for the purpose of this DCP*) means those areas comprised of indigenous vegetation and habitat features, and which are conserved and protected from incompatible recreational or other uses.

**Natural heritage significance** means natural areas and items (as opposed to cultural items) may have natural heritage significance for their evolutionary, aesthetic, technical/ research and social values.

**Operation of an onsite wastewater disposal system** has the same meaning as to 'operate a system of sewage management' in accordance with Sections 68 and 68A of the Local Government Act 1993.

**Overland Flow Path** means the path of rain-induced surface run-off that is not part of a defined watercourse or natural flow path, including run-off in excess of the capacity of the road and property drainage system.

**Pedestrian** means all forms of mobility excluding cycling and vehicles.

**Place** means a site, area or landscape or group of works, together with associated structures, contents and surrounds.

**Preservation** (*as it applies to biodiversity*) means maintaining biodiversity of a place at the existing stage of succession, or maintaining existing geodiversity.

**Preservation** (*as it applies to a building or place*) means maintaining the fabric of an item in its existing state and retarding deterioration. It does not include new work.

**Principal building form** means the original front section of a building and its main roof, which contains the main rooms.

**Probable Maximum Flood** (PMF) means the largest flood that could reasonably occur.

**Proportion** means the relationships between the different elements of the structure and how well they 'sit' together. Different building styles are characterised by different proportions, and it is important that changes respect the proportions of the original building.

**Protecting** means including a heritage item on a statutory list and/or making decisions about its future that ensure its heritage significance is maintained.

**Protection** means taking care of a place or feature by managing impacts to ensure that its natural significance and / or function is retained. It may involve the placement of fencing or barriers to introduce a physical separation between the area or item to be protected and a disturbance (e.g. construction works).

**Prune or pruning** means cutting branches from a tree/s in a planned and systematic manner that is carried out in accordance with the provisions of Australian Standard AS 4373 - 2007 - Pruning of Amenity Trees.

**Reconstruction** means returning a place as nearly as possible to a known earlier state by the introduction of new or old materials into the fabric (not to be confused with conjectural reconstruction which is not based on a known earlier state).

**Reconstruction through revegetation** means the introduction of locally indigenous plant species, modelled on the diversity and structural characteristics of the original vegetation community. It is carried out by planting or by re-introducing propagules.

**Recruitment** (as it applies to trees or vegetation) means to spontaneous or facilitated germination of seedlings of extant plant species within a community, which may ultimately represent a younger age class cohort.

**Reference ecosystem or landscape** means a model for planning an ecological restoration project, and may represent the 'target condition' for environmental protection works.

**Regeneration** means the recovery of natural integrity following disturbance or degradation. Regeneration applies to both the geodiversity (soils, rocks, landforms) and biodiversity of a place, and includes the process of natural succession.

**Relic** means any deposit, object or material evidence relating to the use or settlement of the area of the Blue Mountains, not being Aboriginal habitation, which is more than 50 years old or Aboriginal habitation of the area of the Blue Mountains commencing before or continuing after its occupation by persons of European extraction, including human remains.

**Remediation:** means: (a) removing, dispersing, destroying, reducing, mitigating or containing the contamination of any land, or (b) eliminating or reducing any hazard arising from the contamination of any land (including by preventing the entry of persons or animals on the land).

**Remnant vegetation** means locally indigenous trees, shrubs and groundcovers which remain on a site following clearing of land for agriculture, development or other use.

**Remove or removal** means to cut down, fell, destroy, kill, take away, uproot or transplant a tree from its place of origin.

**Representativeness** means a value of significance; an item may have this type of significance because it is a fine representative example of an important class of significant items or environments.

**Resilience** means the recovery of a plant community, species or ecosystem following disturbance, as well as the potential of the plant community, species or ecosystem to recover after disturbance (McDonald 1996). A resilient community is one which is expected to persist and recover generally to its pre-disturbance identity and function or to an equivalent stable state, following disturbance. (Holling, 1973; Gunderson, 2000; Scheffer & Carpenter, 2003)

**Restoration** means returning the existing fabric of a place to a known earlier state by removing accretions or by reassembling existing components without introducing new material.

**Rhythm** means the repetition of elements such as windows, doors, gables and roof planes in the arrangement of the façade (elevation) of the building. It is also a term used to describe the patterns of spacing of buildings on the site or in the streetscape, where the repeated elements include the houses, fences and driveways.

**Roofscape** means a view or expanse of roofs including their pitch and form, and elements such as chimneys, parapets, party walls, guttering and roof materials.

**Scale** means the overall size of the building or element in comparison to the original, or of other buildings in the locality. It is based on the size of the footprint, height of the walls and the pitch of the roof relative to the size of the lot. New development is generally more sympathetic if it is of a smaller, or more modest, scale than the original.

**Significance** means the same as 'heritage significance'.

**Significant building** means a building that has historic, scientific, cultural, social, archaeological, natural or aesthetic value for past, present or future generations, and which is not listed as a heritage item; or a building that makes a positive contribution to the streetscape in terms of aesthetic or architectural qualities, has local or state significance, or both and/or has a rarity value.

**Significant cultural plantings** mean those plants including native plants that were planted for a deliberate purpose and which reflect the taste or fashion of a particular period or were associated with a person or event of historical significance.

**Siting** means the placement of the structure, both on its lot and within the wider landscape. It includes setbacks and the direction that the building faces, for example, whether it is sited parallel to the street (in the usual manner), sideways (to face the side boundary) or set on an angle relative to the street.

**Soft Engineering** is the use of ecological principles and practices to reduce erosion and achieve the stabilization and safety of disturbed land, stormwater channels and riparian areas. Soft engineering is achieved by using vegetation and other (generally) biodegradable materials to manage and stabilise the land-water interface and bare soil surfaces, particularly on steep land.

**State significant** means items that have been assessed and determined by the New South Wales Heritage Council to be of heritage significance to the State of New South Wales, and are fine examples, or rare, at the State community level. Listed on the State Heritage Register.

**Succession** means the natural process by which species composition changes over time in response to the natural development of the plant community.

**Triggers** means actions which may stimulate regeneration of soil stored seed or other propagules, and includes fire or other application of heat to the soil, application of 'smoked water', scarification of the soil surface, application of water during dry periods, weed control using mechanical means which creates soil disturbance.

**Trunk** means the main stem of the tree, as distinguished from the branches and roots.

