

DUNGOG DEVELOPMENT CONTROL PLAN No 1

PART A - ADMINISTRATION

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A.1 - INTRODUCTION

The Dungog Local Environmental Plan 2014 (LEP 2014) has been prepared in the Standard Instrument format. Consequential amendments were required to the Dungog Shire-wide Development Control Plan (DCP) to reflect the new language and provisions in the LEP. The opportunity was also taken to further consolidate the document, resulting in the amendment of Dungog DCP No.1.

The Dungog DCP No.1 has been designed to allow for amendments over time, within a logical framework of Parts and Chapters.

1.1 PURPOSE

The purpose of this DCP is to provide detailed provisions for development within the Dungog LGA. These provisions supplement the legal framework contained in the Dungog LEP 2014.

1.2 AIMS

The aims of this DCP are:

- a) To provide a detailed planning document that outlines requirements for development which meets community expectations and addresses the key environmental planning issues of the Local Government Area; and
- b) To identify certain development as advertised development and to detail public notification requirements in accordance with Section 3.43 of the EPA Act;

1.3 LEGAL STATUS

This Plan is titled Dungog Development Control Plan No.1

This document is a Development Control Plan prepared in accordance with the provisions of the Environmental Planning and Assessment Act, 1979, and associated Regulations.

This DCP came into force on 4 July 2018. The amendment table at the beginning of this document lists any amendments since this time.

A DCP does not have the same legal force as an environmental planning instrument (such as the Dungog LEP 2014 or various State Environmental Planning Policies). In the event of any inconsistency between this DCP and an environmental planning instrument, the Environmental Planning and Assessment Act 1979 states that the environmental planning instrument shall prevail.

A consent authority is required to consider this DCP when determining Development Applications within the Dungog Local Government Area (LGA). However, compliance with the provisions of this DCP does not necessarily imply that a consent authority will consent to the application. A consent authority is required to consider the full range of matters listed under Section 4.15 of the Environmental Planning and Assessment Act 1979 in its assessment of a Development Application.

1.4 LAND TO WHICH THIS DCP APPLIES

The Dungog DCP No1 applies to all land within the Dungog LGA to which the Dungog LEP 2014 applies.

This DCP is to be read having regard for the Table below, which indicates the zone conversions that typically apply between the *Dungog Local Environmental Plan 2006* (now repealed) and the current Dungog Local Environmental Plan 2014.

Dungog LEP 2006 (now repealed)	Dungog LEP 2014 (Current)
Rural Zones	
Rural 1(a)	RU1 Primary Production
New Zone	RU3 Forestry
Village 2 (v)	RU5 Village
Residential Zones	
Residential 2(a)	R1 General Residential
Rural Lifestyle 1(l)	R5 Large Lot Residential
Rural Enterprise 1(e)	R5 Large Lot Residential
Business Zones	
Business 3(a)	B2 Local Centre
New Zone	B4 Mixed Use
Industrial Zones	
Employment 4(a)	IN1 General Industrial
Special Purpose Zones	
Special Uses 5(a)	SP2 Infrastructure
Recreation Zones	
Recreation 6 (a)	RE1 Public Recreation
	RE 2 Private Recreation
Environment Protection Zones	
Environment 7(a)	E3 Environmental Management
Environmental Living 7(l)	E4 Environmental Living
National Parks 8(a)	E1 National Parks and Nature Reserves
Waterway Zones	
New Zone	W1 Natural Waterways
Other	
Transition 9(a)	RU1 Primary Production RU5 Village

1.5 RELATIONSHIP TO PREVIOUS DEVELOPMENT CONTROL PLANS

This DCP **repeals, condenses and replaces** the following chapters in the Dungog Shire-wide DCP No. 1:

Replaces:	New Chapter:
Part A - General Information	Administration
Part C - Chapter 4- Erection of Rural Sheds	Erection of Farm Buildings and/or Domestic Sheds
Part D - Chapter 7 Count Street, Paterson	Boulton Drive, Paterson
Amends	
Part B - Chapter 1 – Complying Development	
Part B - Chapter 2 – Exempt Development	
Part C - Chapter 8 Boatfalls Rural Residential Estate	
Part C - Chapter 5 Bushfire	
Part C - Chapter 8 Managing Our Floodplains	
Repeals	
Part C - Chapter 10 Farm Gate Sales	
Part C - Chapter 13 Acid Sulfate Soils	
Insert new chapters	
Part C - Chapter 23- On-Site Sewerage Management	
Part C - Chapter 24 – Site Waste Minimisation and Management	

Please Note: All other Chapters currently contained in the Dungog Development Control Plan No. 1 remain in force.

Each chapter of the DCP has been adopted by Council, additional chapters may be added. This plan shall apply from the commencement date to all development consents and building approvals relating to or affected by the matters contained in the following parts of the plan. Council adopted the chapters on the following dates:

	MEETING DATE	ADVERTISED DATE	ADOPTION DATE
Development Control Plan	18 May 2004	26 May 2004	18 May 2004
Administration	20 June 2018	4 July 2018	20 June 2018
Complying Development	20 June 2018	4 July 2018	20 June 2018
Exempt Development	20 June 2018	4 July 2018	20 June 2018
Residential Development	18 May 2004	26 May 2004	18 May 2004
Rezoning & Development in Rural Zones	18 May 2004	26 May 2004	18 May 2004
Building Line Setbacks	18 May 2004	26 May 2004	18 May 2004
*Amendment No. 2 Minute No. 36040	*21 May 2013	*5 June 2013	*1 August 2013
Erection of Farm Buildings and Outbuildings Rural	20 June 2018	4 July 2018	20 June 2018
Residential Zones - Sheds			
Bushfire	20 June 2018	4 July 2018	20 June 2018
Energy Efficiency		Repealed	
Buffer Zones	18 May 2004	26 May 2004	18 May 2004
*Amendment No 1 Minute No 32288	*19 October 2004		*19 October 2004
*Amendment No 3 Minute No 32719	*16 August 2005	*6 September 2005	*16 August 2005
Managing Our Floodplains	15 August 2018	22 August 2018	15 August 2018
Employment Development	18 May 2004	26 May 2004	18 May 2004
Farm Gate Sales		Repealed	
Tourist Development	18 May 2004	26 May 2004	18 May 2004
The Keeping of Dogs for Commercial Purposes	19 February 2002	13 March 2002	19 February 2002
Acid Sulphate Soils		Repealed	
Building Over or Near Sewers	20 March 2001	28 March 2001	20 March 2001
Contaminated Land	19 September 2018	3 October 2018	29 October 2018
Biodiversity	18 March 2003	2 April 2003	20 May 2003
Heritage	18 February 2003	26 February 2003	21 October 2003
Water Efficient Building	17 February 2004	25 February 2004	17 February 2004

CHAPTER	MEETING DATE	ADVERTISED DATE	ADOPTION DATE
Off Street Parking	9 July 2005	27 July 2005	9 July 2005
Signage	20 May 2008	28 May 2008	20 May 2008
On Site Sewage Management	20 June 2018	4 July 2018	20 June 2018
Site Waste Minimisation and Management	20 June 2018	4 July 2018	20 June 2018
South Vacy Village	7 June 2003	25 June 2003	18 February 2003
Clarence Town Local Area Plan	15 March 2005	23 March 2005	17 May 2005
Vacy Local Area Plan	16 August 2005	24 August 2005	16 August 2005
Paterson Local Area Plan	15 November 2005	23 November 2005	15 November 2005
Gresford Local Area Plan	20 July 2004	11 January 2006	16 May 2006
Boulton Drive, Paterson	20 June 2018	4 July 2018	20 June 2018
Wind Energy Generation Facility	19 April 2005	27 April 2005	15 August 2006
Boatfalls Estate	20 June 2018	4 July 2018	20 June 2018

1.6 HOW TO USE THIS DCP

The DCP is divided into four (4) parts:

- Part A: **Administration** details the statutory requirements of the DCP under the Environmental Planning and Assessment Act 1979, explains the aims of this DCP, the structure of the document and the public notification and advertising process.
- Part B: **Environmental Guidelines** contains chapters of the DCP that are not design-specific, but relate to consideration of environmental matters that may be relevant when preparing a Development Application, such as flooding and vegetation management. These chapters assist in pre-planning a development outcome.
- Part C: **Design Guidelines** contains chapters of the DCP that provide design-specific guidelines, such as car parking requirements and residential design.
- Part D: **Local Area Plans** collates a number of chapters in the DCP that guide development outcomes for specific localities based on an analysis of both natural and man-made constraints.

1.7 DEPARTURES FROM THIS DCP

Council may consent to an application that departs from the provisions of this DCP. In this case, the request for a departure shall be in writing (either as part of the Statement of Environmental Effects or a separate submission) justifying the need for the departure. Such justification may necessitate the need for additional plans, photomontages and the like or additional studies and reports such as traffic or car parking studies.

Any departure from this DCP will only be considered where it can be demonstrated to the satisfaction of the consent authority that the departure has merit.

1.8 SAVINGS AND TRANSITIONAL PROVISIONS

This DCP does not apply to the following applications, where they were lodged with the consent authority but undetermined at the time this DCP came into force:

- A Development Application,
- An application to modify a Development Consent under 4.55 of the EPA Act, or
- An application for a review of a determination under Section 8.2 of the EPA Act.

In this circumstance, the application will be assessed in accordance with the DCP that was in force at the time of lodgment of the application.

This clause does not apply to any site-specific DCP that is prepared concurrently with a Development Application.

1.9 DISCLAIMER

The contents of this DCP are subject to periodic review and change. Applicants must ensure that they have obtained the latest version.

The DCP is not necessarily an exhaustive list of requirements for particular proposals. Pre-application discussion with Council staff is essential to ensure all relevant matters are considered.

Council will accept no responsibility for reader interpretation of this DCP. Applicants should consult with Council staff to ensure the relevant parts of the DCP have been addressed and are understood.

A.2 – PREPARING A DEVELOPMENT APPLICATION

2.1 BEFORE YOU BEGIN

Pre-application discussion with relevant Council staff **prior to preparation of detailed plans** is highly recommended to ensure that the development proposal is permissible under the LEP, to ensure that all relevant matters are addressed in the application, and that adequate supporting documentation is submitted.

For larger or more complex proposals, it is recommended that applicants meet with Council's **Development Advisory Panel**. The Unit is a team of senior Council staff responsible for the assessment of development, subdivision and construction certificate proposals. It provides advice aimed at avoiding delays during application processing and maintaining effective communication. Attendance at the Panel does not infer an approval from Council.

2.2 PREPARING AN APPLICATION

A Development Application must be accompanied by a Statement of Environmental Effects and other relevant documentation as prescribed under the EPA Regulation 2000 (Schedule 1). Council's Development Application Guides can assist in this regard by identifying the types of information required.

The supporting documentation required with an application will vary with the nature of the proposal, its size and complexity, the other agencies from which comment or approval is required and the particular environmental characteristics of the land to be developed. Additional detail regarding issues to be addressed, and the resulting documentation requirements, can be found throughout this DCP.

2.2.1 Section 4.15 of the EPA Act

This section of the Act specifies matters that a consent authority needs to consider in the assessment of Development Applications. These heads of consideration also provide an applicant with a checklist to ensure that all aspects of a development have been addressed in the preparation of an application.

Section 4.15 of the Act includes:

- Environmental planning instruments – this section requires consideration of whether the application is consistent with environmental planning instruments (State Environmental Planning Policies and Local Environmental Plans);
- Any DCP that applies to the land;
- Matters prescribed by the Regulation associated with the Act – these include such matters as fire safety considerations;
- environmental, historical, social and economic impacts;

- whether the site is suitable for the development;
- any submissions made in relation to the development; and
- public interest matters.

Consideration of matters specified in the EPA Act may require the applicant to prepare site-specific specialist reports or studies and/or broader studies where the proposed development will have greater impacts on the wider community.

2.2.2 Integrated Development

In addition to any consent issued under the EPA Act, some proposals will also require approvals (or licenses) from other statutory authorities or agencies before commencing work or undertaking the activity.

Section 4.46 of the EPA Act lists the approvals that trigger the ‘integrated development’ provisions in the Act. The onus is on the applicant to identify whether their proposal is integrated development and ‘tick the box’ on the DA form and pay the associated referral and administration fee to the relevant authority.

It is the responsibility of the applicant/owner to obtain the relevant approval necessary, either through Council at DA stage or alternatively post approval and prior to the commencement of any works on site. This alternative process may require amendments to be sought to the development consent granted.

Council staff can provide advice about other approvals required. Additional information may be necessary for referral to other authorities, such as a bushfire threat assessment report.

2.2.3 Bushfire Prone Land

Any Development Application over land that is classified as ‘bush fire prone land’ on Council’s Bush Fire Prone Map is required to comply with the NSW Rural Fire Service’s publication titled “Planning for Bushfire Protection” (2006). Where the development is ‘integrated development’, the application will be referred to the NSW RFS for comment.

2.2.4 Biodiversity Conservation

The NSW Government has introduced a suite of Land Management and Biodiversity Conservation (LMBC) reforms that commenced in NSW on 25 August 2017. The Biodiversity Conservation Act 2016, the Local Land Services Amendment Act 2016 and State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, work together to create a framework for the regulation of clearing of native vegetation in NSW.

As of 25 February 2018, new development applications submitted to Dungog Shire Council are subject to assessment under the provisions of the Biodiversity Conservation Act 2016. The Biodiversity Conservation Act 2016 provides tools to avoid, minimize and offset biodiversity impacts through land use planning and during the development assessment

process. The biodiversity offset scheme will apply to local developments (for which a development application is required), that are likely to significantly affect threatened species. These are defined as a development that:

- Impacts on an Area of Outstanding Biodiversity Value (as mapped by the NSW Office of Environment and Heritage)
- Exceeds the biodiversity offset scheme threshold (as outlined in the Biodiversity Conservation Regulation 2017), or
- Is likely to significantly affect threatened species, ecological communities or their habitats according to the test of significance in section 7.3 of the Biodiversity Conservation Act 2016.

A development to which the biodiversity offset scheme applies will be required to apply the Biodiversity Assessment Method and produce a biodiversity development assessment report to accompany a development application.

The biodiversity impacts of developments that do not trigger the biodiversity offsets scheme will continue to be assessed under section 4.15 of the EP&A Act (formerly 79C of the EP&A Act). Evidence that the biodiversity offset scheme threshold is not triggered and a test of significance will need to accompany a development application to demonstrate that the biodiversity offset scheme does not apply.

2.2.5 Consent Authority

In most cases, Council is the relevant consent authority for applications within the LGA. State Significant Development establishes the Minister for Planning (or by delegation the Department of Planning) as the consent authority for development as categorized by State Environmental Planning Policy (State and Regional Development) 2011.

Other subordinate panels have also been established under the EPA Act, including the Independent Planning Commission (PAC) and Regional Planning Panels (RPPs). These panels exercise consent functions either under delegation from the Minister or for development of regional significance. Details of projects that are determined by RPPs can be found in the. Council officers can assist in this regard.

A.3 – LODGING A DEVELOPMENT APPLICATION

3.1 APPLICATION FORM AND DOCUMENTATION

All Development Applications must be lodged with a Development Application Form, a Statement of Environmental Effects and appropriate accompanying documentation. Applicants should refer to Council's Development Application Guides for details. **Applications will not be accepted without the required documentation.**

The length of time taken for assessment and determination of applications will vary depending upon the extent to which the proposal complies with the provisions of this DCP, and on the adequacy of the supporting documentation submitted. Variations to development standards contained in the LEP or requests for departures from the provisions of this DCP may require a decision of Council for final approval. This will generally delay determination of an application considerably.

3.2 FEES AND CHARGES

All Development Applications attract fees and charges for the administration and assessment of the proposal, including public notification and advertising if required. Council's Corporate Management Plan contains all the relevant information and is updated annually. Applicants should ensure they have consulted the current document.

3.2.1 Integrated Development

Where an application is identified as "integrated development", an additional fee as prescribed by the EPA Act and Regulation is required. The fee is applicable to each separate approval or license process identified as 'integrated', as the application is referred to each relevant Authority on behalf of the applicant with the prescribed fee.

3.2.2 Subdivision

In addition to Development Application fees, other fees and charges which may be applicable for subdivision include, but are not limited to:

- Subdivision Certificate (Endorsement) fees;
- Principal Certifying Authority fees;
- Hunter Water Corporation Fees;
- Construction Certificate fees; and
- House numbering/Rural addressing fees.

3.2.3 Developer Contributions

Sections 7.11 and 7.12 of the EP&A Act permit Council to levy certain developer contributions towards the cost of facilities and amenities in the LGA.

Details relating to the amount of a monetary contribution, other forms it may take and when the contribution is required are contained in Council's Section 94 Contributions Plan.

A.4 – NOTIFICATION AND ADVERTISING OF APPLICATIONS

This section applies to all:-

- Development Applications; and
- Applications to Modify a Development Consent

4.1 AIMS AND OBJECTIVES

The aims of this section of the DCP are:-

- To set out the requirements for the advertisement and/or notification of DA's;
- To provide for public participation in Council's consideration of certain DA's;
- To allow for a reasonable time for the inspection and making of submissions on applications while recognising the obligations of the Council to determine applications within prescribed periods; and
- To detail the form that the notification will take and the requirements of the notification plan.

4.2 COST OF ADVERTISING AND NOTIFICATION

The applicant shall pay to Council a fee in accordance with Council's adopted Schedule of Fees and Charges to cover the cost of advertising and/or notification of the application and any amendments or modifications of the application or any fee prescribed by Regulation.

4.3 WHICH DEVELOPMENTS ARE ADVERTISED?

The following types of Development Applications are required to be advertised in the local Dungog Newspaper:

- Subdivisions
- Boundary adjustments
- Tourist Developments
- New Commercial Developments
- Development of Listed Heritage Item or significant development within a heritage conservation area.
- Medium Density Development
- Dual Occupancy
- Farm Gate Sales
- Applications that are considered to be contentious or of public interest

4.4 WHICH DEVELOPMENTS ARE TO BE NEIGHBOUR NOTIFIED?

The following types of Development Applications are required to be notified by mail:

- Applications for subdivisions
- Boundary adjustments
- Tourist Developments
- New Commercial Developments
- Industrial
- Development within a nominated Heritage Conservation Area or Listed Heritage Item.
- Medium Density Development
- Dual Occupancy
- Farm Gate Sales
- Applications that do not meet Council's setback requirements
- Applications that are considered to be of public interest

4.5 WHO IS TO BE NOTIFIED?

The following people are to be notified by mail of applications that are listed above as being notified or advertised:

- all persons who, according to Council property rating records, own land immediately adjoining and on the opposite side of the road or river; and
- owners or occupiers of any land that the Council or delegated staff considers may be detrimentally affected by the application.

A period of 14 calendar days will be allowed for persons to inspect an application and make a submission, unless otherwise determined.

For "Advertised" or "Designated Development" the length of the inspection period and how the application will be advertised shall be in accordance with the requirements of the Environmental Planning and Assessment Act Regulation 2000.

Applications may be notified at the Council's discretion at a higher level than that indicated, based on consideration of the following criteria:

- scale of the development;
- traffic generation;
- social and economic impact; and
- impact on the streetscape.

In respect to new developments for telecommunication towers, the assessment officer should strongly consider whether wider neighbour notification is appropriate. Depending on the specific circumstances, this could include neighbour notification up to a 300 metre radius from the development in question.

4.6 WHAT IS TO BE CONTAINED IN THE NOTICE?

The notice will contain:-

- The address of the property and description of the land (Lot No., Deposited Plan and House No. and property name if applicable);
- The name of the applicant;
- A brief description of the proposal expressed as informatively as possible in a short statement;
- Where and when the plans can be inspected;
- An invitation to make a submission;
- A statement that confidentiality will not be available to objectors; and
- A plan of the proposal (A4 size).

4.7 WILL THE APPLICANT BE ADVISED OF SUBMISSIONS?

Confidentiality will not be available to objectors. In some cases, submissions may be referred to the applicant for their response.

Where applications are amended in response to objections received, comments may, at Council's discretion, be sought from previous objector/s.

4.8 NOTIFICATION OF DETERMINATION OF APPLICATIONS

Following determination of an applicant all persons who made submissions will be advised in writing of the decision as soon as practical.

A.5 – POST DETERMINATION MATTERS

5.1 SUBDIVISION

If the development consent requires the carrying out of any works associated with the subdivision of land, a Construction Certificate is required prior to any work being undertaken. Detailed Engineering Plans will usually be required for approval.

A Subdivision Certificate is required prior to release of the final plan of survey, so that the plan of subdivision can be registered under the Conveyancing Act 1919. All required work must be completed and consent conditions satisfied prior to issue of a Subdivision Certificate, or else security must be lodged with Council (usually in the form of a Bond and Agreement) to cover the cost of the outstanding works plus contingencies.

A Subdivision Certificate can be issued over part of a subdivision, provided that all requirements for that part have been met. Details of requirements for Construction Certificates, Engineering Plans and Subdivision Certificates are contained in Council's

5.1.1 Bonding of Works

In some instances, Council may require the applicant to provide a monetary bond to ensure that works relating to development consent are completed. A monetary bond may be required to be lodged prior to the issue of a Construction Certificate.

5.2 MODIFICATION OF CONSENTS

Sections 4.55 and 4.56 of the Environmental Planning and Assessment Act 1979 set out the procedure for modification of development consents. An application for modification must be made to the consent authority, and fees paid, in accordance with the Environmental Planning and Assessment Regulation 2000.

Minor errors, mis-descriptions or miscalculations may be modified without further referral or notification. However, more significant modifications may require re-advertising and referrals to government authorities.

In all cases, the consent authority must be satisfied that the development to which the consent as modified relates is substantially the same development. For significant modifications, lodgment of a new Development Application will be required.

5.3 LAPSING OF CONSENTS

Section 4.53 of the Environmental Planning and Assessment Act 1979 describes when a development consent lapses.

5.4 REVIEW OF APPLICATIONS AND RIGHTS OF APPEAL

Should an applicant be dissatisfied with the determination of a development application where Council is the consent authority, a Review of Determination may be requested under Section 8.3 of the Environmental Planning and Assessment Act, 1979. The request must be made within 6 months of the determination date of the application, accompanied by the prescribed fee.

Rights of appeal also exist to the Land and Environment Court of NSW. These rights are set out in Division 8.3 of the Environmental Planning and Assessment Act, 1979.

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PART B.1

COMPLYING DEVELOPMENT

B.1 – COMPLYING DEVELOPMENT

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies complying development and the complying development conditions for that development. The Policy has State-wide application. Schedule 3 of Dungog Local Environmental Plan 2014 does not currently nominate any additional complying development.

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PART B.2

EXEMPT DEVELOPMENT

B.2 – EXEMPT DEVELOPMENT

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies exempt development under that Policy. The Policy has State-wide application. Schedule 2 of Dungog Local Environmental Plan 2014 does not currently nominate any additional exempt development.

Note: Exempt development may be carried out without the need for development consent under the Act. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners' property rights and the common law still apply.

1. RESIDENTIAL DEVELOPMENT

This plan, which may be cited as "Dungog Development Control Plan No. 1" - Residential Development, constitutes a Development Control Plan as provided for by Section 72 of the Environmental Planning and Assessment Act, 1979.

This policy shall apply to all development consents and building approvals relating to the erection of, or additions or alterations to, or use of residential development within the Dungog Shire, and shall include:

- Dwelling houses;
- Residential flat buildings;
- Group dwelling developments, including home units, villa homes, town houses, cluster housing and the like;
- Dual occupancies;
- Hotels, motels, hostels and boarding-houses;
- Rural tourist facilities containing accommodation;
- Bed and breakfast establishments;
- Holiday cabins;
- Residential parks;
- Caravan parks and camping grounds;
- Swimming pools;

and any other form of residential accommodation whether for long or short-term occupation.

1.1 AIM

- To promote residential development, including tourist accommodation, which is of a high design standard and which is sensitive to and enhances the physical environment and the social fabric particular to Dungog Shire.
- To accommodate a variety of residential forms to reflect the growing diversity of household types and incomes, lifestyles and tourist needs.
- To encourage infill residential development which is compatible with the existing character and which enhances its surroundings.
- To optimise the provision of infrastructure services in the most efficient and effective manner.
- To ensure adequate access for the disabled, particularly to medium density and non-private residential accommodation.
- To provide clear guidelines for residential development in the Dungog Local Government Area
- To ensure that residential development does not adversely effect the amenity of the locality
- To ensure that residential development meets the expectations of the community and provides health and safety in housing.

- To ensure that development is in keeping with adjacent and surrounding properties and does not detract from development in the locality
- To encourage energy efficient design in residential development

1.2 BUILDING HEIGHT PLANE

The building height plane, in combination with building height limits prescribed in the current instruments, forms the maximum building envelope for all residential development except as provided in clause 2.1 Exemptions.

Council's objectives in this regard are to ensure that a residential development will not significantly:

- (a) increase the overshadowing of adjoining properties;
- (b) reduce the level of privacy enjoyed by adjoining properties or;
- (c) obstruct views from adjacent existing buildings,

and that the occupants of the building or buildings will enjoy the optimum use of winter sunlight and summer shade.

In this clause, a reference to a building or development includes any point on the external walls of the building, but may exclude climate control elements which are of an open character and form part of the landscape treatment of the building. Pergolas, verandahs and lattice walls are examples of such elements.

1.2.1 EXEMPTIONS

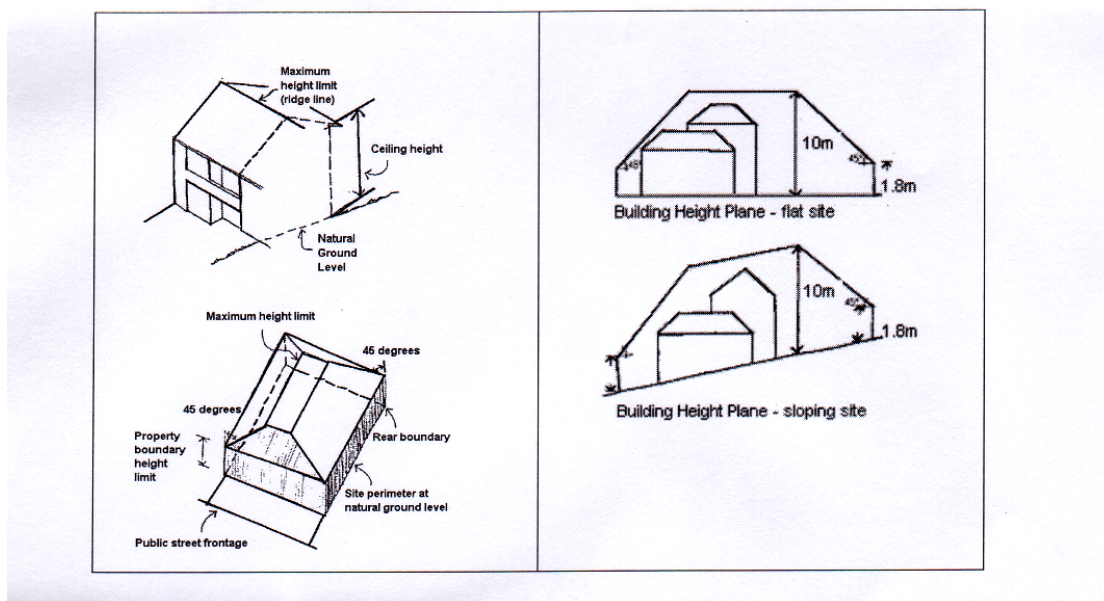
For single dwelling houses the building height plan will be applied only in relation to western and southern boundaries or those boundaries which face nearest to east and north.

An exemption from the building height plane may also be considered in relation to one or more boundaries, in the following circumstances:

- (a) where clear advantages are achieved in other aspects of the design;
- (b) on an existing narrow allotment; or
- (c) where the floor level is required to be significantly above ground level for the purpose of flood protection in a locality.

Building height planes in residential zones shall comply with Council's Energy Smart Homes Policy for solar access or an envelope that extends vertically from natural ground level at 1.8m and projected from that point 45 degrees to the centre of the lot, the height plane at any point inside the envelope shall not exceed 9m above the natural ground level. Note the building height planes shall follow the natural ground slope. The Building Height Plane may require modification in the event that solar access to an adjoining property is detrimentally affected. See figure 1.

Figure 1 Building Height Plane



1.3 SET BACKS

Building line set backs vary depending on the property location, solar access requirements and Council set back requirements. **For further information please refer to Section 5 – Building line setbacks, of this DCP.**

1.4 WATER SUPPLY

Council encourages the installation of water tanks on existing buildings (please note that any water tanks within 900mm of the property boundary must be non-combustible).

Where the land is serviced by Council's reticulated water supply the development shall be connected to the service at the applicant's expense.

Where the land is not serviced by a reticulated water supply the development is to be provided with a minimum of 20,000 litres of stored water. If the development is on rural land the development is to be provided with an additional 22,500 litres of stored water in a non-combustible tank fitted with a 65mm storz coupling for fire fighting purposes.

All residential developments are subject to BASIX requirements which may require additional water storage.

1.5 SEWERAGE

Where that land is serviced by Council's reticulated sewer, the development is to be connected to the service at the applicant's expense. Note headworks and water demand charges may apply.

Where the land is not serviced by reticulated sewer, the development is to be serviced by an approved on-site sewerage management facility. Council's Department of Environmental Services should be contacted regarding on-site effluent disposal requirements. Applications

for sewerage management facilities must be lodged prior to or in conjunction with residential development applications.

1.6 PROPERTY ACCESS

Property access is to be provided in accordance with Council's Engineering requirements.

Access to rural properties must comply with the requirements of the latest relevant drawing available from Council. The entrance shall be constructed so as not to impede the flow of water in any table drain.

Note: Council's engineering department must be contacted prior to entrance installation to determine the most appropriate point of entry.

Access to residential properties is to also include a vehicular footpath crossing between the edge of bitumen and property boundary (with pavement thickness minimum 150mm and bitumen sealed 3m wide including turnouts).

We note that driveway access in the past may not meet the appropriate standards. With all new development, Council will require the existing driveway to meet the current standards.

1.7 PROPERTY IDENTIFICATION

Rural properties are required to ensure that satisfactory arrangements have been made with Council for the supply and erection of a property identification number in accordance with Council's Rural Addressing Program.

1.8 ENERGY EFFICIENCY

Energy efficient buildings should be designed to maximise the solar access of the property. Buildings should have living areas facing north and bedrooms facing south, provide cross flow ventilation in all directions by placing windows in suitable locations, concrete slabs placed directly on the ground and internal masonry walls with direct sunlight provide thermal mass for heating qualities.

Buildings envelopes are required to achieve a 3.5 star energy rating. The building is to be provided with a compliant Hot Water Service that achieves a 3.5 star energy rating.

For further information see Section 8 Energy Efficiency in this DCP.

1.9 BUILDING COMPLIANCE

All building work is to meet compliance with the Building Code of Australia, and the associated standards adopted by the BCA.

1.10 BUSH FIRE PRONE LAND

In the event that is identified as being bush fire prone the development must meet the requirements of Planning for Bush Fire Protection. A Bushfire Assessment must be provided by the applicant that complies with the requirements of Planning for Bushfire Protection.

1.11 ANCILLARY DEVELOPMENT - STUDIOS

Council may consider an application to construct a studio on rural property where it can be demonstrated that the studio is required by the owner of the land to carry out a particular activity that cannot be carried out by its nature within the residential house. Studios shall not contain a kitchen nor be capable of separate habitation.

Studios must be contained wholly within 30m of the external walls of the dwelling house. Studios must be less than 60 square metres and should not contain internal partitions other than those necessary for ablution facilities or demonstrably required for the use of the studio, i.e. photography darkroom. There are only two rooms allowable in the studios. If this cannot be achieved, then studios must be attached to existing dwelling.

1.12 DEVELOPMENT IN RURAL ZONES

Development in Rural Zones must address the criteria in Part 4 Rezoning and Development in Rural Zones.

1.13 RESIDENTIAL GARAGES.

Within the Residential 2(a) and Village 2(v) zone the enclosed floor area of a detached garage shall be a maximum of 4 bays (3m x 7m = 84m²).

2. DEVELOPMENT IN RURAL RESIDENTIAL ZONES

1.1 THE PLANNING CONTEXT

The Planning Policies and Regulations for Dungog Shire are provided in the following key instruments:

- Dungog Shire Local Environmental Plan 2006
- Dungog Shire Rural Strategy 2003
- Dungog Shire Wide Development Control Plan 2004

These three planning instruments apply Shire-wide.

Dungog Shire Local Environmental Plan 2006

Under the provisions of the Local Environmental Plan (LEP) all land within the Shire is classified into land use zones. The LEP details the land uses and activities permissible in each zone and the factors that need to be assessed and addressed in developing within these zones.

Some the land reasonably close to settlements is zoned for rural residential development of one kind or another. Land within this zone is subject to the special conditions set out in this Plan.

Dungog Shire Rural Strategy 2003

The Rural Strategy supports the Local Environmental Plan by detailing Council's policies in relation to development of rural lands. These policies are designed to protect the rural character of and rural activities undertaken within the Shire, environmentally sensitive areas and water resources. This Strategy sets the direction for the future development of the areas zoned for further development.

Dungog Shire Development Control Plan

The Shire-wide Development Control Plan (DCP) supports the Local Environmental Plan 2006. It provides the design guidelines and design controls required to achieve the aims and objectives of the Local Environmental Plan.

1.2 LOCAL AREA PLANS

Recognising that each community may have a different vision in relation to the type of settlement that it considers sustainable within the surrounding zones, provisions have been included within the Shire-wide planning instruments for the preparation of Local Area Plans, which are adopted as formal Development Control Plans under the planning legislation.

Land to which Local Area Plans Apply

Local Area Plans (LAP) are locality specific plans that are prepared for each town and village within the Shire. The provisions relate principally to the surrounding rural residential areas.

Purpose of Local Area Plans

Local Area Plans aim to establish a desired future character for the land surrounding a settlement. Local Area Plans contain locality based performance criteria and controls which are designed to address key issues and achieve the desired character.

Factors taken into consideration in preparing Local Area Plans

In preparing the Local Area Plans factors taken into consideration included:

- Community Vision - the views expressed by the local community to which the Plan applies.
- The physical and cultural features of the land, including factors such as slope and stability, hydrology and flooding, flora and fauna, bushfire, views and visual impact, sites of cultural or heritage significance.
- The existing road network - hierarchy, road alignment and condition etc.
- Access - vehicle, pedestrian and cycle - to and within the land and between it and the adjoining village.
- Existing pattern of subdivision (size and shape of allotments).
- Existing land use and settlement patterns and the characteristics of the neighbourhood.
- The need for environmentally sustainable development.
- The desired future character of development.

The Local Area Plans recognise that at some stage in the future, some of the land may be needed to accommodate the growth of the village and may potentially be rezoned for residential and/or other uses such as recreation, commercial or special uses. The Local Area Plans contain principles in relation to road networks and subdivision layout that will have the capacity to support closer subdivision patterns in the future.

Suitability of land for development

Some of the land will not be suitable for development. Section 12.4 (Constraints Criteria) of the Dungog Shire Rural Strategy details the constraints that **exclude** an area from Rural Lifestyle and Rural Enterprise subdivision and development. These criteria include:

- Land in areas affected by the 1:100 year flood.
- Slope greater than 18 degrees.
- Not meeting minimum service/infrastructure requirements.
- Inadequate and/or unsuitable land on-site effluent disposal.
- Bushfire prone land as defined by Council's bushfire map, if clearing of habitat and wildlife corridors are required and biodiversity objectives are not met.
- Ecologically sensitive land.

- Areas with high habitat values.
- Contaminated land.
- Access via a road complying with Council's Rural Roads Policy cannot be achieved.
- Prominent positions in the landscape where development would be silhouetted on the skyline horizon.
- Not complying with the Performance Standards of the Rural Strategy:
 - 8.1 Wastewater Treatment and Management of Effluent
 - 8.2 New Development and Biodiversity
 - 8.3 Aesthetic Design / Scenic Character / Energy Efficiency
 - 8.4 Water and Riparian Management
 - 8.5 Bushfire Hazard Mitigation

In addition to these criteria, Local Area Plans may identify site specific criteria which may exclude certain land for development.

Land use and activities permissible within the Zones

Rural Lifestyle zones provide the opportunity for people to live in a rural environment close to settlements with services and facilities.

Rural Enterprise zones provide the opportunity for people to live in a rural environment and undertake small-scale commercial, service, intensive agricultural or light industrial activities on their property.

Details of the objectives of these zones, the activities that can be undertaken and the controls and guidelines governing subdivision and development are specified within the Dungog Shire Local Environmental Plan 2006, the Dungog Shire Rural Strategy 2003 and the Dungog Shire Development Control Plan 2004. A summary of the various sections in these documents is given in Appendix 1.

Zone	Permissible Uses	
	Without the consent of Council	Requiring Consent of Council
Rural Lifestyle Zone 1(I)	Agriculture Home Occupation	Advertisement Bed & Breakfast Camp or Caravan site Community Facility Dual Occupancy Dwelling House Farm Gate Sales Home Employment Leisure Area Recreation Area Utility Installation

Rural Enterprise 1(e)	Agriculture Home Occupation	Advertisement Automotive Services Bed & Breakfast Camp or Caravan site Commercial Premises Community Facility Dual Occupancy Dwelling House Employment Farm Gate Sales Forestry Home Employment Institution Intensive Agriculture Kiosk Leisure Area Recreation Area Recreation Facility Utility Installation Veterinary Establishment
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All other land uses are prohibited within these zones.

2. DUNGOG RURAL RESIDENTIAL CONTROL PLAN

2.1 INTRODUCTION

Land to which this Plan applies

The Dungog Town Local Area Plan applies to all land in the Shire of Dungog which is zoned **Rural Lifestyle 1(l) or Rural Enterprise 1 (e)** under the provisions of the Dungog Local Environmental Plan 2006. These areas are shown on Map 1.

Objectives of this Plan

The objectives of the Rural Residential Control Plan are:

1. To ensure that development within the Zones is consistent with and promotes the principles of environmentally sustainable development.
2. To promote coordinated development that will be conducive to closer settlement patterns and/or changes in land uses in the future.
3. To ensure that development within the Zones is sensitive to the topographic and environmental characteristics of the land.
4. To safeguard indigenous vegetation, habitats and water courses.
5. To retain and protect the rural character of the area and areas with high visual significance.
6. To provide a network of safe access roads and shared pedestrian and cycle pathways within and between areas developed within the Zones.
7. To minimise the cost to the community of providing, extending and maintaining public amenities and services.
8. To ensure that development within the Zones does not prejudice the interests of agriculture within the zone and adjoining areas.

2.2 PLANNING FOR RURAL RESIDENTIAL DEVELOPMENT

Key issues identified are:

- Roads and road access
- Pedestrian and cycle access
- Existing pattern of land subdivision
- Need to protect habitat
- The need to protect the waterways
- Flooding
- The need to retain the rural character of the area and protect areas of high visual significance.

Many of these issues are specific to individual settlements and are considered in the relevant Local Area Plans.

Roads and Road Access

Planning Approach

In new subdivisions, access to the collector roads will be by properly formed local roads and appropriately designed and sited intersections. Existing intersections may need to be upgraded or relocated. There will be no new direct driveway or right of way access from private dwellings to collector roads. Where required, access ways for emergency access may be permitted.

In designing subdivisions, careful consideration needs to be given to the internal road network. Roads, unlike land uses or buildings, tend to become permanent features of a settlement. As such it is important that the road layout be conducive to the long term sustainability of the area.

For local roads within subdivisions, preference is for through, connecting roads rather than cul-de-sacs and right-of ways. A connected road network will minimise driving distances and provide for more than one entry-exit point within each subdivision. This is important particularly in areas potentially subject to bush fire or flooding. A connected road network will also facilitate development of bus routes, including school bus routes, as the need emerges.

Desired Outcomes

- Reducing vehicular conflict and the potential for conflict through a significant reduction in the number of driveway access points to collector roads.
- To deliver a high level of access and permeability via a network of inter-connecting roads in and between subdivisions, not a series of cul-de-sac roads or right-of-ways.
- To deliver a road network that will support closer settlement in the future.

Pedestrian and Cycle Access

The Issue

There is no public transport in Dungog Shire to provide access to the shopping centre for people living in outlying areas. In addition, there has been no provision for pedestrians or cyclists along the collector roads. Due to the narrow, unformed verges and speed limits (80 to 100km), the collector roads are not designed to provide a safe or a desirable environment for pedestrians and cyclists.

Planning Approach

Where feasible, to incorporate shared pedestrian and cycle pathways within new subdivisions and the provision to link these routes between adjoining subdivisions. In some areas the design intent will be to establish a shared pathway link to the nearby settlement.

Desired Outcome

- A network of shared pathways providing safe pedestrian and cycle access in and between subdivisions and, where feasible, between the subdivisions and the nearby settlement.

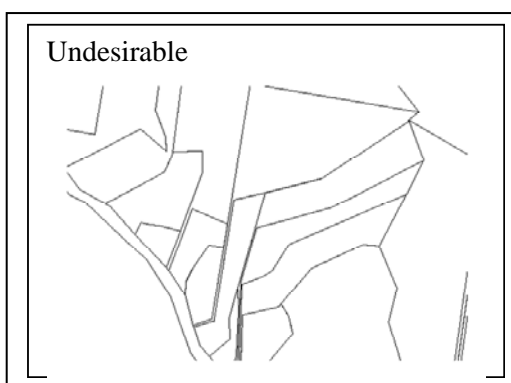
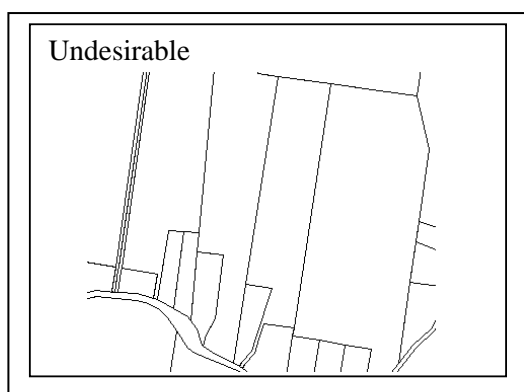
Existing Pattern of SubdivisionThe Issue

Under previous planning schemes subdivision of rural land was undertaken on an ad hoc, uncoordinated basis. This has resulted in significant fragmentation in land holdings. In order to provide access to existing roads and/or river frontage, many of the lots created were long and narrow or of battleaxe or irregular shape. Further sub-division of these existing lots would increase fragmentation and is not considered desirable. Fragmentation also creates long term access and servicing problems.

Planning Approach

Emphasis is on creating a coordinated and integrated approach to subdivision design within the Development Zones. The Local Area Plans do not permit further subdivision of individual lots where the lots are small, irregular in shape and/or where the width to depth ratio of the lot is less than 1:3. These lots are identified in the LAP.

Subdivision of these identified lots may only be permissible through (consolidation) amalgamation of adjoining lots and/or co-operation with adjoining land-owners to form a viable subdivision design area. Masterplans may need to be prepared for subdivision design areas.



The Masterplan will detail the road network, lot layout and provision for open space, habitat corridors, environmental and scenic protection zones and shared pedestrian and cycle pathways within the subdivision design area.

Where there are lots suitable for subdivision that do not have existing public road frontage, then the subdivision design for the adjoining lots with road frontage must ensure that provision is made for road and shared pathway access to the adjoining land. This will prevent the sterilisation of developable land.

Desired Outcomes

- No further fragmentation or ad hoc subdivision of land.

- Co-ordinated approach which results in masterplans that demonstrate staged subdivision and land release and avoid sterilisation of adjoining properties.
- Create the opportunity for the development of an integrated community, not a series of separate enclaves.
- To create a strong network of pedestrian, cycle and open space links within subdivisions, to adjoining subdivisions and between the new subdivisions and the nearby village.

Habitat Protection

Within the some locations there are significant areas of vegetation that support a range of rare and endangered species. These areas are to be preserved and protected from development.

Planning Approach

Habitat, flora and fauna assessments need to be undertaken as part of the development process. Strategies for managing areas identified as having habitat value must be identified. These strategies may include the protection of significant habitat areas as open space or environmental protection areas, provision of buffer zones and set-backs, increasing the minimum lots size, minimising clearing and avoiding structures or development in habitat areas.

Desired Outcomes

- Preservation and protection of habitat that supports viable wildlife communities, particularly rare and endangered species.
- Establishment of a network of interconnected wildlife corridors not isolated protection zones or remote 'islands' of habitat.
- Protection of watercourses and the vegetation along these watercourses.

Bushfire

The Issue

There are areas that are prone to bushfire. These areas are identified on the 'Dungog Shire Bushfire Prone Land ' Map and shown in Map 2.

Planning Approach

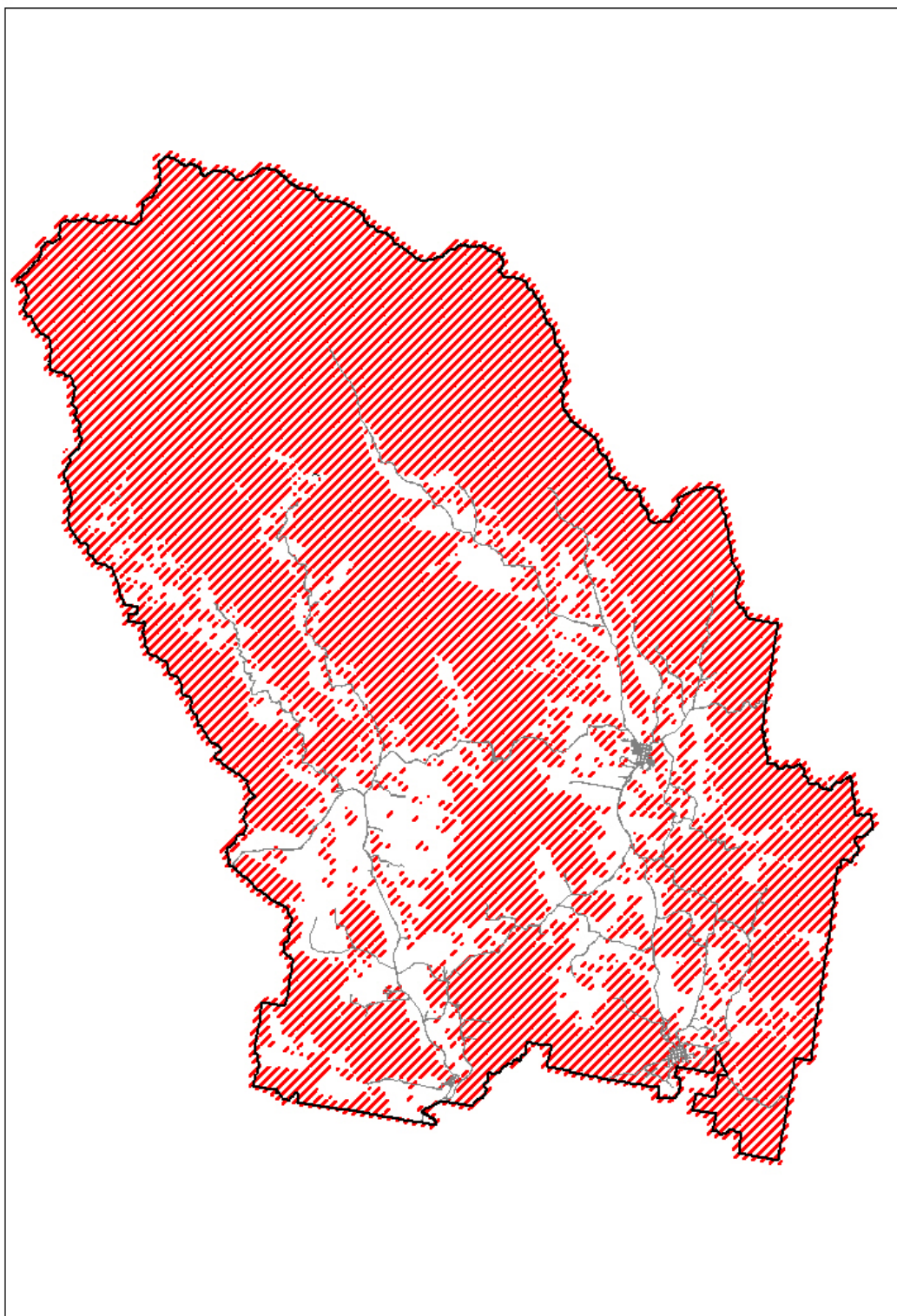
All subdivision planning must comply with the provisions of the NSW Rural Fire Service requirements as specified in the 'Planning for Bushfire Protection 2001', and/or other relevant bushfire regulations.

Desired Outcome

- To minimise the risk to people and property from the impacts of bushfire.

DUNGOG SHIRE

MAP 1 – BUSHFIRE PRONE AREAS



Waterways – River Foreshores

The Issues

A number of rivers and other watercourses play an important role within the Dungog Shire area. These watercourses contribute to the sustainability of agriculture, recreation, tourism, water supply, habitat and bio-diversity and to the microclimate of the area. In addition these watercourses contribute significantly to the local character of the villages in the Shire.

Issues include:

- The cumulative negative impacts of development.
- Preventing pollution from effluent and stormwater runoff and other activities.
- Maintaining water quality and the flow of the rivers by limiting the pumping of river water.
- Minimising impacts from development on the ecology associated with watercourses and wetlands.

Flooding is also an issue in the Shire with areas becoming isolated due to floodwaters.

Planning Approach

The planning approach incorporates:

- Protecting watercourse ecology
- Maintaining water quality and water flow
- Providing for public access to the waterways
- Minimising the impacts of flooding

This can be achieved by:

- Providing adequate buffers and set-backs from watercourses, as per the DCP.
- Ensuring that no further riparian rights are created, as required by the LEP and DCP.
- Prohibiting further subdivision of the river foreshore areas – new lots with river frontage cannot be created.
- Encouraging foreshore areas to be kept in one title and zoned appropriately.
- Providing public access to foreshore areas.
- Encouraging the installation of package sewage treatment plants rather than on-site septic disposal systems.

Desired Outcomes

- Protection of riparian vegetation.
- Maintenance of water quality and water flow.
- Providing public or community access to the river foreshore areas.
- Minimising the impact of flooding on people and property.

Visual Impact

The Issue

- Retention of the rural character and appearance of the settlements is very important to both the local community and Shire residents.
- This applies to both hillsides and river valleys.

Planning Approach

Emphasis is on protecting the character and visual identity of the area. The DCP identifies areas where a visual and view shed analysis will be required as part of the planning process.

Design criteria for development with areas of high scenic value may include:

- Limiting or not permitting further subdivision and development in areas of high scenic value.
- Increasing the minimum lot size to avoid impact of dwellings and structures within significant view sheds.
- Appropriate siting and setbacks of new development, as per the DCP.
- Use of landscaped buffers. Buffers along collector roads will need to be in one ownership (eg dedicated to Council or as 'Community Land') to ensure effective management and control.
- Siting dwellings so that they front collector roads. Backyards must not have frontage to collector roads
- Height limits on buildings, including limiting dwellings to single storey.

Desired Outcomes

- Retention of the rural character and setting of the Shire.
- Retention of areas of high scenic value, including hills, the river valleys and the rural vistas on the access roads into villages.
- Minimise visual impact of rural residential development from the main routes through villages. New development will be appropriately sited with landscaped buffers to these main routes.
- Through landscaping, establish entry statements (eg corridor of trees) to the villages along the main access roads to create a sense of arrival to a destination point.

Future Growth of Settlements

The Issue

There is already pressure within some settlements for additional residential lots. Growth has been constrained by the lack of access to sewerage.

As the population in and around the settlements increases, there will also be demand for the provision of additional facilities and services, including recreation and aged care facilities, as well as demand for employment generating activities (eg service and light industries).

Under the provisions of the LEP little land has been identified or zoned to provide for the future expansion of the villages. Some land within or surrounding them has been zoned 9(a) Investigation Area and identified as potentially suitable for urban purposes.

Planning Approach

Subject to availability of sewer and town water and lack of environmental or flooding constraints, existing rural lifestyle lots within the settlements may be able to be rezoned and subdivided for residential or village uses.

Further investigation of these lots is required to determine their suitability for future uses in the settlements' development. In particular, it needs to be determined whether these lots could be connected to the town water supply and sewerage - either through connection to a town sewerage system or via an on-site package treatment plant.

Following these investigations, an area or areas, should be identified for future urban uses. These areas could be land-banked for this purpose or subdivided and developed in such a way that they can be further subdivided in the future as required. For example, the subdivision could be designed as a residential subdivision with a number of residential lots then grouped together and sold in parcels as rural lifestyle lots. On the other hand, land-banking is the preservation of land from less intensive uses, until such time in the future when the land is sewerage and can then be developed for its highest and best use by future generations.

Desired Outcome

Land bank to be identified to accommodate future growth of the settlements.

2.3 COMMUNITY TITLE DEVELOPMENT

As outlined in the Dungog Shire Rural Strategy 2004, Council's stated preference is for subdivision within the Rural Lifestyle and Rural Enterprise Zones to be undertaken as Community Title developments.

Community Title Subdivision enables the creation of individual allotments within a site, while retaining significant areas as common property for communal ownership. Common property can include areas and facilities such as roads, footpaths, bicycle ways, playgrounds, open space, sewerage treatment plant.

Common property within the development will be owned and managed by a body corporate ('association') comprising all lot owners. The association will own the common areas, (referred to in the Act as 'association property') for its members in shares proportional to the member's unit entitlement, based on site values, which will determine voting rights and contributions to maintenance levies.

Community title legislation allows for flexibility in the management and administration arrangements operating within a scheme. This is achieved by providing for a multi-tiered management concept and by permitting a management statement to be prepared for each scheme, setting out the rules and procedures relating to the administration of, and, participation in, the scheme.

There are a number of principles which should guide the attitude to the preparation of the Community Title documents which are to:

1. create a concise, readable document to be used as a basic guide by the Association and residents on an everyday basis;
2. spell out all the rights and responsibilities of each stakeholder group involved in the project;
3. endow the Association with opportunities to provide services, maintain standards and involve their community through a management plan;

4. minimise the imposition of bureaucratic and administrative arrangements in the way the Association manages its affairs;
5. respect and not duplicate the on-going function of local government, particularly in development control;
6. allow flexibility to change administrative arrangements, development and maintenance standards, and enforcement procedures as the community dictates over time.

2.4 MASTERPLAN

A number of the Planning Areas within the Shire will be required to prepare and submit a Masterplan as part of their rezoning or subdivision application.

The Masterplan will provide a 'blue print' for the development of an area. It will set the vision and design principles for the area. A Masterplan will show how the area will ultimately be developed - which land is to be developed, how the subdivision will relate to the surrounding area, where the open space will be, how access (vehicle, pedestrian, cycle) will be provided, how areas of scenic and/or habitat value will be protected and how risks (eg bushfire, flooding) will be mitigated.

Under the provisions of an LAP, a Masterplan is required where there are:

- Large parcels of land that are likely to be developed in stages.
- A variety of lots in individual ownership, where the layout and/or size of the lots are not suitable for subdivision on an individual basis.
- Lots within a Planning Area that do not have frontage to public roads.

Masterplan Objectives

- To ensure that land is subdivided in a way that ensures long term sustainability, enabling further subdivision in the future.
- To manage the development of land in different ownerships to ensure that development does not sterilise or land-lock subdividable land within the Planning Area from future subdivision
- To ensure that new subdivisions respond appropriately to site features and topography, protecting areas of visual and/or habitat significance and minimising possible risks (eg bushfire, land instability, flooding etc)
- To ensure that new subdivisions are effectively linked into a public road network, and that the internal subdivision road network allows connectivity between areas.
- To provide for pedestrian and cycle access, throughout the subdivision and to adjoining areas, encouraging community interaction.
- To create and maintain a sense of place.

Requirements

- Where a masterplan is required by the LAP, applications to rezone and subdivide land (whether the land is in the same or different ownerships) must be accompanied by a masterplan.
- The masterplan is to be prepared by a qualified urban designer and/or urban planner or other suitably qualified professional.
- The masterplan is to apply to the entire area defined in the LAP.
- The masterplan is to address:
 - The relationship of the proposed subdivision with immediate adjoining land uses and the surrounding locality.
 - Connectivity with adjoining land so that adjoining vacant land can be developed in an orderly and economic manner.
 - The road network - in relation to ease of access, connectivity and in regard to fire and flood risk and means of evacuation.
 - Cycleway or shared pathway connections as required by the LAP.
 - Open space provision.
 - Protection of areas of high scenic and/or habitat value.
 - Mitigation against natural hazards, including defining the extent of clearing required for bushfire asset protection zones.
 - Building envelopes.
 - How residue land (where not dedicated to Council as a reserve) is to be treated.

2.5 DWELLING DESIGN AND SITING

Siting Objectives

- To ensure that the assets of the natural setting are retained.
- To ensure that the dwellings are compatible with environmental constraints such as bushfire protection.
- To ensure that the estate as a whole provides a pleasant rural residential character.

Siting Standards

- Dwellings must not be sited on prominent ridgelines.
- Dwellings must be designed to suit the natural landform.
- Cut and fill on steep slopes must be minimised and split level or pole frame dwellings are preferred.
- The impact on existing vegetation and landscape features must be minimised.
- On site landscaping must be used to screen the view of dwellings from public places.

- Access roads and drainage works must respect the topography.
- Dwellings and on site sewerage disposal areas must comply with set-back requirements.

Design Objectives

- To ensure that the scale, form and detail of dwellings complements and enhances the character of the area.
- To ensure that the visual impact of dwellings is minimised particularly when seen from a public place.
- To ensure that the dwelling complies with bushfire safety requirements.

Design Standards

- The design and height of the dwelling must respond to the natural and built features of the area.
- Building materials must comply with bushfire safety standards.
- The dwelling and outbuildings must generally be of muted colours to blend with the surrounding natural setting.
- The use of verandas and awnings are encouraged to reduce the apparent bulk of dwellings.
- Garages on the front façade of dwellings must be articulated.
- Fences, screens and retaining walls must be compatible with the overall building and landscape design.

C.3 – BUILDING LINE SETBACKS

2.1 AIMS & OBJECTIVES

- a) To ensure physical separation of buildings and uses between adjoining properties that may create community conflict;
- b) To ensure that development maintains the character of the locality; and
- c) To enable guidelines for development to be clear and meet community expectation.

2.2 DEFINITIONS

Building line or setback means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

- (a) a building wall, or
- (b) the outside face of any balcony, deck or the like, or
- (c) the supporting posts of a carport or verandah roof, whichever distance is the shortest.

The setbacks nominated in this DCP apply to all buildings and ancillary structures, including rainwater tanks, unless they meet the exempt provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

2.3 BUILDING LINE SET BACKS TO FRONT PROPERTY BOUNDARY

2.3.1 Land Zoned RU1 Primary Production and E3 Environmental Management

On land zoned RU1 and E3, the minimum setback from the front property boundary shall be:-

- 1) 140m from a main road; and
- 2) 50m from any other public road.

Note: "Main Road" means a main road within the meaning of the *Roads Act, 1993*. The Main Roads in Dungog are:-

- Gresford Road;
- Dungog Road;
- Clarence Town Road;
- Bingleburra Road;
- Glendonbrook Road;
- Tocal Road;
- Stroud Hill Road; and
- Chichester Dam Road.

2.3.2 Land Zoned R5 Large Lot Residential or E4 Environmental Living

** These setbacks do not replace site specific setbacks included within the Local Area Plans (see Part D of the DCP) for Vacy, Boatfalls Rural Residential Estate and Boulton Drive, Paterson.*

On land zoned R5* or E4*, the minimum setback from the front property boundary shall be:-

- 1) 70m from a main road; and
- 2) 30m from any other public road; or
- 3) 15m from new roads within the subdivision.

Note: "Main Road" means a main road within the meaning of the *Roads Act, 1993*. The Main Roads in Dungog are:-

- Gresford Road;
- Dungog Road;
- Clarence Town Road;
- Bingleburra Road;
- Glendonbrook Road;
- Tocal Road;
- Stroud Hill Road; and
- Chichester Dam Road.

2.3.3 Land Zoned R1 General Residential or RU5 Village

On land zoned R1 or RU5, the minimum setback from the front property boundary shall be:-

- 1) 6m for a single storey dwelling and 7.6m for a two storey dwelling; and
- 2) 3m from the side road property boundary on corner allotments.

2.3.4 Land Zoned IN1 General Industrial

On land zoned IN1, the minimum setback from the front property boundary shall be 6 metres.

2.3.5 Land Zoned B2 Local Centre or B4 Mixed Use

On land zoned B2 or B4, the minimum setback from the front property boundary shall be as determined by Council (site specific).

2.3.6 Land Zoned RU3 Forestry, SP2 Infrastructure, RE1 Public Recreation, RE2 Private Recreation and W1 Natural Waterways

On land zoned RU3, SP2, RE1, RE2 and W1, the minimum setback from the front property boundary shall be as determined by Council (site specific).

2.4 SIDE AND REAR BOUNDARIES (INCLUDING SECONDARY ROAD FRONTAGE)

2.4.1 Land zoned RU1 Primary Production and E3 Environmental Management

On land zoned RU1, the minimum setback from side and rear boundaries shall be:

- 1) 50 m for lots with an area of more than 60 ha; or
- 2) 40m for lots with an area of more than 30 ha but less than 60 ha; or
- 3) 30m for lots with an area of less than 30 ha.

2.4.2 Land Zoned R5 Large Lot Residential or E4 Environmental Living

On land zoned R5 or E4, the minimum setback from side and rear boundaries shall be 10 metres.

2.4.3 Land Zoned R1 General Residential or RU5 Village

On land zoned R1 or RU5, the minimum setback from side and rear boundaries shall be:-

- 1) 900mm for a single storey dwelling; and
- 2) 1500mm for a 2 storey dwelling.

2.4.4 Land Zoned IN1 General Industrial

On land zoned IN1, the minimum setback from side and rear boundaries shall be 3 metres.

2.4.5 Land Zoned B2 Local Centre or B4 Mixed Use

On land zoned B2 or B4, the minimum setback from side and rear boundaries shall be as determined by Council (site specific).

2.4.6 Land Zoned RU3 Forestry, SP2 Infrastructure, RE1 Public Recreation, RE2 Private Recreation and W1 Natural Waterways

On land zoned RU3, SP2, RE1, RE2 and W1, the minimum setback from side and rear boundaries shall be as determined by Council (site specific).

2.5 VARIATION TO BUILDING LINES

Where building lines cannot be achieved on **existing lots** created prior to the adoption of this DCP an applicant may apply for a Policy variation.

***Note:** Variations are not intended to apply to new subdivisions. New subdivisions must nominate building envelopes that enable the construction of buildings that comply with the building line setbacks policy.*

Variations to building line setbacks will only be considered under the following circumstances:-

- a) Where it is physically not possible to meet the setback requirements due to topography, physical constraint or the actual dimensions of the allotment; and/or
- b) In the RU1 and E3 zones, where the width of an allotment is less than 200 metres and it is unreasonable to apply the standard building line setbacks, the minimum setback to a side or rear boundary is to be not less than 25% of the width of the allotment
- c) Where an existing lawful building is already located in a position that is less than the minimum setback required, alterations or additions to that building may adopt the existing building line setbacks.
- d) Front setbacks to road boundaries may be reduced only where physical constraints exist, or where it is demonstrated to the satisfaction of Council that there are compelling justification otherwise.

In considering a variation to building line setbacks, the following matters are to be taken into account:

- 1) Whether any objections are received from adjacent landholders;
- 2) Whether the proposed development is consistent with development on adjacent allotments and the general settlement pattern within that locality; and
- 3) Whether measures such as vegetation buffers and colours of external building materials are applied.

2.6 SUMMARY OF BUILDING LINE SETBACKS

Table 1: Setback Distances

Zone	Front Property Boundary Setback			Side & Rear Setback	
	Main Road	Unclassified Road	New Roads Within Subdivisions	Property Boundary	2nd road frontage on corner blocks
RU1 and E3	140m	50		50m (lots >60ha) 40m (lots 30-60 ha) 30m (lots<30ha)	50m (lots >60ha) 40m (lots 30-60 ha) 30m (lots<30ha)
R5 and E4	70m	30m	15m	10m	10m
R1 and RU5	6m or 7.6m (2 storey)			900mm or 1500mm (2 storey)	3m
IN1	6m	6m		3m	3m
B2 and B4	As determined by Council	As determined by Council		As determined by Council	As determined by Council
RU3, SP2, RE1, RE2 and W1	As determined by Council	As determined by Council		As determined by Council	As determined by Council

DUNGOG DEVELOPMENT CONTROL PLAN No 1

PART C.4

ERECTION OF FARM BUILDINGS AND OUTBUILDINGS/SHEDS

C.4 – ERECTION OF FARM BUILDINGS AND OUTBUILDINGS/SHEDS

4.1 INTRODUCTION

This Chapter of the DCP provides objectives and development principals for Farm buildings and Outbuildings/Sheds.

This Chapter specifically deals with buildings which are associated with the lawful use of the land for agricultural or domestic purposes (eg. outbuildings and gardens sheds) and does not provide objectives or development controls for:

- Buildings which are ancillary to animal boarding or training establishments, animal shelters and/or rural industries.

NOTE *The State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 classifies certain farm buildings and outbuildings as exempt development and thus does not require development consent from Council (see www.legislation.nsw.gov.au for details).*

4.2 AIMS AND OBJECTIVES

- To enable the erection of farm buildings and outbuildings in a manner that complements the landscape character and any scenic qualities of the locality.
- To ensure farm buildings and outbuildings are designed and sited with regard to site planning principles and also the requirements specified in this Chapter to minimise the likely impact on the amenity of adjoining land uses, especially dwellings.
- To ensure farm buildings and outbuildings are sited to minimise unnecessary disturbances to the natural environment.

4.3 DEVELOPMENT TERMS

Farm Buildings

“Farm buildings” are defined by Dungog LEP 2014 as structures which are ancillary to an agricultural use of the land on which it is situated and includes hay sheds, stock holding yards, machinery sheds, shearing shed, silo, storage tank, outbuildings or other forms of structures used for storing agriculture machinery, farm produce and supplies.

These structures are typically large buildings used for commercial purposes requiring a large area to serve a number of different functions as part the agricultural use of the land.

“Agriculture” is defined by the LEP and is directly associated with the commercial use of the land for activities including aquaculture, extensive agriculture, intensive livestock agriculture, and intensive plant agriculture. These uses are separately defined in the LEP.

Outbuildings/ Sheds

These are buildings/sheds that are used for the storage of possessions of the owners/occupiers of the land and are considered under the LEP as structures which are ancillary to an existing land use.

Outbuildings/sheds are not commercial in nature and are typically used by the land owners/occupiers for:

- The storage of equipment used to maintain the property,
- Hobbies, and
- Parking of non-commercial vehicles.

4.4 SITING AND ORIENTATION

4.4.1 Objectives

To ensure that farm buildings and outbuildings/sheds:

- Complement the character of the area and are not visually dominant,
- Have minimal impacts on the removal of native vegetation,
- Take into consideration the natural features of the land, and
- Take into consideration existing and potential uses of the land.

4.4.2 Development Principles

1. Farm buildings and outbuildings/sheds should be clustered in one location on the property. Where possible, this should be close to dwellings, but not where this will result in land use conflict.
2. Farm buildings and outbuildings/sheds are to be sited and orientated to minimise their visual dominance and impact on the streetscape. In particular:
 - i) Ridgeline or hilltops locations should be avoided.
 - ii) On smaller allotments with limited width the narrow elevation of the building should face the primary street frontage.
3. Farm buildings and outbuildings/sheds as well as related driveways, manoeuvring areas and filled areas are to be positioned on the land so as to minimise the removal of any native vegetation.
4. Farm Buildings or Outbuildings/sheds on properties which contain or are adjacent to a heritage item will be assessed on merit. Development applications shall be supported by an assessment against clause 5.10 Heritage conservation of the LEP and Part C Chapter 17 Heritage conservation of the DCP.
5. Cut and fill for buildings, manoeuvring areas, fill batters and access driveways should be limited to a maximum 2 metres of cut and 1.5 metres of fill. (Figure 1)

6. Farm buildings and outbuildings should not be erected on land having a slope in excess of 10%.
7. Farm buildings and outbuildings should be set back a minimum of 40 metres away from any watercourse

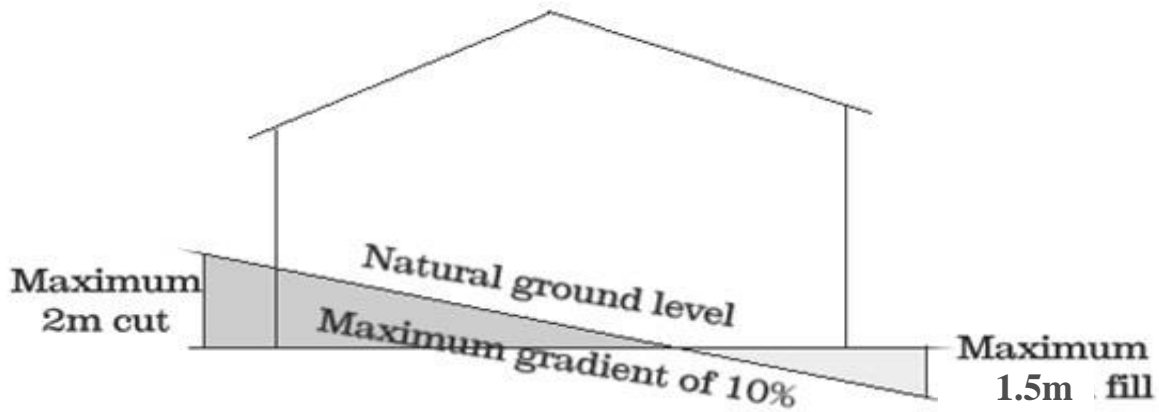


Figure 1: Cut and fill

4.5 BUILDING DESIGN AND FORM

4.5.1 Objective

To encourage attractive developments that blend in with the character of the locality, surrounding development and landscaping.

4.5.2 Development Principles

1. Roof forms should provide visual relief to the building in order to reduce the building's bulk. Barn style roof forms that are less bulky in appearance are encouraged in rural and environmental protection areas. (Figure 2)
2. Building facades that can be readily viewed from adjacent roads should be articulated with suitable features such as windows, awnings and verandahs to minimise their visual bulk.



4.6 SIZE AND HEIGHT

4.6.1 Objectives

- (a) To ensure that the bulk of farm buildings and outbuildings do not visually dominate the streetscape and the landscape.
- (b) Ensure that the size of farm buildings and outbuildings/sheds is consistent with the intended use and the size of the property.
- (c) Farm buildings and outbuildings should not be visually prominent or intrude into the skyline

4.6.2 Development Principles – Size

Farm buildings

Land within Zone RU1 Primary Production and E3 Environmental Management

- a) Farm buildings on an allotment of land not exceeding 1.5 hectares should not have an area of more than 150m².
- b) Farm Buildings on an allotment of land from 1.5 hectares but not exceeding 10 hectares should not have an area of more than 200m².
- c) Farm buildings on an allotment of land from 10 hectares but not exceeding 60 hectares should not have an area of more than 300m².
- d) Farm buildings on an allotment of land from 60 hectares or greater should not have an area of more than 400m².

NOTE

Any variation to the maximum allowable area for farm buildings will have to be justified in terms the use of the building and visual impact of the development

Outbuildings/Sheds

Land within Zone RU1 Primary Production, R5 Large Lot Residential, RE1 Public Recreation/ RE2 Private Recreation, E3 Environmental Management and E4 Environmental Living.

- a) Outbuildings/ sheds on an allotment of land under 1.5 hectares should not have an area of more than 150m².
- b) Outbuildings/sheds on an allotment of land between 1.5 and 10 hectares should not have an area of more than 200m².
- c) Outbuildings/sheds on an allotment of land in excess of 10 hectares should not have an area of more than 250m².

4.6.3 Development principles – Height

- a) Farm Buildings should not be higher than 9 metres above the existing ground level.
- b) Outbuildings/ sheds should be not higher than 7 metres above the existing ground level.

4.7 BUILDING MATERIALS, FINISHES AND COLOURS

4.7.1 Objectives

- a) To ensure that building materials and external finishes of farm buildings and outbuildings do not have a significant adverse impact on the visual qualities of the landscape.
- b) Ensure that the colours used in the construction of farm buildings and outbuildings are consistent with the prevailing colours of the locality.

4.7.2 Development Principles

1. External materials, finishes and colours should complement and harmonise with the surrounding environment and the existing development on the land.
2. External materials used in the construction of farm buildings and outbuildings are to be pre- painted and should have non-reflective surfaces.
3. In rural and environmental protection zones the walls and roof should be of colours primarily involving non-urban landscape colours (muted greens, browns and greys). Bright/stark colours such as white, cream, black, blue, yellow or red or variations of these are generally not acceptable except as a minor detail colour (e.g. gutters) on a structure.
4. Any part of a building below the 1% AEP (1-in-100 year flood level) is to be constructed of flood compatible materials.

4.8 LANDSCAPING

4.8.1 Objective

To provide attractive rural landscapes which are consistent with and preserve the visual qualities in the locality.

4.8.2 Development Principles

1. Screening should be provided around farm buildings and outbuildings/sheds to reduce the bulk of the building and soften the appearance of the building where appropriate from any adjoining dwelling, street or property boundary.

2. Plants endemic to the area with suitable fire resistance, heights, coverage and density should be chosen. Landscaping shall consist of a mixture of trees, shrubs and ground cover to minimise the visual impact of the buildings.
3. Trees should include species that at maturity have a height above the ridgeline of the proposed buildings.

DUNGOG DEVELOPMENT CONTROL PLAN No 1

PART C.5 - BUSHFIRE

C.5 – BUSHFIRE

On 1 August 2002, the *Environmental Planning and Assessment Act 1979* and the *Rural Fires Act 1997* were both amended to enhance bush fire protection through the development assessment process.

Under the new provisions, applications for development on bushfire prone land must be accompanied by a Bush Fire Assessment Report demonstrating compliance with the aims and objectives of *Planning for Bushfire Protection 2006*, as well as the specific performance criteria for the land use proposed.

The majority of the land in Dungog Shire is bushfire prone land and therefore most forms of development will require consent under the new provisions.

Section 4.14 of the EP&A Act prevents Council from granting approval for any development in a bushfire prone area unless the proposal complies with *Planning for Bushfire Protection 2006* or the Commissioner of the NSW Rural Fire Service (RFS) has been consulted on any non-compliance.

Section 100B of the *Rural Fires Act 1997* requires that the Commissioner of the RFS issue a Bush Fire Safety Authority (BSA) for residential, rural residential or rural subdivision and special fire protection purpose developments on bushfire prone land.

In this section special fire protection purpose means the purpose of the following:

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

Development proposals requiring a BSA under section 100B of the *Rural Fires Act 1997* are classed as “integrated development” and will require referral to the RFS.

Prior to the preparation a Development Application, please contact Council's Planning Department in writing to ascertain if your property is bushfire prone and to establish the level of assessment required under the new requirements and whether referral to the RFS is required. Members of the public may also access information on Bushfire Constraint through Council's web site – www.dungog.nsw.gov.au.

Copies of the *Planning for Bushfire Protection 2006* are available on the NSW Rural Fire Service website - www.rfs.nsw.gov.au.

7. BUFFER ZONES

This plan, which may be cited as "Dungog Development Control Plan No. 1" - Buffer Zones, constitutes a Development Control Plan as provided for by Section 72 of the Environmental Planning and Assessment Act, 1979.

7.1 AIM OF THE PLAN

The aim of the Development control Plan is to provide certainty to residents and developers in locations where development may be constrained by adjoining land uses.

7.2 OBJECTIVES

This Development Control Plan seeks to:-

- Minimise conflicts between land uses that are potentially incompatible by developing well-defined boundaries and protecting the prior rights of lawful development.
- Minimise potential land use conflict by limiting uses regarded as inappropriate in areas of prime agricultural land.
- Ensure that, where development is likely to cause conflict with either existing or future adjoining land uses that the Buffer Zone will be provided on land upon which the encroaching development is located.
- In cases where the provisions of this DCP conflict with standards in other Planning Controls adopted by Council the provisions of this DCP will apply,

7.3 DEFINITIONS

Agriculture

Means the primary production of food, fibre and ornamentals not for personal consumption purposes and includes the cultivation of crops, and the keeping and breeding of livestock, bees or poultry and other birds for commercial purposes, but does not include an intensive agricultural pursuit or aquaculture;

Animal boarding, breeding or training establishment

Means a building or place used for the purposes of the boarding, nurturing, breeding or training of animals for gain or reward (other than purposes relating to agriculture), and includes riding schools, kennels and the like;

Intensive Agriculture

Means the use of land for agricultural purposes, which include market gardening, mushroom growing, fruit growing, flower growing, viticulture, milking in a shed designed for that purpose, aquaculture or intensive animal industry, but does not include an animal boarding or training establishment or the keeping of livestock or poultry for the personal enjoyment or consumption of its produce by the owner or occupier of the land;

Intensive animal industry

Means agricultural animal production where cattle, horses, goats, poultry or other livestock are held in buildings or in a confined area wholly or substantially for feeding and without limiting the generality of the above, may consist of or include agricultural industries such as – a feedlot containing more than five (5) cattle, dairy farm, horse training and boarding establishment containing more than five (5) horses, piggery (including free range) containing more than five (5) pigs, poultry farm (including free range) containing more than twenty (20) birds, rabbit farm or a building or place used for fish farming [which may consist of or include farming crustaceans], - but is not a building or place used for keeping of livestock intended solely for personal consumption or enjoyment by the owner or occupier of the building or place or a building or place used only for drought or similar relief;

Buffer Area

Area of land separating adjacent land uses that is used for mitigating the impacts of one land use upon another;

Buffer Element

A natural or artificial feature within a buffer area that mitigates an adverse impact;

Development - means:-

- (a) The use of land;
- (b) The subdivision of land; and
- (c) The erection of a building; and
- (d) The carrying out of a work; and
- (e) The demolition of a building or work; and

Drift

Airborne movement of agricultural chemicals onto a non-target area.

Encroaching Development

Any development including the carrying out of any activity on land to which this Plan applies, any building or work or any subdivision proposed on land adjacent to an existing development or land use that has been lawfully commenced.

Residential Development

For the purposes of this Development Control Plan "Residential Development" shall include any place of permanent or temporary occupation (including tourist uses).

7.4 VACANT LAND

Lawfully created vacant land parcels within a buffer zone of an existing lawfully commenced development will not be sterilised and single residential dwellings will be permitted on these parcels. The location of single resident dwellings will be subject to consideration of the effect of residing within the buffer area. A buffer element that takes the form of immature landscape planting cannot be relied on in all cases.

7.5 LAND USE CONFLICT

Conflict occurs where established land use practices associated with a particular land use or activity leads to a real or perceived loss of amenity for residents.

These conflicts may occur in instances where individual tolerances differ in relation to noise, dust, odour, chemical sprays or where legislative requirements in relation to emissions are not satisfied. These conflicts typically occur when "Residential Development" encroaches into non-residential areas.

The most appropriate method of minimising potential conflict between Non-Residential land uses and Residential land uses is to provide for separation of those uses by implementation of buffer zones. The purpose of a buffer zone is to provide sufficient separation so that conflicts do not arise.

Dungog Shire Council supports the rights of persons in rural areas to carry out agricultural activities within the boundaries of existing legislative and advisory requirements. In an effort to address these commitments, a notice to intending purchasers (see 7.13) as attached will be appended to all S149 Certificates.

7.6 BUFFER AREA DESIGN

In investigating the need for appropriate buffer areas, the following investigation should be made by an applicant for encroaching development:-

- Identify the elements that are a potential cause of conflict. These elements should be quantified, where possible in terms of the frequency and duration of the offending activity.
- Identify the means by which the applicant will address each issue to achieve an acceptable outcome in terms of separation widths, landscaped areas, acoustic barriers,
- Propose means by which proposed ameliorative measures will be monitored and maintained. This should include responsibility for implementing and maintaining the specific features of the buffer area to ensure continued effectiveness.

7.7 BUFFER ELEMENT

Minimum distances for Buffer Areas are recommended as a lineal means of separation between "Residential" and agricultural areas. The addition of Buffer Elements may vary the requirement relating to minimum separation distances. Buffer Elements are features which assist in the amelioration of potential adverse impact on one landuse upon another. One type of Buffer Element is the Vegetation Buffer and these may, in some cases offer an alternative to the lineal separation requirement.

Buffer elements are to be located within the property boundaries of the lot or lots on which the development is proposed. Topographical buffer elements will be assessed by Council on individual merit. (# Amendment No. 3)

(#Amendment No. 3 Minute No. 32719 Adopted 16/8/2005)

Vegetated buffers have other advantages in that they:-

- Create habitat and corridors for wildlife;
- Increase the biological diversity of an area, thus assisting in pest control;
- Favourably influence the microclimate;
- Are aesthetically pleasing;
- Provide opportunities for recreation uses;
- Contribute to the reduction of noise and dust impacts

Applications for development, where Vegetated Buffer Elements are proposed, are to include a landscape plan indicating the extent of the buffer element, the location and spacing of proposed and existing trees and shrubs and a list of tree and shrub species to be planted.

As a general rule, Buffer Elements are to be properly designed to avoid special maintenance requirements whilst achieving their maximum desired effect of separation conflicting land uses. However, it will be necessary to ensure ongoing maintenance of buffer elements, including replanting, thinning, management for fire protection, herbicide damage, noxious weeds, feral animals, litter build-up etc so that the buffer elements may continue to be effective in reducing conflict.

A buffer element may also be an existing topographical feature. In this instance there is a need to specify type/height/location/density/etc.

7.8 INFORMATION TO ACCOMPANY DEVELOPMENT APPLICATIONS

The minimum level of information required in support of an encroaching development is to follow:-

- (1) Plan to scale of the land indicating distances for surrounding landuses;
- (2) Location of proposed development on the allotment.

Application for impacting development must:-

- (1) State exact type and site of development indicating numbers of acres under production or number of animals.
- (2) Identify potential adverse impact or residential development in the locality including, noise, odour, hours of operation, number of employees, number of traffic movements per day.
- (3) Nominate proposed methods of mitigating adverse impact.
- (4) Applications for residential development within the buffer zone of an existing impacting development must also address the level of perceived impact likely to be experienced and locate so as to minimise conflict.

PART 2 - BUFFER AREA SEPARATION DISTANCES

7.9 SPRAY DRIFT

Based on the available research on chemical spray drift, buffer areas must be a minimum of 300m where open ground conditions apply and a minimum of 40m where a vegetated buffer element designed by a suitably qualified consultant can be satisfactorily implemented and maintained including a suitable watering system. These dimensions may vary according to local topographical or climatic conditions.

Where chemical sprays are applied aerially, the Pesticides and Allied Chemical Act requires that the person authorising the use of the sprays obtain the prior written consent of all owners of dwellings or public premises whose boundaries are located within 150m of the spray area.

Research into the behaviour of pesticide spray drift has shown that Buffer Elements in the form of vegetation screens can prove effective barriers to spray drift where they meet the following criteria:-

- Are a minimum total width of 40m;
- Contain random plantings of a variety of tree and shrub species of differing growth habits, at spacings of 5m for a minimum width of 40m;
- Include species with long, thin and rough foliage which facilitates the more efficient capture of spray droplets;
- Provide a permeable barrier which allows air to pass through the buffer.
- Foliage is from the base to the crown;
- Include species which are fast growing and hardy;
- Have a mature tree height 1.5 times the spray release height or target vegetation height, whichever is higher;
- Have mature height and width dimensions which do not detrimentally impact upon adjacent cropped land;
- Include an area of at least 10m clear of vegetation or other flammable material to either side of the vegetated area.

7.10 ENVIRONMENTAL PROTECTION ZONE BUFFERS

Dungog Shire has many recognised natural attributes and this has been reflected in many cases by specific zonings in the Dungog Local Environmental Plan. In some cases however, where Threatened Species are known to exist and the zoning of land has not been changed, specific management practices are required and Buffer Zones will be applied as if the land were zoned Environmental Protection.

- 7(a) - Environment;
- 8(a) - National Parks.

Residential development has the potential to impact on these areas by predation of wildlife by domestic animals, exotic weed invasion, and nutrient enrichment from storm water runoff. In order to protect the integrity of areas recognised as Environmentally Significant, a setback of zone between new residential development and the boundary of an environmentally sensitive area is required. The distance is to be determined upon assessment of an Environmental Impact Report prepared by the applicant.

7.11 RIVERS & WATERCOURSES

Buffers between rivers & watercourses and Residential Development are required to ensure that water quality is maintained. Setbacks will also ensure that the aesthetic, recreational and habitat values of the riparian zone are protected as a result of separation of impacting landuses.

Development requiring effluent disposal will need a minimum 100m setback to permanent surface waters (eg river, streams, lakes etc) or 40m to other waters (eg farm dams, intermittent waterways and drainage channels etc) and 250m from any domestic groundwater well.

All Development within 40m of a watercourse is Integrate Development and subject to separate assessment and subsequent consent from the Department of Infrastructure, Planning and Natural Resources under the provisions of the Rivers & Foreshore Improvement Act.

Any variation to the 40m setback must be supported by information addressing the merits of the variation and measures taken to mitigate potential adverse impact.

7.12 INTENSIVE LIVESTOCK INDUSTRIES

Residential Development must be located a minimum distance specified below or incorporate measures to minimise the impact of noise and odour generated as a result of activities associated with intensive livestock listed as follows:-

- Dairies
- Poultry
- Piggeries
- Feedlots

Intensive Livestock Industries have the potential to have a significant environmental impact on adjoining properties through the generation of odours, dust and noise. These impacts may also be generated as a result of truck movements and feed mill operation.

All Intensive Livestock Industries must achieve a 140m setback from any building to a public road.

7.12.1 DAIRY FARMS

Dairy farms must provide a vegetated buffer between dairy complex (including solids and effluent areas) and streams, rivers and watercourses. A minimum buffer between neighbouring residential development and a pond or manure heap is 200m.

7.12.2 POULTRY FARMS

Poultry sheds shall have a minimum buffer to adjacent residential development of 500m. Litter shall not be stockpiled within 400m of any public road or any neighbouring residential development.

A buffer of 400m to any public road or residential development be applied to the bulk storage of Poultry Litter, sawdust and other products that may cause nuisance by way of odour, vapour dust, noise, vibration, waste water, waste products or otherwise. [*Amendment No 1*]

7.12.3 PIGGERIES

Piggeries shall have a minimum buffer to adjacent residential development of 500m and a buffer of 750m from any school, shop, church public hall or premises used for the manufacture or preparation of food.

7.12.4 CATTLE FEEDLOTS

Cattle confined to a yard area with watering and feeding facilities where they are fed and watered are considered to be in a feedlot.

Large feedlots greater than 500 head will require a buffer zone of 1500m.
Smaller operations 50 - 500 head will require a buffer of 1000m.

7.12.5 OTHER INTENSIVE LIVESTOCK OPERATIONS

Buffers will also be required to other intensive livestock operations, which are likely to impact on residential development in the locality. These operations will be assessed individually on the basis of the size, nature and characteristics of the operation. Generally the minimum separation distance of 500m is to apply between the livestock operation and any neighbouring residential development.

7.12.6 INTENSIVE AGRICULTURE

Potential conflict with adjacent development is dependent on the nature of the intensive agricultural activity and also on the management practices adopted by the producer. The greatest potential for conflict arises in cases where commercial operations involve the regular or intermittent use of chemical sprays or where noise from equipment or machinery is generated.

This conflict is likely to increase in Dungog as the agricultural sector undergoes restructuring and alternatives to traditional agricultural practice are put into place.

A minimum buffer between intensive agricultural and neighbouring residential development is to be 150m.

7.12.7 ANIMAL BOARDING & BREEDING ESTABLISHMENTS:

Potential conflict with residential development generally arises as a result of noise from animals, smell from kennels/ exercise yards, waste disposal and contamination of surface water. Dust and noise from client's vehicles may also be an issue. A minimum separation distance of 500m is required from neighbouring residential development.

This distance may however be increased where the potential for noise is likely to cause disturbance to residents in the locality.

7.12.8 EXTRACTIVE INDUSTRY

Extractive Industries usually involve an extensive range of both plant & equipment that may create noise and dust during the normal extraction, processing and loading of material. The degree of impact generated is largely based on the type of material being won and the level of processing of the material prior to sale. Quarrying activities are incompatible with many land uses, particularly residential land uses and it is therefore desirable to mitigate potential conflict and prevent the sterilisation of extractive resources as a result of encroaching residential development.

A minimum buffer zone to extractive resources shall be 500 metres although this may increase if blasting is a part of the operational regime.

7.12.9. RAILWAY

Buffers between rail lines and residential development are required to minimise impacts on residential amenity caused by railway operations. All residential and other noise sensitive proposals within 60 metres of an operational railway require a detailed acoustic assessment. However, Council may use discretion to extend the acoustic assessment requirement to areas that are:

- Located outside, but within reasonable proximity to the 60m distance;
- In the vicinity of steel bridges;
- Near sections of high speed tracks; or
- In locations where there is no acoustic shielding by topography or buildings, between the track and the potential noise receivers.

A detailed Acoustic and Vibration Study is to be carried out by a suitably qualified professional and must accompany an application to Council. (Recommendations from Rail and Infrastructure Corporation, State Rail Authority, *Interim Guidelines for Councils – Consideration of rail noise and vibration in the planning process*. November 2003).

7.13 WIND ENERGY GENERATION FACILITIES

Refer to Part C Section 19 – Wind Energy Generation Facilities for information on buffer areas for this type of development.

7.14 NOTICE TO PURCHASERS OF LAND IN RURAL AREAS IN DUNGOG SHIRE

Dungog Shire Council supports the right of persons in rural areas to carry out agricultural production using reasonable and practicable measures to avoid environmental harm.

Intending purchasers are advised that agricultural production practises may include some of the following activities and some activities may have implications for occupiers of adjacent land:-

- Logging and milling of timber
- Dairies
- Intensive livestock production (feedlots, piggeries and poultry farms)
- Intensive Agriculture
- Vegetation clearing
- Cultivation and harvesting
- Bush fire hazard reduction burning
- Construction of firebreaks
- Construction of dams, drains and contour banks
- Fencing
- Use of agricultural machinery (tractors, chainsaws, motor bikes etc)
- Pumping and irrigation
- Pesticide spraying
- Aerial spraying
- Animal husbandry practices
- Droving livestock on roads
- Silage production
- Construction of access roads and tracks
- Slashing and mowing vegetation
- Planting of wood lots.

Please refer to Part C Section 19 for Wind Turbine buffer zones.

Intending purchasers of land in rural areas may have difficulty with some of these activities or the impact of these activities when they are being carried out on land near their proposed purchase. If so, they should seek independent advice and consider their position.

This notice is not intended to affect the rights of individuals to take action under the common law or legislation.

This notice is provided for information purposes only

DUNGOG DEVELOPMENT CONTROL PLAN No 1

PART C.8 – MANAGING OUR FLOODPLAINS

C.8 – MANAGING OUR FLOODPLAINS

This plan, which may be cited as "Dungog Development Control Plan No. 1" - Managing Our Floodplains, constitutes a Development Control Plan as provided for by Division 3.6 of the Environmental Planning and Assessment Act, 1979.

8.1 AIMS AND OBJECTIVES

This section of the DCP aims to:-

- (a) Provide detailed controls for the assessment of applications on land affected by potential floods;
- (b) To minimise the potential impact of development and other activity upon the aesthetic, recreational and ecological value of the waterway corridors;
- (c) Specific criteria for consideration of applications lodged in accordance with the Environmental Planning and Assessment Act 1979;
- (d) Alert the community to the hazard and extent of land affected by potential floods;
- (e) Inform the community of Council's policy in relation to the use and development of land affected by potential floods;
- (f) Reduce the risk to human life and damage to property caused by flooding through controlling development on land affected by potential floods;
- (g) Deal equitably and consistently with applications for development on land affected by potential floods, in accordance with the principles in the Floodplain Development Manual issued by the New South Wales Government;
- (h) Increase public awareness of the potential floods greater than the 1% AEP flood and to ensure essential services and landuses are planned in recognition of all potential floods;
- (i) Encourage the development and use of land which is compatible with the indicated flood hazard;
- (j) Provide different guidelines, for the use and development of land subject to all potential floods in the floodplain, which reflect the probability of the flood occurring and the potential hazard within different areas;
- (k) Apply a "merits-based approach" to all development decisions which takes account of social, economic and ecological as well as flooding considerations;
- (l) To control development and other activity within each of the individual floodplains having regard to the characteristics and level of information available for each of the floodplains, in particular the availability of floodplain management studies and floodplain management plans prepared in accordance with the Floodplain Development Manual.

8.2 WHERE DOES THE POLICY APPLY?

This Policy applies to whole of the Dungog LGA.

8.3 WHAT ARE THE CRITERIA FOR DETERMINING APPLICATIONS?

The criteria for determining applications for proposals potentially affected by flooding recognise that different controls are applicable to different land uses and levels of potential flood inundation and hazard.

The procedure to determine what controls apply to proposed development involves identifying:

- a) the land use category of the development (Schedule 1);
- b) what part of the floodplain the land is located within (Section 3.5) and;
- c) then apply the controls outlined in Section 3.6.

Section 3.7 provides specific requirements for fencing in the floodplain, while Section 3.7.4 identifies special considerations which will apply only to some development in specific circumstances.

Sections 3.6 and 3.7 provide controls for development and fencing in the floodplain contain objectives, performance criteria and prescriptive controls, with the following purpose:-

The objectives represent the outcomes that Council wishes to achieve from each control.

The performance criteria represent a means of assessing whether the desired outcomes will be achieved.

The prescriptive controls are preferred ways of achieving the outcome. While adherence to the prescriptive controls may be important, it is paramount that the objectives of the performance criteria are clearly satisfied.

8.4 LAND USE CATEGORIES

Seven major land use categories have been adopted in the Paterson Floodplain study. The specific uses, as defined by the applicable Environmental Planning Instruments, which may be included in each category, are listed in Schedule 1.

8.5 FLOODPLAIN MANAGEMENT ZONES

Each of the floodplains within the LGA have been divided based on different levels of potential flood hazard. The relevant Floodplain Management Zones for floodplains are outlined below.

FLOODPLAIN MANAGEMENT ZONES	CRITERIA
1. Floodway –High Hazard area	Classified as Floodway or flood storage in a flood study or has depth > 4m in 1% AEP event. Areas which are responsible for conveyance of flood water or temporary storage of floodwater during an event. Change in these areas has the potential to affect flood levels and flood behaviour
2. Flood fringe	Part of flood planning area outside of the floodway which is between the Flood Planning Level and the High Hazard area.
3. Outer Floodplain	Remaining part of the Flood Planning area which is above the Flood Planning level but below the EF(extreme flood level)

The name of the floodplain management zone may vary between flood studies however the zone shall be taken to mean the equivalent zone which meets the Criteria listed in column 2.

8.6 WHAT CONTROLS APPLY TO PROPOSED DEVELOPMENTS?

The development controls apply to all known potentially flooded areas (that is up to the largest estimated flood including the Extreme Flood when known). The type and stringency of controls have been graded relative to the severity and frequency of potential floods, having regard to categories determined by the relevant Floodplain Management Study.

Note: Dungog Shire Council areas include floodplains where there are very large differences between the 1% AEP flood level and the extreme flood level, sometimes as much as 7 metres. Landowners are encouraged to become aware of the full range of floods which may affect their property. Adoption of floor levels or provisions for storage at levels above the minimum flood planning level should be considered.

8.6.1 Objectives

- a) To ensure the proponents of development and the community in general are fully aware of the potential flood hazard and consequent risk associated with the use and development of land within the floodplains;
- b) To require developments of high sensitivity to flood risk (eg. critical public utilities) be sited and designed such that they are subject to no or minimal risk from flooding;
- c) Allowing the development with a lower sensitivity to the flood hazard within the floodplain, subject to appropriate design and siting controls, provided that the potential consequences that could still arise from flooding remain acceptable having regard to the State Government's Flood Policy and the likely expectations of the community in general;
- d) To prevent any intensification of the use of floodways, and wherever possible allow for their conversion to natural waterway corridors;
- e) To ensure that design and siting controls required to address the flood hazard do not result in unreasonable impacts on the amenity or ecology of an area.

8.6.2 Performance Criteria

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

8.6.3 Prescriptive Controls

Schedule 2 outlines the controls relevant to each of the floodplains to which this policy applies.

8.7 ARE THERE SPECIAL REQUIREMENTS FOR FENCING?

8.7.1 Objectives

- a) To ensure that fencing does not result in the undesirable obstruction of free flow of floodwaters; and
- b) To ensure that fencing does not become unsafe during floods and potentially become moving debris which threatens the integrity of structures or the safety of people.

8.7.2 Performance Criteria

- a) Fencing is to be constructed in a manner which does not affect the flow of floods so as to detrimentally increase flood affection on surrounding land.
- b) Solid or barrier Fencing must be certified by a suitably qualified engineer, that the proposed fencing is adequately constructed so as to withstand the forces of floodwaters.
- c) The alignment of fencing relative to flood flows must be considered

8.7.3 Prescriptive Controls

Fencing within the floodway will not be permissible except for security/permeable/safety fences of a type approved by Council.

- (a) An applicant will need to demonstrate that the fence would create no impediment to the flow of floodwaters. Appropriate fences may include:-
 - (1) An open collapsible hinged fence structure or pool type fence;
 - (2) A fence type and siting criteria as prescribed by Council.
- (b) Other forms of fencing will be considered by Council on merit.

8.7.4 Special Considerations

When assessing proposals for development or other activities within the area to which this Policy applies, Council will take into consideration the following specific matters:

- (a) The proposal does not have a significant detrimental impact on:
 - i) Water quality
 - ii) Native bushland vegetation
 - iii) Riparian vegetation
 - iv) Estuaries, wetlands, lakes or other water bodies
 - v) Aquatic and terrestrial ecosystems
 - vi) Indigenous flora and fauna
 - vii) Fluvial geomorphology
- (b) The proposal will not constrain the orderly and efficient utilisation of the waterways for multiple purposes.
- (c) The proposal does not adversely impact upon the recreational, ecological, aesthetic or utilitarian use of the waterways corridors, and where possible, provides for their enhancement.
- (d) Development pursued to mitigate the potential impact of flooding (eg. House raising) is undertaken in a manner in which minimises the impact upon the amenity and character of the locality
- (e) Proposals for house raising must provide appropriate documentation including a report from a suitably qualified engineer to demonstrate the raised structure will not be at risk of failure from the forces of floodwaters and the provision of details such as landscaping and architectural enhancements which ensure that the resultant structure will not result in significant adverse impacts upon the amenity and character of an area. The report should address the criteria noted in the guideline ABCB “Construction of Buildings in Flood Hazard Areas 2012”

8.8 WHAT INFORMATION IS REQUIRED WITH AN APPLICATION TO ADDRESS THIS POLICY?

When assessing proposals for development or other activities within the area to which this Policy applies, Council will take into consideration the following specific matters:

- (a) The proposal does not have a significant detrimental impact on:
 - i) Water quality
 - ii) Native bushland vegetation
 - iii) Riparian vegetation
 - iv) Estuaries, wetlands, lakes or other water bodies
 - v) Aquatic and terrestrial ecosystems
 - vi) Indigenous flora and fauna
 - vii) Fluvial geomorphology

- (b) The proposal will not constrain the orderly and efficient utilisation of the waterways for multiple purposes.
- (c) The proposal does not adversely impact upon the recreational, ecological, aesthetic or utilitarian use of the waterways corridors, and where possible, provides for their enhancement.
- (f) Development pursued to mitigate the potential impact of flooding (eg. House raising) is undertaken in a manner in which minimises the impact upon the amenity and character of the locality
- (e) Proposals for house raising must provide appropriate documentation including a report from a suitably qualified engineer to demonstrate the raised structure will not be at risk of failure from the forces of floodwaters and the provision of details such as landscaping and architectural enhancements which ensure that the resultant structure will not result in significant adverse impacts upon the amenity and character of an area. The report should address the criteria noted in the guideline ABCB “Construction of Buildings in Flood Hazard Areas 2012”

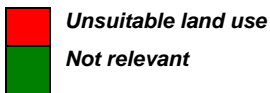
SCHEDULE 1 - LAND USE CATEGORIES

Essential Community Facilities	Critical Utilities	Subdivision and Filling	Residential	Commercial or Industrial	Recreation or Agriculture	Minor Development
Place of Assembly; Public Buildings or community centre which may provide an important contribution to the notification and evacuation of the community during flood events, Hospitals; institutions; and Education establishments.	Communication facilities; Generating works; Liquid fuel depot or Public Utility Undertakings or Utility Installations which may cause pollution of waterways during flooding, are essential to evacuation during periods of flood or if affected during flood events would unreasonably affect the ability of the community to return to normal activities after flood events.	Landfill; Subdivision of land which involves the creation of new allotments for any particular purpose and earthworks or filling operations covering 100m ² or more than 0.3m deep.	Bed & Breakfast premises; Boarding Houses; Caravan Parks; Dwelling; Dwelling houses; Generating works (other than critical utilities); Group homes; Holiday cabin; Home Occupations; Housing for Aged or Disabled persons; Integrated housing; Medium density housing or multi-unit housing; Residential flat building; Rural workers dwelling; Utility installations and undertakings (other than critical utilities).	Airline terminal; Automotive business; Bulky goods showrooms or retailing; Bus depot; Bus station; Child care centre; Cinemas; Civic centre; Club; Commercial premises; Community centre (other than essential community facilities); Feed lot; Hazardous industry; Hazardous storage establishment; Heliports; Hotel; Industry; Intensive agricultural pursuits; Junk yard; Motel; Motor showrooms; Offensive or hazardous industry; Offensive or hazardous storage establishment; Place of public worship; Plant depot; Private hotel; Public building (other than essential community facilities); Professional consulting rooms; Reception establishment; Recreation Facility; Refreshment room; Roadside stalls; Road transport terminal; Rural Industries; Saw Mill; Self storage units; Service station; Shop; Tavern; Transport Terminal; Veterinary establishment; Warehouse.	Agriculture; Extractive industry; Forestry Helipads; Intensive animal husbandry; Mine; Piggery; Plant nursery; Poultry farming establishment; Recreation areas and minor ancillary structures (eg toilet blocks or Kiosks); Retail or wholesale plant nursery; Riding school; Sanctuary; Stable; Stock and Sale Yard; Tourist facility.	(a) In the case of residential development: (i) an addition or alteration to an existing dwelling of not more than 10% or 35m ² (whichever is the lesser) of the habitable floor area which existed at the date of commencement of this policy; (ii) the construction of an outbuilding in the residential zone for a private garage with a maximum floor area of 50m ² ; or (iii) redevelopment for the purposes of substantially reducing the extent of flood affectation to the existing building; (b) In the case of other development: (i) an addition to existing premises of not more than 10% of the floor area which existed at the date of commencement of this policy; or (ii) redevelopment for the purposes of substantially reducing the extent of flood affectation to the existing building.

Note: Child care centres and Housing for Aged and Disabled persons would generally be included in the residential category. Dungog Council has included these land uses in the Critical and Sensitive category due to the difficulties posed by evacuation of these facilities during flood events.

SCHEDULE 2**FLOODPLAIN AREAS PLANNING MATRIX CONTROLS**

Development Control Consideration	FLOODPLAIN MANAGEMENT ZONE																				
	EF Refers to the Probable Maximum or Extreme Flood																				
	OUTER FLOODPLAIN ABOVE the FPL TO EF							FLOOD FRINGE BETWEEN HIGHHAZARD AREA TO FPL							FLOODWAY HIGH HAZARD AREA						
Essential Facilities	Comm. Utilities	Subdivision and Filling	Residential	Commercial or Industrial	Recreation or Agriculture	Minor Development	Essential Comm. Facilities	Critical Utilities	Subdivision and Filling	Residential	Commercial or Industrial	Recreation or Agriculture	Minor Development	Essential Comm Facilities	Critical Utilities	Subdivision & Filling	Residential	Commercial or Industrial	Recreation or Agric	Minor Development	
Floor Level	3	3								2	2 or 5	1	4						1	4	
Building Components	2	2								1	1	1	1						1	1	
Structural Soundness	2	2							1	1	1	1	1						1	1	
Flood Affection	2	2	2		2				1	2	2	2	2						1	1	
Evacuation/ Access	3	3	4		4				4	4	4	4							4	4	
Flood awareness	2	2	2	2	2	2	2			1,2	2	2	2						2	2	
Management and Design	1	1	4							4	1,2,3	1,2,3	1,3						1,2,3	1,2,3	

**FLOOR LEVEL**

- 1 All Floor levels to be equal to or greater than the 5% AEP Flood level plus 0.5m (Freeboard) unless determined by a risk assessment
- 2 Floor levels (excluding non-habitable residential floorspace) to be equal to or greater than the FPL and other floor levels equal to or greater than the FPL. Construction in Floodway not permitted.
- 3 All floor levels to be equal to or greater than the EF level.
- 4 Floor levels to be as close to the design floor level as practical and no lower than the existing floor level when an addition to an existing building. Construction in Floodway not permitted.
- 5 Floor levels of shops and offices to be as close to the FPL as practical or more than 30% of floor area or equivalent storage space to be above the FPL, or premises to be flood proofed (eg. Flood shutters for the shops) below the design floor level. Construction in floodway not permitted.

FLOOD COMPATIBLE BUILDING COMPONENTS

- 1 All structures to have flood compatible building components below or at the FPL
- 2 All structures to have flood compatible building components below or at the EF Level

STRUCTURAL SOUNDNESS

- | | |
|---|--|
| 1 | Engineers certificate to confirm any structure subject to a flood up to and including the 1% AEP or 0.2% AEP (as applicable) flood level can withstand the force of flood water, debris and buoyancy. |
| 2 | Engineers certificate to confirm any structure subject to a flood up to and including the EF level can withstand the force of flood water, debris and buoyancy. |

FLOOD EFFECT ON OTHERS

- | | |
|---|--|
| 1 | Engineers report required to prove that the development of an existing allotment will not increase flood affection elsewhere. Flood modelling may be required for significant structures or fill in flood storage areas |
| 2 | The impact of the development on flood affection elsewhere to be considered. The development must not obstruct or divert flood waters to or from neighbouring properties |

EVACUATION ACCESS

- | | |
|---|--|
| 1 | Reliable access for pedestrians required during a 1% AEP flood. |
| 2 | Reliable access for pedestrians and vehicles required at or above the Flood Planning level. |
| 3 | Reliable Access for pedestrians and vehicles required at or above the EF level |
| 4 | Consideration required regarding an appropriate flood evacuation strategy & pedestrian / vehicular access route for both before and during a flood. |

FLOOD AWARENESS

- | | |
|---|--|
| 1 | Restrictions to be placed on title advising of minimum floor levels required relative to the flood level. |
| 2 | S5.10.7 certificates to notify of applicability of this DCP |

MANAGEMENT AND DESIGN

- | | |
|---|---|
| 1 | Flood plan required where floor levels are below the design floor level. |
| 2 | Applicant to Demonstrate that there is an area where goods may be stored above the FPL during floods. |
| 3 | Applicant to provide controls where necessary to prevent the discharge of pollution during floods, including compliance with Councils On-site Sewage Development Assessment Framework. |
| 4 | Applicant to demonstrate that potential development as a consequence of a subdivision proposal can be undertaken without any significant flood effect elsewhere and can access an appropriate pedestrian / vehicular route as part of a flood evacuation strategy if required. |

Schedule 3**Definition of Flood Planning Level**

For the purposes of this plan, the Flood Planning Level is –

Location	Flood Planning Level
Dungog Tailwater area	0.2% AEP level plus 500mm freeboard
All other Flood plains	1% AEP level plus 500mm freeboard
Stormwater and Overland Flow paths throughout Dungog Shire	1% AEP Level plus 500mm Freeboard Note: A lesser Freeboard may be applied where appropriate technical justification is provided by a suitably qualified professional.

SCHEDULE 4 - FLOOD COMPATIBLE MATERIALS

NOTE: This list is a guide but is not exhaustive due to changing technologies. Applicants may propose alternative Flood Compatible materials if accompanied by appropriate justification.

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

Electrical and Mechanical Equipment For dwellings constructed on land to which this Policy applies, the electrical and mechanical materials, equipment and installation should conform to the following requirements.	Heating and Air Conditioning Systems Heating and air conditioning systems should, to the maximum extent possible, be installed in areas and spaces of the house above the relevant flood level. When this is not feasible every precaution should be taken to minimise the damage caused by submersion according to the following guidelines.
Main power supply - Subject to the approval of the relevant authority the incoming main commercial power service equipment, including all metering equipment, shall be located above the relevant flood level. Means shall be available to easily disconnect the dwelling from the main power supply.	Fuel – Heating systems using gas or oil as a fuel should have a manually operated valve located in the fuel supply line to enable fuel cut-off.
Wiring – All wiring, power outlets, switches, etc., should, to the maximum extent possible, be located above the relevant flood level. All electrical wiring installed below the relevant flood level should be suitable for continuous submergence in water and should contain no fibrous components. Earth core linkage systems (or safety switches) are to be installed. Only submersible-type splices should be used below the relevant flood level. All conduits located below the relevant designated flood level should be so installed that they will be self-draining if subjected to flooding.	Installation – The heating equipment and fuel storage tanks should be mounted on and securely anchored to a foundation pad of sufficient mass to overcome buoyancy and prevent movement that could damage the fuel supply line. All storage tanks should be vented to an elevation of 600 millimetres above the relevant flood level.
Equipment – All equipment installed below or partially below the relevant flood level should be capable of disconnection by a single plug and socket assembly.	Ducting – All ductwork located below the relevant flood level should be provided with openings for drainage and cleaning. Self draining may be achieved by constructing the ductwork on a suitable grade. Where ductwork must pass through a water-tight wall or floor below the relevant flood level, the ductwork should be protected by a closure assembly operated from above relevant flood level.
Reconnection – Should any electrical device and/or part of the wiring be flooded it should be thoroughly cleaned or replaced and checked by an approved electrical contractor before reconnection.	

9. EMPLOYMENT DEVELOPMENT

This plan, which may be cited as "Dungog Development Control Plan No. 1" – Employment Development, constitutes a Development Control Plan as provided for by Section 72 of the Environmental Planning and Assessment Act, 1979

9.1 AIMS & OBJECTIVES

In adopting this policy, Council has the following objectives, which will be taken into consideration with regard to employment development:

- To encourage economic development and the creation of employment opportunities within the Shire.
- To ensure that employment development does not adversely affect the amenity of any public place or adjoining property.
- To encourage good design and appearance of employment development consistent with Council's desire to enhance the character of the Shire.

9.2 GENERAL PRINCIPLES

In assessing any application for employment development within the Shire, Council will give careful consideration to the following general principles:

(a) **building siting, design and construction**

The development proposal must recognise the physical characteristics of the site and complement and enhance the function of the locality.

(b) **the special characteristics of the development**

Any special characteristics that may adversely affect the amenity of the site or surrounding areas must be identified and appropriate design features and/or ameliorative measures incorporated. Such characteristics may include open storage, noisy activities, odorous activities, excessive traffic generation potential etc.

(c) **access, traffic and parking**

The development must comply with the requirements of the guidelines issued by the NSW Roads Traffic Authority and AustRoads, in particular for off-street parking and traffic movements.

(d) **landscaping and appearance**

The development must enhance the appearance of the site and its surrounding area. Landscaping will be required with applications for employment development.

9.3 PERFORMANCE STANDARDS

Each of the standards in this section must be satisfied by any development proposal except where, in the opinion of Council, the merits of an application or the constraints of the site warrant the variation of a particular standard.

9.3.1 SITE COVERAGE

No specific limitation applies to the percentage of the site covered by buildings. Each application will be considered on its merits and must demonstrate, to Council's satisfaction, compliance with all other requirements of this Development Control Plan, including floor space ratio, setbacks, landscaping, car parking, service vehicle areas and vehicle access and movement.

9.3.2 SETBACK FROM STREET

Development, other than the use of land for landscaping, parking, utility installations, roadways for access, or the erection of a sign will not be permitted:

Land Zoned Employment 4(a)

- (a) within 6 metres from the front alignment of the site;
- (b) within 3 metres from a side boundary adjacent to a road or laneway.

Land Zoned Rural Enterprise 1(e)

- a) 140m from a main road; and
- b) 50m from any other public road, or
- c) 20m from new roads within a Rural Lifestyle 1(l) or Rural Enterprise 1(e) zoned subdivision.
- d) 20m from side and rear boundaries,

Note: Building line set backs in rural enterprise zones may require variation by Council due to bulk and scale, the nature of the proposed use and the impact on the amenity of the locality.

9.3.3 LANDSCAPING

A landscaped area shall be provided to all street frontages occupying a minimum of 3 metres setback from the boundary. These setback areas, car parking areas and any unused areas on the site shall be landscaped with nature strips and maintained to Council's satisfaction.

9.3.4 PARKING AND LOADING

Car parking and loading/manoeuvring areas should be located so as to provide the maximum convenience and safety for customers, staff and service vehicles. The visual impact of such areas should be softened by the appropriate use of landscaping, and shade trees provided at frequent intervals throughout the car parking area.

9.3.5 LOADING DOCKS

Loading docks, service areas and vehicular entries to warehouse or factory buildings should not be located on any street elevation of a building unless suitably screened from view from

any public place. Screening may be achieved by fencing, landscaping, mounding or a combination of these, or by other means to Council's satisfaction.

9.3.6 BUILDING MATERIALS

Buildings must be attractive, functional and harmonious with surrounding development. External walls of the building shall be pre-coloured metal sheeting, or other non-combustible materials to the satisfaction of the Council.

Where a building is designed for multiple tenancies it must be compliant with the Building Code of Australia.

Floor levels of all buildings shall be a minimum of 300mm above allotment ground level.

Garbage stands shall be screened from view from any public place.

9.3.7 FENCING

Security fencing will be permitted on side and rear boundaries but must be located behind the designated landscape setback area on any street frontage.

Low ornamental fences may be erected within the designated landscape setback area as part of the landscape design.

9.3.8 SIGNS

For multiple tenant factory unit development, advertising shall be limited to:

- (a) one sign per unit, not exceeding 1.2 m x 0.6 m, of the same size and shape throughout the development, and located in a position common to all units;
- (b) an index board erected at the site entry, with total area not exceeding 4 m².

9.3.9 EFFLUENT DISPOSAL

Council encourages the use of modern effluent treatment and disposal systems such as aerated septic, that facilitate efficient use of treated effluent. All systems are subject to the approval of the Council.

All employment development is to be connected to the reticulated sewerage system, unless reticulated sewer is not available in the locality. If standard septic systems are used, a minimum area specified by Council, or such other area as determined by Council, shall be set aside for the disposal of effluent. Areas required for other disposal systems will be determined by the Council.

11. TOURIST DEVELOPMENT

This plan, which may be cited as "Dungog Development Control Plan No. 1" - Tourist Development, constitutes a development control plan as provided for by Section 72 of the Environmental Planning and Assessment Act, 1979.

The Development Control Plan provides for rural tourism that will enhance and maintain the characteristics that make Dungog a desirable tourist destination. In the past all rural tourism was considered under a general definition of "Tourism". To achieve better outcomes for the future of rural tourism within the shire, a range of definitions and standards have been developed.

Tourist Development on Bush Fire Prone land is considered to be a Special Protection Purpose and will require an assessment to be provided by the applicant of how the development will meet compliance with Planning for Bushfire Protection. The development will be considered to be Integrated Development under Section 91 of the Environmental Planning and Assessment Act 1979 and will require referral to the New South Wales Rural Fire Service.

11.1 DEFINITIONS

Bed and Breakfast means a dwelling with a floor space of less than 300 square metres, that provides not more than five rooms, and which do not have catering facilities, for the temporary or short-term accommodation of people away from their normal place of domicile, and is operated by the permanent residents of the dwelling.

Camp or caravan site means a place used for the purpose of placing movable dwellings for permanent accommodation or for temporary accommodation by tourists, whether or not the site is also used for the erection, assembly or placement of cabins for temporary accommodation by tourists.

Eco-tourism is ecologically sustainable tourism with a primary focus on experiencing natural areas that involves education, understanding and appreciation. Whilst providing for conservation, repair and enhancement on the natural environment.

Eco-tourism facility refers to a tourist establishment for nature-based tourism that is managed in an ecologically sustainable manner. It must include one or more accommodation buildings and one or more buildings where education and interpretation of the natural environment take place.

Farm-stay means accommodation for the temporary or short-term stay of people away from their normal place of domicile, within an existing farm house, or existing farm buildings, associated with a working farm.

Holiday cabin means a building, with or without a kitchen, used for the temporary or short-term accommodation of people away from their normal place of domicile.

Short-term/Temporary accommodation refers to accommodation where a person shall stay up to a maximum of two weeks.

Tourist Facility means a building or buildings used for a motel or holiday cabins, and includes restaurant, conference and recreation or eco-tourism facilities for visitors.

11.2 BED AND BREAKFAST ACCOMMODATION

11.2.1 Criteria

- Contains no more than five bedrooms for tourist accommodation
- No more than twelve persons are to be accommodated at one time, including visitors, residents, friends, family members or the like
- The owner or operator shall be a permanent resident
- The building has a total floor area less than 300m² (excluding separate garages, sheds or the like)
- Adequate effluent disposal can be achieved (see Section 11.1 Wastewater Treatment and Management of Effluent for Performance Standards of the Rural Strategy 2003)
- Provision of meals is to be for guests only
- There are no kitchen facilities within the rooms for the preparation of food
- Provision of off street parking, with two car spaces for the dwelling house and one car space per guest room
- One advertising sign on the property is permitted to indicate that the dwelling house provides bed and breakfast accommodation and the name of the operator. The size of the sign shall not exceed 0.5m² in area
- Health, building and safety standards shall comply with the requirement of the Building Code of Australia and any other relevant legislation
- Fire safety measures shall be to the satisfaction of Council
- A business plan to be provided.

11.3 HOLIDAY CABINS

11.3.1 CRITERIA

- No less than four holiday cabins on the site which the development is to be erected
- There are to be twenty or fewer holiday cabins on the land of at least 20 hectares
- No holiday cabin shall be in individual Torrens, Community or Strata Subdivision Title
- The holiday cabins shall be in a clustered pattern
- The floor space of any holiday cabin is less than 60m²
- A maximum of three bedrooms, one bathroom and kitchenette per cabin
- On-site, all weather car parking shall be provided at the rate of one car space per holiday cabin. The car parking and turning areas are to be of a suitable standard of construction to the satisfaction of Council
- At least one cabin shall have sanitary and cooking facilities for people with disabilities
- Adequate separation distances are to be established to minimise land use conflict with adjoining properties
- Health, building and safety standards shall comply with the requirements of the Building Code of Australia and any other relevant legislation
- All effluent is disposed of in a common treatment plant unless there are compelling ecological or economic reasons for not doing so
- No significant vegetation to be removed for any aspect of the development
- A business plan to be provided
- Adequate effluent disposal can be achieved (see Section 11.1 Wastewater Treatment and Management of Effluent for Performance Standards of the Rural Strategy 2003)

11.4 ECO-TOURISM FACILITIES

CRITERIA

- There is to be at least one accommodation building or at least one building used for education and interpretation of the natural environment;
- Provision of off street parking, with two car spaces for one car space per guest room;
- Adequate effluent disposal can be achieved (see Section 11.1 Wastewater Treatment and Management of Effluent for Performance Standards of the Rural Strategy 2003);
- A business plan is to be provided
- A report showing that the development will
 - a) focus on experiencing natural areas in ways that lead to greater understanding and appreciation;
 - b) integrate opportunities to understand natural areas;
 - c) represent best practice for ecologically sustainable tourism;
 - d) proactively contribute to the conservation of natural areas;
 - e) provide constructive ongoing contributions to local communities;
 - f) be sensitive to, interpret and involve different cultures, particularly indigenous culture;
 - g) consistently meet client expectations; and
 - h) include marketing plans are accurate and lead to realistic expectation.

11.5 TOURIST BUSINESS PLANS

Holiday Cabins, Eco-tourism facilities and Bed & Breakfast developments must provide a business plan to support a development application. This plan is a written statement of the goals and objectives of a business. It should

- cover the necessary steps to be taken to achieve the goals and objectives;
- include information, which justifies and explains the proposed strategy;
- provide the information needed for others to understand your venture;
- check the viability of the proposed business;
- include alternate strategies;
- combine all elements into a logical format;
- include the various factors that could lead to success or failure;
- be used continuously to monitor actual results and identify problems;
- be regularly updated; and
- be compiled by the developer with reviews by an accountant or business advisor.

Information that could be included is:

1. The first page or cover sheet providing information on the business name, location, contact numbers, management structure, people involved.
2. A vision statement briefly describing how the business will develop.
3. A mission statement describing the role, and the purpose of the business.
4. Goals of the Organisation outlining short term and long-term objectives that will lead to achieving the vision and mission goals. They must be specific, measurable, achievable, realistic and timely (SMART).
5. Organisation and Management as it exists or is expected it to exist, the structure that will be established and how the activities of the business will be managed.
6. SWOT Analysis - List the Strengths, Weaknesses, Opportunities and Threats and strategies for each one.

7. Establishment Costs, that may include license fees, registration of business name, insurance, equipment, Council fees (DA's etc), legal fees.
8. Design Specifications / layout.
9. Time required for setting up the business.
10. Business Development, planned to make the business grow over the next five years;
11. Product / Service Profile showing what the development offers.
12. Market Research, Target Market and Competitors/Peers.

Two websites that can assist are:

www.visitnsw.com.au under the corporate site within business information section
www.lowerhunterbec.com.au under resources.

12. THE KEEPING OF DOGS FOR COMMERCIAL PURPOSES

This plan, which may be cited as “Dungog Development Control Plan No. 1” – Development Control Plan for the Keeping of Dogs for Commercial Purposes, constitutes a development control plan as provided for by Section 72 of the Environmental Planning and Assessment Act, 1979.

12.1. INTRODUCTION

The intent of this document is to provide assistance with the preparation and assessment of development applications.

12.2. WHAT IS THE PLAN CALLED?

The Plan may be cited as Development Control Plan (DCP) No.28 – Keeping of Dogs for Commercial Purposes.

The DCP was adopted by Council on 19 February 2002 and became effective on 20 February 2002.

The DCP has been prepared in accordance with the provisions of Dungog Shire Council Local Environmental Plan 2006 and the Environmental Planning and Assessment Act 1979.

12.3. WHERE DOES THE PLAN APPLY?

This DCP applies to all land in the Dungog Shire Council Local Government Area where animal boarding breeding and training establishments are permitted by Dungog Shire Council Local Environmental Plan 2006.

The Plan applies to any proposal that may only be carried out with development consent or a complying development certificate.

DEVELOPMENT APPLICATIONS

Under section 79C of the Environmental Planning and Assessment Act 1979, the contents of this DCP must be considered by the Council (or other consent authority) when determining development applications.

Compliance with the minimum provisions of this DCP does not necessarily mean that an application for development will succeed, as each application will be considered on its merits.

12.4. OBJECTIVES

The objectives of the Plan are:

- Provide a standard for the establishment of Commercial dog keeping premises.
- Through the provision of high quality premises, address the impact of commercial dog keeping on surrounding properties and occupants.

- To enable the provision of consistent and prompt advice from Council to assist persons in the planning, design and management of premises to be used for the commercial keeping of dogs.

12.5. HOW DOES THIS PLAN RELATE TO OTHER PLANS?

This Plan replaces Councils Policy “Code for Erection of Dog Kennels and Keeping of Dogs”

The Local Environmental Plan applying to the land is Dungog Shire Council Local Environmental Plan 2006.

Where this plan is inconsistent with Dungog Shire Council Environmental Plan (LEP), the LEP shall take precedence.

When preparing a development application for consideration by the consent authority, regard should be given to any other DCP that may be relevant

Consideration should also be given to any Local Development DCP that may provide site specific requirements in relation to such matters as heritage, flooding and subdivision layout. Where a Local Development DCP applies, it shall take precedence over any Shire wide DCP.

12.6. VARIATIONS TO THE DCP

Council may approve minor variations to the Plan without the need to formally amend the Plan.

An application to vary any of the provisions of this plan must be in writing and clearly demonstrate that:

- (a) the application meets the aims and objectives of this plan; and
- (b) compliance with the relevant provision, or criteria contained in this plan, is unreasonable or unnecessary in the circumstances that apply.

Formal variations to the Plan may be made pursuant to the requirements of the Environmental Planning and Assessment (EP&A) Act 1979, as amended.

12.7. ADVERTISING

Council's Policy for the advertising of Development Applications applies.

Council reserves the right to advertise any Development Application where deemed appropriate due to the type or location of the proposal.

12.8. DEFINITIONS

The following definitions apply for the purposes of this Plan:

keeping of dogs for commercial purposes is the conduct of boarding, breeding or training establishment and the keeping of dogs for convalescence, training, racing or sale.

dog kennels and housing includes caravans, garages, carports, sheds, commercially sold dog kennels, and any room forming part of a dwelling, dual occupancy, or urban housing development used for human habitation.

NOTE: All kennels and housing should comply with the principles contained in this Plan.

dog includes bitch and shall include all dogs over the age of six (6) months.

low end establishment means a small scale operation involving the keeping of up to four (4) dogs for commercial purposes.

high end establishment means large scale operations requiring significant investment and involves the keeping of more than four (4) dogs for commercial purposes.

12.9. DEVELOPMENT GUIDELINES

12.9.1 AESTHETICS OF THE NEIGHBOURHOOD

The kennels and runs should not be visually intrusive to the immediate neighbourhood. Development Applications should be accompanied by workable screening details. Suggestions are provided in this guideline.

12.9.2 CONTAINMENT

Dogs are to be positively contained. This means that dogs must be housed within premises which will ensure that the types of dog(s) kept on the premises are contained. Suggestions are provided in this guideline.

12.9.3 NOISE CONTROL

Dogs must not generate offensive noise as defined under the Protection of The Environmental Operations Act 1997. Consideration must be given to appropriate in-built features to control noise. Suggestions are provided in this guideline. An Acoustic Engineers Report may be required where it is considered that noise impact on adjoining properties is an issue.

12.9.4 HYGIENE

The design and management of the establishment must take into consideration the impact of the premises on the health and well being of occupants, nearby residents and the dog(s). Such consideration may include:

- Method of waste disposal;
- Cleanliness of housing and the ability of housing to be easily cleaned;
- Pest Control;
- Control of odours; (distances from dwellings should be considered);
- Drainage;
- Control of fleas and ticks;
- Accumulations of dogs hair.

Suggestions on design and management in order to address hygiene conditions are provided in this guideline.

12.9.5 DISTANCE OF KENNELS FROM BOUNDARIES

Consideration must be given to siting kennels and yards an appropriate distance from side and rear boundaries.

The appropriate setback distances will vary depending on circumstances and will be carefully considered during the development assessment process.

In determining an appropriate setback distance, the following should be considered:

- The location of adjoining dwellings and recreation areas and the likely noise impact on these. An Acoustic Engineer can recommend suitable setbacks consistent with kennel construction and other noise attenuation measures;
- The likely generation of odours from the kennels and yards;
- The appearance of the establishment and the impact of this on adjoining properties;
- The distraction of dogs by activities on adjoining properties, eg. Children playing vehicles entering and leaving.

12.9.6 SIZE OF ALLOTMENT

Consideration must be given to the size of allotment on which the kennel will be situated. Sizes of allotments will vary depending on circumstances and will be carefully considered during the Development Assessment process.

12.10. LOW END ESTABLISHMENTS

12.10.1 AESTHETICS

Kennels must be fully screened from the view of adjacent premises and roadways. This may be achieved by: -

- A carefully planted screen of trees and bushes.
- Wire mesh fencing over which a vine or creeper of a non-irritating nature is grown.
- A solid wall.
- A metal fence which is permanently colour treated and in good order.
- Other similar methods may be considered.

12.10.2 CONTAINMENT

Yards to be fully enclosed to eliminate escape of animal. Screening as mentioned above may achieve this. Other methods of containment are provided in "Construction" below.

12.10.3 NOISE CONTROL

Where noise impact on surrounding properties is of concern, an Acoustic Engineers Report may be required.

- The primary reason for screening from views is to prevent dogs barking at parking cars, pedestrians and animals.
- Dogs must be enclosed at night in kennels to prevent barking at distractions eg. Cats. Soundproofing of kennels may be considered.
- After dark, all yard lights to be switched off.
- Soundproofing of kennels will assist in keeping neighbourhood noise out.
- A separately screened facility should be available to separate noisy dogs from others.

12.10.4 CONSTRUCTION AND LAYOUT OF KENNELS AND HOUSING

Any construction must take into account the welfare of the animal and will be subject to the provision of the Prevention of Cruelty to Animals Act 1979 and the NSW Department of Agriculture published Welfare Codes.

12.10.4.1 FLOOR

75mm minimum thickness concrete finish with wooden float graded to a catchment drain which has fall to the outlet trap. Concrete to extend for 300mm beyond the plane of the kennel walls. Alternative impervious floor construction may be approved by Council.

12.10.4.2 WALLS

To be of a solid impervious type being capable of easy cleaning. If masonry to be smooth rendered internally to a height of 1200mm. Base of wall is to be coved to the floor. If of timber frame construction bottom plates are to be secured to a raised impervious hob of minimum height of 450mm (hob may be constructed of brick work rendered internally) which is coved at its junction with the floor.

12.10.4.3 DRAINAGE

Ample provision to be made for disposal of surface and roof drainage so as not to interfere with adjacent premises. Floor wastes and other wastes from washing down shall be disposed of to a properly constructed absorption trench after first passing through a disconnection gully with grating.

12.10.4.4 YARD AREAS

Low end facilities require an ample fenced grassed area for dog exercise (suggest 100m²). Faeces to be removed manually.

12.10.4.5 BEDDING AND SLEEPING AREAS

To be raised timber slats, hessian or equivalent, capable of being removed for cleaning purposes. Means of suspending bedding whilst cleaning should be provided.

12.10.4.6 DIVIDING WALLS

Dividing walls of cages are to be of solid material such as masonry and steel mesh. Small mesh needed to avoid nose biting.

12.10.4.7 VENTILATION

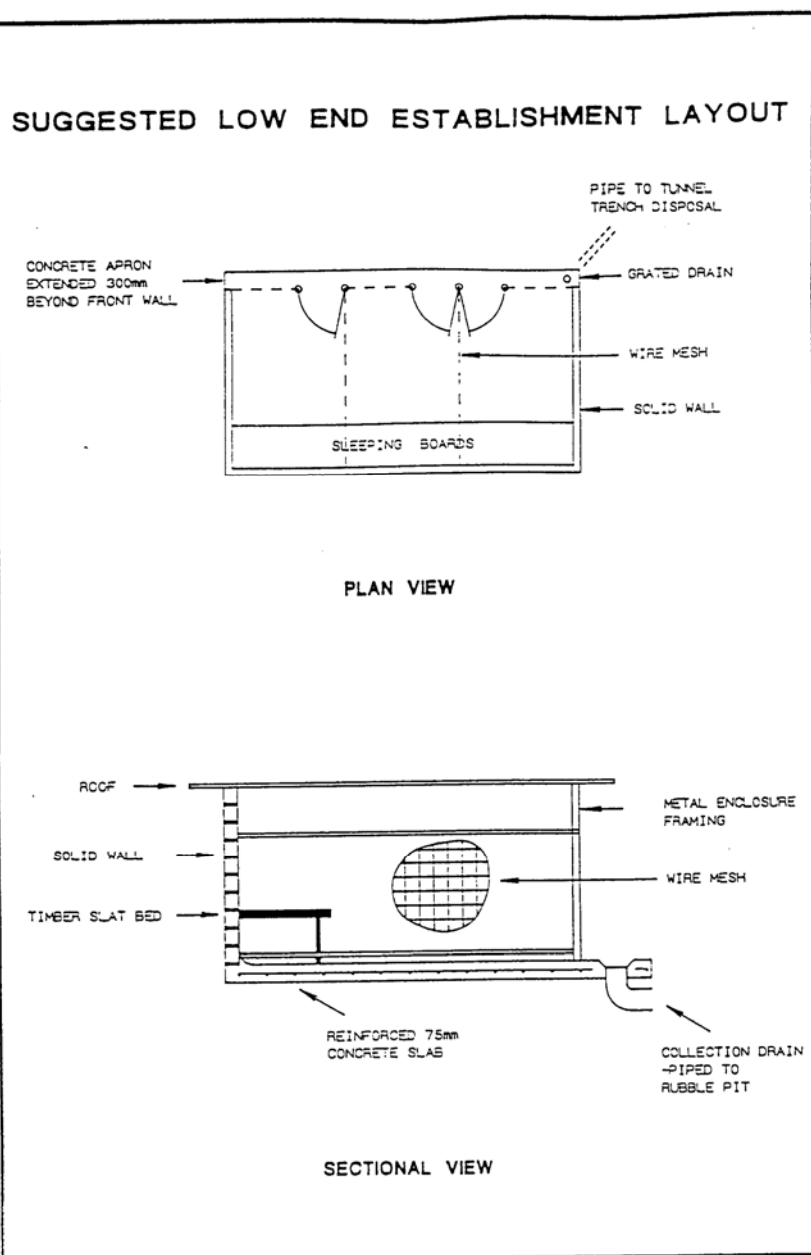
Condensation must not form on inside surfaces. Low end facilities to be passively ventilated through air spaces such as windows (located a minimum of 2m above floor level) beneath doors or simple roof or wall mounted vents.

12.10.5 HYGIENE

Cleaning of kennels and yard areas: Kennels shall be cleaned daily and all food scraps, bones and manure removed. Water shall be replenished daily and care should be taken to ensure the storage receptacles for water do not provide a breeding ground for mosquitoes.

Yard area shall be raked clean of all scraps and manure and grass shall be kept short mown.

Disposal of manure and scraps: This shall be carried out to ensure that nuisance does not arise from the breeding of flies or offensive odours. Suitable plans should be provided outlining management and disposal. Burning of manure on site is strictly prohibited. Distances of kennels and yard areas from surrounding dwellings should be considered and showing development application plans.



12.11. HIGH END ESTABLISHMENTS

12.11.1 AESTHETICS

Kennels must be fully screened from the view of adjacent premises and roadways. This may be achieved by: -

- A carefully planted screen of trees and bushes.
- Wire mesh fencing over which a vine or creeper of a non-irritating nature is grown.
- Solid wall.
- A metal fence which is permanently colour treated and in good order.
- Similar methods may be considered.

12.11.2 CONTAINMENT

Yards to be fully enclosed to eliminate escape of animal. Screening as mentioned above may achieve this. Other methods of containment are provided in "Construction" below.

12.11.3 NOISE CONTROL

High End Establishments must provide a full acoustic assessment of their proposal with their development application.

- Kennels should be fully sound proofed to keep noise in and neighbourhood noise out.
- Dogs must be enclosed at night.
- A separately screened facility should be available to separate noisy dogs from others.

12.11.4 CONSTRUCTION AND LAYOUT OF KENNELS AND HOUSING

12.11.4.1 FLOOR

75mm minimum thickness concrete finish with wooden float graded to catchment drain which has fall to the outlet trap. Concrete to extend for 300mm beyond the plane of the kennel walls. Alternate impervious floor construction may be approved by Council. Floor in enclosed areas to be treated with a waterproof paint to facilitate cleaning and avoid odours.

12.11.4.2 WALLS

To be of a solid impervious type being capable of easy cleaning. If masonry to be smooth rendered internally to a height of 1200mm. Base of wall is to be coved to the floor. If of timber frame construction bottom plates are to be secured to a raised impervious hob of minimum height of 450mm (hob may be constructed of brick work rendered internally) which is coved at its junction with the floor.

12.11.4.3 DRAINAGE

Ample provision to be made for disposal of surface and roof drainage so as not to interfere with adjacent premises. Floor wastes and other wastes from washing down shall be disposed of to a properly constructed absorption trench after first passing through a disconnection gully with grating.

12.11.4.4 YARD AREAS

Where the type of dog housed requires a yard enclosure the yard shall be such as to render cleansing and removal of refuse to be carried out effectively.

12.11.4.5 BEDDING AND SLEEPING AREAS

To be raised timber slats, hessian or equivalent, capable of being removed for cleaning purposes. Means of suspending bedding whilst cleaning should be provided. Semi-secluded beds are advisable to avoid noise at night. See diagram.

12.11.4.6 DIVIDING WALLS

Cages are to be of solid material such as masonry or steel mesh. Small mesh needed to avoid noise biting.

12.11.4.7 EXERCISE AREAS

Outside runs need to be half or totally roofed, with a concrete drained floor. A continuous supply of water should be available. Solid partitioning for concealment may be necessary for some runs. For example to avoid competition between males.

12.11.4.8 VENTILATION

Condensation must not form on inside surfaces. For High End Establishments, forced ventilation is required. This may be achieved best by wind and heat powered turbine extractors or electrical ventilators.

12.11.5 HYGIENE

Cleaning of kennels and yard areas:-

Kennels shall be cleaned daily and all food scraps, bones and manure removed. Water shall be replenished daily and care should be taken to ensure the storage receptacles for water do not provide a breeding ground for mosquitoes.

Yard area shall be raked clean of all scraps and manure and grass shall be kept short mown.

Disposal of manure and scraps: This shall be carried out to ensure that nuisance does not arise from the breeding of flies or offensive odours. Burning of manure on site is strictly prohibited.

12.11.6 SUGGESTED LAYOUT FOR HIGH END ESTABLISHMENTS

Dogs to be housed in individual runs comprising of sleeping areas, as well as exercise areas of a moderate size. The exercise area may be outside of the enclosed

building. Sleeping areas are to be entirely housed within a building capable of being closed at night.

Where exercise areas are inside the building, an enclosed pathway outside of the building will contain the dogs whilst sleeping areas are being cleaned out. This path should be drained also for ease of cleaning.

Where exercise areas are outside the building, solid doors through the wall from sleeping areas are desirable so that dogs can be contained in individual exercise runs while sleeping areas are clean. Doors must be of an easy close type design.

12.12. FURTHER INFORMATION

Further information in relation to the contents of this Development Control Plan may be obtained from Council's Environmental Services Section.

14. BUILDING OVER OR NEAR SEWERS

This plan, which may be cited as “Dungog Development Control Plan No. 1” – Building Over Sewers, constitutes a Development Control Plan as provided for by Section 72 of the Environmental Planning and Assessment Act, 1979.

14.1 OBJECTIVES

The objectives of this plan are:-

- (a) To provide a guide to staff and builders within the Dungog Shire for the construction of buildings near sewers.
 - (b) To ensure no load is transmitted to a sewer main from any structure built over or near the sewer main.
 - (c) To enable safe access to manholes.
 - (d) To enable safe excavation of pipes without causing damage to adjacent buildings.
- Any damage to a sewer main caused by construction over or near that sewer main shall be repaired at full cost to the owner/builder of the structure.

14.2 DEFINITION OF TERMS

ZONE OF INFLUENCE

Unless otherwise specified by a practising geotechnical engineer, a zone extending longitudinally along the sewer. The zone is bounded on either side of the pipeline by a line drawn from the pipe invert horizontally for 1 metre from the edge of the pipeline and thence at a slope of 1 vertical to 2 horizontal to the ground surface (See Attachment 1).

STRUCTURES

Type A

Lightweight Demountable Structures

- (i) Lightweight demountable carport with sheetmetal roof.
- (ii) Lightweight demountable aluminium garden shed.
- (iii) Retaining wall less than one (1) metre in height, provided that any footing running almost parallel to the sewer shall be a minimum one (1) metre from the sewer.

Type B

Aboveground flexible wall swimming pool with fabric liner.

Type C

Free standing timber framed garage with light weight sheet cladding on slab on ground where the adjacent sewer is less than 3 metres deep.

Type D

All other buildings or structures (including manufactured homes) not included in Types A, B or C above.

CONCRETE ENCASEMENT

Is defined as encasement with reinforced concrete complying with the requirements of Dungog Shire Council Attachment 2.

14.3 REQUIREMENTS FOR TYPE (A) STRUCTURES - LIGHTWEIGHT DEMOUNTABLE STRUCTURES OVER OR NEAR SEWER MAINS

14.3.1 Lightweight demountable structures may be constructed or erected over a sewer provided all work is in accordance with Clause 14.4.2 and 14.4.3.

14.3.2 No column support shall be situated closer than 1.5 metres (measured horizontally) from the centre of a sewer manhole or within one (1) metre (measured horizontally) from the edge of a sewer main.

14.3.3 Carports and pergolas may be erected over manhole access openings provided that:-

- (i) Manhole covers shall be raised to the finished ground level at the property owners cost;
- (ii) Manholes shall be accessible at all times.

14.4 REQUIREMENTS FOR TYPE (B) STRUCTURES - ABOVE GROUND FLEXIBLE WALL SWIMMING POOL WITH FABRIC LINER OVER OR NEAR SEWER MAINS

14.4.1 The erection of swimming pools or decking over sewer mains will be permitted provided that the main is concrete encased in accordance with Clause 14.3.3.

14.4.2 Swimming pools covered under this definition may be erected no closer than one (1) metre (measured horizontally) from the edge of a sewer main without concrete encasement of that main.

14.4.3 If any swimming pool or decking is erected closer than one (1) metre (measured horizontally) to the edge of a sewer main then the sewer main shall be encased in accordance with Clause 14.3.3 or as required by Council's inspector.

14.4.4 The minimum clearance distance from the centre of the manhole to a structure shall be in accordance with Clause 14.8.

14.5 REQUIREMENTS FOR TYPE (C) STRUCTURES - FREE STANDING TIMBER GARAGE WITH LIGHT WEIGHT SHEET CLADDING ON SLAB ON GROUND OVER OR NEAR SEWER MAINS LESS THAN 3 METRES DEEP

14.5.1 Freestanding timber garages on slab on ground may be erected adjacent to sewer mains without foundation protection provided that:-

- (i) The structure is erected no closer than one (1) metre (measured horizontally) to the edge of a sewer main.

- (ii) The sewer main has a depth to invert of 1.5 metres or less.
- (iii) The structure is erected no closer than four (4) metres (measured horizontally) to the edge of the sewer main if the depth to invert exceeds 1.5 metres, but is less than 3.0 metres.

14.5.2 Freestanding timber garages on slab on ground erected closer than one (1) metre to a sewer main will be permitted provided that the sewer main has been concrete encased in accordance with Clause 14.3.3.

14.5.3 Freestanding timber garages on slab on ground erected further than one (1) metre (measured horizontally) from the edge of a sewer main with an invert depth greater than 3.0 metres are Type D structures see Section 14.7.

14.5.3 The minimum clearance distance from the centre of the manhole to a structure shall be in accordance with Clause 14.8.

14.6 REQUIREMENTS FOR TYPE D STRUCTURES - ALL OTHER BUILDINGS OR STRUCTURES (INCLUDING MANUFACTURED HOMES) NOT INCLUDED IN TYPES A, B OR C

14.6.1 Structures located adjacent to sewer main and within the zone of influence region as defined in Clause 14.3.1 shall be designed with a footing system as follows (Attachment 3);

- (a) the structure shall be self supporting within the zone of influence;
- (b) the footings shall be founded outside the zone of influence;

14.6.2 Structures erected closer than one (1) metre to the edge of a sewer main will be permitted, provided the main has been concrete encased in accordance with Clause 14.3.3 and complies with these guidelines.

14.6.3 No foundation shall be constructed closer than 500 mm from the wall of the pipeline or its encasement.

14.7 STRUCTURES NEAR MANHOLES

14.7.1 The minimum clearance distance from the centre of the manhole to a structure shall be in accordance with Drawing WS0023.

14.7.2 No sewer manhole shall be enclosed on more than three (3) sides. The fourth side shall be left fully open and clear of structures or associated works at all times.

14.7.3 A minimum three (3) metres vertical clearance shall be allowed above the surface of the manhole cover.

14.7.4 Minimum path width required for access to manhole for maintenance requirements shall be 900 mm.

14.7.5 All works carried out adjacent to sewer mains and manholes are not to damage or destabilise the mains or manholes.

14.8 VACUUM SEWER AREAS

14.8.1 No structure shall be permitted to be erected over a vacuum sewer pit or the Council main from that pit, except as provided for in 14.6.2 and 14.9.3.

14.8.2 Erection of fences is permitted over a Council vacuum sewer line provided that:-

- (a) A brick fence located within one (1) metre of pipeline shall have pier and beam foundations to the depth of the pipe invert;
- (b) Posts for timber fences shall be located no closer than 500 mm from the vacuum sewer mains or chambers.

14.8.3 Construction of driveways, carports and pergolas may be permitted over vacuum sewer pits provided that:-

- (a) access to pit is available at all times;
- (b) radial clearance of not less than 1.5 metres is provided from the centre of the pit;
- (c) vertical clearance of not less than two (2) metres is provided above the pit.

14.9 PILE DRIVING

14.9.1. Building applicants and their Contractors shall be liable for all costs for repairs to sewer mains which result from site piling operations.

14.9.2 Pile driving shall not be permitted within fifteen (15) metres of a sewer main, except as provided for in 14.10.3.

14.9.3 Driving of piles may be approved under the followings circumstances:-

- (i) the applicant satisfies Council that the risk of damage to a sewer main is negligible and nominates the contractor responsible for the pile driving;
- (ii) the applicant provides security bond or cash guarantee as determined by Council. The cost of repair of any damage which occurs will be deducted from the security;
- (iii) the pile driving contractor agrees in writing to accept Council's opinion regarding the cause and extent of any damage which may be evident following the pile driving operation;
- (iv) the pile driving contractor shall submit documents as required by Council to confirm that his insurances are adequate prior to commencement of work.

14.9.4 Prior to driving of piles the owner/applicant is required to pay an inspection fee as determined by Council, and give the appropriate Area Overseer two (2) working days notice to arrange CCTV sewer inspections prior to and following the driving of piles.

14.10 SUBMISSION OF DRAWINGS

14.10.1

This section sets out the details that will generally be required for the erection or construction

of a structure located within the zone of influence of a sewer main. Drawings shall be certified by the applicant's Engineer.

1410.2

The following information shall be shown on drawings:-

- (i) Plan view of the proposed building(s) in the region of the sewer main, the extent of any excavation and the pier locations and their depths;
- (ii) Centreline of sewer on plan view;
- (iii) Limits of the Zone of Influence of main;
- (iv) Typical sections across Zone of Influence of main;
- (v) Section across Zone of Influence at the closet point between the main and foundation if it is different to the typical cross section;
- (vi) Engineering details of structural suitability dimensioned;
- (vii) Certification by the applicant's engineer as follows:-

"I,, certify that the footings of this building as designed are adequate to support and protect the building from damage in the event that the sewer main is excavated or disturbance or settlement occurs within the Zone of Influence."

Signed

- (viii) A certification from a practising geotechnical engineer, if the applicant proposes to modify the Zone of Influence.

NOTES TO DRAWING NO. See Attachment 4.

STANDARD SPECIFICATION FOR THE PROTECTION OF SEWER MAINS

INSPECTION

Three (3) working days notice shall be given prior to the commencement of any work.

Before any concrete work is commenced, the sewer main is to be located and uncovered. Care shall be taken to avoid damage to the main and should any such damage occur, it will be repaired at the owner/applicant's cost.

Prior to placement of any concrete and after placement of reinforcement, the owner/applicant shall give at least one (1) working day's notice of the need for an inspection.

No concrete is to be placed until Council's representative has inspected and approved the reinforcement, the prepared trench and the support of the sewer main.

A final inspection of the work will be carried out by Council's representative after placement and curing of the concrete.

CONCRETE

All concrete work shall comply with the requirements of Australian Standard AS 1480-1982 as amended. All concrete shall have a minimum F'c of 20 MPa at twenty eight (28) days.

All concrete is to be placed in such a manner to ensure satisfactory compaction with the absence of segregation.

After completion of pouring the concrete shall, unless otherwise approved by Council's representative, be covered with an approved impermeable membrane and kept in a moist condition for a minimum of three (3) days.

No filling or building work will be carried out in the vicinity of the main during this period.

REINFORCEMENT

Reinforcement shall be as detailed on the attached sketch.

Minimum lap length shall be 450 mm.

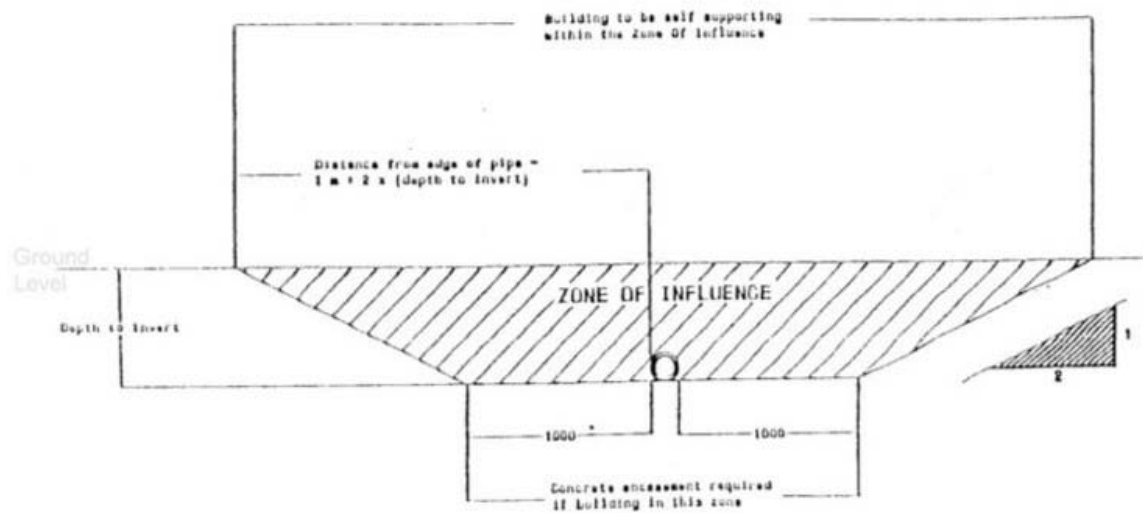
Minimum concrete cover to reinforcement shall be 70 mm.

Reinforcement shall be securely tied with annealed wire at all crossings.

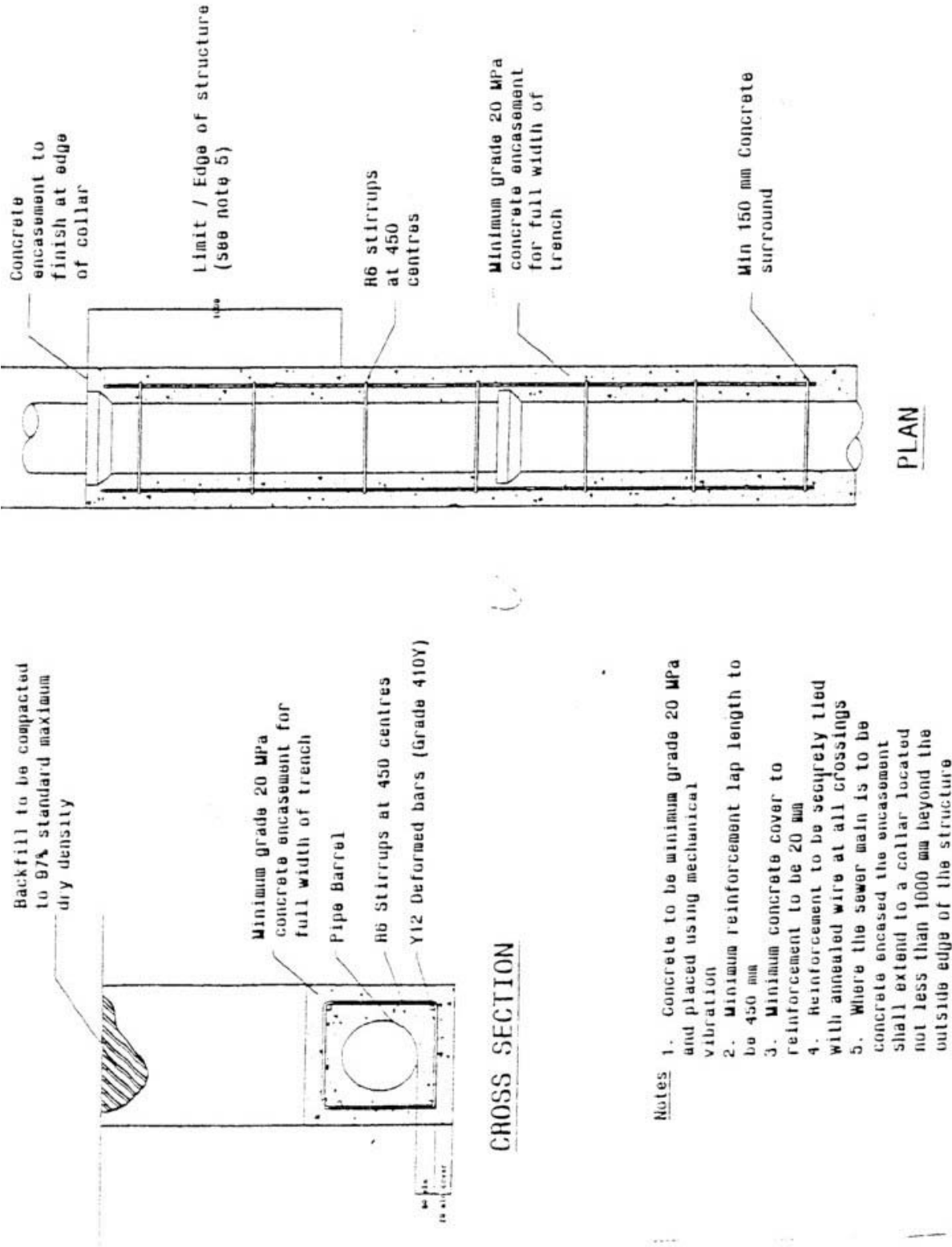
INSPECTIONS

To arrange inspections, Council's Sewerage Engineer can be contacted at the Council Office on 4992 1224.

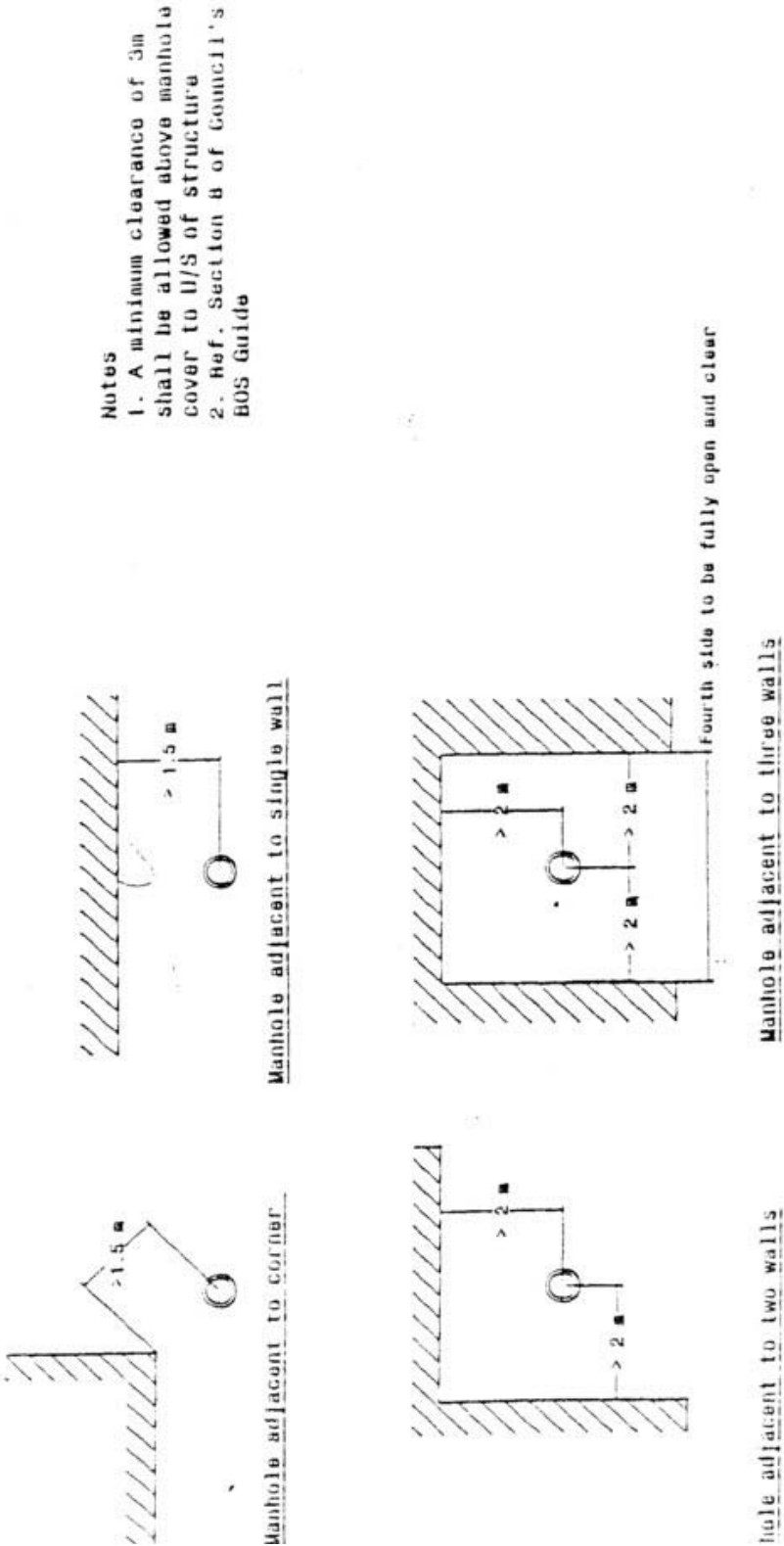
ATTACHMENT 1



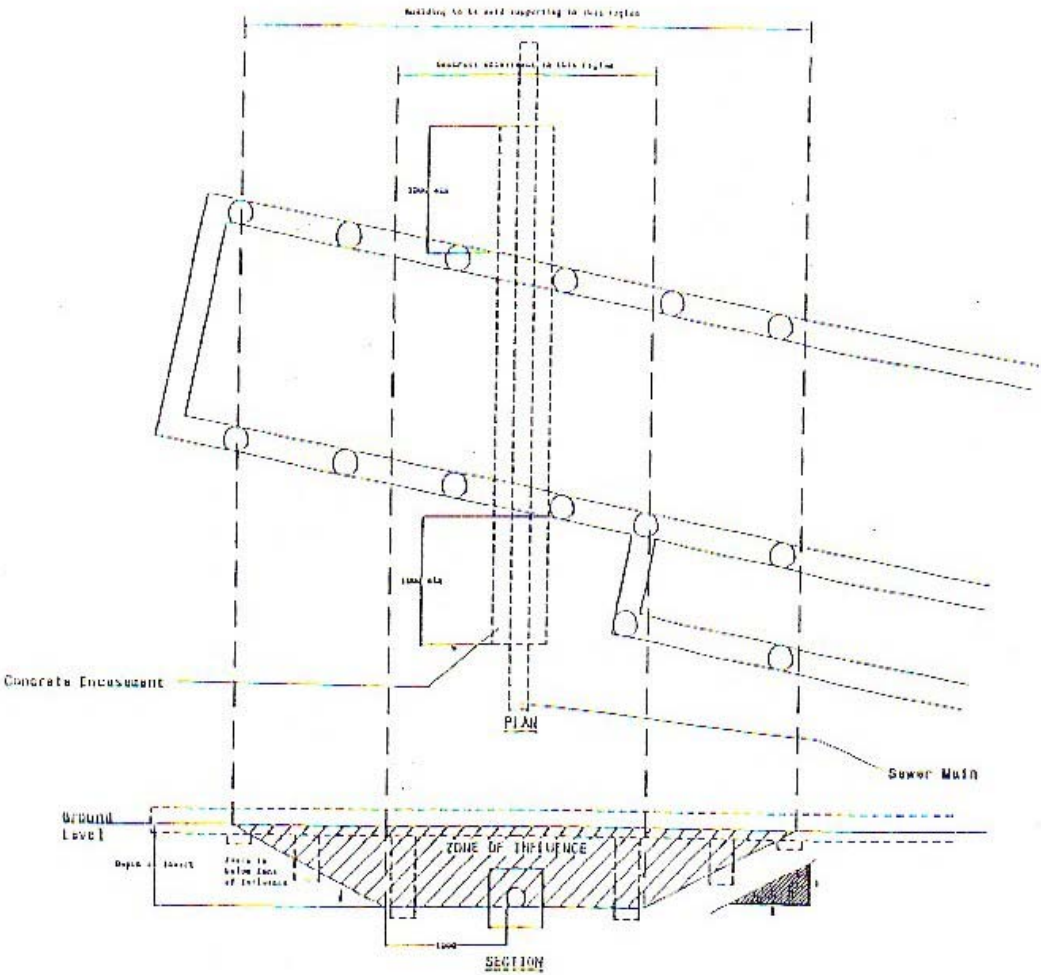
ATTACHMENT 2



ATTACHMENT 3



ATTACHMENT 4



DUNGOG DEVELOPMENT CONTROL PLAN No 1

PART C.15 – Contaminated Land

C.15– CONTAMINATED LAND

15.1 INTRODUCTION

The appropriate management of contaminated land is important to protect human health and the environment. Contaminated land can restrict the development and certain uses of land so therefore can have economic, legal and planning implications for the community and Council.

Contaminated land in NSW is primarily managed through two avenues:

1. Sites where contamination is considered significant enough to warrant regulation are the management responsibility of the NSW Environment Protection Authority (EPA) through the authority provided under the Contaminated Land Management Act 1997.
2. Other sites are managed by Council via its land use planning instruments, through the authority provided under the Environmental Planning and Assessment Act 1979 and State Environmental Planning Policy no.55- Remediation of land (SEPP55).

Council is required to consider whether land is suitable for a proposed use in terms of the risk from contamination and this will be achieved through adherence with this development control plan and Council's Contaminated Land Policy.

15.2 APPLICATION

This DCP chapter shall apply to all land within the Shire of Dungog.

15.3 OBJECTIVES

The objectives of this DCP chapter are

- To ensure protection of community health standards, the protection of the environment and to minimize costs to the community by way of ensuring contaminated land is identified at the earliest possible stage in the development process.
- To establish appropriate procedures for the assessment of applications and the management of contaminated land.
- To provide information to the community regarding the planning and development process and Council's requirements with regard to land that is, or potentially is, contaminated.
- To allow council to fulfill its responsibilities in relation to legislation and guidelines which affect land that is, or potentially is, contaminated.

15.4 CONTROL REQUIREMENTS

Council shall ensure that all development in Dungog Shire is carried out having regard to the requirements of the Dungog Shire Council Contaminated Land Policy, along with all supporting guides and documents that may from time to time exist to guide the management of contaminated land.

16. BIODIVERSITY

This plan, which may be cited at “Dungog Development Control Plan No. 1” – Biodiversity, constitutes a Development Control Plan as provided by Section 72 of the Environmental Planning and Assessment Act, 1979.

BACKGROUND INFORMATION

- Introduction - Why is biodiversity important?
- What does the DCP do?
- What is Dungog Council policy on biodiversity?
- Review of biodiversity information
- Biodiversity issues in Dungog
- How to use the DCP
- New development and biodiversity
- Existing development and activities
- Frequent questions
- Finding out more information

DEVELOPMENT CONTROL PLAN DOCUMENT

PART 1: INTRODUCTION

- 1.1 Title
- 1.2 Commencement
- 1.3 Purpose of Plan
- 1.4 Aims and objectives
- 1.5 Land to which Plan applies
- 1.6 Definitions

PART 2: MAKING DEVELOPMENT APPLICATIONS

- 2.1. Information to accompany applications
- 2.2 Matters for consideration in determining applications
- 2.3 Application of principles and guidelines
- 2.4 Approvals required by other agencies

PART 3: DESIGN AND MANAGEMENT PRINCIPLES

- 3.1 Biodiversity conservation principles for design and management
- 3.2 Application of principles

PART 4: DEVELOPMENT AND MANAGEMENT GUIDELINES

- 4.1 Application of Guidelines
- 4.2 Guidelines for Settlement Structure
- 4.3 Guidelines for Biodiversity
- 4.4 Guidelines for Land and Water
- 4.5 Guidelines for Environmental Design

PART 5: SCHEDULES

- 1 Noxious weeds list
- 2 Environmental weeds list
- 3 Native species of importance in Dungog LGA
- 4 Plant nurseries propagating locally indigenous plants
- 5 Summary of references relating to biodiversity in Dungog LGA
- 6 Development checklists - biodiversity and threatened species
- 7 Threatened species assessment checklist (8 part test)

BACKGROUND INFORMATION

INTRODUCTION - WHY IS BIODIVERSITY IMPORTANT?

Biodiversity is a matter that should be taken into account in undertaking development, in a similar way that road access, services and other natural resource constraints (eg bush fires and flooding) are considered.

Biodiversity refers to the variety of life and supporting processes. Biodiversity includes the native plants, animals, ecosystems and landscapes that characterise the area and make it special. A number of rare and listed threatened species form part of the Shire's biodiversity. Biodiversity includes fungi, plants, insects, fish, amphibians, birds, reptiles, and mammals.

Conservation of biodiversity is an essential principle underpinning ecologically sustainable development and is part of council's charter under the *Local Government Act 1993*. Dungog Shire Council has a policy of achieving ecologically sustainable development.

Council is required to consider the potential for impact biodiversity and on threatened species, populations and ecological communities arising from ALL development applications. The level of assessment required depends on the likelihood of impacts, based on a number of key indicators.

To fulfill its responsibilities under the *Threatened Species Conservation Act 1995* and *Fisheries Management Act 1994*, Council must closely examine the characteristics of the subject land and surrounds, and the attributes of a proposal, to determine the potential effects of development on threatened species, populations, ecological communities or their habitats.

WHAT DOES THE DCP DO?

A development control plan (DCP) is a plan prepared and formally adopted by the Council following a process of public consultation. It outlines the Council's policy and guidelines for development proposals and management of land, and is required to be taken into account in the consideration of development applications.

Development Control Plan 31 - Biodiversity aims to ensure that biodiversity issues are properly taken into account in the undertaking of development and activities within Dungog Shire. The plan will assist the Council to implement its legislative responsibilities for biodiversity conservation.

Development Control Plan 31 - Biodiversity fulfils the following roles:

- Outlines the council's policy on biodiversity
- Reviews biodiversity information within the Shire
- Identifies issues to be considered in carrying out development and activities
- Outlines the process for taking into account biodiversity in development projects, including applicant information requirements
- Provides information and references to assist conservation of biodiversity affected by existing activities

WHAT IS DUNGOG COUNCIL POLICY ON BIODIVERSITY?

Dungog Council's policy in relation to biodiversity is outlined in the DCP. The DCP primarily provides a framework for the assessment and determination of development proposals, but the provisions of the document also support the Dungog Rural Settlement Strategy.

In adopting the DCP, the Council is giving effect to its legislative responsibilities to support biodiversity conservation. Biodiversity is able to co-exist with agriculture and other rural uses, and the intention of the plan is not to inhibit other rural uses, but to ensure that biodiversity impacts are adequately, properly considered and integrated in development and land management activities.

The Council recognises that biodiversity within the local government area is affected by a wide range of programs and activities. The guidelines and principles outlined within the DCP are intended to be applied in a range of Council programs where relevant.

The Council's policy takes into account legislative requirements to consider the conservation of biodiversity included within the *Environmental Planning and Assessment Act 1979*, *Fisheries Management Act 1994*, *Threatened Species Conservation Act 1995* and *Native Vegetation Conservation Act 1997*.

The Council recognises that much biodiversity within the area occurs on private land, and it is the responsibility of landholders to be aware of likely habitat for threatened species on their land, and to protect and appropriately manage such habitat. In fulfilling its responsibilities under the *Environmental Planning and Assessment Act 1979*, the Council will have regard to the financial implications that may arise where actions are taken to protect biodiversity on land.

Incentives may be provided where the Council is satisfied that biodiversity values can be protected in the long term. For example, where developments provide for the protection of biodiversity or are required to prepare and implement a management plan, the Council may consider supporting applications for funding from external sources (such as rural assistance grants, Greening Australia, Hunter Catchment Management Trust) or other options. The *Biodiversity Planning Guide for NSW Local Government* (Fallding et al. 2001) provides more information about opportunities that are available.

REVIEW OF BIODIVERSITY INFORMATION

The DCP has been prepared following a review of biodiversity information that currently exists for the Dungog local government area. A brief review of this information is provided as background to the plan. The available information is primarily at the landscape (regional) scale and for a limited number of site specific locations. It should be used to inform development design and assessment.

The Dungog Council area is located within the NSW North Coast bioregion identified in the Interim Biogeographic Regionalisation of Australia (Thackway & Cresswell 1995). This means that Dungog has generally similar characteristics (and threatened species) to the north coast of NSW, and this region provides a context for determination of the conservation status of species and ecosystems within the Council area. It is important that many plant species are at the limit of their southern distribution within the Dungog Council area.

A substantial part of the biodiversity of the Council are occurs on private land.

Approximately 22% of the local government area comprises native vegetation within National Parks and State Forests and it is estimated that around 50% of the area is covered with greater than 20% canopy cover.

Schedules 3 and 4 to this plan identify plant and animal species recognised as of importance within the Council area. These identify 35 species of plants and 35 species of animals, including threatened species listed under the *Threatened Species Conservation Act 1995* and others at the limit of their natural geographic range. The Dungog State of the Environment Report (Dungog Shire Council 2000) noted 25 species of plants in the Council area which are listed as threatened (11) or rare (10), 17 at the edge of their natural geographic range, 3 are bioregional endemics, and 3 are disjunct populations. Fourteen are nationally rare or threatened. Of the 25 species, only 7 are recorded as protected in reserves, and a number of species have very restricted distributions. There are 2 rare and threatened *Eucalypt* species in the area, *E. glaucina* and *E. largeana*. These Schedules are subject to amendment over time as further information becomes available, and the most up to date information available should be referred to when considering a development proposal.

A wide range of habitat types occur within the Council area, ranging from sub-alpine woodland, rainforests, moist forests, woodlands, riparian vegetation and aquatic ecosystems. This range of habitats combines to give important biodiversity values. To date, there has been no comprehensive documentation or mapping of the biodiversity within the Shire, although detailed studies exist within some National Park and State Forest areas, and on some specific private lands. The Paterson and Clarence Town studies commissioned by the council provide biodiversity information for those areas, and the North East Regional Forest Assessment process has generated substantial predictive modeled biodiversity data for the Shire, including information included in Schedules 3 and 4. Some groups of species within the area are relatively unknown, while others such as amphibians have been poorly documented and require study (ERM Mitchell McCotter 1997b).

Although there are substantial areas of conservation reserve existing within the Council area, these areas are not representative of all the habitat types occurring, and do not adequately conserve the majority of the threatened species that occur.

BIODIVERSITY ISSUES IN DUNGOG

Biodiversity within the Dungog Council area is probably continuing to decline in line with regional and national trends. Decline is directly associated with development and land use.

Processes threatening biodiversity in NSW are identified and listed under the provisions of the *Threatened Species Conservation Act 1995* and *Fisheries Management Act 1994*. These threatening processes should be taken into account in the design and assessment of development applications.

Local threats to biodiversity are outlined in the following table. Key issues contributing to biodiversity decline in Dungog are primarily the clearing of large mature trees and understorey vegetation, removal of dead trees, riparian vegetation, bush fire management practices, weed invasion and forestry.

Checklist of local threats to Dungog's biodiversity

Threat	Solutions
<i>Clearing of native vegetation</i>	Clearing controls; financial incentives for retaining and managing native vegetation; biodiversity assessment and design at early stages of planning and development; ecologically sustainable land management practices; regeneration of fragmented habitat
<i>Building construction and design</i>	Appropriate site selection, urban consolidation and alternative urban form; design to minimise paving and increase pavement permeability; smaller building footprint
<i>Land filling and earthworks</i>	Alternative building and subdivision design; appropriate site selection; education for construction industry; prevention of development on unsuitable land
<i>Bush fire management</i>	Design and siting of development to minimise bush fire risk; appropriate fire management and vegetation monitoring
<i>Stock grazing</i>	Protection of remnant bushland by fencing, alternative grazing strategies
<i>Pollution and land contamination</i>	Reduction in use of persistent artificial chemicals; improved land management practices
<i>Alteration to hydrological systems; increased nutrients; salinity</i>	Reduced development runoff, water sensitive urban design, management and environmental assessment; reduced fertiliser use; education; retain native vegetation
<i>Climate change and global warming</i>	Reduction in land clearing and fossil fuel use, efficient energy use; integrated planning of land use and transport
<i>Roads and traffic</i>	Appropriate location; design standards; community Education
<i>Soil erosion, sedimentation and Compaction</i>	Site capability planning; better site design, management and assessment; implementation of erosion and sediment control policies
<i>Waste disposal and rubbish dumping</i>	Education; enforcement of legislation; cultural change
<i>Introduction of non-native plants</i>	Education programs; regulation; use locally indigenous landscaping species; maintain resilient natural ecosystems; weed control, incorporation of management practices (eg washing of earthmoving plant) to prevent spread of weed seeds.
<i>Introduction of non-native animals</i>	Education; regulation; predator control; responsible pet ownership

Note: Whilst some of the above threats and solutions are beyond local government control, there is considerable scope for the council to influence decisions made by other levels of government or by the local community.

HOW TO USE THE DCP

This development control plan (DCP) includes matters for **site specific DA consideration** pursuant to section 79 of the *Environmental Planning and Assessment Act 1979*. This is used by council when determining applications and includes a checklist of matters to be considered, and consent conditions which may be applied where relevant.

This DCP must be read in conjunction with other planning documents and other DCP documents that may apply. This DCP highlights situations where this may occur.

Biodiversity and threatened species issues should be considered:

- In ALL development proposals (including subdivisions).
- In carrying out land management activities arising from a development.

In preparing and making a development application, applicants are required to consider the biodiversity impacts of a proposal. This will assist the determination of the proposal by the Council.

Applicants are required to complete a checklist where a development is likely to result in the clearing of native vegetation, or may impact upon threatened species or other biodiversity values. Depending on the type and location of a development, and its scale, a field survey may be desirable, and a report to accompany the development application may be required. It is the applicant's responsibility to prepare these reports.

The accompanying diagram outlines the steps involved in the assessment of biodiversity issues in development applications by the Council.

The Plan outlines issues affecting biodiversity which are relevant to the consideration and determination of development applications. Relevant issues are grouped as follows:

Settlement structure issues - These are issues relevant when considering the location, appropriateness and feasibility of a development proposal. They are mainly associated with strategic planning, local environmental plan provisions and Dungog Rural Settlement Strategy and include preferred land uses, subdivision layout and road and access design.

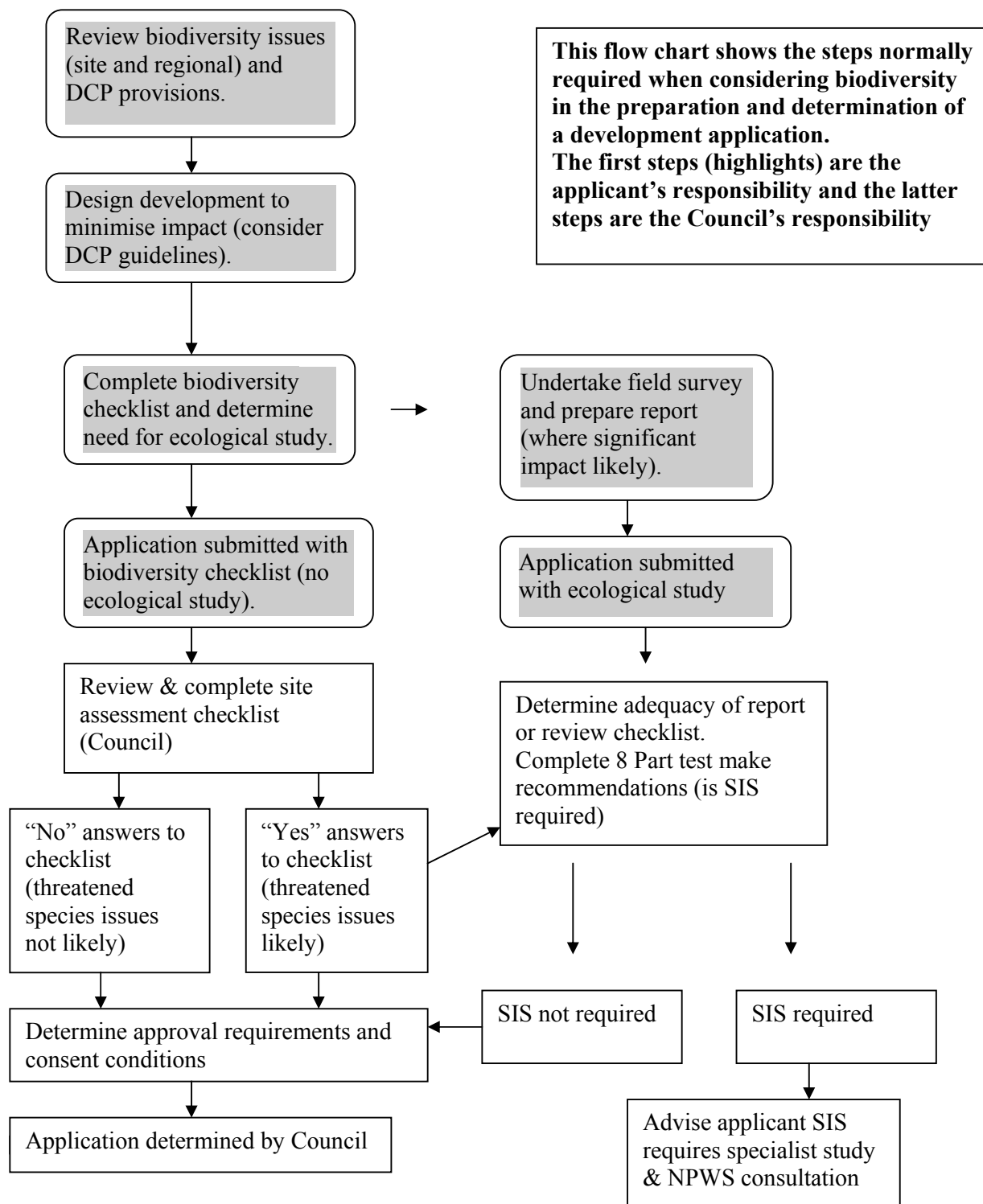
Biodiversity issues - These are issues relevant to understanding the regional and landscape context of site biodiversity, design, approval and survey and assessment requirements. This plan provides guidelines for bushland, streams, natural wetlands, native fauna, non-native fauna, weeds, threatened species, habitat corridors and Koala habitat.

Land and water issues - These are complementary landscape design and management issues directly related to biodiversity, including streams and stormwater, erosion, sediment and dust control, excavation and filling, land rehabilitation and bush fires.

Environmental design issues - These are issues relevant to the design, construction and ongoing management of development and activities. Generally they are relevant at

the site specific level and the detailed design and construction stage of development, including paving, construction works, tree preservation, landscape design, waste disposal, cultural and historic sites and roadside vegetation management.

Flow chart - biodiversity assessment of development applications



The following table provides a general indication of required information to accompany development applications.

Indicative requirements for development types

Type of development	Biodiversity planning and assessment requirement
Subdivision of land (other than readjustment of existing boundaries and consolidation)	Requires completion of biodiversity checklist and site plan. Design and layout should consider biodiversity. May require field survey and fauna and flora review by ecologist where threatened species are likely.
Dwellings on existing subdivided Allotments	Applicants required to complete checklist.
Commercial development (eg industrial, tourist, or intensive agriculture)	Development guidelines for biodiversity to be considered in design of proposal. Checklist to be completed, and a fauna and flora review. Field survey may be required where threatened species are likely.
Major developments (eg mines or large subdivisions)	Development guidelines for biodiversity to be considered in design of proposal. Specialist surveys should be undertaken and species impact statement likely. Plan of management for site should be prepared.
Development including clearing or disturbance to more than 1ha of natural bushland	Development should avoid natural bushland areas. Field survey for threatened species is likely to be required for development proposals.
Roads	Requires completion of biodiversity checklist. Design and layout should consider biodiversity. May require field survey and fauna and flora review by ecologist where threatened species are likely. Forestry Compliance with Native Vegetation Conservation Act 1997 requirements (See Department of Land and Water Conservation).
Development of urban or industrial zoned land	No requirements. Threatened species issues must be considered where appropriate.
Development of grazing or cultivated Land	Applicants required to complete checklist. Impacts on riparian areas need to be considered.
Development on land adjoining conservation reserves or natural bushland	Development must ensure buffer areas around conservation reserves, and be designed to minimise potential impacts. Applicants required to complete checklist.

NEW DEVELOPMENT AND BIODIVERSITY

New development proposals are required to take into account biodiversity issues. This means that developers make an assessment of the regional biodiversity context of the site and site specific habitat attributes. If important biodiversity values are likely to occur, then site specific survey may be required, and a proposed development may require modification, redesign or relocation.

Dungog Shire Council is required to make an assessment of the adequacy of the proposed development and accompanying information. Applications may be refused if adequate supporting information is not provided or if the location of a proposed development is not suitable.

The Council is responsible for assessing the biodiversity impacts of development applications and for determining whether a significant effect on threatened species is likely to occur. This forms part of the approval process and will be reflected in conditions of development consent

EXISTING DEVELOPMENT AND ACTIVITIES

The requirements of this Plan do not apply to existing development and activities. The Plan does provide **advisory information** relating to ongoing land management and desirable principles (criteria) which may be applied by landowners. These are suggestions for actions that will support the biodiversity objectives of Council. The Plan provisions will be taken into account by Council in its approval of activities under Part 5 of the *Environmental Planning and Assessment Act 1979*, and may also be referred to by other agencies.

Developers may wish to consider applying measures over and above those normally required by Council as appropriate for the site.

FREQUENT QUESTIONS

Answers to some important questions are outlined below:

What do applicants for development projects need to be aware of?

All applicants need to be aware that:

- Applicants have responsibilities for providing information to accompany development applications in relation to remnant native vegetation and biodiversity on a site.
- Biodiversity and threatened species are an important consideration by Council in the determination of development applications.
- Where a proposed development application is likely to have a significant effect on threatened species, endangered ecological communities, or populations listed under the *Threatened Species Conservation Act 1995* or *Fisheries Management Act 1994*, a species impact statement (SIS) may be required to accompany the application.
- Applicants are responsible for obtaining separate Commonwealth approval under the *Environment Protection and Biodiversity Conservation Act 1999* where an activity may have a significant effect on a nationally listed threatened species, endangered ecological community or migratory species.

What are the requirements for single dwellings on individual blocks?

Applicants are required to consider biodiversity in all development proposals. However, no additional requirements will normally apply for single dwellings on existing subdivided lots in previously cleared locations.

What requirements will apply for larger developments?

Most large developments will require a flora and fauna study to be carried out by a qualified and experienced ecological consultant. The specific requirements depend on the type and scale of the development, the location, and the extent to which the guidelines in this Plan have been applied in the design of the development.

What is the council trying to achieve?

In this Plan, the Council is seeking to ensure that biodiversity and ecological sustainability are considered in all development proposals, and that the Council's legal responsibilities are fulfilled. This will provide community benefits and certainty to developers.

How do I identify the biodiversity on my property?

Biodiversity refers to the range of natural species occurring. On a site this is best done by observation by persons familiar with biodiversity. Reference books and other material can provide a guide as to the species that are likely to occur. Specialists may be required to identify rare or threatened species, since many of these species are difficult to find.

What are threatened species?

Threatened species are native species listed in the *Threatened Species Conservation Act 1995* and *Fisheries Management Act 1994* as endangered or vulnerable to extinction. Note that biodiversity is more than just threatened species, and includes the variety of life forms and ecological processes upon which threatened species rely for their survival.

What is a threatening process?

Processes leading to the decline of threatened species are listed in the *Threatened Species Conservation Act 1995* and *Fisheries Management Act 1994*. These processes include spread of introduced pest or weed species such as the Red Fox and Bitou Bush, frequent fire, bushrock removal, clearing of native vegetation, introduction of fish to fresh waters within a river catchment outside their natural range, and degradation of native riparian vegetation along New South Wales water courses. Up to date listings are available on the NSW National Parks and Wildlife Service and NSW Fisheries websites.

What is meant by clearing?

The Plan defines clearing as any removal or disturbance to native vegetation. See the exact definition in the Plan for clarification of what clearing includes.

Does underscrubbing affect biodiversity values?

Underscrubbing is the clearing of undergrowth and understorey vegetation, leaving individual trees and groundcover plants. Underscrubbing of shrubs removes important habitat for threatened species and has adverse effects on natural ecosystems, often leading to increased weed infestation. In general, underscrubbing should not be undertaken without undertaking a review of biodiversity effects.

If I am going to do undertake a development what do I need to do?

The first thing to do is to recognise that any remnant vegetation on the land may have biodiversity value and may provide habitat for threatened species from time to time. Native vegetation may also have important corridor values. Any development or land management activities should be designed to minimise disturbance to natural habitats by using the guidelines in this Plan. Where development is to occur in sensitive or important locations, specialist assessment and field survey may be required.

What is acceptable/unacceptable in terms of clearing or cutting of trees (for firewood, views, agriculture, etc)?

In general, the removal of large, old or dead native trees for any purpose is unacceptable except for safety reasons, since these are important for the conservation of biodiversity within the Council area. Isolated paddock trees should also be protected, since they have corridor value, especially for birds. Underscrubbing or clearing of understorey vegetation in bushland areas is unacceptable. Development should be sited to avoid the requirement for future clearing of native vegetation. Cutting of trees should be restricted to regrowth or trees that have been planted.

Is there a map showing significant areas of biodiversity within the Council area?

Large areas of natural vegetation occurring within the Council area (such as National Parks and State Forests) have been mapped. However, much important biodiversity is site specific or occurs in small patches (eg rainforests, pockets of remnant grassland or individual large paddock trees with hollows). Therefore, it is not possible to identify site specific important elements of biodiversity throughout the Council area. Most properties still retain some important biodiversity values, and these are best identified on a site survey.

How should the guidelines in the DCP be applied?

The guidelines provide guidance and will not apply in all circumstances. They can be used as a checklist in the design and approval of development proposals. Specific guidelines need to be taken into account for each individual site as appropriate. These guidelines may be applied as conditions of development consent, and therefore a development requirement.

Who determines if a field biodiversity survey and report is required prior to the lodgement of a development application?

This is based on a review of biodiversity information for the locality and an inspection of the site, and any native vegetation that may occur. The DCP provisions give guidance as to important species that may occur and settings where impacts may be important. Although any survey and report is the responsibility of an applicant, the Council is ultimately responsible for determining the level of biodiversity survey or assessment that may be required and may require submission of additional information.

When do you need to prepare a SIS?

A species impact statement (SIS) is required where the Council considers it is likely that a development will have a significant effect on threatened species. Advice regarding the requirements for a SIS can be obtained from the NSW National Parks and Wildlife Service.

Do you need to review the likely occurrence of threatened species occurring on the site?

Yes. Information on species identified as of importance in the Council area (including threatened species) is included in this plan, and provides the context for the review. An assessment of the potential for these species to occur should be undertaken, and the presence of suitable habitat on the site evaluated. In most cases you are unlikely to require a detailed field survey?

When is a field biodiversity survey likely to be required?

Field survey by a specialist ecologist is likely to be required where threatened species are likely to occur on land, or suitable habitat is present, or when a site contains vegetation that is identified as an endangered ecological community.

Specialist ecological surveys and reports are required when:

- A development is likely to result in clearing or adverse effects to important areas of native vegetation (eg larger than 1 ha in area).
- The Council has determined that a development is likely to have a significant adverse effect on threatened species, endangered ecological communities or populations, and a SIS is required.

When is a biodiversity survey required for subdivision?

Where threatened species exist or are likely to occur, adjoining conservation reserves such as national parks, where land contains areas of native vegetation of importance.

If I am planting trees or landscaping, should I plant locally indigenous species?

Yes. Locally indigenous species are suited to the locality and many species may be available from local nurseries. When specifying species to plant, check to make sure that these are sourced from local seed or plant material (referred to as local provenance). A list of nurseries with local plant material is included in the Plan.

What happens if the biodiversity DCP conflicts with other considerations such as bush fire hazard reduction requirements?

The DCP outlines matters for consideration in the determination of development applications. Where there are conflicting guidelines or requirements, it is the responsibility of the Council to determine which requirement is more important in the circumstances of the case. This requires that each application be determined on its merits.

What biodiversity issues need to be considered at the subdivision stage?

The main biodiversity issues to be considered in subdivision relate to the location of property boundaries, access roads, measures to protect important areas of native vegetation, and land capability and suitability. In many cases it will be appropriate to prepare a plan of management for the future use of the land to accompany an application for subdivision.

How does this DCP relate to clearing controls under the *Native Vegetation Conservation Act 1997*?

This Plan applies to development applications made under the *Environmental Planning and Assessment Act 1979*. It does not specifically relate to development applications for clearing under the *Native Vegetation Conservation Act 1997* but may be taken into account in determining such applications.

FINDING OUT MORE INFORMATION

The Plan includes a reference list of biodiversity information within the Council area. Additional site specific information also may exist, such as environmental impact statements or scientific surveys or papers.

More information is available from ...

- NSW National Parks and Wildlife Service (for threatened species and endangered ecological community listings) - **www.npws.nsw.gov.au**
- NSW Fisheries (for marine and aquatic threatened species and endangered community listings) - **www.fisheries.nsw.gov.au**
- Environment Australia (for Commonwealth threatened species and endangered ecological community listings) - **www.ea.gov.au**
- Community Access to Natural Resources Information (CANRI) allows internet access to NSW natural resources information - **www.canri.nsw.gov.au**

The *Biodiversity Planning Guide for NSW Local Government* includes useful reference material relating to biodiversity and planning which may assist with the formulation of plans and proposals. This is available from the NSW National Parks and Wildlife Service and can be accessed at **www.npws.gov.au** and **www.lgov.nsw.gov.au**

PART 1: INTRODUCTION

1.1 TITLE

This Plan is called *Dungog Development Control Plan No 31 —Biodiversity, Habitat Corridors and Tree Preservation*.

1.2 COMMENCEMENT

This Plan commences on a date to be notified by the Council.

Note: The plan was approved by the Council on, and commenced on (see Minute No. Public notice of the Council's approval of the plan appeared in the on

1.3 PURPOSE OF PLAN

The purpose of this Plan is to:

- provide more detailed guidelines on the implementation of *Dungog Local Environmental Plan 2003*, and
- to specify matters to be considered in the determination of development applications made under the *Environmental Planning and Assessment Act 1979*.

This plan is a policy document which the Council will take into account in considering development and subdivision applications.

The plan principles and guidelines should also be taken into account in the consideration of approvals for activities under Part 5 of the *Environmental Planning and Assessment Act 1979*. For example, the guidelines in the plan should be considered in undertaking roadworks under the *Roads Act 1993*, bush fire hazard reduction works and other activities carried out under the *Rural Fires Act 1997*, and carrying out of other infrastructure projects by Council or other agencies.

1.4 AIMS AND OBJECTIVES

The principal objectives of this Plan are to:

- protect and preserve native vegetation and biodiversity in the Dungog Council area
- retain native vegetation in parcels of a size and configuration which will enable the existing plant and animal communities to survive in the long term
- protect and enhance habitat for threatened species, populations and ecological communities
- maintain and enhance corridors for fauna and flora.

1.5 LAND TO WHICH PLAN APPLIES

This plan applies to all land within the Dungog Council area, but in general is not applicable within urban areas.

1.6 DEFINITIONS

The definitions within *Dungog Local Environmental Plan 2003* apply to this plan. Where not inconsistent with the *Dungog Local Environmental Plan 2003*, the definitions in the *Biodiversity Planning Guide for NSW Local Government* are adopted for reference purposes.

PART 2: MAKING DEVELOPMENT APPLICATIONS

2.1 INFORMATION REQUIRED TO ACCOMPANY DEVELOPMENT APPLICATIONS

Information to accompany applications for development must be adequate to fully describe the nature of the development. In addition, where native vegetation is proposed to be cleared, or will be cleared as a direct consequence of the development, the checklist in Schedule 6 to this plan must be completed.

Where a development may affect native vegetation the following information may be required to accompany a development application or may assist in its determination by the Council:

- vegetation survey of the land undertaken by a qualified person
- fauna survey of the site undertaken by a qualified person
- species impact statement (if the development is likely to significantly affect a threatened species, population or ecological community)
- a management plan for the land outlining how the land is proposed to be managed in the future.

The Council may specify additional requirements or guidelines for undertaking adequate fauna or vegetation surveys. Surveys shall take into account any survey standards or guidelines published by the NSW National Parks and Wildlife Service.

Any developments that are expected to disturb more than 1 ha of land, all subdivisions creating more than 5 additional lots, and all development for extractive industries, require the carrying out of a biodiversity survey to accompany the development application.

2.2 MATTERS FOR CONSIDERATION IN DETERMINING APPLICATIONS

The matters required to be considered in determining development applications are specified in the *Environmental Planning and Assessment Act 1979*.

The Council is responsible for considering a wide range of impacts from development, including the effect on protected and threatened species of native fauna and flora and natural ecosystems.

The Council is required to consider whether there is likely to be a significant effect on threatened species, populations or communities. If there is likely to be a significant effect then a species impact statement is required for the development. In determining whether there is likely to be a significant effect, the following matters identified in the Act must be taken into account:

- in the case of a threatened species, whether the life cycle of the species is likely to be disrupted such that a viable local population of the species is likely to be placed at risk of extinction,
- in the case of an endangered population, whether the life cycle of the species that constitutes the endangered population is likely to be disrupted such that the viability of the population is likely to be significantly compromised,
- in relation to the regional distribution of the habitat of a threatened species, population or ecological community, whether a significant area of known habitat is to be modified or removed,
- whether an area of known habitat is likely to become isolated from currently interconnecting or proximate areas of habitat for a threatened species, population or ecological community
- whether critical habitat will be affected,
- whether a threatened species, population or ecological community, or their habitats, are adequately represented in conservation reserves (or other similar protected areas) in the region,
- whether the development or activity proposed is of a class of development or activity that is recognised as a threatening process,
- whether any threatened species, population or ecological community is at the limit of its known distribution.

2.3 APPLICATION OF PRINCIPLES AND GUIDELINES

The principles and guidelines specified in this plan apply to all development proposals, except where it can be shown that they are not appropriate.

The principles and guidelines are to be considered by the Council when assessing whether or not development proposals should be approved, and in determining what conditions of approval (if any) should apply.

2.4 APPROVALS REQUIRED BY OTHER AGENCIES

In some cases, additional approvals may be required from other agencies before a development can proceed.

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PART 3: DESIGN & MANAGEMENT PRINCIPLES

3.1 BIODIVERSITY CONSERVATION PRINCIPLES FOR DESIGN AND MANAGEMENT

The following principles are to be used in designing and assessing development proposals. The principles have been derived from the *Biodiversity Planning Guide for NSW Local Government*.

Principles for site scale design and management

Principle

Protect all natural areas, not only those of identified highest value

Protect whole communities and ecosystems, and the natural processes that support them

Maintain and enhance existing biodiversity by applying a policy of 'no net loss'

Minimise landscape fragmentation

- Recognise the different habitat requirements of individual species
- Conserve biodiversity in-situ in its natural environment
- Ensure that development minimises disturbance to natural systems
- Promote native species and avoid introducing non-native species
- Protect rare and ecologically important species (including rare and threatened species)
- Protect unique or sensitive environments (such as rainforests, riparian areas and steep slopes)
- Monitor biodiversity impacts over time, and link monitoring to ongoing management
- Apply a precautionary approach where a proposal might lead to irreversible consequences

3.2 APPLICATION OF PRINCIPLES

The objectives of the Dungog Local Environmental Plan 2003 and this Plan shall be considered in the determination of any development application within the Dungog Council area.

The principles identified in section 3.1 of the Plan are to be used to assess and determine the adequacy of information accompanying a development application, and can be applied as criteria for the determination of development proposals under the *Environmental Planning and Assessment Act 1979* and *Native Vegetation Conservation Act 1997*.

PART 4: DEVELOPMENT & MANAGEMENT GUIDELINES

This part of the Plan identifies biodiversity objectives and performance standards for development. Note that guidelines are not requirements. Not all guidelines will be relevant in all cases. When using the development and management guidelines, it is important to determine which issues are relevant to the specific site or development proposal..

This part of the Plan should be used as a checklist to determine:

- ♦ **issues** relevant for consideration in the proposal
- ♦ the **biodiversity objectives** that should be met
- ♦ relevant **practice guidelines** for carrying out development
- ♦ sample **consent conditions** that may be applied where appropriate

The development and management guidelines in this part should be taken into account by applicants in preparing development proposals and the Council when considering development applications.

4.1 APPLICATION OF GUIDELINES

The following guidelines apply and shall be taken into account in considering proposed development within the Council area. These have been developed for specific issues that generally apply throughout the Council area. Specific area based guidelines may apply in addition to the generic guidelines.

Guidelines are included in this plan for the following issues:

Settlement structure

- ♦ Preferred land uses

- ♦ Subdivision layout
- ♦ Roads and access

Biodiversity

- ♦ Bushland
- ♦ Streams
- ♦ Natural wetlands
- ♦ Native fauna
- ♦ Non-native fauna
- ♦ Weeds
- ♦ Threatened species
- ♦ Habitat corridors
- ♦ Koala habitat

Land and water

- ♦ Streams and stormwater
- ♦ Erosion, sediment and dust control
- ♦ Excavation and filling
- ♦ Land rehabilitation
- ♦ Bush fires

Environmental design

- ♦ Paving
- ♦ Construction works
- ♦ Tree preservation
- ♦ Landscape design
- ♦ Waste disposal
- ♦ Cultural and historic sites
- ♦ Roadside vegetation management

4.2 GUIDELINES FOR SETTLEMENT STRUCTURE

4.2.1 PREFERRED LAND USES

OBJECTIVE

To ensure appropriate uses of land with biodiversity values, and protection of natural habitats from inappropriate development.

To ensure compatibility of new development with adjoining or adjacent land with a priority for biodiversity conservation (such as National Parks, Nature Reserves, State Forests, and land subject to conservation agreements).

To protect regional habitat links by ensuring incompatible development does not occur.

GUIDELINES, ACCEPTABLE PRACTICE & STANDARD CONDITIONS

Subdivision lot sizes should have regard to land use and biodiversity values.

Proposed developments around the perimeter of State Forests, National Parks and Nature Reserves should ensure that the integrity of these areas as conservation units is maintained, and a suitable buffer of natural land is provided and habitat linkages between conservation reserves are maintained and enhanced.

No subdivisions will be permitted on land enclosed within conservation reserves, or where subdivisions and subsequent land uses could impact on buffer areas surrounding

reserves.

The Council will consult with the National Parks and Wildlife Service in regard to any proposal likely to affect areas within the jurisdiction of that agency, especially in regard to access and potentially adverse effects on water quality.

Any new roads shall be designed to minimise unauthorised vehicular access to conservation reserves.

Clearing of native vegetation (other than regrowth on agricultural land) is generally not supported except where this can be demonstrated to be essential for the economic use of land.

4.2.2 SUBDIVISION LAYOUT

OBJECTIVE

To ensure that subdivision design takes into account biodiversity considerations and facilitates minimum impact development to protect any remnant native vegetation on the site and on adjoining land.

Allotment layouts should ensure important areas of vegetation are not fragmented by lot boundaries, roads or fences.

GUIDELINES, ACCEPTABLE PRACTICE & STANDARD CONDITIONS

On lots directly fronting bushland it is necessary to have on-site drainage controls to prevent nutrient and erosion impacts on the bushland. On-site fuel reduction zones should also be provided to minimise bushfire hazards. Both must be located within a bushland setback zone having a minimum width of 10 metres from adjoining bushland.

Development should maximise the conservation of the natural features of the site (including rock outcrops, cliffs, soil profiles, watercourses, important fauna habitats and rare or threatened plant habitats).

Perimeter roads are desirable from the point of view of bushfire control but may not always be feasible if site disturbance is to be minimised.

In recognition of the desirability of limiting additional riparian rights resulting from land subdivision, the number of allotments with river frontage is to be minimised.

Riparian areas along river banks should be revegetated and fenced from grazing stock with appropriate weed management.

In giving approvals for the subdivision of new allotments, the Council recognises that on land where biodiversity issues are an important consideration in development, areas of native vegetation should be retained in blocks of not less than 5 hectares and a desirable minimum of 30% of the area of each lot should be protected for biodiversity conservation. (Note that this provision does not apply to lots with an area of less than 2 hectares, and applies primarily to land having an area of more than 10 hectares)

Approvals may conditional upon the preparation of a plan of management to provide for conservation of biodiversity on land proposed for subdivision. Such a plan may be required prior to the release of the final plan of subdivision. This plan of management may be linked to conservation or property agreements, covenants or development

entitlements.

Areas of native vegetation in subdivision areas may be included in common property or reserves.

Subdivision boundaries should follow an alignment suitable for fence lines, taking into account the need to clear and maintain fence lines, and bush fire hazard reduction measures that may be required in future along boundary fences (eg 6 metres clearing).

4.2.3 ROADS AND ACCESS

OBJECTIVE

To ensure that impacts of biodiversity as a result of the location and construction of new roads and access is minimised

GUIDELINES, ACCEPTABLE PRACTICE & STANDARD CONDITIONS

The length of new roads is to be minimised. Where possible, road alignments are to be designed to avoid stream crossings, steep slopes and areas of remnant native vegetation.

Roads are to be designed to meet Council's normal road construction standards, and shall comply with soil erosion and sediment control requirements.

4.3 GUIDELINES FOR BIODIVERSITY

4.3.1 BUSHLAND

OBJECTIVES

To maintain (and where possible increase) the current area of bushland, and to retain the natural species diversity of bushland as far as possible.

GUIDELINES, ACCEPTABLE PRACTICE & STANDARD CONDITIONS

Before any activity with significant potential to disturb native vegetation or bushland is carried out (eg development with a total footprint of more than 1 ha), a plant survey is to be undertaken to establish an inventory of the species present, any specific management requirements for particular plants, to determine the importance of the bushland on the site (in conjunction with any adjoining bushland), and the range of possible conservation alternatives. This requirement does not apply to the erection of single dwellings on existing allotments approved by Council.

Measures are to be taken to prevent disturbance to existing vegetation, including roots, hydrological regime, and surrounding soil.

Management of bushland and adjoining land should retain dominant native species and allow natural processes to continue. Natural vegetation communities are self sustaining and may change over time according to changes in environmental factors such as climate, bushfires and other disturbance.

Where land disturbance occurs, natural regeneration is the preferred method of rehabilitation.

Management of bushland should have regard to the value of the vegetation as fauna

habitat. In particular, old trees (both living and dead), fallen logs, bushrock and a diverse vegetation structure including understorey species should be maintained for fauna habitat.

Native vegetation is not to be removed from habitat corridors or adjoining land. Nonnative vegetation removed from the site is to be disposed of away from bushland to avoid spread of seed, or introduction of additional nutrients. Trees may be removed or cut only where they are hazardous to public safety, or where they are a weed or nonnative species.

Locally indigenous species should be used for revegetation and restoration of bushland. Appropriate rehabilitation measures should be taken such as reusing seed banks in topsoil, using local mulch, etc.

4.3.2 STREAMS

OBJECTIVE

To facilitate water quality and flow conditions in streams and their catchments to allow stream biodiversity to be retained, and where possible, to return stream biodiversity to pre-development levels.

GUIDELINES, ACCEPTABLE PRACTICE & STANDARD CONDITIONS

Development should minimise disturbance to existing natural vegetation, watercourses, wetlands and overland flow paths.

Building or site development is to maintain pre-development surface and groundwater flows.

In the case of development in the vicinity of streams (or likely to have a significant effect on streams), monitoring of stream conditions should be undertaken prior to, during and after any approval to ensure compliance with stream biodiversity objectives.

Riparian vegetation is natural vegetation along streams, stream banks and floodplains. Where practical, this vegetation should be fenced off from grazing stock and allowed to regenerate, and may be included as a condition of any approval for subdivision of land where appropriate.

Any developments along streams must take into account impacts upon threatened aquatic species listed under the *Fisheries Management Act 1994*.

4.3.3 NATURAL WETLANDS

OBJECTIVE

To protect natural wetlands and ensure that development within wetland catchment areas does not cause adverse effects.

GUIDELINES, ACCEPTABLE PRACTICE & STANDARD CONDITIONS

Any activity undertaken is to result in no net loss of wetland area. Measures must be taken to ensure that there is no degradation of the quality of wetlands.

Reclamation, filling, draining or other works that result in any loss of, or disturbance to wetlands or other associated natural habitat must not be carried out.

Each individual wetland site is different and contains a unique combination of plants, animals, and geological characteristics. Where any activities or works are proposed which drain directly to the wetland, an evaluation of the specific information relating to the site is to be compiled and taken into consideration.

To protect wetland ecosystems, grazing of natural wetlands by domestic stock should not occur unless restricted and carried out on an intermittent basis.

4.3.4 NATIVE FAUNA

OBJECTIVE

To protect and maintain native fauna populations and their habitats, and where appropriate, to take steps to increase and enhance fauna habitat.

GUIDELINES, ACCEPTABLE PRACTICE & STANDARD CONDITIONS

Impacts on fauna and flora and habitat are to be taken into consideration whenever any development or management activity is proposed.

Fauna surveys must be undertaken prior to any significant development works likely to affect the habitat of any threatened native fauna.

Re-introduction and release of native fauna should only be carried out where it is reasonably likely that the land forms part of the individual's expected home range. The proponent should consult with the NPWS regarding licensing requirements.

Exercising or training of domestic animals (eg horses, dogs, cats, etc) is an activity which is incompatible with the protection and management of native fauna and habitat.

Trees and shrubs should be encouraged to regenerate along road verges to make it easier for fauna species to cross roads, provided that road safety standards and requirements are met.

Areas of vegetation (desirable minimum width 150 metres), with a width-to-length ratio as small as possible, should be retained or allowed to naturally regenerate so as to provide fauna habitat.

Old trees, whether living or dead, and fallen timber, leaf litter, and bushrock should be retained to provide fauna habitat, except within fuel reduced zones required for bush fire hazard mitigation.

A greater diversity of vegetation and a mix of habitat types is likely to provide for a greater range of native species.

Removal of bushrock, or the cutting or removal of dead trees, fallen trees or branches from the site, must not be carried out unless undertaken as part of bushfire hazard reduction works.

4.3.5 NON-NATIVE FAUNA

OBJECTIVE

To facilitate the control of pest animals (foxes, wild dogs, feral cats, etc) within all areas of native vegetation.

GUIDELINES, ACCEPTABLE PRACTICE & STANDARD CONDITIONS

Domestic pets such as dogs and cats should not be kept on identified properties directly adjoining bushland, or should be confined within buildings.

4.3.6 WEEDS

OBJECTIVES

To facilitate the implementation of weed control and management measures that act upon the processes causing weed invasion of natural areas.

GUIDELINES, ACCEPTABLE PRACTICE & STANDARD CONDITIONS

Weed control refers to control of non-indigenous native plants, particularly invasive species. Important elements of weed control is gaining an understanding of the causes of weed invasion, and taking measures to minimise these causes.

Weed control techniques are to be carried out in a manner that minimises negative environmental impacts. Different techniques are required in varying situations, especially along watercourses, which are very sensitive to pollution impacts. Regular monitoring of weeds is to be carried out on an ongoing basis so as to identify and respond to the occurrence of new plant species that pose a potential threat to native vegetation.

Weed invasion occurs in native vegetation mainly as a result of the following factors:

- physical site disturbance
- increased soil moisture due to runoff from adjacent areas
- increased nutrients from runoff or waste dumping
- increased light levels due to clearing or dieback
- increase in weed propagules and seed dispersal agents.

Measures are to be taken to prevent the occurrence of factors leading to weed invasion.

Noxious weeds, declared under the *Noxious Weeds Act 1993*, are plants posing a threat to agriculture, the environment or the community. Noxious weeds listed for Dungog Council area are listed in Schedule 1 of the Plan. Noxious weeds identified as W1 and W2 are to be removed as soon as possible. There is a legal obligation on all landowners to remove these plants from their properties and to control their spread, as appropriate.

4.3.7 THREATENED SPECIES

OBJECTIVE

To facilitate the assessment of development proposals likely to have a significant effect on threatened species or their habitat in accordance with the threatened species provisions of the *Environmental Planning and Assessment Act 1979* and the *Fisheries Management Act 1994*.

GUIDELINES, ACCEPTABLE PRACTICE & STANDARD CONDITIONS

Where a development proposal is likely to have a significant effect on threatened species, populations or ecological communities, a species impact statement must be

submitted with the development application. The criteria for determining whether there is likely to be a significant effect is contained in section 5A of the *Environmental Planning and Assessment Act 1979*. Determining whether a species impact statement is required will normally require applicants to carry out a fauna and flora survey of the affected land.

Fauna and flora surveys should be undertaken to identify presence, absence and likelihood of threatened species being present on, or utilising the site. Such surveys should, as far as possible, comply with any accepted standards or Council guidelines for surveys.

Specific requirements apply within the Council area for some species such as koalas, and species for which a recovery plan has or is being prepared.

4.3.8 HABITAT CORRIDORS

OBJECTIVE

To promote the establishment and retention of habitat corridors that will contribute to the long-term survival of native fauna and flora species in the area.

GUIDELINES, ACCEPTABLE PRACTICE & STANDARD CONDITIONS

Measures are to be taken to avoid fragmentation of vegetation in habitat corridors by roads, tracks, services, and the like. As far as possible, habitat corridors should be retained in contiguous areas which are as large as possible, with the smallest possible perimeter-to-area ratio.

The preferred use for habitat corridors is conservation of native vegetation within a conservation reserve, or development which is compatible with the retention of native vegetation.

No clearing of native vegetation should occur within habitat corridors identified on the map. Identified corridors should not be further fragmented by roads or other development.

Road signs should be erected where habitat corridors cross roads to alert motorists to the significance of fauna at these sites.

Non-essential roads and tracks in habitat corridors are to be closed and rehabilitated.

Horse riding can cause damage to tracks and native vegetation, spread weeds and introduces nutrients, and should not occur in habitat corridors. Designated horse riding tracks must not be located in undisturbed bushland areas. Regular maintenance is required for existing tracks, especially to control track damage and erosion.

4.3.9 KOALA HABITAT

OBJECTIVE

To promote the retention of Koala habitat within the Council area.

To co-operate with adjoining Council areas in maintaining and enhancing Koala habitat.

GUIDELINES, ACCEPTABLE PRACTICE & STANDARD CONDITIONS

Measures are to be taken to avoid fragmentation of vegetation in known and potential Koala habitat.

Any development proposals likely to affect Koalas or potential Koala habitat must take into account the Koala management requirements and the provisions of *State Environmental Planning Policy No 44*

In approving development likely to affect Koalas, the Council will have regard to guidelines outlined in *Port Stephens Council Comprehensive Koala Plan of Management* (Port Stephens Council 2000).

4.4 GUIDELINES FOR LAND AND WATER

4.4.1 STREAMS AND STORMWATER

OBJECTIVE

To promote the retention of native vegetation and natural hydrological processes along watercourses.

GUIDELINES, ACCEPTABLE PRACTICE & STANDARD CONDITIONS

Continuous native vegetation should be retained along streams.

The preferred use for land adjacent to streams is protection and rehabilitation of native vegetation so as to maintain a riparian buffer.

The desirable setback from perennial streams to development or site disturbance is 40 metres, measured from the top bank. No site disturbance should occur within 10 metres from the top bank of a non-perennial stream or significant natural drainage line.

Revegetation of streams should be undertaken with suitable locally indigenous species. The Hunter Catchment Management Trust has available a list of such species.

Roofwater and rainwater from paved surfaces on development sites is to be discharged on the site. Any off-site dispersal is to be via natural drainage lines or in existing drainage channels.

Existing ground levels on the site are not to be altered to accommodate buildings other than to allow minor changes to surface levels to assist in drainage. Cut and fill for roads in subdivisions is to be minimised.

Sediment and biological nutrient filter basins are to be provided above the 1-in-100 year flood level of the watercourse to the satisfaction of the Council. All weather access is to be available to such basins. An open drainage system is to be provided for the disposal of water from the sediment and biological nutrient filter basins to the existing watercourses.

A comprehensive survey of the main watercourse, and a detailed drainage investigation which establishes the estimated 1-in-100 year flood level, is to be submitted with the development application.

All sediment, erosion and nutrient control facilities are to be installed and regularly maintained by the applicant during the period of construction. Suitable arrangements

must be made for long-term maintenance of control facilities.

The water quality of the main watercourse is to be monitored for pollutants prior to the commencement of works, and at regular intervals during construction. The monitoring is to be undertaken in accordance with Environment Protection Authority guidelines. Irrigation is to be minimised on any lawns or mowed areas to avoid runoff and a raised water table.

Landscaping should comprise drought-resistant native plants, to reduce the amount of water required.

Natural hydrological processes are to be maintained where possible, including natural vegetation and the flow regimes to maintain creek line stability and health of terrestrial and aquatic plant communities.

Measures will be taken to minimise and to control nutrients entering watercourses, water bodies or groundwater.

Water quality entering natural areas is to be maintained at a level which is acceptable for sustainable natural area management, as far as possible, at pre-development levels. Additional runoff must not be discharged into bushland areas. Special design requirements apply for pipe discharges into bushland, including measures to ensure dissipation of stormwater velocity. Permeable ground surfaces are to be maintained as far as possible, and where suitable soil conditions exist, stormwater is to be infiltrated on-site.

4.4.2 EROSION, SEDIMENT AND DUST CONTROL

Note: This section should be read in conjunction with regionally adopted erosion and sediment control guidelines.

OBJECTIVE

To control erosion, sediment and dust to maintain amenity and protect water quality.

GUIDELINES, ACCEPTABLE PRACTICE & STANDARD CONDITIONS

An erosion and sediment control plan is to be prepared and submitted to Council for approval prior to physical commencement of the development. The plan is to specify the measures proposed to be taken to minimise soil erosion. These measures are to be complied with during the carrying out of the development.

Trees and ground covers other than in the area of roads, drainage and access works shall not be disturbed. Details of methods and extent of site clearing and disposal of spoil and vegetation shall be included in the erosion and sediment control plan.

Those areas of the site that do not need to be disturbed during the construction phase are to be fenced off with star pickets and wire fencing prior to work commencing.

All mulch used in rehabilitation works is to be obtained from clean native vegetation removed from the site during construction. No outside mulch is to be introduced to the site.

4.4.3 EXCAVATION AND FILLING

OBJECTIVE

Land excavation and filling is to be minimised to reduce disturbance and consequent environmental impacts.

GUIDELINES, ACCEPTABLE PRACTICE & STANDARD CONDITIONS

Development is to consider the impacts of filling which substantially changes the level of land and its character.

Filling within 10 metres of adjoining bushland must not be carried out. Any filling in the vicinity of bushland must only use local material (in order to minimise spread of weeds), and must be carried out in a manner that does not cause adverse impacts to surrounding properties, local drainage systems and existing vegetation. Material which is likely to have an adverse environmental effect due to it being combustible, toxic, hazardous or dangerous, must not be used.

Full details are to be provided with a development application, including proposed fill material, level of finished fill, extent of proposed fill in relation to adjoining property, methods of controlling erosion and siltation, effect of fill on adjoining property, particularly in relation to water flow, and material to be used and compaction method.

4.4.4 LAND REHABILITATION

OBJECTIVE

To promote the rehabilitation of disturbed land using appropriate techniques, and where possible, to increase the extent of bushland and fauna and flora habitat in the area.

GUIDELINES, ACCEPTABLE PRACTICE & STANDARD CONDITIONS

Local genetic material (preferably collected on-site) is to be used for all revegetation and restoration work in natural areas. It is to be collected, identified and stored by a suitably qualified person in accordance with applicable guidelines

A qualified bush regeneration team is to be employed for at least 12 months following the completion of the works to undertake the removal of weeds and the maintenance of the adjacent bushland.

Natural regeneration is to be encouraged, primarily by fencing and total exclusion of non-native grazing stock.

To compensate for the loss of vegetation on the site, the applicant is to revegetate a suitable nominated alternative area of land with locally indigenous species to the satisfaction of the council. Any degraded areas should be rehabilitated to increase their value to fauna.

Where land disturbance occurs, bush regeneration or bush reconstruction is the preferred method of rehabilitation.

Locally indigenous plants may be available for landscaping and rehabilitation. Schedule 6 of the Plan provides contact details for nurseries who provided locally sourced plants.

4.4.5 BUSH FIRES

Note: This section includes general guidelines relevant to biodiversity. It should be read in conjunction with other guidelines on planning for bush fires which require consideration in development proposals.

OBJECTIVES

To minimise hazards from bush fires to life and property, and to have regard to the consequences of bush fires for bushland management and biodiversity conservation in the area.

To take into account and ensure consistency with bushfire risk management plans whilst having regard to ecological considerations.

GUIDELINES, ACCEPTABLE PRACTICE & STANDARD CONDITIONS

All buildings and improvements should be located so as to minimise the risk of loss from wildfire, and so as to minimise the need for bushfire hazard reduction. Suitable hazard reduction measures should be taken as advised by the Rural Fire Service.

Different species have varying sensitivity to fire and may require varying fire frequencies and intensities for survival, and these requirements are to be considered in undertaking any management activities involving the use of fire.

Regrowth and scrub is to be thinned for an appropriate distance around each building, but native trees above 10 metres height and native groundcovers are to be retained.

A fuel reduction zone (firebreak) of at least 10 metres is to be established and maintained around the perimeter of the lot, to be established with minimum of soil disturbance.

Adequate water reserves for firefighting are to be provided.

Sub-floor areas of buildings are to be bricked in or otherwise enclosed.

Metal flywire screens are to be fitted to all doors, windows and openings on buildings.

Construction of buildings is to be carried out in accordance with *Australian Standard AS3959-1991 - Construction of Buildings in Bushfire Prone Areas*.

Broad scale hazard reduction burns should be conducted in a manner that retains patches of unburnt vegetation to provide a mosaic of different treatments.

Periodic weed monitoring and control should be undertaken after bushfires and hazard reduction burning.

As far as possible, the frequency, time of year and intensity of bushfires in native vegetation is to approximate the natural conditions, so as to maintain the species diversity and vegetation structure present before European settlement.

In managing natural vegetation, developments and associated land management practices are to have regard to the desirable bush fire regime that may be appropriate to the vegetation occurring on the site. Where more specific site specific information is available, this should be used in preference to the information included within the table shown below.

Table of indicative bush fire regimes

Vegetation Community	Indicative fire regime	Comments
Rainforest	No fire	Rainforest community boundaries are often determined by fire, and edges may be subject to periodic burning followed by recolonisation
Moist forests	Min interval 50? years, max interval 200? Years	Moist Eucalypt forests should be subject to infrequent periodic fire
Woodlands and forests	Not less than 12 year frequency, with maximum interval of 100? Years	Woodlands and forests are subject to periodic burning. Should have mosaic burning pattern
Grasslands	Not specified	Grasslands can withstand burning at 2 - 5 year intervals, but frequent burns affect species composition

4.5 GUIDELINES FOR ENVIRONMENTAL DESIGN

4.5.1 PAVING

OBJECTIVE

To limit the extent of paving on development sites so as to minimise impacts on streams and bushland, and to maintain or restore hydrological conditions similar to those existing prior to development of the site.

GUIDELINES, ACCEPTABLE PRACTICE & STANDARD CONDITIONS

Impermeable paved surfaces should be limited to minimise off-site discharge of stormwater and nutrients onto bushland.

4.5.2 CONSTRUCTION WORKS

OBJECTIVE

To control construction works in a manner that minimises environmental impacts, especially on water quality, bushland and native fauna and flora.

GUIDELINES, ACCEPTABLE PRACTICE & STANDARD CONDITIONS

Suitable controls shall be imposed on development such that impacts during the construction period can be adequately managed.

Measures are to be taken to control soil erosion, sedimentation and stormwater runoff during and following the construction period to prevent the spread of weeds and exotic plants and siltation of watercourses.

All plant operators and supervisors should be briefed on the conditions which are to apply in relation to the development. This is to be undertaken prior to the commencement of works.

Roads should be constructed with minimal earthworks and in such a manner as to allow sediment and weed control structures in accessible locations.

Encroachment onto bushland in public reserves, Crown lands or national parks for access, stockpiling of materials or dumping of refuse is not permitted. Spoil or fill must not encroach upon adjacent bushland or public reserves during the duration of works.

All works must be carried out so as not to cause any interference to flows in the watercourse.

All temporary drainage, silt and sediment control devices are to be removed at the completion of construction works and disturbed areas restored in accordance with the approved construction plans.

During the construction period, a sign of approximately 2 metres by 2 metres is to be erected to display particulars relating to the proposed works, including the name of the subdivider, the project supervisor, the contractor, a contact number for complaints or inquiries, and the hours of work. The sign is to be maintained in good condition during the construction period.

During the period of construction, suitable barriers are to be erected around all trees located within 3 metres of the work site. Suitable barriers would include 2 metre high hardwood posts 100 mm X 50 mm secured by 8 gauge wires at 300 mm centres.

Progressive site stabilisation and restoration must be carried out during the construction process

Measures are to be taken to minimise the compaction of soil by heavy machinery, such as by fencing off all undisturbed areas of vegetation.

Works are to be completed in stages (clearing, topsoil stripping, relocation of topsoil, mulching, planting, etc) and are to follow the principle of isolating stockpiles of different materials to prevent contamination.

As far as possible, no fill material is to be introduced from off the site. Off-site soil material may only be used where it has a minimal weed content.

Following construction, all areas immediately adjoining native vegetation are to be restored, and as far as possible, reinstate the species, structure and dynamics plant communities that would naturally occur on the site. Strategies should be adopted which maximise the natural recovery of those plant communities. Restoration shall be carried out so as to minimise weed invasion of nearby natural areas.

Drainage works shall only be undertaken where these do not adversely affect the natural drainage patterns on the land, and where the works are essential to protect roads, services, buildings or other improvements on the land.

Earthworks are to be minimised as far as possible, and are to be undertaken in a manner that minimises the necessity for rehabilitation works.

Materials (including concrete, gravel, topsoil, etc) shall be stockpiled in such a way as to prevent nutrients from leaching into watercourses or into groundwater systems.

Measures are to be taken to prevent damage and disturbance to tree roots by cutting of roots, loss of water, soil compaction or build up of soil.

4.5.3 TREE PRESERVATION

OBJECTIVE

To ensure that tree preservation controls take into account impacts on native fauna and flora.

GUIDELINES, ACCEPTABLE PRACTICE & STANDARD CONDITIONS

All measures shall be taken to prevent damage to trees and root systems during site works and construction.

All trees on the site, except those specifically shown and approved for removal on the road construction drawings, are to be retained and no tree is to be removed or in any way damaged without consent of the Council.

4.5.4 LANDSCAPE DESIGN

OBJECTIVE

To promote landscape design that responds to fauna and flora issues and the significance of native vegetation, and which seeks to incorporate elements of the locally indigenous vegetation.

GUIDELINES, ACCEPTABLE PRACTICE & STANDARD CONDITIONS

Landscaping should, as far as possible, include local indigenous plant species that have been propagated using local genetic material.

A detailed landscape plan indicating species, areas of planting, and mature heights is to be submitted with the development application.

Noxious and exotic plants which occur on the site are to be removed prior to the completion of works

Formal gardens and cultivation are not compatible with retention of natural vegetation. New gardens with non-indigenous plants should not be established in habitat corridors, on land where the main objective is to retain native vegetation or land adjoining bushland.

4.5.5 WASTE DISPOSAL

OBJECTIVE

To ensure that waste disposal does not adversely affect biodiversity values or habitat corridors.

GUIDELINES, ACCEPTABLE PRACTICE & STANDARD CONDITIONS

Rubbish dumping (including garden waste) is not permitted. Lawn clippings are to be disposed of off-site or in a manner that does not affect natural vegetation, or encourage the spread of weeds.

Waste that could affect groundwater quality or nutrients must be disposed of in an

approved manner.

4.5.6 CULTURAL AND HISTORIC SITES

OBJECTIVE

To recognise that bushland and native fauna and flora are an important component of the cultural heritage of the area and to recognise and protect important sites.

GUIDELINES, ACCEPTABLE PRACTICE & STANDARD CONDITIONS

The cultural significance of bushland areas is to be considered in the evaluation of development proposals.

Vegetation associated with items of the built heritage is to be managed so as to ensure that invasive species are controlled and, where consistent with the conservation of cultural heritage, replaced with non-invasive species.

4.5.7 ROADSIDE VEGETATION MANAGEMENT

OBJECTIVE

To recognise that bushland and native fauna and flora are an important component of the cultural heritage of the area and to recognise and protect important sites.

To implement the Draft Dungog Roadside Environment Management Plan in road maintenance and development along roadsides.

GUIDELINES, ACCEPTABLE PRACTICE & STANDARD CONDITIONS

The conservation importance of roadsides is to be recognised in any proposed development and activities along roadsides.

Erosion and sediment controls along roadsides are to be applied to protect biodiversity values.

Road sides are important for the dispersal and spread of noxious and environmental weeds, and should be priority areas for weed control.

PART 5: SCHEDULES

SCHEDULE 1 - LIST OF NOXIOUS WEEDS IN DUNGOG COUNCIL AREA DECLARED UNDER THE NOXIOUS WEEDS ACT 1993

Scientific name	Common name	Comments
<u>Category W1 - Notifiable, and must be fully and continually suppressed and destroyed</u>		
<i>Acacia karoo</i>	Karoo Thorn	
<i>Alternanthera philoxeroides</i>	Alligator Weed	
<i>Chromolaena odorata</i>	Siam Weed	
<i>Equisetum spp.</i>	Horsetail	
<i>Gymnocoronis spilanthoides</i>	Senegal Tea Plant	
<i>Hieracium spp.</i>	Hawkweeds	
<i>Kochia scoparia</i> except <i>K. scoparia</i> subsp. <i>Tricophylla</i>	Kochia	
<i>Lagarosiphon major</i>	Lagarosiphon	
<i>Parthenium hysterophorus</i>	Parthenium Weed	
<i>Pistia stratiotes</i>	Water Lettuce	
<u>Category W2 - Must be fully and continuously suppressed and destroyed</u>		
<i>Bryophyllum delagoense</i>	Mother-of-millions	
<i>Carduus nutens</i>	Nodding thistle	
<i>Cenchrus incertus</i>	Spiny Burrgrass	
<i>Cenchrus longispinus</i>	Spiny Burrgrass	
<i>Cortaderia spp.</i>	Pampas Grass	
<i>Cuscuta campestris</i>	Dodder	
<i>Cytisus scoparius</i>	Scotch/English Broom	
<i>Hypericum perforatum</i>	St Johns Wort	
<i>Lycium ferocissimum</i>	African Boxthorn	
<i>Nassella trichotoma</i>	Serrated Tussock	
<i>Salvinia molesta</i>	Salvinia	
<i>Sorghum X almum</i>	Columbus Grass	
<i>Sorghum halepense</i>	Johnson Grass	
<i>Sporobolus indicus</i> var. <i>major</i>	Giant Parramatta Grass	
<i>Toxicodendron succedaneum</i>	Rhus Tree	
<u>Category W3 - Prevent spread, reduce distribution and numbers</u>		
<i>Cestrum parqui</i>	Green Cestrum	
<i>Echium spp.</i>	Paterson's Curse, Vipers/Italian	
	Bugloss	
<i>Eichhornia crassipes</i>	Water Hyacinth	
<i>Emex australis</i>	Spiny Emex	
<i>Homeria spp.</i>	Cape Tulip	
<i>Rubus fruticosus</i> (agg. spp.)	Blackberry	
<i>Xanthium spp.</i>	Bathurst/Noogoora/Californian/Cockle Burrs	
<u>Category W4F - Not to be sold, propagated or knowingly distributed</u>		
<i>Harrisia spp.</i>	Harrisia Cactus	
<i>Opuntia spp.</i>	Prickly Pear	
<u>Category W4G - Not to be sold, propagated or knowingly distributed</u>		
<i>Cabomba</i> spp. (except <i>Cabomba furcata</i>)	Cabomba (except Pink Cabomba)	
<i>Salix</i> spp. (except <i>S. babylonica</i> , <i>S. reichardtii</i> and <i>S. calodendron</i>)	Willows	

SCHEDULE 2 - LIST OF UNDESIRABLE PLANTS IN DUNGOG COUNCIL AREA

Apart from declared noxious weeds, a comprehensive list of undesirable plants has not currently been identified. However, species such as Lantana, Privet and Camphor Laurel are generally considered undesirable and should be removed where possible.

A provisional list of 20 plant species considered by officers of the Lower Hunter and Central Coast Weeds Advisory Committee to be weeds of regional significance for the Hunter and Central Coast region, including Dungog. The selection criteria for these species are their threat to biodiversity, level of invasiveness, threat to public and animal health, threat to water quality, economic burden, distribution and ease of control. The following species are identified by common name as significant and should be removed where possible (* Indicates declared noxious plants in Dungog, # Indicates regional weed management plans developed and operational):

*# Blackberry

Crofton Weed

*# Alligator Weed

Lantana

*#Salvinia

*# Water Hyacinth

Bitou Bush

*# Green Cestrum

Morning Glory

Privet

Pampas Grass

Giant Parramatta grass

Mother of Millions

Camphor Laurel

Bridal Creeper

Mexican Clover

Madeira Vine

Paterson's Curse

Wild Olive

St Johns Wort

SCHEDULE 3 - LIST OF IDENTIFIED NATIVE SPECIES OF IMPORTANCE WITHIN DUNGOG LGA (SEPTEMBER 2001)

Schedule 3 includes a list of indigenous species recorded within Dungog LGA or considered likely to occur. The list is based on a review of literature and details of the references are included. Species are identified in Schedule 3 where they have been listed as threatened species in the schedules to the TSC Act, or are considered important within the LGA because they are listed as ROTAP plants, are at or near the limit of their geographic distribution, or are locally or regionally rare. Separate lists are outlined below for plants and fauna.

Note that the lists are preliminary and indicative only, with records not having been individually verified. Only records within the area are included. Additional species of importance are expected to occur. Up to date references and databases such as the NSW National Parks and Wildlife Service wildlife atlas should be used in conjunction with this list. Note that some of these species are also identified as of national environmental significance under the *Environment Protection and Biodiversity Conservation Act 1999*.

PRELIMINARY INDICATIVE LIST OF IMPORTANT PLANT SPECIES OCCURRING WITHIN DUNGOG LGA

Note that the following list is an inclusive list compiled from other records. There may be inaccuracies in the records which should be checked before the information is relied upon.

Scientific name	Common name	Location	Comments & reference
<i>Adenochilus Nortonii</i>		Barrington Tops State Forest	NPWS atlas record, northern limit
<i>Backhousia Sciadophora</i>		Clarence Town PD, Paterson PD	Southern limit at Mt Douglas, ERM Mitchell McCotter 1997b
<i>Blechnum fluviatile</i>			NPWS atlas record, northern limit
<i>Cardamine gunni</i>			NPWS atlas record, northern limit
<i>Chiloglottis Sphrynoides</i>			3KC, Dowling 2000
<i>Coprosma nitida</i>			NPWS atlas record, southern limit
<i>Cynanchum elegans</i>			Listed under TSC Act and considered likely to occur, ERM Mitchell McCotter 1997b
<i>Dendrobium Speciosum</i>			NPWS atlas record, northern limit
<i>Diuris aurea</i>			NPWS atlas record, southern limit
<i>Diuris pallens</i>		Paterson PD	ERM Mitchell McCotter 1997a
<i>Diuris pedunculata</i> (= <i>pallens</i> ?)		Paterson	ROTAP species considered to be extinct in area ERM Mitchell McCotter 1997b, NPWS atlas record, 2E, Dowling 2000
<i>Diuris venosa</i>		Barrington Tops National Park	Greenwood 1999, NPWS atlas record, 2VC
<i>Dodonea megazyga</i>		'Eaglereach' resort	Uncommon species, probably of local importance, ERM Mitchell McCotter 1997b, NPWS atlas record
<i>Elattostachys Nervosa</i>		Paterson PD	Southern limit at Moonabung Falls, ERM Mitchell McCotter 1997a
<i>Eucalyptus Glaucina</i>	Slaty Red Gum	Throughout Dungog	Listed as vulnerable, TSC Act, especially Gresford, Greenwood 1999, NPWS atlas record, Paterson & Dungog 3VCa, northern limit, Dowling 2000 PDs
<i>Eucalyptus</i>			3KC, Dowling 2000

<i>fergusonii</i> ssp. <i>fergusonii</i> ?			
<i>Eucalyptus</i> <i>Largeana</i>	Chichester State Forest	NPWS atlas record, 3R northern limit	
<i>Euphrasia ciliolate</i>	Barrington Tops National Park & Barrington Tops State Forest	NPWS atlas record, 2KC, northern limit	
<i>Gymnema</i> <i>Pleiadenium</i>	Paterson PD	Southern limit at Moonabung Falls, ERM Mitchell McCotter 1997a	
<i>Heritiera</i> <i>Actinophyllum</i>	Dungog PD	Southern limit Dowling 2000	
<i>Macrozamia</i> <i>flexulosa</i>	Clarence Town PD	2KC, Dowling 2000	
<i>Marsdenia liisae</i>	Gresford PD	NPWS atlas record, 3RC, northern limit, Dowling 2000	
<i>Marsdenia</i> <i>Longiloba</i>	Gresford PD	Greenwood 1999, NPWS record, 3RC, southern limit, Dowling 2000	
<i>Morinda acutifolia</i>	Paterson PD	Southern limit at Moonabung Falls, ERM Mitchell McCotter 1997a	
<i>Myosotis exarrhena</i>		NPWS atlas record, northern limit	
<i>Oreomyrris ciliata</i>		NPWS atlas record, northern limit	
<i>Parsonsia velutina</i>	Paterson PD	Southern limit at Moonabung Falls, ERM Mitchell McCotter 1997a	
<i>Plantago</i> <i>Cladarophylla</i>	Barrington Tops National Park	NPWS atlas record, 2RC	
<i>Plantago palustris</i>	Barrington Tops Park	NPWS atlas record, 2RC	
<i>Pomaderris costata</i>		NPWS atlas record, 3RC	
<i>Pteris</i> sp. aff. <i>Comans</i>		NPWS atlas record, 3RC	
<i>Pterostylis laxa</i>		NPWS atlas record	
<i>Senecio</i> <i>squarrosus</i> ?		Greenwood 1999	
<i>Senna acclinis</i>	Dungog PD	Greenwood 1999, NPWS atlas record, 3RC, Dowling 2000	
<i>Syzygium</i> <i>Paniculatum</i>	Dungog PD	NPWS atlas record, 3VCi, northern limit, Dowling 2000	
<i>Tasmannia purpurascens</i> , <i>Tasmannia Glaucifolia</i>	Broad-leaved Pepperbush	Greenwood 1999, NPWS atlas record, 3VC-t, Dowling 2000	
<i>Tetradlea juncea</i>	Black-eyed Susan	Greenwood 1999, Dowling 2000	
<i>Tylophora woolsii</i>	Wallerobba and Wallaroo State Forests	Listed as vulnerable TSC Act, Greenwood 1999, Dowling 2000	
<i>Tripladenia</i> <i>Cunninghamii</i>	Dungog PD Paterson PD	2E, Dowling 2000 Southern limit at Rosewood Gully, ERM Mitchell McCotter 1997a	

Preliminary indicative list of important fauna species occurring within Dungog LGA

Most of these species are listed as threatened under the *Threatened Species Conservation Act 1995*. Note that additional threatened aquatic fauna species occur within Dungog Council area and are listed under the *Fisheries Management Act 1994*. Information presented in the table is based on a compilation of records and may have errors. The information should be checked before being relied upon. Species are listed in groups and are in alphabetical order according to common name.

Common name	Scientific name	Location	Comments & reference
Amphibians			
Sphagnum Frog	<i>Philoria loveridgei</i>		NPWS atlas record, Sch 2-Vulnerable
Stuttering Frog	<i>Mixophes balbus</i>		NPWS atlas record, Sch 2-Vulnerable
Reptiles			
Stephens' Banded Snake	<i>Hoplocephalus stephensii</i>		NPWS atlas record, Sch 2-Vulnerable
Birds			
Australasian Bittern	<i>Botaurus poiciloptilus</i>	Clarence Town PD, Paterson PD	ERM Mitchell McCotter 1997a,b
Barking Owl	<i>Ninox connivens</i>	Dungog	Sch 2-Vulnerable, Dowling 2000
Black-necked Stork?	<i>Ephippiorhynchus Asiaticus</i>	Clarence Town PD, Paterson PD	ERM Mitchell McCotter 1997a,b, Sch 1 - Endangered
Bush Stone-curlew/ Thick knee	<i>Burhinus grallarius</i>	Clarence Town PD, Paterson PD	ERM Mitchell McCotter 1997a,b, NPWS atlas record
Comb crested Jacana?	<i>Irediparra Gallinacean</i>	Clarence Town PD, Paterson PD	ERM Mitchell McCotter 1997a,b, Sch 2 - Vulnerable
Freckled Duck	<i>Stictonetta naevosa</i>		ERM Mitchell McCotter 1997a, Sch 2-Vulnerable
Glossy Black Cockatoo	<i>Calyptorhynchus lathami</i>	Paterson PD	ERM Mitchell McCotter 1997a, NPWS atlas record, Sch 2-Vulnerable
Grey Falcon	<i>Falco hypoleucos</i>	Clarence Town PD, Paterson PD	ERM Mitchell McCotter 1997a,b, NPWS atlas record
Masked Owl	<i>Tyto novaehollandiae</i>	Clarence Town PD, Paterson PD	ERM Mitchell McCotter 1997a,b, NPWS atlas record
Olive Whistler	<i>Pachycephala Inornata</i>		NPWS atlas record, Sch 2-Vulnerable
Powerful Owl	<i>Ninox strenua</i>	Clarence Town PD, Paterson PD	ERM Mitchell McCotter 1997a,b, NPWS atlas record, Sch 2-Vulnerable
Regent Honeyeater	<i>Xanthomyza phrygia</i>	Clarence Town PD, Paterson PD	ERM Mitchell McCotter 1997a,b, NPWS atlas record
Rufous Scrub-bird	<i>Atrichornis rufescens</i>		NPWS atlas record, Sch 2-Vulnerable
Sooty Owl	<i>Tyto tenebricosa</i>		NPWS atlas record, Sch 2-Vulnerable
Swift Parrot	<i>Lathumus discolor</i>	Paterson PD	ERM Mitchell McCotter 1997a, Sch 1-Endangered
Wompoo Fruitdove	<i>Ptilinopus Magnificans</i>		NPWS atlas record, Sch 2-Vulnerable
Mammals			
Broad-toothed Rat	<i>Mastacomys fuscus</i>		NPWS atlas record, Sch 2-Vulnerable
Brush-tailed Phascogale	<i>Phascogale tapaoafa</i>	Clarence Town PD, Paterson PD	ERM Mitchell McCotter 1997a,b, NPWS atlas record
Brush-tailed Rock Wallaby	<i>Petrogale penicillata</i>	Paterson PD	ERM Mitchell McCotter 1997a, NPWS atlas record, Sch 2-Vulnerable
Common Bentwing	<i>Miniopterus</i>		NPWS atlas record, Sch 2-

Bat	<i>schreibersii</i>		Vulnerable
Eastern False Pipistrelle	<i>Falsistrellus tasmaniensis</i>		NPWS atlas record, Sch 2-Vulnerable
Eastern Quoll	<i>Dasyurus viverrinus</i>		NPWS atlas record, Sch 1-Endangered, presumed extinct
Golden-tipped Bat	<i>Icerivoula papuensis</i>		NPWS atlas record, Sch 2-Vulnerable
Greater Broadnosed Bat	<i>Scoteanax rueppellii</i>		NPWS atlas record, Sch 2-Vulnerable
Koala	<i>Phascolarctos cinereus</i>	Clarence Town PD, Paterson PD	ERM Mitchell McCotter 1997a,b, NPWS atlas record
Large-footed Myotis	<i>Myotis adversus</i>		NPWS atlas record, Sch 2-Vulnerable
Little Bent-wing Bat	<i>Miniopterus australi</i>	Clarence Town PD	ERM Mitchell McCotter 1997b, NPWS atlas record
Long-nosed Potoroo	<i>Potorous tridactylus</i>		NPWS atlas record, Sch 2-Vulnerable
Parma Wallaby	<i>Macropus parma</i>		NPWS atlas record, Sch 2-Vulnerable
Red-legged Pademelon	<i>Thylogale stigmatia</i>		NPWS atlas record, Sch 2-Vulnerable
Rufous Bettong	<i>Aepyprymnus rufescens</i>		NPWS atlas record, Sch 2-Vulnerable
Squirrel Glider	<i>Petaurus norfolcensis</i>	Clarence Town PD, Paterson PD	ERM Mitchell McCotter 1997a,b, NPWS atlas record, Sch 2-Vulnerable
Spotted-tailed Quoll	<i>Dasyurus maculatus</i>	Clarence Town PD, Paterson PD	ERM Mitchell McCotter 1997a,b, NPWS atlas record
Yellow-bellied Glider	<i>Petaurus australis</i>	Dungog PD	Dowling 2000

Schedule 4 - Plant nurseries propagating locally indigenous plants

Riverdene Nurseries, 80 Allyn River Rd, East Gresford 2311, Tel 4938 9280 Fax 4938 9110.

Greening Australia, 524 - 528 High Street, Maitland, Tel 4934 5739.

Trees in Newcastle, 252 Parry Street, Newcastle West, Tel 4969 1500.

Schedule 5 - Summary of references relating to biodiversity in Dungog Local Government Area (Current at September 2001)

Author	Date	Title	Details	Comments
Berghofer A. & Smith J.	1998	Williams River Catchment - Vegetation Management Strategy	Unpublished report for Williams river Catchment Management Committee and NSW Department of Land & Water Conservation	Student project used DLWC GIS to assess extent of native vegetation in catchment and to identify potential corridor links. Undertook a site assessment relating to condition of certain Crown lands.
Binns D	1995	Flora survey, Gloucester and Chichester Management Areas, Central Region, NSW, Gloucester and Chichester Management areas EIS Supporting Document No.4	State Forests of NSW Forest Resources Series No.34	
Dowling B.	2000	Maps of threatened fauna and rare and threatened flora - Gresford, Paterson, Clarence Town and Dungog Planning Districts	Prepared for Dungog Shire Council	
Dowling B.	1997	Paterson closer rural settlement strategy area, Koala habitat and wildlife study.		
Dungog Shire Council	2000	State of the Environment Report 2000		
Dungog Shire Council	2002	Dungog Shire Council, Draft Roadside Environment Plan		
Ecotone Ecological Consultants	1992	Fauna Survey – Gloucester Management Area.	Prepared for Forestry Commission of NSW	
Ecotone Ecological Consultants	1995	Fauna survey of the Gloucester and Chichester Management Areas.	Prepared for State Forests of NSW.	
ERM Mitchell McCotter	1997a	Draft Dungog Biological Diversity Study Paterson Planning District	Unpublished report for Dungog Shire Council	Mapped vegetation types according to broad structure based on DLWC mapping Twenty four field vegetation survey sites

				September/October 1997. Includes a species inventory.
ERM Mitchell McCotter	1997b	Draft Dungog Biological Diversity Study – Clarence Town Planning District	Unpublished report for Dungog Shire Council	Mapped vegetation types according to broad structure based on DLWC mapping. Ten field vegetation survey sites September/October 1997. Includes a species inventory.
Floyd, A.G.	1983	Dry rainforest outliers, Dungog-Maitland.	Unpub. report (National Parks and Wildlife Service of NSW).	
Fraser, L. and Vickery, J.W.	1937	The ecology of the Upper Williams River and Barrington Tops districts I: Introduction.	<i>Proc. Linn. Soc. NSW</i> , 62: 269-283.	
Fraser, L. and Vickery, J.W.	1938	The ecology of the Upper Williams River and Barrington Tops districts II: The rain-forest formations.	<i>Proc. Linn. Soc. NSW</i> , 63: 139-184.	
Fraser, L. and Vickery, J.W.	1939	The ecology of the Upper Williams River and Barrington Tops districts II: The rain-forest formations.	<i>Proc. Linn. Soc. NSW</i> , 64: 1-33.	
Greenwood M E.	1999	Dungog Vegetation and Biodiversity Study	Prepared on behalf of Dungog Shire Council	Student project to review DLWC vegetation mapping information and to identify important areas. Undertook some field survey (14 sites in winter & early spring) & concluded that GIS vegetation information was only around 50% accurate. Identified 628 plant species. Possibly not reliable.
Griffiths, B	1999	Rare and Threatened Fauna of the Hunter Region	North East Forest Alliance	
Matthei L E.	1995	Soil Landscapes of the Newcastle 1:100,000 map sheet, Report and map.	NSW Department of Land and Water Conservation, Sydney.	
NSW National Parks & Wildlife Service	2000	Threatened Species of the Lower North Coast of NSW	NSW National Parks and Wildlife Service	Presents brief species profiles of all listed threatened species known to occur within the Lower North Coast region of NSW, including all of Dungog Shire.
Port Stephens Council	2000	Port Stephens Council Comprehensive Koala Plan of Management	Port Stephens Council	Outlines natural resource data and planning and development strategies appropriate for Koala protection on land adjoining Dungog Council area
Richards G C	1995	Gloucester and Chichester Management Areas Environmental Impact Statement Supporting Document No 6, Bat Fauna Survey of the Gloucester and Chichester Management Areas	State Forests of NSW	

Thackway R, Cresswell I	1995	An Interim Biogeographic Regionalisation for Australia: A Framework for Setting Priorities in the National Reserves System Cooperative Program Version 4.0	Australian Nature Conservation Agency	
WBM Oceanics Australia	1999	Vegetation Survey of Barrington Tops and Mount Royal National Parks for Use in Fire Management	Prepared for National Parks Wildlife Service	
White A - Biosphere Environmental Consultants	1995	Gloucester and Chichester Management Areas Environmental Impact Statement Supporting Document No 7, Frog Survey of the Gloucester and Chichester Management Areas	State Forests of NSW	
Williams River TCM Committee	1995	Williams River Total Catchment Management Strategy. Volume 1 Summary Report: Volume 2 Task Group Reports.	Hunter Catchment Management Trust	Reviewed existing records and included a broad map of vegetation based on structure. Comprehensive annotated species list for the whole catchment with good review of threatened species likely to occur.

SCHEDULE 6 - DEVELOPMENT CHECKLISTS - BIODIVERSITY AND THREATENED SPECIES

INTRODUCTION

Biodiversity and threatened species may be important considerations when determining a development application. The following checklists will enable you to recognise circumstances when these are likely to be important to the determination of an application, and requirements that you should take into account.

If the council determines that a significant effect on a threatened species or endangered ecological community is likely to occur, then a species impact statement is required to be submitted with the development application. The Council's policy is that any impact from a development resulting in the loss of known habitat for, or killing of any population of a threatened species within the council area is a significant impact.

The following checklist includes two parts - a development checklist (completed by applicant) and a site biodiversity checklist (completed by Council development officer). The checklists enable applicants and professional assessment officers with limited expertise in biodiversity and threatened species to identify when further advice is required for meeting the requirements of Section 5A of the *Environmenta Planning and Assessment Act 1979*. They will also assist in determining where the provisions of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* may affect a development proposal.

A APPLICANT'S DEVELOPMENT CHECKLIST

This checklist is to be used by applicants to indicate whether a development application may significantly affect biodiversity and would require further information or specialist assessment.

To complete this checklist it is necessary to inspect the building/development area and to consider surrounding properties and the regional context. The checklist outlines general issues which may indicate the presence of important biodiversity values or adverse impacts as a result of development. If the answer is 'yes' to any or all of question numbers 1 to 10, then remaining questions 11 to 20 should be completed to form part of a development application and any accompanying statement of environmental effects.

KEY QUESTIONS

1. Will native vegetation or bushland on the site be cleared or modified as a consequence of the development? If so, what is the area of clearing (ha)?
2. Is there native bushland within 1 km of the site? (eg riparian areas, national park, state forest, or private) If so, what is the distance between the site and nearby bushland? (metres).
3. Is the proposal within 40 metres of a stream or riparian area, or could it impact directly upon such land?
4. Are there any large or old trees (dead or alive) on the site, or within 500 metres? If so, how many and what species?
5. Are you aware of any flora and fauna surveys carried out on the site, on adjoining land, or in the locality? If so, provide details.
6. Is there any native grassland on the site?
7. Has the land been cultivated or fertilised?
8. Will there be earthworks or drainage associated with the proposal? (eg dams or roads).
9. Has a check of relevant databases indicated that important native species or listed threatened species are likely to occur on the site, or in the locality? (See Biodiversity DCP).
10. Would the proposed development be, or contribute to a threatening process listed under the *Threatened Species Conservation Act 1995*? (See Biodiversity DCP).

SUPPLEMENTARY QUESTIONS

11. How has the development been designed to take into account existing native vegetation and fauna habitat occurring on the land? (Prepare and attach a site plan).
12. What do you expect to be the impact of the development on native fauna species and native vegetation?
13. What disturbance has occurred on the site in the past? (eg clearing in 1920, followed by cattle grazing; clearing of understorey vegetation, burning and regular mowing).
14. What changes to the natural drainage on the site will result from the development as proposed?
15. Has a plan for the future management of the land been prepared? If so, please provide a copy.
16. What bushfire risk management measures are proposed on the site, and how do these affect biodiversity values? (eg clearing, firebreaks, hazard reduction burning).
17. Do noxious weeds or other environmental weeds occur on the land? If so, which species?

18. Is landscaping proposed and is the proposal likely to result in introduction of non-locally indigenous plants
19. Is the site in a visually prominent location?
20. Has any application been made to the Department of Land and Water Conservation for clearing of native vegetation on the land under the *Native Vegetation Conservation Act 1997*? If so, has it been determined?

B SITE BIODIVERSITY CHECKLIST

This checklist is to be used by development officers in conjunction with any applicant checklist to determine whether a development application requires further information or specialist assessment.

To complete this checklist it is necessary to inspect the building/development area and any other area affected by the proposal. The checklist outlines general issues which must be answered (in bold), and specific questions for each issue. It is essential to determine whether the issue is relevant, and to answer all specific questions as far as possible. If unsure about a specific question, do not answer.

File No: **DA No:**
Observer: **Date:**

Site biodiversity checklist

Does any <i>vegetation mapping</i> identify any of the site as native vegetation?	Y/N
1. Are <i>trees with hollows</i> present?	Y/N
Living trees	Y/N
Dead trees	Y/N
2. Is <i>native understorey/groundcover vegetation</i> present?	Y/N
A few individuals	Y/N
Well developed with gaps	Y/N
Continuous cover, no gaps	Y/N
3. Are <i>logs or exposed rock</i> present?	Y/N
Logs	Y/N
Caves, rock outcrops or overhangs	Y/N
Loose surface rock	Y/N
Crevices	Y/N
4. Are <i>water bodies</i> present?	Y/N
Permanent creek	Y/N
Ephemeral creek	Y/N
Wetland	Y/N
Pond/dam/open drain	Y/N
5. Will <i>native vegetation</i> on the site be removed or affected?	Y/N
More than a few isolated shrubs or immature trees	Y/N
Is vegetation a threatened species	Y/N
Is there habitat for threatened fauna (eg Koala feed trees)?	Y/N
Is vegetation an endangered ecological community?	Y/N
6. Is there <i>native habitat in close proximity</i> to the building/development area?	Y/N
Permanent stream or watercourse	Y/N

Large area of native vegetation
Nearby conservation area or reserve

Y/N
Y/N

Determination and referral action

If the answer is 'yes' to any of the general issue questions (numbered 1 to 6), then it is likely that threatened species and biodiversity issues may be relevant in the consideration of the application. If the answer is "yes" to any of the specific questions, then further assessment is required or the proposal may require modification. Development applications where all answers are 'no' are extremely unlikely to have a significant effect on threatened species, populations, ecological communities, or their habitats.

Is further assessment required?

Y/N

.....
Signature of assessing officer:

SCHEDULE 7 - THREATENED SPECIES ASSESSMENT CHECKLIST (8 PART TEST)

THREATENED SPECIES ASSESSMENT CHECKLIST (8 PART TEST)

INTRODUCTION

Development applications require an assessment of whether they will have a significant effect on threatened species, populations, ecological communities, or their habitats (8 part test in Section 5A of the EP&A Act). This test is undertaken to determine whether a species impact statement (SIS) is required to accompany the application.

The 8 part test checklist is best undertaken by a person with relevant experience or qualifications in ecology and threatened species management. Although many applicants submit ecological reports with development applications, the decision on 8 part tests is the responsibility of the council.

This checklist is to be completed by the Council, and includes the 8 tests listed in Section 5A of the EP&A Act and a series of reasons for determining non-significance which can be selected by the assessing officer where appropriate. Where an applicant submits a completed 8 part test as part of information accompanying a development application, the checklist requires that this be reviewed.

CHECKLIST OF SIGNIFICANCE

File No:

DA No:

Pro-Forma 8 Part Test (Section 5A of EP&A Act)

EVALUATION		DETERMINATION
Part 1		
In the case of a threatened species, whether the life cycle of the species is likely to be disrupted such that a viable local population	Native vegetation will not be removed	Y/N
	Threatened species unlikely to occupy site	Y/N
	Threatened species habitat present	Y/N
	Endangered ecological community present	

of the species is likely to be placed at risk of extinction.	Y/N Proposal will only affect small amount of habitat Y/N	
Part 2		
In the case of an endangered population, whether the life cycle of the species that constitutes the endangered population is likely to be disrupted such that the viability of the population is likely to be significantly compromised	No endangered populations listed within Dungog LGA	Not applicable
Part 3		
In relation to the regional distribution of the habitat of a threatened species, population or ecological community, whether a significant area of known habitat is to be modified or removed	Native vegetation will not be removed Y/N Threatened species unlikely to occupy site Y/N Threatened species habitat present Y/N Endangered ecological community present Y/N Proposal will only affect small amount of habitat Y/N	
Part 4		
Whether an area of known habitat is likely to become isolated from currently interconnecting or proximate areas of habitat for a threatened species, population or ecological community	Site is already isolated from other habitat Y/N Habitat links with other areas retained Y/N Riparian links with other habitat retained Y/N	
Part 5		
Whether critical habitat will be Affected	No critical habitat listed within Dungog LGA	Not applicable
Part 6		
Whether a threatened species, population or ecological community, or their habitats, are adequately represented in conservation reserves (or other similar protected areas) in the Region		
Part 7		
Whether the development or activity proposed is of a class of development or activity that is recognised as a threatening Process	<i>Identify key threatening processes listed, and determine whether this applies to the proposal</i>	
Part 8		
Whether any threatened species, population or ecological community is at the limit of its known distribution	<i>Consider individual species characteristics</i>	

Has an 8 part test been submitted to accompany the development application?:

What reference material has been used:

Signature:

Position:

Date:

Approved:

17. HERITAGE

1. AIMS AND OBJECTIVES

The aims of this plan are:

- [a] to support the objectives of Dungog Shire Council's environmental planning instruments
- [b] to have regard for and to give effect within the Shire of Dungog to the principles enunciated in the *Burra Charter* (Australia ICOMOS, Canberra, 1999)
- [c] to have regard for and to give effect to the recommendations of the 1988 *Dungog Shire Heritage Study* and of the 1995 *Dungog Main Street Heritage Study*.
- [d] to enable the protection of buildings, works, archaeological sites, trees or places which are commonly known to have heritage significance but which are not described or shown within an environmental planning instrument.
- [e] to explain matters which must be considered by a consent authority when determining development applications under s79C of the *Environmental Planning and Assessment Act 1979* (as amended)
- [f] to give guidance to applicants on matters which are to be considered by the consent authority in determining applications for development

2. DEFINITIONS

Potential heritage item means any heritage conservation area, place, building, work, relic, tree, moveable object or precinct which is listed in Clause 9 or is identified in a register kept by the Council whose heritage significance has not been formally assessed but which should be considered for the purposes of any assessment under section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979* (as amended). It can include a site known by a consent authority to have heritage significance even if it is not so identified and shown on a map

3. MATTERS TO BE CONSIDERED IN DETERMINING APPLICATIONS FOR DEVELOPMENT OF A HERITAGE ITEM OR IN A HERITAGE CONSERVATION AREA

3 (1) When determining an application for development of a heritage item or in a heritage conservation area, the consent authority must take into account the extent to which carrying out the proposed development will be consistent with the heritage conservation principles set out in:

- [a] the *Burra Charter* (Australia ICOMOS, Canberra 1999), reproduced in Schedule One of this plan, and
- [b] the *Australian Natural Heritage Charter* (Australian Committee for IUCN, Canberra 1997), reproduced in Schedule Two of this plan

3 (2) When determining an application for development of a heritage item or in a heritage conservation area, the consent authority must take into account the extent to which carrying out the proposed development will be consistent with the design guidelines contained in:

- [a] Annexure 5 of the Final Report of the *Dungog Shire Heritage Study* [Perumal Murphy Ltd [1988], as reproduced in Schedule Three of this plan.
- [b] Sections 3 and 4 of the *Dungog Main Street Architectural Heritage Study* (Otto Cserhalmi and Partners Pty Ltd and Knox and Partners Pty Ltd 1995), as reproduced in Schedule Four of this plan.

3(3) When determining an applications for development in any heritage conservation area, a consent authority must take into account any impacts of the proposed development on the physical character of the heritage conservation area and any features which give the area heritage significance, as described in Schedule Five of this plan.

4 ADDITIONAL INFORMATION THAT MAY BE CONSIDERED IN DETERMINING APPLICATIONS FOR THE CONSTRUCTION OF BUILDINGS WITHIN A HERITAGE ITEM OR IN A HERITAGE CONSERVATION AREA

When determining an application for development of a heritage item or in a heritage conservation area that will involve the construction of a building an applicant should supply, in addition to information required to be supplied with all development applications, photographs and/or elevations and a completed building assessment form that will enable the consent authority to assess how a proposed development will relate visually to buildings already on the land subject to a development application and on land in the vicinity of the development.

5 POTENTIAL HERITAGE ITEMS

When determining an application for development of a heritage item or in a heritage conservation area, a consent authority must consider the extent to which the carrying out of the proposed development will affect any Potential Heritage Items which are listed in Schedule Six of this plan.

6 FURTHER MATTERS TO BE CONSIDERED IN DETERMINING APPLICATIONS FOR DEVELOPMENT IN A HERITAGE CONSERVATION AREA

When determining an application for development in any heritage conservation area, a consent authority must take into account any impacts of the proposed development on the physical character of the heritage conservation area and any features that give the area heritage significance.

SCHEDULE ONE

The *Burra Charter* (Australia ICOMOS, Canberra 1999),

SCHEDULE TWO

The *Australian Natural Heritage Charter*
(Australian Committee for IUCN,
Canberra 1997)

SCHEDULE THREE

Annexure 5 of the Final Report of the *Dungog Shire Heritage Study*
[Perumal Murphy Ltd [1988]

SCHEDULE FOUR

Sections 3 and 4 of the *Dungog Main Street Architectural Heritage Study*
(Otto Cserhalmi and Partners Pty Ltd and Knox and Partners Pty Ltd 1995),

SCHEDULE FIVE

Description of Heritage Conservation Areas

SCHEDULE SIX

Potential Heritage Items

SCHEDULE 7

Ian Bowie Advisory Notes 1 - 6

SCHEDULE 1

SCHEDULE ONE: THE BURRA CHARTER

THE AUSTRALIA ICOMOS CHARTER FOR PLACES OF CULTURAL SIGNIFICANCE

PREAMBLE

Considering the International Charter for the Conservation and Restoration of Monuments and Sites (Venice 1964), and the Resolutions of the 5th General Assembly of the International Council on Monuments and Sites (ICOMOS) (Moscow 1978), the Burra Charter was adopted by Australia ICOMOS (the Australian National Committee of ICOMOS) on 19 August 1979 at Burra, South Australia. Revisions were adopted on 23 February 1981, 23 April 1988 and 26 November 1999.

The Burra Charter provides guidance for the conservation and management of places of cultural significance (cultural heritage places), and is based on the knowledge and experience of Australia ICOMOS members.

Conservation is an integral part of the management of places of cultural significance and is an ongoing responsibility.

Who is the Charter for?

The Charter sets a standard of practice for those who provide advice, make decisions about, or undertake works to places of cultural significance, including owners, managers and custodians.

Using the Charter

The Charter should be read as a whole. Many articles are interdependent. Articles in the Conservation Principles section are often further developed in the Conservation Processes and Conservation Practice sections. Headings have been included for ease of reading but do not form part of the Charter.

The Charter is self-contained, but aspects of its use and application are further explained in the following Australia ICOMOS documents:

- Guidelines to the Burra Charter: Cultural Significance;
- Guidelines to the Burra Charter: Conservation Policy;
- Guidelines to the Burra Charter: Procedures for Undertaking Studies and Reports;
- Code on the Ethics of Coexistence in Conserving Significant Places.

What places does the Charter apply to?

The Charter can be applied to all types of places of cultural significance including natural, indigenous and historic places with cultural values.

The standards of other organisations may also be relevant. These include the Australian Natural Heritage Charter and the Draft Guidelines for the Protection, Management and Use of Aboriginal and Torres Strait Islander Cultural Heritage Places.

Why conserve?

Places of cultural significance enrich people's lives, often providing a deep and inspirational sense of connection to community and landscape, to the past and to lived experiences. They are historical records that are important as tangible expressions of Australian identity and experience. Places of cultural significance reflect the diversity of our communities, telling us about who we are and the past that has formed us and the Australian landscape. They are irreplaceable and precious.

These places of cultural significance must be conserved for present and future generations.

The Burra Charter advocates a cautious approach to change: do as much as necessary to care for the place and to make it useable, but otherwise change it as little as possible so that its cultural significance is retained

ARTICLES

A DEFINITIONS

Article 1 For the purpose of this Charter:

1.1 Place means site, area, land, landscape, building or other work, group of buildings or other works, and may include components, contents, spaces and views.

1.2 Cultural significance means aesthetic, historic, scientific, social or spiritual value for past, present or future generations. Cultural significance is embodied in the place itself, its *fabric, setting, use, associations, meanings, records, related places and related objects*. Places may have a range of values for different individuals or groups.

1.3 Fabric means all the physical material of the *place* including components, fixtures, contents, and objects.

1.4 Conservation means all the processes of looking after a *place* so as to retain its *cultural significance*.

1.5 Maintenance means the continuous protective care of the *fabric* and setting of a *place*, and is to be distinguished from repair. Repair involves *restoration* or *reconstruction*.

1.6 Preservation means maintaining the *fabric* of a *place* in its existing state and retarding deterioration.

1.7 Restoration means returning the existing *fabric* of a *place* to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material

1.8 Reconstruction means returning a *place* to a known earlier state and is distinguished from *restoration* by the introduction of new material into the *fabric*

1.9 Adaptation means modifying a *place* to suit the existing use or a proposed use

1.10 Use means the functions of a *place*, as well as the activities and practices that may occur at the *place*

1.11 Compatible use means a *use* which respects the *cultural significance* of a *place*. **1** Such a use involves no, or minimal, impact on cultural significance

1.12 Setting means the area around a *place*, which may include the visual catchment

EXPLANATORY NOTES

These notes do not form part of the Charter and may be added to by Australia ICOMOS

1.1 The concept of place should be broadly interpreted. The elements described in Article 1.1 may include memorials, trees, gardens, parks, places of historical events, urban areas, towns, industrial places, archaeological sites and spiritual and religious places.

1.2 The term cultural significance is synonymous with heritage significance and cultural heritage value. Cultural significance may change as a result of the continuing history of the place. Understanding of cultural significance may change as a result of new information.

1.3 Fabric includes building interiors and sub-surface remains, as well as excavated material. Fabric may define spaces and these may be important elements of the significance of the place

1.5 The distinctions referred to, for example in relation to roof gutters, are.

- maintenance: regular inspection and cleaning of gutters;
- repair involving restoration: returning of dislodged gutters;
- repair involving reconstruction: replacing decayed gutters.

1.6 It is recognised that all places and their components change over time at varying rates.

1.7 New material may include recycled material salvaged from other places. This should not be to the detriment of any place of cultural significance

1.13 Related place means a *place* that contributes to the *cultural significance* of another place

1.14 Related object means an object that contributes to the *cultural significance* of a place but is not at the place

1.15 Associations mean the special connections that exist between people and a *place*.

1.16 Meanings denote what a *place* signifies, indicates, evokes or expresses.

1.17 Interpretation means all the ways of presenting the *cultural significance* of a *place*

1.15 Associations may include social or spiritual values and cultural responsibilities for a place

1.16 Meanings generally relate to intangible aspects such as symbolic qualities and memories

1.17 Interpretation may be a combination of the treatment of the fabric (e.g. maintenance, restoration, reconstruction); the use of and activities at the place; and the use of introduced explanatory material

B CONSERVATION PRINCIPLES

Article 2 Conservation and management

2.1 *Places of cultural significance* should be conserved.

2.2 The aim of *conservation* is to retain the *cultural significance* of a *place*.

2.3 *Conservation* is an integral part of good management of *places of cultural significance*.

2.4 *Places of cultural significance* should be safeguarded and not put at risk or left in a vulnerable state.

Article 3 Cautious approach

3.1 Conservation is based on a respect for the existing *fabric, use, associations and meanings*. It requires a cautious approach of changing as much as necessary but as little as possible.

3.2 Changes to a *place* should not distort the physical or other evidence it provides, nor be based on conjecture.

Article 4 Knowledge, skills and techniques

4.1 *Conservation* should make use of all the knowledge, skills and disciplines which can contribute to the study and care of the place.

4.2 Traditional techniques and materials are preferred for the *conservation* of significant *fabric*. In some circumstances modern techniques and materials which offer substantial conservation benefits may be appropriate.

3.1 The traces of additions, alterations and earlier treatments to the fabric of a place are evidence of its history and uses which may be part of its significance. Conservation action should assist and not impede their understanding

4.2 The use of modern materials and techniques must be supported by firm scientific evidence or by a body of experience

Article 5 Values

5.1 *Conservation* of a *place* should identify and take into consideration all aspects of cultural and natural significance without unwarranted emphasis on any one value at the expense of others.

5.2 Relative degrees of *cultural significance* may lead to different *conservation* actions at a place.

5.1 Conservation of places with natural significance is explained in the Australian Natural Heritage Charter. This Charter defines natural significance to mean the importance of ecosystems, biological diversity and geodiversity for their existence value, or for present or future generations in terms of their scientific, social, aesthetic and life-support value

5.2 A cautious approach is needed, as understanding of cultural significance may change. This article should not be used to justify actions which do not retain cultural significance

Article 6 Burra Charter Process

6.1 The *cultural significance* of a *place* and other issues affecting its future are best understood by a sequence of collecting and analysing information before making decisions. Understanding cultural significance comes first, then development of policy and finally management of the place in accordance with the policy.

6.2 The policy for managing a *place* must be based on an understanding of its *cultural significance*.

6.3 Policy development should also include consideration of other factors affecting the future of a *place* such as the owner's needs, resources, external constraints and its physical condition.

6.1 The Burra Charter process, or sequence of investigations, decisions and actions, is illustrated in the accompanying flowchart.

Article 7 Use

7.1 Where the use of a *place* is of *cultural significance* it should be retained.

7.2 A place should have a compatible use.

7.2 The policy should identify a use or combination of uses or constraints on uses that retain the cultural significance of the place. New use of a place should involve minimal change, to significant fabric and use; should respect associations and meanings; and where appropriate should provide for continuation of practices which contribute to the cultural significance of the place.

Article 8 Setting

Conservation requires the retention of an appropriate visual *setting* and other relationships that contribute to the *cultural significance* of the *place*. New construction, demolition, intrusions or other changes which would adversely affect the *setting* or relationships are not appropriate.

Article 8.Aspects of the visual setting may include use, siting, bulk, form, scale, character, colour, texture and materials. Other relationships, such as historical connections, may contribute to interpretation, appreciation, enjoyment or experience of the place.

Article 9 Location

9.1 The physical location of a *place* is part of its *cultural significance*. A building, work or other component of a *place* should remain in its historical location. Relocation is generally unacceptable unless this is the sole practical means of ensuring its survival.

9.2 Some buildings, works or other components of *places* were designed to be readily removable or already have a history of relocation. Provided such buildings, works or other components do not have significant links with their present location, removal may be appropriate.

9.3 If any building, work or other component is moved, it should be moved to an appropriate location and given an appropriate use. Such action should not be to the detriment of any place of cultural significance

Article 10 Contents

Contents, fixtures and objects which contribute to the *cultural significance* of a *place* should be retained at that place. Their removal is unacceptable unless it is: the sole means of ensuring their security and *preservation*; on a temporary basis for treatment or exhibition; for cultural reasons; for health and safety; or to protect the place. Such contents, fixtures and objects should be returned where circumstances permit and it is culturally appropriate.

Article 11 Related places and objects

The contribution which related *places* and related *objects* make to the *cultural significance* of the *place* should be retained.

Article 12 Participation

Conservation, *interpretation* and management of a *place* should provide for the participation of people for whom the place has special *associations* and *meanings*, or who have social, spiritual or other cultural responsibilities for the place

Article 13 Co-existence of cultural values

Co-existence of cultural values should be recognised, respected and encouraged, especially in cases where they conflict.

Article 13. For some places, conflicting cultural values may affect policy development and management decisions. In this article, the term cultural values refers to those beliefs which are important to a cultural group, including but not limited to political, religious, spiritual and moral beliefs. This is broader than values associated with cultural significance

C CONSERVATION PROCESSES**Article 14 Conservation processes**

Conservation may, according to circumstance, include the processes of: retention or reintroduction of a *use*; retention of *associations* and *meanings*; *maintenance*, *preservation*, *restoration*, *reconstruction*, *adaptation* and *interpretation*; and will commonly include a combination of more than one of these.

Article 15 Change

15.1 Change may be necessary to retain *cultural significance*, but is undesirable where it reduces cultural significance. The amount of change to a *place* should be guided by the *cultural significance* of the place and its appropriate *interpretation*.

Article 14. There may be circumstances where no action is required to achieve conservation

15.1 When change is being considered, a range of options should be explored to seek the option which minimises the reduction of cultural significance

15.2 Changes which reduce *cultural significance* should be reversible, and be reversed when circumstances permit.

15.3 Demolition of significant *fabric* of a *place* is generally not acceptable. However, in some cases minor demolition may be appropriate as part of *conservation*. Removed significant fabric should be reinstated when circumstances permit.

15.4 The contributions of all aspects of *cultural significance* of a *place* should be respected. If a *place* includes *fabric*, *uses*, *associations* or *meanings* of different periods, or different aspects of cultural significance, emphasising or interpreting one period or aspect at the expense of another can only be justified when what is left out, removed or diminished is of slight cultural significance and that which is emphasised or interpreted is of much greater cultural significance.

Article 16 Maintenance

Maintenance is fundamental to *conservation* and should be undertaken where *fabric* is of *cultural significance* and its *maintenance* is necessary to retain that *cultural significance*

15.2 Reversible changes should be considered temporary. Non-reversible change should only be used as a last resort and should not prevent future conservation action

Article 17 Preservation

Preservation is appropriate where the existing *fabric* or its condition constitutes evidence of *cultural significance*, or where insufficient evidence is available to allow other *conservation* processes to be carried out.

Article 18 Restoration and reconstruction

Restoration and *reconstruction* should reveal culturally significant aspects of the *place*.

Article 19 Restoration

Restoration is appropriate only if there is sufficient evidence of an earlier state of the *fabric*.

Article 20 Reconstruction

20.1 *Reconstruction* is appropriate only where a place is incomplete through damage or alteration, and only where there is sufficient evidence to reproduce an earlier state of the *fabric*. In rare cases, *reconstruction* may also be appropriate as part of a use or practice that retains the *cultural significance* of the *place*.

20.2 *Reconstruction* should be identifiable on close inspection or through additional interpretation.

Article 17. Preservation protects fabric without obscuring the evidence of its construction and use. The process should always be applied

- where the evidence of the fabric is of such significance that it should not be altered;
- where insufficient investigation has been carried out to permit policy decisions to be taken in accord with Articles 26 to 28.

New work (e.g. stabilisation) may be carried out in association with preservation when its purpose is the physical protection of the fabric and when it is consistent with Article 22

Article 21 Adaptation

21.1 *Adaptation* is acceptable only where the adaptation has minimal impact on the *cultural significance* of the *place*.

21.2 *Adaptation* should involve minimal change to significant *fabric*, achieved only after considering alternatives.

Article 22 New work

22.1 New work such as additions to the *place* may be acceptable where it does not distort or obscure the *cultural significance* of the *place*, or detract from its *interpretation* and appreciation.

22.2 New work should be readily identifiable as such

Article 21 Adaption may involve the introduction of new services, or a new use, or changes to safeguard the place. Adaption must be limited to that which is essential to a use for the place determined in accordance with Articles 6 and 7

22.1 New work may be sympathetic if its siting, bulk, form, scale, character, colour, texture and material are similar to the existing fabric, but imitation should be avoided

Article 23 Conserving use

Continuing, modifying or reinstating a significant *use* may be appropriate and preferred forms of *conservation*

Article 24 Retaining associations and meanings

24.1 Significant *associations* between people and a *place* should be respected, retained and not obscured. Opportunities for the *interpretation*, commemoration and celebration of these associations should be investigated and implemented.

24.2 Significant *meanings*, including spiritual values, of a place should be respected. Opportunities for the continuation or revival of these meanings should be investigated and implemented.

Article 25 Interpretation

The *cultural significance* of many *places* is not readily apparent, and should be explained by *interpretation*. Interpretation should enhance understanding and enjoyment, and be culturally appropriate.

Article 23 These may require changes to significant fabric but they should be minimised. In some cases, continuing a significant use or practice may involve substantial new work

24.1 For many places associations will be linked to use.

D CONSERVATION PRACTICE

Article 26 Applying the Burra Charter process

26.1 Work on a *place* should be preceded by studies to understand the place which should include analysis of physical, documentary, oral and other evidence, drawing on appropriate knowledge, skills and disciplines.

26.2 Written statements of *cultural significance* and policy for the *place* should be prepared, justified and accompanied by supporting evidence. The statements of significance and policy should be incorporated into a management plan for the place.

26.1 The results of studies should be up to date, regularly reviewed and revised as necessary.

26.2 Statements of significance and policy should be kept up to date by regular review and revision as necessary. The management plan may deal with other matters related to the management of the place

26.3 Groups and individuals with *associations* with a *place* as well as those involved in its management should be provided with opportunities to contribute to and participate in understanding the *cultural significance* of the place. Where appropriate they should also have opportunities to participate in its *conservation* and management.

Article 27 Managing change

27.1 The impact of proposed changes on the *cultural significance* of a *place* should be analysed with reference to the statement of significance and the policy for managing the place. It may be necessary to modify proposed changes following analysis to better retain cultural significance.

27.2 Existing *fabric*, *use*, *associations* and *meanings* should be adequately recorded before any changes are made to the *place*.

Article 28 Disturbance of fabric

28.1 Disturbance of significant *fabric* for study, or to obtain evidence, should be minimised. Study of a *place* by any disturbance of the fabric, including archaeological excavation, should only be undertaken to provide data essential for decisions on the *conservation* of the place, or to obtain important evidence about to be lost or made inaccessible.

28.2 Investigation of a *place* which requires disturbance of the *fabric*, apart from that necessary to make decisions, may be appropriate provided that it is consistent with the policy for the place. Such investigation should be based on important research questions which have potential to substantially add to knowledge, which cannot be answered in other ways and which minimises disturbance of significant fabric.

Article 29 Responsibility for decisions

The organisations and individuals responsible for management decisions should be named and specific responsibility taken for each such decision.

Article 30 Direction, supervision and implementation

Competent direction and supervision should be maintained at all stages, and any changes should be implemented by people with appropriate knowledge and skills.

Article 31 Documenting evidence and decisions

A log of new evidence and additional decisions should be kept.

Article 32 Records

32.1 The records associated with the *conservation* of a *place* should be placed in a permanent archive and made publicly available, subject to requirements of security and privacy, and where this is culturally appropriate.

32.2 Records about the history of a *place* should be protected and made publicly available, subject to requirements of security and privacy, and where this is culturally appropriate

Article 33 Removed fabric

Significant *fabric* which has been removed from a *place* including contents, fixtures and objects, should be catalogued, and protected in accordance with its *cultural significance*. Where possible and culturally appropriate, removed significant fabric including contents, fixtures and objects, should be kept at the place.

Article 34 Resources

Adequate resources should be provided for *conservation*.

Words in italics are defined in Article 1

Article 34. The best conservation often involves the least work and can be inexpensive.

BACKGROUND

Australia ICOMOS Burra Charter has recently been through an extensive process of review that has resulted in a revised version of the document. The purpose of this revision was to bring it up to date with best practice.

The revisions take account of advances in conservation practice that have occurred over the decade since the Charter was last updated

Prominent among the changes are the recognition of less tangible aspects of cultural significance including those embodied in the use of heritage places, associations with a place and the meanings that places have for people

The Charter recognises the need to involve people in the decision-making process, particularly those that have strong associations with a place. These might be as patrons of the corner store, as workers in a factory or as community guardians of places of special value, whether of indigenous or European origin.

The planning process that guides decision-making for heritage places has been much improved, with a flowchart included in the document to make it clearer.

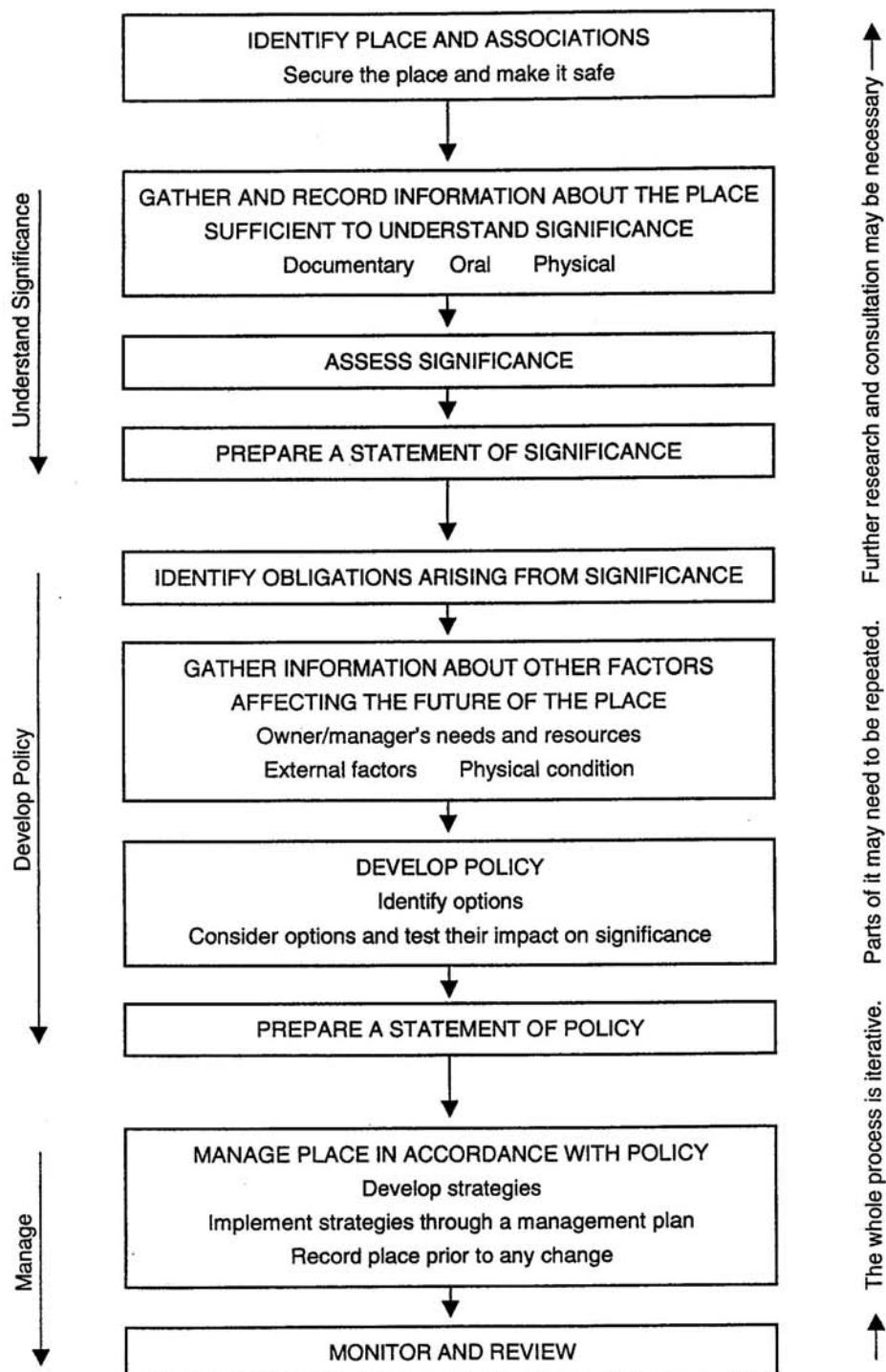
With the adoption of the 1999 revisions, the previous (1988) version of the Charter has now been superseded and joins the 1981 and 1979 versions as archival documents recording the development of conservation philosophy in Australia.

Initial references to the Burra Charter should be in the form of the Australia ICOMOS Burra Charter, 1999 after which the short form (Burra Charter) will suffice

SCHEDULE 2

The Burra Charter Process

Sequence of investigations, decisions and actions



SCHEDULE 2

THE AUSTRALIAN NATURAL HERITAGE CHARTER

STANDARDS AND PRINCIPLES FOR THE CONSERVATION OF PLACES OF NATURAL HERITAGE SIGNIFICANCE

PREAMBLE

The Australian Natural Heritage Charter was adopted in December 1996 following a two-year period of extensive national consultation. At that time the Australian Committee for IUCN accepted responsibility for the promotion, promulgation, administration and future review of the Charter. The Charter is for use by all Australian organisations and individuals

IUCN (the International Union for the Conservation of Nature and Natural Resources) is now known as the World Conservation Union.

Purpose

The purpose of this Charter is to assist everyone with an interest in the significance and conservation of natural heritage to make soundly-based decisions on conservation of that heritage. It is intended to achieve a uniform approach to conservation of places of natural significance in Australia that can be applied to public and privately-owned places, to terrestrial, marine or freshwater areas, and to protected and unprotected areas.

The Charter is not intended to provide a detailed process for describing places for the purpose of listing them on heritage registers.

Ethos of the Charter

This Charter encompasses a wide interpretation of natural heritage and is based on respect for that heritage. It acknowledges the principles of intergenerational equity, existence value, uncertainty and precaution.

Intergenerational equity means that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.

The *principle of existence* value is that living organisms, earth processes and ecosystems may have value beyond the social, economic or cultural values held by humans.

The *principle of uncertainty* accepts that our knowledge of natural heritage and the processes affecting it is incomplete, and that the full potential significance or value of natural heritage remains unknown because of this uncertain state of knowledge.

The *precautionary principle* is that where there are threats or potential 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.

Natural heritage incorporates a spectrum of values, ranging from existence value at one end through to socially-based values at the other. The fundamental concept of natural heritage, which most clearly differentiates it from cultural heritage, is that of dynamic ecological processes, ongoing natural evolution, and the ability of ecosystems to be self-perpetuating. At the cultural end of the spectrum, clear separation of cultural and natural values can be difficult, and more than one layer of values may apply to the same place.

The concept of natural heritage used here recognises the role Indigenous people have played in Australian landscapes for at least 50 000 years and possibly much longer.

HOW TO USE THE AUSTRALIAN NATURAL HERITAGE CHARTER

The definitions, conservation principles and conservation processes described in Parts A, B and C of the Charter provide the basis for conservation decisions. Part D draws these elements together to describe the procedure for conservation practice.

IMPORTANT

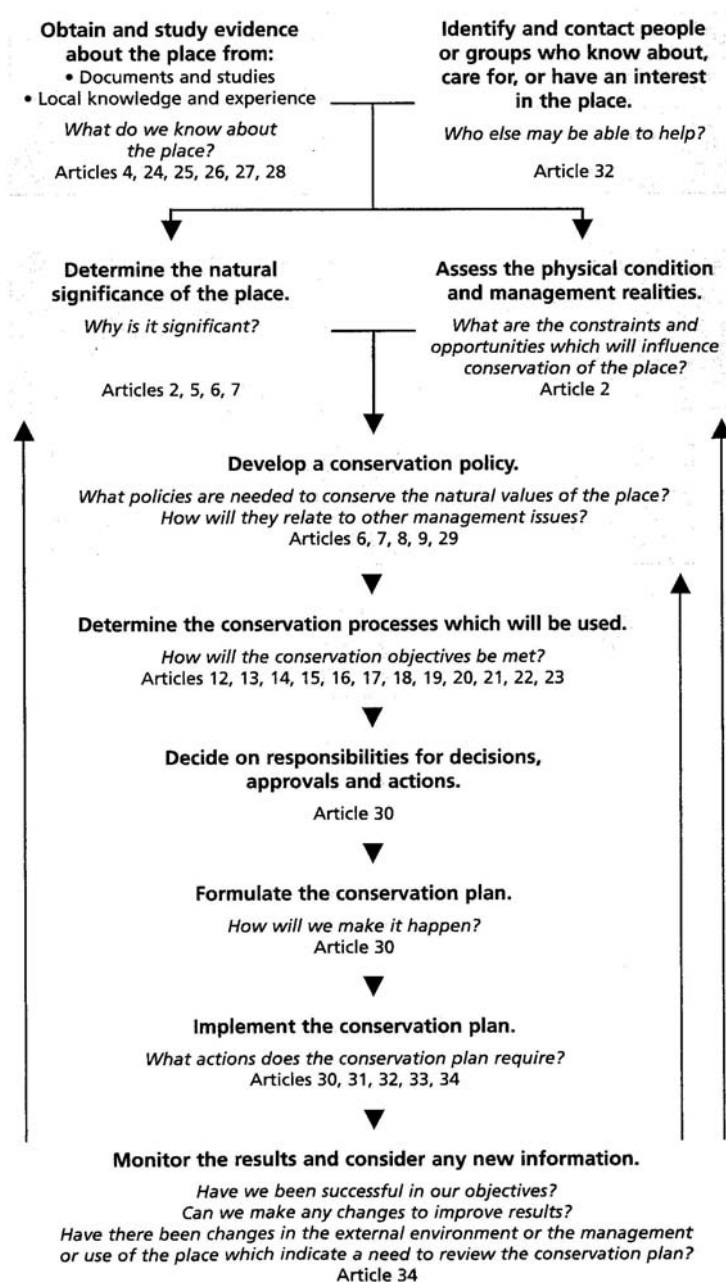
- The steps need to be taken in this order
- Each step is a discrete stage
- Monitoring is a fundamental element of conservation practice.

ARTICLES**DEFINITIONS**

Article 1. For the purpose of the Charter the following definitions apply.

General

1.1 *Place* means a site or area with associated *ecosystems*, which are the sum of its *geodiversity*, *biological diversity* and natural processes.



Values

1.2 *Natural significance* means the importance of *ecosystems*, *biological diversity* and *geodiversity* for their existence value, or for present or future generations in terms of their scientific, social, aesthetic and life-support value.

1.3 *Biological diversity* (also known as biodiversity) means the variety of life forms: the different plants, animals and microorganisms, the genes they contain, And the *ecosystems* they form. It is usually considered at four levels: *genetic diversity*, *species diversity*, *ecosystem diversity* and *community diversity*.

1.4 *Community diversity* means the diversity of *communities* in an area.

1.5 *Ecosystem diversity* means the variety of *ecosystems* in an area.

1.6 *Species diversity* means the variety of species and their relative abundance in an area.

1.7 *Genetic diversity* means the variety of genetic information contained in the total genes of individual plants, animals and micro-organisms in an area

1.8 *Geodiversity* means the range of earth features including geological, geomorphological, palaeontological, soil, hydrological and atmospheric systems, features and *earth processes*

1.9 *Natural integrity* means the degree to which a *natural system* retains its condition and natural rate of change in terms of size, *biological diversity*, *geodiversity* and *habitat*.

1.10 *Indigenous species* means a species that occurs at a *place* within its historically known range and that forms part of the natural *biological diversity* of a *place*.

1.11 *Introduced species* means a translocated or alien species occurring at a *place* outside its historically known natural range as a result of intentional or accidental dispersal by human activities.

Notes

In this Charter, words for which a definition is provided are printed in italics

1.3 This definition is essentially the same as that used in 'The National Strategy for the Conservation of Australia's Biodiversity' to which all Australian Governments are signatory

1.10. Special classes of *Introduced species*, often defined in legislation by terms such as threatened species, vulnerable species or endangered species, have not been defined in this Charter

1.11 *Introduced species* include those that have been translocated to a place from elsewhere in Australia, and those that are genetically modified
1.12 *Organism* means any living being.

1.13 *Habitat* means the structural environments where an *organism* lives for all or part of its life

1.14 *Community* means all the living parts of an *ecosystem*.

1.15 *Ecosystem* means the dynamic interaction between the complex of *organisms* that make up a *community* with their non-living environment and each other.

1.16 *Ecological processes* means all those processes that occur between *organisms*, and within and between populations and

communities, including interactions with the non-living environment, that result in existing *ecosystems* and bring about changes in *ecosystems* over time.

1.17 *Earth processes* means the interactions, changes and evolutionary development of *geodiversity* over time.

1.18 *Evolutionary processes* means genetically-based processes by which life forms change and develop over generations

1.19 *Succession* means the natural changes over time where one *community* is replaced by another.

Degradation and Disturbance

1.20 *Degradation* means any decline in the quality of natural resources or the viability of *ecosystems*, caused directly or indirectly by human activities.

1.21 *Disturbance* means accelerated change caused by human activity, or extreme natural events.

Conservation Processes

1.22 *Conservation* 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*.

1.23 *Regeneration* means the recovery of *natural integrity* following *disturbance* or *degradation*.

1.24 *Restoration* means returning existing *habitats* to a known past state or to an approximation of the natural condition by repairing *degradation*, by removing *introduced species*, or by *reinstatement*.

1.25 *Enhancement* means the introduction to a *place* of additional individuals of one or more *organisms*, species or elements of *habitat* or *geodiversity* that naturally exist there.

1.26 *Reinstatement* means to introduce to a *place* one or more species or elements of *habitat* or *geodiversity* that are known to have existed there naturally at a previous time but that can no longer be found at that *place*.

.

1.20. A degraded *ecosystem* will usually require human intervention to recover to recover.

1.21. Inclusion of the concept of natural *disturbance* is problematical, but it is necessary because *conservation* decisions are often needed after natural extreme 'catastrophic' events. Human modification of the natural environment often contributes to the 'catastrophic' effects.

The appropriate use of Conservation processes is described in Part C. The term 'rehabilitation' has not been used in this Charter because it is widely used in other land management contexts which are not necessarily connected with natural heritage conservation.

1.22. *Conservation*, may, according to circumstance, include *conservation management measures*, *regeneration*, *restoration*, *enhancement*, *reinstatement*, *preservation* or *modification*, or a combination of more than one of these.

1.23. Assisted *regeneration*, where there is some assistance by human intervention to accelerate the process of recovery, e.g., by removing threatening processes, may be justified under the same principles as those for *restoration*.

1.24 and 1.26. The time frame that would apply to the past state as reference for *restoration* and *reinstatement* is not specified; this should be determined for each situation through the *conservation* policy.

1.27 *Preservation* means maintaining the *biodiversity* and/or an *ecosystem* of a *place* at the existing stage of *succession*, or maintaining existing *geodiversity*.

1.28 *Modification* means altering a *place* to suit proposed uses which are compatible with the *natural significance* of the *place*.

Actions

1.29 *Protection* means taking care of a *place* by *maintenance* and by managing impacts to ensure that *natural significance* is retained.

1.30 *Maintenance* means the continuous protective care of the

biological diversity and *geodiversity* of a *place* and is to be distinguished from repair. Repair involves *restoration* and *reinstatement*

1.31 *Conservation management measures* means the techniques for achieving *conservation* of *biological diversity* and *geodiversity* and may include physical intervention, binding legal agreements, planning instruments, land acquisition and the like.

1.32 *Monitoring* means ongoing review, evaluation and assessment to detect changes in condition of the *natural integrity* of a *place*, with reference to a baseline condition.

1.32. *Monitoring* is used to allow review of decisions assisted by knowledge of the effects of *conservation* processes and actions

B CONSERVATION PRINCIPLES

Basis of Conservation

Article 2. The aim of *conservation* is to retain the *natural significance* of a *place*.

Article 3. *Conservation* is based on respect for *ecosystems*, *biological diversity* and *geodiversity*, and should involve the least possible physical intervention to *ecological processes*, *evolutionary processes* and *earth processes*.

Article 4. *Conservation* should make use of all the disciplines and experience that can contribute to the study and safeguarding of a *place*. Techniques employed should have a firm scientific basis or be supported by relevant experience.

Article 5. *Conservation* of a *place* should take into consideration all aspects of its *natural significance* without unwarranted emphasis on any one aspect at the expense of others.

Conservation Policy

Article 6. The *conservation* policy appropriate to a *place* should first be determined by an understanding of its *natural significance* and should state the desired future condition of the *place*

Article 3. The best *conservation* often involves the least work, and *conservation* should not be undertaken unless adequate resources are available to ensure that the *place* is not left in a disturbed or vulnerable state.

Article 5. *Conservation* of rare, threatened or vulnerable species or declaration of a protected area for specific purposes may conflict with the *conservation* of other aspects of *biological diversity* or *geodiversity* and decisions should be guided by a *conservation* policy based on the *natural significance* of a *place*. See also Article 10.

Article 7. A statement of *natural significance* is central to the *conservation* policy and *conservation* strategy for a *place*.

Article 8. The *conservation* policy should determine uses that are compatible with the *natural significance* of a *place*.

Article 9. The *conservation* policy should include consideration of *ecological processes* that extend beyond the stated boundaries of a *place*.

Removal of elements

Article 10. Elements of *geodiversity*, *habitat* elements, *organisms* and species, which contribute to the natural significance of a *place* and its *ecosystems*, should not be removed from a *place* unless this is the sole means of ensuring their survival, security or *preservation* and is consistent with the *conservation* policy.

Article 11. The destruction of elements of *habitat* or *geodiversity*, which form part of the *natural significance* of a *place*, is unacceptable unless it is the sole means of ensuring the security of the wider *ecosystem*.

C CONSERVATION PROCESSES

Regeneration

Article 12. *Regeneration* does not include physical intervention, but includes *monitoring* and may include *conservation management measures* of a non-physical nature.

Restoration

Article 13. *Restoration* is appropriate only if there is sufficient evidence of an earlier state to guide the *conservation* process and if returning the *ecosystem* to that state reveals the *natural significance* of that *place*.

Enhancement

Article 14. *Enhancement* is appropriate only if there is evidence that the introduction of additional *habitat* elements or individuals of a species which exist at that *place* are necessary for, or contribute to, the *conservation* of the *place*.

Article 15. Where *organisms* are introduced to a *place* for the purpose of *enhancement* the individuals introduced to the *place* should not alter the natural *species diversity* or *genetic diversity* of the *place* if that would reduce its *natural significance*.

Article 16. *Enhancement* should be limited to a minor part of *biological diversity* or *geodiversity* of a *place* and should not constitute a majority of the *ecosystem*, or *habitats* or earth features of the *place*.

Article 10. Accepted protocols for scientific collecting should be observed where they exist, and

provision for scientific collecting should be incorporated in the *conservation* plan where appropriate. Refer also to Articles 26 and 30

Article 11. An example is poisoning or draining a water body to eliminate an *introduced species* of fish where the poisoning or draining may threaten downstream areas or the integrity or *evolutionary processes* of the *ecosystem*.

Article 12.

(i) See also the note at Article 1.23 concerning assisted *regeneration*.

(ii) '*Conservation management measures of a non-physical nature*' may include actions such as placing a protective covenant on a title to land, preserving the *place* as a nature reserve or placing interpretative signs at the *place* about its *natural significance*.

Articles 13 and 17. In considering *restoration* and *reinstatement*, the length of time that has passed since the existence of the 'earlier state' will influence decisions on *conservation* policy and process and will be a matter of judgement by the practitioner for each *place*.

Article 14. Examples of *enhancement* include:

- raising the numbers of a species to that needed for a viable self-perpetuating *community*;
- returning an element of *habitat* that has been seriously depleted, e.g., adding gravel material to expand the shallows and riffles of a stream that has been deepened or mined

Article 15. This means that genotypes different to the local genotype of a species at a *place* should not be introduced to it unless it is necessary for *restoration* or *preservation* of the *natural significance*.

Article 16. This refers to existing natural systems and is not an argument against the creation of new *habitat* following mining etc.

Reinstatement

Article 17. *Reinstatement* is appropriate only if there is evidence that the species or *habitat* elements or earth features, which are to be introduced, have existed there naturally at a previous time, and if returning them to the *place* contributes to *restoration* of the *natural significance* of that *place*, and if processes threatening to their existence at that *place* have been discontinued.

Preservation

Article 18. *Preservation* is appropriate where the *natural significance* of a *place* is its existing stage of natural *succession* or the existing state of its *geodiversity*.

Article 19. *Preservation* should be limited to the minimum intervention, or the change of *maintenance* actions, needed to suspend the natural *earth processes* or processes of *succession* and where that intervention or change will not adversely affect surrounding *ecosystems*.

Modification

Article 20. *Modification* is acceptable where the *conservation* of a *place* cannot otherwise be achieved and where *modification* does not substantially detract from its *natural significance* and where the *modification* will not adversely affect surrounding *ecosystems*.

Article 21. *Modification* should be limited to that which is essential to a use for the *place*, such use being determined in accordance with the *conservation* policy.

Article 22. Records should be kept of those aspects of *natural significance* unavoidably damaged, lost or displaced in the process of *modification* of a *place* to allow their future *reinstatement* or to guide future *restoration*.

Maintenance

Article 23. *Maintenance* should be consistent with the *conservation* process(es) adopted for a *place* and should not detract from its *natural significance*.

D CONSERVATION PRACTICE

Obtaining Information about a Place

Article 24. Work or other *conservation* action or processes at a *place* should be preceded by research, and review of the available physical, oral, documentary and other evidence about the existing *biological diversity*, *geodiversity* and *ecosystems* including evidence from Indigenous people.

Article 25. Evidence of the existing *biological diversity*, *geodiversity*, and any other significant features of the *place* (such as cultural heritage) should be recorded before any intervention in the *place*.

Article 17. *Reinstatement* is similar in concept, but not the same as, reconstruction of a cultural place.

Article 18. There may be situations where the *conservation* strategy for protecting *natural significance* is to maintain the *ecosystem* of a *place* at a particular point in its *succession*, e.g., *preservation* may be an appropriate *conservation* process for the locality of the Wollemi pine in New South Wales, thought to be a surviving relic of a previous climatic environment.

Article 21. See Articles 6-9.

Article 24.

(i) The minimum information required before work or other *conservation* action or processes are commenced at a *place* is identification of its *natural significance*.

(ii) It is important that studies are of as high a quality as possible, and prepared or reviewed by people with appropriate experience, knowledge or professional qualifications.

Article 25. If the *place* appears to have features of cultural heritage significance, reference may also be made to the Australia ICOMOS Charter for the Conservation of Places of Cultural Heritage Significance (known as the 'Burra Charter').

Article 26. Study of a *place* may require some intervention to provide the data essential for deciding the *natural significance* of a *place* and the *conservation* policy and strategy. In these cases the intervention should be carried out with minimal impact on the *biological diversity* and *geodiversity* of the *place* and the intervention actions should be recorded.

Article 27. Intervention is justified where it is needed to secure evidence about to be lost or made inaccessible through necessary *conservation* or other unavoidable action.

Article 28. Investigation that requires physical disturbance of a *place* may be permitted if it will create, or add substantially to, a body of knowledge and provided that it is consistent with the *conservation* policy of a *place*.

Conservation Policy

Article 29. A written statement of the *conservation* policy should be prepared setting out the *natural significance* and the proposed *conservation* procedure together with the justification and supporting evidence.

Conservation Plan

Article 30. A *conservation* plan should be prepared, incorporating the *conservation* policy, stating the *conservation* process(es) that will be used, naming the organisations and/or individuals responsible for policy decisions, stating the *conservation* outcomes that the *conservation* plan is intended to achieve, and outlining the *monitoring* program for the *conservation*

Article 31. Appropriate expert direction and supervision should be maintained at all stages of the work, a log kept of new evidence, and additional decisions recorded as amendments to the *conservation* plan.

Consultation

Article 32. Consultation with individuals or organisations with an interest in the *natural significance* or future use of a *place* is always a desirable component of *conservation* practice.

Records

Article 33. The records required by Articles in this Part and Article 22 should be placed in a permanent archive and made publicly available unless there is an over-riding indication that this may cause a potential threat to the *natural significance* of the *place*

Monitoring

Article 34. *Monitoring*, which allows review of the effectiveness of *conservation* programs and re-examination of the appropriateness of decisions, is a fundamental element of *conservation* practice
Article 26. The study should be designed so as to provide appropriate data.

Article 29. See also Articles 6-9. The statement of *conservation* policy should be of as high a quality as possible, and prepared or reviewed by a person with appropriate experience, knowledge or professional qualifications.

Article 30. The *conservation* plan may be a component of a more broadly-based management plan for a range of land uses for the *place*, e.g., a farm plan, a plan of management for a reserve or a land or vegetation rehabilitation program

Article 32. The benefits of consultation include the contribution of additional knowledge or experience concerning a *place*

Article 33. Public knowledge of the *natural significance* of a *place* can cause *degradation* by an increase in visitors or illegal or inappropriate removal of items contributing to *natural significance*.

Article 34. *Monitoring* should be designed and conducted so as to identify changes relevant to the *conservation* program.

BACKGROUND

Development of the Charter

This Charter was developed over a two-year period with funding from the Australian Heritage Commission in consultation with key people and organisations in the nature conservation community around Australia.

The national Steering Committee provided perspectives from the Australian Committee for IUCN (World Conservation Union), the Australian Heritage Commission, the Australian Local Government Association, the Australian Nature Conservation Agency, the Environment Institute of Australia and Indigenous people.

The Australian Natural Heritage Charter was adopted in December 1996.

The Charter relates closely in its general structure and logic to that of the Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (*Burra Charter*) and can be used in conjunction with the Burra Charter for places that have both natural and cultural values.

Purpose of Charter

The purpose of the Charter is to assist everyone with an interest in the significance and conservation of natural heritage in terrestrial and aquatic ecosystems. It can be applied to public and privately-owned places, to the land of traditional Indigenous owners, to very large or very small areas, to national parks and unprotected areas, to areas of international, national or local significance, and to farms and mining leases. It is for non-government and government organisations, land owners, land managers, decision makers, voluntary groups, professional practitioners and everyone with a role in conservation of Australia's natural heritage.

Administration and Future review

This Charter is administered by the Australian Committee for IUCN which promulgates and distributes the Charter, monitors and collates the views of users, and will undertake a review and updating process of the Charter at periods not exceeding five years.

SCHEDULE 3

ANNEXURE 5: GUIDELINES AND CHECKLISTS

Processing applications

In assessing applications for building, development and subdivision, reference should be made to the Guidelines to the Burra Charter (reproduced as Annexure 4). In particular the comprehensive checklist for the collection of information at section 3.2 should be followed, as far as circumstances warrant. The specific checklists below simply highlight certain details, relating to the different types of application. These considerations should be regarded as a minimum.

Subdivision Applications - Checklist

1. If the property to be subdivided is scheduled in the LEP, or recorded in a DCP:
 - the integrity of the original main building and its surrounds should be conserved by ensuring an adequate curtilage is retained.
 - on rural properties this curtilage should include any front landscaped areas or tree-lined driveways.
 - original outbuildings on rural properties should be considered as should any site of possible archaeological interest.
 - any important views to and from the remaining original complex should be conserved.
2. If the property to be subdivided is in close proximity to an item of the environmental heritage its impact should be considered, particularly on views to and from the item.
3. If the property is in a scenic location or on a ridge top, or if it is exposed to view from an urban area or major thoroughfare, its visual impact should be taken into account.

Building and Development Applications - Checklist

1. Check for compliance with LEP and DCP provisions.
2. Any archaeological sites affected should be given special consideration, on expert advice. Permits are automatically required under the Heritage Act for any excavation affecting pre-1900 sites.
3. Inventory forms should be consulted. Any special suggestions should be followed, in addition to the general policies recommended for the particular item. Generally, only alterations involving restoration of original facades will be acceptable on the more significant buildings.
4. For other older buildings, not recorded on inventory forms, restoration should be encouraged where this is economically reasonable in the circumstances. Notwithstanding, general conformity in terms of streetscape will be required for all development in close proximity to heritage items and otherwise requiring consent. The accompanying guidelines have been prepared for assessing such development, here defined as infill.
5. Any proposal adjoining the site of a listed heritage item should be considered in terms of its impact upon that item.

Streetscape and Townscape Guidelines

Good streetscape requires the co-operation of both private owners and public authorities. The local council in particular will have a major impact in its treatment of verges, road shoulders and street trees. The main factors which influence streetscape are:

- street trees, size, shape spacing, maturity and type;
- other planting, both public and private;
- width of verges, and relative width of road **carriageway**;
- **tidiness** of verges, kerb lines and road shoulders;
- traffic densities and noise levels;
- topographical variations, curves and bends;
- fences, height, type, materials and variations;
- building setbacks, variations and consistency;
- consistency of built form in terms of scale, roof forms, height, materials and styles;
- the presence of any incompatible elements or noticeable unsympathetic alterations;
- any unusual features creating special interest; and
- the formation of special views, skylines or vistas

For each particular street the factors which most contribute to its quality, or lack thereof, should be noted. Positive features should be deliberately reinforced in any new development or works. Features which detract from the street's appearance should be removed where possible, or reduced in impact by some other means.

For the recommended conservation areas the very general observations which follow will provide a starting point.

Dowling Street, Dungog may be subdivided into three sections, each with its own streetscape. Generally there is a high degree of positive consistency. The southern section is low density residential and features many grand and elegant older style houses with generous front garden areas. There is uniformity of scale, landscaping and setback (to the front and sides) which should be continued. Suggested improvements include restoration of older style houses, sympathetically styled new buildings, selective street planting and more uniform fencing. Uniformity of fencing however should not result in fences which are out of character with the period of the building they front.

The central section of the street is dominated by non-residential buildings particularly churches and community buildings. Most of these are fine individual buildings set in attractive grounds. These buildings should be retained and sympathetically restored or renovated. Remaining buildings assist in the transition from residential development in the south to commercial in the north. Infill development should aim to improve this transition, whilst being in character with any neighbouring building of architectural importance.

The main business section to the north is highly consistent, due mainly to the repetition of posted awnings and verandahs, and above awning parapets. Setbacks and scale are also uniform. There are very few unwelcome intrusions with some fine individual hotel and bank buildings. Maintenance of the existing street facades would be sufficient, with sympathetic infill where lesser buildings are replaced. A dramatic improvement however could be achieved by restoration of the grander old style buildings, and co-ordinated painting of all buildings in sympathetic colours.

The street is fully paved with kerbing and guttering and a wide carriageway. Some sections of the footpath still feature old style brick **paving** and these should be kept and maintained.

There are also a number of interesting buildings and groups in side streets, off the main street. They should also be maintained and enhanced.

East Gresford The specific features which characterise the important approaches to East Gresford are described in detail elsewhere (refer to the specialist architectural report). These may be protected by preventing expansion of the village zone along those approaches, and by maintaining the skyline, setback and facades of buildings visible above the curve on Park Street (as one enters the town from Dungog).

For the remainder of the village the uniformity of height, setback and attractive lawn areas should be strengthened. Attractive older style buildings should be restored and new buildings should be of sympathetic design preferably timber. A uniform fencing policy would also greatly enhance the local streetscape. Existing kerb and gutter and neat verges should be maintained. New street planting would be welcome but should not dominate buildings. Kerb and gutter should not be extended, so as to maintain the sharp rural-urban transition.

Paterson Buildings at Paterson are more scattered but the townscape overall is distinctly urban. Dense landscaping in parts and the outstanding setting also contribute to the value of the proposed conservation area. The main focus is the loose grouping of outstanding individual buildings near the intersection of King and Duke Streets. The differing styles do not conflict as each has its own, reasonable-sized curtilage. The attractive grassed areas in front of the post office and former court house contrast with the less appealing bitumen car park of the hotel. The grouping is spoiled by commercial development on the north side of King Street, and the untidy gravel area in front. This could be remedied by special paving and limited planting. Attention to signs and advertising is also called for. The addition of a traditional style verandah would be another solution. Restoration of detail to major buildings would also make a difference.

A lesser grouping centres on the Prince and Duke Streets intersection. Again it owes much to the individual buildings and their setting. For the remainder of the village inventory buildings should be maintained and enhanced with special attention being given to new infill development. (The infill guidelines below will be particularly important for such a varied townscape as Paterson). In considering all applications for new buildings the impact on views must also be given due weight.

In other urban areas general streetscape improvements would assist in the conservation of individual heritage items. Although not recommended as conservation areas the historic town plans of Clarence Town, Dungog and South Paterson give them special interest, in addition to that created by individual items.

Despite its scattered development pattern Clarence Town retains a tidy appearance. The regular urban streets are in good repair and give definition to the more open areas. The grouping around the Erringhi Hotel has potential. This could be strengthened by sympathetic and imaginative infill and the introduction of more colour. New houses should generally be in scale and character with their neighbours. New timber buildings should be encouraged.

Dungog's residential streets vary somewhat in treatment. Carriageway edges and gravel shoulders tend to be untidy and would be the priority for improvement. The extension of grass verges to the carriageway is proposed with new, selective street planting. Further, grassed drainage channels are proposed as an alternative to the extension of kerbing and guttering. This is a good policy to follow generally.

At South Paterson there is a distinctly Victorian streetscape characterised by a narrower road reservation and small cottages built closer together. Although most houses are architecturally modest, the street character is worth keeping. Uniform fencing and selective street planting would again be most welcome. So too would the adoption of painting in heritage colours.

Infill Development

Vacant sites are quite common in many of the Shire's urban areas. Appropriate development on these sites could markedly improve the streetscape. Wherever new buildings are proposed in established streets, there are certain general principles to be observed.

For this purpose it is useful to consider architectural features or elements of a hierarchy. The following is a comprehensive list:

Higher order Elements

- Scale, height and length of frontage.
- Massing, bulk and spaces between buildings.
- Materials of roof and front external walls.

Colours. Roof shape (symmetrical/asymmetrical, hipped/gabled) Verandah roof (separate or joined to main roof, same or different materials, bullnosed, sloping bullnosed, concave or double curved). Setback, relation of front garden space to size of building Landscaping and fencing.

Intermediate (or middle order) Elements

- Internal proportions (e.g., ratio of height to frontage, of roof height to total height, or, of verandah roof to main roof).
- Roof pitch and changes of pitch.
- Verandah or porch (shadowing effect, size, shape and relation to main building).
- Extensions (front and side) and outbuildings (in particular garages and car ports).
- Recessed and projecting sections of external walls.
- Size and proportion of openings (i.e., of doors and windows).

Lower Order Elements

- Features, style and materials of doors and windows.
- Decorative features on walls or gable ends.
- Other elements of architectural detailing including verandah posts and columns, balustrades, tiling and paving, roof ridges, eaves and gutters, variations in brick bonds or timber claddings, lintels and arches.

This classification is indicative only. In particular streets, certain elements will be more or less dominant.

1. The first step is to assess which of these elements contribute positively to the subject street, as it exists. New development should repeat those elements which presently contribute to positive consistency. Some of these are identified above, for the Shire's main urban areas.
2. The general rule is that simple conformity of infill development in terms of higher order elements will ensure good streetscape. In detached housing areas, new buildings need only be in scale and general character, paying particular attention to:
 - a) scale and height

- b) roof form
 - c) verandahs, porches and front wall recesses (if any)
 - d) roofing materials
 - e) materials of the external front wall, and
 - f) average setback from front and side boundaries.
3. The closer buildings are together the more differences in smaller details become noticeable. This would be the case in the Dowling Street commercial section, for example. Similarly, the closer buildings are to the street, the greater their visual impact. In these situations more conformity in terms of intermediate and lower order elements is necessary to achieve good streetscape. The implementation of a co-ordinated painting programme could also lead to dramatic improvements, as schemes at Glen Innes and Leura have demonstrated. Scrapings and old photos will assist in identifying original colours whilst published guides provide general information about heritage colour schemes.
 4. In some situations, good infill may also be achieved by continuing the horizontal lines of neighbouring buildings, as well as by repeating dominant architectural elements characteristic of the street. Horizontal lines include gutter lines, roof ridges and verandah roof lines. Such an approach will be inappropriate where vertical lines are a dominant feature of existing buildings.
 5. Where there is considerable variation within the street, features of the immediate neighbours should become the reference elements. If these in turn sharply contrast with each other, the infill building should attempt to create a link between the two. This may be done by selectively incorporating lines and elements of both. Of course, if one or other of the neighbours is disruptive in any way, those features should not be copied. (NOTE: Achieving a satisfactory combination of lines and elements properly requires an experienced architect. If in doubt, expert advice should be sought).
 6. Note the strong contribution verandahs or porches can make to a streetscape. In particular, the shadowing effect can reduce the visual impact of out of character facade details.
 7. Note that landscaping can be used to blur any contrasts between neighbouring development, as well as screen out disruptive buildings. Landscaping should only be used as a screening device as a last resort. otherwise, streetscape is simply replaced by landscape and any special character is lost. Where the built form is important landscaping should be a complementary not a dominant feature. Large trees tend to emphasise the importance of lower architectural elements such as fences and below roof facades. The views from ground level are expansive, interrupted only by tree trunks. The canopy will usually hide details of roof structure or top storey additions. Smaller trees or shrubs will obscure lower architectural facades whilst emphasising roof structures and second storeys. What is appropriate will depend on what elements merit highlighting and which need screening, if any.
 8. Where out of character buildings exist, or would be difficult to refuse for some reason, other devices may be available. If possible, new out of character buildings should be set back, ideally behind desirable buildings or landscape. Fencing of original design or consistent with neighbouring properties may also significantly reduce building impact, especially combined with planting. The ability of traditional fencing to transform streetscape and improve heritage context should not be underestimated.

Concrete blocks, wire mesh with steel posts, horizontal boarding, asbestos sheets, railway sleepers and high brick fences will always be inappropriate in traditional streetscapes. High fences particularly should not be allowed to obscure attractive historic buildings.

9. The planting of front garden areas may also make a difference, enhancing the architecture and softening its effects. Like fences different garden types go with different building styles. Trees should always be carefully selected. They should not be too big or invasive. Generally pebble

gardens, bark chips, railway sleeper beds, rockeries and completely informal native gardens will be unsuitable for historic houses.

10. For specific problems like car parking, or solar heaters, refer to the notes which follow for suggestions as to how these might be dealt with. Signs and advertising are also common problems calling for greater restraint and standard formats.
11. Summing up, the essence of good streetscape is to continue or reinforce the existing visual order and style. Whilst this requires a high degree of uniformity there should always be variations within dominant themes. Too much uniformity creates monotony.
12. Finally, new work should never attempt to reproduce the old. The important thing is that it does not conflict, in scale or character.

Non-intrusive Alterations and Additions - Notes

For existing older style buildings the primary rule is that the building be true to its original design. Occasionally this may result in a design that is not in keeping with its neighbours. This is best overcome by the use of fencing, alternative colour schemes or careful landscaping. One should never resort to inappropriate alteration of the building, however, if it has any architectural interest at all. The best guide in the first instance will be the inventory forms prepared as part of the Heritage Study.

Because Dungog's older buildings are predominantly representative of typical period styles general guidelines for restoration and repair will provide owners with most of the basic information they require. Lists of references are set out below. Ideally this material should be supplemented by advice from an experienced conservation architect.

Conservation requirements should not prevent the upgrading of existing buildings to modern standards. Unlike restoration or preservation controls, they allow some flexibility. Quite often a solution may be found through good design. Conservation does impose additional constraints, but a good designer will be able to work within those and still produce the desired improvements. Better design should be a mandatory requirement when heritage items and conservation areas are affected.

Apart from the pressures to conform with current fashions there are common practical reasons for altering old buildings. These including the following:

- to provide on-site car parking
- to create additional living or working space
- to better utilise indoor and outdoor space generally
- to provide modern kitchen and bathroom facilities
- to improve natural lighting and outlook, and
- to take advantage of new concepts like solar heating

For each of these situations, there is usually a reasonable design solution. As a general rule, conservation is only concerned with the visible external facade of a building, i.e., visible from a street or other public place. Only in the case of some outstanding buildings is the restoration or preservation of interiors and rear facades encouraged. In all other cases, there will usually be a simple, standard design solution.

Extensions, for example, should be to the rear, as should large areas of glazing. Occasionally, however, side additions will be acceptable, i.e., where they do not detract from the building or the

streetscape. With car parking, there are usually more options. It should be located at the rear. Alternatively there could be a sympathetic garage at the side. Solar heaters should be placed at the rear to avoid visibility from the street. On non-south facing buildings this simply requires the use of props.

Sometimes, allotment shape, size, and orientation, and the proximity of neighbouring buildings will create difficulties with these standard solutions. On north facing allotments, the front facade offers the best opportunity for improved natural lighting. Nevertheless, there will be other alternatives, though admittedly somewhat less satisfactory. These include skylights in rear extensions and south facing glazing (which is still preferable to facing east to west).

Occasionally rear areas will be unsuitable for extension, due to the deep setback of the original building or to such things as outbuildings or swimming pools. In most cases however, whilst this will necessarily limit the size of extensions, it will not prevent them altogether. In such situations, a good designer would usually be able to achieve the desired result by a more efficient rationalisation of the combined extension and existing space.

On long narrow blocks extensions often create shadow and privacy problems for neighbouring buildings or outdoor spaces. These problems would arise however whether extensions were to the front or the rear. They are not made worse by conservation controls. Where such lots exist in areas designated for higher density, amalgamation should be encouraged to overcome the problem (but not otherwise).

Common Alterations

The most common alteration to older houses in the Shire is the replacement of original fencing. Encouraging the restoration of period fencing could do more to strengthen local streetscape than any other single initiative.

Also extremely common is the installation of security or insect screening on doors and windows. Often this does detract from the historic facade, sometimes substantially. In a few rare cases, an attempt has been made to design screening which is sympathetic to the building style. There are also some older stylised screen doors which have an interest of their own. These could form the basis for new, more sympathetic designs. It is strongly recommended that a set of standard patterns be prepared and their use strongly encouraged.

Of slightly lesser impact, but probably more common, is the destruction of balconies and verandahs. Often an enclosure, whilst having a major impact, is relatively easy to remove. Of greater concern is the destruction of posts and piers, brackets, valences, and other decorative detailing. For inventory buildings, inventory sheets will indicate what needs replacing. To know what requires replacing, however, will usually require copying details from neighbours or houses of similar style, in the absence of old photographs or plans of the house itself.

The same applies to destruction of detailing on both inventory and non-inventory buildings. Restoration is something generally to be encouraged.

Changes in materials and colours will also seriously undermine integrity and are frequent enough to be of concern. Concrete tiles and other modern roofing materials are highly undesirable. The inventory forms again will provide the best guide, with some reference to neighbouring buildings.

Original brick should never be painted or rendered if it can be avoided. Once this happens, there is little than can be done, other than to paint on a traditional brickwork pattern. Painting and rendering may also be highly destructive to streetscape as a result of the stark contrasts created. The same applies to any new building in unsympathetic materials.

In most cases, there will be cost comparative alternatives to these various alterations. It is anticipated that most people would probably do the right thing if they had proper advice. This emphasises the need for public education.

SCHEDULE 4

3.1 EXISTING CHARACTER

Dowling Street, as the main street of Dungog, exhibits a low density, low scale character. The street as a whole is predominantly made up of generously spaced residential buildings, with a commercial/civic precinct of only two blocks. The street performs the traditional role as the main thoroughfare through the town.

As a centre for activity, the commercial precinct has a relatively low density for an urban centre, as can be expected in a town of this size. The apparent increase in density and containment in the commercial/civic precinct of Dowling Street is assisted by the shift in the alignment of the commercial buildings to their street boundary.

A characteristic feature of the main street is its lack of focus, there are no major landmark public buildings and no defined urban spaces. There is no town centre or public forum. The closest point to an urban focus is the intersection of Hooke and Dowling Streets, which is marked by a small monument, the obelisk, directing travellers off the main street towards the Barrington Tops. Some effort has been made to emphasise both this intersection and that of Brown and Dowling Streets, yet both are incomplete as the corner sites have not been exploited to their fullest advantage.

Key buildings exist on the street without forming an urban pattern, however they do perform as landmark structures. There are some areas where these buildings co-offering opportunities for urban spaces. There are a number of vacant blocks which further decrease density and give a more rural character to the main street. This low level of containment does however mean that the street is more open, allowing views through the urban wall to the spectacular hills of the surrounding district.

The large number of trees is also a major component in the street character. The undulating streetscape has significant views along its length to the hills beyond, which are framed by the landscaping.

Entry to the main street for most visitors is through the south end of Dowling Street, at the Mary Street intersection. The northern end of the street does not perform as a significant terminus as the thoroughfare diverts into Hooke Street, leaving the main street unresolved in light industrial, residential zones and flood land.

The churches and public buildings in the street are well presented and offer readymade architectural centres around which the opportunity exists for leisure areas to be planned.

Another characteristic of the main street is its elevated position in relation to the rest of the town. The rear elevations of the main street commercial buildings are visible from most of the town. Any development or improvement should take into account this fact.

ELEMENTAL CHARACTER*Commercial.*

- Predominantly late Victorian (1880-1900) or Inter-War (1920-1930).
- Building alignment to the street boundary.
- Projecting awnings or verandahs.
- Single or double storey. Use of parapet walls.
- Rendered detailing to facade.
- Brick relief and piers articulate the facades.
- Vertically proportioned openings in wall.
- Range of shopfront styles, including traditional detailing and a strong emphasis on leadlight top sash panels.

Residential

- Single storey, with only a few examples of double storey residences.
- Early Victorian through to contemporary in architectural styles.
- Emphasis on late Victorian and early 20th century housing.
- Modest in character.
- Dominant roof forms, galvanised steel or tiled roofs.
- Both brick and weatherboard used widely.
- Large setbacks from the street for generous gardens.
- Fence to street alignment. Mature street trees.

3.2 GENERAL STRATEGIES

Generally, the existing buildings of Dowling Street should be conserved and restored to their original character.

Any alteration to or development of an existing building should invoke the restoration and reinstatement of original detailing.

Important landmark buildings play a key role within the streetscape and their restoration should be given high priority.

Generally the significance of a building to the character of Dowling Street is found in its location and the intactness of its potentially restorable, original facade.

Visually exposed sites should be sensitively developed in a way which contributes to the whole.

The opportunities for design of a high standard exist in both alterations to existing buildings and for new infill work to enhance the environment and create a lively streetscape.

Buildings that have been identified as not contributing to the streetscape should either be remodelled or replaced with new infill development, according to the principles for new development.

The removal of contributing elements within an historic environment represents an irreplaceable loss to the character of Dowling Street and all steps should be taken to preserve these elements.

Unsympathetic modifications to contributing buildings will erode the quality and historic significance of Dowling Street.

Maintenance of the built fabric is critical to preserving the quality of Dowling Street and due consideration should be given to its implementation.

3.3 EXISTING BUILDINGS

Advice should be from a qualified professional or from Council inventories as to the heritage significance of an individual item. Conservation areas are usually an effective way to inform the public as to what is significant.

For a building that is listed in the Regional Environmental Plan as being an item of heritage or needing further investigation, a conservation plan should be prepared by a professional in order to establish the significance of the property.

If a building is significant, it is recommended that sufficient research and on-site investigation is carried out in order to establish the significant areas of the building and to give guidelines on future work.

In general, the following outline gives important steps in conserving a building's significance in the process of rejuvenation.

1. a) Original built fabric should be preserved.

 b) Any original detailing which has been removed or dislodged should be reinstated.

 c) If original fabric is not able to be re-used and sufficient evidence exists to show an original configuration, this should be rebuilt in new material.
2. Specific guidelines relating to individual buildings can be found in the Inventory Sheets in the Appendix of this report.
3. Any modern additions or alterations identified as detracting from the significance or aesthetic character of the building should be removed and the building made good. Refer to further guidelines on alterations and additions.
4. Features of the building, such as verandahs, columns and balustrades, should, where possible, be returned to their original condition.
5. Chimneys also contribute to the character of a building and should be preserved and maintained.
6. Fences are also important to the overall character of the property and care should be taken in selecting replacements if the fence is missing. Appropriate designs from the streetscape or old photographs are the best source of suitable detailing. Where possible it is best to maintain existing fences.
7. An organised and united approach to painting as found in a recommended colour palette gives freedom of choice within a range that offers harmony throughout the town. Appropriate colours for a design can often emphasise the essential qualities of the particular style or period.

8. Maintenance is the essential ingredient for preserving the character of the town. Significance is retained and amenity improved by well maintained buildings.

3.4 SIGNAGE

Signage that is appropriate for the main street will enhance the visual quality of Dowling Street's commercial precinct.

It is recommended that where possible, original signage should be preserved.

Generally, the more architecturally significant the building is, the more important is the need for appropriately designed and positioned signage.

Innovative signwriting of high quality is strongly encouraged on all buildings, within the general constraints imposed by the design principles, as it can establish a varied and vibrant street character.

Designs for new signs should consider:

- location
- scale
- style
- colour
- illumination, and
- quantity

so that the end result is appropriate to the individual building and the streetscape character.

A. Location.

Signage should be positioned so that the architectural character of the building facade is not obscured, but rather designed to integrate and complement its character.

Traditionally, external signs were painted on.

- the carcass of the building, including
 - o frieze panels
 - o blocking courses, and
 - o parapets

often designed for the purpose of containing signs.,

- panels fixed onto the building, including
 - o end spandrels closing a verandah, and
 - o horizontal fascia or trimming boards along the outer edge of the verandah facing the street.

Signs painted on the carcass of the main facade.

These signs are generally positioned within a field defined by a border detail or an edge moulding on the building's facade. A common location was signage along the parapet wall of the building.

Signage should never obscure a building's architectural detailing.

Signs painted on panels fixed onto the building:

This type of signage predominantly uses the awning or verandah of a building, as prime locations. These signs should fit within the frame of the building element to which they are fixed.

Above awning signs:

Signs that project from the building's facade above the awning should not be approved as Dungog is a small, close-knit community where there is no necessity for shops to advertise above awning level.

Transverse hanging signs under the verandah or awning:

This type of signage has only been used since the mid-twentieth century, however it is generally used on all commercial premises today and is a low impact form of advertising.

Window signs:

Signs around shop windows and on glass locations include:

- signs around shop windows
- frieze panels above doors
- vertical side panels
- signs on glass
- shop windows
- fanlights
- top hung windows.

This type of signage is useful in attracting passing pedestrian traffic. Good examples already exist of incorporating this type of signage into the shopfront design.

B. Scale.

The scale of a sign should always be appropriate and should never overwhelm a building.

Signs can dominate a streetscape if they are too large and numerous. Limits on size and position can retain the ability to advertise without compromising the street character.

C. Style.

The general character of the sign should be appropriate to the individual building, whilst also being appropriate to the significant streetscape character as a whole.

Appropriate signage for the late Victorian commercial buildings is recommended to follow traditional shop signage principles.

Signage for the inter-war period buildings should make greater use of purpose design for the specific location as was customary in the period.

D. Colours.

Signage colours should be considered as part of the building colour scheme.

Existing evidence indicates that on most signs the lettering was in dark colours on a light ground and generally the range of dark and light colours included in Colour Schemes may be used as well as black and white.

Black lettering was particularly popular. Also used were silver or gold lettering on black fields (e.g. for churches).

Lettering on glass included gold leaf as well as black and other dark colours.

E. Illumination.

Internally illuminated signs are not appropriate on 19th century buildings.

Street lighting and spot lighting are suitable ways to illuminate signs at night.

Concealed lighting is optimal and consideration should be given to combining the general lighting with sign lighting.

F. Quantity.

The number of signs on a building need not necessarily be restricted where the scale, positioning and general character is appropriate, both to its particular location and the building/streetscape character as a whole.

A proliferation of mass produced/standard advertising signs is not appropriate to Dowling Street's signage character and should not be permitted.

TRADITIONAL SIGNAGE LETTERING:

(from National Trust of Australia (Victoria) (1850-1900), Technical Bulletin 2.1 'Lettering & Signs on Buildings, c 1850-1900')

Historically the lettering used on signs was of a simple, unembellished type set out as uniform capital letters. This was normal practice and more florid types were considered exotic, these should only be used where there is surviving evidence of such lettering.

The mixture of lower case with upper case was not used in 19th century lettering schemes and should not be used in new work on historic building facades.

The most common types appear to have been:

- Egyptian (Antique)
- Ionic (Fat Clarendon)
- Grotesque (Sans Serif).

Shaded letters:

were intended to give the impression that the painted letters were 3 - and they were regularly used.

Mixed faces:

There is evidence which shows that a variety of faces might be used in the same sign. This approach should be designed with discretion.

Modern buildings and significantly altered older buildings may use a greater variety of lettering styles, layouts, colours and design motifs as well as signage materials, subject however to the recommendations for appropriate design principles.

SIGNAGE LETTERING FOR THE INTER-WAR YEARS:

The second significant period in terms of signwriting in the town's history is the period of the 1920s.

This era is characterised by the increasing prominence of graphic design professionals in the creation of signs and the spread of registered trademarks and specified company logos and signs. This is the era of the Ford motor car, the Arnott's Rosella and 'His Master's Voice'. The greater involvement by designers created a lot more innovation and originality, a greater variety of typefaces and a much wider palette of colours were used than was the custom previously.

Despite the originality, there was a very definite "style" to the period, best known as 'Art Deco'.

Typefaces

While the use of sans serif type faces was preferred, such as Futura, Folio and Metro, serif types such as Cheltenham have never lost out, although their use was often relegated to carry messages of secondary importance when used in combination with sans serif types.

Spacing

The spacing between letters has also changed away from the relative uniformity of the earlier periods. Lettering was either more widely spaced then before or more condensed. This tendency towards more extreme effects is probably another sign of the presence of designers.

Mixed Letters

Both upper case and lower case text was used, with a slight predominance of upper case, but the two were not mixed. Signs were generally created exclusively in the one case.

Colour

The use of colour was characterised by strong contrasts and innovative juxtapositions. Black and red characters were placed on white backgrounds or alternatively, white lettering appeared over black or brown. Grey, terra cotta, ochre, ultramarine blue and sunflower yellow were colours also commonly used.

As the essence of the designs of the 1920s was a restless search for originality and bold expression, it is advisable that those seeking to create appropriate signage for their buildings try to capture this essence rather than just copying slavishly a 1920's design which more than likely would result in a lifeless "pastiche". Patrons would be better served by employing the services of trained, professional, graphic designers who would be able to create sympathetic, yet original, designs conveying the feel of the period within a vibrant contemporary context.

Refer to the Townscape Study for a Summary of signage controls.

3.5 SHOPFRONTS

Where early shopfronts have survived along the main street, the preservation and careful repair of all original fabric should be given a high priority.

Generally, shopfronts constructed before 1910 are of timber, while those of later date used metal-framing.

The shopfront configuration was used to articulate the building at street level and therefore often incorporated a splayed recess to the entrance door, either placed centrally in the shopfront or to one side.

Where an historic building has modernised at its street level, the recent shopfront is often incompatible with the rhythm of the street level and is constructed of unsympathetic materials. In such a case, if historic evidence exists and if the building is also highly contributory, the shopfront should be reconstructed to match the original, or if no documentation exists, it may use forms and detailing from surviving original examples along Dowling Street which may result in a more appropriate design for the historical architectural character of the building.

New shopfronts of a sympathetic modern design are also appropriate for buildings that are in the contributing category.

The traditional shopfronts were often protected by a verandah.

Tiling

Tiling was often incorporated in the shopfront design and used on pilasters.

The Victorian examples used a stretcher bond pattern, either in a vertical or a horizontal pattern and often incorporating an edge tile to finish. The tiles were generally of a proportion of 2: 1.

The 1920's shopfronts used tiles as part of the overall shopfront design. The tiles used in this era were generally square and used in a stack bond pattern. Fine examples of original tiles still exist on the hotel shopfronts and should be conserved.

Selection of tiles.

The selection of tiles should complement the architectural style of the building and be coordinated with the overall colour scheme of the building.

The splayed recess in the entry has often been tiled in post-war years with intrusive tiling which does not match the character of the existing building and therefore should be removed.

Originally, entry areas were either tiled with tessellated non-glazed tiles - these are still obtainable from a number of suppliers in Sydney - or had flagstone paving.

The following recommendations apply to tiling shopfront pilasters and entry areas on historical buildings:

- Preserve, repair or match surviving original floor and wall tiling and paving.
- Remove post-World War 11 tiling
- Where it is impossible to match original tilework for lack of evidence or there is no evidence for early tiling, the following is recommended:
 - a) reinstate original wall finish, i.e. render and paint, weatherboard, etc.,
 - b) tile the surface using pattern, size and colour sympathetic to the period.
- In entry areas it is often better to provide a simple step formed in concrete and painted in a stone-like colour than to provide new tiling.
- Do not use tiling smaller than 50 mm in any direction, except for tessellated tiles, and do not use any tiles which are pre-fixed on to sheets.

Transom Windows

Many shopfronts have elaborate leadlight inserts in the transom windows. There are so many surviving examples that they provide a strong unifying element throughout the commercial area. Their preservation is critically important to the heritage of the main street.

Missing panels should be reinstated and intrusive infill panelling such as glass louvres, timber or particle board infills should be removed.

Leadlight panels should be preserved and repaired. Any missing elements can be easily reproduced from surviving examples as most leadlight panels were carried over a number of shopfronts using an identical or mirrored/symmetrical pattern. Wherever no evidence of the original leadlight panels is obtainable, a sympathetic new design should be made.

Transom panels without leadlighting should be glazed, preferably in clear glazing. Wherever intrusive infill panels were used to conceal machinery and the like, opaque, neutral coloured glass should be used.

Air Conditioning Units

A large number of shopfronts and entrances are defaced by small package air conditioners. These should be removed and air-conditioners should be relocated, either to the rear of shops or concealed behind parapets.

The new generation of split-system air conditioners, which are also very economical, offer a good solution to this problem as the cooler unit could be located in any convenient area out of sight, while the delivery unit, which is small and unobtrusive, can be placed where it is required.

Front Doors

Original front doors, either to the building itself or the shop, should be preserved and repaired.

During the Victorian and the Inter-war era, panelled doors were used, generally of a four-panel pattern. Some doors, especially those of shops, were glazed above the mid-rail of the door.

As these doors strongly complement the feel of the original building, their reinstatement should be encouraged.

3.6 VERANDAHS

The reinstatement of early verandah forms to commercial premises which originally had them is recommended as an opportunity to greatly enhance the historic and aesthetic qualities of Dowling Street.

Existing verandahs and first floor balconies should be preserved and maintained.

Where buildings have original awnings, these should also be preserved and not replaced.

Verandah reconstructions should be accurately detailed, based on documentary and on-site evidence and using, if needed, conservation practitioners. If no evidence can be found, details from similar buildings along Dowling Street can be used or a sympathetically designed, high quality verandah can be built.

Verandahs should be reinstated to the whole facade of a building.

Generally, the underside of the verandah or awning should be left open, unless there is evidence for original soffit lining. Original soffit lining, either ripple iron or pressed metal, should be preserved. Wherever soffit lining has deteriorated to the point that it has to be replaced, replace it in matching material and paint in colours harmonious to the building.

The use of cast iron columns, brackets and frieze panels is not typical of Dowling Street, although there are examples. Most traditional shopfronts in the main street were detailed in timber. Brackets were generally in ornamented timber.

The roof over the verandah was generally corrugated iron, which can easily be matched by corrugated Zincalume or 'Colorbond' steel. The front end of the verandah was often finished in a bullnose, which can easily be reproduced. Traditionally, verandah and balcony roofs were painted in contrasting stripes of colour, which matched the colour scheme of the building. The use of striping should be encouraged.

Current building standards require that verandahs which abut a roadway should be back-supported to the wall of the building. New and reinstated verandahs have to meet this requirement. Advice on this matter can be sought from Council.

Some existing awnings on the Inter-war buildings have been altered and their detailing subverted. Where documentary evidence survives, as in the case of Turner's Tyre Service, 248 Dowling Street, the original detailing should be exposed, repaired and reinstated.

Verandah Lighting

Most awnings and verandahs which extend over the footpath have some form of lighting incorporated in the soffit which seems to illuminate the shopfront and the footpath.

The maintenance of verandah lighting is highly desirable as it removes the need for excessive and intrusive street lighting in the commercial zone.

While a high degree of uniformity in the type of lighting is desirable, the light fittings need not be identical along the whole main street. Some variation is permissible, indeed desirable, according to the age and style of the building, however lighting under the same verandah or awning should be kept uniform.

The Victorian buildings should preferably be lit by lamps which use a Chinaman's hat style enamel metal shade. The buildings in the Inter-war years may also use these as well as spherical glass orb fittings. These lights are also appropriate for more contemporary buildings. Light fittings should be fixed either directly to the underside of the soffit or rafters in the mid-line of the projecting roof or be hung on short pendants.

The use of fluorescent batten lights should be discouraged.

Shading on verandahs

Summer sun, both early in the morning and especially late afternoon, can be a serious problem in a street with the orientation of Dowling Street. It is especially problematic for shops on the east side of the street where a number of attempts at shading is found, with various degrees of success.

Pre-fabricated metal awnings and aluminium louvres should be removed.

Retractable timber venetians with wide slats or striped canvas awnings are preferable solutions. They work especially well when combined with a verandah.

Similar solutions are difficult to achieve on existing awnings, therefore it is more advisable to incorporate retractable blinds either within or directly over the glazing of a shopfront.

When using canvas blinds, either plain natural or a two colour striped blind should be used, preferably sewn rather than with printed stripes. Colours should be muted and traditional, harmonious with the colour scheme for the building.

On contemporary buildings, retractable extruded aluminium louvre systems with baked enamel finish - in colour matching that of the building - are an acceptable alternative.

3.7 FENCES

Street boundary fencing is a strong feature of Dowling Street, especially in its residential sections, although the use of fences is not consistent as there are many properties with no boundary definition.

Where fences exist, they fall into the following broad categories:

- * Iron palisade
 - these are generally associated with the larger, late Victorian buildings.
- * Timber cut and turned picket or paling fences
 - these stretch across a variety of designs and architectural styles.
- * Masonry
 - low face brick walls with engaged piers usually associated with post-War buildings or as replacement for earlier picket fences.
- * Cyclone wire fences
 - these vary from now rare and valuable examples from the 1920's to the commonplace Weldmesh versions.

In some cases, especially on cottages, the balustrading on the front verandah serves as a fence.

Fences, when treated in conjunction with the buildings they define, are important elements of the streetscape and their preservation should be encouraged.

The historical photographs in the Inventory serve as an excellent guide for reinstating picket fences.

Where no evidence survives, traditional patterns with a sympathetic colour scheme should be used.

Wherever dwarf brick walls are indicated to be retained, they should be preserved and re-built if they are in danger of collapsing from either soil movement or tree root activity. Brickwork should be cleaned and maintained unpainted.

3.8 PAINT SCHEMES

The aim of providing guidelines for the re-painting of buildings along Dowling Street is to enhance the visual quality of individual buildings as well as the overall character of the street.

Historic. Contributory Buildings

Where the existing historic fabric is largely intact, it is recommended that the building would benefit from an appropriate heritage colour scheme.

If the original colour scheme can be determined by paint scraping, then the reinstatement of the original scheme is an option. The results of any investigation should always be recorded for further research.

Historic photographs are helpful in providing a guide to the use of contrasting colours and the general tonality of colours used. They are also useful in showing particular detailing which may have been picked out to enhance the facade.

While historic colour schemes seem to have a limited palette of colours, they were individually mixed, giving a range of colours within the palette.

The individual interpretation of the appropriate colour scheme for a building is strongly recommended to show a personal preference and to give a variety to the streetscape's visual quality.

Where a single building straddles a different number of property lots in different ownership, the colour scheme should be consistent across the entire building to unify the facade. Street level colour schemes should be appropriate to the overall colour scheme of the building.

In contributory buildings, surfaces that were originally unpainted should not be painted. Where the original masonry surface has been painted, the removal of the paint is recommended if stripping techniques do not damage the original face of the material.

Awnings and verandahs to commercial buildings should be considered in the overall colour scheme and appropriately painted to complement the building.

Generally, exterior surfaces are painted in flat or low sheen paint and joinery in a gloss paint.

GUIDELINES TO HISTORIC COLOUR SCHEMES

EXTERIOR

(Colour Schemes for Old Australian Houses, Evans, Lucas, Stapleton)

1860-1880 MID-VICTORIAN.**- WALLS**

The buildings from this period often had rendered walls marked out to simulate stone and were commonly painted in shades that ranged from beige to salmon pink.

- JOINERY

Window sashes and doors were usually painted in dark colours such as deep Brunswick green or dark crimson. The frames were often painted in contrasting colours such as beige or cream.

External timber work was often painted in colours that ranged in shades from off-white to stone to deep buff.

- GUTTERS & DOWNPIPES

Were often painted in the dark shades employed on the doors and windows.

- CAST IRON VERANDAH POSTS AND BALUSTRADING

Was usually painted deep bronze green.

- VERANDAH ROOFS

During this early Victorian period the underside of verandah roofs began to be painted in eau-de-nil or opaline green, a practice that continued until about 1910.

LATE VICTORIAN. 1880-1900

The Victorians used a rich colour palette where external decoration was characterised by a fashion for 'picking out' different elements in a variety of colours.

- WALLS

Rendered walls were painted in two tones of colour ranging from beige to pink to deep buff and also strong colours such as dark brown, deep crimson, terracotta, dark earth and drab. Small mouldings were often picked out in a third colour such as dark crimson, off-white or pale pink.

- JOINERY

Doors were often painted in two tones, such as venetian red and cream, Brunswick green and biscuit or dark crimson and beige.

External woodwork was picked out in two shades of cream or buff with the dark joinery colour used for small mouldings such as the lip mould under the verandah edge.

- GUTTERS & DOWNPIPES

Were painted in the same dark colour as used for the verandah joinery trim.

- CAST IRON VERANDAH POSTS & BALUSTRADING

Were painted a deep bronze green or dark crimson and floral or other motifs picked out in cream, sage green or pink.

EDWARDIAN. 1900-1915

- WALLS

Red face brick walls were firmly in fashion in this period and as a result the use of paint on exterior wall surfaces diminished. During this period the two predominant colour schemes were shades of green or shades of cream to buff. Deep Indian red was used on masonry such as window sills to simulate dark, well-fired bricks.

- ROOFS

If corrugated iron was used as the roofing material it was often painted tile red.

- JOINERY

Window frames were often painted cream with red oxide or forest green doors and frames. A combination of mid-buff and beige was just as common. Other external timberwork was painted in the same way.

Exposed rafters and large areas of timber were usually painted in the lighter colour while the darker shade was used on smaller areas and framing timbers such as small items of trim moulding on barge boards.

Verandah brackets were sometimes picked out in off-white.

- GUTTERS AND DOWNPIPES

Were often painted in a darker shade of paint from the colour scheme.

THE TWENTIES. 1915-1930

The bungalow residences were characterised by a restrained colour scheme during this period.

The exterior colour scheme of buildings from this period usually consisted of no more than two colours. Typical schemes were mid Brunswick green contrasted with pale cream or red oxide and pale cream.

- **WALLS**

Rendered walls were painted a restrained off-white, grey, beige or pale cream.

- **JOINERY**

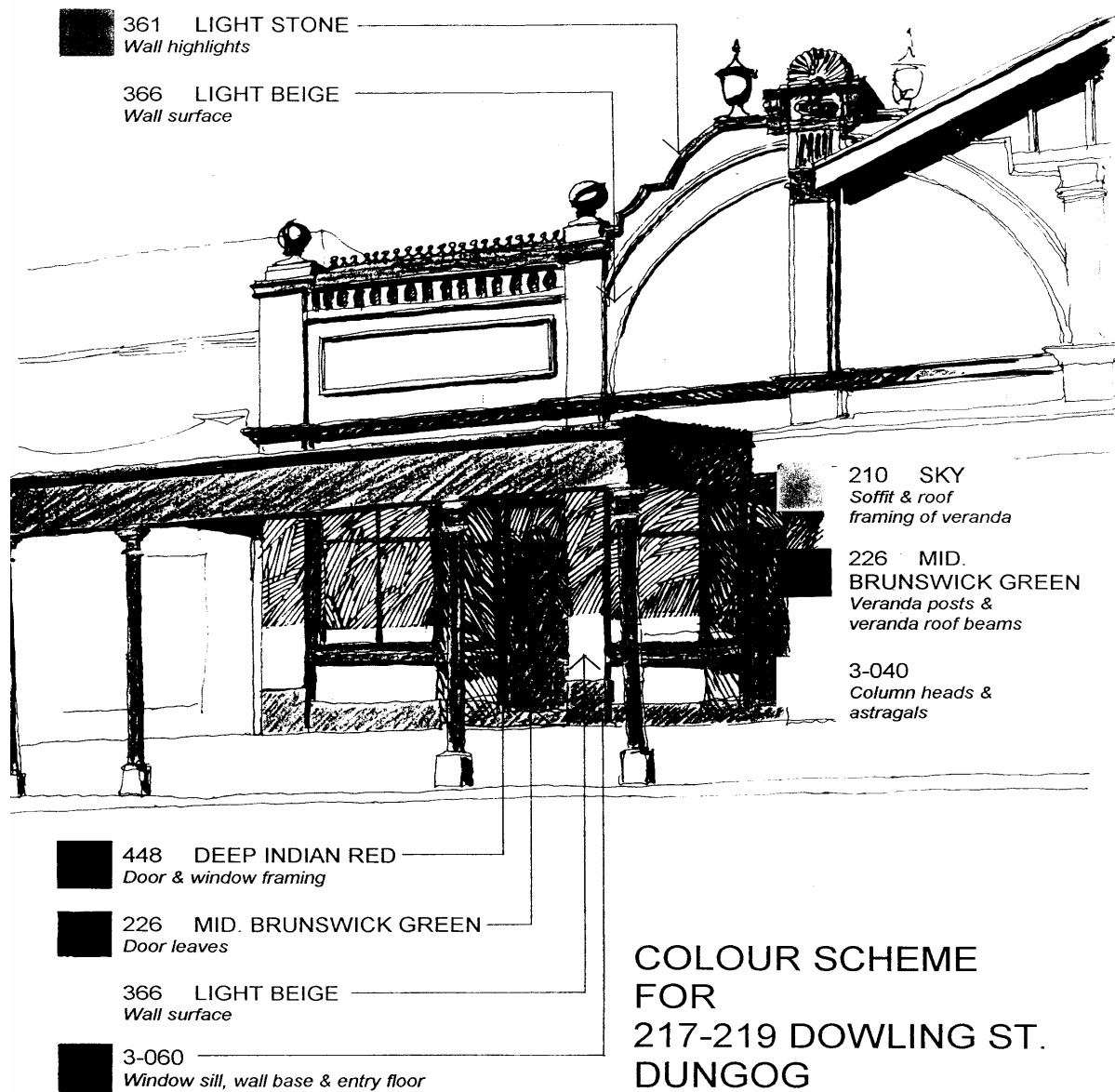
Window sashes and frames were often painted cream and sometimes the external storm mould was painted in the darker shade. Doors and frames were normally painted in the darker shade. Mission Green was a common colour. Face brick walls had dark brown or green joinery such as Apple Green.

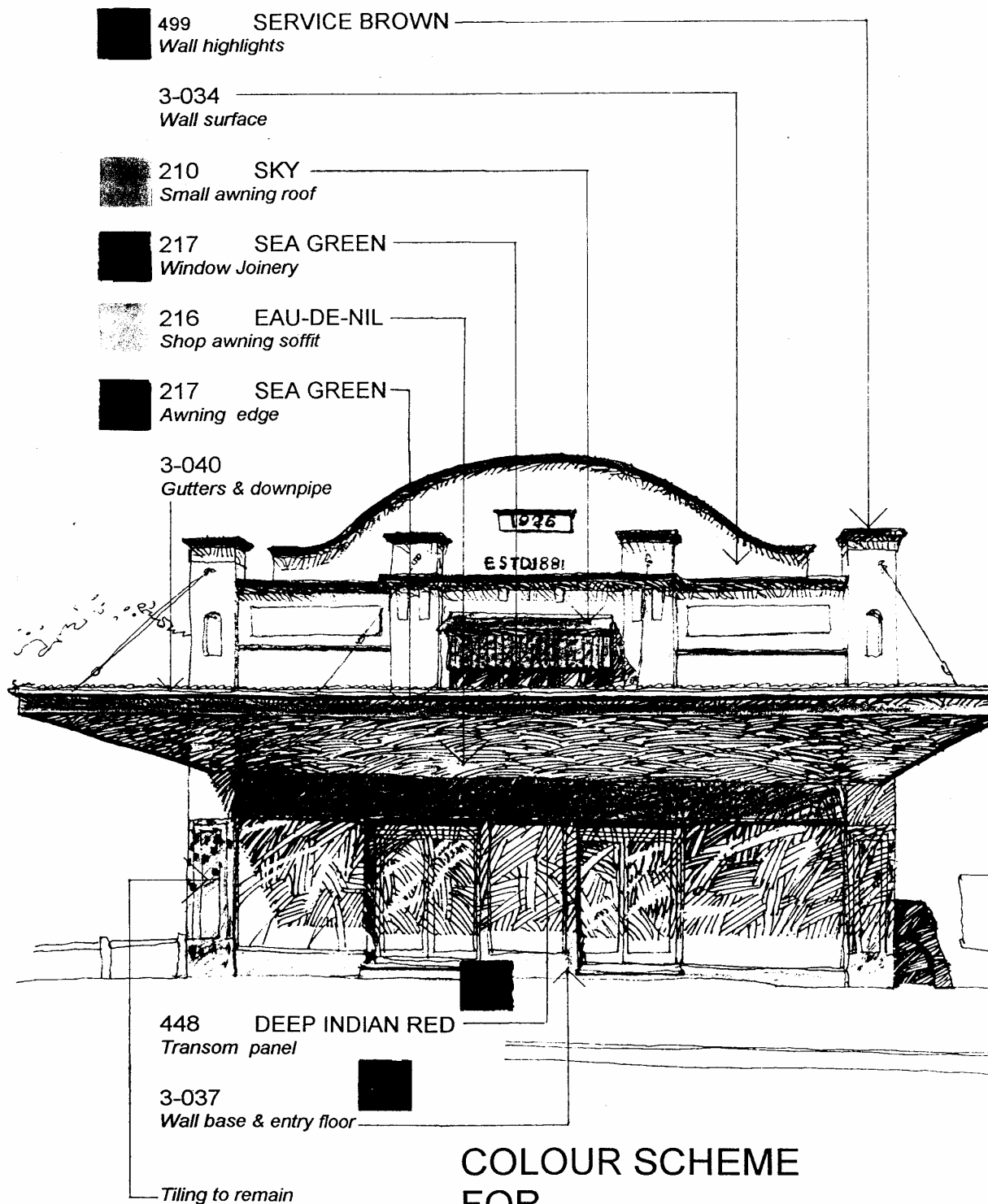
Elaborate timber work was not used on the exterior of houses in this period. Shingles, posts and trim were painted in the darker shade of the chosen colour scheme and rafters, fascia boards, barge boards, soffits and panels were all painted in the lighter colour.

Buildings built in the Modern Style of the period often had white walls with black or russet brown metal windows, the only spot of colour being reserved for the front door, such as vermilion, emerald or apple green, daffodil yellow or sky blue.

NEW BUILDINGS & BUILDINGS THAT HAVE UNDERGONE ALTERATIONS

There are existing buildings along Dowling Street that would greatly benefit from a new paint scheme. Where there are existing buildings that have been greatly altered, they need not be painted to an historic colour scheme but rather could be painted in an appropriate sympathetic contemporary colour scheme that takes the individual building's character into account as well as the general streetscape's quality. New buildings should be treated in a similar manner.





COLOUR SCHEME FOR 243 - 245 DOWLING ST. DUNGOG

3.9 NEW DEVELOPMENT PRINCIPLES

The form of any new development should fit into the context of the existing Dowling Street streetscape without losing its own architectural and temporal character.

The following guidelines should be considered:

Scale of New Work

- It is essential to acknowledge and reinforce the existing small scale. No work should exceed two storeys in the commercial precinct. Residential development should be limited to single storey.
- The overall massing should reflect nearby buildings of streetscape importance.

Streetscape

- New work should relate to existing architectural proportions and facade rhythms of important neighbouring buildings.
- The existing building alignments should be maintained - deep setbacks for most residential lots and street boundary alignments in the commercial zone.
- Building front facades should be set parallel to street alignment.
- New commercial buildings may extend the whole width of the property, provided that this does not interfere with the neighbouring property.
- New commercial buildings should be erected incorporating post supported verandahs over the footpaths or suspended awnings.
- Facades should be articulated by window and surface treatment. The type of unrelieved expanse of wall or glazing typical of many commercial buildings must be avoided.
- New commercial buildings, either single or two storey, should incorporate parapets on the main street facade.
- Corner buildings should address both the main and side streets.
- Residential buildings should, have their emphasis on strong, but simple roof forms, with elevations preferably set back behind verandahs.
- New residential development should be defined by fences on the property boundaries, front fences should follow established patterns, preferably picket fences.

Materials

Materials for new work should be selected to complement the existing character. The following materials are acceptable:

- rendered masonry with smooth or bagged finish
- painted concrete
- face brickwork of a reddish or deep orange colour, bricks should be smooth and pressed
- weatherboard timber lining on residential work is also acceptable
- corrugated steel roofing, either Zinalume or 'Colorbond'
- terra cotta roof tiling of traditional pattern
- concrete slate tiling.

The use of the following materials should be avoided:

- face concrete blockwork
- raw, off-form concrete
- face brickwork which uses wire-cut, sandstock or mottled bricks
- bricks of light colours such as white, cream or pale pink, as well as exceptionally dark bricks
- fibre cement cladding of any form
- ribbed and pressed metal cladding, including imitation weatherboard
- reflective glass.

'Mock Historical' Work

There has been a very popular and unfortunate trend throughout the 1980's and early 1990's for mock historical developments. These are often produced by wellmeaning individuals who completely misunderstand historical context and heritage. These trends are particularly odious as they blur the understanding of true heritage qualities in the eyes of the public and their prevalence leads to a subversion of good taste and standards.

Dungog is uniquely fortunate that such development, often with a heavy dose of 'olde worlde' kitsch, has been so far avoided. It is especially noteworthy because in the current climate which favours heritage conservation, this kind of debased development is often encouraged and accepted.

Common features of this kind of development are the use of tumbled or sandstock bricks, rusticated weatherboard lining, brick quoining, heavy coloured grouting, cast aluminium brackets and lacework, nailed-on gable trusses, cast aluminium column. and metal framed windows with glazing bars. All these should be avoided.

Additions and Alterations to Existing Buildings

Generally, the principles listed above apply to all additions as well. Furthermore, when extending existing buildings, new work should be subservient to the existing work and care should be taken that there be no detrimental effect on the original,

- Additions should happen wherever possible on the rear of buildings, concealed from view of the main street.
- Residential extensions may be considered in attic spaces if the following constraints are observed:
 - * the existing roof form should be preserved
 - * fenestration should be unobtrusive, skylights which follow the roofline are preferable to dormers, however the latter is permissible placed on roof planes away from the main street.
- Commercial extensions behind existing parapet lines may be considered for single storey buildings if the extension is well set back behind the parapet line, which would serve as balustrading.
- No third storey extensions to existing commercial properties should be permitted.

Rear of Properties

Due to the elevated nature of the commercial zone, the rear facades have visual prominence which is at variance with their general neglected appearance and steps should be taken when considering extensions or new work that the rear facades should also be given careful consideration.

Rear facades should be harmonious with the front, perhaps in a more simplified form. They should receive the same surface treatment as the front; brickwork, for instance, should be painted, though with a more simple palette.

3.10 COUNCIL CHAMBERS

The Council's current office was built in 1958 on an elevated prominent corner site of Dowling Street and Brown Street, making the location visible from the major part of town. The site offers a rare opportunity for creating a landmark civic building, right in the centre of town along the main street.

Sadly, none of the opportunities offered were exploited by the final design of the Chambers. The building is a late example of the Austerity Modern style, popular after World War 11. It is essentially a single storey, utilitarian building, presenting a bland, unwelcoming facade to the main street. The entrance is tucked away into the side, off Brown Street. The proportions and massing of the building conflict with its fine Victorian neighbour. The comparison between the former Council Chambers in Lord Street and the new office creates a very unfavourable response for the new building. The 1980's additions have done nothing to alleviate this situation.

The building's place in the streetscape is also detrimental; its scale, size, detailing and materials are alien and discordant. As the majority of the buildings in the main street are characterised by either strong roof forms or elaborate stepped parapets, the Council building, with its flat roof, emphasised by the deep overhangs, is very much out of character. Its impact on the streetscape is strongly non-contributory.

As a Council Chambers is a physical embodiment of a community's civic pride, it is critically important, not only for the benefit of the main street but for that of the whole

town, that major improvements are made to the Council Chambers to enable it to take advantage of its location and to fulfil its role as the focus of the community.

This study identified a number of guidelines which were generated by examination of the locality and the context of the main street. These guidelines should be incorporated into a comprehensive design brief for the improvement of the shire office.

The guidelines are as follows:

- 1) The flat roof should be removed to improve its contextual relationship.
- 2) The building should be enlarged in the vertical direction as this would
 - a) help celebrate its corner location
 - b) give the building a physical presence and importance it currently lacks.
- 3) The vertical enlargement should be in the form of either
 - a) a large hip roof over the existing building, incorporating additions within an attic-like arrangement; or
 - b) a parapet raised above first floor level to form a balustrade and a first floor addition formed behind this parapet, possibly incorporating a verandah.
- 4) A straightforward first floor addition, extending the existing wall line the full height of an additional floor, is undesirable as this would destroy the delicate relationship the office has with its fine Victorian neighbour.
- 5) The prominence of the corner location and the civic nature of the building strongly suggest the incorporation of a landmark element which the town lacks. This should be in the form of a tower-like structure positioned near the intersection. This element would serve as a beacon. It could be used as a clock-tower or a look-out.
- 6) The entrance should be given a more prominent position by bringing it forward to the main street. Consideration should be given to incorporating the landmark element with the more prominent position for the entry point.

The accompanying sketches only serve to illustrate the ideas represented in the guidelines and they are not to be read as design solutions.

It must be emphasised that any proposed development should be undertaken only after a comprehensive design brief has been laid down, which sets out functional, operational and financial requirements as well. The brief should also make a deeper and more thorough analysis of the guidelines for the shire office, sketched out in this study.

Given the crucial role the building should play in Dungog's civic context, the appropriate method for obtaining the best design solution would be to hold a small design competition involving a group of selected architectural professionals.

Section 4

ACTION PACKAGE

INTRODUCTION

The purpose of this action package is:

- to raise community awareness of heritage
- to assist owners and tenants to understand the qualities of their buildings
- to help identify areas of buildings that need attention
- to assist owners and tenants to make the right decisions when carrying out building work
- to help in elevating individual buildings into higher categories of street contribution.

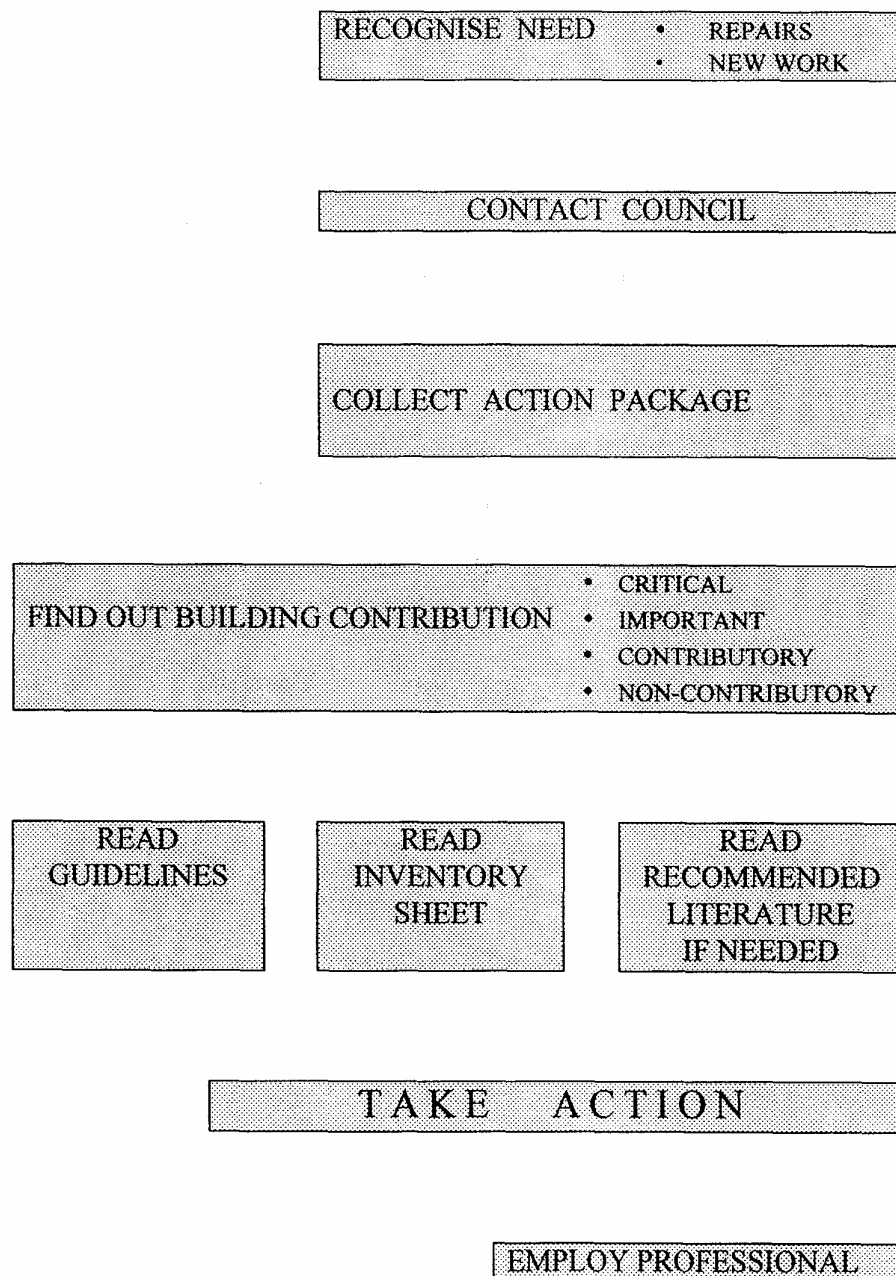
CHECK LIST OF PACKAGE

- * INTRODUCTION 1 CHECK LIST
- * PROCEDURE CHART
- * CONTRIBUTION LIST OF PROPERTIES
- * GUIDELINES FOR BUILDING WORK
- * INDIVIDUAL INVENTORY SHEET
- * LIST OF RECOMMENDED FURTHER READING

IF REQUIRED:

- ✧ STATUTORY AND COUNCIL REQUIREMENTS

CHART OF CORRECT PROCEDURE



RECOMMENDED READING LIST

GENERAL

Peter Cuffley	Australian Houses of the 20's & 30's
Ian Evans	Caring for Old Houses
Ian Evans	Restoring Old Houses
Ian Evans	The Federation House
M. Fraser	The Federation House, Australia's Own Style
Ian Stapleton	How to Restore the Old Aussie House

COLOURS

Ian Evans, Clive Lucas, Ian Stapleton:

COLOUR SCHEMES FOR OLD AUSTRALIAN HOUSES

JOINERY/FENCES

Dept. of Planning GETTING THE DETAILS RIGHT

ROOFS

National Trust	CONSERVATION AND RESTORATION OF BUILDINGS - CONSERVATION OF ROOFS
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SIGNAGE

National Trust Technical Bulletin No. 21
Lettering & Signs on Building c.1850-1900

SCHEDULE 5

9.1 CLARENCE TOWN GREY STREET HERITAGE CONSERVATION AREA

Statement of significance

Clarence Town is of considerable significance within the Lower Hunter region as one of the oldest surveyed townships within the region and as one of the earliest sites of significant shipbuilding in Australia. However, little tangible evidence remains of either. Much of the earlier open, low built-density, rural village physical character has also been lost in the face of modern and often visually unsympathetic built development.

Despite these losses the Grey Street precinct retains much of the earlier built character of the village and its eclectic mix of older commercial and residential buildings and largely uninterrupted views to mostly pre first world war churches and community building, therefore retains its heritage significance for the Shire of Dungog.

Generalised description

Grey Street is part of the 'grid' street layout of the original survey of Clarence Town and most of the allotments along it are the original half-acre allotments. Many allotments have never been built on and buildings on others have been demolished giving rise to a scatter of residential buildings and a few more closely spaced commercial and community buildings. A significant feature of the precinct is its vistas across unimproved rear yards and down the street to (mostly pre first world war) significant churches, hotel and community buildings. These vistas reflect the low density of built development and limited landscaping in the precinct.

The road reservation has wooden telephone and power poles and wires and some planted Melaleucas. Private allotments have some trees and gardens. The carriageway is sealed, with concrete kerbs and grassed footpaths. There are few formal fences (but there are visually intrusive colorbond and weldmesh fences). Mostly, the village and more distant wooded ridges of the Williams River valley can be seen from the precinct without interruption by built development (apart from large modern sheds).

Because the rear of most allotments remains undeveloped and there are vacant allotments the density of residential and commercial buildings is low. Separations between residential buildings are typically 'suburban' but between commercial and community buildings are smaller. House buildings have modest setbacks and most commercial and community buildings are built to their street frontages. The hotel and former post office are the only two-two storied buildings in the street; other buildings are single storied, detached, with modest footprints (though some recent sheds are out of proportion to older dwellings) and there are low parapets on some commercial buildings. Most buildings are from the nineteenth and early twentieth centuries and this part of Clarence Town has been spared the incongruous modern development that has taken place elsewhere in the village. Hence, most roofs are hipped, with, medium to steep pitches and unpainted galvanised iron. Walls are generally of timber weatherboards with generous ceiling studs and tall (sash) windows. There are post supported bullnose and skillion awnings on many older buildings.

9.2 DUNGOG COMMERCIAL PRECINCT HERITAGE CONSERVATION AREA

Statement of significance

This area is significant for the Lower Hunter region for a built character which has remained largely intact since the Second World War and which reflects the long history of development in Dungog as an important country town within the lower Hunter region. This character is derived particularly from the continuity of facades which are mainly single storeyed with high parapets along Dowling Street, and building styles which are mainly from

the first four decades of this century. A lack of pressures for new development (including renovations) has enabled the survival of many interwar buildings with original details such as lead-glass shop fronts and post supported verandahs in the northern section.

Generalised description

The built character of Dungog's commercial precinct is one of low density and modest scale. While the precinct has a sense of enclosure it is also one from which there are many views of the surrounding countryside. Because of its elevated nature the rear elevations of buildings can readily be seen from a number of viewing points. The precinct has no real focal point other than the Dowling Street/Hooke Street intersection with its Obelisk but it contains a number of landmark buildings and many more modest buildings that make important contributions to the character of the precinct.

The area is notable for its apparent continuity of facades. Most of the buildings are commercial ones built to the street frontage but there are some residential buildings which are set back slightly. Separations are narrow, often being narrow laneways from Dowling Street to the rear of buildings. Commercial buildings have restricted and functional rear yards while residential buildings have lightly improved large yards, often backing onto open rough-grassed areas. Commercial buildings are mainly single storeyed shop buildings with high parapets giving the street frontage a 'long and low' appearance that is accentuated by many shop buildings having two or more shop fronts (the shops in these buildings are generally narrow and deep). There are two storeyed commercial buildings, several with attached residences and several imposing two-storeyed house buildings.

Although there are earlier and post World War II buildings in the area most buildings date from the early twentieth century or between the wars. Some older buildings were significantly altered in the interwar period. There are fine examples of late Victorian through to 1930s residential and commercial buildings and the well-preserved rows of single storeyed shop buildings are especially notable in this regard. Reflecting their era, roofs are medium to high pitched, typically of unpainted (often rusting) galvanised iron, though tiles are common in interwar buildings. Walls are extensively of brick or rendered masonry often painted on the street frontage. Many interwar shop fronts appear to be original and there are examples of early advertising signage on walls. Some early brick paving also remains in footpaths. The maintenance of many building facades, especially to their rear, has been sadly neglected. The unusually wide post-supported low-pitched skillion awnings on older shop facades and back supported awnings on interwar facades are special features of this precinct. The street lighting and illuminated signage both under shop awnings and above these awnings is somewhat intrusive but most signage is painted and sympathetic to the early to mid twentieth century character of the area.

9.3 DUNGOG RESIDENTIAL PRECINCT HERITAGE CONSERVATION AREA

Statement of significance

This area is significant for Dungog because of its built character which reflects the evolution of Dungog as a town and which presents a dramatic contrast with its rural setting when viewed from Hospital Hill. Though there are a few nineteenth century buildings the predominant built form is detached, single- storeyed dwellings in double-fronted post-federation and inter-war bungalow styles, which are modest in dimensions and landscaping.

Generalised description

The area contains mainly half-acre lots from the early subdivision of grid layout town blocks (most of Dungog's smaller, more recently surveyed, allotments lie outside the heritage conservation areas). Most of the residential development in the area dates from the first half of this century after town water and sewerage became available and when population growth was sustained. Building densities are as low as five dwellings per hectare in some

town blocks which, with limited landscaping except in front yards, gives rise to the open character of a small country town.

Dwellings have modest separations and setbacks from the streets are modest and similar for all dwellings, giving a regularity of facades. Overwhelmingly dwellings are single storeyed and modest in footprint though some federation and later bungalows, mainly along Dowling Street, are larger than standard. Reflecting their predominantly interwar and earlier ages, roofs are medium to steep pitched, generally with gables facing the street and of galvanised iron (often unpainted), with some ceramic tile roofs. Modern colorbond, zincalume and cliplock roofs are generally confined to the skillion roofs of extensions to the rear of houses. Chimneys are commonly to the side of houses. Walls are typically built to a three metre ceiling stud, generally clad in weatherboard (though older houses have masonry walls). There has been some use of inappropriate materials such as fibro weatherboards for recladding. Windows tend to be 'tall' double hung sash or side-opening casement style but inappropriate aluminium sliding windows are in evidence. Most houses have open verandahs, generally modest in their size and in the nature of their balustrades and detailing. Landscaping around dwellings tends to be minimal, with modest formal front gardens and unimproved larger rear yards. Fencing is in a variety of materials which includes palings and pickets, wrought iron and masonry, and also intrusive modern colorbond and weldmesh. Streets are paved with grassed verges, often without formed kerbs and gutters. There are some mature street trees but street plantings generally are not well established. Power and phone infrastructure is highly visible.

9.4 EAST GRESFORD VILLAGE HERITAGE CONSERVATION AREA

Statement of significance

This village is significant within the lower Hunter because it is a rare example of a linear village developed between the wars. It has developed along three streets whose intersection provides a focus for the village (and the locus of the only commercial buildings, notably the interwar hotel and general store). Residential allotments are almost entirely 'quarter acre'. Dwellings have generous setbacks and are predominantly modest, detached with medium pitched galvanised iron roofs, high single storeyed weatherboard or fibro walls, small window openings and front doors opening on to verandahs or porches facing the street. Improvement of the road reservations is limited which reinforces the modest character of the village.

Generalised description

East Gresford is defined its by quarter-acre 'town' allotments along the intersecting Durham and Park Streets. Many of these allotments have been built on which gives rise to a sharp transition from the built development along these streets to the open space of the surrounding countryside. The streets have sealed carriageways, concrete kerb-and-guttering with narrow concrete footpaths, and some street trees. Allotments along these streets are often unfenced in front, with wire, paling and (intrusive) colorbond fences to sides and rear. Front yards have lawns, a few low trees, limited shrubbery and annuals and mainly concrete or gravel drives. Rear yards are characteristically lightly developed with a few (usually galvanised iron) garages and sheds.

The village is comprised almost entirely of detached residential buildings with modest footprints except for a small core of closer-spaced free-standing modest commercial buildings. Residential buildings have 4 to 6 metre setbacks (though more recent houses have larger setbacks) while buildings in the commercial core tend to be built to their street boundaries. House buildings are almost exclusively single storeyed, double fronted and rectilinear with high ceiling studs. Although several buildings in the commercial core have prominent parapets these are overshadowed by the splendid Hotel Beatty, which is the only substantial two-storeyed building in the village. Stylistically the village is dominated by

buildings which are 'interwar' or immediately 'postwar' ('Austerity') variants on Californian bungalow and Edwardian cottage styles though earlier styles are represented, including in the Hotel Beatty. Roofs are of both hip and gable forms, with gables facing streets being characteristic of older styles. Most roofs are of galvanised iron (some more modern buildings have tiles) with moderate to steep pitches. Walls generally are of weatherboards in various profiles (including inappropriate fibro weatherboards, which have widely been used) painted in recessive (interwar) colours. A few (mainly older, or recent) buildings are in brick. Windows, mostly double hung sash windows and casement windows, have been widely replaced by stylistically inappropriate aluminium sliding windows. Many earlier twentieth century houses have verandahs that have been enclosed and some have equally inappropriate details such as columns. Bungalow style buildings generally have porches on one of their frontages. Commercial buildings have post supported awnings

9.5 PATERSON VILLAGE HERITAGE CONSERVATION AREA

Statement of significance

The older parts of Paterson are significant within the lower Hunter as a rare example of a compact, essentially nineteenth century village which is set within a dramatic rural backdrop. Nestling in the Paterson River Valley with uninterrupted vistas in all directions to substantially cleared hills the older parts of this village are set on a street pattern which is dictated by relief and which retains most of its original half-acre allotments. Built development is close to street frontages, with narrow separations, giving a compact built-up appearance to both residential and commercial development. Reflecting the mainly Victorian and federation ages of buildings most have steep galvanised iron roofs, high single or double storeyed timber or masonry walls with high narrow window openings, 'traditional' paint colours, often bullnosed verandahs and turn-of-the-century decorative details. There is much intrusive modern signage in the commercial parts. There also has been some modern infill building and a great deal of both repairs/maintenance and fencing has been done using inappropriate modern materials but much of this is unseen behind older residential and commercial buildings.

Generalised description

Paterson dates from the first half of the nineteenth century and its street pattern reflects the attractions at different times of river, road and rail transport terminals, with an attempt to impose a grid pattern of streets onto this. Allotments are typically 'half-acre' but many allotments in the commercial core (along Duke and King Streets) and in the southern part (south of Prince Street) are smaller, reflecting later subdivisions. With sealed carriageways throughout, there is concrete kerb-and-guttering in the north and narrower strips of seal bounded by grassed kerbs and swales in the south. Green landscaping is minimal with a few low street trees, typically no front fences (or low picket fences) and minimal (usually paling) other fences, unpaved driveways and little garden development.

Buildings are close spaced throughout, especially in the commercial core, which gives a strongly 'built-up' landscape appearance as seen from the streets. Many buildings especially in the commercial core are built to their street boundaries, serving to reinforce this 'town' appearance. Single storeyed buildings are predominant numerically but there is a significant representation of 'tall' church buildings and of two storeyed residential and commercial buildings, especially in and adjacent to the commercial core. Many of the 'taller' community, commercial and residential buildings have footprints that are unusually large for a village of the age and size of Paterson, although single storeyed houses away from commercial core are of more modest dimensions. The older buildings in the north are almost exclusively from the nineteenth century although some of these have been radically and unsympathetically 'modernised' A visually unsympathetic service station forms an unfortunate centrepiece in the commercial core. More modest residential buildings range from late nineteenth century cottages (which are widespread) to interwar bungalows with California bungalow details.

There is little postwar building in the heritage conservation area although many (often visually unsympathetic) additions have been made to commercial buildings. Roofs are predominantly of corrugated iron (though tiles are found on the few modern buildings and on older ones that have been re-roofed). Hip roofs predominate but some early twentieth century community and commercial buildings have gables facing the street. Pitches are medium to steep. Walls of more substantial buildings are in brick with high ceiling studs but there are many weatherboard cottages, some with lower ceiling studs. Timber weatherboards have often been replaced by intrusive fibro weatherboards. Double hung sash windows are widespread but have been replaced in some cases by unsympathetic plate glazing on a few commercial buildings. Many single storeyed commercial and community buildings have parapets above their street frontages. Paintwork tends to reflect the variety of styles, with masonry surfaces generally being left unpainted. Post supported awnings are usual on both commercial and older residential buildings, with skillion form roofs prevailing. There is a proliferation of unnecessary and inappropriate painted and backlit advertising signage in the commercial area.

SCHEDULE 6

POTENTIAL HERITAGE ITEMS

Chichester	<p>Former Pender's sawmill, Allyn River Road Chichester River footbridge, Chichester Dam Road Chichester Dam, Chichester State Forest Forest tramline, Chichester Dam, Chichester State Forest</p> <p><i>Gunyah</i> and Gum <i>leaf</i> survival huts, Chichester State Forest Wangat and Karuah gold workings, Chichester State Forest Whispering Gully gold workings Chichester State Forest</p>
Clarence Town	<p><i>Clochar</i>, Clarence Town Road Former St Killions church, 3802 Clarence Town Road Former general store, 9 Grey Street Former general store, 17 Grey Street War memorial, Grey Street Former butchery, 29 Grey Street St Johns church, 34 Grey Street School of Arts building, 50 Grey Street 1877 Public school room and residence, 84 Queen Street (corner Marshall Street) <i>Braeside</i>, 109 Queen Street St Patricks church, Rifle Street <i>Riverview</i>, Rifle Street</p>
Dungog	<p>Former private hospital (<i>Keeba</i>) 116 Abelard Street St Mary's church, Brown Street St Joseph's convent, Brown Street Dungog railway station, Brown Street</p> <p><i>Mindarobba</i>, 65 Chapman Street Dungog common, Common Road House, 28 Dowling Street House, 46 Dowling Street <i>Royal</i> hotel, 80 Dowling Street Post office, 129 Dowling Street Former <i>Centennial hall</i>, 203-5 Dowling Street <i>Coolalie</i>, 206 Dowling Street Former <i>Market Royal</i>, 229 Dowling Street Uniting church, 238 Dowling Street Former hall, 243-5 Dowling Street Pipers store, 262-6 Dowling Street House, 265 Dowling Street Original Dungog hospital building, Hospital Road House, 32 Lord Street Anglican rectory, 2 Myles Street (corner of Verge Street) <i>Calton House</i>, 8 Reservoir Road</p>
East Gresford	<p>Former hospital (<i>Clevedon</i>), Gresford Road <i>Camyr Allyn</i>. Allyn River Road</p>

Eccleston	Congregational church, 2412 Allyn River Road Pounds Crossing road bridge (Williams River) Suspension road bridge, Paterson Road
Fosterton	<i>Rocky Hill</i> , 1567 Fosterton Road
Glen William	Public school, Glen William Road St Thomas's church. Glen William Road
Main Creek	Former Gam's sawmill, 68 Main Creek Road
Martins Creek	Newcastle Council quarry and stone crushing works
Paterson	St Columbas church, 18 Church Street St Pauls church hall, Duke Street School of Arts, 12 Duke Street House, 16 Prince Street Hearse shed, Tucker Park, Tocal Road Brick cottage, Tocal Road
Torryburn	<i>Torryburn</i> , 245 Gresford Road

SCHEDULE 7

Advisory Note 1: Conserving Environmental Heritage

What is heritage?

We all have a personal heritage which comprises all the things which we have acquired or have inherited which help to define our lives and tell the world who we are. We keep these things for all sorts of reasons: because they are beautiful or valuable, because of the memories they bring and because they are useful.

Communities also have a heritage, which includes things such as language and laws as well as physical things such as buildings, works, relics, trees, moveable objects, precincts and archaeological sites. Again, we keep these things because they are beautiful or valuable, for their memories, because they are useful and also because of what they can tell us about the past

We refer to physical things in the places around us as parts of our 'environmental heritage'.

What does 'heritage conservation' involve?

The 'significance' to a community of things which form part of its environmental heritage comes from the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic features or associations of these things. Sometimes we try to preserve what is significant by putting things into keeping places such as museums. Often this is not practical, or even desirable, and then it falls to the community to do things or avoid other things so as to 'conserve' what is significant.

Conservation is achieved in four main ways:

- **Maintenance**, of the physical 'fabric'. Periodic maintenance, to ensure that a thing doesn't fall into disrepair as the result of neglect or of aging, is the most important task in conservation. Often, this is all that is needed to keep what is significant about a thing.
- **Restoration** (including repair and reconstruction). These may become necessary when the physical *fabric* of something which has *significance* has been allowed to deteriorate. They can sometimes be difficult to carry out properly when things such as materials have changed.
- **Preservation**. This includes stabilising things that are in danger, providing protection against the elements and placing restrictions on how people may use a thing. Preservation can be expansive and inconvenient and the need for it can often be avoided by carrying out periodic maintenance.
- **Adaption**. Sometimes the only practical way of keeping what is significant about a thing is to physically alter it or give it a new use. A minimalist approach should always be taken to adaption so as to avoid the irreversible loss of what is significant about a thing.

Who is involved in Heritage Conservation?

The primary responsibility for conserving the things that make up our environmental heritage rests with land owners and occupiers. However, to the extent that some places may have special value for communities, community organisations and government agencies may have a role to play in their conservation.

In New South Wales the Heritage Office and local Councils are the main agencies which are involved in heritage conservation. The Heritage Office is primarily concerned with items that are of significance to the people of New South Wales. Local Councils have the principal responsibility for items that are significant for communities within a local government area or a wider region. Other government agencies, and community organisations which include the National Trust of Australia (NSW) and local historical and environmental groups, may also be involved.

These bodies take on many different tasks but they have three main tasks:

- **Protection.** Both the Heritage Office and local Councils have responsibilities under the *Heritage Act 1977* and the *Environmental Planning and Assessment Act 1979* for protecting heritage items, particularly where there are proposals for new developments. A local Council's *Heritage Local Environmental Plan* will be particularly important in this regard. Council has responsibilities under the *Local Government Act 1993*, also, both to consider heritage significance in their general decision making and to ensure health, safety and the maintenance and repair of buildings. .
- **Education.** The Heritage Office has a special role in disseminating information aimed at improving our understanding and appreciation of our heritage. Bodies such as the National Trust, the Australian Heritage Commission and a number of professional organisations such as the Royal Australian Institute of Architects are also active in this. Many of these bodies maintain *Registers* in which the physical features of particular items are documented and their heritage significance recorded. These registers have no legal force but their lists are often incorporated into LEPs.
- **Promotion.** The Heritage Office has also a special role in promoting heritage conservation through appropriate works and adaptive reuse. Other bodies such as tourism authorities, and local Councils are becoming increasingly involved in promoting the heritage of a place as an attraction to visitors both because of the things that heritage items can tell visitors about the evolution and daily life of places and because of the contribution that landmark features and buildings make to the physical character of urban and rural places.

A Shire's Environmental Heritage

The things which make up our image of a Shire and how others see it range from a few places which have been recognised as having national significance to many places whose part in our daily life sometimes leads us to take their heritage significance for granted. It is useful to remember that not all of the things that have significance are 'grand' and many aren't even 'old'!

Amongst things that are of significance to communities beyond the Shire will be national parks, significant for their biodiversity and perhaps cultural relics. Other things, such as the streetscape character of main streets and older residential areas in towns and villages, the cemeteries and many public and private buildings, may also be among places whose significance extends well beyond a Shire because of their part in the history of a wider region and indeed of NSW.

Other things are significant for communities within a shire because they have played and often continue to play important roles in the life of the shire. These may include places such showgrounds, commercial premises such as banks and shops, community buildings such as church and school buildings and even quite 'ordinary' houses. They may include other things, too, such as old bridges, kerb-and-guttering, past and present milk factories, farm buildings and remains of former coal and oil shale mines.

Many of these things are 'listed' in *registers* such as that of the National Trust and most are listed for protection under a Council's *Local Environmental Plan*. This doesn't mean that these places are open to the public and permission to go onto private land is often necessary. Nor does it mean that things have to be on lists in order to have *heritage significance*. Much of the rural countryside in the shire is of such obvious significance that it doesn't need to be on a list. Other things, including aboriginal relics, aren't on lists either because they've not been recorded or because it is considered necessary to protect information about their location.

A Council's role in conserving this heritage

With limited resources at its disposal a Council's special role is in giving protection to some of the more important items of our environmental heritage. Council does this through provisions in its Local Environmental Plans and Development Control Plans which regulate changes to things which may affect their *heritage significance* and through orders and approvals under the *Local Government Act 1993* which affect existing developments. In order to get better guidance on how to provide protection most Councils have commissioned various studies that include *Shire-wide Heritage Studies* and *Main Street Studies*.

In addition most Councils have in recent years supported Heritage Advisory Services whose purpose have been to give advice both to Councils and to owners and occupiers about heritage matters. They have also helped to enable funds to owners of heritage items carrying out conservation studies or works on their properties. Several of these initiatives have been funded with the assistance of the NSW Heritage Office.

Currently, Councils are looking to ways of promoting jobs in their communities. This includes efforts to revitalise 'main street' business districts in towns and villages by reinforcing their heritage characters and efforts to promote tourism through the production of brochures on walking and driving trails and on other heritage information which are available though district Tourist Information Offices.

Council supports the dissemination of heritage information through their own Libraries and through the work of the historical societies and historical museums in the Shire which are often assisted by the Councils. They can also provide assistance to owners and occupiers when they are seeking funding assistance from the Heritage Office, Premier's Department and other government agencies for particular heritage-related projects.

The role of the community

Local governments and other authorities share the responsibilities for heritage conservation with community organisations and individuals. Heritage conservation does not need to be a costly endeavour but, when it involves fragile places such as very old buildings or places that are intensively visited, it can become expensive.

We all have individual responsibilities for keeping our own places in good repair, which is only common sense as for most of us these places are our biggest investments. Keeping places in good repair includes maintaining the things that make for *heritage significance*. Good advice on this is available to home-owners in the *Home Maintenance and Security Handbook* (1996) which can be obtained free from the NSW Department of Urban Affairs and Planning

Community organisations also have a part to play in heritage conservation. Service clubs help to share information about heritage conservation. Advisory committees (such as Parents and Citizens' committees in the cases of schools) ensure that things that have *heritage significance* remain in the places with which they're concerned. Management committees (of places such as churches) have a primary role in maintaining the *heritage significance* of the places in their care.

Finally, a number of organisations have special roles in a community as keepers of information about its environmental heritage. These include various 'environmental' groups and the historical societies and historical museums in towns and villages throughout a shire and its wider region. The historical societies are keepers of our memories not only in their folk museums but also in the information they have in their archives about people and places in a district.

Further information

Information about our history and environmental heritage is held in many places. Of particular note are local historical societies and historians who will have been the source of much information used in various tourist brochures as well as in more substantial publications such as local histories, heritage streetscape studies and shire-wide *Heritage Studies*.

Information on conserving our environmental heritage is available from many sources also. Free guidelines and other leaflets on many aspects of heritage conservation, including *Looking After Your Community's Heritage – An Introductory Guide for Local Government Councillors* (1995), are published by the NSW Heritage Office and many books including *The Illustrated Burra Charter* (by Peter Marquis-Kyle and Meredith Walker: ICOMOS, Canberra, 1992), can be obtained through local libraries. The Heritage Office has also published a comprehensive guideline on heritage conservation practice in its *Heritage Manual* (1996)

Many of the other public agencies and community organisations mentioned above also publish information on our environmental heritage and its conservation. These include the Australian Heritage Commission and the National Trust. The Heritage Office has published free lists of its own publications and of many other 'heritage' references which are relevant to individual shires.

Ian Bowie, December 2002

Advisory Note No 2: Heritage Items and Heritage Conservation Areas

Many people with properties that have been 'listed' as containing *heritage items* or as being in *heritage conservation areas* are uncertain as to how they might be affected by listing. Will they be affected in what they do with their properties? Do they have special obligations in regard to maintenance and repair? Are there implications for insurance? How can they find out more? The purpose of this advisory note is to provide answers to these questions.

What do we mean by *heritage items* and *heritage conservation areas*?

These are places that have been recognised by a Council as having physical features or historical associations that are of special *significance* to a local community or to a wider community such as the people of a region or the state. In order for this to happen the Council will have considered a formal statement of what gives these places their heritage significance and it will have 'listed' the places in a Local Environmental Plan that also makes provisions to protect these features or associations when proposals are made for changes to the items or areas, or places near to them.

Implications for alterations and additions

The general effect of a Local Environmental Plan is to spell out the kinds of changes to buildings and works that a Council will need to approve. These changes include alterations and additions to built works and landscape features. Many of them (including new structures such as sheds) will require the Council's Consent to a Development Application but some (such as to window openings or fences) may require only written approval. Heritage items and conservation areas are no different from other places in this respect.

In order to protect our urban and rural environments Councils encourage better design in all new works. Broadly speaking, this means that Councils will encourage some stylistic *similarity* with existing built and landscape features of a neighbourhood in proposals for new works. This does not mean that they want *sameness*, especially where existing works are not pleasant or useful. It may mean that certain changes will not be approved, but it may also mean that innovative designs will be actively encouraged.

With heritage items and heritage conservation areas the things that contribute to their heritage significance (which can get down to even minor details such as post boxes), should be described in formal *Statements of Heritage Significance*. These statements help to identify features that should predominate and that should be conserved in the

event of changes being approved. With them, it is often easier than usual to know what kinds of changes are likely to be approved (and even encouraged) but, as with any proposals for new works, ideas should always be discussed in advance with the Council.

The effect of the heritage provisions will be to encourage broad similarities in new buildings and works with the character of their existing neighbours, in things such as siting, scale (relationships between area, height and site coverage), form (such as the shapes and pitches of roofs), details (such as of signage, window/door openings and decoration), materials and colours/finishes. However, new works should not be

identical to what exists already: modern features may be encouraged so long as they are *sympathetic* (visually compatible) to older ones.

In a heritage conservation area that is characterised by older-style and modest commercial or residential buildings, and in the vicinity of a heritage item that contains buildings of this kind, the principle of similarity will often discourage new buildings with multiple storeys or which run boundary-to-boundary, or which have low pitched roofs, large window openings, lots of signs or materials/colours that are bright and different. The principle will generally reinforce existing elements in streetscapes such as, often, a predominance of deciduous rather than evergreen trees.

What about other changes?

Other changes include demolitions, changes of use, subdivisions and new development, all of which may be subject to a Local Environmental Plan and any of them may require a Council's Consent to a Development Application.

For changes of these kind in places that are heritage conservation areas or in or adjacent to places that contain heritage items the question of how proposed changes will affect whatever makes for heritage significance is again a thing that must be considered. Again, a Council may give its approval without a requiring a Development Application when the changes will have little adverse effect.

In the case of demolition it must be understood that once built works or landscape features have been demolished – even if they are removed elsewhere – they are likely to lose some of their heritage significance. For this reason a Council may oppose demolition in a heritage item or heritage conservation area unless there is a special benefit to the community in this. This doesn't mean that a particular demolition (or removal) will not be approved but it does mean that the Council will require a full documentation of a place before any approved demolition takes place.

With changes of use, the concern of a Council will be to ensure that whatever new uses it approves will ensure that a built work or landscape feature retains its heritage significance. Sometimes, *adaptive change* is to be encouraged.

With subdivisions and new built development, the concern of a Council will be to ensure that new built works can happen (particularly where closer development is taking place) but in a way that will not intrude into spaces in the immediate vicinity of heritage items or into important views through heritage conservation areas. Just as

alterations and additions need to be in sympathy with existing works, new works generally need to be similar to but not the same as built works in the vicinity.

Property Insurance

Contrary to a common belief, most insurance companies will provide insurance cover on all properties that have heritage items or that are in heritage conservation area and they will do so on their usual bases for providing cover, ie that the cover is for a

fair and appropriate value and that owners avoid adding to the insurance risk in any way.

Particularly in the case of older built works, it is important to avoid a property being either over insured or under insured, and it is essential that owners are able to demonstrate that their properties (and especially their services) are maintained in good repair so as to reduce insurance risks.

Maintenance and repair

All property owners have obligations to maintain their properties in a safe and secure manner and Councils have powers to order repairs and other works to be done to ensure that owners meets these obligations. There is no special onus to prevent wear and tear on heritage items or things in heritage conservation areas but a Council may be more concerned than elsewhere to stop deterioration in these places. Neglect of any property is never wise and, in any event, it is only common sense for owners avoid anything that might reduce the value of their properties.

So long as these will not significantly change external appearances Councils will not normally need to approve maintenance or repairs (other than substantial replacement and reconstruction) on existing buildings and works. If there will be changes the principle of similarity will apply. So, there would be no problems in e.g. replacing short lengths of corrugated iron on a roof with similar lengths of corrugated iron or colorbond steel or, or replacing hardwood pickets on a fence with painted treated pine pickets, or repainting an exterior in colours similar to those existing in buildings and works in the vicinity.

However, when existing materials or colours are to be replaced with *different* ones (e.g., in the examples above, with long lengths of highly reflective zincalume on a roof, or sheets of ribbed colorbond on the fence) this could significantly change the physical appearance of the place which would be a matter of concern to a Council. Although some tradesmen and suppliers encourage the belief that appropriate materials are not available or will be more expensive than traditional ones this is seldom the case.

Sometimes when changes are proposed to existing materials there will be cases when these can be justified. A case would be where there is evidence to support returning a building or work to an earlier appearance. In other cases, where changes may be wanted in order to improve the functionality or appearance of a building or work, these need to be done cautiously to avoid distracting from the features that give these their heritage significance. In these cases common sense can be a good guide.

In conclusion

The fact that a place contains a heritage item or is in a heritage conservation area seldom restricts what owners may do with their properties, beyond the regulations that apply to all properties. However, it may require both owners and a Council to

think a little more carefully than usual about any changes that they might want to make, especially when a heritage item or heritage conservation area has been assessed as being of significance to more than just communities within a Council area

Any regulations that apply specially to places with heritage items or in heritage conservation areas are never intended to prevent changes or to lock place up as museums. But they are intended to protect what it is that makes for the heritage significance of these places and this means that changes to built works and landscape features need to be planned carefully. Whenever owners want to make changes they should talk about these with their Council.

In fact, there's a growing body of evidence that suggests that property prices in places with heritage items and in heritage conservation areas are better than for places elsewhere. This suggests that it is very much in the interests of owners of these places to carry out regular maintenance on them and to ensure that any new built works or landscape features will be in sympathy with the design features of what is already on the ground. As a further incentive, Councils may have some funds with which they can help heritage conservation.

Further Information

Whenever works are being considered in the vicinity of a heritage item or in a heritage conservation area owners should consult a Council's Local Environmental Plan and any relevant Development Control Plans. Sometimes it may be necessary to refer also to heritage studies and any conservation plans that may apply to a heritage item or conservation area. Beyond these there is the NSW Heritage Office and its *Heritage Manual* (1996) as well as heritage consultants and a library of relevant publications. Generally, it is wise to discuss all proposals for works in the places beforehand with the relevant Council and with its heritage advisers

Ian Bowie, December 2002

Heritage

Advisory Note 3: Assessment of Heritage Impacts

Introduction

'Environmental Heritage' embraces buildings, works, relics, trees, moveable objects, precincts and archaeological sites which give a place meaning for particular communities because of historical, scientific, cultural, social, archaeological, architectural, natural and aesthetic features or associations.

Likely impacts on these features or associations are among the impacts of a proposed development which the NSW Department of Urban Affairs and Planning has advised should be considered when preparing or assessing any development application under section 79C (1)(b) of the *Environmental Planning and Assessment Act*. These impacts may be positive as well as negative and they need to be weighed up against other costs and the benefits which might accrue from a proposed development.

The purpose of this advisory note is to outline what this means for developers and for Council.

The meaning for a place is described as 'heritage significance'. Only a few things may be listed individually in a planning instrument but every place contains things of some heritage significance. Heritage impacts should therefore be considered in all development applications. In general this consideration should have regard for impacts only on what now can be seen or is likely to be known (which may not be a lot) about a particular place and its vicinity.

When things have been 'listed' in a planning instrument as 'heritage items' summaries of what is known or might reasonably be discovered about them will usually be found in *Heritage Registers* or *Heritage Studies*. These summaries usually include formal *Statements of Significance* that spell out the particular associations and physical features that give meaning for local or wider communities. Because of the significance of these associations and features heritage items should not be subject to exempt or complying development. Minor works including cosmetic changes and repair work may be allowed without development consent, however, so long as Council is satisfied that these will not compromise the heritage significance of a place through use of inappropriate structures or materials.

Usually, a *Statement of Significance* will focus on what can be seen in a site but sometimes it will refer to things under ground such as potential relics or to intangible things such as patterns of subdivision. Although *Statements of Significance* often concentrate on buildings it is good practice to consider buildings within their settings (settings are sometimes referred to as *curtilages*, the areas that are integral to retaining and interpreting the heritage significance of places). Sometimes, heritage items need to be considered within the wider contexts of the vistas, streetscapes or rural landscapes in which they are set.

Generally, listed heritage items will have been identified as having *local*, *regional* or *state* significance. These levels of significance have implications for the degree of scrutiny that should be given to heritage impacts. In the case of items of local

significance impacts should be considered against *Statements of Significance*. In the cases of items of regional or state significance impacts should be considered against, respectively, statements of *Conservation Policies* or *Conservation Management Plans* which have been developed from *Statements of Significance*. All Development Applications that relate to items of state heritage significance will be assessed by the NSW Heritage Office.

Considerations in Assessment

The purpose of assessing heritage impacts is to ensure that new developments in or adjacent to a place do not diminish or compromise the things that make for the heritage significance of that place. Ideally, new developments will enhance the heritage significance of a place. Generally, they should ensure that what makes for heritage significance is conserved, either in the company of new developments or (where demolition, alteration or relocation are necessary in the last resort) in the form of appropriate documentation for posterity.

The formal process of assessing heritage impacts for listed heritage items requires *Statements of Heritage Impact* to be included with the statements of environmental effects that must accompany any development application. These statements do not have to be large documents but they do need to address comprehensively four questions: 'what makes for the heritage significance of the place?'; 'how will the proposed development affect this heritage significance?'; 'will there be benefits for the place which outweigh any loss of heritage significance?'; and, 'might there be alternatives which would have lesser adverse effects on heritage significance?' It is always a good idea to check Council's views on these questions before preparing statements of heritage impacts.

In this process, proposals for new development should be assessed against whatever has been stated about associations and physical features in *Statements of Significance* and against what reasonably may be implied from available physical and documentary evidence, to ensure that new developments will be sympathetic with features and associations that make for the heritage significance of a place. Assessments of impacts will mostly be concerned with implications for physical features. Assessments of the implications for less tangible qualities that relate to associations do not commonly need to be made but, when they do, the assessments need to focus on what makes for a *sense of place*.

Assessments of impacts on physical features should be concerned to ensure that new developments do not diminish or compromise the heritage significance of places by introducing elements which are out of character with or which draw attention from the things which make for the heritage significance of places. Where new developments are not compatible with the existing ones impact assessments should ensure that negative impacts are minimised. This means that new developments should not clash visually with existing ones but it does not mean that new developments should be similar in appearance.

When the impacts of new developments on the physical *fabric* of buildings are being considered the prime consideration will be: 'how will elements of new developments relate visually to elements in existing buildings?' Visual intrusions into the curtilages and wider settings of existing buildings caused by the bulk, forms, structures and details of new buildings should be minimised where-ever possible.

The main building elements to be considered when assessing the visual impacts of new buildings are:

- building *footprints* (expressed by building densities and percentages of areas which are covered by primary and other buildings, separations, setbacks and orientation)
- *scale* (covering the dimensions and overall bulk of buildings, including numbers of stories, building and ceiling heights and horizontal dimensions)
- *massing* (which describes features such as roof pitches and forms, window/door shapes and dimensions, façade forms and attachments such as verandas, porches and patios)
- *details* (which embrace the forms and types of features such as awnings, chimneys, decorative ornaments, windows and doors and signage)
- *materials* and *finishes* (including the types and textures of building materials, and the colours and finishes used in paints and other materials)

A *Heritage Assessment Form for Buildings* intended to help with assessing these features is available from Council

It is good practice in assessments related to buildings to consider also the physical features of their curtilages, including paths, fences, 'furniture' landscaping and views both within allotments and in adjacent streetscapes.

Demolition, alteration or destruction of any building, work, relic or tree in a place that has been listed as a 'heritage item' should only be considered where there are firm plans for redevelopment and no ways of avoiding these. When an assessment of heritage impacts concludes in favour of the demolition (etc) of a heritage item Council will generally require that any building(s) to be demolished be documented by a suitably qualified conservation architect before and during demolition, and that the place on which demolition is to take place be examined by a suitably qualified archaeologist before and during demolition. More information on this is available from Council.

Conclusion

Assessments of heritage are not intended to be ways of fixing places in the past. Change is legitimate, but it does need to respect the past. Sometimes (e.g. when a small addition is being made to an older building), it will be appropriate for new development to imitate stylistic features from the past. Generally (eg where earlier-era elements such bull-nosed verandas or art deco parapets are to be attached to a modern building), this will not be appropriate. What should be aimed for are similarities between existing and new developments in forms, but individual expressions in the lesser elements. New developments should not introduce elements which are out of character with or which draw attention from the things which make for the heritage significance of places

Further Information

The most important reference book on assessing heritage impacts is the *NSW Heritage Manual* (NSW Heritage Office, 1996). This manual describes in detail the processes of assessing heritage significance and of protecting heritage values in relation to new development. It also contains a fairly extensive list of references that explain particular things which make for heritage significance and which should be considered in the process of assessing heritage impacts. In the case of buildings these things are often the ones which give a building its characteristic 'style' and they should be respected as far as possible in the processes of maintenance, restoration and redevelopment

Books by Australian authors such as Chris Betteridge, Greg Butler, Peter Cuffley, Ian Evans and Ian Stapleton on older houses and related details, and publications from the National Trust of Australia (NSW), NSW Department of Urban Affairs and Planning (which goes under various names) and NSW Heritage Office on heritage conservation will be of most use. Although many of these references date from the 1980s they are available in the local Library or through the Newcastle Regional Library. A copy of the *Heritage Manual* can be inspected at Council's offices

Ian Bowie, December 2002

Advisory Note 4: Demolitions on places containing heritage items

When Council approves a development application which proposes demolition (including a partial demolition) of a building, work, relic or tree in a place which has been listed in a planning instrument as a 'heritage item' it will generally require that any building(s) to be demolished are documented before and during demolition by a suitably qualified heritage consultant (such as a conservation architect), and that the place on which the demolition is to take place is examined before and during demolition by a suitably qualified archaeologist or other heritage consultant.

This is to ensure that, while the physical features of a heritage item may be destroyed, forever, a record of them will be kept for posterity. This record should extend to any area surrounding a thing to be demolished which is integral to understanding and

for interpreting the heritage significance of that thing. This area, known as 'curtilage', will generally be taken to be the allotment(s) on which the building(s), works, relics or trees are to be demolished. The reports prepared in fulfillment of Council's requirement will be archived by a local historical society after consideration by Council.

What will documentation involve?

Documentation of buildings will involve inspection of the buildings, including their roof cavities and under-floor areas, for information about past and present construction, materials and decoration, and for information which might throw light on dates of construction and any former uses of parts of the buildings. This should lead to a report that includes measured plans and elevations, and photographs, annotated to show

physical features which contribute to heritage significance and which are discussed in the text report. The report should cover matters such as the evolution of the building(s); the forms, structures, materials and finishes (eg paints) used in footings, walls, ceilings and roofs; and details, such as mouldings, joinery, decorative features and fittings (especially ones of a functional nature). Some of this information may not be revealed until demolition is in progress. Both interiors and exteriors should be documented. The report should be prepared by a qualified conservation architect or by another heritage consultant with suitable experience.

Examination of the site will generally involve an archaeological reconnaissance for evidence of past and present buildings, paths, garden beds, fences and other physical features in the place. This should be done by a systematic inspection of subsurface land under buildings and elsewhere within a curtilage, using passive or electronic probes at appropriate times before and/or during demolition. This will not require excavation permits but, should the reconnaissance indicate needs for further investigation, an archaeological excavation might become necessary. The report should be prepared by a qualified archaeologist or other heritage consultant with suitable experience.

Information

To determine what should be looked for and reported on, consultants should

be guided by information that is publicly available about the heritage item, which will include: *statements of significance* in heritage studies; information in National Trust *Register* listings; advice from local and regional

historical societies, information in submissions which have been made to Council in relation to the Development Application before it was resolved by Council; and anything suggested by what may be observed or uncovered on the site. This information should be sufficient to indicate the degree of investigation needed. For example, an assessment of a heritage item as of regional significance would require a closer investigation than for an item of local significance.

Other Considerations

It should be noted that all development applications which involve heritage items, whether or not they have been assessed as being of state significance and/or that are recorded in the *State Heritage Register*, must be notified to the NSW Heritage Office by Council. The Heritage Office may impose special requirements in relation to any approval to demolish on a place which has state heritage significance, including as to documentation.

Any artifacts (other than building materials) that may be recovered during the demolition should be recorded and described in the reports and their conservation should be discussed with Council prior to their disposal. Building materials should be salvaged for recycling where possible.

Concluding Comment

Demolitions will be approved only when there are no satisfactory

alternatives or when a Council can be assured that the demolition will not lead to a loss of what makes for the Heritage significance of a place. Once a thing has been demolished – even if it is moved elsewhere – it is likely to

lose its significance and, for this reason a full documentation of the place should be done prior to demolition.

Ian Bowie, December 2002

Advisory Note 5: Conservation Policies and Management Plans

Statements of Heritage Conservation Policies and *Heritage Conservation Management Plans* are tools that help with the conservation in places with heritage items or that are in heritage conservation areas of things that make for the heritage significance of these properties, ensuring at the same time that these places can continue to be used and even altered in the normal course of this use.

The tools can be very useful for owners and managers because they can help to clarify how things should be done (and sometimes not done), both to conserve any physical features that make for the heritage significance of the place and to help a wider community to understand the significance of these features and of any historical associations of the place.

They can be useful also when a Council is required to consider proposals for changes or other action relating to heritage items or in heritage conservation areas. When a place has special heritage significance, a Council may require one of these documents to be prepared in support of the *Statements of Heritage Impact* that have to be part of applications for new development in a place with a heritage item or in a heritage conservation area. When a place has been formally assessed as being of significance for the state the NSW Heritage Office also may require a conservation management plan to be submitted to it.

The documents may be prepared for an owner by a recognised heritage consultant. Often though when a concise document is all that is necessary an owner who has sufficient information and a clear view of what should (or should not) be done can put together a perfectly satisfactory document. A statement of conservation policies should cover the first three of the following matters and a conservation management plan all four.

A Description of the place

This description of a place that includes a heritage item or that is a heritage conservation area should extend to its setting and any *curtilage*, which is the area around it that is essential for retaining and interpreting its significance (and whose boundaries should be formally defined).

It should include, firstly, a description of the site and of the built works and landscape features on it, with some discussion of development pressures and other things that might constrain conservation, including the current condition of physical fabric and legal issues. It should include also an outline history of the place, covering the evolution of properties and of their physical fabric in the curtilage and of how they have been used and occupied and a record of people and events which have been important in this historical context.

The purpose of the description is to enable the physical character of the place to be understood and its heritage significance assessed. Plans, elevations, photographs

and other documentation of both the present and its past should be included but it is important to avoid including lots of raw material whose relevance is not explained. Details may be useful but the emphasis should be on identifying the things that are seen or have been known to a community and which give the place significance to that community.

Starting points for relevant information will be the contents of any Inventory forms prepared by the National Trust or by a local Council e.g. in heritage studies. A search at the Land Titles Office will yield information on previous boundaries and owners. Local and regional historical societies may well have further information. Beyond these, all sorts of information may be available from private persons, public libraries and sources such as newspapers and other publications.

Statements of Significance

A Statement of Heritage Significance is a formal statement of the physical features and their historical associations that make the place significant. Such a statement should be available for every place that contains a *heritage item* or is in a *heritage conservation area* and it should be based on an assessment of what has been described for the place. It should summarise what make for the heritage significance of the place, how common or rare these are and the level of community (i.e. a local community or a wider regional or state community) for which the place is significant. Significance should be assessed following steps and criteria proposed by the NSW Heritage Office (see below).

The formal Statement should be accompanied by an assessment of the contribution of individual physical features to heritage significance. These might cover particular features of siting in relation to other buildings and works, vegetation and other landscape features, and in the case of buildings, their scale (relationships between area, height and site coverage), forms (such as the shapes and pitches of roofs), details (such as of signage, window/door openings and decoration), materials and colours/finishes. Intrusive features should be identified. It may be useful to list all of these things in reference to plans or photographs and it may be useful to note matters such as their condition and integrity.

A Policy Framework

The policies are the broad rules that should guide future use and development in order to conserve the significant fabric in the event of damage, alterations and additions as well as in the course of maintenance. These 'rules' should set out not just broad objectives for things such as the future use and physical character of a place but also the kinds of action that should take place or be avoided in order to conserve what is significant about a place.

The policy framework should provide the basis for drawing up work programs and plans for future development. Policies should address issues that might arise when land uses or works are being planned or contemplated. They should cover in particular how conservation of individual features that contribute to the significance of the place might take place and they should also provide the criteria against which a Council might consider specific proposals.

It is likely that a policy framework will consider aspects of day-to-day management because the consequences of on-going use of a place are likely to affect the conservation of physical fabric. However, because policies are broad statements about the kinds of outcomes that are sought a policy framework will seldom consider specific actual works that are either ongoing or proposed.

Development of conservation policies requires some imagination and a knowledge of the place because it involves some guessing about issues that might arise in the future. The test of a robust policy framework is whether it will provide the owners and managers of properties within the curtilage of a heritage item or in a heritage conservation area, as well as consent authorities, with sufficient guidance to be able to make management decisions that will ensure the conservation of whatever is significant.

Proposed Actions

It may not always be possible to spell out precisely everything that could or should be done in order to achieve policy objectives. This will be the case particularly when decisions have yet to be taken about how a place of heritage significance is to be used in the future. However, a *Conservation Management Plan* must consider specific things that need to be done in order to meet conservation objectives and policies.

In many cases proposed actions may be no more than ones identified in a list of things that need to be done to effect maintenance and repairs, or new works that are needed to ensure that the place continues to have a use or things that should be done so that people understand its heritage significance. So far as possible, costs of these should be estimated and priorities established that reflect the urgency of actions as well as implications for both heritage significance and the future use of the place.

In some cases it may be possible and desirable for proposed works and other actions to be set out in a 'work program' in which works and other actions are sequenced according to both priorities and practical considerations. The latter would include needs for some things to happen in a particular order, questions about the funding that may be available from owners, private sources and public agencies and things such as technical details and sources of materials and advice.

Again, proposed actions should not be limited to what might be considered to be just 'heritage matters'. Maintenance and repairs as well as new works have implications for both heritage conservation and day-to-day management. The aim of most Conservation Management Plans should be to ensure a useful future for a place in which significant fabric is conserved.

Conclusion

It is desirable for conservation policies and plans to be accessible to the general public so that information in them is not lost, especially when irreversible changes are made to a place. The documents should be available also to a local Council

whenever it needs to consider the questions that have to be assessed in Statements of Heritage Impact when new development is being proposed.

For many owners of heritage items or and for Councils which manage heritage conservation areas preparing these documents may be labours of love. The process need not be arduous and, when they are completed, the fact that owners and managers have sat down and thought about the future of a place is likely to make it a lot easier in the future to decide what needs to be done and how to do it in a place of heritage significance..

Further Information

The *Heritage Manual* (NSW Heritage Office, 1996) should be the first source for further information, especially its sections on 'Conservation Management Documents', 'Assessing Heritage Significance' and 'Statements of Heritage Impact'. The Heritage Office can also supply an outline of its review and endorsement process for Conservation Management Plans, which contains a checklist of specific things that should be addressed. The development of conservation policies and plans should be guided by the specific content of the relevant Local Environmental Plans and Development Control Plans.

Ian Bowie, December 2002

Advisory Note 6: Colour schemes for old buildings

Colour is important for bringing out the physical features and stylistic details of old buildings and thereby helping us to understand the heritage significance of these buildings. However, choosing the 'right' colours for 'old' buildings isn't always easy. It may be uncertain what colours are appropriate for a building of a certain age. It can also be difficult to reconcile what is appropriate for one building with the colours of neighbouring buildings as well as with the colours of one's personal preferences.

Colour schemes for old buildings are achieved by several things. Paint work is usually the most important of these and, as it is the one which is most easily altered to enhance the character of a building, it is the one which will get most attention here. However the natural colours and finishes of building materials used (such as masonry and tiles) can also be important and ways in which materials have been arranged (for example the sizes and patterns of tiles) can influence the effect of colours.

Descriptions of a colour refer to several qualities, including **spectral colour** (*hue*, which is the colour from the rainbow), **intensity** (*chroma*, or shading which is described in terms such as 'brilliant', 'rich', 'strong', 'recessive', 'pale', 'light', etc) and **purity** (*value*, or the extent to which hues have been mixed together). They may often refer also to the ways in which colours are finished to make them appear glossy or matt, the kind of surfaces involved (eg 'textured' or 'smooth') because these can affect how we see colours, and any special colour effects (such as mottling).

Some 'rules' to bear in mind

In choosing colour schemes for old buildings:

- always be guided by the evidence of original colours from scrapings of paint or masonry, early photographs, colours used nearby and heritage paint charts
- be cautious about painting unpainted surfaces. While paint may protect unpainted materials any subsequent removal of paint may destroy the surface of the material
- where different colours are used, strong shades and glossy finishes should generally be reserved for details and smaller surfaces; more 'recessive' shades and matt finishes should generally be used for larger areas (such as walls and roofs) and for features which should be played down (such as unsympathetic, intrusive details and additions)
- where external and internal colour schemes can be seen together (for instance, through shop windows) consider how the schemes will blend with one another
- where original materials can no longer be obtained (eg lead-based paints) use materials with colours and finishes which are as close to the original as possible. For example, acrylic paints are generally more suitable than enamel paints to replace limewashes and distempers (they also avoid locking moisture into materials)
- consider how the colour scheme will relate to and blend in with colours of adjacent buildings
- limit your ambition. For example don't try to doll up a simple cottage with lots of colour details.

- to get an idea of what a colour scheme will look like on the exterior of a building

(especially for the purposes of Development Applications) see how the colours (including of things such as tiles and signs) look on a sketch of the building facade .

It is important to recognise that there were differences between the colour schemes of buildings of different ages. There is no such thing as a single 'heritage' colour palette. The following generalises about colour schemes used during five broad periods.

The early and middle nineteenth century

Generally the range of colours available was limited by money, technology and the materials available locally. Colours were generally 'earthy' and restrained, reflecting the pigmentation available from local earth and vegetable matter and the widespread use of limewashes and distempers. Colour schemes were simple. Roofs (slate, flat iron and shingles) were unpainted, external as well as internal walls and ceilings were widely limewashed or distempered, in colours ranging from off-whites to usually pale shades of earthy colours and, less commonly and usually inside, blues and pinks. External masonry walls usually remained unpainted. Joinery and decorative details were sometimes painted, in stronger greens, browns and reds (sometimes oil rather than water based) to contrast with the wall colours, usually in a matt finish (clear oils and varnishes were also used on interior woodwork).

The late nineteenth century

As the range of colours available became wider the use of colour became more adventurous. Metallic pigments enabled more intense and purer colours and the better bonding given by oil-based paints and the water-based calcimine allowed Victorians to indulge their love of decoration by using many colours in a colour scheme, especially in larger buildings in which strong shades and contrasting hues were widely used to pick out details. With the advent of galvanised iron, roofs were sometimes painted, usually in bold reds and greens, or silver (to simulate the colour of metal), sometimes with stripes of alternating colours in adjacent panels especially on verandah roofs. External walls including parapets, both rendered and in timber, were often in quite intense ochre colours (sometimes used to imitate brick or cut stone) or, later, adventurous colours such as salmon pink; sometimes several shades and contrasting hues were used, especially for mouldings and panels. Roof drainage, external joinery and fencing were usually painted in stronger shades of the wall colours but sometimes in contrasting strong greens, creams, browns and reds. The decorative details (such as iron lace) which became popular later in this period were generally picked out in different shades or hues. Inside, colours were rich and varied. Ceilings were generally simply painted in lighter shades and off-white colours but walls were painted or papered in several different hues, in shades intended to highlight details such as mouldings and joinery. A rich palette of colours was used inside and, while formal rooms were often in dark shades, other rooms could be bright and cheerful: the palette of colours included purples, browns, greens, pinks and even blues, often finished with varnishes.

Before the wars

The 'Federation' period saw a retreat from the complex colour schemes found in larger Victorian buildings, reflecting the tenets of the *Art Nouveau* movement. Improved paint bases and better pigmentation enabled a wider range of colours and standardisation of colour descriptions, and hues became the 'purer' colours of the rainbow. Roofs continued to use Victorian colours when painted but terra cotta tiles introduced new reds and oranges into roofs. On external walls, where weatherboards were used instead of masonry, colours were limited to a few colours such as reds and browns or creams and greens in shades used to contrast larger surfaces such as the walls themselves with details such as roof drainage, external joinery, decorative details and fencing. Details could be in strong shades of the colours used on walls (in the Victorian manner) but they could also be in pale shades with the walls in stronger shades. Contrasting colours were used to pick out the details such as mouldings and other decorative work. Inside, ceilings were often in off-whites, with walls and details pale shades of pinks, greens, blues, greys, and creams and joinery in darker colours (often stained).

Between the wars

Under the influence of the *Art Deco* movement colour schemes became simpler and more restrained. Although a wider range of colours and finishes with standard descriptions was available colour schemes became subdued and even 'pallid' and there was widespread use of materials to achieve particular colour effects (such as paint to simulate brickwork on rendered surfaces and weatherboards, textured render to provide variety of shades and tiles to relieve the monotony of walls). Roofs became mono coloured, typically red and green if they were of galvanised iron. External walls tended to be in single or similar hues using contrasting shades of the same hue to pick out details such as moulding in rendered walls and parapets; off-whites, creams, greys and earthy colours were popular for rendered and weatherboard walls in the country but more avant-guard pastel shades (or 'washes') of pink, blue and green were also common in larger towns. External joinery and roof drainage was often painted in the same shades and hues used for walls but contrasting darker greens and browns were used also. Inside, lighter and brighter creams, greens and buffs were used as background colours (eg for walls and ceilings) with contrasting hues and richer shades of paint (or stains) for joinery

After the wars

During the 1940s and 1950s the range of colours in use became very wide and there was widespread mixing of hues to achieve new colour effects (and paint charts came into general use, to cope with all this!). Different hues, strong shades and gloss finishes were all used widely used to achieved bold and bright results. Colour schemes outside were more low key than inside, though even these could use starkly contrasting colours, with roofs and external walls usually in contrasting colours (such as rich or dark greens and reds) and sometimes several colours being used on walls (both masonry and weatherboard) and joinery including fences. Internal colour schemes were less restrained with the use of several hues and shades to achieve contrasts between walls and between details of joinery. The soft blues and pinks of between the wars were often used inside.

Towards the 1960s, though, diversity in colours often became achieved through use of colour in drapes and furnishings rather than in building fabric.

Further information

Although colour schemes are discussed in a number of books listed in the 'Heritage References' section of the NSW Heritage Office's *Heritage Manual* (1996) which relate to building restoration the information given is often not helpful. For older houses Ian Evans, with others, has published two books on *Colour schemes for Old Australian Houses* (Flannel Flower Press, Sydney, 1984 and 1992) which contain colour charts (following p 42 and pp 31-4 and 121-3 respectively). For twentieth century colour schemes two books by Peter Cuffley published by Five Mile Press, in Victoria (1993) are particularly useful because they contain colour charts (facing p 182 in *Australian Houses of the 20s and 30s*; and pp 23 and 188-9 in *Australian Houses of the 40s and 50s*). Several paint companies have published excellent colour charts and amongst these the Dulux *Traditional Colour Solutions* and Solver Paints' *Heritage Colour Range* are particularly useful because they recognise differences between the colour schemes of different periods.

18. WATER EFFICIENCY

18.1 PRELIMINARY

Date of Commencement

Council adopted this plan on the 17th February 2004.

Name of this Plan

This Plan is Part C, Section 18 within the *Shire Wide Development Control Plan No. Water Efficiency*.

Parent Local Environment Plan

The parent Local Environmental Plan is *Dungog Local Environmental Plan 2006* as amended.

Where this Development Control Plan applies

This Development Control Plan applies to the following zones within the Dungog Council local government area:

- Rural 1(a)
- Rural Enterprise 1(e)
- Rural Lifestyle 1(l)
- Residential 2(a)
- Village 2(v)
- Business 3(a)
- Employment 4(a)

Status of the Plan

This plan has been prepared and exhibited in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

18.2 INTRODUCTION

18.2.1 WHAT IS A DEVELOPMENT CONTROL PLAN?

A Development Control Plan (DCP) is a commonly used town planning instrument which provides detailed guidelines for the assessment of new developments.

18.2.2 WHY A WATER EFFICIENT DCP?

This Development Control Plan (DCP) has been developed as part of the growing community desire to achieve greater efficiency in water use. It stems from a general concern about the local environment, particularly localised flooding, issues of water use and water quality, and the effects of greenhouse gases generated by energy use (in the provision of potable water).

18.2.3 WHAT IS THE AIM OF THE DCP?

To promote and create buildings which:

- are sustainable;
- are affordable to purchase;
- use less water from the potable (town) water supply;
- cost less to occupy;
- impact less on the local environment; and
- contribute to an overall reduction in greenhouse gas emissions.

18.2.4 WHAT IS MEANT BY WATER EFFICIENCY?

Efficiency is a term generally used to describe how to gain advantages or benefit from performing a task in the best possible way. We need to improve the efficiency with which we collect, obtain, use and dispose of natural resources for energy and water products. Many current methods waste natural resources, create relatively expensive consumption costs, and result in serious global environmental problems. Local councils have been called upon to encourage more efficient practices through encouraging more efficient performance in new developments.

18.2.5 WHERE DOES THIS DCP APPLY?

This DCP applies to the following types of development that may only be carried out with development consent or a complying development certificate:

- commercial buildings;
- industrial buildings

This DCP does not contain provisions relating to subdivision design and layout.

18.2.6 DEVELOPMENT APPLICATIONS

Under Section 79C of the *Environmental Planning and Assessment Act 1979*, the contents of this DCP must be considered by the Council (or other consent authority) when determining development applications.

18.2.7 COMPLYING DEVELOPMENT CERTIFICATES

The contents of this DCP must be considered by either the Council or an accredited certifier when determining applications for complying development certificates.

18.2.8 VARIATIONS TO THE DCP

An application to vary any of the provisions of this plan must be in writing and clearly demonstrate:

- that the application meets the aims and objectives of this plan; and
- compliance with the relevant provision, or criteria contained in this plan, is unreasonable or unnecessary in the circumstances that apply.

18.2.9 DEFINITIONS

Building

A structure including a shop, workshop, industrial and commercial etc.

DCV

Dual check valve is a device that may be used for backflow prevention in accordance with the requirements of Australian Standard 3500 and the NSW Code of Plumbing Practice.

Ecologically Sustainable Development (ESD)

A commonly accepted definition of ESD in Australia is development which "uses, conserves and enhances the community's resources so that ecological processes on which life depends are maintained and the total quality of life, now and in the future, can be increased" (*ref. National Strategy for Ecologically Sustainable Development*).

Habitable Room

Means a room used for normal domestic activities, and:

- (a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room and sunroom; and
- (b) excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods.

Hardstand Areas

Hardstand areas include the area of:

- the building footprint; plus
- garages, carports/awnings and outbuildings; and
- non-porous driveways, paths and courts,

but exclude the water surface area of swimming pools.

Mains Top-up

This is an available method to ensure continuity of water to internal plumbed areas of the house that are connected to the rainwater tank. When the rainwater tank is at least 80% empty an automatic system or manual system can be used to partially refill the rainwater tank from Council's potable water supply. This refilling of the rainwater tank is not to exceed 50% of the rainwater tanks capacity and it is recommended to only refill to 35% of the rainwater tanks capacity.

Major Alteration and Addition

Any alteration or addition where the area of the building, the subject of the application, equals or exceeds 50% of the floor area of the existing building when measured to the outside surface of the building walls. This includes areas of the existing building such as kitchens and bathrooms, when these are included in the works within the application.

Minor Alteration and Addition

Any alteration or addition where the area of the proposed building the subject of the application is less than 50% of the floor area of the existing building when measured to the outside surface of the building walls.

On-Site Detention (or OSD)

On-site detention systems in the context of this DCP provide storage for reuse of stormwater runoff from developments.

RPZ

An RPZ or Reduced Pressure Zone device is an approved backflow prevention device in accordance with AS3500 and the NSW Code of Plumbing Practice.

18.3 BACKGROUND

Water efficiency involves both reducing the use of expensive and scarce potable water as well as controlling and using rainwater and wastewater from the site.

There is a great deal that individuals can do to reduce water usage and minimise impacts of their buildings on stormwater runoff, including:

- Minimising water use in the home and garden.
- Retaining stormwater for reuse or on-site disposal.

Water efficiency measures are cost effective especially since water charges require that you pay for each litre used. It is usually more costly to fit water controls after a dwelling is built, so they should be incorporated in each new development or when major alterations or additions are being carried out.

In Dungog approximately 50% of the town water use on residential premises is for external uses, such as garden irrigation, car washing, topping up swimming pools and the like.

Internally, it is estimated that 30% of water is used for laundry uses and toilet flushing. It is envisaged that the introduction of the water efficiency measures in this DCP will substantially reduce potable water demand in the area.

Water consumption can be reduced within buildings through the following measures:

- Installing AAA or better rated fixtures, fittings and appliances, including washing machines and dishwashers.
- Installing dual flush toilets.
- Composting toilets can serve the dual purpose of lowering water use and sewage output.
- More efficient management of hot water systems can be achieved through the insulation of piping.
- Installing a rainwater tank to provide a water source for a range of household uses, including toilet flushing, laundry needs, garden irrigation and other external uses such as car washing.

18.3.1 OBJECTIVES OF WATER EFFICIENCY

- Building design and site management adopts practices are 'water smart': complementary to the natural water cycle and other ecological processes.
- To promote water-efficiency measures that will cumulatively contribute to:
 - More efficient use of potable water;
 - Reduced stormwater runoff volumes and peaks;
 - Reduced local flooding;
 - Reduced demand on downstream drainage infrastructure;
 - Reduced pollutants in streams and groundwater;
 - Improved viability of aquatic and riparian ecosystems;
 - Reduced sewer overflows in wet weather.
 - Operational cost savings on infrastructure management.

18.4 HOW TO COMPLY WITH THE REQUIREMENTS OF THIS DCP

There are four elements of compliance that are required to be met when development involves the construction of a new building or major alterations or additions to a building (as defined) in zones identified as covered by this DCP. These elements are water usage, rainwater tanks, hardstand limits, and on-site detention (OSD). The next section "Design Principles and Performance Criteria" provides detailed information on compliance requirements.

18.4.1 WATER USAGE

- Dual flush toilets must be installed.
- New or replacement bathroom or kitchen taps, showerheads, toilet cisterns are minimum AAA rated.
- AAA rated fixtures to achieve:
 - Shower Heads – 9 litres or less per minute;
 - Basins – 6 litres or less per minute; and
 - Kitchen Sinks – 9 litres or less per minute.

18.4.2 RAINWATER TANKS

Commercial and industrial buildings shall install rainwater tanks that have a minimum capacity of 1,000 litres for every 10m² in ground floor area. It is recommended that the rainwater tanks be internally plumbed.

18.4.3 HARDSTAND

All commercial and industrial properties shall conform to hardstand limits of a maximum of 65% of the lot area and 40% of the front setback area.

18.4.4 ON-SITE DETENTION

All developments are to conform to on-site detention (OSD) requirements where a minimum of 15% of the rainwater tanks are to be airspace capacity to allow for OSD. Commercial and industrial developments shall be designed in accordance with Council requirements, which will be established on a case by case basis, by an appropriately qualified person.

18.5 DESIGN PRINCIPLES AND PERFORMANCE CRITERIA

18.5.1 Water Usage

Design Principles

- The use of water efficient fixtures in both the bathroom and kitchens of a household will result in substantial reductions in water use.

Performance Criteria

- The most efficient water fixtures are:
 - AAA rated or better water efficient shower heads.
 - AAA rated or better flow regulators for bathroom basins and kitchen sinks.
- Fixtures with AAA rating must achieve the following flow rates:
 - Shower heads – 9 litres or less per minute.
 - Basins – 6 litres or less per minute.
 - Kitchen Sinks – 9 litres or less per minute.
- Dual flush toilets should be used, and are required if new or replacement toilets are to be used.
- AAA rated or better washing machines and dishwashers are recommended.
- Piping between hot water sources and taps should be insulated.

18.5.2 RAINWATER TANK

Rainwater Tanks – Design Principles

- Rainwater is a valuable natural resource that should be collected for household use.
- The use of a rainwater collection system is a way of conserving potable water supplies, as it can provide a water source for a range of household tasks, including toilet flushing, laundry and external uses such as garden watering, topping up swimming pools and car washing.
- Using rainwater will reduce water bills and reduce community infrastructure costs.
- Using rainwater can also aid self-sufficiency, providing a back-up supply in case of water restrictions caused by drought, peak supply shortage, or water quality problems.
- Rainwater tanks provide for on-site detention of stormwater, which lowers the storm run-off and so decreases local flooding.
- Rainwater tanks can supply water during emergencies such as fire.

Rainwater tanks – Performance Criteria

Rainwater tanks – General requirements

- The rainwater tank is to be attached to a physical structure that has a roof that will discharge into the tank.

- The rainwater tank shall be of an earth tone colour and blends into the surroundings. The rainwater tank shall be non-reflective.
- Rainwater tanks are to be placed behind the dwelling house unless suitably screened from the road.
- Tank stands shall have a maximum height of 450mm above ground. Area below shall not be enclosed or used for storage.
- Maximum installed height above ground level of 1.8 metres, including any stand if less than 900mm from side boundary, otherwise maximum height is 3 metres.
- All tanks and associated structures, including stands shall be installed in accordance with manufacturer's/designer's specifications.
- Tank stands shall not rest on footing of building or rely upon wall for support.
- Design of the rainwater tank should make provision for:
 - a rainwater storage volume, and
 - an air space for additional stormwater management, which will be 15% of the capacity of the tank.
- An upper overflow equal to the inflow in capacity is to be installed at the top of the tank and a middle outlet of 20 mm diameter set at the point representing 85% of the capacity of the tank. To allow for the emptying of 15% of the tank as detention water.
- The overflow is to be piped to the stormwater reticulation system, being the street or interallotment drainage. Where no stormwater reticulation system exists disposal is to be to a rubble drain prior to disposal in the natural water drainage. The rubble drainage (trench) shall have a cross sectional area of 600mm x 600mm and being one (1) metre long for every 25m² of roof area drained thereto. Trenches are to be located three (3) metres clear of any building or lot boundary.
- Overflow connections are to be at sufficient height to ensure backflow does not occur and shall be vermin proofed.
- Any required pump is to be enclosed in a noise attenuating enclosure and shall not create a noise problem, which is typically regarded as being 5 dB above background noise levels. The pump must not be audible at the nearest residential property boundary between the hours of 8.00 pm and 7.00 am Monday to Saturday and 8.00 pm and 8.00 am Sundays and public holidays.

Rainwater tanks (internally plumbed) – Additional requirements

- The tank must be fitted with a 'first flush' diversion to remove surface contamination, and a facility for periodic de-sludging.
- Lilac coloured polypipe is to be used for internal plumbing of rainwater.
- The tank must have sufficient capacity and be connected so as to supplement water for the following services on the site:
 - toilet flushing;
 - laundry;
 - garden irrigation; and
 - external washing (cars, paved areas, etc).
- All plumbing works shall be in conformance with the Committee on Uniformity of Plumbing and Drainage Regulations in NSW (CUPDR) Circular P&D No 18, which is referred to as "Guidelines for Plumbing Associated with Rainwater Tanks in Urban Areas". This circular specifies the requirements of cross connection control and backflow prevention, installation requirements, proximity to other services, marking and labelling, and maintenance.
- Supplemental inflow should not take place until the tank is at least 80% empty. This allows for the tank to buffer stormwater flows to local drainage. Topping up should not exceed 50% of the tank capacity and it is preferable that it be less than 35% (20%). The supplemental inflow is to be automated.
- All rainwater tanks internally plumbed shall be registered with Council. Rainwater tanks (used for external uses only) – do not require registration with Council although

SEPP4 stipulates that rainwater tanks greater than 10,000 L in capacity require a DA. Schematic diagrams of all plumbing is to be included in registration documents.

18.5.3 HARDSTAND

Design Principles

By limiting the hardstand area of a development (that is concrete and roofed surfaces that do not allow water penetration into the ground), stormwater run-off is lowered and water can infiltrate into the soil of the site. This lowers the impact of the development on local drainage infrastructure, and decreases impacts on the environment through the reduction of surface runoff.

Performance Criteria

Hardstand areas (refer to definition):

- shall be limited to a maximum of 65% of the lot area; and
- hardstand areas within the front setback shall not exceed 40% of the setback area.

Porous concrete or plastic modular pavers placed on a sand base are recommended for car parks, car wash area, driveways, paths and courtyards. Such materials will not be included in the calculation of hardstand area for the lot.

On-Site Detention (OSD)

Design Principles

A rainwater tank can be designed to provide water supply and stormwater management benefits to the individual and community. The performance of OSD is dependant on the size of the impervious area contributing to the storage. Sizing of the site storage component should be related to impervious areas rather than allotment areas.

The effectiveness of rainwater tanks as a stormwater management measure increases with housing density due to greater proportions of the site area (roofs) contributing to rainwater tanks.

Additionally, OSD will be used on larger developments, such as villas, townhouses and residential units to provide temporary storage of stormwater on-site for re-use or gradual disposal to the stormwater system.

Performance Criteria

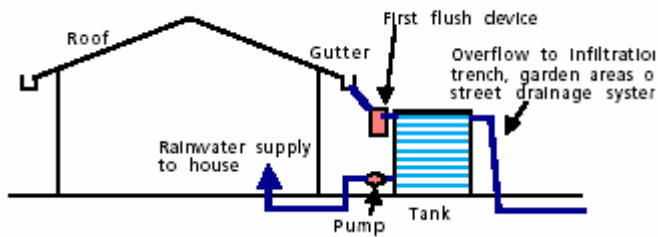
- All rainwater tanks installed on properties with single dwellings shall have a minimum 15% of the tank capacity as airspace to provide OSD.
- All other properties shall provide OSD in accordance with Council requirements and shall be designed by an appropriately qualified person.

Web Links

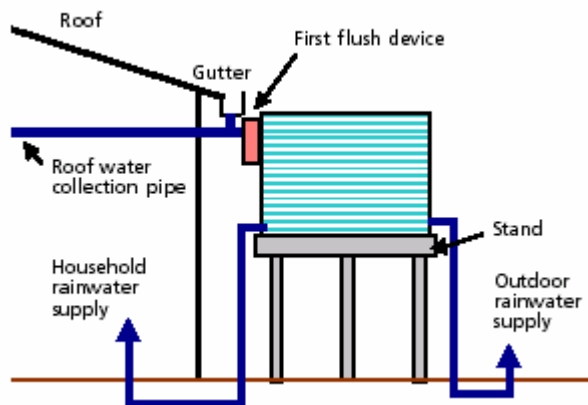
<http://www.lhccrems.nsw.gov.au/projects/wsud/>

Appendix – Diagrams Showing Connection Detail Options

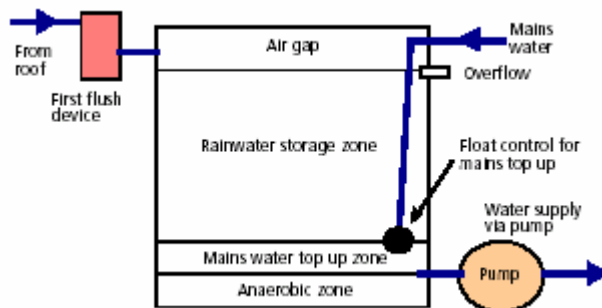
Key elements of a domestic rainwater system:



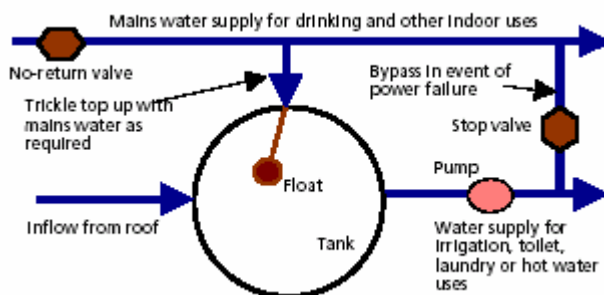
Configuration of a gravity system:



Storage components of a dual supply system:

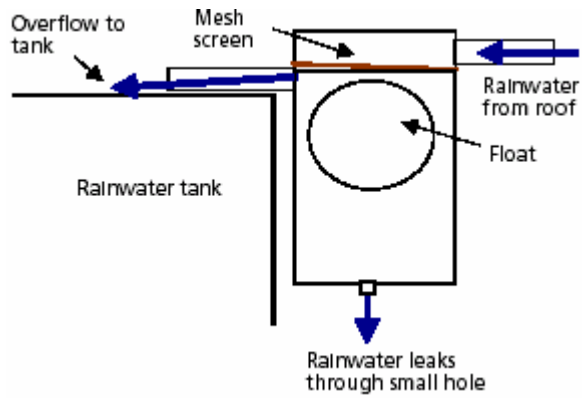


Configuration of a dual supply system:



Note that the non-return valve is to be a testable backflow prevention valve.

Basic design features of a first flush device:



Suggested plumbing configuration for rainwater tanks in urban areas with a reticulated supply – direct connection with potable supply.

19. WIND ENERGY GENERATION FACILITIES

1. CITATION

This plan shall be cited as “Shire Wide Development Control Plan 1 Part x Wind Energy Generation Facilities”.

2. LAND TO WHICH PLAN APPLIES

This development control plan applies to all land in the Shire of Dungog.

3. PURPOSE OF THE PLAN

This plan specifies the requirements for Wind Energy Generation Facilities designed for the purpose of commercial electricity generation within the Shire of Dungog. (see 6. Definitions)

4. ASSOCIATED PLANNING INSTRUMENTS

This development control plan shall be read in conjunction with Dungog Shire Council Local Environmental Plan 2006 (DSC LEP 2006) and Shire Wide Development Control Plan 1.

Development of wind energy generating facilities will not be considered in designated Residential 2(a), Village 2(v), Rural Lifestyle 1(l) and Transition 9 (a) zones under the DSC LEP 2006.

5. ENVIRONMENTAL IMPACT ASSESSMENT & APPROVAL TO CONSTRUCT/OPERATE WIND ENERGY GENERATION FACILITIES

Local Environmental Plans and other environmental planning instruments prepared under the *Environmental Planning and Assessment (EP&A) Act* establish whether a particular project is permissible in a particular location and whether development consent is required for its operation. It is important to consult early with council to determine whether a wind farm is permissible in the proposed location.

EIA under Part 4 of the Environmental Planning and Assessment Act

Under Part 4 of the EP&A Act, wind farm proposals will usually require development consent. If development consent is required, a development application must be lodged with the “consent authority”, usually the local council.

Supporting information should include the landowner’s consent and an Environmental Impact Assessment (EIA) document, either a Statement of Environmental Effects (SEE) or an Environmental Impact Statement (EIS).

Proposals which are likely to significantly affect the environment may be *designated* under Schedule 3 of the EP&A Regulation 2000 or under an environmental planning instrument. Wind farm proposals which produce more than 30 megawatts of electrical power are *designated development*. (see Appendix 1 for the Environmental Planning and Assessment Regulation 2000) Other environmental planning instruments such as State Environmental Planning Policies (SEPPs) may also designate projects.

If a development is designated, an Environmental Impact Statement (EIS) must be prepared and lodged with a development application. A licence to operate the facility may also be required under the Protection of the Environment Operations Act 1997 (see Appendix 1). If the proposal is not designated, a Statement of Environmental Effects (SEE) must be submitted with the development application.

If a licence/approval listed in s. 91 (l) of the EP&A Act is required, the project is considered to be *integrated development*. The government authorities responsible for granting these approvals are referred to as *integrated approval bodies* and may include Department of Environment and Conservation, (DEC), Council, The NSW Heritage Office and Department of Primary Industries (DPI). Under integrated development provisions, a co-ordinated approach is taken by all approval authorities in the assessment and approval of the project.

Development consent from the local Catchment Management Authority (CMA) may also be required under the *Native Vegetation Conservation Act* if vegetation is being cleared.

EIA under Part 5 of the Environmental Planning and Assessment Act

In some circumstances, components of a proposal may require development consent and fall under Part 4 of the Act, while other components may not require consent and fall under Part 5. In these circumstances, the provisions of both Part 4 and Part 5 apply.

The provisions of Part 5 of the EP&A Act apply when proposals do not require development consent, are not prohibited under the provisions of the local environmental plan and require an approval under NSW legislation.

Part 5 would not normally apply to wind farms but may apply to transmission lines connecting the facility to the grid. Under Part 5, prior to a *determining authority* granting an approval to carry out the project, they must consider whether the proposal has the potential to significantly affect the environment. A Review of Environmental Factors (REF) must be carried out to determine the likely impacts of the development. If the determining authority considers significant impacts are likely, an EIS must be prepared and examined before an approval is granted. The guideline *Is an EIS required?* (Department of Planning, DoP) must be used to determine if an EIS is required.

State Significant Development

The Minister for Planning is the consent authority for State significant projects in NSW. Large wind farm development may require Ministerial approval. {see Appendix 1, State Environmental Planning Policy (Major Projects)}

Matters of National Environmental Significance

Proposals that are likely to affect matters of *National Environmental Significance* (NES) as listed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) must be referred to the Department of Environment and Heritage (DEH) to determine if a Commonwealth approval is required. An action that needs Commonwealth approval is called a *controlled action*. An assessment report called a National Environmental Significance Assessment (NESA) must be prepared for all controlled actions.

The Commonwealth assessment process parallels the NSW EIA process and can be carried out along with the NSW process.

Where the controlled action requires an EIS or SEE under the EP&A Act, the NESA could form part of that document. DEH should be consulted regarding

the contents of a NES (Refer to NSW Planning Draft Wind Energy EIA Guidelines Appendix 4 for further information).

6. DEFINITIONS

Wind Energy Generation Facilities – This term shall apply to development of commercial wind power generation turbine/s, tower/s with a peak capacity of power output greater than 10kw, and excludes wind monitoring towers which are subject to a separate development approval, not under this Development Control Plan.

Viewshed – This term shall apply to all things within direct line of sight from a nominated place, this line of sight is to correspond with the highest point of any wind energy generation facility.

Tip Height – Measurement from the ground at the base of the tower to the uppermost extension of the blade

7. OBJECTIVES FOR WIND ENERGY FACILITIES:

- To provide the opportunity for the development of suitably sized and located wind energy generation facilities within Dungog Shire.
- To provide for development that will not impact significantly on non participating residences and key vantage points in relation to visual amenity, noise, blade glint or flicker and overshadowing.
- To ensure the development of wind energy facilities that minimise the negative impacts and maximise the positive benefits for the natural and human environment and the local economy.
- To achieve outcomes from wind energy generation development that reflect the objectives of the Dungog Shire Council Local Environment Plan 2006.

8. NEIGHBOUR NOTIFICATION

All applications for wind energy facilities covered by this plan will require the written notification of landowners within a 3 kilometre radius and advertising in the local newspaper for a minimum of 14 days. Where the proposal is identified as integrated development, advertising will be for a minimum of 28 days.

9. INFORMATION TO BE SUBMITTED WITH APPLICATION:

A Statement of Environmental Effects (SEE) (or Environmental Impact Statement if required under Schedule 3 of the Environmental Planning and Assessment Regulation). The SEE is to be completed in accordance with sec 79C of the Environmental Planning and Assessment Act 1979 and the current planning requirements and best practice guidelines relevant to wind energy generation facilities. The SEE is to consider all aspects of the development including, access roads, and the erection of power lines and associated infrastructure.

Developers are encouraged to submit information in suitable GIS format, in addition to required hard copy documents, if this aids understanding of the proposal.

Information to be provided with a proposal should include:

- A description of the current use of the site and surrounding locality.
- A map of 1:25000 scale showing the location of the proposed development, the route of power lines connecting the wind farm to the electricity grid and the proximity of the development to significant features, such as housing, urban areas, heritage items, aircraft facilities, National Parks and nature reserves etc.
- A plan or plans showing the positions of the proposed wind turbine/s, site boundaries, native vegetation, roads, internal access roads, existing and proposed buildings and structures (including control rooms and electrical substations), power lines and fences.
- Setbacks to housing should be indicated on a separate suitably scaled map to ensure clarity for interested stakeholders. Unused building entitlement on non participating properties should also be identified.
- A description of the proposed wind turbine/s, including all relevant details such as number, make, model number, dimensions, materials and colour.
- An acoustic report in accordance with the Planning NSW Draft NSW Wind Energy EIA Guidelines. Consideration should be given to EPA NSW Industrial Noise Policy and the South Australian EPA Wind Farms: Environmental Noise Guidelines (2003)
- Photomontages, computer-assisted photo simulations or other graphic representations of the appearance of the wind farms and transmission lines (where applicable). These are to be provided from all significant vantage points including local scenic lookouts, residences, tourist roads or facilities and other locations as necessary.
- Viewshed modelling via the use of a suitable Geographical Information System.
- A description of the existing landscape and an assessment of the potential visual impact. Particular regard should be given to visual impacts of the proposal in relation to existing residences and zoned potential residential areas, public roads, places of local or regional significance and key vantage points. Community consultation should be carried out to identify significant locations and to rate viewer sensitivity to the proposed development.
- An assessment of the likely effects of shadow flicker, blade glint, overshadowing or other potentially negative visual effects.
- Details of methods to reduce the visual impact of the connection of the wind farm to the grid are to be provided; underground cabling is to be installed between turbines.
- Confirmation must be provided from the local power authority in relation to the suitability of the development for connection to the grid.
- An evaluation of the effect of electromagnetic radiation and or interference from the turbines, and from the deflection and reflection of transmitted electromagnetic signals. The evaluation should consider human health impacts and local television and radio reception. This may best be indicated on a separate map sheet.

- Access to the site must be assessed to determine the suitability of existing public and private roads. Estimations of traffic movements at all stages of the project are to be included. The tourism potential needs to be recognized and factors such as public rights of way, traffic and visitor parking should be identified.
- An indication of whether the proposed development will proceed in stages and, if so, the proposed timing of each stage.
- An Environmental Management Plan (EMP) including the principles of environmental management, environmental mitigation measures, standards to be achieved and monitoring timetable.
- An assessment of the contributions the project will make to the community in relation to; electricity generation, greenhouse gas avoidance, regional jobs, rental income and investments and any other benefits from the proposal.
- A statement outlining site selection in relation to the potential wind resource, including a consideration of the impact of local topography on that resource. A separate development application may be required for the installation of wind monitoring towers and equipment.
- A statement outlining potential effects on aircraft operation, including detail of consultation with the Civil Aviation Safety Authority (CASA) if located within fifteen kilometres of a certified or registered aerodrome. Note: In accordance with the Civil Aviation Safety Regulation 1998, any structure greater than 110 metres above ground level must be referred to CASA.
- A statement of heritage impact on indigenous and non-indigenous sites.
- A statement detailing bushfire hazard and mitigation measures.
- A detailed flora and fauna assessment relating to the installation of the facility and associated infrastructure (turbines, roads, powerlines etc) and an assessment of the potential ongoing impacts from the operation of the turbines on bird and bat populations located in or passing through the area. Consideration should be given to Auswinds publication: *Windfarms and Birds. Interim Standards for Risk Assessment* and the Department of Environment and heritage *Wind Farm collision risks for birds- Cumulative Risk for Threatened and Migratory Species, March 2006*.
- A statement detailing the projected life expectancy of turbines and plans for refurbishment or removal following this period. Any approval will be conditioned to ensure the removal of redundant turbines and associated infrastructure.
- Demonstrate compliance with current planning requirements and best practice guidelines relevant to wind energy generation facilities.

10. CONTROLS

The following controls and criteria are provided as guidelines to apply to all proposed wind energy generating facilities in the Dungog Shire Local Government Area.

Development must not impact significantly on non participating residences or potential residences on properties with unused building entitlements in relation to visual amenity, noise, blade glint or flicker and overshadowing.

Where a property that may retain an unused building entitlement (including dual occupancy, potential vacant holding and potential subdivision) is identified as being within an area that will be significantly affected by the proposed development, this property must be assessed to ensure that the opportunity to build is not removed.

The assessment should include, constraints mapping considering protected land, (slopes over 18 degrees) planning for bushfire guidelines and the Dungog Shire DCP1 Buffer Zones for each identified unused entitlement. Potential building sites outside the identified constraints should then be considered in the same manner as an existing residence.

Council may vary setback requirements or restrict development after considering site conditions and the potential for the development to impact on the local amenity. Setbacks may also be modified where written permission has been obtained from the neighbouring landowner. This modification must be recorded on the title of the subject land.

Wind energy generating facilities should comply with the following table and the objectives of Dungog Shire Council's Development Control Plan 1. Buffer Zones (see Note 1 to the table).

SETBACK FEATURE	SETBACK REQUIREMENT
Participating dwellings	At sufficient distance to ensure the health and safety of residents and visitors to the property.
Non participating dwellings and unused building entitlement on non participating properties.	In accordance with visual and noise assessment guidelines. There should be no significant impacts on non participating residences in relation to noise, blade glint or flicker and overshadowing. See Note 1
Public roads	1.5 x tip height
Cultural / environmental heritage areas and significant landforms when viewed from regional roads (Main Roads).	In accordance with visual and noise assessment guidelines..
Designated Residential 2(a), Village 2(v), Rural Lifestyle 1(l) and Transition 9 (a) under the DSC LEP 2006	In accordance with visual and noise assessment guidelines.

Note 1: Due to the nature of wind energy generating facilities and the preference in this area to locate development on ridge lines and/or in areas with steep topography, the setback to adjoining properties is taken to be to the nearest dwelling or unused building entitlement on neighbouring properties rather than the property boundary. (Variation from DCP1 Buffer Zones)

11. CRITERIA FOR ASSESSING WIND ENERGY GENERATING FACILITIES

Council will consider the following criteria when assessing wind energy generating facilities.

- The information provided in accordance with and as outlined in this Development Control Plan
- The compliance of the development with Ecological Sustainable Development Principles as set out in the Draft NSW Wind Energy EIA Guidelines
- The compliance of the development with current planning requirements and best practice guidelines relevant to wind energy generation facilities.
- The potential impact of the development on the local environment.
- The potential for the development to provide additional electrical generating capacity.
- The potential benefits the development will have on; the local economy, education and tourism and the reduction in greenhouse gas emissions

APPENDIX 1

Is the proposed development designated, requiring the preparation of an Environmental Impact Statement (EIS) rather than a Statement of Environmental Effects (SEE)?

THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

SCHEDULE 3 – Designated development

(Clause 4)

Part 1 - What is designated development?

18 Electricity generating stations

- (1) Electricity generating stations, including [associated](#) water storage, ash or waste management facilities, that supply or are capable of supplying:
 - (a) electrical power where:
 - (i) the [associated](#) water storage facilities inundate land identified as wilderness under the [Wilderness Act 1987](#), or
 - (ii) the temperature of the water released from the generating station into a natural waterbody is more than 2 degrees centigrade from the ambient temperature of the receiving water, or
 - (b) more than 1 megawatt of hydroelectric power requiring a new dam, weir or inter-valley transfer of water, or
 - (c) more than 30 megawatts of electrical power from other energy sources (including coal, gas, wind, bio-material or solar powered generators, hydroelectric stations on existing dams or co-generation).
- (2) This [clause](#) does not apply to power generation facilities used exclusively for stand-by power purposes for less than 4 hours per week averaged over any continuous 3-month period.

Does the development require a licence from the Environmental Protection Authority (EPA)?

PROTECTION OF THE ENVIRONMENT OPERATIONS ACT 1997

SCHEDULE Schedule 1 - Schedule of EPA-licensed activities

(Section 5)

Part 1 - Activities premises-based

The activities referred to in this Part are activities that are premises-based (ie the occupier of the premises at which the activity is carried on must be the holder of a licence authorising the activity to be carried on at those premises).

An activity referred to in this Part is not a premises-based activity if the activity is carried on by mobile plant.

Electricity Generating Works

Electricity generating works (including associated water storage, ash and waste management facilities) that:

- (1) supply or are capable of supplying more than 30 megawatts of electrical power from energy sources (including coal, gas, bio-material or hydro-electric stations), but not including from solar powered generators, or
- (2) are within the metropolitan area of Sydney, Newcastle and Wollongong (being the area bounded by and including the local government areas of Newcastle, Maitland, Singleton, Hawkesbury, Blue Mountains, Wollondilly, Wollongong, Shellharbour and Kiama) and incorporate electricity generating plant (other than

emergency standby plant that operates for less than 200 hours per year) and are based on or use:

- (a) gas turbines, which burn or are capable of burning, in the aggregate, fuel at a rate of more than 20 megawatts on a net thermal energy basis, or
- (b) internal combustion piston engines, which burn or are capable of burning, in the aggregate, fuel at a rate of more than 3 megawatts on a net thermal energy basis.

Is the development a major project under 3A of the EP&A Act requiring Ministerial approval?

STATE ENVIRONMENTAL PLANNING POLICY (MAJOR PROJECTS) 2005

SCHEDULE 1

SCHEDULE 1 – Part 3A projects—classes of development (Clause 6)

Group 8 - Transport, energy and water infrastructure

24 Electricity generation

Development for the purpose of an electricity generation facility that:

- (a) has a capital investment value of more than \$30 million for gas or coal-fired generation, or co-generation, or bioenergy, bio-fuels, waste gas, bio-digestion or waste to energy generation, or hydro or wave power generation, or solar power generation, or wind generation, or
- (c) is located in an environmentally sensitive area of State significance.

20. OFF STREET PARKING

This plan, which may be cited as "Dungog Development Control Plan No. 1" – Off Street Parking, constitutes a Development Control Plan as provided for by part 3 division 6 of the *Environmental Planning and Assessment Act, 1979*.

This section of the Development Control Plan applies to all areas within Dungog Shire.

1. Aims and Objectives of the Plan

- a. The aim of this plan is to provide a clear relationship between the intensity of use of a development and the number of off-street parking spaces provided on the site to alleviate undue congestion in adjacent streets.
- b. To ensure the adequate provision of parking and loading/unloading facilities with each development.
- c. To provide parking facilities that are convenient and sufficient for the use of service vehicles, employees and visitors.
- d. To ensure that a balance is achieved between the needs of the proposed development, its use and that of vehicular and pedestrian traffic.
- e. To ensure that a balance is achieved between current standards and the capacity of existing buildings in existing retail and commercial centres to accommodate change.
- f. To provide reasonable measures to encourage continued use of existing commercial retail centres whilst preserving heritage values in heritage precincts consistent with the aims and zonings of related planning instruments.

2. Relationship to Other Plans and Policies

- a. This plan should be read in conjunction with the *Dungog Local Environmental Plan 2006* and all other Codes and Policies adopted by Council relating to the development of land in the Shire of Dungog.
- b. Where there is an inconsistency between this plan and other Council policies and codes or the latest Australian Standard for Parking, then this plan prevails.
- c. Variations to the development standards applied in this plan may be considered where such inconsistencies are justified in relation to the aims and objectives of this plan.

Definitions

For the purpose of this Plan, the definitions as set out in the *Dungog Local Environmental Plan (LEP) 2006* and the *Environmental Planning and Assessment Model Provisions 1980* are applicable. The following definitions are provided for clarity.

amusement centre means a building or place (not being part of a pub or registered club) used principally for playing:

- (a) billiards, pool or other like games, or
- (b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like.

animal boarding or training establishment means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.

backpackers' accommodation means tourist and visitor accommodation:

- (a) that has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (b) that will generally provide accommodation on a bed basis (rather than by room).

bed and breakfast accommodation means tourist and visitor accommodation comprising a dwelling (and any ancillary buildings and parking) where the accommodation is provided by the permanent residents of the dwelling and:

- (a) meals are provided for guests only, and
- (b) cooking facilities for the preparation of meals are not provided within guests' rooms, and
- (c) dormitory-style accommodation is not provided.

boarding house means a building:

- (a) that is wholly or partly let in lodgings, and
 - (b) that provides lodgers with a principal place of residence for 3 months or more, and
 - (c) that may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
 - (d) that has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,
- but does not include backpackers' accommodation, a group home, a serviced apartment, seniors housing or hotel or motel accommodation.

brothel has the same meaning as in the Act.

bulky goods premises means a building or place used primarily for the sale by retail, wholesale or auction of (or for the hire or display of) bulky goods, being goods that are of such size or weight as to require:

- (a) a large area for handling, display or storage, or
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

business premises means a building or place at or on which:

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis, and may include, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, medical centres, betting agencies and the like, but does not include sex services premises.

caravan park means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

cellar door premises means retail premises that sell wine by retail and that are situated on land on which there is a commercial vineyard, where all of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

child care centre means a building or place used for the supervision and care of children that:

- (a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and
- (b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre, but does not include:
 - (c) a building or place used for home-based child care, or
 - (d) an out-of-home care service provided by an agency or organisation accredited by the NSW Office of the Children's Guardian, or
 - (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
 - (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
 - (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
 - (h) a service that is concerned primarily with the provision of:
 - (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
 - (ii) private tutoring, or
 - (i) a school, or
 - (j) a service provided at exempt premises (within the meaning of Chapter 12 of the *Children and Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

community facility means a building or place:

(a) owned or controlled by a public authority or non-profit community organisation, and
(b) used for the physical, social, cultural or intellectual development or welfare of the community,
but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

educational establishment means a building or place used for education (including teaching), being:

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

entertainment facility means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub, nightclub or registered club.

extractive industry means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

farm stay accommodation means tourist and visitor accommodation provided to paying guests on a working farm as a secondary business to primary production.

food and drink premises means retail premises used for the preparation and retail sale of food or drink for immediate consumption on or off the premises, and includes restaurants, cafes, take away food and drink premises, milk bars and pubs.

function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

funeral home means premises used to arrange and conduct funerals and memorial services, and includes facilities for the short-term storage, dressing and viewing of bodies of deceased persons and premises with mortuary facilities.

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,
but excludes:
 - (d) any area for common vertical circulation, such as lifts and stairs, and
 - (e) any basement:
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
 - (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and

- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

group home means a dwelling that is a permanent group home or a transitional group home that provides half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people, but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

home-based child care means a dwelling used by a resident of the dwelling for the supervision and care of one or more children and that satisfies the following conditions:

- (a) the service is appropriately licensed within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*,
- (b) the number of children (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

home business means a business carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

- (a) the employment of more than 2 persons other than those residents, or
 - (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
 - (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
 - (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the business carried on in the dwelling), or
 - (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,
- but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

home industry means a light industry carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

- (a) the employment of more than 2 persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the light industry carried on in the dwelling), or

(e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building, but does not include bed and breakfast accommodation or sex services premises.

home occupation means an occupation carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

- (a) the employment of persons other than those residents, or
 - (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
 - (c) the display of goods, whether in a window or otherwise, or
 - (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the occupation carried on in the dwelling), or
 - (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,
- but does not include bed and breakfast accommodation, a brothel or home occupation (sex services).

hospital means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:

- (a) day surgery, day procedures or health consulting rooms,
- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,
- (d) shops or refreshment rooms,
- (e) transport of patients, including helipads, ambulance facilities and car parking,
- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not it is carried out by hospital staff or health care workers or for commercial purposes),
- (h) chapels,
- (i) hospices,
- (j) mortuaries.

hostel means premises that are generally staffed by social workers or support providers and at which:

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and
- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

hotel or motel accommodation means tourist and visitor accommodation (whether or not licensed premises under the *Liquor Act 2007*):

- (a) comprising rooms or self-contained suites, and
- (b) that may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

industrial retail outlet means a building or place that:

- (a) is used in conjunction with an industry (including a light industry) but not in conjunction with a warehouse or distribution centre, and
- (b) is situated on the land on which the industry is carried out, and
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry is carried out.

landscape and garden supplies means a building or place where trees, shrubs, plants, bulbs, seeds and propagating material are offered for sale (whether by retail or wholesale), and may include the sale of landscape supplies (including earth products or other landscape and horticulture products) and the carrying out of horticulture.

light industry means an industry, not being a hazardous or offensive industry or involving use of a hazardous or offensive storage establishment, in which the processes carried on, the transportation involved or the machinery or materials used do not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise.

marina means a permanent boat storage facility (whether located wholly on land, wholly on the waterway or partly on land and partly on the waterway) together with any associated facilities, including:

- (a) any facility for the construction, repair, maintenance, storage, sale or hire of boats, and
- (b) any facility for providing fuelling, sewage pump-out or other services for boats, and
- (c) any facility for launching or landing boats, such as slipways or hoists, and
- (d) any associated car parking, commercial, tourist or recreational or club facility that is ancillary to a boat storage facility, and
- (e) any associated single mooring.

medical centre means business premises used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals, and may include the ancillary provision of other health services.

mortuary means premises that are used, or intended to be used, for the receiving, preparation, embalming and storage of bodies of deceased persons pending their interment or cremation.

office premises means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

place of public worship means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

pub means licensed premises under the *Liquor Act 2007* the principal purpose of which is the sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

registered club means a club in respect of which a certificate of registration under the *Registered Clubs Act 1976* is in force, whether or not entertainment is provided at the club.

residential care facility means accommodation for seniors (people aged 55 years or more) or people with a disability that includes:

- (a) meals and cleaning services, and
 - (b) personal care or nursing care, or both, and
 - (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,
- not being a dwelling, hospital or psychiatric facility.

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

restaurant means a building or place the principal purpose of which is the provision of food or beverages to people for consumption on the premises, whether or not takeaway meals and beverages or entertainment are also provided.

retail premises means a building or place used for the purpose of selling items by retail, or for hiring or displaying items for the purpose of selling them by retail or hiring them out, whether the items are goods or materials (or whether also sold by wholesale).

roadside stall means a place or temporary structure used for retail selling of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

seniors housing means residential accommodation that consists of:

- (a) a residential care facility, or
 - (b) a hostel, or
 - (c) a group of self-contained dwellings, or
 - (d) a combination of these,
- and that is, or is intended to be, used permanently for:
- (e) seniors or people who have a disability, or
 - (f) people who live in the same household with seniors or people who have a disability, or
 - (g) staff employed to assist in the administration of the residential accommodation or in the provision of services to persons living in the accommodation,
- but does not include a hospital.

service station means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

serviced apartment means a building or part of a building providing self-contained tourist and visitor accommodation that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

shop top housing means one or more dwellings located above (or otherwise attached to) ground floor retail premises or business premises.

take away food and drink premises means food and drink premises that are predominantly used for the preparation and sale of food or drink (or both) for immediate consumption away from the premises.

tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes hotel or motel accommodation, serviced apartments, bed and breakfast accommodation and backpackers' accommodation.

vehicle body repair workshop means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

vehicle repair station means a building or place used for the purpose of carrying out repairs or the selling of, and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop.

vehicle sales or hire premises means a building or place used for the display, sale (whether by retail or wholesale) or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

veterinary hospital means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

viticulture means the cultivation of grapes for commercial purposes for use in the production of fresh or dried fruit or wine.

warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

wholesale supplies means a building or place used for the display, sale or hire of goods or materials by wholesale only to businesses that have an Australian Business Number registered under the *A New Tax System (Australian Business Number) Act 1999* of the Commonwealth.

3. General Provisions

- a. All new developments within Dungog Shire shall provide parking spaces, loading and unloading spaces on the land or within the building as specified in this plan.
- b. Notwithstanding the provision of this plan an existing building altered, extended, remodeled with or without change of land use after the adoption of this plan, may be required to comply wholly or partly with the provisions of this plan.
- c. The Council shall determine the extent of the parking provisions required in each case, having regard to the extent of the alteration, extensions and/or remodeling and the nature of the altered land use.
- d. Notwithstanding the provision of this plan, development applications of a traffic generating nature may be referred to the relevant Traffic Authorities or Committees. Council reserves the right to determine parking requirements for such developments with due regard to the representations made by these authorities.
- e. Where in the opinion of Council conditions are such as to render impracticable the compliance in full with the provisions of this plan, the Council may permit such departures as in Council's opinion, the circumstances warrant.
- f. Notwithstanding the provisions of this plan, where off-street parking cannot be made in accordance with this plan, the Council **may** in lieu thereof accept a financial contribution as determined by Council from time to time provided that any such contribution shall be paid to the

credit of a special trust account of the Council and shall be used for the establishment of council sponsored off-street parking areas or improvements to existing parking areas. The value of this contribution is determined by Council's Section 94 Plan.

- g. All parking for residential development shall be **provided on-site**.
- h. Heavy vehicles should wherever possible be loaded and unloaded off street, and should enter and exit properties in a forward motion. Reversing across footpaths will only be permitted in exceptional circumstances and where there is no danger to pedestrian and local traffic.
- i. The requirements for off street access and loading/unloading facilities will be assessed on individual merit. Council encourages the continued use of existing buildings in retail commercial areas to permit reasonable expansion and/or change of use where it can be accommodated, however, significant changes in traffic and/or pedestrian movements and safety issues must be adequately addressed to the satisfaction of Council.

4. Variations and Compliance

- a. Parking, access, and loading/unloading facilities will be required in accordance with the standards of this plan except where good cause can be shown as to why strict compliance is unnecessary.

Requests to council for variation must be supported by information and data to substantiate that an alternative standard is appropriate. Except for minor variations, this information should take the form of a Traffic Impact Statement and/or Parking Needs Survey carried out by suitably qualified consultants.

- b. Compliance with the provisions of this plan will not necessarily constitute sufficient reason for development approval. Each application must be treated on its individual merits in relation to the general principles and the heads of consideration pursuant to section 79C of the *Environmental Planning and Assessment Act 1979*.
- c. For developments incorporating different categories of uses, a separate calculation will be made for each component. Parking needs will be calculated on peak time. However, where peak demands for each land use component of the development are staggered, and this can be demonstrated to the satisfaction of the Council, a reduction in the total number of spaces required may be accepted.
- d. Where the calculation of the parking required results in a fraction, the requirement will be rounded up to the nearest whole number.

5. Design Standards

- a. This plan shall apply to all traffic generating development within the Dungog Local Government area.
- b. Any car parking matters not considered in this plan shall be in accordance with "Policies guidelines and procedures for Traffic Generating Development" from the Roads and Traffic Authority of New South Wales and the latest relevant Australian Standard (AS).

5.1 Location of On Site Parking

- I. Parking facilities are to be located so that their use is encouraged and evident from the street, particularly visitor and customer parking.
- II. Parking spaces for employees and for longer duration parking should be located more remotely from the street.
- III. So as to achieve an acceptable level of amenity and a satisfactory relationship between adjoining land uses, the location of the parking area(s) within the site shall have regard to:
 - i Site conditions such as slope, vegetation and drainage;
 - ii The relationship of the building to the parking area; and
 - iii The proximity of the parking area to any neighbouring residential areas.
- IV Off-street parking shall be located on the site of the development, and in places where readily accessible to principal staff and/or customer entrances.
- V Council may be prepared to accept car parking on adjoining or nearby land owned by the applicant **provided** that the adjoining or nearby land is appropriately zoned.
- VI In residential zones all car parking and maneuvering areas shall be located behind the building line and suitably screened.

5.2 Parking Spaces and Driveway Standards

- I. The dimensional requirements for on-site car parking spaces and driveways giving access to parking spaces shall generally be as set out in accordance with the latest Australian Standard - AS 2890.1 except where the requirements are specifically defined in this plan.
- II. The grade on any driveway within a development site shall not exceed 1 in 5 (20%) provided that a transitional grade not exceeding 1 in 10 (10%) shall be provided for a distance of 3 metres at either end of the grade, which exceeds 1 in 10.

- III. The minimum dimension for a covered car space (i.e. carport or garage) serving a residential development shall be:

3m x 6m clear internal dimension, except where there is a physical restriction to both sides of the space, in which case the width of the space shall be not less than 3.2m.

- IV. Where a covered car space is provided in association with a residential development, at or near right angle to the driveway from which access is gained, the following minimum dimensions shall apply:

Minimum clear width of opening	Minimum distance of outside edge of driveway from opening		
	Driveway not greater than 12% slope	Driveway greater than 12% but not greater than 20% slope	Driveway greater than 20% slope
2.6 m	6.5 m	7.0 m	7.5 m
2.8 m	6.0 m	6.5 m	7.0 m
3.3 m	5.5 m	6.0 m	6.5 m
3.7 m	5.0 m	5.5 m	6.0 m

Provided that:

- a the edge of any driveway adjacent to a property boundary shall be measured not less than 0.2 m from the boundary.
 - b a driveway for a single dwelling shall not be less than 3m wide. This may be reduced to 2.7 m provided 0.3m either side remains unobstructed.
 - c the slope of the driveway for the purpose of this sub clause shall be the maximum gradient within the vicinity of the car parking space into which the vehicle will be required to make a turning movement.
 - d the car parking space shall be of such width that the vehicle shall come to rest in the centre of the space.
 - e a driveway which has a slope greater than 12% shall have a surface treatment which minimizes wheel-skid in wet conditions.
- V. Where a covered space is not at or near right angles to the driveway from which vehicles gain access, the requirements for driveway widths, minimum openings, etc. shall be determined by the Executive Manager – Infrastructure and Assets.
- VI. Development plans are to show the following information:
- a Vehicular swept paths and dimensions of clear manoeuvring areas;

- b a longitudinal section through the centerline of the driveway from the kerb to the proposed garages, showing grades and suitable transition at changes of grade; - at CC stage only
- c drainage pits and pipes;
- d a pavement design prepared by a suitably qualified engineer – At CC stage only

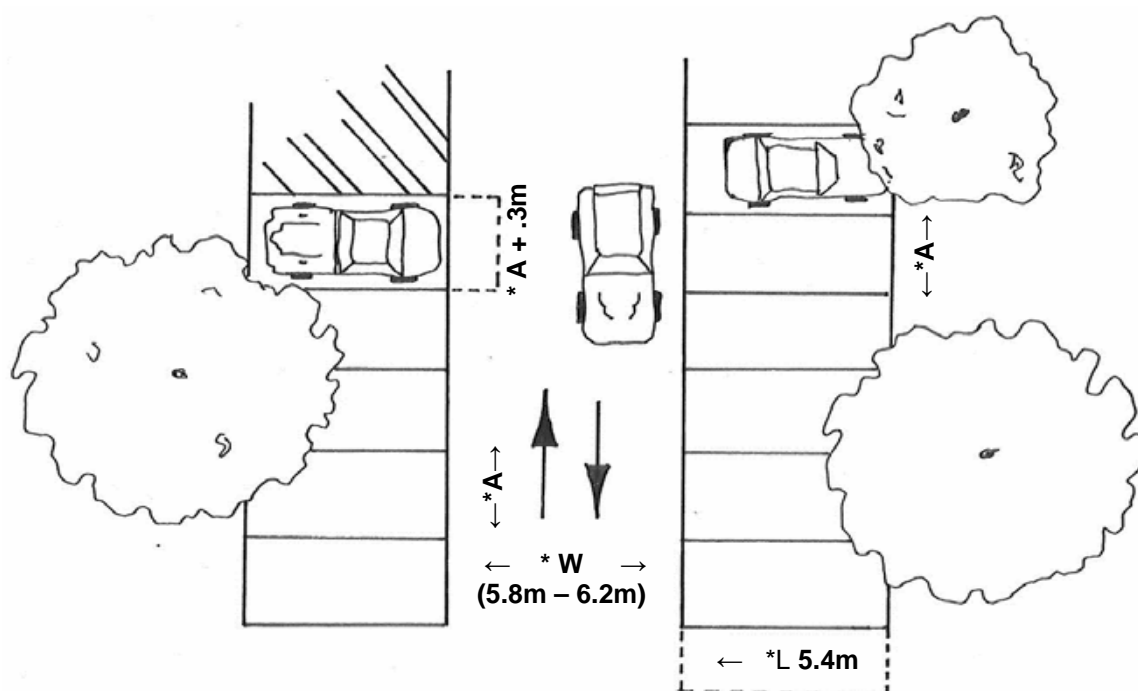
5.3 Directional Signs and Marking

- I. Clear and precise marking of a parking area is of prime importance in the prevention of choking of the aisles and for the general ease of use of the facility. Details of all proposed signposting and marking for parking areas are to be submitted with the development application for council's determination.
- II. Entry/Exit points must be clearly marked so as to avoid any confusion. Within the car park, signs should be located at regular locations so that drivers attempting to exit the car park may do so by the most efficient route. Signposting should be easily seen and understood.
- III. One-way markings must be clearly set out on the pavement in such a manner as to be easily readable and understandable to the users of the car park.
- IV. In certain situations, the installation of signs to Council's satisfaction may be required over and above the normal requirements.
- V. Yellow paint is difficult to see under adverse lighting conditions. It is considered that white paint is the most suitable colour for use as a pavement marking.
- VI. All parking bay delineation, arrows and other information for the driver, painted on the pavement are to be marked using white paint. Delineation should not be less than 75mm or greater than 100mm wide.

6. Layout

- a. The layout of parking areas shall be designed so that parking spaces remain available and accessible, have unrestricted access to a road by way of a corridor provided within the lot boundaries. Building design must not lead to closure of such access.
- b. Parking areas except for single residences and dual occupancy buildings shall be designed so that **all** vehicles enter and leave the subject land in a forward direction.

- c. The location and width of all driveways shall conform with the requirements of Council. Driveways shall be located to the street with the lowest traffic volume. In particular, driveways shall not be located:
 - I. opposite a 'T' intersection
 - II. closer than 6m to an intersecting street as measured from property boundary, but preferably 9 metres to an intersecting street as measured from the property boundary.
- d. Parking bays for the disabled shall be provided in accordance with the current AS 2890.1 – "Parking Facilities – Off Street Car Parking" at the time of development.
- e. Adequate drainage of surface waters off parking areas shall be provided and disposed of to a Council drainage system.
- f. Pedestrian flow in car parking areas shall be an integral part of the design and pedestrians should be separated from vehicular traffic wherever possible. Use of lighting should be considered where night use is involved.
- g. The minimum height in undercover parking areas shall be 2.2 metres.
- h. Car and truck turning areas shall be in accordance with the current version of AS 2890.2 – "Off-street commercial vehicle facilities" at the time of development.
- i. Consideration should be given to the use of speed humps in larger parking areas. Such humps shall be designed in accordance with Traffic Authority Guidelines.



EXAMPLE OF A TYPICAL LAYOUT

Dungog Development Control Plan

- * 'W' = 5.8m and 'A' = 2.4m for residential, domestic and all day staff parking (3 point turn required for entry and exit). Where possible 'W' of 6.2m is recommended and shall be provided (single turn entry and exit).
- * Customer parking 'W' = 6.2m; 'A' = 2.5m (2.6 to 2.7m in shopping centres) 'L' = 5.4m.

For additional information including other uses and layouts consult AS 2890.

Note:

'W' = aisle width

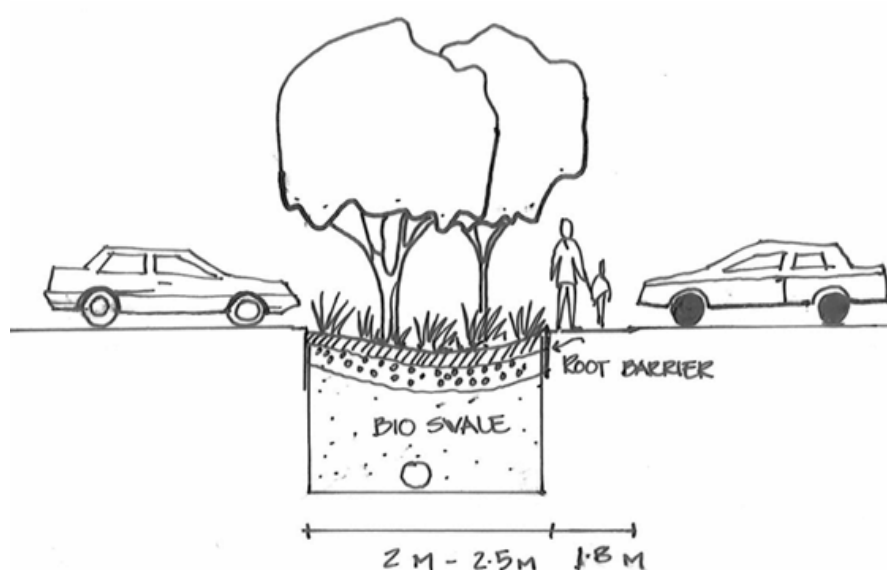
'A' = width of car parking space

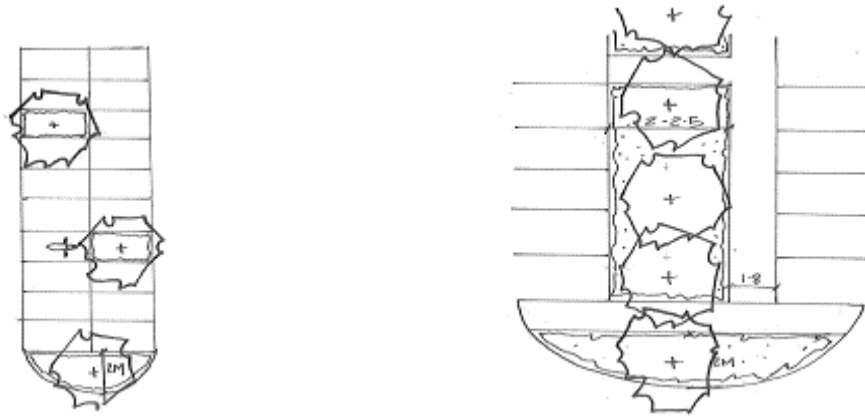
'L' = length of car space

7. Landscaping

The landscaping of a surface carpark is an important feature, which serves to reduce the harsh effect often created by large open asphalt or concrete areas. Landscaping design should be an integral part of the layout. Landscaped areas should be used throughout the car park rather than placed only in the perimeters. They can often be used in conjunction with the provision of pedestrian through areas and in separation of conflicting traffic movements. As a guide the following points should be considered when designing the landscaping of the carpark:

- I. A minimum of 10% of the total area of the carpark shall be appropriately landscaped.
- II. Long stretches of parking bays are to be dispersed with screen planting. A typical ration includes no more than 10 parking bays before breaking to include planting.
- III. Plants should be selected and located to avoid maintenance problems such as interference with overhead wires, underground conduits, damage to paved areas by root systems, and leaf and branch litter.
- IV. Trees with large surface roots, excessive girths, brittle limbs, fruits, sap or residue that drop and trees which attract large numbers of birds should be avoided in parking areas.
- V. Landscaping must be maintained in perpetuity





EXAMPLE OF LANDSCAPING

8. Construction (new development. Refer to S9 for existing development)

- a. Parking areas shall be suitably paved with a permanent, all weather surface such as two coat bitumen seal, concrete, asphaltic concrete or interlocking paving.

Consideration shall be given to the relief of large areas of pavement by alternative surface textures.

- b. The following are the minimum requirements for bitumen sealing:

- I. Pavement Construction for Bitumen Surfacing

The pavement shall be constructed to generally conform to the Roads & Traffic Authority MR Form No.743, "Specification for construction of natural Gravel or Crushed Rock road pavement".

The minimum compacted depth of pavement is to be 150mm over a precompacted sub-base of acceptable material.

In large carparks and areas of high vehicle turnover Council may require a pavement of 200mm compacted depth.

- II. Bitumen and Aggregate Sealing

Two coats of bitumen and aggregate sealing shall be applied to the carparking areas.

Bitumen shall conform to the Roads & Traffic Authority Standard. Specification (MR Form No.337) "Residual Bitumen". Class 160 bitumen fluxed binder is to be used, with a rate of application of 1.2 litres/square metre.

Aggregate shall conform to the Roads & Traffic Authority Specification (MR Form No. 351) for the supply and delivery of cover aggregate. Nominal size of aggregate shall be 10mm. The rate of application of the aggregate shall be 1 cubic metre/100 square metres.

III. The following are the minimum requirements for concrete paving:

- i. Minor car parking areas 100mm, 20 Mpa concrete with F72 bottom reinforcement over a pre-compacted sub-base of acceptable material.
- ii. For larger carparking (i.e. supermarkets) a 150mm, 20MPa concrete, with appropriate reinforcement over a precompacted sub-base of suitable material.

For other forms of pavement the developer is to submit specifications and details to Council for approval.

In circumstances where Council considers the use of parking areas to be of a limited nature (i.e. dual occupancy), Council may consider construction to a lesser standard.

- iii. Parking spaces shall be line marked into bays and suitably signposted in a permanent manner to direct vehicles to parking areas. Pavement arrows should be provided to indicate clearly the direction of circulation.
- iv. Wheel stops shall be provided to protect necessary areas from vehicle encroachment, particularly pedestrian areas.

8.1 Standards

All driveways, vehicle manoeuvring areas, and car parking spaces are to be properly constructed, graded, drained and sealed with an impervious material.

- I. The works are to be maintained to a satisfactory standard throughout the term of development and/or use of the land for which the facilities are provided.
- II. Kerb and gutter crossings are to be constructed to Council standards. They are to conform to the levels of the road drainage system. In no circumstance is a crossing to obstruct the flow of water along the gutter.
- III. Vehicle crossings over the footpath and gutter crossings may only be constructed under supervision of Council's Infrastructure and Assets Department. A written application is to be made to

Council for approval to construct by a private contractor under Council supervision.

- IV. Grades of areas to be used by vehicular traffic are to be equal to or below the maximums shown below:

Type of Development	Access ways, Turning Areas & Driveways		Car Parking Spaces	
	Longitudinal	Cross-fall	Longitudinal	Cross-fall
a Residential				
i Up to 20 car parking spaces	20%	5% (Desirable 3%)	10%	5%
ii over 20 spaces	15%	5% (Desirable 3%)	10%	5%
b Commercial	10%	5% (Desirable 3%)	10% (Desirable 8%)	5%
c Industrial	10%	5% (Desirable 3%)	10% (Desirable 8%)	5%
d Pedestrian Usage	8%			

8.2 Ingress/Egress to Streets

- I. The entry and exit requirements for parking areas may vary in relation to:-
 - The size of vehicles likely to enter the proposed development,
 - The volume of traffic on the streets serving the proposed development,
 - The volume of traffic generated by the proposed development.
- II. The standards recommended by the Roads and Traffic Authority of NSW for traffic generating developments are adopted for the purpose of this Plan.
- III. Gradients of ramps and access driveways should be in accordance with the latest Australia Standard AS 2890.1.
- IV. Parking areas are to be designed so that egress to the street is in a forward direction.

8.3 On-Site Loading and Unloading Facilities

- I. All developments involving the erection of new buildings involving significant change of use and/or generating significant extra heavy vehicle movements are required to provide on-site loading and unloading facilities, except:
 - i dwelling houses
 - ii residential flats with access other than from a main or country road.
- II. Loading docks shall be located in such a position that vehicles do not stand on any public road, footway, laneway or service road and, that heavy vehicles entering and leaving the site move in a forward direction.

For the purpose of this policy, heavy vehicles shall be defined by the RTA classification for heavy vehicles being any vehicle having a Gross Vehicle Mass (GVM) greater than 4.5 tonne.

- III. The number of loading docks provided shall be determined having regard for the scale and type of use proposed. In this regard full details of the anticipated volume and frequency of deliveries shall be supplied with each development application.

It should be noted that, if a loading dock extends more than 7.4 metres into a building, mechanical ventilation might be required.

- IV. Loading docks shall conform to the following minimum dimensions:

Details	Dimensions in meters
Single Dock Width	3.5
Multi Unit Dock Width (per bay)	4.0
Dock Depth – non semi trailer	8.0
Dock Depth – semi trailer	17.0
Dock handling area depth for goods movement	3.0
Clearance over goods vehicle movement area	3.6

- V. Loading docks, as a minimum shall have an all weather surface, be level, be clearly signed as a loading/unloading area restricting parking from that area and be appropriately marked. Council shall approve all loading dock designs prior to the issue of a Construction Certificate.

- VI. The provision of adequate on-site turning facilities will be required for commercial vehicles.

The location of loading docks, which involve the reversing of heavy vehicles either to or from a road, will not be supported.

Under no circumstances will Council permit the reversing of vehicles onto a Main or Arterial Road.

The type and size of delivery vehicles is to be submitted with the development application and will be specifically approved for use with the development.

9 . Existing Development

- a. Where an existing building is to be replaced by a new building, which has a floor area not exceeding the floor area of the existing building and no significant change of use is proposed, no additional parking is required to be provided. Any existing parking on the site, up to the number of spaces required under this plan for the existing development, or any requirement of the consent for the existing development, must be maintained on the site. Arrangements involving staff parking elsewhere in order to remove parking congestion in the locality will be considered.
- b. Where an existing building is to be replaced by a new building,
 - I. having a floor area of more than 10% greater than that of the existing building and / or
 - II. which will have a significant change of use; car parking is to be provided as calculated under this policy for the new building area and use.
- c. Where an existing building is to be extended then car parking is to be provided as calculated under this policy for the extended building area and use.

10. Change of Use

- a. Where the use of an existing building is to be changed significantly, Council will require that additional car parking (if any) be provided on the basis of the difference between the requirements for the existing use and the proposed use.

EXAMPLE A

Warehouse Building (600m²) Gross Floor Area) to be changed to **Industrial Use**:

i) **Car Parking formerly required** 600m² / 300m² = 2 Spaces

ii) **Car Parking required for Proposed Use** 600m² / 100m² = 6 Spaces

iii) **Total Additional Requirement** = ii) - i) = 4 Spaces
to make a total of 6 spaces

NB. Service vehicle requirements for warehouses and industrial uses are the same, thus no additional requirement would apply.

The same principles as set out in Example (A) would also apply where it is proposed to change the use of part of a building or site.

Council encourages the continued use of existing buildings in retail, commercial and heritage precincts and will support reasonable measures and compromise for development, where it is in the public interest.

11. Renovation of Existing Buildings

Nothing in this plan requires the provision of additional parking where an existing building is being renovated for its existing use, provided the floor area of the renovation is not increased by more than 10%.

12. Car Parking for Persons with Disability

Provision is to be made for persons with a disability in the provision of car parking facilities, and in accordance with latest Australian Standard AS 2890.1.

- a. Where car parking is provided in excess of five (5) spaces, provision shall be made for parking for persons with a disability at the rate of one (1) space per one hundred (100) or part thereof of car spaces provided. A higher proportion of such spaces may be required for uses, which are likely to generate a higher demand for such facilities.
- b. The location of spaces designated for persons with a disability should be close to an entrance to a building or facility with access from the car space by ramps and/or lifts in accordance with Australian Standard AS 1428.1 and Part D3 of the Building Code of Australia.
- c. Car spaces provided under this provision shall be kept or made available for use by persons with a disability as required.
- d. In any residential development, consideration should be given to providing garages in accordance with the dimensions for class 4 spaces under the latest AS 2890.1. This would provide flexibility in making such facilities available for occupants with a disability, or if not so used, provide domestic storage space.

13. Land-Use

- a. The number of off-street parking spaces to be provided for a particular land use is as set out in Schedule 1 attached to this plan.

Classification of land use or buildings is as defined by *Dungog Local Environmental Plan 2006*

Note: Except the definition of “gross leasable floor area” which is to be interpreted as:-

The sum of the areas at each floor of the Building where the areas of each floor is taken to be the area within the internal faces of the walls, excluding stairs, amenities, lifts, cooling towers, machinery, plant rooms, ancillary storage space, vertical air conditioning ducts, car parking needed to meet any requirements of the Council and any internal access to it, space for the loading and unloading of goods, public areas, but including stock storage areas (public areas being those areas available to the general public at all times).

13.1 Mixed Uses

In the case of a combination of land uses on the site, the parking requirement for each separate use shall be calculated and then added together to provide the total parking requirement. Any departure from this method will only be considered by Council where it can be demonstrated that the peak demand for each land use component of the development is staggered.

13.2 Undefined Development

Where a proposed development does not fall within any of the land use categories identified in the Car Parking Standards section of this Plan, Council shall calculate the on site parking requirements having regard to the experience of similar existing development and an assessment of the likely traffic generating potential of the proposed development.

13.3 Major Traffic Generating Developments

Parking requirements for major new developments will be assessed on merit, with particular reference to:

- (a) the likely demand for off street parking generated by the development;
- (b) the mix of uses and their parking requirements;
- (c) the availability of public transport to service the development;
- (d) the probable mode of transport to be used by employees and/or customers;
- (e) the likely peak usage times of the proposed development; and
- (f) the existing traffic volumes on the surrounding street network including, where relevant, the potential traffic volumes.

Where it is considered that a traffic generating development may have a major impact on traffic movement within a given locality, Council will require the applicant to submit a traffic and parking study prepared by a suitably qualified consultant prior to determining the application. Early consultation with Council is recommended in such cases.

Schedule 1

This Schedule defines parking numbers and standards for a number of land uses, which are the most frequently encountered. Council reserves the right to define a requirement for uses not referred to in the Schedule to the plan according to the merits of the specific case.

Note: To encourage home based business in the Village 2(v) and Residential 2(a)? zone these car parking requirements can be halved. This is also to ensure that on site effluent disposal can still be effectively achieved.

Land Use	Car Parking Requirement
Accommodation	
Bed & breakfast establishment or guest house/boarding house	1 space per bedroom plus proprietor spaces
Camp or caravan sites (caravan parks)	1 per site plus visitor parking of 1 per 10 sites in separate area plus 1 per employee plus holding bay 25 m long in front of reception. Where long term residents are located, visitor spaces are required at 1 per 5 sites
Hostels/Nursing Homes/Convalescent Homes	Not less than 1 space per 10 beds, plus Not less than 1 space per 2 employees, plus Not less than 1 parking space suitable for an ambulance.
Hotels	1 space for each hotel unit
Hospital	1 space per 3 beds and 1 space per 3 employees
Housing for the aged or for people with a disability.	As per State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
Tourist Motel, Cabin or Tourist accommodation.	1 space per unit. Plus 1 space for the manager. Plus 1 space per every 2 employees. If a public restaurant is included or a function room then 1 space per 3 seats.
Youth Hostel/Backpacker Hostel	1 space for each 5 occupants/lodgers plus 1 space for any resident manager, plus 1 space for each 2 employees.
Business	
Animal Boarding and Breeding	2 per establishment [min] (up to 10 animals) Establishment + 1 per 10 animals thereafter
Brothel	1 per 2 employees plus any dwelling entitlement plus 1 per bedroom
Bus depot	1 bus space per bus associated with the development plus 1 per driver plus 1 per 2 on-site employees
Car Tyre Retail Outlets	3 spaces per 100m ² gross floor area or 3 spaces per work-bay whichever is the greater.
Car Wash	Adequate queuing space at a rate of 1 per wash bay + 1 per 2 handwash/vacuum bays
Child Care Centres	1 space per employee plus 1 space per every 4 children in attendance. A vehicle forward in and forward out drop off/pick up facility is encouraged. Temporary time restricted

	parking spaces in driveways may be considered in the car parking calculations provided they do not impede traffic flow to and from the site.
Clubs – Licensed & unlicensed, Registered clubs,	1 space every 5m ² of bar area, plus 1 space every 6m ² of lounge area, plus 1 space per room, plus 1 space each 3 employees, plus 1 space every 20m ² of gross floor area of a public dining room, plus 1 space every 20 seats of a function room 1 space every 5m ² of bar area, plus 1 space every 6m ² of lounge area, plus 1 space every 3 employees, plus 1 space every 20m ² of gross floor area of a public restaurant, plus 1 space every 20 seats in an auditorium
Drive-in take away food shops/outlets.	1 space per every 5 m ² of GFA of dining plus 1 space per every 5 seats plus 1 space per every 3 employees plus queuing for 5-12 cars (refer to RTA guidelines for details).
Funeral Parlours	1 space per every 2 employees plus 1 space per every 10 m ² of Chapel etc plus 1 space per every 10 fixed seating.
Hotel – Licensed premises	Within commercial centres 1 space per 7m ² licensed floor area; and 1 space per 10m ² courtyard/beer garden Additional parking is required for bottle shops and employees. Outside commercial centres: 1 space per 3.5m ² licensed floor area
Junk Yard	1 per 200 m ² site area or 1 per 70 m ² (if within a building)
Marina	0.8 spaces per wet berth 0.2 spaces per dry storage berth 0.2 spaces per swing mooring 0.5 spaces per marina employee
Motor show rooms, vehicle repair stations, vehicle body repair workshops, caravans, boat & truck sales yard.	1 space per every employee 1 space per every 10 vehicles, caravan, boat or truck displayed. 1 space per every service bay. Minimum of 5 spaces.
Offices	1 space per every 30 m ² of Gross Floor Area.
Professional Suites & Consulting Rooms	2 spaces per every professional person.
Restaurant & Reception establishments	1 space per 7 m ² of gross floor area, OR 1 space per 3 seats, WHICHEVER IS GREATER.
Service Stations with car repairs. Service station with convenience store and/or restaurant.	2 spaces per work bay PLUS 1 space per 20m ² GLFA of convenience store Plus 1 space per 10 m ² gross leasable floor area in the restaurant. Plus 1 space per 5 m ² of public service area in the fast food area.
Veterinary Practice	3 per consultant plus 1 per 2 employees plus any dwelling requirement
Winery	1 space per 75 m ² of gross floor area , OR 1 space per 2 employees, WHICHEVER IS THE GREATER

Commercial	
Bank	1 space per every 45 m ² of Gross Floor Area.
Convenience store	1 space per every 20 m ² of Gross Floor Area
Drive in liquor	1 space per employee PLUS 2 spaces for 'browse room' customers, which should not inhibit the free flow of vehicles
Extractive Industry	1 per company vehicle + 1 per 2 employees + 1 per dwelling (where provided)
Furniture & building materials showroom	1 space per every 30 m ² of Gross Floor Area
Office	1 space every 20m ² of gross leasable floor area (ground floor) 1 space every 30m ² of gross leasable floor area (first floor level and above)
Shops and General Business: Based on Gross Leasable Floor Area (GLFA)	
(a) < or = to 1000 m2 gross floor area	1 space per 20 m ² of gross floor area.
(b) > 1000 m2 gross floor area (includes supermarkets, department stores, shopping centres)	1 space per 15 m ² of gross floor area.
(c) Video Stores	1 space per 15 m ² of gross floor area.
Education	
Adult Learning	1 space per every employee. 1 space per every 10 full time students.
Primary School, Secondary School, University,	1 space per every employee. 1 space per every 10 full time students. Plus 1 bus standing area per every 200 students.
Entertainment	
Art Galleries	1 space per 20 m ² of floor area.
Cinema	1 space per 10 seats, OR 1 space per 10 m ² of gross floor area if seats not affixed, WHICHEVER IS THE GREATER.
Place of Public Worship/Church, Place of Assembly	1 per 6 seats or 1 per 10 m ² GFA, whichever is the greater. (Where church and hall are located on same land, provision need only be made for church or hall, whichever is greater)
Recreation	
Bowling alley	3 spaces per alley
Bowling green	30 spaces for first green + 15 spaces for each additional green
Golf course.	4 spaces per green.
Gymnasiums.	7 spaces per every 100 m ² of Gross Floor Area
Indoor soccer/cricket/netball	15 spaces per pitch/court
Squash and tennis courts.	3 spaces per court, PLUS 1 space per 3 employees or part thereof.
Residential	
Dual Occupancy	1 space per dwelling. At least 1 space per dwelling to be undercover.
Exhibition homes	2 off street parking spaces per exhibition home where it forms part of an exhibition village. For single exhibition homes 1 on-site space for a sales rep. Plus 3 spaces for visitors. Spaces are to be outside of the building setback, which includes setbacks to both streets on corner lots.
Flats (Residential flat building, Multi Unit Housing, Villa and Townhouses)	1 space for each one or two bedroom dwelling; 2 spaces for each dwelling with three or more

	bedrooms; 1 visitor space for every three dwellings Stacked parking does not qualify
Dwelling house	1 space per dwelling. At least 1 space per dwelling to be undercover.
Shop Top Housing	1 space per dwelling
Any Other Building Or Land Use (not elsewhere defined)	To be determined by Council in individual cases.

22. SIGNAGE

Advertising Structures not Requiring Development Approval

Advertising structures and signs which meet the exempt development requirements (APPENDIX 1) do not require development approval. If the advertising structure does not meet these requirements then a development application must be submitted to Council.

The objectives for advertisements and advertising structures:

- (a) To ensure that advertising complements the development on which it is displayed and the character of the surrounding locality.
- (b) To ensure that the number of advertisements and advertising structures does not lead to 'visual clutter'.
- (c) To ensure that advertising does not have an adverse affect on an area, due to size, appearance and illumination.

Advertising Structures Requiring Development Approval

A development application for an advertisement and /or advertising structure will be assessed under the criteria set out below, in line with the provisions of SEPP 64 (State Environmental Planning Policy No 64 - Transport Corridor Advertising and Signage Guidelines).

Development consent for an advertisement and /or advertising structure will not be granted unless the impact of the advertisement and /or advertising structure is assessed by Council as being acceptable.

Where the Development Application is for an advertising structure, a Construction Certificate will be necessary.

1. **Advertisements** must be carefully designed for the building on which they are to be displayed and must be appropriate in terms of style, detail and colour.

A development application is required for advertisements to be positioned above the awning of a building. The advertisement is to be attached to the building itself within structural elements, such as pediments, gables, or horizontal panels below the cornice of the building.

Above awning advertisements must meet the following requirements:

- (a) Advertisements must not cover decorative elements of the building, eg. parapets, string courses etc.
- (b) Lettering is to be arranged in a symmetrical manner around a central axis.

- (c) The area of the advertisement is to be in proportion to the building on which it is to be displayed and must not obscure, extend past or disrupt the roof line.
- (d) Advertisements will not be permitted between roof line structures, such as between parapets or chimneys.
- (e) The placement of the advertisement must not detract from the symmetrical appearance of the building.

2. Footpath Awning Blinds, including the canvas drop, must be a minimum of 1.9 metres above the footpath.

3. Pole signs

Pole or pylon advertising structures and associated advertisements require the submission and approval of a development application. These will be assessed on their merits. Council will specifically consider the impact of the structure on the amenity of the locality, the size, shape and scale of the proposed advertisement and height of the structure in comparison to buildings located on and around the subject land. The advertising structure and advertisement must be wholly located within the boundary of the subject land.

4. Banner Signs – Community Events, etc

Council has endorsed the granting of approvals for the erection, on public land, of banners, as temporary signs, for the promotion of community messages and community events including local theatre groups.

Provided such signs meet the exemption criteria (see appendix 1) formal development consent is not required if the sign is a temporary sign for religious, cultural, political, social or recreational events.

However, Council's written approval is required if the sign is to be erected or placed on public land.

5. Advertisements and Advertising Structures fronting Main Roads

All advertisements and structures fronting main and arterial roads require the approval of a development application. The following minimum standards apply to advertisements and advertising structures fronting main roads:

- (a) A maximum of one advertising structure per allotment, or if an allotment has a frontage greater than 500 metres, only one advertising structure per 500 metres of main road frontage.
- (b) While two advertisements per structure are usual, e.g. one front and back, Council will consider applications where more than one tourist facility, tourist area or community service wish to advertise on one side of the structure. However, in this instance, the legibility of the advertisement should not be compromised.

- (c) Advertisements may be externally illuminated by spot lighting directed at the advertisement, other forms of illumination will be considered on its merits.

6. The Standards for Advertisements and Advertising Structures for Tourist Facilities fronting Main Roads are:

- (a) Wording on the advertisement is to be concise and may only include the business name, distance and direction to turn off and the like.
- (b) All services provided may only be depicted by the current appropriate Industry or Australian Standard service symbol.
- (c) Establishments which provide for accommodation within a heritage building are to utilise accepted heritage colours and may incorporate a picture of the building. However, all services provided may only be depicted by the appropriate Industry or Australian Standard service symbol.

Council, when considering a development application for directional advertisements, will consider if a real need, by the community, advertiser and tourist, for the advertisement exists. The use of provided information, effective street identification signs, proximity of the proposed advertisements to other advertisements, and the cumulative effect of an additional advertisement upon the locality will be considered. As a guide, one advertisement per tourism development will be recommended.

The renewal of existing signs and structures will be considered on an individual basis.

7. Heritage Conservation

These guidelines should be read in conjunction with the 'Dungog Commercial Precinct Heritage Conservation Area, Signage', in the *Dungog Shire Wide Development Control Plan no.1*. These guidelines are intended only as a quick reference.

i) Signs which are generally acceptable

- a) Original signs (restored or completely replaced where old photos show they previously existed). These may still have commercial value or may be retained as a visual attraction.
- b) Signs that use colours and styles of the building's period, but note that this does not mean slavish copies; there is still scope for creative sign writing that meets modern requirements.

- c) Signs that use the traditional signage areas such as the verandah fascia, the verandah end panel, horizontal panels on the front wall that were intended to take signs and end walls. Window signs were sometimes painted on the upper window glass but not all over the glass.
- d) Signs that are painted in the traditional manner or if computer generated, create that impression.

ii) Signs that are not historically accurate but may be acceptable

- a) Hanging signs under the verandah/awning or under the verandah fascia.
- b) Small freestanding removable signs.
- c) Removable fabric banners used for special days, special events etc.

iii) Signs which are not generally acceptable

- a) Signs above the parapet or main building height.
- b) Signs on verandah balustrades
- c) Above awning projecting signs.
- d) Signs that cover architectural detail such as mouldings, cornices, windows, timber or lace work decoration.
- e) The standardised use of chain or corporate colours and logos without regard to the building and streetscape.
- f) Striking modern colours intended to stand out over other signage.
- g) Signs of excessive size, but keep in mind that signs painted directly to the end wall of a building in the traditional manner may be acceptable (particularly where the building has previously had such signs), even though it would be far too large for the front of the building.
- h) Signs which are excessive in number. The practice of having the proprietor's name or business displayed at every possible location creates a busy appearance that is unattractive in any area.
- i) Large illuminated plastic box signs.

- j) Large freestanding signs or signs attached to posts or areas such as fences.
- k) Flashing or neon signs.

Suggestions where Company/Corporate/Franchise Signs and Logos are to be Used

- a) Such signage can be highly intrusive, particularly where the corporation or licensing company has rigid rules about their size, colour and display.
- b) Some improvements could be;
 - 1) Reduce the overall size.
 - 2) Reduce the number of signs required.
 - 3) Have one sign in the required form and colour with other signs in more suitable colours. For example, maroon on a cream background instead of brilliant red on a stark, white background.
 - 4) Place the signage or logo in a bordered field of traditional appearance.
 - 5) Use traditional methods and materials rather than modern materials such as illuminated box signage.

ASSESSMENT CRITERIA

1. Character of the area

- Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?
- Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?

2. Special areas

- Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?

3. Views and vistas

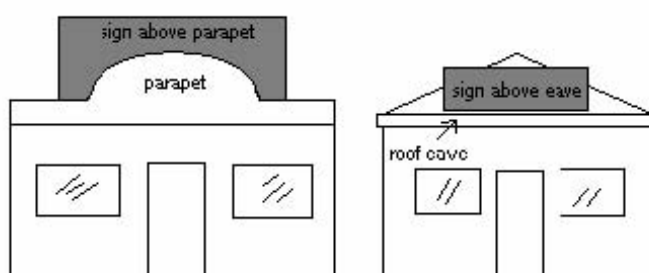
- Does the proposal obscure or compromise important views?
- Does the proposal dominate the skyline and reduce the quality of vistas?
- Does the proposal respect the viewing rights of other advertisers?

4. Streetscape, setting or landscape

- Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?
- Does the proposal contribute to the visual interest of the streetscape, setting or Landscape?
- Does the proposal reduce clutter by rationalising and simplifying existing advertising? Does the proposal screen unsightliness?
- Does the proposal protrude above buildings, structures or tree canopies in the area or locality?

5. Site and Building

- Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?
- Does the proposal respect important features of the site or building, or both?
- Does the proposal show innovation and imagination in its relationship to the site or building, or both?



Examples of unacceptable signs that project above the parapet or roof eave lines

6. Associated Devices and Logos with Advertisements and Advertising Structures

- Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?

7. Illumination

- Would illumination result in unacceptable glare?
- Would illumination affect safety for pedestrians, vehicles or aircraft?
- Would illumination detract from the amenity of any residence or other form of accommodation?
- Can the intensity of the illumination be adjusted, if necessary?
- Is the illumination subject to a curfew?

8. Safety

- Would the proposal reduce the safety for any public road?
- Would the proposal reduce the safety for pedestrians or bicyclists?
- Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?

APPENDIX ONE

EXEMPT DEVELOPMENT - STANDARDS FOR EXEMPTION

Advertising structures and signs

- (a) The advertisement is within a building, including signs behind the glass line of a shop window, and is less than 50% of the area of the shop front.
- (b) The advertisement is within a site and is not visible from outside that site.
- (c) The advertisement replaces one of the same, or a larger size lawfully displayed on the same structures.

Business identification signs.

- (a) Provides information relating to the goods or services provided at the premises or place.
- (b) Maximum area of 0.75m² in business zone.
- (c) A maximum of 10 m² in an employment zone.
- (d) One advertisement per premises.
- (e) Must be attached to the front wall or fence within the boundary.
- (f) Must not be illuminated
- (g) Must not display a trade or brand name.

Fascia signs

- (a) Wholly contained within the fascia.
- (b) Securely fixed.
- (c) Not internally illuminated.

Public notice, an advertisement displaying public information

- (a) Displayed or erected for or by a public authority.
- (b) Providing information or directions about a service.

Real estate signs on land for sale or lease

- (a) In residential and rural areas must not exceed 2.5m².
- (b) Must be erected on or within the boundary of the subject property
- (c) On commercial or industrial premises areas must not exceed 4.5m² in area.
- (d) Holiday letting agent advertisements – as per requirements of a business identification sign.
- (e) Must be removed within 7 days of the successful letting or sale of the subject property.

Street signs comprising information, town entry and directional signs, name plates and advance traffic warning signs.

These signs are described in the adopted Uniform Signage Strategy, and

- (a) Construction by or for Council.
- (b) Must be structurally sound.
- (c) To be designed, fabricated and installed in accordance with the relevant standards of Standards Australia.

Temporary signs (means an advertisement of a temporary nature)

- (a) The sign is not erected over a public road.
- (b) Where located on a public road reserve, the placement of a sign is not to obstruct vehicular and /or pedestrian passage.
- (c) The sign is for a religious, social, cultural, educational, recreational or political event.
- (d) No commercial advertising other than the sponsor's name (max. 25% of sign area for this purpose).
- (e) Is displayed no earlier than 28 days before the event and is removed within 7 days after the event.
- (f) A maximum number of 5 signs per event within the Shire.
- (g) The top of the sign/advertising structure is not to exceed 2.4m above the ground.
- (i) Not to be fixed to any building or structure without the permission of the owner, including in the case of public infrastructure the permission of the relevant authority.
- (j) Must not be erected on public land (without the written approval of Council) or affixed to trees, lighting standards (other than on lighting standard specifically designed and approved for the purpose), guide posts or power poles in road reserves
- (j) Not exceeding an area of 10 m²

Note: If you are intending to erect temporary signs along roads controlled by the Roads and Traffic Authority (RTA), please contact the RTA to see if such signs are permitted

Under awning signs

- (a) Maximum length of 2.5m and height of 0.5m.
- (b) Top and bottom edges horizontal to the ground with a minimum height of 2.6m above the ground.
- (c) Not to extend beyond awning.
- (d) Securely fixed.
- (e) May be illuminated.
- (f) One under awning sign per premises.

Advertisement on a motor vehicle

- (a) The advertisement is an integral part of the vehicle.
- (b) The vehicle can be moved lawfully with the advertisement in place.

- (c) The vehicle is not standing unattended on public land only for the purposes of displaying the advertisement.

Alterations to existing signs

The sign is the alteration of a legally erected advertisement where the nature, size and specifications remain generally unaltered.

Heritage Areas

No signs are exempt if proposed on a heritage item or in a heritage conservation area and all signs require development consent from Council.

(Refer to Dungog Local Environment Plan 2006, schedule 3, Heritage items and Heritage conservation areas)

Electoral matter relating to Federal, State or local government elections

The display of any poster that contains electoral matter in relation to an election is exempt development if the poster:

- (a) is no larger than 8 square metres, and
- (b) is displayed by or on behalf of a candidate at the election or the party (if any) of any such candidate, and
- (c) is displayed in accordance with any requirements of the Act under which the election is held, and
- (d) is displayed only during the relevant period.

election means an election held under the Commonwealth Electoral Act 1918 of the Commonwealth, the Parliamentary Electorates and Elections Act 1912 or the Local Government Act 1993.

electoral matter means:

- (a) any matter that is intended or calculated or likely to affect (or is capable of affecting) the result of an election or that is intended or calculated or likely to influence (or is capable of influencing) an elector in relation to the casting of his or her vote at an election, and
- (b) the picture of a candidate at an election, along with the candidate's name and the name of the party (if any) of any such candidate.

relevant period, in relation to an election, means the period comprising the following:

- (a) the period of 5 weeks immediately preceding the day on which the election is held,
- (b) the election day,
- (c) the period of 1 week immediately following the election day.

APPENDIX TWO

DEFINITIONS

- 1) **"Above awning sign"** means a sign attached to the upper side of an awning (other than the fascia, return end or wall sign).

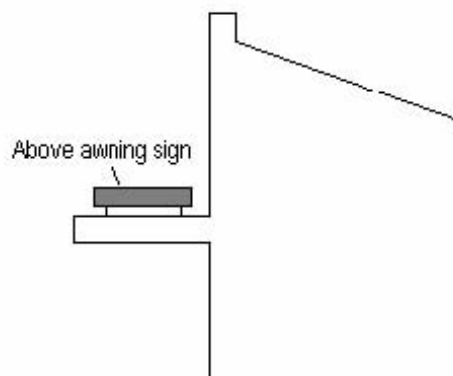


Figure 1: Above awning sign

- 2) **"Advertisement"** or **"advertising"** means the display of symbols, messages or other devices that advertise products, goods or services, whether or not the display includes the erection of a structure or the carrying out of a work. **"Advertisement"** or **"advertising"** does not include:

- (a) business identification signs,
- (b) building identification signs,
- (c) Signs on vehicles where the vehicle is used principally for the conveyance of goods or passengers.

- 3) **"Awning fascia sign"** means a sign attached to the fascia or return of an awning.

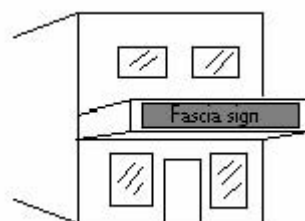


Figure 2: Awning fascia sign

- 4) **"Building identification sign"** means a sign that identifies or names a building, and that may include the name of a business or building, the street number of a building, the nature of the business and a logo or other symbol that identifies the business, but that does not include general advertising of products, goods or services.

5) **"Business identification sign"** means a sign:

- (a) Which indicates:
- (i) the name of the person, and
 - (ii) the business carried on by the person, at the premises or place at which the sign is displayed, and;
- (b) Which may include the address of the premises or place, and a logo or other symbol that identifies the business, but does not include general advertising of products, goods or services or any advertising relating to a person who does not carry on business at the premises or place?

6) **"Floodlit sign"** means a sign illuminated by any external light source.

7) **"Freestanding sign"** means a sign that is displayed on a sign structure that is mounted on the ground on one or more supports and includes A-frame, directory boards and pole signs.

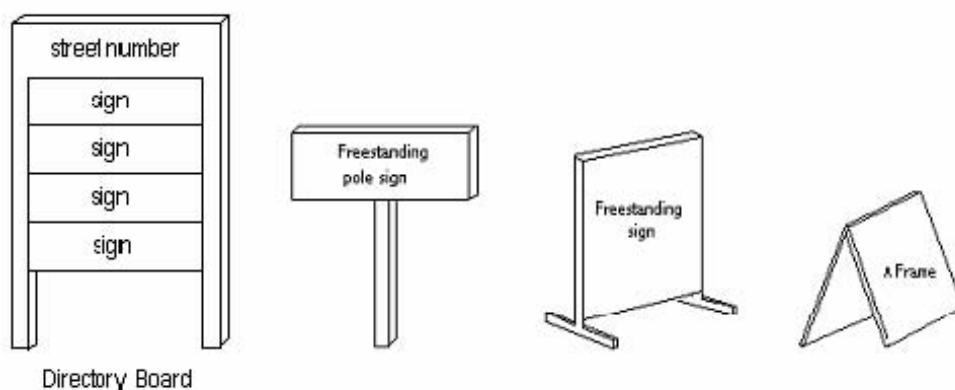


Figure 3: Examples of freestanding signs

8) **"Home employment"** means an activity carried out under the following circumstances:

- the activity is carried out within a dwelling or the curtilage of a dwelling used as the residence of at least one of the people carrying on the activity or on land adjoining that land which is in the same ownership, and
- the activity causes minimal interference to the amenity of the area, and
- the activity is in character with the scale and ambience of other activities within the immediate area, and
- any goods offered for sale at the place at which the activity is carried on have been either produced on the site of the activity or relate directly to the activities taking place on the site, and
- there are never more than 3 people carrying out the activity on the site who do not live in the dwelling, and
- the activity does not occupy more than 60 square metres of the building in which it is located.

- 9) **“Home occupation”** means an occupation carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:
- the employment of persons other than those residents, or
 - interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
 - the display of goods, whether in a window or otherwise, or
 - the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the occupation carried on in the dwelling), or
 - the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, but does not include bed and breakfast accommodation or home occupation (sex services).
- 10) **“Projecting wall sign”** means a sign attached to the wall of a building (other than the transom of a doorway or display window) and projecting more than 300mm from the wall.

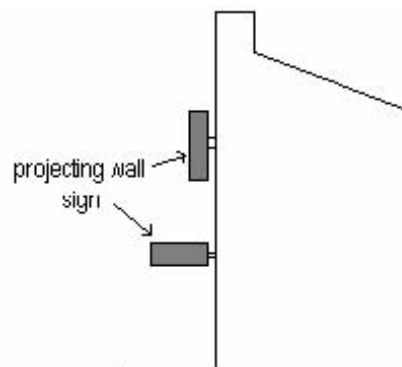


Figure 4: Projecting wall sign

- 11) **“Roof or sky sign”** means a sign erected on or above the roof of a building.

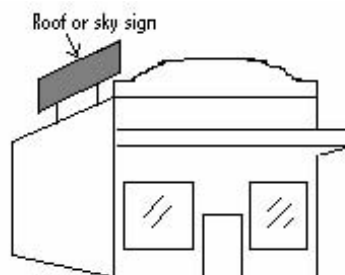


Figure 5: Example of a roof or sky sign

- 12) **“Sign display area”** means the area of one side of a sign or sign structure including lettering, symbols and background around lettering, but does not include the sign structure itself or flat colour areas of blank walls. Where more than one side of the sign display area is visible from any view, the entire area visible shall be calculated.
- 13) **“Sign structure”** means a structure used or to be used to support a sign.
- 14) **“Under awning sign”** means a sign attached to the underside of an awning (other than the fascia, return end or wall sign).

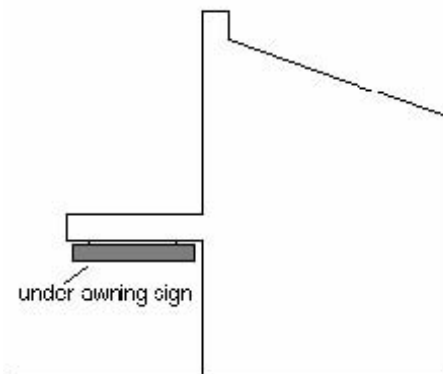


Figure 6: Under awning sign

- 15) **“Wall sign”** means a sign that is painted on or fixed flat to the wall of a building, but does not include a special promotional advertisement.

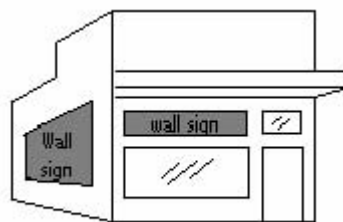


Figure 7: Wall sign

- 16) **“Window sign”** means a sign attached to, or painted on, the shop window.

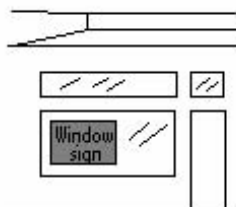


Figure 8: Window sign

DUNGOG DEVELOPMENT CONTROL PLAN No 1

PART C.23 – ON-SITE SEWAGE MANAGEMENT

C.23 - ON-SITE SEWAGE MANAGEMENT

23.1 INTRODUCTION

This Part applies to development that is not connected to a **reticulated** sewerage system within the Dungog Local Government Area.

23.2 AIMS & OBJECTIVES

To facilitate development by ensuring development is accompanied by the essential service of On Site Sewage Management provisions that are designed, operated and maintained in a manner that has appropriate consideration to the environmental and public health impacts of such services.

23.3 REQUIREMENTS

23.3.1 Unsewered Allotments to be Provided with an Onsite Sewage Management System

Development consent will not be granted by Council unless adequate arrangements have been made for the disposal and management of sewage.

Developments without access to the reticulated sewer of the local water and sewer authority must demonstrate that the proposal for the disposal and management of sewage is adequate and sustainable and how it satisfactorily addresses the Dungog Shire On-site Sewage Management Policy. The Policy incorporates technical tools including the Development Assessment Framework (DAF) and Technical Manual for On-site Sewage Management Systems.

23.3.2 The Development Assessment Framework (DAF)

The DAF sets out the required levels of investigation, acceptable solutions (deemed to satisfy) and minimum standards for sewage management in unsewered areas. All unsewered allotments in Dungog Shire have been assigned an On-site Sewage Management Hazard Class. This Hazard Class (Low to Very High) determines the level of detail required for supporting information submitted with development applications and applications to install or alter sewage management systems.

Sewage management hazard mapping has been completed using a risk based approach and enables Council to approve lower risk applications with limited delay or the need for detailed studies. High and very high risk sites will require a high level of scientific and engineering input to demonstrate a proposed on-site system is sustainable.

23.3.3 Requirements for Submitting an Application

Prior to preparing an application to install an onsite sewage management system, applicants should contact Council to confirm the On-site Sewage Hazard Class for their property and obtain the relevant documentation.

Applicants should use the table below to determine whether the services of an on-site system installer is only required, or if more detailed assistance from an environmental / engineering consultant is required. Applicants should then contact potential technology providers and environmental / engineering consultants to obtain quotes for the necessary work. Local installers and consultants are familiar with Council's DAF and will be able to advise on specific requirements.

Under Section 68 of the *Local Government Act 1993*, Council are the responsible authority for approval to install, alter and operate systems of sewage management not licensed under the *Protection of Environment Operations Act (1997)*. This can include systems receiving up to 750 kL/day or 2,500 Equivalent Persons (EP).

Table 1 -Application submission requirements and Relevant DAF Reference

Table 1 - Application submission requirements and relevant DAF reference						
Development Type	Hazard Class	OSSMS Application Form and Fee	Supporting Information for DA	Installer Assistance	Consultant Assistance	DAF Section
Domestic On-site Sewage Management Systems (incl. greywater treatment systems)	Low	Yes	N/A	Yes	Limited ¹	1.1
	Medium					1.1
	High				Yes	1.3
	Very High					1.4
	Effluent Pump-out				No	1.5
	Pump to Sewer					1.6
Subdivision / Increasing Building Entitlements	Low	N/A	Yes	Yes	Limited ¹	2.1
	Medium					2.2
	High			Yes	Yes	2.3
	Very High					2.4
	Consolidating Lots			Yes	Possible	2.5
Non-domestic On-site Wastewater Management Systems	Low (<10 kL/day)	Yes	Yes	Yes	Yes	3.1
	Medium (<10 kL/day)					
	High					3.2
	Very High					
	All 10-100 kL/day systems					
	>100 kL/day systems					

Note 1: A suitably qualified consultant will be required to complete the Site and Soil Pro-Forma in these cases. However a full Wastewater Management Report will not be required.

23.3.4 The Process for Submitting an Application

- Council's application form must be completed. This may be completed by the property owner in consultation with an installer or consultant (depending on property Hazard Class).
- The application form must be submitted to Council with all required supporting information (in accordance with the DAF) along with the relevant fee in accordance with the current schedule of fees and charges.
- Applications for Low and Medium Hazard allotments prepared in accordance with the Acceptable Solution criteria and Minimum Standards will be assessed and approved promptly. Failure to meet these criteria and standards will result in longer assessment periods, requests for additional information and potential refusal of the application.
- Council may request a site meeting to discuss the application.
- Council will assess the application based on the final information submitted and issue a determination. In the majority of circumstances, the application will be approved subject to a set of conditions to be satisfied before different stages of the development process can occur however there may be circumstances where the information submitted does not adequately satisfy the concerns of Council or in fact may demonstrate that a particular proposal is not sustainable.

23.3.5 How to Use the Development Assessment Framework (DAF)

The Development Assessment Framework (DAF) sets out the minimum requirements and Acceptable Solutions for proposed on-site sewage management systems and any increase in unsewered building entitlements within the Dungog Shire Council Local Government Area (LGA). It is designed as a ready reference for system installers and environmental consultants who design on-site systems. The DAF also refers to other Council policy and guideline documents in addition to external technical publications that will assist in meeting Councils Minimum Standards. These requirements vary depending on whether an allotment is classified as Low, Medium, High or Very High Hazard. The minimum standards also vary for different types of development.

All property owners wishing to submit an application to install an on-site sewage management system will require assistance from an installation firm and (as a minimum) completion of a basic site and soil assessment by. In some cases, a more comprehensive Wastewater Management Report will need to be prepared by a suitably qualified environmental / engineering consultant. Development applications resulting in an increase in existing unsewered building entitlements will always require a Wastewater Management Report as will non-domestic on-site systems.

The DAF provides a checklist for each Hazard class that can be used to confirm whether the proposed on-site sewage management system or unsewered subdivision is an Acceptable Solution based on Councils planning, development and on-site sewage management policies. **Where an application fits Acceptable Solution criteria approval will be granted promptly. If not, further information will be requested by Council to demonstrate that the proposal meets Minimum Standards.**

Minimum Standards apply to all aspects of the assessment, design and approval process and are divided into the following components:

- Site and Soil Assessment:
- System Selection and Sizing:
- Constructability:
- Cumulative Impacts.

The DAF document sets out how applications to install an on-site sewage management system and development applications that increase existing building entitlements can meet Minimum Standards and recommends resources, tools, standards and guidelines to be used in demonstrating compliance.

An application to install an individual on-site system or unsewered subdivision is unlikely to be approved where an applicant fails to use the recommended resources, tools, standards and guidelines to demonstrate compliance. Notwithstanding, the DAF does provide flexibility for individual applicants to develop innovative or site specific on-site system designs by allowing for a performance based approach where clear justification is provided and a specific level of assessment and design is undertaken.

In the majority of cases, the DAF will reduce the uncertainty associated with how much information is required for approval and streamline / expedite the approval process. However, where specific applications conflict with Council's objectives for sustainable and cost appropriate on-site sewage management, the DAF will also make it clear what additional information is required for Council to further consider the system / development.

23.3.6 Usable Land

Proposed Subdivision developments without access to the reticulated sewer services of the local water and sewer Authority must demonstrate a minimum of 4,000m² of usable land per allotment for the purpose of sustaining an *On-site Sewage Management System (OSSMS)* in accordance with the On-site Development Assessment Framework.

Subdivision developments that cannot demonstrate 4,000m² of usable land for the purpose of sustaining an OSSMS must provide connection to a reticulated sewer system or if not within a drinking water catchment, demonstrate through more site specific investigations how the proposal provides a long term sustainable wastewater management solution in accordance with the Dungog On-site Sewage Development Assessment Framework.

Subdivision developments within a drinking water catchment area that cannot demonstrate 4,000m² of usable land for the purpose of sustaining an OSSMS must provide connection to a reticulated sewer system.

Usable land (for the purposes of on-site sewage management) is considered to be the total allotment area excluding dams, intermittent and permanent watercourses and open storm water drains and pits in addition to the relevant buffer distances prescribed in the Dungog Shire Council Development assessment Framework for those objects.

23.4 REFERENCES

The following documents may be found on Councils website at www.dungog.nsw.gov.au

- Dungog Shire Council Onsite Sewage Management **Policy** 2015
- Dungog Shire Council On-site Sewage **Development Assessment Framework** 2015
- Dungog Shire Council On-site Sewage **Management Technical Manual** 2015

DUNGOG DEVELOPMENT CONTROL PLAN No 1

PART C.24 – SITE WASTE MINIMISATION AND MANAGEMENT

C.24 - INTRODUCTION

24.1 NAME OF CHAPTER

This Chapter is titled Site Waste Minimisation and Management. It is known colloquially as the Waste Not DCP, as it is based on an early document (1996) when consolidated development control plans (DCPs) were not required and DCPs often dealt with one issue.

24.2 SITE WASTE MINIMISATION AND MANAGEMENT

Waste and resource consumption is a major environmental issue and a priority for all levels of government within Australia. This is particularly the case as landfill sites become scarce and the environmental and economic costs of waste generation and disposal rise. Government and society alike are exposed to the issue of managing the increasingly large volumes of waste generated by our society.

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

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

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

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

- reduced costs
- improved workplace safety
- enhanced public image
- compliance with legislation such as the *Protection of the Environment Operation Act 1997* that requires waste to only be transported to a place that can lawfully accept it.

24.3 PURPOSE OF THIS CHAPTER

24.3.1 Aims

This Chapter aims to facilitate sustainable waste management within the Local Government Area in a manner consistent with the principles of ESD.

24.3.2 Objectives

The objectives in pursuit of sustainable waste management include:

Waste minimisation

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

Waste management

- To assist applicants in planning for sustainable waste management, through the preparation of a site waste minimisation and management plan.
- To assist applicants to develop systems for waste management that ensure waste is transported and disposed of in a lawful manner.
- To provide guidance in regards to space, storage, amenity and management of waste management facilities.
- To ensure waste management systems are compatible with collection services.
- To minimise risks associated with waste management at all stages of development.

24.4 TYPES OF DEVELOPMENT COVERED

This Chapter applies to the following types of development that may only be carried out with development consent or a complying development certificate.

- demolition
- construction
- change in use

24.5 THE DEVELOPMENT APPROVAL PROCESS

24.5.1 Development that Requires Consent

When determining a development application under Section 4.1.5 of the *Environmental Planning and Assessment Act, 1979* (as amended) (The Act), Council must consider the contents of this Chapter.

Compliance with the minimum provisions herein does not, however, necessarily mean that an application will be approved, as each application will be considered on its merits.

It is accepted that optimum waste minimisation and management will necessitate site specific and sometimes unique solutions. As a result, Council may approve on its merits an

application that proposes a variation to the controls, provided it can be demonstrated that the objectives herein will be achieved.

24.5.2 Complying Development

The Council or an accredited certifier must have regard to the provisions of this Chapter in issuing a complying development certificate.

24.5.3 Exempt Development

Preparation of a Site Waste Minimisation and Management Plan (SWMMP) is not required for exempt development (as defined by Council). However, persons carrying out exempt development are encouraged to minimise the generation of waste in the construction and operation of any such use or activity and deal with any waste generated in accordance with the objectives herein.

24.5.4 State Significant Development/Major Projects

The Major Projects State Environmental Planning Policy establishes the Minister (or by delegation the Department of Planning) as the consent authority for development categorised as Major Projects/State Significant Development.

Council will liaise with the Department of Planning (representing the Minister for Planning) to ensure appropriate outcomes in respect of waste minimisation and management.

The minimum requirements for such forms of development will be compliance with the aims and objectives of this Chapter.

24.5.5 Departures from the Controls of this Chapter

Council may approve variations to the provisions herein in accordance with the principles of merit-based assessment.

Any request for variation to the provisions must be in writing and comprise part of the application. The request shall clearly demonstrate that:

- the aims and objectives are met, and
- compliance with the relevant provisions is unreasonable or unnecessary in the circumstances of the case.

24.6 ENFORCEMENT

This Chapter is enforced through the development assessment and approval process of Section 4.1.5 of The Act.

Subsequent non-compliance with approvals is pursued under Section 9.3 to 9.37, of the Act, by way of the issue of relevant orders requiring compliance and subsequent legal action for non-compliance.

24.7 THE RESPONSIBLE AUTHORITY

Council or an accredited certifier (as defined under the *Environmental Planning and Assessment Amendment Act, 1979*) is responsible for enforcing the observance of the provisions of this Chapter.

24.8 USE AND INTERPRETATION OF THIS CHAPTER

This section outlines how to interpret and apply the provisions herein for the planning and designing of site waste minimisation and management.

24.8.1 Abbreviations

A list of abbreviations has been adopted. The relevant abbreviations are detailed below.

BCA	Building Code of Australia
CC	Construction Certificate
DA	Development Application
DCP	Development Control Plan
EPA	Environment Protection Authority
ESD	Ecologically Sustainable Development
SEE	Statement of Environmental Effects
The Act	<i>Environmental Planning and Assessment Act, 1979</i> (as amended)
SWMMP	Site Waste Minimisation and Management Plan

24.8.2 Summary Guide to Using This Chapter

This Chapter shall be generally used as follows:

1. Read Section 1 – Introduction

This section provides a background to waste minimisation and management, details aims and objectives of waste minimisation and management associated with local development and the application of the Chapter.

2. Read Section 2 – Submission Requirements

This section provides specific advice in respect of information to accompany submission of a Development Application (DA) and highlights the requirements of a Site Waste Minimisation and Management Plan.

3. Read Section 3 and 4 – Assessment Criteria/Controls

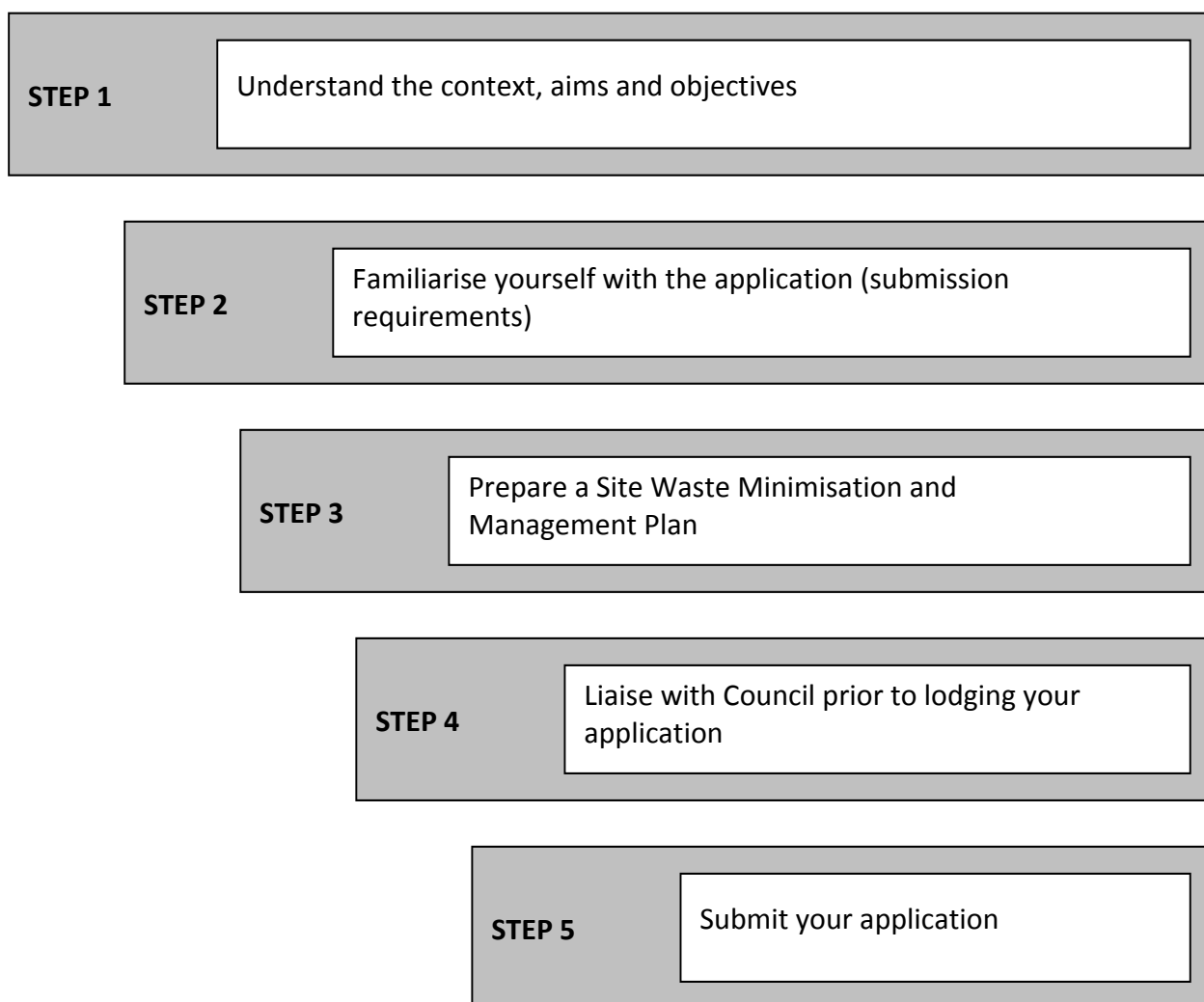
These sections detail the criteria/controls Council will consider in assessing the adequacy of the Site Waste Minimisation and Management Plan, in addressing the principles of sustainable waste management. Section 3 details general criteria and controls for all demolition and all constructions, while Section 4 adds additional criteria and controls for specific types of constructions.

4. Read the Appendices — Further Information

This section provides useful information in interpreting this Chapter, understanding the waste minimisation and management environment and documenting the central submission requirement – a Site Waste Minimisation and Management Plan.

24.8.3 Steps in the Preparation and Submission of an Application

The actions involved in preparing and submitting a development application, which satisfactorily addresses waste minimisation and management obligations are summarised in the following chart.



PART 2 – SUBMISSION/APPLICATION REQUIREMENTS

24.9 DOCUMENTATION TO BE SUBMITTED TO COMPLY WITH THE REQUIREMENTS OF THIS CHAPTER

All applications for development, including demolition, construction and the ongoing use of a site/premise, must be accompanied by a Statement of Environmental Effects (SEE). This Statement is to include a SWMMP as the central document of compliance with this Chapter's requirements.

In addition to submission of a SWMMP (as part of the SEE), the waste management facilities proposed as part of the development, shall be clearly illustrated on the plans of the proposed development, accompanying the development application (DA).

24.10 SITE WASTE MINIMISATION AND MANAGEMENT PLANS

A Site Waste Minimisation and Management Plan (SWMMP) outlines measures to minimise and manage waste generated during:

- demolition
- construction
- ongoing use of the site/premises.

In doing so, the SWMMP nominates:

- volume and type of waste and recyclables to be generated
- storage and treatment of waste and recyclables on site
- disposal of residual waste and recyclables
- operational procedures for ongoing waste management once the development is complete.

The SWMMP highlights the method of recycling or disposal and the waste management service provider.

Appendix A provides a template for the compilation of a SWMMP.

24.11 SUBMISSION OF A SWMMP

24.11.1 Development Generally

A SWMMP must be submitted for all types of development including demolition, construction and ongoing use of the site/premises; including local development, integrated development and state significant/major project development (as defined by the *Environmental Planning and Assessment Act and Amendments*). More details are required in SWMMPs for larger and more complex developments. The amount of supporting information and diagrams also increases.

Where a DA is required, with or without the need for a Construction Certificate (CC), a SWMMP must be submitted at development application stage. Where only a CC is required, a SWMMP shall be submitted at the construction certificate stage. Maximum waste minimisation and management benefits are achieved when the SWMP is considered from the earliest stages of the development.

It is for this reason that a SWMMP is required with the earliest approval application. If a builder is not selected until after the Approval stage, Council may consider submission of the SWMMP at CC Stage

24.11.2 Complying Development

A Site Waste Minimisation and Management Plan (SWMMP) is required for development identified as Complying Development in accordance with Council's adopted Exempt and Complying Development criteria. Site waste minimisation and management must be carried out in accordance with an approved SWMMP, and dockets retained on site to show to where any construction and or demolition waste has been transported.

24.11.3 Exempt Development

A SWMMP is not required in association with Exempt Development carried out in accordance with Council's adopted Exempt and Complying Development criteria.

However, a person carrying out exempt development should seek to minimise the generation of waste in the construction and operation of any such use or activity and deal with any waste generated in accordance with the objectives herein.

24.12 WASTE/RECYCLING GENERATION RATES

In the absence of project specific calculations, the rates specified in **Appendix B Waste/Recycling Generation Rates** and Council's current rate of provision of services to residential properties can be used to inform the compilation of a SWMMP.

PART 3 – ASSESSMENT CRITERIA/CONTROLS FOR ALL DEVELOPMENT

24.13 DEMOLITION OF BUILDINGS OR STRUCTURES

24.13.1 General

The demolition stage provides great scope for waste minimisation. Proponents are actively encouraged to consider possible adaptive reuse opportunities of existing buildings/structures, reuse of materials or parts thereof.

24.13.2 Aim

The principal aim of managing this activity is to maximise resource recovery and minimise residual waste from demolition activities.

24.13.3 Objectives

- Optimise adaptive reuse opportunities of existing building/structures.
- Maximise reuse and recycling of materials.
- Minimise waste generation.
- Ensure appropriate storage and collection of waste.
- Minimise the environmental impacts associated with waste management.
- Avoid illegal dumping.
- Promote improved project management.

24.13.4 Controls/Requirements

- A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the demolition application.
- Pursue adaptive reuse opportunities of buildings/structures.
- Identify all waste likely to result from the demolition, and opportunities for reuse of materials. Refer to **Figure 1**.
- Facilitate reuse/recycling by using the process of 'deconstruction', where various materials are carefully dismantled and sorted.
- Reuse or recycle salvaged materials onsite where possible.
- Allocate an area for the storage of materials for use, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation, and access and handling requirements).
- Provide separate collection bins or areas for the storage of residual waste.
- Clearly 'signpost' the purpose and content of the bins and storage areas.

- Implement measures to prevent damage by the elements, odour and health risks, and windborne litter.
- Minimise site disturbance, limiting unnecessary excavation.

When implementing the SWMMP the applicant must ensure:

- Footpaths, public reserves, street gutters are not used as places to store demolition waste or materials of any kind without Council approval.
- Any material moved offsite is transported in accordance with the requirements of the *Protection of the Environment Operations Act (1997)*.
- Waste is only transported to a place that can lawfully be used as a waste facility.
- Generation, storage, treatment and disposal of hazardous waste and special waste (including asbestos) is conducted in accordance with relevant waste legislation administered by the EPA and relevant Work Health and Safety legislation administered by Safework NSW.
- Evidence such as weighbridge dockets and invoices for waste disposal or recycling services are retained.

Note: Materials that have an existing reuse or recycling market should not be disposed of in a landfill. **Figure 1** provides a list of some potential reuse/recycling options. Reuse and recycling opportunities are decreased when asbestos is not carefully removed and segregated from other waste streams.

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

Figure 1: Examples of demolition materials and potential reuse/recycling opportunities (based on the *Combined Sydney Regional Organisation of Councils Model DCP 1997*)

24.14 CONSTRUCTION OF BUILDINGS OR STRUCTURES

24.14.1 General

Attention to design, estimating of materials and waste sensitive construction techniques and management practices can achieve significant rewards in managing waste.

24.14.2 Aim

The principal aim of managing this activity is to maximise resource recovery and minimise residual waste from construction activities.

24.14.3 Objectives

- Maximise reuse and recycling of materials.
- Minimise waste generation.
- Ensure appropriate collection and storage of waste.
- Minimise the environmental impacts associated with waste management.
- Avoid illegal dumping.
- Promote improved project management.
- Optimise adaptive reuse opportunities of existing building/structures.

24.14.4 Controls / Requirements

- A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the application.

Note: The type of construction determines whether a development application, construction certificate or complying development statement is required. In all cases a SWMMP must be completed. Maximum waste minimisation and management benefits are achieved when the SWMMP is considered from the earliest stages of the development.

- Estimate volumes of materials to be used and incorporate these volumes into a purchasing policy so that the correct quantities are purchased. For small-scale building projects see the rates in **Appendix B Waste/Recycling Generation Rates** for a guide.
- Identify potential reuse/recycling opportunities of excess construction materials.
- Incorporate the use of prefabricated components and recycled materials.
- Arrange for the delivery of materials so that materials are delivered 'as needed' to prevent the degradation of materials through weathering and moisture damage.
- Consider organising to return excess materials to the supplier or manufacturer.
- Allocate an area for the storage of materials for use, recycling and disposal (considering slope, drainage, location of waterways, stormwater outlets and vegetation).
- Arrange contractors for the transport, processing and disposal of waste and recycling. Ensure that all contractors are aware of the legal requirements for disposing of waste.

- Promote separate collection bins or areas for the storage of residual waste.
- Clearly 'signpost' the purpose and content of the bins and storage areas.
- Implement measures to prevent damage by the elements, odour and health risks, and windborne litter.
- Minimise site disturbance and limit unnecessary excavation.
- Ensure that all waste is transported to a place that can lawfully be used as a waste facility.

Retain all records demonstrating lawful disposal of waste and keep them readily accessible for inspection by regulatory authorities such as council, OEH or Safework NSW.

PART 4 – DEVELOPMENT SPECIFIC ASSESSMENT CRITERIA/CONTROLS

24.15 SINGLE DWELLINGS, SEMI-DETACHED AND DUAL OCCUPANCY

24.15.1 General

The design of waste and recyclables storage areas within the home and property affect ease of use, amenity, the movement and handling of waste for the life of the development.

24.15.2 Aim

To encourage source separation of waste, reuse, and recycling by ensuring appropriate storage and collection facilities for waste, and quality design of waste facilities.

24.15.3 Objectives

- Maximise reuse and recycling of materials.
- Minimise waste generation.
- Ensure appropriate collection and storage of waste.
- Minimise the environmental impacts associated with waste management.
- Avoid illegal dumping

24.15.4 Controls/Requirements

- A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the application.

Note: The type of construction determines whether a development application, construction certificate or complying development statement is required. In all cases a SWMMP must be completed. Maximum waste minimisation and management benefits are achieved when the SWMMP is considered from the earliest stages of the development.

- Plans submitted with the SWMMP must show:
 - The location of an indoor waste/recycling cupboard (or other appropriate storage space) for each dwelling.
 - The location of an onsite waste/recycling storage area for each dwelling, that is of sufficient size to accommodate Council's waste, recycling and garden waste bins. Indicative bin sizes are shown in **Appendix C Indicative Bin Sizes**.
 - An identified onsite location for a compost container.
 - An identified kerbside collection point for the collection and emptying of Council's waste, recycling and garden waste bins.
- Waste containers are to be stored in a suitable location so as to avoid vandalism, nuisance and adverse visual impacts.

- A designated area for composting that should not impact on adjoining properties.
- Where possible, the waste/recycling storage area should be located in the rear yard and minimise the distance of travel to the collection point.
- The waste storage area is to be easily accessible and have unobstructed access to Council's usual collection point.
- There should be sufficient space within the kitchen (or an alternate location) for the interim storage of waste and recyclables.
- The placement of bins for collection at the nominated collection point should ensure adequate traffic and pedestrian safety is maintained.

Note: It is the responsibility of dwelling occupants to move bins to the identified collection point no earlier than the evening before collection day and to then return the bins to their storage area no later than the evening of collection day. Bins are to remain in their on-site storage area at all other times.

24.16 MULTI-UNIT DWELLINGS (TOWN HOUSES, FLATS AND VILLAS)

24.16.1 General

The design of waste and recycling storage areas within the unit and property affects ease of use, amenity, movement and handling of waste for the life of the development. Multiple households within the property increase challenges with regard to waste volumes, ease of access and operation of waste sorting and removal systems. Resources such as the *Better Practice Guide for Waste Management in Multi-Unit Dwellings* should be used to inform design of multi-unit dwellings.

The *Better Practice Guide for Waste Management in Multi-Unit Dwellings* gives detailed information about waste recycling/storage rooms and facilities. The Guide was substantially reviewed in 2007 and is available on the Office of Environment and heritage website (www.environment.nsw.gov.au). Further updates will be published as information from social research and waste stream audits become available.

24.16.2 Aim

To encourage source separation of waste, reuse, and recycling by ensuring appropriate storage and collection facilities for waste, and quality design of waste facilities.

24.16.3 Objectives

- Ensure appropriate waste storage and collection facilities.
- Maximise source separation and recovery of recyclables.
- Ensure waste management systems are as intuitive for occupants as possible and are readily accessible.
- Ensure appropriate resourcing of waste management systems, including servicing.
- Minimise risk to health and safety associated with handling and disposal of waste and recycled material, and ensure optimum hygiene.
- Minimise adverse environmental impacts associated with waste management.
- Discourage illegal dumping by providing on site storage, and removal services.

24.16.4 Controls/Requirements

- A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the development application.
- Plans submitted with a development application must show:
 - The location of an indoor waste/recycling cupboard (or other appropriate storage space) for each dwelling.
 - The location of individual waste/recycling storage areas (such as for townhouses and villas) or a communal waste/recycling storage room(s) able to accommodate Council's waste, recycling and garden waste bins.
 - The location of any garbage chute(s) and interim storage facilities for recyclable materials.
 - The location of any service rooms (for accessing a garbage chute) on each floor of the building.
 - The location of any waste compaction equipment.
 - An identified location for individual compost containers or communal compost container.
 - An identified collection point for the collection and emptying of Council's waste, recycling and garden waste bins.
 - The path of travel for moving bins from the storage area to the identified collection point (if collection is to occur away from the storage area).
 - The on-site path of travel for collection vehicles (if collection is to occur on-site), taking into account accessibility, width, height and grade.
- Systems should be designed to maximise source separation and recovery of recyclables.
- Waste management systems should be designed and operated to prevent the potential risk or injury or illness associated with the collection, storage and disposal of wastes.

The following minimum collection and storage facilities shall be provided:

- Each dwelling unit should be provided with an indoor waste/recycling cupboard (or other appropriate storage space) for the interim storage of a minimum one day's garbage and recycling generation.
- Residential flat buildings must include communal waste/recycling storage facilities in the form of a waste/recycling storage room (or rooms) designed in accordance with **Appendix D Waste Recycling/Storage Rooms in Multi-Unit Dwellings** and the *Better Practice Guide for Waste Management in Multi-Unit Dwellings*.
- Multi-unit housing in the form of townhouses and villas must include either individual waste/recycling storage areas for each dwelling or a communal facility in the form of a waste/recycling storage room (or rooms) designed in accordance with **Appendix D Waste Recycling/Storage Rooms in Multi-Unit Dwellings** and the *Better Practice Guide for Waste Management in Multi-Unit Dwellings*.
- Space must be provided for an individual compost container for each dwelling (such as in townhouse and villa developments) or for a communal compost container; the

siting of which will have regard to potential amenity impacts.

- The waste/recycling storage area(s) or room(s) must be of a size that can comfortably accommodate separate garbage, recycling and garden waste containers at the rate of Council provision.
- For multi-storey developments that include ten or more dwellings, a dedicated room or caged area must be provided for the temporary storage of discarded bulky items which are awaiting removal. The storage area must be readily accessible to all residents and must be located close to the main waste storage room or area.

The following location and design criteria shall apply to collection and storage facilities:

- In townhouse and villa developments with individual waste/recycling storage areas, such areas should be located and designed in a manner which reduces adverse impacts upon neighbouring properties and upon the appearance of the premises.
- There must be an unobstructed and Continuous Accessible Path of Travel (as per *Australian Standard 1428 Design for Access and Mobility - 2001*) from the waste/recycling storage area(s) or room(s) to:
 - the entry to any Adaptable Housing (as per *Australian Standard 4299 Adaptable Housing - 1995*)
 - the principal entrance to each residential flat building
 - 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/recycling storage area(s) or room(s).

- Communal waste storage areas should have adequate space to accommodate and manoeuvre Council's required number of waste and recycling containers.
- Each service room and storage area must be located for convenient access by users and must be well ventilated and well lit.
- Where site characteristics, number of bins and length of street frontage allow, bins may be collected from a kerbside location. In instances where kerbside bin collection is not appropriate, bins must be collected onsite. Bins that are collected onsite are to be collected either from their usual storage point or from an onsite temporary holding area located inside the property boundary and close to a property entrance.
- Where bins cannot be collected from a kerbside location or from a temporary holding area located immediately inside the property boundary, the development must be designed to allow for on-site access by garbage collection vehicles (of dimensions detailed at **Appendix E Garbage Truck Dimensions for Residential Waste Collection**). In these instances, the site must be configured so as to allow collection vehicles to enter and exit the site in a forward direction and so that collection vehicles do not impede general access to, from or within the site. Access driveways to be used by collection vehicles must be of sufficient strength to support such vehicles.

Note: As a minimum requirement for collection vehicle access, Council will require indemnity against claims for loss or damage to the pavement or other driving surface. Council may also require indemnity against liabilities, losses, damages and any other demands arising from any on-site collection service. In all cases, a hazard assessment will need to be conducted prior to Council agreeing to undertake the service.

- Should a collection vehicle be required to enter a property, access driveways and internal roads must be designed in accordance with *Australian Standard 2890.2 Parking Facilities – Off-Street Commercial Vehicle Facilities – 2002*.
- If Council waste collectors and/or waste collection vehicles are required to enter a site for the purpose of emptying bins, then site specific arrangements must be in place and written agreements between waste contractor and applicant are to be provided.
- If bins need to be moved from normal storage areas to a different location for collection purposes, it is the responsibility of agents of the owners' corporation to move the bins to the collection point no earlier than the evening before collection day and to then return the bins to their storage areas no later than the evening of collection day. Bins are to remain in their on-site storage areas at all other times.
- Residents should have access to a cold water supply for the cleaning of bins and the waste storage areas. Storage areas should be constructed and designed to be weather proof and easy to clean, with wastewater discharged to sewer.
- The design and location of waste storage areas/facilities should be such that they compliment the design of both the development and the surrounding streetscape.
- 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/collection areas.
- Garbage chutes must be designed in accordance with **Appendix F Garbage Chutes**, the *Building Code of Australia* and *Better Practice Guide for Waste Management in Multi-Unit Dwellings*. Garbage chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use. Alternative interim disposal facilities for recyclables should be provided at each point of access to the garbage chute system.

The following management responsibilities shall be addressed:

- Agents of the owners' corporation must take responsibility for the management of waste and recyclable materials generated upon the site. Arrangements must be in place in regards to the management, maintenance and cleaning of all waste/recycling management facilities.

24.17 COMMERCIAL DEVELOPMENTS AND CHANGE OF USE (SHOPS, OFFICES, FOOD PREMISES, HOTELS, MOTELS, LICENSED CLUBS, EDUCATION ESTABLISHMENTS, ENTERTAINMENT FACILITIES AND HOSPITALS)

24.17.1 General

A range of non-residential uses present an array of unique waste minimisation opportunities and management requirements. 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 this Site Waste Minimisation and Management Chapter.

24.17.2 Aim

To ensure new developments and changes to existing developments are designed to maximise resource recovery (through waste avoidance, source separation and recycling); and to ensure appropriate well-designed storage and collection facilities are accessible to occupants and service providers.

24.17.3 Objectives

- Ensure appropriate waste storage and collection facilities.
- Maximise source separation and recovery of recyclables.
- Ensure waste management systems are as intuitive for occupants as possible and readily accessible to occupants and service providers.
- Ensure appropriate resourcing of waste management systems, including servicing.
- Minimise risk to health and safety associated with handling and disposal of waste and recycled material and ensure optimum hygiene.
- Minimise adverse environmental impacts associated with waste management.
- Discourage illegal dumping by providing on site storage, and removal services.

24.17.4 Controls/Requirements

- A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the application.

Note: The nature of the development or change in use will determine whether a development application or construction certificate is required. In all cases a SWMMP must be completed. Maximum waste minimisation and management benefits are achieved when the SWMMP is considered from the earliest stages of the development.

- Plans submitted with the SWMMP must show:
 - The location of the designated waste and recycling storage room(s) or areas, sized to meet the waste and recycling needs of all tenants.
 - The location of temporary waste and recycling storage areas within each tenancy. These are to be of sufficient size to store a minimum of one day's worth of waste.
 - An identified collection point for the collection and emptying of waste, recycling and garden waste bins.
 - The path of travel for moving bins from the storage area to the identified collection point (if collection is to occur away from the storage area).
 - The on-site path of travel for collection vehicles (if collection is to occur on-site).
- There must be convenient access from each tenancy to the waste/recycling storage room(s) or area(s). There must be step-free access between the point at which bins are collected/emptied and the waste/recycling storage room(s) or area(s).

- Every development must include a designated waste/recycling storage area or room(s) (designed in accordance with **Appendix G Commercial/Industrial Waste and Recycling Storage Areas**).
- Depending upon the size and type of the development, it may be necessary to include a separate waste/recycling storage room/area for each tenancy.
- All commercial tenants must 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.
- Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s).
- Arrangements must be in all parts of the development for the separation of recyclable materials from general waste. Arrangements must be in all parts of the development 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.
- The waste/recycling storage room/area must be able to accommodate bins that are of sufficient volume to contain the quantity of waste generated (at the rate described in **Appendix B Waste/Recycling Generation Rates**) between collections.
- The waste/recycling storage room/area must provide separate containers for the separation of recyclable materials from general waste. Standard and consistent signage on how to use the waste management facilities should be clearly displayed.
- The type and volume of containers used to hold waste and recyclable materials must be compatible with the collection practices of the nominated waste contractor.
- Waste management facilities must be suitably enclosed, covered and maintained so as to prevent polluted wastewater runoff from entering the stormwater system.
- Where possible, waste/recycling containers should be collected from a rear lane access point. Consideration should be given to the time of day at which containers are collected so as to minimise adverse impacts upon residential amenity, pedestrian movements and vehicle movements.
- The size and layout of the waste/recycling storage room/area must be capable of accommodating reasonable future changes in use of the development.
- A waste/recycling cupboard must be provided for each and every kitchen area in a development, including kitchen areas in hotel rooms, motel rooms and staff food preparation areas. Each waste/recycling cupboard must be of sufficient size to hold a minimum of a single day's waste and to hold separate containers for general waste and recyclable materials.
- Premises that discharge trade wastewater must do so only in accordance with a written agreement from the local sewer authority. In the Sydney Metropolitan Area (SMA) this is Sydney Water. 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)."

- Premises which generate at least 50 litres per day of meat, seafood or poultry waste must have that waste collected on a daily basis or must store that waste in a dedicated and refrigerated waste storage area until collection.
- Arrangements must be in place regarding the regular maintenance and cleaning of waste management facilities. Tenants and cleaners must be aware of their obligations in regards to these matters.
- Any garbage chutes must be designed in accordance with the requirements of **Appendix F Garbage Chutes**, the *Building Code of Australia* and *Better Practice Guide for Waste Management in Multi-Unit Dwellings*. Garbage chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use.

24.18 MIXED USE DEVELOPMENTS (RESIDENTIAL/NON-RESIDENTIAL)

24.18.1 General

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.

24.18.2 Aim

To ensure new developments and changes to existing development are designed to maximise resource recovery (through waste avoidance, source separation and recycling) and to ensure appropriate, well-designed storage and collection facilities are accessible to occupants and service providers.

24.18.3 Objectives

- Ensure appropriate waste storage and collection facilities.
- Maximise source separation and recovery of recyclables.
- Ensure waste management facilities are safely and easily accessible to occupants and service providers.
- Ensure appropriate resourcing of waste management systems, including servicing.
- Minimise risk to health and safety associated with handling and disposal of waste and recycled material and ensure optimum hygiene.
- Minimise adverse environmental impacts associated with waste management.
- Discourage illegal dumping by providing on site storage, and removal services.

24.18.4 Controls/ Requirements

A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the application.

The controls at Section 4.2.4 Multi-Unit Dwellings apply to the residential component of mixed-use development.

The controls at Section 4.3.4 Commercial Developments apply to the non-residential component of mixed-use development.

Mixed Use development must incorporate separate and self-contained waste management systems for the residential component and the non-residential component. In particular, the development must incorporate separate waste/recycling storage rooms/areas for the residential and non-residential components. Commercial tenants must be prevented (via signage and other means), from using the residential waste/recycling bins and vice versa.

The residential waste management system and the non-residential waste management system must be designed so that they can efficiently operate without conflict. Conflict may potentially occur between residential and non-residential storage, collection and removal systems, and between these systems and the surrounding land uses. For example, collection vehicles disrupting peak residential and commercial traffic flows or causing noise issues when residents are sleeping.

24.19 INDUSTRIAL

24.19.2 General

Industrial developments typically produce 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 this Chapter. 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.

24.19.2 Aim

To ensure new developments and changes to existing developments are designed to maximise resource recovery (through waste avoidance, source separation and recycling) and to ensure appropriate, well-designed storage and collection facilities are accessible to occupants and service providers.

24.19.3 Objectives

- Ensure appropriate waste storage and collection facilities.
- Maximise source separation and recovery of recyclables.
- Ensure waste management facilities are as intuitive for occupants as possible and readily accessible to occupants and service providers.
- Ensure appropriate resourcing of waste management systems, including servicing.
- Minimise risk to health and safety associated with handling and disposal of waste and recycled material and ensure optimum hygiene.
- Minimise adverse environmental impacts associated with waste management.
- Discourage illegal dumping by providing on site storage, and removal services.

24.19.4 Controls/Requirements

- A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the application.
- Plans submitted with the SWMMP must show:
 - The location of designated waste and recycling storage room(s) or areas sized to meet the waste and recycling needs of all tenants. Waste should be separated into at least 4 streams, paper/cardboard, recyclables, general waste, industrial process type wastes.
 - The on-site path of travel for collection vehicles.
- 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*.
- There must be convenient access from each tenancy and/or larger waste producing area of the development to the waste/recycling storage room(s) or area(s). There must be step-free access between the point at which bins are collected/emptied and the waste/recycling storage room(s) or area(s).
- Every development must include a designated general waste/recycling storage area or room(s) (designed in accordance with **Appendix G Commercial/Industrial Waste & Recycling Storage Areas**), as well as designated storage areas for industrial waste streams (designed in accordance with specific waste laws/protocols).
- Depending upon the size and type of the development, it might need to include separate waste/recycling storage room/area for each tenancy and/or larger waste producing areas.
- All tenants must 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.
- Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitted lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s).
- Arrangements must be in place in all parts of the development for the separation of recyclable materials from general waste. Arrangements must 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.
- The waste/recycling storage room/areas must be able to accommodate bins that are of sufficient volume to contain the quantity of waste generated between collections.
- The type and volume of containers used to hold waste and recyclable materials must be compatible with the collection practices of the nominated waste contractor.
- Waste management storage rooms/areas must be suitably enclosed, covered and maintained so as to prevent polluted wastewater runoff from entering the stormwater system.

- A waste/recycling cupboard must be provided for each and every kitchen area in the development. Each waste/recycling cupboard must be of sufficient size to hold a minimum of a single day's waste and to hold separate containers for general waste and recyclable materials.
- Premises that discharge trade wastewater must do so only in accordance with a written agreement from the local sewer authority (Hunter Water). In the Hunter 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).'
- Arrangements must be in place regarding the regular maintenance and cleaning of waste management facilities. Tenants and cleaners must be aware of their obligations in regards to these matters.
- Production, storage and disposal of hazardous wastes (such as contaminated or toxic material or products) require particular attention. The appropriate laws and protocols should be observed.

Appendix A: Site Waste Minimisation and Management Plan Template

Applicant and Project Details (All Developments)	
Applicant Details	
Application No.	
Name	
Address	
Phone number(s)	
Email	
Project Details	
Address of development	
Existing buildings and other structures currently on the site	
Description of proposed development	
<p><i>This development achieves the waste objectives set out in the DCP. The details on this form are the provisions and intentions for minimising waste relating to this project. All records demonstrating lawful disposal of waste will be retained and kept readily accessible for inspection by regulatory authorities such as council, OEH or Safework NSW.</i></p>	
Name	
Signature	
Date	

Demolition (All Types of Developments)

Address of development:

Refer to Section 3.1 of the DCP for objectives regarding demolition waste.

most favourable



least favourable

	Reuse	Recycling	Disposal	
Type of waste generated	Estimate Volume (m ³) or Weight (t)	Estimate Volume (m ³) or Weight (t)	Estimate Volume (m ³) or Weight (t)	Specify method of on site reuse, contractor and recycling outlet and /or waste depot to be used
Excavation material				
Timber (specify)				
Concrete				
Bricks/pavers				
Tiles				
Metal (specify)				
Glass				
Furniture				
Fixtures and fittings				
Floor coverings				
Packaging (used pallets, pallet wrap)				
Garden organics				
Containers (cans, plastic, glass)				
Paper/cardboard				
Residual waste				
Hazardous/special waste e.g. asbestos (specify)				
Other (specify)				

Construction (All Types of Developments)

Address of development: _____

Refer to Section 3.2 of the DCP for objectives regarding construction

most favourable



least favourable

	Reuse	Recycling	Disposal	
Type of waste generated	Estimate Volume (m ³) or Weight (t)	Estimate Volume (m ³) or Weight (t)	Estimate Volume (m ³) or Weight (t)	Specify method of on site reuse, contractor and recycling outlet and/or waste depot to be used
Excavation material				
Timber (specify)				
Concrete				
Bricks				
Tiles				
Metal (specify)				
Glass				
Plasterboard (offcuts)				
Fixtures and fittings				
Floor coverings				
Packaging (used pallets, pallet wrap)				
Garden organics				
Containers (cans, plastic, glass)				
Paper/cardboard				
Residual waste				
Hazardous/special waste (specify)				

Ongoing Operation (Residential, Multi Unit, Commercial, Mixed Use and Industrial)

Address of development:

Show the total volume of waste expected to be generated by the development and the associated waste storage requirements.

	Recyclables		Compostables	Residual waste *	Other
	Paper/ cardboard	Metals/ plastics/glass			
Amount generated (L per unit per day)					
Amount generated (L per development per week)					
Any reduction due to compacting equipment					
Frequency of collections (per week)					
Number and size of storage bins required					
Floor area required for storage bins (m ²)					
Floor area required for maneuverability (m ²)					
Height required for maneuverability (m)					

* Current “non-recyclables” waste generation rates typically include food waste that might be further separated for composting.

Construction Design (All Types of Developments)

Outline how measures for waste avoidance have been incorporated into the design, material purchasing and construction techniques of the development (refer to Section 3.2 of the DCP):

Materials**Lifecycle**

Detail the arrangements that would be appropriate for the ongoing use of waste facilities as provided in the development. Identify each stage of waste transfer between residents' units/commercial tenancies and loading into the collection vehicle, detailing the responsibility for and location and frequency of, transfer and collection.

Plans and Drawings (All Developments)

The following checklists are designed to help ensure SWMMPs are accompanied by sufficient information to allow assessment of the application.

Drawings are to be submitted to scale, clearly indicating the location of and provisions for the storage and collection of waste and recyclables during:

- demolition
- construction
- ongoing operation.

Demolition

Refer to Section 3.1 of the DCP for specific objectives and measures.

Do the site plans detail/indicate:

	Tick Yes
Size and location(s) of waste storage area(s)	
Access for waste collection vehicles	
Areas to be excavated	
Types and numbers of storage bins likely to be required	
Signage required to facilitate correct use of storage facilities	

Construction

Refer to Section 3.2 of the DCP for specific objectives and measures.

Do the site plans detail/indicate:

	Tick Yes
Size and location(s) of waste storage area(s)	
Access for waste collection vehicles	
Areas to be excavated	
Types and numbers of storage bins likely to be required	
Signage required to facilitate correct use of storage facilities	

Ongoing Operation

Refer to Section 4 of the DCP for specific objectives and measures.

Do the site plans detail/indicate:

	Tick Yes
Space	
Size and location(s) of waste storage areas	
Recycling bins placed next to residual waste bins	
Space provided for access to and the maneuvering of bins/equipment	
Any additional facilities	
Access	
Access route(s) to deposit waste in storage room/area	
Access route(s) to collect waste from storage room/area	
Bin carting grade	
Location of final collection point	
Clearance, geometric design and strength of internal access driveways and roads	
Direction of traffic flow for internal access driveways and roads	
Amenity	
Aesthetic design of waste storage areas	
Signage – type and location	
Construction details of storage rooms/areas (including floor, walls, doors, ceiling design, sewer connection, lighting, ventilation, security, wash down provisions etc)	

Appendix B: Waste/Recycling Generation Rates

Construction Waste

'Rule of Thumb' for renovations and small home building

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

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

Ongoing Operation

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

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

¹ Appendix A, *Better Practice Guide For Waste Management In Multi-Unit Dwellings 2007*

Appendix C: Indicative Bin Sizes

Note to Council Planners:

Bin type	Height	Depth	Width
80 Litre Bin	870mm	530mm	450mm
120 Litre Bin	940mm	560mm	485mm
140 Litre Bin	1065mm	540mm	500mm
240 Litre Bin	1080mm	735mm	580mm

These dimensions are only a guide and differ slightly according to manufacturer, if bins have flat or dome lids and are used with different lifting devices.

Appendix D: Waste Recycling/Storage Rooms in Multi–Unit Dwellings

Building Code of Australia

Waste/recycling storage rooms must be constructed in accordance with the requirements of the *Building Code of Australia (BCA)*.

Location and Appearance

- Waste/recycling storage rooms must be integrated into the design of the overall development. It is preferable that such rooms be located behind the front building line. Wherever possible, the room should be in a basement location within the main building envelope (rather than a separate stand-alone structure). Materials and finishes visible from outside should be similar in style and quality to the external materials used in the rest of the development.
- Waste/recycling storage rooms must be located and designed in a manner that reduces adverse impacts upon the inhabitants of any dwellings on the site and upon neighbouring properties. The location and design of the room should minimise adverse impacts associated with:
 - the proximity of the room to any dwellings
 - the visibility of the room
 - noise generated by any equipment located within the room
 - noise generated by the movement of bins into and out of the room
 - noise generated by collection vehicles accessing the site; and
 - odours emanating from the room.

Size

- Waste/recycling storage rooms must be of adequate size to comfortably accommodate all waste and recycling bins associated with the development.

Layout

The gradient of waste/recycling storage room floors and the gradient of any associated access ramps must be sufficiently level so that access for the purpose of emptying containers can occur in accordance with Safework NSW Work Health and Safety requirements.

Within waste/recycling storage rooms, containers used for the storage of recyclable materials should be kept separate from (but close to) general waste containers – so that the potential for contamination of recyclable materials is minimized.

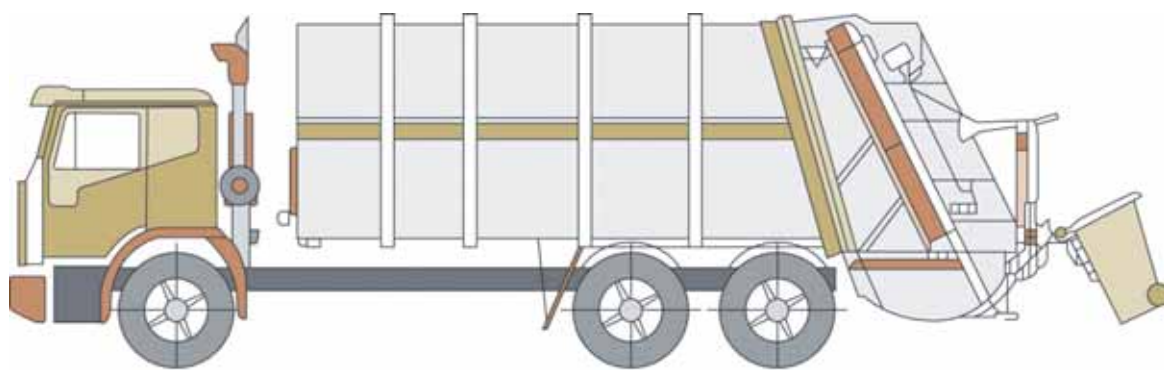
Appendix E: Garbage Truck Dimensions for Residential Waste Collection

This page includes information regarding the dimensions of garbage trucks that are typically used for the collection of residential waste. Developments that require Council garbage trucks to enter the site for the collection of residential waste must be designed to accommodate on-site truck movement.

Requirements regarding vehicle turning circles and driveway width/gradient are contained in *Australian Standard 2890.2 2002/Planning Facilities — off street commercial vehicles*.

It is recommended that an applicant speak with Council's Environmental Services Department in regards to the design of development proposals that involve garbage trucks entering the site. Services will not be provided where there are undue risks.

Typical Council Garbage Truck used for Domestic Waste Collection	
Length overall	8.0 metres
Width overall	2.5 metres
Operational height	4.3 metres
Travel height	4.3 metres
Weight (vehicle and load)	22.5 tonnes
Weight (vehicle only)	13 tonnes
Turning Circle	25.0 metres



rearloader garbage truck

Example of a Council garbage truck.

Source of diagram: *Better Practice Guide for Waste Management in Multi-Unit Dwellings, DECC 2008.*

Appendix F: Garbage Chutes

Garbage chute design

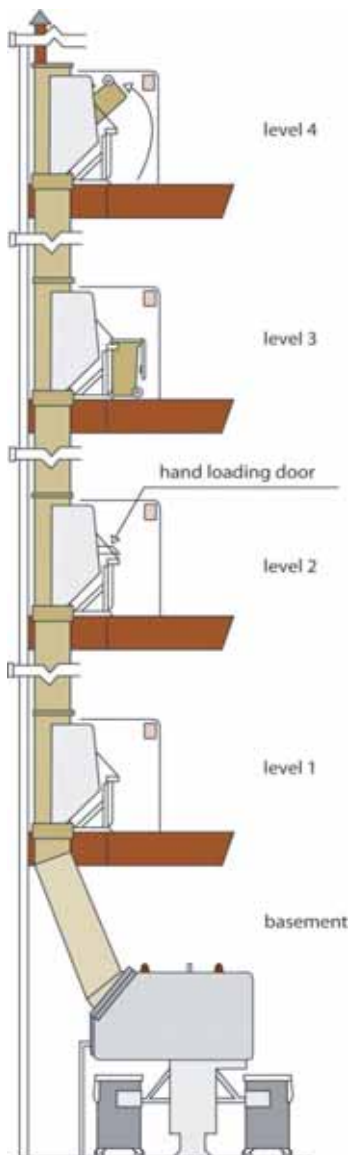
- Garbage chutes must be constructed in accordance with the requirements of the *Building Code of Australia (BCA)*.
- Garbage chutes must be located and insulated in a manner that reduces noise impacts.
- Chutes, service openings and charging devices must be constructed of material (such as metal) that is smooth, durable, impervious, non-corrosive and fire resistant.
- Chutes, service openings and charging devices must be capable of being easily cleaned.
- Chutes must be cylindrical and should have a diameter of at least 500mm.
- There must not be any bends (or sections of reduced diameter) in the main shaft of the chute.
- Internal overlaps in the chute must follow the direction of waste flow.
- Chutes must deposit rubbish directly into a bin or compactor located within a waste/recycling storage room.
- A cut-off device must be located at or near the base of the chute so that the bottom of the chute can be closed when the bin or compacting device at the bottom of the chute is withdrawn or being replaced.
- The upper end of a chute should extend above the roofline of the building.
- The upper end of a chute should be weather protected in a manner that doesn't impede the upward movement of air out of the chute.

Garbage chute service room design

- The service opening (for depositing rubbish into the main chute) on each floor of the building must be located in a dedicated service room.
- The charging device for each service opening must be self-closing and must not project into the main chute.
- Branches connecting service openings to the main chute are to be no more than 1m long.
- Each service room must include containers for the storage of recyclable materials. Signage regarding the materials that can be recycled should be displayed near these containers.
- Each service room must be located for convenient access by users and must be well ventilated and well lit.
- The floors, walls and ceilings of service rooms must be finished with smooth, durable materials that are capable of being easily cleaned.
- Service rooms must include signage that clearly describes the types of materials that can be deposited into the garbage chute and the types of materials which should be deposited into recycling bins.

Management

- Garbage chutes are not to be used for the disposal of recyclable materials. Signage to this effect should be displayed near service openings.
- Arrangements must be in place for the regular maintenance and cleaning of garbage chutes and any associated service rooms, service openings and charging devices.
- Arrangements must be in place for the regular transferral of recyclable materials (which are stored in service rooms) to the main waste/recycling storage room.



Example of a garbage chute system.

Source: *Better Practice Guide for Waste Management in Multi-Unit Dwellings*, DECC, 2008.

Appendix G: Commercial/Industrial Waste and Recycling Storage Areas

Building Code of Australia

- Waste/recycling storage areas must be constructed in accordance with the requirements of the Building Code of Australia (BCA).

Location and appearance

- Waste/recycling storage areas must be integrated into the design of the overall development. Materials and finishes that are visible from outside should be similar in style and quality to the external materials used in the rest of the development.
- Waste/recycling storage areas must be located and designed in a manner that reduces adverse impacts upon neighbouring properties and the streetscape. The location and design of the areas should minimise adverse impacts associated with:
 - the proximity of the area to dwellings
 - the visibility of the area
 - noise generated by any equipment located within the area
 - noise generated by the movement of bins into and out of the area
 - noise generated by collection vehicles accessing the site; and
 - odours emanating from the area.

Size

- Waste/recycling storage areas must be of adequate size to comfortably accommodate all waste and recycling bins associated with the development.
- Waste/recycling storage areas must be able to accommodate separate general waste bins and recycling bins which are of sufficient volume to contain the quantity of waste generated (at the rate described in **Appendix B**) between collections.

Layout

- The gradient of waste/recycling storage area floors and the gradient of any associated access ramps must be sufficiently level so that access for the purpose of emptying containers can occur in accordance with Safework NSW Work Health and Safety requirements.
- Within waste/recycling storage areas, containers used for the storage of recyclable materials should be kept separate from (but close to) general waste containers — so that the potential for contamination of recyclable materials is minimised.

Access: waste/recycling collection

- The development must be designed to allow access by collection vehicles used by the nominated waste contractor. Wherever possible, the site must be configured to allow collection vehicles to enter and exit the site in a forward direction and so collection vehicles do not impede general access to, from and within the site. Access driveways to be used by collection vehicles must be of sufficient strength to support such vehicles.
- Servicing arrangements for the emptying of bins must be compatible with the operation of any other loading/unloading facilities on-site.
- Access for the purpose of emptying waste/recycling storage containers must be able to occur in accordance with Safework NSW Work Health and Safety requirements.

Access: general

- In commercial development, public buildings and industrial development, there must be convenient access from each tenancy to the waste/recycling storage area(s). There must be step-free access between the point at which bins are collected/emptied and the waste/recycling storage area(s).
- Arrangements must be in place so that the waste/recycling storage area is not accessible to the general public.
- Vermin must be prevented from entering the waste/recycling storage area.

Surfaces

- Waste/recycling storage areas must have a smooth, durable floor and must be enclosed with durable walls/fences that extend to the height of any containers which are kept within.

Doors/gates

- Doors/gates to waste/recycling storage areas must be durable. There must be a sign adjacent to the door/gate that indicates that the door/gate is to remain closed when not in use. All doors/gates are to be openable from both inside and outside the storage area and must be wide enough to allow for the easy passage of waste/recycling containers.

Services

- Waste/recycling storage areas must be serviced by hot and cold water provided through a centralised mixing valve. The hose cock must be protected from the waste containers and must be located in a position that is easily accessible when the area is filled with waste containers.
- The floor must be graded so that any water is directed to a sewer authority approved drainage connection located upon the site. In Dungog Shire this is Hunter Water.

Signage

- Waste/recycling storage areas must include signage that clearly describes the types of materials that can be deposited into recycling bins and general garbage bins.

Management

- Arrangements must be in place for the regular maintenance and cleaning of waste/recycling storage areas. Waste/recycling containers must only be washed in an area which drains to a sewer authority approved drainage connection.
- The *Better Practice Guide for Waste Management in Multi-Unit Dwellings* gives detailed information about waste recycling/storage rooms and facilities. The Guide was substantially reviewed in 2007 and is available on the Department of Environment and Climate Change NSW website (www.environment.nsw.gov.au). Further updates will be published as further information from social research and waste stream audits becomes available.

1. SOUTH VACY VILLAGE

1.1 APPLICATION

This plan applies to land described as Lots 1 & 2 DP 15187, Lot 8 DP 1009184 and Lot 2 DP 665018 Gresford Road, Vacy.

1.2. AIM AND OBJECTIVES OF THE PLAN

The aims of the Development Control Plan are:

- (a) to ensure development occurs in an orderly manner and in accordance with sound planning principles.
- (b) to provide safe vehicular, cycle and pedestrian routes.
- (c) to ensure that each new rural residential allotment has a flood free dwelling site and access.
- (d) to ensure that the road and access network provides safe access for emergency and other vehicles, and exit routes during bushfire events.
- (e) ensure that development occurs in a manner that achieves and satisfies the requirements of "Planning for Bushfire Protection".
- (f) to incorporate environmentally sustainable subdivision design principles, and
- (g) ensure building envelopes are appropriate given the size and shape of the allotments and the characteristics of the landscape.

1.3. ROAD PATTERN

- (a) Future subdivisions are to demonstrate a road layout generally in the position shown on the DCP map. Where it is proposed to substantially deviate from the location shown, justification supporting the change, based upon detailed site survey, is to be submitted to Council for consideration.
- (b) Roads are to be provided by the Developer in such a manner as to ensure the objectives of this development Control Plan are achieved.

1.4 DESIGN CRITERIA – (MINIMUM REQUIREMENTS)

- (a) Roads must be 6.5m bitumen seal with 1m gravel shoulders on each side to enable vehicles to pass in opposite directions.
- (b) The capacity of sealed roads, bridges & culverts must be sufficient to carry a fully loaded fire fighting vehicle (approximately 28 tonnes or 9 tonnes per axle). Emergency paths must have a design capacity of 14 tonnes or 4.5 tonnes per axle. Culverts and creek crossings to nominate load rating.
- (c) Curves must have a minimum 6m inner radius.

- (d) The minimum distance between inner and outer curves should be 6m.
- (e) Roads must be clearly signposted and buildings clearly numbered.

1.5 DEVELOPMENT

All development within this nominated area must satisfy the provisions of the NSW Planning for Bushfire Protection 2001 including provisions of asset protection zone, water supply, building construction and access standards.

1.6 PEDESTRIAN/CYCLE AND EMERGENCY ACCESS

- (a) An access path, 6 metres wide and dedicated to Council is to be provided between the end of the two proposed cul-de-sacs and Gresford Road. This access is to be constructed as a gravel road 6m wide capable of supporting a 14 tonne bushfire fighting vehicle including a 1m wide road shoulders in accordance with the requirements of "Planning for Bushfire 2001".
- (b) A common access point to lots fronting Gresford Road is to be provided to those lots adjoining the pathways at the location where the pathway joins Gresford Road with the first 20 metres of the pathway to be sealed. This section is to provide the principle vehicle access to these lots.
- (c) Upon completion of the adjoining cul-de-sacs, bollards will be erected at either end of the unsealed access path to restrict vehicle movement but still allow pedestrian and cycle movement.
- (d) The bollards blocking access are to be locked with Rural Fire Service compatible padlocks.

1.7 ACCESS TO LOT 2 DP665018

- (a) The proponent of the subdivision of Lot 8 DP 1009184 is to provide an allotment of land 20m in width to Council generally in the location shown on the DCP Map (labelled A) which is approximately 190m in length, at no cost to the Council.
- (b) The proponent of the subdivision of Lot 2 DP 665018 will be required, as a condition of development consent, to construct a road to Council's standards (as provided for in this DCP) so as to provide access to the subject created allotments, at no cost to the Council, over that parcel of land identified in 9(a) above.

1.8 BUILDING ENVELOPES AND SETBACKS

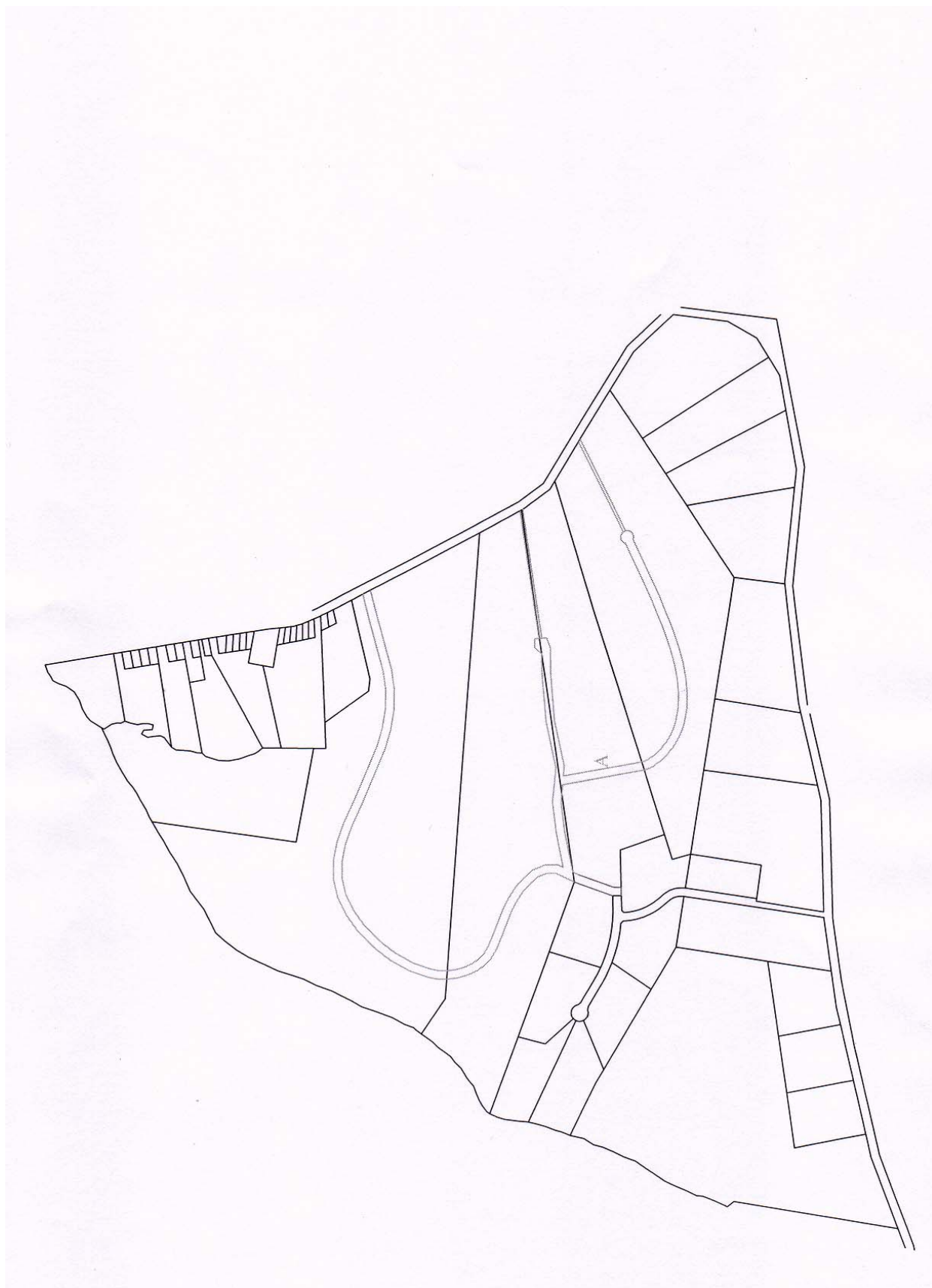
Applications for subdivision of land require the identification of building envelopes which shall comply with the following minimum criteria:

- a) 60 metre setback from Gresford Road
- b) 30 metre setback from all other roads
- c) 25 metre setback from an internal property boundary

- d) 40 metre setback from a watercourse, and
- e) have a minimum area of 2500m².

1.9 LANDSCAPING

Subdividers shall re-establish flora corridors throughout the subdivision. The corridors shall consist of two components, a five (5) metre wide strip inside all resulting lots adjacent to road reserves and access paths, and the unformed portion of road reserves. The corridors within the road reserve shall be constructed to comply with road clear zone requirements and minimising maintenance costs for Council, particular attention is to be focused upon stormwater management and sediment control. Landscaping plans shall be submitted to Council for approval.





CLARENCE TOWN LOCAL AREA PLAN

Adopted 17 May, 2005

1. INTRODUCTION - THE PLANNING FRAMEWORK

1.1 THE PLANNING CONTEXT

The Planning Policies and Regulations for Dungog Shire are provided in the following key instruments:

- Dungog Shire Local Environmental Plan 2005
- Dungog Shire Rural Strategy 2003
- Dungog Shire Wide Development Control Plan No 1

These three planning instruments apply Shire-wide.

Dungog Shire Local Environmental Plan 2005

Under the provisions of the Local Environmental Plan (LEP) all land within the Shire is classified into land use zones. The LEP details the land uses and activities permissible in each zone and the factors that need to be assessed and addressed in developing within these zones.

Most of the land surrounding Clarence Town is zoned as 9(a) Investigation Zone. Land within this zone will be investigated to determine its suitability and capability for a range of rural and other activities, including rural lifestyle living.

Dungog Shire Rural Strategy 2003

The Rural Strategy supports the Local Environmental Plan by detailing Council's policies in relation to development of rural lands. These policies are designed to protect the rural character of and rural activities undertaken within the Shire, environmentally sensitive areas and water resources. This Strategy sets the direction for the future development of the areas zoned 9(a) Investigation Zone.

Dungog Shire Development Control Plan 2004

The Shire-wide Development Control Plan (DCP) supports the Local Environmental Plan 2005. It provides the design guidelines and design controls required to achieve the aims and objectives of the Local Environmental Plan.

1.2 DEVELOPMENT CONTROL PLANS

Recognising that each community may have a different vision in relation to the type of settlement that it considers sustainable within the surrounding investigation zone, provisions have been included within the Shire-wide planning instruments for the preparation of Development Control.

Land to which this Development Control Plan Applies.

The Development Control Plans (DCP) are locality specific plans that are prepared for each town and village with an Investigation Zone 9(a). The provisions contained within the Clarence Town DCP relate only to the Clarence Town area.

Purpose of the Development Control Plan.

Development Control Plan aim to establish a desired future character for the land that is contained within the Investigation Zone. The Clarence Town DCP contains locality based performance criteria and controls which are designed to address key issues and achieve the desired character.

Factors taken into consideration in preparing Development Control Plans

In preparing the Clarence Town DCP factors taken into consideration included:

- Community Vision - the views expressed by the local community to which the Plan applies.
- The physical and cultural features of the land within the Investigation Zone, including factors such as slope and stability, hydrology and flooding, flora and fauna, bushfire, views and visual impact, sites of cultural or heritage significance.
- The existing road network - hierarchy, road alignment and condition etc.
- Access - vehicle, pedestrian and cycle - to and within the Investigation Zone and between land within the Investigation Zone and the adjoining village.
- Existing pattern of subdivision (size and shape of allotments).
- Existing land use and settlement patterns and the characteristics of the neighbourhood.
- The need for environmentally sustainable development.
- The desired future character of development.

The Clarence Town DCP recognise that at some stage in the future, the land within the Investigation Zones that is subdivided for rural lifestyle living, may be needed to accommodate the growth of the village and may potentially be rezoned for residential and/or other uses such as recreation, commercial or special uses. The Clarence Town DCP contains principles in relation to road networks and subdivision layout that will have the capacity to support closer subdivision patterns in the future.

Suitability of Investigation Zone land for development

Not all land within Investigation Zones will be suitable for re-development. Section 12.4 (Constraints Criteria) of the Dungog Shire Rural Strategy details the constraints that **exclude** an area from Rural Lifestyle and Rural Enterprise subdivision and development. These criteria include:

- Land in areas affected by the 1:100 year flood.
- Slope greater than 18 degrees.
- Not meeting minimum service/infrastructure requirements.
- Inadequate land for disposing of the effluent on-site.
- Bushfire prone land as defined by Council's bushfire map, if clearing of habitat and wildlife corridors are required and biodiversity objectives are not met.
- Ecologically sensitive land.
- Areas with high habitat values.
- Contaminated land.

- Access via a road complying with Council's Rural Roads Policy cannot be achieved.
- Prominent positions in the landscape where development would be silhouetted on the skyline horizon.
- Not complying with the Performance Standards of the Rural Strategy:
 - 8.1 Wastewater Treatment and Management of Effluent
 - 8.2 New Development and Biodiversity
 - 8.3 Aesthetic Design / Scenic Character / Energy Efficiency
 - 8.4 Water and Riparian Management
 - 8.5 Bushfire Hazard Mitigation

In addition to these criteria, the Clarence Town DCP may identify site specific criteria which may exclude certain land for development.

Land use and activities permissible within the Investigation Zones

Providing that the land, after detailed assessment, is considered suitable for development, then an application can be lodged with Dungog Shire Council to rezone the land as Rural Lifestyle 1(l) or Rural Enterprise 1(e).

Rural Lifestyle zones provide the opportunity for people to live in a rural environment close to settlements with services and facilities.

Rural Enterprise zones provide the opportunity for people to live in a rural environment and undertake small-scale commercial, service, intensive agricultural or light industrial activities on their property.

Details of the objectives of these zones, the activities that can be undertaken and the controls and guidelines governing subdivision and development are specified within the Dungog Shire Local Environmental Plan 2003, the Dungog Shire Rural Strategy 2003 and the Dungog Shire Development Control Plan 2003. A summary of the various sections in these documents is given in Appendix 1.

Zone	Permissible Uses	
	Without the consent of Council	Requiring Consent of Council
Rural Lifestyle Zone 1(l)	Agriculture	Advertisement Bed & Breakfast Camp or Caravan site Community Facility Dual Occupancy Dwelling House Farm Gate Sales Home Employment Leisure Area Recreation Area Utility Installation

Rural Enterprise 1(e)	Agriculture	Advertisement Automotive Services Bed & Breakfast Camp or Caravan site Commercial Premises Community Facility Dual Occupancy Dwelling House Employment Farm Gate Sales Forestry Home Employment Institution Intensive Agriculture Kiosk Leisure Area Recreation Area Recreation Facility Utility Installation Veterinary Establishment
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All other land uses are prohibited within these zones.

1.3 THE PLANNING PROCESS

The planning process for the rezoning and development of land within the Investigation Zone is summarised in the following flow diagram.

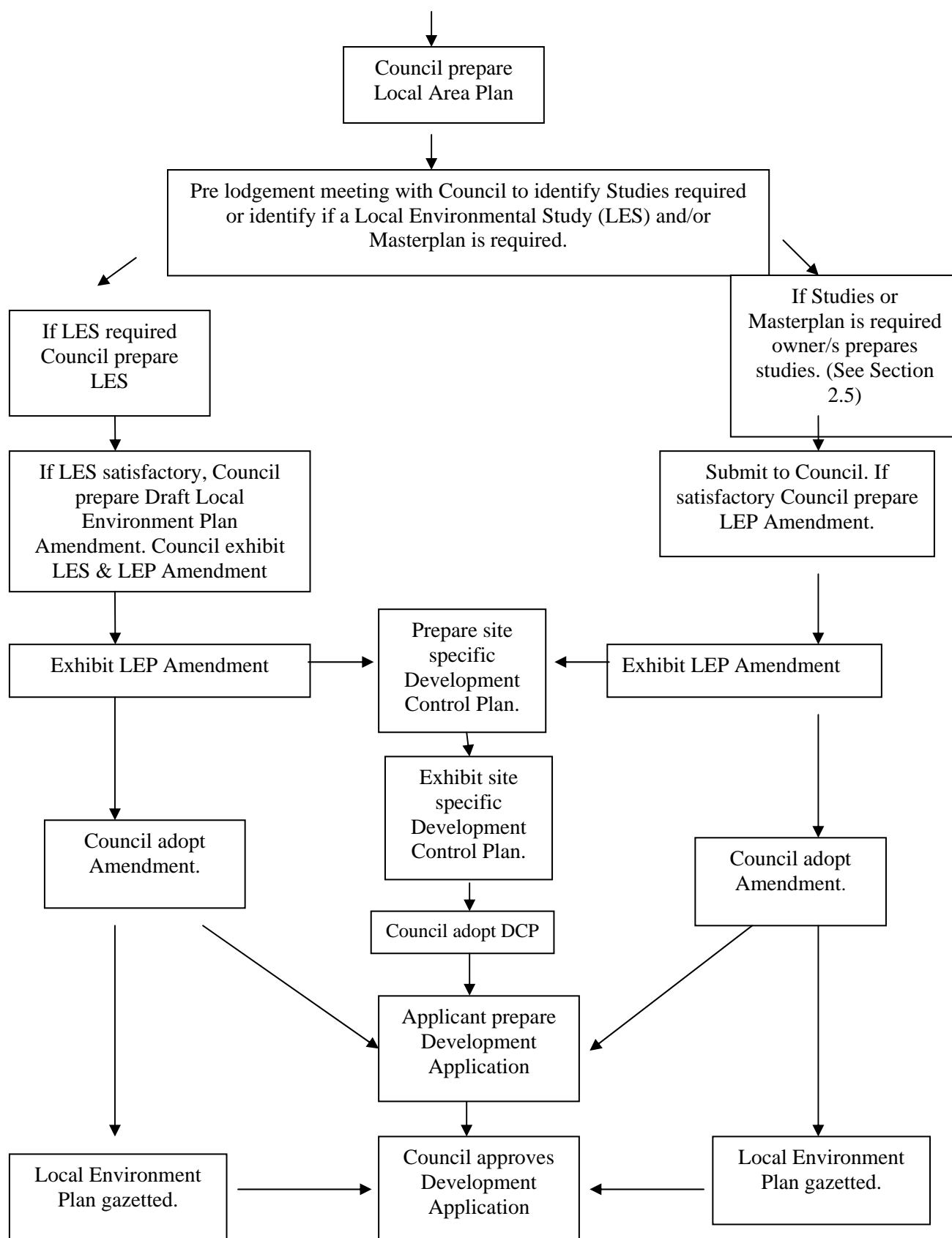
(The first step) Step One in the process to rezone land identified in the DCP as possibly suitable for development is for the landowner and/or their agent to have a pre-lodgement meeting with Council Officers. At this meeting, Council Officers will explain the re-zoning process and identify the assessments and studies required.

Bookings for a pre-lodgement meeting are to be made with Council's Town Planning Department. The land-owner (or their Agent) will need to supply the following information when booking the meeting.

- Property title details - address, Lot and DP number.
- Proof of ownership.
- For Agents acting on behalf of an owner, written authorisation from the Owner.

Any studies or assessments already undertaken for the property should be brought to the pre-lodgement meeting.

Notes will be taken at the pre-lodgement meeting, a copy of which you will receive to assist you in the next step of your project.



2. CLARENCE TOWN INVESTIGATION ZONE DEVELOPMENT CONTROL PLAN

2.1 INTRODUCTION

Citation

This Plan is titled the 'Clarence Town Investigation Zone Development Control Plan. It is referred to in this document as the Clarence Town DCP.

Land to which this Plan applies

The Clarence Town DCP applies to all land in and adjoining the Village of Clarence Town which is zoned **9(a) Investigation Zone** or **Rural Lifestyle 1(I)** under the provisions of the Dungog Shire Local Environmental Plan 2003. This area is shown on Map 1.

Objectives of this Plan

The objectives of the Clarence Town DCP are:

1. To ensure that development within the Investigation Zone is consistent with and promotes the principles of environmentally sustainable development.
2. To promote coordinated development that will be conducive to closer settlement patterns and/or changes in land uses in the future.
3. To ensure that development within the Investigation Zone is sensitive to the topographic and environmental characteristics of the land.
4. To safeguard indigenous vegetation, habitats and water courses.
5. To retain and protect the rural character of the area and areas with high visual significance.
6. To provide a network of safe access roads and shared pedestrian and cycle pathways within and between areas developed within the Investigation Zone.
7. To minimise the cost to the community of providing, extending and maintaining public amenities and services.
8. To ensure that development within the Investigation Zone does not prejudice the interests of agriculture within the zone and adjoining areas.

CLARENCE TOWN DEVELOPMENT CONTROL PLAN

MAP 1 – CLARENCE TOWN INVESTIGATION ZONE



2.2 PLANNING FOR CLARENCE TOWN

Key issues identified during the study process and community consultation are addressed in the Clarence Town LAP.

- Roads and road access
- Pedestrian and cycle access
- Existing pattern of land subdivision
- Need to protect habitat
- The need to protect the waterways
- Flooding
- The need to retain the rural character of the area and protect areas of high visual significance.

Roads and Road Access

The Issues

Conflict already exists in Clarence Town between local and through traffic on the main collector roads, in particular the Clarence Town Road and Limeburners Creek Road, and to a lesser extent on the Glen Martin and Glen Williams Roads.

Traffic is also increasing on the East Seaham Road, with individual property access points along this route, potentially creating conflict in the longer term.

The previous pattern of ad hoc rural-residential subdivision has resulted in a multitude of access driveways along Limeburners Creek Road and East Seaham Road, and in some areas along the Glen Martin and Glen Williams Roads.

The continued use of private driveway access to collector roads is highly undesirable given the potential conflict between the siting of driveways and the 80 to 100 kilometre speed limits along these routes.

The DCP contains design criteria for new subdivisions that will restrict direct access to collector roads from private driveways. Increased use of existing driveways on collector roads to service future battle-axe style sub-division is also (restitched) restricted in the design criteria.

For the purposes of the Clarence Town DCP the collector roads are defined as:

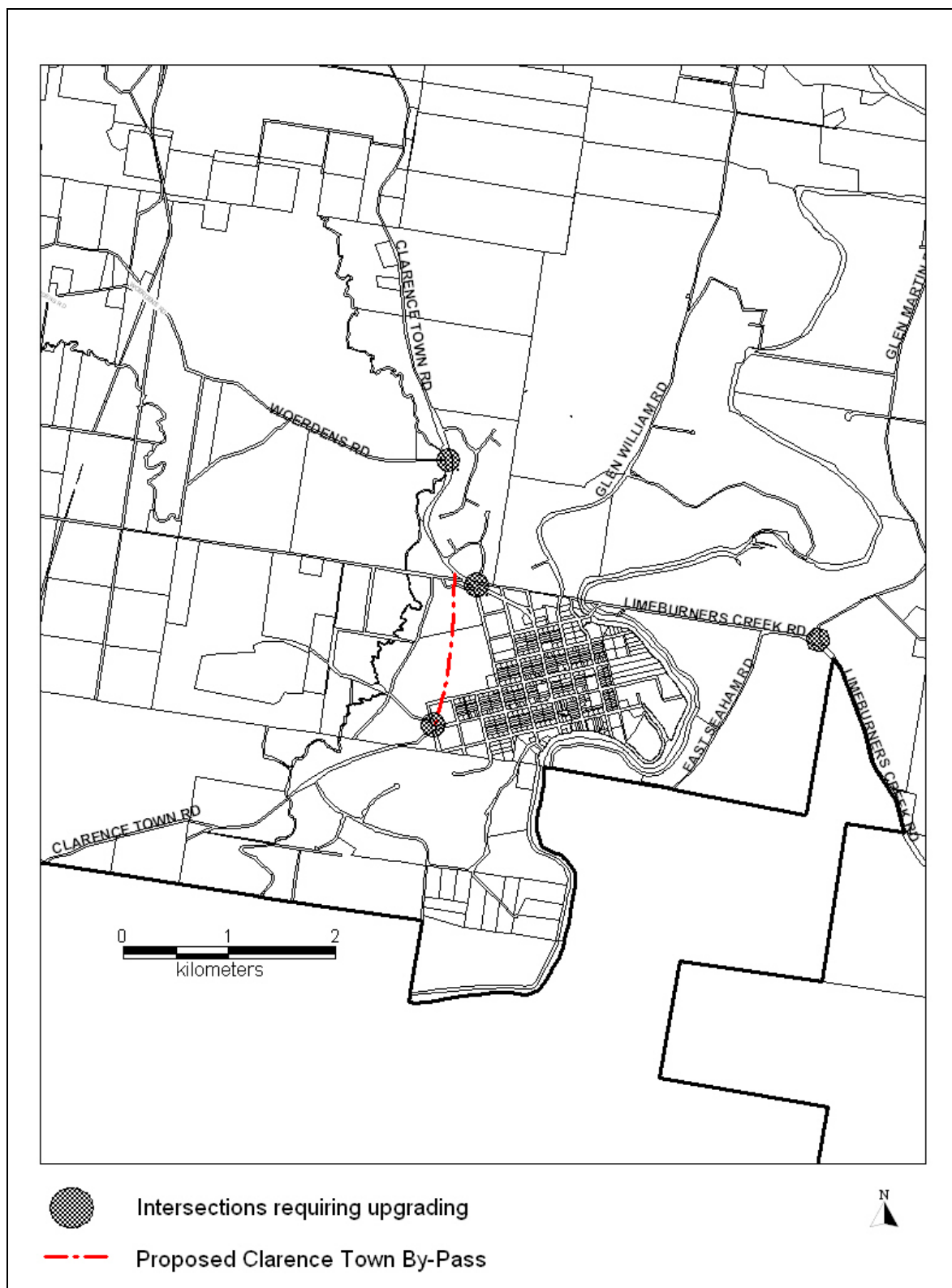
- Clarence Town Road
- Limeburners Creek Road
- Glen Martin Road
- Glen William Road
- East Seaham Road
- Woerdens Road

Within the Investigation Zone, Dungog Council has identified a number of existing intersections which require up-grading or relocation in conjunction with subdivision growth. These are:

- Cemetery Road – Clarence Town Road intersection.
- Woerdens Road – Clarence Town Road intersection - including replacement of the Woerdens Road bridge.

CLARENCE TOWN DEVELOPMENT CONTROL PLAN

MAP 2 – COLLECTOR ROADS



- Glen Martin Road – Limeburners Creek Road intersection
- (Name unknown) & Clarence Town Road intersection - just north of the former quarry.

A route has been identified for the development of the Clarence Town by-pass. This route impacts on a number of properties within the Investigation Zone and is taken into consideration in the DCP.

Planning Approach

In new subdivisions, access to the collector roads will be by properly formed local roads and appropriately designed and sited intersections. Existing intersections may need to be upgraded or relocated. There will be no new direct driveway or right of way access from private dwellings to collector roads. Where required, access ways for emergency access (will) may be permitted.

In designing subdivisions, careful consideration needs to be given to the internal road network. Roads, unlike land uses or buildings, tend to become permanent features of a settlement. As such it is important that the road layout be conducive to the long term sustainability of the area.

For local roads within subdivisions, preference is for through, connecting roads rather than cul-de-sacs and right-of ways. A connected road network will minimise driving distances and provide for more than one entry-exit point within each subdivision. This is important particularly in areas potentially subject to bush fire or flooding. A connected road network will also facilitate development of bus routes, including school bus routes, as the need emerges.

Desired Outcomes

- Reducing vehicular conflict and the potential for conflict through a significant reduction in the number of driveway access points to collector roads.
- To deliver a high level of access and permeability via a network of inter-connecting roads in and between subdivisions, not a series of cul-de-sac roads or right-of-ways.
- To deliver a road network that will support closer settlement in the future.

Pedestrian and Cycle Access

The Issue

There is no public transport in Clarence Town to provide access to the shopping centre for people living in outlying areas. In addition, there has been no provision for pedestrians or cyclists along the collector roads. Due to the narrow, unformed verges and speed limits (80 to 100km), the collector roads are not designed to provide a safe environment for (do not provide a desirable environment for) pedestrians and cyclists.

Lack of space for safe pedestrian and cycle access across the Williams River Bridge is also an issue that needs to be addressed by the RTA in conjunction with Council.

Planning Approach

Where feasible, to incorporate shared pedestrian and cycle pathways within new subdivisions and the provision to link these routes between adjoining subdivisions. In some

areas the design intent will be to establish a shared pathway link to the Clarence Town village.

Desired Outcome

- A network of shared pathways providing safe pedestrian and cycle access in and between subdivisions and, where feasible, between the subdivisions and Clarence Town.

Existing Pattern of Subdivision

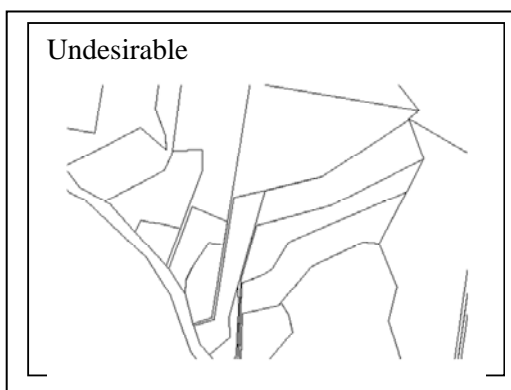
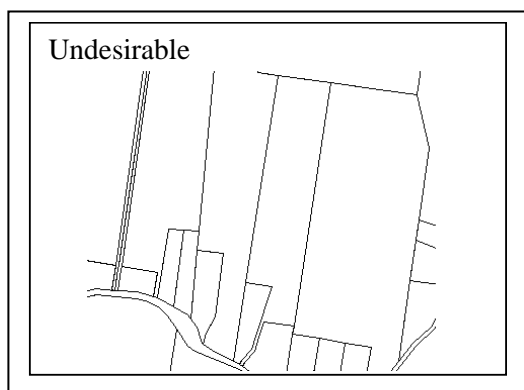
The Issue

Under previous planning schemes subdivision of rural land around Clarence Town was undertaken on an adhoc, uncoordinated basis. This has resulted in significant fragmentation in land holdings. In order to provide access to existing roads and/or river frontage, many of the lots created were long and narrow or of battleaxe or irregular shape. Further sub-division of these existing lots would increase fragmentation and is not considered desirable. Fragmentation also creates long term access and servicing problems.

Planning Approach

Emphasis is on creating a coordinated and integrated approach to subdivision design within the Investigation Zones. The Clarence Town DCP does not permit further subdivision of individual lots where the lots are small, irregular in shape and/or where the width to depth ratio of the lot is less than 1:3. These lots are identified in the DCP.

Subdivision of these identified lots may only be permissible through (consolidation) amalgamation of adjoining lots and/or co-operation with adjoining land-owners to form a viable subdivision design area. Masterplans may need to be prepared for subdivision design areas.



The Masterplan will detail the road network, lot layout and provision for open space, habitat corridors, environmental and scenic protection zones and shared pedestrian and cycle pathways within the subdivision design area.

Where there are lots suitable for subdivision that do not have existing public road frontage, then the subdivision design for the adjoining lots with road frontage must ensure that provision is made for road and shared pathway access to the adjoining land. This will prevent the sterilisation of developable land.

Desired Outcomes

- No further fragmentation and adhoc subdivision of land.
- A co-ordinated and integrated pattern of subdivision which is suitable for closer settlement patterns in the future to meet the needs of the Clarence Town village.
- Co-ordinated approach which results in masterplans that demonstrate staged subdivision and land release and avoid sterilisation of adjoining properties.
- Create the opportunity for the development of an integrated community, not a series of separate enclaves.
- To create a strong network of pedestrian, cycle and open space links within subdivisions, to adjoining subdivisions and between the new subdivisions and Clarence Town village.

Habitat Protection

Within the Clarence Town Investigation Zone there are significant areas of vegetation that support a range of rare and endangered species, including Koalas, Phascogales, Quolls and Sugar Gliders. These areas are to be preserved and protected from development.

Planning Approach

Habitat, flora and fauna assessments need to be undertaken as part of the rezoning process. At the rezoning stage, strategies for managing areas identified as having habitat value must be identified. These strategies may include rezoning significant habitat areas as open space or environmental protection zones, provision of buffer zones and set-backs, increasing the minimum lots size, minimising clearing and avoiding structures or development in habitat areas.

Desired Outcomes

- Preservation and protection of habitat that supports viable wildlife communities, particularly rare and endangered species.
- Establishment of a network of interconnected wildlife corridors not isolated protection zones or remote 'islands' of habitat.
- Protection of watercourses and the vegetation along these watercourses.

Bushfire

The Issue

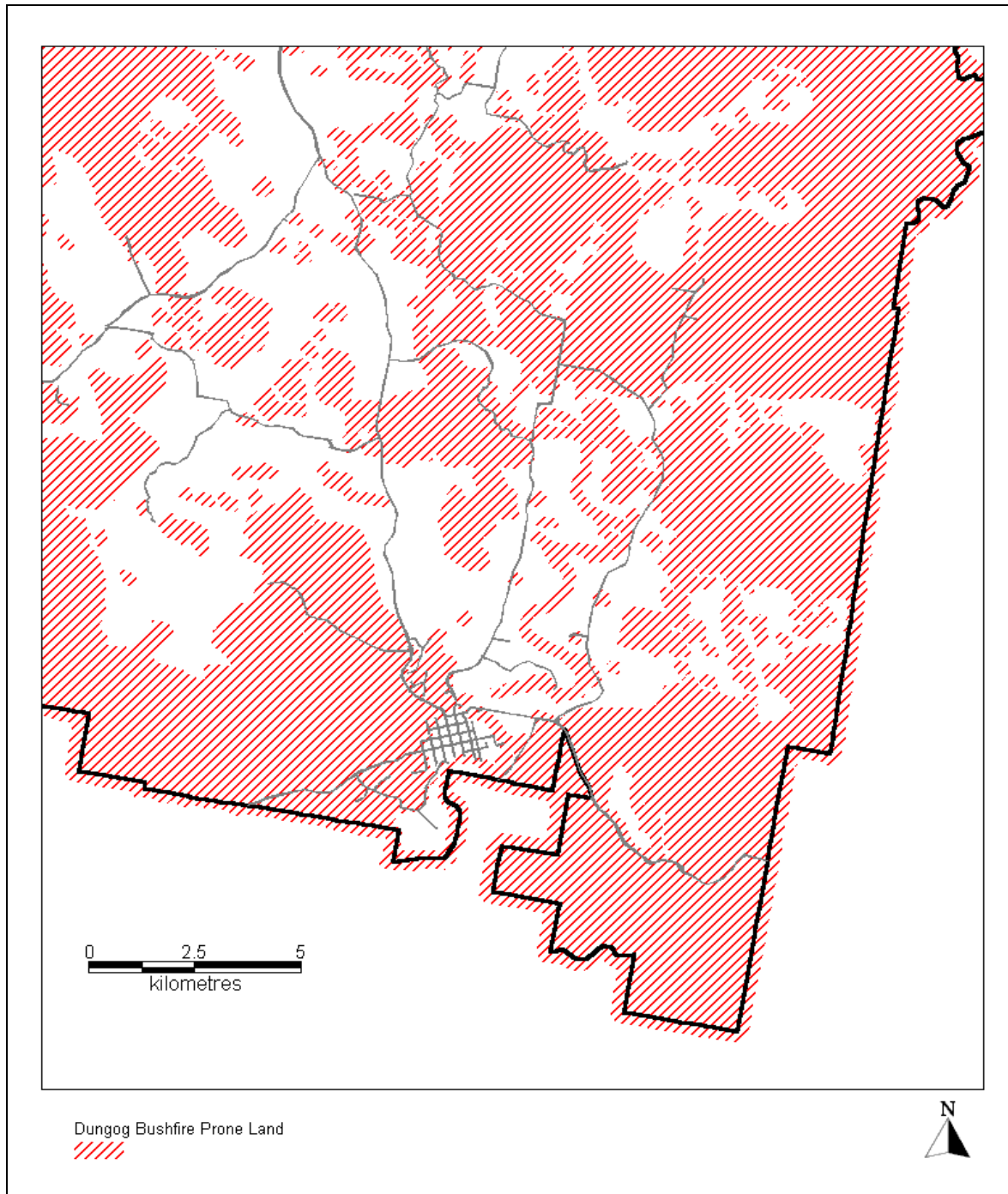
There are areas within the Investigation Zone that are prone to bushfire. These areas are identified on the 'Dungog Shire Bushfire Prone Land ' Map and shown in Map 3.

Planning Approach

All subdivision planning must comply with the provisions of the NSW Rural Fire Service requirements as specified in the 'Planning for Bushfire Protection 2001', and/or other relevant bushfire regulations.

Desired Outcome

- To minimise the risk to people and property from the impacts of bushfire.

CLARENCE TOWN DEVELOPMENT CONTROL PLAN**MAP 3 – BUSHFIRE PRONE AREAS**

Waterways – River Foreshores

The Issues

The Williams River and other watercourses within the Investigation Zone play an important role within the Clarence Town area. These watercourses contribute to the sustainability of agriculture, recreation, tourism, water supply, habitat and bio-diversity and to the microclimate of the area. In addition these watercourses contribute significantly to the local character of Clarence Town.

Issues include:

- The cumulative negative impacts of development.
- Preventing pollution from effluent and stormwater runoff and other activities.
- Maintaining water quality and the flow of the rivers by limiting the pumping of river water.
- Minimising impacts from development on the ecology associated with watercourses and wetlands.

Flooding is also an issue in Clarence Town with areas becoming isolated due to floodwaters.

Planning Approach

The planning approach incorporates:

- Protecting watercourse ecology
- Maintaining water quality and water flow
- Providing for public access to the waterways
- Minimising the impacts of flooding

This can be achieved by:

- Providing adequate buffers and set-backs from watercourses, as per the DCP.
- Ensuring that no further riparian rights are created, as required by the LEP and DCP.
- Prohibiting further subdivision of the river foreshore areas – new lots with river frontage cannot be created.
- Encouraging foreshore areas to be kept in one title and zoned appropriately.
- Providing public access to foreshore areas.
- Encouraging the installation of package sewage treatment plants rather than on-site septic disposal systems.

Desired Outcomes

- Protection of riparian vegetation.
- Maintenance of water quality and water flow.
- Providing public or community access to the river foreshore areas.
- Minimising the impact of flooding on people and property.

Visual Impact

The Issue

Retention of the rural character and appearance of the Clarence Town area is very important to both the Clarence Town community and Shire residents. Areas within the Investigation zone nominated as having high scenic value are:

- The Mill Hills - on both sides of the Glen William Road.
- The river flats on both sides of the Williams River to the north of the Clarence Town bridge.
- Rural areas adjacent to Clarence Town Road to the north and south of Clarence Town.

Planning Approach

Emphasis is on protecting the character and visual identity of the area. The DCP identifies areas where a visual and view shed analysis will be required as part of the planning process.

Design criteria for development with areas of high scenic value **may** include:

- Limiting or not permitting further subdivision and development in areas of high scenic value.
- Increasing the minimum lot size to avoid impact of dwellings and structures within significant view sheds.
- Appropriate siting and setbacks of new development, as per the DCP.
- Use of landscaped buffers. Buffers along collector roads will need to be in one ownership (eg dedicated to Council or as 'Community Land') to ensure effective management and control.
- Siting dwellings so that they front collector roads. Backyards (will) may not be able to have frontage to collector roads
- Height limits on buildings, including limiting dwellings to single storey.

Desired Outcomes

- Retention of the rural character and setting of Clarence Town.
- Retention of areas of high scenic value, including Mill Hills, the Williams River flats and the rural vistas on the access roads into Clarence Town.
- Minimise visual impact of rural residential development from the main routes through Clarence Town. New development will be appropriately sited with landscaped buffers to these main routes.
- (Through landscaping, establish entry statements (eg corridor of trees) to the village along the main access roads)
Establish entry statements to the village to create a sense of arrival to a destination point. Such effects could be established through landscaping (eg. tree lined streets)

Future Growth of Clarence Town

The Issue

There is already pressure within Clarence Town for additional residential lots. Growth has been constrained by the lack of access to the sewer. The Clarence Town Sewage System is expected to come on-line within the next two years. This, combined with the growing demand for residential land within the Lower Hunter Region, is expected to result in significant growth in demand for land in Clarence Town.

As the population in and around Clarence Town increases, there will also be demand for the provision of additional facilities and services in the village, including recreation and aged care facilities, as well as demand for employment generating activities (eg service and light industries).

While there are a number of large parcels of undeveloped land on the eastern edge of Clarence Town that are zoned for residential use there is no guarantee that(they) these parcels will be available for future development.

There are lots within the Clarence Town village area zoned Rural Lifestyle 1(l). Subject to the availability of sewer and town water, and the land having no flooding or environmental constraints, these lots should be able to be rezoned and developed for residential or other village-related use. These lots are shown on Map 4.

Under the provisions of the LEP no land has been identified or zoned to provide for the future expansion of the village. Land surrounding the village has been zoned 9(a) Investigation Area and identified as potentially suitable for rural lifestyle and/or rural enterprise development. This form of development envisages subdivision with a minimum lot size of 8000 square metres. Once subdivided and developed for either of these uses it may be difficult to re-consolidate and redevelop this land to meet the future needs of the village.

Planning Approach

Subject to availability of sewer and town water and lack of environmental or flooding constraints, existing rural lifestyle lots within the Clarence Town Village (will) may be able to be rezoned and subdivided for residential or village uses.

(There are also areas w) Within the Investigation Zone areas exist (with)in close proximity to the village boundary that may be suitable for the future expansion of the village. Lots include:

Lot 1 DP964046 – Limeburners Creek Road
Lot 2 DP401967 – Limeburners Creek Road
Lot 275 DP1040186 - Adjoining the community centre

These lots are shown on Map 5.

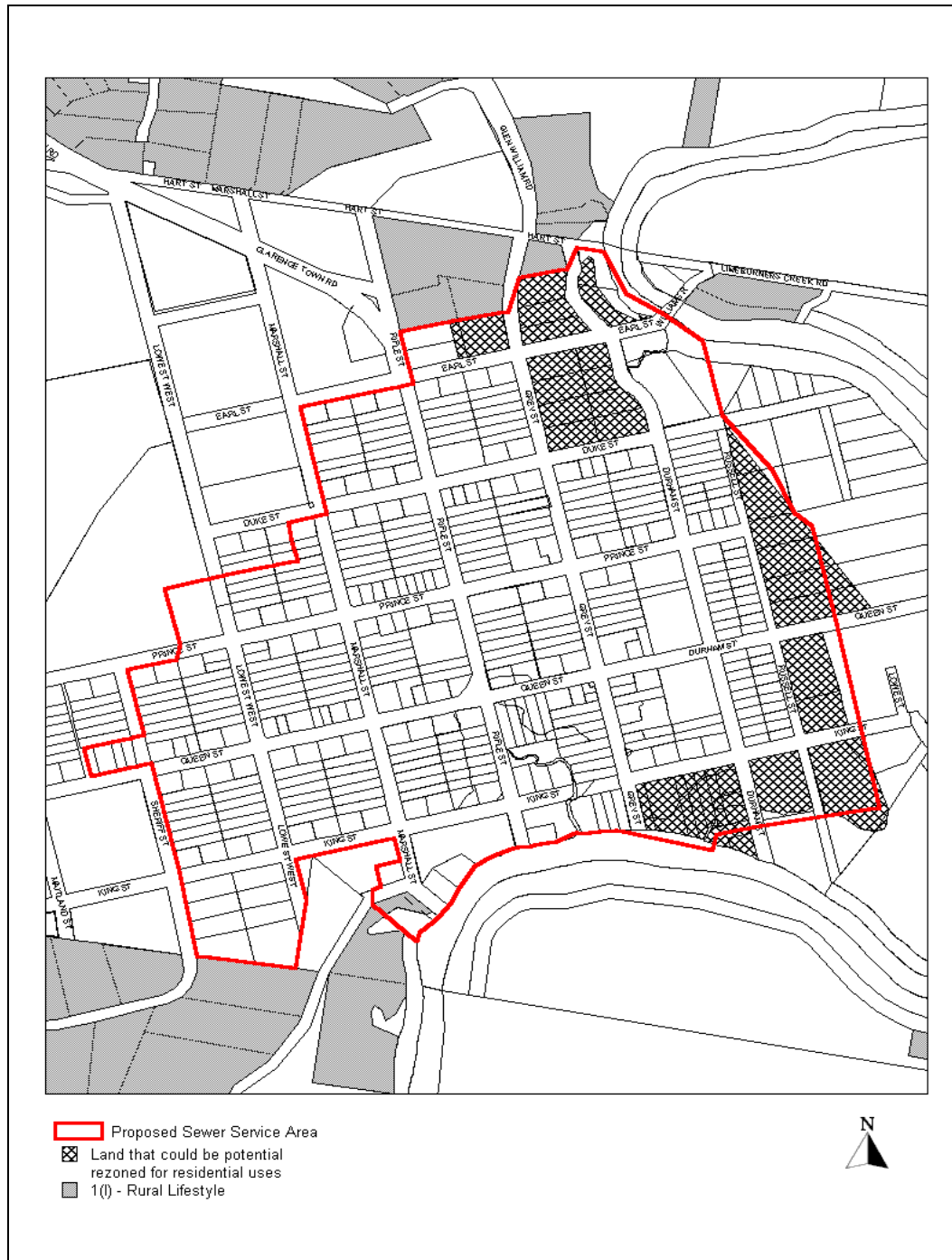
Further investigation of these lots is required to determine their suitability for future village uses in the town's development. In particular, it needs to be determined whether these lots could be connected to the town water supply and sewerage - either through connection to the proposed town sewage system or via an on-site package treatment plant.

Following these investigations, an area or areas, should be identified for future village uses. These areas could be land-banked for this purpose or subdivided and developed in such a way that they can be further subdivided in the future as required. For example, the subdivision could be designed as a residential subdivision with a number of residential lots then grouped together and sold in parcels as rural lifestyle lots. On the other hand, land-banking is the preservation of land from less intensive uses, until such time in the future ie.when sewerage, that the land can then be developed for its highest and best use by future generations.

If not required for a land bank, and environmental, water and sewerage requirements can be met, consideration should also be given to allowing closer settlement of these lots, with the minimum lot size being reduced to 2000 square metres.

Desired Outcome

- Land bank to be identified to accommodate future growth of Clarence Town

CLARENCE TOWN DEVELOPMENT CONTROL PLAN**MAP 4 – PROPOSED SEWER SERVICE AREA**

CLARENCE TOWN DEVELOPMENT CONTROL PLAN

MAP 5 – POTENTIAL FUTURE VILLAGE USE



☒ Further investigation to determine their suitability for future village use.



2.3 PLANNING PRECINCTS

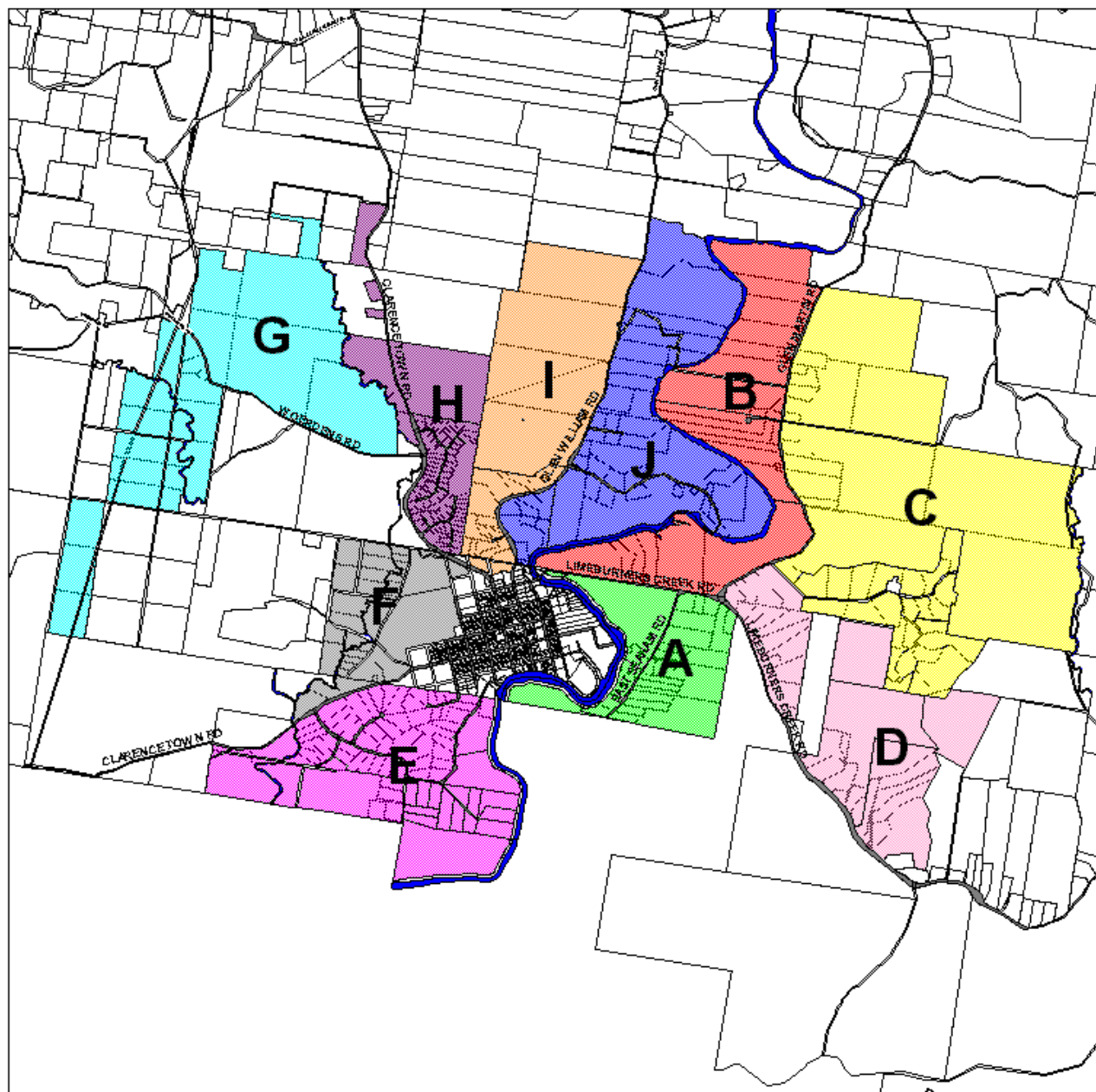
The Clarence Town DCP divides the Investigation Zone into 10 planning precincts. These precincts are shown on Map 6.

Precinct A	East Seaham Road
Precinct B	Limeburners Creek Road - Glen Martin Road west
Precinct C	Glen Martin Road east
Precinct D	Limeburners Creek Road
Precinct E	Brentwood Estate and surrounds
Precinct F	Cemetery Road
Precinct G	Woerdens Road
Precinct H	Clarence Town Road north (Dungog Road)
Precinct I	Glen Williams Road south
Precinct J	Glen Williams Road north

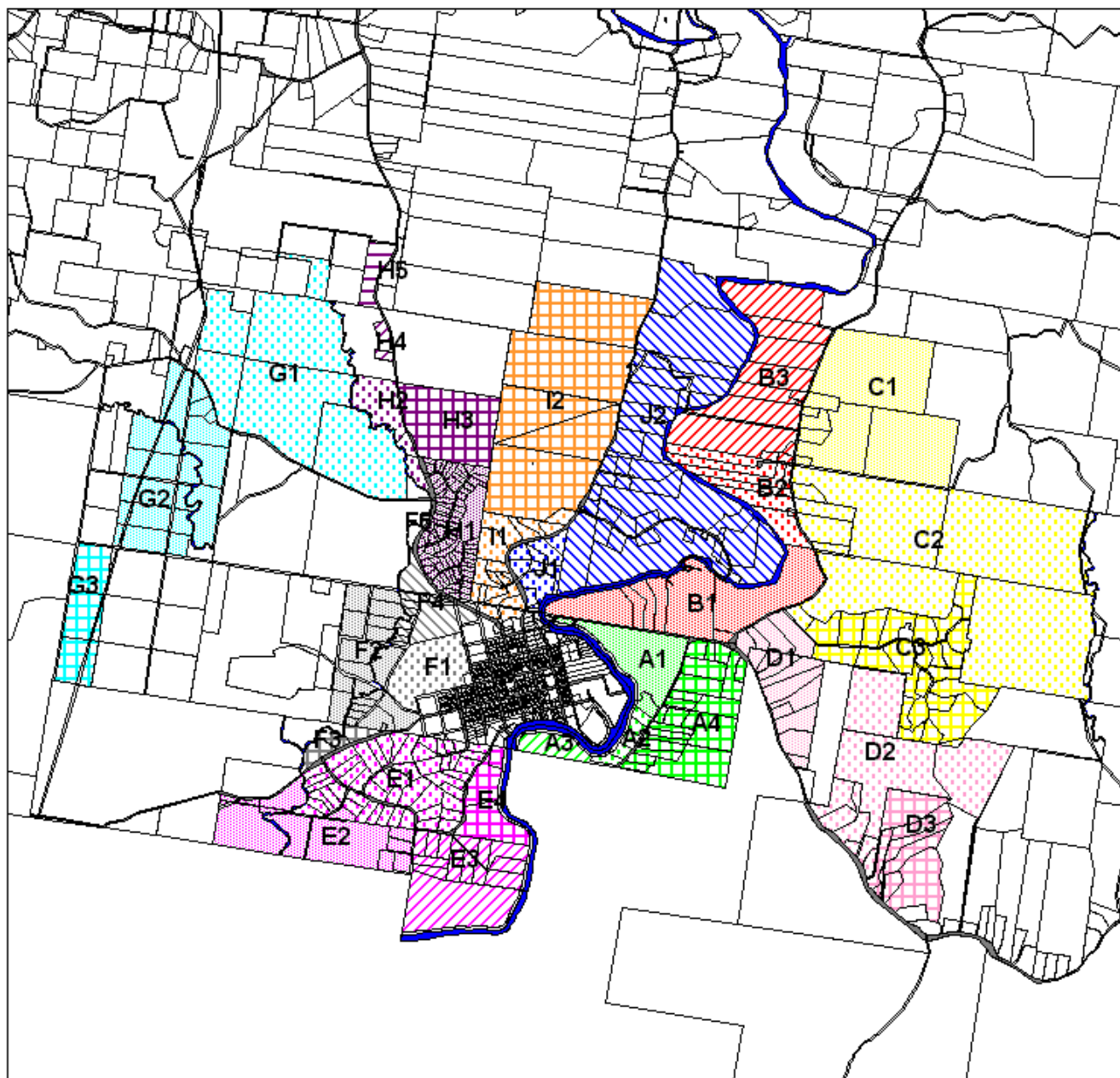
Each Precinct is divided into planning areas. These areas are shown on Map 7.

CLARENCE TOWN DEVELOPMENT CONTROL PLAN

MAP 6 – PLANNING PRECINCTS



MAP 7 – PLANNING AREAS



2.4 COMMUNITY TITLE DEVELOPMENT

As outlined in the Dungog Shire Rural Strategy 2004, Council's stated preference is for subdivision within the Investigation Zone be undertaken as Community Title developments.

Community Title Subdivision enables the creation of individual allotments within a site, while retaining significant areas as common property for communal ownership. Common property can include areas and facilities such as roads, footpaths, bicycle ways, playgrounds, open space, sewage treatment plant.

Common property within the development will be owned and managed by a body corporate ('association') comprising all lot owners. The association will own the common areas, (referred to in the Act as 'association property') for its members in shares proportional to the member's unit entitlement, based on site values, which will determine voting rights and contributions to maintenance levies.

Community title legislation allows for flexibility in the management and administration arrangements operating within a scheme. This is achieved by providing for a multi-tiered management concept and by permitting a management statement to be prepared for each scheme, setting out the rules and procedures relating to the administration of, and, participation in, the scheme.

2.5 MASTERPLAN

A number of the Planning Areas within the Investigation Zone will be required to prepare and submit a Masterplan as part of their rezoning application to 1(l) or 1(e).

The Masterplan will provide a 'blue print' for the development of an area. It will set the vision and design principles for the area. A Masterplan will show how the area will ultimately be developed - which land is to be developed, how the subdivision will relate to the surrounding area, where the open space will be, how access (vehicle, pedestrian, cycle) will be provided, how areas of scenic and/or habitat value will be protected and how risks (eg bushfire, flooding) will be mitigated.

Under the provisions of the DCP, a Masterplan is required where there are:

- Large parcels of land that are likely to be developed in stages.
- A variety of lots in individual ownership, where the layout and/or size of the lots are not suitable for subdivision on an individual basis.
- Lots within a Planning Area that do not have frontage to public roads.

Masterplan Objectives

- To ensure that land is subdivided in a way that ensures long term sustainability, enabling further subdivision in the future.
- To manage the development of land in different ownerships to ensure that development does not sterilise or land-lock subdividable land within the Planning Area from future subdivision
- To ensure that new subdivisions respond appropriately to site features and topography, protecting areas of visual and/or habitat significance and minimising possible risks (eg bushfire, land instability, flooding etc)

- To ensure that new subdivisions are effectively linked into a public road network, and that the internal subdivision road network allows connectivity between areas.
- To provide for pedestrian and cycle access, throughout the subdivision and to adjoining areas, encouraging community interaction.
- To create and maintain a sense of place.

Requirements

- Where a masterplan is required by the DCP, applications to rezone and subdivide land (whether the land is in the same or different ownerships) must be accompanied by a masterplan.
- The masterplan is to be prepared by a qualified urban designer and/or urban planner or other suitably qualified professional.
- The masterplan is to apply to the entire area defined in the DCP.
- The masterplan is to address:
 - The relationship of the proposed subdivision with immediate adjoining land uses and the surrounding locality.
 - Connectivity with adjoining land so that adjoining vacant land can be developed in an orderly and economic manner.
 - The road network - in relation to ease of access, connectivity and in regard to fire and flood risk and means of evacuation.
 - Cycleway or shared pathway connections as required by the DCP.
 - Open space provision.
 - Protection of areas of high scenic and/or habitat value.
 - Mitigation against natural hazards, including defining the extent of clearing required for bushfire asset protection zones.
 - Building envelopes.
 - How residue land (where not dedicated to Council as a reserve) is to be treated.

3. PRECINCT A - EAST SEAHAM ROAD

Precinct A is divided into four (4) planning areas, numbered A1 to A4.

3.1 PLANNING AREA A1

The Area

Planning Area A1 incorporates 4 parcels of land.

Lot 2 DP401967
Lot 1 DP260539
Lot 7002 and 7003 DP92848

Lots 2002 and 2003 have already been zoned 1(l) for Rural Lifestyle.

Development Potential

Lot 2 is prime developable land and could support a variety of uses. Due to its proximity to Clarence Town all or part of the site may be required as a land bank for future village use. Due to its location, this lot may be suitable for a smaller minimum lot size than 8000 sqm provided that the area can access town water (at no cost to Council) and can be sewerage.

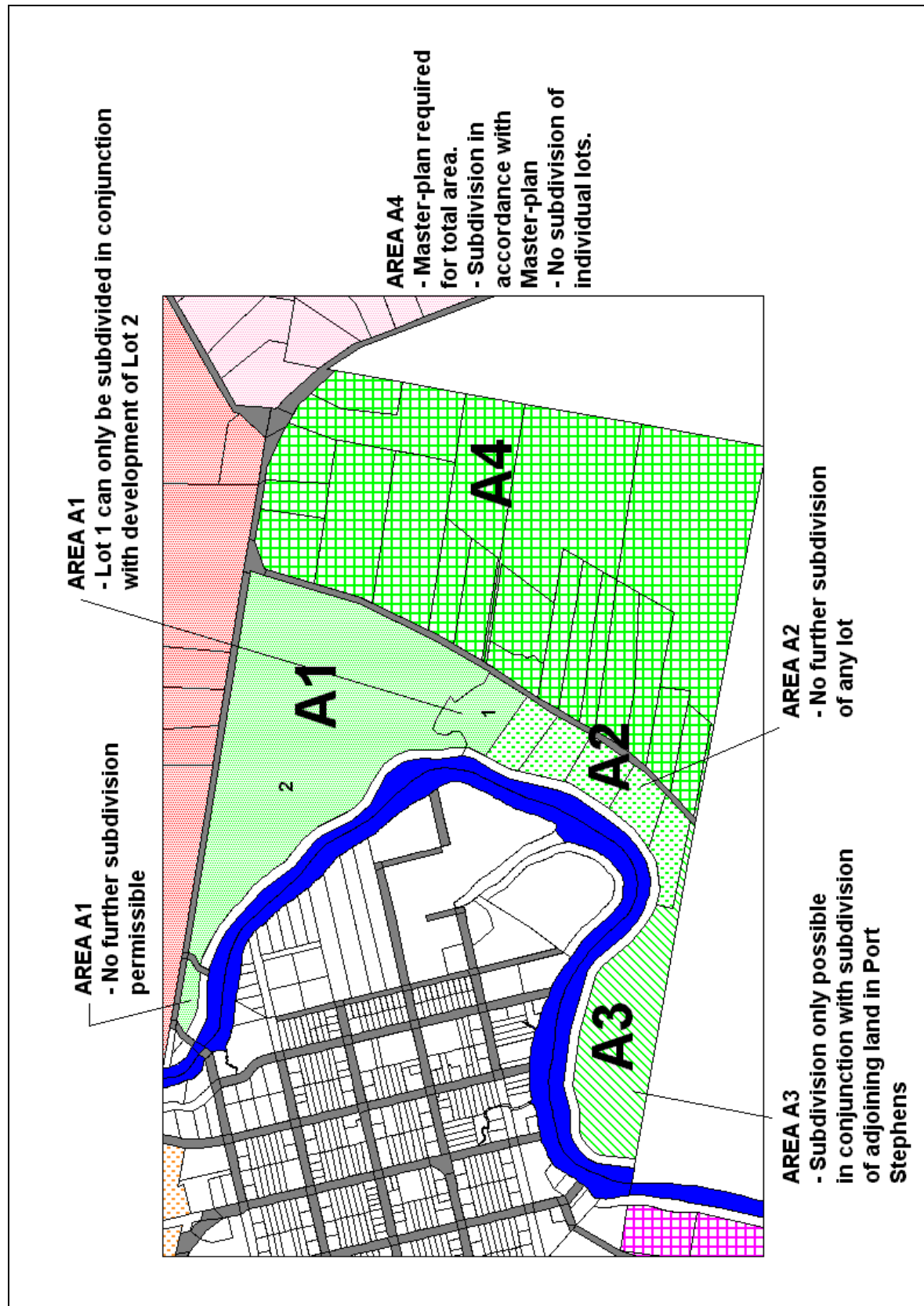
Lot 1 is a smaller lot that has direct frontage to a collector road. This lot should only be further subdivided if it can be done so in conjunction with Lot 2, as part of a co-ordinated and integrated subdivision. Any additional lots created cannot have driveway or right of way access to East Seaham Road. If this cannot be achieved, then this lot will remain as a single lot.

Lots 7002 and 7003 have already been subdivided and developed for Rural Lifestyle. Given their size and their frontage to Limeburners Creek Road, no further subdivision of these lots is permitted.

Masterplan

A basic masterplan is required. The masterplan is to show the subdivision layout, road network, pedestrian and cycle access routes, open space, landscape or buffer treatment along Limeburners Creek Road and interface with the Williams River. In designing the subdivision for rural lifestyle, consideration should be given to lot layouts that will enable closer subdivision in the future.

PLANNING PRECINCT A



Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for Area A1 must address:

Issue	Planning Considerations / Performance Criteria
Access to Collector Roads - Limeburners Creek Road and East Seaham Road	<ul style="list-style-type: none"> ▪ No additional private driveway or right-of-way access to Limeburners Creek Road or to East Seaham Road ▪ Maximum of one properly formed access / egress road to Limeburners Creek Road if it can be demonstrated that this can be achieved safely and is supported by traffic Committee and Council. ▪ Main access to come off East Seaham Road with properly formed and appropriately sited access roads and intersections.
Limeburners Creek Road is a gateway entry point to Clarence Town. The visual Impact of development along Limeburners Creek Road needs to be minimised.	<ul style="list-style-type: none"> ▪ Visual assessment to be undertaken to determine set-back requirements. These may vary from the DCP, with these requirements having precedence. ▪ Corridor tree planting along the Limeburners Creek Road frontage to create a village entry statement. To be planned in conjunction with Area B1. ▪ No backyards to have direct frontage to Limeburners Creek Road.
<p>Williams River Foreshore - A narrow strip of land along the river is a Crown Reserve. The issue is whether additional land needs to be added to this area to protect riparian vegetation.</p> <p>The Williams River is also an important tourism and recreation asset and this needs to be protected.</p>	<ul style="list-style-type: none"> ▪ Assessment and appropriate protection of any riparian vegetation. ▪ To minimise the visual impact of any development when viewed from the Williams River, Bridge Reserve and the Williams River Caravan Park.
Provision of pedestrian and cycle access through Lot 2 DP 401967 connecting East Seaham Road through to Limeburners Creek Road.	<ul style="list-style-type: none"> ▪ Access / egress point to Limeburners Creek Road, needs to be located as close as possible to the Williams River Bridge. ▪ If this access is to be provided via a shared pathway along Limeburners Creek Road rather than through Lot 2, then the pathway has to be well set-back from the road in order to minimise risk from traffic.

3.2 PLANNING AREA A2

This area incorporates 5 lots:

Lots 2,3,4,5,6 DP260539

Area A2 has already been subdivided and developed for Rural Lifestyle. Lots within this area are less than the minimum area of 3 hectares required for further subdivision. These lots also have river frontage as well as frontage to East Seaham Road. No further subdivision is permitted.

3.3 PLANNING AREA A3

The Area

This area incorporates:

Lot 7 DP260539

This lot does not have frontage to a public road. The southern boundary of this lot lies on the boundary between Dungog and Port Stephens Shires.

Development Potential

Subdivision and development of Lot 7 for Rural Lifestyle or Rural Enterprise will only be permitted if it is done in conjunction with development of adjoining land in Port Stephens Shire. As an individual lot, development for Rural Lifestyle or Rural Enterprise is not permissible.

3.4 PLANNING AREA A4

The Area

Planning Area A4 incorporates all lots within the area bounded by East Seaham Road to the west, Limeburners Creek Road to the north, Wallaroo State Forest to the east and the Shire Boundary to the south.

Development Potential

Area A4 has already been subdivided for small rural holdings. The subdivision has resulted in the production of a mix of long narrow and large battle-axe shaped blocks with long driveway access.

Parts of Area A4 supports native forest, and there are areas with steep slopes as well as areas along Flaggy Creek that are poorly drained. Risk from bushfire is an issue.

Due to the existing subdivision pattern, the area's topography and hydrology, native habitat and the risk of bushfire, a coordinated approach to future development in this area is required. Further subdivision of **individual** lots within this area is not permitted.

For subdivision to occur, adjoining property owners will need to work together to produce a masterplan that takes into consideration the environmental and topographic characteristics of the area and provides for staged and coordinated development.

Masterplan

Required.

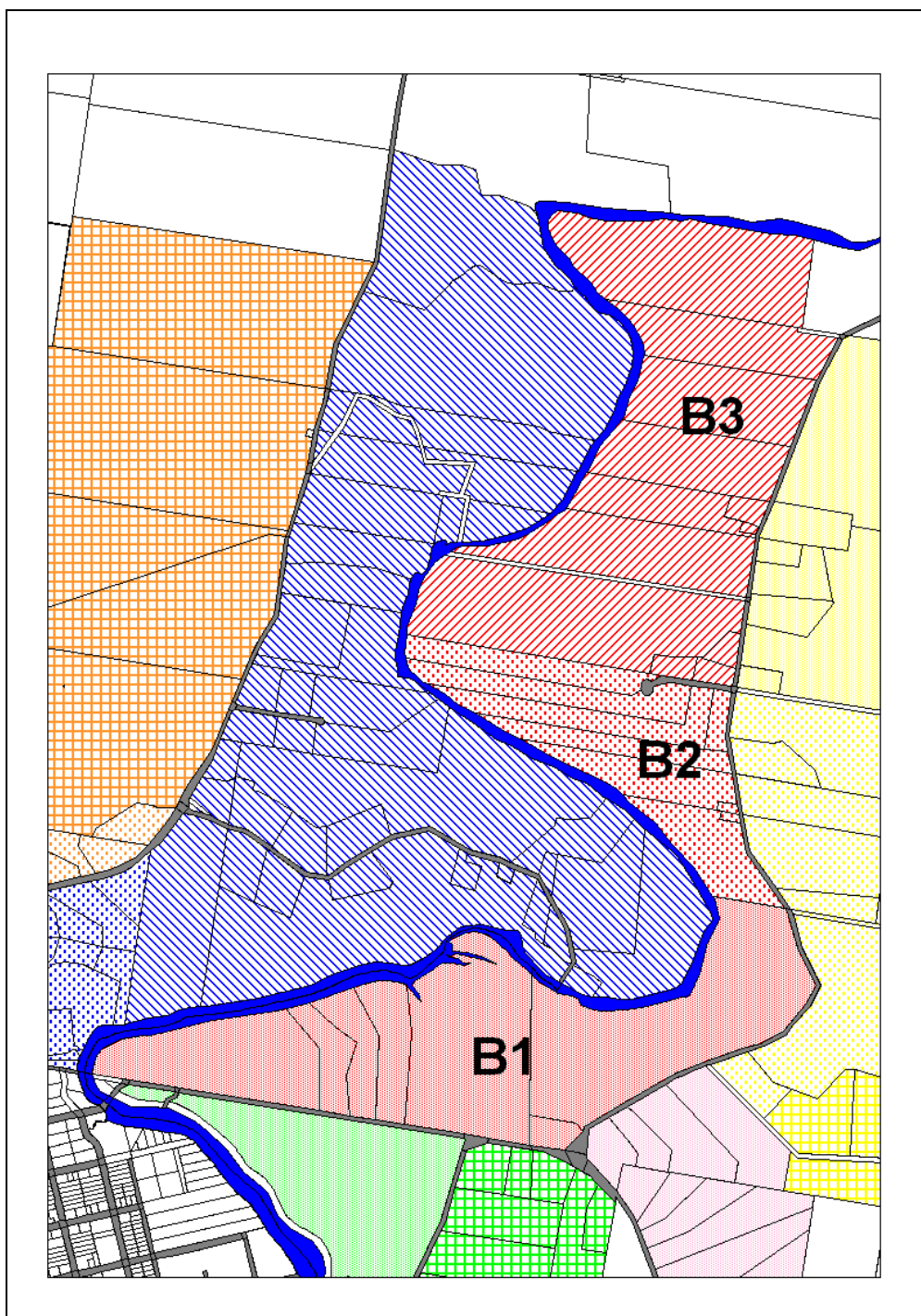
Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for Area A4 must address:

Issue	Planning Considerations / Performance Criteria
Existing pattern of subdivision is fragmented with a proliferation of long narrow and battle-axe shaped lots.	<ul style="list-style-type: none"> No further subdivision of individual lots. For subdivision to occur, total area will require a masterplan.
Access to Collector Roads - Limeburners Creek Road and East Seaham Road.	<ul style="list-style-type: none"> For new lots created, no private driveway or right-of-way access to Limeburners Creek Road or to East Seaham Road will be permissible. Maximum of one access / egress point to Limeburners Creek Road. This must be via a sealed access road. It needs to be demonstrated that this access point is needed and that access can be achieved safely and is supported by Traffic Committee and Council. Main access to come off East Seaham Road with properly formed and appropriately sited roads and intersections.
Pedestrian and Cycle Access	<ul style="list-style-type: none"> Provision needs to be made to link with shared access ways in Area A1 If this access is to be provided via a shared pathway along Limeburners Creek Road, then the pathway has to be well set-back from the road in order to minimise risk from traffic.
Limeburners Creek Road is an entry point to Clarence Town. The visual Impact of development along Limeburners Creek Road needs to be minimised.	<ul style="list-style-type: none"> Visual assessment to be undertaken to determine set-back requirements. These may vary from the DCP, with these requirements having precedence. No backyards to have frontage to Limeburners Creek Road.

4. PRECINCT B - LIMEBURNERS CREEK ROAD - GLEN MARTIN ROAD WEST

Precinct B incorporates the area bounded by the Williams River to the west, Glen Martin Road to the east and Limeburners Creek Road to the south. This Precinct is divided into 3 planning areas, numbered Planning Areas B1, B2 and B3.



4.1 PLANNING AREA B1

The Area

Planning Area B1 is located between the Williams River and Limeburners Creek Road, extending north along the Glen Martin Road to Boatfalls Creek. It incorporates seven parcels of land.

Lot 1 DP964046
Lots 13 and 14 DP 786382
Lot 10 DP 701562
Lot 1 DP120166
Lot 391 DP884370
Lot 390 DP884370

Development Potential

The western part of Planning Area B1, which has frontage to Limeburners Creek Road, is prime developable land and could support a variety of uses. Due to its proximity to Clarence Town all or part of this western area may be required as a land bank for future village use. Due to its location, this area may be suitable for a smaller minimum lot size than 8000 sqm provided that the area can access town water (at no cost to Council) and can be sewerred and there are no environmental constraints.

Lots 10, 13 and 14 are long, narrow lots that do not satisfy the required width to depth ratio for further subdivision. These lots should only be further subdivided if they can be done so in conjunction with the adjoining lots, as part of a co-ordinated and integrated subdivision. If this cannot be achieved, then these lots will remain as single lots.

Lot 391 is a small lot with frontage to two collector roads. No additional driveway or right of way access to these roads from Lot 391 will be permitted. This lot can only be further subdivided if it can be done so in conjunction with Lot 390 as part of a co-ordinated and integrated subdivision. Access will need to come from Lot 390. If this cannot be achieved, then no further subdivision of this lot is permissible.

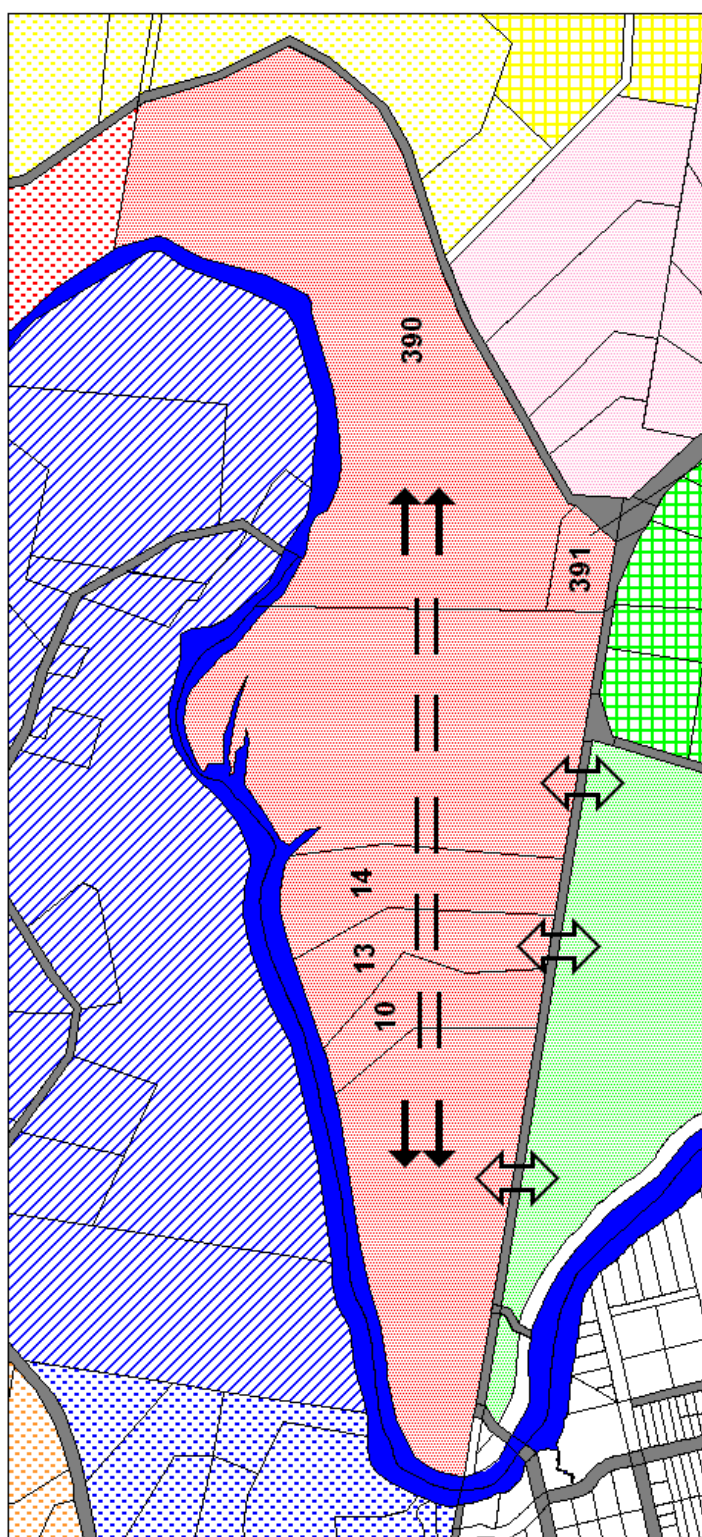
Lots 390 and Lot 1 DP120166 lie within a scenically valuable view-shed. The view from Glen Martin Road across the Williams River flats through to the Mill Hills in the distance, has been identified by the local community as having high scenic value that must be protected. Detailed view-shed analysis - visual assessment will be required as part of the planning process.

The Boatfall Creek system and floodway are a constraint to the development of the northern end of Lot 390.

Masterplan

Due to the size and importance of this area, a basic masterplan is required. The plan will identify road and open space networks and shared pedestrian - cycle routes and demonstrate how the total area can be developed as an integrated area, with links through to the Glen Martin Road. The masterplan will also need to identify the areas of high scenic value and include provisions for protection of these areas and also provisions for the protection of the river frontage.

PLANNING AREA B1



- Lot 391**
- Can only be subdivided in conjunction with development of Lot 390
- Lots 10, 13, 14**
- No subdivision of individual lots
- Lot to be developed together or in conjunction with Lot 1 DP 964046, and/or Lot 1 DP 120166

⇄ Maximum number of road access points to Limeburners Creek Road
⇄ Internal road, cycle and pedestrian access to link all lots.

Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for Area B1 must address:

Issue	Planning Considerations / Performance Criteria
Lots 10, 13 and 14 do not meet the width-depth ratio for further subdivision.	<ul style="list-style-type: none"> Individually, these lots cannot be subdivided further. For subdivision to occur these three lots will need be planned together and/or in conjunction with the larger neighbouring lots - Lot 1 DP964046 and / or Lot 1 DP120166.
Lot 391	<ul style="list-style-type: none"> No further subdivision of this lot on a stand-alone basis. Subdivision can occur in conjunction with subdivision of Lot 390 with access provided from Lot 390.
Access to Collector Roads - Limeburners Creek Road and Glen Martin Road.	<ul style="list-style-type: none"> New lots created cannot have private driveway or right of way access to Limeburners Creek Road or Glen Martin Road. Overall, Precinct B can have a maximum of three access / egress roads to Limeburners Creek Road. Lot 1 DP964046 and Lot 1 DP120166 may each have one access point, with the remaining access point being shared by Lots 10, 13 and 14. Access into Area B1 must be via sealed access roads. It needs to be demonstrated that access can be achieved safely and is supported by Traffic Committee and Council.
Limeburners Creek Road is a gateway entry point to Clarence Town. The visual Impact of development along Limeburners Creek Road needs to be minimised.	<ul style="list-style-type: none"> Visual assessment to be undertaken to determine set-back requirements. These may vary from the DCP, with these requirements having precedence. Corridor tree planting along the Limeburners Creek Road frontage to create a village entry statement. To be planned in conjunction with Area A1. No backyards to frontage to Limeburners Creek Road.

Linked internal road network	<ul style="list-style-type: none"> ▪ The internal road system must be designed to link the lots within Area B1. (Lot 391 could potentially be excluded if no further subdivision is being considered). ▪ Ultimately, the internal road network should link through to Glen Martin Road.
Provision of pedestrian and cycle access through Area B1 to link through to Glen Martin Road.	<ul style="list-style-type: none"> ▪ Pedestrian-cycle route must be able to be linked through to Glen Martin Road. ▪ Ideally the access / egress point to Limeburners Creek Road, needs to be located as close as possible to the Williams River Bridge. ▪ If this access is to be provided via a shared pathway along Limeburners Creek Road, rather than through Area B1, then the pathway has to be well set-back from the road in order to minimise risk from traffic.
Williams River Foreshore and Boatfall Creek	<ul style="list-style-type: none"> ▪ Riparian vegetation corridor to be defined and protected. ▪ No additional riverfront lots or riparian rights to be created.
Visual impact - The view from Glen Martin Road in the area between the Limeburners Creek intersection and the northern end of Area B1 has been identified by the local community as having high scenic value that needs to be protected. Parts of Lot 390 and Lot 1 DP120166 fall within this view shed.	<ul style="list-style-type: none"> ▪ Detailed view-shed analysis - visual assessment to be undertaken prior to development, with provisions determined to protect the visual amenity of the area.

4.2 PLANNING AREA B2

The Area

Planning Area B2 incorporates 9 lots.

Lot 372 DP623193
 Lot 361 DP778021
 Lots 41 and 42 DP863190
 Lots 1,2,3 DP587599
 Lot 1 DP316270
 Lot 91 DP39780

Development Potential

Lot 1 DP 316270 and Lot 91 have already been subdivided and zoned for Rural Lifestyle. No further subdivision is permissible.

Previous subdivision in Planning Area B2 has produced a number of long, narrow blocks extending from Glen Martin Road / Horton Close through to the Williams River (Lots 1,2,3, 41 and 42). Within this part of Area B2 subdivision needs to be undertaken on a co-ordinated basis. No further subdivision of individual lots is permitted. Planning for the development of these lots will need to be undertaken jointly.

Given the topography, subdivision pattern of the area and the size of the land parcels, Lots 372 and 361 and possibly Lot 42 could be developed together without the need to include other lots within Area B2. Potential pedestrian-cycle links through to the remaining lots would however need to be provided in the subdivision design.

Masterplan

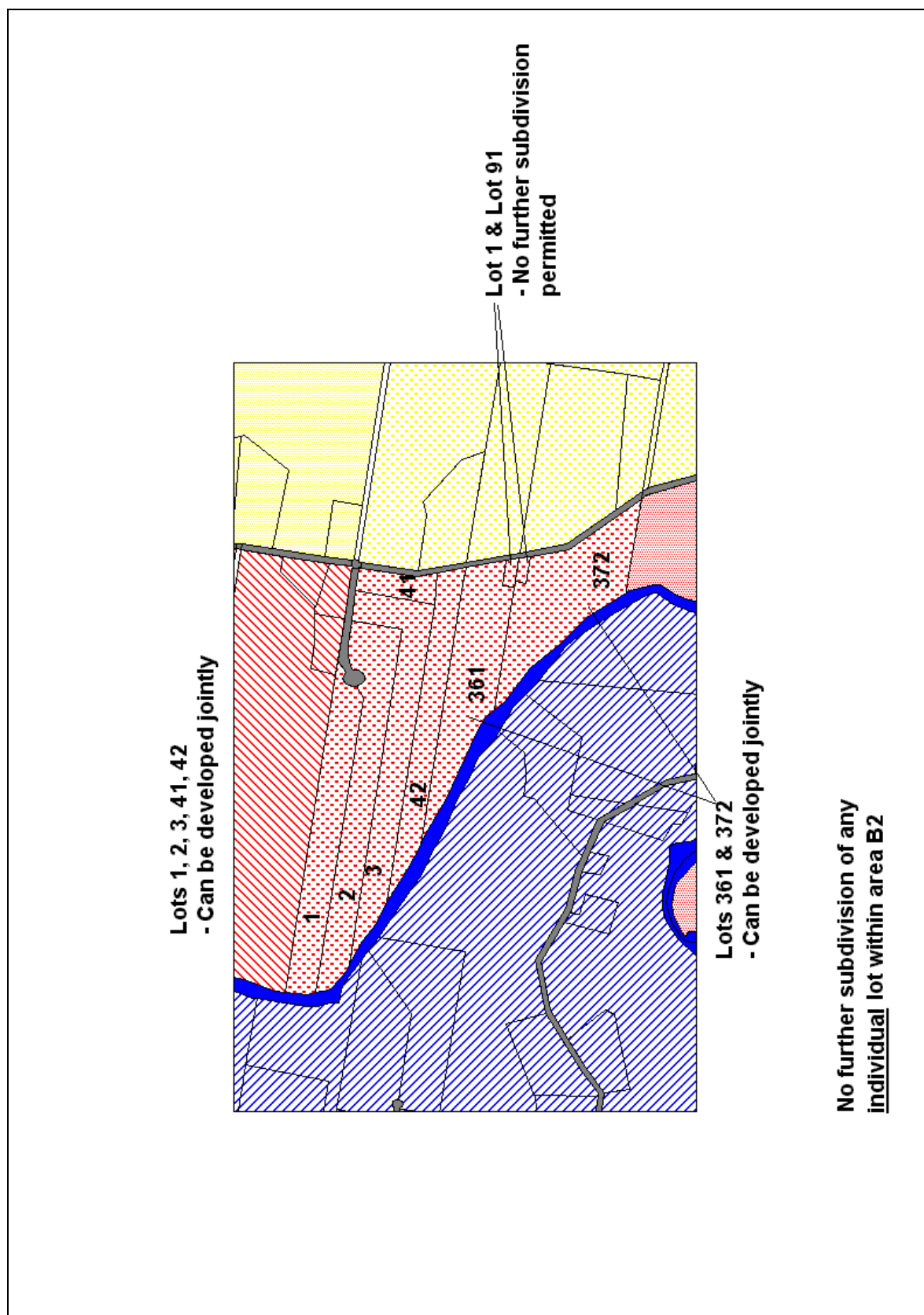
A masterplan will not be required if the subdivision planning is undertaken jointly as outlined above and provision is made for pedestrian and cycle links between adjoining areas.

Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for Area B2 must address.

Issue	Planning Considerations / Performance Criteria
Fragmented subdivision pattern	<ul style="list-style-type: none"> No further subdivision of any individual lots within this area. Need at least two lots to be developed together. Lots 372 and 361 and possibly Lot 42 could be developed together.
Access to Collector Roads - Glen Martin Road	<ul style="list-style-type: none"> New lots created cannot have driveway or right of way access to Glen Martin Road.
Visual Impact	<ul style="list-style-type: none"> The visual impact of any development along Glen Martin Road must be minimised. No back yards to have frontage to Glen Martin Road Areas identified as having high scenic value are to be protected.
Williams River	<ul style="list-style-type: none"> No further riverfront lots or riparian rights are to be created. Riparian vegetation to be protected.

PLANNING AREA B2



4.3 PLANNING AREA B3

The Area

Planning Area B3 extends from Horton Close through to the northern boundary of the Investigation Zone and incorporates 11 lots.

Lot 8 DP735237
Lots 5,6,7 DP735237
Lot 383 DP806712
Lot 384 DP806712
Lots 67, 41,14, 40 DP 753176
Lot 5 DP806712

Five lots (Lots 5,6 and 7 DP735237, Lot 384 and Lot 5 DP806712) have been sub-divided and developed for Rural Lifestyle.

Development Potential

Lots 8 and 14 are of sufficient size and suitable shape to be developed on an individual basis. Ideally however Lot 14 should be planned in conjunction with Lot 40. There is already a road reserve through Lot 8 that could be used to provide access to Glen Martin Road.

The narrow width to depth ratio of Lots 383, 67, 41 and 40 is not conducive to quality subdivision. The type of subdivision that occurred on the southern side of Horton Close is not desirable and will not be approved in this area. A series of cul-de-sac roads to provide access to each lot is also not desirable and will not be approved. The internal roads need to be linked. The minimum planning area will be two adjoining lots (excluding those already zoned for Rural Lifestyle). Masterplanning will be required prior to any subdivision of lots in this area.

Five lots have been subdivided and zoned for Rural Lifestyle. Of these, Lot 5 DP806712 is too small for further subdivision and no further subdivision is permissible.

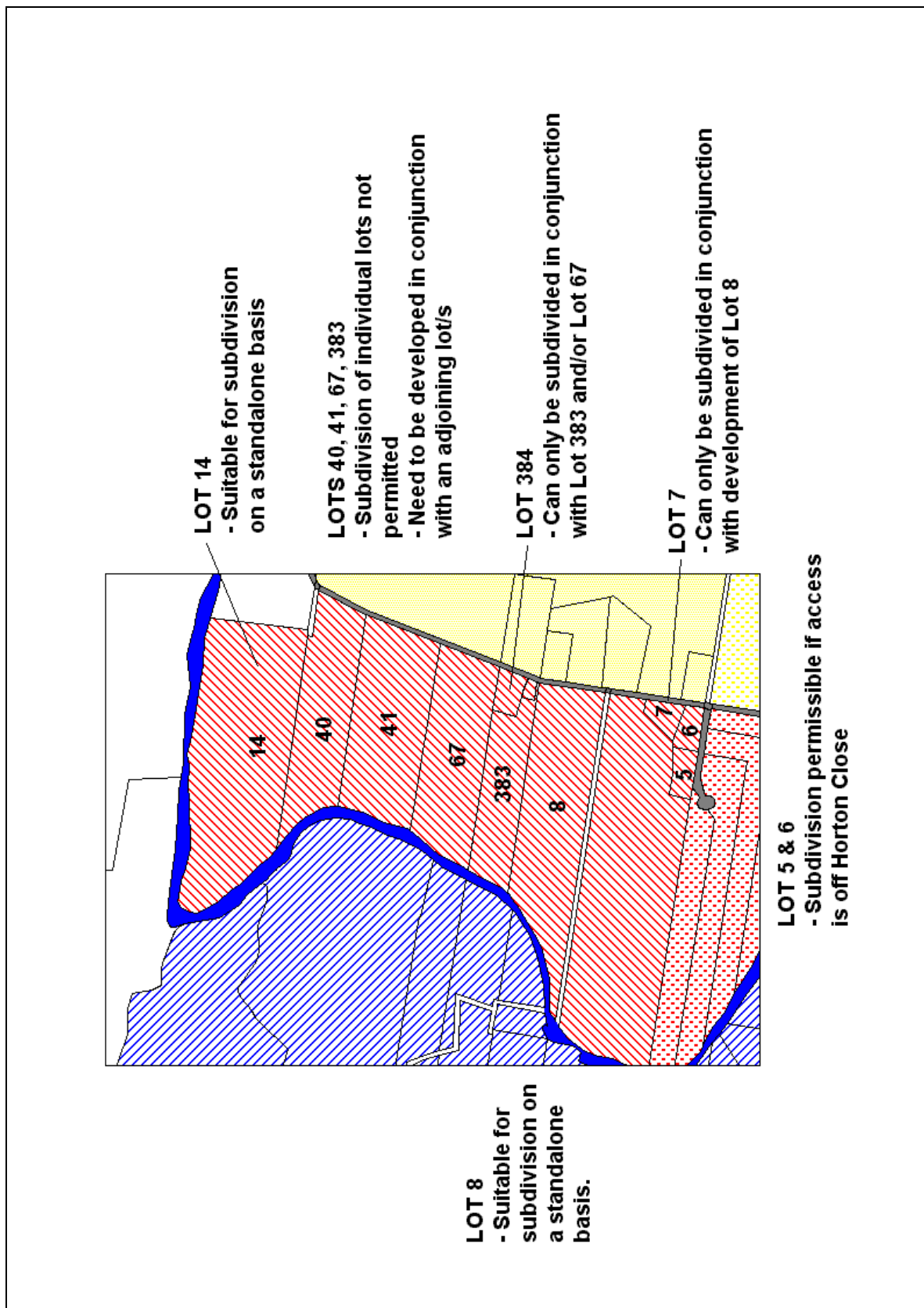
Lot 384 will only be able to further subdivided if done so as part of the subdivision of Lot 383 and/or Lot 67. No additional driveway or right of way access can be created to Glen Martin Road. Access to any additional lot created will need to come from the adjoining land.

Lots 5 and 6 DP735237 with frontage to Horton Close can be subdivided individually provided that each lot created has direct frontage to Horton Close. Alternatively, these lots can be further subdivided in conjunction with the development of Lot 8. Any new lots created cannot have driveway or right of way access to Glen Martin Road. New lots created must have a minimum width to depth ratio of 1:3.

Lot 7 can only be further subdivided in conjunction with development of Lot 8. Any new lots created cannot have driveway or right of way access to Glen Martin Road.

A buffer area, as per the DCP requirements, will be required around the Poultry Shed.

PLANNING AREA B3



Masterplan

The preparation of a masterplan will be required to demonstrate how adjoining subdivision areas can be linked. Of the lots zoned 9(a) only Lots 8 and 14 will be able to be developed independently. For all other lots within this zone, the minimum planning area will be two adjoining lots that are not already zoned for Rural Lifestyle.

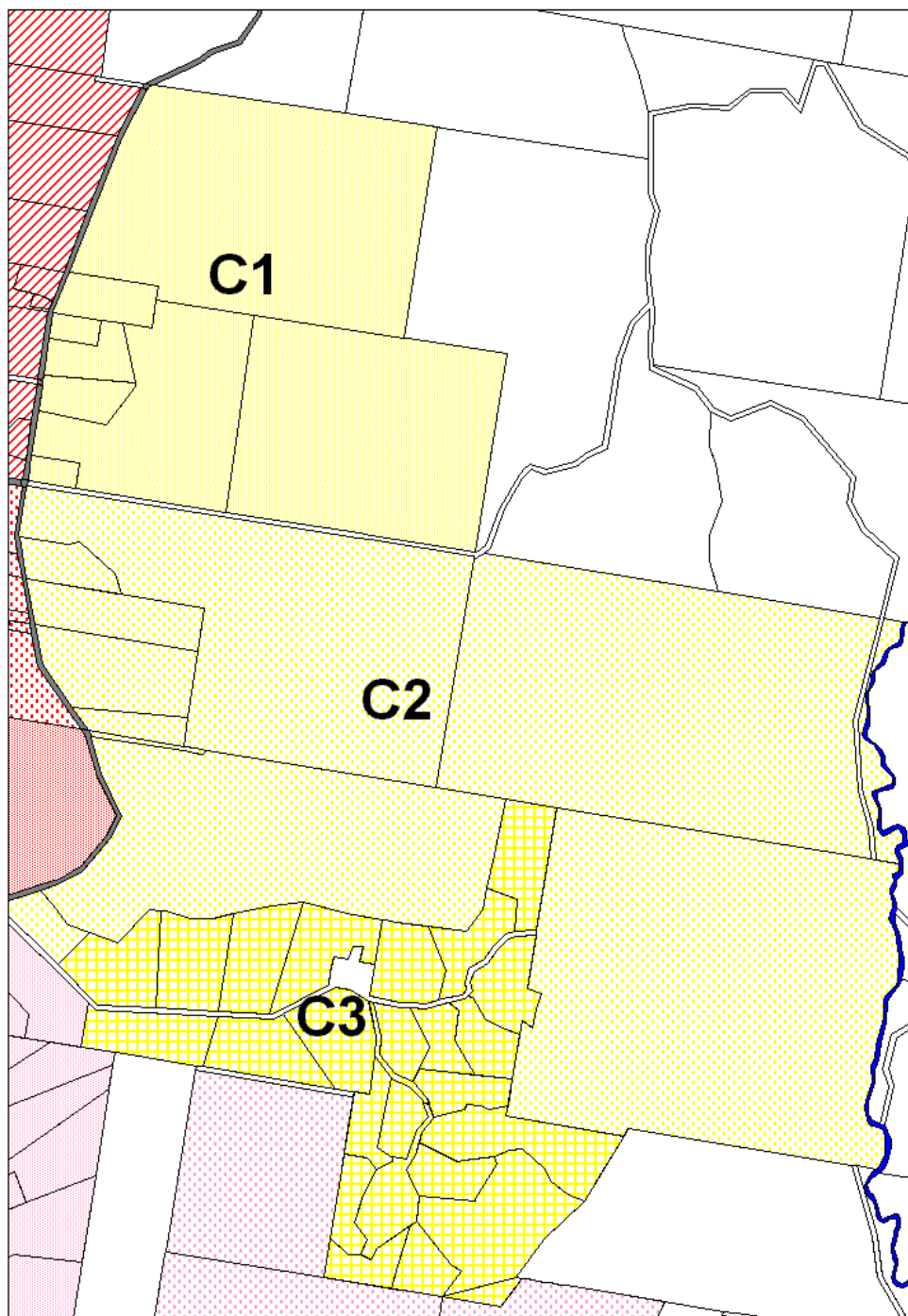
Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for Area B3 must address.

Issue	Planning Considerations / Performance Criteria
Lots with narrow width to depth ratios – Lots 40, 41, 67 and 383	<ul style="list-style-type: none"> Need to amalgamate at least 2 adjoining lots for planning and development purposes. Subdivision that produces long, narrow lots or battleaxe style blocks will not be permitted. The minimum width to depth ratio will be 1:3.
Access to Collector Roads - Glen Martin Road	<ul style="list-style-type: none"> No additional private driveway access or right-of-ways to Glen Martin Road can be created.
Internal Roads	<ul style="list-style-type: none"> A series of cul-de-sacs leading off Glen Martin to service individual lots will not be permitted. Minimum of two lots to be serviced from an access road. It would be desirable to have an internal road network that links through Area B3.
Pedestrian and cycle access	<ul style="list-style-type: none"> Pedestrian and cycle links through the area must be provided.
Visual Impact	<ul style="list-style-type: none"> The visual impact of any development along Glen Martin Road needs to be minimised. No back yards to have frontage to Glen Martin Road
Williams River	<ul style="list-style-type: none"> No further riverfront lots or riparian rights to be created. Riparian vegetation to be protected.
Poultry Shed	<ul style="list-style-type: none"> Development should not impact on the operation or viability of this enterprise. Buffer zones to be provided as per the DCP requirements.

5. PRECINCT C - GLEN MARTIN ROAD EAST

Precinct C incorporates the area within the investigation Zone to the east of the Glen Martin Road, extending south and including the Meadows subdivision. Precinct C is divided into 3 planning areas, numbered C1, C2 and C3.



5.1 PLANNING AREA C1

Area C1 is the area to the north of the Horton Close - Glen Martin Road intersection. Area C1 incorporates 8 lots.

Lot 70 DP 753176
Lot 68 DP 753176
Pt 381DP71551
Lot 251 and 253 DP607073
Lots 254, 255, 256 DP705956

There is a road reserve along the southern boundaries of Lots 253, 254 and 68.

Development Potential

Lots 254, 68 and 70 are of a sufficient size and shape to be developed independently. It would be desirable to have road links between the three sites. Lot 70 may have a maximum of 2 road access points off Glen Martin Road. Lot 254 may have a maximum of one road access point off Glen Martin Road. Subdivision planning within these three lots needs to make provision for pedestrian-cycle links between each lot.

Further subdivision of Pt 381 can only be undertaken in conjunction with Lot 70 or Lot 254. Any new lots created cannot have driveway or right of way access to Glen Martin Road.

Subdivision of Lot 251, Lot 255 and Lot 256 will only be permissible in conjunction with the subdivision of Lot 254 with access provided from Lot 254. Any new lots created cannot have driveway or right of way access to Glen Martin Road.

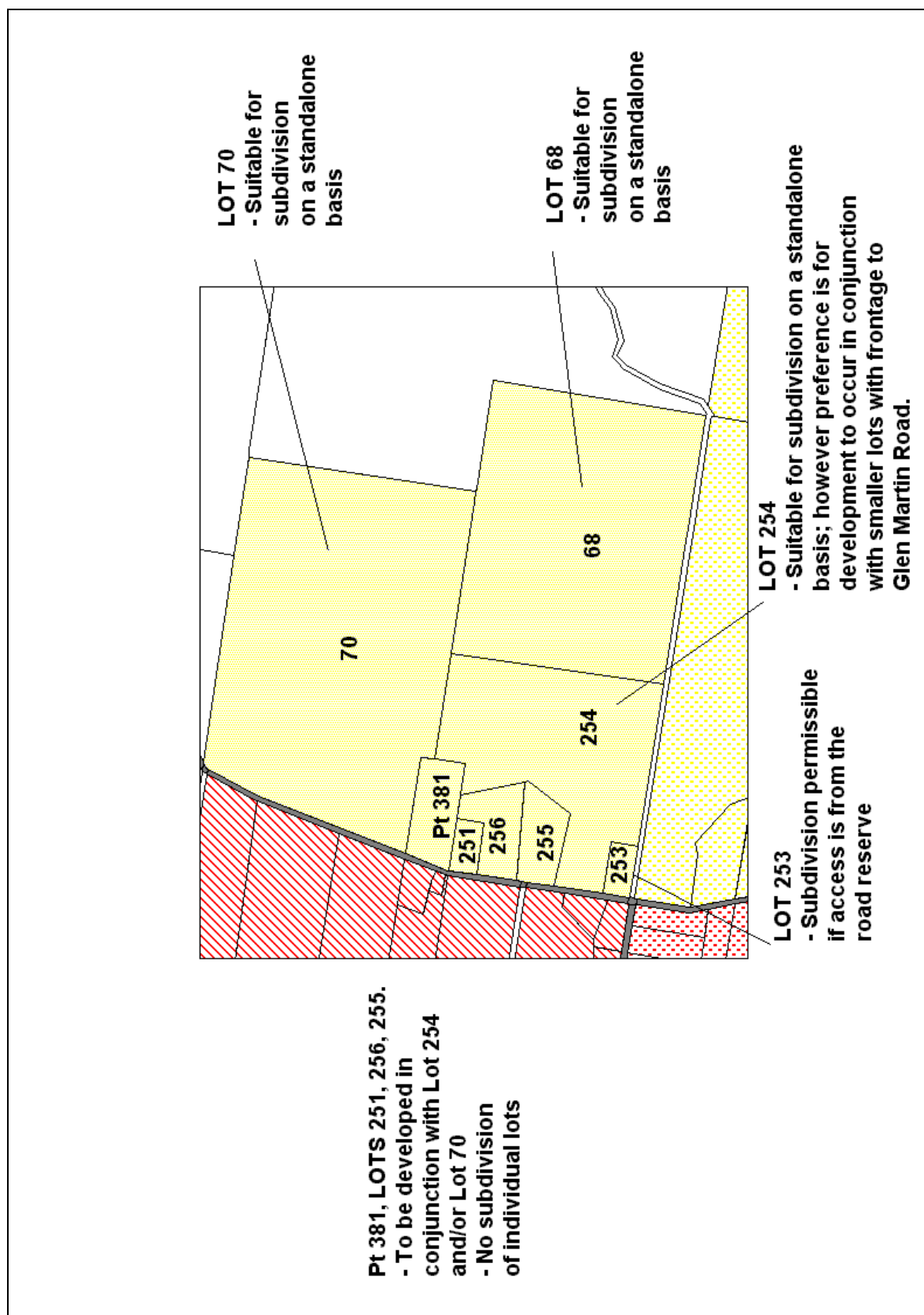
Lot 253 could be subdivided in conjunction with development of Lot 254 or individually provided that any new lots created have frontage to the road reserve with access provided from the road reserve and not from Glen Martin Road.

Pt 381 and Lot 68 are forested. Assessment of the habitat value of these areas will be required as part of the development process.

Masterplan

A basic masterplan will be required to identify how adjoining subdivisions will be linked. The plan will need to identify potential road, pedestrian-cycle and open space links between Lots 254, 68 and 70.

PLANNING AREA C1



Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for Area C1 must address.

Issue	Planning Considerations / Performance Criteria
Pt 381, Lot 251, Lot 256 and Lot 255.	<ul style="list-style-type: none"> No further subdivision of individual lots. Further subdivision of these lots is only permissible in conjunction with development of Lot 254 and, in the case of Pt 381, with Lot 254 and/or Lot 70.
Access to Collector Roads - Glen Martin Road	<ul style="list-style-type: none"> No additional private driveway access or right-of-way access to Glen Martin Road to be created.
Internal Roads	<ul style="list-style-type: none"> It would be desirable if the internal road network in Area C1 could link between Lots 254, 68 and 70.
Pedestrian and cycle access	<ul style="list-style-type: none"> Pedestrian and cycle links through the area.
Visual Impact	<ul style="list-style-type: none"> The visual impact of any development along Glen Martin Road needs to be minimised. No back yards to have frontage to Glen Martin Road. Need to minimise the impact of development on the slopes and ridgeline along the eastern boundary of Lot 68.
Habitat protection – Pt 381 and Lot 68	<ul style="list-style-type: none"> Preserve areas of viable habitat.

5.2 PLANNING AREA C2

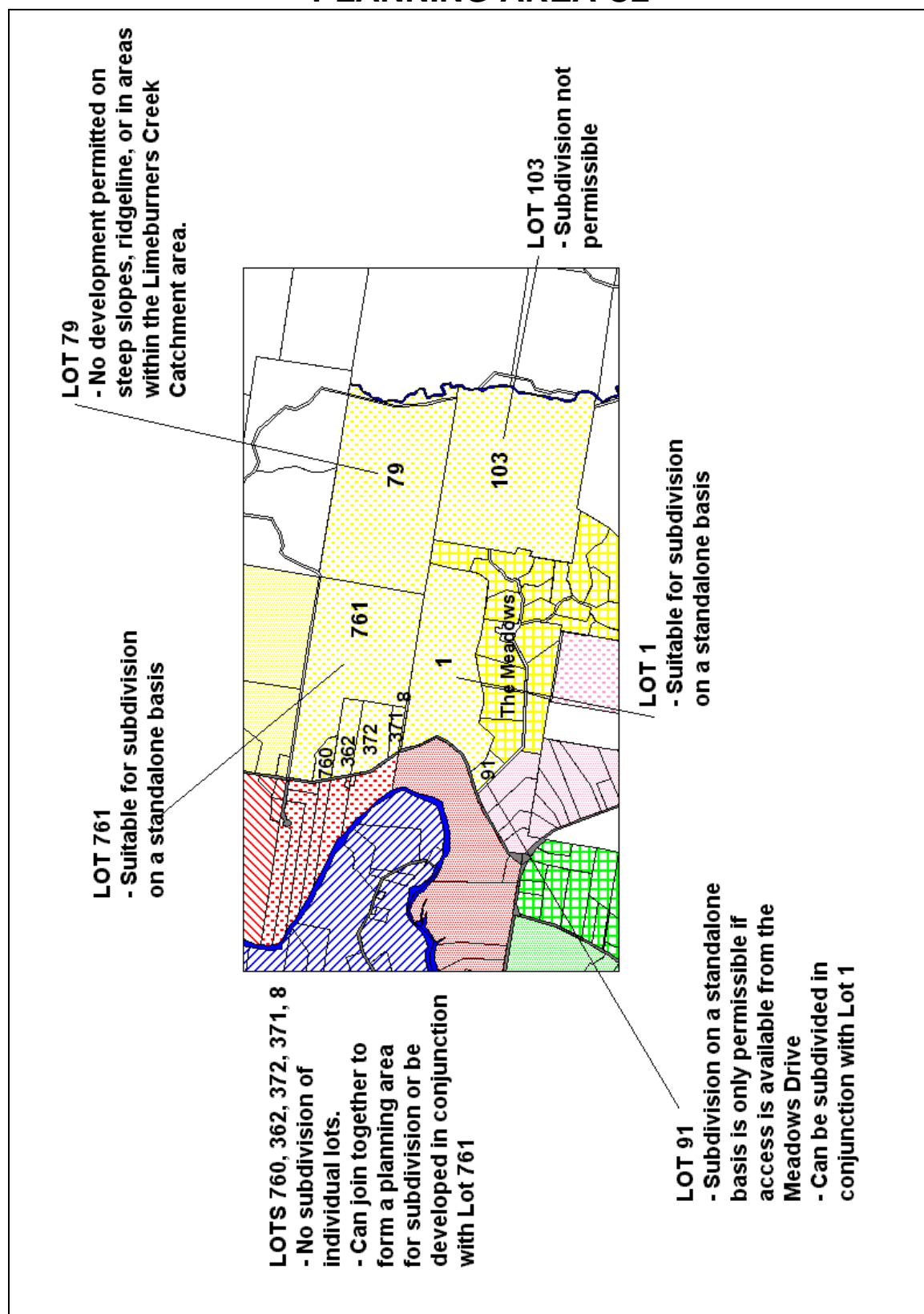
The Area

Planning Area C2 lies between the Horton Close road reserve and the Meadows Estate and the land to the east of the Meadows Estate extending east to Limeburners Creek. There are 10 lots within this area.

Lot 761 DP 1050282
 Lot 760 DP1050282
 Lot 362 DP778021
 Lot 372 DP623193
 Lot 371 DP623193

Lot 1 DP 371349
 Lot 79 DP 753 176
 Lot 103 DP 1011572
 Lot 91 DP733137
 Lot 8 DP114290

PLANNING AREA C2



Development Potential

Lot 761 is suitable for subdivision on an individual basis.

Lots 760, 362, 372 and 371 are smaller lots with Lots 760, 362 and 371 having narrow width to depth ratios. Subdivision of these lots on an individual basis is not permitted. Further subdivision of these lots needs to occur either in conjunction with development of Lot 761 or by these 4 lots combining together to form a planning area. Any new lots created cannot have driveway or right of way access to Glen Martin Road.

Lot 8 appears to be a closed road. It cannot be developed individually, but could be amalgamated with adjoining lots.

Lot 1 is suitable for development, with the main constraint being Boatfalls Creek and associated flooding.

Lot 91 will only be able to be subdivided if done so in conjunction with Lot 1 or access can be provided off the Meadows Drive. This lot cannot be subdivided longitudinally to produce long narrow blocks and any lots created cannot have driveway access to Glen Martin Road.

Glen Martin Road can be cut by floodwaters from Boatfall Creek. It would be highly desirable if development within Area C2 could include provision for a flood free access road that links Glen Martin Road, via Lot 1 and Lot 761 or Lot 79, to the Horton Close road reserve.

The western third of Lot 79 may be suitable for development. The remainder of this lot is hilly, with steep slopes rising to a ridge line. The ridge line is visually prominent from the Glen Martin Road and from other vantage points around Clarence Town, including from the Glen William Road area. Development is not permissible on the steeper slopes, along the ridge line or in the area to the east of the ridge line that drains to Limeburners Creek.

Lot 103, forms part of the ridge line. This area is steeply sloping and forested. The area also has a high bush-fire risk. This area is not considered suitable for Rural Lifestyle or Rural Enterprise development and subdivision is not permissible.

For Lots 79 and 103 no development is to occur on land to the east of the ridge line, within the Limeburners Creek Catchment area.

Masterplan

A basic masterplan plan is required to define the developable land, the internal road network, and pedestrian and cycle links through the area, areas of high visual significance and the treatment of Boatfalls Creek and other significant watercourses.

Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for Area C2 must address.

Issue	Planning Considerations / Performance Criteria
Lots 760, 362, 372	<ul style="list-style-type: none"> ▪ No further subdivision of individual lots. ▪ Further subdivision only permissible in conjunction with development of Lot 761 or if all smaller properties develop co-operatively. ▪ Narrow lots with a width to depth ratio of less than 1:3 cannot be created. ▪ No additional private driveway access or right-of-way access to Glen Martin Road to be created.
Lot 371 and Lot 8	<ul style="list-style-type: none"> ▪ Cannot be developed independently. ▪ Further subdivision on permissible if undertaken in conjunction with Lot 1. ▪ Narrow lots with a width to depth ratio of less than 1:3 cannot be created. ▪ No additional private driveway access or right-of-way access to Glen Martin Road to be created.
Lot 91	<ul style="list-style-type: none"> ▪ Can be developed independently provided access is from the Meadows Drive, not from Glen Martin Road. ▪ Can be developed in conjunction with Lot 1. ▪ Narrow lots with a width to depth ratio of less than 1:3 cannot be created.
Access to Collector Roads - Glen Martin Road	<ul style="list-style-type: none"> ▪ No additional private driveway access or right-of-ways to Glen Martin Road to be created. ▪ Lots 1 and 761 to have a maximum of one road intersection each with Glen Martin Road.
Internal Roads	<ul style="list-style-type: none"> ▪ It would be desirable for an internal road network that links Lots 1 and 761 with this link providing a flood-free around the Boatfall Creek floodway.
Visual amenity - The hill and ridge line along the eastern edge of Area C2 (Lot 79) is a prominent scenic feature	<ul style="list-style-type: none"> ▪ View-shed analysis / Visual assessment required. Development to have no or minimal impact.

within the Valley and needs to be protected.	
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5.3 PLANNING AREA C3 - THE MEADOWS

The Area

Area C3 incorporates The Meadows Estate. This area has been subdivided and developed for Rural Lifestyle.

Development Potential

No further subdivision of existing lots will be permitted.

6. PRECINCT D - LIMEBURNERS CREEK ROAD

Precinct D incorporates the area within the investigation Zone, along Limeburners Creek Road to the east of the Glen Martin Road intersection. Precinct D is divided into 3 planning areas, numbered D1, D2 and D3. Given the existing subdivision pattern in this area, the boundary between Areas D2 and D3 could be adjusted to accommodate integrated development of adjoining lots in this area.

6.1 PLANNING AREA D1

The Area

Area D1 incorporates the land extending from Glen Martin Road east to the Wallaroo State Forest. This area includes 14 Lots.

Lots 6,7,8 DP251061
Lot 51 DP622487
Lot 42 DP631464
Lots 43, 44, 45 DP791217
Lots 321 and 322 DP1022184
Lot 31 DP625857
Lots 1 and 2 DP1048525
Lot 1 DP251061

Development Potential

Area D1 has already been subdivided for small rural holdings. The subdivision has resulted in the production of a mix of lots of varying shape and size, each with private driveway access to either Glen Martin or Limeburners Creek Road.

Due to its frontage and right-of-way access to the Meadows Drive, there is potential to subdivide Lot 8 provided that access to the lots created is via the Meadows Drive and not from Glen Martin Road. Lot 8 will not be able to be subdivided longitudinally creating long narrow or battle-axe lots with frontage to Glen Martin Road.

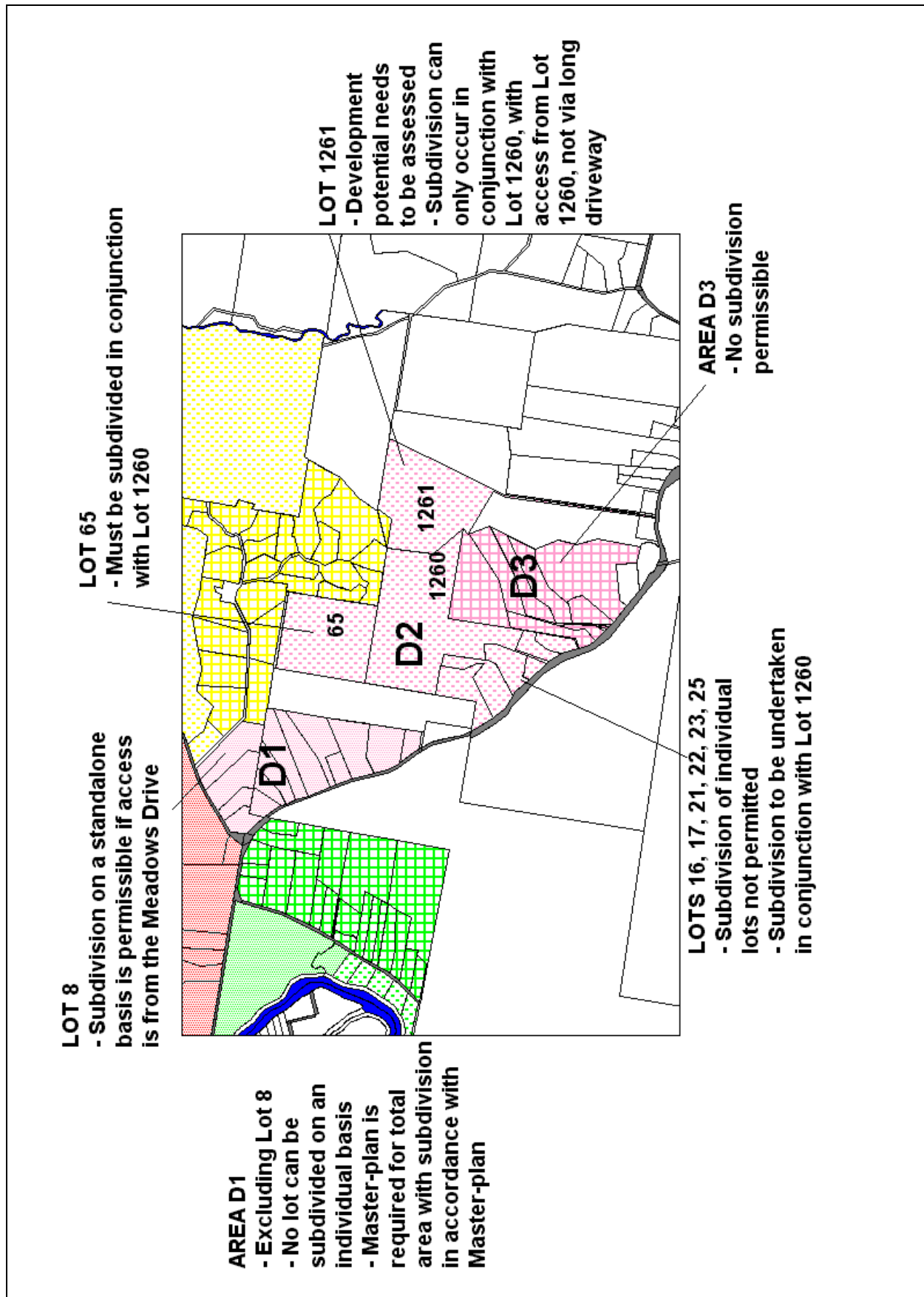
For subdivision to occur in the remainder of Area D1, adjoining property owners will need to work together to produce a masterplan that provides for staged and co-ordinated development of the total area.

Subdivision of individual lots will not be permissible.

Masterplan

A masterplan is required for Area D1. As Lot 8 has access from the Meadows Drive it is excluded from this planning requirement.

PLANNING PRECINCT D



Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for Area D1 must address:

Issue	Planning Considerations / Performance Criteria
To prevent further fragmentation of development within the area.	<ul style="list-style-type: none"> No further subdivision of individual lots. Need for a Masterplan for Area D1, excluding Lot 8.
Access to Collector Roads - Glen Martin Road and Limeburners Creek Road	<ul style="list-style-type: none"> No additional private driveway access or right-of-ways to Glen Martin Road and Limeburners Creek Road to be created. Any development in the area will require existing access driveways to be closed with access provided from an internal road link, which has properly sited and formed intersections with the collector roads.
Internal Roads	<ul style="list-style-type: none"> A cul-de-sac road network (eg Clarence Town Heights Estates) will be permitted provided that this road does not sterilise any Lots (excluding Lot 8) within Area D1.
Limeburners Creek Road is an entry point to Clarence Town. The visual Impact of development along Limeburners Creek Road needs to be minimised.	<ul style="list-style-type: none"> Visual assessment to be undertaken to determine set-back requirements. These may vary from the DCP, with these requirements having precedence. No backyards to have frontage to Limeburners Creek Road.

6.2 PLANNING AREA D2

The Area

Planning Area 12 is located immediately to the west of the Wallaroo State Forest. Area 12 incorporates 9 lots:

Lot 65 DP753216
 Lot 1260 DP 1054854
 Lot 1261 DP 1054854
 Lots 16 and 17 DP562702
 Lots 21 and 22 DP777595
 Lot 25 DP1007844
 Lot 23 DP789125

Lots 65, 1260 and 1261 are large parcels of land that do not have frontage to any public road. Lots 65 and 1260 have been cleared, while Lot 1261 is forested.

The remaining lots are smaller, irregular shaped lots with frontage to Limeburners Creek Road.

The boundary between Areas 12 and 13 is relatively arbitrary and could be altered by amalgamation of adjoining lots for development purposes

Development Potential

Lots 65 and 1260 are suitable for development provided that access is available from Limeburners Creek Road.

Lot 1261 is very hilly and heavily forested. Access is via a long narrow driveway from Limeburners Creek Road. The western fringe of this lot may be suitable for development in conjunction with development of Lot 1260, however this would be subject to a detailed assessment of slope, habitat and bushfire risk. Subdivision of Lot 1261 independent of Lot 1260 is not permissible.

In relation to the small lots with frontage to Limeburners Creek Road (Lots 16,17,21,22,25,23), subdivision of individual lots is not permitted. Further subdivision of these lots will need to be undertaken in conjunction with development of Lot 1260.

There is a poultry shed within Area D2. If this shed continues to operate, a buffer zone, as per the requirements of the DCP, will need to be provided.

It is understood that plans for a Community Title subdivision of Lots 65 and 1260 have been prepared. All roads within the subdivision will be community titled. If development of the western fringe of Lot 1261 is being considered, it will need to become part of the community title subdivision.

Consideration also needs to be given to how access can be provided to enable the smaller lots that have frontage to Limburners Creek Road to be further subdivided in the future. Part of the entry road into the Community Title Subdivision may need to be designated as public road with the owners of the smaller lots contributing to the cost of this section of the road.

Masterplan

Provided that the access issues are resolved to the satisfaction of Council, then a masterplan will not be required.

Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for Area D2 must address.

Issue	Planning Considerations / Performance Criteria
To prevent further fragmentation of	<ul style="list-style-type: none"> No further subdivision of Lots 16,17,21,22,23,

subdivision and development within the area.	25 and 1261 on an individual basis. Further subdivision must be undertaken in conjunction with the development of Lot 1260.
Access to Collector Roads - Glen Martin Road and Limeburners Creek Road	<ul style="list-style-type: none"> No additional private driveway access or right-of-ways to Limeburners Creek Road to be created. Need for a properly sited and formed access road to Limeburners Creek Road.
Internal Roads	<ul style="list-style-type: none"> Internal roads in Lot 1260 must provide a link through to Lot 65. If, following assessment, Lot 1261 has development potential, then provision needs to be made for access to this lot via Lot 1260. A road link providing an emergency access route from Limeburners Creek Road to the Meadows Estate needs to be provided from Lot 65 or 1260.
Limeburners Creek Road is an entry point to Clarence Town. The visual impact of development along Limeburners Creek Road needs to be minimised.	<ul style="list-style-type: none"> Visual assessment to be undertaken to determine set-back requirements. These may vary from the DCP, with these requirements having precedence. No backyards to front Limeburners Creek Road.
Need to protect habitat	<ul style="list-style-type: none"> Lot 1261 is forested. Parts of this lot may be able to be developed in conjunction with Lot 1260 however this will be subject to site analysis including a detailed Flora and Fauna assessment and bushfire risk analysis
Poultry Shed	<ul style="list-style-type: none"> Development should not impact on the operation or viability of this enterprise. Buffer zones to be provided as per the DCP requirements.

6.3 PLANNING AREA D3

The Area

Area D3 incorporates 8 lots:

Lots 205, 206, 207, 208, 209 DP826179
 Lots 105 and 106 DP812340
 Lot 103 DP622588

Development Potential

The development potential of this area is limited. The area is part of the headwaters for Boatfall Creek, with a multitude of small drainage lines and narrow valleys separated by steep hills and narrow spurs and ridges. This area has been subdivided for rural small holdings and the sites suitable for dwellings already taken up. Most of the lots within this area are long and narrow, and/or battleaxe in shape. There are a number of lots with no road frontage, with access provided by long driveways.

No further subdivision of any lots within this area is permitted.

7. PRECINCT E - BRENTWOOD ESTATE & SURROUNDS

Precinct E incorporates the Brentwood Estate and adjoining lands to the south and east. The Precinct is divided into 4 planning areas, numbered E1, E2, E3 and E4.

7.1 PLANNING AREA E1

The Area

Area E1 incorporates the Brentwood Estate. This area has been zoned, subdivided and developed for Rural Lifestyle.

Development Potential

The Brentwood Estate is an identified Phascogale habitat. The original subdivision was designed to protect this habitat. The topography of this area is hilly and dissected, with this also reflected in the subdivision design. No further subdivision of existing lots within Area E1 is permitted.

7.2 PLANNING AREA E2

The Area

Area E2 abuts the southern boundary of the Brentwood Estate, extending from the Clarence Town Road east to Fotheringay Road (south of the intersection with Brentwood Road). Area E2 incorporates 8 lots.

Lot 1 DP136312
Lot 1 DP 350332
Lot 200 DP 664398
Lot 115 DP1019827
Lot 110 DP1002308
Lot 111 DP1002308
Lot 112 DP1002308
Lot 114 DP1019827
Lot 31 DP859686.

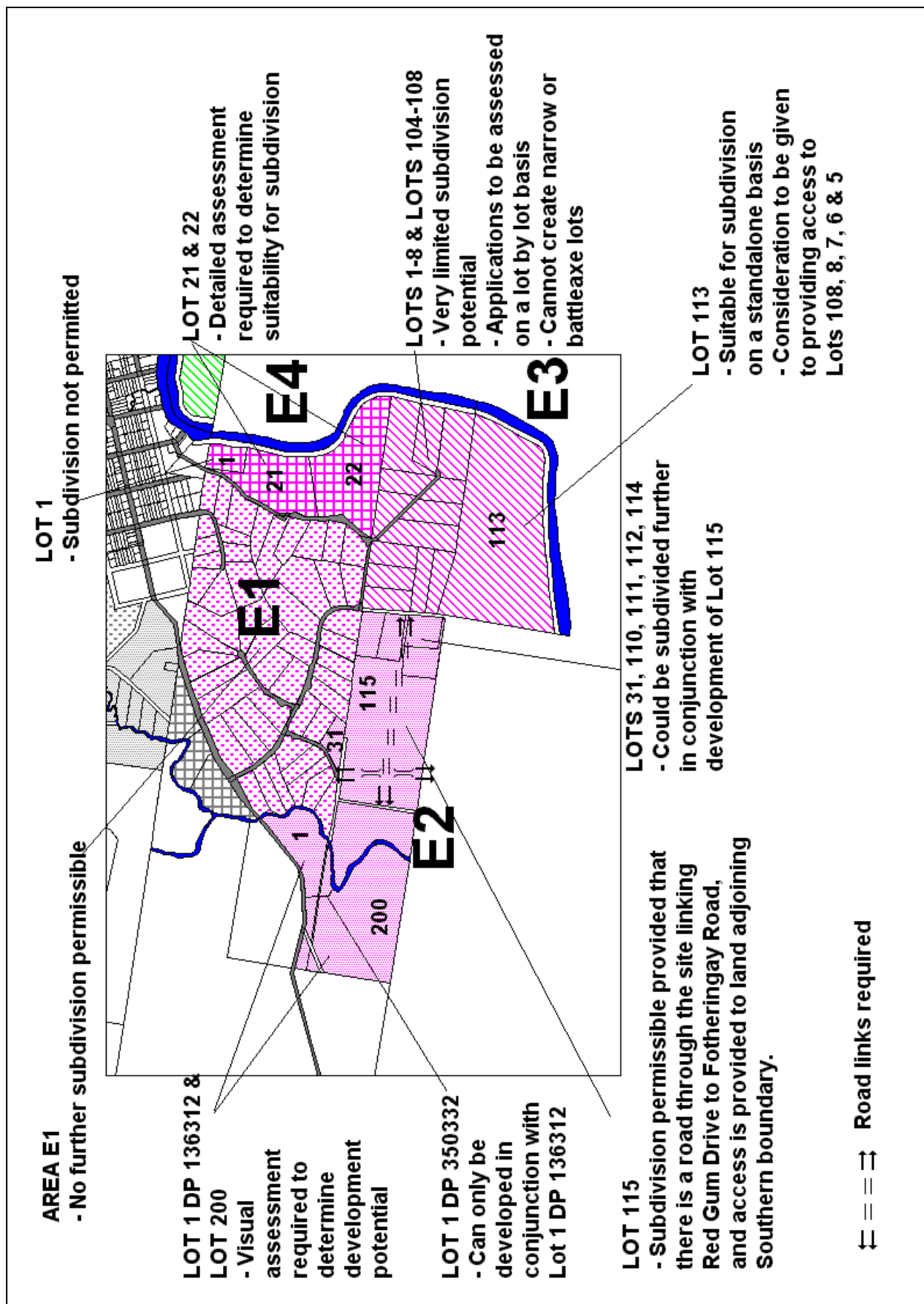
Lot 31 has been included in Area E2 as it controls the access to this area from Red Gum Drive.

Lots 110, 111, 112 and 114 have been subdivided into 3-4 hectare lots as an extension to the Brentwood Estate. These lots are cleared and are not part of the Phascogale habitat area.

Development Potential

Lot 1 DP 136312, Lot 1 DP 350332 and Lot 200 lie between Clarence Town Road and Wallaroo Creek (Note: Wallaroo Creek is marked on some maps as Stony Creek). This area forms part of the entrance into Clarence Town and as such no development on these lots should be visible from Clarence Town Road. View-shed / visual analysis will be

PLANNING PRECINCT E



required to determine whether Lot 1 DP 136312, Lot 1 DP 350332 and Lot 200 are suitable for development. Access would need provided off Clarence Town Road from a sealed road access point. No driveway or right of way access to Clarence Town Road is permitted. Development of Lot 1 DP 350332 will only be considered in conjunction with development of Lot 1 DP 136312. It cannot be developed on a standalone basis.

Lot 115 appears suitable for development provided that access can be gained from **both** Red Gum Drive and Fotheringay Road (south). Parts of this area are forested and fauna and flora assessments will be required. There is a right-of-way across Lot 115 linking to a large lot which is located on the southern side of the site within Port Stephens Shire. Development of Lot 115 will need to make provision for road access to this lot.

Lots 31, 110, 111, 112 and 114 have already been subdivided for Rural Lifestyle. There may be potential to further subdivide these lots, provided that subdivision is undertaken in conjunction with the development of Lot 115. Subdivision of these lots to produce long narrow lots or battle axe lots will not be permitted. Any new lots created must have a minimum width to depth ratio of 1:3.

Masterplan

Provided that the subdivision plan provides a through road linking Red Gum Drive and Fotheringay Road (south) and a road link through to the Lot which lies in Port Stephens Shire, then a masterplan is not required.

Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for Area E2 must address:

Issue	Planning Considerations / Performance Criteria
Access to Collector roads - Clarence Town Road	<ul style="list-style-type: none"> No driveway or right of way access to be provided from Clarence Town Road, with a maximum of one road access point to be provided as part of any development of Lot 200.
Internal access roads	<p>Access is to be provided by a through road that links Red Gum Drive to Fotheringay Road.</p> <ul style="list-style-type: none"> Road network must provide access to the lot to the south which lies within Port Stephens Shire.
Protecting the visual approach to Clarence Town	<ul style="list-style-type: none"> View shed / Visual assessment from Clarence Town Road required. Development is not permitted west of Wallaroo Creek if it is visible from Clarence Town Road.

Retention of bushland / habitat protection.	<ul style="list-style-type: none"> Flora and Fauna assessment required and appropriate protection controls put in place if required.
Further subdivision of Lots 31, 110, 111, 112 and 114.	<ul style="list-style-type: none"> Further subdivision of these lots can only occur if it is undertaken as part of the development of Lot 115. Subdivision of individual lots to create a long narrow lot, or battle-axe lot is not permissible.
Protection of Wallaroo (Stony) Creek	<ul style="list-style-type: none"> The Wallaroo (Stony) Creek foreshore must stay in one ownership. Rural Lifestyle or Rural Enterprise Lots with direct frontage to Wallaroo (Stony) Creek are not permitted. No additional Riparian Rights are to be created.

7.3 PLANNING AREA E3

The Area

Area E3 incorporates 14 lots, thirteen of which have been subdivided and developed for Rural Lifestyle as an extension to the Brentwood Estate.

The remaining Lot (Lot 113 DP1019827) is still in agricultural use. There is also a narrow strip of Crown Land along the Williams River foreshore.

Lots 1, 2, 3, 4, 5, 6, 7, 8 DP791047
 Lot 104, 105, 106 DP869005
 Lot 107, 108 DP1002308
 Lot 113 DP1019827

Development Potential

The potential to further subdivided the thirteen Rural Lifestyle lots is very limited and would need to be assessed on a case by case basis. Any development that proposes subdivision to produce long, narrow blocks (width to depth ratio of less than 1:3) or battleaxe shaped block will not be permitted. There may be limited opportunity for subdivision of Lots 108, 5,6,7 and 8 in conjunction with the development of Lot 113.

Lot 113 appears suitable for development (subject to flood assessment).

Consideration should be given to providing a foreshore reserve along the Williams River to provide public access to the Williams River, for residents of the Brentwood Estate. The reserve could be provided in Area E3 as part of the development of Lot 113, or in Area E4.

Masterplan

Not required.

Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for Area E3 must address:

Issue	Planning Considerations / Performance Criteria
Williams River - protection of the foreshore	<ul style="list-style-type: none"> ▪ Crown land foreshore reserve to remain zoned for agriculture. ▪ No lots to be created with river frontage or riparian rights.
Williams River - Public Access via a foreshore reserve.	<ul style="list-style-type: none"> ▪ Identify a location within the Brentwood Precinct for the development of a foreshore reserve to provide public access to the Williams River. This could be in Area E3 and/or Area E4.

7.4 PLANNING AREA E4

The Area

Area E4 lies between Fotheringay Road and the Williams River. It incorporates 3 lots:

Lot 1 DP62789
 Lot 21 DP775681
 Lot 22 DP775681

Development Potential

Lot 1 has already been zoned and developed for Rural Lifestyle. No further subdivision will be permitted.

Two small creeks traverse this area and there appears to be areas of poor drainage along these creek lines. Part of Lot 22 also appears to drain into a small wetland.

Further assessment of Area E4 is required to determine whether this area is suitable for development, and if so, what type of development should occur.

Any development of Lots 21 and 22 should not result in:

- Subdivision that produces long, narrow blocks (minimum width to depth ratio of 1:3 required) that extend from Fotherington Road through to the Williams River foreshore area.
- Production of lots with driveway or right of way access to Fotheringay Road.
- Creation of riverfront lots.
- Any negative impacts on the adjoining wetland

Part of Area E4 may also be suitable for a foreshore reserve to provide public access to the Williams River.

8. PRECINCT F - CEMETERY ROAD

Precinct F incorporates the land around Cemetery Road, extending from the Uffington State Forest east to Clarence Town. The Precinct is divided into 5 planning areas, numbered F1 to F5.

There are a number of significant issues that need to be addressed and resolved before any development will be permitted in some areas within this Precinct. These issues are:

- Access - the intersection of Cemetery Road and Clarence Town Road has been identified by Dungog Shire Council as inappropriate and will need to be upgraded or relocated prior to any development that relies on Cemetery Road for access.

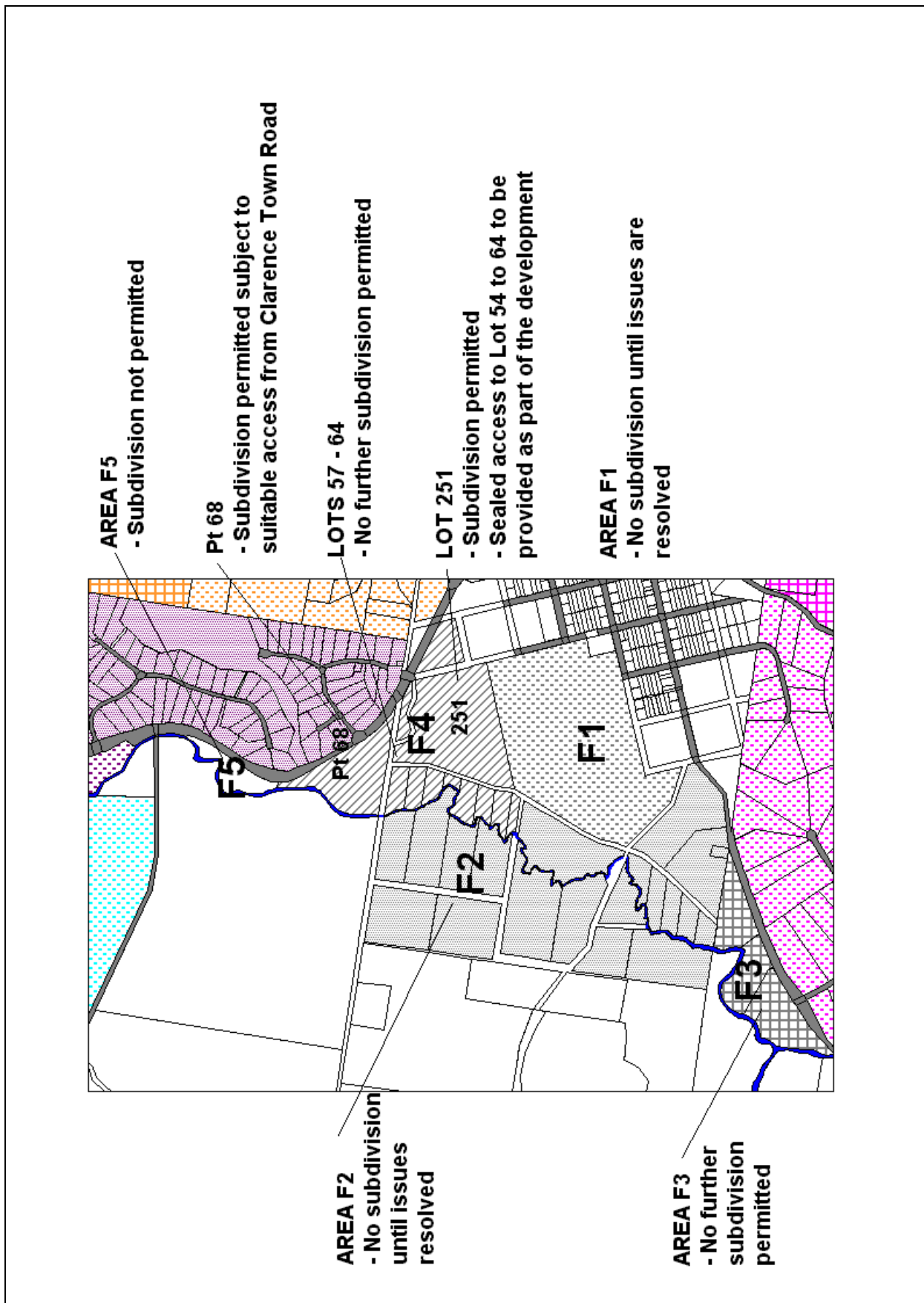
Cemetery Road will also need to be sealed prior to any further development occurring on lots that require access from this road.

The location of the intersection of the access road to the northern end of the Precinct (located just north of the Quarry) and Clarence Town Road is also identified as inappropriate and alternative access onto Clarence Town Road will need to be provided.

- The proposed Clarence Town by-pass - the suggested route passes through Area F1 and part of Area F3.
- Significant habitat area - parts of this Precinct are forested and are believed to support rare and endangered species including koalas, phascogales, sugar gliders and quolls. These areas need to be identified and assessed and appropriate controls and buffer areas determined.
- Connection to the Clarence Town sewage system. The main sewer line from Clarence Town to the Treatment Plant to be located in the Uffington State Forest, will follow Cemetery Road. As such it may be possible for all or part of this Precinct to be connected to the sewer. This would influence the sub-division pattern.
- Development along Stony Creek. Subdivision for small rural holdings has already occurred along parts of the Stony Creek foreshore. If the area cannot be sewered, then a detailed assessment of the cumulative impact of septic systems on Stony Creek needs to be undertaken prior to any further development.
- Bushfire risk - this Precinct adjoins the Uffington State Forest. Parts of the Precinct lie within the high and medium bushfire risk zones. Asset protection zones will need to be incorporated in the subdivision planning and design.
- Expansion of Clarence Town - Area F1 abuts the eastern edge of Clarence Town. The potential of part of this area being used to accommodate the future needs of Clarence Town for residential and other landuses needs to be assessed.

Detailed assessment of these issues is required before any further development will be considered within Planning Areas F1 and F2.

PLANNING PRECINCT F



8.1 PLANNING AREA F1

The Area

Area F1 incorporates Lot 275 DP 1949186.

Development Potential

The Precinct issues outlined above need to be addressed and resolved before any development will be considered in this area.

8.2 PLANNING AREA F2

The Area

Area F2 incorporates 17 lots, excluding the two lots zoned Special Uses.

Lot 2 DP1043969
Lots 47, 48, 49, 50, 51 DP752497
Lots 143, 144, 146 DP752497
Lot 1 DP1043969
Lots 73, 74, 75, 76, 77, 79 DP752497
Lot 273 DP1040186

Development Potential

The Precinct issues outlined above need to be addressed and resolved before any development will be considered in this area.

8.3 PLANNING AREA F3

The Area

Area F3 is located along Clarence Town Road. It incorporates 3 lots:

Lots 1532, 1533 and 1534 DP1017836

Development Potential

These lots have already been zoned for Rural Lifestyle. Given their frontage to and access and high visibility from Clarence Town Road and their frontage to Stony Creek (also known as Wallaroo Creek), no further subdivision is permissible.

8.4 PLANNING AREA F4

The Area

Planning Area F4 incorporates 11 lots:

PT68 DP576099 - southern section only
 Lot 251 DP 752497
 Lots 57, 58, 59, 60, 61, 62, 63, 84 DP 752497
 Lot 274 DP1040186

Lot 274 has direct frontage to Clarence Town Road, while Lots 251 and PT68 are accessed via a small access road located just north of the Clarence Town Quarry. The remaining lots have access from road reserves.

Development Potential

Lot 274 is forested and has been identified as important habitat area. The forest also forms part of the northern gateway to the village. The proposed Clarence Town Bypass may also impact on this lot. This lot is already zoned Rural Lifestyle and no further subdivision is permitted until the habitat value of the area has been assessed and the Bypass issue resolved.

Due to their frontage to Stony Creek, no further subdivision of Lots 57, 58, 59, 60, 61, 62 63 and 84 is permissible.

The undulating areas within Lot 251 appear suitable for development for Rural Lifestyle or Rural Enterprise uses. As part of any development of Lot 251 road access to Lots 57 to 63 and Lot 84 will need to be provided, with the cost to be shared amongst all lot owners.

The southern area of PT68 also appears suitable for development for Rural Lifestyle or Rural Enterprise uses.

Prior to any development of Lot 251 and PT68, road access from Clarence Town Road will need to be resolved.

Masterplan

Not required.

Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for Area F4 must address:

Issue	Planning Considerations / Performance Criteria
Access to Collector Roads - Clarence Town Road	<ul style="list-style-type: none"> ▪ No private driveway or right-of-way access to Clarence Town Road ▪ Maximum of one access / egress road to Clarence Town Road - location to be

	determined in conjunction with Council and the RTA.
Clarence Town Road is a gateway entry point to Clarence Town. The visual Impact of development along Clarence Town Road needs to be minimised.	<ul style="list-style-type: none"> Visual assessment to be undertaken to determine set-back requirements. These may vary from the DCP, with these requirements having precedence. Corridor tree planting along the Clarence Town Road frontage to create a village entry statement. No backyards to have frontage to Clarence Town Road.
Internal roads	<ul style="list-style-type: none"> Provision for access to Lots 57 to 63 and Lot 84 to be included in subdivision planning of Lot 251. The main access for Lots 57 to 63 and Lot 84 should be through this Area (F4) not via Cemetery Road. A road link needs to be provided into Area F2. In the short term this link will provide an alternative emergency access route. It should have the potential to become a through road to Area F2 if development proceeds in Area F2.
Stony Creek	<ul style="list-style-type: none"> Assessment and appropriate protection of any riparian vegetation. River foreshore to remain in one ownership - no river front lots can be created.

8.5 PLANNING AREA F5

The Area

Area F5 incorporates the northern part of the lot defined as PT68 DP576099.

Development Potential

Area F5 is a narrow area of river flat backed by riparian vegetation along Stony Creek. This area has very high scenic value. Due to the narrowness of the area, the setbacks required from Clarence Town Road and Stony Creek cannot be achieved. Due to these combination of factors development is prohibited.

9. PRECINCT G - WOERDENS ROAD

Precinct G incorporates the land accessed from Woerdens Road, plus the areas within the Investigation Zone to the west of the Uffington State Forest. The Precinct is divided into 3 planning areas, numbered G1, G2 and G3.

9.1 PLANNING AREA G1

The Area

Area G1 is located on the northern side of Woerdens Road. It incorporates 6 lots:

PT 86 DP752801
Lot 255 DP 752497
Lot 195 DP 752497
Lot 196 DP 752497
Lot 197 DP 752497
Lot 103 DP 752497

Lots 103, 196 and 197 have frontage to and access from Woerdens Road. PT86 has access from road reserves that link to Clarence Town Road. Lots 255 and 196 have no access other than through the adjoining lots.

Development Potential

Much of Area G1 is prime developable land. An integrated and co-ordinated approach to development will be required to ensure that development of Lots 103, 196 and/or 197 provides both vehicle and pedestrian access though to Lots 255 and 195.

PT86 has minimal development potential and should only be developed in conjunction with development of Lot 195, and following assessment of the visual impact from Clarence Town Road of development on this Lot.

Issues that need to be addressed in the development of Area G1 include:

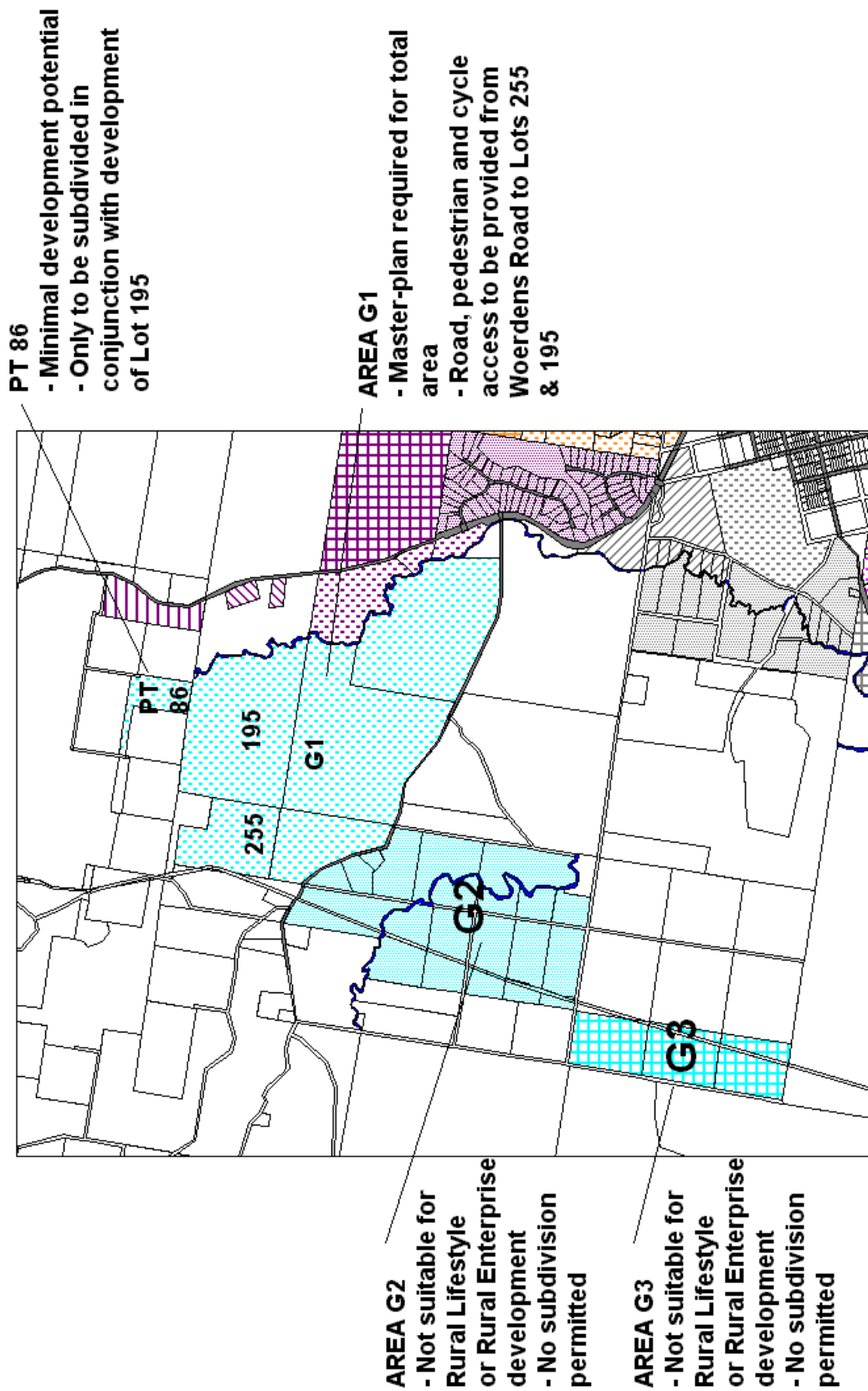
- The need to improve the intersection of Woerdens Road and Clarence Town Road.
- The need to replace the Woedens Road bridge over Stony Creek.
- Protection of the riparian vegetation along Stony Creek.
- Assessment and protection of forest habitat.
- Bushfire risk
- Poultry shed on Lot 196 - buffers will be required.
- Staging of development

Masterplan

A Masterplan is required for the total area. The plan will need to detail:

- Road and pedestrian-cycle routes to provide access to Lots 255 and 195.
- Habitat protection areas - open space corridors
- Buffer zones and setbacks - poultry shed, bushfire asset protection areas, Stony Creek corridor etc.

PLANNING PRECINCT G



Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for Area G1 must address:

Issue	Planning Considerations / Performance Criteria
Need to upgrade the Woerdens Road - Clarence Town Road intersection and the bridge over Stony Creek	<ul style="list-style-type: none"> ▪ Safe intersection and new bridge.
Access to Collector Roads - development of this precinct will result in Woerdens Road becoming a local collector road.	<ul style="list-style-type: none"> ▪ No direct private driveway or right-of-way access to Woerdens Road.
Internal road network to provide links between lots and provide access to Lots 255 and 195	<ul style="list-style-type: none"> ▪ Network of through roads that link across property boundaries. ▪ A series of cul-de-sacs off Woerdens Road is not permissible.
Pedestrian and cycle access	<ul style="list-style-type: none"> ▪ Shared routes within Area 22 need to be defined.
Protection of Riparian Vegetation along Stony Creek and areas with habitat significance	<ul style="list-style-type: none"> ▪ Flora and Fauna assessment must be undertaken as part of the development assessment process and appropriate protection measure incorporated.
Stony Creek corridor	<ul style="list-style-type: none"> ▪ The Stony Creek foreshore must stay in one ownership. ▪ Rural Lifestyle or Rural Enterprise Lots with direct frontage to Stony Creek will not be permitted. ▪ No additional Riparian Rights are to be created.
Poultry shed	<ul style="list-style-type: none"> ▪ Development should not impact on the operation or viability of this enterprise. ▪ Buffer zone to be provided as per the DCP requirements.

9.2 PLANNING AREA G2

The Area

Area G2 is located on the western side of the Uffington State Forest to the south of Woerdens Road. Area G2 incorporates 12 Lots.

Lot 421,422, 423 DP790595
Lot 1041 DP748540
Lot 105 DP752497
PT 111 DP752497
PT 112 DP752497
PT 113 DP752497
PT 114 DP752497
PT 115 DP752497
PT 118 DP752497
PT 119 DP752497

Only Lots 105, 421, 422,423 and 1041 have road frontage to Woerdens Road, with the other lots accessible via rights of way or through the Uffington State Forest.

Development Potential

The development potential of this area is limited. Access to the area is difficult, with the land sloping steeply down from Woerdens Road. Due to proximity to the State Forest, the vegetation in the area and the topography, the area is rated as having a high fire risk. A number of lots in this area are owned by Dungog Shire Council and are to be used as the effluent re-use area for the Clarence Town Sewerage Treatment Plan.

This area is not considered suitable for the development for Rural Lifestyle or Rural Enterprise development. No further subdivision is permissible.

9.3 PLANNING AREA G3

The Area

Area G3 is located on the western edge of the Uffington State Forest. Area G3 incorporates 3 lots:

Lot 128 DP 752497
PT 129 DP 752497
PT 130 DP 752497

Access to Area G3 is via an unsealed road through the Uffington State Forest.

Development Potential

Due to its relative isolation and limited access and bushfire risk, this area is not considered suitable for further subdivision and development for Rural Lifestyle or Rural Enterprise use.

10. PRECINCT H - CLARENCE TOWN ROAD NORTH

Precinct H incorporates the Clarence Town Heights rural residential estates plus 4 disjointed parcels of land along Clarence Town Road to the north of the Village. This Precinct is divided into 5 planning areas, numbered H1 to H5.

10.1 PLANNING AREA H1

The Area

Area H1 incorporates the Clarence Town Heights rural residential estates.

Development Potential

Area H1 has already been subdivided and zoned for Rural Lifestyle. Given the small size of the lots, no further subdivision is permissible.

10.2 PLANNING AREA H2

The Area

Area H2 occupies the river flat between Stony Creek and the Clarence Town Road. This area incorporates 2 lots:

Lot 2021 DP1058127

Lot 2023 DP1058127

Development Potential

This area is part of the northern gateway to Clarence Town. The area has very high scenic value and makes a very strong contribution to the rural amenity and character of Clarence Town. The area will be retained as is, with no further subdivision or development permitted.

10.3 PLANNING AREA H3

The Area

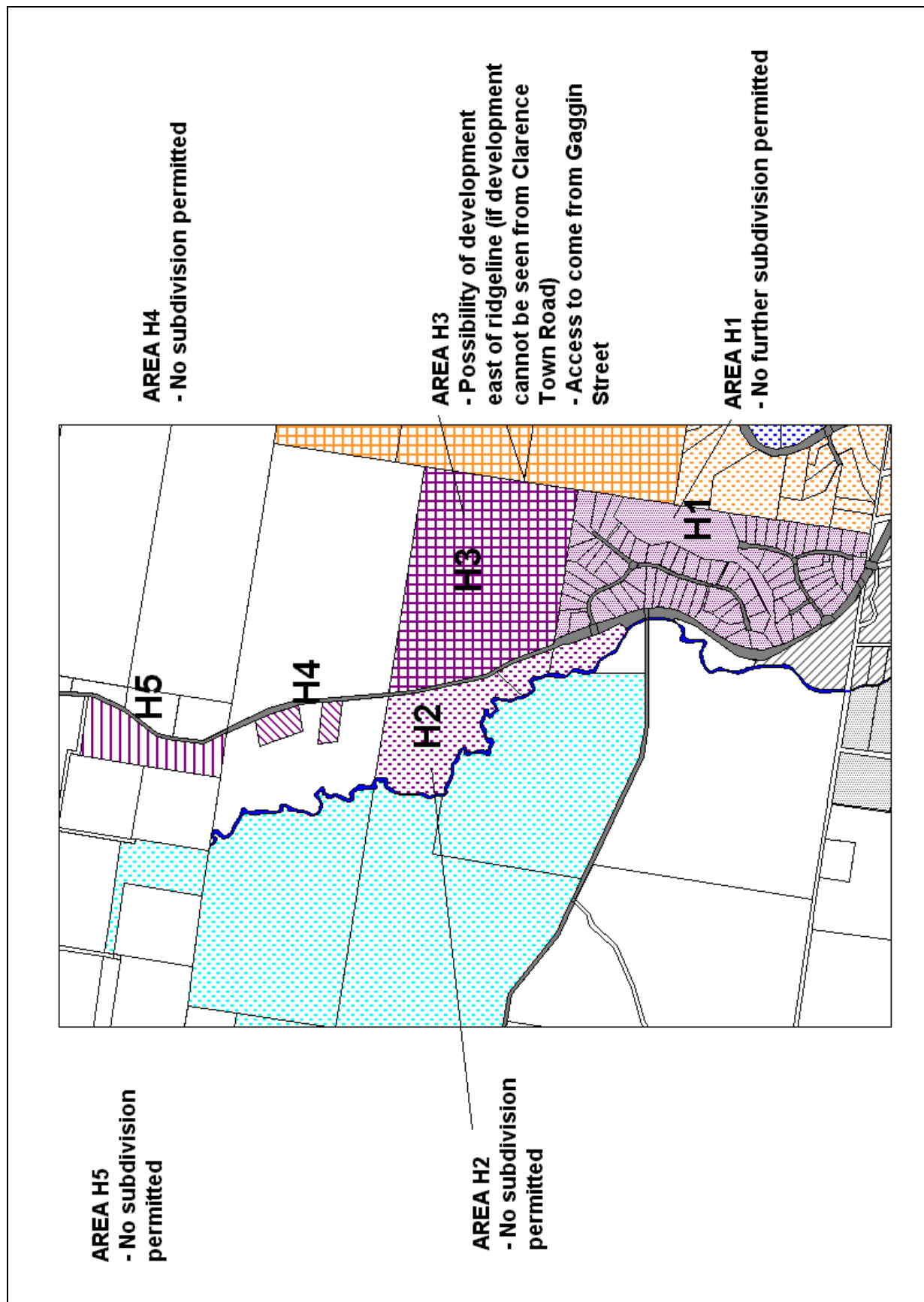
Area H3 is located to the east of Clarence Town Road, opposite Area H2. It incorporates 1 parcel of land - Lot 2022 DP 1058127. There may be flooding and slope constraints that need to be addressed.

Development Potential

Area H2 forms part of the northern gateway for Clarence Town. The area rises steeply from the Clarence Town Road, to a very prominent ridge line. There will be no development in the area between Clarence Town Road and the ridge line (no development in areas that form part of the Clarence Town Road view shed).

It may be possible to develop the area to the east of the ridge. This could only be achieved by gaining access from the extension of Gaggin Street, north. A traffic study will be needed for this land.

PLANNING PRECINCT H



10.4 PLANNING AREA H4

The Area

Area H4 consists of Lot 21 DP594799 and Lot 19 DP592040. These are small holdings that has been excised from the surrounding rural holding.

Development Potential

Area H4 is located within an area of high scenic value. It also has frontage to and direct access from Clarence Town Road. Subdivision of these lots would produce lots that would need to be accessed from Clarence Town Road. This is highly undesirable.

No further subdivision of Lot 19 and 21 is permitted. Any development on these lots should be subject to stringent visual impact assessment.

10.5 PLANNING AREA H5

The Area

Area H5 is defined as Lot 191 DP752501.

Development Potential

As with Area H4, this Lot is located in an area of high scenic value. It is also located on a curved section of the Clarence Town Road where sight lines are restricted. Further subdivision and development of Area H5 is not permitted.

11. PRECINCT I - GLEN WILLIAM ROAD WEST

Precinct I incorporates the land on the western side of Glen William Road. Much of this area is referred to locally as the 'Mill Hills'. This Precinct is divided into 2 planning areas, Areas I1 and I2.

11.1 PLANNING AREA I1

The Area

Area I1 is located at the southern end of Precinct I in the area around Riverview Close. This area has already been subdivided for rural small-holdings with some lots already rezoned for Rural Lifestyle. This area incorporates 17 Lots.

Lot 11 DP773516
 Lots 611, 612, 613 DP46084
 Lots 59, 60 DP576098
 Lot 11 DP632769
 Lots 121, 122, 123 DP814501
 Lot 16 DP773916
 Lot 131 DP813798
 Lots 133, 134 DP830930
 Lots 14, 15 DP773916
 Lot 256 DP752497

Development Potential

Development potential of this area is very limited. Due to the topography, existing pattern of subdivision and the alignment of the Glen William Road in this area, no further subdivision of Lots to the north of Riverview Close is permissible.

The Lots south of Riverview Close (Lot 131, 133, 134, 14,15,256) that are accessible from Hart Street, could potentially be subdivided further, provided that:

- The new lots created have frontage to and access from Hart Street. Access will not be possible from Glen William Road.
- The lots created have a minimum width to depth ratio of 1:3.
- Battleaxe blocks are not created.

If Lot 256 can be sewerred the lot should be included within the village boundary and considered for residential subdivision.

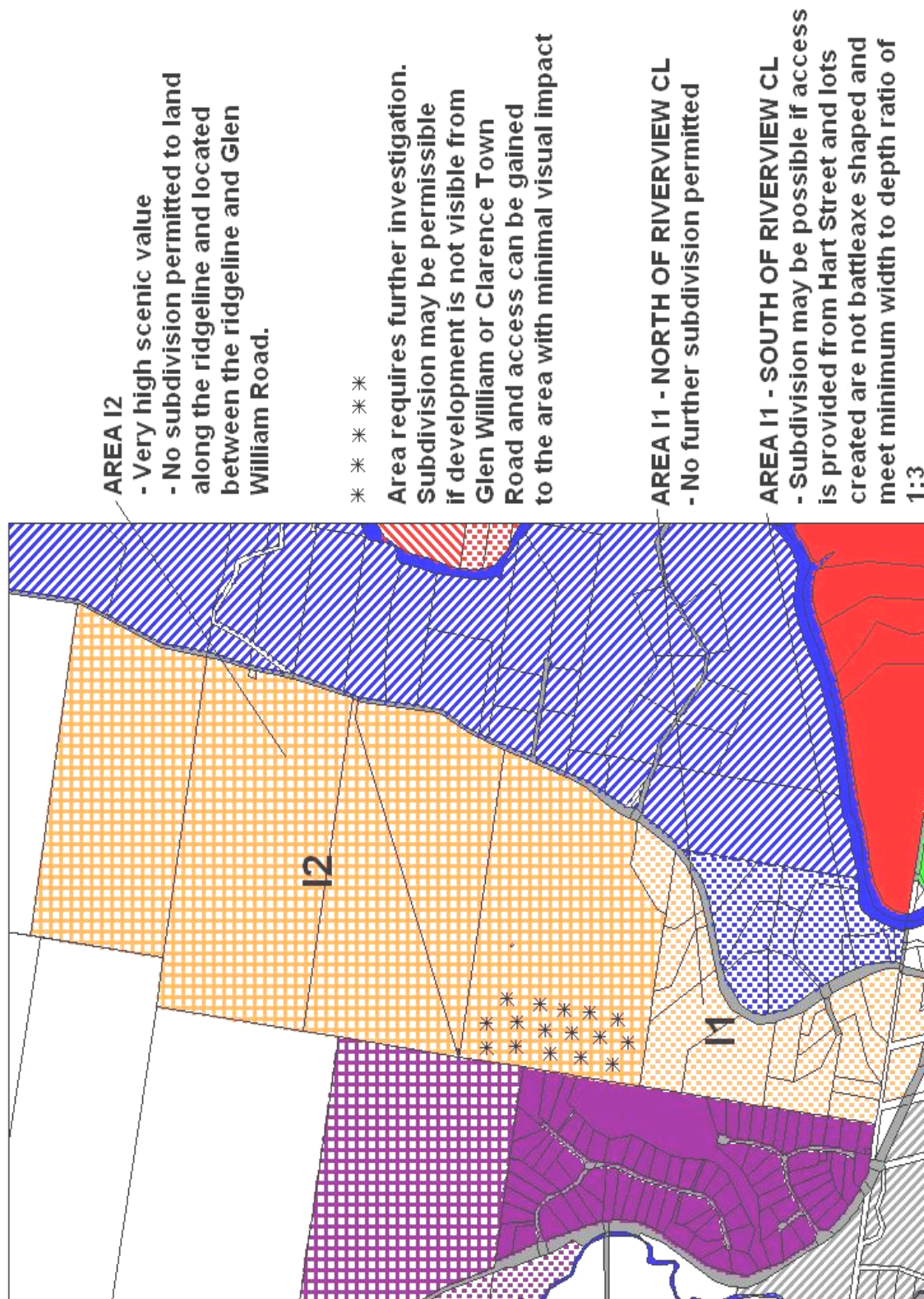
11.2 PLANNING AREA I2

The Area

Area I2 is the 'Mill Hills' area. It incorporates 5 lots:

Lot 12 DP773516	Lot 32 DP554388
Lot 1 DP370124	Lot 5 DP4352
Lot 2 DP862441	

PLANNING PRECINCT I



Development Potential

The Mills Hills is a very prominent ridge. It is a visual landmark in Clarence Town and an important contributor to the visual amenity and rural character of the area. The Mill Hills were identified by the Clarence Town community as having high scenic value that needs to be retained and protected.

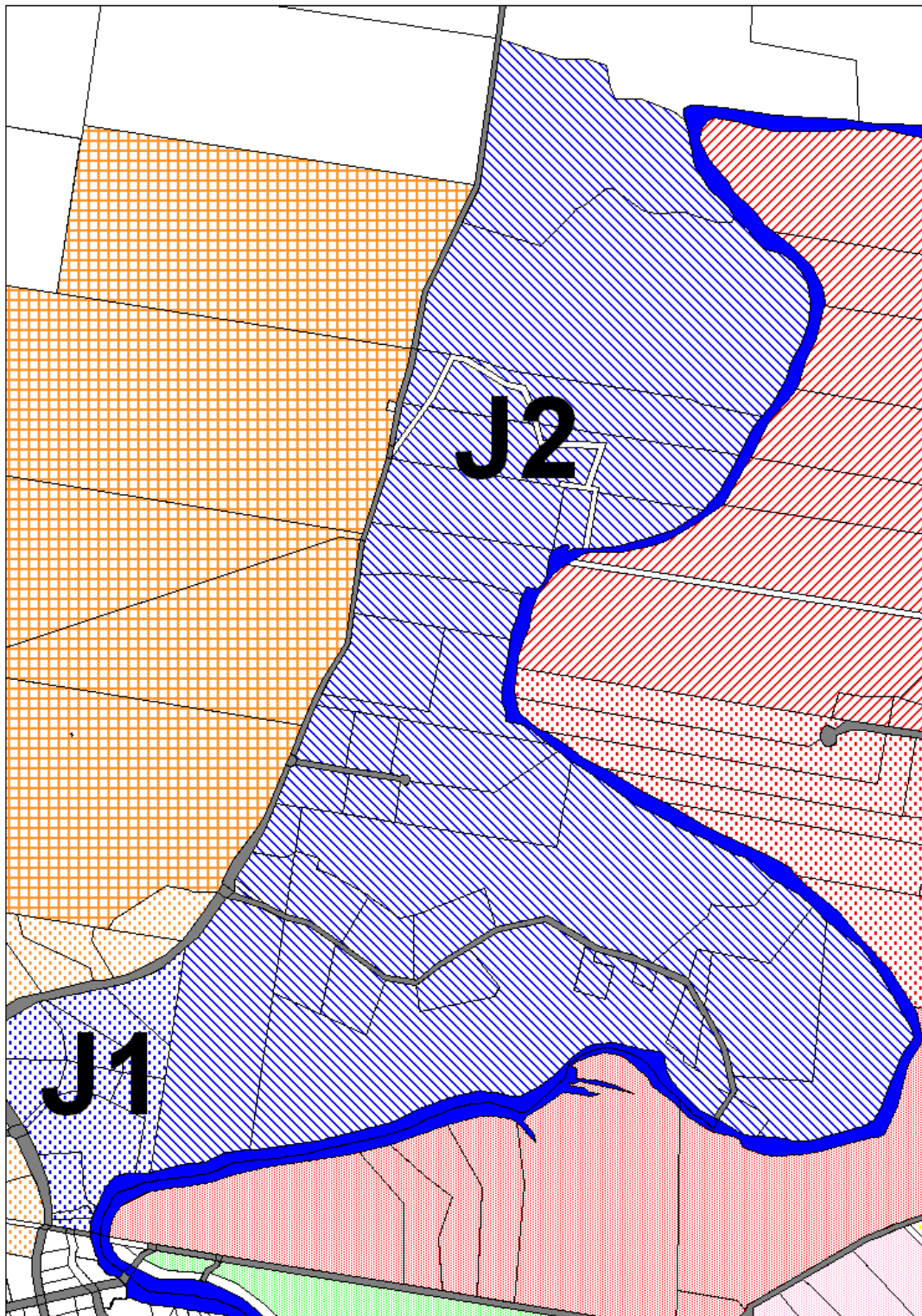
There is a narrow band of undulating land adjacent to Glen William Road, with the land then rising steeply to the ridge line. The highest point along the ridge is 171 metres, an elevation of around 130 metres higher than Glen William Road.

Given the scenic value of this area, the limited amount of land suitable for development and the availability of far more suitable land for development within other areas within the Investigation Zone, land on the ridgeline and between the ridgeline and Glen William Road is excluded from subdivision and development for Rural Lifestyle or Rural Enterprise uses.

There may be land in Lot 12, located between the ridgeline and the Clarence Town Heights estates (Area H1) that may be suitable for development. Further investigation of this land is required. Any development must not be visible from the Glen William or Clarence Town Roads. The access road into this area needs to have minimal visual impact. 'Scarring' or significant cut and fill on the Mill Hill vista is not permitted.

12. PRECINCT J - GLEN WILLIAM ROAD EAST

Precinct J is the area between Glen William Road and the Williams River. This Precinct is divided into 2 planning areas, numbers J1 and J2.



12.1 PLANNING AREA J1

The Area

Area J1 is located at the southern end of the Precinct abutting the northern boundary of Clarence Town Village. There are 11 lots within this area:

Lots 3,4 DP543651
 Lots 21,23, 24, 27, 28, 29 DP730011
 Lots 251, 252 DP1046823

This area has been subdivided for small rural holdings, with 6 of the lots already zoned Rural Lifestyle. A number of the lots are battle-axe shaped blocks with long narrow driveways or right of way access to Glen William Road. The hilly topography of the area and the bend in Glen William Road is not conducive to increased use of either existing driveways or new driveway access.

Development Potential

The development potential of lots in this area is very limited.

Lots 3 and 4 are already very small lots and no further subdivision for development will be permissible. A narrow lot along the River frontage could be subdivided off to form part of a river front reserve.

Due to their size and shape, the hilly topography and the alignment of Glen William Road, no further subdivision of Lots 26, 27, 28, 251 and 252 is permitted.

Subject to land capability assessment and traffic studies, there may be potential for further subdivision of Lots 23 and 24, if undertaken jointly. Road access would need to be provided off Glen William Road. No private driveway or right-of way access to Glen William Road will be permitted.

There may also be potential to further subdivide Lots 21 and 29. This has to be done in conjunction with the development of the adjoining Lot 32 (Area J2) with access being provided through Lot 32. No additional driveway or right of way access to Glen William Road will be permitted.

Masterplan

Not required.

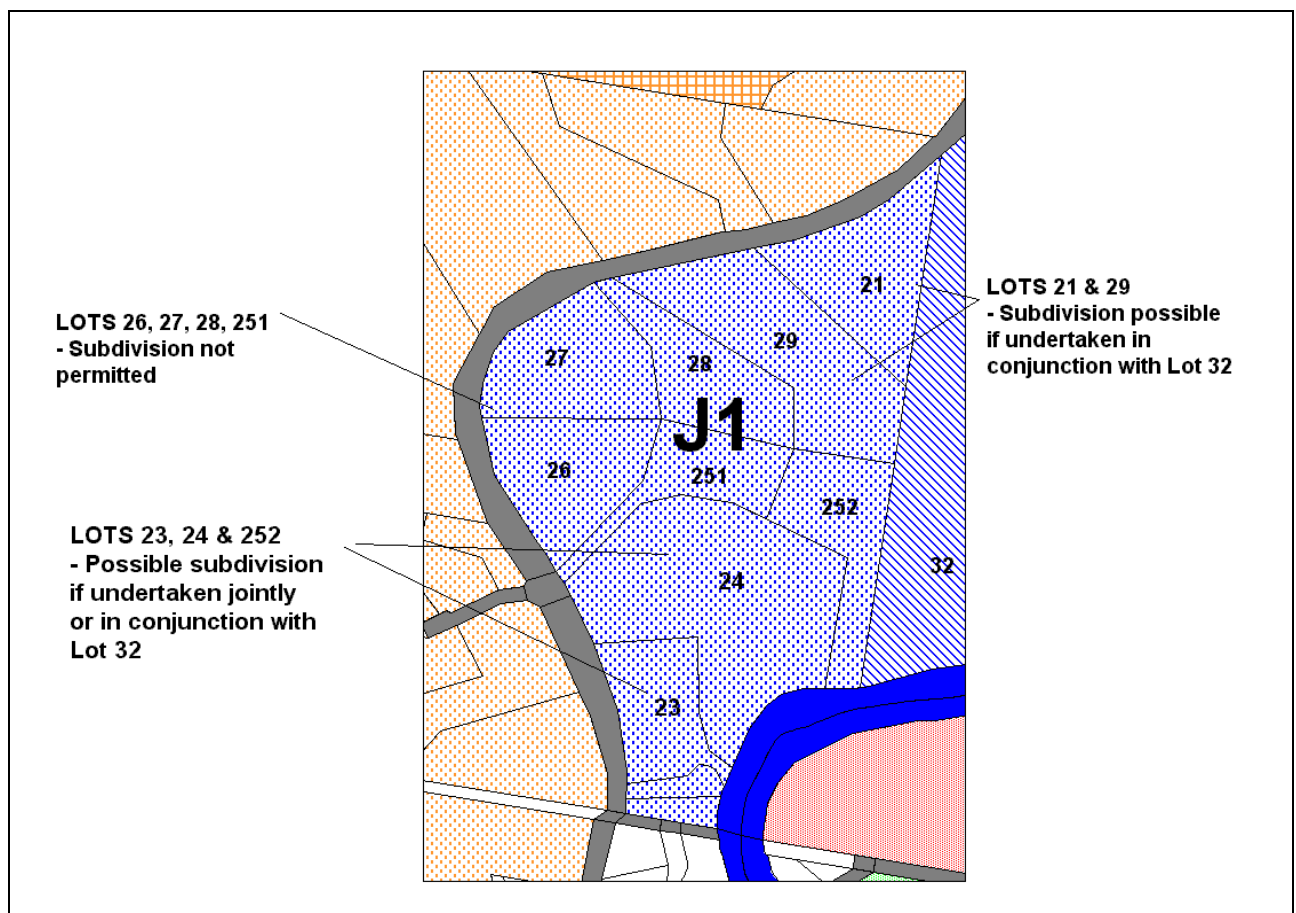
Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for Area J1 must address:

Issue	Planning Considerations / Performance Criteria
Access to Collector Roads - Glen William Road	<ul style="list-style-type: none"> No additional private driveway or right of way access to Glen William Road. Any additional

	access to be provided by properly formed and sited intersections.
River frontage	<ul style="list-style-type: none"> ▪ The river foreshore area cannot be further subdivided to create river-front lots or provide additional riparian rights. ▪ Ideally the river foreshore area should form part of the foreshore environmental corridor that extends from north of Hart Street to Clarence Town.

PLANNING AREA J1



12.2 PLANNING AREA J2

The Area

Area J2 is extensive, incorporating 39 lots.

Development Potential

Most of Area J2 is highly suitable for further development. The existing pattern of subdivision is also largely conducive to further subdivision.

Lot 42 DP714245 & Lot 3 DP4352

There is a hill - ridge line running through Lot 42 DP714245 at the northern end of Area J2. This ridge is an extension of the Mill Hills and is important scenically for the area. No development should occur on the hill slopes or on land to the north of the ridge line. Development of the northern part of Lot 42 and of Lot 3 DP4352 is not permitted.

North of Angela Close

Lot 41 DP714245
Lot 220 (2 portions) and 221 DP75497
Lot 156 DP752497
Lot 2191 and 2192 DP881458
Lot 218 and 263 DP752497

Although these lots are large in area, the width to depth ratio is not conducive to quality subdivision. A series of cul-de-sac roads to provide access to each lot is also not desirable and will not be approved. The minimum planning area for any subdivision for Rural Lifestyle or Rural Enterprise will be two adjoining lots that have a combined width to depth of at least 1:3.

Lot 41 may be developed in conjunction with Lot 42 DP714245.

Lot 156 and Lot 220 DP (eastern portion 220) will need to be developed in conjunction with Lot 220 DP (western portion) and/or Lot 221.

Further subdivision of Lots 253 and 218 needs to be planned jointly and/or undertaken in conjunction with development of Lot 2192 or the adjoining lots to the south.

Angela Close area

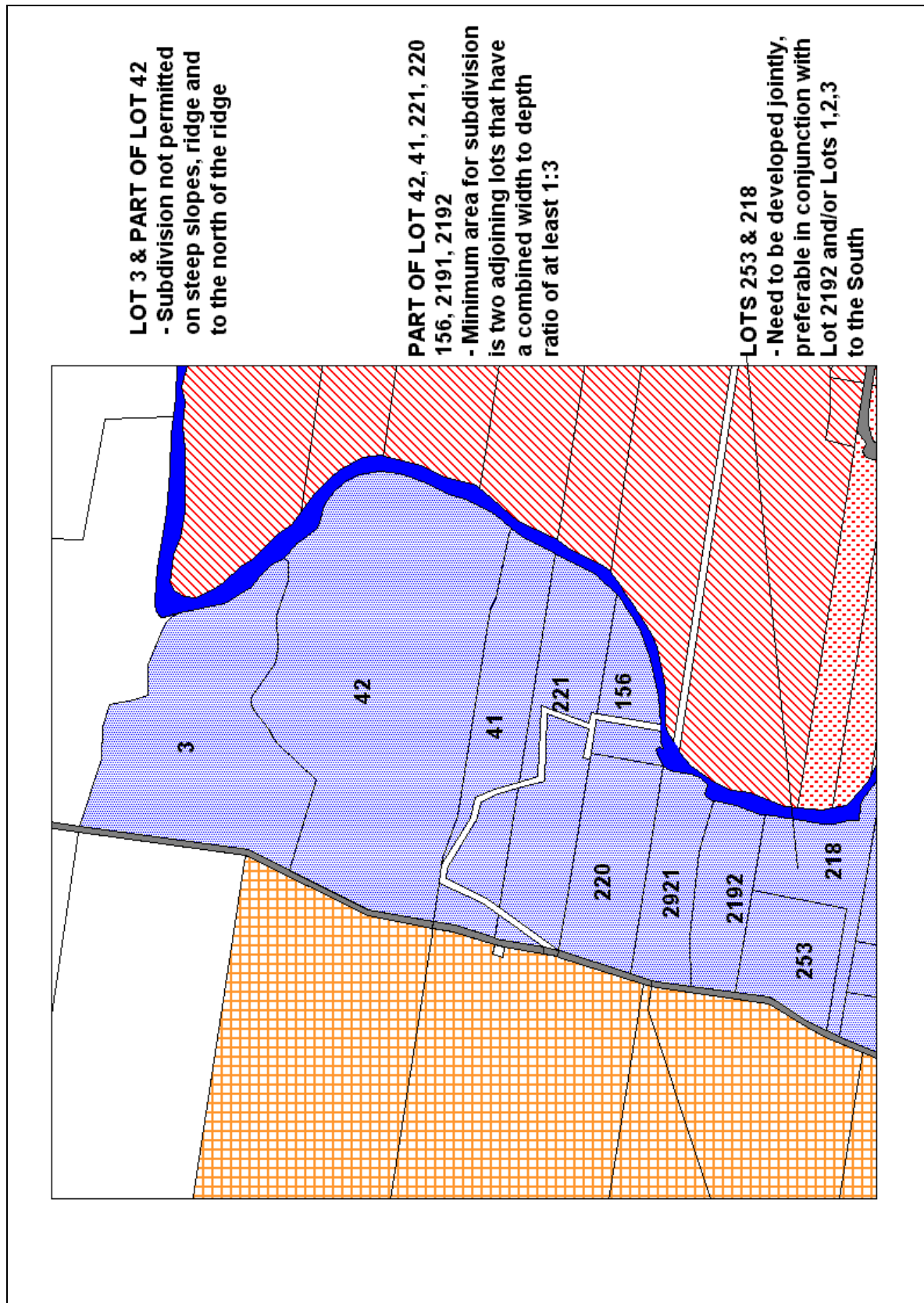
Lots 1 and 2 DP 800829 could potentially be further subdivided either through the creation of new lots that have frontage to Angela Close and a minimum width to depth ratio of 1:3, or in conjunction with development of lots to the north or east of these lots. Creation of long narrow lots, or lots requiring access from Glen William Road is not permissible.

Lots 5 and 6 DP 800829 could potentially be further subdivided either through the creation of new lots that have frontage to Angela Close and a minimum width to depth ratio of 1:3, or in conjunction with development of lots to the south or east of these lots. Creation of long narrow lots, or lots requiring access from Glen William Road is not permissible.

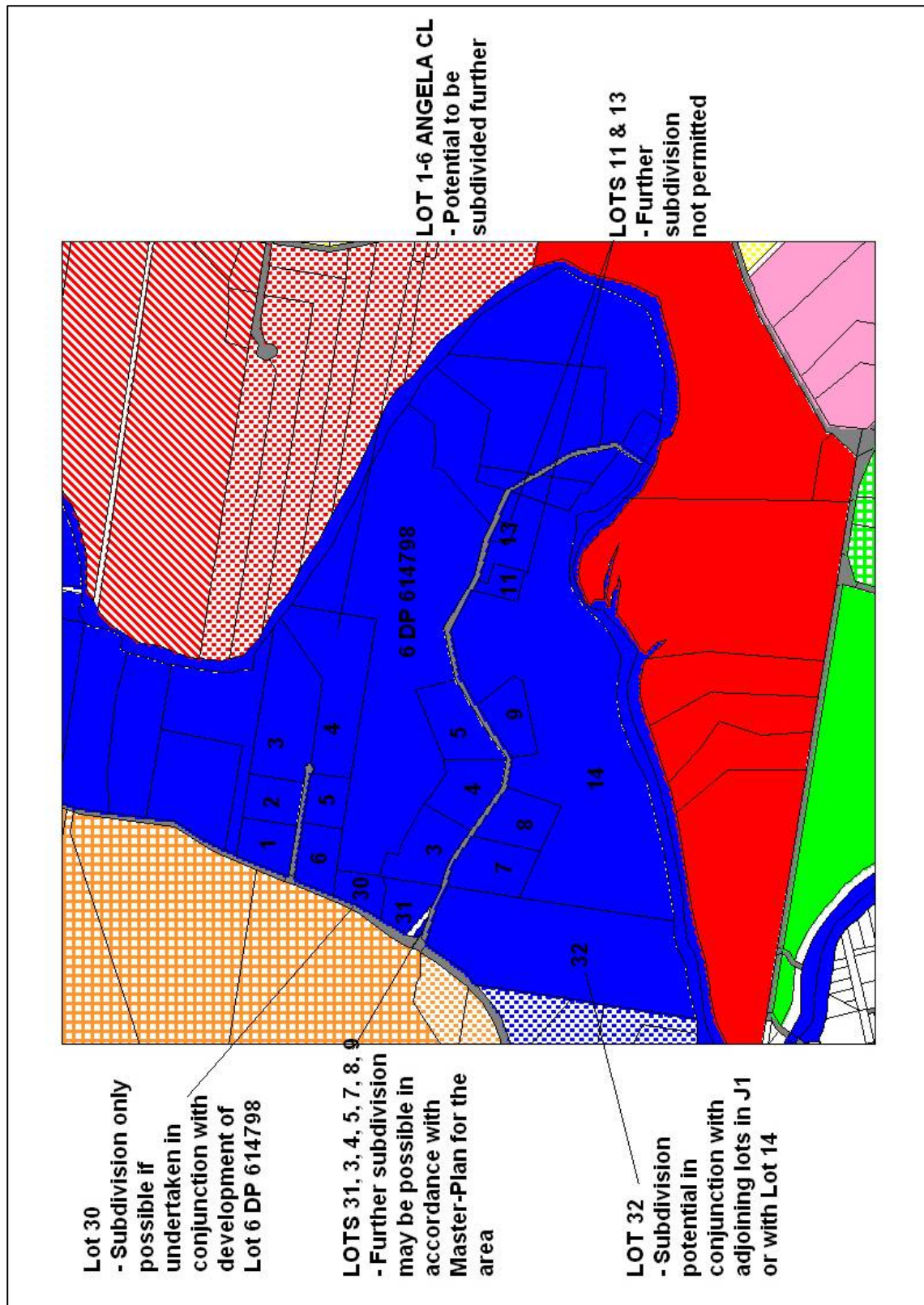
Lots 3 and 4 DP 800829 can only be further subdivided through the extension of Angela Close or if access is available from development of Lot 218 to the north or Lot 14 from the south. Development cannot occur through battle-axed shape lots with long driveways, or right of way access to link with the already formed section of Angela Close.

Any further subdivision of land with frontage to Angela Close needs to provide for pedestrian-cycle way links to adjoining land to the north and south. In developing Lot 14, it would be desirable to have a through road linking Angela Close to Fords Road.

PART OF PLANNING AREA J2



PART OF PLANNING AREA J2



Ford Road Area

This area incorporates 17 lots.

Lot 30 DP739211
 Lot 31 DP739211 (2 portions - one being part of a road reserve adjustment)
 Lot 5 DP193500 (part of a road reserve adjustment)
 Lot 3,4,5,6 DP614789
 Lot 7, 8, 9 DP615599
 Lot 14 DP832861 (number of portions)
 Lot 32 DP739211
 PT214 DP752497
 PT215 DP752497
 PT216 DP752497
 Lot 11 DP623653
 Lot 13 DP823861

This is prime land for Rural Lifestyle or Rural Enterprise development. The current practice of producing small rural lots with frontage to Ford Road and leaving large tracts of land in behind these lots is not desirable and needs to be reviewed. Prior to any further subdivision, a masterplan needs to be prepared for this area. The masterplan needs to identify road, pedestrian, cycle and open space links between the existing development along Fords Road, and the adjoining lots, in particular Lot 6, Lot 14 DP832861 and Lot 32. The opportunity(to) for links through to Angela Close also need to be explored.in terms of better options for access and connectivity within the precinct.

Lot 30 will only be able to be subdivided further is done so in conjunction with Lot 6. Any new lots created cannot have driveway or right of way access to Glen William Road.

Lot 5 DP193500 is part of a road reserve adjustment and cannot be further subdivided or developed.

Further subdivision of Lots 31, 3, 4, 5 (DP 614789), 7, 8 and 9 may be possible provided that the lots created are not battleaxe blocks and they have a minimum width to depth ratio of 1:3. For Lot 31, any lots created must be access from Ford's Road, not Glen William Road.

Lots 11 and 13 are considered too small for further subdivision.

Access to Lot 32 should come off Fords Road not Glen William Road. Planning needs to take into consideration the potential for further subdivision of adjoining lots - Lots 21 and 29 in Area J1, with access being provided via Lot 32.

Masterplan

Separate Masterplans are required for the following areas:

- Area to the north of (and including) Lot 218.
- Area south of Lot 218 (Angela Close and Fords Road area)

Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for Area J2 must address:

Issue	Planning Considerations / Performance Criteria
Access to Collector Roads - Glen William Road	<ul style="list-style-type: none"> ▪ No additional private driveway or right of way access to Glen William Road. Any additional access to be provided by properly formed and sited road intersections. ▪ A series of un-connected cul-de-sac roads to provide access to each development area is also not desirable and will not be approved.
Visual Impact from Glen William Road. The Glen William Valley, in particular the hills and ridge lines and the river flats, has been identified by the Clarence Town community as having high scenic value.	<ul style="list-style-type: none"> ▪ Development not to occur on the hill and ridge line in the northern part of Area J2. ▪ View shed from the Glen William Road and areas of high scenic value to be identified and protected. Development within these areas to have no or minimal impact.
River frontage	<ul style="list-style-type: none"> ▪ The river foreshore area cannot be further subdivided to create riverfront lots or provide additional riparian rights.

ENTERPRISE ZONES

Abbreviations used in the following Table.

DCP Rural = Dungog Shire Draft Development Control Plan 2003 – Rezoning & Development in Rural Zones - dated 18th Nov 2003

DCP BLSB = Dungog Shire Draft Development Control Plan 2003 –Building Line Setbacks - dated 18th Nov 2003

DCP Bushfire = Dungog Shire Draft Development Control Plan 2003 – Bushfire – dated 18th November 2003

LEP = Dungog Draft Local Environmental Plan 2003 – dated 1st October 2003

Title = refers to whether the subdivision will be Community Title (CT) or Torrens Title (TT).

Both means that the condition is specified under the provisions for both CT and TT development. CT relates to community title developments only. Blank box means that it was specified in the provisions for Torrens Title subdivision, but not in CT.

DRS = Draft Rural Strategy 2003

Aims & objectives for Rural Lifestyle and rural Enterprise Zones contained in Sections 10 & 11 of LEP

Aims & Objectives of Investigation 9a zones – Section 20 of LEP

Activities permitted within each zone is given in Section 23 of LEP

Draft Rural Strategy Sections 12.5 and 12.7 (Community Title subdivision) reiterates the assessment criteria for rural lifestyle and rural enterprise subdivisions contained in Sections 27.1 and 29.2 of the Draft LEP. The additional criteria given are the same as those contained within the Draft DCP on Rural Subdivisions and Community title subdivisions.

Criteria	Requirements
<i>Lot sizes</i>	
<i>Original parcel</i>	Land must have an area of 3+ hectares before subdivision can occur
New lots	Minimum area of 8,000 sqm Average area of lots created per subdivision is not less than 1.5 ha. Only one allotment is greater than 4 ha Any allotments >4ha not to be counted when calculating average lot size Community property lots not included in calculating average lot size Residue portion is attached to one of the allotments created Land outside of the individual lots is dedicated as a communal lot Each individual lot must have at least one boundary with another individual lot No individual lot shall have direct frontage to a public road
Dwelling Site	Each lot created must contain an identified building envelope (satisfying the criteria below)
Subdivision Type	Community title preferred

	20m from a road boundary within a subdivision
Location	<p>Not be in a prominent position / Blend with landscape, promote rural amenity & character</p> <p>Cannot be silhouetted on a ridgeline, particularly if visible from a public road</p>
Visibility from public road	Dwellings screened from a public road
Vegetation, Habitat, Biodiversity	<p>Assessment of impacts of development on the biodiversity and natural habitat on and in close proximity to the site has been undertaken.</p> <p>Development is consistent with any recovery or threat abatement plans for threatened or endangered ecological communities likely to occur on the land</p> <p>Compliance with performance standards in DRS 8.2 – New Development & Biodiversity</p> <p>Compliance with requirements of Section 7.4 in LEP</p> <p>Impact on biodiversity and natural habitat is minimal</p> <p>Is not an area of ecologically sensitive land or an area with high habitat value</p>
Access	<p>Adequate vehicle access can be provided</p> <p>Slope of access road not to exceed 15 degrees</p> <p>Consideration of Council's setback policy</p> <p>Sealed road access</p> <p>No individual lot shall have direct frontage to a public road</p> <p>Access via a sealed road of 7 metres wide needed</p> <p>Sites not meeting minimum service infrastructure requirements including roads</p>
Flooding	<p>Will not be adversely affected by flood</p> <p>Will not exacerbate flood conditions elsewhere</p> <p>Storm water runoff from the SITE will not contribute to additional flooding downstream</p> <p>Proposed development must not be within flood prone areas (see Council maps)</p> <p>Compliance with DCP 1 – Managing our floodplains</p> <p>Have to be above the 1:100 year flood line</p>
Ground Water	Development will not lower the water table
Stability & Slope	<p>Land is stable</p> <p>Land has slope of less than 18 degrees</p> <p>Will not disturb sodic or dispersive soils</p>
Soils	Development will not disturb soil that could result in the creation of acid sulphate soils
Bushfire	<p>Not in a high bushfire risk area</p> <p>Can be protected from fire with no additional risk to life or property</p> <p>Dwellings have been provided with an inner bushfire asset protection zone</p> <p>Compliance with legislative requirements for bushfire prone land</p> <p>Compliance with performance standards in DRS 8.5 Bushfire Hazard Management</p> <p>Compliance with provisions of Dungog DCP 1- Bushfire</p> <p>Compliance with LEP section 27.2</p> <p>Areas that would involve clearing of key habitat or wildlife corridors to reduce bush fire threat cannot be developed</p>
Watercourses / riparian rights	<p>Subdivisions have to protect drainage lines and watercourses</p> <p>Subdivision cannot increase the number of allotments that have riparian rights</p> <p>Community Title developments – riparian lots must be retained as community land and ensure community access. No easements to provide sole & private access to water</p>

	<p>Buffers adjacent to land zoned – 7(b) water catchment, 7(c) Rural Environmental protection zone and 8 – National Parks – width to be determined by EIS report</p> <p>Rivers & Waterways – minimum 40 m setback from dwellings and effluent disposal trenches</p> <p>Permanent waterbodies – effluent disposal trenches – 100m setback</p> <p>Ephemeral watercourses – 40m setback</p> <p>Domestic groundwater well – 250m setback</p> <p>Intensive Livestock industries – minimum of 140m setback from any building or public road plus the following conditions for specific industries:</p> <ul style="list-style-type: none"> ▪ Dairying 200m for pond / manure heap / 100m where there is land application of manure ▪ Poultry sheds 500m from residential development ▪ Poultry litter heaps 400m from residential development & public roads ▪ Piggeries – 500m from residential, 750m from any school, shop, church or premises used for the manufacture or preparation of food. ▪ Cattle feedlots - >1500 head of cattle – 1500m buffer; < 1500 cattle – 1000m ▪ Other intensive livestock – minimum 500m, distance to be assessed <p>Intensive agriculture – minimum buffer of 150m</p> <p>Animal boarding & breeding establishments – minimum buffer 500m</p> <p>Extractive industry – minimum buffer of 500m – more if blasting required.</p> <p>Adequate buffers to areas of aboriginal significance</p> <p>Adequate buffers to areas of Endangered or Threatened species</p>
	Adequate buffers are provided to existing or foreseeable future agricultural, intensive agricultural or extractive industry which could cause noise, smell, fumes, vibration, spray or other objectionable impacts

Services

Telecommunications & Electricity	Adequate provision is made for telecommunication and electricity services Existing provision or potential to provide underground electricity and telephone connections.
Effluent	Connected to a reticulated sewerage system or Able to effectively dispose of effluent on site Able to dispose of effluent away from drainage lines or shallow or impervious soils. Geotechnical report to be provided for septic connections Compliance with performance standards in DRS – 8.1 for wastewater treatment & management of effluent
Stormwater	Quality of stormwater runoff from the site will not degrade surface or ground water quality Storm water runoff from the site will not contribute to additional flooding downstream Adequate drainage and stormwater management as determined by Council.
Water	An assessment of harvestable water has been made Harvestable rights are protected For each lot – farm dam assessment to calculate the Maximum Harvestable Right Dam Capacity (to be undertaken prior to subdivision) Compliance with performance standards in DRS 8.4 – Water & Riparian Management

Dwelling Design

	Compliance with performance standards in DRS 8.3 - Aesthetic Design / Scenic Character / Energy Efficiency
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Compliance	Compliance with relevant DCPs
Heritage / Aboriginal	Compliance with Section 7.5 of LEP
Contaminated land	Cannot develop on contaminated land
Bicycle & Cycleways	No local school bus service in Clarence Town for the primary school – need to provide safe cycle and walk ways in new subdivisions
<i>Rural Sheds</i>	Dungog DCP 1 – Erection of Rural Sheds, specifies the conditions for erection of sheds – the policy does not impact on the subdivision potential of land, however needs to be taken into account when identifying building envelopes within each lot. Could be a factor in determining frontage to depth ratios.

COMMUNITY TITLE SUBDIVISION

Community Title Subdivision enables the creation of individual allotments within a site, while retaining significant areas as common property for communal ownership.

Common areas within the development will be owned and managed by a body corporate ('association') comprising all lot owners. The association will own the common areas, (referred to in the Act as 'association property') for its members in shares proportional to the member's unit entitlement, based on site values, which will determine voting rights and contributions to maintenance levies.

Community title legislation allows for flexibility in the management and administration arrangements operating within a scheme. This will be achieved by providing for a multi-tiered management concept and by permitting a management statement to be prepared for each scheme, setting out the rules and procedures relating to the administration of, and, participation in, the scheme.

MASTERPLAN

Certain identified areas within the L.A.P. are required to prepare Masterplans as part of their rezoning application to the 1(l) or 1(e) zone.

Masterplans for these areas are required because of the size of the development area, configuration of lots in various ownerships and the lack of public roads within the development area to allow for equitable public road access facilitating a sustainable subdivision pattern in the future.

Objectives

- to ensure that new subdivisions enjoy links with a public road network and significant natural areas
- to ensure that new subdivisions respond to site features and topography
- to ensure the most efficient use of all land in different ownerships and does not sterilise or land lack subdividable land within the development area from future subdivision
- to create a clear road network identifying special places and encouraging community interaction
- to create and maintain a sense of place
- to facilitate a road network that provides access to a variety of lot sizes and housing opportunities

Design Principles

Masterplanning a subdivision is about designing for the whole development area, integrating the anticipated subdivision layout within the immediate and surrounding context. The preliminary site analysis needs to test design objectives by consideration of the context, natural features, access connections, local and regional facilities and existing or potential constraints.

Design principles can be used to manage development within a development area or settlement so that the important features that give rise to the existing character are considered in the design phase. These principles area:

- i) Defining the boundary of the development area/settlement (establish the outer limits of a development area to protect the important visual and natural setting).
- ii) Connecting open spaces (open space creates recreation, conservation, public access, cultural and heritage opportunities).
- iii) Protecting the natural edges (edges of water courses and riparian corridors, with public access and ecological values including mitigating the impacts of natural hazards).
- iv) Reinforce the road network (connecting important locations and all land within the development area, improve choice to move from place to place, create permeability and opportunities to distribute traffic in terms of access to and within the development area).

Acceptable Solutions

- Applications to rezone and subdivide land in whether the land is in the same or different ownerships, must be accompanied by a masterplan.
- The masterplan is to be prepared by a qualified urban designer and or urban planner.
- The masterplan is to apply to the entire development area and, is to address the relationship of the proposed subdivision with immediate adjoining land uses and the surrounding locality.
- Provide connectivity with adjoining land so that adjoining vacant land can be developed in an orderly and economic manner.
- Road network has regard to fire and flood risk and means of evacuation
- Residue land, where not dedicated to Council as reserve remains in private or communal ownership.
- Building envelopes and extent of clearing required for bushfire asset protection zones.
- Cycleway or shared pathway connections are provided in accordance with the L.A.P or Councils Cycle Plan.



VACY

LOCAL AREA PLAN

Adopted 16 August, 2005

The Vacy Local Area Plan was prepared for Dungog Shire Council by Jenny Rand & Associates and Watkinson Apperley Pty Ltd.

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All maps within this document are in colour, however the hardcopy version is only available in black and white. For a colour copy, please view the document on Council's website – www.dungog.nsw.gov.au.

1. INTRODUCTION - THE PLANNING FRAMEWORK

1.1 THE PLANNING CONTEXT

The Planning Policies and Regulations for Dungog Shire are provided in the following key instruments:

- Dungog Shire Local Environmental Plan 2005
- Dungog Shire Rural Strategy 2003
- Dungog Shire Wide Development Control Plan 2004

These three planning instruments apply Shire-wide.

Dungog Shire Local Environmental Plan 2005

Under the provisions of the Local Environmental Plan (LEP) all land within the Shire is classified into land use zones. The LEP details the land uses and activities permissible in each zone and the factors that need to be assessed and addressed in developing within these zones.

Most of the land within a two (2) kilometre radius of Vacy is zoned as 9(a) Investigation Zone. Land within this zone will be investigated to determine its suitability and capability for a range of rural and other activities, including rural lifestyle living.

Dungog Shire Rural Strategy 2003

The Rural Strategy supports the Local Environmental Plan by detailing Council's policies in relation to development of rural lands. These policies are designed to protect the rural character of and rural activities undertaken within the Shire, environmentally sensitive areas and water resources. This Strategy sets the direction for the future development of the areas zoned 9(a) Investigation Zone.

Dungog Shire Development Control Plan 2004

The Shire-wide Development Control Plan (DCP) supports the Local Environmental Plan 2004. It provides the design guidelines and design controls required to achieve the aims and objectives of the Local Environmental Plan.

1.2 LOCAL AREA PLANS

Recognising that each community may have a different vision in relation to the type of settlement that it considers sustainable within the surrounding investigation zone, provisions have been included within the Shire-wide planning instruments for the preparation of Local Area Plans.

Land to which Local Area Plans Apply

Local Area Plans (LAP) are locality specific plans that are prepared for each town and village with an Investigation Zone 9(a). The provisions contained within the Vacy LAP relate only to the Vacy area.

Purpose of Local Area Plans

Local Area Plans aim to establish a desired future character for the land that is contained within the Investigation Zone. Local Area Plans contain locality based performance criteria and controls which are designed to address key issues and achieve the desired character.

Factors taken into consideration in preparing Local Area Plans

In preparing the Local Area Plans factors taken into consideration included:

- Community Vision - the views expressed by the local community to which the Plan applies.
- The physical and cultural features of the land within the Investigation Zone, including factors such as slope and stability, hydrology and flooding, flora and fauna, bushfire, views and visual impact, sites of cultural or heritage significance.
- The existing road network - hierarchy, road alignment and condition etc.
- Access - vehicle, pedestrian and cycle - to and within the Investigation Zone and between land within the Investigation Zone and the adjoining village.
- Existing pattern of subdivision (size and shape of allotments).
- Existing land use and settlement patterns and the characteristics of the neighbourhood.
- The need for environmentally sustainable development.
- The desired future character of development.

The Local Area Plans recognise that at some stage in the future, the land within the Investigation Zones that is subdivided for rural lifestyle living, may be needed to accommodate the growth of the village and may potentially be rezoned for residential and/or other uses such as recreation, commercial or special uses. The Local Area Plans contain principles in relation to road networks and subdivision layout that will have the capacity to support closer subdivision patterns in the future.

Suitability of Investigation Zone land for development

Not all land within Investigation Zones will be suitable for re-development. Section 12.4 (Constraints Criteria) of the Dungog Shire Rural Strategy details the constraints that **exclude** an area from Rural Lifestyle and Rural Enterprise subdivision and development. These criteria include:

- Land in areas affected by the 1:100 year flood.
- Slope greater than 18 degrees.
- Not meeting minimum service/infrastructure requirements.

- Inadequate and/or unsuitable land on-site effluent disposal.
- Bushfire prone land as defined by Council's bushfire map, if clearing of habitat and wildlife corridors are required and biodiversity objectives are not met.
- Ecologically sensitive land.
- Areas with high habitat values.
- Contaminated land.
- Access via a road complying with Council's Rural Roads Policy cannot be achieved.
- Prominent positions in the landscape where development would be silhouetted on the skyline horizon.
- Not complying with the Performance Standards of the Rural Strategy:
 - 8.1 Wastewater Treatment and Management of Effluent
 - 8.2 New Development and Biodiversity
 - 8.3 Aesthetic Design / Scenic Character / Energy Efficiency
 - 8.4 Water and Riparian Management
 - 8.5 Bushfire Hazard Mitigation

In addition to these criteria, Local Area Plans may identify site specific criteria which may exclude certain land for development.

Land use and activities permissible within the Investigation Zones

Providing that the land, after detailed assessment, is considered suitable for development, then an application can be lodged with Dungog Shire Council to rezone the land as Rural Lifestyle 1(l) or Rural Enterprise 1(e).

Rural Lifestyle zones provide the opportunity for people to live in a rural environment close to settlements with services and facilities.

Rural Enterprise zones provide the opportunity for people to live in a rural environment and undertake small-scale commercial, service, intensive agricultural or light industrial activities on their property.

Details of the objectives of these zones, the activities that can be undertaken and the controls and guidelines governing subdivision and development are specified within the Dungog Shire Local Environmental Plan 2003, the Dungog Shire Rural Strategy 2003 and the Dungog Shire Development Control Plan 2003. A summary of the various sections in these documents is given in Appendix 1.

Zone	Permissible Uses	
	Without the consent of Council	Requiring Consent of Council
Rural Lifestyle Zone 1(l)	Agriculture	Advertisement Bed & Breakfast Camp or Caravan site Community Facility Dual Occupancy Dwelling House Farm Gate Sales Home Employment Leisure Area Recreation Area Utility Installation

VACY LOCAL AREA PLAN

Rural Enterprise 1(e)	Agriculture	Advertisement Automotive Services Bed & Breakfast Camp or Caravan site Commercial Premises Community Facility Dual Occupancy Dwelling House Employment Farm Gate Sales Forestry Home Employment Institution Intensive Agriculture Kiosk Leisure Area Recreation Area Recreation Facility Utility Installation Veterinary Establishment
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All other land uses are prohibited within these zones.

1.3 THE PLANNING PROCESS

The planning process for the rezoning and development of land within the Investigation Zone is summarised in the following flow diagram.

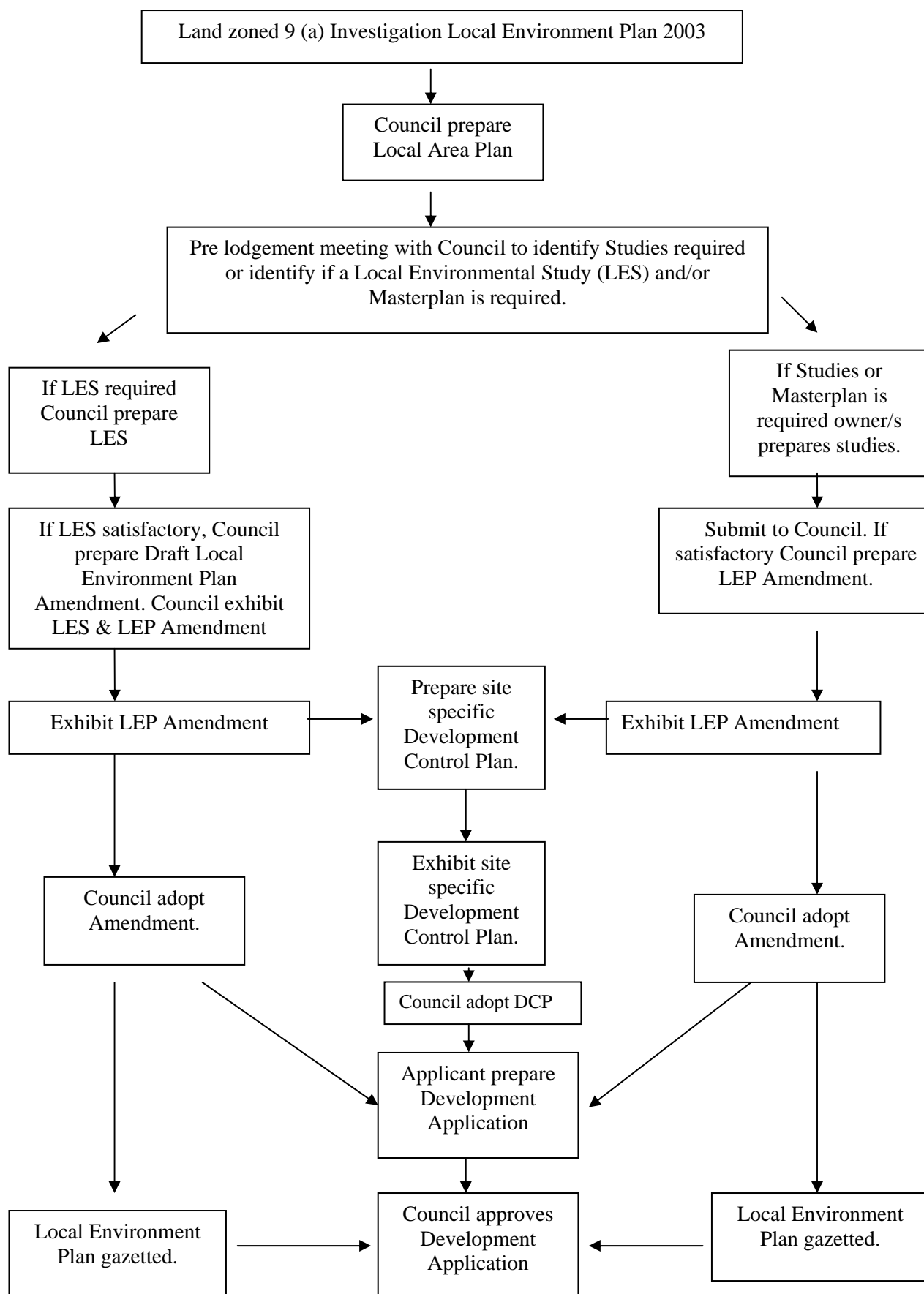
The first step in the process to rezone land identified in the LAP as possibly suitable for development is for the landowner and/or their agent to have a pre-lodgement meeting with Council Officers. At this meeting, Council Officers will explain the re-zoning process and identify the assessments and studies required.

Bookings for a pre-lodgement meeting are to be made with Council's Town Planning Department. The land-owner (or their Agent) will need to supply the following information when booking the meeting.

- Property title details - address, Lot and DP number.
- Proof of ownership.
- For Agents acting on behalf of an owner, written authorisation from the Owner.

Any studies or assessments already undertaken for the property should be brought to the pre-lodgement meeting.

VACY LOCAL AREA PLAN



2. VACY LOCAL AREA PLAN

2.1 INTRODUCTION

Citation

This Plan is titled the 'Vacy Local Area Plan 2004'. It is referred to in this document as the Vacy LAP.

Land to which this Plan applies

The Vacy Local Area Plan applies to all land in and adjoining the Village of Vacy which is zoned **9(a) Investigation Zone** or **Rural Lifestyle 1(I)** under the provisions of the Dungog Shire Local Environmental Plan 2003. This area is shown on Map 1.

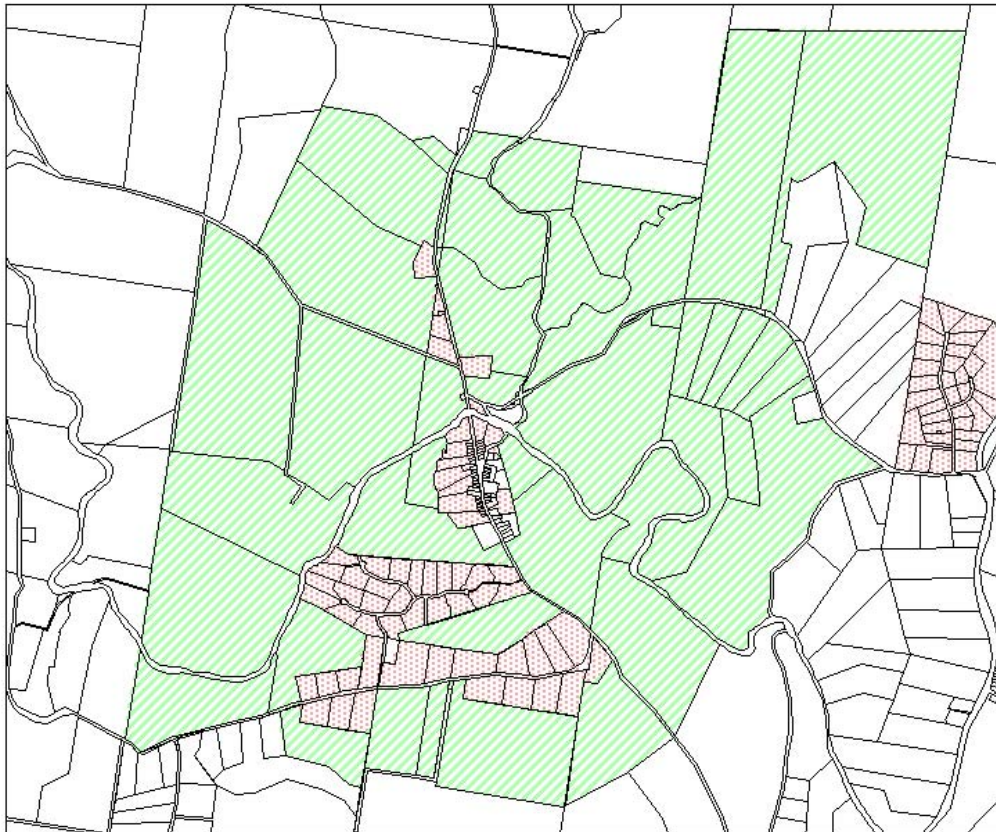
Objectives of this Plan

The objectives of the Vacy LAP are:



1. To ensure that development within the Investigation Zone is consistent with and promotes the principles of environmentally sustainable development.
2. To promote coordinated development that will produce sustainable subdivision patterns to allow for closer settlement and/or changes in land uses in the future.
3. To ensure that development within the Investigation Zone is sensitive to the topographic and environmental characteristics of the land.
4. To safeguard indigenous vegetation, habitats and water courses.
5. To retain and protect the rural character of the area and areas with high visual significance.
6. To provide a network of safe access roads and shared pedestrian and cycle pathways within and between areas developed within the Investigation Zone.
7. To minimise the cost to the community of providing, extending and maintaining public amenities and services.
8. To ensure that development within the Investigation Zone does not prejudice the interests of agriculture within the zone and adjoining areas.

VACY LOCAL AREA PLAN 2004

MAP 1 – VACY INVESTIGATION ZONE



Draft LEP 2005 Zone

-  1 (l) Lifestyle
-  9(a) Investigation



2.2 PLANNING FOR VACY

Key issues identified during the study process and community consultation are addressed in the Vacy LAP.

- Roads and road access
- Pedestrian and cycle access
- Existing pattern of land subdivision
- Need to protect habitat
- The need to protect the waterways
- Flooding along the Allyn and Paterson Rivers
- The need to retain the rural character of the area and protect areas of high visual significance.

Roads and Road Access

The Issues

The Gresford Road is a major thoroughfare within the Shire, with a significant proportion of traffic on this road being through traffic. This road has a 100 kilometre speed limit in the sections to the north and south of the village. There is already some conflict between local and through traffic and, if not appropriately managed, there is potential for the level of conflict to increase as the population of the Vacy and Gresford areas grow and tourism in the Shire increases.

Traffic is also increasing on the roads connecting Vacy to other areas within the Shire.

Under previous patterns of subdivision, lots with frontage to the main and collector roads were permitted driveway access from these roads. The continued use of private driveway access off collector roads is highly undesirable given the potential conflict between the siting of driveways and through traffic. The conflict is compounded by narrow roads and verges combined with limited site lines and, in some cases, 80 to 100 kilometre speed limits.

The LAP contains design criteria for new subdivisions that restrict direct access to collector roads from private driveways. Increased use of existing driveways to service new battle-axe lots is also prohibited in this Plan.

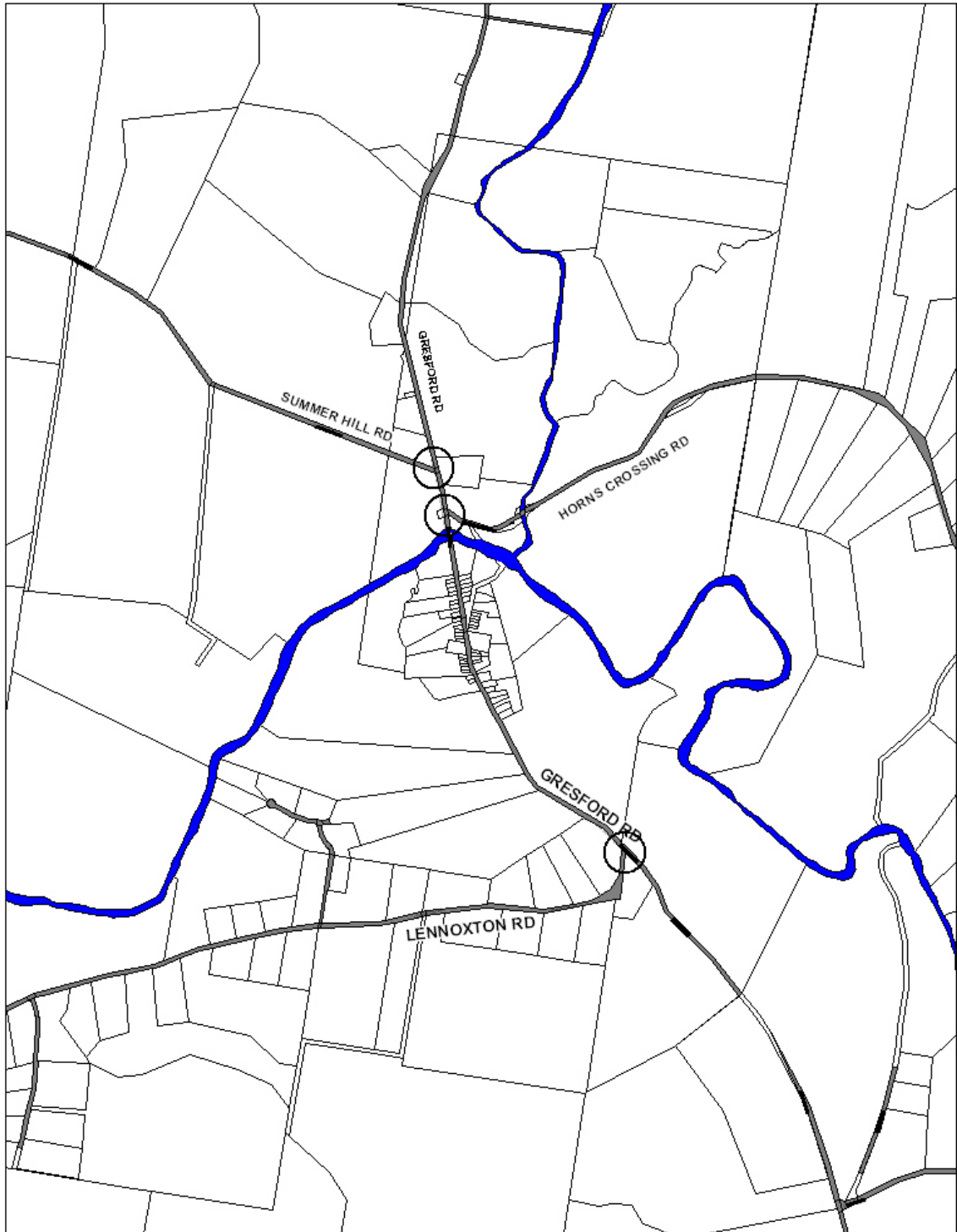
The collector roads in the Vacy Investigation Area are:

- Gresford Road (MR 101)
- Lennoxton Road
- Summer Hill Road
- Horns Crossing Road

Within the Investigation Zone, Dungog Council has identified the corner of Lennoxton and Gresford Road as needing upgrading prior to, or in conjunction with further development of land serviced by Lennoxton Road.

VACY LOCAL AREA PLAN 2004

MAP 2 – COLLECTOR ROADS



○ Intersections requiring upgrading

Planning Approach

In new subdivisions access to the collector roads will be by properly formed local roads and appropriately designed and sited intersections. Existing intersections may need to be upgraded or relocated. There will be no new direct driveway or right of way access from private dwellings to collector roads. Where required, access ways for emergency access will be permitted.

In designing subdivisions, careful consideration needs to be given to the internal road network. Roads, unlike land uses or buildings, tend to become permanent features of a settlement. As such it is important that the road layout be conducive to the long term sustainability of the area.

For local roads within subdivisions, preference is for through, connecting roads rather than cul-de-sacs and right-of ways. A connected road network will minimise driving distances and provide for more than one entry-exit point within each subdivision. This is important particularly in areas potentially subject to bush fire or flooding. A connected road network will also encourage community interaction and facilitate development of bus routes, including school bus routes, as the need emerges.

Desired Outcomes

- Reducing vehicular conflict and the potential for conflict through a significant reduction in the number of driveway access points to collector roads.
- To deliver a high level of access and permeability via a network of inter-connecting roads in and between subdivisions, not a series of cul-de-sac roads or right-of-ways.
- To deliver a road network that will support closer settlement in the future.

Pedestrian and Cycle Access

The Issue

There is no public transport in Vacy to provide access to the village for people living in outlying areas. In addition, there has been no provision for pedestrians or cycle routes along the collector roads. Due to the narrow, unformed verges and, in some cases, higher speed limits (80 to 100km), the collector roads do not provide a desirable environment for pedestrians and cyclists.

Vacy Bridge is a historic bridge that forms part of the character of the town. The bridge is very narrow and lack of space for safe pedestrian and cycle access is an issue that needs to be addressed by the RTA in conjunction with Council.

Planning Approach

Where feasible, to incorporate shared pedestrian and cycle pathways within new subdivisions and to link these routes with adjoining subdivisions. In some areas the design intent will be to establish a shared pathway link to the Vacy village centre.

Desired Outcome

- A network of shared pathways providing safe pedestrian and cycle access in and between subdivisions and, where feasible, to create links between subdivisions and Vacy village.

Existing Pattern of Subdivision

The Issue

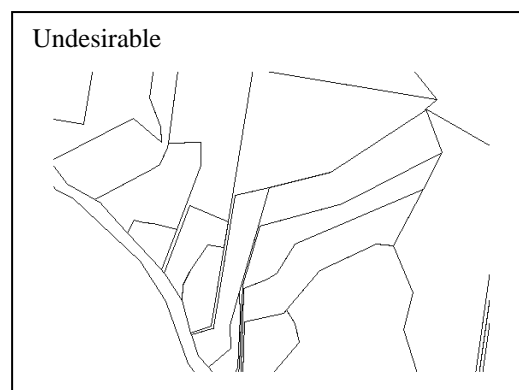
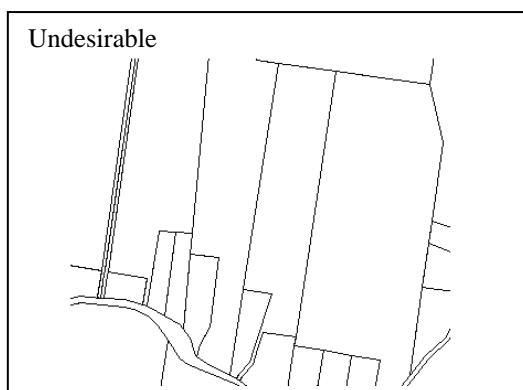
Under previous planning schemes subdivision of rural land in some areas within the Shire was undertaken on an adhoc, uncoordinated basis. This has resulted in significant fragmentation in land holdings. In order to provide access to existing roads and/or river frontage, some of the lots created were long and narrow and/or with battleaxe or highly irregular shape.

Most of the area within the Vacy Investigation Zone is still held in relatively large holdings. There has been some smaller lot subdivision in Lennoxton and Horns Crossing Road. Further adhoc sub-division of these smaller existing lots would increase fragmentation and is not considered desirable. Fragmentation also creates long term access and servicing problems.

Planning Approach

Emphasis is on creating a coordinated and integrated approach to subdivision design within the Investigation Zones. The Vacy LAP does not permit further subdivision of individual lots where the lots are small, irregular in shape and/or where the width to depth ratio of the lot is less than 1:3. These lots are identified in the LAP.

Subdivision of these identified lots may only be permissible if it can be achieved through consolidation of adjoining lots and/or co-operation with adjoining land-owners to form a viable subdivision design area. Masterplans may need to be prepared for subdivision design areas.



The Masterplan will detail the road network, lot layout, provision for open space, habitat corridors, environmental and scenic protection zones and shared pedestrian and cycle pathways within the subdivision design area.

Where there are lots suitable for subdivision that do not have existing public road frontage, the subdivision design for the adjoining lots with road frontage must ensure that provision is made for road and shared pathway access to the adjoining land. This will prevent the sterilisation of developable land.

Desired Outcomes

- No fragmentation and adhoc subdivision of land.

- A co-ordinated and integrated pattern of subdivision which is suitable for closer settlement patterns in the future to meet the needs of the Vacy village.
- A co-ordinated approach to staged subdivision and land release.
- To avoid sterilisation of adjoining or 'land-locked' properties.
- Creation of the opportunity for the development of an integrated community, not a series of separate enclaves.
- Creation of a strong network of pedestrian, cycle and open space links throughout all subdivisions and, where required by Council, to Vacy village.

Habitat Protection

Information on the vegetation types in the Vacy Investigation Area is contained within the ERM Mitchell McCotter (1998) report on the Biological Diversity Study for the Paterson Planning District and the ME Greenwood (1999) Dungog Vegetation & Biodiversity Study report. The Vacy Investigation Area lies within the Paterson Planning District.

Four vegetation types have been identified within the Vacy Investigation Area:

- Open forest - in the area between the village and Lennoxton Road and on the southern side of Lennoxton Road on the foothills and slopes of the Mount Johnstone Range.
- Woodland - small pockets of woodland are found to the north and east of Vacy.
- Riverine Forest - narrow corridors along the Paterson river, Allyn Rivor and Mirari Creek.
- Rainforest - small pockets in the sheltered gullies surrounding Mt Johnson.

A number of rare and endangered flora and fauna species have been sighted in the Vacy Investigation Area. These include Eucalyptus glaucina, phasocogales, koalas and broadnose bats.

Within the Vacy Investigation Zone, the Mount Johnstone range to the south of Lennoxton Road has been identified as a key habitat area. As shown in Map 3, there is a wildlife corridor extending along this range, through to and across the Paterson River.

The Native Vegetation Act 2003 and the accompanying Native Vegetation Regulations 2005, (which are expected to come into force in mid-2005), restrict the clearing of native vegetation. Under the proposed Regulations, a Property Vegetation Plan (PVP) is to be prepared for properties that have native vegetation. The PVP will require the approval of the Local Catchment Management Authority before any clearing of native vegetation (including mature stand-alone trees) can occur. The provisions of the Native Vegetation Act and Regulations must be addressed as part of the planning and assessment process for land within the Investigation Zone. Information on the Native Vegetation Act and Regulations is available from Dungog Shire Council.

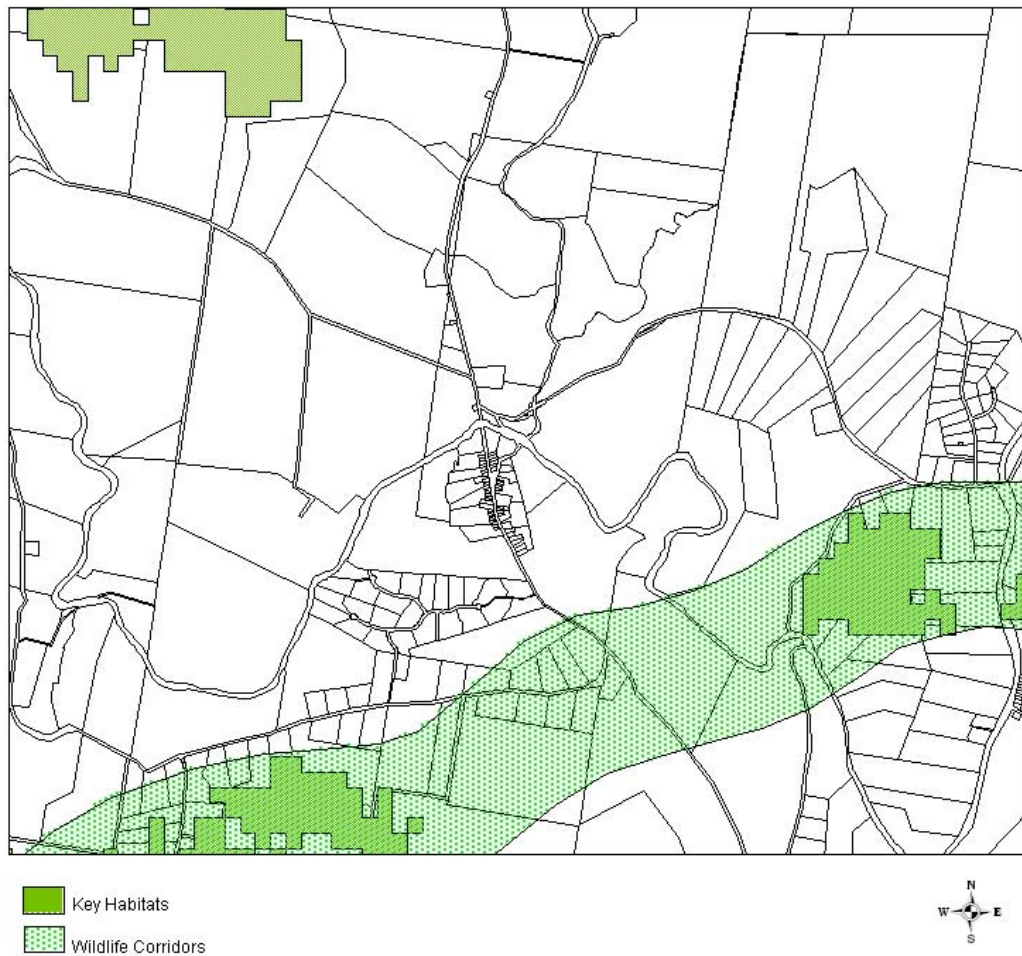
Planning Approach

Habitat, flora and fauna assessments are to be undertaken as part of the rezoning process. This must include addressing the requirements of the Native Vegetation Act 2003 and Regulations 2005. At the rezoning stage strategies for managing areas identified as having habitat value must be identified. These strategies may include rezoning significant habitat areas as open space or environmental protection zones, provision of protective

buffers and set-backs, increasing the minimum lots size, minimising clearing and avoiding structures or development in habitat areas.

VACY LOCAL AREA PLAN 2004

MAP 3 – KEY HABITAT AREAS - WILDLIFE CORRIDORS



Desired Outcomes

- Preservation and protection of habitat that supports viable wildlife communities, particularly rare and endangered species.
- Establishment of a network of interconnected wildlife corridors not isolated protection zones or remote 'islands' of habitat.
- Protection of watercourses and the vegetation along these watercourses.

Bushfire

The Issue

There are areas within the Investigation Zone that are prone to bushfire. These areas are identified on the 'Dungog Shire Bushfire Prone Land ' map and shown in Map 4. Within the Vacy Investigation Zone, the main area of bushfire prone land is located in the Lennoxton Road - Vacy Downs area to the south of Vacy. There are also small pockets of bushfire prone areas just north of Summer Hill Road and on the eastern fringe of the Horns Crossing Road area.

Planning Approach

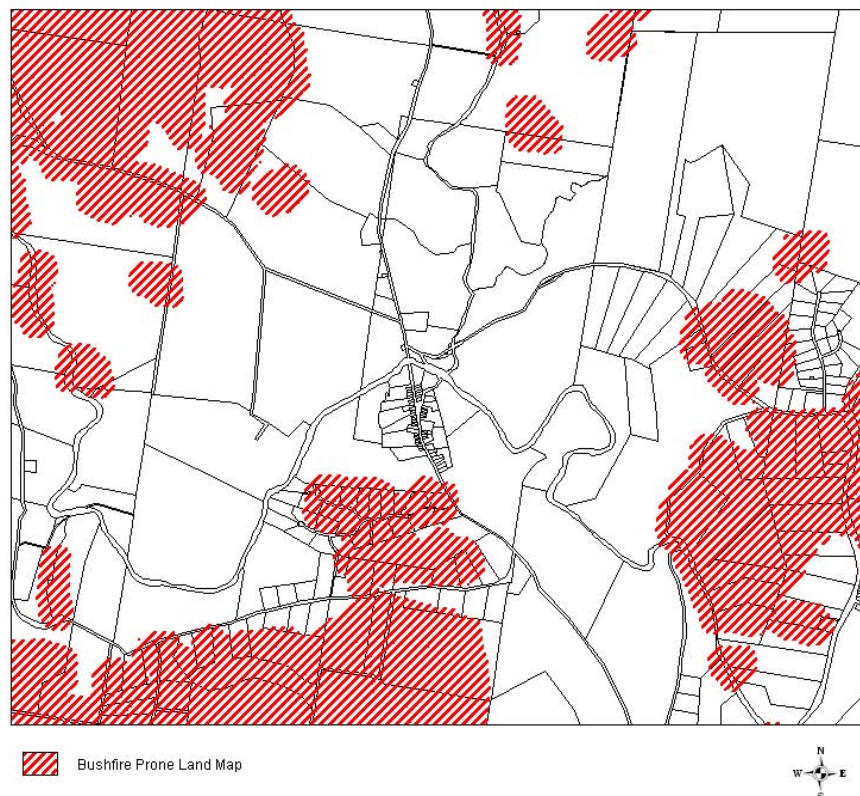
All subdivision design must comply with the provisions of the NSW Rural Fire Service requirements as specified in the 'Planning for Bushfire Protection 2001', and/or other relevant bushfire regulations.

Desired Outcome

- To minimise the risk to people and property from the impacts of bushfire.

VACY LOCAL AREA PLAN 2004

MAP 4 – BUSHFIRE PRONE AREAS



Waterways – River Foreshores

The Issues

The Paterson and Allyn Rivers converge at Vacy. These, and other watercourses within the Investigation Zone play an important role within the Vacy area. Shire-wide, these

watercourses contribute to the sustainability of agriculture, recreation, tourism, water supply, habitat and bio-diversity. Locally, they influence microclimate and are part of the local character of Vacy.

Issues include:

- The cumulative negative impacts of development.
- Preventing pollution from effluent and stormwater runoff and other activities.
- Maintaining water quality and the flow of the rivers by limiting the pumping of river water.
- Minimising impacts of development on the ecology associated with watercourses and wetlands.
- Protecting and re-establishing Riverine Forest along the Allyn and Paterson Rivers.

Flooding is an issue along both the Paterson and Allyn Rivers. A flood study has been undertaken for the Paterson River downstream of Vacy, with floodprone areas for the 1:100 year flood event shown by Map 5. Any proposal to develop on the floodplain of the Allyn or Paterson Rivers upstream of Vacy will need to assess the flooding regime to identify the 1:100 year flood level.

The LEP2005 and Rural Strategy 2003 prohibit Rural Lifestyle and Rural Enterprise development on land affected by the 1% (1:100 years) flood level. Under the LAP these areas are excluded from the Investigation Zone.

For further information on flooding and planning controls is available from Dungog Shire Council.

VACY LOCAL AREA PLAN 2004

**MAP 5 – FLOOD MAP - 1:100 YEAR FLOOD EVENT -
PATERSON RIVER DOWNSTREAM OF VACY**



1:100 year flood level



Consideration also needs to be given to future public access to the river foreshore. One or more foreshore reserve areas need to be identified and included as public open space in subdivision plans for land adjoining or in close proximity to the village.

Planning Approach

The planning approach incorporates:

- Protecting watercourse ecology
- Maintaining water quality and water flow
- Providing for public access to the waterways
- Minimising the impacts of flooding

This can be achieved by:

- Providing adequate buffers and set-backs from watercourses, as per the DCP.
- Ensuring that no further riparian rights are created, as required by the LEP and DCP.
- Prohibiting further subdivision and development of the river foreshore areas. New lots with river frontage cannot be created for Rural Lifestyle or rural Enterprise use.

- Encouraging foreshore areas to be kept in one title and zoned appropriately.
- Providing public access to foreshore areas.
- Encouraging the re-establishment of riverine Forest where appropriate.
- Encouraging the installation of package sewage treatment plants rather than on-site effluent management systems.

Desired Outcomes

- Protection of riparian vegetation.
- Maintenance of water quality and water flow.
- Providing public or community access to the river foreshore areas.
- Minimising the impact of flooding on people and property.

Visual Impact

The Issue

Retention of the rural character and appearance of the Vacy area is very important to both the Vacy community and Shire residents. Areas within the Investigation zone nominated by the Vacy community as having high scenic value are:

- Mount Johnstone and range to the south of Lennoxton Road
- The river flats adjoining the north-western end of Vacy Bridge - between the Paterson River and Summer Hill Road.
- The rural scenery along Gresford Road on the northern and southern approaches to the Village

Planning Approach

Emphasis is on protecting the character and visual identity of the area. The LAP identifies areas where a visual and view shed analysis will be required as part of the planning process.

Design criteria for development with areas of high scenic value **may** also include:

- Limiting or prohibiting further subdivision and development in areas of high scenic value.
- Increasing the minimum lot size to avoid impact of dwellings and structures within significant view sheds.
- Appropriate siting and setbacks of new development, as per the Shire-wide DCP.
- Use of landscaped buffers, including corridor tree planting along the Gresford Road entrances to Vacy. Buffers zones along collector roads will need to be in one ownership to ensure effective management and control.
- Siting dwellings so that they front collector roads. Backyards will not be able to have direct frontage to collector roads.
- Height limits on buildings, including limiting dwellings to single storey.

It is recommended that a Corridor Tree Planting Policy be developed for Gresford Road to ensure consistency in species planted.

Desired Outcomes

- Retention of the rural character and setting of Vacy.

- Protection of areas of high scenic value, including Mount Johnstone and the rural vistas along Gresford Road.
- Minimise visual impact of rural residential development from the main routes through Vacy. New development will be appropriately sited with landscaped buffers / corridor tree planting to these main routes.
- Establish entry statements to the village.

Future Growth of Vacy

The Issue

There is already pressure within Vacy for additional residential lots. Growth has been constrained by the lack of access to the sewer. Planning for the sewer is in the preliminary stage with Council currently evaluating options. Provision of the sewer is expected to be a medium to longer term project.

As the population in and around Vacy increases, there is likely to be demand for the provision of additional facilities and services in the village, including shops and recreation facilities. Under the provisions of the LEP2005, no land has been identified or zoned to provide for the future expansion of village activities.

There are a number of larger lots abutting Vacy village that are already zoned for Rural Lifestyle. Subject to the provision of town water and connection to a sewage system and these lots having no flooding, environmental or access/egress constraints, these lots will be able to be rezoned and developed for residential or other village-related use. These lots are shown on Map 6.

There is also other land in very close proximity to the village that has been zoned 9(a) Investigation Area and identified as potentially suitable for Rural Lifestyle and/or rural enterprise development. This form of development envisages subdivision with a minimum lot size of 8000 square metres. Once subdivided and developed for either of these uses it may be difficult to re-consolidate and redevelop this land to meet the future needs of the village. Some of this land may also be suitable for future village use, (subject to provision of town water and sewer, and the land having no flooding, environmental or access/egress constraints).

Planning Approach

Subject to availability of water and sewer services and lack of environmental or flooding constraints, existing Rural Lifestyle lots within the Vacy Village will be able to be rezoned and subdivided for residential or village uses.

There are also areas within the Investigation Zone within very close proximity to the village boundary that may be suitable for the future expansion of the village. These Lots are:

- Lot 66 DP835183
- Lot 1 DP782601
- Lot 1 DP 15187

Lot 5 DP15187 which also abuts the village is not suitable as this property is flood affected.

VACY LOCAL AREA PLAN

These lots are shown on Map 6.

Further investigation of these lots is required to determine their suitability for future village uses. In particular, it needs to be determined whether these lots are flood-free and could be connected to the water supply and sewerage via an on-site package treatment plant.

Following these investigations, an area or areas, should be identified for future village uses. Key areas should be identified and rezoned for future village uses. The key areas should be land-banked to ensure that they are available for future development.

Land surrounding these key areas should be subdivided and developed in such a way that it can be further subdivided in the future as required. For example, the subdivision could be designed as a residential subdivision and then the lots amalgamated into larger parcels of 8,000sq metres and sold as rural lifestyle lots.

Alternatively, if not required for a land bank, and environmental, water and sewerage requirements can be met, consideration may be given to allowing closer settlement of all or parts of Lot 66 DP835183, Lot 1 DP78260 and/or Lot 1 DP15187, with the minimum lot size being reduced (for example, to 2000 square metres).

Given the constraint imposed by the Vacy Bridge, smaller lot subdivision will only be allowed in Precinct A on these nominated lots which adjoin Vacy Village.

VACY LOCAL AREA PLAN 2004

MAP 6 – POTENTIAL FUTURE VILLAGE USE



Potential future village use



2.3 PLANNING PRECINCTS

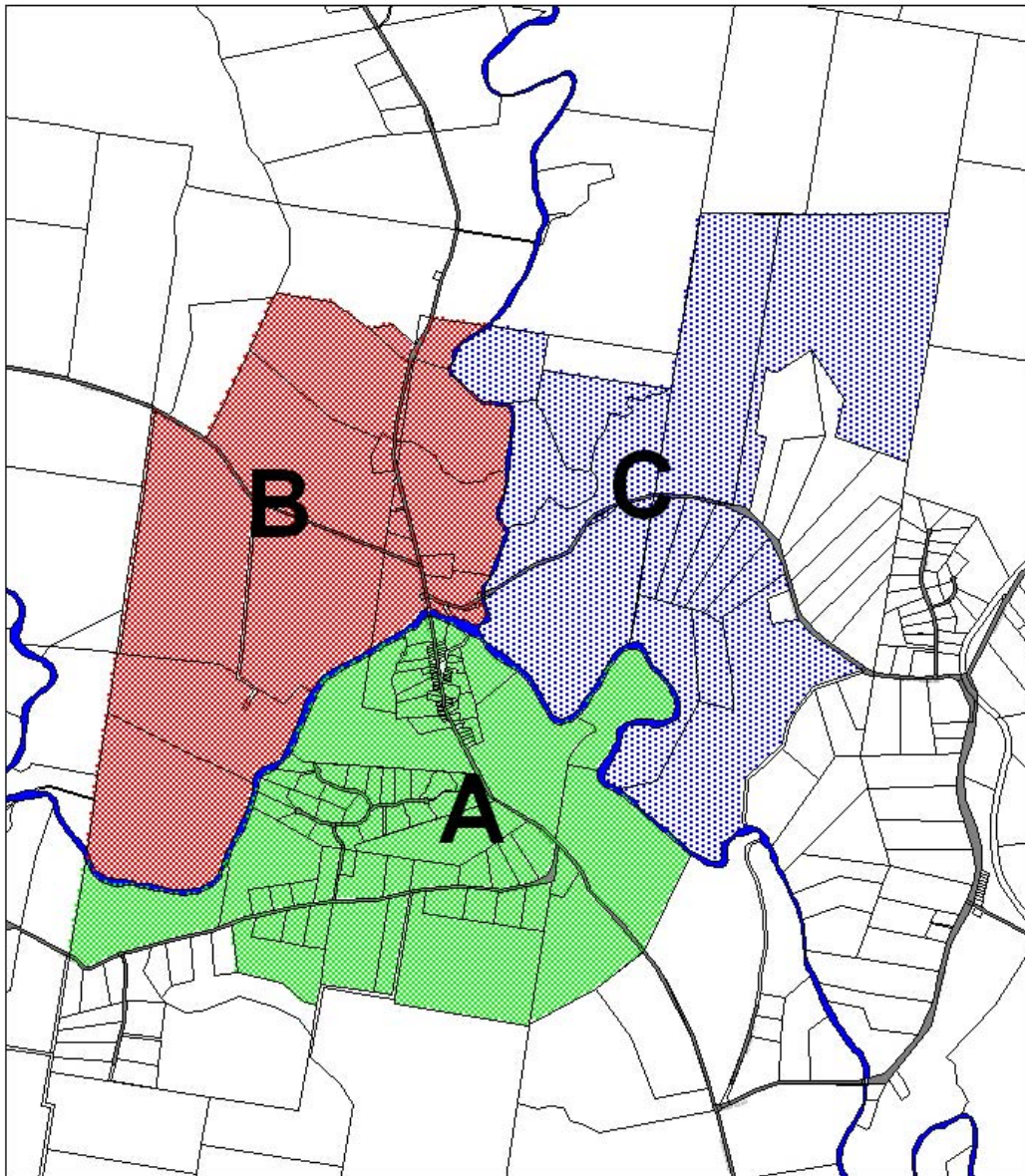
The Vacy LAP divides the Investigation Zone into 3 planning precincts. These precincts are shown on Map 7.

Precinct A	Vacy South
Precinct B	Vacy North
Precinct C	Vacy East - Horn Crossing Road

Each Precinct is divided into planning areas. These areas are shown on Map 8.

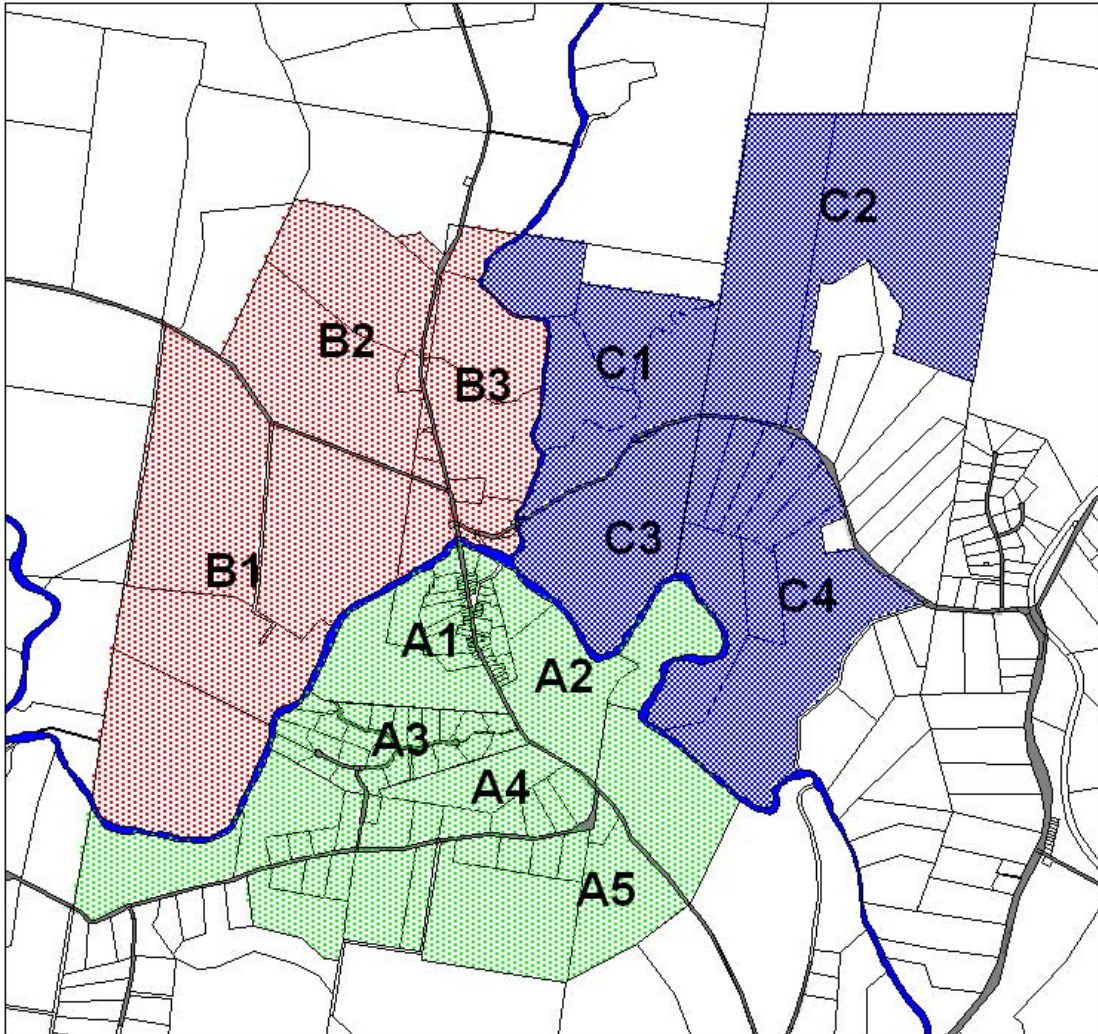
VACY LOCAL AREA PLAN 2004

MAP 7 – PLANNING PRECINCTS



VACY LOCAL AREA PLAN 2004

MAP 8 – PLANNING AREAS



2.4 COMMUNITY TITLE DEVELOPMENT

As outlined in the Dungog Shire Rural Strategy 2004, Council's stated preference is for subdivision within the Investigation Zone to be undertaken as Community Title developments.

Community Title Subdivision enables the creation of individual allotments within a site, while retaining significant areas as common property for communal ownership. Common property can include areas and facilities such as roads, footpaths, bicycle ways, playgrounds, open space and sewage treatment plants.

Common property within the development will be owned and managed by a body corporate ('association') comprising all lot owners. The association will own the common areas, (referred to in the Act as 'association property') for its members in shares

proportional to the member's unit entitlement, based on site values, which will determine voting rights and contributions to maintenance levies.

Community title legislation allows for flexibility in the management and administration arrangements operating within a scheme. This is achieved by providing for a multi-tiered management concept and by permitting a management statement to be prepared for each scheme, setting out the rules and procedures relating to the administration of, and, participation in, the scheme.

2.5 MASTERPLAN

A number of the Planning Areas within the Investigation Zone will be required to prepare and submit a Masterplan as part of their rezoning application to Rural Lifestyle 1(l) or Rural Enterprise 1(e).

The Masterplan will provide a 'blue print' for the development of an area. It will set the vision and design principles for the area. A Masterplan will show how the area will ultimately be developed - which land is to be developed, how the subdivision will relate to the surrounding area, where the open space will be, how access (vehicle, pedestrian, cycle) will be provided, how areas of scenic and/or habitat value will be protected and how risks (eg bushfire, flooding) will be mitigated.

Under the provisions of the LAP, a Masterplan will generally be required where there are:

- Large parcels of land that are likely to be developed in stages.
- A variety of lots in individual ownership, where the layout and/or size of the lots are not suitable for subdivision on an individual basis.
- Lots within a Planning Area that do not have frontage to public roads.
- Lots with a range of physical and/or environmental constraints that limit the capability of the land.

Masterplan Objectives

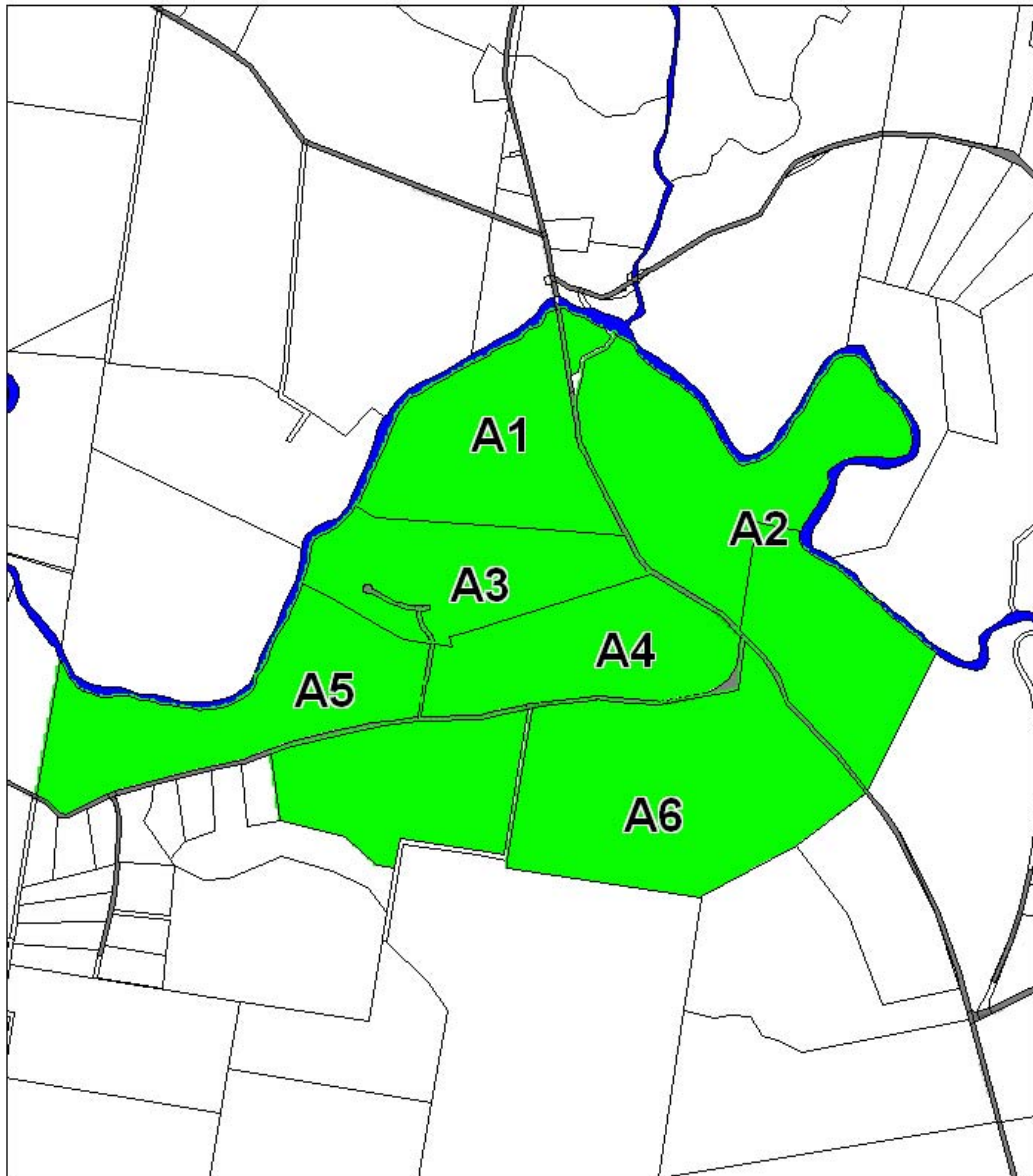
- To ensure that land is subdivided in a way that ensures long term sustainability, enabling further subdivision in the future.
- To manage the development of land in different ownerships to ensure that development does not sterilise or land-lock subdividable land within the Planning Area from future subdivision
- To ensure that new subdivisions respond appropriately to site features and topography, protecting areas of visual and/or habitat significance and minimising possible risks (eg bushfire, land instability, flooding etc)
- To ensure that new subdivisions are effectively linked into a public road network, and that the internal subdivision road network allows connectivity between areas.
- To provide for pedestrian and cycle access, throughout the subdivision and to adjoining areas, encouraging community interaction.
- To create and maintain a sense of place.

Requirements

- Where a masterplan is required by the LAP, applications to rezone and subdivide land (whether the land is in the same or different ownerships) must be accompanied by a masterplan.
- The masterplan is to be prepared by a qualified urban designer, surveyor, urban planner and/or other suitably qualified professional.
- The masterplan is to apply to the entire area defined in the LAP.
- The masterplan is to address:
 - The relationship of the proposed subdivision with immediate adjoining land uses and the surrounding locality.
 - Connectivity with adjoining land so that adjoining vacant land can be developed in an orderly and economic manner.
 - The road network - in relation to ease of access, connectivity and in regard to fire and flood risk and means of evacuation.
 - Cycleway or shared pathway connections as required by the LAP.
 - Open space provision.
 - Protection of areas of high scenic and/or habitat value.
 - Mitigation against natural hazards, including defining the extent of clearing required for bushfire asset protection zones.
 - Building envelopes.
 - How residue land (where not dedicated to Council as a reserve) is to be treated.

3. PRECINCT A – VACY SOUTH

Precinct A incorporates all land south of the Allyn River and west of the Paterson River that is zoned 9(a) Investigation Zone and 1(l) Rural Lifestyle. The Precinct is divided into six (6) Planning Areas, numbered A1 to A6.



3.1 PLANNING AREA A1

The Area

Planning Area A1 abuts the western edge of Vacy Village and is defined as the area bounded by Gresford Road to the east, the Paterson River to the north and west and the Vacy Downs subdivision to the south. There are 12 lots within Area A1.

- Lots 30, 31, 32, 33 DP 15187
- Lots 1, 8, 11, 23, 29, 34, 35 DP 15187
- Lot 69 DP716196
- Lot 1 DP 782601

Lots 30, 31, 32, 33 DP 15187 are small residential size lots that are zoned Rural Lifestyle.

Lots 8, 11, 23, 28, 35 DP 15187 and Lot 69 DP716196 are zoned 1(l) for Rural Lifestyle. Each of these lots has frontage to Gresford Road, with all lots except Lot 35 being battle-axe shaped lots.

Part of Lot 1 DP15187 has been zoned 2(v) Village.

Development Potential

Lots 30, 31, 32 and 33 DP 15187 are residential size lots and no further subdivision is permissible.

Lots 8, 11, 23, 29, 34, 35 DP 15187 and Lot 69 DP716196 - Subject to availability of sewer and reticulated water and no environmental or flooding constraints, these existing Rural Lifestyle lots within the Vacy Village may be rezoned and subdivided for residential or village uses **in accordance with** the Masterplan to be prepared for Area A1. No lot will be able to be subdivided and developed on a stand-alone basis.

Lot 1 DP782601 and Lot 1 DP 15187 - Further investigation of Lot 1 DP782601 and Lot 1 DP 15187 is required to determine whether these lots are suitable for future village uses and/or for smaller lot sizes (eg 2000 sqm) than permissible in the Rural Lifestyle zone. In particular, it needs to be determined whether these lots can be connected to the town water supply and sewered via an on-site package treatment plant.

In developing this area, access will be a major consideration. Existing access points to Gresford Road will need to be rationalised with 1 or 2 properly formed roads providing access to Area A1. No lots created by subdivision will be able to have to driveway or right-of-way access from Gresford Road to service a private dwelling. In addition, the internal road network within Area A1 must link with Sanctuary Way within the Vacy Downs subdivision. A road link must be provided to Lot 1 DP78260 if this property if this property is assessed as having land suitable for Rural Lifestyle or Rural Enterprise development.

While community title development is Council's preferred form of development, it may be necessary for the key access road/s to be dedicated as a public road and/or for infrastructure such as the package sewage treatment plant and water supply to be dedicated to Council. Alternatively, there may be opportunity for Council and the proponents of Area 1 to undertake a joint venture in relation to sewerage the Village and Area A, and augmenting the water supply.

Masterplan

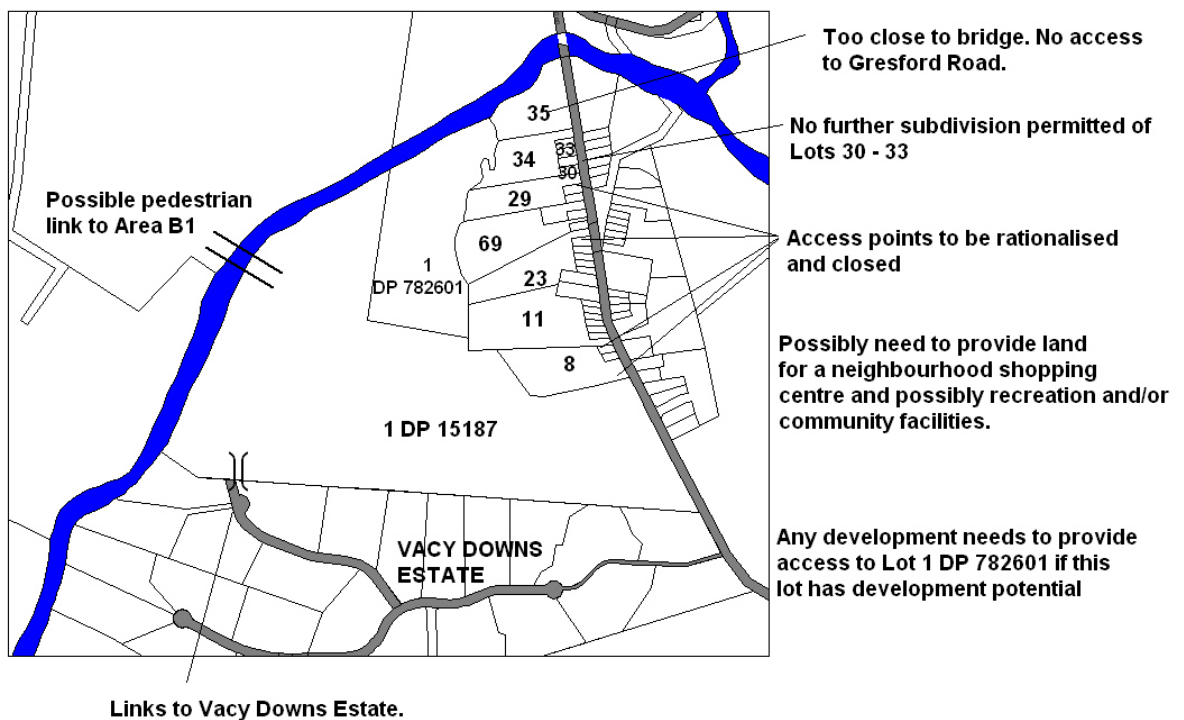
A masterplan is required to assess land capability and determine the most appropriate pattern of subdivision for Area A1. As part of the Masterplanning process, the following issues are to be addressed and resolved:

- Future village needs - With the population growth expected in the area, there is likely to be demand for a small neighbourhood shopping centre in the future and possibly additional community and recreation facilities.

- Provision of sewer and water.
- Access to / from Gresford Road.
- Flooding - parts of the area are flood liable and areas below the 1:100 year flood level cannot be developed for Rural Lifestyle or Rural Enterprise uses. In addition development of the area cannot result in increased runoff and flooding in adjoining properties or downstream.
- Pedestrian - cycle access across the Paterson River. At the Vacy Community meeting it was suggested that a pedestrian bridge be provided across the Paterson River to provide a direct link between Area B1 and the village centre. The feasibility of this link needs to be assessed and if a feasible location is identified, then an access corridor is to be provided between this location and the village centre.

The masterplan is to show the subdivision layout, road network, pedestrian and cycle access routes, open space and interface with the Paterson River. The Masterplan should demonstrate how development of the area can be staged. It is likely that only part of the area will be needed for residential development in the near future, with the remainder of the site developed as Rural Lifestyle and/or Rural Enterprise. In designing the Rural Lifestyle / Rural Enterprise areas, consideration should be given to road and lot layouts that will enable subdivision for residential in the future.

PLANNING AREA A1



Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for Area A1 must address:

Issue	Planning Considerations / Performance Criteria
Need for co-ordinated development	<ul style="list-style-type: none"> ▪ Masterplan to be prepared for Area A1. ▪ No subdivision of individual lots on a stand-alone basis.
Future expansion of Vacy Village in relation to providing land for residential, retail-commercial, recreation and community needs.	<ul style="list-style-type: none"> ▪ As part of the Masterplanning process - identification of future needs of the village and allocation of land to meet these needs.
Gresford Road is an entry point to Vacy. The visual Impact of development along Gresford Road needs to be minimised.	<ul style="list-style-type: none"> ▪ Visual assessment to be undertaken to determine set-back requirements. These may vary from the DCP, with the Visual Assessment requirements having precedence. ▪ Landscape buffer / corridor tree planting along the Gresford Road frontage to create a village entry statement in accordance with any Landscape Policy for the Gresford Road Corridor. ▪ No backyards to have direct frontage to Gresford Road.
Access to Gresford Road	<ul style="list-style-type: none"> ▪ Need for an appropriately designed and sited access road/s to service Area A1. The location and design will need to be determined in conjunction with the RTA and Council. ▪ No lots created by subdivision are permitted to have private driveway or right-of-way access of Gresford Road.
Internal access roads	<ul style="list-style-type: none"> ▪ Must link with Sanctuary Way in the Vacy Downs subdivision. ▪ Must provide access to Lot 1 DP782601 if this lot is assessed to have development potential.
Shared access ways - pedestrian and cycle ways.	<ul style="list-style-type: none"> ▪ To link with the existing Village, in particular to the school and recreation area. ▪ To link with a future neighbourhood shopping centre and other recreation - community facilities. ▪ To provide a pedestrian bridge link with Area

VACY LOCAL AREA PLAN

	B1 (if feasible).
Paterson River foreshore	<ul style="list-style-type: none">▪ Riparian vegetation corridor to be defined and protected.▪ No additional riverfront lots or riparian rights to be created, other than for recreation - open space uses.▪ The need for public access to the river foreshore to be assessed and addressed.
Flooding	<ul style="list-style-type: none">▪ Rural Lifestyle and Rural Enterprise development is not permissible on land located below the 1:100 year floodlevel.

3.2 PLANNING AREA A2

Area A2 incorporates the land south of Vacy Bridge, bounded by the Paterson River to the east and Gresford Road to the west. The area incorporates 13 parcels of land:

- Lots 5, 7, 36, 37, 38, 39, 40, 41, 42, 44 DP15187
- Lots 451 DP865524
- Part Lot 452 DP865524
- Lot 602 DP597663
- Lot 66 DP835183
- Lot 123 DP 1063557 (eastern part)

The western part of Lot 452 DP865524 has been zoned for 2(v) for Village Use, while the eastern part has been zoned Rural Lifestyle. There is a motel developed on this site.

Lot 65 DP835183 which adjoins the Investigation Zone is zoned 2(v) Village. Lot 65 is a large parcel of undeveloped land that should be assessed and planned in conjunction with the surrounding land within the Investigation Zone.

Lots 36, 37, 38, 39, 40 and 44 DP15187, Lot 451 and Part Lot 452 DP865524 and Lot 602 DP597663 have already been zoned for Rural Lifestyle. Lots 37 - 40 are residential size lots.

Development Potential

Large tracts of Area A2 are reported to be flood prone and not suitable for development. Development for Rural Lifestyle or Rural Enterprise use is not permissible on land lying below the 1:100 year flood-level.

Lots 37, 38, 39 and 40 DP 15187 are residential size lots and no further subdivision is permitted.

Lots 36 and 44 DP15187 - parts of these lots appear to be flood-prone. If, after assessment, these lots are considered suitable for development then they will need to be planned and developed jointly. Subject to detailed assessment and ability to provide sewer and water, smaller lot sizes may be permissible. Access is to be via the road reserve adjoining Lot 44. Given the proximity of Lot 36 to Vacy Bridge, no access from Gresford Road is permitted.

A small arboretum has been established on Lot 44 and part of the road reserve area. The Vacy community has suggested that this area be retained and further developed as a park for the community. It was also suggested that a pedestrian bridge be provided across the Paterson River to provide a safe route for pedestrians and cyclists from Precincts B and C. to access the village, as the Vacy Bridge is very narrow and considered unsafe for pedestrian and cyclists. These suggestions need to be addressed as part of any proposed development of this area.

Lots 451 and 452 are in the same ownership, with a residence on Lot 451 and a motel on Lot 452. The residence provides the reception area and manager's accommodation for the motel. Access to both lots is provided from the Road Reserve. The adjoining lot (Lot 101 DP 1009577) is zoned 2(v) Village. Flood-free land in Lots 451 and 452 should be rezoned Village to facilitate future residential and/or commercial development.

Lot 602 DP597663 is located behind the Vacy public school. It abuts the Vacy recreation area to the north and the Village area to the south and west. Given that this site adjoins the school and recreation reserve, consideration should be given as to whether all or part of this land may be required for future expansion of the school and recreation facilities to meet the needs of the growing population of the area. Land not required for school and/or recreation use should be rezoned for Village use subject to the land being flood-free and suitable access being available.

The site has driveway access from Gresford Road. The frontage along Gresford Road is relatively narrow and located just south of a slight bend. If Council / RTA deem that this is not a suitable location for a road access point, consideration must be given to developing Lot 602 in conjunction with the adjoining land, Lot 65 DP835183. Lot 65 is already zoned 'Village'. Alternatively, road access to both Lot 65 and Lot 602 could be via Lot 66 to the south. In developing Lots 65 and 602, provision needs to be made for a pedestrian-cycle link from Lot 66 through this area to the school and recreation reserve.

Flooding is a major issue for **Lots 5 and 7 DP15187** and the northern part of Lot 66 DP835183 with this land lying within the 1:100 year flood zone. As part of **Lot 5 DP15187** adjoins the recreation reserve, this area should be assessed to determine its suitability for recreational use and whether it is required to meet future needs.

Lot 66 DP835183 - A large part of this Lot appears suitable for development. As this lot abuts the existing village boundary, parts of the property may be suitable for smaller lot subdivision, subject to availability of sewer and reticulated water and no environmental or flooding constraints.

Lot 66 has frontage to Gresford Road. Given the road alignment and topography of the area, the location of the access road for any development on Lot 66 will need to be determined in consultation with the RTA and Council. No lots created by subdivision are permitted to have private driveway or right-of-way access of Gresford Road. Provision is to be made for a flood-free pedestrian-cycle way to link through to the school and recreation reserve. Planning for this Lot needs to be undertaken in conjunction with Lots 65 and 602. A link is to be provided through Lot 66 to Lot 123 and possibly to Lot 7 DP15187 (if land is suitable for Rural Lifestyle use is identified on this Lot).

Were possible, development is to be setback and not visible from Gresford Road, with no backyards to have direct frontage to Gresford Road. Depending on the subdivision layout and potential visual impact, Council may require a landscaped buffer along the Gresford Road frontage.

Lot 123 DP1063557 - The non-floodprone area of Lot 123 also appears to be suitable for Rural Lifestyle development. Access to this area from Gresford Road will be via one properly formed access road. The internal road network must link with Lot 66 and may need to link to Lot 7 DP15187 (if land suitable for development is available). New lots created cannot have private driveway or right of way access to Gresford Road. A pedestrian-cycleway is to be provided, with this linking to the school and village via Lot 66.

To protect the visual amenity of the entry into Gresford, dwellings are to be well set-back from Gresford Road. No backyards are to have direct frontage to Gresford Road. Council may require a landscaped buffer to be provided along Gresford Road.

Lot 7 DP15187 appears to be floodprone. If suitable land is available for Rural Lifestyle development then it needs to be developed in conjunction with the adjoining land, namely Lot 66 and Lot 123. Road access to Lot 7 is to be provided from Lot 66 and/or Lot 123.

Masterplan

Area North of the Road Reserve - A Masterplan is not required provided that any subdivision plan identifies all land suitable for development and ensures that access is available to this land.

Lots 451 and 452 (Motel land) - no Masterplan required. This area should be incorporated in the village zone.

Lots 602 and 65 - The need for a Masterplan will be determined by access requirements to/from Gresford Road.

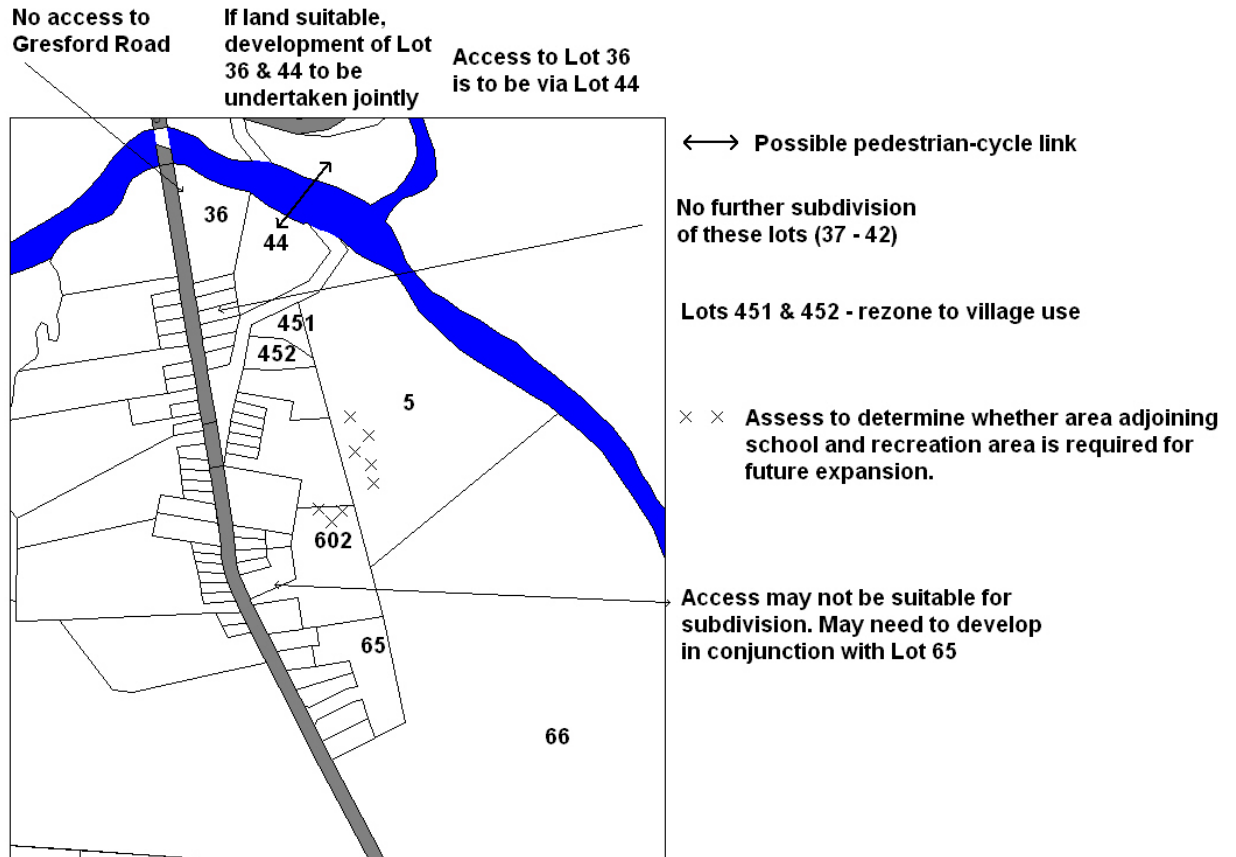
- Provided that acceptable access from Gresford Road is available to both lots these lots could be developed independently. Council and the RTA will need to sign-off that suitable access can be provided to both lots before any development on either lot will be considered by Council. A Masterplan will not be required, however the subdivision plans must demonstrate a flood-free pedestrian-cycle way linking Lots 66, 65 and 602 to the school and recreation reserve.
- If acceptable access cannot be provided to one lot, however the other lot has acceptable access, then the subdivision plan needs to apply to both lots. The subdivision plan must provide a flood-free pedestrian-cycle way linking Lots 66, 65 and 602 to the school and recreation reserve.
- If acceptable access cannot be provided to both Lots, then these Lots will need to be considered in conjunction with Lot 66 and other land to the south. A Masterplan is required.

Lots 5 and 7 DP 15187, Lot 66 DP835183 and Lot 123 DP1063557 - A Masterplan is required for this area. The Masterplan must address:

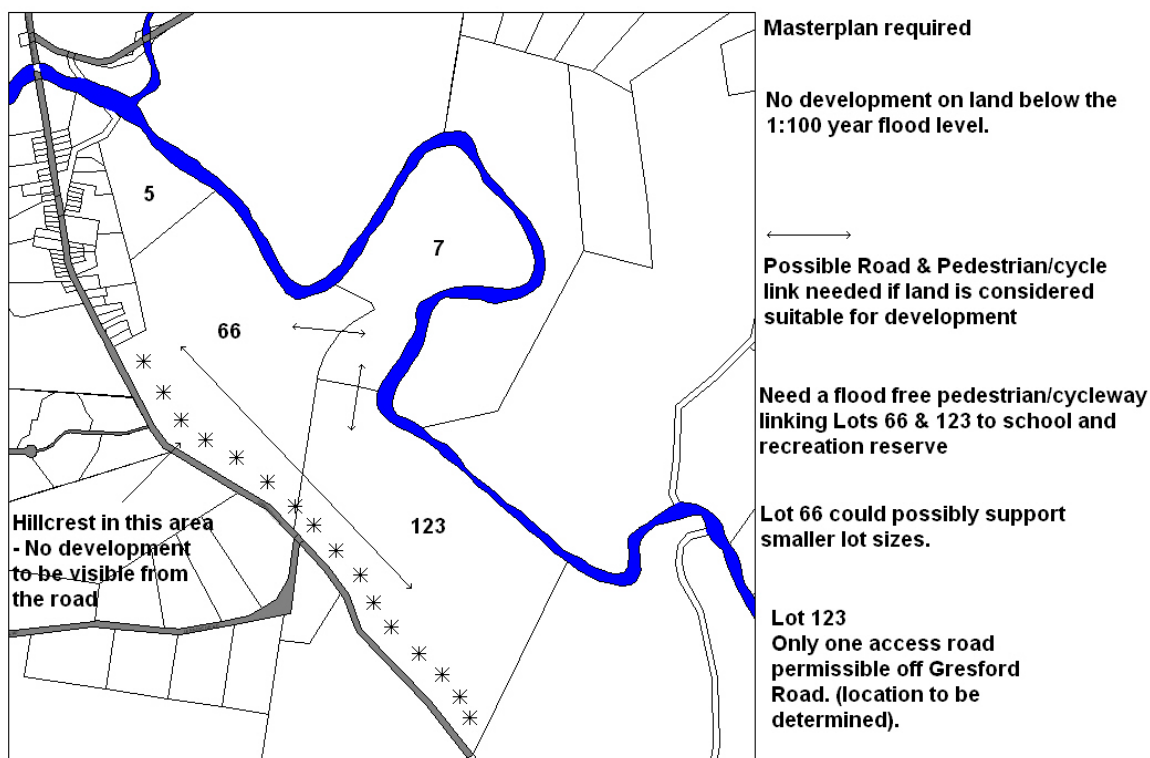
- Flooding / floodprone land.
- Access from Gresford Road.
- Internal road layout, with access provided between Lots 66 and 123. Road access is to be provided to Lot 7 DP15187.
- Potential to service land (sewerage and water systems).
- Subdivision layout, with the possibility of small lot subdivision on part of Lot 66 close to village.
- Internal pedestrian-cycle way link/s.

- Visual assessment - the plan must demonstrate how the existing visual amenity along Gresford Road will be protected and/or enhanced.
- River frontage - protection of the riparian zone.

PLANNING AREA A2 – NORTH



PLANNING AREA A2 – SOUTH



* * * Visual amenity of the area to be protected - may require landscape buffer

Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for Area A2 must address:

Issue	Planning Considerations / Performance Criteria
Need for co-ordinated development	<ul style="list-style-type: none"> Need for co-ordinated development of the northern corner of Area A2, north of the road reserve. Masterplan to be prepared for the central and southern part of Area A2.
Future expansion of Vacy Village in relation to providing land for residential, retail-commercial, recreation and community needs.	<ul style="list-style-type: none"> As part of the planning process - identification of future village needs and allocation of land to meet these needs.
Access to Gresford Road	<ul style="list-style-type: none"> No access to Gresford Road from Lot 36. Need for appropriately designed and sited access roads to service Lots 65, 66, 123 and 602. The location and design is to be

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	<p>determined in conjunction with the RTA and Council.</p> <ul style="list-style-type: none">▪ No lots created by subdivision can have private driveway or right-of-way access to Gresford Road.
Internal access roads	<ul style="list-style-type: none">▪ Internal road access for Lot 66 must link to Lot 123.▪ Road access to be provided to Lot 7 DP15187 via Lot 66 and/or Lot 123.
Shared access ways - pedestrian and cycle ways.	<ul style="list-style-type: none">▪ Flood-free route/s to link Lots 602, 65, 66, 123 and possibly Lot 7, to the school and recreation reserve.
Gresford Road is an entry point to Vacy. The visual Impact of development along Gresford Road is to be minimised.	<ul style="list-style-type: none">▪ Visual assessment to be undertaken to determine set-back requirements for development. These may vary from the Shire-wide DCP, with Visual Assessment requirements having precedence.▪ No backyards to have direct frontage to Gresford Road.▪ Council may require a landscape buffer / corridor tree planting along the Gresford Road frontage to create a village entry statement
Paterson River foreshore	<ul style="list-style-type: none">▪ Riparian vegetation corridor to be defined and protected.▪ No additional riverfront lots or riparian rights to be created.▪ The need for public access to the river foreshore to be assessed and addressed.
Flooding	<ul style="list-style-type: none">▪ Rural Lifestyle and Rural Enterprise development is not permissible on land located below the 1:100 year flood level.

3.3 PLANNING AREA A3

The Area

This area incorporates the Vacy Downs Rural Lifestyle subdivision.

Development Potential

Area A3 has already been zoned and subdivided for Rural Lifestyle. No further subdivision is permitted.

3.4 PLANNING AREA A4

The Area

Planning Area A4 incorporates all lots within the area bounded by Gresford Road to the east, Lennoxton Road to the south, the Vacy Downs subdivision to the north and Serenity Way to the west.

Area A4 incorporates 8 lots:

- Lot 2 DP665018
- Lots 456, 457, 458, 459, 460 DP749158
- Lots 21, 22 DP 776533

Development Potential

Further subdivision of Area A4 is constrained by the existing pattern of subdivision and the frontage of the lots to collector roads - Gresford Road and Lennoxton Road. The Lennoxton - Gresford Road intersection needs to be re-aligned and there is a bend in Lennoxton Road just west of the intersection which creates visibility problems for access and egress in this area. Lennoxton Road and verges are narrow and in some areas, sight lines are limited.

There are also two stands of forest on Lot 2 as well as other native vegetation in the area that may need to be retained. The creek lines through Lots 21, 22 and 2 need to be protected.

Most of Area A4 is bushfire prone.

Lot 2 DP665018 - Lot 2 is a large parcel of land that adjoins the southern boundary of the Vacy Downs subdivision. A 20 metre wide road reserve has been provided in the Vacy Downs development to provide access to Lot 2. Although this Lot has frontage to Gresford Road, access to Gresford Road (other than for emergency purposes) is not permitted. An access road through Lot 2 could potentially provide access to the remainder of the Lots within Area A4. The two stands of forest vegetation on this land are to be assessed to determine their habitat value.

Lot 21 DP776533 - Lot 21 has access off Serenity Drive and has the potential to be subdivided further. Any subdivision should provide access to Lot 22, if access to this lot is not available from Lot 2.

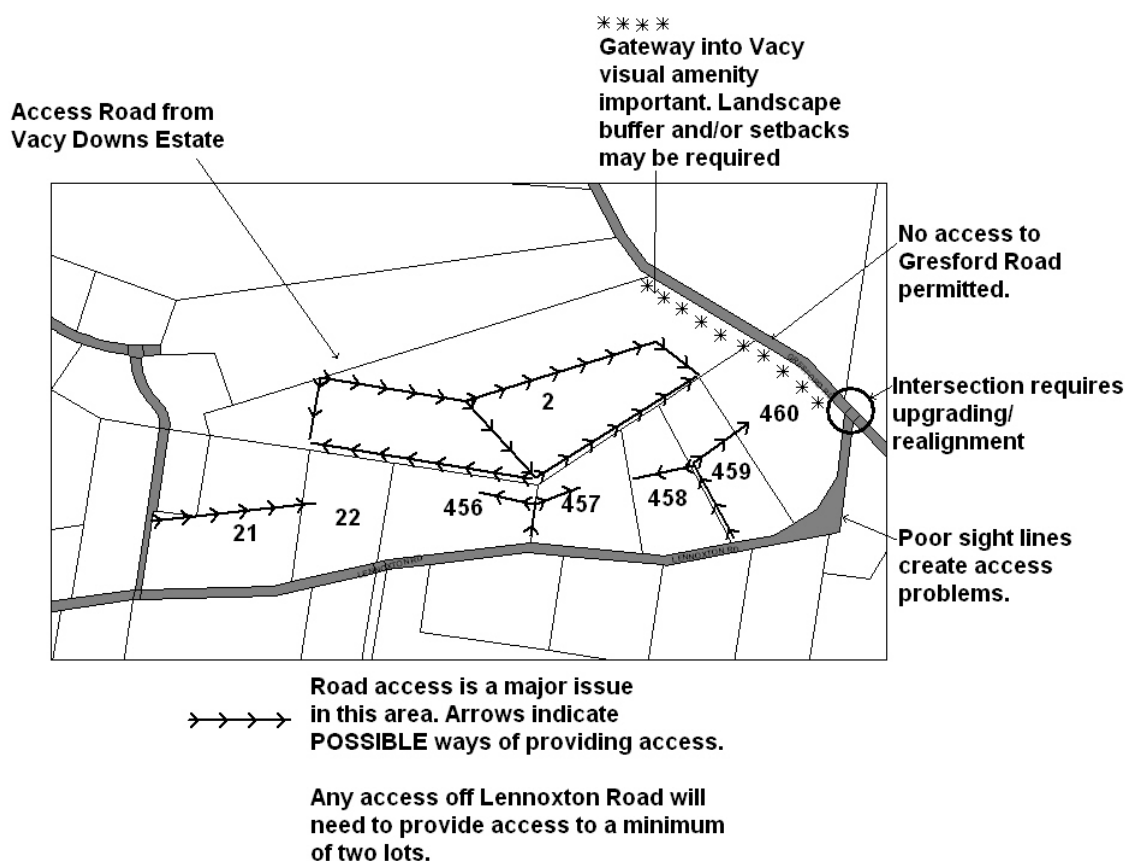
Lot 460 DP 749158 - This lot has access constraints as it has frontage to two collector roads - Lennoxton and Gresford Road. Subdivision will only be possible if access can be gained from Lot 2 or from the adjoining Lot 459.

Lot 459 DP 749158 - The width to depth ratio of this lot is not sufficient to allow subdivision of this lot on an individual basis. Any subdivision is to be undertaken in conjunction with an adjoining lot or lots.

Lots 456, 457 and 458 DP749158 and Lot 22 DP776533 - subdivision of these Lots can only proceed if access can be resolved so that no additional drive-way or right-of way access is provided to Lennoxton Road.

For the Lots with frontage to Lennoxton Road, cul-de-sac road access, with properly formed intersections will be considered if the cul-de-sac enables subdivision of two or more properties. For example a 'T' shaped cul-de-sac could be developed along the property boundary between Lots 458 and 459 with the cross-road extending across the Lots 458 and 459 to provide access to Lots 457 and 460.

PLANNING AREA A4



Masterplan

A basic Masterplan is required for the total area to identify an appropriate road network and subdivision layout.

Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for Area A4 must address:

Issue	Planning Considerations / Performance Criteria
Existing pattern of subdivision and	<ul style="list-style-type: none"> For subdivision to occur, Area 4 will require a

VACY LOCAL AREA PLAN

access constraints are not conducive to subdivision of individual lots. Land-owners will need to work together to achieve subdivision	masterplan that details the road and lot layouts.
Access to Gresford Road	<ul style="list-style-type: none"> For new lots created, no private driveway or right-of-way access to Gresford Road is permitted. An emergency access road (as per the Vacy Downs subdivision) may be approved.
Access to Lennoxton Road	<ul style="list-style-type: none"> For new lots created, no private driveway or right-of-way access to Lennoxton Road is permissible. Cul-de-sac access from Lennoxton Road may be permitted if the cul-de-sac provides access to at least 2 lots and the intersection with Lennoxton Road is properly formed and appropriately sited.
Pedestrian and Cycle Access	<ul style="list-style-type: none"> Provision needs to be made to link with access ways in Area A3.
Gresford Road is an entry point to Vacy. The visual Impact of development visible from Gresford Road needs to be minimised.	<ul style="list-style-type: none"> Visual assessment is to be undertaken to determine set-back requirements. These may vary from the DCP, with the Visual Assessment requirements having precedence. No backyards to have direct frontage to Gresford Road. Council may require a landscape buffer / corridor tree planting along the Gresford Road frontage to create a village entry statement.

3.5 PLANNING AREA A5

The Area

Planning Area A5 is located to the west of Serenity Drive and is bounded by the Vacy Downs subdivision and Paterson River to the north and Lennoxton Road to the South.

Area A5 incorporates 6 lots:

- Lot 351 DP734299
- Lots 91, 92, 93,94 DP788016
- Lot 8 DP739338

Lots 91, 92 and 93 have already been subdivided and zoned for Rural Lifestyle.

Development Potential

Lots 91, 92 and 93 have already been subdivided and zoned for Rural Lifestyle. No further subdivision is permitted.

Lots 94 DP788016 and Lot 8 DP739338 - Council recently approved an 11 lot subdivision plan for these two parcels of land. The subdivision plan creates 7 lots with access off Lennoxton Road and 4 large irregular shaped lots with battle-axe driveway access from Lennoxton Road. (Note: This pattern of subdivision would not be permitted under the provisions of this LAP). No further subdivision of these 11 lots is permissible.

Should this development not proceed, any future subdivision proposal will need to take into account the access constraints along Lennoxton Road, with any new lots created not to direct driveway or right of way access to Lennoxton Road. A properly formed access road will need to be provided to access this area.

Lot 351 DP734299 - This lot has frontage to both Serenity Way and Lennoxton Road. Further subdivision of this lot is permitted provided that access to any lots created is from Serenity Way. Lot 351 cannot be subdivided length-ways to create long narrow blocks, New lots must have a minimum width to depth ratio of 1:3.

Masterplan

Not required.

3.6 PLANNING AREA A6

The Area

Planning Area A6 lies to the south of Lennoxton Road. It incorporates 13 lots:

- Lot 11 DP773693
- Lot 123 DP1063557 (western part)
- Lots 451, 452, 453 DP718765
- Lots 461, 462 DP749158
- Lots 30, 31 DP570356
- Lots 32, 33, 34 DP634949
- Lot 301 DP747479

Development Potential

The development potential of Area A6 is extremely limited, with the area having the following constraints:

- Hilly to steep slopes - the area occupies the lower sideslopes of Mount Johnstone.
- Mount Johnstone is an important landmark that is highly visible within the Vacy area. The mountain and surrounding slopes and ridges have been identified by the Vacy community as having high scenic value.
- Much of the area is forested, with dense forest on the steeper slopes. The forest slopes are an important part of the 'backdrop' to Vacy.
- The area has high habitat value and is part of a wildlife corridor.
- The area has a high bushfire risk.
- The existing pattern of subdivision is not conducive to further subdivision.

- Additional driveway or right-of-way access off Lennoxton Road is not permitted. With the topography of the area it is difficult to provide an internal road network.

Given the constraints in this area and the availability of far more suitable land for Rural Lifestyle/ rural enterprise development in the Vacy area, no further subdivision of the following lots with frontage to or access from Lennoxton Road will be permitted:

- Lot 11 DP773693
- Lots 451, 452, 453 DP718765
- Lots 461, 462 DP749158
- Lots 30, 31 DP570356
- Lots 32, 33, 34 DP634949
- Lot 301 DP747479

Lot 123 DP1063557 (western part) - This is a large parcel of land on the eastern side of Area A6. Lot 123 is accessed off and orientated to Gresford Road. This lot has been largely cleared and is under pasture. This lot is suitable for Rural Lifestyle / Rural Enterprise development. Any development of this site must meet the following criteria.

- One access point only to Gresford Road. This access point will be a properly formed and sited road. The location and design of the intersection is to be determined in consultation with Council and the RTA.
- For new lots created, no private driveway or right-of-way access to Gresford Road is permitted.
- Dwellings are to be located on the 'flat' areas not on the side slopes of Mount Johnstone.
- Clearing of trees on the site is not permissible.
- This site forms part of the entrance to Gresford. A visual analysis is required as part of the development application process. Any development needs to protect and/or enhance the visual amenity of the town entry. Development will need to be well set-back from Gresford Road, with no backyards visible from the road. Council may require a landscape buffer and/or corridor tree planting along the Gresford Road frontage to create a village entry statement.

PLANNING AREA A6



LOT 123
Only one access point
from Gresford Road

Lot 123

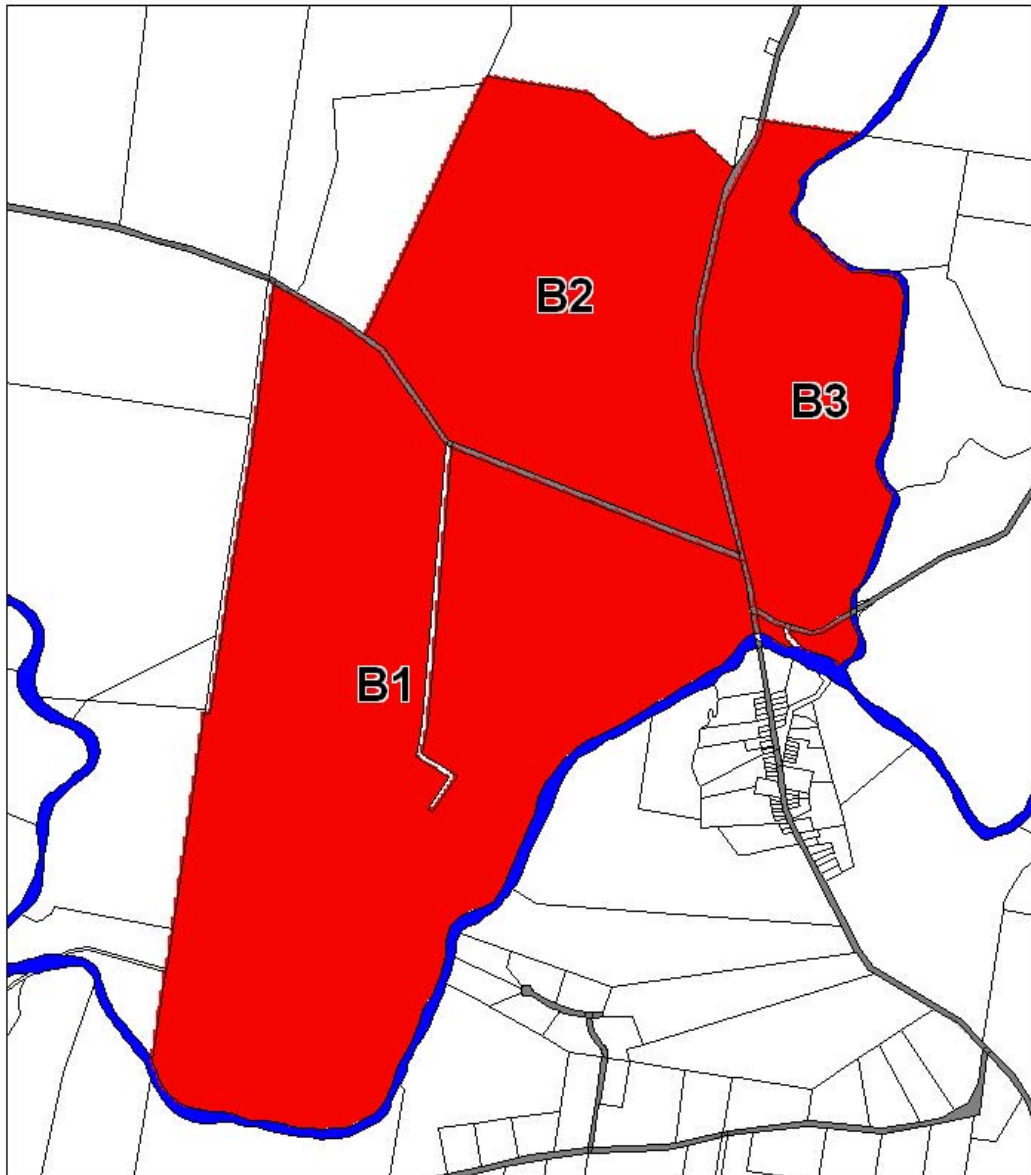
Need to protect and
enhance the gateway
arrival point for Vacy

No further subdivision of land with frontage
to or access from Lennoxton Road

4. PRECINCT B – VACY NORTH

Precinct B incorporates the area to the north of the Paterson River and to the west of the Allyn River.

This Precinct is divided into three planning areas, numbered Planning Areas B1, B2 and B3.



4.1 PLANNING AREA B1

The Area

Planning Area B1 is located to the west of Vacy. The area is bounded by the Paterson River to the south, Summer Hill Road to the north and Gresford Road to the east. Area B1 incorporates six parcels of land:

- Lot 8 DP 37244
- Lot 9 DP37244
- Lot 3, 4 DP321121
- Lot A DP384638
- Lot 1 DP131554

Lot 8 is a residential size lot and no further subdivision is permitted.

The remainder of the lots within this area are rural holdings. Lots 3, 4 and 9 have direct access from Summer Hill Road. There is a road reserve (unformed road) that provides access to Lot A. Lot 1 is land-locked.

Development Potential

Area B1 is ideal for subdivision for Rural Lifestyle or Rural Enterprise uses. Most of the area is flat to undulating with a row of small hills along the western boundary of the Investigation Zone.

This area has been identified by the Vacy community as having high scenic value with the view being rich river flats extending to the small row of hills. Both the river flats and the hills are considered important. Many of the houses in and around Vacy have views of this area. The land adjoining the Paterson River appears to be flood prone.

Summer Hill Road is also the access road to Eaglereach Resort. This is large, up-market resort that is located on the ridge overlooking the Vacy area. The rural scenery along Summer Hill Road forms part of the attraction base of the area.

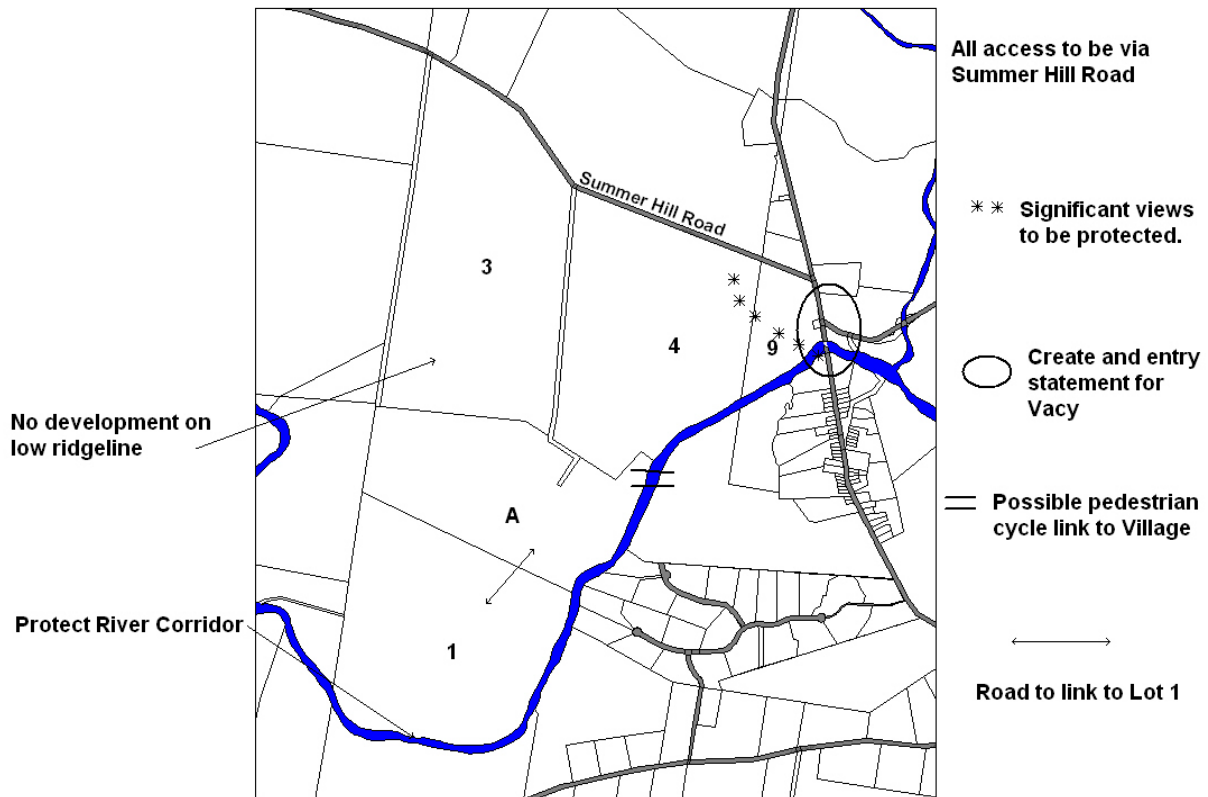
Masterplan

Due to the size and importance of this area, a masterplan is required. The plan will set the framework for co-ordinated and integrated development of this area.

The Masterplan is to address:

- Access - all access is to come off Summer Hill Road, with no access available from Gresford Road.
- Pedestrian and cycle access between the site and the Village. At the Vacy community meeting it was suggested that a pedestrian bridge be constructed over the Paterson River. This bridge would link Area B1 to the village centre via Area A1.
- Protection of the Riparian corridor along the Paterson River and other creeks within the area.
- The visual amenity and character of the area - The Masterplan will identify areas of high scenic value and include provisions for protection of these areas.
- Floodprone land. Rural Lifestyle and Rural Enterprise development is not permissible on land below the 1:100 year flood level.

PLANNING AREA B1



Issues & Performance Criteria

In addition to the planning controls set out in the LEP, DCP and Rural Strategy, the planning and assessment process for Area B1 must address:

Issue	Planning Considerations / Performance Criteria
Achieving co-ordinated development	<ul style="list-style-type: none"> Masterplan required to provide the framework and direction for development of this area.
Lot 8 DP 37244	<ul style="list-style-type: none"> No further subdivision of this lot.
Access to Collector Roads - Gresford Road and Summer Hill Road.	<ul style="list-style-type: none"> No vehicle access to/from Gresford Road, all access via Summer Hill Road. New lots created cannot have private driveway or right of way access to Summer Hill Road. Access into Area B1 must be via sealed

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	access roads. It needs to be demonstrated that access can be achieved safely and is supported by Traffic Committee and Council.
Linked internal road network	<ul style="list-style-type: none"> ▪ Road network must provide access to Lot 1 DP131554 which is landlocked. ▪ Lot 9 to be integrated with adjoining lot. ▪ Internal roads to be sealed to minimise impact on river.
Gresford Road is an entry point to Vacy. The visual Impact of development along Gresford Road needs to be minimised.	<ul style="list-style-type: none"> ▪ Visual assessment to be undertaken to determine set-back requirements. These may vary from the Shire-wide DCP, with the Visual Assessment requirements having precedence. ▪ Council may require a landscape buffer / corridor tree planting along the Gresford Road frontage to create a village entry statement. ▪ No backyards to have direct frontage to Gresford Road.
Summer Hill Road - retain the rural character of the road corridor.	<ul style="list-style-type: none"> ▪ Development to be set-back and screened where possible from Summer Hill Road. ▪ No backyards to have direct frontage to Summer Hill Road.
Visual impact - The view over this area from Gresford and Summer Hill Roads has been identified by the local community as having high scenic value. The small hills along the western boundary of this area are also considered visually important.	<ul style="list-style-type: none"> ▪ Detailed view-shed analysis - visual assessment to be undertaken prior to development, with provisions determined to protect the visual amenity of the area. ▪ No development along ridgelines or on hill crests.
Provision of pedestrian and cycle access through Area B1 to Vacy Village	<ul style="list-style-type: none"> ▪ Explore feasibility of a pedestrian-cycle bridge over the Paterson River to link Area B1 with Vacy Village via Area A1. ▪ Provide pedestrian -cycle link through Lot 9 to connect with Vacy Bridge. Ideally the access / egress point to Gresford Road, needs to be located as close as possible to the Vacy Bridge. A link needs to be provided through Lots 4 and/or 9 to Area B2. ▪ If access is to be provided via a shared pathway along Summer Hill and Gresford Road rather than through Lot 9, then the pathway has to be well set-back from the road in order to minimise risk from traffic.

Paterson River Foreshore	<ul style="list-style-type: none"> ▪ Riparian vegetation corridor to be defined and protected. ▪ No additional riverfront lots or riparian rights to be created. ▪ The need for public access to the river foreshore to be assessed and addressed.
Flooding	<ul style="list-style-type: none"> ▪ Assessment required to determine the 1:100 year flood level. No Rural Lifestyle or Rural Enterprise development is permissible below the 1:100 year flood level.

4.2 PLANNING AREA B2

The Area

Planning Area B2 is located to the north-west of Vacy. The area is bounded by Gresford Road to the east, Summer Hill Road to the south and the Mount Breckin Range to the west. Planning Area B2 incorporates 8 lots:

- Lot 121, 122 DP706044
- Lot 1 DP190456
- Lot 1 DP996167
- Lot 11 DP137145
- Lot 150 DP538176
- Lot 1 DP745198

Lot 1 DP996167, Lot 11 DP137145, Lot 150 DP538176 are zoned Rural Lifestyle.

Lot 1 DP190456 is accessed off Summer Hill Road. All other lots are accessed from Gresford Road.

Development Potential

Lot 1 DP996167, Lot 11 DP137145, Lot 150 DP538176, Lot 1 DP745198 and Lot 10 DP37244 are zoned Rural Lifestyle and no further subdivision is permissible.

Lot 1 DP190456 appears highly suitable for development. There are poultry sheds on this Lot. If the sheds are operational then an appropriate buffer, as per the Shire-wide DCP requirements, is to be provided. Access to Lot 1 is to be from Summer Hill Road.

Lots 121 and 122 DP706044 - Lot 122 appears suitable for development. Lot 121 is a small, narrow lot. Further subdivision of Lot 121 can only be undertaken in conjunction with development of Lot 122. Lot 121 cannot be divided lengthways to create long narrow lots. The north-west corner of Lot 122 forms part of the sideslopes of the Mount Breckin Ridge. The Mountain Breckin Hills and ridgeline area is visually significant within the Vacy area and is to be protected.

Masterplan

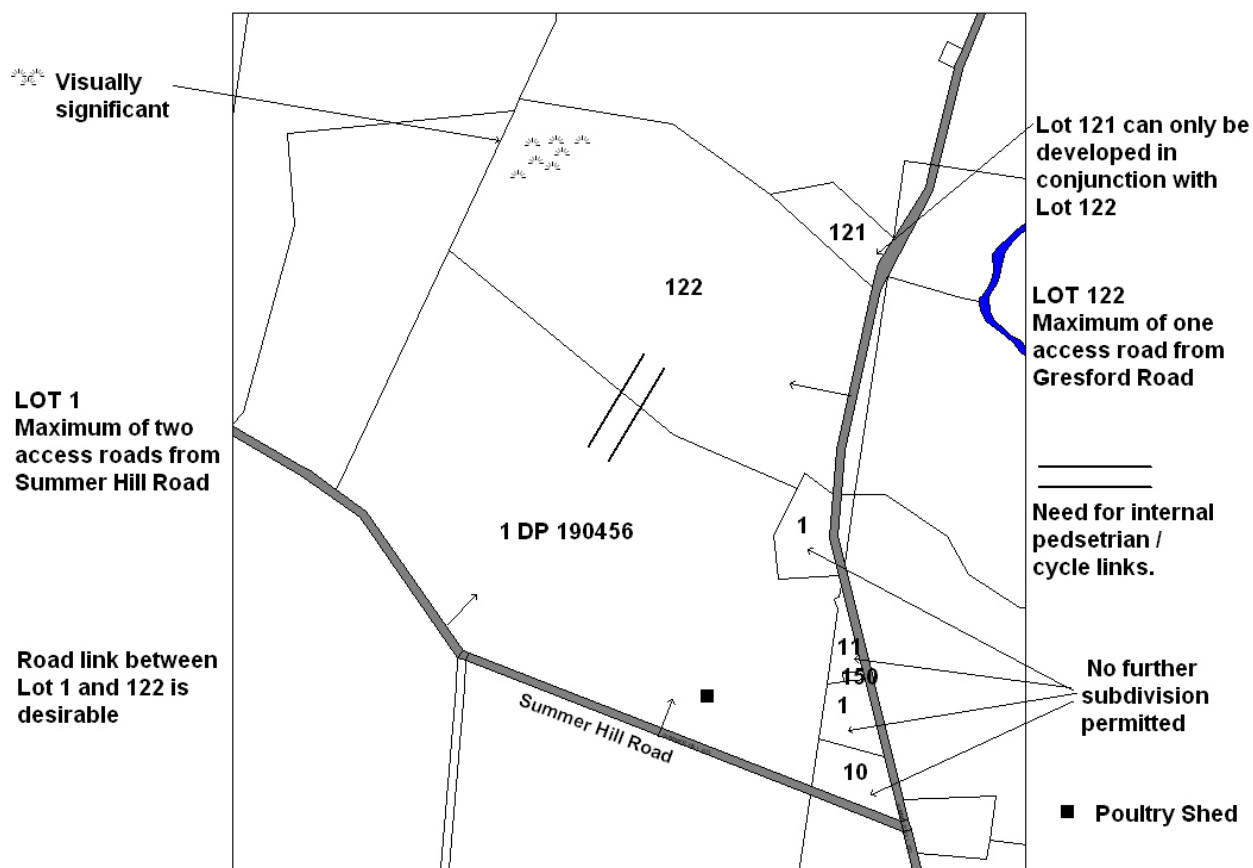
VACY LOCAL AREA PLAN

A masterplan will not be required if the subdivision planning makes provision for pedestrian and cycle links between Lot 1 DP190456 and Lot 122 DP706044.

It would also be desirable to have an internal road link between the two lots however this may not be feasible due to Bucks Creek.

Any planning of Lot 122 needs to take into consideration Lot 121.

PLANNING AREA B2



Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for Area B2 must address.

Issue	Planning Considerations / Performance Criteria
Land that can be subdivided.	<ul style="list-style-type: none"> Lot 1 DP190456 and Lot 122 DP706044 are suitable for subdivision. These lots can be developed individually provided that there is a pedestrian-cycle links between the two areas.

VACY LOCAL AREA PLAN

	<ul style="list-style-type: none"> No further subdivision of lots already zoned Rural Lifestyle. Further subdivision of Lot 121 can only occur in conjunction with development of Lot 122.
Access to Collector Roads - Gresford Road and Summer Hill Road.	<ul style="list-style-type: none"> New lots created cannot have private driveway or right of way access to Gresford Road or Summer Hill Road. Lot 122 can have a maximum of one access road from Gresford Road. Lot 1 DP190456 can have a maximum of 2 access roads from Summer Hill Road. Access roads must be sealed. It needs to be demonstrated that access can be achieved safely and is supported by Traffic Committee and Council.
Internal Road network	<ul style="list-style-type: none"> Desirable to have an internal road link between Lot 1 DP 190456 and Lot 122 DP706044.
Pedestrian - cycle links	<ul style="list-style-type: none"> Need for internal link pedestrian/cycle links between Lot 1 DP 190456 and Lot 122 DP706044. The route to integrate with the pedestrian-cycle route in Area B1 that provides access to Vacy Bridge.
Gresford Road is an entry point to Vacy. The visual Impact of development along Gresford Road needs to be minimised.	<ul style="list-style-type: none"> Visual assessment to be undertaken to determine set-back requirements. These may vary from the Shire-wide DCP, with the Visual Assessment requirements having precedence. Council may require a landscape buffer / corridor tree planting along the Gresford Road frontage to create a village entry statement. No backyards to have direct frontage to Gresford Road.
Summer Hill Road - retain the rural character of the road corridor.	<ul style="list-style-type: none"> Development to be set-back and screened where possible from Summer Hill Road. No backyards to have direct frontage to Summer Hill Road.
Breckin Range - minimise visual impact of development	<ul style="list-style-type: none"> Visual assessment to be undertaken and development sited to minimise visual impact.

Poultry Shed	▪ If operational, appropriate buffers to be provided as per Shire-wide DCP provisions.
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4.3 PLANNING AREA B3

The Area

Planning Area B3 is bounded by the Allyn River to the east, Paterson River to the south and the Gresford Road to the west. Planning Area B3 incorporates 7 lots.

- Lot 1 DP34831
- Lots 3, 4 DP37244
- Lot 51 DP809914
- Lot 52 DP647054
- Lots 6, 7 DP37244

There are also two very long narrow lots, fronting Gresford Road that appear to have been created by adjustments to the road reserve.

Lot 51 DP809914 and Lot 7 DP37244 are zoned for Rural Lifestyle. Lot 6 DP37244 is located at the confluence of the Allyn and Paterson Rivers and is zoned 7(a) Environment.

Development Potential

Lot 51 DP809914 and Lot 7 DP37244 are zoned for Rural Lifestyle and no further subdivision is permitted.

Lot 6 DP37244 is zoned 7(a) Environment and no further subdivision or development is permitted.

Lot 1 DP34831 is a smaller lot. Lot 1 can only be subdivided if this can be achieved without creating any additional lots with river frontage or lots that require driveway or right-of-way access from Gresford Road. It may be possible to achieve this if Lot 1 is developed in conjunction with Lot 3 (adjoining land).

Lots 3 and 4 DP37244 maybe suitable for development subject to land capability assessment. Parts of the area are subject to flooding along the Allyn River and Bucks Creek. Rural Lifestyle and Rural Enterprise development is not permissible on land below the 1:100 year floodlevel.

Lot 52 DP647054 is also a smaller lot. Subdivision potential will be determined by access. The site has frontage to two collector roads - Gresford Road and Horn Crossing Road. No additional driveway or right-of way access can be provided from these roads. The Lot also has river frontage and no additional riverfront lots can be created. It may be possible to subdivide this Lot in conjunction with development of Lot 4 (adjoining land).

Any development of Lots 3 and 4 will need to consider the feasibility of providing access to adjoining smaller lots.

Masterplan

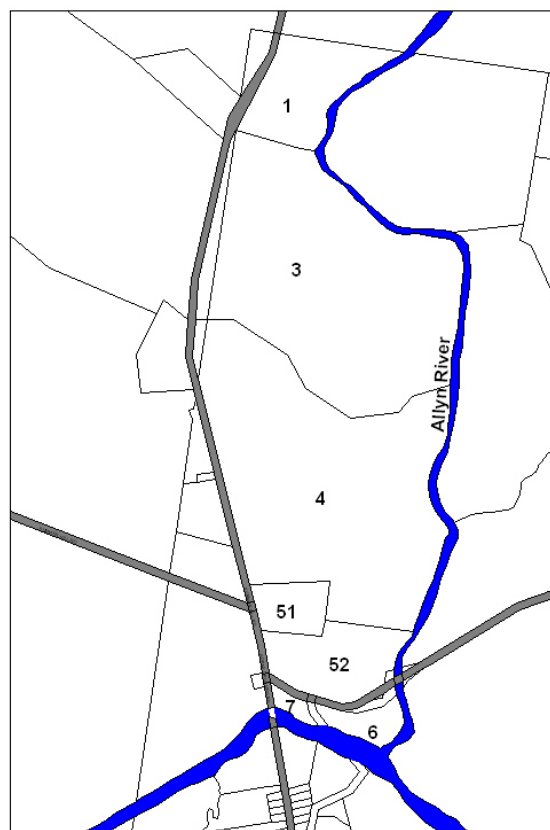
A Masterplan will be required for Area B3. The masterplan will need to address:

- Land capability.
- Access and internal road network.
- Subdivision layout. The feasibility of further subdivision of Lot 1 DP34831 and Lot 52 DP647054 needs to be considered as part of the subdivision planning.
- Flooding.
- Protection of the riparian corridors.
- Minimising the visual impact of development along Gresford Road.
- Pedestrian and cycle links.

At the Vacy community meeting it was suggested that a pedestrian bridge be provided across the Paterson River, just upstream of the confluence with the Allyn River. The nominated route was the road reserve located between Lots 6 and 7 DP37244 that runs from Horn Crossing Road to the River. There is another road reserve which links to this on the other side of the River (adjacent to the Motel). It was also suggested that this route would link back across Gresford Road (possibly under the Vacy Bridge) into Area B1 and through to Area B2.

PLANNING AREA B3

AREA B3
Maximum of two
access roads off
Gresford Road.
Location to be
determined.



Lots 1 & 3 to be developed together

Protect Riparian corridor

Lots 7 & 51 - No further subdivision permitted

No development on land below the 1:100 year flood level

Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for Area B3 must address.

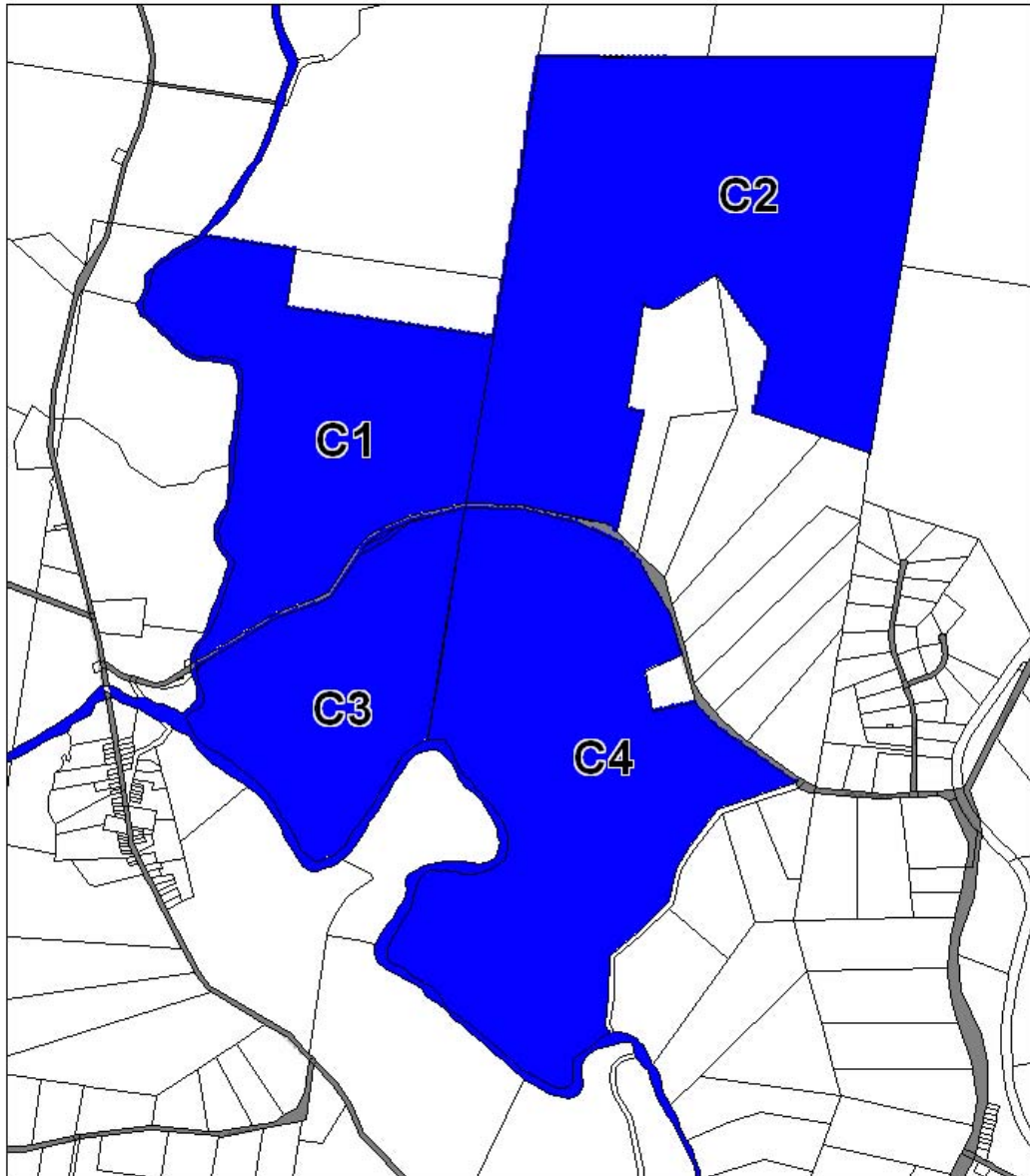
Issue	Planning Considerations / Performance Criteria
Existing Rural Lifestyle Lots	<ul style="list-style-type: none"> No further subdivision permitted.
Inclusion of smaller lots.	<ul style="list-style-type: none"> Master-planning process to consider the feasibility of further subdivision of Lots 1 and 52 in conjunction with development of adjoining land.
Access to Collector Roads - Gresford and Horn Crossing Road	<ul style="list-style-type: none"> Maximum of two access roads from Gresford Road to service all of Area B3. These roads must be sealed and it needs to be demonstrated that access can be achieved safely and is supported by Traffic Committee and Council. No additional private driveway access or right-of-ways to Gresford or Horn Crossing Road can be created.
Internal Roads	<ul style="list-style-type: none"> While it would be desirable to have an internal road network that links through Area B3, this may not be possible given the creek systems and topography of the area.
Pedestrian and cycle access	<ul style="list-style-type: none"> Pedestrian and cycle links through the area must be provided. Consideration to be given to provide a pedestrian bridge across the Paterson River as proposed at the Vacy community meeting.
Gresford Road is an entry point to Vacy. The visual Impact of development along Gresford Road needs to be minimised.	<ul style="list-style-type: none"> Visual assessment to be undertaken to determine set-back requirements. These may vary from the Shire-wide DCP, with the Visual Assessment requirements having precedence. Council may require a landscape buffer / corridor tree planting along the Gresford Road frontage to create a village entry statement. No backyards to have direct frontage to Gresford Road.
Allyn River	<ul style="list-style-type: none"> No further riverfront lots or riparian rights to be created.

VACY LOCAL AREA PLAN

	<ul style="list-style-type: none">▪ Riparian vegetation to be protected.▪ Integrity of feeder creeks (eg Bucks Creek) to be protected.
Flooding	<ul style="list-style-type: none">- Assessment required to determine the 1:100 year flood level. No Rural Lifestyle or Rural Enterprise development is permissible below the 1:100 year flood level.

5. PRECINCT C - VACY EAST - HORNS CROSSING RD

Precinct C incorporates the area within the investigation Zone to the east of the Paterson River. This area extends along both sides of Horns Crossing Road. Precinct C is divided into 4 planning areas, numbered C1, C2, C3 and C4.



5.1 PLANNING AREA C1

The Area

Planning Area C1 is bounded by the Allyn River to the west and Horns Crossing Road to the south. Area C1 incorporates 4 lots.

- Lots 1, 3, 4 DP 195218
- PT 15 DP753464

PT 15 has frontage to Horns Crossing Road. Lots 1,3 and 4 do not have road access and are 'land-locked'. PT 15, Lots 1 and 4 have frontage to the Allyn River.

Development Potential

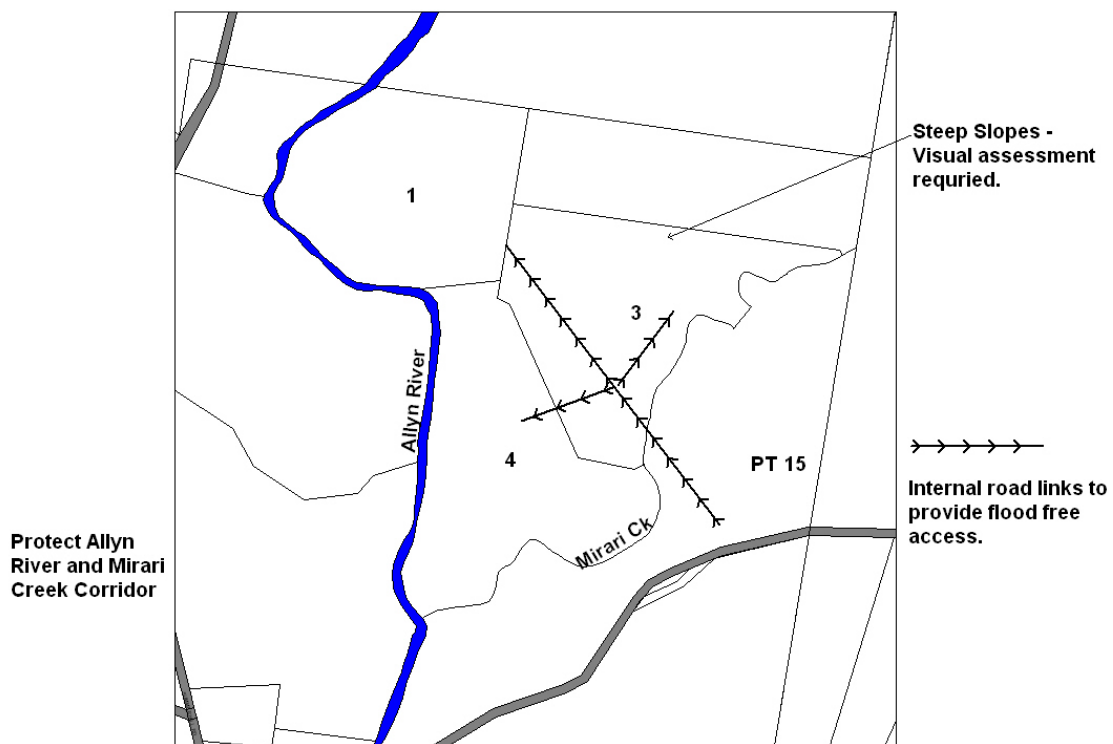
Area C1 is dissected by Mirari Creek and an un-named creek system that feeds into the Allyn River. Mirari Creek is a significant creek system which drains the area from Hilldale south to Martins Creek and west to the Allyn River. Parts of Area C1 may lie below the 1:100 year flood level. Part of the area adjacent to Mirari Creek is relatively steep rising to a hill-crest which is located just north of Area C1.

The development potential of this area will be determined by the land capability assessment. Key issues in this area will be flooding, protection of the watercourses and access. Horns Crossing is a collector road and no additional private driveway or right-of-way access from this road is permitted.

Masterplan

Not required, provided that a detailed land capability assessment is undertaken and applies to the total area. This assessment will need to identify areas suitable for development, subdivision pattern, dwelling sites and the access and internal road network.

PLANNING AREA C1



Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for Area C1 must address.

Issue	Planning Considerations / Performance Criteria
Site topography, flooding and drainage constraints	<ul style="list-style-type: none"> ▪ Detailed land capability assessment to be undertaken. ▪ Assessment required to determine the 1:100 year flood level. No Rural Lifestyle or Rural Enterprise development is permissible below the 1:100 year flood level.
Access to Collector Roads - Horns Crossing Road	<ul style="list-style-type: none"> ▪ No additional private driveway access or right-of-way access to Horns Crossing Road to be created.
Internal Roads	<ul style="list-style-type: none"> ▪ Internal road network must provide access to Lots 1, 3 and 4 if these lots are assessed as suitable for development.
Pedestrian and cycle access	<ul style="list-style-type: none"> ▪ Pedestrian and cycle link through the area to provide access to Horns Crossing Bridge. ▪ Provision needs to be made for a link through to Area C2 which abuts the eastern boundary of area C1.
Visual Impact	<ul style="list-style-type: none"> ▪ The visual impact of any development along Horns Crossing Road needs to be minimised. ▪ No back yards to have direct frontage to Horns Crossing Road. ▪ Need to minimise the visual impact of development on the slopes and ridgeline along the northern boundary of Lot 3.
Vacy Entry Gateway	<ul style="list-style-type: none"> ▪ The area near the Horns Crossing Bridge is an entry point to Vacy. This area needs to be appropriately landscaped with a tree corridor, to create a sense of arrival. This gateway landscaping is to be planned in conjunction with the land across the road in Area C3.
Allyn River	<ul style="list-style-type: none"> ▪ No further riverfront lots or riparian rights to be created. ▪ Riparian vegetation to be protected.

	<ul style="list-style-type: none">▪ Integrity of feeder creeks (eg Mirari Creek) to be protected.
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5.2 PLANNING AREA C2

The Area

Planning Area C2 lies to the east of Area C1 and to the north of Horns Crossing Road. It incorporates 2 parcels of land:

- Lot 1 DP1036373
- PT 132 DP752445

Lot 1 is a long, narrow rectangular shaped lot with frontage to Horns Crossing Road. PT 132 is also a large parcel of land. It is an irregular shaped battleaxe lot with a long, narrow access handle providing access to Horns Crossing Road.

Development Potential

There is a small hill in the northern section of Lot 1 which forms part of steep, forested ridge system that lies to the north of the area. This ridge system is visually prominent and an important part of the visual amenity of the Vacy area. Any proposed development on the hill-slopes will require visual and habitat assessment.

Mirari Creek traverses this area and consideration will need to be given to drainage and run-off to prevent flooding downstream.

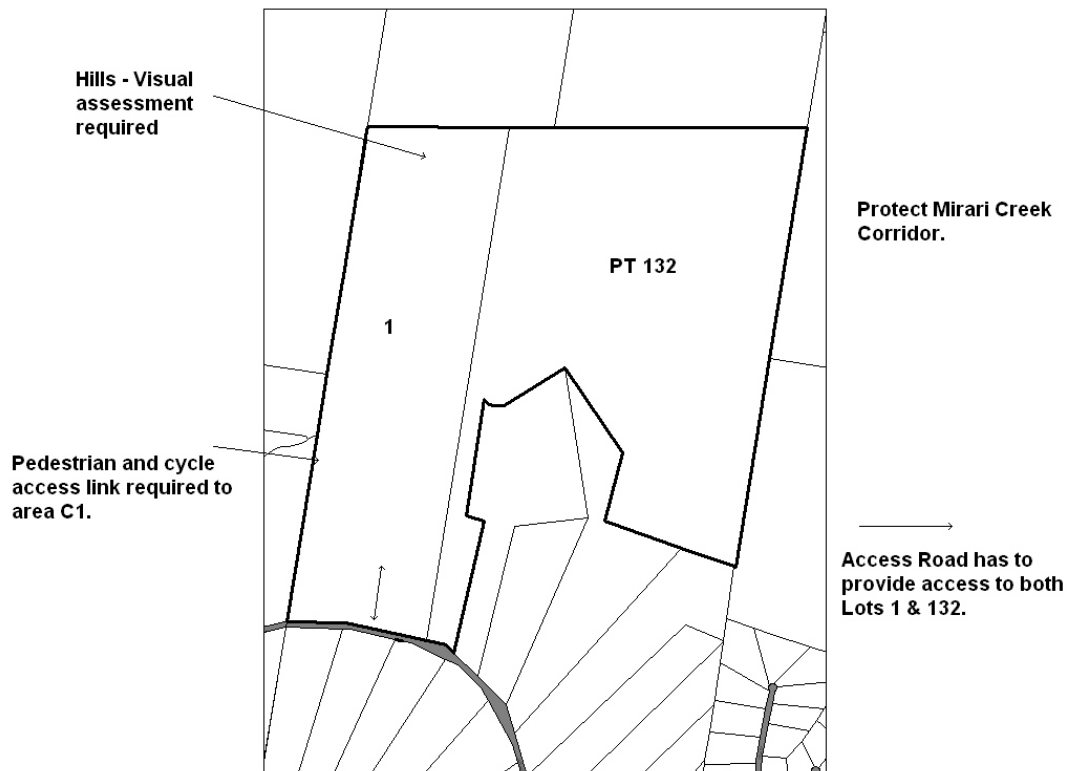
While the topography of the area is suitable for development, the shape of the existing lots is not conducive to sub-division on a stand-alone basis. The lots will need to be jointly planned and developed.

Given the narrow road frontage of this area, only one access road off Horns Crossing will be permitted. This access road must provide access to both Lot 1 and PT 123.

Masterplan

Not required provided that the land capability assessment and subdivision plan demonstrates how the development of both lots will be integrated.

PLANNING AREA C2



Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for Area C2 must address.

Issue	Planning Considerations / Performance Criteria
Integrated development of Lots 1 and Pt 132	<ul style="list-style-type: none"> Subdivision plan to demonstrate integration of the two lots.
Access to Collector Roads - Horns Crossing Road	<ul style="list-style-type: none"> No additional private driveway access or right-of-ways Horns Crossing Road to be created. Access to Area C2 should be via a sealed local access road. Given the shape of this land and the relatively narrow frontage, only one access road to Horns Crossing Road is permitted, with this road designed to provide access to both Lot 1 and PT 123. The access roads must be sealed and it needs to be demonstrated that access can be achieved safely and is supported by Traffic Committee and Council.

Pedestrian and cycle access	<ul style="list-style-type: none"> ▪ To link Area C2 via Area C1 to Horns Crossing Bridge.
<p>Visual amenity -</p> <p>The hills in the northern part of Lot 1 forms part of a prominent local feature of high scenic value.</p> <p>Horns Crossing Road is also an access gateway to Vacy.</p>	<ul style="list-style-type: none"> ▪ Visual assessment to be undertaken as part of the planning process. ▪ The visual impact of any development along Horns Crossing Road needs to be minimised. ▪ No back yards to have direct frontage to Horns Crossing Road.
Motor Vehicle Wreckers	<ul style="list-style-type: none"> ▪ The motor wreckers adjacent to the area is an existing landuse. Appropriate buffers may need to be provided.

5.3 PLANNING AREA C3

The Area

Planning Area C3 is located on the southern side of Horns Crossing Road, and is bounded by the Allyn River to the west and the Paterson Rive to the south. Area C3 comprises one parcel of land, PT 15 DP752464.

Development Potential

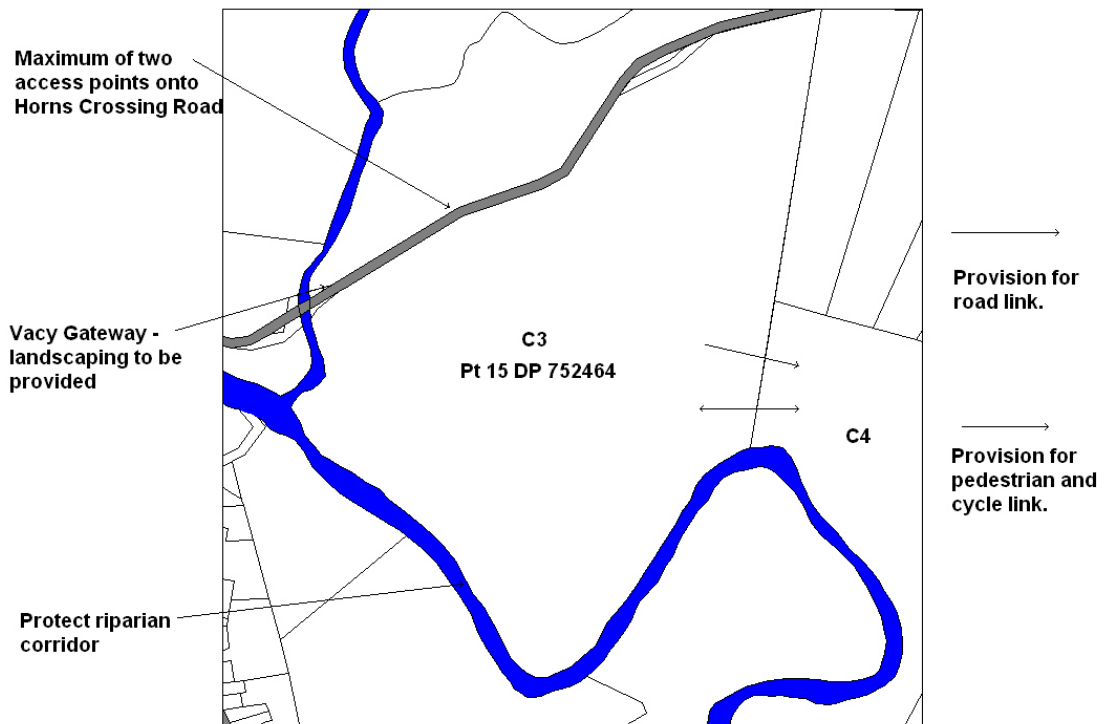
The northern and central portions of this area appear ideal for development. The southern area, adjacent to the Paterson River may be prone to flooding.

Masterplan

Not required if a subdivision plan is submitted for the entire parcel and shows that access can be provided into Area C4. Subdivision can be staged in accordance with the subdivision plan.

- Pedestrian and cycle link through the area to provide access to Horns Crossing Bridge.
- Provision needs to be made for a link through to Area C2 which abuts the eastern boundary of area C1.

PLANNING AREA C3



Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for Area C3 must address.

Issue	Planning Considerations / Performance Criteria
Access to Collector Roads - Horns Crossing Road	<ul style="list-style-type: none"> No additional private driveway access or right-of-ways Horns Crossing Road to be created. Access to Area C3 should be via sealed local access road. A maximum of two access points to Horns Crossing road is permitted. The access roads must be sealed and it needs to be demonstrated that access can be achieved safely and is supported by Traffic Committee and Council.
Internal Road network	<ul style="list-style-type: none"> To demonstrate how access to be provided to Area C4 to provide access to Lot 7.
Pedestrian and cycle access	<ul style="list-style-type: none"> Pedestrian and cycle link through the area to provide access to Horns Crossing Bridge.

VACY LOCAL AREA PLAN

	<ul style="list-style-type: none">Provision needs to be made for a link through to Area C4 which abuts the eastern boundary of area C3.
Visual amenity - Horns Crossing Road	<ul style="list-style-type: none">Visual assessment to be undertaken as part of the planning process.The visual impact of any development along Horns Crossing Road needs to be minimised.No back yards to have direct frontage to Horns Crossing Road.
Vacy Entry Gateway	<ul style="list-style-type: none">The area near the Horns Crossing Bridge is an entry point to Vacy. This area needs to be appropriately landscaped with a tree corridor, to create a sense of arrival. This gateway landscaping is to be planned in conjunction with the land across the road in Area C1.
Pateron & Allyn River Foreshores	<ul style="list-style-type: none">No further riverfront lots or riparian rights to be created.Riparian vegetation to be protected.
Flooding	<ul style="list-style-type: none">Assessment required to determine the 1:100 year flood level. No Rural Lifestyle or Rural Enterprise development is permissible below the 1:100 year flood level.

5.4 PLANNING AREA C4

The Area

Area C4 incorporates the land extending from Area C3, east to Mowbray Lane. It is bounded by Horns Crossing Road to the north and the Paterson River to the south. Mowbray Lane is an unsealed road that provides access to rural residential properties in on the eastern side of the lane. Area C4 incorporates 8 lots:

- Lots 1, 2, 3, 4, 5, 6, 7 DP247313
- Lot 134 DP854895

There is also another lot, Lot 133 DP854895 that has been excised from Lot 134 and has frontage to Horns Crossing Road. This lot lies within the Investigation Zone, but not zoned as such and should be considered in conjunction with Lot 134.

Development Potential

Lots 1-7 have already been subdivided for small rural holdings. The subdivision has resulted in the production of a 5 long narrow lots (Lots 1-5) with frontage to Horns

Crossing Road. Lot 6 is also long and narrow, but has no road frontage or designated access. Lot 7 is an irregular shaped lot along the Paterson River. It also has no road frontage. **None of these lots are suitable for subdivision on an individual basis.** Any further subdivision will require owners to work together. These lots could be subdivided in conjunction with development of Area C3, and/or as part of the development of Lot 134. Also, in relation to Lots 1-5, a minimum of two lots could be amalgamated for subdivision purposes.

No further subdivision of **Lot 133** is permissible on a stand-alone basis; however this lot could be subdivided in conjunction with development of Lot 134, provided that no additional drive-way or right of way access to Horns Crossing Road is created, with access being via Lot 134.

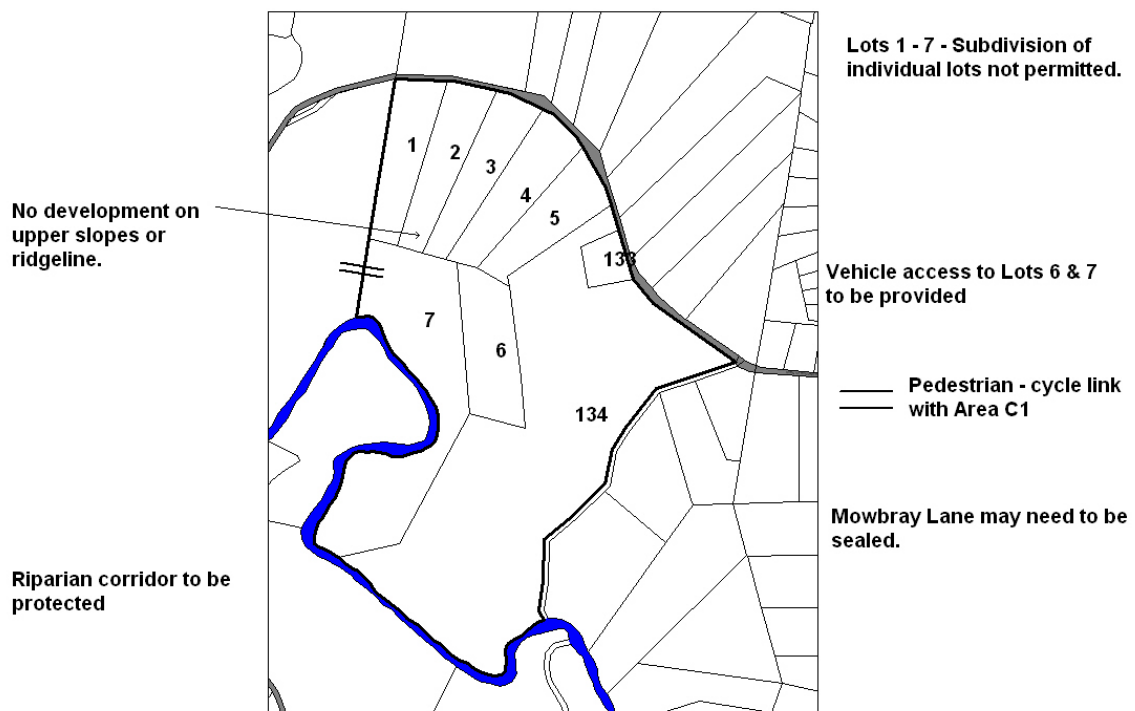
Lot 134 appears **suitable for development**. Any development of this site would require access to be provided to Lots 6 and 7. If Mowbray Lane is to be used to provide access to the subdivision then, depending on likely traffic volumes, Council may require Mowbray Lane to be sealed at no cost to Council.

Masterplan

A masterplan is required. Issues to be addressed by the plan include:

- Access from Horns Crossing Road.
- Internal access and road layout, including provision of access to land-locked lots.
- Flooding.
- Visual impact of development, with no development to occur on the ridgeline.

PLANNING AREA C4



Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for Area C2 must address.

Issue	Planning Considerations / Performance Criteria
Integrated development of the area	<ul style="list-style-type: none"> ▪ Masterplan required. ▪ No subdivision of Lots 1-7 on a standalone basis. ▪ Lot 133 can only be further subdivided only in conjunction with subdivision of Lot 134. ▪ Lot 134 can be subdivided on a stand-alone basis provided that road access is made available to Lots 6 & 7.
<p>Access to Collector Roads - Horns Crossing Road</p> <p>Internal Roads</p>	<ul style="list-style-type: none"> ▪ No additional private driveway access or right-of-ways Horns Crossing Road to be created. ▪ For Lots 1-5 any access road from Horns Crossing Road must service at least 2 existing lots. ▪ Access roads must be sealed and it needs to be demonstrated that access can be achieved safely and is supported by Traffic Committee and Council. ▪ Any development of Lot 134 needs to demonstrate provision for access to Lots 6 and 7. ▪ Council may require Mowbray Lane to be sealed if traffic volumes on this road are increased by subdivision of Lot 134.
Pedestrian and cycle access	<ul style="list-style-type: none"> ▪ Provision needs to be made for a link from Area C4 through Area C3 to Horns Crossing Bridge.
Visual amenity	<ul style="list-style-type: none"> ▪ Visual assessment to be undertaken as part of the masterplanning process. ▪ The visual impact of any development along Horns Crossing Road needs to be minimised. ▪ No back yards to have direct frontage to Horns Crossing Road. ▪ No development to occur on the upper slopes and ridge-line that runs through Lots 1- 5.

VACY LOCAL AREA PLAN

Paterson River	<ul style="list-style-type: none">▪ No further riverfront lots or riparian rights to be created.▪ Riparian vegetation to be protected.
Flooding	<ul style="list-style-type: none">▪ Assessment required to determine the 1:100 year flood level. No Rural Lifestyle or Rural Enterprise development is permissible below the 1:100 year flood level.



PATERSON LOCAL AREA PLAN

Adopted 15 November, 2005

The Draft Paterson Local Area Plan was prepared for Dungog Shire Council by Jenny Rand & Associates and Watkinson Apperley Pty Ltd.

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All maps within this document are in colour, however the hardcopy version is only available in black and white. For a colour copy, please view the document on Council's website – www.dungog.nsw.gov.au.

1. INTRODUCTION - THE PLANNING FRAMEWORK

1.1 THE PLANNING CONTEXT

The Planning Policies and Regulations for Dungog Shire are provided in the following key instruments:

- Dungog Shire Local Environmental Plan 2005
- Dungog Shire Rural Strategy 2003
- Dungog Shire Wide Development Control Plan 2004

These three planning instruments apply Shire-wide.

Dungog Shire Local Environmental Plan 2005

Under the provisions of the Local Environmental Plan (LEP) all land within the Shire is classified into land use zones. The LEP details the land uses and activities permissible in each zone and the factors that need to be assessed and addressed in developing within these zones.

Most of the land surrounding Paterson, within 2 kilometres of the village, is zoned as 9(a) Investigation Zone. Land within this zone will be investigated to determine its suitability and capability for a range of rural and other activities, including rural lifestyle living.

Dungog Shire Rural Strategy 2003

The Rural Strategy supports the Local Environmental Plan by detailing Council's policies in relation to development of rural lands. These policies are designed to protect the rural character of and rural activities undertaken within the Shire, environmentally sensitive areas and water resources. This Strategy sets the direction for the future development of the areas zoned 9(a) Investigation Zone.

Dungog Shire Development Control Plan 2004

The Shire-wide Development Control Plan (DCP) supports the Local Environmental Plan 2005. It provides the design guidelines and design controls required to achieve the aims and objectives of the Local Environmental Plan.

1.2 LOCAL AREA PLANS

Recognising that each community may have a different vision in relation to the type of settlement that it considers sustainable within the surrounding investigation zone, provisions have been included within the Shire-wide planning instruments for the preparation of Local Area Plans.

Land to which Local Area Plans Apply

Local Area Plans (LAP) are locality specific plans that are prepared for each town and village with an Investigation Zone 9(a). The provisions contained within the Paterson LAP relate only to the Paterson area.

Purpose of Local Area Plans

Local Area Plans aim to establish a desired future character for the land that is contained within the Investigation Zone. Local Area Plans contain locality based performance criteria and controls which are designed to address key issues and achieve the desired character.

Factors taken into consideration in preparing Local Area Plans

In preparing the Local Area Plans factors taken into consideration included:

- Community Vision - the views expressed by the local community to which the Plan applies.
- The physical and cultural features of the land within the Investigation Zone, including factors such as slope and stability, hydrology and flooding, flora and fauna, bushfire, views and visual impact, sites of cultural or heritage significance.
- The existing road network - hierarchy, road alignment and condition etc.
- Access - vehicle, pedestrian and cycle - to and within the Investigation Zone and between land within the Investigation Zone and the adjoining village.
- Existing pattern of subdivision (size and shape of allotments).
- Existing land use and settlement patterns and the characteristics of the neighbourhood.
- The need for environmentally sustainable development.
- The desired future character of development.

The Local Area Plans recognise that at some stage in the future, the land within the Investigation Zones that is subdivided for rural lifestyle living, may be needed to accommodate the growth of the village and may potentially be rezoned for residential and/or other uses such as recreation, commercial or special uses. The Local Area Plans contain principles in relation to road networks and subdivision layout that will have the capacity to support closer subdivision patterns in the future.

Suitability of Investigation Zone land for development

Not all land within Investigation Zones will be suitable for re-development. Section 12.4 (Constraints Criteria) of the Dungog Shire Rural Strategy details the constraints that **exclude** an area from Rural Lifestyle and Rural Enterprise subdivision and development. These criteria include:

- Land in areas affected by the 1:100 year flood.
- Slope greater than 18 degrees.
- Not meeting minimum service/infrastructure requirements.
- Inadequate land for disposing of the effluent on-site.
- Bushfire prone land as defined by Council's bushfire map, if clearing of habitat and wildlife corridors is required and biodiversity objectives are not met.
- Ecologically sensitive land.
- Areas with high habitat values.
- Contaminated land.
- Access via a road complying with Council's Rural Roads Policy cannot be achieved.

- Prominent positions in the landscape where development would be silhouetted on the skyline horizon.
- Not complying with the Performance Standards of Dungog Shire Rural Strategy:
 - 8.1 Wastewater Treatment and Management of Effluent
 - 8.2 New Development and Biodiversity
 - 8.3 Aesthetic Design / Scenic Character / Energy Efficiency
 - 8.4 Water and Riparian Management
 - 8.5 Bushfire Hazard Mitigation

In addition to these criteria, Local Area Plans may identify site or locality specific criteria which may exclude certain land for development.

Land use and activities permissible within the Investigation Zones

Providing that the land, after detailed assessment, is considered suitable for development, then an application can be lodged with Dungog Shire Council to rezone the land zoned 9(a) Investigation to Rural Lifestyle 1(l) or Rural Enterprise 1(e).

Rural Lifestyle zones provide the opportunity for people to live in a rural environment close to settlements with services and facilities.

Rural Enterprise zones provide the opportunity for people to live in a rural environment and undertake small-scale commercial, service, intensive agricultural or light industrial activities on their property.

Details of the objectives of these zones, the activities that can be undertaken and the controls and guidelines governing subdivision and development are specified within the Dungog Shire Local Environmental Plan 2005, the Dungog Shire Rural Strategy 2003 and the Dungog Shire Development Control Plan 2004. A summary of the various sections in these documents is given in Appendix 1.

Zone	Permissible Uses	
	Without the consent of Council	Requiring Consent of Council
Rural Lifestyle Zone 1(l)	Agriculture	Advertisement Bed & Breakfast Camp or Caravan site Community Facility Dual Occupancy Dwelling House Farm Gate Sales Home Employment Leisure Area Recreation Area Utility Installation

Rural Enterprise 1(e)	Agriculture	Advertisement Automotive Services Bed & Breakfast Camp or Caravan site Commercial Premises Community Facility Dual Occupancy Dwelling House Employment Farm Gate Sales Forestry Home Employment Institution Intensive Agriculture Kiosk Leisure Area Recreation Area Recreation Facility Utility Installation Veterinary Establishment
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All other land uses are prohibited within these zones.

1.3 THE PLANNING PROCESS

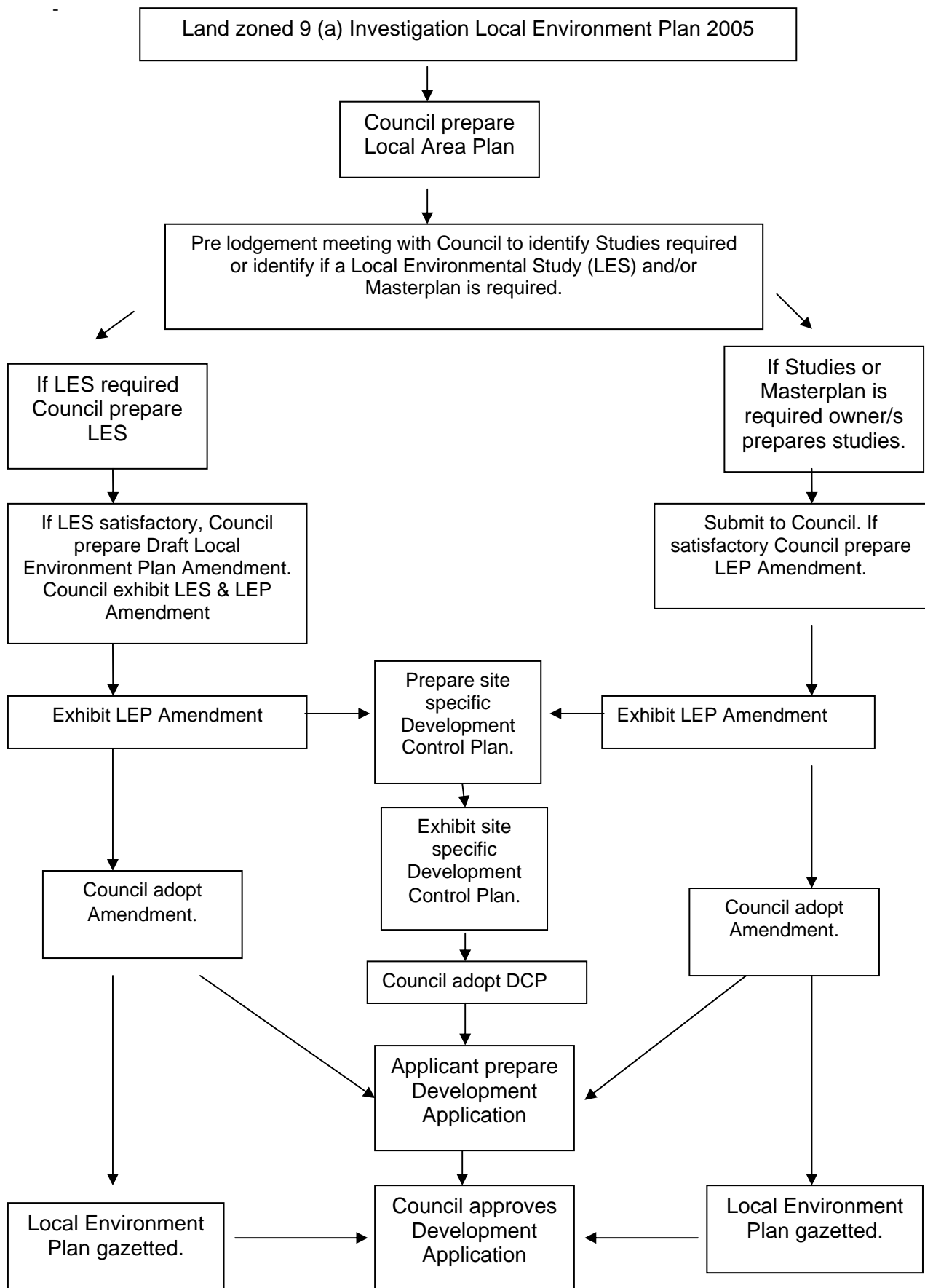
The planning process for the rezoning and development of land within the 9(a) Investigation Zone is summarised in the following flow diagram.

The first step in the process to rezone land identified in the LAP as possibly suitable for development is for the landowner and/or their agent to have a pre-lodgement meeting with Council Officers. At this meeting, Council Officers will explain the re-zoning process and identify the assessments and studies required.

Bookings for a pre-lodgement meeting are to be made with Council's Town Planning Department. The land-owner (or their Agent) will need to supply the following information when booking the meeting.

- Property title details - address, Lot and DP number.
- Proof of ownership.
- For an Agent acting on behalf of an owner, written authorisation from the Owner.

Any studies or assessments already undertaken for the property should be brought to the pre-lodgement meeting.



2. PATERSON LOCAL AREA PLAN

2.1 INTRODUCTION

Citation

This Plan is titled the 'Paterson Local Area Plan 2005'. It is referred to in this document as the Paterson LAP.

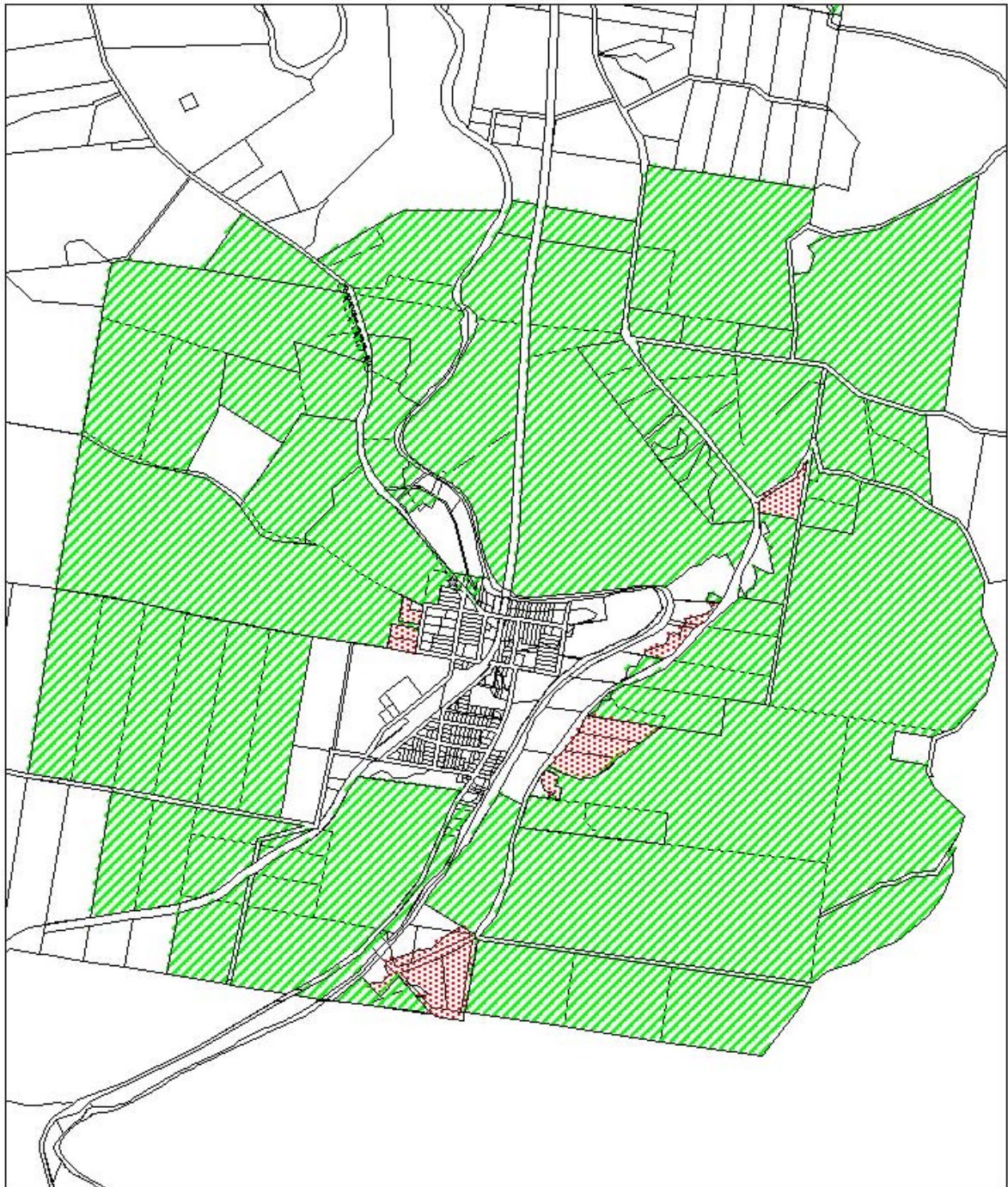
Land to which this Plan applies



The Paterson Local Area Plan applies to all land in and adjoining the Village of Paterson which is zoned **9(a) Investigation Zone** or **Rural Lifestyle 1(I)** under the provisions of the Dungog Shire Local Environmental Plan 2005. This area is shown on Map 1.

Objectives of this Plan

The objectives of the Paterson LAP are:

1. To ensure that development within the Investigation Zone is consistent with and promotes the principles of environmentally sustainable development.
2. To promote coordinated development that will be produce sustainable subdivision patterns to allow closer settlement and/or changes in land uses in the future.
3. To ensure that development within the Investigation Zone is sensitive to the topographic and environmental characteristics of the land.
4. To safeguard indigenous vegetation, habitats and water courses.
5. To retain and protect the rural and historic character of the area and areas with high visual significance.
6. To provide a network of safe access roads and shared pedestrian and cycle pathways within and between areas developed within the Investigation Zone and with Paterson Village.
7. To minimise the cost to the community of providing, extending and maintaining public amenities and services.
8. To ensure that development within the Investigation Zone does not prejudice the interests of agriculture within the Zone and adjoining areas.

PATERSON LOCAL AREA PLAN 2005**MAP 1 – PATERSON INVESTIGATION ZONE****DLEP 2005 Zonings**

-  **1(l) Lifestyle**
-  **9(a) Investigation**



2.2 PLANNING FOR PATERSON

Key issues identified during the study process and consultation with the Paterson community are addressed in the Paterson LAP. These issues are:

- Flooding - much of the land surrounding Paterson is flood-affected.
- The need to retain the rural and heritage character of Paterson and surrounding area, and to protect areas of high visual significance, in particular the rural approaches to the village, the vegetated hills surrounding the village and the Paterson River floodplain.
- Roads and road access, including the limited capacity of existing roads to accommodate traffic increases, the negative impacts of increasing truck traffic through Paterson and access across the North Coast Railway line.
- Pedestrian and cycle access.
- Pattern of land subdivision.
- Lack of sewage system - Paterson is not sewered and there are problems in the village with effluent seepage from existing septic systems, particularly during wet weather.
- Problems with acid sulphate soils on the Paterson River floodplain.
- Need to protect habitat, including the wetlands adjacent to the village and forest habitat in the surrounding ranges.
- The need to protect the waterways and the Riparian corridor, particularly along the Paterson River.
- Development adjacent to the North Coast railway line.
- Accommodating the future growth of Paterson village.

Flooding

The Issue

Flooding of the Paterson River is a major natural hazard impacting on Paterson village and the surrounding area. Large tracts of the Investigation Zone to the north, east and south of Paterson lie within the Paterson River Floodplain and are potentially at risk from flooding.

The main access roads into Paterson (Tocal, Gresford, Martins Creek and Woodville Roads), are cut by floodwaters in a 5% (1:20 year) flood event. Depending on the severity of the flooding, the village may be isolated for a number of days.

In 2001 Dungog and Port Stephens Shire Councils jointly commissioned the Paterson River Floodplain Management Study and Plan for the Paterson River. The Plan was prepared for the reach between the Gostwyck Bridge near Vacy through to the confluence of the Paterson and Hunter Rivers.

This study identified four (4) Floodplain Management Zones:

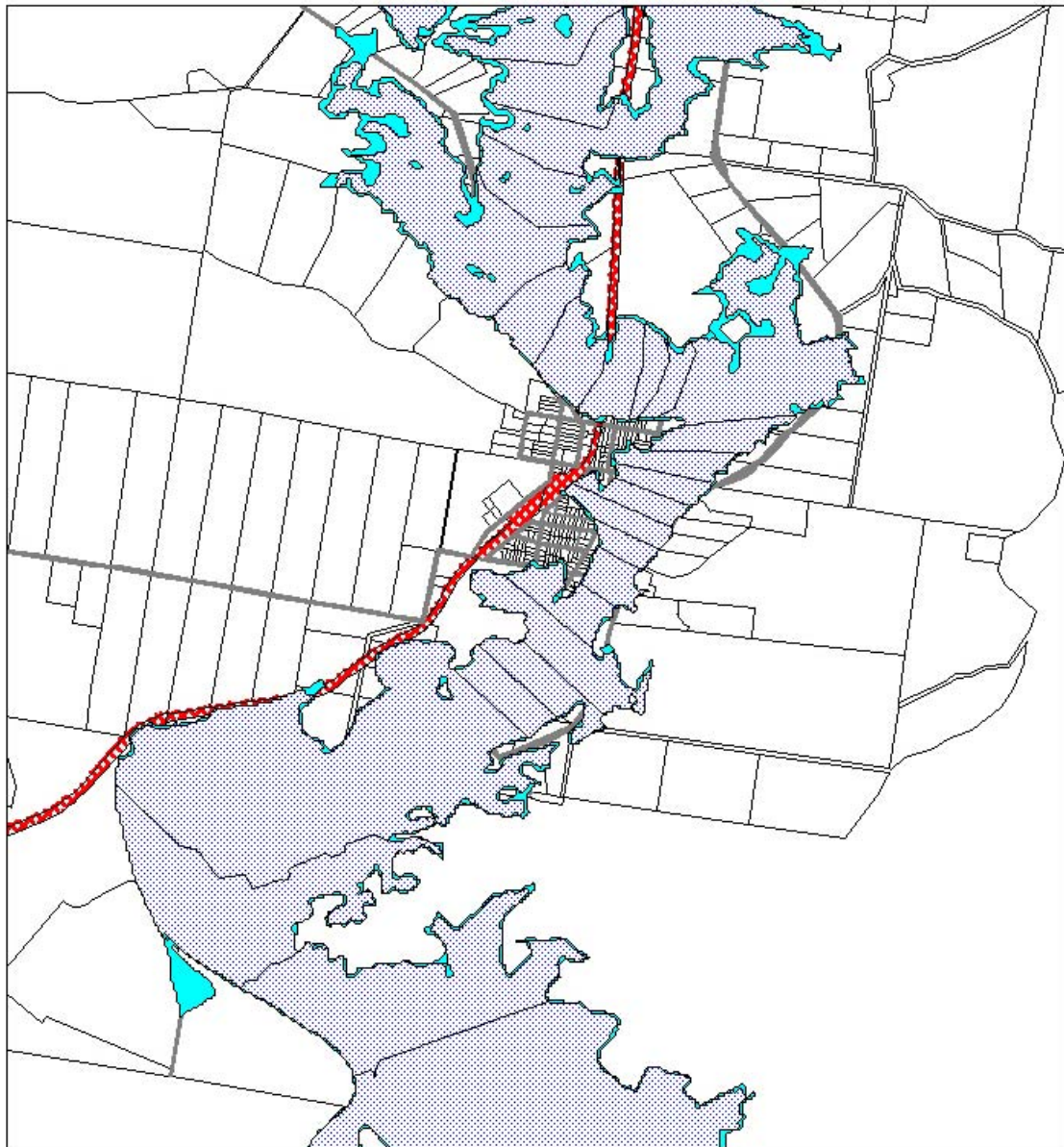
No.	Zone	Definition / Criteria
1	Floodway and Excessive Depth Zone	Floodway or depth >4m in a 1% (1:100 year) AEP event.
2	High Risk (Velocity and Depth Zone)	Remaining area where provisional hazard is high in a 1% AEP event.
3	Isolated Islands Zone	Remaining area (above flood level) where evacuation is only possible through Zones 1 or 2.
4	Low Risk Zone	Remaining area below extreme flood level.

The Floodplain Management Zones for the Paterson Investigation Area are shown in Map 2.

There is also an area along Webbers Creek Road that Paterson residents advised may be subject to local flood. This area needs investigation as part of any rezoning application.

PATERSON LOCAL AREA PLAN 2005

MAP 2 – PATERSON FLOOD PRONE LAND



FLOOD LEVELS

-  1:100 year flood level
-  1:200 year flood level



Planning Approach

Within the Investigation Zone, all development within the Paterson River Floodplain is to be undertaken in accordance with the Paterson River Floodplain Management Plan and provisions of the Dungog LEP, DCP and the Rural Strategy.

Under the provisions of the Floodplain Management Plan, residential dwellings are not permissible in Zones 1 and 2. Residential dwellings may be permissible in Zones 3 and 4, subject to meeting a number of criteria. These criteria include (but are not limited to):

- All floor levels for habitable space have to be 0.5m higher than the 0.5% (1:200 year) flood level.
- All structures below the 0.5% flood level must have flood compatible building components.
- Ability to evacuate - a reliable flood free access for pedestrians is required for a 0.5% (1:200 year) or higher flood event. A flood evacuation strategy for pedestrians and vehicles has to be prepared for the applicant by a suitably qualified engineer and approved by Council.
- Any development will not increase the impacts of flooding on adjoining properties or downstream.
- The applicant must provide controls to prevent the discharge of pollution during flood events. All septic tanks must be located above the 1% (1:100 year flood level) and all transpiration beds or aerated areas above the 5% (1:20 year level).

The LEP and Rural Strategy prohibit Rural Lifestyle and Rural Enterprise development on land affected by the 1% (1:100 years) flood level. Under the LAP these areas are excluded from the Investigation Zone.

Further information on flooding and planning controls is available from Dungog Shire Council.

Desired Outcomes

- To minimise the risk to people and property from flooding.

Areas of High Visual Significance

The Issue

Paterson is an historic rural village located on a bend of the Paterson River. The Paterson area was settled in 1812 by convicts sent to the Paterson River Valley to cut timber. In 1821 free settlers moved into the area and established farms. Paterson rapidly developed as a river port and service centre and in 1833 the area was proclaimed a town. A number of the buildings established in the 1800's remain today and are an important feature and attraction of the village.

Part of Paterson's charm and attraction base lies in its setting. Key features of this setting are the Paterson River, the fertile river plains to the north and south of the town and the surrounding forested ranges - the Hungry Hill - Red Hill - Kurrikaba Hill ranges to the east and the Mount Johnstone range to the west. Both ranges converge on Paterson, and are a very significant part of the Paterson landscape and identity.

Retention of the historic and rural character and the appearance of the Paterson area is very important to the Paterson community and Shire residents. Development has already occurred around the periphery of the forested ranges that has resulted in clearing and scarring of the landscape. The Paterson community is very keen to prevent any further development on the ranges that involves clearing of the forest and/or is highly visible.

The appearance and setting of Paterson is also important for the tourism industry in the Shire. Paterson village is both an attraction in its own right, and a gateway to the Barrington Tops region. Paterson marks the transition between the sprawling residential and industrial suburbs of Newcastle and the Lower Hunter and the rural - bush environment of Dungog Shire.

In addition to the village, the areas within the Investigation zone identified as having high scenic value are:

- Hungry Hill - Red Hill - Kurrikaba Hill Ranges to the east of the village.
- Mount Johnstone Range (range dividing Corners Creek and Webbers Creek) on the western edge of Paterson.
- Tocal - the river flats to the south of town
- Floodplain immediately to the east of the village - the narrow strip of floodplain extending between the river and Martins Creek Road from the intersection of Martins Creek and Woodville Roads to just north of the 'horse-shoe' bend in the River.
- The river flats to the north of the village - on both sides of the Paterson River.
- The Gresford Road approach to Paterson - the river flats to the east and the range to the west of Gresford Road.

Planning Approach

Emphasis is on protecting the character and visual identity of the area. The LAP identifies areas where a visual and view shed analysis will be required as part of the planning process.

Design criteria for development in areas of high scenic value may include:

- Prohibiting clearing of forested areas.
- Limiting or prohibiting further subdivision and development.
- Increasing the minimum lot size to avoid impact of dwellings and structures within significant view sheds.
- Appropriate siting and setbacks of new development, as per the Shire-wide DCP 2004.
- Use of landscaped buffers. Buffers along collector roads will need to be in one ownership, possibly dedicated to Council or held as 'Community Land', to ensure effective management and control.
- Siting dwellings so that they front collector roads. Backyards must not have direct frontage to collector roads
- Height limits on buildings, including limiting dwellings to single storey.

Desired Outcomes

- Retention of the rural and historic character and setting of Paterson.
- Retention of areas of high scenic value, including, the Paterson River flats, the forested ranges and the rural vistas on the access roads into Paterson.
- Minimise visual impact of rural residential development from the main routes through Paterson. New development will be appropriately sited with landscaped buffers to these main routes.

Roads and Road Access

The Issues

The road and traffic issues within the Paterson Investigation Area include:

- Increasing conflict between local and through traffic on the Tocal-Gresford Road, particularly through the village area. The local community is of the view that this road has reached its capacity.
- The need for a second crossing over the railway line. The North Coast Rail-line divides the village in half. The area to the west of the railway corridor is difficult to access. Additional development on the western side of the village will place increased pressure on the Church Street - Gresford Road intersection and on the Railway Crossing.
- Increasing number of heavy trucks travelling through the village. Village residents living on and in close proximity to the Tocal-Gresford Road consider early morning (4am -7am) truck traffic to be a major noise intrusion. A significant proportion of the heavy truck traffic is generated by the State Rail Quarry at Martins Creek.
- Poor condition of the main roads in the area, including damaged pavements, narrow widths and poor alignment. Roads identified as requiring upgrading are:
 - Tocal - Gresford Road (RTA responsibility)
 - Martins Creek Road (identified in the Section 94 Plan)
 - Webbers Creek Road

Council has advised that any development in the Martins Creek Road area cannot have access from Glenburn Road.

- A number of intersections within Paterson and the Investigation Zone require upgrading. The intersections identified in the Section 94 Plan as needing improvement are:
 - Gresford Road - Church Street
 - Woodville Road - Martins Creek Road
 - Martins Creek Road - Keppies Road

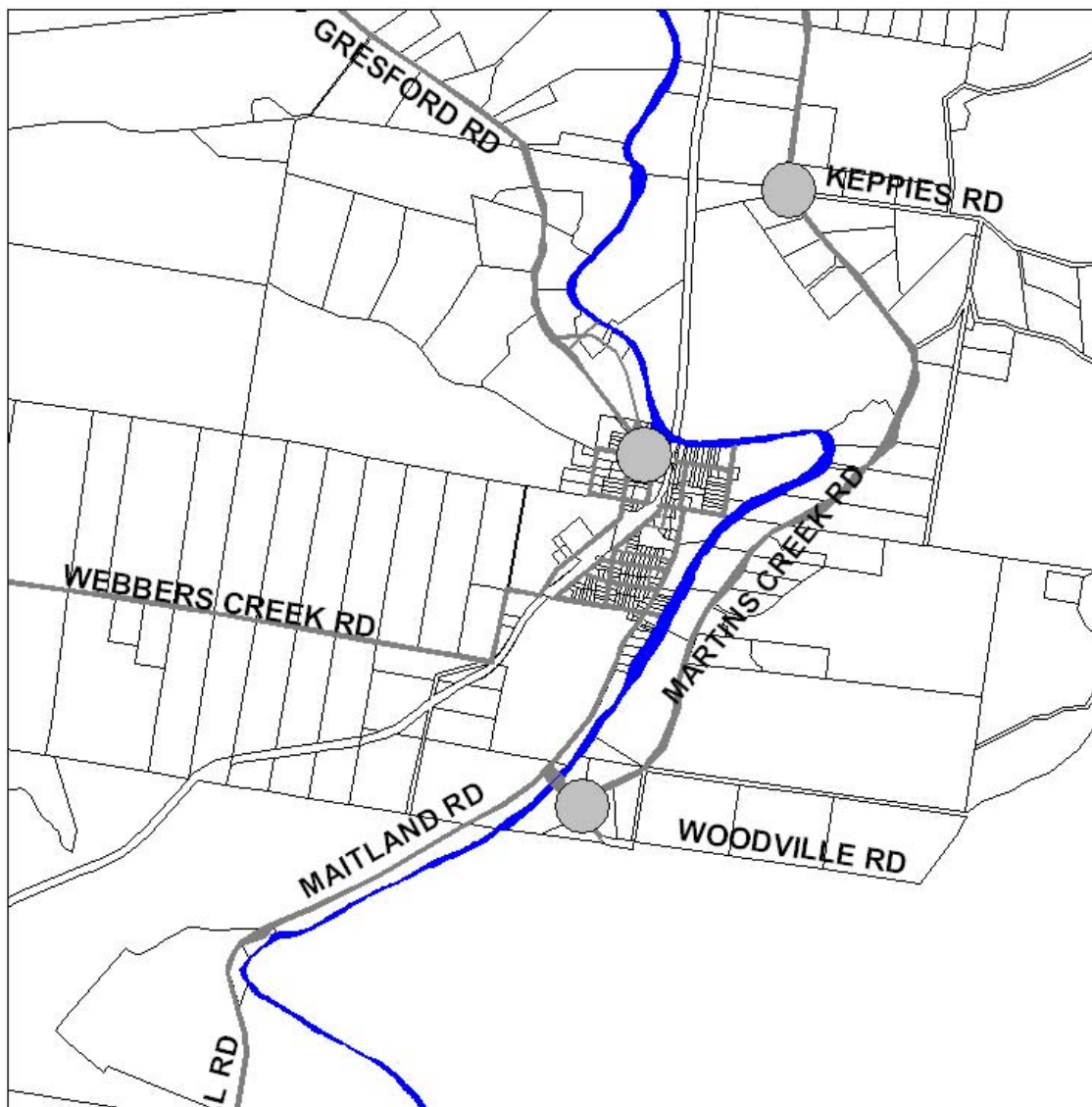
The Duke - King Street intersection will also require upgrading in the future to accommodate increased traffic volumes from new developments in the area.

It is the policy of Dungog Shire Council to limit private driveway access along the main access roads into towns and villages. These roads are known as 'Collector Roads'. Given the potential conflict between the siting of driveways and the higher volumes of traffic and, in some cases, the 80 to 100 kilometre speed limits along these routes, the continued use of private driveway access to collector roads is considered highly undesirable. The narrow width of the pavement of a number of the Collector Roads and restricted sight-lines due to the road alignment, are also factors that limit the suitability of these roads for additional private driveway access.

The LAP contains design criteria for new subdivisions that will restrict direct access to collector roads from private driveways. Increased use of existing driveways on collector roads to service future battle-axe style sub-division is also restricted in the design criteria.

For the purposes of the Paterson LAP the collector roads are defined as:

- Tocal Road (also known locally as Maitland Road)
- Gresford Road
- Martins Creek Road (including the Barton Street section)
- Webbers Creek Road
- Woodville Road

PATERSON LOCAL AREA PLAN 2005**MAP 3 – COLLECTOR ROADS**

● Intersections requiring upgrading



Planning Approach

In new subdivisions, access to the collector roads will be by properly formed local roads and appropriately designed and sited intersections. Existing intersections may need to be upgraded or relocated. There will be no new direct driveway or right of way access from private dwellings to collector roads. Where required, access ways for emergency vehicles will be permitted.

In designing subdivisions, careful consideration needs to be given to the internal road network. Roads, unlike land uses or buildings, tend to become permanent features of a settlement. As such it is important that the road layout be conducive to the long term sustainability of the area.

For local roads within subdivisions, preference is for through, connecting roads rather than cul-de-sacs and right-of ways. A connected road network will minimise driving distances and generally provide for more than one entry-exit point within each subdivision. This is important particularly in areas potentially subject to bushfire or flooding. A connected road network will also foster community interaction and facilitate development of bus routes, including school bus routes, as the need emerges.

Desired Outcomes

- Reducing vehicular conflict and the potential for conflict through a significant reduction in the number of driveway access points to collector roads.
- To deliver a high level of access and permeability via a network of inter-connecting roads throughout all subdivisions, not a series of cul-de-sac roads or right-of-ways.
- To deliver a road network that will support closer settlement in the future.

Pedestrian and Cycle Access

The Issue

There is no public transport in Paterson to provide access to the shopping centre, school, railway station and recreation reserve for people living in outlying areas. In addition, there has been no provision for pedestrians or cyclists along the collector roads. Due to the narrow, unformed verges and higher speed limits (80 to 100km), the collector roads do not provide a desirable environment for pedestrians and cyclists.

The Paterson River also forms a barrier between the village and the area to the east of the river. The Woodville Road Bridge, located approximately one km south of Paterson is the only road and pedestrian link between Paterson and the area to the east of the River. The need for a pedestrian link across the Paterson River has been raised by the Paterson Community. Suggestions have included suspending a footbridge off the railway bridge to service the development of the Brisbane Grove area, a footbridge over the river in the vicinity of Tucker Park (or further south) to link through to the school and recreation reserve, and a riverside walk and cycling trail connecting the village to the Woodville Road Bridge.

The Section 94 Plan has identified the need for a shared pedestrian-cycle path from King Street to Webbers Creek Road (1.6km).

Planning Approach

Where feasible, to incorporate shared pedestrian and cycle pathways within new subdivisions and the provision to link these routes between adjoining subdivisions. In some areas the design intent will be to establish a shared pathway link to the Paterson village.

Desired Outcome

- A network of shared pathways providing safe pedestrian and cycle access in and between subdivisions and, where feasible, create links between the subdivisions and Paterson village.

Existing Pattern of Subdivision

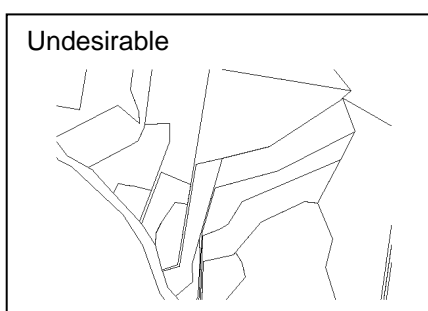
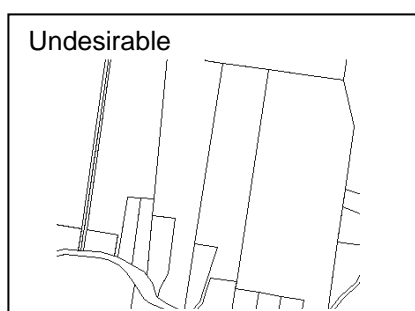
The Issue

Under previous planning schemes subdivision of rural land in some areas within the Shire was undertaken on an adhoc, uncoordinated basis. This has resulted in significant fragmentation in land holdings. In order to provide access to existing roads and/or river frontage, lots created were often long and narrow and/or with battleaxe or irregular shape. Where these lots exist in the Paterson Investigation Area (eg long narrow lots on Webbers Creek Road), further sub-division of individual lots would increase fragmentation and is not considered desirable. Fragmentation creates long term access and servicing problems.

Planning Approach

Emphasis is on creating a coordinated and integrated approach to subdivision design within the Investigation Zones. The Paterson LAP does not permit further subdivision of individual lots where the lots are small, irregular in shape and/or where the width to depth ratio of the lot is less than 1:3. These lots are identified in the LAP.

Subdivision of these identified lots may only be permissible through consolidation of adjoining lots and/or through co-operation with adjoining land-owners to form a viable subdivision design area. Masterplans may need to be prepared for subdivision design areas.



The Masterplan will detail the road network, lot layout and provision for open space, habitat corridors, environmental and scenic protection zones and shared pedestrian and cycle pathways within the subdivision design area.

Where there are lots suitable for subdivision that do not have existing public road frontage (eg in the Corners Creek Catchment area), then the subdivision design for the adjoining lots that have road frontage must ensure that provision is made for road and shared pathway access to the adjoining land. This will prevent the sterilisation or 'land-locking' of developable land.

Desired Outcomes

- No further fragmentation and adhoc subdivision of land.
- A co-ordinated and integrated pattern of subdivision which is suitable for closer settlement patterns in the future to meet the needs of the Paterson village.
- Co-ordinated approach to staged subdivision and land releases.
- To avoid sterilisation of adjoining properties.
- Create the opportunity for the development of an integrated community, not a series of separate enclaves.
- To create a strong network of pedestrian, cycle and open space links throughout all subdivisions and, where required by Council, between the new subdivisions and Paterson village.

Sewage

The Issue

There is no sewerage system in Paterson. Given funding constraints it is unlikely that a system will be in place within the next 10 years. Any development within the Investigation Zone will need to use an acceptable septic system or package on-site sewage treatment plant. For properties located on flood liable land, specific conditions apply to the location of septic/sewerage systems and the disposal method and location. Shallow soils overlying impermeable bedrock (eg on the surrounding hill-slopes) may also restrict the areas where septic systems are viable. Basic information on soils in the Paterson area is available in the ERM Mitchell McCotter Report (1998) 'Dungog Biological Diversity Study - Paterson Planning District'.

Planning Approach

Applicants will need to meet all requirements of Dungog Shire Council and the Department of Environmental & Conservation in relation to the establishment and use of on-site effluent management systems. Council will require the applicant to provide detailed soil, geo-technical and/or hydrological studies.

Desired Outcomes

Establishment of on-site effluent management systems which:

- Generate no public health risk
- Prevent contamination of surface and ground water
- Conserve and re-use resources.

Acid Sulphate Soils

The Issue

Within the Paterson Investigation Zone, most of the Floodplain land has Acid Sulphate Soils (ASS). ASS are soils that form in sea or brackish water environments. These soils contain iron sulphides which, when waterlogged, are stable. However when these soils are exposed

to air (eg through excavation, drainage) the iron sulphide breaks down to form sulphuric acid. This acid can leach into the surrounding area acidifying drains, wetlands and watercourses. The acid also releases aluminium, iron and heavy metals from the soil. The acid and metals can cause severe environmental damage as well as corrosion of iron, steel and concrete structures (eg concrete slabs, steel fencing, building foundations and concrete pipes).

The distribution of ASS within the Paterson Investigation Zone are shown on Map 4. Soils are ranked in five categories, with Class 1 soils being the most 'dangerous'. The sediment within the bed of the Paterson River channel is Class 1. There is also a deposit of Class 3 ASS just south of the village, and a wider strip of Class 4 ASS flanking the River channel. Most of the remaining land on the Floodplain is Class 5 land.

Planning Approach

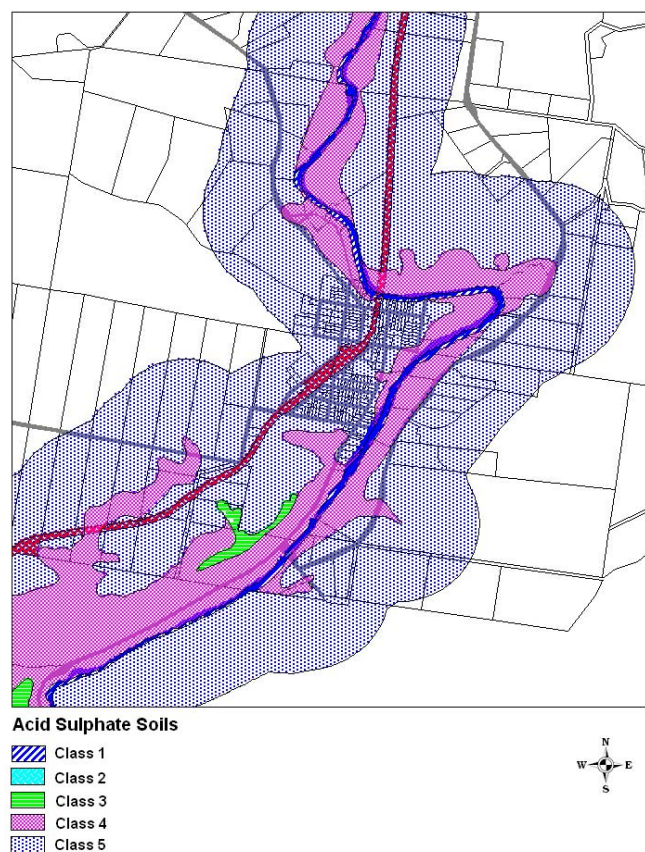
Development of land with ASS must be undertaken in accordance with 'Development Control Plan No 24 - Shire of Dungog - Acid Sulphate Soils and other relevant State Government policies.

Desired Outcome

- To ensure that the ASS within the Paterson Floodplain remain stable and there is no release of sulphuric acid or associated metals that will cause damage to the environment, buildings and/or infrastructure.

PATERSON LOCAL AREA PLAN 2005

MAP 4 – ACID SULPHATE SOILS



Habitat Protection

Habitat protection was identified as a priority by the Paterson community.

Information on the vegetation types in the Paterson area is contained within the ERM Mitchell McCotter (1998) report on the Biological Diversity Study for the Paterson Planning District and the ME Greenwood (1999) Dungog Vegetation & Biodiversity Study report. The Paterson Investigation Area lies within the Paterson Planning District.

Five vegetation types have been identified within the Investigation Area:

- Open forest - on the hills and ridges to the east and west of the village.
- Woodland - small pockets of woodland are found in the Corner Creek area to the north west of the village (Gresford Road area) and along Martins Creek Road immediately north of Tuckers Creek.
- Wetlands - on the southern edge of the village and within the horseshoe bend of the Paterson River.
- Riverine Forest - narrow strip along Tuckers Creek.
- Wet Sclerophyll Forest - very small pocket of remnant wet sclerophyll forest on Martins Creek Road. This remnant forest is protected through a 7(a) Environment zoning.

A number of rare and endangered flora and fauna species have been sighted in the Paterson Investigation Area. These include Eucalyptus glaucina, phasocogales, koalas, broadnose bats and sooty owls.

The Native Vegetation Act 2003 and the accompanying Native Vegetation Regulations 2005, (which are expected to come into force in mid-2005), restrict the clearing of native vegetation. Under the new Regulations, where clearing of remnant vegetation is proposed, (including clearing of mature stand-alone trees) separate approval will be required through the Catchment Management Authority (CMA). The approval process will generally require the preparation of a Property Vegetation Plan (PVP). The intent of the new Regulation is that clearing will only be approved where there is no net loss of native vegetation and where a PVP provides for significant offset planting and/or existing vegetation maintenance and improvement works.

The provisions of the Native Vegetation Act and Regulations must be addressed as part of the planning and assessment process for land within the Investigation Zone. Information on the Native Vegetation Act and Regulations is available through the Hunter Central River Catchment Management Authority or Dungog Shire Council.

Planning Approach

Flora and fauna assessments need to be undertaken as part of the rezoning process. This must include addressing the requirements of the Native Vegetation Act 2003 and Regulations 2005. At the rezoning stage, strategies for managing areas identified as having habitat value must be identified. These strategies may include rezoning significant habitat areas as open space or environmental protection zones, provision of protective buffers and set-backs, increasing the minimum lots size, minimising clearing and avoiding structures or development in habitat areas.

As detailed in the previous section the proposed Native Vegetation Legislation will require concurrent approval from the CMA for any proposed non exempt clearing. The preparation of a PVP by the CMA for vegetation removal will also include consideration of the relevant requirements of Threatened Species Legislation. Prior to undertaking flora and fauna

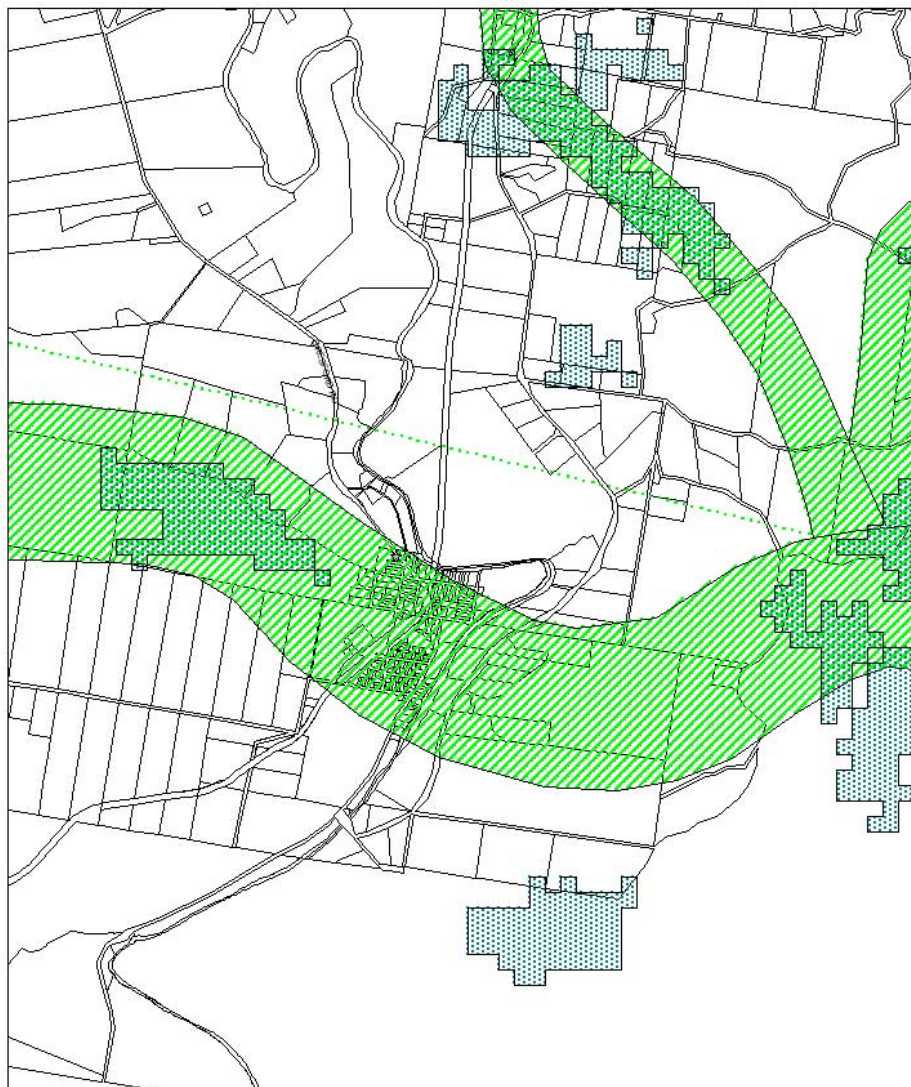
assessment, it is recommended that development (where clearing is proposed) be referred to the CMA.

Desired Outcomes

- Preservation and protection of habitat that supports viable wildlife communities, particularly rare and endangered species.
- Establishment of a network of interconnected wildlife corridors not isolated protection zones or remote 'islands' of habitat.
- Protection of watercourses and the vegetation along these watercourses.

PATERSON LOCAL AREA PLAN 2005

MAP 5 – KEY HABITATS & WILDLIFE CORRIDORS



Legend

-  Key Habitats
-  Wildlife Corridors



The key habitat areas and wildlife corridors shown in the above map are indicative only. These areas are based on aerial mapping and further investigations are required to more accurately delineate the extent of the areas.

Bushfire

The Issue

There are areas within the Paterson Investigation Zone that are prone to bushfire. These areas are identified on the 'Dungog Shire Bushfire Prone Land ' Map and shown in Map 6.

Planning Approach

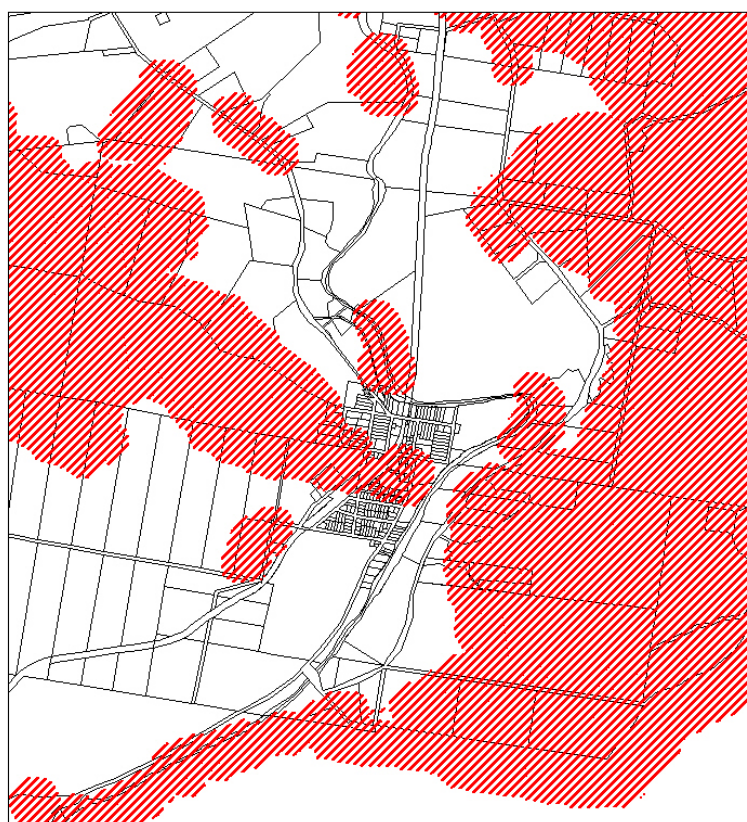
All subdivision designs must comply with the provisions of the NSW Rural Fire Service requirements as specified in the 'Planning for Bushfire Protection 2001', and/or other relevant bushfire regulations.

Desired Outcome

- To minimise the risk to people and property from the impacts of bushfire.

PATERSON LOCAL AREA PLAN 2005

MAP 6 – BUSHFIRE PRONE AREAS



 Bushfire Prone Land Map



Waterways – River Foreshores

The Issues

The Paterson River and other watercourses within the Investigation Zone play an important role within the Paterson area. These watercourses contribute to the sustainability of agriculture, recreation, tourism, water supply, habitat and bio-diversity and to the microclimate of the area. In addition the Paterson River features significantly in the local character of Paterson.

Issues include:

- The cumulative negative impacts of development.
- Preventing pollution from effluent and stormwater runoff and other activities.
- Maintaining water quality and the flow of the rivers by limiting the pumping of river water.
- Minimising impacts of development on the ecology associated with watercourses and wetlands.
- Weed infestation along river banks, particularly along the Paterson River.
- Protecting and re-establishing the Riverine Forest and the riparian vegetation corridors along the Paterson River.

Planning Approach

The planning approach incorporates:

- Protecting watercourse ecology
- Maintaining water quality and water flow
- Providing for public access to the waterways
- Minimising the impacts of flooding

This can be achieved by:

- Providing adequate buffers and set-backs from watercourses, as per the Shire-wide DCP 2004.
- Ensuring that no further riparian rights are created, as required by the LEP 2005 and Shire-wide DCP 2004.
- Prohibiting further subdivision of the river foreshore areas – new lots with river frontage cannot be created.
- Encouraging foreshore areas to be kept in one title and zoned appropriately.
- Requiring developers to re-establish Riverine Forest where appropriate, in accordance with a vegetation management plan. (The Paterson River Floodplain Management Strategy recommends the preparation of a Vegetation Management Plan for the riparian corridor.)
- Providing public access to foreshore areas.
- Encouraging the installation of package sewage treatment plants rather than on-site effluent management systems.

Desired Outcomes

- Protection of riparian vegetation and re-establishment of Riverine Forest along the Riparian corridors.
- Maintenance of water quality and water flow.
- Providing public or community access to the river foreshore areas.
- Implementation of a Vegetation Management Plan in accordance with the recommendations of the Paterson River Floodplain Management Strategy.

North Coast Railway Line

The Issue

The North Coast Railway Line runs north-south through the middle of Paterson Village and the Paterson Investigation Area. The main issues in relation to the line are:

- Noise and vibration.
- Access across the railway line.

The railway line effectively divides Paterson Village into two. The shopping centre is located on the eastern side of the railway line, and the school and recreation facilities on the western side. There is a pedestrian-cycle bridge across the railway line providing a link to the school and recreation areas.

Vehicle access across the line is only available ON Gresford Road at the northern end of the village. This is an 'at grade' crossing with flashing signals and automatic barriers. The crossing creates traffic problems within the village. The lack of a second vehicle crossing also results in conflict between through traffic and local traffic, with all vehicle movement between the eastern and western sides of the village having to use the crossing. There is a need for a second vehicle crossing closer to the southern side of Paterson Village for local traffic.

Australian Rail Track Corporation (ARTC - formerly State Rail) has advised that it will not permit the development of any additional at-grade vehicle or pedestrian crossings across the railway line. Bridges or tunnels are the only crossings that ARTC will consider.

ARTC advise that potential noise, vibration and safety impacts need to be addressed as part of the assessment and planning process for land within the Investigation Zone. To minimise potential impacts, appropriate subdivision and building design measures are to be incorporated in any new development. A Road & Rail State Environmental Planning Policy (SEPP) is currently being prepared by the Department of Infrastructure, Planning and Natural Resources (DIPNR). The requirements of this policy must be addressed in the planning and development of land within the Martins Creek Investigation Zone.

Planning Approach

- Feasibility of an vehicle crossing (bridge) across the North Coast Railway line to be explored as part of the planning and assessment process for development of land on the western side of Paterson village, in particular for the Webbers Creek Road area.
- For areas potentially impacted on by the railway, noise, vibration and safety impacts are to be identified and assessed as part of the planning and development process.
- Noise and vibration attenuating strategies are to be addressed at the planning and development stage. These strategies may include:
 - Provision of setbacks and buffer zones.
 - Design requirements - such as placement of windows away from the rail corridor, double glazing of windows, use of double brick construction etc.

Desired Outcomes

- Provision of safe pedestrian, cycle and vehicle access between the eastern and western sides of Paterson Village.

- To minimise the noise and vibration impacts of the rail corridor on development within the Investigation Zone.

Future Growth of Paterson

The Issue

There is growing demand for residential and rural-residential land within the Lower Hunter area. Land surrounding the villages to the south of Paterson (located within Maitland City) has already been subdivided and developed, with these villages fast approaching their capacity. There is increasing pressure for land to be released in the Paterson area. To date, growth in Paterson has been constrained by the village's floodplain location and the lack of access to the sewer. There are very few vacant residential lots exist within the village and no additional land has been identified or zoned for future residential use.

As the population in and around Paterson increases, there will be demand for the provision of additional facilities and services in the village, possibly including a neighbourhood shopping centre, recreation and aged care facilities and employment land.

Provision must be made for the long-term growth of Paterson village. Given flooding constraints, the land considered most suitable for the future expansion of the village is the land along the northern side of Webbers Creek Road which adjoins the existing village boundary.

Planning Approach

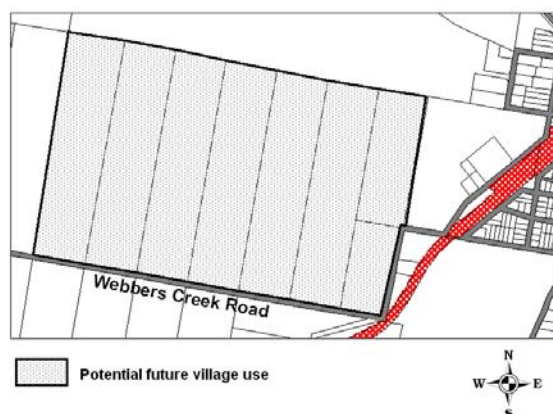
The LAP identifies the Webbers Creek Road area as the preferred location for future village uses. Part of this area may be affected by local flooding of the creek system. Further investigation is required as part of a land capability assessment/rezoning application. Future development of this area would only be considered under a Community Title development with a sewerage treatment package. It is recommended that this area be rezoned 'Village' land-banked for this purpose. This area is shown in Map 7

Desired Outcome

- To provide sufficient land to accommodate the future growth of Paterson village.

PATERSON LOCAL AREA PLAN 2005

MAP 7 – POTENTIAL FUTURE VILLAGE USE

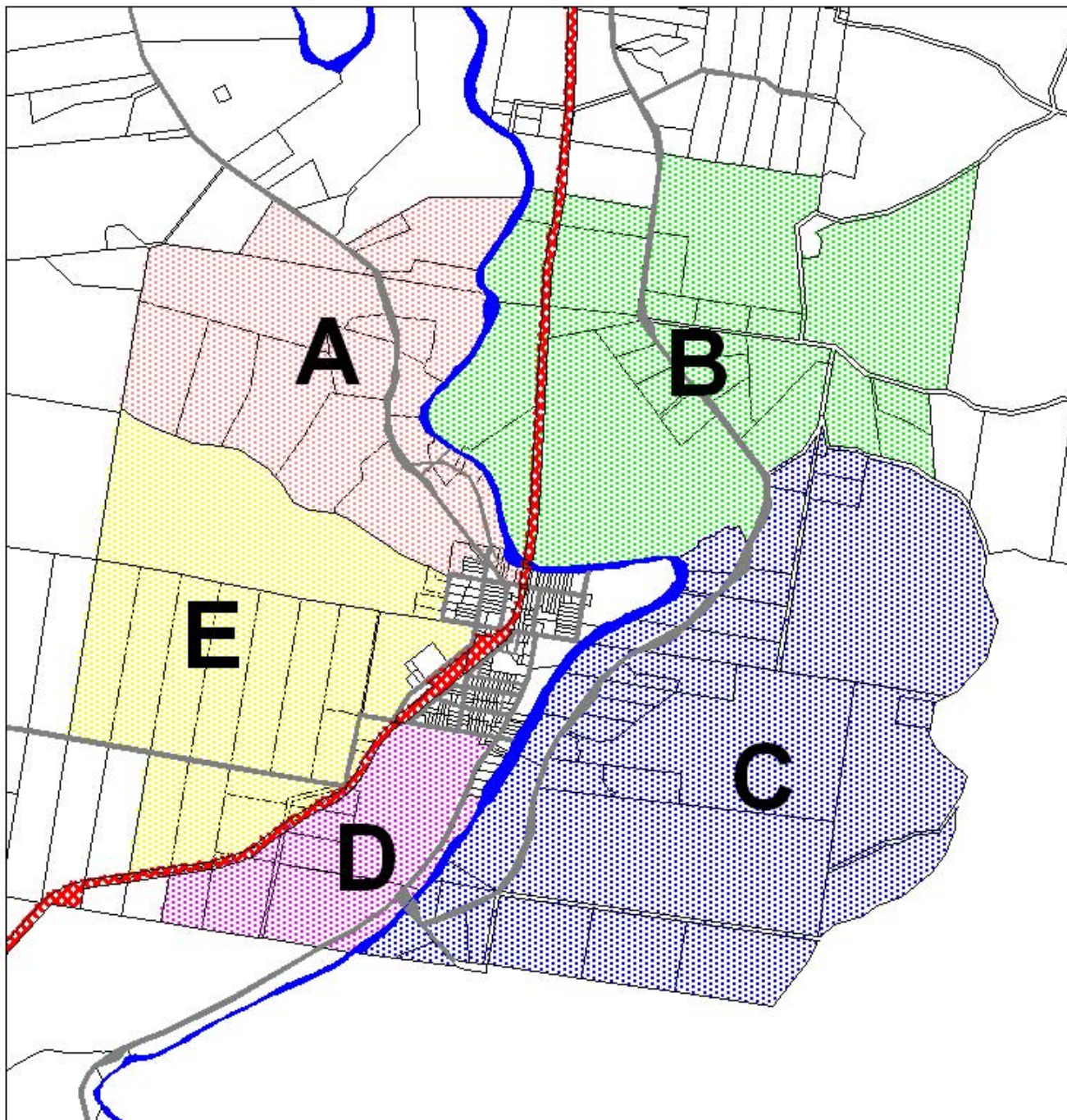


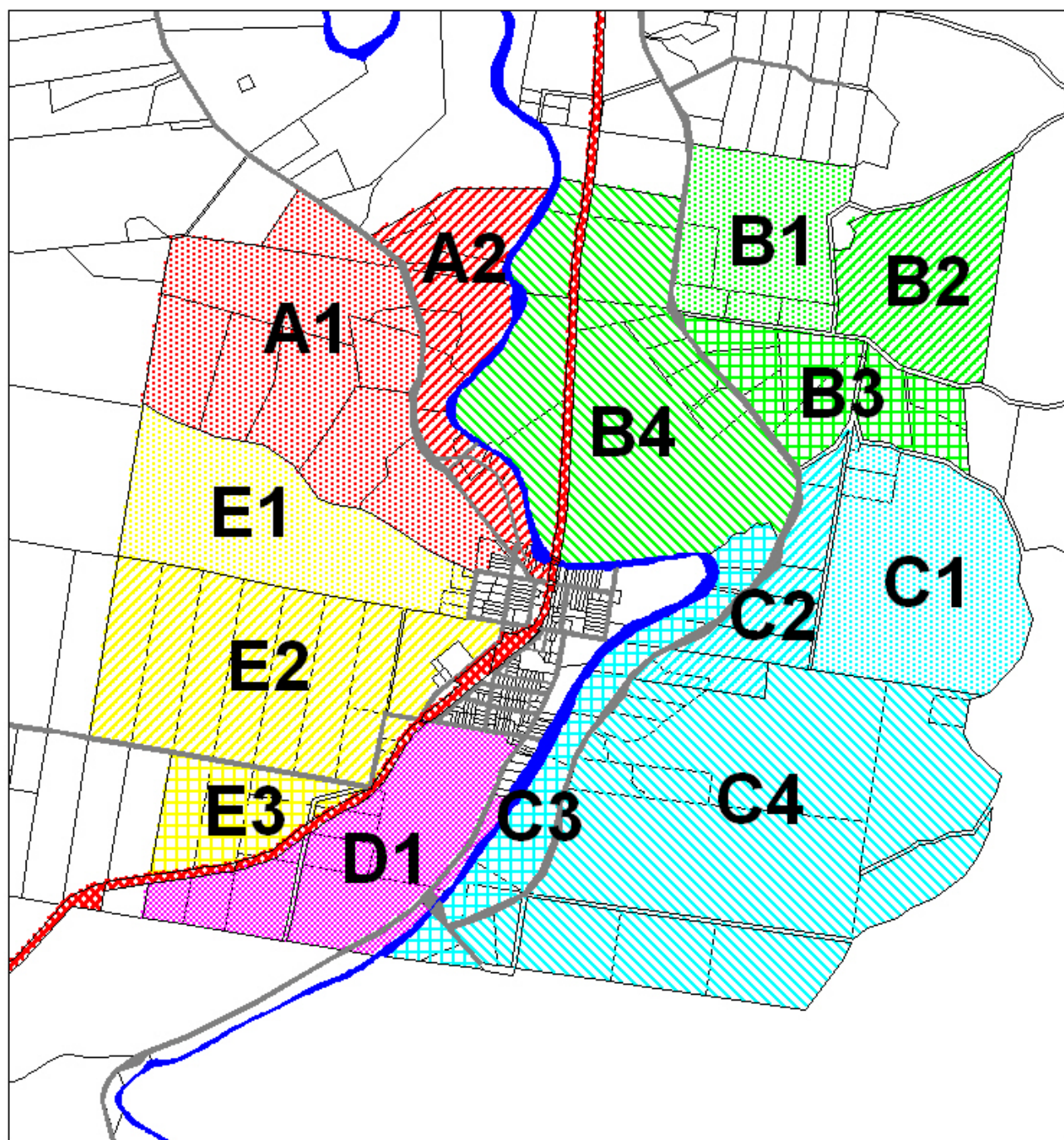
2.3 PLANNING PRECINCTS

The Paterson LAP divides the Investigation Zone into 5 planning precincts. These precincts are shown on Map 8.

- **Precinct A - Gresford Road** area to the north-west of Paterson. This area is bounded by the Paterson River to the east and the ridge line that forms the drainage divide between the Corners Creek and Webbers Creek catchment areas to the south. Much of Precinct A is drained by Corners Creek.
- **Precinct B - Martins Creek Road (North)** area - This area lies along both sides of Martins Creek Road and is bounded by the Paterson River to the west, Paterson River and Glenburn Road to the south and the Martins Creek Village Investigation Zone to the north. The northern part of this Precinct is drained by Tuckers Creek.
- **Precinct C - Paterson East - Hungry Hill** area - Precinct C is located along Martins Creek Road to the east of Paterson. It is bounded by the Shire Boundary to the south and east, Paterson River to the west and Glenburn Road to the north.
- **Precinct D - Tocal Road** - Precinct D abuts the southern edge of Paterson village. It is bounded by the Paterson River to the east and the North Coast Rail line to the west.
- **Precinct E - Webbers Creek Road** - this Precinct abuts the western edge of Paterson village and includes the land along Webbers Creek Road.

Each Precinct is divided into planning areas. These areas are shown on Map 9.

PATERSON LOCAL AREA PLAN 2005**MAP 8 – PLANNING PRECINCTS**

PATERSON LOCAL AREA PLAN 2005**MAP 9 – PLANNING AREAS**

2.4 COMMUNITY TITLE DEVELOPMENT

As outlined in the Dungog Shire Rural Strategy 2003, Council's stated preference is for subdivisions within the Investigation Zone to be undertaken as Community Title developments.

Community Title Subdivision enables the creation of individual allotments within a site, while retaining significant areas as common property for communal ownership. Common property can include areas and facilities such as roads, footpaths, bicycle ways, playgrounds, open space and sewage treatment plants.

Common property within the development will be owned and managed by a body corporate ('association') comprising all lot owners. The association will own the common areas, (referred to in the Act as 'association property') for its members in shares proportional to the member's unit entitlement, based on site values, which will determine voting rights and contributions to maintenance levies.

Community title legislation allows for flexibility in the management and administration arrangements operating within a scheme. This is achieved by providing for a multi-tiered management concept and by permitting a management statement to be prepared for each scheme, setting out the rules and procedures relating to the administration of, and, participation in, the scheme.

The Dungog LEP 2005, Clause 28, contains incentives to encourage Community Title development. Where a Community Title development will be connected to a reticulated sewage system, in a Rural Lifestyle or Rural Enterprise Zone, the lot size may be reduced to a minimum of 2000 square metres with an average lot size subdivision being one (1) hectare.

2.5 MASTERPLAN

A number of the Planning Areas within the Investigation Zone will be required to prepare and submit a Masterplan as part of their rezoning application to 1(l) or 1(e).

The Masterplan will provide a 'blue print' for the development of an area. It will set the vision and design principles for the area. A Masterplan will show how the area will ultimately be developed - which land is to be developed, how the subdivision will relate to the surrounding area, where the open space will be, how access (vehicle, pedestrian, cycle) will be provided, how areas of scenic and/or habitat value will be protected and how risks (eg bushfire, flooding) will be mitigated.

Under the provisions of the LAP, a Masterplan is generally required where there are:

- Large parcels of land that are likely to be developed in stages.
- A variety of lots in individual ownership, where the layout and/or size of the lots are not suitable for subdivision on an individual basis.
- Lots within a Planning Area that do not have frontage to public roads.
- A range of physical and/or environmental constraints which limit the capability of the area to support development and/or require a co-ordinated management approach.

Masterplan Objectives

- To ensure that land is subdivided in a way that ensures long term sustainability, enabling further subdivision in the future.
- To manage the development of land in different ownerships to ensure that development does not sterilise or land-lock subdividable land within the Planning Area.
- To ensure that new subdivisions respond appropriately to site features and topography, protecting areas of visual and/or habitat significance and minimising possible risks (eg bushfire, land instability, flooding etc)
- To ensure that new subdivisions are effectively linked into a public road network, and that the internal subdivision road network allows connectivity between areas.
- To provide for pedestrian and cycle access, throughout the subdivision and to adjoining areas, encouraging community interaction.
- To create and maintain a sense of place.

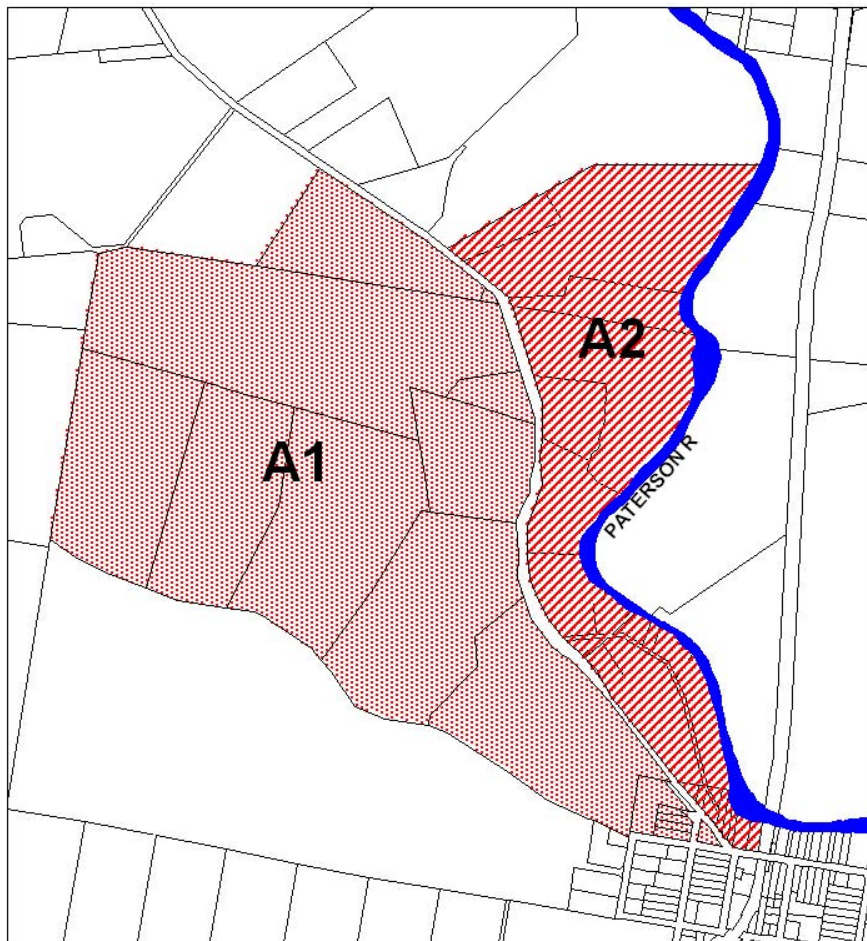
Requirements

- Where a masterplan is required by the LAP, applications to rezone and subdivide land (whether the land is in the same or different ownerships) must be accompanied by a masterplan.
- The masterplan is to be prepared by a qualified urban designer, surveyor, urban planner and/or other suitably qualified professional.
- The masterplan is to apply to the entire area defined in the LAP.
- The masterplan is to address:
 - The relationship of the proposed subdivision with immediate adjoining land uses and the surrounding locality.
 - Connectivity with adjoining land so that adjoining vacant land can be developed in an orderly and economic manner.
 - The road network - in relation to ease of access, connectivity and in regard to fire and flood risk and means of evacuation.
 - Cycleway or shared pathway connections as required by the LAP.
 - Open space provision.
 - Protection of areas of high scenic and/or habitat value.
 - Mitigation against natural hazards, including defining the extent of clearing required for bushfire asset protection zones.
 - Building envelopes.
 - How residue land (where not dedicated to Council as a reserve) is to be treated and managed.

3. PRECINCT A - GRESFORD ROAD

Precinct A is divided into two (2) planning areas, A1 to the west of Gresford Road and A2 to the between Gresford Road and the Paterson River.

PLANNING PRECINCT A



3.1 PLANNING AREA A1

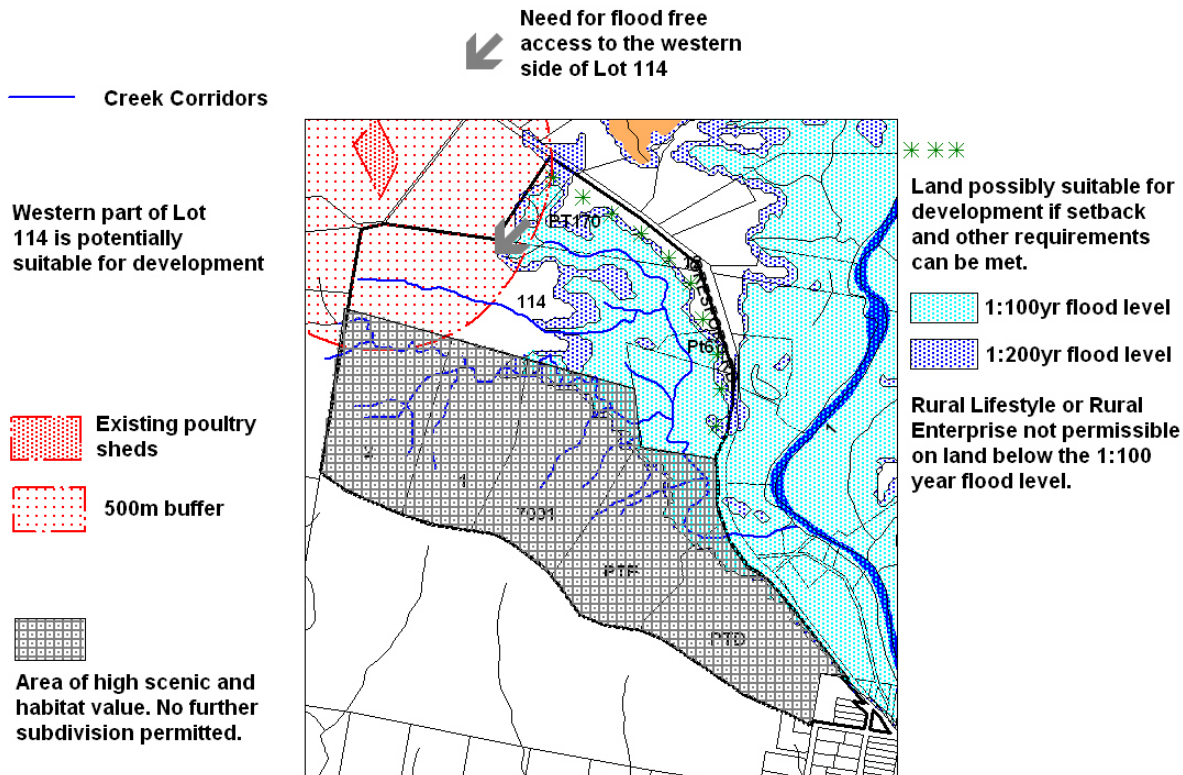
The Area

Planning Area A1 incorporates 12 parcels of land.

Lot 75 DP 752467
Lot 7002 DP1053699
PTs D, E and F DP195158
Lot 7001 DP1053705
Lots 1 & 2 DP797920
Lot 87 DP586211
Lot 114 DP774843
Lots 88 & 89 DP707747

Lot 7001 DP1053705 is Crown land dedicated as a Travelling Stock Reserve. The southern half of this lot is zoned 7(a) Environment. A six lot subdivision has been approved for PTs D and E DP195158.

PLANNING AREA A1



Development Potential

The development potential of Area A1 is relatively limited. The northern and central portions of the area are part of the Paterson River floodplain and subject to flooding, while the southern area is steep and forested. The key issues in Area A1 are:

- Flooding - much of the area is flood-prone.
- Access from Gresford Road - Gresford Road is a collector road. No additional driveway access will be permissible.
- Provision of flood-free access to lots without road frontage.
- Areas of steep topography with slopes greater than 18%.
- Managing and protecting Corners Creek and its tributary watercourses - no additional riparian lots to be created.
- Protection of habitat.
- Visual impact - the ridge system along the southern boundary of Area 1 is an area of high visual significance and an important element in the Paterson landscape and identity.
- Poultry Sheds- there is a commercial poultry farm located just north of Area A1. No development will be permissible within 500m of these sheds.

Rural Lifestyle and Rural Enterprise development is prohibited on all land below the 1:100 year flood level.

Lot 87 DP586211 and Pt F DP195158 are not suitable for Rural Lifestyle or Rural Enterprise development. Almost all of the land within these lots lies within the 1:100 year flood level. There is with only a narrow strip of land adjacent to Gresford Road which is above this line and also above the 1:200 year flood line. This area of land is too small to be subdivided. The narrow width of the land does not allow for a building envelope that meets the set-back requirements from main roads.

Lot 89 DP707747 is also flood affected with most of the central and southern areas of lot lying below the 1:100 year flood level. Flood-free land is located along the Gresford Road frontage and the north-western boundary of the lot. This land may be suitable for subdivision if set-back and access requirements can be met. Gresford Road is a collector road and new lots created are not permitted to have driveway access from Gresford Road. The flood-free land along the north western site boundary links with the western half of Lot 114 and is a potential access point for lots along the western side of Area A1.

Most of the eastern half of Lot 114 DP 774843 lies below the 1:100 year flood line. Subdivision and development of this part of the lot is not permissible. The small strip of land along Gresford Road above the 1:100 and 1:200 year flood levels is not suitable for subdivision and development because it does not meet the setback requirements to Gresford Road.

The western half of Lot 114 DP774843 is flood free and gently undulating. The area however is impacted on by the poultry sheds located just north of Lot 114, with most of the western part of Lot 114 lying within 500m of the sheds. No development is permissible in the western half whilst the poultry farm is operating.

Should the poultry farm cease operations then Council may give to further investigating the potential of this land. Any development on the western part of Lot 114 will be dependent on being able to provide flood free access from Gresford Road. A major tributary of Corners Creek flows through the middle of this area, with the main Corners Creek watercourse located on adjoining land just to the south of this lot. Under the provisions of the LEP 2005 the watercourses need to remain in one ownership and no riparian lots are to be created.

There are 5 lots, **Lots 1 and 2 DP797920, Lot 7001 DP1053705 and Pts D and E DP195158**, located on the hilly ridge system along the southern boundary of Area A1. The side slopes and ridge-line are visually prominent and considered to be of high visual significance. Steep topography with slopes over much of this area limits its development potential. Lot 7001 is a dedicated Travelling Stock Reserve. Most of the area is forested with the forested area on Lot 7001 already zoned 7(a) Environment. Habitat protection is a key issue. The northern edge of Lot 2 also falls within the 500m poultry shed buffer zone.

The main Corners Creek watercourse flows through the northern half of Lots 1, 2 and 7001 and Pt E, with the northern parts of Lot 7001, Pt D and Pt E being flood affected. A six lot subdivision has been approved by Council for Pts D and E DP195158.

Lots 1, 2 and 7001 are 'land-locked' in that they have no frontage to a public road. They are currently accessed from right-of-ways from Count Street and Gresford Road. The Right-of-Way is not conducive to the development of a local road. Pt E has no flood-free access, with its Gresford Road frontage lying below the 1:100 year flood level. The Gresford Road frontage of Pt D is also flood affected, however access to this lot is available from Count Street in Paterson.

Given the constraints in this area no further subdivision and development of Lots 1 and 2 DP797920, Lot 7001 DP1053705 and Pts D and E DP195158 is permitted.

Masterplan

The area of land potentially available for development in Area A1 is limited to pockets of flood free land along Gresford Road and possibly the western area of Lot 114 should the poultry farm cease operations and flood-free access from Gresford Road can be provided. A masterplan is not required for the areas along Gresford Road, however any subdivision plan for these areas will need to define the flood-free areas, address access issues and ensure that set-back requirements for road and creek systems are met. Council may require the preparation of a Masterplan for Lot 114.

Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for developable land within Area A1 must address:

Issue	Planning Considerations / Performance Criteria
Flooding	<ul style="list-style-type: none"> All land located below the 1:100 year flood level to be excluded from the Investigation Zone and rezoned rural. All development to comply with Dungog Shire policies for floodplain development.
Suitability of Area A1 for development	<ul style="list-style-type: none"> Detailed land capability assessment to be undertaken to determine development potential of flood-free land in Area A1. Key issues to be addressed include access, flood-free access, topography and drainage, visual significance, bush fire risk, vegetation - habitat value and the buffer area for the poultry farm.
Poultry Farm	<ul style="list-style-type: none"> 500m buffer zone to be provided around any operating commercial poultry sheds. No development is permissible within this buffer zone.
Access to Collector Roads - Gresford Road	<ul style="list-style-type: none"> No additional private driveway or right-of-way access to Gresford Road. For subdivision, access to Gresford Road must be via a properly formed and sited access road and intersection.
Access to land-locked lots	<ul style="list-style-type: none"> In any masterplan and subsequent subdivision plan for the area, provision will need to be made for road and pedestrian-cycle access to 'land-locked' areas that have been identified in the land capability assessment as having development potential.
Gresford Road is a gateway entry point to Paterson. The visual Impact of development along Gresford Road	<ul style="list-style-type: none"> Visual assessment to be undertaken to determine set-back requirements. These may vary from the DCP, with the Visual

needs to be minimised.	<p>Assessment requirements having precedence.</p> <ul style="list-style-type: none"> No backyards to have direct frontage to Gresford Road.
Protection of Corners Creek and its tributary watercourses	<ul style="list-style-type: none"> Riparian vegetation corridors to be defined and protected. No additional riverfront lots or riparian rights to be created, other than possibly for public recreation.
Areas of high visual significance - The ridge system (sideslopes and ridge-line) has been identified by the Paterson community as having high scenic value that needs to be protected.	<ul style="list-style-type: none"> No further subdivision or development to occur on the ridge system (Lots 1 and 2 DP797920, Lot 7001 DP1053705 and Pts D and E DP195158). Visual impact assessment to be undertaken to identify and protect areas of high visual significance.
Habitat protection	<ul style="list-style-type: none"> Habitat value to be assessed. No clearing of bushland on the ridge system.

3.2 PLANNING AREA A2

Planning Area A2 is the strip of land between Gresford Road and Paterson River. This area incorporates 17 lots:

Lot 1 DP198720
 Pt 7 DP758830
 Lot 51 DP752467 (3 parts)
 Pt D DP195158
 Lot 345 DP1030709
 Lots A, B & C DP 195158
 Lot 1 DP 752469
 Lot 3 Sec 1 DP 195158
 Lot 85 DP246941
 Lots 87 & 88 DP803838
 Lots 81 & 82 DP246941
 Lots 1 & 2 DP835294

Most of Pt D DP195158 and the south western corner of Lot 345 DP103070 have been zoned 7(a) Environment.

Development Potential

Lot 1 DP198720, Pt 7 DP758830, Lot 51 DP752467 (3 parts), Pt D DP195158, Lot 345 DP1030709, Lots A, B & C DP 195158, Lot 1 DP 752469, Lot 3 Sec 1 DP 195158, Lot 85 DP246941 and Lots 87 & 88 DP803838 are floodprone and lie below the 1:100 year flood level. Development of these lots is not permissible. Lot 1 DP198720, Pt 7 DP758830, Lot 51

DP752467 (3 parts) should be rezoned 7(a) Environmental Protection, with the remaining area below the 1:100 year flood level rezoned Rural 1(a)

Lot 1 DP835294 and the western section of Lot 2 DP835294 and Lots 81 and 82 DP246941 lie above the 1:100 and 1:200 flood levels. It may be possible to subdivide the **combined** flood-free area for Rural Lifestyle development. Most of the land suitable for development is on Lot 2. Due to its size and narrow shape, Lot 1 is not suitable for subdivision on an individual basis. Any development of Lot 1 needs to occur in conjunction with Lot 2. Likewise the area of floodfree land on Lots 81 and 82 is too small to be subdivided on an individual basis and can only be subdivided in conjunction with Lot 2.

Masterplan

Not required provided that the subdivision plan for the flood-free for Lot 2 DP835294 makes provision for access to adjoining lots (Lot 1 DP835294, Lot 2 DP835294 and Lots 81- 82 DP246941). Only one properly formed and sited access road will be permitted off Gresford Road to service this area.

PLANNING AREA A2

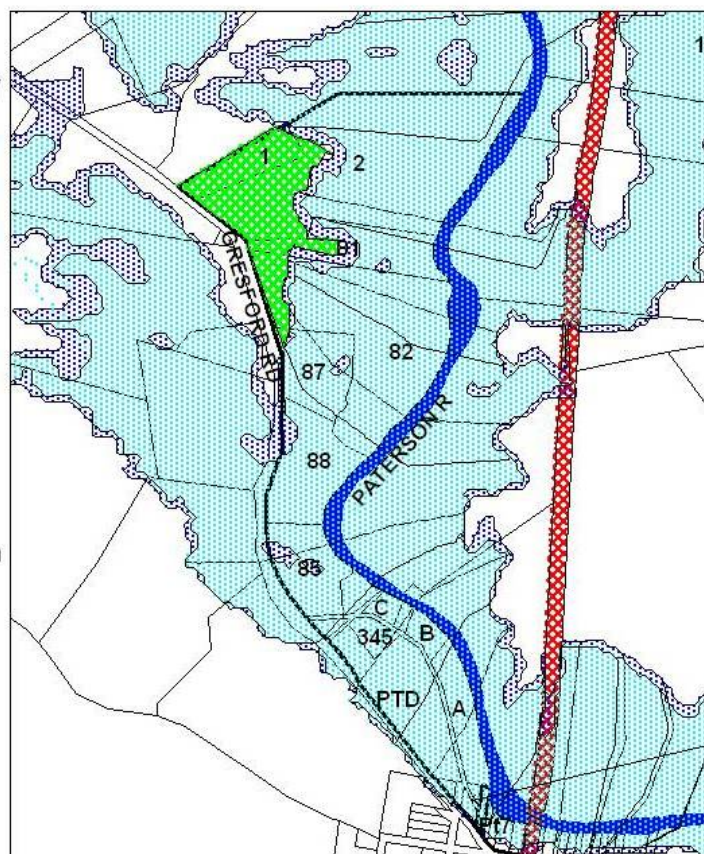


LOT 1, 2, 81 & 82

Area above the 1:100 possibly suitable for development

For subdivision - only one access road will be permitted off Gresford Road

Flood free areas of Lot 1, 81, 82 not to be developed on an individual basis. Subdivision to be undertaken in conjunction with Lot 2



1:100 year flood level

Area below the 1:100 year flood level, to be rezoned to Rural 1(a)

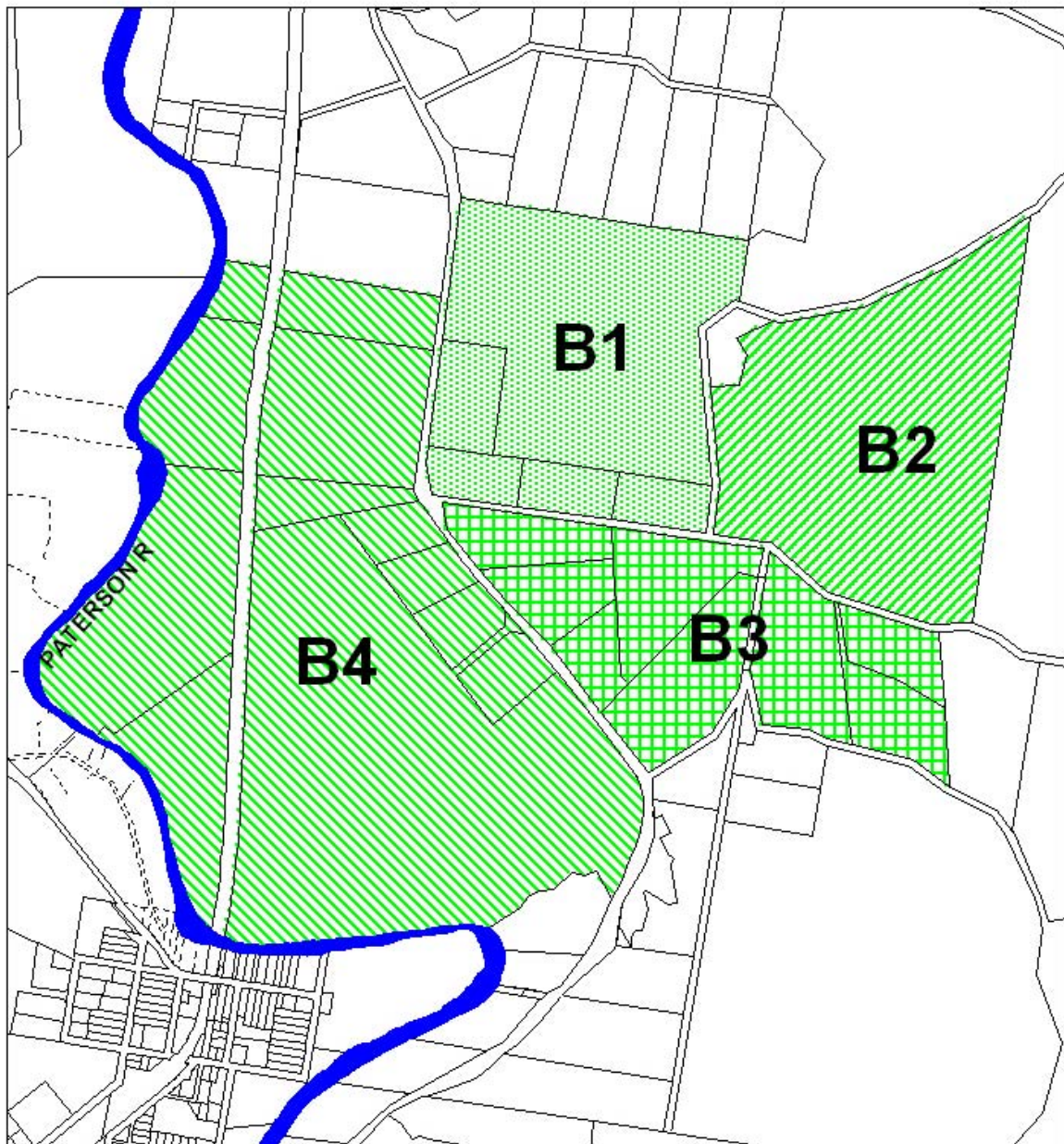
Area to be rezoned to 7(a) Environment

4. PRECINCT B - MARTINS CREEK ROAD (NORTH)

Precinct B incorporates the area along Martins Creek Road to the north-east of Paterson. It is bounded by the Paterson River to the west, the Martins Creek Village Investigation Zone to the north and Glenburn Road to the south. The northern part of Precinct B is drained by Tuckers Creek, which is a tributary of the Paterson River. This Precinct is divided into four (4) planning areas, numbered Planning Areas B1, B2, B3, B4.

There are two local rural roads within Precinct B - Keppies Road and Glenburn Road. These roads will require upgrading and sealing (as per Council's Rural Roads Policy) in conjunction with any development that will increase traffic on these roads. The intersections of these roads with Martins Creek Road will also require improvement.

PLANNING PRECINCT B



4.1 PLANNING AREA B1

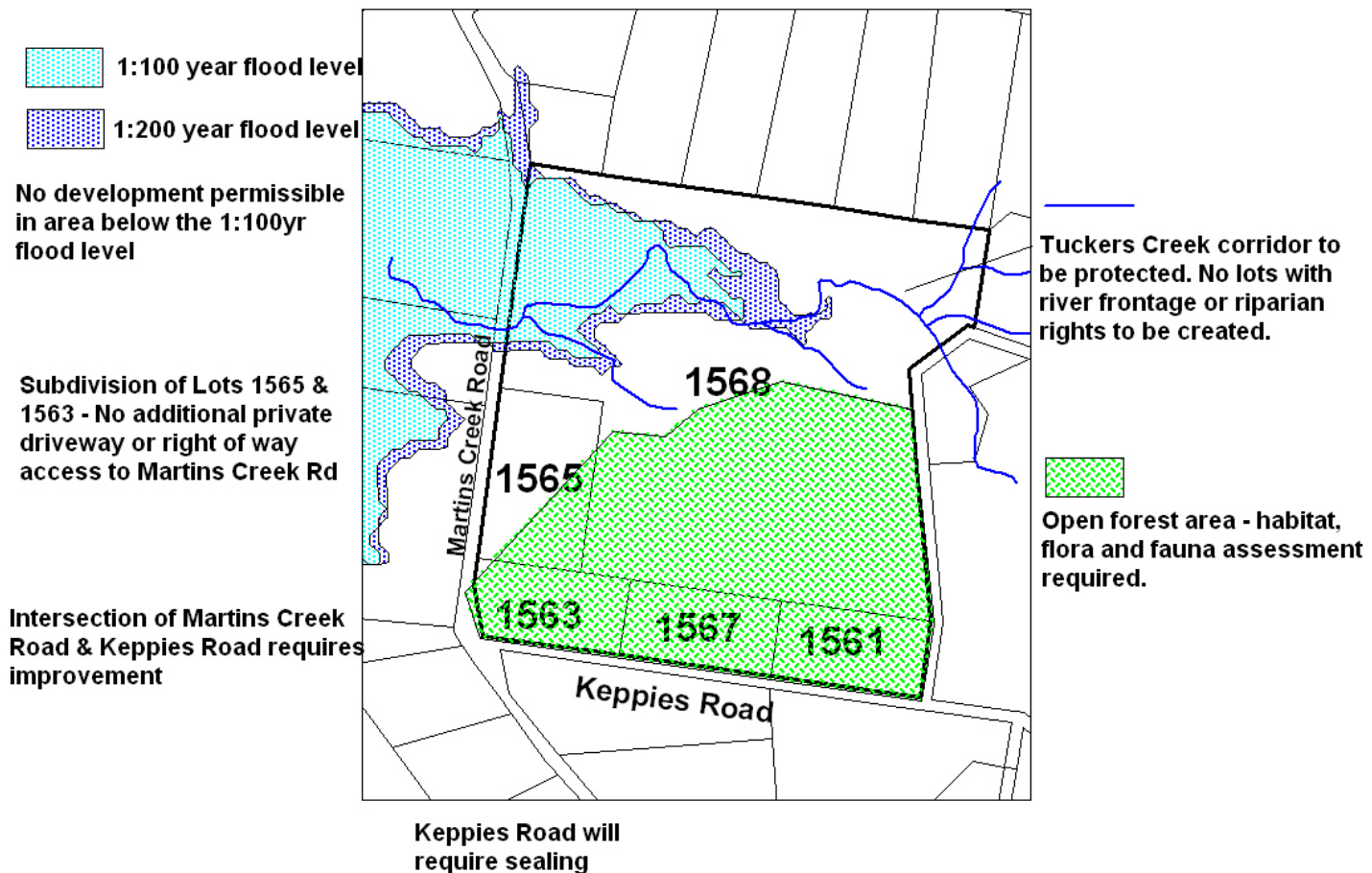
The Area

Planning Area B1 is bounded by Martins Creek Road to the west, Keppies Road to the south, a Crown Road Reserve to the east and the Martins Creek Investigation Area to the north. It incorporates five parcels of land:

Lot 1568 DP845957
 Lot 1565 DP794465
 Lot 1563 DP794464
 Lot 1567 DP845957
 Lot 1561 DP630441

A dirt road has been constructed on part of the road reserve.

PLANNING AREA B1



Development Potential

A large portion of Area B1 appears suitable for development. The area is flat to undulating with road access available on three sides. Tucker Creek drains the northern part of Area B1 with the north-western part of **Lot 1568** being flood affected, lying below both the 1:100

and 1:200 flood level. Development is not permissible below the 1:100 year flood level. The remainder of this lot appears to be suitable for development.

A significant proportion of the southern part of Area B1 is Open Forest. The habitat value of this area needs to be assessed as part of the development process. Rare and endangered species, including koalas, have been reported in this area.

Due to the lot configuration and availability of access each of the lots could be individually subdivided.

Lots 1563, 1567 and 1561 are small lots with frontage to Keppies Road. Any lots produced by the subdivision of these lots must have a width to depth ratio of at least 1:3. Direct driveway access is permissible from Keppies Creek Road.

Access to **Lot 1565** is from Martins Creek Road. If this lot is subdivided on an individual basis, the subdivision will require the establishment of a single access road in from Martins Creek Road. Alternatively Lot 1565 could be developed in conjunction with Lot 1568 with access coming from Lot 1568. No lot created through the subdivision of Lot 1565 can have private driveway or right-of-way access from Martins Creek Road.

Master Plan

Not required.

Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for Area B1 must address:

Issue	Planning Considerations / Performance Criteria
Flood prone land	<ul style="list-style-type: none"> Rural Lifestyle / Enterprise development is not permissible on land below the 1:100 year flood level.
Protection of habitat - Rare and endangered species have been reported in this area.	<ul style="list-style-type: none"> Detailed habitat, flora and fauna assessment to be undertaken as part of the rezoning process. The assessment is to incorporate the total forested part of Area B1.
Access from a Collector Road - Martins Creek Road	<ul style="list-style-type: none"> New lots created cannot have private driveway or right of way access from Martins Creek Road. Subdivision of Lot 1565 will require a properly formed access road in from Martins Creek Road or access via an adjoining property.
Pattern of subdivision	<ul style="list-style-type: none"> Any lot created must have a minimum width to depth ratio of 1:3.
Protection of Tuckers Creek - Riverine forest is found along the	<ul style="list-style-type: none"> Riparian vegetation corridor to be defined and protected.

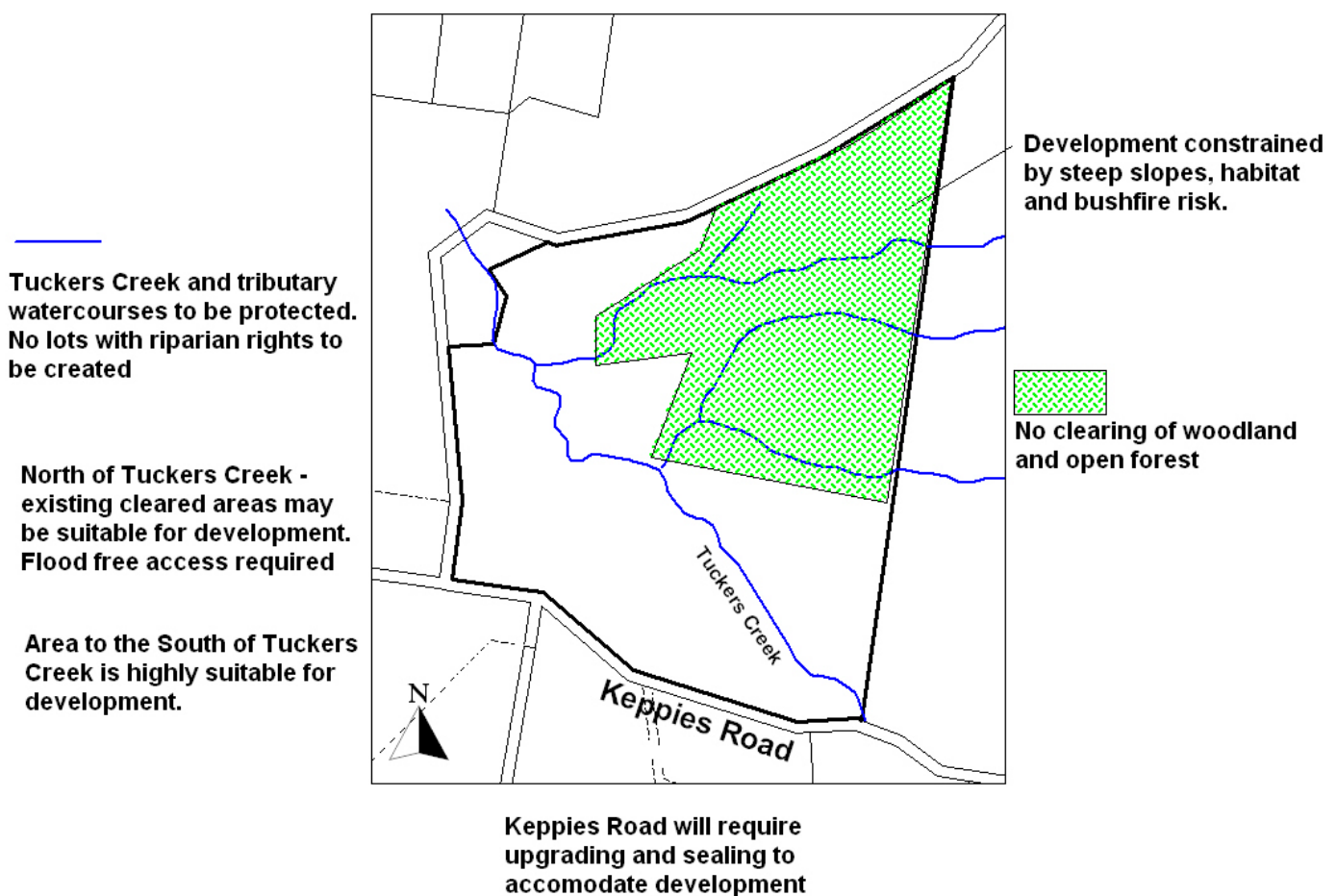
creek corridor.	<ul style="list-style-type: none"> No additional riverfront lots or riparian rights to be created.
Minimise visual impact of any development from Martins Creek Road.	<ul style="list-style-type: none"> To maintain the visual integrity of this area, no backyards are to have direct frontage to Martins Creek Road or Keppies Road.
Areas subject to bushfire risk	<ul style="list-style-type: none"> Bushfire risk to be assessed and addressed in subdivision planning and design.

4.2 PLANNING AREA B2

The Area

Planning Area B2 lies to the east of B1. It is bounded by a Crown Road Reserve to the west and Keppies Road to the south. Access is from Keppies Road. Area B2 consists of one lot - Lot 2 DP577633.

PLANNING AREA B2



Development Potential

Parts of Area B2 are ideal for Rural Lifestyle or Rural Enterprise development.

Tuckers Creek flows diagonally through Area B2 effectively dividing the property in half. The land on the southern side of Tuckers Creek (between the Creek and Keppies Road) is flat to undulating. This area has been cleared and is ideal for development.

The development potential of the area to the north of Tuckers Creek is limited. This northern area is part of the foothills and sideslopes of Kurrikaba Hill. The topography is undulating to hilly with steep slopes (in excess of 18 degrees) in the north-eastern corner of the lot. The hill slopes are drained by a number of creeks that flow into Tuckers Creek. There are small pockets of cleared land adjacent to Tuckers Creek. The remainder of the northern area is forested with a mix of Open Forest and Woodland vegetation communities. There is also Riverine Forest along Tuckers Creek. Rare and endangered species have been reported in the area. The forested area is bush-fire prone. The need to provide flood free access across Tuckers Creek and its tributary watercourses will be a constraint to developing land on the northern side of Tuckers Creek.

On the northern side of Tuckers Creek, development (dwellings and buildings) will be limited to the existing cleared areas, provided that building sites can be identified that meet the set-back requirements from watercourses and the bushfire buffer criteria. Flood free access across Tuckers Creek must be provided. No development or clearing of the forested area on the northern side of Tuckers Creek is permissible.

Masterplan

A masterplan is not required, provided that the subdivision plan addresses the total area and protects the creek system and forested areas.

Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for Area B2 must address.

Issue	Planning Considerations / Performance Criteria
Area suitable for development	<ul style="list-style-type: none"> ▪ The area to the south of Tuckers Creek is considered suitable for development (subject to meeting environmental and bushfire requirements). ▪ Land capability assessment will be required for the area to the north of Tuckers Creek to assess suitability for development. Any development must occur on existing cleared land. Key considerations are bushfire risk, habitat protection, setback from Tuckers Creek and its tributary watercourses and provision of flood-free access.

Habitat protection	<ul style="list-style-type: none"> No further clearing of forest and woodland vegetation on the northern side of Tuckers Creek. No subdivision of the forested areas on the northern side of the site.
Areas subject to bushfire risk	<ul style="list-style-type: none"> Bushfire risk to be assessed and addressed as part of the subdivision planning and design.
Lots created	<ul style="list-style-type: none"> All lots created must have a minimum width to depth ratio of 1:3. Creation of long narrow lots extending from Keppies Road to Tuckers Creek is not permissible.
Visual impact	<ul style="list-style-type: none"> No backyards to have direct frontage to Keppies Road.
Tuckers Creek corridor	<ul style="list-style-type: none"> No further riverfront lots or riparian rights are to be created. Riparian vegetation to be protected.

4.3 PLANNING AREA B3

The Area

Planning Area B3 lies to the east of Martins Creek Road and extends from Keppies Road south to Glenburn Road. Area B3 incorporates nine (9) lots. There is also a road reserve that links Keppies Road to Glenburn Road. however, the section of the road reserve adjacent of Lot 5 has been closed and there is an application to close the remaining section adjacent to Lot 64.

Lots 21 & 22 DP826264
 Lot 1 DP556628
 Lots 61, 62, 63, 64 DP811070
 Lot 5 DP244817
 Lot 1 DP251498

Lot 1 DP251498 is the closed section of the road reserve. Lots 21 & 22 DP826264 and Lot 1 DP556628 lie to the east of the road reserve. The remainder of the lots lie between the road reserve and Martins Creek Road.

Development Potential

Most of Area B3 appears ideal for Rural Lifestyle or Rural Enterprise development. The area to the west of the closed road reserve is flat to undulating and well suited to development. The area is drained by a small creek system. All lots within this area are above the 1:100 year flood level, with a very small area of land on Lot 61 (where the creek flows under Martins Creek Road), that lies below the 1:200 year flood level.

The area to the east of the closed road reserve is part of the foothills and sideslopes of Hungry Hill. The area along Keppies road is undulating to hilly, rising to steep slopes (in excess of 18 degrees) in the south-eastern corner of this eastern area. The headwaters of the creek system that drains Area B3 rise in these slopes. Part of the area also drains to Tuckers Creek. Most of this area is forested and bushfire prone.

Access is an issue in the eastern part of Area B3. The three lots to the east of the unformed road reserve are accessed from Keppies Road, with Lot 22 having a long battleaxe driveway off Keppies Road. Lot 1 DP556628 and 22 DP826264 also have frontage to an unformed road reserve that extends east from Glenburn Road. Lot 1 DP 556628 is accessed via Glenburn Road rather than Keppies Road. Council has advised that it will not permit access to Glenburn Road to service any new development. Access for Area B3 is to be via Keppies and/or Martins Creek Roads.

In the area to the west of the closed road reserve, Lots 63 and 64 have frontage to Keppies Road, Lots 61, 62, 63 and 5 have frontage to Martins Creek Road with Lot 5 also having frontage to Glenburn Road. Keppies Road will require upgrading and sealing to accommodate development in the area. Council will not permit access from Glenburn Road for any new development in Area B3.

There is a proposal for a large rural lifestyle estate at Brisbane Grove, in area B4 to the west of Martins Creek Road. The main access road for this subdivision is expected to intersect with Martins Creek Road, opposite Lot 62. This proposed intersection could potentially be amplified to facilitate access to the western side of Area B3.

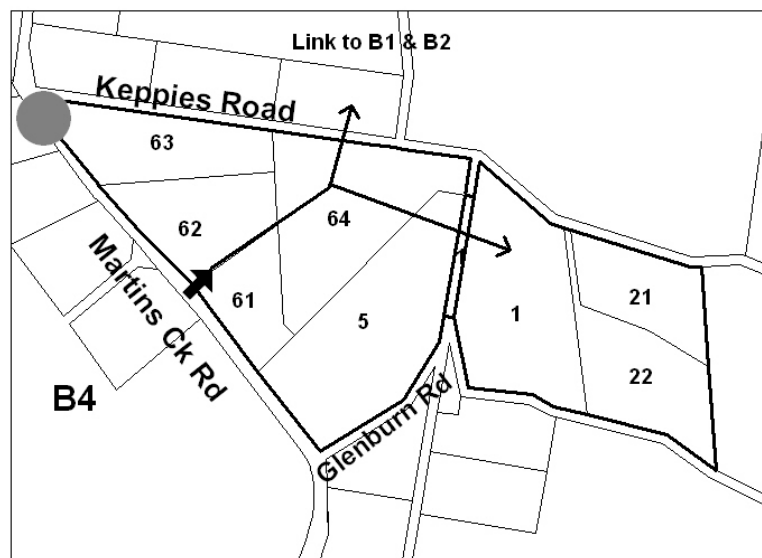
PLANNING AREA B3

Pedestrian and cycle route linking areas B1, B2, B3 to B4

EASTERN AREA
(Lots 1, 21 & 22)
Land capability assessment required

→
Possible access road-intersection developed in conjunction with development of Brisbane Grove in Area B4

No access for subdivision permitted from Glenburn Road



● Intersection that requires upgrading to cater for any additional traffic.

Masterplan

Two basic masterplans are required. These Plans are to be prepared for the eastern and western parts of Area B3. The lots that must to be planned jointly are:

- The area to the east of the closed road reserve - Lots 1 DP556628 and Lots 21 and 22 DP826264.
- The area to the west of the closed road reserve - Lots 61, 62, 63 and 64 DP811070 and Lot 5 DP244817.

The Masterplan for the eastern section of Area B3 needs to include a land capability assessment addressing topography, drainage, habitat value and bushfire risk.

The Masterplan for the western part of Area B3 should focus on access and show the subdivision layout, including the location of roads and the treatment of the creek corridor. Pedestrian and cycle links from Area B4 through this area to Areas B1, B2 and the eastern side of Area B3 also need to be considered.

Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for Area B3 must address.

Issue	Planning Considerations / Performance Criteria
Suitability of the eastern part of Area B3 for development	<ul style="list-style-type: none"> ▪ Land capability assessment to be undertaken as part of the planning and assessment process.
Access to Collector Roads - Martins Creek Road	<ul style="list-style-type: none"> ▪ No additional private driveway access or right-of-ways to Martins Creek Road can be created. ▪ The intersections of Martins Creek Road with Keppies Creek and Glenburn Road both require upgrading as part of any development of the area. ▪ The location of the access road /intersection from Martins Creek Road to the Brisbane Grove development in Area B4 needs to be taken into consideration in assessing access options for Area B3.
Pedestrian and cycle access	<ul style="list-style-type: none"> ▪ Pedestrian and cycle links through the area must be provided to link areas B1, B2 and B3 to Area B4. ▪ If a pedestrian-cycle link over the Paterson River is developed, then a pedestrian-cycle link from Area A3 to Area B4 will be required by Council.

Visual Impact	<ul style="list-style-type: none"> ▪ The visual impact of any development along Martins Creek Road needs to be minimised. ▪ No back yards to have frontage to Martins Creek Road.
Creek system	<ul style="list-style-type: none"> ▪ No further riverfront lots or riparian rights to be created. ▪ Riparian vegetation to be protected.
Areas subject to bushfire risk	<ul style="list-style-type: none"> ▪ Bushfire risk to be assessed and addressed as part of any subdivision design.

4.4 PLANNING AREA B4

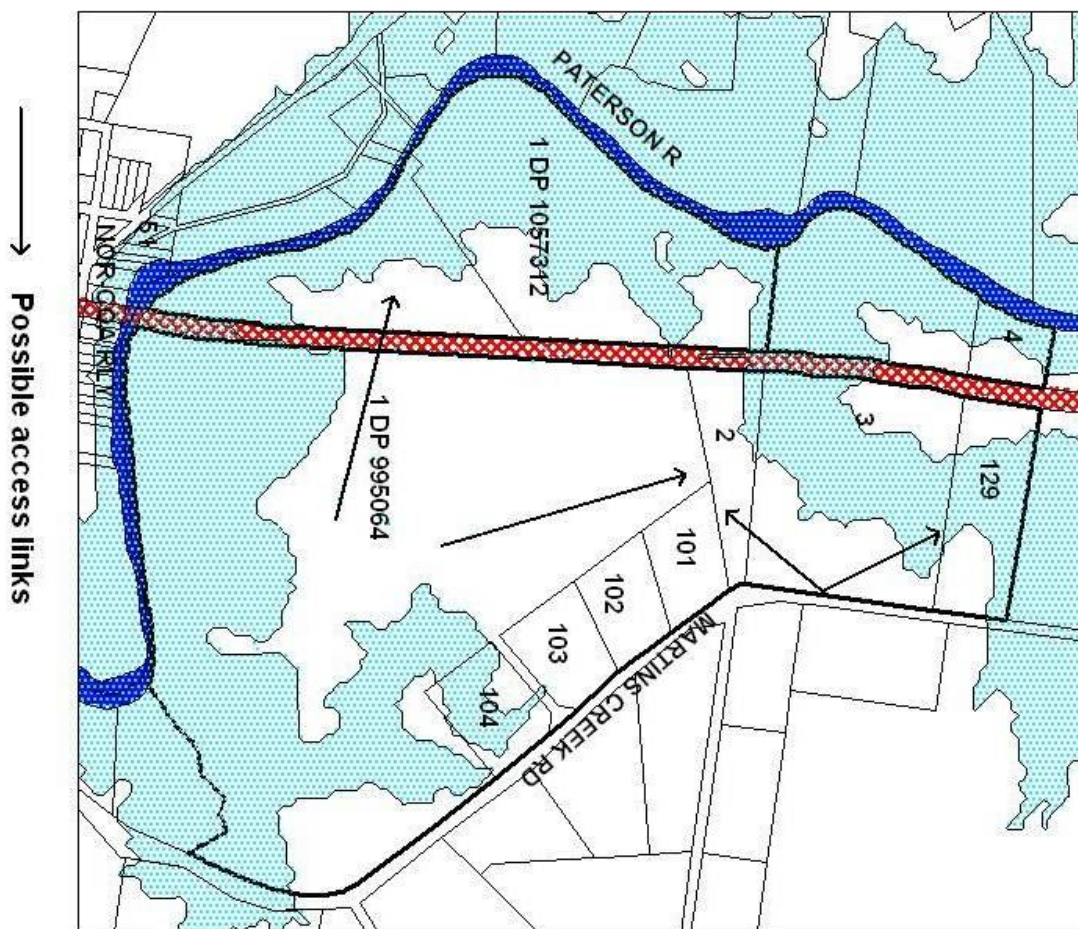
The Area

Planning Area B4 lies to the east of Martins Creek Road. It is bounded by Martins Creek Road to the east, the Paterson River to the west and the Martins Creek Village Investigation Zone to the north. The North Coast railway line runs through the western part of this area.

Area B4 incorporates ten (10) lots.

Lot 129 DP1056686
 Lot 3 DP1057314
 Lot 4 DP1057315
 Lot 2 DP1057313
 Lot 1 DP1057312
 Lots 101, 102, 103, 104 DP633958
 Lot 1 DP995064

PLANNING AREA B4



1:100 year flood level.

Development not permitted on land below the 1:100 yr flood level.

LOT 4

Not suitable for development

LOT 129

Flood free land could be developed in conjunction with Lot 3 if setback requirements can be met.

LOT 3

Development not permissible on land below the 1:100 yr flood line and land to the west of Tuckers Creek.

Single access road into the site, with consideration to access adjoining lots

LOT 101 & 102

- To be planned jointly

- One access road to service the two lots

LOT 103 & 104

- To have access off access handle to Lot 1

LOT 1 DP 1057314

Development only permissible in conjunction with development of Lot 1 DP 995064 to the west of the railway

Development Potential

Within Area B4 there are large tracts of flood prone land adjacent to the Paterson River, Tuckers Creek and other tributary creeks that flow through the area. All land below the 1:100 year flood line is excluded from development for Rural Lifestyle or Rural Enterprise use.

In addition to flooding the other constraints in Area B4 are:

- North Coast railway line - The Australian Rail Track Corporation (ARTC) requires potential noise, vibration and safety impacts of the railway line to be identified and assessed and appropriate noise attenuation strategies adopted in any planning and subdivision design
- There no road access to the area to the west of the railway line.
- Landlocked lots - Lot 4 DP1057315 and Lot 1 DP1057312 have no road access.
- Collector Road - Martins Creek Road is a Collector Road. Any new lots created are prohibited from having private driveway or right-of-way access to Martins Creek Road.
- Habitat protection - need to preserve and enhance Riverine vegetation along the Paterson River and creek systems.
- Visual significance - parts of the floodplain to the north of Paterson Village are very scenic and considered by the Paterson community to have high visual significance that should be protected.

Lot 4 DP1057315 is located to the west of the railway line with no road or road reserve access. The western part of the lot lies below the 1:100 year flood line, with the only flood free access to the site being along the railway line. The area of land that is not flood affected is too small for subdivision. This Lot is not considered suitable for Rural Lifestyle or Rural Enterprise development.

Lot 129 DP1056686 is flood affected with the central portion of the lot lying below the 1:100 year flood line. There are two small areas of flood free land - the south eastern corner of the lot adjacent to Martins Creek road, and the western boundary of the lot, adjacent to the railway line. The area adjacent to the railway line does not have flood free access and is not suitable for rural Lifestyle or Rural Enterprise development. The floodfree area adjacent to Martins Creek Road could potentially be developed in conjunction with development of the adjoining Lot 3, provided that dwelling sites can be identified that meet the requirements of set-back from Martins Creek Road, Tuckers Creek and the 1:100 and 1:200 flood levels. This area cannot be developed on a stand-alone basis.

Lot 3 DP 1057314 extends from Martins Creek Road to the Paterson River, with the North Coast railway line dividing the lot into two. Large tracts of the Lot are flood liable with flood free land located adjacent to the railway line and along the eastern edge (Martins Creek Road frontage) of the site. The area to the west of Tuckers Creek is not considered suitable for Rural Lifestyle or Rural Enterprise development due to lack of flood free access.

The eastern part of this Lot (Martins Creek Road area) is possibly suitable for development provided that dwelling sites can be identified that meet the requirements of set-back from Martins Creek Road, Tuckers Creek and the 1:100 and 1:200 flood levels. Development of this area will require the construction of an access road in from Martins Creek Road. No new lots created can have private driveway or right-of-way access to Martins Creek Road. In

developing Lot 3, consideration needs to be given to providing vehicle access to the flood-free areas of the adjoining lots - Lot 129 and Lot 2, which front Martins Creek Road.

Lot 2 DP1057313 is a long narrow lot with a width to depth ratio less than 1:3. Further subdivision of this lot on an individual basis is not permitted. This lot can only be developed in conjunction with adjoining lots - Lot 3, Lot 101 and/or Lot 1 DP995064.

Lots 101 and 102 DP633958 are flood free lots with frontage to Martins Creek Road. Due to access restrictions, the development of Lots 101 and 102 need to be jointly planned, with one access road servicing both two lots. This road could also service Lots 2 and 3 to the north. Alternatively, access to Lots 101 and 102 could be provided in conjunction with the development of Lot 1 DP995064.

Lots 103 and 104 DP633958 are also flood free lots with frontage to Martins Creek Road that are suitable for subdivision for Rural Lifestyle or Rural Enterprise development. These lots are separated by a narrow strip of land that is an access 'handle' for Lot 1 DP995064. A rezoning application is being prepared for Lot 1 for Rural Lifestyle, it is proposed that the access handle is to become the main access road into the subdivision. If this road is developed as proposed, Council needs to ensure that Lots 103 and 104 can have access from this road for subdivision purposes. Any additional lots created on Lots 103 and 104 cannot have direct driveway or right-of-way access to Martins Creek Road.

Lot 1 DP1057312 is located between the North Coast Rail line and the Paterson River. The Lot has no road or road reserve access. The western side of Lot 1 lies below the 1:100 year flood level and is excluded from development. The eastern half of Lot 1 adjacent to the railway line is flood free, however has no flood free access. Lot 1 is not considered suitable for development on an individual basis. Development of flood free land may be possible in conjunction with development of the adjoining land to the south, namely the part of Lot 1 DP995064 which lies to the west of the railway line.

Lot 1 DP995064, also known as Brisbane Grove, is a large parcel of land that comprises the southern half of Area B4. This Lot extends from Martins Creek Road through to the Paterson River, with the Paterson River forming both the western and southern boundary of the lot. The North Coast railway line divides the lot, with a small area of land located to the west of the railway. Parts of Lot 1 lie below the 1:100 year flood level and are excluded from Rural Lifestyle or Rural Enterprise development. Parts of Lot 1 also lie within the area identified as having high visual significance by the Paterson community. The flood free areas of Lot 1 appear suitable for development. Any development of the part of this lot lying to the west of the railway line, needs to make provision for access to the flood-free area of Lot 1 DP1057312.

Masterplan

A Masterplan may not be required if access issues to flood-free sections the northern part of Area B4 can be resolved. The first step in the process is to identify the flood free areas on Lots 129 DP1056686, Lot 3 DP1057314 and Lot 2 DP1057313 and assess the subdivision potential of this area. If there is potential, then the ideal access route (through Lot 1 DP995064 and/or from Lot 3 DP105731) needs to be identified and incorporated in the subdivision planning for the area.

In addition:

- Any development of Lot 1 DP995064 must give consideration to providing access to adjoining lots to the east, north and west. In addition, Lots 103 and 104 must be

guaranteed access from any road constructed in the access handle that lies adjacent to these lots.

- Any development of the part of Lot 1 DP995064 lying to the west of the railway line, needs to make provision for access to the flood-free area of Lot 1 DP1057312.
- Any development of Lot 3 DP1015731 must take into consideration the provision of road access to adjoining lots if they are not being serviced by an access road from Lot 1 DP995064.

Issues & Performance Criteria

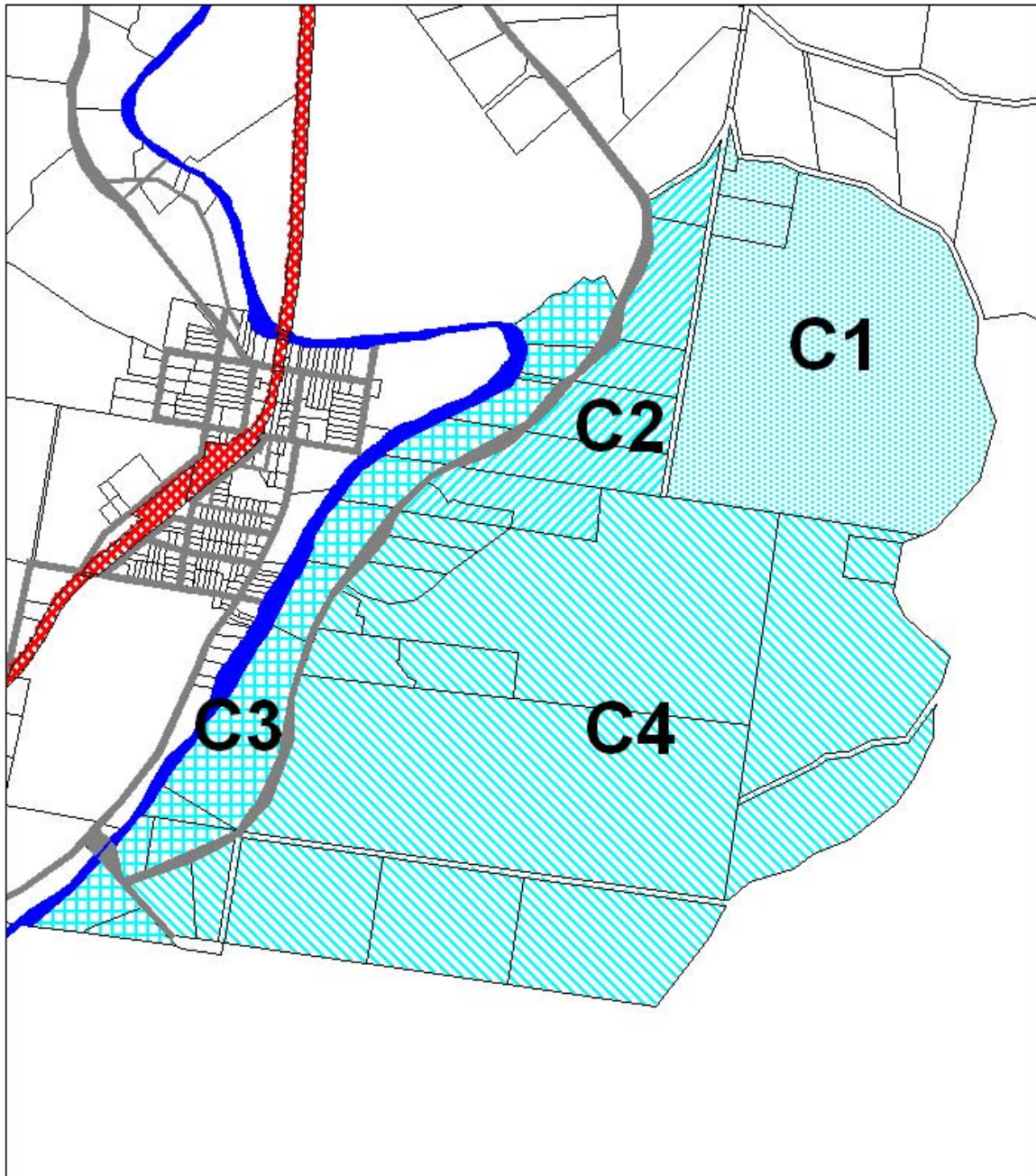
In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for flood free land in Area B4 must address.

Issue	Planning Considerations / Performance Criteria
Flood prone land	<ul style="list-style-type: none"> ▪ Rural Lifestyle / Enterprise development is not permissible on land below the 1:100 year flood level and no dwellings are permissible below the 1:200 year flood level. ▪ Areas below the 1:100 year flood level to be rezoned Rural 1(a) or Environment 7(a) depending on the location and environmental attributes of the area.
Land not suitable for development for Rural Lifestyle or Rural Enterprise	<ul style="list-style-type: none"> ▪ Subdivision for Rural Lifestyle or Rural Enterprise development is not permissible on Lot 4 DP1057315 or to the west of Tuckers Creek on Lot 3 DP1057314.
Co-ordinated subdivision and access	<ul style="list-style-type: none"> ▪ Access from Martins Creek road is an issue in Area B4 and lots will need to be planned jointly to ensure access is available for all land suitable for subdivision. <p>In relation to access, the following lots need to be planned jointly:</p> <ul style="list-style-type: none"> ▪ Lots 129 DP1056686, Lot 3 DP1057314 and Lot 2 DP1057313 ▪ Lots 101 and 102 DP633958 ▪ Lot 1 DP995064 and Lots 103 and 104 DP633958 ▪ Any subdivision of flood free land for Rural Lifestyle lots on Lot 1 DP995064 to the west of the railway line must be designed to facilitate access to the floodfree land on Lot 1 DP1057312.

Access to Collector Roads - Martins Creek Road	<ul style="list-style-type: none"> ▪ No additional private driveway access or right-of-ways to Martins Creek Road can be created. ▪ Design of the intersection of Martins Creek Road and the access road for Lot 1 DP995064 (Brisbane Grove development) must be designed to facilitate access to Area B3 to the east of Martins Creek Road. ▪ Due to the size and topography of Lot 1 DP995064, this Lot can have a maximum of 2 access points off Martins Creek Road. ▪ Lots 101 and 102 - if not developed in conjunction with Lot 1 DP995064 - these lots may one access road off Martins Creek Road to service lots.
Pedestrian and cycle access	<ul style="list-style-type: none"> ▪ The feasibility of providing a pedestrian-cycle link between Area B4 and Paterson village is to be considered as part of any development proposal for Lot 1 DP995064.
Visual Impact - the Paterson River floodplain immediately north of Paterson Village has been identified by the Paterson Community as having high visual / scenic value.	<ul style="list-style-type: none"> ▪ Visual assessment required as part of the planning for development of Lot 1 DP995064. ▪ The visual impact of any development along Martins Creek Road needs to be minimised. ▪ No back yards to have frontage to Martins Creek Road.
Paterson River, Tuckers Creek and other watercourses.	<ul style="list-style-type: none"> ▪ No further riverfront lots or riparian rights to be created. ▪ Riparian vegetation to be protected and the riverbank and watercourses rehabilitated.
Public access to the Paterson River	<ul style="list-style-type: none"> ▪ In developing Lot 1 DP995064, an appropriate location for a river front reserve on the Paterson River to service the residents of Area B4 must be identified and included in the subdivision design.
North Coast Railway	<ul style="list-style-type: none"> ▪ Noise, vibration and safety impacts of the rail corridor to be identified and assessed and appropriate noise-attenuating strategies incorporated in the planning and development of Area B4.

5. PRECINCT C - PATERSON EAST - HUNGRY HILL

Precinct C incorporates the area within the investigation Zone to the east of Paterson, extending from the Hungry Hill ridge-line in the east through to the Paterson River in the west. The Shire boundary runs along the southern and eastern boundaries of the Precinct. Precinct C is divided into 4 planning areas.



5.1 PLANNING AREA C1

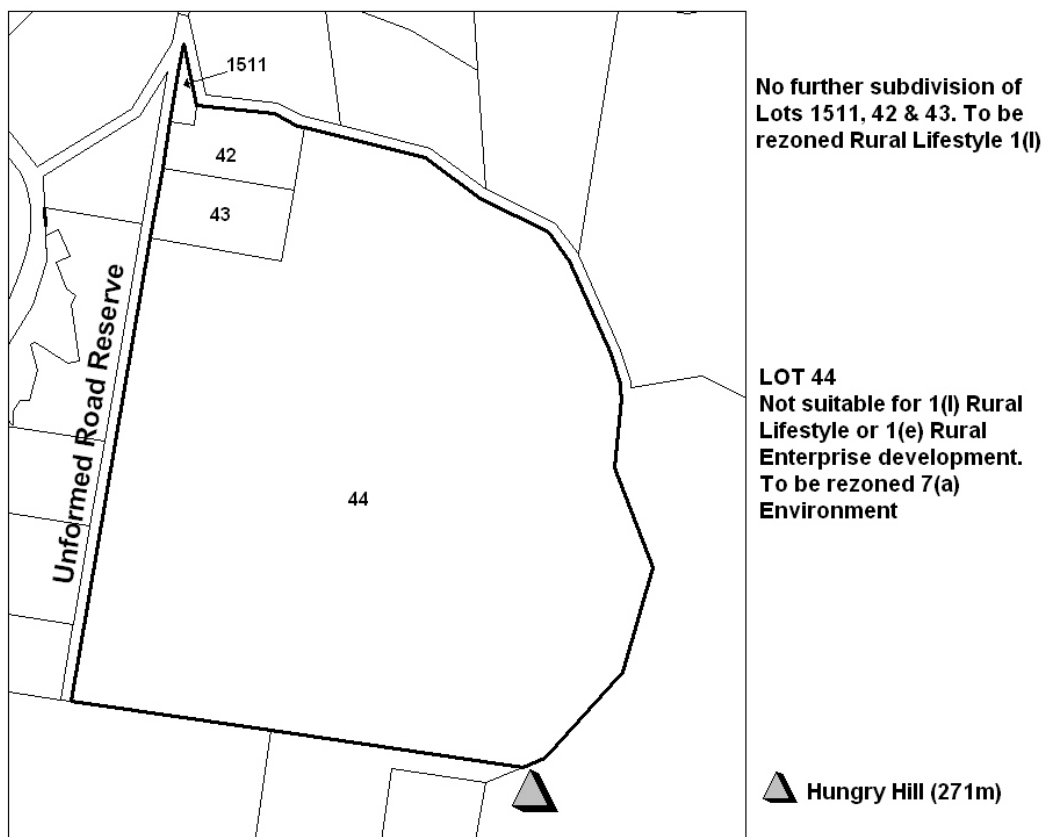
Area C1 occupies the north-western sideslopes of Hungry Hill. It is bounded to the north and east by a road reserve - fire trail that extends east from the 'end' of Glenburn Road. Area C1 incorporates 4 lots:

Lot 1511 DP581503

Lots 42, 43, 44 DP78996

There is a road reserve running along the eastern boundary of all lots, which separates Area C1 from Area C2. Within this road reserve there is a dirt road providing access to Lots 1511, 42 and 43.

PLANNING AREA C1



Development Potential

Lot 1511 is a small lot - no further subdivision is permitted.

Lots 42 and 43 DP 789996 have already been subdivided and developed. Lot 42 is 2.93ha in area, which is below the minimum 3ha area needed for further subdivision. Lot 43 is 3.2ha in area. Both are forested and bushfire prone. Further subdivision of Lots 42 and 43 is not permitted.

Lot 44 DP789996 is a very large lot that occupies the sideslopes and ridge of Hungry Hill. Hungry Hill is a significant, local landmark, reaching an elevation of 271m just south of the

southern corner of Area C1. Most of the higher elevated area on site has slopes in excess of 18 degrees. The area is drained by a number of steep watercourses that form a creek system which flows into the Paterson River.

Lot 44 is forested with rare and endangered species, including koalas, reported in the area. Hungry Hill was identified by the Paterson Community as having high scenic value. Hungry Hill is part of a prominent range of three hills - Hungry Hill, Red Hill and Kurrikaba Hill - that form the 'backdrop' to the villages of Paterson and Martins Creek.

Given its topography, vegetation, habitat value and visual significance, subdivision and development of Lot 44 for Rural Lifestyle or Rural Enterprise development is not permitted.

Lots 1511, 42 and 43 are to be rezoned Rural Lifestyle 1(l) and Lot 44 rezoned 7(a) Environment.

5.2 PLANNING AREA C2

The Area

Planning Area C2 lies between Area C1 and Martins Creek Road. It is bounded by Glenburn Road to the north. It incorporates seven (7) lots:

Lots 41 & 44 DP789996
Lot 32 DP829629
Lot 22 DP1004818
Lot 1 DP244817
Lots 51 & 52 DP1071505

Lot 41 has already been zoned 1(l) Rural Lifestyle. On Lot 44, an area along the frontage to Martins Creek Road has been zoned 7(a) Environment due to its habitat value (remnant wet sclerophyll forest).

Development Potential

The four northern lots in Area C2 occupy the footslopes of Hungry Hill, with the topography being undulating. There are a number of watercourses that flow through the area. The area on Lot 44 zoned Environment 7(a) lies below the 1:100, with the 1:200 flood level extending further east, close to the eastern boundary of the Lot. There appears to be a poultry shed on Lot 44. Council will not permit access from Glenburn Road for any new development in Area C2.

Lots 1 DP244817 and Lots 51 & 52 DP1071505 are long narrow lots with a width to depth ratio of less than 1:3. These lots occupy steeper land with slopes in excess of 18 degrees along their eastern boundaries. The undulating areas next to Martins Creek Road have been cleared and developed, while the more steeply sloping areas in the central and eastern parts of these lots remain forested. The forested areas are part of the Hungry Hill habitat area and contribute to the visual integrity of the Hungry Hill area. These areas are bushfire prone. On Lot 1, no further clearing or development above the 50m contour is permissible. On Lots 51 and 52, no further clearing or development above the 40m contour is permissible. These contour lines approximate the existing vegetation line, with the objective being to prohibit further clearing of native bushland.

All lots within Area C2 have frontage to Martins Creek Road which is a collector road. Any lots created in the subdivision of this area cannot have direct driveway or right-of-way access from Martins Creek Road.

Given their size, shape and access issues, none of the lots within this area are suitable for subdivision on an individual basis. For Lots 41, 44, 32 and 22, the minimum area that can be subdivided is 2 adjoining lots (for example - a minimum area would be Lots 41 and 44 combined).

The southern 3 lots, Lots 1, 51 and 52, are to be assessed and planned jointly. Lot 1 could be developed in conjunction with Lot 22 and Lot 32, provided that:

- Lot 51 is included in the land capability assessment, and,
- If Lot 51 is assessed as suitable for further subdivision, provision for access to Lot 51 is included in any subdivision plan for the adjoining northern lots.

Masterplan

A Masterplan is required, with the Plan to address:

- Land capability - topography, drainage, habitat, slopes and flooding and bushfire risks.
- Access - any local access road created, needs to service a minimum of 2 existing lots.
- Subdivision layout.
- Protection of the watercourses and the area zoned Environment 7(a).

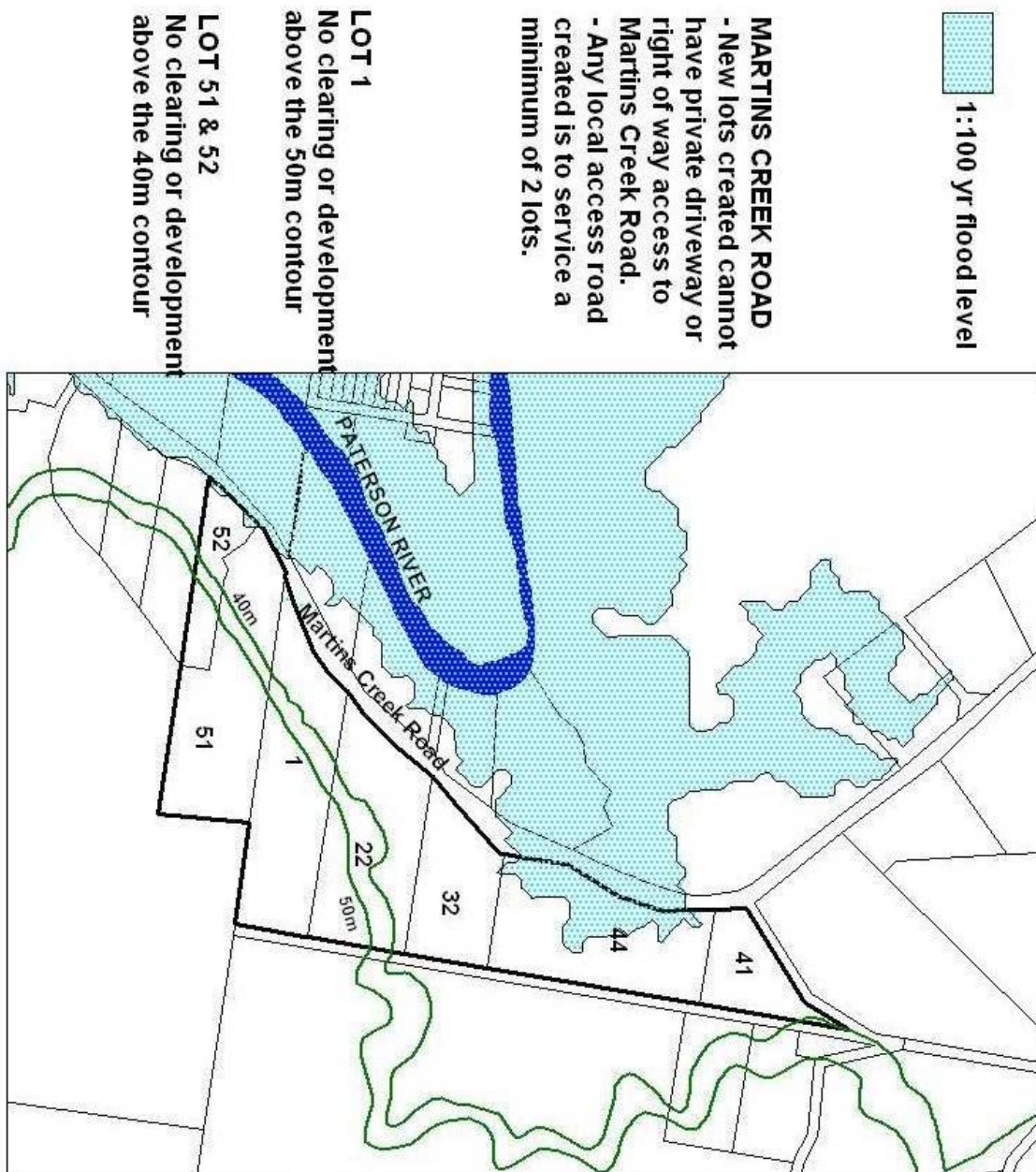
Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for Area C2 must address.

Issue	Planning Considerations / Performance Criteria
Coordinated development	<ul style="list-style-type: none"> ▪ Masterplan to be prepared to provide the framework for the development of Area C2.
Subdivision	<ul style="list-style-type: none"> ▪ No subdivision of individual lots. ▪ For Lots 41, 44, 32 and 22 the minimum area that can be subdivided is two adjoining existing allotments (eg Lots 41 and 44 combined). ▪ Lots 51, 52 and 1 needed to be jointly assessed and planned. ▪ Narrow lots with a width to depth ratio of less than 1:3 cannot be created. ▪ For newly created lots, private driveway access or right-of-way access to Glenburn Road is not permitted.

Access to Collector Roads - Martins Creek Road	<ul style="list-style-type: none"> No additional private driveway access or right-of-ways to Martins Creek Road to be created. Any new access road coming off Martins Creek Road, must service a minimum of 2 existing lots.
Protection of Habitat - Rare and endangered species have been reported in this area.	<ul style="list-style-type: none"> No further clearing of areas of forest vegetation. On Lot 1 DP DP244817 no clearing or development is permissible above existing vegetation line which is approximated by the 50m contour. On Lots 51 & 52 DP1071505 no clearing or development is permissible above the existing vegetation line which is approximated by the 40m contour. Any proposed development in the area needs to demonstrate that there will be no negative impact on the area of land zoned Environment 7(a).
Areas subject to bushfire risk	<ul style="list-style-type: none"> Bushfire risk to be assessed and addressed as part of any subdivision design.
Visual Impact	<ul style="list-style-type: none"> View-shed analysis / Visual assessment required. Development to have no or minimal impact on the Hungry Hill vista. The visual impact of any development along Martins Creek Road needs to be minimised. No back yards to have frontage to Martins Creek Road.
Creek and watercourses	<ul style="list-style-type: none"> No further riverfront lots or riparian rights to be created. Riparian vegetation to be protected.
Poultry Shed	<ul style="list-style-type: none"> Development should not impact on the operation or viability of this enterprise. Buffer zones to be provided as per the Shire-wide DCP 2004 requirements.

PLANNING AREA C2



5.3 PLANNING AREA C3 - PATERSON RIVER FLOODPLAIN

The Area

Planning Area C3 occupies the area bounded by Martins Creek Road to the east and the Paterson River to the west. This area incorporates 13 parcels of land. Of these lots, 3 have been zoned 7(a) Environment. A further 5 lots have 2 zonings - Rural Lifestyle 1(l) along the Martins Creek Road frontage and 7(a) Environment on the remainder of the site. The Rural Lifestyle zone has been placed on properties with existing dwellings. Of the remaining properties, two are zoned 9(a) Investigation while three properties have very small areas zoned Investigation 9(a) adjacent to Martins Creek Road, with the bulk of the area being zoned 7(a) Environment.

The Lots with a 9(a) Investigation zoning are:

Lot 8 DP244617 - part only

Lot 1 DP 244817 - part only

Lot 105 DP255124

Pt 1 DP1056154 - part only - remainder of the site is Environment 7(a) and rural Lifestyle 1(l).

Pt 105 DP1063596

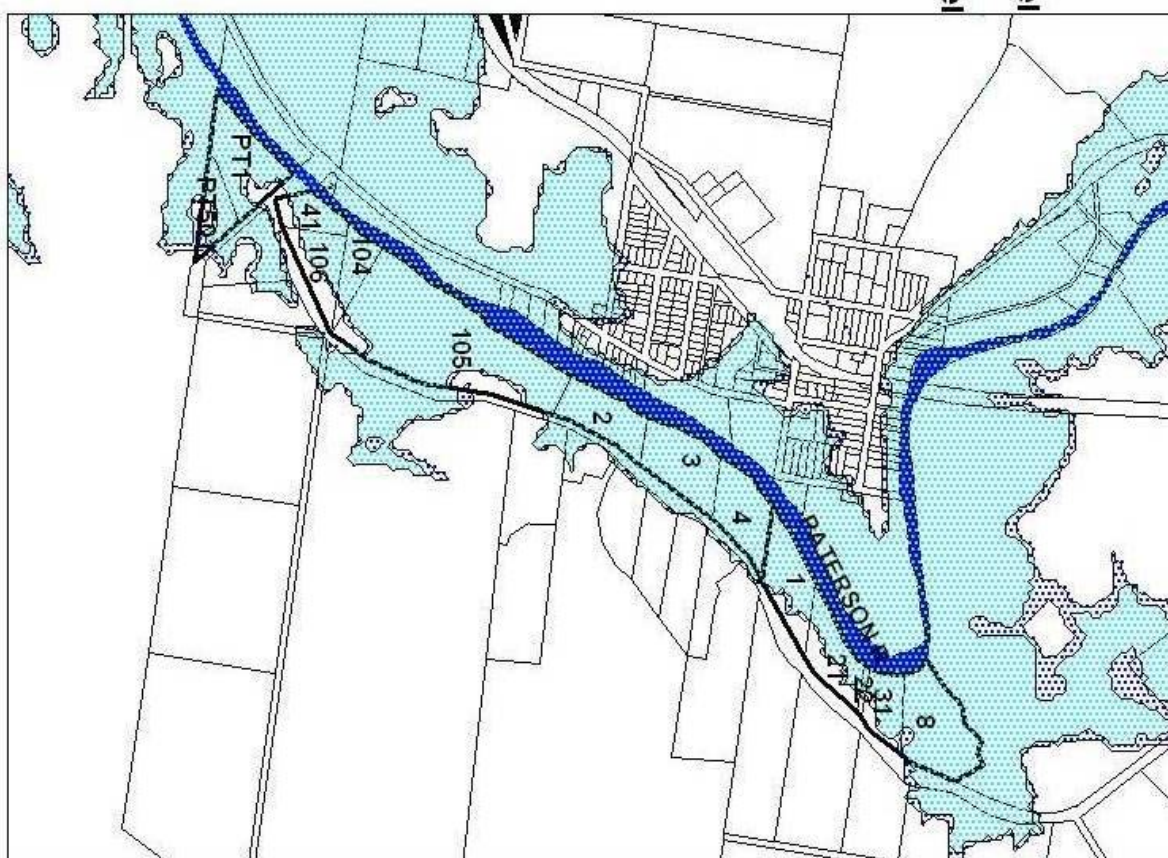
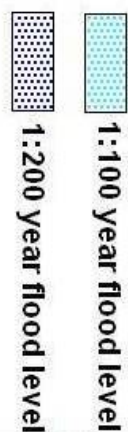
Development Potential

Most of Area C3 is flood affected, lying below the 1:100 and 1:200 flood levels. The area has also been identified by the Paterson community as having a very high scenic value that needs to be protected.

Given the flood risk in this area and high scenic value of this area, no further subdivision is permitted. Development of a dwelling on an existing lot may be possible in areas above the 1:200 flood level provided that access, setback from Martins Creek Road and environmental criteria can be met.

PLANNING AREA C3

No further subdivision in this area for Rural Lifestyle or Rural Enterprise development



Land above the 1:200 year flood level, a dwelling may be possible if access and environmental criteria can be met.

5.4 PLANNING AREA C4

The Area

Planning Area C4 is located on the eastern side of Martins Creek Road to the north of Woodville Road. The area incorporates 14 lots:

Lots 601 and 602, DP786865
Lots 63 and 64 DP705752
Lot 62 DP620222
Lots 103 and 104 DP1081230
Lot 105 DP255124
Lot 13 DP752451
Lots 28, 29 and 30 DP752451
Lots 102 and 103 DP225124

There is an unformed road reserve (Phillips Street) located along the southern boundary of Lot 105, with this reserve providing access to Lots 28, 29 and 30.

Development Potential

Lots 601, 602, 62, 63, 102 and 103 are already zoned Rural Lifestyle 1(l) and further subdivision is not permissible. Part of Lots 62 and 102 also have an Environment 7(a) zoning.

Lots 103 and 104 DP1081230 are small lots with Lot 104 being steep and forested. No further subdivision is permitted.

Lot 64 DP707752 is a very large lot that incorporates the western slopes of Hungry Hill. The elevation on this lot rises from 20 metres above sea-level at the Martins Creek Road entrance to 260 metres along the eastern site boundary. Slopes over much of this lot exceed 18 degrees. The lot is forested with the forested slopes being both an important habitat area and a significant contributor to the visual amenity of the Paterson area. This area is bushfire prone. Lot 64 is not suitable for subdivision for Rural Lifestyle or Rural Enterprise development.

Lot 105 DP255124 is also a very large lot. The northern and eastern parts of the lot occupy the southern foothills and sideslopes of Hungry Hill. The topography of this area is hilly to steep with slopes exceeding 18 degrees in the more elevated areas. This area is bushfire prone. This part of Lot 105 is not suitable for Rural Lifestyle or Rural Enterprise development.

The western and southern parts of Lot 105 are flat to undulating, with the area drained by a small creek system. Flooding occurs along the Martins Creek Road frontage with an area along the creek system affected by the 1:100 year flood. Some sections of this lot appear suitable for Rural Lifestyle and/or Rural Enterprise development.

The lower areas of Lot 105 have been cleared and there is a large poultry complex near the eastern boundary of the Lot. The area to the north of the creek, above the 50m contour is forested and forms part of the Hungry Hill habitat area. Rare and endangered species have been recorded in the area. This part of the site is also bushfire prone. No development or clearing is permissible above the 50m contour. This contour approximates the vegetation line.

Lot 13 DP752451 incorporates the upper slopes and crest of Hungry Hill (elevation 271m). This area is very steep with most of the area being forested. Due to the topography, habitat value, visual significance and bushfire risk, subdivision and development of this area for Rural Lifestyle or Rural Enterprise is not permissible.

Lots 29 and 30 DP752451 are undulating to hilly, with localised areas of steep slopes in Lot 29. Most of lot 30 has been cleared, with small pockets of open forest on Lot 29. The southern boundary of these lots is elevated 100m asl, and visible from Paterson and Martins Creek Road. These lots are considered suitable for Rural Lifestyle or Rural Enterprise development.

Lot 28 DP752451 is located on the sideslopes and ridge-line of a spur ridge extending south from Hungry Hill. Much of the lot is hilly to steep, reaching an elevation of 146m asl on the south western corner of the lot. The lot is drained by three small watercourses. The eastern half of the lot is forested and the area is bushfire prone. The north western corner of the lot appears to be suitable for Rural Lifestyle or Rural Enterprise development.

Masterplan

A Masterplan is required to identify the developable land on Lots 105, 28, 29 and 30 and provide the framework for co-ordinated development. A land capability assessment is required as part of the master-planning process.

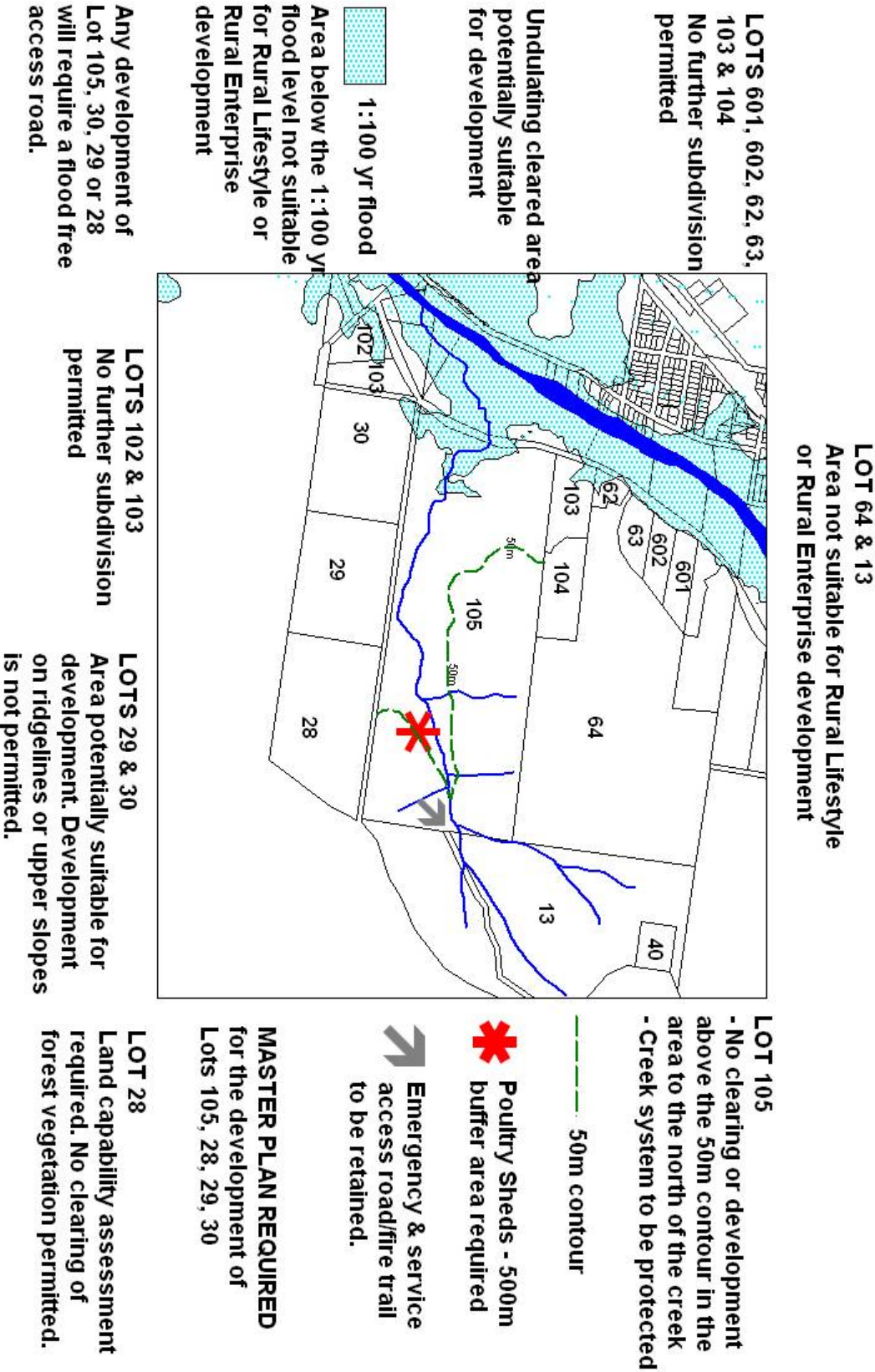
Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for the developable land within Area C4 must address.

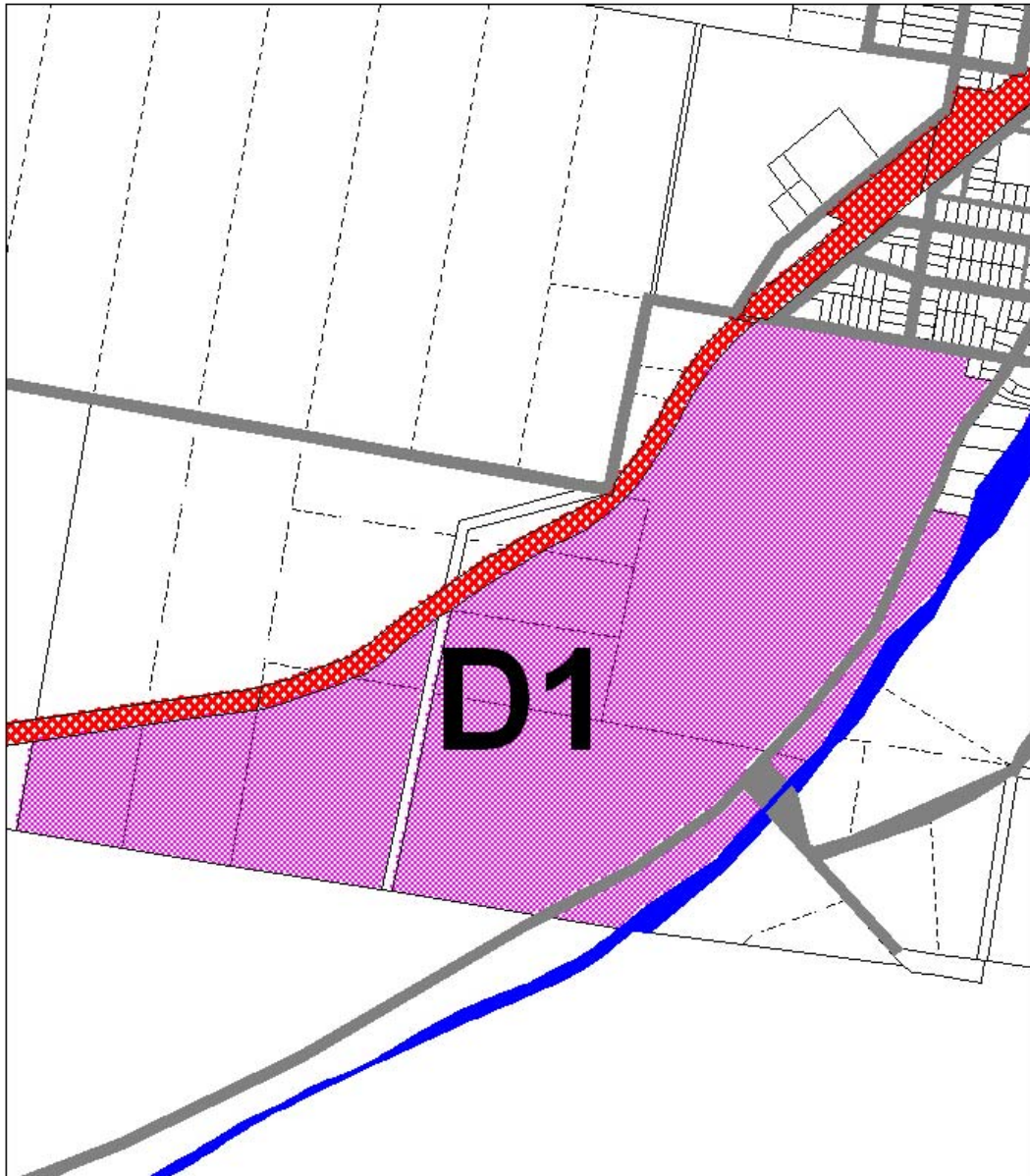
Issue	Planning Considerations / Performance Criteria
Lots 601 and 602, DP786865 Lot 63 DP705752 Lot 62 DP620222 Lots 103 and 104 DP1081230 Lots 102 and 103 DP225124	<ul style="list-style-type: none"> No further subdivision permitted. Lots zoned 9(a) Investigation to be rezoned Rural Lifestyle 1(l).
Lot 13 DP752451 Lot 64 DP705752	<ul style="list-style-type: none"> Lots not suitable for subdivision and development for Rural Lifestyle or Rural Enterprise development. These lots are to be rezoned Environmental Protection
Lots 105, 28, 29, 30	<ul style="list-style-type: none"> Masterplan including a land capability assessment is required to identify land suitable for development and determine access, areas for habitat and scenic protection and subdivision layout.
Flood prone land	<ul style="list-style-type: none"> Rural Lifestyle / Enterprise development is not permissible on land below the 1:100 year flood level.

Access to Collector Roads - Martins Creek Road	<ul style="list-style-type: none"> No additional private driveway access or right-of-ways to Martins Creek Road to be created. In developing Lots 105, 28, 29 and 30, a maximum of two (2) access roads will be permitted off Martins Creek Road. At least one of these roads must provide flood free access with all lots being able to access this road.
Emergency and Service Access - Hungry Hill	<ul style="list-style-type: none"> Any local road network developed in the southern part of Area C4 needs to ensure that there is a vehicle access road through to Lot 13
Habitat Protection - Rare and endangered species have been reported in this area.	<ul style="list-style-type: none"> No further clearing of land or development of dwellings and buildings above the following contour lines: 40 m for Lots 601, 602, 63, 64, 101 and 102 DP873504 50m for the area to the north of the creek line on Lot 105. Lots 28 and 29 - to be determined by habitat and visual assessments as part of a land capability assessment. Forested areas are to be rezoned Environmental Protection.
Areas subject to bushfire risk	<ul style="list-style-type: none"> Bushfire risk to be assessed and addressed as part of the subdivision design.
Visual Impact - the forested hills and ridges that form Hungry Hill are an important part of the visual amenity and identity of Paterson. This forested slopes have been identified by the Paterson Community as having high visual / scenic value.	<ul style="list-style-type: none"> View-shed analysis / Visual assessment required. Development to have no or minimal impact on the Hungry Hill vista. The visual impact of any development along Martins Creek Road needs to be minimised. No back yards to have frontage to Martins Creek Road.
Creek and watercourses	<ul style="list-style-type: none"> No further riverfront lots or riparian rights to be created. Riparian vegetation to be protected.
Poultry Shed	<ul style="list-style-type: none"> Development should not impact on the operation or viability of this enterprise. Buffer zones to be provided as per the Shire-wide DCP 2004 requirements.

PLANNING AREA C4



6. PRECINCT D - Tocal Road



The Area

Precinct D incorporates the area within the Investigation Zone, that abuts the southern boundary of Paterson village. The area is bounded by the Paterson River to the east and the North Coast Railway line to the west. Tocal Road runs parallel to the River through the eastern side of the Precinct.

Precinct D incorporates 8 Lots.

Pt 35 DP752467

Lot 1 DP195157

Lots 30, 31, 32, 33, 34, 35 DP975697

Paterson Road runs north-south through Pt 35 and Lot 32 creating a long narrow strip of land between Paterson Road and the Paterson River.

The North Coast Railway line traverses Lots 30, 31, 34 and 35. The western corners of Lots 31, 34 and 35 lie to the west of the railway line in Precinct E. Most of Lot 30 lies in Precinct E - Webbers Creek Road with its south-east corner in Precinct D.

The northern edge of Lot 35 DP752467 that has frontage to William Street has been zoned 2(v) Village and 7(a) Environment.

Development Potential

Lots 30, 31, 32, 33, 34, 35 DP975697 form part of the Tocal Estate and CB Alexander Agricultural College and are not available for development. These lots are to be re-zoned Rural 1(a).

Lot 1 DP195157 is owned by Dungog Shire Council and forms part of the Woodville Bridge Road Reserve. It is small, floodprone and not suitable for development.

Pt 35 DP752467 is a large parcel of land that abuts the southern boundary of the village. Part of this lot is flood affected, with development not permissible on the area lying below the 1:100 year flood level. The western edge and central portions of the lot are elevated and potentially suitable for development. Flood-free access to this area is available from William Street.

Masterplan

Not required.

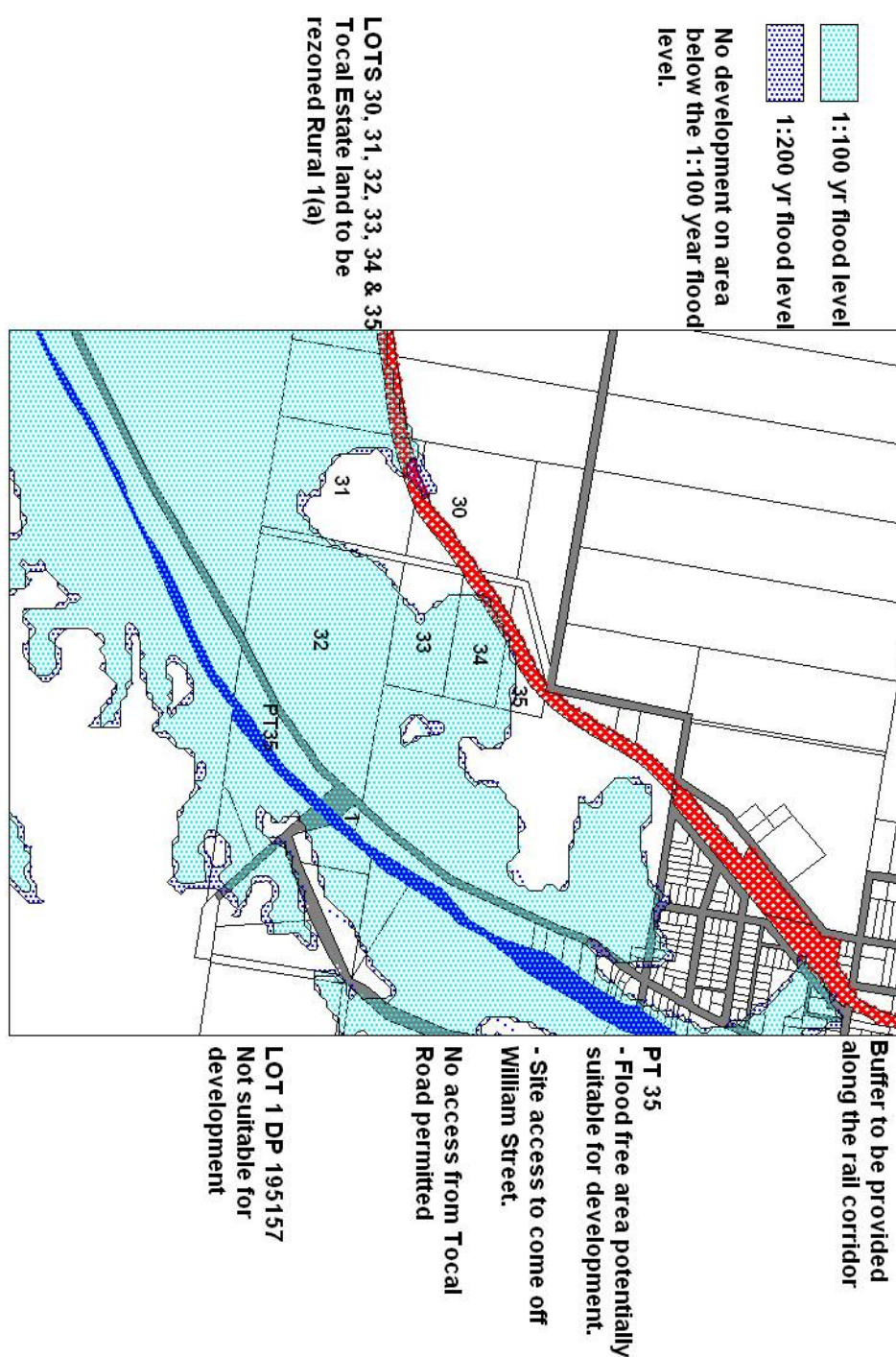
Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for the flood-free area of Pt 35 DP752467 must address:

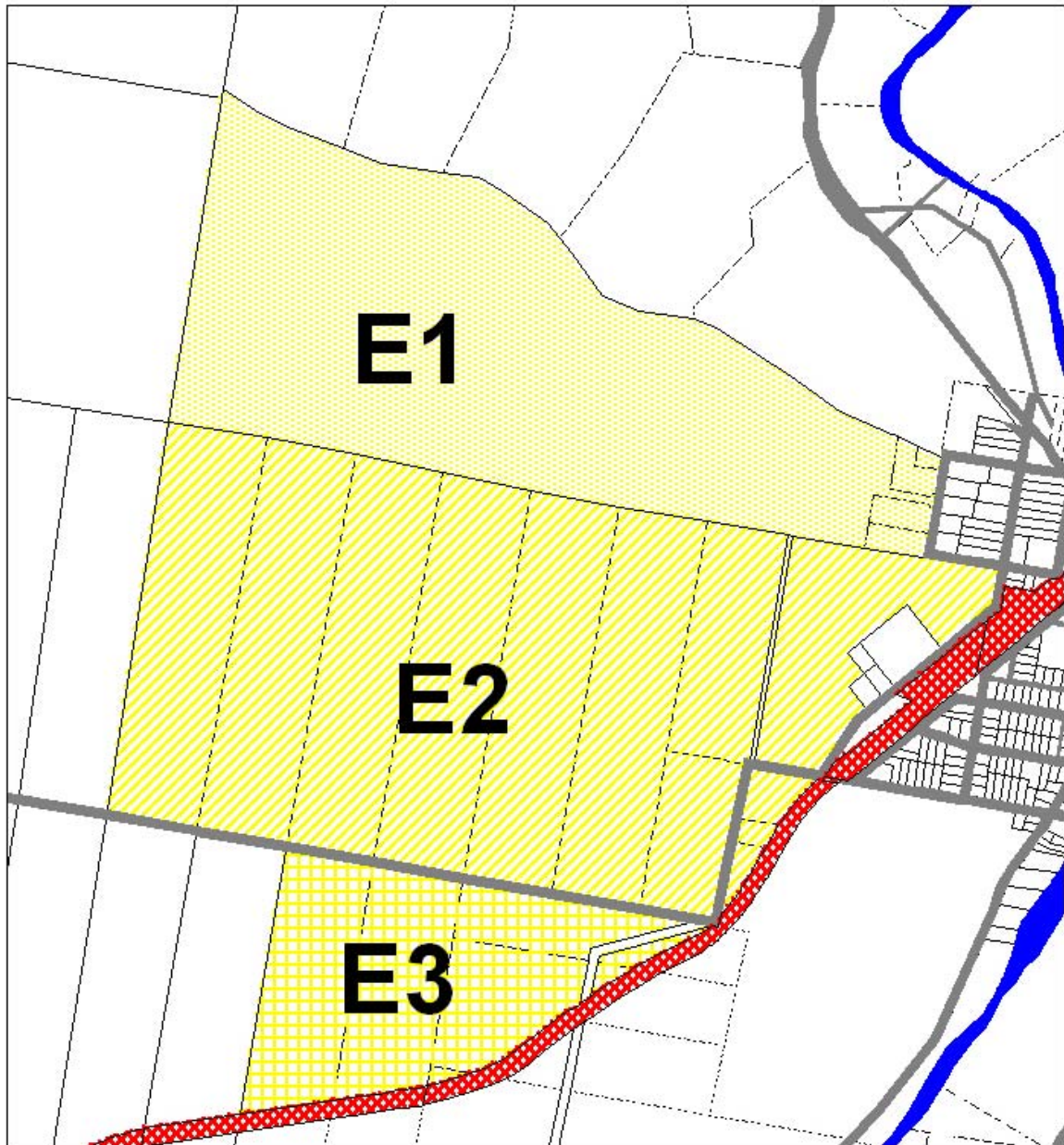
Issue	Planning Considerations / Performance Criteria
Vehicle Access	<ul style="list-style-type: none"> All access to the area is to be via a local road coming off William Street. No access to Tocal Road
Habitat protection	<ul style="list-style-type: none"> Development of the site is not to impact negatively on the adjoining wetlands or watercourses.
Tocal Road is an entry point to Paterson. The visual Impact of development along Tocal Road needs to be minimised.	<ul style="list-style-type: none"> Visual assessment to be undertaken to determine requirements to minimise visual impact of any development from Tocal Road. These may vary from the DCP, with these requirements having precedence.
Poultry Shed	<ul style="list-style-type: none"> 500m buffer zone to be provided around any

	operating commercial poultry sheds.
North Coast Railway line	<ul style="list-style-type: none"> Noise, vibration and safety impacts of the rail corridor to be identified and assessed and appropriate noise-attenuating strategies incorporated in the planning and development of the area.

PLANNING AREA D1



7. PRECINCT E - WEBBERS CREEK ROAD



Precinct E incorporates the area to the west and south west of Paterson Village. The area is bounded by the village, golf course and cemetery to the east, the ridge line (drainage divide) between the Corners Creek and Webbers Creek catchment areas to the north and the North Coast Railway line to the south.

Precinct E is divided into three (3) Planning Areas:

- Area E1 - Sideslopes and ridgeline.
- Area E2 - Lots with frontage to the northern side of Webbers Creek Road.
- Area E3 - Lots to the south of Webbers Creek Road.

7.1 PLANNING AREA E1

The Area

Area E1 incorporates the sideslopes leading up to the ridgeline that separates the Corners Creek and Webbers Creek Catchment areas.

Area E1 incorporates four lots:

Lot 1 DP 1075360

Lots 341, 342, 343 DP834072

PLANNING AREA E1



LOT 1 DP 1075360

This lot has a subdivision approval.
No further subdivision permitted.

LOTS 341, 342, 343

No further subdivision
permitted

Development Potential

Lots 341, 342, 343 DP834072 within Area E1 have been zoned Rural Lifestyle 1(I). No further subdivision is permissible.

A 25 lot subdivision has been approved for Lot 1 DP 1075360. No further subdivision of these 25 lots is permissible.

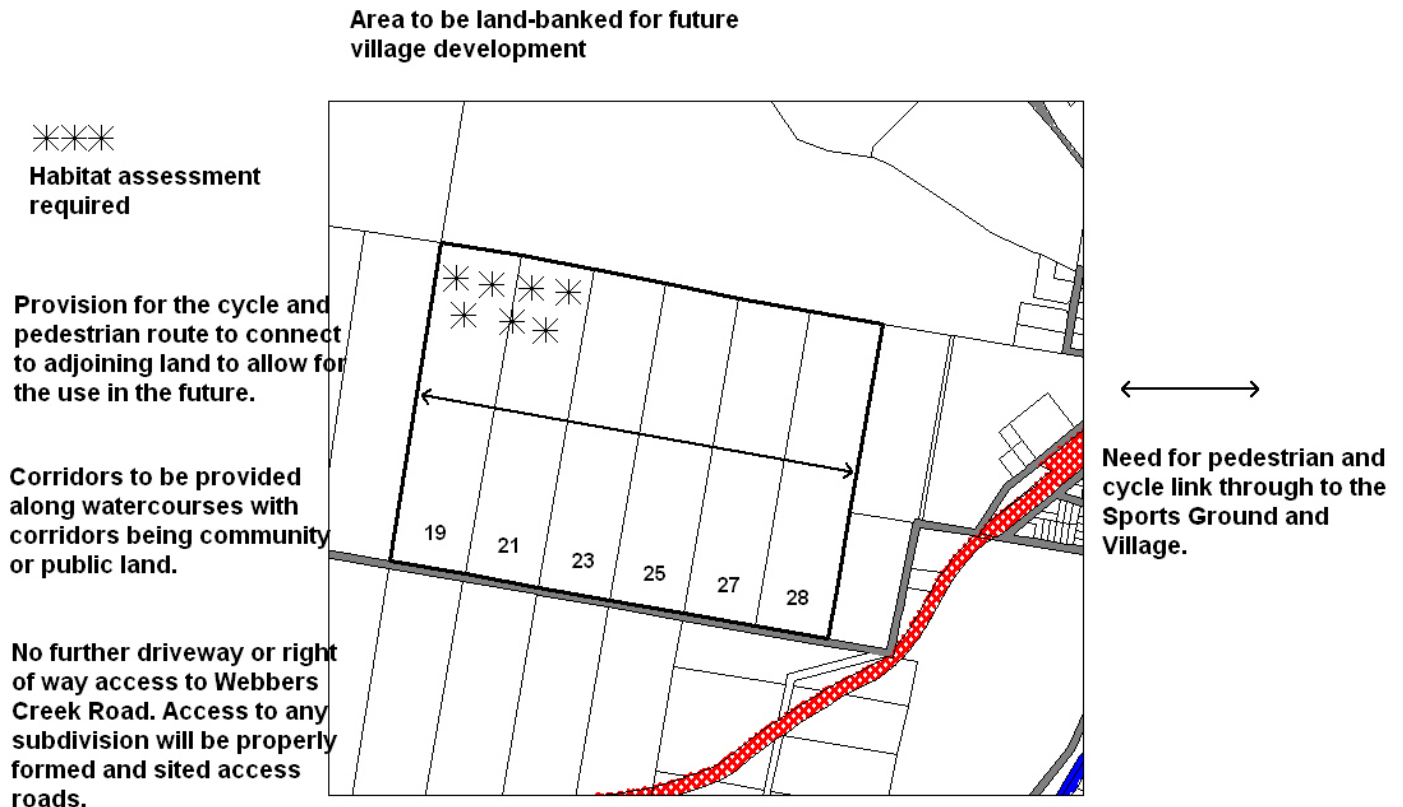
7.2 PLANNING AREA E2

The Area

Area E2 lies immediately to the west of the Paterson Sports Ground and Cemetery. It incorporates six (6) lots with frontage to the northern side of Webbers Creek Road.

Lots 19, 21, 23, 25, 27 and 28 DP975697

PLANNING AREA E2



Development Potential

Area E2 is possibly the preferred area to accommodate the future expansion of Paterson Village. The area is flat to undulating, and appears to have no significant physical constraints. Local residents have advised that the area may be subject to local flooding along the creek system. This requires further investigation prior to development. The area is drained by a tributary creek system of Webbers Creek. Most of the area has been cleared with small pockets of forest vegetation along the northern boundary of Lots 25, 27 and 28 and on the northern part of Lots 19 and 21. These vegetated areas are part of a larger vegetation corridor and as such their habitat value will need to be assessed.

If flooding is not an issue, consideration should be given to land-banking this area to accommodate the future growth of Paterson. Residential subdivision will be considered for Area E2. The proponent will need to address water-supply and provide an onsite sewage system.

Masterplan

A Masterplan is required. The Plan is to show staged subdivision for residential and village uses, including the subdivision layout, road network, pedestrian and cycle access routes, open space and interface with the creek system. The Masterplan must demonstrate how development of the area will be staged. It is likely that eastern only part of the area will be needed for residential development in the short to medium term. Rural Lifestyle and/or Rural Enterprise may be considered on the western part of Area E2 provided that the lot layouts that will enable subdivision for residential / village uses in the future.

Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for Area E2 must address:

Issue	Planning Considerations / Performance Criteria
Flooding	<ul style="list-style-type: none"> Flood assessment to be undertaken to assess extent of flooding and its implications for the development of the site.
Need for co-ordinated development	<ul style="list-style-type: none"> Masterplan to be prepared for Area E2. Subdivision must be in accordance with the adopted Masterplan for Area E2. Subdivision can be staged in accordance with this plan.
Future expansion of Paterson Village in relation to providing land for residential, retail-commercial, recreation and community needs.	<ul style="list-style-type: none"> As part of the Masterplanning process - identification of future needs and allocation of land to meet these needs.
Access to Collector Roads - Webbers Creek Road	<ul style="list-style-type: none"> No direct private driveway or right of way access to be provided from Webbers Creek Road.
Capacity of Webbers Creek Road	<ul style="list-style-type: none"> Traffic study to be undertaken as part of the development potential assessment to determine the suitability of Webbers Creek Road to accommodate increased traffic
Pedestrian and cycle access	<ul style="list-style-type: none"> Pedestrian and cycle route to link through to the Sports Ground and the Village is required. Provision to be made to enable the pedestrian-cycleway to link with land to the west of Area E2 which may be required in the future for closer settlement.
Protection of the creek system	<ul style="list-style-type: none"> No additional Riparian Rights are to be created.

Retention of bushland / habitat protection.

- For the remnant forest areas, flora and fauna assessment required and appropriate protection controls put in place if required.

7.3 PLANNING AREA E3

The Area

Area E3 lies to the south of Webbers Creek Road with the North Coast railway line forming the eastern and southern boundary of the area. Area A3 incorporates seven (7) lots, 4 of which are part lots created by the rail corridor.

Lots 24, 26, 29 DP975697

Part Lot 30 DP975697 (major part of this lot lies in Precinct E3)

Corners of Lots 31, 34, 35 DP975697 (Major part of these lots lie in Precinct D)

Development Potential

These Lots form part of the Tocal Estate and CB Alexander Agricultural College and are not available for development. The area is to be re-zoned Rural 1(a).

PLANNING AREA E3





GRESFORD

LOCAL AREA PLAN

Adopted 16 May, 2005

The Gresford Local Area Plan was prepared for Dungog Shire Council by Jenny Rand & Associates and Watkinson Apperley Pty Ltd.

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Disclaimer

The information contained within this document is furnished for your information only, and is subject to change by Dungog Shire Council. Dungog Shire Council assumes no responsibility or liability for any errors or inaccuracies that may appear.

All maps within this document are in colour, however the hardcopy version is only available in black and white. For a colour copy, please view the document on Council's website – www.dungog.nsw.gov.au.

1. INTRODUCTION - THE PLANNING FRAMEWORK

1.1 THE PLANNING CONTEXT

The Planning Policies and Regulations for Dungog Shire are provided in the following key instruments:

- Dungog Shire Local Environmental Plan 2005
- Dungog Shire Rural Strategy 2003
- Dungog Shire Wide Development Control Plan 2004

These three planning instruments apply Shire-wide.

Dungog Shire Local Environmental Plan 2005

Under the provisions of the Local Environmental Plan (LEP) all land within the Shire is classified into land use zones. The LEP details the land uses and activities permissible in each zone and the factors that need to be assessed and addressed in developing within these zones.

Most of the land surrounding Gresford, within 2 kilometres of the village, is zoned as 9(a) Investigation Zone. Land within this zone will be investigated to determine its suitability and capability for a range of rural and other activities, including rural lifestyle living.

Dungog Shire Rural Strategy 2003

The Rural Strategy supports the Local Environmental Plan by detailing Council's policies in relation to development of rural lands. These policies are designed to protect the rural character of and rural activities undertaken within the Shire, environmentally sensitive areas and water resources. This Strategy sets the direction for the future development of the areas zoned 9(a) Investigation Zone.

Dungog Shire Development Control Plan 2004

The Shire-wide Development Control Plan (DCP) supports the Local Environmental Plan 2005. It provides the design guidelines and design controls required to achieve the aims and objectives of the Local Environmental Plan.

1.2 LOCAL AREA PLANS

Recognising that each community may have a different vision in relation to the type of settlement that it considers sustainable within the surrounding investigation zone, provisions have been included within the Shire-wide planning instruments for the preparation of Local Area Plans.

Land to which Local Area Plans Apply

Local Area Plans (LAP) are locality specific plans that are prepared for each town and village with an Investigation Zone 9(a). The provisions contained within the Gresford LAP relate only to the Gresford area.

Purpose of Local Area Plans

Local Area Plans aim to establish a desired future character for the land that is contained within the Investigation Zone. Local Area Plans contain locality based performance criteria and controls which are designed to address key issues and achieve the desired character.

Factors taken into consideration in preparing Local Area Plans

In preparing the Local Area Plans factors taken into consideration included:

- Community Vision - the views expressed by the local community to which the Plan applies.
- The physical and cultural features of the land within the Investigation Zone, including factors such as slope and stability, hydrology and flooding, flora and fauna, bushfire, views and visual impact, sites of cultural or heritage significance.
- The existing road network - hierarchy, road alignment and condition etc.
- Access - vehicle, pedestrian and cycle - to and within the Investigation Zone and between land within the Investigation Zone and the adjoining village.
- Existing pattern of subdivision (size and shape of allotments).
- Existing land use and settlement patterns and the characteristics of the neighbourhood.
- The need for environmentally sustainable development.
- The desired future character of development.

The Local Area Plans recognise that at some stage in the future, the land within the Investigation Zones that is subdivided for rural lifestyle living, may be needed to accommodate the growth of the village and may potentially be rezoned for residential and/or other uses such as recreation, commercial or special uses. The Local Area Plans contain principles in relation to road networks and subdivision layout that will have the capacity to support closer subdivision patterns in the future.

Suitability of Investigation Zone land for development

Not all land within Investigation Zones will be suitable for re-development. Section 12.4 (Constraints Criteria) of the Dungog Shire Rural Strategy details the constraints that **exclude** an area from Rural Lifestyle and Rural Enterprise subdivision and development. These criteria include:

- Land in areas affected by the 1:100 year flood.
- Slope greater than 18 degrees.
- Not meeting minimum service/infrastructure requirements.
- Inadequate land for disposing of the effluent on-site.
- Bushfire prone land as defined by Council's bushfire map, if clearing of habitat and wildlife corridors is required and biodiversity objectives are not met.
- Ecologically sensitive land.
- Areas with high habitat values.
- Contaminated land.
- Access via a road complying with Council's Rural Roads Policy cannot be achieved.

- Prominent positions in the landscape where development would be silhouetted on the skyline horizon.
- Not complying with the Performance Standards of Dungog Shire Rural Strategy:
 - 8.1 Wastewater Treatment and Management of Effluent
 - 8.2 New Development and Biodiversity
 - 8.3 Aesthetic Design / Scenic Character / Energy Efficiency
 - 8.4 Water and Riparian Management
 - 8.5 Bushfire Hazard Mitigation

In addition to these criteria, Local Area Plans may identify site or locality specific criteria which may exclude certain land for development.

Land use and activities permissible within the Investigation Zones

Providing that the land, after detailed assessment, is considered suitable for development, then an application can be lodged with Dungog Shire Council to rezone the land zoned 9(a) Investigation to Rural Lifestyle 1(l) or Rural Enterprise 1(e).

Rural Lifestyle zones provide the opportunity for people to live in a rural environment close to settlements with services and facilities.

Rural Enterprise zones provide the opportunity for people to live in a rural environment and undertake small-scale commercial, service, intensive agricultural or light industrial activities on their property.

Details of the objectives of these zones, the activities that can be undertaken and the controls and guidelines governing subdivision and development are specified within the Dungog Shire Local Environmental Plan 2005, the Dungog Shire Rural Strategy 2003 and the Dungog Shire Development Control Plan 2004. A summary of the various sections in these documents is given in Appendix 1.

Zone	Permissible Uses	
	Without the consent of Council	Requiring Consent of Council
Rural Lifestyle Zone 1(l)	Agriculture	Advertisement Bed & Breakfast Camp or Caravan site Community Facility Dual Occupancy Dwelling House Farm Gate Sales Home Employment Leisure Area Recreation Area Utility Installation

Rural Enterprise 1(e)	Agriculture	Advertisement Automotive Services Bed & Breakfast Camp or Caravan site Commercial Premises Community Facility Dual Occupancy Dwelling House Employment Farm Gate Sales Forestry Home Employment Institution Intensive Agriculture Kiosk Leisure Area Recreation Area Recreation Facility Utility Installation Veterinary Establishment
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All other land uses are prohibited within these zones.

1.3 THE PLANNING PROCESS

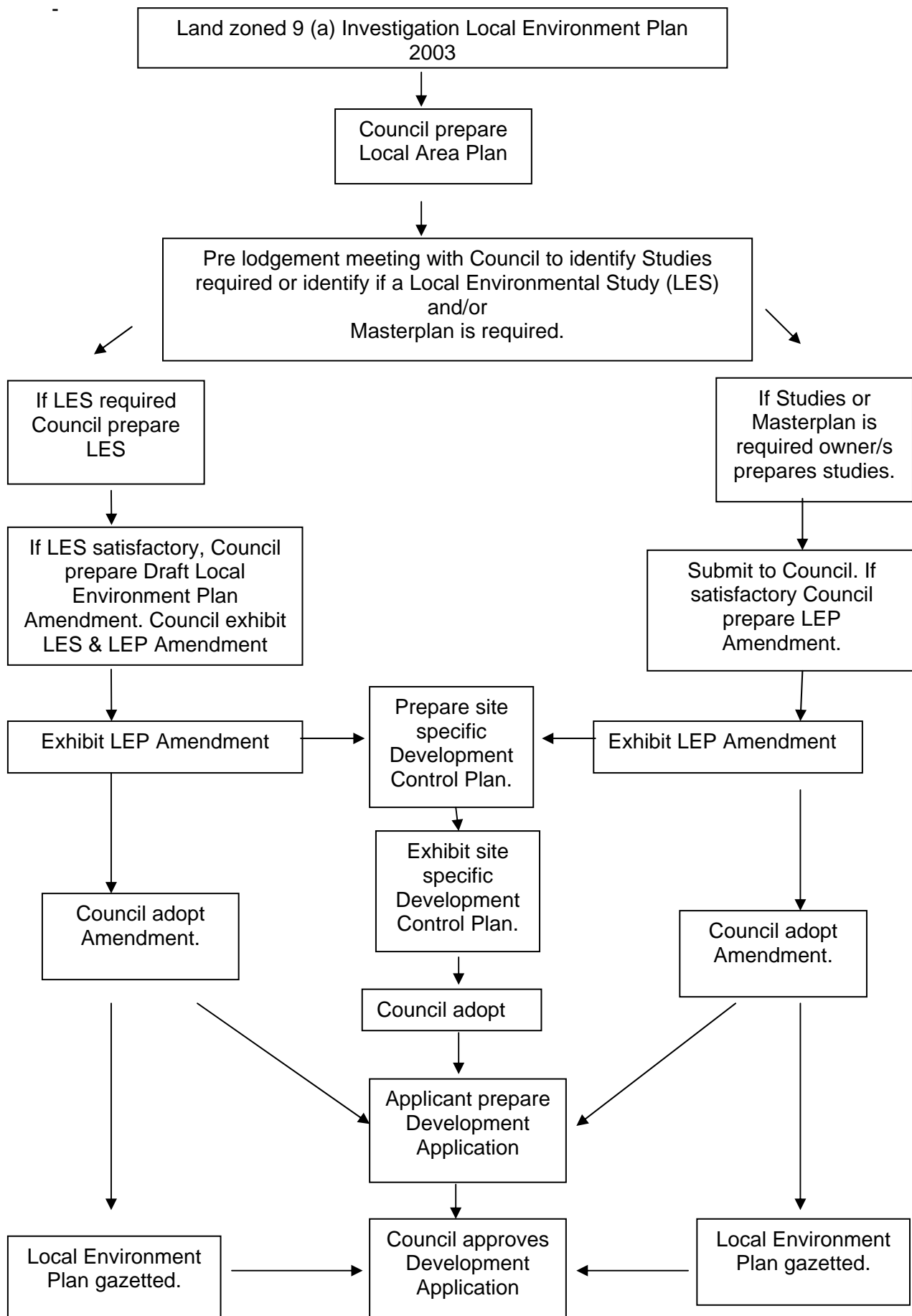
The planning process for the rezoning and development of land within the 9(a) Investigation Zone is summarised in the following flow diagram.

The first step in the process to rezone land identified in the LAP as possibly suitable for development is for the landowner and/or their agent to have a pre-lodgement meeting with Council Officers. At this meeting, Council Officers will explain the re-zoning process and identify the assessments and studies required.

Bookings for a pre-lodgement meeting are to be made with Council's Town Planning Department. The land-owner (or their Agent) will need to supply the following information when booking the meeting.

- Property title details - address, Lot and DP number.
- Proof of ownership.
- For an Agent acting on behalf of an owner, written authorisation from the Owner.

Any studies or assessments already undertaken for the property should be brought to the pre-lodgement meeting.



2. GRESFORD LOCAL AREA PLAN

2.1 INTRODUCTION

Citation

This Plan is titled the 'Gresford Local Area Plan 2005'. It is referred to in this document as the Gresford LAP.

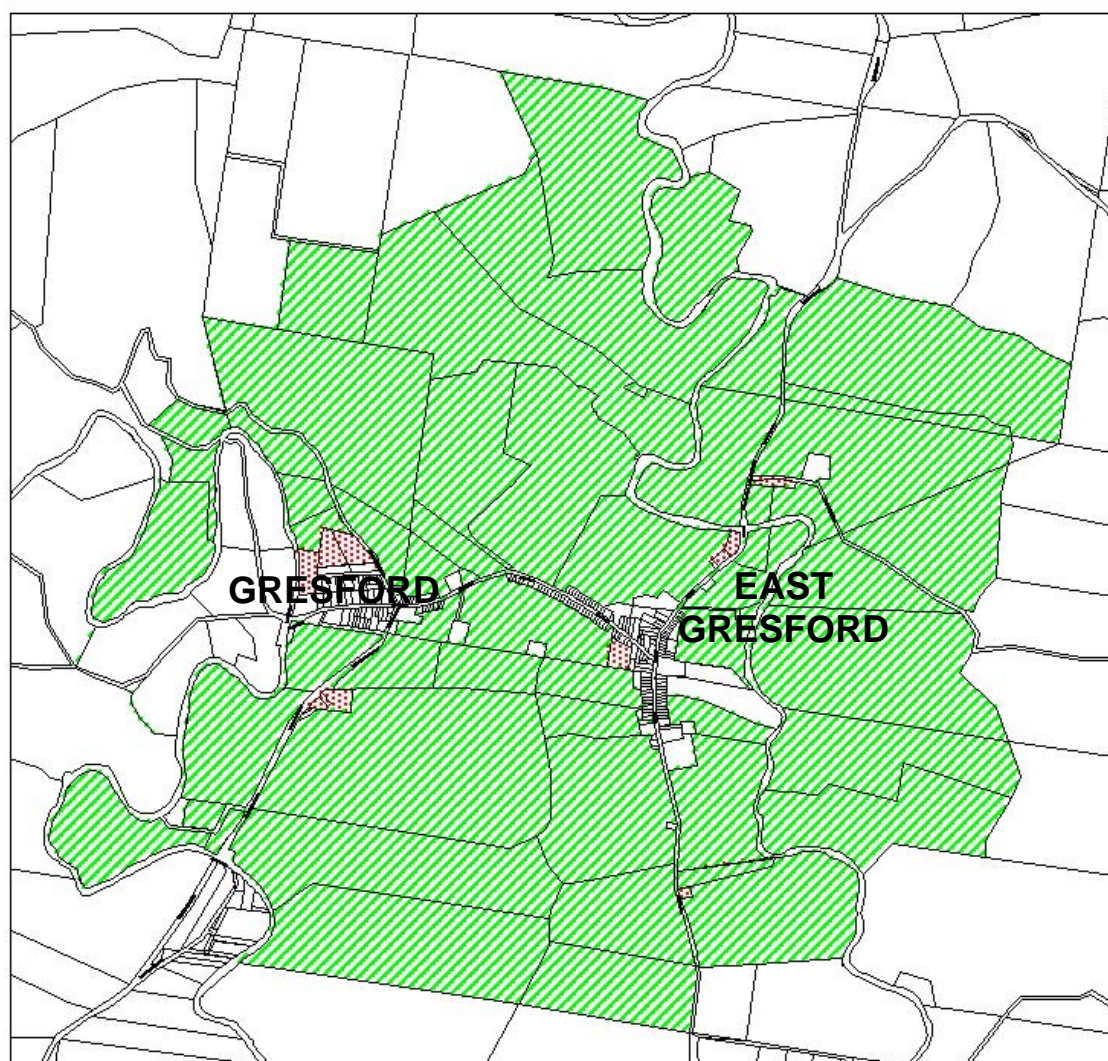
Land to which this Plan applies

The Gresford Local Area Plan applies to all land in and adjoining the Village of Gresford which is zoned **9(a) Investigation Zone** or **Rural Lifestyle 1(I)** under the provisions of the Dungog Shire Local Environmental Plan 2005. This area is shown on Map 1.

Objectives of this Plan

The objectives of the Gresford LAP are:

1. To ensure that development within the Investigation Zone is consistent with and promotes the principles of environmentally sustainable development.
2. To promote coordinated development that will be produce sustainable subdivision patterns to allow closer settlement and/or changes in land uses in the future.
3. To ensure that development within the Investigation Zone is sensitive to the topographic and environmental characteristics of the land.
4. To safeguard indigenous vegetation, habitats and water courses.
5. To retain and protect the rural and historic character of the area and areas with high visual significance.
6. To provide a network of safe access roads and shared pedestrian and cycle pathways within and between areas developed within the Investigation Zone and within Gresford Village.
7. To minimise the cost to the community of providing, extending and maintaining public amenities and services.
8. To ensure that development within the Investigation Zone does not prejudice the interests of agriculture or quarrying within the Zone and adjoining areas.

GRESFORD LOCAL AREA PLAN 2005**MAP 1 – GRESFORD INVESTIGATION ZONE****KEY**

-  1(l) Lifestyle zone
-  9(a) Investigation zone



2.2 PLANNING FOR GRESFORD

Key issues identified during the study process and consultation with the Gresford community are addressed in the Gresford LAP. These issues are:

- The need for growth in the village, in particular the need for additional residential lots, aged housing, additional recreation and sporting facilities adjacent to the school, and more retail-commercial development.

- The need to retain the village atmosphere and the rural and heritage character of Gresford and surrounds. There is also a strong desire to retain the separation between Gresford and East Gresford, with open space / parkland separating the two settlements.
- The need to preserve areas of high visual significance. Areas identified by the community as significant included the rural approaches to the village, the hills within and surrounding the village, the 'Camyr Allyn' Valley and the river flats along the Paterson and Allyn River. Areas nominated by the Gresford community as having prime views are
 - The view from Durham Road north over the vineyards to the Barrington Ranges.
 - From Allyn River Road west / south west over the Allyn River Valley (Camyr Allyn Valley)
 - The Paterson River Valley, particularly the area west of Pound Crossing Bridge and from Paterson River Road west across the valley to 'Cawarra'.
- Roads and road access, including the poor condition of roads within the area and the limited capacity of existing roads to accommodate the traffic increases that are likely to result from increased development.
- Pedestrian and cycle access - the need for improved pedestrian and cycle access between Gresford and East Gresford, possibly along the Durham Road corridor.
- Lack of sewage system.
- Need to preserve native vegetation and protect habitat, including the riverine forest along the Allyn and Paterson Rivers and remnant forest on the surrounding hills.
- Flooding - areas of land along both the Paterson and Allyn Rivers are flood prone.
- Water supply and water quality - The water for Gresford is pumped from both the Paterson and Allyn Rivers. It is important that river flows and water quality are maintained.
- Quarry - Lewinsbrook Road - the future of the quarry – the quarry is operational and likely to be expanded in the future.
- Agriculture - There are two intensive agricultural activities within the Investigation Zone, viticulture and a commercial nursery, as well as a market garden located just south of the Zone. These activities have existing use rights and their right and ability to operate needs to be preserved.
- Industrial areas - there were mixed views within the community regarding the need for industrial land and for Rural Enterprise Zones within the Investigation Area.

Future Growth of Gresford

The Issue

The Gresford community has identified the need for additional residential development in the village, both to meet the growing demand for land and to build the population base of the area in order to retain and expand services.

There is shortage of zoned, undeveloped residential lots within Gresford and East Gresford, with most of the land within the village area already developed. Lack of access to the sewer has prevented land from being rezoned and released for development.

With the aging population base, there is a need for aged housing within the village. The Anglican Church is exploring the feasibility of establishing a small retirement home in Gresford. Another land owner in close proximity to the village may also be considering aged housing as a development option and there may be other suitable sites on the periphery of the village that could be developed

As land within the Investigation Zone is developed, and the population in and around Gresford - East Gresford increases, there will be demand for the provision of additional facilities and services in the village, including a neighbourhood shopping centre, additional sporting and recreation facilities and employment land. Gresford Public School has a small site with limited outdoor play space. As the population in the area grows, the school may need to expand and options for achieving this need to be considered in the LAP. There is also a need for sporting facilities (oval and two netball courts) to be located in Gresford in close proximity to the school. The former Rubbish Tip site was nominated at the Community Workshop as a potential site for additional sporting facilities.

Provision must be made for the long-term growth of Gresford-East Gresford. The objective should be for growth to occur in the areas adjoining the existing village area, rather than allow further strip development along Durham Road and/or Park Street.

There is land in very close proximity to the village that has been zoned 9(a) Investigation Area and identified as potentially suitable for Rural Lifestyle and/or Rural Enterprise development. This form of development envisages subdivision with a minimum lot size of 8000 square metres. Once subdivided and developed for either of these uses it may be difficult to re-consolidate and redevelop this land to meet the future needs of the village. Subject to provision of town water and sewer, and the land having no flooding, environmental or access/egress constraints, some of the land adjoining the existing village areas **may** be rezoned for future village uses and/or smaller lot sizes than 8,000 sqm **may** be considered.

Planning Approach

There are areas within the Investigation Zone within very close proximity to the existing village boundary that may be suitable for the future expansion of Gresford and East Gresford. These Lots are:

East Gresford

- Lot 21 DP 816421 - south eastern corner
- Lot 20 DP 608401
- Lot 20 DP 1014637 - eastern edge
- Lot 7 DP 38901

Gresford

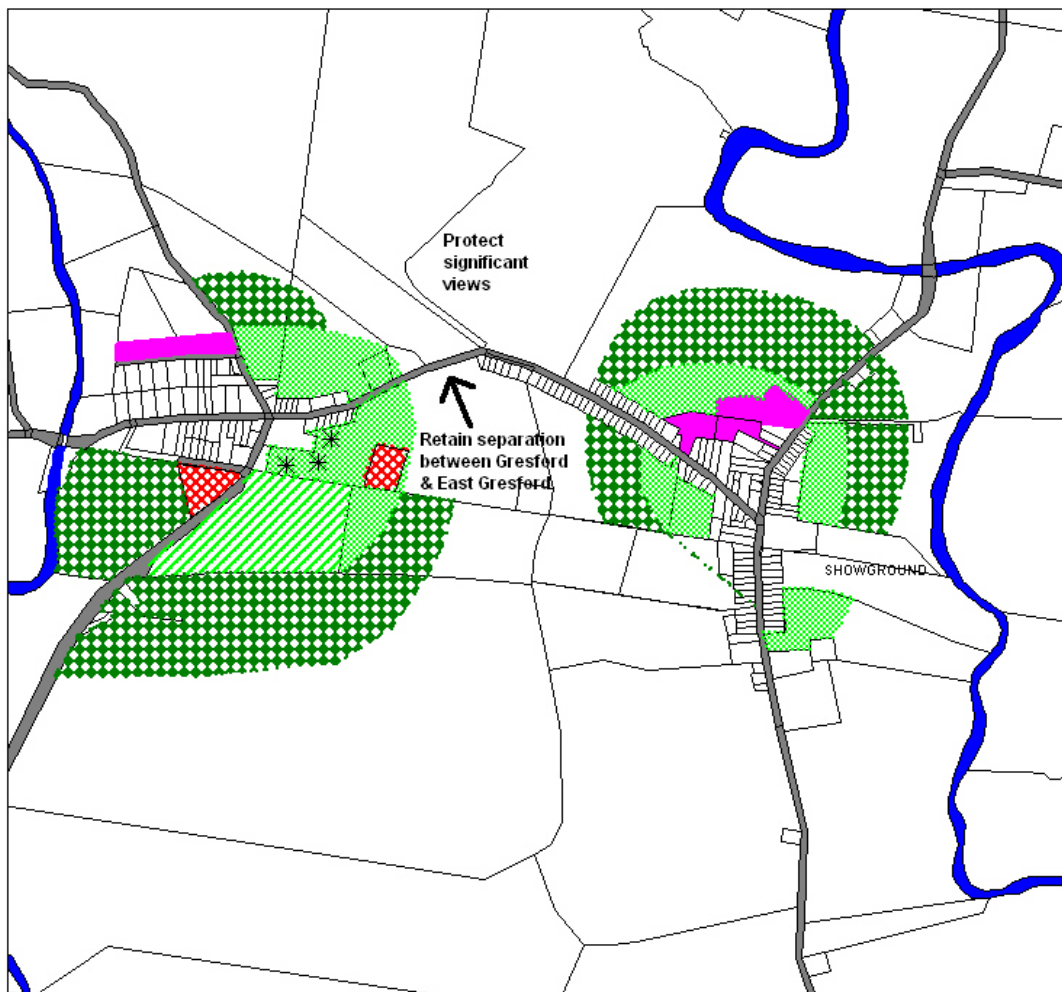
- Lots 35 & 36 DP 7055
- Lot 1 DP 661450 - southern half
- Lot 73 DP 629501
- Lot 1 DP 562046
- Lot 20 DP 1014637 - western section
- PT 5 DP 752464 - the area to the east of Glendonbrook Road has been identified as the location for the Anglican retirement Home.

- Lot 2 DP 1059713 - former rubbish tip - identified as a possible location for sporting facilities for Gresford.

Possible areas that may be suitable for future village uses are shown on Map 2.

GRESFORD LOCAL AREA PLAN 2005

MAP 2 – POTENTIAL FUTURE VILLAGE



- Zoned Village, but not developed
- Possible future Village/Residential
- Possible location for smaller subdivision than 8000sqm
- Proposed Retirement Village
- Possible Sporting Facilities
- Possible expansion of the school

NOTE: The shaded areas are indicative only and indicate areas where future village uses and smaller lot subdivision **MAY** be considered by Council.

Further investigation of these lots is required to determine their suitability for future village uses. In particular, it needs to be determined whether these lots have any environmental or physical constraints and can be connected to the water supply and sewered most probably via an on-site package treatment plant.

Following these investigations, an area or areas, should be identified and rezoned for future village uses. The key areas should be land-banked to ensure that they are available for future development.

Land surrounding these key areas should be subdivided and developed in such a way that it can be further subdivided in the future as required. For example, the subdivision could be designed as a residential subdivision and then the lots amalgamated into larger parcels of 8,000 sq metres and sold as rural lifestyle lots.

Alternatively, if not required for a land bank, and environmental, water and sewerage requirements can be met, consideration **may** be given to allowing closer settlement of all or parts of lots within close proximity to the existing village area, with the minimum lot size being reduced (for example, to 2,000 square metres). Within the Investigation Area the preferred location for smaller lot subdivision is the area immediately south of Gresford village, and east of Glendonbrook Road with the area incorporating PT 5 DP752464, the western section of PT 6 DP 752464 and the north-western area of Lot 6 DP831568.

The LAP identifies land adjacent to East Gresford and Gresford as possible locations for future village uses. Unless the sewer, which is currently being investigated by Council, become available in Gresford, future development of these areas will only be considered under a Community Title development which includes a sewerage treatment package.

Desired Outcome

- To provide sufficient land to accommodate the future growth of Gresford village.

Areas of High Visual Significance

The Issue

Part of Gresford's charm and attraction base lies in its setting. Key features of this setting are the hill and ridge which separates Gresford and East Gresford, the Allyn and Paterson Rivers and fertile river flats, the hills and ridges surrounding Gresford – East Gresford and the spectacular views of the Barrington Ranges to the north.

Retaining the rural character and appearance of the Gresford area are very important to the Gresford community and Shire residents. The Gresford community is very keen to preserve the Camyr Allyn Valley, significant views, the river flat areas, to retain remnant forest on the surrounding hills and along the rivers, and to prevent development on the hills and ridges surrounding Gresford and East Gresford that are visible from the town and the main access roads.

The appearance and setting of Gresford is also important for the tourism industry, locally and Shire-wide. Gresford is both an attraction in its own right, and a gateway to the Barrington Tops region. The Tourism Plan for Dungog Shire, recognises the scenery and views of the Barringtons from Gresford, as part of the attraction base of the area.

The areas within the Investigation Zone identified as having high scenic value are:

- The hill immediately south of the village - this hill provides the back-drop for the village and separates Gresford and East Gresford.
- Camyr Allyn Valley - the vineyard, rolling hills and Allyn River corridor. The view from Durham Road north across the valley to the Barrington Ranges is considered one of the best views in the Shire. The Dungog Shire Tourism Plan recommends the development of a look/out viewing area along Durham Road to capitalise on this view. The view of the valley from the Allyn River Road was also identified by the Gresford community as being significant.
- The Paterson River Valley - in particular the river flat areas to the west and north west of Pound Crossing Bridge and the view west from Paterson River Road across the river flats to the Cawarra estate area.
- The hills and ridges surrounding the village.
- Rural approaches to the villages - Gresford Road, Allyn River Road, Glendonbrook Road and Paterson River Road.

The Gresford community also expressed the desire to retain the visual separation between Gresford and East Gresford, with the area between the two settlements to remain rural or be developed as parkland.

Planning Approach

Emphasis is on protecting the character and visual identity of the area. The LAP identifies areas where a visual assessment (including a view shed analysis) will be required as part of the planning process.

Design criteria for development in areas of high scenic value may include:

- Prohibiting clearing of forested areas.
- Limiting or prohibiting further subdivision and development.
- Increasing the minimum lot size to avoid impact of dwellings and structures within significant view sheds.
- Appropriate siting and setbacks of new development, as per the Shire-wide DCP 2004.
- Use of landscaped buffers. Buffers along collector roads will need to be in one ownership, possibly dedicated to Council or held as 'Community Land', to ensure effective management and control.
- Siting dwellings so that they front collector roads. Backyards cannot have direct frontage to collector roads
- Height limits on buildings, including limiting dwellings to single storey.
- Prohibiting further ribbon or strip development along the main roads into and through Gresford-East Gresford.

Desired Outcomes

- Retention of the rural character and setting of Gresford-East Gresford.
- Retention of areas of high scenic value, including the view from Durham Road.
- Minimise visual impact of rural residential development when viewed from the village and from the main routes into and through Gresford - East Gresford. New development will be appropriately sited with landscaped buffers to these routes.

Roads and Road Access

The Issues

The road and traffic issues within the Gresford Investigation Area include:

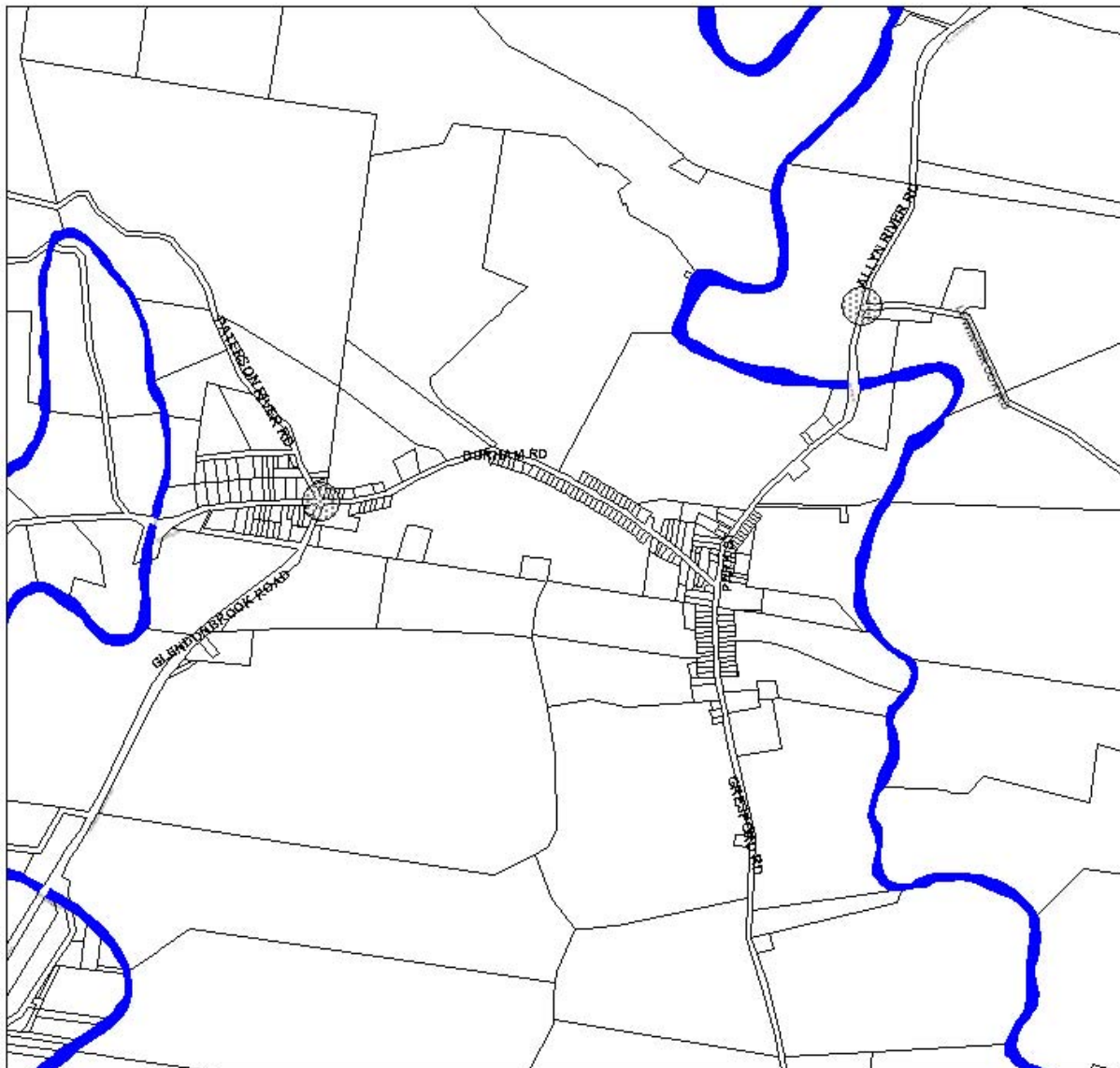
- The poor condition of main roads in the area, including damaged pavements, narrow widths and poor alignment.
- Narrow width of Lewinsbrook Road. This road has been identified in the Section 94 Plan as requiring widening and upgrading.
- A number of intersections within Gresford and the Investigation Zone require upgrading. The intersections identified in the Section 94 Plan as needing improvement are:
 - Allyn River Road - Lewinsbrook Road
 - Glendonbrook Road - Paterson River Road - Durham Road
- Increasing number of heavy trucks travelling through the village. The route from Singleton to Dungog via Gresford is emerging as a 'short-cut' between the Pacific Highway and New England Highway for heavy vehicles.

It is the policy of Dungog Shire Council to limit private driveway access along the main access roads into towns and villages. These roads are known as 'Collector Roads'. Given the potential conflict between the siting of driveways and the higher volumes of traffic and, in some cases, the 80 to 100 kilometre speed limits along these routes, the continued use of private driveway access to collector roads is considered highly undesirable. The narrow width of the pavement of a number of the collector roads and restricted sight-lines due to the road alignment, are also factors that limit the suitability of these roads for additional private driveway access.

The LAP contains design criteria for new subdivisions that will restrict direct access to collector roads from private driveways. Increased use of existing driveways on collector roads to service future battle-axe style sub-division is also restricted in the design criteria.

For the purposes of the Gresford LAP the collector roads are defined as:

- Gresford Road
- Allyn River Road
- Park Street
- Durham Road
- Glendonbrook Road
- Paterson River Road

GRESFORD LOCAL AREA PLAN 2005**MAP 3 – COLLECTOR ROADS**

 Intersection requiring upgrading

Planning Approach

In new subdivisions, access to the collector roads will be by properly formed local roads and appropriately designed and sited intersections. Existing intersections may need to be upgraded or relocated. There will be no new direct driveway or right of way access from private dwellings to collector roads. Where required, access ways for emergency vehicles will be permitted.

In designing subdivisions, careful consideration needs to be given to the internal road network. Roads, unlike land uses or buildings, tend to become permanent features of a settlement. As such it is important that the road layout be conducive to the long term sustainability of the area.

For local roads within subdivisions, preference is for through, connecting roads rather than cul-de-sacs and right-of ways. A connected road network will minimise driving distances and generally provide for more than one entry-exit point within each subdivision. This is important particularly in areas potentially subject to bushfire or flooding. A connected road network will also foster community interaction and facilitate development of bus routes, including school bus routes, as the need emerges.

Desired Outcomes

- Reducing vehicular conflict and the potential for conflict through a significant reduction in the number of driveway access points to collector roads.
- To deliver a high level of access and permeability via a network of inter-connecting roads throughout all subdivisions, not a series of cul-de-sac roads or right-of-ways.
- To deliver a road network that will support closer settlement in the future.

Pedestrian and Cycle Access

The Issue

Gresford and East Gresford are located approximately 2 kilometres apart. The main shopping precinct, hotel, licensed club, showground and sporting facilities are located in East Gresford, while the primary school and general store are located in Gresford. There is currently a walk-way along Durham Road between the two settlements. The walk-way is not sealed and is poorly maintained. As such it is not well used, particularly by cyclists. The need for a properly formed shared footpath and cycleway in the Durham Road corridor was identified in the Shire Bicycle Plan and included in the Section 94 Contribution Plan.

Planning Approach

Where feasible, to incorporate shared pedestrian and cycle pathways within new subdivisions and the provision to link these routes between adjoining subdivisions. In some areas the design intent will be to establish a shared pathway link between the development and Gresford or East Gresford. Upgrading the existing walkway between Gresford and East Gresford, and/or developing a new walkway is considered essential.

Desired Outcome

- A network of shared pathways providing safe pedestrian and cycle access in and between subdivisions and, where feasible, create links between the subdivisions and Gresford and/or East Gresford.

Village Gateways

The Issue

The main access roads within the Investigation Zone are also the main access roads into Gresford and East Gresford. In the past strip development has occurred along these roads. The Gresford community has identified a need to improve the presentation of Gresford and East Gresford through the implementation of a town improvement program. Co-ordinated landscaping will be an important component of the improvement program. The town centre improvement program will need to address the Gateway arrival points for the area.

Planning Approach

The LAP recognises the importance of the village entry approaches in creating a 'sense' of arrival to the village. The gateway arrival corridors include Park Street and the Allyn River Road, Gresford Road, Paterson River Road and Glendonbrook Road approaches to the village. The presentation of Durham Road is also considered very important within the village.

A landscape policy will be developed by Council to ensure a co-ordinated approach to the provision of landscape buffers along the entry corridors and Durham Road. All development along these corridors will be in accordance with this Policy.

In preparing this Policy a visual assessment will be undertaken to determine set-back requirements. These requirements may vary from the DCP with the Gresford Landscape Policy requirements having precedence. A landscaped buffer and/or corridor tree planting along the corridors may be required, with the policy defining the buffer requirements and species to be planted.

Desired Outcome

To enhance the appearance and presentation of the village by creating coordinated entry corridors and gateways.

Sewage

The Issue

There is no sewerage system in Gresford. While Council is investigating options for sewerage in Gresford, East Gresford, Vacy and Paterson in the future, the sewer is unlikely to be on line within the next 5 years. As such, any development within the Investigation Zone will need to use an acceptable septic system or package on-site sewage treatment plant.

For properties located on flood liable land, specific conditions apply to the location of septic/sewerage systems and the disposal method and location. Shallow soils overlying impermeable bedrock (eg on the surrounding hill-slopes) may also restrict the areas where septic systems are viable.

Planning Approach

Applicants will need to meet all requirements of Dungog Shire Council and the Department of Environmental & Conservation in relation to the establishment and use of on-site effluent management systems. Council will require the applicant to provide detailed soil, geo-technical and/or hydrological studies.

Desired Outcomes

Establishment of on-site effluent management systems which:

- Generate no public health risk
- Prevent contamination of surface and ground water
- Conserve and re-use resources.

Habitat Protection

Most of the land within the Gresford Investigation Zone has been cleared. There are small pockets of remnant forest vegetation on some of the hills surrounding the village and riverine forest remnants along both the Allyn and Paterson Rivers.

The Native Vegetation Act 2003 and the accompanying Native Vegetation Regulations 2005, restrict the clearing of native vegetation. Under the new Regulations, where clearing of remnant vegetation is proposed, (including clearing of mature stand-alone trees) separate approval is required through the Catchment Management Authority (CMA). The approval process will generally require the preparation of a Property Vegetation Plan (PVP). The intent of the new Act and Regulation is that clearing will only be approved where there is no net loss of native vegetation and where a PVP provides for significant offset planting and/or existing vegetation maintenance and improvement works.

The provisions of the Native Vegetation Act and Regulations must be addressed as part of the planning and assessment process for land within the Investigation Zone. Information on the Native Vegetation Act and Regulations is available through the Hunter Central River Catchment Management Authority or Dungog Shire Council.

Planning Approach

Flora and fauna assessments need to be undertaken as part of the rezoning process. This must include addressing the requirements of the Native Vegetation Act 2003 and Regulations 2005. At the rezoning stage, strategies for managing areas identified as having habitat value must be identified. These strategies may include rezoning significant habitat areas as open space or environmental protection zones, provision of protective buffers and set-backs, increasing the minimum lots size, minimising clearing and avoiding structures or development in habitat areas.

As detailed in the previous section the proposed Native Vegetation Legislation will require concurrent approval from the CMA for any proposed non exempt clearing. The preparation of a PVP for the CMA for vegetation removal will also include consideration of the relevant requirements of Threatened Species Legislation. Prior to undertaking flora and fauna assessment, it is recommended that development (where clearing is proposed) be referred to the CMA.

Desired Outcomes

- Preservation and protection of habitat, particularly habitat that supports viable wildlife communities.
- Where possible, the establishment of a network of interconnected wildlife corridors not isolated protection zones or remote 'islands' of habitat.
- Protection of watercourses and the vegetation along these watercourses.

Bushfire

The Issue

There are areas within the Gresford Investigation Zone that are prone to bushfire. These areas are identified on the 'Dungog Shire Bushfire Prone Land ' Map and shown in Map 4. Rezoning applications for land shown on the Bushfire Prone will need to provide a bushfire risk assessment as part of the application.

Planning Approach

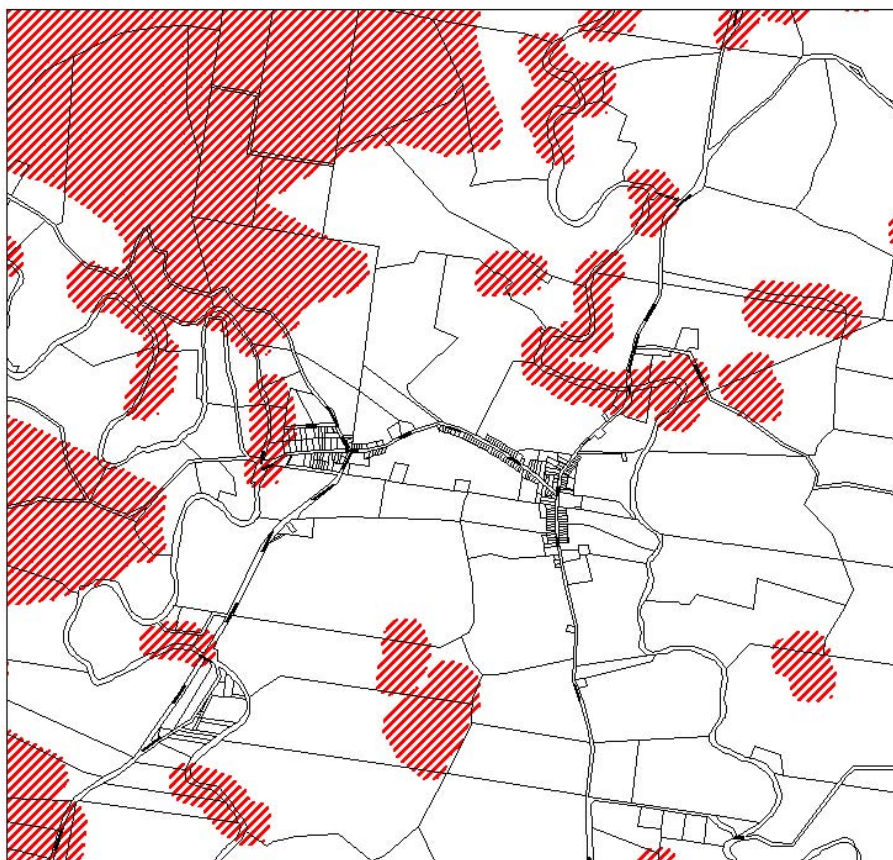
All subdivision designs must comply with the provisions of the NSW Rural Fire Service requirements as specified in the 'Planning for Bushfire Protection 2001', and/or other relevant bushfire regulations.

Desired Outcome

- To minimise the risk to people and property from the impacts of bushfire.

GRESFORD LOCAL AREA PLAN 2005

MAP 4– BUSHFIRE PRONE AREAS



 Bushfire Prone Land Mapping



Flooding

The Issue

Flooding is an issue along both the Paterson and Allyn Rivers. As data is not available on flooding within the Gresford Investigation Area, any proposal to develop along the river corridors or in other areas that may be susceptible to flooding will need to assess the flood regime and identify the 1:100 year flood level.

The LEP 2005 and Rural Strategy 2003 prohibit Rural Lifestyle and Rural Enterprise development on land affected by the 1% (1:100 year) flood level. Under the LAP these areas are excluded from the Investigation Zone.

Further information on flooding and planning controls is available from Dungog Shire Council.

Planning Approach

The LEP and Rural Strategy prohibit Rural Lifestyle and Rural Enterprise development on land affected by the 1% (1:100 years) flood level. Under the LAP these areas are excluded from the Investigation Zone.

The LAP also requires that:

- All structures below the 0.5% (1:200 year) flood level must have flood compatible building components.
- Ability to evacuate - a reliable flood free access for pedestrians is required for a 0.5% (1:200 year) or higher flood event. A flood evacuation strategy for pedestrians and vehicles has to be prepared for the applicant by a suitably qualified engineer and approved by Council.
- Any development will not increase the impacts of flooding on adjoining properties or downstream.
- The applicant must provide controls to prevent the discharge of pollution during flood events. All septic tanks must be located above the 1% (1:100 year flood level) and all transpiration beds or aerated areas above the 5% (1:20 year level).

Desired Outcomes

- To minimise the risk to people and property from flooding.
- To prevent pollution of waterways.

Waterways – River Foreshores

The Issues

The Paterson and Allyn Rivers and other watercourses within the Investigation Zone play an important role within the Gresford area. These watercourses feature significantly in the local character of Gresford and contribute to the sustainability of agriculture, recreation, tourism, water supply, habitat and bio-diversity and to the microclimate of the area. The water supply for Gresford is pumped from the Allyn River (adjacent to the south-eastern corner of the Camyr Allyn vineyard) and from the Paterson River (adjacent to the Anglican Church).

Issues include:

- The cumulative negative impacts of development on waterways.
- Preventing pollution from effluent and stormwater runoff and other activities.
- Maintaining water quality and the flow of the rivers by limiting the pumping of river water.
- Minimising impacts of development on the ecology associated with watercourses and wetlands.
- Weed infestation along river banks.
- Protecting and re-establishing the riverine forest and the riparian vegetation corridors along both rivers.
- Protecting the existing easements for the rising mains from the Allyn and Paterson River pumping stations to the reservoir.

Planning Approach

The planning approach incorporates:

- Protecting watercourse ecology
- Maintaining water quality and water flow
- Providing for public access to the waterways
- Minimising the impacts of flooding

This can be achieved by:

- Providing adequate buffers and set-backs from watercourses, as per the Shire-wide DCP 2004.
- Ensuring that no further riparian rights are created, as required by the LEP 2005 and Rural Strategy 2003.
- Prohibiting further subdivision of the river foreshore areas – new lots with river frontage cannot be created.
- Encouraging foreshore areas to be kept in one title and zoned appropriately.
- Requiring developers to re-establish Riverine Forest where appropriate, in accordance with a vegetation management plan.
- Providing public access to foreshore areas.
- Encouraging the installation of package sewage treatment plants rather than on-site effluent management systems.

Desired Outcomes

- Protection of riparian vegetation and re-establishment of riverine forest along the riparian corridors.
- Maintenance of water quality and water flow.
- Providing public or community access to the river foreshore areas.

Subdivision Patterns

The Issue

Under previous planning schemes, subdivision of rural land in some areas within the Shire was undertaken on an adhoc, uncoordinated basis. This has resulted in significant fragmentation in land holdings. In order to provide access to existing roads and/or river frontage, lots created were often long and narrow and/or battleaxe or irregular shapes. Further sub-division of these type of lots on an individual basis would increase fragmentation

and is not considered desirable. Fragmentation creates long term access and servicing problems.

Planning Approach

Emphasis is on creating a coordinated and integrated approach to subdivision design within the Investigation Zones. The Gresford LAP does not permit further subdivision of individual lots where the lots are small, irregular in shape and/or where the width to depth ratio of the lot is less than 1:3. These lots are identified in the LAP.

Subdivision of these identified lots may only be permissible through consolidation of adjoining lots and/or through co-operation with adjoining land-owners to form a viable subdivision design area. Masterplans may need to be prepared for subdivision design areas.

The Masterplan will detail the road network, lot layout and provision for open space, habitat corridors, environmental and scenic protection zones and shared pedestrian and cycle pathways within the subdivision design area.

Where there are lots suitable for subdivision that do not have existing public road frontage (eg in the Camyr Valley area and the area to the east of the Allyn River) then the subdivision design for the adjoining lots that have road frontage must ensure that provision is made for road and shared pathway access to the adjoining land. This will prevent the sterilisation or 'land-locking' of developable land.

Desired Outcomes

- No further fragmentation and adhoc subdivision of land.
- A co-ordinated and integrated pattern of subdivision which is suitable for closer settlement patterns in the future to meet the needs of the Gresford village.
- Co-ordinated approach to staged subdivision and land releases.
- To avoid sterilisation of adjoining properties.
- Create the opportunity for the development of an integrated community, not a series of separate enclaves.
- To create a strong network of pedestrian, cycle and open space links throughout all subdivisions and, where required by Council, between the new subdivisions and Gresford village.

Existing Agricultural Activities

The Issue

There are a number of existing agricultural activities within and in close proximity to the Gresford Investigation Zone which are classified as Intensive Agriculture. These activities include:

- Camyr Allyn Vineyard
- Commercial nursery in East Gresford
- Market garden, near Pound Crossing Bridge, just south of the Investigation Zone

There may also be animal boarding, breeding or training establishments and/or intensive animal industries within or in close proximity to the Investigation Zone.

These activities may operate 24 hours a day and create noise, odour or other emissions and/or involve the application of chemical sprays. The operation of the Showground and the Northern Hunter Winery may also create noise or odour issues for adjoining land.

There is potential for conflict to occur where residential / rural residential development encroaches into agricultural areas. In order to minimise the potential for conflict and to protect the existing use rights of these activities, Dungog Shire Council requires that a buffer zone be provided between these activities and any new development. The Buffer Zone requirements are detailed in the 'Dungog Development Control Plan No 1 - Buffer Zones'.

A Buffer Zone is defined as an 'area of land separating adjacent land uses that is used for mitigating the impacts of one land use upon another'. Buffer elements (ie a natural or artificial feature) may be used within the buffer zone to mitigate adverse impacts. In some cases the buffer zone widths specified in DCP 1 may be varied through the use of buffer elements.

Planning Approach

The LAP recognises the existing use rights of agricultural activities within the Investigation Zone. Any development proposed adjacent to or in close proximity to agricultural activities will need to address the DCP 1 Buffer Zone requirements.

Desired Outcome

To minimise conflict between land uses that are potentially incompatible by establishing well defined boundaries and protecting the prior rights of lawful development.

Extractive Industry –Camyr Allyn Quarry, Lewinsbrook Road

The Issue

The Lewinsbrook Road Quarry is an active quarry that is owned and operated by Dungog Shire Council. The Quarry provides road base material for use in road construction and maintenance within the Shire.

DCP 1 - Buffer Zones, recognises that quarrying activities are incompatible with residential / rural activities and requires a **minimum** buffer zone of 500m between the quarry and residential development. Where blasting is part of the quarry operation, the buffer zone may be extended.

Planning Approach

Dungog Shire Council needs to address the future of the quarry and define whether a buffer zone of more than 500m is required. Development of land within this buffer zone for Rural Lifestyle or Rural Enterprise use will not be permissible while the quarry remains operational.

Desired Outcome

To prevent conflict between land uses that are potentially incompatible by defining boundaries and protecting the prior rights of the quarry.

2.3 PLANNING PRECINCTS

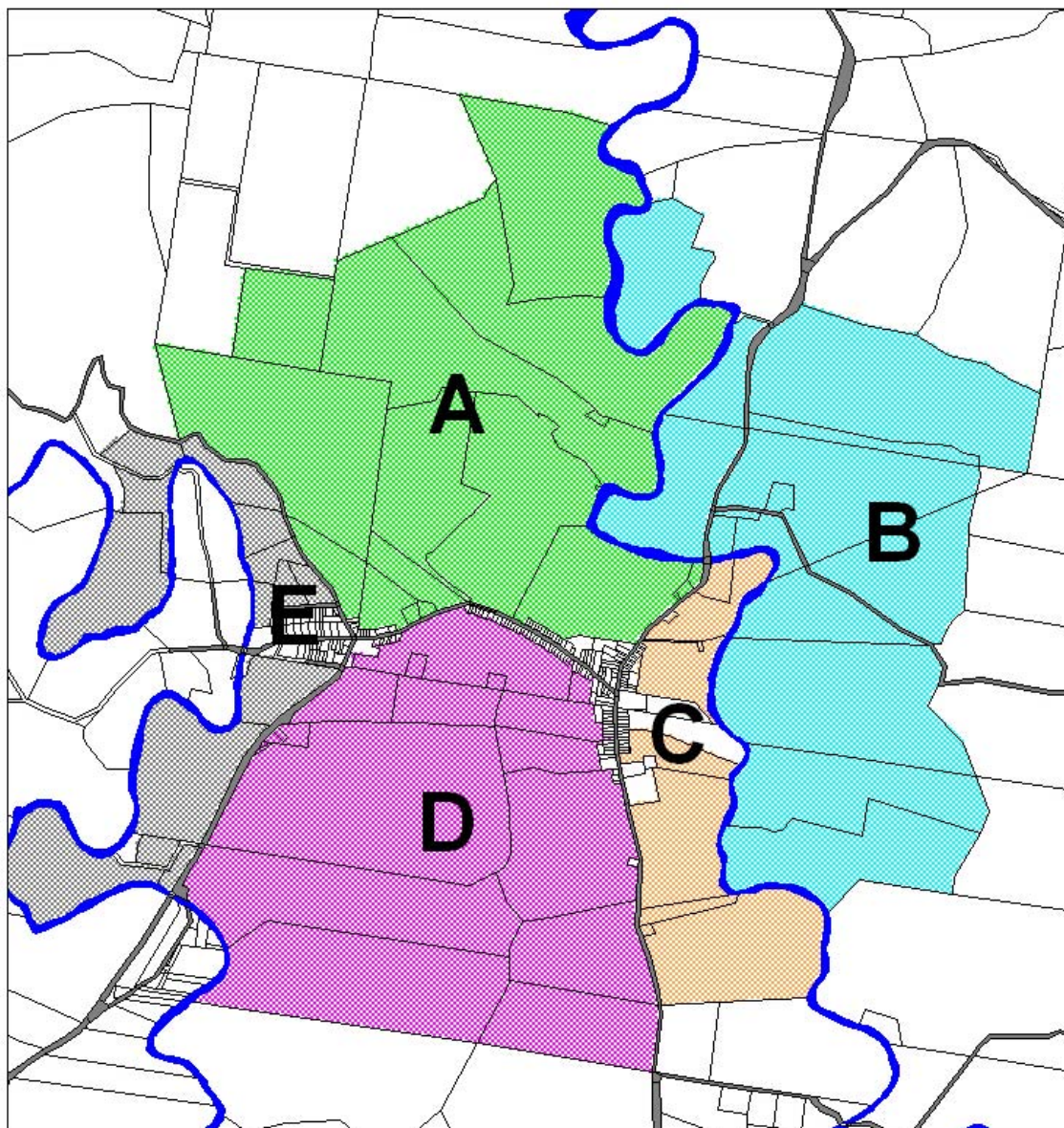
The Gresford LAP divides the Investigation Zone into 5 planning precincts. These precincts are shown on Map 5.

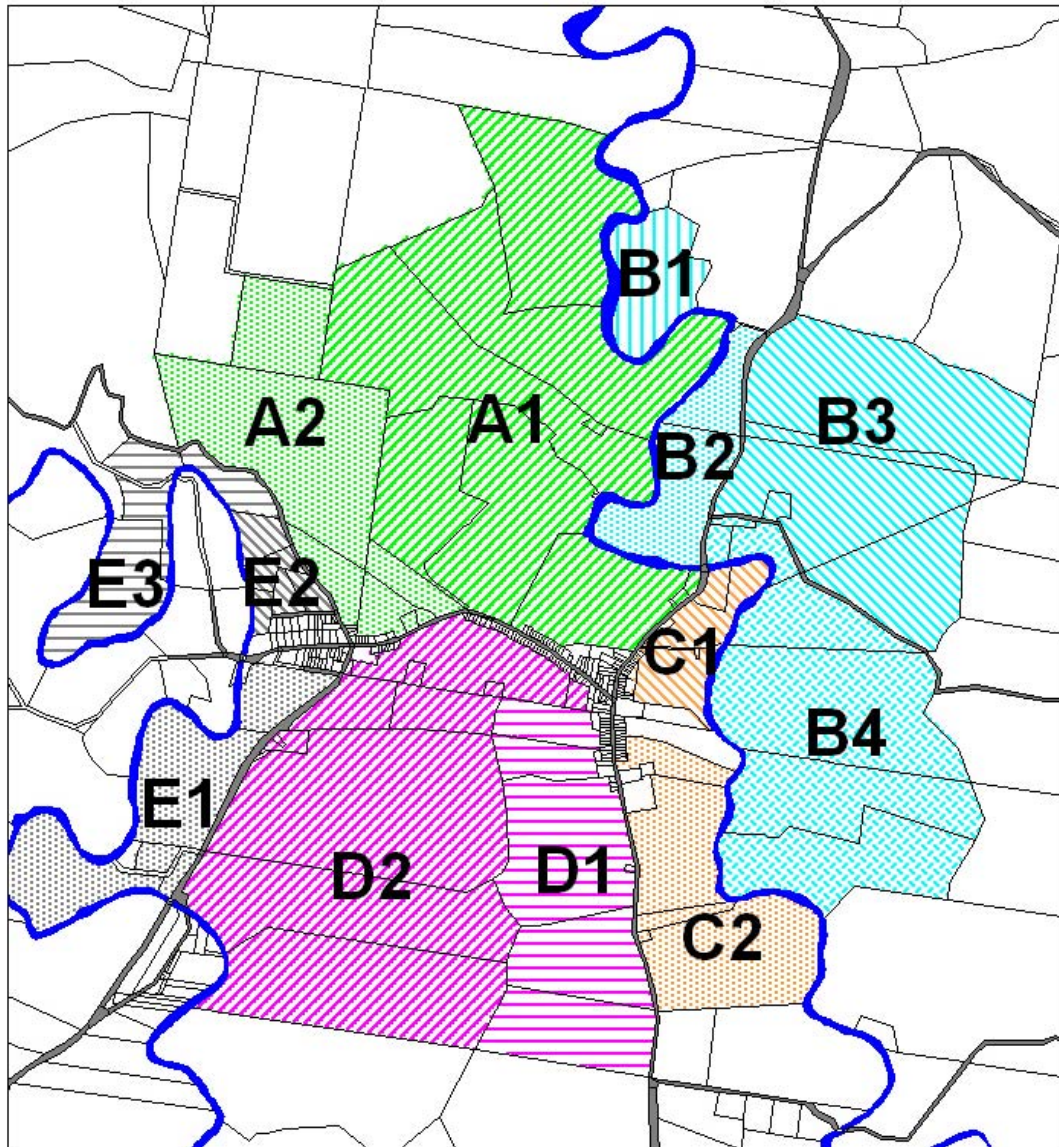
- **Precinct A - Gresford North** - This area lies to the north of Durham Road. It is bounded by the Allyn River and Park Street / Allyn River Road to the east and Paterson River Road to the west.
- **Precinct B - Allyn River Road - Lewinsbrook Road area** - This area lies to east of the Allyn River in the area to north and east of East Gresford.
- **Precinct C - Gresford East** - Precinct C abuts East Gresford, and incorporates the area between Park Street and the Allyn River, extending north to Camyr Allyn Bridge.
- **Precinct D - Gresford South** - Precinct D incorporates the large hill just south of the village. The Precinct abuts the southern edge of Gresford and East Gresford and is bounded by Durham Road to the north, Park Street - Gresford Road to the east and Glendonbrook Road to the west.
- **Precinct E - Paterson River - Gresford West** - this Precinct abuts the western edge of Gresford village and is bounded by the Paterson River to the west, Pound Crossing Bridge to the south and Glendonbrook and Paterson River Roads to the east.

Each Precinct is divided into planning areas. These areas are shown on Map 6.

GRESFORD LOCAL AREA PLAN 2005

MAP 5 – PLANNING PRECINCTS



GRESFORD LOCAL AREA PLAN 2005**MAP 6 – PLANNING AREAS****2.4 COMMUNITY TITLE DEVELOPMENT**

As outlined in the Dungog Shire Rural Strategy 2003, Council's stated preference is for subdivisions within the Investigation Zone to be undertaken as Community Title developments.

Community Title subdivision enables the creation of individual allotments within a site, while retaining significant areas as common property for communal ownership. Common property can include areas and facilities such as roads, footpaths, bicycle ways, playgrounds, open space and sewage treatment plants.

Common property within the development will be owned and managed by a body corporate ('association') comprising all lot owners. The association will own the common areas, (referred to in the Act as 'association property') for its members in shares proportional to the member's unit entitlement, based on site values, which will determine voting rights and contributions to maintenance levies.

Community title legislation allows for flexibility in the management and administration arrangements operating within a scheme. This is achieved by providing for a multi-tiered management concept and by permitting a management statement to be prepared for each scheme, setting out the rules and procedures relating to the administration of, and, participation in, the scheme.

The Dungog LEP 2005, Clause 28, contains incentives to encourage Community Title development. Where a Community Title development will be connected to a reticulated sewage system, in a Rural Lifestyle or Rural Enterprise Zone, the lot size may be reduced to a minimum of 2,000 square metres with an average lot size subdivision being one (1) hectare.

2.5 MASTERPLAN

A number of the Planning Areas (or part areas) within the Investigation Zone will be required to prepare and submit a Masterplan as part of their rezoning application to Rural Lifestyle 1(l) or Rural Enterprise 1(e).

The Masterplan will provide a 'blue print' for the development of an area. It will set the vision and design principles for the area. A Masterplan will show how the area will ultimately be developed - which land is to be developed, how the subdivision will relate to the surrounding area, where the open space will be, how access (vehicle, pedestrian, cycle) will be provided, how areas of scenic and/or habitat value will be protected and how risks (eg bushfire, flooding) will be mitigated.

Under the provisions of the LAP, a Masterplan is generally required where there are:

- Large parcels of land that are likely to be developed in stages.
- A variety of lots in individual ownership, where the layout and/or size of the lots are not suitable for subdivision on an individual basis.
- Lots within a Planning Area that do not have frontage to public roads.
- A range of physical and/or environmental constraints which limit the capability of the area to support development and/or require a co-ordinated management approach.

Masterplan Objectives

- To ensure that land is subdivided in a way that ensures long term sustainability, enabling further subdivision in the future.
- To manage the development of land in different ownerships to ensure that development does not sterilise or land-lock subdividable land within the Planning Area.
- To ensure that new subdivisions respond appropriately to site features and topography, protecting areas of visual and/or habitat significance and minimising possible risks (eg bushfire, land instability, flooding etc)

- To ensure that new subdivisions are effectively linked into a public road network, and that the internal subdivision road network allows connectivity between areas.
- To provide for pedestrian and cycle access, throughout the subdivision and to adjoining areas, encouraging community interaction.
- To create and maintain a sense of place.

Requirements

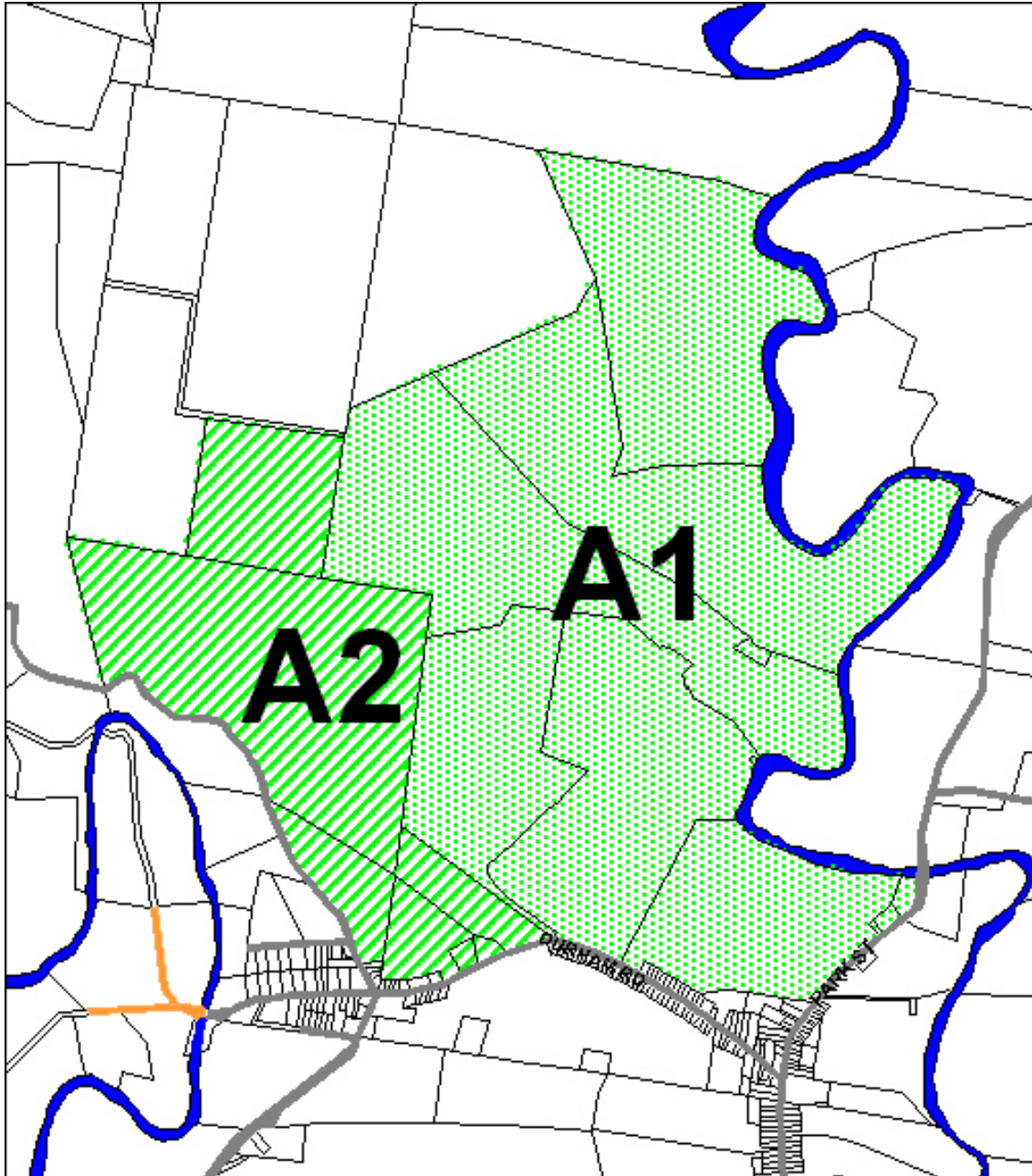
- Where a masterplan is required by the LAP, applications to rezone and subdivide land (whether the land is in the same or different ownerships) must be accompanied by a masterplan.
- The masterplan is to be prepared by a qualified urban designer, surveyor, urban planner and/or other suitably qualified professional.
- The masterplan is to apply to the entire area defined in the LAP.
- The masterplan is to address:
 - The relationship of the proposed subdivision with immediate adjoining land uses and the surrounding locality.
 - Connectivity with adjoining land so that adjoining vacant land can be developed in an orderly and economic manner.
 - The road network - in relation to ease of access, connectivity and in regard to fire and flood risk and means of evacuation.
 - Cycleway or shared pathway connections as required by the LAP.
 - Open space provision.
 - Protection of areas of high scenic and/or habitat value.
 - Mitigation against natural hazards, including defining the extent of clearing required for bushfire asset protection zones.
 - Building envelopes.
 - How residue land (where not dedicated to Council as a reserve) is to be treated and managed.
 - Other factors identified in the LAP or by Council.

3. PRECINCT A - GRESFORD NORTH

Precinct A area lies to the north of Durham Road. It is bounded by the Allyn River and Park Street / Allyn River Road to the east and Paterson River Road to the west.

Precinct A is divided into two (2) planning areas.

PLANNING PRECINCT A



3.1 PLANNING AREA A1

The Area

Planning Area A1 incorporates the 'Camyr Allyn' Valley and surrounding hills. It is bounded by Durham Road to the south and Allyn River Road and the Allyn River to the east. Area A1 incorporates seven (7) lots.

Lot 1 DP 742879
Lot 5 DP 1047402
Lot 1 DP 159911
Lot 24 DP 816421
Lots 25 & 26 DP 875973
Lot 21 DP 816421

Lots 25 and 26 have access from Durham Road. Lot 21 has frontage to both Durham Road and Park Street - Allyn River Road. The remaining lots are 'landlocked'. Lot 1 DP 159911 and Lots 5 and 24 are accessed via a right of way through Lots 21 and 25. While Lot 24 appears to have legal access via a Right of Way, the situation in relation to Lots 1 & 5 is unclear and will require the landowners to provide relevant information to Council.

Alternative access for Lot 5 and access to the southern end of Lot 1 DP 742879 is available through Area B1 via a ford over the Allyn River. The northern part of Lot 1 DP 742879 is accessed via a 4WD trail and ford over the Allyn River which is located north of the Investigation Zone. These alternative access routes are flood prone.

Development Potential

The Camyr Allyn Valley is a significant feature and integral part of the Gresford area. The Valley forms part of the view north from Durham Street to the Barrington Ranges and from the Allyn River Road approach to East Gresford. In addition, the Camyr Allyn Vineyard and Cellar Door is one of the main visitor attractions in Gresford and Dungog Shire. Part of the appeal of the vineyard is the scenery of the surrounding valley.

While development will be permitted in the Valley, it needs to be undertaken sensitively to ensure that the character and appeal of the area is retained. A detailed visual assessment including view shed analysis must be undertaken as part of any rezoning application with development to be limited to areas where the visual impact will be minimal.

Other issues that impact on the development potential of Area A1 include:

- **Intensive Agriculture** - A commercial vineyard (Camyr Allyn Wines) has been established on the eastern section of Lot 24. The vineyard is classified as Intensive Agriculture and a **minimum** buffer zone of 150m is required. As the Vineyard uses chemical sprays the buffer is extended to 300m. The vineyard is a 24 hour operation with spraying and harvesting often undertaken at night. This generates both noise and light emissions. As this is a valley location, the noise may 'echo' or be amplified. Further investigation is required to measure the impact of the vineyard on adjoining properties and determine whether a wider buffer zone is required. Any development that occurs in the Valley needs to recognise that the vineyard is a legitimate existing use and that the vineyard operations have precedence over 'new' development.

- **Poor Access** - more than half the area is 'landlocked' and accessed by right-of-ways over adjoining properties. The costs involved in providing sealed road access to Lot 5 and Lot 1 DP 742879 to cater for development is potentially prohibitive.
- **Flooding** - some of the flatter areas along the Allyn River are low lying and appear to be flood prone. Further investigation is required to determine the 1:100 year flood level, with development not permitted below this level.
- **Steep slopes** - The western part of Area A1 is part of the Coulston Range, with localised areas of steep slopes (slopes greater than 18 degrees) occurring in the more elevated areas and along the water course gullies.

Lot 1 DP 742879 - the development potential of this area is very limited, with the main constraints being lack of access and hilly to steep terrain. The western part of this lot is also bushfire prone. Any development within this area should be on the southern half of the lot and undertaken in conjunction with development of Lot 5 to the south.

Lot 5 DP 1047402 - The south eastern corner of Lot 5 lies within the vineyard buffer zone and development will not be permitted within this buffer area. The eastern part of this lot also appears to be flood prone. There is also a creek system with numerous tributary water courses that traverses the area. The requirements for buffers along watercourses will limit the amount of land available for development. Access is also an issue, the property owner will need to establish that there is legal access via Right of Way through adjoining properties. The Right of Way may only apply to a specific lot and the Right of Way of access may not necessarily extend to additional lots created by subdivision.

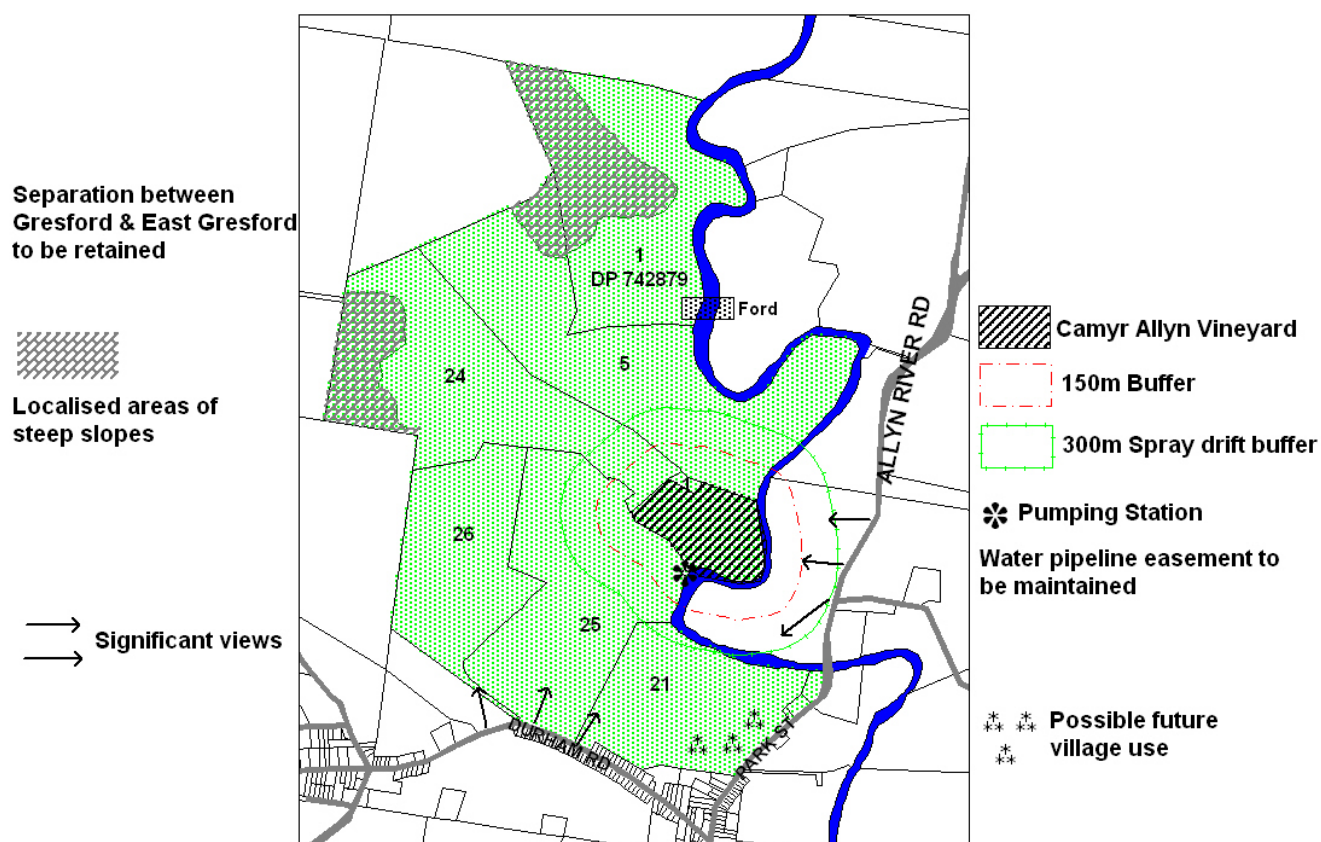
Lot 1 DP 159911 - This is a small, concessional lot. No further subdivision will be permitted.

Lot 24 DP 816421 - The vineyard and surrounding buffer area prevent development on the eastern half of this lot. Development could potentially occur in the western part of the site, in areas with slopes of less than 18 degrees and not identified as visually significant within the Valley (ie. Development to be 'hidden' and have no or very minimal impact on the visual amenity of the Valley). Access is also an issue and the possibility of using the Right of Way to service additional lots needs to be investigated.

Lots 25 & 26 DP 875973 - these lots are located adjacent to Durham Road and are part of the foreground view. Development will need to be undertaken sympathetically with buildings designed and located to minimise the visual impact. Development is to occur below the level of Durham Road, with no strip development permitted along Durham Road. There are localised areas of steep slopes on both Lots as well as a number of watercourses. This will also impact on the development potential. The north-eastern part of Lot 25 lies within the vineyard buffer zone and development will not be permitted in this area.

Lot 21 DP 816421 - the southern part of Lot 21 has been identified as possibly suitable for the future expansion of East Gresford. Further investigation is required to determine whether all or part of this lot is suitable for future village uses and/or for smaller lot sizes (eg 2,000 sqm) than permissible in the Rural Lifestyle zone. In particular, it needs to be determined whether Lot 21 is free of physical and environmental constraints and can be connected to the town water supply and sewered via an on-site package treatment plant (or other system). No development will be permitted in areas identified as having high visual significance.

PLANNING PRECINCT A1



Masterplan

Due to the visual significance of this area, the presence of the vineyard and access issues, a Masterplan for the area is required.

Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for developable land within Area A1 must address:

Issue	Planning Considerations / Performance Criteria
Visual Impact - parts of Area A1 have high visual / scenic value that is to be retained and protected. The Camyr Allyn Valley is one of the main physical assets and features of the Gresford area and protection of this asset is a priority.	<ul style="list-style-type: none"> ▪ Detailed visual assessment - view shed analysis to be undertaken as part of the planning and assessment process. ▪ Development may be prohibited in areas which are identified as having high visual significance.

	<ul style="list-style-type: none"> Integrated building design is required for any development within this area.
Vineyard Buffer Zone – the vineyard has priority over any proposed development.	<ul style="list-style-type: none"> 300m buffer to be provided around the vineyard. Dwellings will not be permitted within the buffer zone.
Need for coordinated development	<ul style="list-style-type: none"> Land capability assessment is to be undertaken for Area A1 to identify land suitable for development. If suitable for development, a Masterplan is to be prepared for Area A1. Subdivision is to occur in accordance with the Masterplan.
Future expansion of East Gresford. - Lot 21 DP 816421	<ul style="list-style-type: none"> The southern section of Lot 21 may be suitable for future village uses. As part of the Masterplanning process – assessment of the future needs of the village is to be undertaken and the suitability of the part of Lot 21 that abuts the village needs to be evaluated.
Access to Collector Roads - Allyn River Road and Durham Road.	<ul style="list-style-type: none"> No additional private driveway access or right-of-ways to Allyn River Road or Durham Road can be created. Ability to use the Right of Way to access Lots created by subdivision of Lots 1 DP 742879, Lot 5 DP 1047402 and Lot 24 DP 816421 requires investigation. Capacity of the Right of Way to accommodate increased traffic needs to be investigated. Sealing may be required.
Internal access - pedestrian & bicycle routes .	<ul style="list-style-type: none"> Any development on Lot 21 is to include a pedestrian - cycle link through to East Gresford shopping centre. A link is also to be provided to the walking track between Gresford and East Gresford
Arrival corridors / village gateways	<ul style="list-style-type: none"> Landscape buffer / corridor tree planting along the Allyn River Road frontage to create a village entry statement in accordance with the Landscape Policy for Gresford - East Gresford.

	<ul style="list-style-type: none"> ▪ No strip development along Allyn River Road or Durham Road. ▪ For Lots 21 and 25, all development is to occur below the Durham Road level to retain both views and the visual separation between Gresford and East Gresford.
Allyn River Corridor / watercourses through the area	<ul style="list-style-type: none"> ▪ Flooding / hydrology / drainage of the area is to be assessed as part of the land capability assessment. ▪ No development below the 1:100 year flood level. ▪ Watercourses are to be protected. ▪ Development is to be setback from watercourses as required in DCP 1. ▪ No further riverfront lots or riparian rights are to be created. ▪ Riparian vegetation to be protected and the riverbank and watercourses rehabilitated.
Areas subject to bushfire risk	<ul style="list-style-type: none"> ▪ Bushfire risk to be assessed and addressed as part of any subdivision design.
Reafforestation	<ul style="list-style-type: none"> ▪ Areas to be re-vegetated are to be identified in the Masterplan and included in subsequent development plans.

3.2 PLANNING AREA A2

Planning Area A2 adjoins Gresford Village. The area is bounded by Paterson River Road to the west and Gresford Village - Durham Road to the south. The area occupies the southern ridges of the Coulston Range. Area A2 incorporates six (6) lots:

Lot 15 DP 752469
 Lot 1 DP 7054 (part to the east of Paterson River Road)
 Lot 1 DP 661450
 Lot 73 DP 629501
 Lot 6 DP 38581
 Lot 1 DP 562046

Lot 1 DP 7054 and Lot 1 DP 661450 have frontage to Paterson River Road, while Lots 6 and 73 have frontage to Durham Road. Lot 15 is 'land locked'. Lot 1 DP 562046 is the Council Depot and is zoned 5(a) Special Uses. Parts of this lot may be surplus to Council requirements and as such, the lot needs to be considered in conjunction with the adjoining land.

Development Potential

The undulating land adjacent to Gresford village is potentially suitable for development. The development potential is very limited in the steeper, hilly central and northern parts of Area A2.

Lot 1 DP 661450, Lot 73 629501 and Lot 1 DP 562046 abut Gresford Village. Lot 1 DP 562046 and the southern half of Lot 1 DP661450 and Lot 73 have been identified as possibly suitable to accommodate future village growth. Further investigation is required to assess whether all or part of these lots are suitable for future village uses and/or for smaller lot sizes (eg 2,000 sqm) than permissible in the Rural Lifestyle zone. In particular, it needs to be determined whether these lots are free of physical and environmental constraints and can be connected to the town water supply and sewerage via an on-site package treatment plant (or other system).

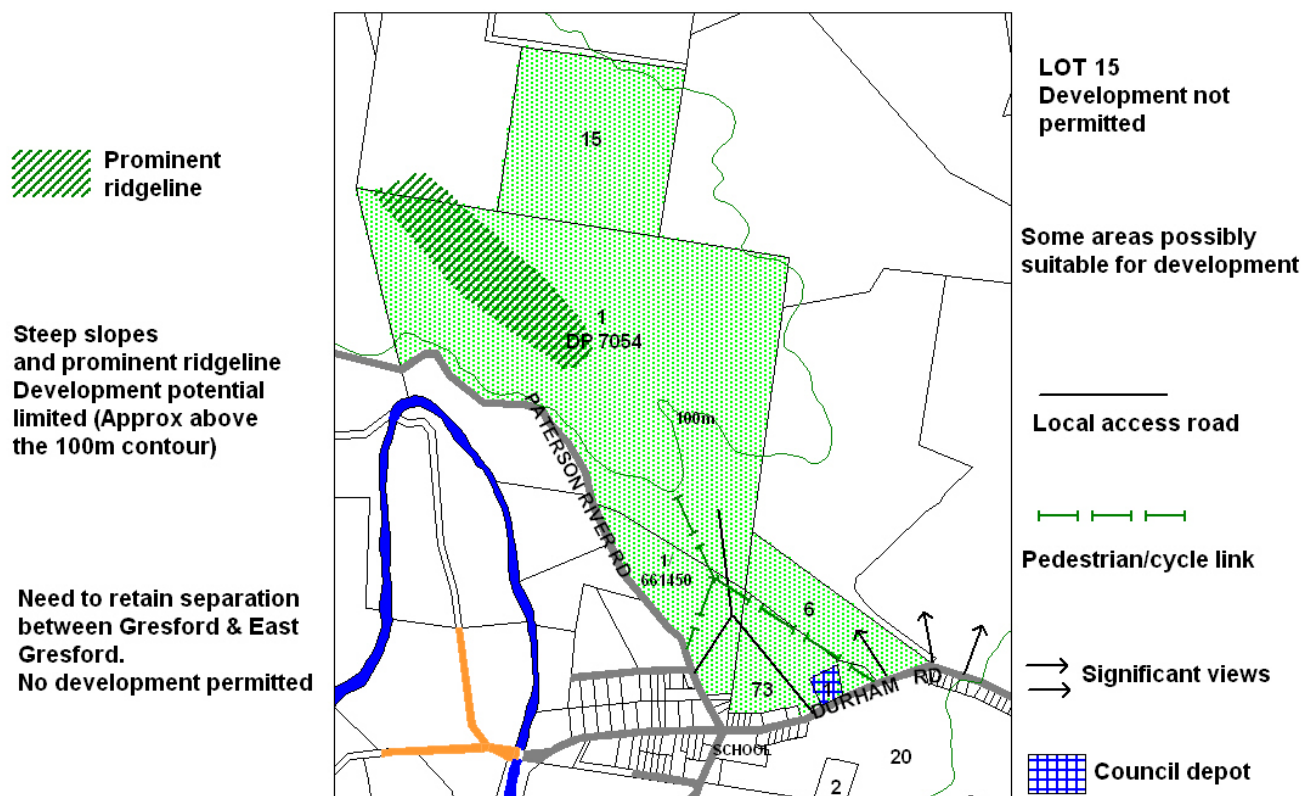
Lot 6 DP 38581 - Forms part of the visually significant area along Durham Road. A visual assessment will be required to identify possible areas for development. In order to protect views and retain the physical separation between Gresford and East Gresford, no development will be permitted along Durham Road.

Lot 1 DP 7054 (east) - Lot 1 is a very large parcel of land that incorporates the main ridge that extends south from Mount Coulston. The topography of the Lot 1 ranges from flat to undulating along the southern section to hilly and steep in the central and northern sections, with localised areas of very steep slopes along the watercourses and gullies. There are also localised areas of undulating land along the main ridge crest and a secondary ridge that leads up to the former 'Landing Ground'. These ridges are prominent features of the local landscape and the visual integrity of these areas is to be protected. The central and northern parts of the site are bush fire prone.

The southern part of the Lot appears suitable for development. Subject to both a land capability assessment and visual assessment, limited development **may** be permissible in the less hilly areas of the central area of this lot, in locations that are not visually prominent (ie visual impact of development is to be minimal). Development will not be permitted on the northern part of this lot.

Lot 15 DP752469 - Development not permitted due to access constraints, steep topography of much of the site and bush fire risk.

PLANNING PRECINCT A2



Masterplan

A masterplan is required to assess land capability and determine the most appropriate pattern of subdivision for the developable land within Area A2. The Masterplan is to show:

- Areas for the future expansion of Gresford village.
- How the visual separation between Gresford and East Gresford is to be achieved.
- The proposed subdivision layout, including areas to be subdivided for village use as well as for rural lifestyle / rural enterprise development.
- Road layout and pedestrian and cycle links through the area.
- Open space areas and corridors.
- Areas of visual significance and the provisions to preserve and protect these areas.

Issues & Performance Criteria

In addition to the planning controls set out in the LEP, DCP and Rural Strategy, the planning and assessment process for flood free land in Area A2 must address.

Issue	Planning Considerations / Performance Criteria
Lot 15 DP 752469 and the northern third of Lot 1 DP 7054	<ul style="list-style-type: none"> No subdivision permitted
Future expansion of Gresford village	<ul style="list-style-type: none"> Lot 1 DP 562046, the southern part of Lot 1 DP 691450 and Lot 73 are to be assessed to determine their suitability to provide land for the future growth of Gresford.
Coordinated development	<ul style="list-style-type: none"> Land within Area A2 needs to be planned and subdivided on a coordinated basis. Development of individual lots is not permitted. A Masterplan is to be prepared for Area A2 with subdivision to occur in accordance with the Masterplan.
Pattern of development	<ul style="list-style-type: none"> No development in visually prominent areas. No strip development along Paterson River Road.
Visual Impact - parts of Area A2 have high visual / scenic value.	<ul style="list-style-type: none"> Visual assessment required. No development will be permitted in areas which have high visual significance. No development on ridge lines or upper slopes in the areas that are visible from Gresford, East Gresford, Durham Road or any of the access roads into the area. To retain the separation between Gresford and East Gresford and to protect views, no development that impacts on, or restricts views of the Camyr Allyn Valley and the ranges to the north, is permitted along the Gresford Road frontage of Lot 61 in the area to the east of the Council Depot.
Access	<ul style="list-style-type: none"> Only one access road will be permitted from Paterson River Road. This access road is to service Lot 1 DP661450 and Lot 1 DP 7054. Only one access road will be permitted off Durham Road with this road servicing , Lot 1 DP 562046 , Lot 61 and Lot 73. The location of the access road intersections with the collector roads are to be determined in consultation with Council and the RTA.

	<ul style="list-style-type: none"> ▪ No additional private driveway access or right-of-ways to Paterson River Road can be created. ▪ In relation to development of Lot 73 only, driveway access to Durham Road may be permitted for new lots that are located to the west of the Council Depot.
Arrival corridors / village gateways	<ul style="list-style-type: none"> ▪ Landscape buffer / corridor tree planting along Paterson River Road frontage to create a village entry statement in accordance with the Landscape Policy for Gresford - East Gresford.
Pedestrian and cycle access	<ul style="list-style-type: none"> ▪ Any development in Area A2 must provide a pedestrian-cycle link through to the Gresford shop / school.
Areas subject to bushfire risk	<ul style="list-style-type: none"> ▪ Bushfire risk to be assessed and addressed as part of any subdivision design.
Reafforestation	<ul style="list-style-type: none"> ▪ Areas to be re-vegetated are to be identified in the Masterplan and included in subsequent development plans.

4. PRECINCT B - ALLYNBROOK/K ROAD - LEWINSBROOK ROAD

Precinct B lies to the north and east of East Gresford and incorporates the area within the Investigation Zone that lies to the east of the Allyn River.

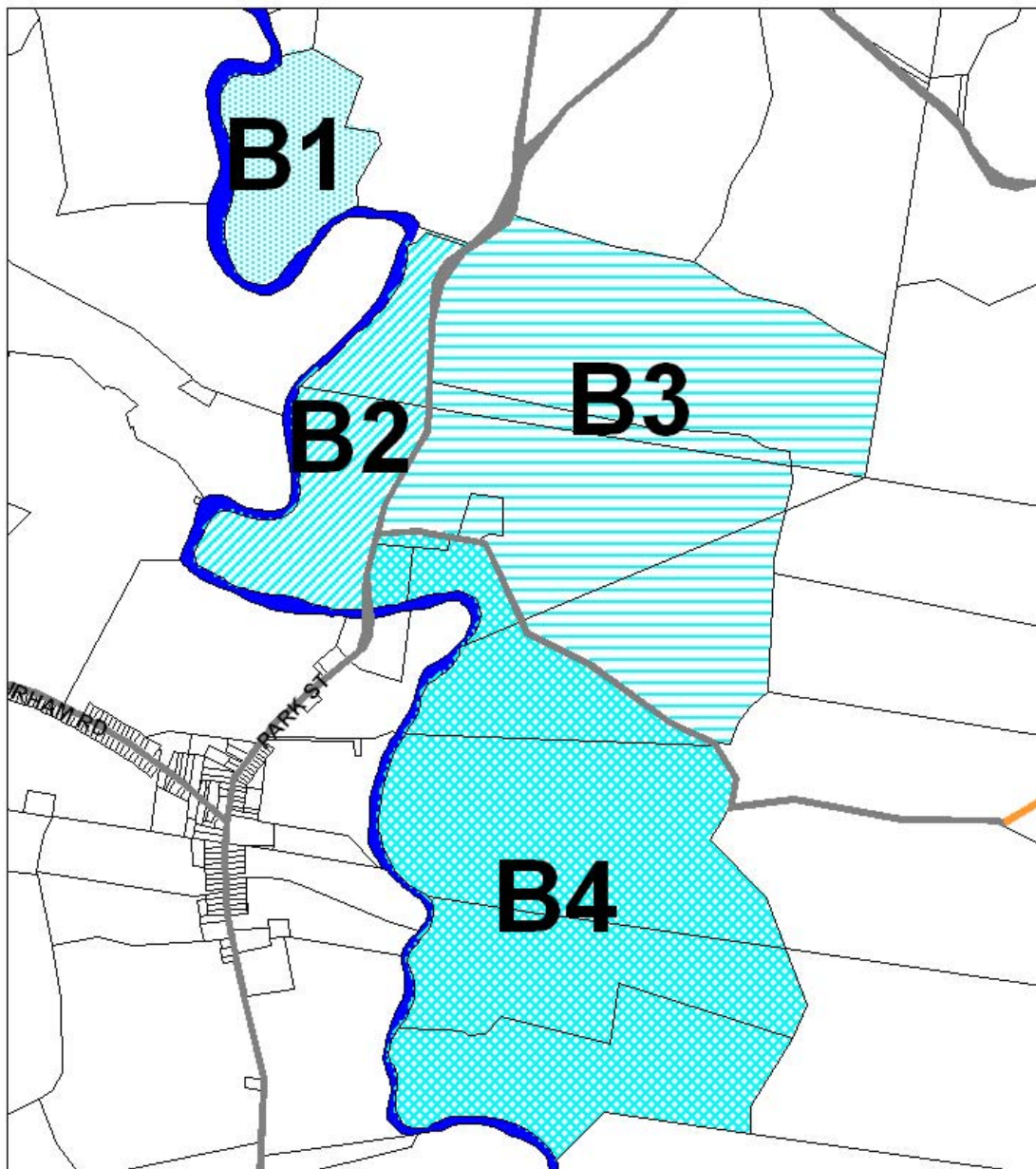
The western part of Precinct B, lying between Allyn River Road and the Allyn River is flat to undulating, with part of the area appearing to be flood prone. As there are no flood levels for this section of the river, a flood assessment study will need to be undertaken as part of any rezoning application.

The eastern part of Precinct B, lying to the east of Allyn River Road, is undulating to hilly with areas of steep slopes in excess of 18 degrees. The slopes rise up to a ridge that forms the eastern boundary of the Investigation Area. The hill crests along the ridge range in height from 165m to 220m asl. The ridge and hills are visible from the village and from Durham, Allynbrook and Gresford Roads which are important tourist routes. The hills are a significant element in the landscape and identity of Gresford.

There are two access roads within the area, Allyn River Road and Lewinsbrook Road. Allyn River Road is a main road which provides access to Dungog (via Bingleburra Road) and to the popular Allyn and Williams River areas on the southern side of the Barrington ranges. Allyn River Road is a collector road and as such direct driveway access will not be permitted. Lewinsbrook Road is a very narrow local road that is steep in places and has limited sight-lines. While Lewinsbrook Road is not classified as a collector road, direct driveway access may not be permitted for safety reasons.

Precinct B is divided into four planning areas.

PLANNING PRECINCT B



4.1 PLANNING AREA B1

The Area

Planning Area B1 is a single parcel of land, Lot 1 DP742879 which is located within a bend of the Allyn River.

Development Potential

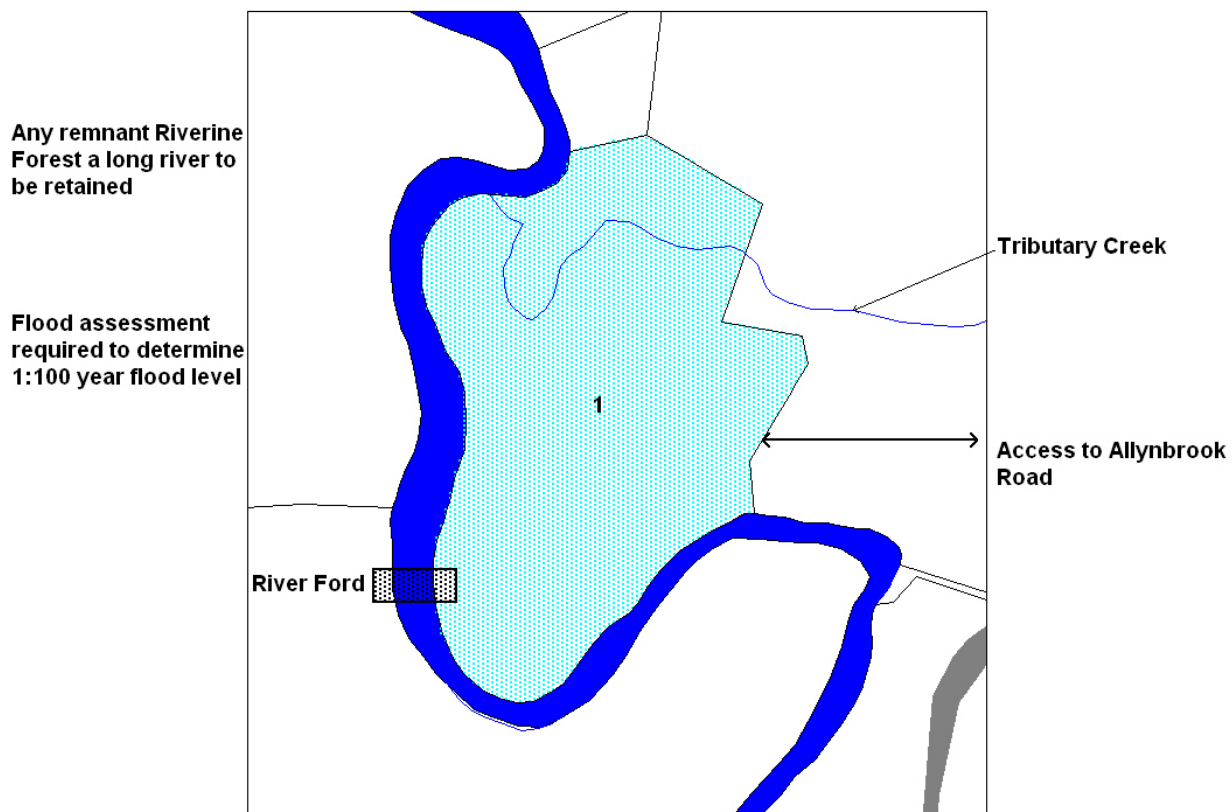
The development potential of Area B1 appears limited, with a small area on the eastern edge of the Lot, possibly being suitable for development.

Area B1 is land-locked with no frontage to Allyn River Road. The Lot lies about 0.5km west of Allyn River Road, with entry via a dirt track through an adjoining property to the east. This access track is located along the spur and appears to be flood-free. The land between Area B1 and Allyn River Road falls outside of the Investigation Area and is zoned Rural. On the western boundary of the Lot there is a ford across the Allyn River, with a 4WD track connecting back through to Area A1.

Most of the northern, western and southern areas of Area B1 are low lying and appear to be flood affected. There is a small spur on the eastern edge of the Lot that appears to lie above the flood level and could be suitable for development. Further investigation is required to determine the 1:100 year flood level and to identify areas suitable for development.

Potential is also limited by the watercourses that traverse the Area. There is a perennial stream, with a relatively large catchment area flowing across the northern part of the site into the Allyn River. The area adjacent to this creek is likely to be flood affected. The southern section of Area B1 is drained by two small, intermittent watercourses that flow into the Allyn River.

PLANNING PRECINCT B1



Masterplan

Not required. Land capability assessment is required to assess the development potential of this area.

4.2 PLANNING AREA B2

The Area

Planning Area B2 is bounded by the Allyn River to the west and south and Allyn River Road to the east. It incorporates two lots:

- Lot 8 DP 654338
- Lot 1 DP 120658

Development Potential

Area B2 has frontage to the Allyn River, with part of the Area B2 being river flats that probably lie below the 1:100 years flood level. The eastern sections for Area B2 along the Allyn River Road frontage are undulating and appear suitable for development. At the northern end of Lot 8 there is a narrow section of land between the river and the road which has a localised section of steep slopes. This narrow section is not suitable for development.

The development potential of all of Lot 1 and the southern corners of Lot 8 are significantly constrained by buffer zone requirements to protect existing intensive agricultural and extractive activities that are located in close proximity to the area.

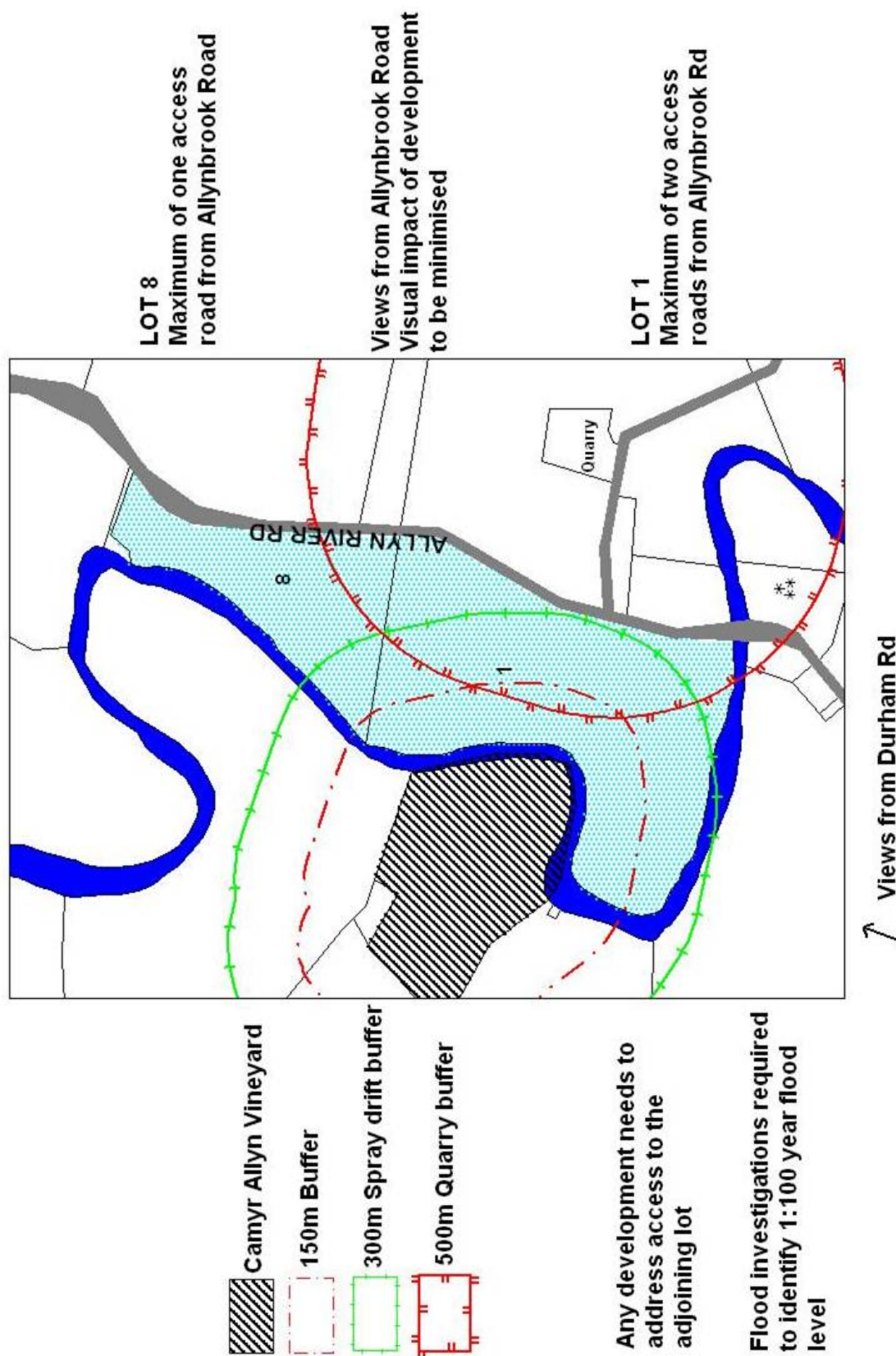
Most of Lot 1 and the south western corner of Lot 8 lie within the 300m buffer zone surrounding the Camyr Allyn vineyard. The eastern half of Lot 1 and the south eastern corner of Lot 8 lie within the 500m buffer zone surrounding the Camyr Allyn Quarry (located off Lewinsbrook Road). The south eastern corner of Lot 1 is also within the 150m buffer zone surrounding the commercial nursery.

Development is not permitted in these buffer zones. Should one or more of these activities cease operations, then the development potential of the affected area can be reassessed.

Other issues that impact on the development potential of Area B2 are:

- Visual impact - parts of this land have been identified by the Gresford community as visually significant. The area is part of a very scenically attractive view north from Durham Road and it is also visible from the Allyn River Road which is an important tourist route within the Shire.
- Allyn River Road is a collector road and no direct driveway access will be permitted.
- Allyn River Road is an entry gateway to Gresford and an important tourism drive. The visual impact of any development along the road frontage needs to be minimised.

PLANNING PRECINCT B2



Masterplan

At this stage development will only be considered in suitable areas of Lot 8 which are located outside of the buffer zones. A land capability assessment for all of Lot 8 is to be undertaken to identify land suitable for development. A Masterplan is not required for the developable areas in Lot 8 provided that the subdivision plan provides for future vehicle and pedestrian access into the areas of Lot 8 and Lot 1 that are impacted on by the buffer zones.

Should the buffer zones be removed on Lot 1, Council may require the preparation of a Masterplan as this area has been identified as having high visual significance.

Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for Area B2 must address.

Issue	Planning Considerations / Performance Criteria
Buffer Zones	Area B2 is impacted on by 3 buffer zones. No development is permissible within the buffer zone areas.
Flooding	<ul style="list-style-type: none"> ▪ Part of Area B2 appears to be flood affected and investigations are required to determine the 1:100 year flood level. ▪ No development of land below the 1:100 year flood level is permitted.
Access to Collector Roads - Allyn River Road	<ul style="list-style-type: none"> ▪ Access from Allyn River Road is to be via properly formed and sited local roads. The siting of the access road intersections are to be determined in conjunction with Council and the RTA. ▪ No additional private driveway access or right-of-ways to Allyn River Road can be created. ▪ One access road from Allyn River Road is permitted into Lot 8. ▪ Should the buffer zones be removed, a maximum of two access roads to Lot 1 from Allyn River Road will be permitted.
Internal access - pedestrian, bicycle and vehicle.	<ul style="list-style-type: none"> ▪ If, following removal of the buffer zone requirements, land suitable for development is identified on both allotments, and this land is adjoining, then road, cycle and pedestrian links between the two lots are to be provided.

Lots created	<ul style="list-style-type: none"> Any lots created must have a minimum width to depth ratio of 1:3. Creation of long narrow lots extending from Allyn River Road to the Allyn River is not permissible. No further riverfront lots or riparian rights are to be created.
Visual impact	<ul style="list-style-type: none"> A Visual Assessment is required as part of the planning for rezoning and development of Area B2. The visual impact of any development along Allyn River Road needs to be minimised. No back yards to have frontage to Allyn River Road.
Arrival corridors / village gateways	<ul style="list-style-type: none"> Landscape buffer / corridor tree planting along the Allyn River Road frontage to create a village entry statement in accordance with the Landscape Policy for Gresford - East Gresford.
Allyn River	<ul style="list-style-type: none"> No further riverfront lots or riparian rights are to be created. Riparian vegetation to be protected.

4.3 PLANNING AREA B3

The Area

Planning Area B3 forms the north-east corner of the Investigation Zone. It is bounded by Allyn River Road to the west and Lewinsbrook Road to the south. Area B3 incorporates five lots:

- Lots 9 & 10 DP 654341
- Lots 91 & 92 DP 52113
- Lot 4A DP 6887

Lot 91 DP 52113 is a Quarry and is zoned Special Uses 5(a). A **minimum** 500 m buffer is required around the Quarry.

Development Potential

Area B3 forms part of a ridge system that extends north-south along the eastern boundary of the Gresford Investigation Area. The topography of the area varies from flat to undulating in

the north west corner of Lot 10 and along the Allyn River Road frontage, to hilly and steep on the sideslopes which occupy the central and eastern parts of Area B3, to localised areas of undulating land along the ridge line. Area B3 is dissected by a number of small creek systems, with some very steep slopes and gullies along the creek lines. Some of the steeper areas are shown on the Dungog Shire Bushfire Map to have a high fire risk.

Lot 10 DP654341 - The western half of Lot 10 appears suitable for development, with the topography being flat to undulating. The eastern half of the site is steeper and not considered suitable for development. The south western corner of Lot 10 is affected by the quarry buffer zone and no development will be permitted within the buffer zone area. Should the quarry cease operations, the impacted area may be reassessed.

Lot 9 DP654341 - This is a very long, narrow lot with a width to depth ratio of less than 1: 3. The topography is similar to Lot 10, with the western half being undulating and the eastern half comprising steep slopes. The eastern half of the Lot is classified as bushfire prone. The western half of the lot lies within the Quarry buffer zone area. While the quarry remains operations, no development is permissible on Lot 9. Should the quarry cease operations, Lot 9, due to its narrow width the depth ratio, cannot be subdivided on a stand-alone basis. Any development must be undertaken in conjunction with the development of Lot 10 and/or Lot 92.

Lot 92 DP 521113 - This is a large parcel of land with similar topography to Lots 9 and 10 to the north. The undulating topography of western third of the Lot appears suitable for development in the future. This area however surrounds the quarry and lies wholly within the Quarry buffer zone. While the quarry remains operation no development will be permitted.

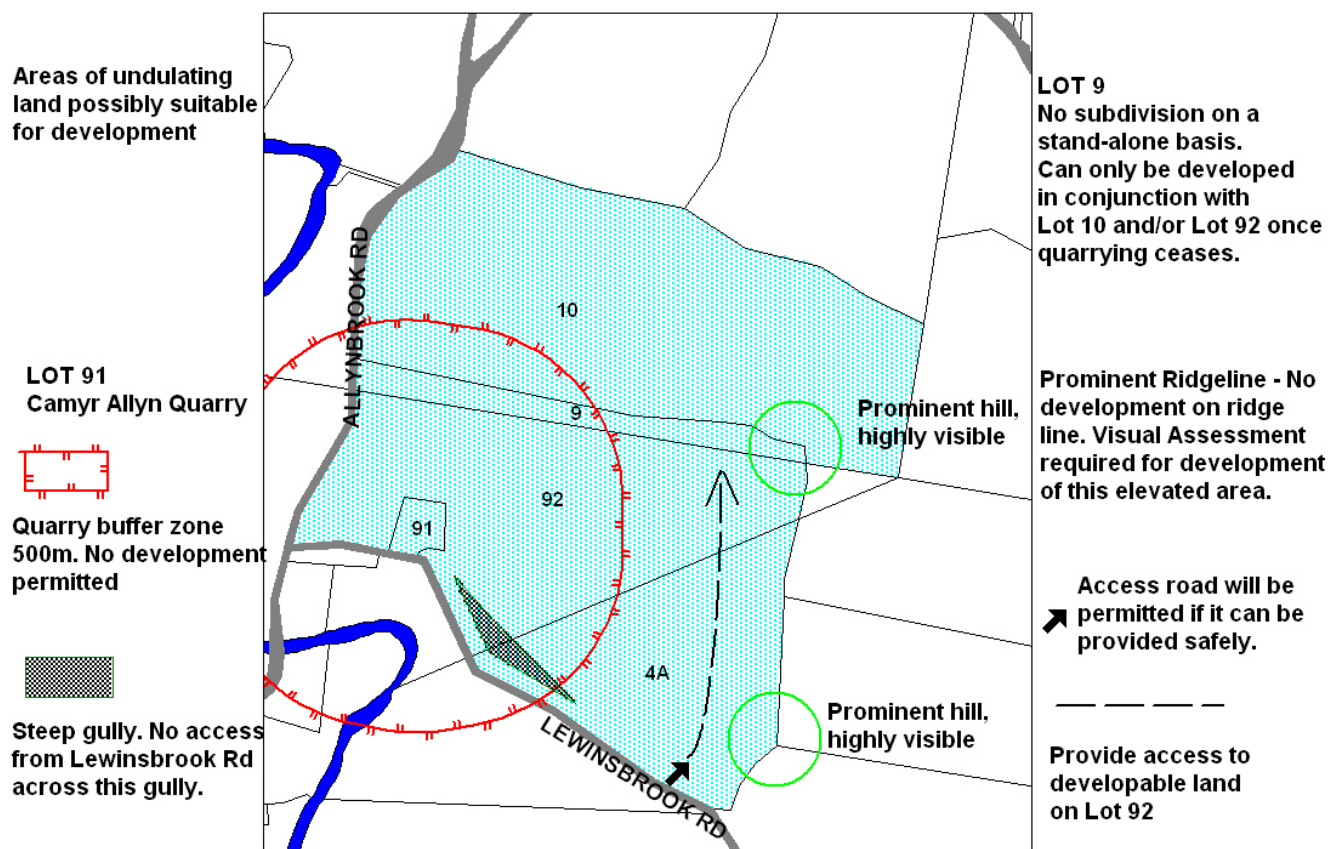
The central and eastern parts of Lot 9 are very steep and not suitable for development. There is a relatively localised area of undulating land on a ridge spur close to the southern boundary of Lot 92. This area may be suitable for development if undertaken in conjunction with development of Lot 4A. Access must be via Lot 4A.

Lot 92 has frontage to both Allynbrook and Lewinsbrook Roads. There is a very steep gully running parallel to Lewinsbrook Road in the section south east of the quarry. Road access into Lot 92 from this section of Lewinsbrook Road will not be permitted.

Lot 4A DP6887 – Lot 4 A is an elevated parcel with some areas of flat to undulating land along the upper-slopes and ridge line. Sections of the ridge line are visible from East Gresford and from the Allyn River Road. Development **may** be possible within this area, provided that dwellings are sited below the ridgeline and are not visible from the village or Allyn River Road. A visual assessment will be required. Any development of this part of Lot 4A will need to provide access to developable land identified on the eastern part of Lot 92.

The south western corner of this Lot lies with the Quarry buffer zone and no development will be permitted in this area while the quarry remains operational. Parts of this corner are also bushfire prone.

PLANNING PRECINCT B3



Masterplan

Two masterplans are required.

These Plans are to be prepared for the eastern and western parts of Area B3. The lots that must to be planned jointly are:

- The undulating western areas of Lots 9 and 10 DP 654341 and Lot 92 DP 521113 must be jointly planned. Development of land in Lot 10 outside the buffer zone, can proceed independently of the buffer zone affected land, provided that provision is made for future vehicle and pedestrian/cycle access to the buffer zone affected area to the south.
- The elevated areas of Lot 92 DP 521113 and Lot 4A DP6887 in the south east corner of Area B3. The masterplan for this area must include a Visual Assessment and Bushfire Risk Assessment.

Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for Area B3 must address.

Issue	Planning Considerations / Performance Criteria
Quarry	<ul style="list-style-type: none"> ▪ Council to determine whether the 500m buffer zone is adequate or needs to be extended. ▪ No development permitted within the buffer zone surrounding the quarry.
Suitability of the north western part of Lot 10 and the elevated south-east corner of Area B3 (Lot 4a and Lot 92) for development	<ul style="list-style-type: none"> ▪ Land capability assessments to be undertaken to identify land outside the buffer zone area that is potentially suitable for development.
Lot 9 DP 654341	<ul style="list-style-type: none"> ▪ Subdivision not permitted on a stand-alone basis. Any development must be undertaken in conjunction with Lot 10 and/or Lot 92.
Access to Collector Roads - Allyn River Road	<ul style="list-style-type: none"> ▪ No additional private driveway access or right-of-ways to Allyn River Road can be created.
Access to Lewinsbrook Road	<ul style="list-style-type: none"> ▪ For Lot 92, there will be no access from Lewinsbrook Road in the section between the quarry and the property boundary with Lot 4A. ▪ Any proposal to subdivide the elevated area of Lot 4A must make provision for access to the adjoining elevated area of Lot 92 if the land capability assessment has identified land within Lot 92 as suitable for development. ▪ No additional private driveway or right-of-way to Lewinsbrook Road is permitted.
Pedestrian and cycle access	<ul style="list-style-type: none"> ▪ Masterplan for the western part of Area B3 is to make provision for pedestrian and cycle access through the lots, not along the Allyn River Road corridor.
Visual Impact	<ul style="list-style-type: none"> ▪ Minimise the visual impact of any development along Allyn River Road. ▪ No back yards to have frontage to Allyn River Road. ▪ No development along the ridge and hill crests along the eastern boundary of Area B3. Development is to be located below the ridgeline in areas that are not visible from the village or Allyn River Road. A visual assessment is to be undertaken as part of the planning and assessment process.

Arrival corridors / village gateways	<ul style="list-style-type: none"> ▪ Landscape buffer / corridor tree planting along the Allyn River Road frontage to create a village entry statement in accordance with the Landscape Policy for Gresford - East Gresford.
Areas subject to bushfire risk	<ul style="list-style-type: none"> ▪ Bushfire risk to be assessed and addressed as part of any subdivision design.
Reafforestation	<ul style="list-style-type: none"> ▪ Areas to be re-vegetated to be identified in the Masterplan and included in subsequent development plans.

4.4 PLANNING AREA B4

The Area

Planning Area B4 lies to the east of the Allyn River and to the south of Lewinsbrook Road. Access to this area is via Lewinsbrook Road. The area is separated from East Gresford by the Allyn River.

Area B4 incorporates seven (7) lots.

Lot A DP 418221
 Lots 31 & 32 DP 804176
 Lots 3 & 4 DP 6887
 Lots 21 & 22 DP 615903

Lot A is a small lot that has already been zoned Rural Lifestyle. Lot 31 has frontage to Allyn River Road, while Lots 3, 4 and 32 have frontage to Lewinsbrook Road. Lots 21 and 22 have no road frontage.

Development Potential

Area B4 is a hilly, dissected area with a narrow flood plain along the Allyn River. To the east of the flood plain is a series of hilly spurs rising to a prominent ridge line along the eastern boundary of the Investigation Area. There is a low spur of land behind the flood plain that runs parallel to the Allyn River. A valley separates this spur from the main ridge line. The spur is a dominant element in the 'close-up' views from East Gresford, particularly from public areas along the River, such as the showground, caravan park, and sporting fields. The upper side slopes, hill crests and ridge line further east are visible from East Gresford and from the Gresford and Allyn River Roads and forms part of the Gresford 'setting'. The intervening valley is not visible.

The northern part of Area B4 (Lots A, 31,32 and part of Lot 4) lies within the 500m Quarry buffer zone. Lots A, 31 and 32, and parts of Lots 3 and 4 are also impacted on by the 150m buffer zone surrounding the commercial nursery.

Lot A DP 418221 - this Lot is zone Rural Lifestyle and no further subdivision is permissible.

Lots 31 & 32 DP 804176 - these lots lie within the Quarry and Nursery buffer zones and no development is permitted.

Lots 3 & 4 DP 6887, Lots 21 & 22 DP 615903. These lots are large parcels of land that each contain areas of land that is suitable for development. This area is scenically significant for East Gresford and as such it is important that the visual impacts of development are minimised.

As the first step in the planning process a visual assessment and view-shed analysis is to be undertaken to identify areas of high visibility when viewed from East Gresford, the Showground and Sportsground and Gresford Road, Park St and Allyn River Road. These areas are likely to include the eastern ridge line and upper slopes, the spur crest running parallel to the River, the western slopes of this spur and along the River. No buildings will be permissible in these areas. Roads may be permissible if there is minimal visual impact.

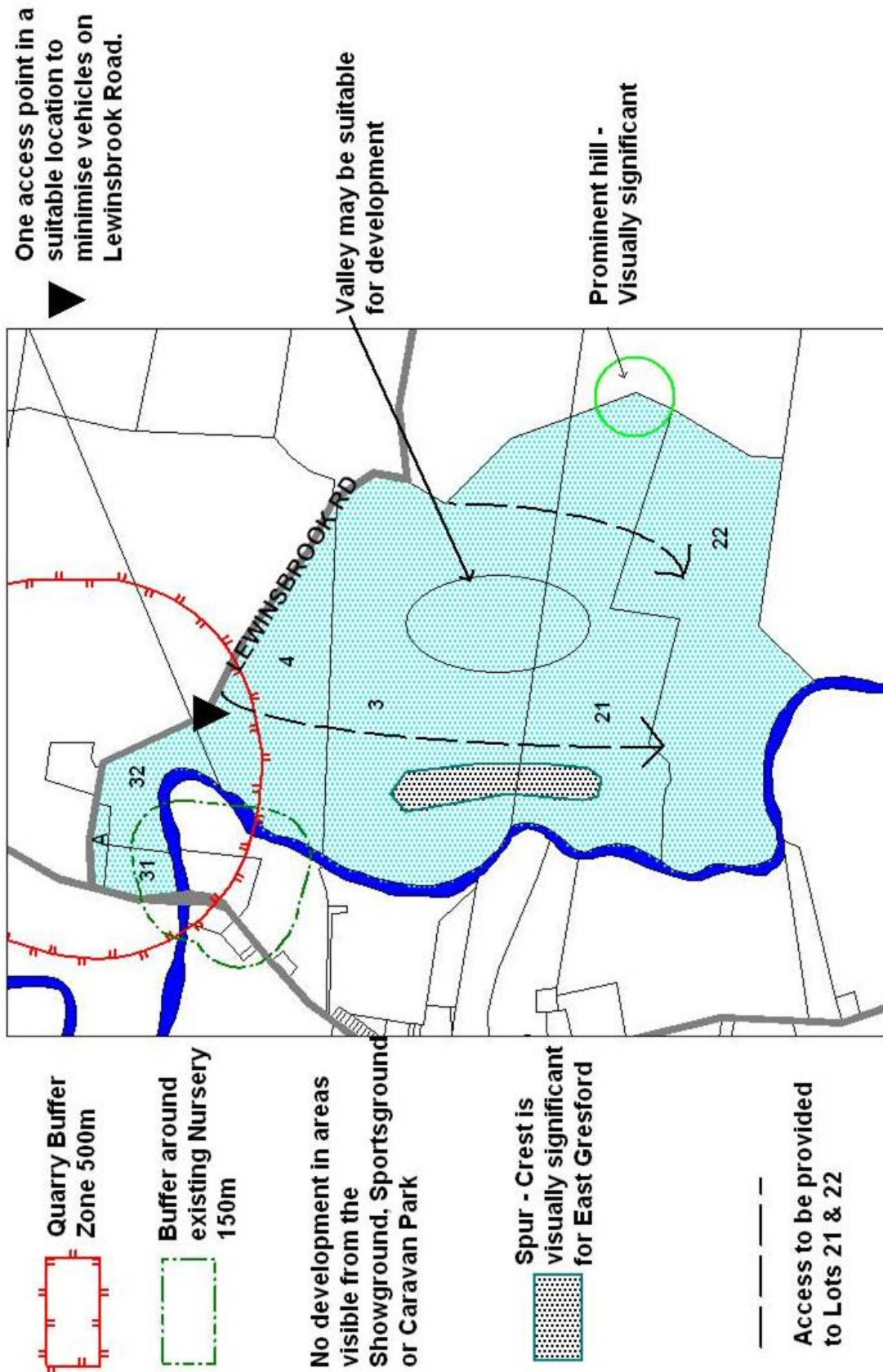
Other potential constraints that will impact on the development within this area include:

- Road Access - Lewinsbrook Road will need to be widened to cater for additional traffic generated by development in Area B4. The cost of the road works is to be met by the developer. To minimise the road works needed, consideration should be given to providing access to Area B4 via a road in from near the northern boundary of Lot 4.

Lots 21 and 22 are 'landlocked' and as such any development of Lot 3 and possibly Lot 4 must make provision for access to Lots 21 and 22.

- Flooding along the Allyn River - the 1:100 year flood levels will need to be determined. No development will be permissible below the 1:100 year levels.
- Quarry and nursery buffer zones – this will limit development along the western boundary of Lot 3 and the northern and western boundary of Lot 4.
- Watercourses - buffer zones are required along the water courses as per Dungog Shire DCP 1.
- Bushfire risk - the south eastern corner of Lot 22 is designated as bushfire prone.

PLANNING PRECINCT B4



Masterplan

A Visual Assessment - Viewshed Analysis needs to be undertaken for Area B4 as the first step in the planning and assessment process for a rezoning application. This assessment will identify land that is not visually significant and as such, may be suitable for development. A land capability assessment then needs to be undertaken to identify developable land.

A Masterplan is required, however if the areas of developable land area are dispersed, Council may request the preparation of separate Masterplans for each area. The Masterplan/s must address road access for the areas to be developed.

Issues & Performance Criteria

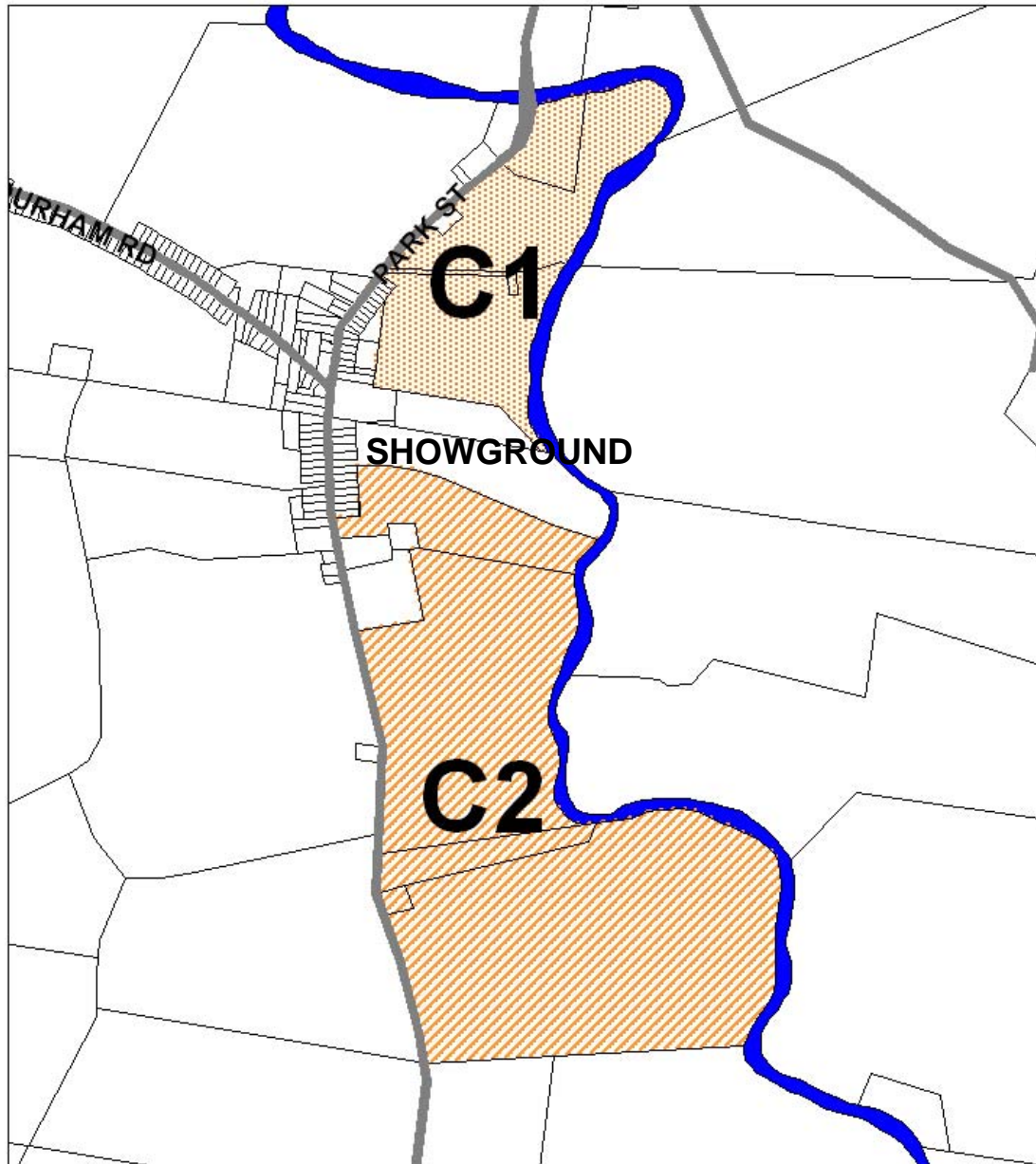
In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for Area B4 must address.

Issue	Planning Considerations / Performance Criteria
Lot A DP418221	<ul style="list-style-type: none"> No further subdivision permitted
Lots 31 & 32 DP 804176	<ul style="list-style-type: none"> Lie within the Quarry and Nursery buffer zones - no development permitted.
Coordinated development	<ul style="list-style-type: none"> Lots 3, 4, 21 and 22 need to be jointly assessed and planned. The lots may be developed individually in accordance with a Masterplan/s for the total area.
Pattern of development	<ul style="list-style-type: none"> Strip development along Lewinsbrook Road is not permissible. No development in visually prominent areas.
Visual Impact - parts of Area B4 have high visual / scenic value.	<ul style="list-style-type: none"> Visual assessment required as part of the planning and assessment for Lots 3, 4, 21 and 22. No development will be permitted in areas which are highly visible. No development is to occur on ridge lines or upper slopes that are visible from East Gresford village or Gresford Road - Park St - Allyn River Road. No development on the areas of land within Lots 3 and 21 that are visible from the Showground, Sports Ground and Caravan Park.
Flood prone land	<ul style="list-style-type: none"> Flood assessment to be undertaken to determine the 1:100 year flood level. Rural Lifestyle / Enterprise development is not

	permissible on land below the 1:100 year flood.
Access	<ul style="list-style-type: none"> ▪ Access to Area B4 will be via properly formed local roads from Lewinsbrook Road. ▪ For safety reasons, there will be no direct driveway access to Lewinsbrook Road. ▪ Any development in Area B4 will need to contribute to the cost of widening and improving Lewinsbrook Rd. ▪ Development of Lots 3 and 4 must make provision for access to lots 21 and 22.
Pedestrian and cycle access	<ul style="list-style-type: none"> ▪ Pedestrian and cycle access - the feasibility of establishing a pedestrian-cycle bridge across the Allyn River to link this area with East Gresford, via the Showground, needs to be considered as part of any development proposal for Area B4.
Allyn River and other watercourses.	<ul style="list-style-type: none"> ▪ No further riverfront lots or riparian rights to be created. ▪ Riparian vegetation to be protected and the riverbank and watercourses rehabilitated.
Areas subject to bushfire risk	<ul style="list-style-type: none"> ▪ Bushfire risk to be assessed and addressed as part of any subdivision design.
Reafforestation	<ul style="list-style-type: none"> ▪ Areas to be re-vegetated to be identified in the Masterplan and included in subsequent development plans.

5. PRECINCT C - GRESFORD EAST

Precinct C abuts East Gresford, and incorporates the area between Gresford Road - Park Street and the Allyn River, extending north to Camyr Allyn Bridge. Precinct C is divided into two planning areas, Area C1 to the north of the Showground and Area C2 to the south of the Showground.



5.1 PLANNING AREA C1

Area C1 abuts the north eastern corner of East Gresford Village. Area C1 is bounded by the Allyn River to the north and east, Park Street to the west and Gresford Showground to the south. The Area incorporates four (4) Lots:

Lots 21 & 22 DP 615079
Lot 1 DP 158386
Lot 20 DP 608401

All lots within Area C1 have access from Park Street.

Development Potential

Area C1 is flat to undulating with small areas of river flats along the Allyn River. The eastern part of Area C1 may be flood liable and a flood assessment will be required as part of the planning and assessment process.

Park Street is the northern gateway to East Gresford. Any development within Area C1 will need to minimise the visual impact of development along Park Street and provide a landscaped buffer along the road frontage. Strip style development along Park Street is not be permitted and no dwelling lots created can have direct driveway access from Park Street.

The Lot 20 has been identified as possibly suitable for the future expansion of East Gresford. Further investigation is required to determine whether this lot is suitable for future village uses and/or for smaller lot sizes (eg 2000 sqm) than permissible in the Rural Lifestyle zone. In particular, it needs to be determined whether this lots is free of physical and environmental constraints and can be connected to the town water supply and sewerage via an on-site package treatment plant (or other system).

Lot 21 DP 615079 - A commercial nursery operates from Lot 21. A nursery is classified as Intensive Agriculture and a buffer zone of 150m is to be provided around the property. The buffer zone will impact on Lot 22. The northern part of Lot 21 may be flood liable.

Lot 22 DP 615079 - the northern part of Lot 22 is impacted on by the buffer zone around the adjoining nursery, with development not permissible within this Zone.

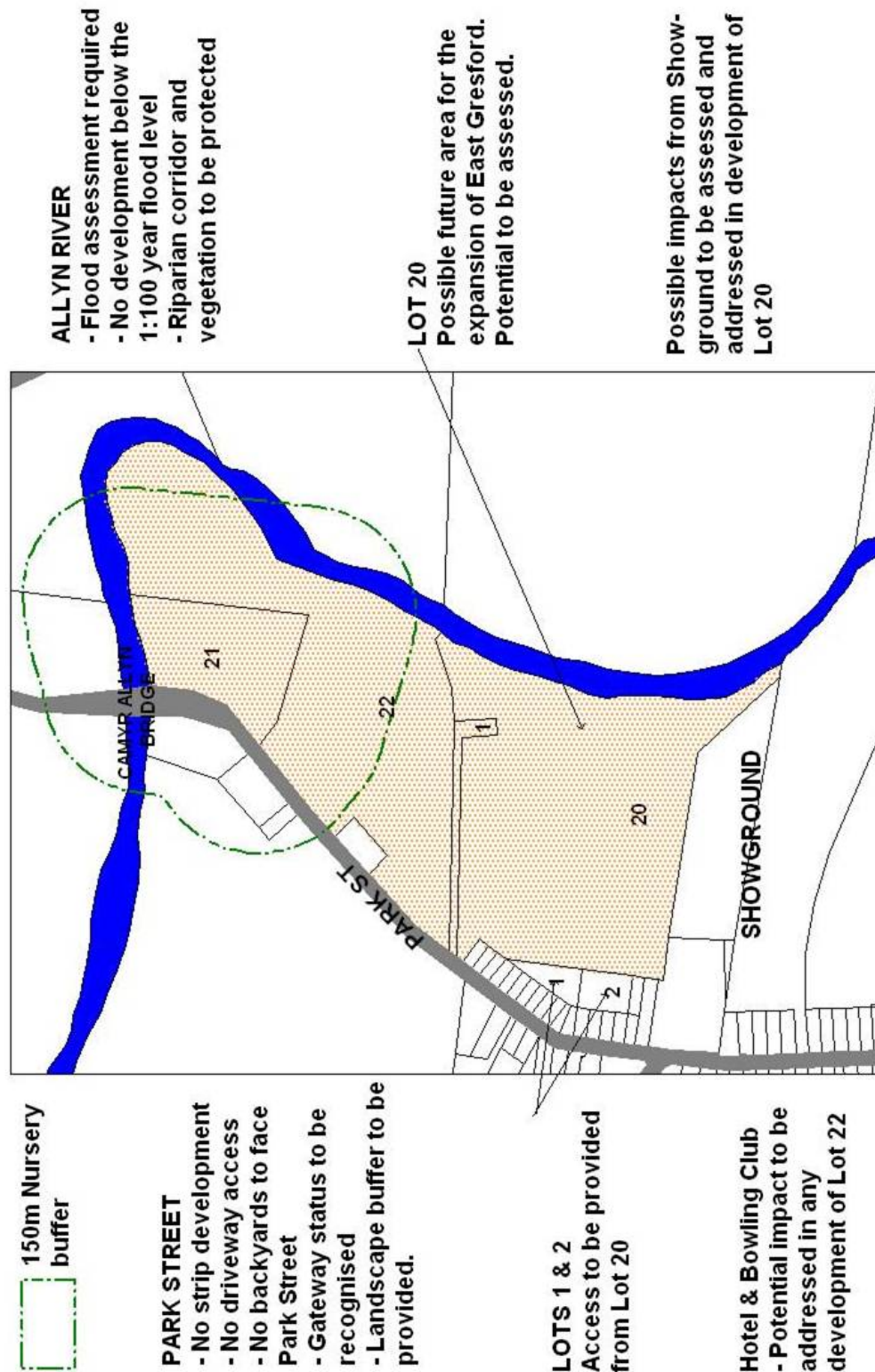
Lot 1 DP 158386 is a battle axe allotment with a narrow access handle leading to a residential size allotment. This lot is too small for further subdivision

Lot 20 DP 608401 abuts the existing village boundary and the Showground. Lot 20 has been identified as a possible area for the future expansion of East Gresford, and the area needs to be investigated to determine if it can be sewerage and is free from physical and environmental constraints. A flood assessment will be required.

The southern boundary Lot 20 adjoins the Showground and any development of this lot needs to recognise that the Showground is used for a variety of day and evening activities that generate noise, dust and odours. Likewise the adjoining Hotel Beatty and Bowling Club are existing venues that may, on occasion, provide entertainment which is also noise generating.

There are two 'land-locked' lots that abut the western boundary of Lot 20 that are zoned for village use (Lot 1 DP 158385 and Lot 2 DP 158385). Access to these lots and subdivisions patterns need to be addressed in conjunction with the development of Lot 20.

PLANNING AREA C1



Masterplan

A masterplan is required to assess land capability and determine the most appropriate pattern of subdivision for Area C1. As part of the Masterplanning process, the following issues are to be addressed and resolved:

- The need for buffer zones around the commercial nursery, cemetery and possibly the Showground, and the location and width of these zones.
- Future village needs.
- Provision of sewer and water.
- Access to / from Park Street.
- Landscape treatment of the Park Street frontage.
- Flooding - parts of the area may be flood liable. Areas below the 1:100 year flood level cannot be developed for Rural Lifestyle or Rural Enterprise uses. A flood assessment is required. In addition development of the area cannot result in increased runoff or flooding in adjoining properties or downstream.

The masterplan is to show the subdivision layout, road network, pedestrian and cycle access routes, open space and interface with the Allyn River. The Masterplan should demonstrate how development of the area can be staged. It is likely that only part of the area may be needed for residential development in the short to medium term, with the remainder of the area developed as Rural Lifestyle and/or Rural Enterprise. In designing the Rural Lifestyle / Rural Enterprise areas, consideration should be given to road and lot layouts that will enable subdivision for residential in the future.

Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for Area C1 must address:

Issue	Planning Considerations / Performance Criteria
Buffer Zones to protect existing landuses	<ul style="list-style-type: none"> ▪ No development within the 150m nursery buffer zone. ▪ The need for a buffer zones around the Showground need to be assessed and the width of the buffer zone defined.
Need for coordinated development	<ul style="list-style-type: none"> ▪ Land capability assessment to be undertaken for Area C1 to determine suitability for development. ▪ If suitable for development, a Masterplan to be prepared for Area C1. ▪ The Masterplan must demonstrate how developable land lying within buffer zones can be included if the need for a buffer zone ceases to exist. ▪ Subdivision to occur in accordance with the Masterplan.
Future expansion of East Gresford.	<ul style="list-style-type: none"> ▪ As part of the Masterplanning process -

	identification of future needs of the village and allocation of land to meet these needs.
Flooding	<ul style="list-style-type: none"> ▪ Flood Assessment to be undertaken for the Allyn River Corridor to identify the 1:100 year flood level. ▪ Residential, Rural Lifestyle and Rural Enterprise development is not permitted on land located below the 1:100 year flood level.
Access to Park Street	<ul style="list-style-type: none"> ▪ Need for an appropriately designed and sited access road/s to service Area C1. The location and design are to be determined in conjunction with the RTA and Council. ▪ No lots created by subdivision are permitted to have private driveway or right-of-way access from Park Street.
Internal access roads	<ul style="list-style-type: none"> ▪ Must provide access to Lots 1 & 2 DP 158385
Park Street is an entry point to East Gresford. The visual Impact of development along Park Street needs to be minimised.	<ul style="list-style-type: none"> ▪ Landscape buffer / corridor tree planting along the Park Street frontage to create a village entry statement in accordance with the Landscape Policy for Gresford - East Gresford. ▪ Strip development along Park Street is not permissible. ▪ No backyards to have direct frontage to Park Street.
Shared access ways - pedestrian and cycle ways.	<ul style="list-style-type: none"> ▪ To link into the village shops. ▪ Address the feasibility of providing a link through the Showground to Orana Park and the sportsground.
Allyn River foreshore	<ul style="list-style-type: none"> ▪ Riparian vegetation corridor to be defined and protected. ▪ No additional riverfront lots or riparian rights to be created, other than for recreation - open space uses.

5.2 PLANNING AREA C2

The Area

Planning Area C2 extends from the Showground south to the southern limit of the Investigation Zone. The area is bounded by the Showground to the north, Allyn River to the east and Gresford Road - Park Street to the west. Area C2 incorporates 5 lots:

Lot 2 DP 664250
Lot 43 DP 706473
Lot 1 DP 338704
Lot A DP 354990
PT 5 DP 11562

Each of these lots has road access to Gresford Road - Park Street. Lot A is a small lot that is already zoned Rural Lifestyle. Clevedon Historic House is located on Lot 43.

Development Potential

Area C2 is flat to undulating land that has been cleared and, topographically appears suitable for development. The eastern parts of Lot 2, 43, 1 and PT 5 along the Allyn River may be subject to flooding and a flood assessment will be required as part of the planning and assessment process.

All Lots within Area C2 have frontage to Gresford Road - Park Street. Gresford Road is the southern gateway to East Gresford and is the primary gateway for Gresford-East Gresford. Any development within Area C2 will need to minimise the visual impact of development along Gresford Road and provide a landscaped buffer along the road frontage.

Lot A DP 354990 This lot is already zoned Rural Lifestyle. Due to its small size, no further subdivision is permitted.

Lot 2 DP 664250 adjoins the existing village area, with the access handle to Lot 2 already zoned 2(v) Village. The northern boundary of Lot 2 abuts the Showground and Orana Park while the south west corner of the site abuts St Helen Cemetery.

Lot 2 has been identified as possibly suitable for the future expansion of East Gresford. Further investigation is required to determine whether this lot is suitable for future village uses and/or for smaller lot sizes (eg 2000 sqm) than permissible in the Rural Lifestyle zone. In particular, it needs to be determined whether Lot 2 is free of physical and environmental constraints and can be connected to the town water supply and sewered via an on-site package treatment plant (or other system).

Any development of Lot 2 must include provisions for a pedestrian and cycle link from Lot 43 through to the Orana Park - Showground area.

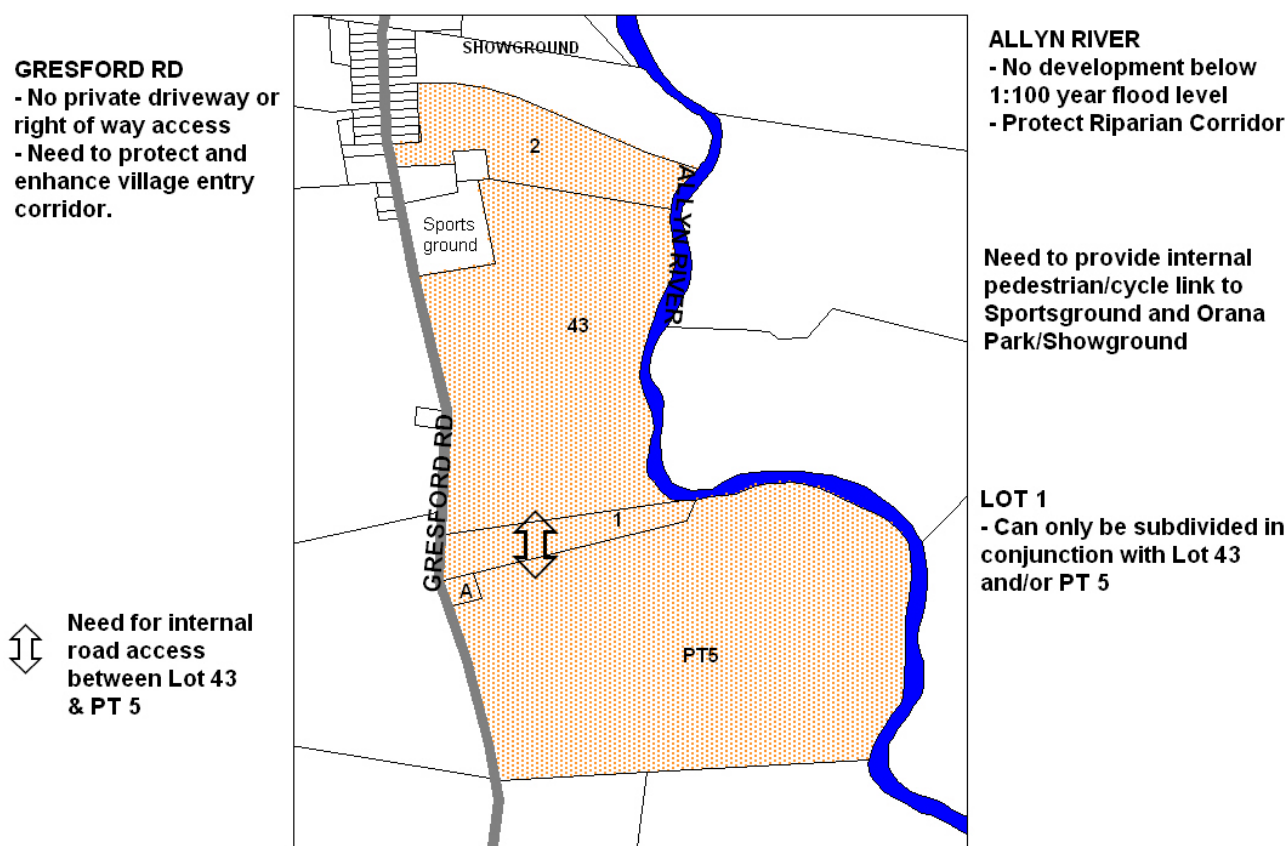
Lot 43 DP 706473 is a very large parcel of land located on the southern edge of East Gresford. The north-west corner of this Lot abuts the Sportsground and St Helens Cemetery. Clevedon Historic House is centrally located within the Lot. This former hospital is of heritage significance and a heritage assessment is to be undertaken as part of any land capability assessment / rezoning application. As part of heritage assessment the curtilage around the building needs to be defined. If Lot 43 is free from physical and environmental constraints and can be sewered via an on-site package treatment plant (or other system) this area **may** be suitable for smaller lot sizes than permissible under a Rural Lifestyle or Rural

Enterprise zoning. The northern part of the Lot, adjacent to the Sportsground may also be suitable for future village uses. Any development of Lot 43 must make provision for vehicle, pedestrian and cycle links with PT 5.

Lot 1 DP 338704 - Lot 1 is a long narrow lot, with a width to depth ratio of less than 1:3. Due to its shape, this lot must be developed in conjunction with the adjoining Lot 43 and/or PT 5. It cannot be planned and subdivided on a stand-alone basis.

PT 5 DP 11562 - PT 5 is a large parcel of land that, subject to flood assessment, appears suitable for Rural Lifestyle or Rural Enterprise development.

PLANNING AREA C2



Masterplan

Given the size of the area involved, it is likely that development will be staged, possibly over an extended time period. A Masterplan is required to ensure a coordinated approach to development that will facilitate future growth of the East Gresford, protect Clevedon House and curtilage, produce a range of lot sizes and provide an internal access network throughout the area.

The Masterplan is to include a land capability assessment and determine the most appropriate type and pattern of subdivision for Area C2. As part of the Masterplanning process, the following issues are to be addressed and resolved:

- Future village needs - for village uses and for the expansion of sporting facilities.

- Possible buffer zone around the Showground.
- Provision to protect Clevedon House and its curtilage.
- Provision of sewer and water.
- Access to / from Gresford Road.
- Internal access - local road links between Lots 43, 1 and PT 5 and pedestrian and cycle links between these lots and through Lot 2 to Orana Park / Showground. The objective is to provide internal links to the village centre so that pedestrians and cyclists do not have to use the Gresford Road corridor.
- Minimising the visual impact from Gresford Road.
- Flooding - parts of the area may be flood liable. Areas below the 1:100 year flood level cannot be developed for Rural Lifestyle or Rural Enterprise uses. A flood assessment is required. In addition development of this area cannot result in increased runoff and flooding in adjoining properties or downstream.

The masterplan is to show the subdivision layout, road network, pedestrian and cycle access routes, open space and interface with the Allyn River. The Masterplan should demonstrate how development of the area can be staged. It is likely that only part of the area may be needed for village uses in the near future, with the remainder of the area developed as Rural Lifestyle and/or Rural Enterprise. In designing the Rural Lifestyle / Rural Enterprise areas, consideration should be given to road and lot layouts that will enable subdivision for residential in the future.

Issues & Performance Criteria

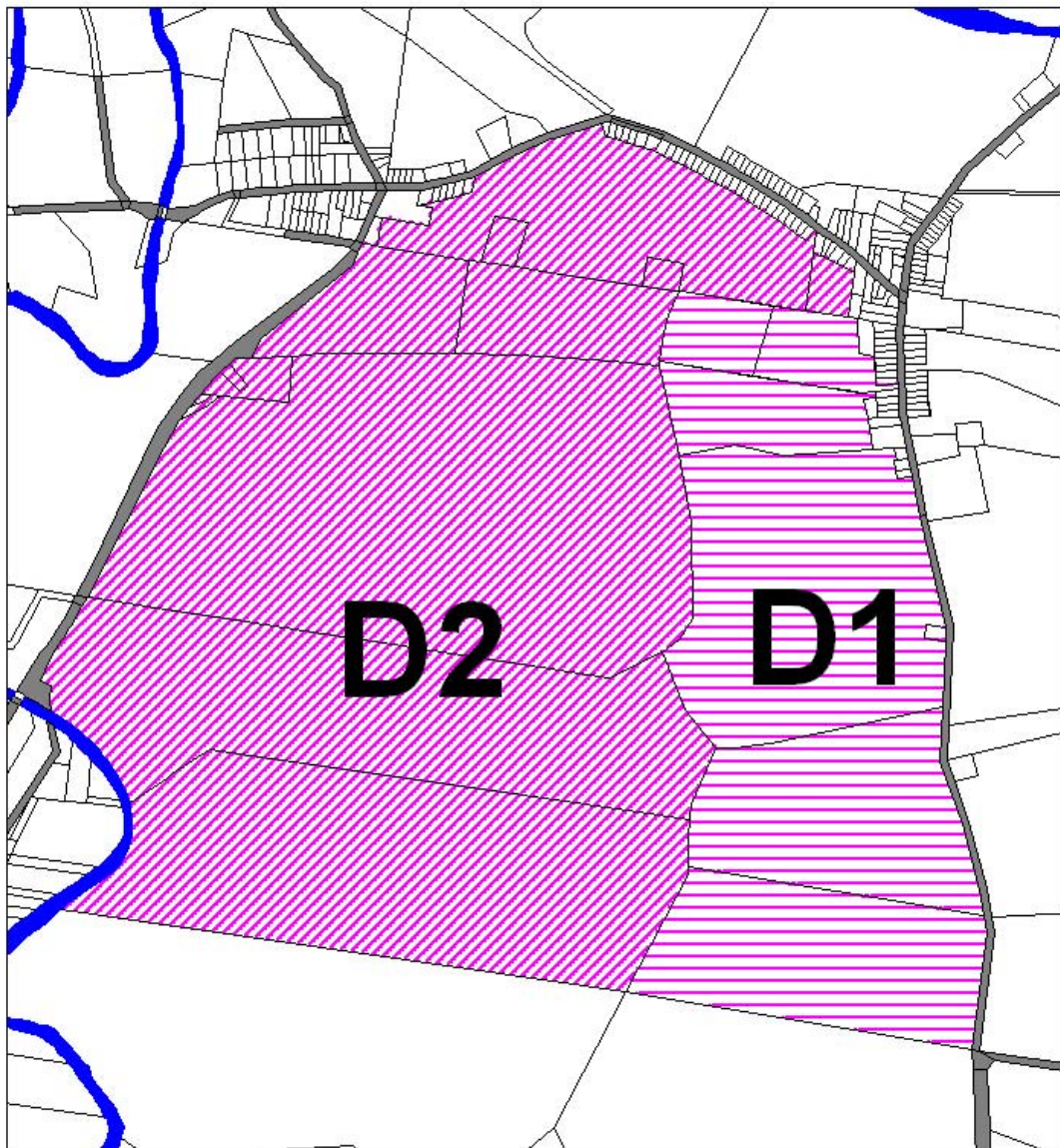
In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for Area C2 must address:

Issue	Planning Considerations / Performance Criteria
Lot A 354990	No further subdivision permitted
Lot 1 DP338704	Can only be developed if undertaken in conjunction with Lot 43 and/or PT 5.
Buffer Zones to protect existing landuses	<ul style="list-style-type: none"> ▪ The need for a buffer zone around the Showground needs to be assessed and the width of the buffer zone defined.
Protection of Clevedon House & Curtilage	<ul style="list-style-type: none"> ▪ Heritage assessment to be undertaken
Need for co-ordinated development	<ul style="list-style-type: none"> ▪ Land capability assessment to be undertaken for Area C2 to determine suitability for development. ▪ If suitable for development, a Masterplan is to be prepared for Area C2. The Masterplan must show how development can be staged. ▪ Subdivision to occur in accordance with the Masterplan.

Future expansion of East Gresford.	<ul style="list-style-type: none"> ▪ The Masterplanning process is to include identification of future needs of the village and allocation of land to meet these needs.
Flooding	<ul style="list-style-type: none"> ▪ Flood Assessment to be undertaken for the Allyn River Corridor to determine the 1:100 year flood level. ▪ Residential, Rural Lifestyle and Rural Enterprise development is not permissible on land located below the 1:100 year floodlevel.
Access to Collector Roads - Gresford Road	<ul style="list-style-type: none"> ▪ Need for an appropriately designed and sited access road/s to service Area C2. The location and design will need to be determined in conjunction with the RTA and Council. ▪ No lots created by subdivision are permitted to have private driveway or right-of-way access from Gresford Road.
Internal access roads	<ul style="list-style-type: none"> ▪ The subdivision plan for the area must include road links between Lot 43 and PT 5 through Lot 1.
Gresford Road is an entry point to East Gresford and is the main arrival gateway for the village. The visual impact of development along Gresford Road needs to be minimised.	<ul style="list-style-type: none"> ▪ Landscape buffer / corridor tree planting along the Gresford Road frontage to create a village entry statement in accordance with the Landscape Policy for Gresford - East Gresford. ▪ Strip development along Gresford Road is not permissible. ▪ No backyards to have direct frontage to Gresford Road.
Shared access ways - pedestrian and cycle ways.	<ul style="list-style-type: none"> ▪ A pedestrian-cycle link/s is to be provided to link adjoining lots and provide a link through to Orana Park / Showground area. This link must be provided internally, not along the Gresford Road corridor.
Allyn River foreshore	<ul style="list-style-type: none"> ▪ Riparian vegetation corridor to be defined and protected. ▪ No additional riverfront lots or riparian rights to be created, other than for recreation - open space uses.

6. PRECINCT D - GRESFORD SOUTH

Precinct D incorporates the large hill just south of the village. The Precinct abuts the southern edge of Gresford and East Gresford and is bounded by Durham Road to the north, Gresford Road and Park Street to the east and Glendonbrook Road to the west. The hill, which rises to an elevation of 243 metres, is a very significant landmark and feature of the Gresford area. The hill forms the drainage divide between the Allyn and Paterson Rivers. It also separates the settlements of East Gresford and Gresford. Precinct D is divided into two planning areas.



6.1 PLANNING AREA D1

The Area

Area D1 is located on the eastern side of the hill and extends from the ridge line east to Gresford Road - Park Street. The Area D1 incorporates six (6) lots:

Lots 21 and 22 DP1086314
Lot 11 DP 662442
Lot 2 DP 519676
Lots 7 & 8 DP 11562

A winery has been established on Lot 21. There is an electrical substation on Gresford Road adjacent to Lot 2 DP 519676.

Development Potential

The development potential of Area D1 is constrained by the topography and prominence of the area. The western boundary of Area D1 runs along the ridge line. The side slopes below the ridge are very steep and not suitable for development. The foothills, along the Gresford Road frontage are undulating to hilly. These lower slopes may be suitable for development if setback requirements from Gresford Road and from the numerous small creeks and watercourses rise on the hill and flow east to the Allyn River, can be met.

Area D1 is highly visible from the Gresford Road approach into East Gresford. The hill, ridge line and upper slopes are highly visible from the village and from a number of vantage points on all access roads into Gresford - East Gresford. The hill is an integral part of the Gresford landscape.

Lot 21 DP1086314 – There is a winery operating on this lot. Consideration is being given to developing the area between the winery and Gresford Road as a tourist attraction with the focus being a small lake with walking trail, bird viewing area and possibly a boutique eatery.

Lot 22 DP1086314 – Lot 22 has no road frontage and is accessed via a right-of-way from Lot 21. While the winery remains operational any development of Lot 22 will need to occur in conjunction with Lot 20 to the north and/or Lot 11 to the south.

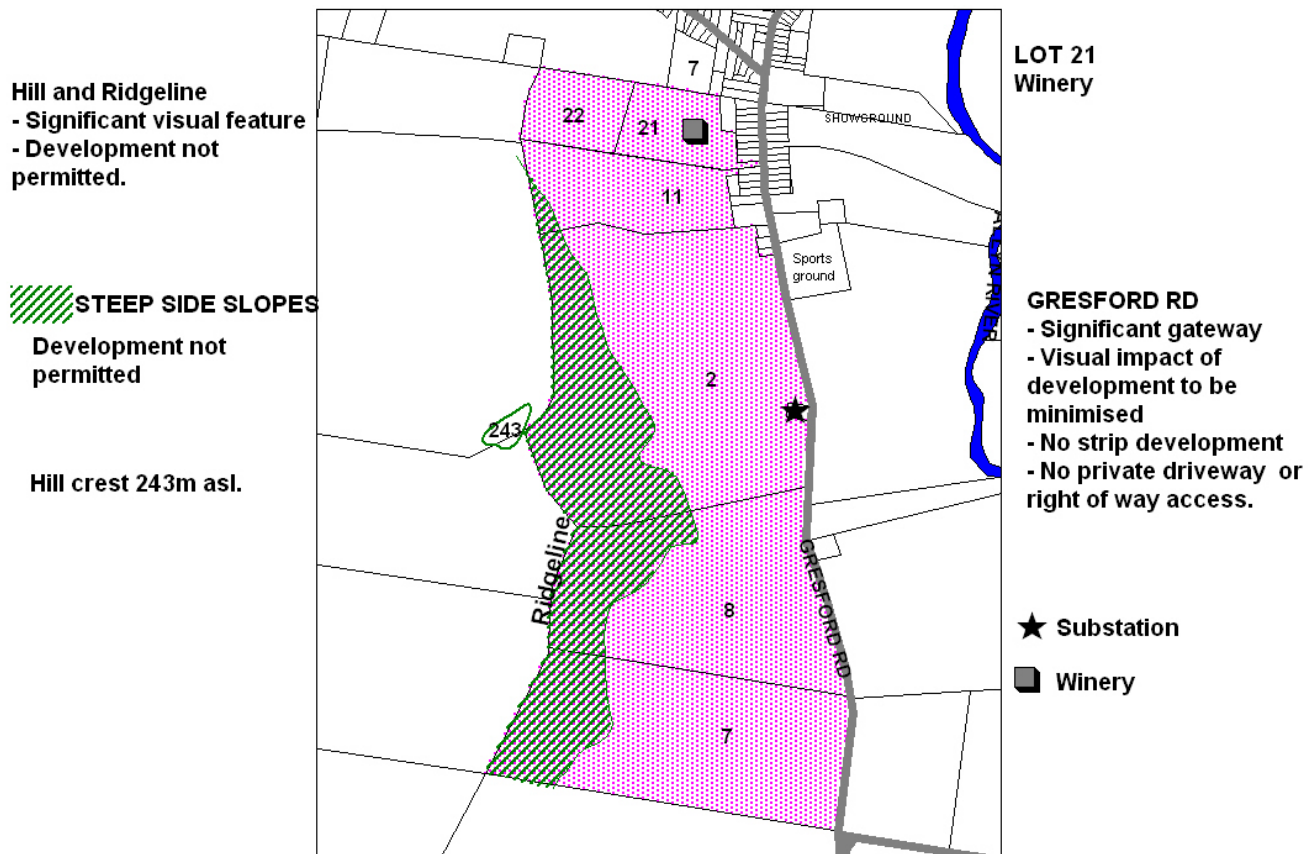
Lot 11 DP 662442 – Most of the area of Lot 11 appears to be suitable for development. Any development will need to be undertaken in conjunction with adjoining lots, with consideration given to providing access to Lot 22 if this Lot has land suitable for development.

Lot 2 DP 519676, Lots 7 & 8 DP 11562 - these lots are similar in their physical characteristics, being undulating to hilly along the Gresford Road frontage, rising steeply to the ridge line along their western boundary. Only the undulating area of these lots is possibly suitable for development. In addition to topography other constraints include:

- Stability - the Hill has been cleared and there is minor evidence of instability on some of the steeper slopes. A geotechnical assessment may be required as part of the land capability assessment.
- Water courses - there are a number of small water courses that rise along the ridge and flow east to the Allyn River. DCP 1 requires development to be set-back from the water courses.
- Area of high visual significance - this is the main gateway for Gresford - East Gresford and any development will need to be set back from the Gresford Road and have minimal visual impact.
- Gresford Road is a collector road and no private driveway or right of way access to Gresford Road will be permitted. All access is to be via properly sited and constructed local roads.

The lot yield from Area D1 is likely to be low given the terrain, visual impact considerations and the need to satisfy the setback requirements from main roads and watercourses.

PLANNING AREA D1



Masterplan

A land capability assessment is required to identify the areas suitable for development within Area D1. The land capability assessment must include a visual assessment. Dungog Shire Council may also require a geotechnical study.

Depending on the size and location of land identified in the land capability assessment as suitable for development, Council may require the preparation of a Masterplan for all or part of Area D1.

Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for the developable land within Area D1 must address.

Issue	Planning Considerations / Performance Criteria
Winery – Lot 21	<ul style="list-style-type: none"> The winery is an existing, approved use and any development of adjoining land needs to recognise that during harvest the winery may operate 24 hours per day and that noise, odours and/or light may be emitted.
Electricity substation	<ul style="list-style-type: none"> Energy Authority to be consulted to determine setback and other requirements.
Need for co-ordinated development	<ul style="list-style-type: none"> Land capability assessment to be undertaken for Area D1 to determine suitability for development. If suitable for development, Council may require that a Masterplan to be prepared for all or parts of Area D1. The Masterplan must show how development can be staged. Subdivision to occur in accordance with the Masterplan.
Stability - need to assess the risk of slippage / landslide from the steeper upper slopes.	<ul style="list-style-type: none"> Council may require that a geotechnical assessment be undertaken as part of the land capability assessment
Access to Collector Roads - Gresford Road	<ul style="list-style-type: none"> Need for an appropriately designed and sited access road/s to service Area D1. The location and design will need to be determined in conjunction with the RTA and Council. No lots created by subdivision are permitted to have private driveway or right-of-way access from Gresford Road.
Gresford Road is an entry point to East Gresford and is the main arrival gateway for the village. The visual Impact of development along Gresford Road needs to be minimised.	<ul style="list-style-type: none"> Landscape buffer / corridor tree planting along the Gresford Road frontage to create a village entry statement in accordance with the Landscape Policy for Gresford - East Gresford. Strip development along Gresford Road is not permissible. No backyards to have direct frontage to Gresford Road.
Shared access ways - pedestrian and cycle ways.	<ul style="list-style-type: none"> Depending on the pattern of development, a pedestrian-cycle link may be required by Council. This link should be provided internally, not along the Gresford Road corridor and link through to East Gresford and to Durham Road to link with the footpath - cycle way between Gresford and East

	Gresford.
Watercourses	<ul style="list-style-type: none"> Development is to be setback from watercourses as required in DCP 1. No additional riparian rights can be created.
Reafforestation to improve stability	<ul style="list-style-type: none"> Areas to be re-vegetated are to be identified in the Masterplan and included in subsequent development plans.

6.2 PLANNING AREA D2

The Area

Area D2 is located south of Durham Road on the western side of the hill and extends from the ridge line west to Glendonbrook Road. Area D2 abuts the southern boundary of Gresford village. The Paterson River forms the south western corner of Area D2. The Area incorporates eleven (11) lots:

Lot 7 DP 38901
 Lot 20 DP 1014637
 PT 5 DP752464 (eastern side of Glendonbrook Rd)
 PT 6 DP 752464
 Lots 3, 4, 5 & 6 DP 614286
 Lot 6 DP 831568
 Lot 13 DP 650435
 Lot 14 DP 11562

Lots 3, 4, 5 & 6 DP 614286 are small lots that have already been zoned Rural Lifestyle. Due to their size and location, no further subdivision Lots 5 and 6 is permissible. Lots 3 and 4 could potentially be re-subdivided as part of the development of adjoining land (Pt 5 or Lot 6 DP 831568). Lots 3 and 4 will not be able to be subdivided on an individual basis.

Lot 20 has frontage to Durham Road. The Lot spans the area from Gresford to East Gresford across the ridge line. Two small lots have been excised from Lot 20, with these being the former Rubbish tip (Lot 2 DP 1059713) and the Water Storage Reservoir for Gresford (Lot 21 DP 1014637). There are also a number of easements across Lot 20 to provide access to these two facilities and for the pumping of water from the Allyn and Paterson Rivers.

Lot 7, PT 6 and Lot 14 have no road frontage. Lot 7 DP38901 is accessed via Berks Lane, a narrow lane (6m wide) accessed from Parkes Street. PT6 is owned by the Anglican Church who also owns PT 5 (adjoining Lot) which has frontage to Glendonbrook Road. Lot 14 is serviced by a Right of Way from Glendonbrook Road.

The remaining lots have frontage to and access from Glendonbrook Road.

Development Potential

Area D2 contains large tracts of developable land and is the preferred location for the expansion of Gresford Village and for Rural Lifestyle development within the Gresford Investigation Zone. The western, central and northern parts of Area D2 are undulating and

rise gradually to the east. The south eastern part of Area D2 incorporates steep side slopes which rise to the hill crest and ridge line along the eastern boundary.

Key considerations in developing Area D2 include:

- Identifying and providing sufficient land to accommodate the future growth of Gresford.
- Pattern of subdivision - no strip development along Durham or Glendonbrook Roads.
- Maintaining the physical and visual separation of Gresford and East Gresford.
- Minimising the visual impact of development particularly along the ridge lines and upper side slope areas.
- Access to collector roads - developing a network of local connecting roads within Area D. No private driveway or right-of-way access to Durham or Glendonbrook Roads is permitted.
- Protecting the watercourses within the area.
- Providing pedestrian and cycle links to connect to Gresford village and possibly to East Gresford.
- 150m buffer zone around the market gardens which are located near Pound Crossing Bridge, just south of the Investigation Area.

Lot 7 DP 38901 - Lot 7 is a small lot that abuts the village boundary in East Gresford. This lot is already zoned Rural Lifestyle. Access is via Berks Lane. The lane is very narrow and does not have the capacity for increased traffic use. Access for any subdivision on Lot 7 needs to be provided through Lot 20. Subject to having no physical or environmental constraints, and access to the sewer, Lot 7 may be suitable for future village uses. The planning and development of this lot needs to be undertaken in conjunction with the development of Lot 20.

Lot 20 DP 1014637 - spans the area across the ridge from Gresford to East Gresford. The western area of Lot 20 abuts Gresford Village and has been identified as potentially suitable for the future expansion of this settlement. Gresford Primary School occupies a small site adjacent to Lot 20 and has advised that additional land may be required if the school is to grow to accommodate the future needs of Gresford, East Gresford and the surrounding area.

The former Garbage Tip site, which lies within Lot 20 has also been identified by the Gresford community as a possible location for the development of sporting facilities - possibly an oval and two courts, to service both the school and Gresford village.

The eastern section of Lot 20 abuts East Gresford Village. The area below the ridge contains a number of small watercourses and localised areas of steeper slopes. A land capability assessment is required to determine if this land is suitable for the expansion of East Gresford. Any development in this area needs to be done in conjunction with Lot 7. Consideration also needs to be given to providing access to Lot 22 in Area D1 and the establishment of a pedestrian-cycle link through Lot 20 to link Area D1 to Gresford village

The intervening land (between the former Tip and East Gresford) rises to a spur ridge line, with the water storage reservoir located on the highest point within Lot 20. This intervening area currently provides the separation between Gresford and East Gresford. This separation is an integral part of the character of the Gresford area, with the community wanting to see this separation remain. The community workshop recommended that this area become parkland or open space. A walking trail to the top of the hill has also been suggested for inclusion within this area. Careful consideration needs to be given to development within this intervening area, with priority to be given to retaining the visual separation of the two settlements. Strip development along Durham Road will not be permitted. There will be no private driveway or right-of way access to Durham Road.

The subdivision planning for Lot 20 will need to address access for Lots 7 and 22 in East Gresford and PT 6 DP 752464 and lots further south on the Gresford side. A pedestrian - cycle link between Gresford and East Gresford may also be required with provision to link into Area D1.

PT5 DP 752464 - This Lot abuts the southern end of Gresford village and is an ideal site for the future expansion of the village. PT5 has been identified as a possible site for aged housing / retirement home to meet the needs of the local community. This is an ideal location for a retirement home, possibly integrated with other village uses.

PT6 DP 752464 - This area is gently undulating and suitable for development. No development is to occur along the crest of the ridge or in areas that are highly visible. Provided that the area can be sewered, PT6 may be suitable for smaller lot subdivision (eg 2,000sqm). The subdivision design needs to recognise that this land may be re-subdivided in the future for to meet the need for residential land for Gresford.

Lots 3, 4, 5 & 6 DP 614286 are small lots that have already been zoned Rural Lifestyle. Due to their size and location, no further subdivision Lots 5 and 6 is permissible. Lots 3 and 4 could potentially be re-subdivided as part of the development of adjoining land (Pt 5 or Lot 6 DP 831568). Lots 3 and 4 will not be able to be subdivided on an individual basis.

Lot 6 DP 831568 - The western and central areas of Lot 6 (most of the area below 100m asl) is considered highly suitable for Rural Lifestyle or Rural Enterprise development. Provided that there are no environmental or physical constraints and the property is sewered (either an on-site package treatment plant or other arrangements), smaller lot subdivision may be considered for part of this Lot.

The eastern third of the site rises steeply to the ridge line along the eastern boundary with the crest of the hill (243m asl) forming the south east corner of the Lot. The hill and side slopes are highly visible from Glendonbrook Road and form part of the visual approach to Gresford. Parts of this area are also visible from Gresford village. There may be sites on the lower and mid slopes that could potentially be suitable for development provided that the development is not visually obtrusive and the impact of the development on the view-shed is minimal. Where potentially suitable development sites are situated below areas of steep slopes the stability of the area will need to be assessed.

Lot 13 DP 650435 - The topography of Lot 13 is similar to Lot 6 with the western half of the area being undulating and suitable for development and the eastern half being hilly and steep and not suitable for development. Flooding may occur along the Paterson River frontage and a flood assessment is required to identify the 1:100 year flood level. Given the proximity to Pound Crossing Bridge and the alignment and sightlines along this section of Glendonbrook Road, Lots 6 and 13 should share the same access road with Lot 6. Access also needs to be provided through Lot 13 to Lot 14. The south western corner of Lot 13 lies within the 150m buffer zone around the market garden, which is located just across the river.

Lot 14 DP 11562 - The undulating area between the Paterson River and the spur which rises up to the ridge line is potentially suitable for development, provided that it lies above the 1:100 year flood level and outside the 150m market garden buffer zone. No development will be permissible in the area to the east of the spur. The area to the east of the spur is hilly to steep and bushfire prone.

GLENDONBROOK RD
- No private driveway or
right of way access

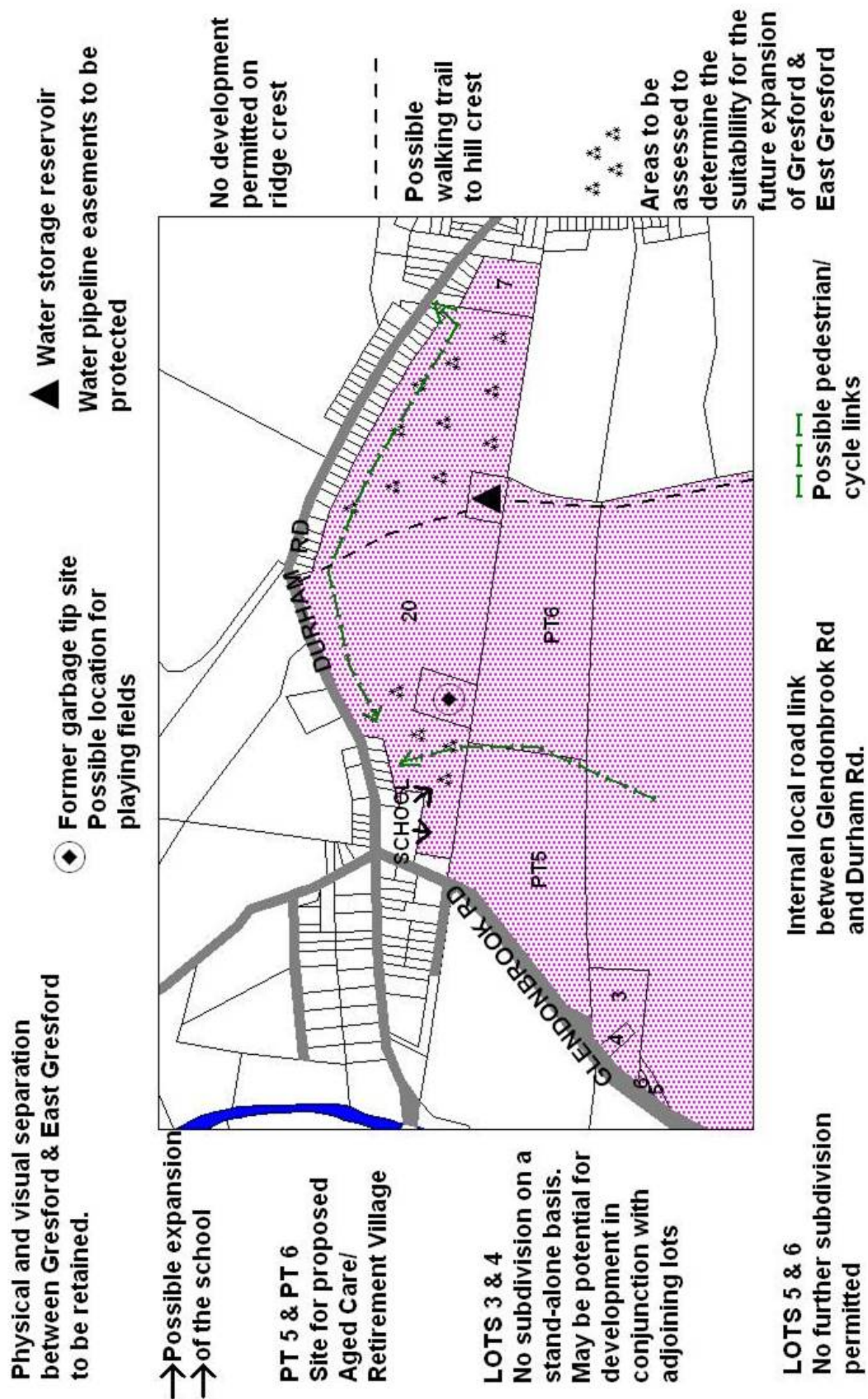
- No strip development
along Glendonbrook Rd

 **Pound Crossing
Bridge**

- Where slopes exceed 18 degrees
- Where land is unstable/subject to land slip
- Visually prominent
- On the ridgeline

 **Pedestrian & cycle route(s) through the area to link with the school and village centre.**

PLANNING AREA D2 NORTH



Masterplan

A Masterplan is required. The Masterplan is to show:

- Areas for the future expansion of Gresford and possibly East Gresford villages.
- How the visual separation between Gresford and East Gresford is to be achieved.
- The proposed subdivision layout, including areas to be subdivided for village use (residential, aged care, sporting facilities etc) as well as for rural lifestyle / rural enterprise development.
- Road layout and pedestrian and cycle links through the area.
- Open space areas and corridors.
- Areas of visual significance and the provisions to preserve these areas.
- Market garden buffer zone (150m).
- The interface with the Paterson River and the creek systems.
- Areas to be reafforested.

The Masterplan must demonstrate how development of the area will be staged as it is likely that only the northern part of the area will be needed for village growth in the short to medium term.

Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for the developable land within Area D2 must address.

Issue	Planning Considerations / Performance Criteria
Need for co-ordinated development	<p>Preparation of a Masterplan for the development of Area D2. The Masterplanning process is to include:</p> <ul style="list-style-type: none"> ▪ Land capability assessment to be undertaken for Area D2 to determine suitability for development for a range of village uses and rural lifestyle / enterprise development. ▪ Assessment of the future needs of Gresford and East Gresford and, where suitable, the allocation of land to meet these needs. ▪ Visual analysis / view-shed assessment to preserve areas of high visual significance. <p>Subdivision is to occur in accordance with the Masterplan.</p>
Separation of Gresford and East Gresford	<ul style="list-style-type: none"> ▪ The visual separation of Gresford and East Gresford is to be retained.
PT 5 DP 752464	<ul style="list-style-type: none"> ▪ If the area can be sewerred, this Lot is to be rezoned for 2(v) Village.
Smaller lot subdivision	<ul style="list-style-type: none"> ▪ Provided that the area can be sewerred, PT 6

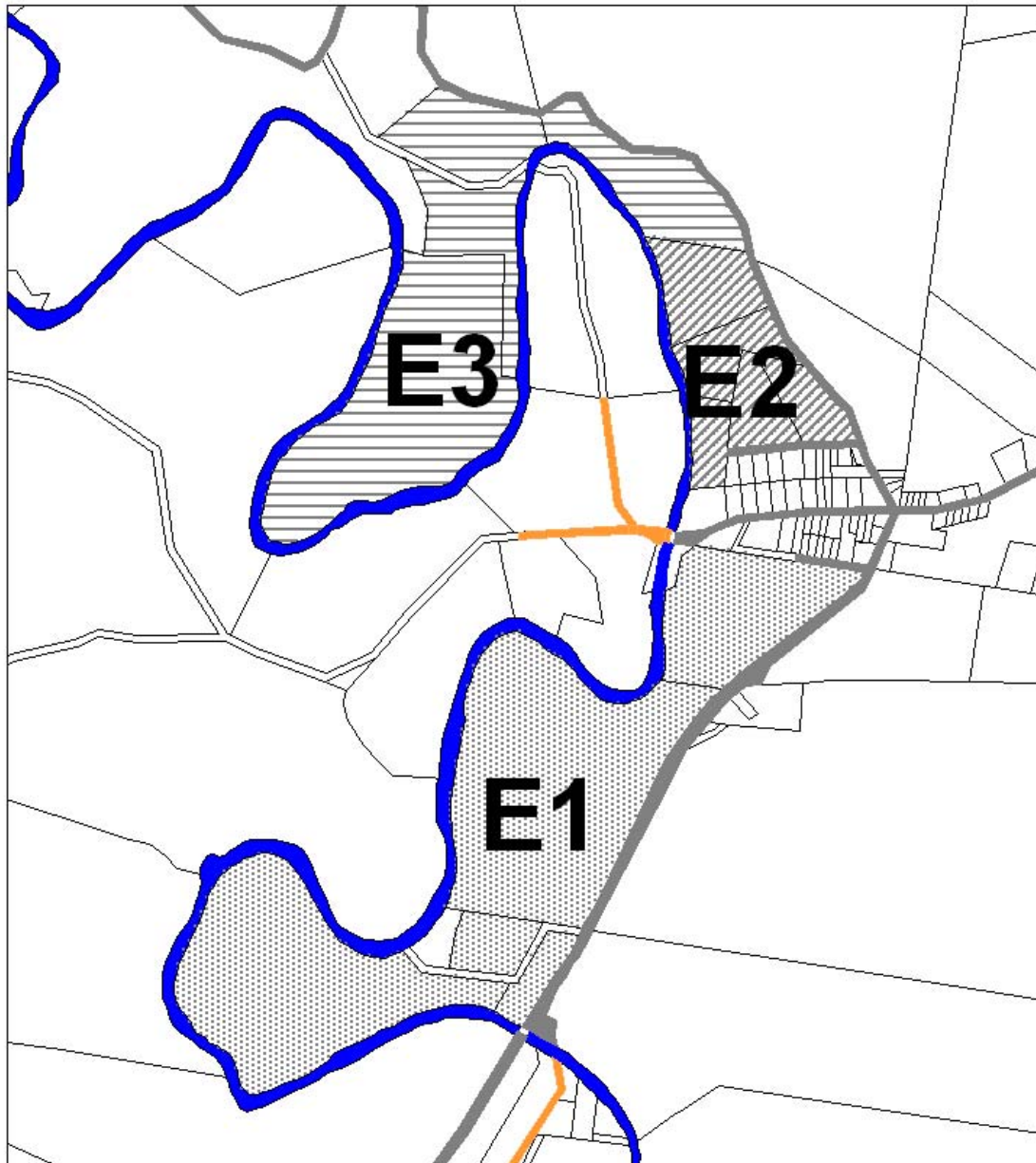
	DP 752464 and the north western area of Lot 6 DP 831568 may be suitable for smaller lot subdivision (eg 2,000sqm). The subdivision design needs to recognise that this land may be re-subdivided in the future to meet the need for residential land for Gresford
Lots 5 & 6 DP 614286	<ul style="list-style-type: none"> No further subdivision is permissible.
Lots 3 & 4 DP 614286	<ul style="list-style-type: none"> Can only be subdivided further as part of the development of adjoining land. These lots cannot be subdivided on a stand-alone basis.
Lot 7 DP 38901	<ul style="list-style-type: none"> Possibly suitable for future village use. Planning for this Lot needs to be undertaken in conjunction with the planning of Lot 20. Access to Lot 7 is to be via Lot 20 not Berks Lane.
Visual Impact - parts of Area D2 have high visual / scenic value.	<ul style="list-style-type: none"> Visual assessment required as part of the planning and assessment process. No development will be permitted in areas which are highly visible. No development on ridge lines or upper slopes (broadly defined as the area above 100m asl) that are visible from East Gresford, Gresford, Durham Road or Glendonbrook Road.
The visual Impact of development along both Durham and Glendonbrook Roads needs to be minimised.	<ul style="list-style-type: none"> Landscape buffer / corridor tree planting along the road frontage to create a village entry statement in accordance with the Landscape Policy for Gresford - East Gresford. Strip development along these roads is not permissible. No backyards to have direct frontage to these roads.
Stability - need to assess the risk of slippage / landslide from the steeper upper slopes.	<ul style="list-style-type: none"> Council may require that a geotechnical assessment be undertaken as part of the land capability assessment.
Access to Collector Roads - Durham Road and Glendonbrook Road	<ul style="list-style-type: none"> Need for an appropriately designed and sited access road/s to service Area D2. The location and design will need to be determined in conjunction with the RTA and Council. No lots created by subdivision are permitted to have private driveway or right-of-way access from Durham or Glendonbrook Roads.

Local road network	<ul style="list-style-type: none"> A north-south local road is to be provided linking Glendonbrook Road (in the vicinity of the current access point for Lots 6, 13 and 14) through to Durham Road. The access road from Glendonbrook Road must be the point of entry to Lot 6 DP 650435, Lot 13 and Lot 14.
Shared access ways - pedestrian and cycle ways.	<ul style="list-style-type: none"> A pedestrian - cycle route is to be provided that links the village to Pound Crossing Bridge. This link must be provided internally, not along the Glendonbrook Road corridor. Council may also require the provision of an east - west link between Gresford and East Gresford, with this to be set back from the Durham Road corridor.
Flood prone land - Paterson River	<ul style="list-style-type: none"> Flood assessment to be undertaken to determine the extent of flood prone land on Lots 13 and 14. Rural Lifestyle / Enterprise development is not permissible on land below the 1:100 year flood. Areas below the 1:100 year flood level to be rezoned Rural 1(a) or Environment 7(a) depending on the location and environmental attributes of the area.
Watercourses	<ul style="list-style-type: none"> Watercourses are to be protected. Development is to be setback from watercourses as required in DCP 1. No additional riparian rights can be created.
Market Garden, south east of Pound Crossing Bridge	<ul style="list-style-type: none"> 150m buffer zone. No development permissible within the buffer zone area.
Reafforestation to improve stability	<ul style="list-style-type: none"> Areas to be re-vegetated are to be identified in the Masterplan and included in subsequent development plans.
Areas subject to bushfire risk	<ul style="list-style-type: none"> Bushfire risk to be assessed and addressed as part of any subdivision design.

7. PRECINCT E - PATERSON RIVER - GRESFORD WEST

The Area

Precinct E incorporates the area within the Investigation Zone, which lies between the Paterson River and Glendonbrook - Paterson River Roads. Precinct E abuts the northern and southern boundaries of Gresford village. Precinct E is divided into 3 planning areas.



7.1 PLANNING AREA E1

The Area

Area E1 incorporates the area to the south of Gresford and is bounded by Glebe Road to the north, the Paterson River to the west and south and Glendonbrook Road to the east.

Area E1 incorporates four (4) lots:

PT 5 DP 752464 (West)
Lot 7 DP 831568
Lots 10 & 11 DP 1021970

PT5, Lot 7 and Lot 10 all have frontage to Glendonbrook Road, with Part 5 also having frontage to Glebe Road. Lot 11 is accessed via an unformed road from Glendonbrook Road. This unformed road is also used by Lot 10 for access.

Development Potential

Area E1 has frontage to the Paterson River, with Lots 7 and 11 having extensive areas of river flats. These river flats appear to lie below the 1:100 years flood level. Flooding may also occur along the creek system that flows across Lot 7 into the Paterson River. A flood assessment will be required as part of the planning and assessment process.

The remainder of Area E1 is undulating and appears suitable for development. Parts of Area E1 (primarily the river flats) have been identified by the Gresford community as having high visual significance that needs to be preserved. A visual assessment - view shed analysis is to be undertaken as part of the planning process.

Glendonbrook Road is the southern gateway to Gresford. Any development within Area E1 will need to minimise the visual impact of development along Glendonbrook Road and provide a landscaped buffer along the road frontage (as per Council's requirements).

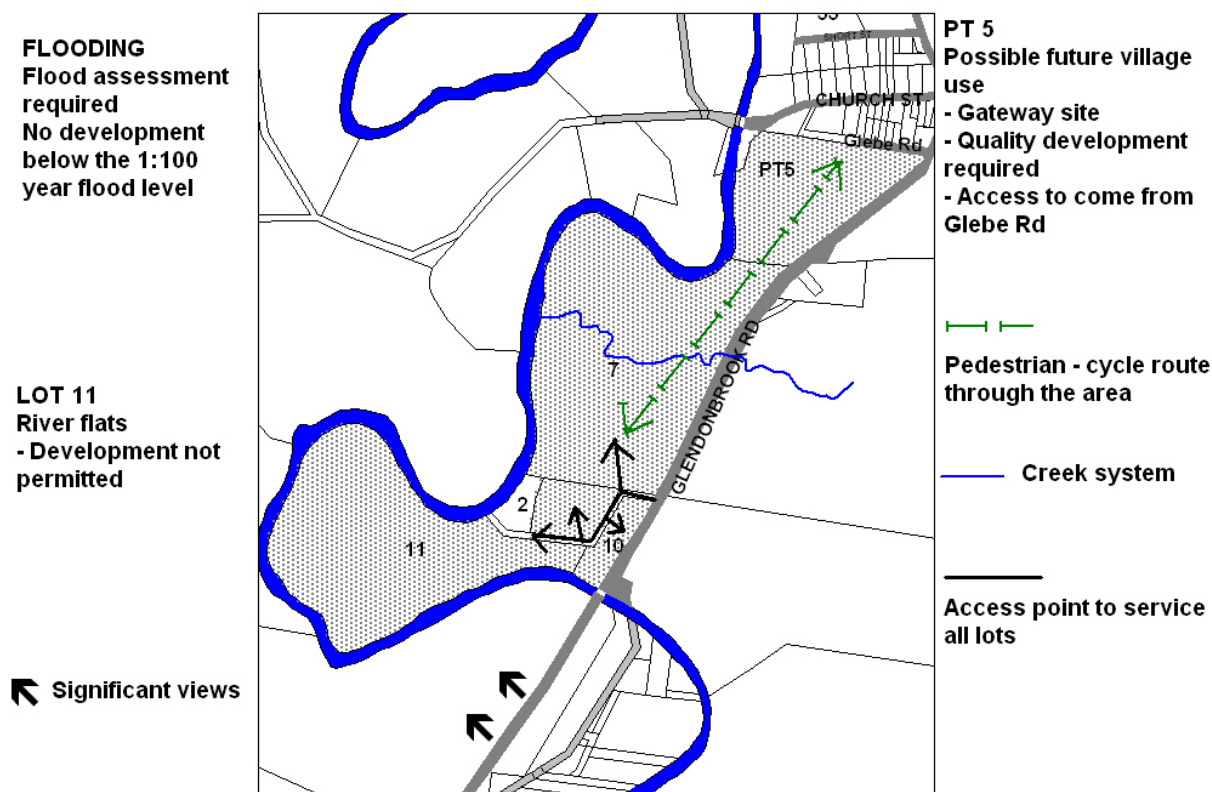
PT5 DP 752464 adjoins the southern boundary of Gresford village and has been identified as potentially suitable for future village use. Part of the lot may be suitable for the establishment of sporting facilities if the Rubbish Tip Site / Lot 20 in Area D2 is not suitable or available. Alternatively, this area (subject to sewer) could be used for aged housing or for smaller lot subdivision (eg 2,000sqm) than permitted in Rural Lifestyle zones. A key consideration in the development of this area will be visual impact. PT5 is a gateway site and the quality of the development needs to reflect this.

Lot 7 DP 831568 - the more elevated areas of this Lot may be suitable for Rural Lifestyle / Rural Enterprise development. Given the topography of the area and the creek system, a maximum of two access points will be permissible from Glendonbrook Road.

Lot 11 DP 1021907 - a large area of this Lot is river flats and no development will be permissible on these flats. Limited development could potentially occur to the east of Lot 2.

Lot 10 DP 1021970 - This lot could potentially be subdivided further provided that access comes from the unformed road, lots created have a minimum width to depth ratio of 1:3, no additional river front lots or riparian rights are created and there are no backyards facing Glendonbrook Road.

PLANNING PRECINCT E1



Masterplan

A basic masterplan will be required for the total area.

Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for Area E2 must address:

Issue	Planning Considerations / Performance Criteria
Determining the development potential of Area E2.	<ul style="list-style-type: none"> Land capability assessment required to determine suitability of the area for village uses, smaller lot subdivision (eg 2,000 sqm) and rural lifestyle / rural enterprise.
Flooding	<ul style="list-style-type: none"> Flood Assessment to be undertaken for the Paterson River corridor to determine the 1:100 year flood level. Residential, Rural Lifestyle and Rural Enterprise development is not permitted on

	land located below the 1:100 year flood level.
Need for co-ordinated development	<ul style="list-style-type: none"> ▪ Masterplan to be prepared for Area E1. ▪ Subdivision must be in accordance with the adopted Masterplan for Area E1. Subdivision can be staged in accordance with this plan.
Pattern of subdivision	<ul style="list-style-type: none"> ▪ Long lots that run from Glendonbrook Road through to the Paterson River will not be permitted. ▪ No additional Riparian Rights along the Paterson River are to be created. ▪ All lots created are to have a minimum width to depth ratio of 1:3.
Access to Collector Roads - Glendonbrook Road	<ul style="list-style-type: none"> ▪ No private driveway or right of way access to be provided from Glendonbrook Road. ▪ Access to PT5 is to come from Glebe Road. ▪ The existing unformed road adjacent to Lot 10, is to be used to provide access to development on Lot 7 (southern portion), Lot 10 and Lot 11. ▪ Lot 7 may also have another access point to service development in the northern area of the lot.
Pedestrian and cycle access	<ul style="list-style-type: none"> ▪ Pedestrian and cycle route to link internally through the area to the village rather than along Glendonbrook Road.
Visual Impact - parts of Area E1 have high visual / scenic value.	<ul style="list-style-type: none"> ▪ Visual assessment required as part of the planning and assessment process. ▪ Development may be prohibited in areas which are identified as having high visual significance.
The visual Impact of development along Glendonbrook Road needs to be minimised.	<ul style="list-style-type: none"> ▪ Landscape buffer / corridor tree planting along the road frontage to create a village entry statement in accordance with the Landscape Policy for Gresford - East Gresford. ▪ Strip development is not permissible. ▪ No backyards to have direct frontage to Glendonbrook Road.
Paterson River Corridor /	<ul style="list-style-type: none"> ▪ Hydrology / drainage of the area is to be

watercourses through the area	<p>assessed as part of the land capability assessment.</p> <ul style="list-style-type: none"> ▪ Watercourses are to be protected. ▪ Development is to be setback from watercourses as required in DCP 1. ▪ No further riverfront lots or riparian rights to be created. ▪ Riparian vegetation to be protected and the vegetation along the riverbank and watercourses to be rehabilitated.
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7.2 PLANNING AREA E2

The Area

Area E2 lies immediately to the north of Gresford and is bounded by Short Street to the south, Paterson River Road to the east and the Paterson River to the west. Area E2 incorporates five (5) lots.

Lots 34, 38, 351, 361 & 371 DP 7055.

Lot 34 is zoned Rural Lifestyle. The Short Street frontage of Lots 351 and 361 is zoned village uses, with the area behind zoned Rural Lifestyle. Lots 371 and 38 are zoned 9(a) Investigation.

Development Potential

A land capability assessment is required to determine the suitability of land within Area E2 for future village use and Rural Lifestyle development. While the topography is undulating to hilly the area may have drainage problems. There appears to be a number of small water courses, springs and seepage lines throughout the area. The close proximity to the Paterson River and the frontage to a collector road (Paterson River Road) are also constraints to development.

Lot 34 is zoned Rural Lifestyle and, given its proximity to the River, no further subdivision is permitted.

Lots 351 and 361 - the Short Street frontage of these lots is already zoned 2(v) Village and the remainder of the land has been identified as possibly suitable for the future expansion of Gresford Village. This area already zoned 2(v) has not been subdivided and as such provides the opportunity to access the rear of these lots, as well as Lots 371 and 38, from a road in from Short Street.

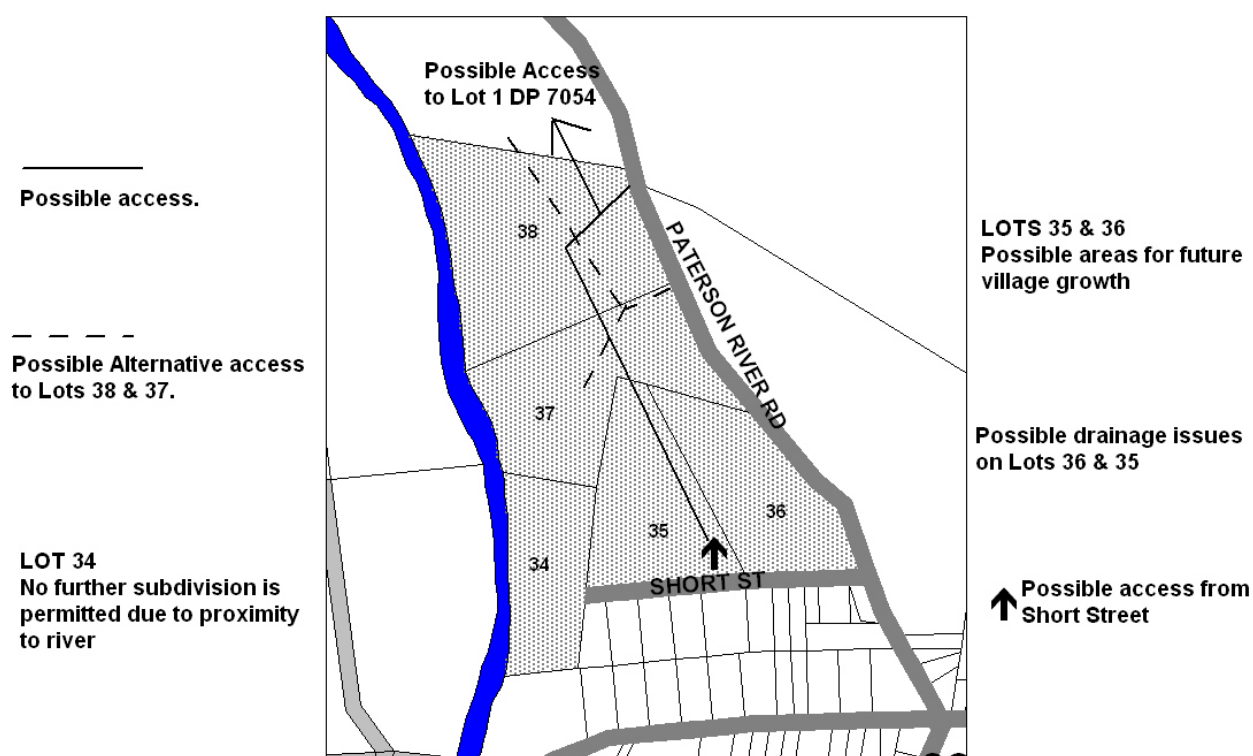
Further investigation is required to determine whether Lots 351 and 361 are suitable for future village uses and/or for smaller lot sizes (eg 2,000 sqm) than permissible in the Rural Lifestyle zone. In particular, it needs to be determined whether these lots are free of physical and environmental constraints and can be connected to the town water supply and sewered via an on-site package treatment plant (or other system).

Lots 371 and 38 may also be suitable for development for Rural Lifestyle / Rural Enterprise. Key considerations on these lots are drainage, access, proximity to the River and visual impact.

Subdivision that produces long narrow lots that run from Paterson River Road through to the Paterson River will not be permitted. Due to the alignment and narrow pavement of Paterson River Road adjacent to Area E3, the preferred access road for this area is a 'spine' road coming off Short Street. Alternatively a cul-de-sac layout coming off Paterson River Road may be considered. The cul-de-sac would need to provide access to both Lot 371 and 38 and possibly, Lot 1 DP 7055 in Area E3.

Within Area E2, pedestrian and cycle access is to be provided internally within the area and not along Paterson River Road.

PLANNING PRECINCT E2



Masterplan

Provided that the land capability assessment identifies Area E2 as suitable for development, a basic Masterplan for the coordinated development of Lots 351, 361, 371 and 38 will be required. The Masterplan is to show the subdivision layout, road network, pedestrian and cycle access route, open space and the interface with the Paterson River.

Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for Area E2 must address:

Issue	Planning Considerations / Performance Criteria
Lot 34 DP 7055	<ul style="list-style-type: none"> No further subdivision or development permitted.
Determining the development potential of Area E2.	<ul style="list-style-type: none"> Land capability assessment required to determine suitability of the area for village uses, smaller lot subdivision (eg 2,000 sqm) and rural lifestyle / rural enterprise.
Need for co-ordinated development	<ul style="list-style-type: none"> Masterplan to be prepared for Area E2. (Lot 34 excluded) Subdivision must be in accordance with the adopted Masterplan for Area E2. Subdivision can be staged in accordance with this plan.
Pattern of subdivision	<ul style="list-style-type: none"> Long lots that run from Paterson River Road through to the Paterson River will not be permitted. No additional Riparian Rights along the Paterson River are to be created. All lots created are to have a minimum width to depth ratio of 1:3.
Access to Collector Roads - Paterson River Road	<ul style="list-style-type: none"> No private driveway or right of way access to be provided from Paterson River Road. Only one access point along the Paterson River Road frontage of Area E2 will be permitted. This access point must service both Lot 371 and 38 (assuming that the land on both lots is suitable for development) Access to Lots 351 and 361 is to be via Short Street. The feasibility of extending this road to service Lots 371 and 38 must be assessed as part of the Masterplanning / Subdivision design process.
Pedestrian and cycle access	<ul style="list-style-type: none"> Pedestrian and cycle route to link internally through the area rather than along Paterson River Road.

The visual Impact of development along Paterson River Road needs to be minimised.	<ul style="list-style-type: none"> ▪ Landscape buffer / corridor tree planting along the road frontage to create a village entry statement in accordance with the Landscape Policy for Gresford - East Gresford. ▪ Strip development is not permitted. ▪ No backyards to have direct frontage to Paterson River Road.
Paterson River Corridor / watercourses through the area	<ul style="list-style-type: none"> ▪ Flooding / hydrology / drainage of the area is to be assessed as part of the land capability assessment. ▪ No development below the 1:100 year flood level. ▪ Watercourses are to be protected. ▪ Development is to be setback from watercourses as required in DCP 1. ▪ No further riverfront lots or riparian rights to be created. ▪ Riparian vegetation to be protected and the riverbank and watercourses rehabilitated.
Areas subject to bushfire risk	<ul style="list-style-type: none"> ▪ Bushfire risk to be assessed and addressed as part of any subdivision design.

7.3 PLANNING AREA E3

The Area

Area E3 lies to the north and west of Area E2 and includes land within a large bend of the Paterson River. Area E3 incorporates three (3) lots:

Part of Lot 1 DP 7054 (area to the south of Paterson River Road)
 Lot 1 DP 78744
 Lot 1 DP 613616

Development Potential

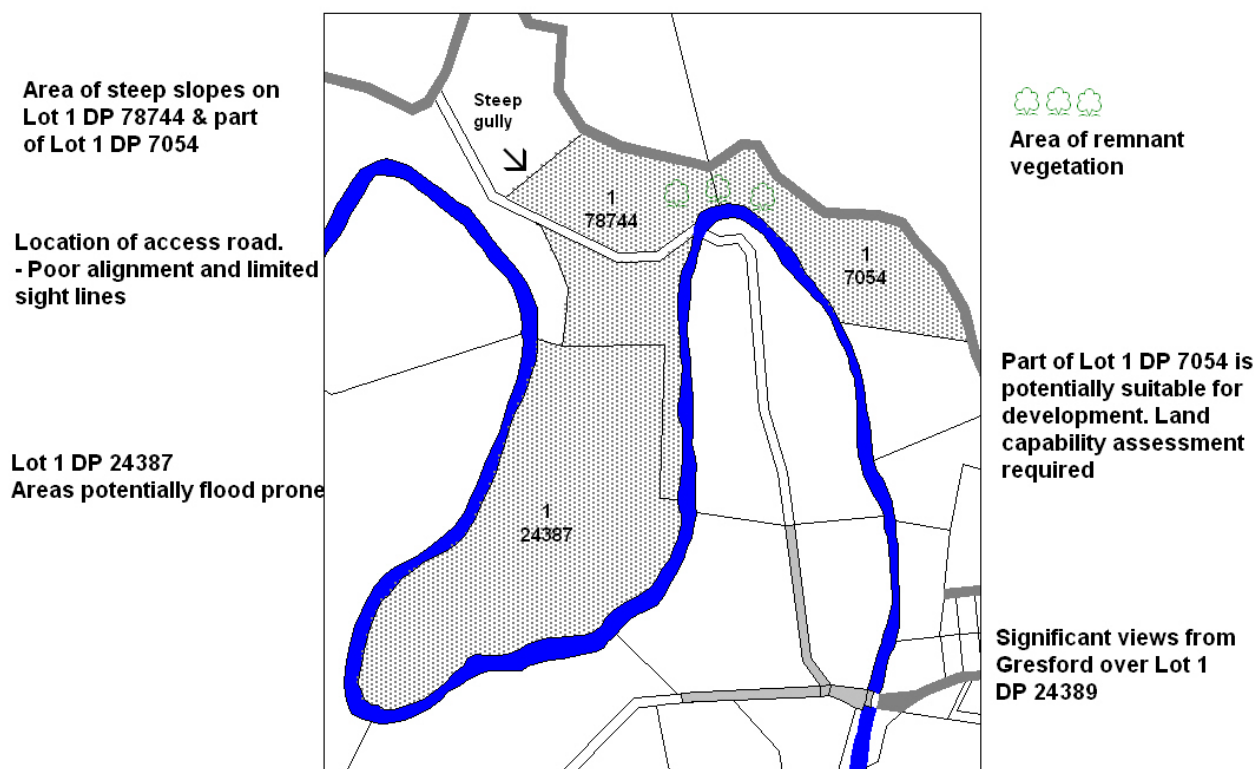
The development potential of Area E3 is very limited with the major constraints being:

- **Steep slopes** - The northern parts of Lots 1 DP 7054 and Lot 1 DP 78744 are very steep, and there is a significant drop between Paterson River Road and the Paterson River below.
- **Flooding** - Lot 1 DP 24387 and part of Lot 1 DP 78744 lie within a bend in the Paterson River, with the lower lying areas of these lots appearing to be flood prone.

- **Poor access** - Access to most of Area E3 is difficult. The section of the Paterson River Road that services this area is narrow, very windy and in poor condition. The surrounding areas are unstable and the road is subject to landslips. Due to the steep slopes, the access road to Lot 1 DP 24387 and Lot 1 DP 78744 lies to the west of the Investigation Area. The intersection of this unsealed access road and Paterson River Road is poorly sited and aligned, however is possibly the 'best' available given the very steep topography in the area. Paterson River Road could not accommodate additional traffic without major upgrading. Given the terrain, the cost of this is likely to be prohibitive.
- **Area of High Visual Significance** - the river bend area of Area E3 (Lot 1 DP 24387) lies within a view shed that has been identified by the Gresford community as having high visual significance that needs to be protected.
- **Bushfire Prone** - The steeper slopes on both sides of Paterson River Road are bushfire prone.
- **Instability** – the steep slopes along Paterson River River Road are unstable and the area is subject to slippage.

The only land within Area E3 that **may** be suitable for development is the southern section of Lot 1 DP 7054 where it adjoins Planning Area E2. Any development of this part of the lot will need to be undertaken in conjunction with Precinct E2. Due to the constraints outlined above, development will not be permitted in the remainder of Area E3.

PLANNING PRECINCT E3



DUNGOG DEVELOPMENT CONTROL PLAN No 1

PART D.7

BOULTON DRIVE, PATERSON

D.7 – BOULTON DRIVE, PATERSON

7.1 APPLICATION

The area to which the plan applies is shown edged heavy black on the Local Area Plan map (Figure 1).

7.2 AIM AND OBJECTIVES

The aims of the Plan are:-

- a) To attain a high quality rural residential precinct which exhibits a low visual impact and environmental sustainability;
- b) To provide guidelines for property owners in respect to the design and siting of dwellings, structures and access pathways;
- c) To encourage development which is sympathetic to the environmental qualities and land capability of the site;
- d) To provide site planning guidelines including measures to be taken to reduce erosion, improve land management and minimise the loss of native vegetation;
- e) To ensure development occurs in an orderly and cost effective manner and in accordance with sound planning principles;
- f) To ensure that development occurs in a manner that achieves and satisfies the requirements of *Planning for Bushfire Protection 2006*;
- g) To encourage building designs which are aesthetically pleasing, energy efficient and bushfire resistant;
- h) To retain the visual amenity of the site by maximising the retention of existing vegetation and the incorporation of appropriately selected landscaping;
- i) To protect existing specimens of Slaty Red Gum (*Eucalyptus glaucina*) and encourage regeneration of this species;
- j) To ensure site clearing is minimised and watercourses are protected and enhanced through appropriate landscaping; and
- k) To provide guidance in respect to appropriate on site effluent disposal systems.

7.3 RESIDENTIAL DEVELOPMENT

7.3.1 Dwelling-Houses and Other Structures - Planning Principles

- 1) All new structures are to be sited and designed:-
 - To lie within the nominated development envelope for the site (as per **Figure 1**).
 - To respect the visual privacy and views enjoyed from existing and potential dwellings within the Estate.
 - To avoid potential for erosion, sedimentation and contamination of watercourses and water storage areas.
 - To minimise the removal of native vegetation.

- 2) To ensure that dwellings are of a design which reflects a high quality of finish and be of a scale which compliments the character of the bushland setting.
- 3) To encourage energy efficient housing.
- 4) To protect the riparian environment of watercourses by the incorporation of appropriate water management and erosion controls.
- 5) To encourage housing which is of a design that reduces exposure to the risks of bushfire.

7.3.2 Building Siting and Design

- 1) Each of the allotments has unique physical characteristics and prior to commencing the design of a dwelling, owners should have prepared a detailed site assessment. This assessment and site plan is required to be submitted with all applications for development on the allotment. The elements which need to be taken into consideration when preparing the plan are:-
 - Land contours and slope – a detailed site survey at 0.5m contour intervals with the locations of large trees and creek lines shown;
 - Location of existing areas of native vegetation, including Slaty Redgum trees (*Eucalyptus glaucina*);
 - Topographical features – e.g. rock outcrops, unique trees, old access tracks, vehicle entry point, boundaries, areas of slope over 18 degrees (State Protected Land), etc;
 - Bushfire Asset Protection Zones;
 - Location of existing services;
 - Preferred route of access road, road grade and drainage;
 - The preferred ‘building area’ – an area of up to 2500m², for Lots 202-205, 207 - 210 and Lots 212-215. For other lots, 5000m² is considered adequate to comfortably accommodate a dwelling, outbuildings, house garden and recreation areas, outdoor storage areas and vehicle circulation;
 - Areas which will be retained in their natural state – e.g. <20m either side of watercourses, existing treed areas outside of the ‘building area’, Slaty Redgum trees, etc;
 - View corridors and location of building on adjoining properties;
 - Landscaping proposed to mitigate visual impact of the dwelling on the site, landscaping proposed to be planted on the northern (high) side of buildings on the northern lots, and between other dwellings/buildings or potential dwelling/building sites;
 - Type of entry treatment, e.g. entry statement and front fencing detail;
 - Relative RL of proposed dwelling and building platforms;
 - Proposed stormwater drainage of hard surface areas;
 - Proposed location and size of any dams;
 - Proposed location of on-site effluent disposal system and irrigation areas; and
 - Proposed location of services from road to dwelling/building and if underground or overhead supply.

7.3.3 Building Design Guidelines

Development Envelope

Applicants seeking to develop land lying outside the development envelope or alter the configuration of the envelope are required to provide evidence that such work will not significantly impact upon the habitat of endangered or vulnerable flora/fauna or impact upon the amenity of adjoining properties.

The building envelope sets the external position of any structures. Within this area, owners are required to identify a “building area” being an area of no more than 2500m² for Lots 202-205, 207 -210 and Lots 212-215, and no more than 5000m² for other Lots. The removal of significant stands of native vegetation outside this area, except for the maintenance of bushfire asset protection zones, is prohibited.

Separate building envelopes for dwellings and other structures have been nominated for allotments within Stage 3 as shown in Figure 1.

Building Design

- Council’s objective is to encourage well designed development which will provide a good living place for the residents and ensure all new structures and buildings will relate sympathetically in scale and form to the surrounding area. These guidelines seek to encourage more imaginative and innovative ecologically sustainable development which fit well within the landscape.
- All structures, i.e. dwelling-houses, garages, sheds, fencing, shall be designed having consideration to the bushland character of the area, the topography and landscape features of the site. Particular consideration will need to be given to building location, solar access, form, colour and construction materials. Applicants will be required to demonstrate that these considerations have been taken into account.
- Buildings should be designed to accommodate the topography of the site and should not require cut or fill in excess of 2 metres in depth.
- On steeper sloping sites, the use of slab design is not encouraged due to the significant problems associated with sizable excavations. On these sites every effort should be made to locate the dwelling and outbuildings on areas of relatively flat land rather than undertake extensive earthworks.
- Dwellings are required to meet an acceptable energy rating as determined by Council and BASIX Certificate requirements.

Building Materials

External materials should be sympathetic in colour, texture and range to achieve a harmonious composition. On the more elevated lots, materials which have a high reflectivity index, e.g. zincalume, or light coloured colourbond or tile will not be approved. In order for dwellings and buildings to “fit comfortably within the rural landscape” the use of non-reflective materials is required.

Specific Controls

Each of the allotments has specific characteristics resulting in a site specific building envelope. Each building envelope is larger than is required to accommodate a dwelling and associated outbuildings, etc. In preparing site plans, all buildings should be located within the nominated building envelope. Areas not used for buildings, outbuildings, recreational facilities and driveways must be landscaped using species native to the area. A list of these species appears as **Appendix A**. Details of the landscaping must be shown on the site plan submitted with the development application for each allotment. An example of a site plan is provided as **Figure 2**.

The use of exotic species within the dwelling gardens are discouraged to prevent them escaping into the surrounding area.

The wildlife corridor located on the northern ridgeline shall be revegetated and maintained with appropriate local species. Livestock are not permitted within the wildlife corridor area.

Special Design Controls on Lot Nos 15 to 18, 211-217 & 304-307.

Several of the lots located on the northern side of the public road have been assessed as having a high or medium level of visual exposure and sensitivity. In order to ensure buildings on these lots do not have a significant detrimental impact on the rural landscape, a number of additional controls apply to development. Owners of these lots are encouraged to seek the services of an architect when preparing site plans and housing design. On these sites, it is a requirement that a detailed landscape plan, prepared by a landscape architect, is submitted with a development application for any building.

The following controls apply to Lots 15 to 18, 211 – 217 & 304 – 307

- Buildings should be single storey or split-level construction and not exceed 6 metres in height above natural ground level.
- Buildings should not be overly bulky, of excessive site coverage, or surrounded by excessive hard surface areas, requiring the intensive clearing of vegetation.
- Sheds and ancillary buildings shall not exceed 5 metres in height.

- Development is to comply with the Building Development Controls as listed in Table 1.
- Wall and roofing materials shall be non-reflective with darker tones that blend with the natural appearance of the site. Roofing materials that are of lower reflectivity than colorbond steel or aluminium are preferred, such as unglazed tile, slate, shingle or visually similar products. Cladding for building and sheds other than masonry should be of dark non-reflective tones. Painted surfaces, including masonry should be of darker saturated colours relevant to the natural context, for example dark greens, browns and greys, in preference to light unsaturated colours such as pastel shades or bright vibrant colours.
- Extensive landscaping is to be undertaken on the higher side of the allotments with taller growing tree species so as to eliminate the 'skyline silhouette'. Taller native trees should also be planted on land below the dwelling, so as to reduce the visual impact of the building when viewed from Tocal College, Tocal Road and within the village of Paterson.
- Driveways and ancillary developments to the house should be sited appropriately so as to ensure they are not visible from vantage points outside the development. In particular, driveways should follow the contours to benefit from tree screening.
- The use of indigenous native vegetation is encouraged.

Table 1: Building Development Controls

Lot Number	Visual Sensitivity	Effluent System	SETBACK Metres Road Rear	SETBACK Metres East West	Special Requirements
305	Low	Aerated	50 50	40 25	All building materials to be non-reflective and dark earthy tones
306	Low	Aerated	50 300v	25 40	All building materials to be non-reflective and dark earthy tones
307	Low	Aerated	50 170v	25 25	All building materials to be non-reflective and dark earthy tones
211	Low	Aerated	50 180v	55 25	All building materials to be non-reflective and dark earthy tones
212	Low	Aerated	50 20	25 25	All building materials to be non-reflective and dark earthy tones
215	Medium	Aerated	50 20	25 25	All building materials to be non-reflective and dark earthy tones
216	Medium	Type 3	50 150v	25 55	All building materials to be non-reflective and dark earthy tones
217	Medium	Type 3	50 110v	25 25	All building materials to be non-reflective and dark earthy tones
15	Low	Type 2	50 100v	25 25	All building materials to be non-reflective and dark earthy tones
16	Medium	Type 2	50 85v	25 55	All building materials to be non-reflective and dark earthy tones
17	High	Type 2	50 50	25 25	All building materials to be non-reflective and dark earthy tones
18	High	Type 2	50 30	25 25	All building materials to be non-reflective and dark earthy tones
11	Low	Aerated	20 50	25 25	
12	Low	Aerated	20 50	25 25	
13	Low	Aerated	20 50	25 55	

Lot Number	Visual Sensitivity	Effluent System	SETBACK Metres North South	SETBACK Metres East West	Special Requirements
14	Low	Aerated	20 50	25 25	
201	Low	Aerated	20 50	25 55	
202	Low	Aerated	20 20	25 25	
205	Low	Aerated	20 20	25 25	
206	Low	Aerated	20 50	25 55	
207	Low	Aerated	20 20	25 25	
210	Low	Aerated	20 20	25 25	
301	Low	Aerated	20 50	55 25	
302	Low	Aerated	20 50	40 400v	
304	Low	Aerated	50 50	60 25	All building materials to be non-reflective and dark earthy tones
303	C	Aerated	N/A	N/A	
203	Low	Aerated	20	25 25	
204	Low	Aerated	20	25 25	
208	Low	Aerated	20	25 25	
209	Low	Aerated	20	25 25	
213	Low	Aerated	150v	25 25	All building materials to be non-reflective and dark earthy tones
214	Medium	Aerated	175v	25 25	All building materials to be non-reflective and dark earthy tones

***Notes:-** Type 2 systems are to be constructed in accordance with Rosewood Environmental Services Report # E0894.*

Type 3 – On these sites detailed geotechnical investigations are to be undertaken and details of the type of system to be used and its location should be provided prior to determining the location of the dwelling.

Site Constraints within stage 3

The allotments within Stage 3 (subdivision approval 171/2014) have a number of constraints, which are illustrated in Figure 1. Further technical information is available from the reports that were prepared to support the subdivision approval, which include:

Document	Author	Date	Version
Subdivision Plan	Delfs Lascelles Consulting Surveyors	15.04.2016	18
Ecological Assessment	Firebird ecoSultants Pty Ltd	25.02.2016	n/a
Plan of Management	Firebird ecoSultants Pty Ltd	November 2017	n/a
Traffic Study	BJ Bradley & Associates	19.01.2016	n/a
Wastewater Report	Whitehead	20.01.2016	Report_1442-006
Bushfire Threat Assessment	Firebird ecoSultants Pty Ltd	November 2015	n/a
Statement of Environmental Effects	Perception Planning	April 2016	Rev B
Visual Impact Assessment	Envisage Consulting Pty Ltd	2.04.2015	E71/15 VIA
Stormwater Drainage Strategy	GCA Engineering Solutions	2.04.2015	Revision 1

Fencing

All fencing shall be rural type fencing, colourbond fencing is not considered to be suitable. Fencing near the wildlife corridor along the northern ridgeline should be of a style that allows easy egress for fauna i.e. fences should have no barbed wire and a maximum of 4 horizontal wires at a minimum spacing of 250mm from 300mm above the ground.

All lands lying to the north of the bushfire asset protection zone on Lots 15, 16, 211, 213, 214, 216, 217, 306, and 307 have been fenced off as these lands, being steeper than 18 degrees, are classified as State Protected Land (SPL) and should not be disturbed. Clearing of native vegetation in this area is prohibited, except with the written approval of the relevant Government Agency. Only activities in this area which constitute minimal environmental disturbance are permitted.

Boundary fencing north of the asset protection zone on Lots 15, 16, 211, 213, 214, 216, 217, 306, and 307 is not permitted, with the exception of the common boundary on the ridge running East West. Fencing is to be completed prior to the release of the final plan.

Erosion and Sedimentation

Soil erosion is a major environmental problem, particularly on steeper sloped allotments. The loss of topsoil from the land limits the growth of vegetation and the sedimentation downstream leaves deposits of mud in stormwater drains, creeks, dams and rivers. This in turn affects the capacity of drains and streams to carry stormwater, disturbs river habitat, and may lead to further erosion and changes in the course of creeks and streams. Most of the sediment is mobilised during the construction and development phase. Large quantities of soil can erode during a storm event.

Prior to undertaking any site works, landowners are required to prepare a sedimentation and erosion plan and implement the requirements of the plan before any construction works, including cutting of access roads, or earthworks for buildings.

Stormwater Management

All hardstand areas will result in increased stormwater runoff. In order to avoid off site impacts, all development is to be designed so as to result in neutral off site stormwater discharge. This is to be achieved by use of on-site water storage, and/or detention ponds, dams, etc. It is recommended that owners engage the services of qualified civil engineers to assist in the design of the stormwater drainage and water reuse system. Stormwater Management Plans must be provided with the Development Application.

Water Supply

Water supply is available, although further advice from Hunter Water should be obtained regarding connections and water pressure.

7.3.4 On Site Waste Disposal Systems

Effluent disposal must be carried out in accordance with geotechnical reports relevant for individual blocks. A copy of each report should be provided to purchasers prior to exchange of contracts. An 88B Instrument is also to be established detailing that special conditions apply for effluent disposal on Lots 15, 16, 17, 18, 216 & 217.

7.3.5 Bushfire Controls

All development must satisfy the provisions of *Planning for Bushfire Protection 2006* including provisions of asset protection zone, water supply, building construction and access standards. A number of allotments have an Asset Protection Zone registered on the property title. These areas are to be maintained in 'fuel free' state in accordance with NSW Rural Fire Service requirements.

The design of the dwelling and precautionary measures taken by the residents in the lead up to the bushfire danger period are the most important elements for ensuring a dwelling does not burn down during a bushfire. A number of publications/fact sheets are available for information on house design and safety precautions on the RFS website www.rfs.nsw.gov.au

It has been proven that certain building materials and designs offer better protection and resistance to bushfire and should be investigated for use in new house designs. Residents are encouraged to contact the RFS about appropriate hazard reduction measures and regimes for areas surrounding their dwelling.

7.3.6 Dams

Dams shall be designed and constructed in accordance with the requirements of the NSW Office of Water or subsequent relevant Government Agency. The location of proposed dams must be shown on the site plan.

The combined total size of any dam/s is limited to 10% of the average regional yearly rainfall runoff for each allotment, known as "Harvestable Right". This has been determined as 0.09 megalitres per hectare of land area. One megalitre equals 1000 cubic metres or 1 million litres of water. For example a property with an area of 5 hectares has a harvestable right of 0.45 megalitres.

A development approval is required to be obtained from Council prior to construction of any dam. The NSW Office of Water should be contacted to obtain advice on the design and siting of dams.

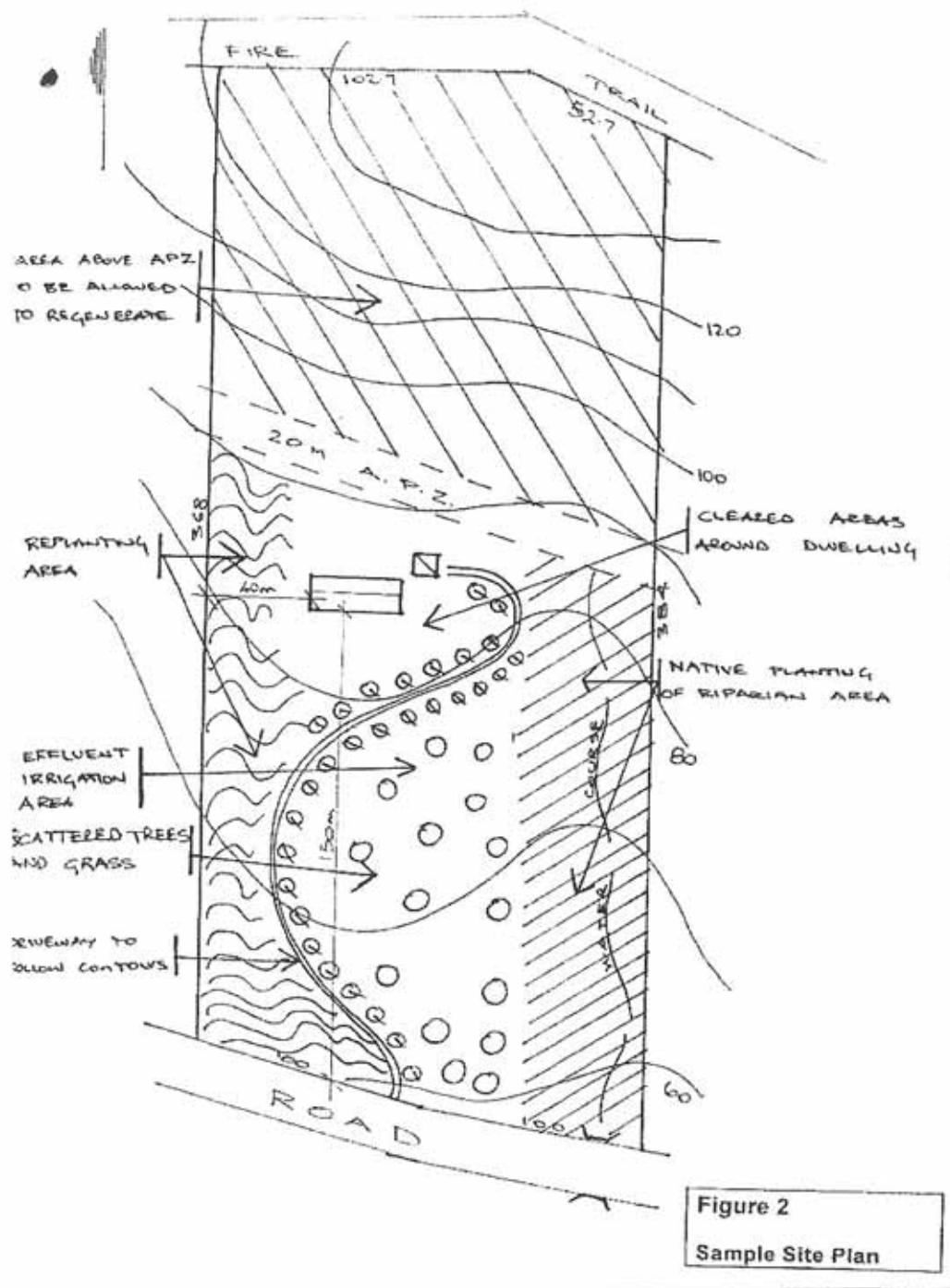
7.3.7 Household Waste Disposal

All dwellings are required to have household wastes removed via Councils domestic waste collection service.





FIGURE 2- SAMPLE SITE PLAN



APPENDIX A

LIST OF FLORA SPECIES NATIVE TO THE SITE

The following list includes all species of vascular plants observed on site during fieldwork. It should be noted that such a list cannot be considered comprehensive, but rather indicative of the flora present on the site. It can take many years of flora surveys to record all of the plant species occurring within any area, especially plant species that are only apparent in some seasons such as Orchids.

A number of species cannot always be accurately identified during a brief survey, generally due to a lack of suitable flowering and/or fruiting material. Any such species are identified as accurately as possible, and are indicated in the list thus:-

- Specimens which could only be identified to genus level are indicated by the generic name followed by the abbreviation “sp.”, indicating an unidentified species of that genus;
- Specimens for which identification of the genus was uncertain are indicated by a question mark (“?”) placed in front of the generic, which is followed by the abbreviation “sp.” and;
- Specimens which could be accurately identified to genus level, but could be identified to species level with only a degree of certainty are indicated by a (“?”) placed in front of the epithet.

Authorities for the scientific names are not provided in the list. These follow the references outlined below.

- Harden, G. (ed) (2000). *Flora of New South Wales, Volume 1*. Revised edition. New South Wales University Press, NSW.
- Harden, G. (ed) (2002). *Flora of New South Wales, Volume 2*. Revised edition. New South Wales University Press, NSW.
- Harden, G. (ed) (1992). *Flora of New South Wales, Volume 3*. New South Wales University Press, NSW.
- Harden, G. (ed) (1993). *Flora of New South Wales, Volume 4*. New South Wales University Press, NSW.

Names of families and higher taxa follow a modified Cronquist System (1981).

Threatened species listed under the *Threatened Species Conservation Act 1995* or the Environment Protection and Biodiversity Conservation Act 1999 and / or ROTAP-listed species are indicated in **bold font** and marked as thus:-

(V) = Vulnerable Species listed under the Threatened Species Conservation Act 1995

(E) = Endangered Species listed under the Threatened Species Conservation Act 1995

(EE) = Species listed under the Commonwealth EPBC Act 1999 as Endangered

(EV) = Species listed under the Commonwealth EPBC Act 1999 as Vulnerable

(R) = Rare or Threatened Australian Plant (ROTAP) as per Briggs and Leigh (1996)

The following standard abbreviations are used to indicate sub specific taxa: ssp. - subspecies

var.- variety

× - hybrid between the two indicated species

FAMILY	
<i>Scientific Name</i>	Common Name
CLASS FILICOPSIDA (FERNS)	
ADIANACEAE	
<i>Adiantum aethiopicum</i>	Common Maidenhair Fern
AZOLLACEAE	
<i>Azolla pinnata</i>	Ferny Azolla
DENNSTAEDTIACEAE	
<i>Pteridium esculentum</i>	Bracken Fern
SINOPTERIDACEAE	
<i>Cheilanthes sieberi ssp. sieberi</i>	Mulga Fern
CLASS MAGNOLIOPSIDA (FLOWERING PLANTS)	
SUBCLASS MAGNOLIIDA (Dicotyledons)	
APIACEAE	
<i>Centella asiatica</i>	
APOCYNACEAE	
<i>Parsonsia straminea var. straminea</i>	Monkey Rope
ASTERACEAE	
<i>Cassinia uncata</i>	Bent Cassinia
<i>Chrysocephalum apiculatum</i>	Yellow Buttons
<i>Craspedia variabilis</i>	Billy Buttons
<i>Gnaphalium sp.</i>	Cudweed
<i>Ozothamnus dissimifolius</i>	White Dogwood
BIGNONIACEAE	
<i>Pandorea pandorana</i>	Wonga Vine
CASUARINACEAE	
<i>Allocasuarina torulosa</i>	Forest Oak
CHENOPODIACEAE	
<i>Einadia hastata</i>	
CONVOLVULACEAE	
<i>Dichondra repens</i>	Kidney Weed
<i>Polymeria calycina</i>	Swamp Bindweed
DILLENIACEAE	
<i>Hibbertia diffusa</i>	Guinea Flower
<i>Hibbertia sp.</i>	
DROSERACEAE	
<i>Drosera peltata</i>	Sundew
EPACRIDACEAE	
<i>Leucopogon juniperinus</i>	Bearded Heath

EUPHORBIACEAE	
<i>Breynia oblongifolia</i>	Breynia
<i>Glochidion ferdinandi</i>	Cheese Tree
<i>Phyllanthus hirtellus</i>	Thyme Spurge
<i>Poranthera microphylla</i>	Small Poranthera
FABOIDEAE	
<i>Chorizema parviflorum</i>	Eastern Flame Pea
<i>Daviesia ulicifolia</i>	Gorse Bitter-pea
<i>Desmodium rhytidophyllum</i>	
<i>Glycine sp.</i>	
<i>Glycine clandestina</i>	Love Creeper
<i>Glycine microphylla</i>	Love Creeper
<i>Glycine tabacina</i>	Love Creeper
<i>Hardenbergia violacea</i>	False Sarsaparilla
<i>Oxylobium ilicifolium</i>	Native Holly
LAURACEAE	
<i>Cassytha pubescens</i>	Common Devil's Twine
LOBELIACEAE	
<i>Pratia purpurascens</i>	White Root
LORANTHACEAE	
<i>Dendrothoe vitellina</i>	Mistletoe
MIMOSOIDEAE	
<i>Acacia falcata</i>	Falcate Wattle
<i>Acacia longifolia</i>	Sydney Golden Wattle
<i>Acacia ulicifolia</i>	Prickly Moses
<i>Acacia sp.</i>	
MYRTACEAE	
<i>Angophora floribunda</i>	Rough-barked Apple
<i>Callistemon linearis</i>	Narrow-leaved Bottlebrush
<i>Corymbia maculata</i>	Spotted Gum
<i>Eucalyptus acmenoides</i>	White Mahogany
<i>Eucalyptus canaliculata</i>	Large-fruited Grey Gum
<i>Eucalyptus capitellata</i>	Brown Stringybark
<i>Eucalyptus glaucina (V)</i>	Slaty Red Gum,
<i>Eucalyptus punctata</i>	Grey Gum
<i>Eucalyptus siderophloia</i>	Northern Grey Ironbark
OLEACEAE	
<i>Notelaea longifolia</i>	Mock Olive
ONAGRACEAE	
<i>Ludwigia peploides ssp. montevidensis</i>	Water Primrose
OXALIDACEAE	
<i>Oxalis perennans</i>	
PITTOSPORACEAE	
<i>Bursaria spinosa</i>	Blackthorn

POLYGONACEAE	
<i>Persicaria decipiens</i>	Knotweed
PROTEACEAE	
<i>Grevillea robusta</i>	Silky Oak
<i>Persoonia linearis</i>	Narrow-leaved Geebung
RANUNCULACEAE	
<i>Clematis glycinoides</i>	Forest Clematis
<i>Ranunculus inundatus</i>	River Buttercup
ROSACEAE	
<i>Rubus parvifolius</i>	Native Raspberry
RUBIACEAE	
<i>Galium binifolium</i>	A Bedstraw
<i>Opercularia aspera</i>	Coarse Stinkweed
<i>Opercularia hispida</i>	Hairy Stinkweed
<i>Pomax umbellata</i>	Pomax
SANTALACEAE	
<i>Exocarpus cupressiformis</i>	Cherry Ballart
SOLANACEAE	
<i>Solanum prinophyllum</i>	Forest Nightshade
STACKHOUSIACEAE	
<i>Stackhousia muricata</i>	Stackhousia
STYLIDIACEAE	
<i>Stylidium graminifolium</i>	Trigger Plant
VIOLACEAE	
<i>Viola hederacea</i>	Native Violet
SUBCLASS LILIIDAE (Monocotyledons)	
ANTHERICACEAE	
<i>Tricoryne simplex</i>	Yellow Rush-lily
COLCHICACEAE	
<i>Wumbea dioica</i> sbsp. <i>Dioica</i>	Early Nancy
CYPERACEAE	
<i>Carex longibrachiata</i>	Bergalia Tussock
<i>Fimbristylis dichotoma</i>	Common Fringe-rush
<i>Isolepis inundata</i>	Swamp Clun-rush
<i>Lepidosperma laterale</i>	Variable Sword-sedge
<i>Schoenoplectus mucronatus</i>	Club-rush
<i>Schoenus apogon</i>	Fluke Bogrush
HYDROCHARITACEAE	
<i>Ottelia ovalifolia</i>	Swamp Lily

IRIDACEAE	
<i>Patersonia sericea</i>	Silky Purple Flag
<i>Romulea rosea var. australis</i>	Onion Grass
JUNCACEAE	
<i>Juncus planifolius</i>	Broad-leaf Rush
<i>Juncus remotiflorus</i>	A Rush
<i>Juncus usitatus</i>	Common Rush
LOMANDRACEAE	
<i>Lomandra filiformis ssp. filiformis</i>	Wattle Mat Rush
<i>Lomandra longifolia</i>	Spiny Mat Rush
<i>Lomandra multiflora</i>	
LUZURIAGACEAE	
<i>Eustrephus latifolius</i>	Wombat Berry
<i>Geitonoplesium cymosum</i>	Scrambling Lily
ORCHIDACEAE	
<i>Caladenia sp</i>	Lady's fingers
<i>Microtis parviflora</i>	Slender Onion Orchid
PHILYDRACEAE	
<i>Philydrum lanuginosum</i>	Frogsmouth
PHORMIACEAE	
<i>Dianella caerulea var. caerulea</i>	Blue Flax Lily
POACEAE	
<i>Agrostis avenacea</i>	Blown Grass
<i>Aristida ramosa</i>	Three-awn Speargrass
<i>Axonopus sp</i>	
<i>Danthonia tenuior</i>	Wallaby Grass
<i>Dichelachne micrantha</i>	Plume Grass
<i>Echinopogon caespitosus var. caespitosus</i>	Tufted Hedgehog Grass
<i>Entolasia marginata</i>	Bordered Panic
<i>Eragrostis sp</i>	Blady Grass
<i>Poa labillardieri</i>	Tussock Grass
<i>Sporobolus indicus var. capensis</i>	Parramatta Grass
<i>Themeda australis</i>	Kangaroo Grass
TYPHACEAE	
<i>Typha sp.</i>	Cumbungi

DUNGOG DEVELOPMENT CONTROL PLAN No 1

PART D.8

BOATFALLS RURAL RESIDENTIAL ESTATE

D.8 – BOATFALLS RURAL RESIDENTIAL ESTATE

8.1 APPLICATION

This Local Area Plan applies to all land within the Boatfalls Rural Residential Estate as shown edged heavy black on the Development Control Plan map (**Figure 1**).

The land to which this plan applies comprises an area of 105 hectares and is zoned R5 Large Lot Residential and E3 Environmental Management pursuant to Dungog LEP 2014. The site has the potential to create a community comprising some 66 dwellings, set in a rural landscape.

8.2 AIM AND OBJECTIVES

The aims of the Plan are:-

- a) To attain a high quality rural residential precinct which exhibits a good visual presence and environmental sustainability.
- b) To provide guidelines for property owners in respect to the design and siting of dwellings, structures, property access, and protection of environmental values of the site.
- c) To encourage development which is sympathetic to the environmental qualities and land capability of the site.
- d) To provide site planning guidelines including measures to be taken to reduce erosion and minimise the loss of native vegetation.
- e) To ensure development occurs in an orderly and cost effective manner and in accordance with sound planning principles.
- f) To ensure that development occurs in a manner that achieves and satisfies the requirements of *Planning for Bushfire Protection 2006*.
- g) To encourage building designs which are aesthetically pleasing, energy efficient and bushfire resistant.
- h) To retain the visual amenity of the site by maximising the retention of existing vegetation and the incorporation of appropriately selected landscaping.
- i) To ensure site clearing is minimised and watercourses are protected and enhanced through appropriate landscaping.
- j) To provide guidance in respect to appropriate on-site effluent disposal systems.

8.3 SUBDIVISION

The concept road layout and subdivision design is shown in **Figure 2**. Internal roads are to be designed in accordance with Council's subdivision guidelines. At a minimum, the following elements are to be incorporated into the design:-

- 1) Roads to be designed in accordance with Council's Roads Management Strategy, Policy C3.18 Provision of Rural Road Services, AUSPEC documentation and relevant Austroads Standards, where applicable. Roads to be designed where

possible to reflect land topography.

- 2) All lots to accommodate an unconstrained area of 3000m² within which a dwelling, effluent disposal area and Asset Protection Zone (APZ) can be located having regard to other provisions of this Plan. This area shall not be subject to hazards such as erosion; landslip; poor drainage; flooding; or vegetation/habitat assets; scenic amenity; buffer areas; or the like and is capable of on-site disposal of domestic effluent within the criteria set in Clause 2.6.5.
- 3) Vegetated screen 10m wide along the Limeburners Creek Road frontage.
- 4) The provisions of NSW Rural Fire Service – *Planning for Bushfire Protection 2006*.
- 5) Aboveground electricity supply to all lots.
- 6) Underground telecommunication services to all lots.
- 7) Cats and dogs to be kept within the residence or in a secure enclosure at all times.
- 8) Prohibit the use of motorbikes and other recreational vehicles in constrained areas.
- 9) Boundary fencing to be limited to timber post and rail/wire rural type fencing which permits the movement of native fauna across the site and is free from 'netting type' material.
- 10) Stormwater management in accordance with Council's requirements.
- 11) Minimising native Vegetation removal through sensitive design and maximisation of the cleared lands for urban development. Incentives for this are provided via the provision of reduced boundary setbacks for structures.

8.4 ENVIRONMENTAL MANAGEMENT

An environmental management plan is to be prepared for the construction phase for each stage of the development where roadworks are required to be constructed (*EMP Construction Phase*). The EMP is to provide:-

- A framework for the control of likely environmental impacts from building construction activities, including practical and achievable performance requirements, a system of monitoring and reporting corrective and preventative action;
- A framework for the control of likely environmental impacts from Rural Lifestyle development, including practical and achievable performance requirements, a system of monitoring and reporting corrective and preventative action; and
- the community with assurance by demonstration that the management of this construction project is conducted in an environmentally acceptable manner.

Those matters to be included in the *EMP - Construction Phase* are to include:-

- Copies of relevant development consents and construction certificates;
- Approved engineering plans;
- Approved landscape plan;
- Sedimentation controls;
- Contractors contact details include key personnel responsible for the construction – site manager, contractors, etc;
- Location of compound and management of equipment and wastes generated by the compound;

- Management of transport to/from and within the site;
- Rehabilitation of compound at completion;
- Awareness and training of senior staff of environmental issues likely to occur on site;
- Incident management and reporting;
- Emergency contacts;
- Minimisation of noise; dust; traffic; sediment discharge; spillage of fuels; impact on native vegetation; waterways and heritage, waste and weed management;
- Verification, monitoring & recording; and
- Management of complaints.

Environmental management of the property will become the responsibility of each title holder following the sale of the land from the developer to the purchaser. As the environmental attributes of each allotment differs, a standard set of requirements have been prepared. These requirements apply to all lots except where stated.

8.5 ENVIRONMENTAL MANAGEMENT REQUIREMENTS

8.5.1 Landscaping & Rehabilitation

The property owner is responsible for ensuring the landscaping located on the allotment which has been provided by the developer in accordance with an approved landscape plan, is maintained in perpetuity. The landowner is also responsible for maintaining the grass on the verge and any trees located on the verge.

Landowners are encouraged to undertake additional plantings sourced from the list of plants indigenous to the local area as listed in **Appendix 1**. Plans submitted with an application for a Construction Certificate are required to be accompanied with a site landscape plan detailing additional landscaping works.

The ongoing use of the land must be managed to achieve the following objective:-

Objective

To manage and maintain landscaping and landscaped areas within the estate in accordance with the approved landscape management plan.

Procedures

- 1) Limit the use of chemical sprays to prevent plant growth.
- 2) Maintain landscaped areas by selective pruning, including roots, stems, branches etc, to inhibit vegetation excessive propagation (see details of maintenance obligations below).
- 3) Ensure that any material transported to the site is weed free.
- 4) Use work methods that will minimise spread of weeds.
- 5) Imported soils and/or vehicles should be free of seeds or viable plant material.
- 6) Remove any noxious weeds and dispose of appropriately.
- 7) Remnant and riparian vegetation on the site is to be retained.
- 8) Landscaping should maximise vegetation that is indigenous to the area and

designed in a way that is appropriate to the landscape.

- 9) Landscaping of lots should minimise the use of exotic trees or shrubs. No environmental weeds should be used in any landscape plan.
- 10) Where vegetation is required to be removed to achieve a required APZ, in lieu of vegetation removal, building material and/or construction standards should be increased.

8.5.2 Landscape Plan Maintenance Requirements

The obligation of protecting and maintaining the landscape works including the Endangered Ecological Community vegetation shall transfer to the land owner/s at the completion of the Developer's one (1) year maintenance period and be applied by the land owner/s in accordance with this document and the approved Landscape Management Plan.

Street Trees - At the end of the one (1) year maintenance period of the last stage of the estate, the Developer shall remove all tree guards from the site at which time control of all landscape elements within the road reserve shall transfer to Dungog Shire Council.

8.5.3 Stormwater Management, Flooding and Dams

Objective

To control, minimise or prevent the release of contaminants to the drainage system and waterways.

Procedures

- 1) Separate all animal enclosures and holding pens from permanent or semi-permanent watercourses and major drainage lines to reduce flows of polluted storm water into watercourses.
- 2) Rationalise the use of fertilisers and animal manures to prevent degradation of receiving waters and water quality in streams.
- 3) Clearly understand the water requirements of your property prior to undertaking any major works.
- 4) On-site water treatment disposal areas shall not be within 40m of a watercourse or drainage channel.
- 5) Ensure motor vehicles, plant or machinery is washed away from watercourses or drainage lines and on a permeable surface. This will restrict detergents, grease and solids from entering waterways and allow them to be filtered by the existing ground cover.
- 6) Domestic vehicle or machinery repairs should be carried out in a bunded area. Any waste oil is to be collected and stored before being disposed off-site.
- 7) As opposed to allowing excessive organic matter to accumulate in residential areas and be eventually swept into the waterways, the material can be collected and composted.
- 8) When cleaning hard stand areas like driveways and footpaths, sweep rather than hose. This reduces the amount of sediment entering the stormwater system.
- 9) Avoid using pesticides and herbicides in rain or wind periods.

- 10) Landscape using native plants as they require less water and fertiliser than their introduced counterparts.
- 11) Carry out the correct sediment and erosion control initiatives as detailed below.

8.5.4 Flora and Fauna

In relation to the native flora and fauna, the development and ongoing use of the land must be managed to achieve the following objective:

Objectives

- k) To control, minimise or prevent the destruction of native vegetation, limit the overall impact of the development on vegetation and native fauna, and prevent the spread of noxious weeds;
- l) To prevent adverse impacts on native fauna, including threatened species; and
- m) To manage pets/companion animals so as to prevent adverse impacts on local biodiversity and the amenity of existing and future owners and residents.

Procedures

- 1) Minimise soil compaction or disturbance. All disturbed areas must be rehabilitated with saved topsoil and salvaged plants.
- 2) All native vegetation within the riparian areas should be retained in accordance with the approved Landscape Management Plan.
- 3) Native grasses should be planted in preference to exotic grasses to retain the native vegetation of an area and to reduce maintenance and resources needed by exotic grasses, such as fertilisers and excessive watering.
- 4) Pockets of regenerating bushland and young trees must be protected during any building construction work with suitable protective fencing and restricted access, including material stockpiling.
- 5) Minimise the use of pesticides and herbicides around areas of native vegetation.
- 6) Hollow bearing trees are important to the protection of native fauna and every effort should be made to minimize their removal. Where this is unavoidable, care should be taken to ensure the protection of any species which may be roosting in the tree prior to removal. Where the presence of fauna is known, the services of a qualified ecologist should be employed to advise on the best method of removing the tree. Nest boxes attached to remaining trees will assist in mitigating impact caused by the removal of hollow bearing trees.
- 7) All native fauna (including snakes) are protected. Animals shall not be unnecessarily disturbed or harmed.
- 8) Feeding of native animals is prohibited.
- 9) Minimise movement of vehicles through sensitive areas.
- 10) When operating motor vehicles or gardening machinery take particular care not to harm native fauna.
- 11) All boundary fencing to be of a type that allows for the unrestricted movement of native animals through the site, e.g. five strand plain wire rural fencing; no netting.

8.5.5 Management of Waterways and Riparian Zones

In relation to the native vegetation located within and adjacent to watercourses and dams, the development and ongoing use of the land must be managed to achieve the following objective:-

Objective

To protect and enhance habitat for native fauna and the ecology of those areas containing threatened species, to assist in maintaining the quality of water leaving the site and to maintain the rural character of the estate.

Procedures

- 1) All remnant and planted riparian vegetation within the estate, including around dams, is to be retained, enhanced and protected, unless a separate approval from the Hunter-Central Rivers Catchment Management Authority has been obtained.
- 2) Minimise the use of pesticides, herbicides and fertilizers around areas of native vegetation.
- 3) Planting of appropriate native trees along watercourses and around dams for bank stability and erosion control is encouraged.
- 4) Do not remove streamside vegetation (this includes reeds, trees and grasses), unless directed as part of an approved catchment and waterway management program.
- 5) Control rabbits or other pests to allow effective regeneration.
- 6) Involvement of lot owners in voluntary groups such as Landcare is encouraged to promote community involvement and an awareness of environmental issues.

8.5.6 Livestock Management

Objective

To manage pets / companion animals to prevent adverse impacts on native fauna and on existing and future owners and residents of land within the Estate.

Procedures

- 1) All pets are to be kept in accordance with the Dungog Shire Council Companion Animal Management Plan 2007.
- 2) When not under the effective control of an adult, all cats and dogs must be kept within residences or within secure enclosures at all times.
- 3) Ensure the keeping of livestock does not contribute to a decline in water quality, spread of noxious and environmental weeds, contribute to unreasonable noise and odours, create unmanageable effluent and wastewater pollutants via nutrient run off or create soil compaction and erosion.
- 4) Horses, bovines, goats, sheep, and other introduced grazing animals are not permitted within the native vegetation offset area of the PVP.
- 5) In order to reduce land use conflict and environmental issues, livestock are to be stocked at the appropriate densities in accordance with the Department of Industry and Investment guidelines.

Relevant Supporting Documentation

For further detail in relation to management of companion animals refer to the *Companion Animals Act 1998* and to *Dungog Shire Council's Companion Animal Management Plan 2007*.

8.5.7 Bushfire Management

The site located within a bush fire area and in accordance with legislative requirements a bushfire threat assessment was prepared in 2012. The bushfire assessment concluded that the proposal is located in an area of low to moderate bushfire risk and meets the requirements of the NSW Rural Fire Service. All allotments have been constructed so as to comprise an area of land which is clear of native vegetation for the location of a sizable dwelling together with the required Asset Protection Zone (APZ).

An Asset Protection Zone (APZ) is an area between a bush fire hazard and the building, which is managed to minimise fuel loads, inhibit a fire path and reduce the effects of heat, flame, ember and smoke attack. Put simply it keeps the effects of the fire away from the building. The size of the APZ is based on vegetation type, slope and levels of construction. The APZ's provided above are indicative only. Every development application submitted for a dwelling on a lot must be accompanied by a Bushfire Threat Assessment (BTA) which determines the required APZ. The NSW Rural Fire Service provides guidelines for the preparation of a BTA and the creation and maintenance of APZ's (www.rfs.nsw.gov.au).

When preparing a development application for the erection of a dwelling house, it is a requirement that the provisions of RFS Guidelines be followed.

8.5.8 Visual amenity

Objective

To ensure buildings are appropriate within their setting and complimentary to the rural environment.

Procedures

- 1) Dwellings should be located, designed and constructed of appropriate materials to not be visually obtrusive or detract from the rural character of the area.
- 2) Dwellings must be designed to reflect the local landform, colours and materials present on the site and surrounds. Typically, low building forms, timber and corrugated iron reflect the rural character of the area. Roof pitches should not exceed 30 degrees.
- 3) Dwellings are to be sited so as to comply with the provisions of Clause 16.
- 4) Limit cuts and bench construction for house sites, outbuildings and access driveways. Minimise ground disturbance generally and utilise erosion controls measures around disturbed areas.
- 5) Keep tall native vegetation plantations an appropriate distance away from the main dwelling.

8.5.9 Erosion and sediment control

Objective

To avoid the adverse impacts associated with uncontrolled clearing of land and inappropriate construction techniques.

Procedures

- 1) Any filling to a depth greater than 200mm is to be compacted to a 95% standard in accordance with AS1289-E(1.1).
- 2) For any disturbed or filled land, appropriate sediment and erosion control measures shall be utilised and maintained until adequate grass cover has been established.
- 3) Identify existing areas affected by soil or water erosion and undertake mitigation measures. Improving vegetation cover in gully heads and around erosion-prone areas can assist in minimising soil loss.
- 4) Planting of appropriate native trees along water courses for bank stability and erosion control is encouraged.
- 5) All on-site roads shall be constructed so as to minimise surface run-off and sedimentation of watercourses. Open swale drains shall be used to trap overflow and drain the road surface.
- 6) Alignment of all roads and access tracks shall follow contours, minimise the need for batters, and avoid unnecessary crossings of draining lines.

8.5.10 Fencing

Objectives

- To allow for the passage of native fauna; and
- To avoid adverse impacts on environmentally sensitive areas.

PROCEDURES

- 1) All boundary fencing is to be constructed in a manner to allow for the movement through the site by native fauna.
- 2) For visual amenity purposes ensure rural fencing is generally consistent in design and scale.
- 3) Fencing off the areas of the site if they are susceptible to over grazing, pedestrian or development pressure.
- 4) Those areas of the site that have been fenced for the purpose of protecting recently planted areas of native vegetation are to be maintained.

8.5.11 Minimising Edge Effects of Wallaroo State Forest

The environmental integrity of the adjoining Wallaroo State Forest could be impacted if landowners whose properties so adjoin, fail to properly manage their land in a sustainable manner. As the Forest presents a high bush fire risk, landowners must ensure an APZ in excess of 20m is maintained at all times. Landowners should not deposit waste material into the Forest or allow domestic animals to access to forest.

This provision only applies to Lots 110, 111 and 112 in DP 1195463, Lots 123, 124 and 126 in DP 1220678 and Lots 132 to 136 in DP 1232974.

8.6 RESIDENTIAL DEVELOPMENT

8.6.1 Dwelling-Houses and Other Structures - Planning Principles

a) All new structures are to be sited so as to comply with the following setbacks:-

- 50m from Limeburners Creek Road
- 15 metres from internal roads
- 10m from side and rear boundaries
- 40m from a watercourse
- Outside of constrained areas (**Figure 3**)

b) All new habitable structures are to be sited so as to lie above the 1 in 100 year flood level. Finished floor levels of habitable buildings shall be at least 500mm above the 1 in 100 year flood level.

c) All non-habitable structures are to be constructed above the 1 in 20 year flood level.

d) New dwellings are to be sited and designed so as to:-

- (i) respect the visual privacy and views enjoyed from existing and potential dwellings within the Estate.
- (ii) Avoid potential for erosion, sedimentation and contamination of watercourses and water storage areas, and
- (iii) minimise the removal of native vegetation.
- (iv) reflect a high quality of finish and be of a scale which compliments the character of the rural setting.
- (v) encourage energy efficient housing and solar design
- (vi) protect the riparian environment of watercourses by the incorporation of appropriate water management and erosion controls.
- (vii) encourage housing which is of a design which reduces exposure to the risks of bushfire.
- (viii) ensure building colours be limited to earthy tones with no highly reflective materials.
- (ix) ensure a potable water tank with a minimum storage capacity of 40,000 litres plus a static water supply for firefighting purposes of 10,000 litres for lots up to 1 hectare in area, and 20,000 litres for lots in excess of 1 hectare in area.

8.6.2 Building Siting and Design

Each of the allotments has unique physical characteristics and prior to commencing the design of a dwelling, owners should have prepared a detailed site assessment. Constrained areas are shown on **Figure 3**. This assessment and site plan is required to be submitted with applications for development on each allotment. An example of a Site Plan is provided as **Figure 4**.

The elements which need to be taken into consideration when preparing the plan are:-

- Land contours and slope – a detailed site survey at 0.5m contour intervals with the locations of large trees and creek lines shown.
- Location of existing areas of native vegetation.
- Topographical features – e.g. rock outcrops, unique trees, old access tracks, vehicle entry point, boundaries, slope, drainage lines, etc.
- Bushfire Asset Protection Zones in accordance with RFS requirements.
- Location of existing services.
- Preferred route of access road, road grade and site drainage.
- Areas which will be retained in their natural state – e.g. < 20m either side of watercourses, existing treed areas outside of the 'building area', trees, etc
- View corridors and location of buildings on adjoining properties.
- Landscaping proposed to mitigate visual impact of the dwelling on the site.
- Type of entry treatment, e.g. entry statement and front fencing detail.
- Relative RL of proposed dwelling and building platforms.
- Proposed storm water drainage of hard surface areas.
- Proposed location and size of any dams and water tanks.
- Proposed location and type of on-site effluent disposal system and irrigation areas.
- Proposed location of services from road to dwelling/building and if underground or overhead supply.

8.6.3 Specific Controls

Building Design

- All structures, i.e. dwelling-houses, garages, sheds, fencing, shall be designed having consideration to the rural character of the area, the topography and landscape features of the site. Particular consideration will need to be given to building location, solar access, form, colour and construction materials. Applicants will be required to demonstrate that these considerations have been taken into account.
- Council encourages the construction of non-obtrusive structures which fit well within the landscape.
- Buildings should be designed to accommodate the topography of the site and should not require cut or fill in excess of 1 metre in depth.
- Buildings should be designed to be energy efficient through the use of insulation, correct orientation on the site, passive solar design, cross ventilation and other energy saving technologies. In particular dwellings should be designed to locate living rooms to take advantage of winter solar radiation, whilst the design should minimise the extent that summer solar radiation enters windows on the northern and western facades of buildings. Dwellings are required to meet an acceptable energy rating as determined by BASIX.
- The design and height of the dwelling must respond to the natural and built features of the area.
- Building materials must comply with bushfire safety standards.

- The dwelling and outbuildings must generally be of muted colours to blend with the surrounding natural setting.
- The use of verandas and awnings are encouraged to reduce the apparent bulk of dwellings.
- Garages on the front façade of dwellings must be articulated.
- Fences, screens and retaining walls must be compatible with the overall building and landscape design.

Building Materials

- Roofing materials should be non-reflective.
- Wall materials should be earthy tones.

Specific Controls

- Each allotment contains an unconstrained area in excess of 3000m². This area is considered sufficient to accommodate a large dwelling, effluent disposal areas, and asset protection zone.
- Dwellings and on-site sewerage disposal areas must comply with set-back requirements.
- In preparing site plans, all buildings should be located within the unconstrained area of the lot. Areas not used for buildings, outbuildings, recreational facilities and driveways should be set aside for landscaping using species native to the area, and for small scale agricultural pursuits. A list of these species appears as **Appendix 1**. Details of the landscaping must be shown on the site plan submitted with the development application for each allotment.
- Provision to be made for cats and dogs to be contained within the allotment when not on a leash.

8.6.4 Bushfire Controls

All development must satisfy the provisions of *Planning for Bushfire Protection 2006* including provisions of asset protection zone, water supply, building construction and access standards.

The design of the dwelling and precautionary measures taken by the residents in the lead up to the bushfire danger period are the most important elements for ensuring a dwelling does not burn down during a bushfire. A number of publications are available for information on house design and safety precautions. Information should be obtained from the NSW Rural Fire Service website:-

- Everyone's Guide to Bushfire Control.
- Everyone's Guide to Bushfire Prevention in Urban Bushland Areas.
- Everyone's Guide to House Design and Modification in Bushfire Prone Areas.
- Planning for Bushfire Protection: A guide for land use planners, fire authorities, developers and home owners.

It has been proven that certain building materials and designs offer better protection and resistance to bushfire and should be investigated for use in new house designs.

Residents are advised to contact the NSW Rural Fire Service about appropriate hazard reduction measures and regimes for areas surrounding their dwelling.

8.6.5 On-Site Effluent Disposal Systems

All lots have the capability of managing effluent via means of an aerated/spray irrigated waste disposal system. An on-site effluent disposal assessment was undertaken for the whole site and recommended the following design criteria:-

- Required irrigation area of 1050m² for a four bedroom dwelling with a reserve area of 1050m² which is to be set aside in the event of failure of the primary disposal area.
- Additional design details are included as **Appendix 2** – Extracts from On-site Effluent Disposal Investigation 838 & 840 Limeburners Creek Road – Ecobiological June 2012.

A separate application to install and operate an on-site sewage management system must be submitted to Council for approval prior to any development requiring sewage disposal occurring on any lot within the subdivision.

The design of on- site sewage management systems should have regard to the design specifications provided in the geo-technical report prepared by Ecobiological (June 2012).

8.6.6 Dams

Dams shall be designed and constructed in accordance with the requirements of the Department of primary Industries – NSW Office of Water (NOW). The location of proposed dams must be shown on the site plan.

8.6.7 Household Waste Disposal

All dwellings are required to have household wastes removed via Councils domestic waste collection service.

8.6.8 Recreational Motorbikes

Unregistered motorbikes are not permitted to be used on any allotments.

APPENDIX 1 - SPECIES NATIVE TO THE LOCAL AREA

Table 4. Flora of Subject Site

FAMILY	Scientific Name	Author	Common Name	Form	
Family ANARANTHACEAE	<i>Alternanthera denticulata</i>	R.Br.	Lesser Joyweed	herb	X
Family ASTERACEAE	* <i>Bidens pilosa</i>	L.	Cobbler's Pegs	bush	
Family ASTERACEAE	<i>Chryscephalum apiculatum</i>	(Labill.) Steetz	Yellow Buttons	herb	
Family ASTERACEAE	* <i>Coryza albidia</i>	Willd. & Sprengel	Tall Fleabane	bush	
Family ASTERACEAE	* <i>Hypochoeris radicata</i>	L.	Flatweed	herb	
Family ASTERACEAE	* <i>Senecio madagascariensis</i>	Poiet	Fireweed	bush	
Family ASTERACEAE	* <i>Xanthium occidentale</i>	Beriol.	Noogoora Burr	herb	
Family ASTERACEAE	* <i>Oncopordum acanthium acanthium</i>	L.	Scotch Thistle	herb	X
Family CYPERACEAE	<i>Carex appressa</i>	R.Br.			X
Family CYPERACEAE	<i>Carex</i> sp.				
Family CYPERACEAE	* <i>Cyperus brevifolius</i>	(Rottb.) Hassk.			X
Family CYPERACEAE	<i>Eleocharis cylindrostachys</i>	Boeck.		rush	X
Family CYPERACEAE	<i>Eleocharis sphacelata</i>	R.Br.	Tall Spike Rush	rush	X
Family FABACEAE - FABOIDEAE	* <i>Trifolium repens</i>	L.	White Clover	herb	X
Family FABACEAE - FABOIDEAE	<i>Daviesia genistifolia</i>	Cunni. ex Benth.	Broom Bitter Pea	shrub	
Family JUNCACEAE	<i>Juncus</i> sp.				X
Family JUNCACEAE	<i>Triglochin procernum</i>	R.Br.	Water Ribbons	aquatic herb	X
Family LOMANDRACEAE	<i>Lomandra longifolia</i>	Labill.	Lomandra	herb	
Family LOMANDRACEAE	<i>Lomandra filiformis</i>	(Thunb.) Britten	Wattle Mat Rush	herb	
Family MALVACEAE	* <i>Sida rhombifolia</i>	L.	Paddy's Lucerne	shrub	
Family MYRTACEAE	<i>Angophora floribunda</i>	(Smith) Sweet	Rough-barked Apple	tree	
Family MYRTACEAE	<i>Corymbia maculata</i>	(Hook)	Spotted Gum	tree	X
Family MYRTACEAE	<i>Eucalyptus amplifolia</i> subsp. <i>amplifolia</i>	Naudin	Cabbage Gum	tree	
Family MYRTACEAE	<i>Eucalyptus carnea</i>	R. Baker	Thick-leaved Mahogany	tree	
Family MYRTACEAE	<i>Eucalyptus fitzroyi</i>	F. Muell.	Broad-leaved Ironbark (I)	tree	
Family MYRTACEAE	<i>Eucalyptus moluccana</i>	Roxb.	Grey Box	tree	
Family MYRTACEAE	<i>Eucalyptus punctata</i>	DC.	A Grey Gum	tree	
Family MYRTACEAE	<i>Eucalyptus siderophloia</i>	Benth.	Grey Ironbark	tree	X
Family MYRTACEAE	<i>Leptospermum</i> sp.			shrub	
Family MYRTACEAE	<i>Melaleuca linariifolia</i>	Smith	Snow in Summer	shrub or tree	X
Family MYRTACEAE	<i>Melaleuca stypheloides</i>	Smith	Prickly-leaved Tea Tree	tree	
Family ONAGRACEAE	<i>Ludwigia peploides montevidensis</i>	(Kunth) Raven	Water Primrose	herb	
Family PHORMIACEAE	<i>Dianella caerulea</i>	Sims	Blue Flax Lily	herb	
Family PLANTAGINACEAE	<i>Plantago</i> sp.			herb	
Family POACEAE	* <i>Axonopus affinis</i>	Chase	Narrow-leaved Carpet G	Grass	
Family POACEAE	* <i>Bromus cartharticus</i>	Vahl.	Prairie grass	Grass	
Family POACEAE	<i>Cynodon</i> sp.		Couch Grass	grass	X
Family POACEAE	* <i>Paspalum dilatatum</i>	Poir.	Paspalum	grass	X
Family POACEAE	<i>Paspalum distichum</i>	L.	Water Couch	grass	X
Family POACEAE	* <i>Pennisetum clandestinum</i>	Hochst. ex Chiov.	Kikuyu Grass	grass	X
Family POACEAE	* <i>Sporobolus</i> sp.		Parramatta Grass	grass	
Family POACEAE	<i>Imperata cylindrica</i> var. <i>major</i>	(Nees) C.E. Hubb.	Brady Grass	grass	X
Family POLYGONACEAE	<i>Persicaria hydropiper</i>	(L.) Spach	Water Pepper	herb	X
Family POLYGONACEAE	<i>Rumex brownii</i>	Campd.	Swamp Dock	herb	
Family POLYGONACEAE	* <i>Rumex crispus</i>	L.	Curled Dock	herb	X
Family RANUNCULACEAE	<i>Ranunculus inundatus</i>	R.Br. Ex DC.	buttercup	herb	X
Family RANUNCULACEAE	<i>Ranunculus lappaceus</i>	Smith	Common Buttercup	herb	X
Family ROSACEAE	* <i>Rubus fruticosus</i> species aggregate		Blackberry	scrambler	
Family TYPHACEAE	<i>Typha orientalis</i>	C. Presl	Cumbungi	aquatic herb	X
Family VERBENACEAE	* <i>Verbena bonariensis</i>	L.	Purpletop	herb	X
Family VERBENACEAE	* <i>Verbena rigida</i>	Sprengel	Velvet Verbena	herb	

APPENDIX 2 - EXTRACTS FROM ON-SITE EFFLUENT DISPOSAL INVESTIGATION, 838 & 840 LIMBURNERS CREEK ROAD CLARENCE TOWN – ECOBIOLOGICAL, JUNE 2012.

4.1 Site Investigation

Site investigations revealed that the typical subsurface profile consisted of a very dark grey/brown sandy clay loam to varying depths, overlying a grey/brown to yellow/brown sandy clay with orange mottle to varying depths, overlying orange weathered sandstone. Orange weathered sandstone was not encountered within TP 3, 7 and 6; however, it was encountered at depths varying between 0.3 and 0.8m in TP 1, 2, 4 and 5.

Neither surface water nor groundwater was encountered during the investigation.

The results of the soil analysis on the representative soil samples taken from Test Pit 1, 5, 6 and 7 are shown in Table 2 below.

Table 2: Soil sampling results

Sample	CEC	Na	K	Ca	Mg	Al	P Sorp (mgP/kg)	pH	EAT1	ESP2 %	EC (dS/m)
TP1	2.25	0.11	0.07	1.31	0.71	0.05	-	5.3	2	4.88	0.2
TP5	5.65	0.47	0.11	2.92	2.12	0.03	309.4	5.2	2	8.32	0.4
TP6	13.67	1.11	0.3	3.07	9.17	0.02	314.4	5.4	2	8.12	0.8
TP7	5.32	0.24	0.12	2.92	2.04	0	209.5	6	4	4.51	0.4

4.2 Disposal Area Calculations

The on-site effluent disposal area calculated by each of the 5 methods described in Table 1, for a 4 and 5-bedroom residence, is summarised below in Table 3. The water usage is based on 140L/day per person with a 4 bedroom dwelling having 7 people and a 5 bedroom dwelling having 8 people. Worked examples of each calculation are shown in the Disposal Area Calculation Sheet in the attachments.

Table 3: On-site Effluent Disposal Irrigation Areas & Storage Volumes.

Method	4-Bedroom Dwelling		5-Bedroom Dwelling	
	Required Irrigation Area (m2)	Wet Weather Storage	Required Irrigation	Wet Weather
Nitrogen Loading Method 10mg/L	392	48	448	54
Phosphorus Loading Method 8mg/L	667	11	762	12
Minimum Area Method	335	67	383	77
Nominated Area Method	1050	0	1200	0
AS 1547 Method	343	63	392	72

The “On-site Sewage Management for Single Households” guideline recommends that wet weather storage be provided to store run-off that will occur when the combination of rainfall and effluent exceeds the capacity of the site to absorb water.

Section 6 describes the above results in relation to the treatment and disposal systems recommended for the site.

These figures may be revised upon receipt of effluent treatment data from accredited systems with different total nitrogen and phosphorus contents. Council may choose to reduce or waive the requirement for wet weather storage.

5. Limitations to on-site Effluent Disposal

Table 6 of “On-site Sewage Management for Single Households” provides a soil assessment rating system for on-site effluent disposal systems. When the results from the site investigations and soil analysis are compared to this table, a number of minor, moderate or major limitations to the on-site irrigation of treated effluent on the subject site can be identified. These limitations are given in Table 4 below.

Table 4: Minor, Moderate and Major Limitations to the On-site Irrigation of Treated Effluent.

Soil Feature	Limitation
pH	Moderate
Depth to bedrock	Ranges from Minor to Major
Cation Exchange Capacity (CEC)	Ranges from Minor to Moderate
Exchangeable Sodium Percentage (ESP)	Ranges from Minor to Moderate
Electrical Conductivity (EC)	Minor
Permeability	Moderate
EAT	Moderate to Major

The soil across the entire site has a low pH. By raising the pH and therefore reducing the acidity of the soil improved plant growth can be achieved. The pH may be adjusted by an annual application of lime at 400g/m².

Effective disposal is also limited to the shallow depth of the soil. The depth of soil over the disposal area must be increased in accordance with AS/NZS 1547 for the selected system to the minimum depths of:-

- Mounds - Not applicable as mounds are designed to overcome shallow soil limitations;
- Subsurface irrigation - Requires minimum of 0.4m and preferably 0.6m of soil below the bottom of the dripper lines; and
- Surface irrigation - Requires a minimum of 0.4m and preferably 0.6m depth of soil.

The above depths of soil must include a 150mm layer of topsoil on the surface to promote vegetation growth (Table 4.2B2 AS/NZS 1547:2000). Imported soil should be of equal or better quality than that on site. The imported soil will need to be compacted to 95% relative dry density ratio to ensure that it does not subside or erode.

The soil also has minor to moderate limitations with respect to Cation Exchange Capacity (CEC) and exchangeable sodium percentage. It is therefore recommended no remediation works are required for these two soil limitations.

The soil has displayed high clay dispersion properties, which can lead to the blockage of pores by the dispersed clay particles, reducing the soil permeability. This may be overcome by an application of gypsum at 1kg/m² during construction. It has been estimated that the gypsum will be effective for about 10 years at this application rate.

The moderately low soil permeability may produce excessive runoff or waterlogging of the effluent disposal area. The design irrigation rate for effluent disposal should be reduced to less than 20mm/week in order to avoid waterlogging or re-surfacing of disposed effluent.

6. Conclusions –Treatment and Disposal Options

Based on our evaluation of the site and the identified soil profile, the lots are suitable for the on-site disposal of effluent from:-

- A. An aerated waste water treatment system, or
- B. A septic tank system with an aerobic sand filter, or
- C. A septic tank system with an effluent landscape mound.

All systems should be installed and managed in accordance with the requirements of AS 1547 and *“On-site Sewage Management for Single Households”*. Effluent may be disposed of by either surface spray irrigation, surface drip and trickle irrigation or subsurface irrigation, subject to limitations of the selected treatment systems.

The systems described below incorporate a reserve effluent disposal area. A reserve effluent disposal area is recommended by AS 1547 and is equivalent to 100% of the area of the primary disposal area. The purpose of the reserve disposal area is to rest the primary

disposal area, or for duplication of the disposal area if unforeseen circumstances require this at some time in the future. The reserve disposal area is to be protected from any development that would prevent its use in the future. The reserve disposal area may be reduced or even eliminated if improved waste water treatment systems are installed, alternative land application systems are used or where the site and soil evaluation supports a reduction in area.

6.1. Aerated Waste Water Treatment System –Surface Spray or Drip and Trickle Disposal

An aerated wastewater treatment system producing effluent with a total nitrogen content of 10 mg/L and a total phosphorus content of 8 mg/L, with treated effluent being disposed of via surface spray or drip and trickle irrigation will require a primary and back up reserve disposal area each of 1050 m² for a 4 bedroom dwelling and 1200 m² for a 5 bedroom dwelling.

The required area was based upon the Nominated Area Method and will require no wet weather storage. The required effluent disposal area may be revised upon receipt of treatment result data from accredited systems with different total nitrogen and phosphorus contents in their effluent.

6.2. Septic Tank with Aerobic Sand Filter

The aerobic sand filter treats effluent from a septic tank to the standards of an aerated waste water treatment system as set out in *AS/NZS 1547: 2000 - On-site Domestic Wastewater Management* and *"On-site Sewage Management for Single Households"* (see attachment). The required plan surface area of the sand filter is calculated by the manufacturer.

The required disposal area will be equivalent to that of a system treating effluent to a standard with a total nitrogen content of 10 mg/L and a total phosphorus content of 12 mg/L. The treated effluent collected from an Aerobic Sand Filter must be disposed of via sub-surface irrigation and will require a primary disposal area and back up disposal area each of 1050 m² for a 4 bedroom dwelling and 1200 m² for a 5 bedroom dwelling.

The required area was based upon the Nominated area method, which is the limiting calculation method and will require no wet weather storage.

6.3. Septic Tank with Effluent Landscaped Mound

An Effluent Landscaped Mound is a system, which both treats and disposes of effluent. Effluent is pumped to the mound from a septic tank where it filters through the constructed mound, being treated and disposed of in the one process. The sizing of an Effluent Landscaped Mound is done by a qualified agent of the manufacturer and is calculated using a water balance method to ensure the mound can dispose of the hydraulic load being applied.

6.4. Discussion

There is sufficient available disposal area on all sites to accommodate the required primary and back up reserve disposal areas for all listed Treatment and Disposal systems.

7. On-site Disposal Requirements and Recommendations

The installation and operation of the on-site sewage disposal system should be undertaken in accordance with the following guidelines.

7.1 Buffer Setbacks

The location of the disposal area must be in accordance with the following buffer dimensions for the chosen irrigation method shown in Table 5 below.

Table 5: Buffer Distance Requirements for Drip & Trickle, Spray & Subsurface Disposal Mechanisms

BUFFER DISTANCE (m)						
Feature	Drip/Trickle		Spray		Subsurface	
	Upslope	Downslope	Upslope	Downslope	Upslope	Downslope
Dwelling	6	3	15	15	6	3
Driveway	6	3	6	3	6	3
Path	6	3	3	3	6	3
Pool	6	3	6	6	6	3
Dam	40	40	40	40	40	40
Permanent Water	100	100	100	100	100	100
Intermittent Water	40	40	40	40	40	40
Property Boundary	6	3	6	3	6	3

7.2 Drainage

The surface of the disposal area should be graded to prevent effluent ponding on or running off the disposal area. A raised soil berm should be provided down slope from the disposal area to intercept any rainfall runoff from the disposal area and encourage it to filter through the soil.

An uphill diversion drain must be constructed to protect the disposal area from surface run off from surrounding areas. Upslope subsurface seepage should be intercepted and diverted away from the disposal area by a subsoil drain.

7.3 Installation

The installation of the selected treatment system is to be performed by a qualified agent of the manufacturer.

7.4. Vegetation

The effluent disposal site must to be vegetated before effluent is applied. The vegetation can include grasses, shrubs and trees.

Vegetation should be regularly mowed and pruned to maintain the rate of evapotranspiration. Clippings and weeds removed from the disposal area should be disposed of away from the area to avoid increased nutrient loads on the irrigation area. Likewise, clippings and other vegetation should not be disposed of on the area. Buffer zones (Section 7.1) adjacent to the irrigation area should also be planted with suitable vegetation.

7.5. Effluent Quality

Effluent from the selected wastewater treatment system is to be disposed of on the irrigation area in accordance with the requirements of *AS 1547* and Table 14 of *On-Site Sewage Management for Single Households*. Methods to reduce effluent strength include:-

- i. Using the minimum recommended amounts of low phosphate, biodegradable liquid detergents and cleaning agents;
- ii. Avoiding large quantities of bleaches, disinfectants and whiteners; and
- iii. Minimising the amount of solid waste entering the septic system, especially non-biodegradable items such as plastics.

It is important that the occupant makes a consistent effort to reduce the strength of the treated effluent.

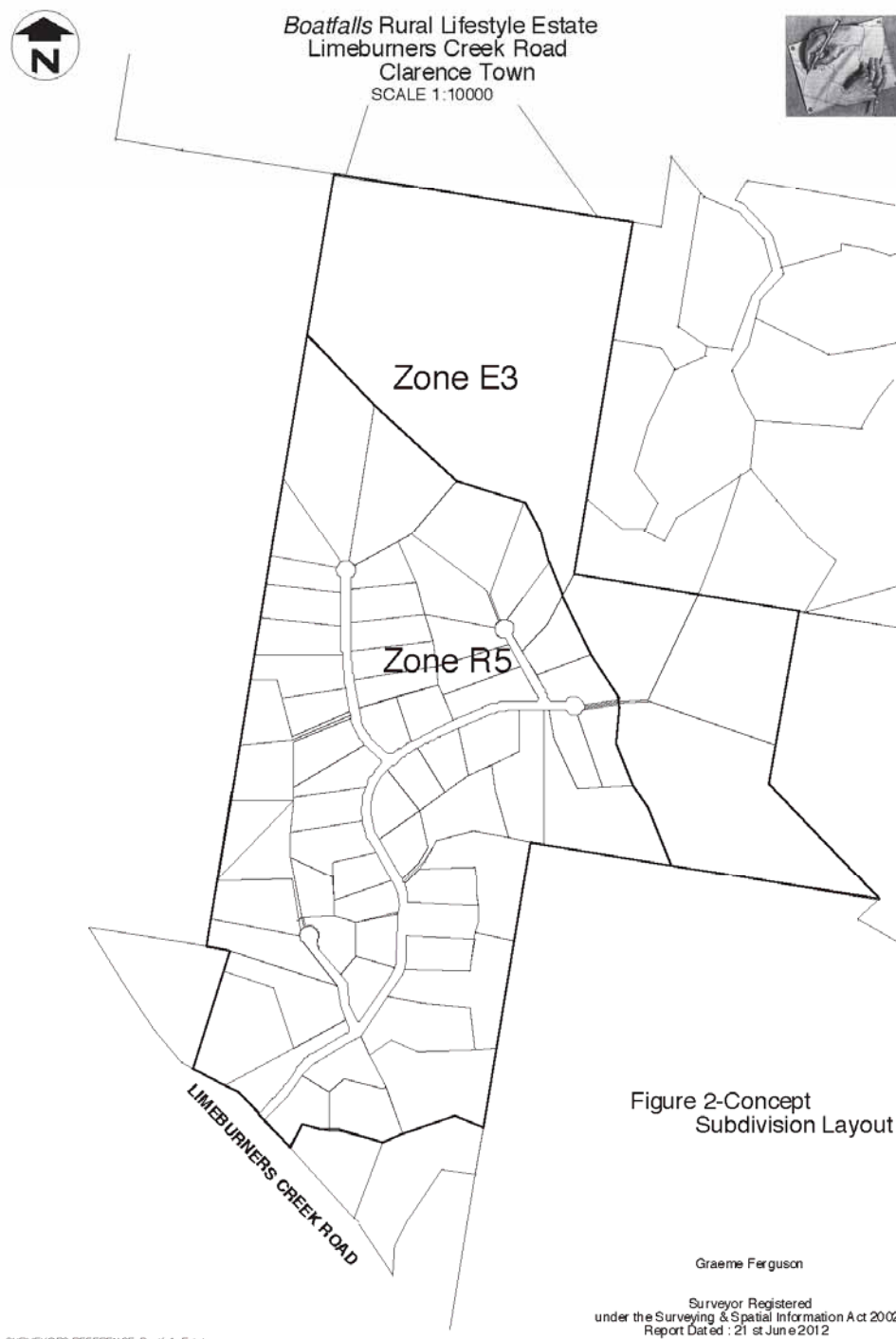
7.6. Maintenance

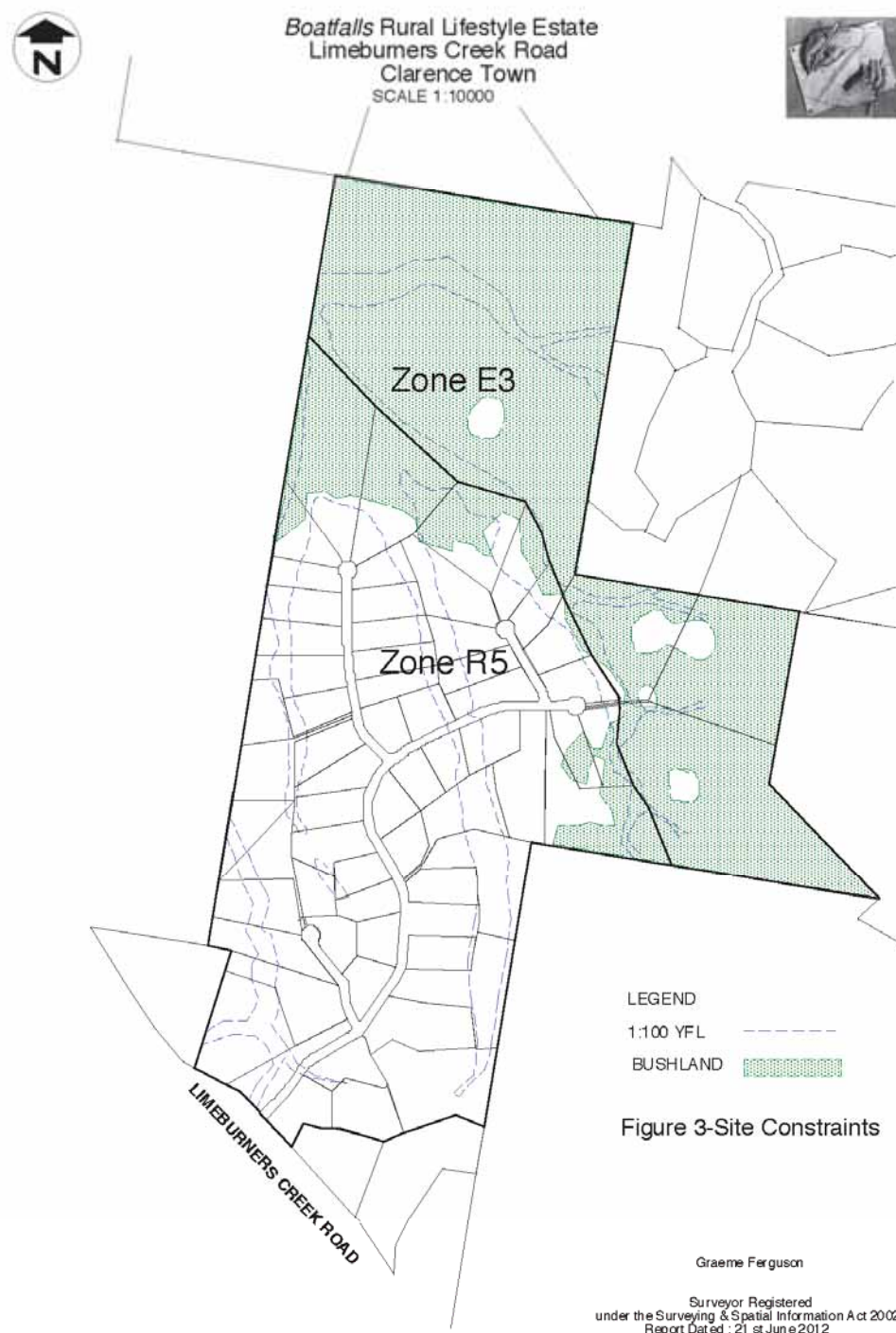
The disposal system should be regularly checked to ensure that it is operating correctly. Signs of failure include surface ponding, effluent run off, erosion, leaching of the soil, poor vegetation growth including burnt vegetation, odour or the formation of surface crusts.

Boatfalls Rural Residential Estate - Limeburners Creek Road Clarence Town



Boatfalls Rural Residential Estate - Limeburners Creek Road Clarence Town



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PART D

9. Cangon Park Rural Residential Development

PART 1 - PRELIMINARY

Commencement

1. This plan has been prepared in accordance with the *Environmental Planning and Assessment Act 1979 (Division 3.2)* and the *Environmental Planning and Assessment Regulation 2000 (Part 3)*.
2. The plan was adopted on 18 March 2020 and was advertised on 1 April 2020 in accordance with the *Environmental Planning and Assessment Regulation 2000 (Part 3)*.

Name of the Plan

3. This Development Control Plan may be cited as Dungog Shire Development Control Plan No 1 Part D Section 9 – Cangon Park Rural Residential Development, Dungog.

The Parent Local Environmental Plan

4. This Development Control Plan conforms with the provisions of the *Dungog Local Environmental Plan 2014*, which contains the legal planning controls for the development of land in the Shire of Dungog.

Land to Which the Plan Applies

5. This plan applies to all land within the Cangon Park Rural Residential Development described as Lot 16 DP865027, Hanleys Creek Road, Dungog. The area to which the DCP applies is Stage 1 of the Cangon Park Rural Residential Estate (**FIGURE 1**).

The Purpose of the Plan

6. This plan provides more detailed provisions than those contained in the Local Environmental Plan or in Part C.2 of DCP No.1 – Development in Rural Residential Zones. Its purpose is to give detailed guidance for development carried out within the specified area. The plan also indicates Councils objectives and policies for the area which can form a basis for negotiation should a departure from the provisions of this plan be sought.
7. The site has the potential to create a community comprising of approximately 30 dwellings set in a rural/rural residential landscape.
8. The principles in the plan complement the approach of a large range of lot sizes to increase residual land management rather than one larger unmanageable parcel.

Status of the Plan

9. The status of a Development Control Plan (DCP) under the *Environmental Planning and Assessment Act 1979* is that it is a matter Council is obliged to consider in the determination of a development application (Clause 4.15). A DCP is however only an 'official guideline'.

Application of the Plan

10. Council shall take the provisions of this plan into consideration in determining applications for subdivision, development and building in the area covered by the plan.
11. Where there is an inconsistency between this plan and any environmental planning instrument, the provisions of the environmental planning instrument shall prevail.
12. Compliance with the provisions of this plan does not necessarily imply that Council will consent to an application. Council must consider the full range of matters listed under of the Environmental Planning and Assessment Act 1979 (Clause 4.15) and relevant building legislation (National Construction Code). Each application will be considered on its merits.
13. Council may consent to an application that departs from the provisions of this plan. Where applications seek to depart from the provisions of this plan, they should be accompanied by a written justification, however, as a DCP is only a guideline such departures will not create an undesirable precedent.

FIGURE 1 – DCP Land Application, Subdivision Design and Hollow Bearing Trees Map

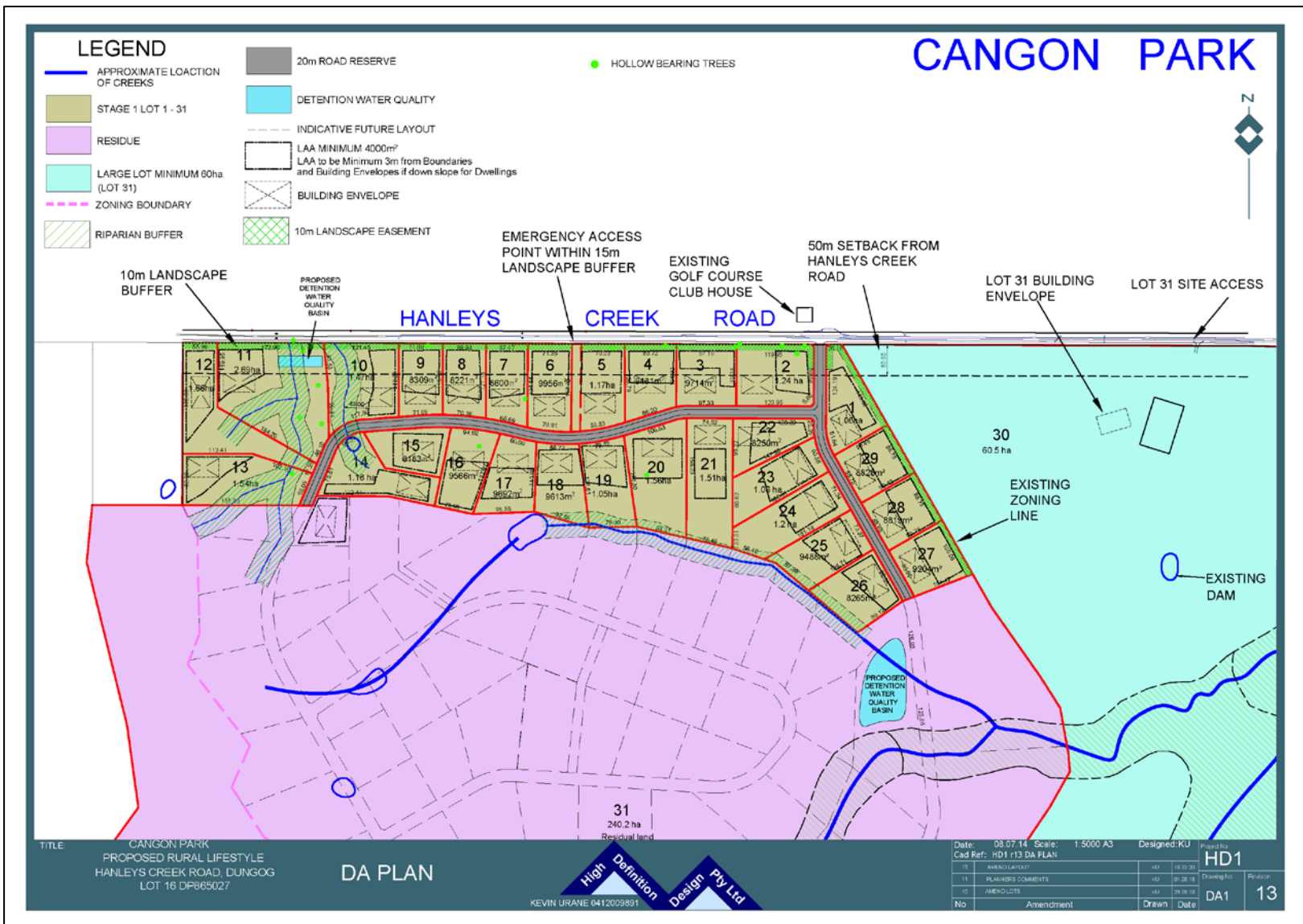
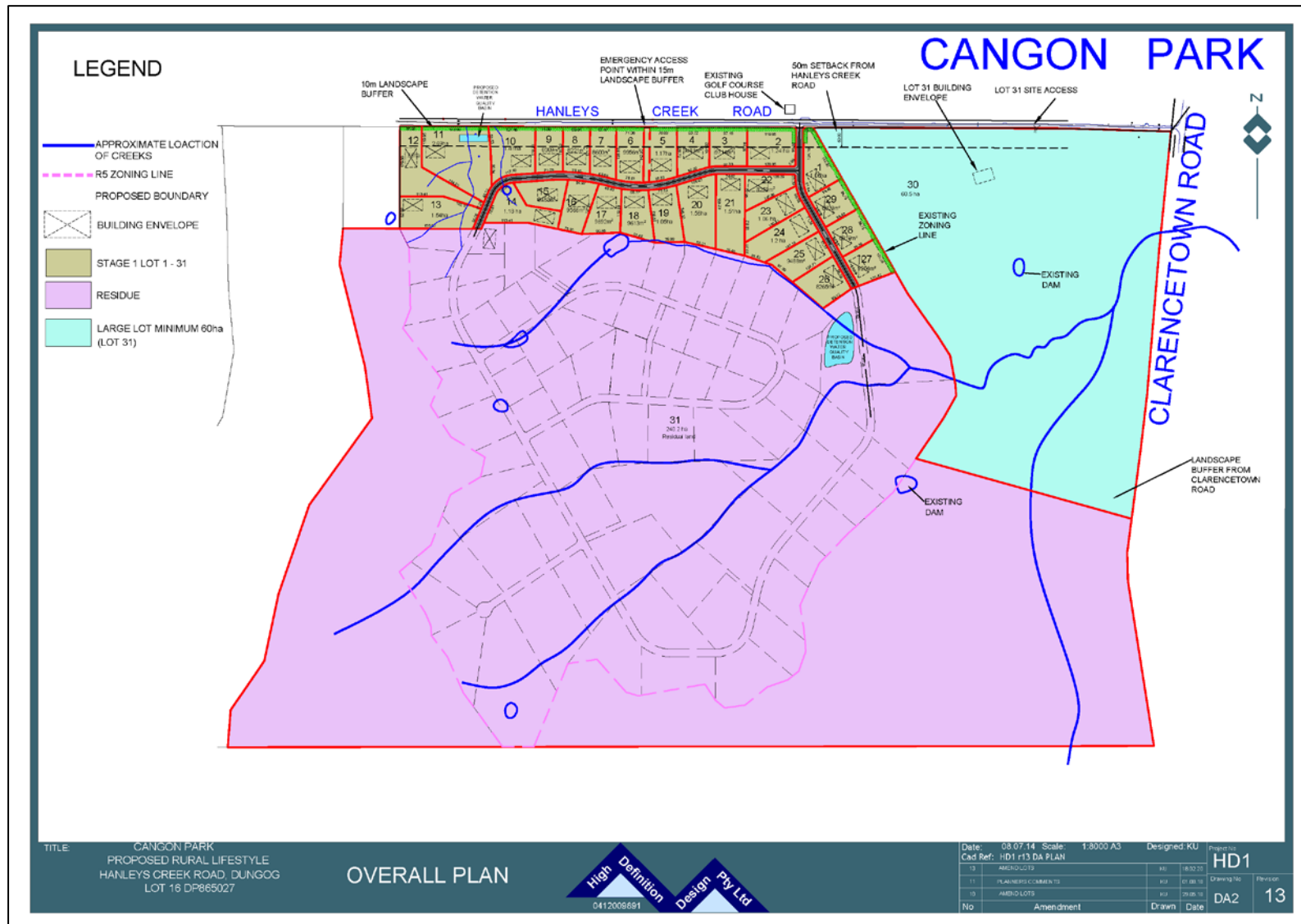


FIGURE 2 – Future Precincts Map



PART 2 - OBJECTIVES AND APPLICATION OF THE PLAN

Aim and Objectives of the Plan

a) The aims of the Development Control Plan are:

1. To attain a high quality rural residential precinct which exhibits a good visual presence and environmental sustainability.
2. To create a functional, integrated and connected community of which is a highly desirable location to reside in.
3. To provide guidelines for property owners in respect to the design and siting of dwellings, structures, property access, and protection of environmental values of the site.
4. To encourage development which is sympathetic to the environmental qualities and land capability of the site.
5. To provide site planning guidelines including measures to be taken to improved land management and minimise the loss of native vegetation.
6. To retain the visual amenity of the site by maximising the retention of existing native vegetation and the incorporation of appropriately selected landscaping.
7. To ensure native vegetation clearing is minimised and watercourses are protected and enhanced through appropriate landscaping.
8. To provide guidance in respect to appropriate on-site effluent disposal systems.

Intent / Character Statement

Cangon Park Rural Residential Development is a large lot residential area identified in Councils Land Use Strategy and Local Environmental Plan. The area is to provide rural residential lots to meet Dungog's rural residential demand on the southern periphery of town.

The design of Cangon Park Rural Residential Development is to promote a balance between development, conservation and aesthetic values and the natural topography of the site.

All lots within Cangon Park Rural Residential Development are to be provided with a full range of services including onsite waste water, electricity and telecommunications.

The design of reserves and road layouts is to provide linkages throughout Cangon Park Rural Residential Development and to the perimeter of the estate.

The road layout will be a combination of through roads and cul-de-sacs, which includes perimeter roads/emergency exit for fire safety and permits easy public access to open space. Roads are to be lined with trees and grass swales where appropriate to ensure stormwater from roads, driveways and building structures is adequately managed; promoting the principles of Water Sensitive Urban Design

SUBDIVISION GENERAL

1. The concept road layout and subdivision design is shown in **(FIGURE 1)**. Internal roads are to be designed in accordance with Council's subdivision guidelines. At a minimum, the following elements are to be incorporated into the design:
 - a) Roads to be designed in accordance with Council's Roads Management Strategy, Policy C3.18 Provision of Rural Road Services, AUSPEC documentation and relevant Austroads Standards where applicable. Roads to be designed where possible to reflect land topography.
 - b) Provide a diverse range in lot sizes. A variation will be sought to the minimum lot size for some of the proposed lots in the RU1 zone.
 - c) All lots to accommodate an unconstrained area of 4,000m² within which a dwelling, effluent disposal area and Asset Protection Zone (APZ) can be located having regard to other provisions of this Plan.
 - d) Vegetation corridor 100m wide along the Clarence Town Road frontage and 10 metres wide along Hanleys Creek Road to provide a partial visual screen of trees.
 - e) The provisions of *NSW Rural Fire Service – Planning for Bushfire Protection*
 - f) Prohibit the use of motorbikes and other recreational vehicles in constrained areas only (e.g. riparian management zones).
 - g) Boundary fencing to be limited to timber post and rail/wire rural type fencing which permits the movement of native fauna across the site and is free from 'netting type' material and maintains the open rural nature of the landscape.
 - h) Stormwater management in accordance with Council's requirements.

- i) Minimising native vegetation removal through sensitive design and maximisation of the cleared lands for urban development – note the subdivision layout has been designed to avoid vegetation removal.

List of Figures

- 1 – DCP Land Application, Subdivision Design and Hollow Bearing Tree Map
- 2 – Future Precincts Map
- 3 - Indicative Asset Protection Zone and Hollow Bearing Tree Map

Residential Amenity General – Planning Principles

(FIGURE 1) depicts the various rural residential themed precincts of layout.

Objective

- a. To create a high class and quality rural residential development

Performance Criteria

1. All new dwellings are to be sited to comply with the following setbacks:
 - i. 800m minimum from Clarence Town Road
 - ii. 50m Hanleys Creek Road
 - iii. 15 metres from internal roads
 - iv. 10m from side and rear boundaries
 - v. 40m from a watercourse
2. New dwellings are to be sited and designed so as to:
 - i. respect the visual privacy and views enjoyed from existing and potential dwellings within the Estate.
 - ii. avoid potential for erosion, sedimentation and contamination of watercourses and water storage areas, and
 - iii. minimise the removal of native vegetation.
 - iv. reflect a high quality of finish and be of a scale which compliments the character of the rural setting.
 - v. encourage energy efficient housing and solar design
 - vi. protect the riparian environment of watercourses by the incorporation of appropriate water management and erosion controls.
 - vii. encourage housing which is of a design that reduces exposure to the risks of bushfire.

- viii. ensure building colours are limited to earthy tones with no highly reflective materials.

Visual Amenity

(FIGURE 1) depicts the building envelopes and landscaping that reflect visual amenity.

Objective

- a. To ensure buildings are appropriate within their setting and complimentary to the rural environment.
- b. To minimise the visual intrusion of the development as viewed from the main road 'entry to Dungog'.

Performance Criteria

1. Dwellings should be located, designed and constructed of appropriate materials to not be visually obtrusive or detract from the rural character of the area.
2. Building envelopes should be sited so as to avoid the loss of large trees where possible.
3. Buildings should not be located on the western ridgeline at a height above where the apex of the roof would be closer than 5m (in vertical height) from the ground-line of the ridge.
4. Limit cut and bench construction for house sites, outbuildings and access driveways.

Building Design and materials

1. All structures, i.e. dwelling-houses, garages, sheds, fencing, shall be designed having consideration to the rural character of the area, the topography and landscape features of the site. Particular consideration will need to be given to building location, solar access, form, colour and construction materials.
2. Colours for dwellings and ancillary buildings/structures should be 'earthy type' colours rather than bright or light ones. In particular, cream, white or very bright colours should be minimised.
3. Roofing is to be of colourbond or similar material (i.e. not tile).
4. Buildings should be designed to accommodate the topography of the site and should not require cut or fill in excess of 1 metre in depth.

5. Dwellings are required to meet an acceptable energy rating as determined by BASIX.
6. The use of verandas and awnings are encouraged to reduce the apparent bulk and improve the amenity of dwellings.
7. Ancillary buildings such as garages and sheds should be limited to a maximum height of 5m and area of 100sqm on any allotment.

Effluent Management

(FIGURE 1) depicts the effluent management areas for each lot.

Objective

- a. To ensure that all wastewater generated by each lot is treated and managed appropriately and sustainably within the boundaries of each lot.
- b. To ensure that there are no off-site impacts resulting from the on-site management of wastewater on each lot within the subdivision; as well as neighbouring properties and the broader environment.

Performance Criteria

1. Prior to development, detailed on-site wastewater management plans and reports are to be prepared for each lot by appropriately qualified and experienced personnel. Responsibility for these reports rests with the lot owner.
2. The prepared report must include the results of a site and soil assessment considering land capability for effluent management, as well as details of proposed wastewater treatment and effluent management systems.
3. Each lot will be serviced by an on-site wastewater treatment system that is approved by NSW Health. A minimum standard of secondary treatment with disinfection is required (septic tanks alone are not sufficient).
4. Selection and management of on-site wastewater treatment systems will be the responsibility of lot owners, in compliance with Council's approval process under the NSW Local Government Act 1993 (s68).
5. On-site wastewater treatment systems are to be regularly inspected and serviced by appropriately qualified personnel as per the current NSW Health Certificate of Accreditation for the specified system.

6. All treated effluent is to be land-applied using appropriately designed effluent management (disposal) systems, being subsurface drip irrigation. Conventional absorption or evapotranspiration/absorption systems (trenches and beds) are not considered appropriate due to the existing constraints identified throughout the site and its location within a drinking water catchment.
7. Upstream stormwater is to be diverted away from effluent treatment areas.
8. All effluent management systems must be appropriately sized for the likely (maximum) wastewater load using current NSW and national best- practice design and sizing guidelines, including (but not limited to) the *NSW Environment and Health Protection Guidelines: On-site Sewage Management for Single Households* (DLG, 1998) and *AS1547:2012 - Onsite Domestic Wastewater Management* (Standards Australia, 2012).
9. Effluent irrigation systems (surface and subsurface) are to be designed, installed and managed in accordance with the above guidelines as well as the *NSW Environment Guidelines: Use of Effluent by Irrigation* (DEC, 2004).
10. Effluent must not be applied within designated setback buffers, as recommended in *NSW Environment and Health Protection Guidelines: On-site Sewage Management for Single Households*.
11. Effluent must not be applied within any areas identified as unsuitable for effluent management on individual lots, as per the on-site wastewater management report and plan prepared for that lot.
12. The minimum soil depth for effluent irrigation systems (surface or subsurface) is 600mm. On each lot, appropriate areas with adequate soil depth should be used, or imported topsoil should be used to achieve the minimum required soil depth throughout the entire effluent management area.
13. Conventional or modified absorption trenches and beds would only be considered appropriate in areas where at least 1,200mm of free draining soil is present throughout the entire effluent management area.
14. During installation of the effluent management system on each lot, native soils should be amended with gypsum at an appropriate application rate to improve soil structure and minimise erosion and dispersion.
15. All effluent management systems must be properly installed and commissioned by appropriately qualified and experienced personnel, in accordance with the manufacturer's instructions and any Council approval conditions.
16. All effluent management systems must be appropriately vegetated, preferably using turf or groundcover species as listed in Appendix 7 of the *NSW Environment and*

Health Protection Guidelines: On-site Sewage Management for Single Households (DLG, 1998). Cut vegetation should be removed from the effluent management area to maintain nutrient budgets.

17. All on-site wastewater treatment and effluent management systems must be accessible, clearly identified and available for routine inspection by Council during and following construction, and/or, as required.

Vegetation Communities

(FIGURE 1) depicts the vegetation of significance, being the hollow bearing trees.

Objective

- a. To control, minimise or prevent the destruction of native vegetation, limit the overall impact of the development on vegetation and native fauna, and prevent the spread of noxious weeds.
- b. To prevent adverse impacts on native fauna
- c. To manage pets/companion animals so as to prevent adverse impacts on local biodiversity and the amenity of existing and future owners and residents.

Performance Criteria

1. Minimise soil compaction or disturbance. All disturbed areas must be rehabilitated with saved topsoil and salvaged plants;
2. All native vegetation within the riparian areas should be retained and managed in accordance with the approved Landscape Management Plan;
3. Pockets of regenerating bushland and young trees must be protected during any building construction work with suitable protective fencing and restricted access, including from material stockpiling;
4. Minimise the use of pesticides and herbicides around areas of native vegetation;
5. Hollow bearing trees are important to the protection of native fauna and every effort should be made to minimize their removal. Where this is unavoidable, an ecologist should be present during any habitat tree removal to ensure the protection of any species that may be roosting;
6. Restriction on the ownership of cats

7. All native fauna are protected under the *National Parks and Wildlife Act 1974*. Animals shall not be unnecessarily disturbed or harmed;
8. Feeding of native animals is prohibited;
9. Restriction of cattle from the riparian management zones;
10. Minimise movement of vehicles through sensitive areas
11. All boundary fencing to be of a type that allows for the unrestricted movement of native animals through the site, e.g. Five strand plain wire rural fencing; no netting.

Riparians Lands Management

(FIGURE 1) depicts the riparian corridors for the identified watercourses.

Objective

- a. To maintain and improved the riparian areas that will in turn improve the ecology of the area, assist in maintaining the quality of water, and maintain the rural character of the estate.

Performance Criteria

1. All remnant and planted riparian vegetation within the estate, including around dams, is to be retained, enhanced and protected, unless a separate approval from the Hunter-Central Rivers Catchment Management Authority has been obtained;
2. Minimise the use of pesticides, herbicides and fertilizers around areas of native vegetation;
3. Planting of appropriate native trees along watercourses and around dams for bank stability and erosion control is encouraged by future owners and will initially be carried out by the developer;
4. Do not remove streamside vegetation (this includes reeds, trees and grasses), unless directed as part of an approved catchment and waterway management program;
5. Control rabbits or other pests to allow effective regeneration; and
6. Involvement of lot owners in voluntary groups such as Landcare is encouraged to promote community involvement and an awareness of environmental issues.

Flooding and Water Management

(FIGURE 1) depicts the watercourses and proposed detention basins.

Objective

- a. To ensure no people or buildings are exposed to localised flooding during the local 100 Year ARI storm event.
- b. To ensure peak flow rates downstream of land to which this plan applies are not increased in the 100 Year ARI storm event.
- c. To control, minimise or prevent the release of contaminants to the receiving waterways.
- d. To integrate stormwater detention with the provision of open space and the urban landscape.
- e. To provide an effective stormwater management system that is sustainable and requires minimal maintenance.
- f. To encourage the re-use of rainwater

Performance criteria

1. All buildings are to be built clear from flood or stormwater affected areas;
2. Separate all animal enclosures and holding pens from permanent or semipermanent watercourses and major drainage lines to reduce flows of polluted storm water into watercourses;
3. Minimise the use of fertilisers and animal manures to prevent degradation of receiving waters and water quality in streams;
4. On-site water treatment disposal areas shall not be within 40m of a watercourse or drainage channel;
5. Where required by the owner, heavy vehicle parking areas should be nominated in development applications. Vehicle parking areas should be located 40m clear of any watercourse and vegetated buffer strips should be maintained in the area between the vehicle parking area and the watercourse;
6. Landscape using native plants as they require less water and fertiliser than their introduced counterparts;

7. Carry out the correct sediment and erosion control initiatives as detailed in this DCP;
8. Overflows from rainwater tanks should be disposed to rubble trenches;
9. Roads should have rural type construction, with table drains in lieu of kerb and gutter;
10. A combined detention and water quality basin should be installed adjacent to the main watercourse in eastern catchment near the boundary of the R5 Zoned land;
11. A combined detention and water quality basin should be installed on a lot in the northern catchment near the boundary of the site at Hanleys Creek Road; and
12. Council will be responsible for the control and periodic maintenance of the combined detention / water quality basins.

Aboriginal Archaeology

Objective

- a. To avoid disturbance to any aboriginal artefact or relic

Performance Criteria

1. During the planning stage, and prior to the submission of a DA, if the area of PAD cannot be completely excluded from development impact, the Proponent should consult with a qualified archaeologist to determine if the proposed subdivision and residential development is likely to impact the PAD.
2. The PAD is removed from the developable area and will remain zoned RU1

Bushfire

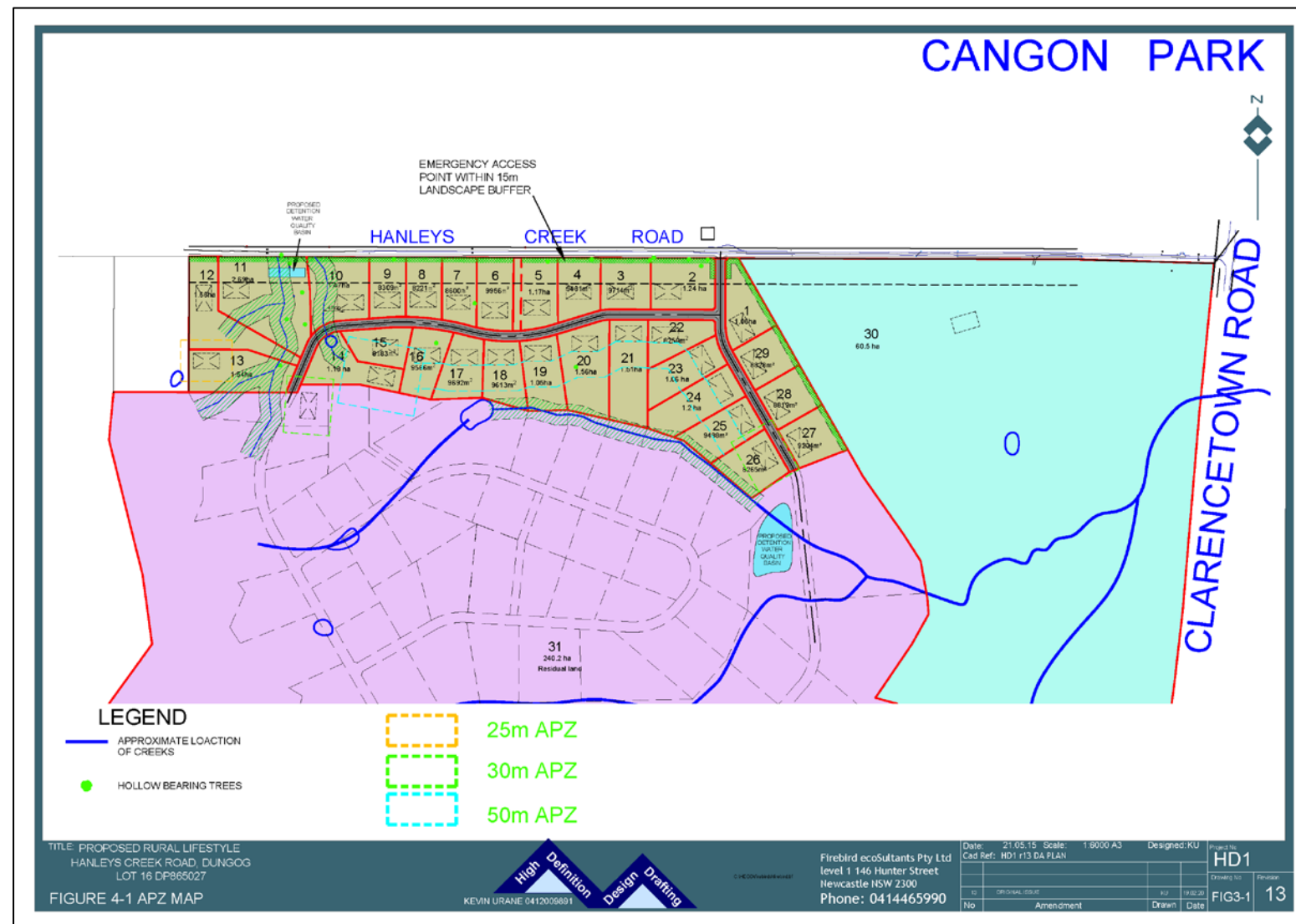
(FIGURE 3) indicates Hollow Bearing Trees and Asset Protection Zones.

Objective

- a. To ensure that risks associated with bushfire are appropriately and effectively managed.
- b. To mitigate risks to property and life associated with bushfire hazards.

- c. To ensure that bushfire risk is managed in connection with the preservation of the ecological values of the site

FIGURE 3 – Indicative Asset Protection Zone and Hollow Bearing Tree Map



Performance Criteria

1. All development (including the subdivisions design) must satisfy the provisions of *NSW Planning for Bushfire Protection*, including provisions of asset protection zone, water supply, building construction and access standards. The design of the dwelling and precautionary measures taken by the residents in the lead up to the bushfire danger period are the most important elements for ensuring a dwelling does not burn down during a bushfire.
2. Asset Protection Zones must occur within the development area.
3. Asset Protection Zones should:
 - i. Be incorporated into the design of the development;
 - ii. Be as low maintenance as possible; and
 - iii. Be located outside areas of ecological value.
4. Designated APZ's and other measures to address bushfire risk must be shown on the subdivision plan.
5. Clearing of vegetation must be limited to that necessary to meet the *NSW Planning for Bushfire Protection Guidelines*.
6. Future dwellings must comply with *NSW Planning for Bushfire Protection Guidelines* and the *Australian Standard 3959 (AS3959) Construction of Buildings in Bushfire Prone Areas*.

Landscape

Objective

- a. To ensure landscaping is appropriate to the nature and scale of the development.
- b. To ensure landscaping enhances the appearance, amenity and character of the area to promote an overall sense of place.
- c. To ensure landscaping enhances the setting of buildings and new development is unobtrusive and sympathetic to the surrounding streetscape and neighbourhood.
- d. To provide for a network of passive and active recreational areas.
- e. To encourage native landscaping that requires minimal maintenance and irrigation.
- f. To protect visually prominent locations from obtrusive development.
- g. To provide a safe accessible environment for residents and visitors.

Performance criteria

1. The landscaping of the estate is to be designed generally in accordance with the concept landscape plan.
2. Where vegetation is required to be removed to achieve a required APZ, in lieu of vegetation removal, building material selection should be considered or setbacks increased.
3. Where practicable, existing vegetation is to be maintained and rehabilitated, so as to provide buffers and landscaped visual relief within the subdivision.
4. New landscaping shall be provided in visually prominent locations throughout the subdivisions, including the western ridgeline and road reserves where practicable, to provide visual relief to the built elements.
5. Landscape design is to complement and support on-site stormwater management through appropriate landscape treatment, including stabilisation, minimising run-off and creating attractive parkland.
6. Preference should be given to establish street trees in informal groups and at non-regular spacings so as to achieve an informal appearance and express the road hierarchy.
7. The entrance to the subdivision should not be highlighted by a large entry statement or 'gateway' as such features are more typical of urban environments. A more modest one may be suitable if designed appropriately.
8. The majority of tree species in the public realm and along streets should be local natives, although it may be appropriate to have some exotic species in some locations.
9. The 100m vegetation corridor along Clarence Town Road boundary and the 10m vegetation corridor along the Hanleys Road boundary will comprise plantings as determined by a detailed Visual Impact Assessment and Landscape Plan.

Traffic and Connectivity / Movement Hierarchy

(FIGURE 1) depicts the traffic, connectivity and movement hierarchy.

Objectives

- a. To ensure a high quality, functional, safe, legible and visually attractive public domain.
- b. To achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists.
- c. To ensure the road design reflects the function of the road, the needs of the road user and connectivity to existing and future development.
- d. To ensure all access crossings / entry points have sufficient safe intersection sight distance (SISD)

Performance Criteria

1. The road hierarchy is to ensure that connectivity and traffic safety is maintained. The major road layout for the estate is to be designed generally in accordance with the concept movement hierarchy plan
2. A safe movement system for private vehicles, public transport, pedestrians and cyclists with consideration to all future users

Animal Management

Objective

- a. To manage pets / companion animals to prevent adverse impacts on native fauna and on existing and future owners and residents of land within the Estate.

Procedures

1. All pets are to be kept in accordance with the *Dungog Shire Council Companion Animal Management Plan 2007*;
2. When not under the effective control of an adult, all cats and dogs must be kept within residences or within secure enclosures at all times;
3. Ensure the keeping of livestock does not contribute to a decline in water quality, spread of noxious and environmental weeds, contribute to unreasonable noise and odours, create unmanageable effluent and wastewater pollutants via nutrient run off or create soil compaction and erosion;

4. In order to reduce land use conflict and environmental issues, livestock are to be stocked at the appropriate densities in accordance with the Department of Industry and Investment guidelines.

Environmental Management

Objective

- a. To provide ongoing environmental management of the site in line with best practice principles
- b. An environmental management plan is to be prepared for the construction phase for each stage of the development where roadworks are required to be constructed (*EMP– Construction Phase*).

Performance Criteria

1. A framework for the control of likely environmental impacts from building construction activities, including practical and achievable performance requirements, a system of monitoring and reporting corrective and preventative action;
2. A framework for the control of likely environmental impacts from Rural Lifestyle development, including practical and achievable performance requirements, a system of monitoring and reporting corrective and preventative action; and
3. Provides the community with assurance by demonstration that the management of this construction project is conducted in an environmentally acceptable manner.
4. Those matters to be included in the *EMP - Construction Phase* are to include:
 - Copies of relevant development consents and construction certificates
 - Approved engineering plans
 - Approved landscape plan
 - Sedimentation controls
5. Contractors contact details include key personnel responsible for the construction – site manager, contractors, etc
6. Location of compound and management of equipment and wastes generated by the compound
7. Management of transport to/from and within the site. All contractors shall be responsible and aware of the construction EMP

8. Rehabilitation of compound at completion
9. Awareness and training of senior staff of environmental issues likely to occur on site
10. Incident management and reporting
11. Emergency contacts
12. Minimisation of noise; dust; traffic; sediment discharge; spillage of fuels; impact on native vegetation; waterways and heritage, waste and weed management
13. Verification, monitoring & recording
14. Management of complaints
15. Environmental management of the property will become the responsibility of each title holder following the sale of the land from the developer to the purchaser. As the environmental attributes of each allotment differs, a standard set of requirements have been prepared.