

# Deniliquin Development Control Plan



2016

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# 1 INTRODUCTION

## 1.1 NAME OF THIS PLAN

The name of this Plan is the Deniliquin Development Control Plan 2016 (DCP).

## 1.2 LAND TO WHICH THIS PLAN APPLIES

The DCP applies to all land within the Deniliquin Local Government Area.

## 1.3 DATE OF COMMENCEMENT

The DCP has been prepared under Section 74C of the Environmental Planning and Assessment Act 1979 and was approved by Deniliquin Council on 27 April 2016. The Plan came into effect on 6 May 2016, being the date that public notification of the adoption of the DCP was published in the Deniliquin Pastoral Times newspaper.

## 1.4 RELATIONSHIP WITH OTHER PLANS AND POLICIES

The DCP **repeals** all other DCPs for Deniliquin Council, including:

- Development Control Plan No 1 Urban.
- Development Control Plan No 2 Davidson Street.
- Development Control Plan No 3 Flood Prone Lands Davidson Street Area.
- Development Control Plan No 5 Deniliquin Aerodrome Land.
- Development Control Plan No 6 Exhibition and Notification.

The DCP should be read in conjunction with:

- *Deniliquin Local Environmental Plan 2013* (LEP 2013).
- *Deniliquin Local Environmental Plan 1997* (LEP 1997), where land is within area labelled "Deferred Matter" in Figure 1-1.
- *Murray Regional Environmental Plan No.2 –Riverine Land*.
- Relevant State Environmental Planning Policies (SEPPs).
- Relevant Council policies.
- Council's Development Control Manual.

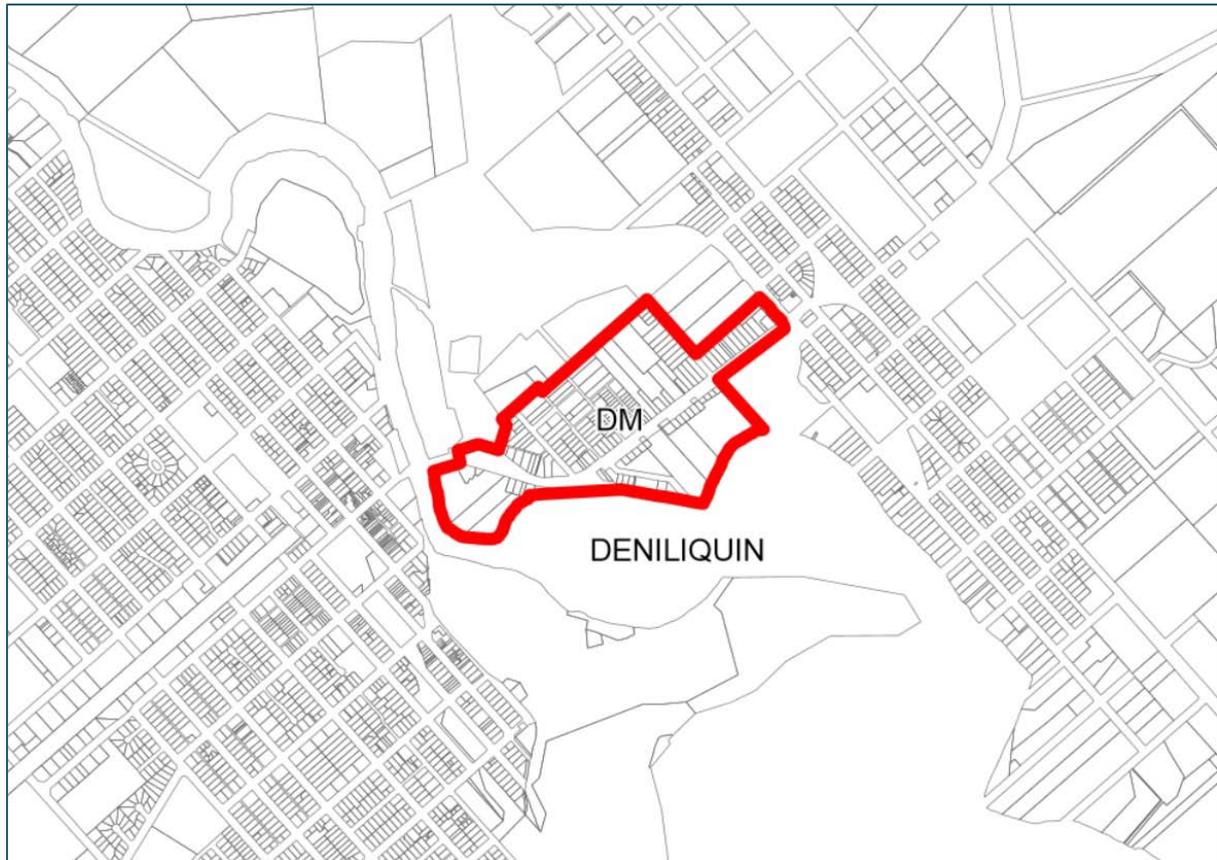


Figure 1-1 Land to Which LEP 1997 Applies

Where there is an inconsistency between the DCP and any environmental planning instrument applying to the same land, then the provisions of the environmental planning instrument shall prevail.

## 1.5 AIMS OF THIS PLAN

The general aims of this DCP are to:

- a. Promote growth and development to support and enhance the vitality of the Central Business District.
- b. Encourage development that responds to the needs of the community.
- c. Encourage residential development of a high standard to improve the quality of the urban environment.
- d. Encourage development that respects and minimises the impacts on surrounding land and the wider environment.
- e. Encourage new development that will enhance streetscapes and vistas.
- f. Ensure that development incorporates safe, effective and convenient pedestrian, bicycle and vehicle access, movement and parking areas.

- g. Encourage energy efficiency in building design.
- h. Provide for effective and well-utilised open space with security and access for the community.
- i. Control and minimise the impact of stormwater run-off.
- j. Ensure that new development is fully integrated into Council's sewerage system wherever possible.
- k. Promote the orderly and efficient development of land to ensure that provision of services to that land is adequate.

Council shall not grant consent to the carrying out of development on land to which the DCP applies unless it is satisfied that the development is consistent with the aims of the Plan.

## **1.6 SAVINGS AND TRANSITIONAL PROVISIONS**

A development application shall be determined in accordance with the provisions of the DCP that applied at the date of lodgement.

## **1.7 TYPES OF DEVELOPMENT**

### **1.7.1 Exempt Development**

Exempt development is development considered to be of minimal environmental impact and does **not** need the consent of Council. Exempt development must be carried out in accordance with the instrument that defines it as being exempt. It is the applicant's responsibility to ensure that compliance with relevant standards is achieved. Council's Environmental Services section can help you determine if your development is exempt development.

A development may be defined as "exempt" by:

- o *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, and
- o Any other relevant environmental planning instrument.

It is noted that exempt development is not excluded from any approval, licence, permit or authority that is required under any other Act. Adjoining owner's property rights and the common law still apply.

### **1.7.2 Development Permitted Without Consent**

Where an environmental planning instrument states that a type of development on particular land is "permitted without consent", the development may be carried out in accordance with the instrument without obtaining development consent. Even though development consent may not be needed, in some cases the environmental impact of the development may still need to be considered in accordance with Part 5 of the *Environmental Planning and Assessment Act 1979*.

### 1.7.3 Development Permitted With Consent

Where an environmental planning instrument states that a type of development on particular land is “permitted with consent”, development consent must first be obtained by way of a development application or application for a complying development certificate. In assessing an application Council must ensure the development would not generate significant impacts and that it is compatible with relevant plans, policies and the objectives and controls of this DCP.

### 1.7.4 Prohibited Development

Prohibited development is development that is listed as ‘Prohibited’ in:

- The Land Use Table of LEP 2013,
- The land Use Table of LEP 1997 (where applicable),
- The Planning Control and Consultation Table under clause 13 of the MREP No. 2, and
- Any other relevant environmental planning instrument.

Council is not able to accept an application for development that is prohibited. If a development application for prohibited development is submitted to Council, the application will be returned to the applicant.

## 1.8 USING THIS PLAN

This Plan applies where a development application is required. Generally a Local Environmental Plan (LEP) details whether a development requires consent. However in some cases another environmental planning instrument may override an LEP, for example the *State Environmental Planning Policy (Infrastructure) 2007*. Figure 1-2 provides a guide to working out if you require consent for your development using one of Deniliquin’s LEPs.

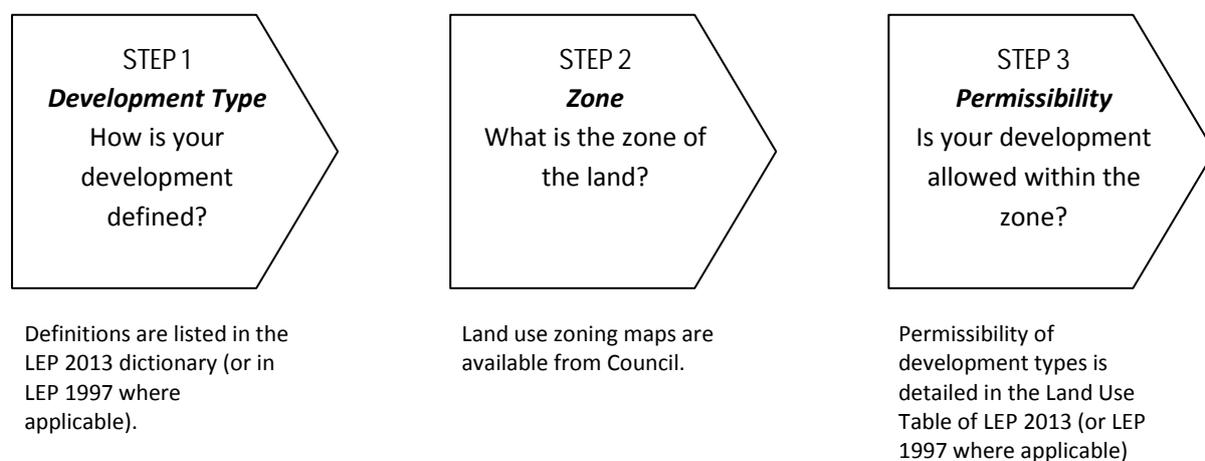


Figure 1-2 Is a Development Application Required?

If your development is listed as “permitted with consent” in the Land Use Table of the LEP that applies to your land, you will be required to submit either a development application or an application for a complying development certificate. Complying development is defined by the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or by the LEP that applies to the site.

This DCP applies to development that is “permitted with consent” but does not include complying development. Figure 1-3 provides a guide to working out what matters need to be addressed in a development application to Council. It is important that applicants check all sections of the DCP for relevance. In applying for development consent, applicants must respond to each section that applies to the proposal or the subject land.

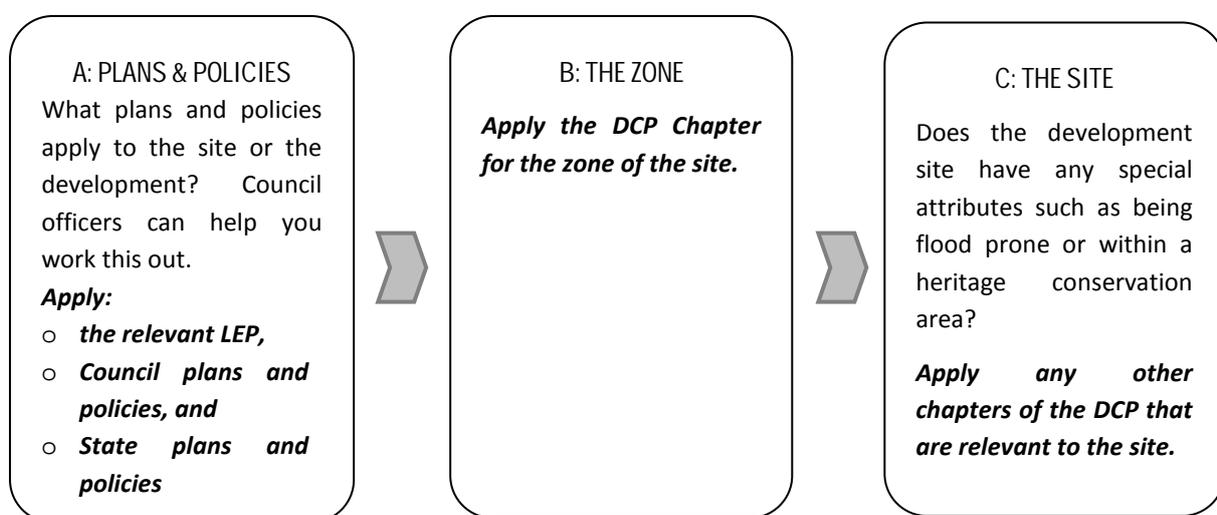


Figure 1-3 What Does My Development Application Need to Meet or Address?

### Council Policies

The most commonly used Council policies include:

- Technical Services Policy 4.9 Water and Sewer Limits
- Technical Services Policy 4.20 Road Upgrading Construction Policy
- Technical Services Policy 4.21 Liquid Trade Waste
- Town Planning Policy 5.7 Obstruction to and on Flood Protection Levees
- Town Planning Policy 5.9 Flood Planning Levels
- Town Planning Policy 5.10 Bonds and Development Contributions
- Building Policy 6.3 Location of Buildings over Sewer Mains

## 1.9 DEVELOPER CONTRIBUTIONS

### Headworks Contributions

Under the provisions of Section 64 of the *Local Government Act 1993* Council is able to collect water and sewerage headworks fees to help pay for improvements and rehabilitation works to water and sewer infrastructure. Council has a Headworks Plan in place that details the levies that are applicable and the circumstances under which they are payable. Please speak to Council’s staff for a copy of the Plan and an explanation of the fees that may apply to your new development.

### **Voluntary Planning Agreements**

Developers may make contributions, in accordance with section 93F of the *Environmental Planning and Assessment Act 1979*, by entering into a voluntary planning agreement (VPA) with Council. This allows developers to provide public benefits in conjunction with a development or rezoning.

Public benefits can be in the form of monetary contributions to fund public benefits, dedication of land and direct provision of public benefits, including:

- Public infrastructure and facilities such as footpaths, parks, park embellishments, stormwater drainage, sport and recreation facilities, a carpark, public toilets, landscaping and footpaths
- Affordable housing
- Mitigation for the loss of public amenity caused by the development

VPA's are generally suited to large or complex proposals where public benefits can be negotiated. They cannot be used to break the planning controls for a site or to achieve development that is unreasonable or does not meet planning principles for good development.

Developers should negotiate a VPA with Council before lodging a development application for the work. A draft copy of the VPA would then be lodged with the development application and placed on public exhibition.

Council can also require a VPA as a condition of consent for a development. In this case the agreement made must be consistent with the other conditions of consent.

## **1.10 LODGING A DEVELOPMENT APPLICATION**

If your proposal requires development consent, it is necessary to make the appropriate application for consideration and assessment.

Council has prepared an Application Guide to assist you in preparing your development application, available from Council's website or customer service desk. However, it is highly recommended that you discuss your proposal with Council Officer(s) prior to lodging an application. This will assist in avoiding delays and requests for additional information during the assessment process to ensure compliance with the requirements of the *Environmental Planning and Assessment Act 1979*.

Council has a range of checklists on its website to assist you in preparing your development application. These checklists detail information and the number of copies required. As a minimum, all development applications should be accompanied by the following:

- Completed Development Application form, including written authority of all the owners of the land to which the application relates.
- Statement of Environmental Effects.
- A set of development plans as detailed in the checklists.
- Additional information, plans and/or documents specified in the appropriate checklists.

- Application fees as per Council's Schedule of Fees and Charges.

Following the assessment of a development application, Council may approve the application with conditions of consent, approve the application without conditions of consent or refuse the application. A formal Notice of Determination will be issued to the applicant detailing Council's decision, any conditions of consent, reasons for refusal if applicable and relevant dates applying to the notice.

## 1.11 NOTIFICATION OF A DEVELOPMENT APPLICATION

The following table details Council's notification and exhibition policy.

Table 1-1 Notification and Exhibition Policy

Application Type	Property Sign	Advertisement In Local Paper	Neighbour Notification Letters	Public Authority Notification	Exhibition Period
<b>Murray REP No. 2:</b> Development required to be advertised in accordance with clause 13. Consultation may also be required for development in accordance with clause 12.	Yes	Yes (a minimum of two separate occasions)	Yes	<ul style="list-style-type: none"> <li>○ Public authorities specified by clause 12 and/or 13.</li> <li>○ Any other public authorities Council considers appropriate.</li> </ul>	30 days
<b>DA – LEP 1997 “Deferred Area”:</b> for boarding houses, hotels, motels, residential flat buildings, industries (other than home industries and rural industries) in 1(a) General Rural zone, intensive livestock keeping establishments, junkyards, liquid fuel depots, sawmills, stock and sale yards.	Yes	Yes	Yes	<ul style="list-style-type: none"> <li>○ Where Council considers appropriate.</li> <li>○ Where required under MREP No. 2.</li> </ul>	14 days
<b>DA – Designated Development</b>	Yes	Yes (a minimum of two separate occasions)	Yes	<ul style="list-style-type: none"> <li>○ Where Council considers appropriate.</li> <li>○ Where required under MREP No. 2.</li> </ul>	30 days
<b>DA – Nominated Integrated Development</b> Needing approval under one or more of the following acts as specified in section 91(1) of the EP&A Act : <ul style="list-style-type: none"> <li>▪ Heritage Act 1977</li> <li>▪ Water Management Act 2000</li> <li>▪ Protection of the Environment</li> </ul>	Yes	Yes	Yes	<ul style="list-style-type: none"> <li>○ Relevant concurrence authorities and/or approval bodies.</li> <li>○ Where Council considers appropriate.</li> <li>○ Where required under MREP No. 2.</li> </ul>	30 days

Application Type	Property Sign	Advertisement In Local Paper	Neighbour Notification Letters	Public Authority Notification	Exhibition Period
Operations Act 1997, but not including threatened species development or class 1 aquaculture development					
<b>DA – Where Council is the Applicant</b> Any development where Council is the Applicant, landowner or are in care and control of the land in question.	Yes	Yes	Yes	<ul style="list-style-type: none"> <li>○ Where Council considers appropriate.</li> <li>○ Where required under MREP No. 2.</li> </ul>	14 days
<b>DA – Threatened Species Development</b> Development referred to in s78A(8)(b) of the EP&A Act and defined as “other advertised development” in the EP&A Reg.	Yes	Yes	Yes	<ul style="list-style-type: none"> <li>○ Where Council considers appropriate.</li> <li>○ Where required under MREP No. 2.</li> </ul>	30 days
<b>DA - Other</b>	To be determined by Council staff, taking into consideration the nature of the development, attributes of the site and expected level of impact.			<ul style="list-style-type: none"> <li>○ Where Council considers appropriate.</li> <li>○ Where required under MREP No. 2.</li> </ul>	14 days
<b>Modification – Designated Development (s96(2) and s96AA(1))</b>	As per original DA	Yes	Yes - To authors of original DA notification submissions	Unless stated elsewhere in the Act: <ul style="list-style-type: none"> <li>○ As per original DA.</li> <li>○ The Court must be notified for s96AA(1).</li> </ul>	14 days
<b>Modification – Other Development (s96(2) and s96AA(1))</b>	As per original DA	As per original DA	Yes - To authors of original DA notification submissions	Unless stated elsewhere in the Act: <ul style="list-style-type: none"> <li>○ As per original DA.</li> <li>○ The Court must be notified for s96AA(1).</li> </ul>	14 days

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<b>Application Type</b>	<b>Property Sign</b>	<b>Advertisement In Local Paper</b>	<b>Neighbour Notification Letters</b>	<b>Public Authority Notification</b>	<b>Exhibition Period</b>
<b>Review of Determination – s82A</b>	As per original DA	As per original DA	Yes - To authors of original DA notification submissions	As per original DA	14 days

## **1.12 VARIATIONS TO DEVELOPMENT CONTROLS**

Development applications will be assessed on the individual merits of the particular development and of the site. Council may vary the development controls in this Plan if it is considered reasonable to do so, that the development will not cause conflicts with surrounding land uses or generate significant adverse impacts on the environment. Council may approve variations to the DCP controls where:

- The development satisfies the aims of this Plan,
- Varying a numeric control is not a significant variation, and
- In the opinion of Council, satisfactory justification for the variation has been provided by the applicant.

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## 2 RESIDENTIAL ZONES

This Chapter applies to development that is proposed in a residential zone, including the R1 General Residential and R5 Large Lot Residential zones.

Where consent is required for development on land within a residential zone, the development application will be assessed on its ability to meet:

- The zone objectives and provisions of the applicable LEP.
- *Environmental Planning and Assessment Act 1979*, including the provisions of Section 79C.
- The provisions of the *Murray Regional Environmental Plan No 2—Riverine Land*.
- Any other applicable State Environmental Planning Policies.
- Relevant objectives and controls in this DCP.
- Council policies (refer to Chapter 1 Section 1.8).
- Council’s Development Manual.

**NOTE: It is important that development complies with all relevant Chapters of this DCP. Applicants should check each Chapter and address all relevant controls.**

**NOTE: Housing for disabled or aged persons is to comply with the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.**

### 2.1 DEVELOPMENT IN RESIDENTIAL ZONES

Other than dwelling houses, there are a number of different types of development that are allowed within the R1 and R5 residential zones. These are listed as “permitted with consent” for each zone in the LEP 2013.

Examples of developments that are permitted with the consent of Council in the R1 General Residential zone include boarding houses, childcare centres, food and drink premises, funeral homes, neighbourhood shops, places of public worship, plant nurseries and seniors housing, to name a few.

The R5 Large Lot Residential zone is a little more restrictive than the R1 zone, however still allows a variety of activities. Examples of developments permitted with the consent of Council within this zone include bed and breakfast accommodation, food and drink premises, garden centres, group homes, plant nurseries and roadside stalls.

### **2.1.1 Access and Car Parking**

#### **Objectives**

- a. To ensure safe and convenient access for residential development.
- b. To ensure that car parking facilities do not detract from the amenity of the streetscape.

#### **Controls**

1. The number of off-street car parking spaces is to be provided on the development site in accordance with Chapter 12 - Car Parking.
2. Off street car parking spaces must be located in a safe and convenient location for the residents.
3. Stacked car parking will only be permitted for dwelling houses and dual occupancies. The area on a driveway must be at least 5.5m between the front boundary and a garage or carport to be included as a stacked car parking space.
4. Off street car parking spaces must be clearly indicated on a site plan submitted with a development application.
5. Legal vehicular access from a public road is required for all development.
6. Driveways must be constructed in accordance with the Development Manual.
7. Driveways must have a minimum width of:
  - 3.0m for driveways up to 20.0m long.
  - 5.0m for driveways more than 20.0m long (for multi-dwelling developments)
  - 3.0m for driveways more than 20.0m long where passing bays are provided (passing bays to measure 10m long with additional 2.5m in width). At least 1 passing bay is to be provided for every 20.0m of driveway length.
8. For multi-dwelling developments and residential flat buildings, vehicles must be able to enter and leave the site in a forward direction.

### **2.1.2 Building Setbacks**

#### **Objectives**

- a. To maintain and enhance the amenity of the streetscape by ensuring a consistent building alignment.

#### **Controls**

1. Setback from the street shall be a minimum of 5m from the front boundary or the average of the setback of the adjoining allotments (whichever is the lesser).
2. For corner allotments, minimum setbacks shall be 5m from the primary road frontage boundary and 2m from the secondary road frontage boundary. Outbuildings, with a maximum height of 3m and a maximum width of 6m, may be constructed with a zero setback to the secondary road frontage boundary of a corner allotment provided they are behind the primary road frontage building line and safe access to the road reserve can be demonstrated.
3. Side and rear setbacks shall comply with the requirements of the Building Code of Australia.

### **2.1.3 Site Coverage**

Site coverage is the percentage of the site that is covered by the footprint of buildings such as dwellings, garages, sheds and carports. When calculating site coverage, eaves and gutters less than 600mm in width are not included. Additionally unroofed structures such as terraces, patios, decks, pergolas and swimming pools are not included.

#### **Objectives**

- a. Allow adequate area for access, landscaping, site facilities, outdoor recreation and parking.

#### **Controls**

1. Site coverage, as defined above, must not exceed 60%.
2. At least 20% of the site area must have a permeable surface.

#### **2.1.4 Landscaping**

##### **Objectives**

- a. To beautify and provide shade and privacy in residential zones.
- b. To conserve water and create viable gardens by utilising drought tolerant species.
- c. To retain mature trees where possible.

##### **Controls**

1. A minimum of 20% of the area of the development site is to be soft landscaped, i.e. water must be able to penetrate the surface and be absorbed into the soil.
2. Due consideration must be given to plant species utilised in landscaping. Wherever possible drought tolerant plant species are to be utilised.
3. A landscaping plan must be submitted to Council with development applications for residential development other than single dwellings and dual occupancies.

#### **2.1.5 Private Open Space**

Private open space areas provide outdoor living areas for private recreation. These spaces must be provided for all dwellings including single dwellings, residential flat buildings and multi-residential developments.

##### **Objectives**

- a. To ensure that dwellings are provided with adequate private open space for outdoor living.
- b. To ensure private open space is easily accessible for residents of the dwelling.

##### **Controls**

1. Ground floor dwellings must provide 16 square metres private open space with a minimum dimension of 3m.
2. Dwellings without direct access to ground level must provide a balcony with a minimum area of 8m<sup>2</sup> and a minimum dimension of 2m.
3. Private open space areas must have direct access from a living area of the dwelling.
4. The required private open space area must not include utility areas such as waste storage.

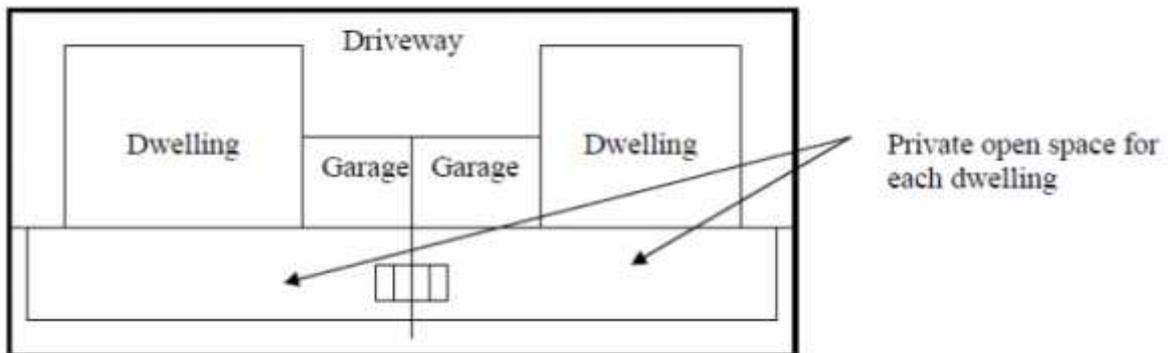


Figure 2-1 Example of Private Open Space for Outdoor Recreation.

### 2.1.6 Building Design

#### Objectives

- a. To maintain and enhance the quality of the streetscapes within residential zones.

#### Controls

1. Residential buildings must present to the street with a living room window or front door facing the roadway.
2. The bulk and scale of new buildings or additions must be compatible with the bulk and scale of the existing or likely future development within the area.

### 2.1.7 Protecting Solar Access

#### Objectives

- a. Ensure reasonable sunlight access to adjoining properties is maintained.

#### Controls

1. Buildings should be designed and positioned on the block to avoid overshadowing of adjacent private open spaces.
2. Buildings must maintain sunlight access to the windows of north facing living areas of adjacent dwellings. These windows must have at least 3 hours of sunlight access between 9am and 3pm in mid-winter (June 21).

### 2.1.8 Building Sustainability Index

The Building and Sustainability Index (BASIX) applies to all residential dwelling types and is part of the NSW development application process implemented through the *Environmental Planning and Assessment Act 1979*. For more information and to obtain your BASIX certificate please visit [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au).

#### Objectives

- a. Deliver equitable, effective water and greenhouse gas reductions across the state.

#### Controls

1. A BASIX certificate must be lodged with all applicable residential development applications and the commitments noted in the BASIX Certificate must be shown on the plans submitted to Council.

### 2.1.9 Privacy

To maintain good residential amenity, careful consideration must be given to the visual and acoustic privacy of neighbouring dwellings. This includes suitable location of items such as windows, balconies, bedrooms, swimming pools and mechanical air-conditioning systems.

#### Objectives

- a. To ensure that visual and acoustic amenity is maintained for the residents of new and existing development.

#### Visual Privacy Controls

These visual privacy controls do **not** apply to single story construction where the finished floor level is no more than 450mm above the finished floor level of an adjoining dwelling.

1. Where a new dwelling will be within 9.0m of the house or private open space of an adjoining property, the visual privacy of the existing dwelling and/or private open space must be protected. This can be achieved by offsetting windows and balconies by sufficient distance to limit direct views into the windows, balconies and/or private open space of adjacent dwellings.

Where this is not possible or reasonable, the following solutions may be acceptable to Council:

- Windowsill heights of 1.7m above floor level, or
- Fixed obscure glazing to a height of 1.7m above floor level, or
- As a last resort, install permanent screening.

2. Where a multi-residential development or residential flat building will be within 12.0m of the house or private open space of an adjoining property, the visual privacy of the existing dwelling and/or private open space must be protected. This can be achieved by offsetting windows and balconies by sufficient distance to limit direct views into the windows, balconies and/or private open space of adjacent dwellings.

Where this is not possible or reasonable, the following solutions may be acceptable to Council:

- Windowsill heights of 1.7m above floor level, or
- Fixed obscure glazing to a height of 1.7m above floor level, or
- As a last resort, install permanent screening.

### **Acoustic Privacy Controls**

1. Where possible, filter pumps, air conditioners, swimming pools and other recreational areas must not be located near bedrooms of adjoining dwellings. If it is not possible to locate these structures to minimise the potential for noise nuisance to neighbours, acoustic housing or acoustic screening shall be provided. Details of the acoustic housing or screening shall be shown on the plans for the development.
2. Where possible, for multi-dwelling developments, bedrooms should be more than 3m from shared driveways and shared car parking areas.
3. Common walls between attached dwellings must maintain acoustic privacy by complying with the National Construction Code (Building Code of Australia) requirements for noise transmission.

### **2.1.10 Crime Prevention and Security**

In a built environment, the design of a neighbourhood, place or single development can significantly influence criminal behaviour. The Crime Prevention Through Environmental Design (CPTED) program uses principles such as surveillance, territorial reinforcement, access control and space management to deter criminal activity and enhance personal safety.

*Natural surveillance* allows people to see what others are doing as a means to deter the potential for crime.

*Access control* utilises physical and perceived barriers to manage movements so that opportunities for crime are minimised.

*Territorial reinforcement* involves encouraging the “ownership” of public spaces to increase activity in the space and encourages people to help prevent crime.

*Space management* involves maintaining attractive public spaces so that they are more likely to be well used.

**Objectives**

- a. To ensure that the design of a development incorporates the principles of Crime Prevention Through Environmental Design (CPTED) to deter criminal activity.
- b. To ensure site layout enhances personal safety and minimises the potential for fear, crime and vandalism.

**Controls**

1. Residential building entrances must be clearly visible from the street.
2. The design of dwellings must enable residents to survey streets, public areas and dwelling entries.
3. Multi-dwelling and larger developments must provide adequate lighting to all paths, access ways, parking areas and building entrances.
4. The design of multi-dwelling and larger developments must not provide 'blind corners' or areas of potential concealment.
5. Offices, showrooms or the like for non-residential developments must be located at the front of the building.
6. For non-residential developments, public toilets and rest areas must be located in a position that is highly visible.

**NOTE: Multi-dwelling developments may be referred to the NSW Police Safer By Design Unit for comment.**

**2.1.11 Impacts on Surrounding Land**

**Objectives**

- a. To ensure that development in residential zones are suited to the site considering the nature of the development and surrounding land uses.
- b. To protect the amenity of residential areas.
- c. To ensure that the hours of operation for commercial activities do not generate land use conflicts with neighbouring properties.
- d. To minimise the impact of stormwater flow onto neighbouring properties.

### **Controls**

1. The proposed development must not unreasonably affect surrounding properties by way of any type of pollutant such as noise and vibration, air emissions, dust, water pollution or odour.

**Note: Where required, mitigation measures can be incorporated into the design of new development to reduce the impact on surrounding properties.**

2. The hours of operation for a proposed development must not unduly impact the amenity of residential properties.
3. Where a proposed development is likely to increase the amount of stormwater runoff from the site, the development must be carried out in accordance with Council's Development Manual.

### **2.1.12 Services and Site Facilities**

**NOTE: Developer contributions for connection of new residential lots and units to Council's sewer and treated water reticulation systems will be collected at the time of development.**

### **Objectives**

- a. To ensure that each development provides an area on site for the storage of waste that is conveniently located and large enough for the scale of development.
- b. To ensure that waste storage areas do not detract from the streetscape and visual amenity of the neighbourhood.
- c. To ensure public utilities and services are available to all development.
- d. To ensure developments are well designed to provide adequate and convenient site facilities.

### **Controls**

1. A waste storage area must be provided on-site for all development and must be appropriate for the nature and scale of the development
2. The waste storage area must be in a location that is convenient for users and garbage collection contractors.

3. The waste storage area must be appropriately screened from view of the street by the use of attractive fencing or landscaping.
4. For residential development one 240 litre bin is to be provided for every dwelling.
5. All development is to be connected to Council's stormwater system or an alternative system approved by Council at cost to the developer. Connections are to be in accordance with the Development Manual.
6. All development in the R1 General Residential zone is to be connected to reticulated town water supply and town sewerage system.
7. Allowance is to be made for the installation of telecommunications and electricity subject to the requirements of the authorities responsible for these services. Relevant providers of electricity and telephone services should be contacted for their servicing requirements.
8. Services are to be located underground where required by the supplier.
9. An external drying area in a location that receives good solar access must be provided for each dwelling within a residential development. The drying area is to be adequately screened if it will be visible from a public road or place.
10. Each property must be clearly identified with a street number.

### **2.1.13 Fencing**

The *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* details types of fencing that are exempt from obtaining development consent. The individual site related requirements of the SEPP should be checked for every application. However, as a guide, boundary fences on or behind the building setback line that are constructed of non-reflective materials are generally exempt to a height of 1.8m.

Where proposed fencing is not specified as exempt development by the SEPP, a development application must be submitted to Council. The following controls apply to fences that require development consent.

#### **Objectives**

- a. Encourage a consistent and attractive streetscape.
- b. Protect the safety of drivers, pedestrians and cyclists by ensuring adequate lines of sight.

#### **Controls**

1. Fencing on corner allotments shall be splayed a minimum of 3m back from the corner of the allotment at each frontage.

2. Design and materials for a new fence will be considered on its own merits considering the following matters:
  - The amenity of the neighbourhood in the vicinity of the development site.
  - The material, style and height of existing fencing in the vicinity of the development site.
  - The width of the road reserve(s) adjacent to the development site.
  - Line of sight for drivers on adjacent roadways.

## 2.2 RESIDENTIAL SUBDIVISION

This section applies to development that involves the subdivision of land within a residential zone. In addition to the controls below, developers should also refer to Council's Development Manual for more detail.

Strata subdivisions of existing or future buildings must comply with the relevant fire safety provisions in accordance with the National Construction Code (includes the Building Code of Australia).

**NOTE: A "greenfield" subdivision generally involves the subdivision of land with a total area of 10,000m<sup>2</sup> or more.**

### 2.2.1 Minimum Lot Sizes

#### **Objectives**

- a. To ensure that each residential allotment has adequate space to provide for services, access and parking, landscaping and outdoor recreation.
- b. To provide a variety of lot sizes to cater for a variety of housing options and lifestyles.

#### **Controls**

1. Lot sizes must comply with the Deniliquin Local Environmental Plan 2013.
2. Minimum lot width in the R1 zone is 10.0m.
3. Minimum lot width in the R5 zone is 25.0m.
4. Minimum lot width of a lot at the head of a cul-de-sac is to be 12.5m at the 5m front setback.
5. Battleaxe shaped lots may only be permitted where it can be demonstrated that full street frontage for all lots is not achievable due to site constraints.

6. No more than two battleaxe shaped lots can share the same access handle.
7. The access handle of battleaxe shaped lots must be no longer than 30m.
8. The minimum width for access handles of single use battleaxe shaped lots are:
  - o 4.5m for handles up to 20.0m in length.
  - o 6.0m for handles between 20.0m and 30.0m in length.

**Note: The width of battleaxe handles must be wide enough to accommodate driveways plus services.**

9. The minimum width for access handles of shared use battleaxe shaped lots are:
  - o 5.0m for handles up to 20.0m in length.
  - o 6.5m for handles between 20.0m and 30.0m in length.

**Note: The width of battleaxe handles must be wide enough to accommodate driveways plus services.**

## 2.2.2 New Roads

### Objectives

- a. To encourage a road layout that allows safe and efficient flow of traffic.
- b. To ensure proposed roadways offer a choice of travel routes for vehicles, cyclists and pedestrians.
- c. To integrate with the existing road hierarchy.

### Controls

1. The width of a proposed new road reserve and the construction standard of a new road must be in accordance with Council's Development Manual. Council will give consideration to:
  - o Established and preferred future road hierarchy.
  - o Vehicular, pedestrian and cyclist safety.
  - o The expected traffic volume of the new roadway(s).
  - o The nature of the subdivision and surrounding neighbourhood.
2. The developer is to provide street tree planting, at a rate of one tree per lot, in accordance with Council's Development Manual.
3. Subdivisions that will create allotments with rear yards "fronting" an existing or future public road are not encouraged. Where this cannot be avoided the developer must provide suitable street tree plantings along the nature strip to minimise the visual impact of the rear fences from the public road.

### 2.2.3 Infrastructure & Utilities

#### Objectives

- a. To plan for public utility services and infrastructure at subdivision stage.
- b. To ensure efficient and cost-effective provision of services and infrastructure.
- c. To ensure that the proposed density of a subdivision will be within the capacities of existing or planned infrastructure.
- d. Reduce stormwater flow rates and improve the quality of runoff from urban areas.
- e. To minimise the impacts of stormwater drainage on the Edward River.

#### Controls

1. A Drainage Management Plan must be provided by the developer for the subdivision of greenfield sites. The Plan is to detail any methods incorporated into the subdivision design to reduce the stormwater rate of flow, improve the quality of stormwater that will enter a waterbody and the re-use of stormwater.
2. Evidence that the proposed subdivision will not exceed the capacities of the service networks must be provided to Council. Relevant providers of electricity and telephone services should be contacted for their servicing requirements.
3. A development application for the subdivision of land may only be considered where all allotments are capable of being adequately serviced with electricity supply, water supply, sewerage disposal and telephone.

**Note: In accordance with the LEP, allotments in the R5 zone with at least 1 hectare in area do not need connection to a reticulated sewage system. Allotments in the R5 zone with at least 5,000 m<sup>2</sup> but less than 1 hectare in area require connection to a reticulated sewage system.**

## **2.2.4 Public Open Space**

### **Objectives**

- a. To provide quality public open space to promote active lifestyles and meet the social and recreational needs of the community.

### **Controls**

1. Subdivisions of greenfield sites may require the provision of public open space. In determining whether or not public open space is required and the size of open space to be provided, Council will give consideration to:
  - o The total area of land to be subdivided.
  - o The availability of existing public open space in the surrounding neighbourhood.
  - o The suitability of the land for residential development.
  - o Existing mature vegetation on the land.

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## 3 COMMERCIAL ZONES

This Chapter applies to development that is proposed in a commercial zone, including the B2 Local Centre and B6 Enterprise Corridor zones. For development within the “Deferred Matter” industrial precinct please refer to Chapter 4 - Industrial Zones.

Under the provisions of the LEP 2013, light industries are permissible with the consent of Council within the B2 Local Centre and B6 Enterprise Corridor zones. It is important to note that Council will assess each application based on the individual merits of the development and the site.

Where consent is required for development on land within a business zone, the development application will be assessed on its ability to meet:

- The zone objectives and provisions of the applicable LEP.
- *Environmental Planning and Assessment Act 1979*, including the provisions of Section 79C.
- The provisions of the *Murray Regional Environmental Plan No 2—Riverine Land*.
- Any other applicable State Environmental Planning Policies.
- Relevant objectives and controls in this DCP.
- Council policies (refer to Chapter 1 Section 1.8).
- Council’s Development Manual.

**NOTE: It is important that development complies with all relevant Chapters of this DCP. Applicants should check each Chapter and address all relevant controls.**

**NOTE: Applicants should investigate whether additional licences will be required for a proposed development, for example hairdressers, body piercing and food shops.**

### 3.1 INFRASTRUCTURE AND SERVICES

#### *Objectives*

- a. Ensure development is connected to essential services.
- b. Minimise the impacts of stormwater drainage on the Edward River.

#### *General Controls*

1. Development must be connected to town water supply, electricity, telephone and sewerage services where available.
2. Development must be connected to Council’s stormwater system or an alternative system approved by Council at cost to the developer. Connections are to be in accordance with Council’s Development Manual.

## 3.2 ACCESS AND PARKING

### *Objectives*

- a. Ensure safe and convenient access for commercial development.
- b. Ensure that adequate parking is provided on site for visitors and staff.
- c. Ensure that car parking facilities do not detract from the amenity of the streetscape.
- d. Ensure that adequate provision is made for safe and convenient loading and unloading on site.
- e. Promote road safety by limiting new access points to arterial roads.

### *Controls*

1. The number of car parking spaces provided on the development site shall be in accordance with Chapter 12 - Car Parking.
2. The required off-street car parking provision is to include a minimum of one (1) space for persons with a disability. An additional one (1) space is to be provided per 33 spaces or part thereof.

**NOTE: Dimensions and design of parking for people with disabilities must satisfy the current Australian Standard AS 2890.6 – Parking Facilities – Part 6: Off-Street Parking for People with Disabilities.**

3. Car parking spaces must be clearly indicated on plans submitted with a development application for development within a commercial zone.
4. Car parking spaces must be sited in a safe and convenient location on site.
5. Legal vehicular access from a public road is required for all development.
6. Stacked car parking will only be permitted for staff parking.
7. Car parking areas, access driveways and vehicle movement areas are to be constructed of impervious materials. This may include suitably compacted gravel or road base material.
8. The location of new access points must achieve adequate sight lines.
9. For development sites with frontage to classified road, access shall be provided from an alternative non-arterial road where possible.
10. All vehicles must be able to enter and leave the site in a forward direction.

11. For development sites located outside of the CBD, adequate area must be provided on site to allow for access and manoeuvrability of all vehicles likely to access the site for the operation of the proposed development.

**NOTE: Council may request a plan showing the turning circles of vehicles likely to access the site.**

12. For development sites located outside of the CBD, a dedicated area for loading and unloading must be provided on site where delivery vehicles will not conflict with customer vehicular movements. The size of the loading and unloading area must be suitable for the type and size of vehicles that will be utilising the area.
13. A development application must include details of the frequency and types of vehicles that are likely to access the site during the operation of the proposed development.
14. A Traffic Impact Study may be required for larger developments, such as and not limited to shopping centres and major developments on main roads, where adverse local traffic impacts may be generated by the development.

**NOTE: The Traffic Impact Study is to include:**

- o **An assessment of the likely vehicle type, volume and frequency of traffic to be generated by the development, and**
- o **The safety and efficiency of the proposed access arrangements.**

### **3.3 BUILDING SETBACKS**

#### **Objectives**

- a. Allow a zero setback within the CBD and promote a consistent streetscape.

#### **Controls**

1. Secondary setbacks for corner allotments will be considered on the merits of the site. Consideration will be given to the setback of existing buildings in the vicinity, the width of the road reserve and drivers line of sight.
2. Building setbacks from side and rear boundaries must comply with the relevant provisions of the Building Code of Australia.

## 3.4 LANDSCAPING

### *Objectives*

- a. Promote visually attractive commercial zones with landscaping to enhance the streetscape and to soften the appearance of hardstand areas.
- b. Encourage landscaping that can be effectively maintained for the life of the development.
- c. Provide shade in car parking areas in new larger commercial developments for the comfort of shoppers.
- d. Promote the use of plant species that are indigenous, low maintenance and drought resistant.

### *Controls*

1. A landscaping plan must be submitted to Council with development applications for new commercial developments where the setback will be greater than zero line setback.

**NOTE: Council may require a bond for the landscaping component of the development to ensure that the landscaping works are completed. Please refer to Council annual fees and charges for the bond amount required.**

2. Larger commercial developments such as shopping centres, supermarkets or the like must include landscaping to provide shade to car parking areas and to soften the appearance of hardstand areas.
3. Due consideration must be given to plant species utilised in landscaping. Wherever possible drought tolerant plant species are to be utilised, with preference given to drought tolerant species.
4. Where a proposed car park will provide ten (10) or more spaces suitable landscaping must be provided within the car park.

**NOTE: Suitable landscaping within a car park includes, but is not limited to, the planting of a shade tree for every ten (10) car parks.**

### 3.5 BUILDING APPEARANCE & DESIGN

#### **Objectives**

- a. To maintain and enhance the quality of the streetscapes within commercial zones.
- b. To ensure that the design of a development incorporates the principles of Crime Prevention Through Environmental Design (CPTED) to deter criminal activity.
- c. To ensure site layout enhances personal safety and minimises the potential for fear, crime and vandalism.

#### **Controls**

1. The main building façade and entry must address the primary street frontage.
2. Building exteriors must use high quality non-reflective materials and finishes.
3. Proposed new buildings must not present large areas of blank walls to a public roadway. Visual interest can be incorporated through the use of varied materials and colours, windows or building articulation.
4. The design of proposed new buildings, additions or alterations must give due consideration to Crime Prevention Through Environmental Design (CPTED) principles.

**Note: The Crime Prevention Through Environmental Design (CPTED) program uses principles such as surveillance, territorial reinforcement, access control and space management to deter criminal activity and enhance personal safety.**

***Natural surveillance* allows people to see what others are doing as a means to deter the potential for crime.**

***Access control* utilises physical and perceived barriers to manage movements so that opportunities for crime are minimised.**

***Territorial reinforcement* involves encouraging the “ownership” of public spaces to increase activity in the space and encourages people to help prevent crime.**

***Space management* involves maintaining attractive public spaces so that they are more likely to be well used.**

### 3.6 OUTDOOR AREAS

#### *Objectives*

- a. Maintain and enhance the quality of commercial streetscapes.
- b. Ensure that adjoining properties are not affected by dust generation.

#### *Controls*

1. Unsightly materials on a site within view of a public road must be screened by either landscaping, appropriate fencing or a decorative feature wall.
2. Outdoor storage and work areas must be suitably surfaced to reduce dust being produced by vehicle movements.

### 3.7 WASTE AND TRADE WASTE

#### *Objectives*

- a. To ensure that each development provides an area on site for the storage of waste that is conveniently located and large enough for the scale of development.
- b. To ensure that waste storage areas do not detract from the streetscape and visual amenity of the neighbourhood.
- c. Protect Council's sewerage works and associated assets.
- d. Maximise opportunities for reusing treated effluent.

#### *Controls*

1. A waste storage area must be provided on-site for all developments.
2. The waste storage area must be in a location that is convenient for users and waste collection contractors.
3. The size of the waste storage area must be appropriate for the nature and scale of development.
4. The waste storage area must be appropriately screened from view of the street by the use of attractive fencing or landscaping.
5. A trade waste agreement must be made with Council where liquid waste will be disposed to Council's sewerage system. Please contact Council's Technical Services Department for more information.

### 3.8 IMPACTS ON SURROUNDING LAND

#### *Objectives*

- a. To ensure that light industrial development in the commercial zones are suited to the site considering the nature of the development and surrounding land uses.
- b. To protect the amenity of surrounding residential areas.
- c. To ensure that the hours of operation for commercial or light industrial activities do not generate land use conflicts with neighbouring properties.
- d. To minimise the impact of stormwater flow onto neighbouring properties.

#### *Controls*

1. The proposed development must not unreasonably affect surrounding properties by way of any type of pollutant such as noise and vibration, air emissions, dust, water pollution or odour.

**Note: Land zoned for commercial development must not be unduly restricted by this control. Where required, mitigation measures can be incorporated into the design of new development to reduce the impact on surrounding properties.**

2. The hours of operation for a proposed development must not significantly impact the amenity of neighbouring residential areas.
3. Where a proposed development is likely to increase the amount of stormwater runoff from the site, the development must be carried out in accordance with Council's Development Manual.

### 3.9 USE OF FOOTPATHS AND PUBLIC OPEN SPACE

When development of land zoned for commercial use takes place, Council will consider proposals to upgrade the footpath materials and other public spaces.

#### *Objectives*

- a. Allow the enhancement and upgrade of footpaths and public spaces.
- b. Promote vitality of the CBD by allowing the use of footpaths for commercial activities where safe.

**Controls**

1. The use of the public footpath for seating and/or display items will be considered, on the merits of each case, in accordance with Council's *Control of Activities in Public Places* policy. A separate approval under Section 68 of the Local Government Act must be obtained from Council for this activity. Each application is to be renewed every five (5) years. An annual inspection fee will be payable together with provision to Council of a copy of the owners indemnity insurance. Each Section 68 Application will be considered on its own merits considering the following matters:
  - The width of the public footpath.
  - Pedestrian safety relating to obstructing the footpath.

**3.10 RESIDENTIAL DEVELOPMENT IN A COMMERCIAL ZONE**

The following controls apply to 'residential accommodation' developments that are permissible with consent under the provisions of the LEP 2013 within a commercial zone. The types of residential accommodation development permissible within a commercial zone include shop-top housing and dwelling houses within the B2 Local Centre zone.

**Objectives**

- a. Promote a diverse range of housing options.
- b. Enhance the vitality of the CBD by allowing compatible residential development.
- c. Promote mixed use development within close proximity to services and facilities.

**Controls**

1. Residential development within a commercial zone must comply with car parking and access provisions of chapter 2.
2. Residential development within a commercial zone must comply with the private open space, safety and security, and privacy controls in Chapter 2.
3. New buildings must be compatible with the scale and character of adjoining developments or the intended built character for the area.
4. If the residential development forms part of a mixed development, separate entrances must be provided for the residential and non-residential components of the development.

### 3.11 SUBDIVISION

#### **Objectives**

- a. Ensure that each allotment has adequate space to provide for services, access, parking, and vehicle manoeuvrability.
- b. Encourage a road layout that allows safe and efficient flow of traffic and integrates with the existing road hierarchy.
- c. To ensure efficient and cost-effective provision of services and infrastructure.
- d. Reduce stormwater flow rates and improve the quality of runoff from urban areas.
- e. To minimise the impacts of stormwater drainage on the Edward River.

#### **Controls**

1. The width of a proposed new road reserve and the construction standard of a new road must be in accordance with Council requirements. Council will give consideration to:
  - o Established and preferred future road hierarchy.
  - o Vehicular, pedestrian and cyclist safety.
  - o The expected traffic volume of the new roadway(s).
  - o The nature of the subdivision and surrounding neighbourhood.
2. A Drainage Management Plan must be provided by the developer for the subdivision of a greenfield site in a commercial zone. The Plan is to detail any methods incorporated into the subdivision design to reduce the stormwater rate of flow, improve the quality of stormwater that will enter a waterbody and the re-use of stormwater.
3. Evidence that the proposed development will not exceed the capacities of the service networks must be provided to Council.

**NOTE: Relevant providers of electricity and telephone services should be contacted for their servicing requirements.**

4. A development application for the subdivision of land in a commercial zone may only be considered where all allotments are capable of being adequately serviced with electricity supply, water supply, sewerage disposal and telephone.

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## 4 INDUSTRIAL ZONES

This Chapter applies to development that is proposed in an industrial zone, including the IN1 General Industrial zone. It also applies to development in the established industrial precinct within the LEP 1997 “Deferred Matter” area.

Where consent is required for development on land within an industrial zone, the development application will be assessed on its ability to meet:

- The zone objectives and provisions of the applicable LEP.
- *Environmental Planning and Assessment Act 1979*, including the provisions of Section 79C.
- The provisions of the *Murray Regional Environmental Plan No 2—Riverine Land*.
- Any other applicable State Environmental Planning Policies.
- Relevant objectives and controls in this DCP.
- Council policies (refer to Chapter 1 Section 1.8).
- Council’s Development Manual.

**NOTE: It is important that development complies with all relevant Chapters of this DCP. Applicants should check each Chapter and address all relevant controls.**

### 4.1 INFRASTRUCTURE AND SERVICES

#### **Objectives**

- a. Ensure development is connected to essential services where possible.
- b. Minimise the impacts of stormwater drainage on the Edward River.

#### **Controls**

1. Development must be connected to town water supply, electricity, telephone and town sewage services.
2. Development must be connected to Council’s stormwater system or an alternative system approved by Council at cost to the developer. Connections are to be in accordance with Council’s Development Manual.

## 4.2 ACCESS AND PARKING

### *Objectives*

- a. Ensure safe and convenient access for industrial development.
- b. Ensure that adequate parking is provided on-site for visitors and staff.
- c. Ensure that car parking facilities do not detract from the amenity of the streetscape.
- d. Ensure that adequate provision is made for safe and convenient loading and unloading on site.
- e. Promote road safety by limiting new access points to arterial roads.

### *Controls*

1. The number of car parking spaces provided on the development site shall be in accordance with Chapter 12 - Car Parking.
2. Off-street car parking is to include a minimum of one (1) space for persons with a disability. One (1) disabled access space is to be provided per 33 spaces or part thereof.

**NOTE: Dimensions and design of parking for people with disabilities must satisfy the current Australian Standard AS 2890.6 – Parking Facilities – Part 6: Off-Street Parking for People with Disabilities.**

3. Car parking spaces must be clearly indicated on plans submitted with a development application for development within an industrial zone.
4. The car parking spaces must be sited in a safe and convenient location for customers and staff.
5. Stacked car parking will only be permitted for staff parking.
6. Car parking areas, access driveways and vehicle movement areas are to be constructed of impervious materials. This may include suitably compacted gravel or road base material.
7. Car parking may be included within the front setback provided the visual appearance from a public road is adequately softened by landscaping.
8. Legal vehicular access from a public road is required for all development.
9. The location of new access points must achieve adequate sight lines.
10. For development sites with frontage to an arterial road, access shall be provided from an alternative non-classified road where possible.

11. All vehicles must be able to enter and leave the site in a forward direction.
12. A development application must include details of the frequency and types of vehicles that are likely to access the site during the operation of the proposed development.
13. Adequate area must be provided on site to allow for access and manoeuvrability of all vehicles likely to access the site for the operation of the proposed development.

**NOTE: Generally provision must be made on site for the manoeuvrability of at least a semi-trailer truck.**

**NOTE: Council may request a plan showing the turning circles of vehicles likely to access the site.**

14. A dedicated area for loading and unloading must be provided on site. The size of the loading and unloading area must be suitable for the type and size of vehicles that will be utilising the area.
15. A Traffic Impact Study may be required for larger developments, such as and not limited to major developments on main roads, where adverse local traffic impacts may be generated by the development.

**NOTE: The Traffic Impact Study is to include:**

- **An assessment of the likely vehicle type, volume and frequency of traffic to be generated by the development, and**
- **The safety and efficiency of the proposed access arrangements.**

### **4.3 BUILDING SETBACKS**

#### ***Objective***

- a. Allow adequate space for landscaping and parking.

#### ***Control***

1. The minimum setback from the front boundary is 10m or an average of the setback of the adjoining allotments (whichever is the lesser).
2. Secondary setbacks for corner allotments will be considered on the merits of the site. Consideration will be given to the setback of existing buildings in the vicinity, the width of the road reserve and drivers line of sight.
3. Building setbacks from side and rear boundaries must comply with the relevant provisions of the Building Code of Australia.

## 4.4 LANDSCAPING

### **Objectives**

- a. Ensure industrial development makes a positive contribution to the streetscape.
- b. Encourage landscaping that can be effectively maintained for the life of the development.
- c. Promote the use of plant species that are indigenous, low maintenance and drought resistant.

### **Controls**

1. Developments along classified or main roads must provide landscaping along the boundary fronting the road.
2. Landscaping areas are to be shown on plans submitted with a development application.

**NOTE: For larger developments or more visually prominent sites, Council may require a bond for the landscaping component of the development. The bond will be released after 1 year provided the landscaping has established successfully. Please refer to Council's annual fees and charges for the bond calculation for industrial developments.**

3. Due consideration must be given to plant species utilised in landscaping. Wherever possible drought tolerant plant species are to be utilised, with preference given to drought tolerant species.

## 4.5 BUILDING APPEARANCE & DESIGN

### **Objectives**

- a. To maintain and enhance the quality of the streetscapes within industrial zones.
- b. To ensure that the design of a development incorporates the principles of Crime Prevention Through Environmental Design (CPTED) to deter criminal activity.
- c. To ensure site layout enhances personal safety and minimises the potential for fear, crime and vandalism.

### **Controls**

1. The main building façade and entry must address the primary street frontage.

2. Building exteriors must use high quality non-reflective materials and finishes.
3. Proposed new buildings must not present large areas of blank walls to a public roadway.

**NOTE: Visual interest can be incorporated into the building design through the use of varied materials and colours, windows or building articulation.**

4. The design of proposed new buildings, additions or alterations must give due consideration to Crime Prevention Through Environmental Design (CPTED) principles.

## 4.6 OUTDOOR AREAS

### *Objectives*

- a. Maintain and enhance the quality of industrial streetscapes.
- b. Ensure that adjoining properties are not affected by dust generation.

### *Controls*

1. Unsightly materials stored on a vacant or developed site within view of a public road must be screened by either landscaping, appropriate fencing or a decorative feature wall.
2. Outdoor storage and work areas must be suitably surfaced to reduce dust being produced by vehicle movements.

## 4.7 WASTE AND TRADE WASTE

### *Objectives*

- a. Ensure that each development provides an area on site for the storage of waste that is conveniently located and large enough for the scale of development.
- b. Ensure that waste storage areas do not detract from the streetscape and visual amenity of the neighbourhood.
- c. Protect Council's sewerage works and associated assets.
- d. Maximise opportunities for reusing treated effluent.

### *Controls*

1. A waste storage area must be provided on-site for all development.

2. The waste storage area must be in a location that is convenient for users and waste collection contractors.
3. The size of the waste storage area must be appropriate for the nature and scale of development.
4. The waste storage area must be appropriately screened from view of the street by the use of attractive fencing or landscaping.
5. A trade waste agreement must be made with Council where liquid waste will be disposed to Council's sewerage system. For further advice contact Council's Technical Services Department.

## 4.8 IMPACTS ON SURROUNDING LAND

### **Objectives**

- a. Promote the development of industrial development within industrial zones.
- b. Protect the amenity of surrounding properties.
- c. To minimise the impact of stormwater flow onto neighbouring properties.

### **Controls**

1. The proposed development must not unreasonably affect surrounding properties by way of any type of pollutant such as noise and vibration, air emissions, dust, water pollution or odour.

**Note: Land zoned for industrial development must not be unduly restricted by this control. Where required, mitigation measures can be incorporated into the design of a new industrial development to reduce the impact on surrounding properties.**

2. Where a proposed development is likely to increase the amount of stormwater runoff from the site, the development must be carried out in accordance with Council's Development Manual.

## 4.9 USE OF FOOTPATHS AND PUBLIC OPEN SPACE

### **Objectives**

- a. Allow the enhancement and upgrade of footpaths and public spaces.

- b. Allowing the use of footpaths for commercial activities where safe.

### **Controls**

1. The use of the public footpath for seating and/or display items will be considered, on the merits of each case, in accordance with Council's *Control of Activities in Public Places* policy. A separate approval under Section 68 of the Local Government Act must be obtained from Council for this activity. Each application is to be renewed every five (5) years. An annual inspection fee will be payable together with provision to Council of a copy of the owners indemnity insurance. Each Section 68 Application will be considered on its own merits considering the following matters:
  - o The width of the public footpath.
  - o Pedestrian safety relating to obstructing the footpath.

## **4.10 SUBDIVISION**

### **Objectives**

- a. Ensure that each industrial allotment has adequate space to provide for services, access, parking, and vehicle manoeuvrability.
- b. Encourage a road layout that allows safe and efficient flow of traffic and integrates with the existing road hierarchy.
- c. To ensure efficient and cost-effective provision of services and infrastructure.
- d. Reduce stormwater flow rates and improve the quality of runoff from urban areas.
- e. To minimise the impacts of stormwater drainage on the Edward River.

### **Controls**

1. Where new industrial lots are to be less than 2000m<sup>2</sup>, the applicant must demonstrate that the lot size will be adequate to provide for buildings and the operation of the proposed activity including parking, landscaping, loading and unloading and vehicle movements and the like.
2. New streets and intersections must be designed to accommodate the manoeuvrability of heavy vehicles.
3. The width of a proposed new road reserve and the construction standard of a new road must be in accordance with Council requirements. Council will give consideration to:
  - o Established and preferred future road hierarchy.
  - o Vehicular, pedestrian and cyclist safety.
  - o The expected traffic volume of the new roadway(s).
  - o The nature of the subdivision and surrounding neighbourhood.

4. A Drainage Management Plan must be provided by the developer for the subdivision of greenfield industrial land. The Plan is to detail any methods incorporated into the subdivision design to reduce the stormwater rate of flow, improve the quality of stormwater that will enter a waterbody and the re-use of stormwater.
5. Written notification must be provided to Council from telephone and electricity network providers stating that the proposed development will not exceed the capacities of the networks.

**NOTE: Relevant providers of electricity and telephone services should be contacted for their servicing requirements.**

6. A development application for the subdivision of industrial land may only be considered where all allotments are capable of being adequately serviced with electricity supply, water supply, sewerage disposal and telephone.
7. New industrial lots must be connected to reticulated sewer and water.

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## 5 RURAL ZONE

This Chapter applies to development that is proposed in the RU1 Primary Production zone. The RU1 zone permits, with the consent of Council, a broad variety of developments. These developments include bed and breakfast accommodation, eco-tourist facilities, cellar door premises, community facilities, dwelling houses, freight transport facilities, heavy industries, information and educational facilities, turf farming, veterinary hospitals and many more.

Given the wide range of developments permissible, the controls within this chapter aim to give general guidance to development within this zone. It is important to note that Council will also assess development applications in accordance with relevant best practice documents, guidelines and policies relating to the type of development proposed and the likely impact on the natural or built environment. Each application will be considered on the individual merits of the proposal and the site.

Where consent is required for development on land within a rural zone, the development application will be assessed on its ability to meet:

- The zone objectives and applicable provisions of the LEP.
- Environmental Planning and Assessment Act, including the provisions of Section 79C.
- The provisions of the Murray Regional Environmental Plan No 2—Riverine Land.
- Any other applicable State Environmental Planning Policies.
- Relevant objectives and controls in this DCP.
- Relevant best practice guidelines and policies.

**Note: It is important that development complies with all relevant Chapters of this DCP. Applicants should check each Chapter and address all relevant controls.**

### 5.1 RURAL DWELLINGS

The following controls apply to dwellings that are permissible with consent under the provisions of the LEP 2013 or LEP 1997 within a rural zone.

#### **Objectives**

- a. Protect the agricultural productivity of the land.
- b. Encourage dwellings and farm buildings to be located in clusters for the efficient provision of services and to maximise the productivity of agricultural land.
- c. Ensure safe and convenient access.
- d. Ensure the conditions of the site will support an on-site sewage management system where required.
- e. Encourage energy efficient dwellings.

### **Controls**

1. Dwellings are to be located in a position that will minimise potential conflicts with activities associated with primary production on adjoining or adjacent farms. A new dwelling must not interfere with an adjoining or adjacent property's ability to farm.
2. Dwellings must be constructed in a location that is suitable for construction and occupation.
3. Dwellings must be constructed in a location capable of accommodating an on-site sewage management system or connection to Council's sewerage system where available. An on-site sewage management system shall be located a minimum of 60m from a river, creek, channel or like, watercourse, dam or bore.

**Note: The installation of an on-site sewage management system requires a separate application to Council under section 68 of the Local Government Act 1993.**

4. The location of new dwellings must provide adequate setbacks from the banks of creeklines and the Edward River.
5. Dwellings must have access to adequate water supply, electricity and telephone services.

**Note: Adequate water supply may include access to Council's water supply system or the use of rainwater tanks.**

6. The location of new access points must achieve adequate sight lines.
7. Orientate dwellings to maximise the northern aspect of living areas.

## 5.2 OTHER DEVELOPMENT

### 5.2.1 Access and Parking

#### **Objectives**

- a. Ensure safe and convenient access suitable for the proposed development.
- b. Ensure that adequate parking is provided on site for visitors and staff.
- c. Ensure that car parking facilities do not detract from the visual amenity of the area.
- d. Ensure that adequate provision is made for safe and convenient loading and unloading on site.

#### **Controls**

1. The number of car parking spaces provided on the development site shall be in accordance with Chapter 12 - Car Parking.
2. The required off-street car parking provision is to include a minimum of one (1) space for persons with a disability. An additional one (1) space is to be provided per 33 spaces or part thereof.

**Note: Dimensions and design of parking for people with disabilities must satisfy the current Australian Standard AS 2890.6 – Parking Facilities – Part 6: Off-Street Parking for People with Disabilities.**

3. Car parking spaces must be clearly indicated on plans submitted with a development application for development within a rural zone.
4. Car parking spaces must be sited in a safe and convenient location on site.
5. Stacked car parking is generally not permitted.
6. Car parking areas, access driveways and vehicle movement areas are to be constructed of impervious materials. This may include suitably compacted gravel or road based material.
7. The location of new access points must achieve adequate sight lines.
8. All vehicles must be able to enter and leave the site in a forward direction.
9. Adequate area must be provided on site to allow for access and manoeuvrability of all vehicles likely to access the site for the operation of the proposed development.

**Note: Council may request a plan showing the turning circles of vehicles likely to access the site.**

10. A dedicated area for loading and unloading must be provided on site where delivery vehicles will not conflict with visitor vehicular movements. The size of the loading and unloading area must be suitable for the type and size of vehicles that will be utilising the area.
11. A development application must include details of the frequency and types of vehicles that are likely to access the site during the operation of the proposed development.
12. A Traffic Impact Study may be required for larger developments, such as and not limited to, eco-tourist facilities and recreation facilities where adverse local traffic impacts may be generated by the development.

**Note: The Traffic Impact Study is to include an assessment of:**

- **The likely vehicle type, volume and frequency of traffic to be generated by the development, and**
- **The suitability of the construction and condition of roads in the locality, and**
- **The safety and efficiency of the proposed access arrangements.**

### 5.2.2 Landscaping

#### Objectives

- a. Promote visually attractive recreation zones with landscaping to enhance the natural beauty of the zone.
- b. Encourage landscaping that can be effectively maintained for the life of the development.
- c. Provide shade in car parking areas in new larger commercial developments.
- d. Promote the use of plant species that are indigenous, low maintenance and drought resistant.

#### Controls

1. A landscaping plan must be submitted to Council with development applications for new development within a rural zone except for dwellings and rural workers dwellings.

**Note: Council may require a bond for the landscaping component of the development to ensure that the landscaping works are completed. Please refer to Council annual fees and charges for the bond amount required.**

2. Landscaping and other screening methods are to be utilised to assist new developments to blend into the rural landscape.

3. Larger developments such as eco-tourist facilities, recreation facilities or the like must include landscaping to provide shade to car parking areas and to soften the appearance of hardstand areas.
4. Due consideration must be given to plant species utilised in landscaping. Wherever possible low maintenance native plant species are to be utilised, with preference given to drought tolerant species.
5. Where a proposed car park will provide ten (10) or more spaces suitable landscaping must be provided within the car park.

**Note: Suitable landscaping within a car park includes, but is not limited to, the planting of a shade tree for every five (5) car parks.**

### 5.2.3 Building Appearance and Design

#### Objectives

- a. To maintain and enhance the visual amenity of the zone.
- b. To ensure that the design of a development incorporates the principles of Crime Prevention Through Environmental Design (CPTED) to deter criminal activity.
- c. To ensure site layout enhances personal safety and minimises the potential for fear, crime and vandalism.

#### Controls

1. Main building façade and entry must address the primary street frontage and present attractive elevations to public places.
2. Building exteriors must use high quality non-reflective materials and finishes.
3. Proposed new buildings must not present large areas of blank walls. Visual interest can be incorporated through the use of varied materials and colours, windows or building articulation.
4. The design of proposed new buildings, additions or alterations must give due consideration to Crime Prevention Through Environmental Design (CPTED) principles.

**Note: The Crime Prevention Through Environmental Design (CPTED) program uses principles such as surveillance, territorial reinforcement, access control and space management to deter criminal activity and enhance personal safety.**

**Natural surveillance allows people to see what others are doing as a means to deter the potential for crime.**

**Access control** utilises physical and perceived barriers to manage movements so that opportunities for crime are minimised.

**Territorial reinforcement** involves encouraging the “ownership” of public spaces to increase activity in the space and encourages people to help prevent crime.

**Space management** involves maintaining attractive public spaces so that they are more likely to be well used.

#### **5.2.4 Outdoor Areas**

##### **Objectives**

- a. Maintain and enhance the visual amenity of the zone.
- b. Ensure that adjoining properties are not affected by dust generation.

##### **Controls**

1. Unsightly materials stored on a vacant or developed site within view of a public road must be screened by either landscaping, appropriate fencing or a decorative feature wall.
2. Outdoor storage and work areas must be suitably surfaced to reduce dust being produced by vehicle movements.

#### **5.2.5 Waste and Trade Waste**

##### **Objectives**

- a. To ensure that each development provides an area on site for the storage of waste that is conveniently located and large enough for the scale of development.
- b. To ensure that waste storage areas do not detract from the streetscape and visual amenity of the neighbourhood.
- c. Protect Council’s sewerage works and associated assets.
- d. Maximise opportunities for reusing treated effluent.

### **Controls**

1. A waste storage area must be provided on-site for all development.
2. The waste storage area must be in a location that is convenient for users and waste collection contractors.
3. The size of the waste storage area must be appropriate for the nature and scale of development.
4. The waste storage area must be appropriately screened from view of the street by the use of attractive fencing or landscaping.
5. A trade waste agreement must be made with Council where liquid waste will be disposed to Council's sewerage system.

**Note: Please contact Council's Technical Services Department for more information.**

## **5.2.6 Impacts on Surrounding Land**

### **Objectives**

- a. To ensure that development in the open space zones are suited to the site considering the nature of the development and surrounding land uses.
- b. To protect the amenity of surrounding residential areas.
- c. To ensure that the hours of operation do not generate land use conflicts with neighbouring properties.

### **Controls**

1. The proposed development must not unreasonably affect surrounding properties by way of any type of pollutant such as noise and vibration, air emissions, dust, water pollution or odour.

**Note: Where required, mitigation measures can be incorporated into the design of new development to reduce the impact on surrounding properties.**

2. The hours of operation for a proposed development must not significantly impact the amenity of neighbouring residential areas.

## 5.3 RURAL SUBDIVISION

### **Objectives**

- a. Promote and protect the agricultural productivity of rural lands.
- b. Ensure efficient and economical provision of services and infrastructure.
- c. Ensure the subdivision of land minimises the potential for land use conflicts.

### **Controls**

1. Lots within the RU1 zone must, at minimum, have all weather two wheel drive access to a public road.
2. Existing access points must be utilised where possible.
3. Lot boundaries must follow existing fence lines and respect natural features of the site where possible.
4. Minor boundary adjustments that facilitate the efficient use of agricultural land will generally be supported.
5. New roads must be constructed to the requirements of Council.

**Note: Applicants should seek the advice of Council's Technical Services Section where a subdivision application will include the construction of a new road.**

6. The location of new roads must not disturb significant environmental features of the land.
7. Written notification must be provided to Council from telephone and electricity network providers stating that the proposed development will not exceed the capacities of the networks.

**NOTE: Relevant providers of electricity and telephone services should be contacted for their servicing requirements.**

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## 6 RECREATION ZONES

This Chapter applies to development that is proposed in a recreation zone, including RE1 Public Recreation and RE2 Private Recreation zones.

The LEP 2013 permits a broad range of activities within the recreational zones with the consent of Council. Such activities include caravan parks, community facilities, child care centres, eco-tourist facilities, function centres, major recreation facilities, registered clubs, seniors housing, and many more (not all uses are permissible in the R1 Public Recreation zone).

Given the wide range of developments permissible, the controls within this chapter aim to give general guidance to development within this zone. It is important to note that Council will assess development applications in accordance with relevant best practice documents, guidelines and policies relating to the type of development proposed and the likely impact on the natural or built environment. Each application will be considered on the individual merits of the development and the site.

Where consent is required for development on land within a recreation zone, the development application will be assessed on its ability to meet:

- The zone objectives and provisions of the applicable LEP.
- Environmental Planning and Assessment Act, including the provisions of Section 79C.
- Any applicable State Environmental Planning Policies.
- Relevant objectives and controls in this DCP.
- Council policies (refer to Chapter 1 Section 1.8).
- Council's Development Manual.

**NOTE: It is important that development complies with all relevant Chapters of this DCP. Applicants should check each Chapter and address all relevant controls.**

### 6.1 INFRASTRUCTURE AND SERVICES

#### **Objectives**

- a. Ensure development is connected to essential services where possible.
- b. Minimise the impacts of stormwater drainage on the Edward River.

#### **General Controls**

1. Development must be connected to town water supply, electricity, telephone and sewage services where possible.
2. Development must be connected to Council's stormwater system or an alternative system approved by Council at cost to the developer. Connections are to be in accordance with Council's Development Manual.

## 6.2 ACCESS AND CAR PARKING

### *Objectives*

- a. Ensure safe and convenient access for proposed development.
- b. Ensure that adequate parking is provided on site for visitors and staff.
- c. Ensure that car parking facilities do not detract from the amenity of the open space area.
- d. Ensure that adequate provision is made for safe and convenient loading and unloading on site.

### *Controls*

1. The number of car parking spaces provided on the development site shall be in accordance with Chapter 12 - Car Parking.
2. The required number of off-street car parking spaces is to include a minimum of one (1) space for persons with a disability. One (1) disabled access parking space is to be provided per 33 spaces or part thereof.

**NOTE: Dimensions and design of parking for people with disabilities must satisfy the current Australian Standard AS 2890.6 – Parking Facilities – Part 6: Off-Street Parking for People with Disabilities.**

3. Car parking spaces must be clearly indicated on plans submitted with a development application for development within a recreation zone.
4. Car parking spaces must be sited in a safe and convenient location on site.
5. Legal vehicular access from a public road is required for all development.
6. Stacked car parking will only be permitted for staff parking.
7. Car parking areas, access driveways and vehicle movement areas are to be constructed of impervious materials. This may include suitably compacted gravel or road base material.
8. The location of new access points must achieve adequate sight lines.
9. All vehicles must be able to enter and leave the site in a forward direction.
10. Adequate area must be provided on site to allow for access and manoeuvrability of all vehicles likely to access the site for the operation of the proposed development.

**NOTE: Council may request a plan showing the turning circles of vehicles likely to access the site.**

11. A dedicated area for loading and unloading must be provided on site where delivery vehicles will not conflict with visitor vehicular movements. The size of the loading and unloading area must be suitable for the type and size of vehicles that will be utilising the area.
12. A development application must include details of the frequency and types of vehicles that are likely to access the site during the operation of the proposed development.
13. A Traffic Impact Study may be required for larger developments (where they are permissible with consent), such as and not limited to larger entertainment facilities, eco-tourist facilities, registered clubs and recreational facilities where adverse local traffic impacts may be generated by the development.

**NOTE: The Traffic Impact Study is to include:**

- a. **An assessment of the likely vehicle type, volume and frequency of traffic to be generated by the development, and**
- b. **The safety and efficiency of the proposed access arrangements.**

## 6.3 LANDSCAPING

### *Objectives*

- a. Promote visually attractive recreation zones with landscaping to enhance the natural beauty of the zone.
- b. Encourage landscaping that can be effectively maintained for the life of the development.
- c. Provide shade in car parking areas in new larger commercial developments.
- d. Promote the use of plant species that are indigenous, low maintenance and drought resistant.

### *Controls*

1. A landscaping plan must be submitted to Council with development applications for development within a recreation zone.

**NOTE: Council may require a bond for the landscaping component of the development to ensure that the landscaping works are completed. Please refer to Council annual fees and charges for the bond amount required.**

2. Larger developments (where they are permissible with consent) such as entertainment facilities, eco-tourist facilities, registered clubs, recreational facilities or the like must include landscaping to provide shade to car parking areas and to soften the appearance of hardstand areas.
3. Due consideration must be given to plant species utilised in landscaping. Wherever possible drought tolerant plant species are to be utilised.
4. Where a proposed car park will provide ten (10) or more spaces suitable landscaping must be provided within the car park.

**NOTE: Suitable landscaping within a car park includes, but is not limited to, the planting of a shade tree for every ten (10) car parks.**

## 6.4 BUILDING APPEARANCE AND DESIGN

### *Objectives*

- a. To maintain and enhance the visual amenity of the zone.
- b. To ensure that the design of a development incorporates the principles of Crime Prevention Through Environmental Design (CPTED) to deter criminal activity.
- c. To ensure site layout enhances personal safety and minimises the potential for fear, crime and vandalism.

### *Controls*

1. Building exteriors must use high quality non-reflective materials and finishes.
2. Proposed new buildings must not present large areas of blank walls.

**Note: Visual interest can be incorporated through the use of varied materials and colours, windows or building articulation.**

3. The design of proposed new buildings, additions or alterations must give due consideration to Crime Prevention Through Environmental Design (CPTED) principles.

**Note: The Crime Prevention Through Environmental Design (CPTED) program uses principles such as surveillance, territorial reinforcement, access control and space management to deter criminal activity and enhance personal safety.**

***Natural surveillance* allows people to see what others are doing as a means to deter the potential for crime.**

**Access control** utilises physical and perceived barriers to manage movements so that opportunities for crime are minimised.

**Territorial reinforcement** involves encouraging the “ownership” of public spaces to increase activity in the space and encourages people to help prevent crime.

**Space management** involves maintaining attractive public spaces so that they are more likely to be well used.

## 6.5 OUTDOOR AREAS

### **Objectives**

- a. Maintain and enhance the visual amenity of the zone.
- b. Ensure that adjoining properties are not affected by dust generation.

### **Controls**

1. Unsightly materials stored on a site within view of a public road must be screened by either landscaping, appropriate fencing or a decorative feature wall.
2. Outdoor storage and work areas must be suitably surfaced to reduce dust being produced by vehicle movements.

## 6.6 WASTE AND TRADE WASTE

### **Objectives**

- a. To ensure that each development provides an area on site for the storage of waste that is conveniently located and large enough for the scale of development.
- b. To ensure that waste storage areas do not detract from the streetscape and visual amenity of the neighbourhood.
- c. Protect Council’s sewerage works and associated assets.
- d. Maximise opportunities for reusing treated effluent.

### **Controls**

1. A waste storage area must be provided on-site for all development.
2. The waste storage area must be in a location that is convenient for users and waste collection contractors.

3. The size of the waste storage area must be appropriate for the nature and scale of development.
4. The waste storage area must be appropriately screened from view of the street by the use of attractive fencing or landscaping.
5. A trade waste agreement must be made with Council where liquid waste will be disposed to Council's sewerage system.

**Note: Please contact Council's Technical Services Department for more information.**

## **6.7 IMPACTS ON SURROUNDING LAND**

### **Objectives**

- a. To ensure that development in the open space zones are suited to the site considering the nature of the development and surrounding land uses.
- b. To protect the amenity of surrounding residential areas.
- c. To ensure that the hours of operation do not generate land use conflicts with neighbouring properties.
- d. To minimise the impact of stormwater flow onto neighbouring properties.

### **Controls**

1. The proposed development must not unreasonably affect surrounding properties by way of any type of pollutant such as noise and vibration, air emissions, dust, water pollution or odour.

**Note: Where required, mitigation measures can be incorporated into the design of new development to reduce the impact on surrounding properties.**

2. The hours of operation for a proposed development must not significantly impact the amenity of neighbouring residential areas.
3. Where a proposed development is likely to increase the amount of stormwater runoff from the site, the development must be carried out in accordance with Council's Development Manual.

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## 7 INFRASTRUCTURE ZONE

### 7.1 INTRODUCTION

Where consent is required for development within an Infrastructure zone, a development application will be assessed on its ability to meet:

- The zone objectives and provisions of the applicable LEP.
- *Environmental Planning and Assessment Act 1979*, including the provisions of Section 79C.
- The provisions of the *Murray Regional Environmental Plan No 2—Riverine Land*.
- Any other applicable State Environmental Planning Policies.
- Relevant objectives and controls in this DCP.
- Council policies (refer to Chapter 1 Section 1.8).
- Council’s Development Manual.

### 7.2 RELATIONSHIP TO OTHER ENVIRONMENTAL PLANNING INSTRUMENTS

The ***State Environmental Planning Policy (Infrastructure) 2007*** (Infrastructure SEPP) applies to public authority and some private infrastructure work within an infrastructure zone or other zones as prescribed in the SEPP.

The aim of the Infrastructure SEPP is to facilitate the effective delivery of infrastructure across the State. For this reason, this SEPP prevails over an LEP where there are any inconsistencies. Clause 5.12 of LEP 2013 reinforces this relationship stating that, in general terms, the LEP 2013 cannot prohibit a development that is permitted by the SEPP.

Examples of infrastructure development includes, but is not limited to, educational establishments, health services facilities, sewerage treatment systems, air transport facilities, railway works, roads and traffic works, electricity generating works, water supply systems, parks and public reserves.

The Infrastructure SEPP defines and details infrastructure works that:

- Are **exempt** from development consent. In this case the development may be carried out without the need for consent under the provisions of Part 4 or Part 5 of the *Environmental Planning and Assessment Act 1979*).
- Are **permissible without development consent** (still require due consideration of environmental impacts under the provisions of Part 5 of the *Environmental Planning and Assessment Act 1979*).
- Are **complying development** under the provisions of the Infrastructure SEPP. In this case an application for a Complying Development Certificate is to be lodged with Council or a Private Certifier.
- **Require development consent** under the provisions of Part 4 of the *Environmental Planning and Assessment Act 1979*. Where development consent is required a development application must be submitted to Council.

**NOTE: It is important that development complies with all relevant Chapters of this DCP. Applicants should check each Chapter and address all relevant controls.**

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## 8 ENVIRONMENTAL ZONES

This Chapter applies to development that is proposed in the E3 Environmental Management zone. Works may only be undertaken within the E1 National Parks and Nature Reserves in accordance with the *National Parks and Wildlife Act 1974*.

The Deniliquin LEP permits a range of activities within the E3 Environmental Management zone with the consent of Council. Such activities include caravan parks, community facilities, dwelling houses, eco-tourist facilities, outdoor recreation facilities, research stations and many more.

Given the range of developments permissible, the controls within this chapter aim to give general guidance to development within the E3 zone. It is important to note that Council will also assess development applications in accordance with relevant best practice documents, guidelines and policies relating to the type of development proposed and the likely impact on the natural or built environment. Each application will be considered on the individual merits of the proposal and the site.

Where consent is required for development on land within an environmental zone, the development application will be assessed on its ability to meet:

- The zone objectives and provisions of the applicable LEP.
- Environmental Planning and Assessment Act, including the provisions of Section 79C.
- Any applicable State Environmental Planning Policies.
- Relevant objectives and controls in this DCP.
- Council policies (refer to Chapter 1 Section 1.8).
- Council's Development Manual

**Note: It is important that development complies with all relevant Chapters of this DCP. Applicants should check each Chapter and address all relevant controls.**

### 8.1 DWELLINGS

This section applies to new dwelling houses and secondary dwellings that are permissible with consent under the provisions of the LEP 2013 or LEP 1997 within an environmental zone.

#### **Objectives**

- a. Protect the environmental qualities of the land.
- b. Encourage energy efficient dwellings.
- c. Ensure safe and convenient access.

#### **Controls**

1. Dwellings must connect to town water supply, electricity, stormwater system, telephone and sewage services where available.

2. Orientate dwellings to maximise the northern aspect of living areas.
3. Provide for the adequate storage and disposal of waste.
4. Dwellings must have legal vehicular access from a public road.
5. Driveway must be constructed in accordance with Council's Development Manual.
6. The location of new access points must achieve adequate sight lines.
7. The number of car parking spaces provided on the development site shall be in accordance with Chapter 12 - Car Parking.
8. Residential development within an environmental zone must comply with the private open space, safety and security, and privacy controls in Chapter 2 – Residential Zones.

## **8.2 OTHER DEVELOPMENT**

### **8.2.1 Infrastructure and Services**

#### **Objectives**

- a. Ensure development is connected to essential services.
- b. Minimise the impacts of stormwater drainage on the Edward River.

#### **Controls**

1. Development must be connected to town water supply, electricity, telephone and sewage services where available.
2. Development must be connected to Council's stormwater system or an alternative system approved by Council at cost to the developer. Connections are to be in accordance with Council's Development Manual.

### **8.2.2 Access and Parking**

#### **Objectives**

- a. Ensure safe and convenient access suitable for the proposed development.
- b. Ensure that adequate parking is provided on site for visitors and staff.
- c. Ensure that car parking facilities do not detract from the visual amenity of the area.

- d. Ensure that adequate provision is made for safe and convenient loading and unloading on site.

**Controls**

1. The number of car parking spaces provided on the development site shall be in accordance with Chapter 12 - Car Parking.
2. One (1) parking space for persons with a disability is to be provided for every 33 spaces or part thereof. A minimum of one (1) space for persons with a disability is required.

**NOTE: Dimensions and design of parking for people with disabilities must satisfy the current Australian Standard AS 2890.6 – Parking Facilities – Part 6: Off-Street Parking for People with Disabilities.**

3. Car parking spaces must be clearly indicated on plans submitted with a development application for development within an environmental zone.
4. Car parking spaces must be sited in a safe and convenient location on site.
5. Legal vehicular access from a public road is required for all development.
6. Stacked car parking will only be permitted for staff parking.
7. Car parking areas, access driveways and vehicle movement areas are to be constructed of impervious materials. This may include suitably compacted gravel or road based material.
8. The location of new access points must achieve adequate sight lines.
9. All vehicles must be able to enter and leave the site in a forward direction.
10. Adequate area must be provided on site to allow for access and manoeuvrability of all vehicles likely to access the site for the operation of the proposed development.

**NOTE: Council may request a plan showing the turning circles of vehicles likely to access the site.**

11. A dedicated area for loading and unloading must be provided on site where delivery vehicles will not conflict with visitor vehicular movements. The size of the loading and unloading area must be suitable for the type and size of vehicles that will be utilising the area.
12. A development application must include details of the frequency and types of vehicles that are likely to access the site during the operation of the proposed development.

13. A Traffic Impact Study may be required for larger developments, such as and not limited to, veterinary hospitals, eco-tourist facilities and recreation facilities (outdoor) where adverse local traffic impacts may be generated by the development.

**Note: The Traffic Impact Study is to include an assessment of:**

- **The likely vehicle type, volume and frequency of traffic to be generated by the development, and**
- **The suitability of the construction and condition of roads in the locality, and**
- **The safety and efficiency of the proposed access arrangements.**

### **8.2.3 Landscaping**

#### **Objectives**

- a. Promote visually attractive environmental zones with landscaping to enhance the natural beauty of the zone.
- b. Encourage landscaping that can be effectively maintained for the life of the development.
- c. Provide shade in car parking areas in new larger commercial developments.
- d. Promote the use of plant species that are indigenous, low maintenance and drought resistant.

#### **Controls**

1. A landscaping plan must be submitted to Council with development applications for new development within an environmental zone.

**Note: Council may require a bond for the landscaping component of the development to ensure that the landscaping works are completed. Please refer to Council annual fees and charges for the bond amount required.**

2. Larger developments such as veterinary hospitals, eco-tourist facilities, recreation facilities (outdoor) or the like must include landscaping to provide shade to car parking areas and to soften the appearance of hardstand areas.
3. Due consideration must be given to plant species utilised in landscaping. Wherever possible drought tolerant plant species are to be utilised.
4. Where a proposed car park will provide ten (10) or more spaces suitable landscaping must be provided within the car park.

**NOTE: Suitable landscaping within a car park includes, but is not limited to, the planting of a shade tree for every ten (10) car parks.**

### 8.2.4 Building Appearance and Design

#### Objectives

- a. To maintain and enhance the visual amenity of the zone.
- b. To ensure that the design of a development incorporates the principles of Crime Prevention Through Environmental Design (CPTED) to deter criminal activity.
- c. To ensure site layout enhances personal safety and minimises the potential for fear, crime and vandalism.

#### Controls

1. Main building façade and entry must address the primary street frontage and present attractive elevations to public places.
2. Building exteriors must use high quality non-reflective materials and finishes.
3. Proposed new buildings must not present large areas of blank walls. Visual interest can be incorporated through the use of varied materials and colours, windows or building articulation.
4. The design of proposed new buildings, additions or alterations must give due consideration to Crime Prevention Through Environmental Design (CPTED) principles.

**Note: The Crime Prevention Through Environmental Design (CPTED) program uses principles such as surveillance, territorial reinforcement, access control and space management to deter criminal activity and enhance personal safety.**

***Natural surveillance* allows people to see what others are doing as a means to deter the potential for crime.**

***Access control* utilises physical and perceived barriers to manage movements so that opportunities for crime are minimised.**

***Territorial reinforcement* involves encouraging the “ownership” of public spaces to increase activity in the space and encourages people to help prevent crime.**

***Space management* involves maintaining attractive public spaces so that they are more likely to be well used.**

### **8.2.5 Outdoor Areas**

#### **Objectives**

- a. Maintain and enhance the visual amenity of the zone.
- b. Ensure that adjoining properties are not affected by dust generation.

#### **Controls**

1. Unsightly materials stored on a vacant or developed site within view of a public road must be screened by either landscaping, appropriate fencing or a decorative feature wall.
2. Outdoor storage and work areas must be suitably surfaced to reduce dust being produced by vehicle movements.

### **8.2.6 Waste and Trade Waste**

#### **Objectives**

- a. To ensure that each development provides an area on site for the storage of waste that is conveniently located and large enough for the scale of development.
- b. To ensure that waste storage areas do not detract from the streetscape and visual amenity of the neighbourhood.
- c. Protect Council's sewerage works and associated assets.
- d. Maximise opportunities for reusing treated effluent.

#### **Controls**

1. A waste storage area must be provided on-site for all development.
2. The waste storage area must be in a location that is convenient for users and waste collection contractors.
3. The size of the waste storage area must be appropriate for the nature and scale of development.
4. The waste storage area must be appropriately screened from view of the street by the use of attractive fencing or landscaping.
5. A trade waste agreement must be made with Council where liquid waste will be disposed to Council's sewerage system.

**Note: Please contact Council's Technical Services Department for more information.**

### **8.2.7 Impacts on Surrounding Land**

#### **Objectives**

- a. To ensure that development in environmental zones are suited to the site considering the nature of the development and surrounding land uses.
- b. To protect the amenity of surrounding residential areas.
- c. To ensure that the hours of operation do not generate land use conflicts with neighbouring properties.
- d. To minimise the impact of stormwater flow onto neighbouring properties.

#### **Controls**

1. The proposed development must not unreasonably affect surrounding properties by way of any type of pollutant such as noise and vibration, air emissions, dust, water pollution or odour.

**Note: Where required, mitigation measures can be incorporated into the design of new development to reduce the impact on surrounding properties.**

2. The hours of operation for a proposed development must not significantly impact the amenity of neighbouring residential areas.
3. Where a proposed development is likely to increase the amount of stormwater runoff from the site, the development must be carried out in accordance with Council's Development Manual.

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## 9 WATERWAYS ZONES

This Chapter applies to development that is proposed in a waterways zone, including W1 Natural Waterways and W2 Recreational Waterways zones.

Where consent is required for development on land within a waterways zone, the development application will be assessed on its ability to meet:

- The zone objectives and provisions of the applicable LEP.
- Environmental Planning and Assessment Act, including the provisions of Section 79C.
- The provisions of the Murray Regional Environmental Plan No 2—Riverine Land.
- Any applicable State Environmental Planning Policies.
- Relevant objectives and controls in this DCP.
- Council policies (refer to Chapter 1 Section 1.8).
- Council's Development Manual.

**Note: When considering development on land in a waterways zone, it is recommended that the applicant seeks the advice of Council. Development within a waterways zone is generally classed as "integrated development" under the provisions of the Water Management Act 2000.**

**Note: It is important that development complies with all relevant Chapters of this DCP. Applicants should check each Chapter and address all relevant controls.**

### 9.1 BOAT RAMPS

#### *Objectives*

- a. Minimise the impact of boat ramps on the riparian environment.
- b. Ensure the number of boat ramps along the river are not excessive.

#### *Controls*

1. Soil and erosion management details must be submitted, to the satisfaction of Council, with a development application for a boat ramp. This plan must detail measures to be carried out that will reduce erosion and silt-laden runoff entering the river.
2. A Vegetation Plan must be submitted, to the satisfaction of Council, with a development application for a boat ramp. This plan must incorporate suitable native riparian vegetation that will soften the visual impact of the ramp and prevent soil erosion.
3. An engineering certificate must be submitted to Council with a development application for a boat ramp. The ramp is to be adequately tied into the bed and bank of the river.
4. The area immediately surrounding the boat ramp must be adequately drained by either a pipe or a lined channel to the low river water level.

5. The design of the boat ramp must not include steep slopes.
6. The ramp must be constructed on an angle to the river to minimise resistance to the flow of the river. The angle should be greater than 90 degrees to the downstream flow.
7. A work method statement is to be provided detailing how the work will be completed.

## 9.2 MOORINGS

### *Objectives*

- a. Protect the stability of the banks of all waterways and minimise the environmental impact of new moorings.
- b. Protect and enhance the visual amenity of all waterways.
- c. Ensure new structures do not create a river traffic safety issue.

### *Controls*

1. Only one mooring is permitted per land holding.
2. Where work involves soil or vegetation disturbance, soil and erosion management details must be submitted to the satisfaction of Council. This plan must detail measures to be carried out that will reduce erosion and silt-laden runoff entering the river.
3. Moorings must be situated in a safe location in consultation with relevant government agencies.
4. A work method statement is to be provided detailing how the work will be completed.

## 9.3 RETAINING WALLS

### *Objectives*

- a. Minimise the impact of retaining walls on the riparian environment.
- b. Allow retaining walls only where necessary.

### *Controls*

1. A development application must provide adequate justification that a retaining wall is necessary. Retaining walls will only be considered where it can be demonstrated that alternative bank stabilisation methods cannot be achieved.

2. An engineering certificate must be provided with a construction certificate application for a retaining wall greater than 600mm in height below or above existing ground level.
3. Retaining wall beams must be sunk to a minimum depth of two times greater than the wall height unless an engineering certificate is provided detailing that an alternative solution is adequate.
4. Only clean fill is to be used between the retaining wall and the river bank.
5. The retaining wall must be lined with geotextile material to restrict soil washing away into the river.
6. The retaining wall must be sunk into the river bed to minimise undercutting and adequately tied to the river bank.
7. Soil and erosion management details must be submitted, to the satisfaction of Council, with a development application for a retaining wall. This plan must detail measures to be carried out that will reduce erosion and silt-laden runoff entering the river.
8. The area immediately surrounding the retaining wall must be adequately drained by either a pipe or a lined channel to the low river water level.
9. Retaining walls shall be provided with agricultural drains behind the retaining wall to avoid the build-up of hydrostatic pressure. These drains are to be connected to a pipe or drain that drains stormwater back to the river.
10. The batters must not exceed a slope of 1 vertical unit to 3 horizontal units.
11. Batters are to be stabilised with suitable vegetation.
12. A Vegetation Plan must be submitted, to the satisfaction of Council, with a development application for a retaining wall. This plan must incorporate suitable native riparian vegetation that will soften the visual impact of the retaining wall and prevent soil erosion.
13. A work method statement is to be provided detailing how the work will be completed.

## **9.4 JETTIES, PONTOONS AND FLOATING WALKWAYS**

### **Objectives**

- a. Ensure new structures do not create a river traffic safety issue.
- b. Maintain the geomorphic and natural functions of the river.
- c. To protect the stability of any new structure.

### **Controls**

1. Floating structures that rise and fall with the river are the preferred option unless the application is for a replacement structure (like for like).
2. For fixed replacement structures (like for like) erosion controls around the toe of the structure are required. Erosion controls could include vegetation such as reeds and sedges or rock rip-rap.

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## 10 HAZARDS

This Chapter applies to development on land that is considered to be affected by hazards such as bush fire, flood and contamination.

Where consent is required for the development of land subject to hazards, the development application will be assessed on its ability to meet:

- The zone objectives and provisions of the applicable LEP.
- *Environmental Planning and Assessment Act 1979*, including the provisions of Section 79C.
- The provisions of the *Murray Regional Environmental Plan No 2—Riverine Land*.
- Any other applicable State Environmental Planning Policies.
- Relevant objectives and controls in this DCP.
- Council policies (refer to Chapter 1 Section 1.8).
- Council’s Development Manual.

**Note: It is important that development complies with all relevant Chapters of this DCP. Applicants should check each Chapter and address all relevant controls.**

### 10.1 BUSH FIRE PRONE LAND

This section applies to the development of land that is certified by the NSW Rural Fire Service to be bush fire prone.

Section 79BA of the *Environmental Planning and Assessment Act 1979* states that development carried out on bush fire prone land must comply with *Planning for Bush Fire Protection 2006* (or as amended), prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, and *Australian Standard 3959: Construction of Buildings in Bush Fire Prone Areas*.

Some types of development on bush fire prone land will need to be referred to the NSW Rural Fire Service. Where a bush fire safety authority is required in accordance with section 100B of the *Rural Fires Act 1997* the development is classified as “integrated development.” Examples of such development include subdivision where lots created could be lawfully used for residential or rural residential purposes; and development for special fire protection purposes such as a school, child care centre, a hospital, tourist accommodation and seniors housing.

#### **Objectives**

- a. Minimise risk to life and property from bush fire attack through provision of adequate water supplies, defensible space, asset protection zones, safe access and egress and appropriate construction standards.
- b. Ensure development satisfies statutory requirements for development within bush fire prone areas.

### **Controls**

1. Development on land that is mapped as being bush fire prone must satisfy the requirements of *Planning for Bush Fire Protection 2006* (or as amended).
2. Development on land that is mapped as being bush fire prone must satisfy the requirements of *Australian Standard 3959: Construction of Buildings in Bush Fire Prone Areas*.

**Note: Council may refer development applications to the NSW Rural Fire Service for comment. This will occur under section 79BA where the development application does not comply with the Planning for Bush Fire Protection (2006) or under section 100B where the development is classified as ‘integrated development’.**

**For further information refer to NSW Rural Fire Service Community Resilience Fast Facts 5/07 Western NSW District and 1/12 Application of Section 100B.**

## **10.2 CONTAMINATED LAND**

Past activities carried out on a property can result in contamination of the land by chemicals, which presents a risk to human health and the environment. Some common activities that may lead to contamination include service stations, underground fuel storage tanks, dry cleaners, sheep and cattle dips and scrap yards to name a few.

Where it is known or suspected that a development site or adjoining land is contaminated, Council refers to *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55) and *Managing Land Contamination: Planning Guidelines* (published in 1998 by the Department of Urban Affairs and Planning and the EPA).

In accordance with SEPP 55 and the associated guidelines, Council may ask an applicant to provide a “preliminary investigation” of the land. In certain circumstances a “detailed investigation” may then be required. In some cases where land contamination is identified, remediation of the land may be necessary. The matter of contaminated land is particularly important where a change of use to a residential, educational, recreational, child care or health care service is proposed.

**Note: Where it is known or suspected that a development site or adjoining land is contaminated, Council may request further investigations to be undertaken by a suitably qualified professional. For more information contact Council’s Environmental Services Section.**

### 10.3 FLOOD LIABLE LAND

This section applies flood liable land, including both the floodplain and floodway. Figure 10-1 is an indicative map of the flood planning area. Applicants must seek the advice of Council to determine whether a particular parcel of land is subject to flooding.

The following key definitions are taken from the *Floodplain Development Manual 2005*, prepared by the Department of Infrastructure, Planning and Natural Resources.

**Floodplain:** Area of land which is subject to inundation by floods up to and including the probable maximum flood event, that is, flood prone land.

**Floodway:** Areas of the floodplain where a significant discharge of water occurs during floods. They are often aligned with naturally defined channels. Floodways are areas that, even if partially blocked, would cause a significant redistribution of flood flow, or a significant increase in flood levels.

**Flood Planning Level:** The combination of historical flood event levels plus freeboard selected for floodplain risk management. Generally the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metres freeboard.

**Probable Maximum Flood:** the largest flood that could conceivably occur at a particular location, usually estimated from probable maximum precipitation coupled with the worst flood producing catchment conditions.

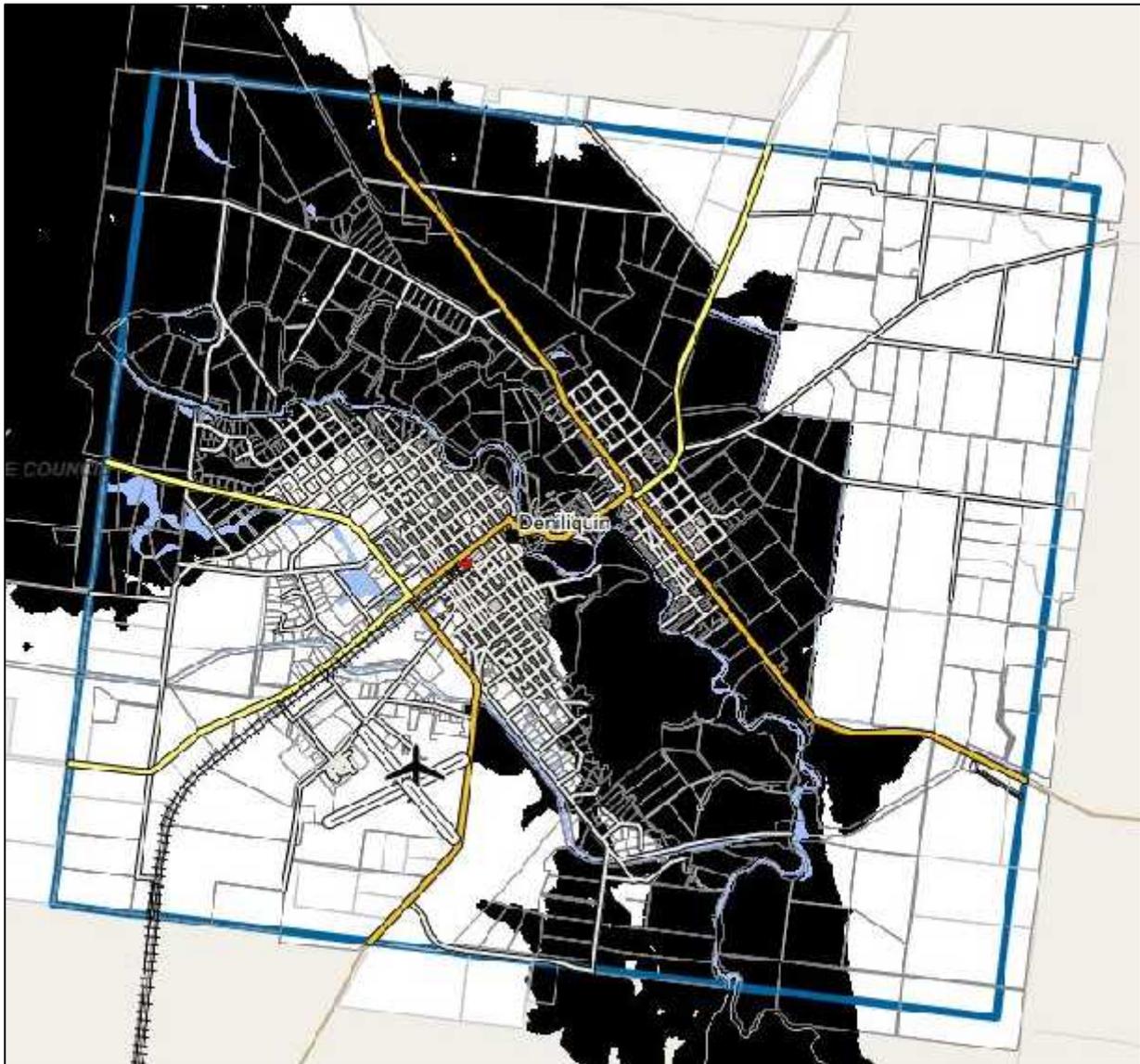


Figure 10-1 Indicative Map of Flood Planning Area

### **Objectives**

- a. Minimise the risk to public safety.
- b. Minimise the cost of flood damage.
- c. Ensure that the nature of development and the construction are compatible with the flood hazard.
- d. Ensure development is undertaken in accordance with the Flood Plain Development Manual 2005.

### **Controls**

Controls for development on flood liable land are listed in Table 10-1 below.

Table 10-1 Development Controls for Flood Prone Land

FLOODWAY	FLOODPLAIN
<b>RESIDENTIAL AND RURAL ZONES</b>	
<b>R1, R5 &amp; RU1 (LEP 2013)</b>	
<b>1(a) General Rural &amp; 2 Urban (“Deferred Matter” LEP 1997)</b>	
<ol style="list-style-type: none"> <li>1. The finished floor level must be in accordance with Council’s Policy 5.9 Flood Planning Levels.</li> <li>1. A building in a flood hazard area must be designed and constructed, to the degree necessary, to resist flotation, collapse or significant permanent movement resulting from the action of hydrostatic, hydrodynamic, erosion and scour, wind and other actions during the defined flood event.</li> <li>2. Structures must be orientated on the site and constructed in a manner to minimise the impact on the floodway.</li> <li>3. Materials and design used for structures, including fences, must not impede the flow of flood water.</li> <li>4. An engineers report is required for any new residential structure (for example dwellings, units, motels, aged care etc), certifying that the structure can withstand the forces of floodwater, debris and buoyancy up to and including the probable maximum flood.</li> <li>5. An application for development within the floodway must address clause 6.2 of the LEP 2013 or clause 21 of the LEP 1997 for the Davidson Street area identified as “Deferred Matter”.</li> <li>6. Safe path of travel for residential accommodation, at the same</li> </ol>	<ol style="list-style-type: none"> <li>2. The finished floor level must be in accordance with Council’s Policy 5.9 Flood Planning Levels.</li> <li>3. Safe path of travel, at the same height as the adjoining road network, must be provided for pedestrians and/or vehicles at a height that is equivalent to the adjoining road network.</li> <li>4. An application for development within the floodplain must address clause 6.2 of the LEP 2013 or clause 21 of the LEP 1997 for the Davidson Street area identified as “Deferred Matter”.</li> </ol>

FLOODWAY	FLOODPLAIN
<p>height as the adjoining road network, must be provided for pedestrians and/or vehicles at a height that is equivalent to the adjoining road network.</p>	
<p><b>COMMERCIAL, INFRASTRUCTURE AND INDUSTRIAL ZONES</b>  <b>B2, B6, IN1 &amp; SP2 (LEP 2013)</b>  <b>1(a) General Rural &amp; 2 Urban (“Deferred Matter” LEP 1997)</b></p>	
<ol style="list-style-type: none"> <li>1. The finished floor level must be in accordance with Council’s Policy 5.9 Flood Planning Levels.</li> <li>2. Preparation of a Flood Risk Management Plan for the property in consultation with the SES.</li> <li>3. Construction must satisfy the requirements of the Australian Building Codes Board’s <i>Construction of Buildings in Flood Hazard Areas: Standard</i>.</li> <li>4. Buildings to be orientated and constructed to minimise the impact on the floodway.</li> <li>5. No alteration to existing ground levels through filling or other earthworks except for the purpose of laying foundations.</li> <li>6. Chemicals and materials to be stored above the flood planning level.</li> <li>7. An engineers report is required for any new residential structure (ie dwellings, units, motels, aged care etc), certifying that the structure can withstand the forces of floodwater, debris and</li> </ol>	<ol style="list-style-type: none"> <li>1. The finished floor level must be in accordance with Council’s Policy 5.9 Flood Planning Levels.</li> <li>2. Preparation of a Flood Risk Management Plan for the property in consultation with the SES.</li> <li>3. Safe path of travel, at the same height as the adjoining road network, must be provided for pedestrians and/or vehicles at a height that is equivalent to the adjoining road network.</li> <li>4. Construction must satisfy the requirements of the Australian Building Codes Board’s <i>Construction of Buildings in Flood Hazard Areas: Standard</i>.</li> <li>5. An application for development within the floodplain must address clause 6.2 of the LEP 2013 or clause 21 of the LEP 1997 for the Davidson Street area identified as “Deferred Matter”.</li> </ol>

FLOODWAY	FLOODPLAIN
<p>buoyancy up to and including the probable maximum flood.</p> <p>8. An application for development within the floodway must address clause 6.2 of the LEP 2013 or clause 21 of the LEP 1997 for the Davidson Street area identified as “Deferred Matter”.</p>	
<p><b>OPEN SPACE, WATERWAYS AND ENVIRONMENTAL ZONES</b>  <b>RE1, RE2, E1, E3, W1 &amp; W2 (LEP 2013)</b></p>	
<ol style="list-style-type: none"> <li>1. The finished floor level must be in accordance with Council’s Policy 5.9 Flood Planning Levels.</li> <li>2. Preparation of a Flood Risk Management Plan for the property in consultation with the SES.</li> <li>3. Construction must satisfy the requirements of the Australian Building Codes Board’s <i>Construction of Buildings in Flood Hazard Areas: Standard</i>.</li> <li>4. Buildings to be orientated and constructed to minimise the impact on the floodway.</li> <li>5. No alteration to existing ground levels through filling or other earthworks except for the purpose of laying foundations.</li> <li>6. An engineers report is required for any new residential structure (for example dwellings, units, motels, aged care etc), certifying that the structure can withstand the forces of floodwater, debris and buoyancy up to and including the probable maximum flood.</li> </ol>	<ol style="list-style-type: none"> <li>1. Flood planning levels for floor levels of habitable rooms in accordance with Council policy.</li> <li>2. Preparation of a Flood Risk Management Plan for the property in consultation with the SES.</li> <li>3. Safe path of travel, at the same height as the adjoining road network, must be provided for pedestrians and/or vehicles at a height that is equivalent to the adjoining road network.</li> <li>4. Construction must satisfy the requirements of the Australian Building Codes Board’s <i>Construction of Buildings in Flood Hazard Areas: Standard</i>.</li> <li>5. An application for development within the floodplain must address clause 6.2 of the LEP 2013 or clause 21 of the LEP 1997 for the Davidson Street area identified as “Deferred Matter”.</li> </ol>

FLOODWAY	FLOODPLAIN
<p>7. An application for development within the floodway must address clause 6.2 of the LEP 2013 or clause 21 of the LEP 1997 for the Davidson Street area identified as “Deferred Matter”.</p> <p>8. Safe path of travel for residential accommodation, at the same height as the adjoining road network, must be provided for pedestrians and/or vehicles at a height that is equivalent to the adjoining road network.</p>	

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# 11 HERITAGE CONSERVATION

## 11.1 INTRODUCTION

### 11.1.1 *Where This Section Applies*

This Development Control Plan applies to the land described as Conservation Area within Deniliquin, as shown in Figure 11-1, and Items of Environmental Heritage listed in Schedule 5 Heritage Items in the LEP 2013.

Where consent is required for development on land within a Conservation Area or upon which an Item of Environmental Heritage stands or upon land within the vicinity of an Item of Environmental Heritage, the development application will be assessed on its ability to meet:

- The zone objectives and provisions of the applicable LEP.
- *Environmental Planning and Assessment Act 1979*, including the provisions of Section 79C.
- The provisions of the *Murray Regional Environmental Plan No 2—Riverine Land*.
- Any other applicable State Environmental Planning Policies.
- Relevant objectives and controls in this DCP.
- Council policies (refer to Chapter 1 Section 1.8).
- Council’s Development Manual.

**NOTE: It is important that development complies with all relevant Chapters of this DCP. Applicants should check each Chapter and address all relevant controls.**

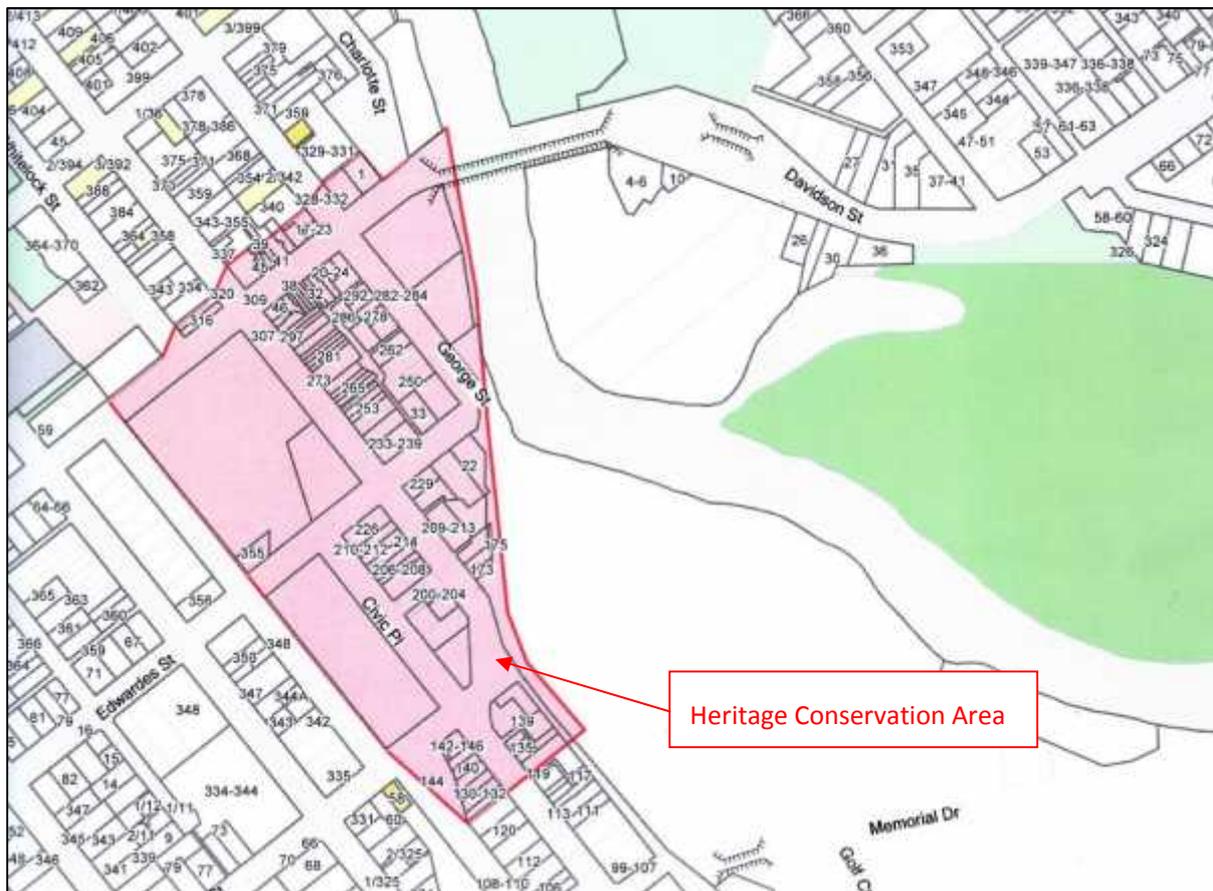


Figure 11-1 Deniliquin Heritage Conservation Area

### **11.1.2 Aims and Objectives**

Heritage items, conservation areas and archaeological sites individually and collectively have profound importance as valuable links to the past. They provide a source of community identity, evidence of evolution of society's values, impetus and inspiration for new ideas and revival of the old.

This section aims to ensure that all new development involving heritage items and buildings within the heritage conservation area are designed and built in a way that will maintain and enhance their heritage significance.

This section provides design guidelines for buildings and lists streetscape elements that should be considered when planning new development.

The key objectives of this section of the DCP are:

- a. To assist in achieving the heritage conservation objectives and provisions within the local environmental plan.
- b. To ensure that new development is sympathetic in terms of form, scale, bulk, fabric, colours and textures without mimicking heritage style.
- c. To provide controls for the development of land in the vicinity of heritage items and the Conservation Area.
- d. To define types of work that would need a development application and the nature of the information that must be submitted with applications.
- e. To provide standards for the management, maintenance and conservation of heritage items.

### **11.1.3 State Heritage Items**

A listing on the State Heritage Register indicates that the heritage item:

- Is of particular importance to the people of NSW and enriches our understanding of our history and identity;
- Is legally protected as a heritage item under the NSW Heritage Act; and
- Requires approval from the Heritage Council of NSW for modification.

The State Heritage Register is a list of places and objects of particular importance to the people of NSW. The register lists a diverse range of over 1,500 items, in both public and private ownership. To be listed, an item must be significant for the whole of NSW.

State heritage items are assessed by both local Council and the NSW Heritage Office. The current LEP lists all the state listed heritage items in the Deniliquin Local Government Area.

### **11.1.4 Local Heritage Items**

Local heritage items are listed in Schedule 5 of LEP 2013. Heritage items can be buildings, works, trees, places, archaeological relics of Aboriginal objects. All heritage items are valued for their particular value

or heritage significance. Maintaining heritage items is the most practical way to protect significance and history of a building, work, relic, or place.

Demolition of a heritage item is generally not supported. Contact the Council to arrange a meeting with the Heritage Advisor if you are considering the demolition of a heritage item.

### **11.1.5 Heritage Conservation Areas**

The Deniliquin Heritage Conservation Area comprises the early town centre. Buildings are from the Victorian, Edwardian and Inter-War periods. Whilst some shopfronts have been altered, most characteristic buildings retain period detailing especially above awning level. Original verandahs have been removed from some buildings. Important for future proposals are sympathetic faced treatments, signs and colour schemes. APPENDIX 1: heritage conservation area character statement provides a character statement for the Heritage Conservation Area.

### **11.1.6 Information for Heritage Applicants**

- Sound Advice

It is advisable, and often necessary to obtain professional advice from experienced people such as heritage architects, engineers and heritage advisors.

The NSW Heritage Office maintains a list of consultants who specialise in heritage work which can be obtained from their website or Council. Council also has a free Heritage Advisory Service to assist with preliminary advice.

- When is a Development Application Required?

Council should be consulted before carrying out any changes to buildings or sites which:

- Are listed as heritage items;
- Are in a Conservation Area; or
- Are in the vicinity of heritage items or Conservation Areas.

Development applications will generally be required for proposals which:

- Potentially impact upon the heritage significance of a heritage item; or
- Involve development or use of a component of a Conservation Area which has the potential, in the opinion of Council, to adversely affect that component and/or the character of the Conservation Area.

- Conservation Area Development

New development, additions and alterations are those proposals which have the potential to significantly affect the heritage significance of an item or the character of a Conservation Area. These changes therefore require submission of a development application with sufficient supporting information to allow full and proper assessment of potential impacts.

Included in the submission shall be a Statement of Heritage Impact detailing the heritage significance of the item and explanation of the extent and nature of the work.

- Conservation Area Demolitions

*Prior to any demolition work commencing you must consult with Council.*

Demolition of components of Conservation Areas can significantly affect the appearance of local streets and, over time, change those attributes which give each area its own special character.

Components of a Conservation Area, while not individually listed items, can have a collective significance. Loss of any one of them can erode the significance of the Conservation Area as a whole.

A development application is generally required for partial or total demolition of any building or work in a Conservation Area.

Included in the submission shall be a Statement of Heritage Impact detailing the heritage significance of the item and providing evidence that all options for retention and adaptive reuse have been explored.

### **11.1.7 Potential Heritage Items**

The NSW Heritage Act defines 50 years as the age for potential relics. A property / building that has no heritage status in the local environmental plan, but is considered to have potential for listing will be assessed by Councils Heritage Advisor. The Heritage Advisor will assess its heritage significance and if deemed that it is an item of significance it will be considered under the heritage provisions of this DCP.

## **11.2 DEVELOPMENT CONTROLS RELATED TO HERITAGE ITEMS**

### **11.2.1 Introduction**

Maintaining heritage items is the most practical way to protect the significance and history of a building, work, relic or place. Common maintenance tasks are:

- Ensure roofs are secure and without gaps or broken tiles that will allow water penetration.
- Keep trees and branches pruned and clear of roofs and walls.
- Ensure roof and site drainage systems are operating efficiently, check condition of gutters, drainpipes and drains regularly and keep clear of debris.
- Regular monitoring of walls and cladding for structural soundness and protection from water, wind, dust and vermin.
- Weed and prune plants, and repair significant garden structures.
- Regularly check and repair broken fencing.
- Maintain adequate under floor ventilation.

Demolition of heritage items is generally not supported. Contact the Council to arrange a meeting with the Heritage Advisor if you are considering demolition of a heritage item.

### **11.2.2 Alterations and Additions to Heritage Items**

Undertaking alteration and additions to a heritage item is very important and should be carried out in such a manner that respects the significance of the building. A sympathetic alteration or addition will blend in with the building and the following principles should be given particular attention when considering alterations and additions to heritage items.

#### **Objectives**

- a. Protect heritage significance by minimising impacts on the significant elements of heritage items.
- b. Encourage alterations and additions which are sympathetic to the building's significant features and which will not compromise heritage significance.
- c. Ensure that alterations and additions respect the scale, form and massing of the existing building.

#### **Controls**

1. Avoid changes to the front elevation - locate new work to the rear of, or behind the original building section.
2. Design new work to respect the scale, form, massing and style of the existing building, and not visually dominate the original building.
3. The original roof line or characteristic roof elements are to remain identifiable and not be dwarfed by the new works.
4. Retain chimneys and significant roof elements such as gables and finials where present.
5. Ensure that the new work is recognisable as new, 'blending in' with the original building without unnecessarily mimicking or copying.
6. Complement the details and materials of the original roof including ridge height and slopes without compromising the ability to interpret the original form.
7. New materials are to be compatible with the existing finishes. Materials can differentiate new work from original building sections where appropriate, for example by the use of weatherboards where the original building is brick or by the use of "transitional" materials between old and new.
8. Retain front verandahs. Reinstating verandahs, and removing intrusive changes is encouraged, particularly where there is physical and/ or historic evidence.

### **11.2.3 Adaptive Reuse of Heritage Items**

Maintaining the original use of a building is desirable as it usually achieves the retention of the original floor plan of the building and decorative features such as fireplaces, chimneys, ceiling roses and cornices. The continuation of an original use of a building also enhances its heritage significance.

It is not always possible, however, to retain the original use of a building due to changes in technology and changes in market / social trends. Changing the use of a heritage item may be acceptable on heritage grounds in many cases, provided the use is compatible and the heritage significance of the item is not adversely affected. The Burra Charter defines compatible use as 'a use which involves no change to the culturally significant fabric, changes which are substantially reversible, or changes which require minimal impact'.

Each new use will inevitably bring change to the fabric of the place. When considering new uses it is important to try and ascertain what the likely impact of a proposed use will be. Will the changes affect the significance of the place? Will they be minor or reversible? If the original use of a place becomes redundant, finding another similar use may help in retaining the place's significance. Sometimes a continuing historical use is the reason why a place is considered important, and continuing that use is essential. There is a danger that gradual cumulative changes will reduce the ability to interpret significant aspects of the building. Very different uses (such as commercial uses in a former dwelling) may require significant changes to the building fabric, because of the need for amenities, or perhaps fire-rating of walls and ceilings. It is important to alter as few original features and/or materials as possible when changing the use of a building.

Adaptive reuse of heritage buildings can provide the necessary viability for the continued use and maintenance of heritage buildings. Accommodating the new use should involve minimal change to significant fabric in order to protect heritage significance. Elements or artefacts from the original use (where present) may be required to be retained to assist interpretation. For example, retaining machinery insitu and the like.

#### **Objectives**

- a. Encourage heritage items to be used for purposes appropriate to their heritage significance.
- b. To avoid facadism i.e. to avoid gutting the building and retaining only façade;
- c. To ensure that new work is not a poor imitation of the original historical style of the building;
- d. To propose a new use for the building that is compatible with its original use.

#### **Controls**

1. The adaptive reuse of a heritage item should minimise alterations or interference with significant fabric. The changes are to enable the continued interpretation of the original use.

2. Ensure that new services are sympathetically installed especially where upgrading is required to satisfy fire or Building Code of Australia requirements.

#### **11.2.4 Development in the Vicinity of Heritage Items**

In addition to the requirements of the Deniliquin Local Environmental Plan 2013 and matters raised previously, determining whether a property is within the setting of a heritage item is a necessary component of the site analysis for the development proposal. The analysis should consider historical property boundaries, significant vegetation and landscaping, archaeological features and significant view. The following principles should be given particular attention when considering new development in the vicinity of heritage items.

##### **Objectives**

- a. To ensure that new buildings provide a setting for the adjoining heritage item, so that its historical context and heritage significance are maintained.
- b. Encourage development in the vicinity of a heritage item to be designed and sited to protect the significance of the heritage item.

##### **Controls**

1. Providing an adequate area around the heritage item to allow its interpretation and respecting the views to and from the heritage item.
2. Development in the vicinity of listed heritage items shall respect and complement the built form character of those items in terms of scale, setback, siting, external materials, finishes and colour.
3. New development shall have regard to the established siting patterns of the locality.
4. New development should generally be set back from the line of the adjoining or adjacent heritage item.
5. The sensitive selection of materials, colours and finishes is important in terms of achieving compatibility with the heritage items.
6. Height and scale of new buildings shall not obscure or dominate an adjoining or adjacent heritage item.
7. Development in the vicinity of a heritage item may be contemporary in design, however discussion with Council's Heritage Advisor is recommended prior to preparing a Development Application.

### **11.2.5 Demolition**

The demolition of heritage items or contributory buildings within a heritage Conservation Area is contrary to the intent of the heritage listing and should be treated as a last resort.

In assessing an application for the demolition of a heritage item or a contributory building, Council will consider:

- The heritage significance of the item or the Building;
- The structural condition;
- Comparative analysis of options; and
- The contribution the item or building makes to the streetscape.

If the structural capability of the building is in question, Council may request the submission of a report by a structural engineer with heritage experience to determine whether or not the building is structurally capable of reasonable and economic use. For heritage items that appear on the State Heritage Register, the application will be referred to the NSW Heritage Office.

Where demolition of a heritage item or a contributory building within a Heritage Conservation Area is approved it will generally be a conditional upon the submission of a Statement of Heritage Impact and further an archival record of the building and site. This must be prepared in accordance with the guidelines produced jointly by the NSW Heritage Office titled "Statements of Heritage Impact" and "How to Prepare Archival Recordings for Heritage Items".

For Archival recordings, photographs should be submitted and keyed to a plan of the building(s). In some cases, particularly where the building is of regional significance, measured drawings will also be required. These should illustrate all elevations of the building(s) and the site, plans and sections and details of decorative features of the building(s).

#### ***Mandatory Requirements***

- Except where a building presents an immediate threat to public safety, the total demolition of a building shall not be permitted unless an application for a replacement building within a garden setting is approved. Where a development proposal is not an improvement over the original building, then there are no grounds for replacing the original building.
- Where in the opinion of the Council, neglect of a building has contributed to the building becoming structurally unsound so as to necessitate total demolition, redevelopment of the site shall not exceed the gross floor area of the building. Additions to a replacement building shall not be permitted within 3 years of completion of the replacement building.
- The partial demolition of original external building fabric of buildings shall only be permitted in the context of permitted alteration or additions.
- Demolition of a building may be carried out no earlier than 6 weeks prior to the commencement of construction of an approved replacement building.
- Alteration to, or demolition of, internal building fabric of buildings may be permitted provided the external building fabric of the building is not adversely affected.

Total demolition of existing pre-1950 buildings shall not be permitted unless:

- The building is so structurally unsound as to be beyond reasonable economic repair. The application must include a professional structural assessment in support of demolition; or

- The existing condition poses a significant health or safety risk that is beyond reasonable economic repair. The application must include a professional structural or health assessment in support of demolition; or
- In the opinion of Council, the integrity of the built form and street elevations of an original building has been extensively and irreversibly diminished by unsympathetic alterations and additions and any replacement development conforms to this plan.

## **11.3 DEVELOPMENT CONTROLS FOR CBD**

### **11.3.1 Introduction**

The B2 Local Centre zone comprises the town centre in Cressy and Napier Streets. Buildings are from the Victorian, Edwardian and Inter War periods. While many shopfronts have been altered, most characteristic buildings retain period detailing above awning level. Many original verandahs remain, however some have been removed from buildings.

### **11.3.2 Commercial Development**

Commercial buildings should be in moderate conformity with historic buildings in the heritage conservation area. Detailing of windows, doors, clock towers, parapets etc. should be to maximise the three dimensional effect.

#### **Plan for street frontage depth and scale.**

- Some flatness can be reduced by staggering parts of the facade, and dividing it with vertical elements that have separate finish to the rest of the frontage. This breaks up the facade into separate shopfronts. These divisions should be based on the existing shop subdivision pattern in the conservation area.
- Architectural style should be dignified, restrained and respectful of the traditional buildings in the conservation area. Conservation areas are not places for loud statements, but for careful and consistent detailing. Height may be increased at landmark corners but should be in scale with historical examples.
- Windows should be in similar vertical proportions as historical examples. Expressed mouldings around windows will improve impression of depth. Provide depth to shopfront window reveals and entrances by recessing shop doors.
- Parapet returns should have flanking walls, so that parapets do not appear thin (this is a Federation period architectural device). Provide brick detail to break up massing and assist visually, e.g. string course to shop parapets and wall facing to shopfront sill height (approx 450mm above footpath). Accentuate facade divisions with a pattern of vertical walls, clad in a different material (such as brick or stone). Provide a continuous pattern of individual shopfronts and awnings along streets, rather than interrupting shopfronts with driveway entrances into the mall.

Heritage related development applications need detailed annotation of the elevations. These should show all proposed materials, finishes, profiles and colours. This exceeds what might often be lodged for

other commercial development applications. Signage details, with a graphic mock up by a sign-writer should form part of the submission.

### **Objectives**

- a. To ensure that commercial development achieves a sympathetic relationship with the conservation area of which it is a part in terms of its scale, massing, character, setback, orientation, materials and detailing.
- b. To ensure that commercial development respects the established streetscape, and the patterns of development, including setbacks, siting, landscape settings, car parking, height, dominant ridge line and building envelope by displaying architectural “good manners” and respecting the significant characteristics of nearby and adjoining development.

### **Controls**

1. Commercial can be contemporary in design however, the scale, form and detail must not detract from the scale, form, unity, cohesion and predominant character of buildings and development (i.e. streetscape/landscape elements) around it.
2. Commercial development in the vicinity of a heritage item must respect the visual curtilage of that item.
3. Commercial development must not visually dominate, compete with or be incompatible with the scale (size, height and bulk) of existing buildings either on the site or in the vicinity of the proposal.
4. Commercial development must be sited to correspond with the existing pattern of relationships between buildings and their sites. Front boundary setbacks are to be equivalent to those of neighbouring buildings. Side setbacks must be consistent with existing patterns.
5. Commercial design is to be integrated into the established character of the area and, in particular, of heritage buildings, incorporating basic design elements such as the characteristic roof form and massing of the original development, proportions of windows, doors and verandahs.
6. Commercial design must not visually dominate, compete with or be incompatible with the form of existing buildings of heritage significance, either on the site or in the vicinity of heritage items.
7. New development must be in moderate conformity (repeat the scale, roof pitch, materials, colours and architectural treatments without poor mimicry) with the best examples of historic buildings in the locality.

### **11.3.3 Building Characteristics & Elements**

The significant features and elements of building within the conservation area / commercial precinct are often reflected in shopfronts, verandahs, door entrances, brickwork and upper facade detailing. Important considerations for future development proposals are sympathetic facade treatments, signs and colour schemes. The following requirements for alterations and additions, and colour schemes for buildings in the commercial precinct should guide future applications.

#### **Objectives**

- a. Retain evidence, including layout, of original shopfronts.
- b. Encourage reinstatement of traditional features and sympathetic new work.
- c. Encourage reinstatement of front verandahs and awnings based on historic information (drawings, photographs) and/ or interpretation of period details.
- d. Encourage use of traditional colour schemes based on the period of the building.
- e. Encourage signs that complement, rather than dominate, the architectural characteristics of the building.
- f. Discourage proliferation of signs on buildings.

#### **Controls**

1. Retain characteristic buildings from significant periods of development for the conservation area.
2. Buildings are to be retained and demolition will not be considered unless the applicant can demonstrate that the building or structure is not a characteristic building, is of little heritage significance or is structurally unsound or beyond repair.
3. Original features and materials of characteristic buildings are to be retained. Reinstating features that have been removed is encouraged. This includes verandahs, decorative joinery, doors, windows and leadlights. The use of cladding (vinyl, metal, over timber weatherboards and brick work is not supported).
4. Changes that remove or obscure characteristic features are not supported. This includes enclosing open verandahs, removing decorative features, replacing timber windows and doors with aluminium or other materials, rendering or painting face brick and removing chimneys that are visible from the street.

### **11.3.4 Alterations, Additions & Infill Development**

The quality and style of alterations, additions and new development in the commercial precincts within the conservation area is of great importance as they will have a significant impact on the streetscape and the works should take into account the following issues.

In commercial areas, it is the consistency of parapets which make a significant contribution to the architectural character of the streetscape and conservation area.

#### **Objectives**

- a. To ensure that new development in the conservation areas maintain the heritage significance of the area and minimise its impact on the streetscape.
- b. Retain buildings and features that are characteristic of the conservation area, and encourage reinstatement of these features where they have been removed.
- c. Encourage new buildings to respond positively to the character of adjoining and nearby buildings.
- d. Ensure that new work is sympathetic to the bulk, mass and scale of characteristic buildings in the conservation area.
- e. Encourage infill development or the replacement of uncharacteristic buildings to reflect the historic character of the precinct and nearby characteristic buildings.
- f. Encourage the service elements (solar panels, solar heating, antennas, satellite dishes and air conditioning units) to be placed to the rear of the properties, preferably not visible from the street.

#### **Controls**

##### **Facade Treatment**

1. Retain original elements and features, including features that are above awning level.
2. Where original shopfronts, verandahs or awnings have been altered, the replacement is to be based on historic information and/or the interpretation of period details.
3. Infilling original verandahs is not supported.
4. Additional storeys can be considered if set well behind the front building line and designed to not impact detrimentally on the contribution of the original facade to the streetscape.
5. Service elements (solar panels, solar heating, antennas, satellite dishes and air conditioning units) to be placed to the rear of the properties, preferably not visible from the street, or on rear outbuildings.

6. Rendering or painting face brick is generally not supported.

#### **Infill Development**

7. Design infill and replacement buildings to reflect the general historic character of the precinct and nearby characteristic and heritage buildings.
8. Maintain a two storey building height at the street frontage, constructed with a nil setback.
9. Where sites are amalgamated use articulation to reflect the former subdivision pattern.
10. Maintain a balance of solid area over void. Large areas of plate glass curtain walls are generally not suitable and will not be supported.
11. Use awnings and verandahs to reduce the bulk and scale of buildings.
12. Use of articulation in facades such as string courses, cornices, pilasters and other features that break up the scale of facades is encouraged.
13. Painting of facades in corporate colours is not supported and corporate identify should be established through appropriate signage.

#### **Building Heights**

14. The height of buildings shall reinforce the desired scale and character of the area.

#### **Services**

15. Service structures, plant and equipment should be an integral part of the development and shall be suitably screened.

#### **Roof Form, Parapet and Silhouettes**

16. Where the prevailing pattern of roof forms assists in establishing the character of a townscape, new roof forms shall seek to be compatible with the shape, pitch, and materials of adjacent buildings.
17. Parapet heights and articulation shall be compatible with earlier surrounding buildings.
18. Lightweight materials such as ribbed coloured metals shall not be used on vertical wall or parapet surfaces.
19. New verandahs shall be based on design principles of traditional verandahs with sloping roofs galvanized iron and regularly spaced columns.

### **Design of Car Parking Areas**

20. Car parking areas shall be located at the rear of buildings in the conservation area.
21. Provide landscaping where practicable to shade parked vehicles and screen them from public view.
22. Provide for access off minor streets, and for the screening from public view of such car parking areas from surrounding public spaces and areas.

### **On-site Loading and Unloading**

23. Facilities for the loading and unloading of service vehicles shall be suitably screened from public view.

### **11.3.5 Shopfronts**

The quality and style of shopfronts is of great importance as they reflect the quality and style of significant architectural buildings, and enhance the character and interest of footways for pedestrians.

Early shopfronts not only provide a great sense of quality to the shop through their distinctiveness, they also enhance display areas for merchandise.

Retaining original shopfronts is particularly important as they are usually complimentary to the other architectural features of the building where one's appreciation of the street is primarily at eye level

The reinstatement of shopfronts in keeping with original building design is encouraged.

Modern shopfronts of large glazing set in an aluminium frame are considered to contribute little to the architectural character of the street front.

The modern tendency to build along the front wall finish without recessed entries also produces a uniform and uninteresting footpath space and does not highlight the entrance to the shop.

#### **Objectives**

- a. To retain shopfronts which contribute to the heritage significance of the building and surrounding area.
- b. Where the original shopfront has been removed and replaced by an unsympathetic alteration, the reinstatement of earlier styles of shopfront in harmony with the overall building character is desirable.
- c. To ensure that new shopfronts complement the significance and character of the existing building and surrounding area.

#### **Controls**

1. Original shopfronts should be retained.

2. To ensure that new shopfronts complement the significance and character of the existing building and surrounding area.

### **11.3.6 Colour Schemes**

Repainting of buildings should occur as part of general maintenance. Colour schemes that are in keeping with the period of the building will enhance its character and the surrounding area.

Painting in a colour scheme suited to the age of a building can be well researched using a number of resources.

These include:

- Paint scrapes in areas, which have not been overly exposed to reveal previous colours used.
- Old black and white photographs which show shades on different elements of the building.
- An understanding of traditional colour schemes, which can be obtained by referring to books written about the subject.

It is not usually necessary to repeat the use of original colours, but research is often helpful to understand how different areas were treated.

Paint manufacturers have developed heritage colour ranges, which are useful when deciding on suitable period colours. A sample of a heritage colour range is in APPENDIX 2 of this Chapter.

**Note: External painting in colours that complies with the heritage colour palette below should not require a development application, provided that Council is notified of the proposal and considers that the scheme does not reduce heritage values. Other colour proposals may require a referral to the Council Heritage Advisor.**

#### **Objectives**

- a. To encourage the use of colours in a traditional way with base colours and highlights to appropriate elements.
- b. To undertake colour schemes, which complement the style of the building, will enhance the character of the surrounding area.
- c. To control the dominant use of bright corporate colours on building facades, which is generally inconsistent with maintaining the heritage character and significance of a building and/or Conservation Area.
- d. To give direction for well-placed and proportioned signage that can provide the clear information needed for effective street presence of a business.

#### **Controls**

1. Colour schemes are to reflect the period and detail of the building, particularly where it is a heritage item, or is a building identified as a streetscape reference building which contributes to the character of the commercial precinct / conservation area.

### **11.3.7 Signage**

Signage is very important to the visual quality of a streetscape and many of today's corporate signage has the potential to impact on the conservation area. To improve the overall appearance by controlling the number, placement and arrangement of signs in the conservation area, the following requirements will ensure the external advertising is sympathetic and respects the heritage significance of the area.

#### **Objectives**

- a. To ensure that signage respects and enhances the amenity of the area.
- b. Architectural research can reveal old and original signage through historic photo collections and Main Street Studies available at Council, Library and Historical Society.
- c. The Deniliquin Main Street Project report may provide early photographs which can be used as a reference to identify suitable locations for new signs.
- d. Early original signage has cultural value and should be retained.

#### **Controls**

##### **New Signs**

1. The scale, type, design, location, materials, colour, style and illumination of any sign shall be compatible with the design and character of the buildings and should not intrude on the visual qualities of the townscape.
2. The architectural characteristics of the building shall always dominate.

##### **Above Awning Signs**

1. Simple in design and avoid a proliferation of advertising which can be confusing and detract from the building and conservation area.
3. Locate flush with the wall surface.
4. The use of fluorescent or internally illuminated is strongly discouraged.
5. Signs adjacent to heritage items or older buildings in Conservation Areas shall be designed and located sympathetically.

#### **Colour**

6. Colours shall be sympathetic to the surrounding area and be related to the colours of the building.
7. The use of entire glazed shopfronts for temporary notices is not considered appropriate, nor is the use of temporary fluorescent signwriting.
8. The use of bright corporate colours and sign designs which are not related to the architecture or character of the area and building are not considered appropriate.

### Lettering Styles

9. Traditional styles of lettering can be interpreted for modern buildings such as the use of raised lettering or traditional styles such as Clarendon, Ionic, Tuscan, Modern and Fat.

### **11.3.8 Accessibility**

Providing access to building for people with disabilities is required under the Disability Discrimination Act 1992. Heritage places are no exception, however, there is also a need to conserve these places and not alter them in a way which will impact on their heritage significance.

Historic buildings will generally require solutions specific to that site, however, there are a number of principles which, if applied, can assist in developing effective solutions. "Improving Access to Heritage Buildings, A Practical Guide to Meeting the Needs of People with Disabilities" is a useful and practical booklet, regarding accessibility issues, published by the Australian Heritage Commission and the NSW National Trust.

Some suggested access principles and solutions for effective accessibility follow a thorough approach to improving access to heritage buildings includes the following steps:

- Identify the heritage value or significance of the place, specifically those parts which have the greatest significance. This can be determined through developing a Conservation Plan, obtaining details on the property from local council, the State Heritage Office or National Trust of NSW, or seeking advice from a conservation professional.
- Undertake an access audit to determine existing and required levels of accessibility.

Modifications should generally incorporate the following:

- Making the main or principle public entrance and public spaces accessible including a path to the entrance.
- Providing accessible toilets.
- Providing access to goods, services and programs.
- Creating access to other amenities and secondary spaces.

Solutions should:

- Be sympathetic and, where possible, reversible.
- New work should be evident on close inspection.

- In considering what is sympathetic, matters such as general form, materials, finish, compatibility with architectural details of the original design are guiding principles.
- Comply with Australian Standards – particularly AS 1428.1

Some suggested approaches to accessibility / heritage issues are as follows:

#### **Access to the principle entry**

- The principle entry needs to be defined, it may not always be the “front door”, but the entry which most people will use.
- It can be acceptable to develop a second entry which may be more convenient for some people while maintaining the building’s significance.
- Entries should be located to minimize loss of original elements such as railing, steps and windows.
- The parking area or public drop off point should be conveniently located to the principle entry.
- Access paths should have a firm surface. Concrete is best, but well compacted gravel, cement stabilized or consolidated gravel or dirt are also suitable.

#### **Ramps**

There is often a level difference between the path and the main floor level. The solutions to these differences are many and might include:

- Temporary or permanent ramps.
- Levels of footpath can be raised in some circumstances (requiring Council approval).
- Shifting steps out from the face of the building and incorporating a ramp behind them.
- Locating a ramp in a location of low heritage significance.
- Lifting devices.

#### **Doors**

- Entry doors should have handles at less than 1100m.
- A clear width of at least 800 mm is necessary. If doors are not wide enough, it might be possible to increase effective opening size by joining two leaves together or using offset hinges.

## **11.4 DEVELOPMENT CONTROLS FOR RESIDENTIAL ZONES**

### **11.4.1 Introduction**

It is essential that the scale and siting of new development, including alterations and additions, does not detract from the scale, form, unity, and character of the surrounding area.

It is important to understand the characteristics and features of an area / heritage precinct before deciding on the form and style of a new building.

### **11.4.2 Building Styles in Deniliquin**

Whilst residential buildings in Deniliquin occurred from the 1860’s, the majority of the development occurred from the 1880’s to the 1920’s. APPENDIX 3 shows the common building styles for Deniliquin.

### **11.4.3 Sympathetic Design**

Council will not consent to the alteration, extension or erection of a building or other works which alter the existing improvements on land that is either listed as a heritage item or is located within a heritage precinct without considering its design elements (i.e. sympathetic design, setting, scale, proportion, facade, building elements, doors windows, detailing and colours).

Any new development must provide an appropriate visual setting for heritage items and buildings within heritage precincts, including landscaping, fencing, etc and maintain and enhance the existing heritage character of the streetscape and the vicinity;

New development respects the established patterns in the streetscape, including setbacks, siting, landscaped settings, car parking and fencing.

#### **Objectives**

- a. To ensure that new alterations and additions respect the architectural character and style of the building and area concerned.
- b. To maintain and enhance the existing character of the street and the surrounding locality.
- c. To enhance the public appreciation of the area.
- d. To ensure new development respects the character of its surrounds. However, respect does not mean copying. While architectural replicas may appear visually compatible with their surroundings, they can confuse the original buildings in the area and give a false impression of historical development.

#### **Controls**

1. Any new development and alterations or addition must consider the characteristics of the existing building, and buildings in the surrounding area, and sit comfortably in this context.
2. New work should generally not precisely mimic the design and materials of the building, but be recognizable as new work on close inspection.
3. New development can be contemporary in design when it is well integrated with and related harmoniously to its older neighbours.
4. Mock historical details should not be applied as they will not be of any heritage value themselves, and can confuse our understanding between the “new” and the “old”.
5. Alterations and additions shall blend and harmonise with the existing building in terms of scale, proportion and materials.

6. Alterations and additions shall not require the destruction of important elements such as chimneys, windows and gables.

#### 11.4.4 Alterations & Additions

Design new work to complement the style and period of the building in terms of style, scale, form, roof form and materials. New works can be a modern interpretation and do not need to strictly follow the original style.

Alterations should generally be to the rear of the property. Alterations to the side can be considered where side setbacks are sufficient.

Additions are to retain, and be subservient in form and scale, to the primary form of the building. Additions should disturb the original roof form and building outline as little as possible.

Suitable ways of extending an original building are illustrated in Figure 11-2.

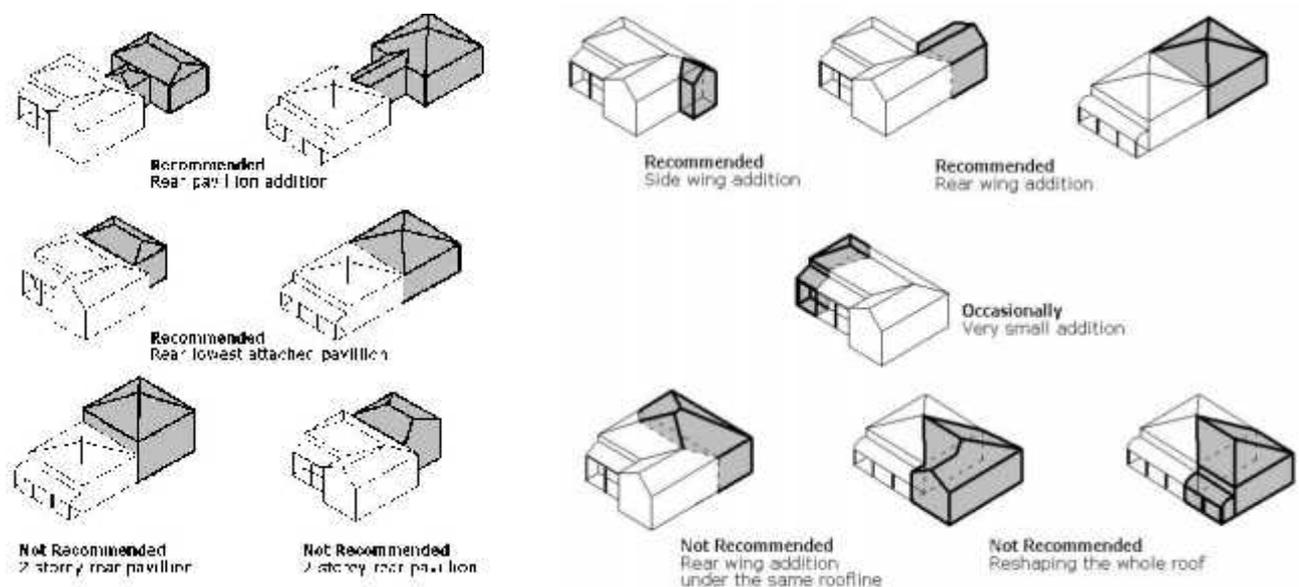


Figure 11-2: Suitable ways of extending an original building

Use vertically proportioned windows.

New work is to be below the main ridge height of the building, and be articulated from the primary form by setbacks in the walls and height of the roof. Maintain a descending scale to the rear.

Select materials to complement the period and style of the building and the surrounding area. Use compatible, but not necessarily matching materials – modern materials may be appropriate.

The roof is usually the most influential aspect of the design of new building in a heritage precinct. The shape of a roof and pattern it makes against the sky is generally distinctive in a Conservation Area and should be a primary consideration in the design of new development.

To ensure that materials and finishes used in any new development alterations and additions respect the significance and character of the existing building and surrounding area.

**Objectives**

- a. Protect heritage significance by minimising impacts on the significant elements of heritage items.
- b. Encourage alterations and additions which are sympathetic to the building's significant features and which will not compromise heritage significance.
- c. Ensure that alterations and additions respect the scale, form and massing of the existing building.
- d. Design new work to complement the style and period of the building in terms of style, scale, form, roof form and materials. New works can be a modern interpretation and do not need to strictly follow the original style.
- e. Alterations should generally be to the rear of the property. Alterations to the side can be considered where side setbacks are sufficient.

**Controls**

1. Avoid changes to the front elevation - locate new work to the rear of, or behind the original building section.
2. Design new work to respect the scale, form, massing and style of the existing building, and not visually dominate the original building.
3. The original roof line or characteristic roof elements are to remain identifiable and not be dwarfed by the new works.
4. Retain chimneys and significant roof elements such as gables and finials where present.
5. Ensure that the new work is recognisable as new, "blending in" with the original building without unnecessarily mimicking or copying.
6. Complement the details and materials of the original roof including ridge height and slopes without compromising the ability to interpret the original form.
7. New materials are to be compatible with the existing finishes. Materials can differentiate new work from original building sections where appropriate, for example by the use of weatherboards where the original building is brick or by the use of "transitional" materials between old and new.
8. Retain front verandahs. Reinstating verandahs, and removing intrusive changes is encouraged, particularly where there is physical and/ or historic evidence.

### 11.4.5 Infill Development

Design infill and replacement buildings to reflect the general historic character of the precinct and nearby characteristic and heritage buildings.

It is essential that the scale and siting of new development, including alterations and additions, does not detract from the scale, form, unity, and character of the surrounding area. This is illustrated in Figure 11-3.

It is important to understand the characteristics and features of an area before deciding on the form and style of a new building.

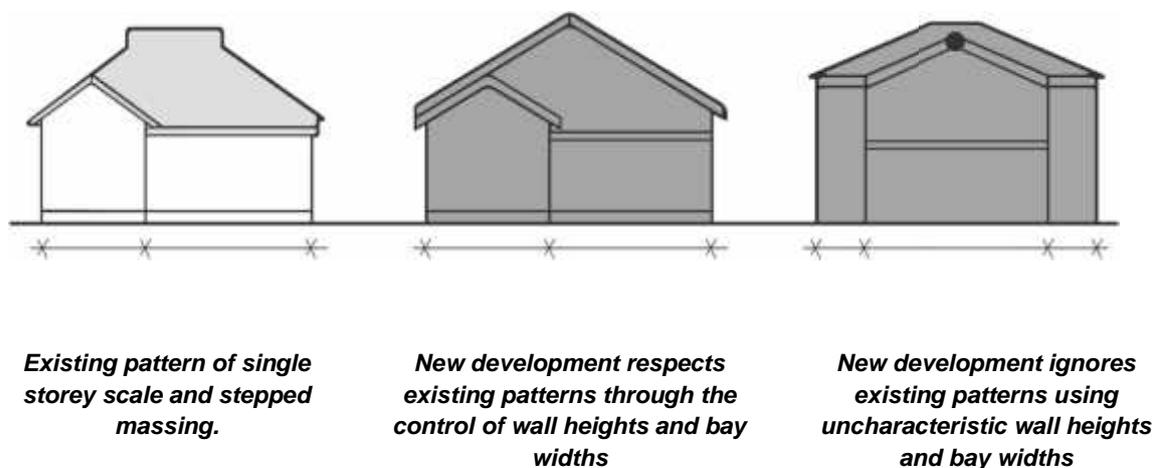


Figure 11-3: Guidelines for respecting scale and form for infill development

#### Objectives

- a. To maintain and enhance the existing character of the street and the surrounding area.
- b. To ensure that new development and alterations or additions respect established patterns of settlement (i.e. pattern of subdivision and allotment layout, landscaped settings, car parking and fencing).
- c. To provide an appropriate visual setting for heritage items and heritage precincts.
- d. To ensure that the relationship between buildings and their which contribute to the character of the area are not disturbed or devalued.
- e. Infill development is to reflect the characteristic buildings in the vicinity in terms of bulk, scale, roof form, setbacks and materials.
- f. Setbacks are to reflect the patterns of adjoining houses and the general pattern of the street.

- g. Use pitched roofs with slate, terracotta tiles or corrugated metal.
- h. Contemporary design is acceptable where it is sympathetic to the characteristic built form of the heritage precinct, particularly in terms of bulk, scale, height, form or materials.
- i. Designs that open front verandahs are encouraged.
- j. Use a variety of wall materials to break up the mass of the building and provide detail to the front elevations.

### **Controls**

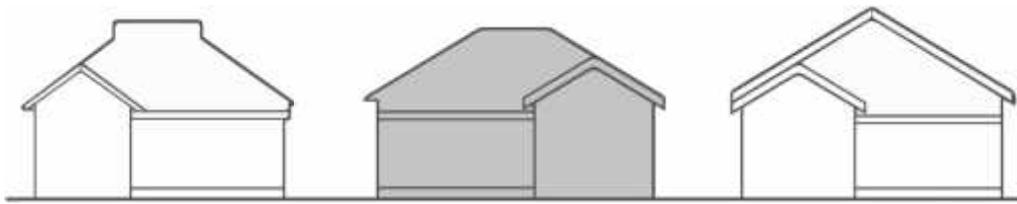
1. Generally alterations or additions should occur at the rear of the existing building to minimize visual impact on the street frontage of the building, particularly where the additions and alterations involve a listed heritage item a building which contributes to the heritage character of the heritage precinct.
2. Side additions should not comprise the ability for driveway access to the rear of the block.
3. No new structures shall be built forward of an established building line.
4. New development shall be sited behind the building line of any adjoining heritage item, so as not to affect the heritage significance.
5. An adequate curtilage including landscaping, fencing, and any significant trees shall be retained.
6. Larger additions can be successful when treated as a separate entity to retain the character of the original building in its own right.
7. Front and side setbacks shall be typical of the spacing between buildings located in the vicinity of the new development.
8. The orientation pattern of buildings existing in the area shall be maintained.
9. Rear additions are generally best stepped back from side building lines.

#### **11.4.6 Scale & Form**

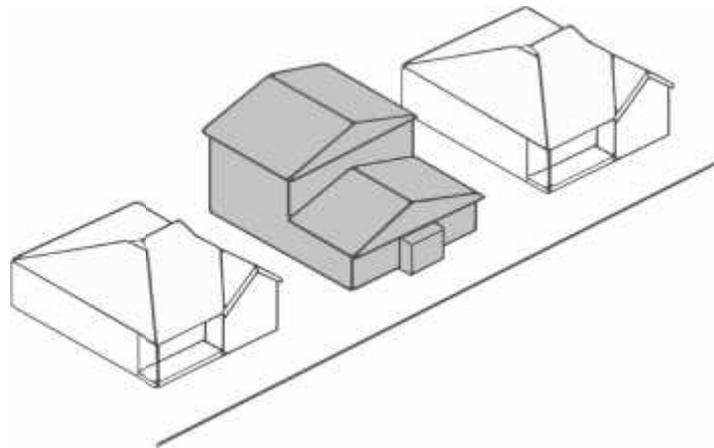
Design for new development shall be in harmony with the streetscape and it should not dominate existing heritage items, nor reduce the contribution to the existing pattern of development.

Scale (including height, bulk, density and number of storeys) of new work must relate visually to the scale of adjacent buildings. Unless it can be clearly demonstrated that greater scale would be appropriate in

the individual circumstances, new buildings and additions are to be of the same scale as the surrounding development. This is illustrated in Figure 11-4.



***A pattern of harmonious scale consistent with surrounding development.***



***In this example, new development does not respect the scale and form of adjoining houses***

Figure 11-4: Guidelines for respecting scale and form

### **Objectives**

- a. To ensure that new development including alterations and additions respect the significance and character of the surrounding area.

### **Controls**

1. An alteration or addition shall not be of a size or scale which overwhelms or dominates the existing buildings substantially changes or destroys its identity or changes its contribution and importance in its surrounds.
2. New houses should generally remain at single storey in areas where the majority of buildings are single storey, so as not to dominate the surrounding area.
3. Unless it can be demonstrated that greater scale would be appropriate in the individual circumstances, new development and additions must be of the same scale as surrounding development.

### **11.4.7 Building Elements (Roofs), Materials & Finishes**

Residential plan and roof forms differ greatly depending on the era of the building. Hips and gables generally did not span greater than 6.5 metres. If a house was to be wider or longer, another hip or gable were added. The basic plan and roof form were often extended at the rear or sides by a skillion roof.

Traditional combinations of materials used in heritage buildings shall be considered when designing additions. It may not be appropriate or necessary to replicate the original combination of materials used in the original work. The use of a complementary material might make the increase in scale less noticeable and also enhance later understanding of the changes.

For instance, timber weatherboard extensions to brick houses was a common practice which is still appropriate today, as was the use of corrugated iron roofs at the rear of houses behind main roofs constructed with tile or slate.

#### **Objectives**

- a. To retain characteristic scale and massing of roof forms within heritage precincts and on heritage items when designing alterations and additions.
- b. To ensure that materials and colours used in any new development alterations and additions respect the significance and character of the existing building and surrounding area.
- c. Doors and windows in new buildings are to be compatible with the proportions, position and size of those typical of the locality.

#### **Controls**

##### **General**

1. New roofs shall be carefully designed so that they relate to the existing, adjoining roofs in pitch, eaves and ridge height.
2. Additional rooms can be added to heritage buildings appropriately where roof forms have been carefully integrated into the existing.
3. New roof elements such as dormer windows and skylights shall not be located where they are visually prominent.
4. Chimneys shall be retained.
5. Use of roof materials shall be the same as materials on the existing heritage building and those typically used in heritage precincts.

##### **Roofing**

6. Original roof material shall be matched in any addition in material and colour. If original roofing is expensive such as slate, corrugated iron is a suitable alternative to the rear.

7. Traditional stepped flashings, roof vents, gutter moulds, and rainwater heads shall be used.

### Brickwork

8. New face brickwork shall match the existing brick in colour and texture, and type of jointing and mortar colour.

### Doors and Windows

9. Timber windows shall be retained in existing buildings. New doors and windows should be of materials characteristic to the existing building, locality or an approved alternative.

### Colour Schemes

10. Additions shall employ colour schemes which do not detract from traditional colour schemes in the area. Good reference books on traditional colour schemes are available.
11. Colour schemes suitable to the period of the building shall be used.
12. Unpainted brick or stone shall remain unpainted.

#### 11.4.8 Garages & Carports

In order to blend with their surroundings, garages, carports and sheds should be sized and detailed in ways that approximate the best elements of traditional architecture in the Heritage Precincts and adjacent Heritage Items.

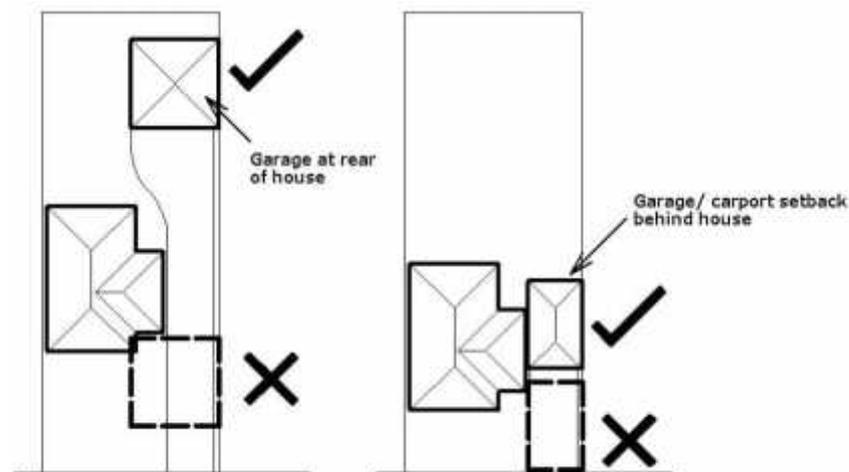


Figure 11-5: Guidelines for garage and carport location

Traditionally, garages matched the materials of the house. If the house was 'fibro' then the garage was 'fibro'. If the house was brick then the garage was brick. If the house was weatherboard then the garage was weatherboard. This should be kept in mind for garage construction in heritage precincts.

Matching of materials needs to be detailed on the drawings. In a brick garage, for example, the brick bond should match the house, not just the colour and size.

Garages were generally not built attached to the house, but were freestanding structures setback from front boundary and generally towards the rear of the block. Figure 11-1 shows where a garage or carport should be located on a block.

In considering any application for permission to erect a garage (or carport), Council will:

- Consider the location of the proposed structure in relation to the principal building, boundaries and other details of the site;
- Consider the proposed form, scale, materials and colours of the structure; in this regard colours and materials should be recessive.
- Consider the relative prominence and visibility of the proposed structure from the street frontage or frontages of the site and neighbouring properties and the need for landscaping such as screening or planting to ensure that the proposed structure is well integrated with its intended site; and
- Consider the retention of any significant outbuildings which form part of a historical curtilage.



*Double garages forward of the building alignment can dominate and destroy a heritage streetscape.*



*The general pattern of new residences is to have garages incorporated under the main house roof. This damages traditional proportions and is not accepted practice in heritage design.*

Figure 11-6: Garages and streetscape

### **Objectives**

- a. To ensure that garages, carports and sheds do not detract from the character of the area and/or heritage item due to inappropriate location, design, materials and colours.
- b. To allow for reasonable on site car parking while retaining the character and significance of the conservation area or heritage item;
- c. To ensure that car parking facilities do not have any adverse visual impact upon heritage streetscapes;
- d. To ensure that garaging and driveways are visually discreet;
- e. To exclude carports and inappropriately detailed outbuildings that are incompatible with the architecture of the conservation area or heritage item; and
- f. To ensure that outbuildings do not detract from the heritage significance of the item or conservation area through inappropriate siting, or excessive scale, bulk, visibility or materials.

### **Controls**

#### **General**

1. Garages should preferably be located at the rear or set well back at the side of a building behind the rear building line.
2. Garages and carports shall make reference to any established historic patterns in the street.
3. Double garages should be detached buildings set behind the rear main building line.
4. Existing outbuildings should be maintained and reused wherever possible.
5. Simple open light construction carports are preferable to solid heavily detailed buildings.
6. Traditional "heritage" colour schemes shall be adopted.
7. Roof pitch of minimum 22<sup>0</sup> or 27<sup>0</sup> (quarter pitch) or steeper if to match roof pitch of the house. Roof pitches can be broken with a 10 – 12<sup>0</sup> pitch verandah skillion.
8. Roll barge to be used at roof edges with rolled ridge at top of roof.
9. Gutters shall be in 'quad' profile – galvanised or *Colorbond* (square profiles are unsuitable) Downpipes shall be 90mm round profile.
10. Roller doors to garages shall be maximum 2400 wide (2700 wide if entering from lane).

11. Double span roller doors do not match traditional proportions and if double car entrance required, then two 2400 wide doors are acceptable provided they are separated by wall no less than 600 in width.
12. Doors and windows shall be of traditional proportions - i.e. closely match older style doors and windows of house.
13. If metal framed doors and windows to be installed, then use metal architraves.
14. Acceptable single garage proportions are 3000 wide x 6000 long, 2400 high walls, 22<sup>0</sup> roof pitch rising to ridge of 3400 high. Garage roller door 2400 wide.
15. Acceptable double garage proportions are 6000 wide x 6000 long, 2400 high walls, 22<sup>0</sup> roof pitch rising to ridge of 4000 high. Two garage roller doors at 2400 wide with wall between doors.
16. Drawings shall note the detail of the above items and specify the colour scheme to be used, including roofs, walls, gutter / downpipes, fascias / barges, roller doors, windows and swing doors.

#### **Metal Garages**

17. Corrugated "custom orb" profile wall and roof sheeting (0.42 min base metal thickness).
18. Galvanised roof sheeting preferred (not zincalume) or Colorbond coating.

#### **11.4.9 Fencing**

Fences form an integral, yet fragile part of heritage areas. The majority of historic fences have disappeared, so it is very important that those authentic fences which remain are preserved.

When repairing an original fence, determine:

- What is significant about the fence?
- Is it unusual or typical of its time?
- Its style?
- Its physical condition and;
- It is important to retain as much of the old material as possible.

When constructing a new fence and there is insufficient evidence to reproduce the original, it is important to build the fence so that it is in harmony with the existing fences and houses of the street. Ensure that the height matches that of (sympathetic) neighbouring fences, and that the colour scheme is compatible with the house. Types of fencing are illustrated in Figure 11-7.

#### **Objectives**

- a. To retain original existing fencing and provide for new fencing that is consistent with established patterns.

### Controls

1. Original fences should be retained.
2. Fences should be simple with a level of detail comparable with the house.
3. Fencing should generally be open or transparent, or backed with a hedge, not solid.
4. Fences shall be of a scale comparable with the street.
5. Front fences shall be of materials characteristic to the surrounding area, particular to the street and suitable to the era of the house. Examples include timber picket, low masonry and hedges.

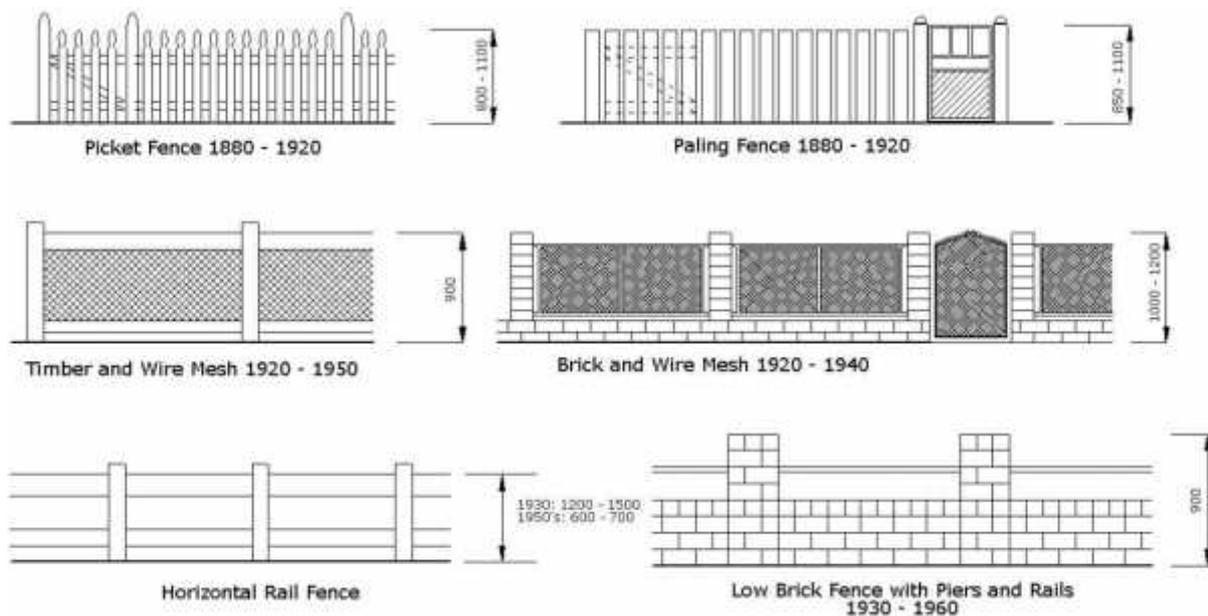


Figure 11-7: Fencing types

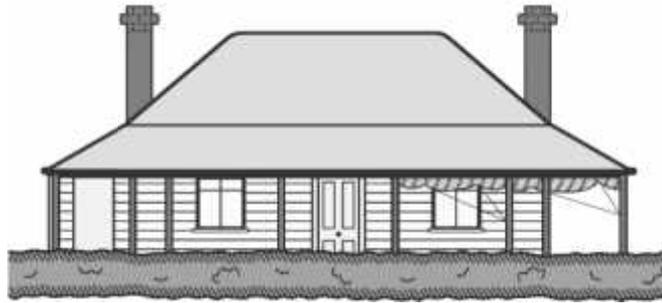
### 11.4.10 Landscaping

Landscaping is an integral part of the streetscape and the conservation area. The aim is to retain or reinstate landscaped settings for heritage items and components of conservation areas; and to conserve any original landscape planting separating public from private domain and to 'frame' the view of each building and its front garden.

In the case of heritage items, soft landscaping shall not obscure the main building from the street, in order to allow the main building to maintain its contribution to the streetscape. This is illustrated in Figure 11-8. Soft landscaping includes trees, shrubs, grass and garden beds.

Garden structures are to be appropriate to primary buildings in terms of scale, style, and materials.

Hedges along front boundaries and alongside boundaries forward of the building line and the maintenance of hedges to heights of not more than 1200mm is encouraged.



*Soft landscaping should not hide the contribution of the building to the streetscape.*

*Hedges should be maintained at 1200 mm maximum height*

Figure 11-8: Guidelines for soft landscaping

### **Objectives**

- a. To maintain the rhythm of gardens, open spaces and tree planting in a heritage streetscape.
- b. To ensure that planting does not compromise important views into or out of heritage precincts.
- c. To maintain the landscape character of the locality in any new development.

### **Controls**

1. When designing new gardens, reference must be made to surviving plants in the locality and on site, which indicate the basic garden structure for the new designs.
2. When selecting suitable trees, the following must be considered: the varieties that already exist in the area; the size of the tree when mature; the potential of the chosen species to interfere with services, retaining walls and other structures.
3. Many heritage garden reference books are available to explain typical settings for houses of different styles and periods.
4. Hard surfaces should be kept to a minimum.

#### **11.4.11 Services & New Technologies**

Council encourages the installation of devices, which improve the water conservation and energy efficiency for housing. However, on heritage items and in conservation areas new technologies (such as solar heating and telecommunications structures) should not be visible from a public place nor intrude on

any views or vistas gained from neighbouring properties. The style, siting and visual treatment of such structures should be discrete and not intrusive.

**Objectives**

- a. To minimize any obtrusive effect of new building services and technical equipment in Conservation Areas and on heritage items.

**Controls**

1. Exhaust vents, skylights, air conditioning ducts and units, solar panels, TV antennae and satellite dishes shall not be visible on the main elevation of the buildings or attached to chimneys where they will be obvious.
2. In heritage areas they shall be hidden from view as much as possible.
3. Essential changes to cater for electrical wiring, plumbing or other services should be limited to what is essential to permit the new use to proceed.

**11.4.12 Removal of Unsympathetic Alterations & Additions**

Council encourages the removal of unsympathetic alterations and additions to residences when new renovations are taking place. Where previously constructed works have a detrimental effect on the building due to its style and/or quality of construction, these should be removed.

If the residence has a 'modern' extension to a 'traditional' building and there is confusion on how to integrate a new renovation project, contact the Council for heritage advice.

**Objectives**

- a. To ensure that contributions of all periods to a place are respected.
- b. To ensure that removal of any fabric only occurs when it is of slight significance, and the fabric which is to be revealed is of much greater significance.

**Controls**

1. Additions which are obviously out of character with the original design may be removed, whereas it may be preferable to retain well integrated additions or substantial alterations to the existing building.

## APPENDIX 1: HERITAGE CONSERVATION AREA CHARACTER STATEMENT

This section describes the special characteristics of the identified conservation area in the Deniliquin Local Government Area. The purpose of these descriptions is to provide an understanding of the area's history and diversity, to identify those things that are unique to the area, and to provide a thematic and historic context within which individual buildings can be considered. This context or background is essential to the preparation and assessment of development applications in conservation areas.

A conservation area is more than a collection of individual heritage items, more than a place which "looks good" because of its design, or because of the individual buildings in it.

Conservation areas have a sense of place, or a spirit of place, which is hard to define, and also hard to replace. This is because their character reflects not just the buildings in them, but also the reasons for the buildings, the changing social and economic conditions over time, and the physical responses to those changes.

Factors in defining the sense of place may be the original subdivision pattern, a consistency in building form or building materials, the density of development and the mix of land uses which reflect a particular period or periods in the history and growth of the area.

The components of a conservation area, therefore, while not necessarily individually listed items, can have a collective significance. Loss of, or unsympathetic alteration to, any one of them can erode the significance of the conservation area as a whole.

**Contributory Buildings** (buildings that may or may not be located within the heritage conservation area) provide good evidence of the main development period(s) of the area, and make a positive contribution to the character and/or heritage significance of the conservation area ie they contribute to the historic and/or aesthetic significance of the area.

**Non-contributory buildings:** display qualities which do not add to the character of the conservation area. They are not to be considered as a precedent for new work when assessing the merit of an application. These non-contributory buildings may be demolished and replaced by new development sympathetic to the heritage conservation area.

**Note: Council's Heritage Advisor and Planners can also assist residents and applicants in clarifying whether the building is contributory or non-contributory.**

They have a collective significance and their retention is essential if the character of the area is to be retained. While contributory buildings should be retained, they can be altered as long as the character of the building or of the area is not adversely affected.

### Character Statement

The streetscapes, views and setting of Deniliquin Heritage Conservation Area are historically associated with the development of the commercial area of Deniliquin from late 19<sup>th</sup> Century until the early 20<sup>th</sup> Century which reached a peak during the 1920's.

Its town centre based around Cressy Street contains an impressive group of late Victorian civic and commercial buildings. They remain virtually intact and by virtue of their position in the town and street architectural qualities contribute significantly to the character of Deniliquin. These and other buildings in Napier Street make an important historic and urban design contribution to the town centre and Deniliquin's Heritage Conservation Area.

**Statement of Significance**

Deniliquin Conservation Area demonstrates a level of intactness of original architecture from the town's development in the late 19<sup>th</sup> Century until the early 20<sup>th</sup> Century when establishing itself as a regional country town. The town centre has retained its community importance and the streetscapes remain highly distinctive due to the richness in the differing periods of architecture styles.

The Town Hall and the verandahed hotel and shops further along Cressy Street reflects transitional style from simple vernacular to the Edwardian period. The Federal Hotel is a fine example of a 1920's hotel building and is very imposing on the corner of Napier and Cressy Streets. Waring Gardens is a beautiful park, established in 1884 which forms a centre of attraction in the town. The gardens are an essential part of the town and used and appreciated by townspeople and visitors each day.

Icons of Deniliquin conservation area include the Town Hall, Federal Hotel, Waring Gardens, former St Pauls Anglican Church, Regent Theatre, former George Street Public School and the Bank buildings.

## APPENDIX 2: SAMPLE OF HERITAGE COLOUR RANGE

**Note:**

***Creams to be used for walls.***

***Dark colours for timber joinery only.***

***Close equivalents from other manufacturer's colour ranges may be considered.***

***French Grey was an interior colour only.***

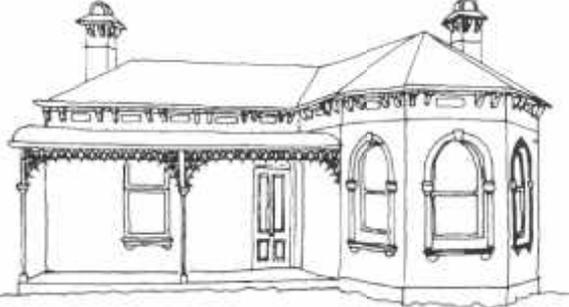
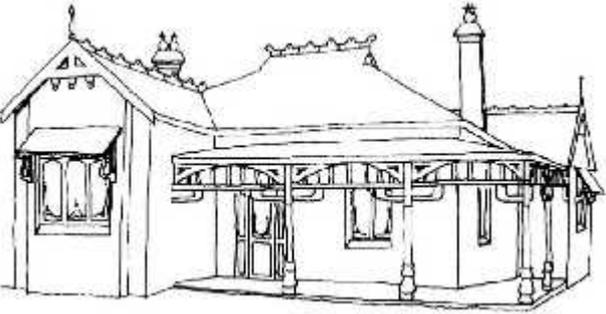
***Art Deco requires a different historical colour palette.***

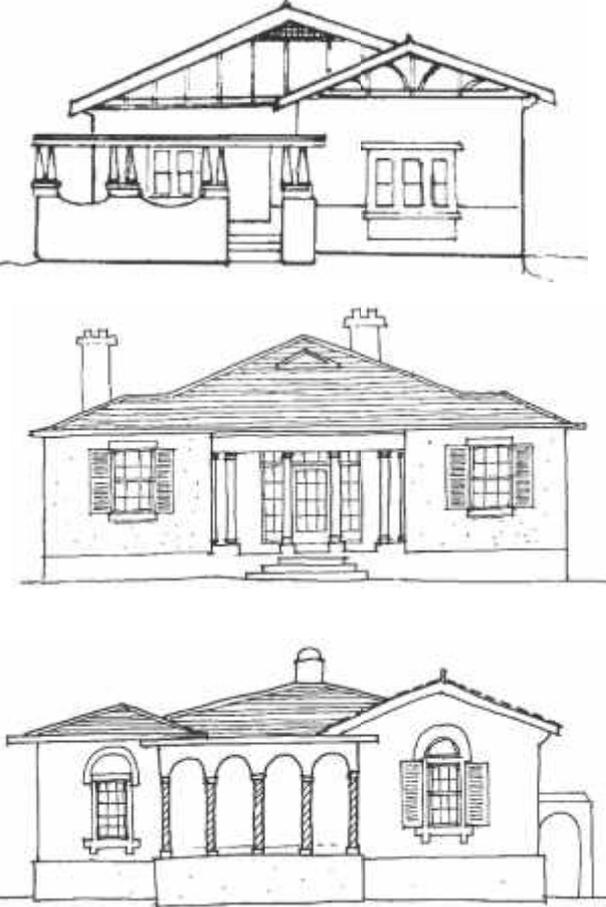
***Colours are required to be specified by manufacturer (e.g. Haymes, Dulux) and colour name (e.g. Buff). Colours can be matched by other manufacturers.***

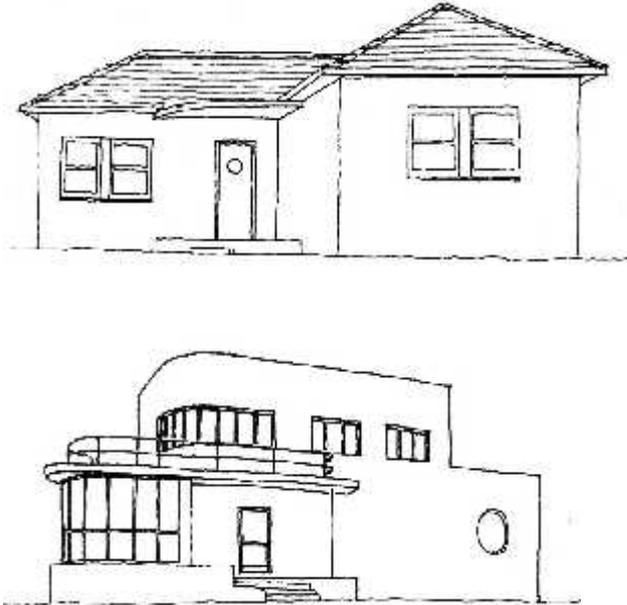
***This advice is not an endorsement of any one paint manufacturer.***



## APPENDIX 3: COMMON BUILDING STYLES IN DENILIQVIN

	<p>COLONIAL PERIOD (1860's to c1890)</p> <p><b>Characteristic features</b></p> <ul style="list-style-type: none"> <li>Single fronted form, symmetrical massing</li> <li>Gable roof, open front verandah with little decoration</li> <li>Simple brick chimney</li> <li>Skillion lean-to" to the rear</li> <li>Timber louvred shutters to windows</li> </ul> <p><b>Materials</b></p> <ul style="list-style-type: none"> <li>Face brick with corrugated iron roofing</li> <li>Brick rendered window sill</li> <li>Timber verandah and brick steps</li> </ul>
	<p>VICTORIAN PERIOD (to c1890)</p> <p><b>Characteristic features</b></p> <ul style="list-style-type: none"> <li>Asymmetrical or double fronted form with steep (Gothic style) hipped roof</li> <li>Bull nose verandah</li> <li>Decorative chimney</li> </ul> <p><b>Materials</b></p> <ul style="list-style-type: none"> <li>Rendered brick or timber weatherboard walls</li> <li>Slate or corrugated iron roofing</li> <li>Cast iron lacework verandah details</li> <li>Timber windows - double hung</li> </ul>
	<p>FEDERATION PERIOD (c1900-1915)</p> <p><b>Characteristic features</b></p> <ul style="list-style-type: none"> <li>Asymmetrical plan</li> <li>Prominent hipped and gabled roof with decorative features, shaped bargeboards</li> <li>Turned or fretted woodwork to verandahs</li> <li>Casement windows, window hoods</li> <li>Tall chimneys with decorative chimney pots</li> </ul> <p><b>Materials</b></p> <ul style="list-style-type: none"> <li>Face brick walls and window sills</li> <li>Stone base course</li> <li>Terracotta or slate roofing with decorative finials and ridge capping</li> </ul>

	<p>EDWARDIAN PERIOD (c1910 -1925)</p> <p><b>Characteristic features</b></p> <ul style="list-style-type: none"> <li>Asymmetrical plan</li> <li>Gabled and hipped roof with prominent eaves</li> <li>Casement windows, window hoods</li> <li>Semi enclosed front verandah</li> <li>Tall chimneys with decorative chimney pots</li> </ul> <p><b>Materials</b></p> <ul style="list-style-type: none"> <li>Face brick walls and window sills</li> <li>Pebble dash base course and verandah</li> <li>Terracotta roof tiles or corrugated iron roofing</li> </ul>
	<p>INTERWAR PERIOD (c1920 -1940)</p> <p><b>Characteristic ‘Bungalow’ features</b></p> <ul style="list-style-type: none"> <li>Asymmetrical front, gabled roof</li> <li>Simple wide barge boards and battening to gable</li> <li>Casement windows with flat bay roof and bracketed eaves</li> </ul> <p><b>Materials</b></p> <ul style="list-style-type: none"> <li>Liver brick walls, terracotta tiled roof</li> <li>Rendered copings and caps, decorative vents and grilles</li> </ul> <p><b>Characteristic ‘Colonial Revival’ features</b></p> <ul style="list-style-type: none"> <li>Double fronted form with hipped roof</li> <li>Entry porch, no verandah</li> <li>Double hung sash windows, stone sills</li> <li>Glazed door with side lights</li> </ul> <p><b>Materials</b></p> <ul style="list-style-type: none"> <li>Defined base course</li> <li>Terracotta roof tiles</li> <li>Rendered chimney shaft</li> </ul> <p><b>Characteristic ‘Spanish Mission’ features</b></p> <ul style="list-style-type: none"> <li>Shaped gable facade and hipped roof</li> <li>Semi-circular arches and window heads</li> <li>Twist columns, framed and sheeted door with semi-circular head</li> <li>Multi paned windows with semi-circular heads</li> </ul> <p><b>Materials</b></p>

	<p>Rendered brick walls, terracotta tiled roof with ridge capping</p> <p>Gabled chimney stack</p>
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## **APPENDIX 4: CONSERVATION GUIDELINES**

### ***Introduction***

The following guidelines apply to projects which involve work to conserve an existing historic building or place. Historic places may range from listed heritage items to buildings in a Conservation Area.

### ***Getting Started***

A key principle in heritage conservation is the need to understand the heritage importance or significance of a place before making decisions about how to manage it. A major part of understanding what makes a place special is to understand its history; why it was built, how it was used and how it has changed.

Documentary sources such as old drawings and photographs are good resources if you want to find out something about the history of a building. At the very least, you should try to find out when your building was originally built. There are publications available (see APPENDIX 4), which provide detailed information on how to research your building, and where to go for information. In the absence of documentary sources this will be your best source of information. You should also look at other buildings in the area which are of similar design, or which may have been identical when originally built. Establishing the construction dates of early buildings is difficult, as there is often little documentary evidence. It is usually necessary, therefore, to rely on observation of the building style. Familiarise yourself with typical designs and stylistic features of the period. It will also take an experienced practitioner to apply a general knowledge of styles to your particular situation.

Documentary research can reveal useful information about a building and can include old photographs and early records (eg title deeds to indicate successive owners). This information can be found at the Lands Titles Office, libraries, Local Council records, local museums and possibly galleries. Former owners of the building may also be of assistance.

### ***Getting to Know the Building***

A close examination of the fabric will usually be very important. The 'fabric' of a building or place refers to the physical material of which it is comprised.

Inspect the building itself for clues about past alterations. Careful inspection can reveal evidence of original detailing. Painting might reveal the shape of a former iron roof over a verandah, nail holes on verandah posts might show the former location of brackets.

Looking at other similar buildings in the locality can also indicate how missing parts of a building may have appeared, or how things were done.

When you have determined what is significant about a place, this information should help to guide maintenance, repair and conservation work. Wherever possible, original features, materials and finishes should be retained.

## Conservation Process

Work on an historic building or place can involve a variety of conservation processes as defined by the Burra Charter.

The Burra Charter establishes the nationally accepted standard for the conservation of places of cultural significance. The Charter advocates a cautionary approach to changing a place, doing as much work as necessary to repair, secure and to make it function, but as little as possible – so the history of the place can continue to be recognized in its physical presence.

## Burra Charter Definitions

The following are Burra Charter definitions of common conservation terminologies/processes:

**Place** means site, area, land, landscape, building or other works, group of buildings or other works, and may include components, context, spaces and views.

**Fabric** means all the physical material of the place including components, fixtures, contents and objects.

**Conservation** means all the processes of looking after a place so as to attain its significance.

**Preservation** means maintaining the fabric of a place in its existing state and preventing deterioration.

**Restoration** means returning the existing fabric of a place to a known earlier state by removing, adding on or re-assembling existing components without the introduction of new material into the fabric.

**Reconstruction** involves introducing material to replace missing elements returning a place as nearly as possible to a known earlier state. Complete rebuilding on the same or another site is unacceptable except only as a last resort.

**Adaptation** means modifying a place to suit the existing use or proposed compatible uses. A compatible use means a use which involves no change to the culturally significant fabric, or changes which require minimal impact.

**Maintenance** means the continuous protective care of the fabric and the setting of a place, and is to be distinguished from repair. Repair involves restoration or reconstruction.

**Relocation** A building or work should remain in its historical location. Moving a part or all of a building is unacceptable unless this is the sole means of ensuring its survival.

## Site Analysis

Site analysis provides an understanding of the site and the streetscape context. The purpose of the site analysis is to ensure that the relevant constraints and opportunities are taken into account. For any proposed additions, or new buildings, this drawing will usually include:

- Site dimensions, land area, north point and location of existing building as identified on survey;
- The relative location and siting of neighbouring buildings;
- The size, location and botanical name of any major trees on the site, or located on neighbouring land close to your boundary;

- Shadow diagram showing shadows cast during the winter solstice for 9am, 12pm & 3pm;
- Stormwater and natural drainage lines; and
- Location of any existing view lines from, to or through the site.

### **Statement of Heritage Impact**

The NSW Heritage Office Manual states that “a Statement of Heritage Impact identifies the heritage significance of the item, place or area, the impact of any changes being proposed to it and how any impacts arising from the changes will be mitigated.”

A Statement of Heritage Impact must:

- Identify why the item, place or area is of heritage significance (the statement of heritage significance);
- Describe the works, change of use and any physical changes to the place;
- Identify the impact or impacts the proposed changes to the heritage item will have on its heritage significance;
- Identify and describe any measures being proposed to lessen negative impacts of the proposed changes;
- Identify why more sympathetic solutions to those being proposed are not viable.

In circumstances where the proposed changes are likely to have a detrimental effect on the item, place or area’s heritage significance, the Statement of Heritage Impact must:

- Clearly identify any change or changes that will have a negative impact on the heritage significance of the item, place or area;
- State why the impact or impacts cannot be avoided;
- State the steps being taken to minimise their effect or effects.

The Statement of Heritage Impact must include a statement of heritage significance. It should also include an analysis of heritage significance and proposed conservation policies. Physical condition reports and consultant reports should be included where relevant to the application.

The length of the Statement of Heritage Impact will vary depending on the scale and complexity of the proposal. A brief account included in the Statement of Environmental Effects may be sufficient for minor work that will have little impact on the heritage significance of an item. A more extensive report would be required for more complex proposals or those that will have a major impact on the item.

The Statement of Heritage Impact must address the site of the item or place in its entirety. Features of the item and site, including configuration, layout, setting, buildings and other structures, landscape features (such as gardens, trees, paths and walls), archaeological features (such as wells) and views in and out of the site should be identified where the proposal affects these features.

## APPENDIX 5: MAINTAINING OLD BUILDINGS

### **Introduction**

Old buildings benefit from routine maintenance. It should be remembered, however, that old buildings have unique characteristics, and it is generally undesirable and sometimes very damaging to try and reverse the effects of age on materials.

While some maintenance can be undertaken by property owners, some types of work such as addressing damp problems or the repointing of masonry requires the expertise of tradespeople experienced in conservation work.

### **General Maintenance**

Maintenance is one of the most important parts of conservation work. Regular maintenance should be a regular part of any property management. This means that problems such as water penetration, termite infestation, building movement or rising damp do not get out of hand requiring substantial costs to repair.

Advice should be sought from Council's Heritage Advisor or appropriate industry expert for the following conservation works:

- Repairing and maintaining roofs; including roofing materials, chimneys, gutters and downpipes;
- Repairing and maintaining rendered walls;
- Repairing and maintaining face brick and stonework;
- Paint removal and external cleaning;
- Mortar and repainting;
- Rising and falling damp;
- Doors and window restoration;
- Repairing and maintaining shopfronts;
- Repairing and maintaining timber;
- Internal alterations;
- Colour schemes;
- Landscaping.

### **Roofs**

Original roofs in the area were either corrugated iron, slate or tiled in terracotta. Corrugated iron roof sheeting was laid in shorter lengths and painted to inhibit rust. The terracotta tiles were invariably in the same pattern, called the 'Marseilles' pattern. The terracotta was unglazed (or semi-glazed) and usually had a distinctive red or orange colour.

### **Objectives**

- a. To encourage roofs and materials consistent with the original slate and tiled roofs of the Federation and Inter-War periods;
- b. To encourage replacement roofs to match original materials or in an approved alternative material.

## Recommendations

- i. Using modern roofing materials is strongly discouraged. This can significantly alter the character and appearance of an older building. Modern concrete tiles can also cause practical problems. Concrete is heavier than slate for example and can cause roof timbers to sag.
- ii. Completely re-roofing a building is an expensive exercise. The price differences between corrugated iron roof sheeting and continuous roof sheeting materials or concrete tiles and terracotta tiles however, are not prohibitive. The result in terms of future saleability is worth the investment. There are also new and relatively inexpensive options for slate roofs that have become available.
- iii. Take note of chimneys, capping, gutters, rainwater heads and downpipes. Imperial tile sizes may be hard to match exactly. Check with specialist heritage suppliers.
- iv. One solution to matching materials, sizes and colours is to take tiles or slates from the rear of the building. Good tiles or slates from the rear can replace broken or missing tiles at the front. The back can then be repaired with new tiles or slates, which match the old as closely as possible.
- v. Where the roof has been altered, consider remedial work according to your budget. If you are planning to re-roof, check to find out if the original form of the roof has been altered. Was for example, the verandah roof originally separate, or was it connected to the main roof? Have roof pitches been altered? Have gables been added or removed?
- vi. Re-roofing in slate or Marseilles tiles should be considered when roofing next comes due for replacement. Do not use glazed or inappropriately coloured tiles. Do not use thick concrete tiles meant to imitate slate.

## **Facades / Brickwork**

Early Georgian / Colonial period buildings were constructed of red-orange bricks in alternating courses of header and stretcher bond patterns. Most Victorian and Federation period buildings were constructed of red-brown bricks and were "tuck-pointed".

Later bricks tended to be darker, usually from being left in the kiln longer and were typical of the Inter-War period. Different bricks were often used at the sides and rear, usually referred to as "commons".

Many houses have decorative details; foundations, fencing, verandahs and stairs that have sandstone elements or feature brickwork and some have decorative details and panels in stucco. Fully rendered buildings however fell out of favour during the period.

## Objectives

- a. To ensure retention of original wall treatments.

## Recommendations

- i. Make sure that any maintenance or alteration to brick walls visible to the street matches the colour, brick, bond pattern and mortar joints detail of the remaining or original walls. To do this it may be possible to get second hand bricks from the period, or you may be able to use bricks from another part of your building. Check the ranges available from local and commercial manufacturers as many produce specialist bricks for restoration purposes.
- ii. Where brickwork is in poor condition, a specialist bricklayer can repoint joints.
- iii. Original face brick should never be rendered as this will destroy the building's original colours and textures, and rob it of its period character. Where hard rendering of face brick has already occurred it may be possible to demolish a rendered wall, turn around the bricks and re-use them. This is a time consuming exercise and is only really appropriate where small parts of a wall are affected. Otherwise it is best not to further alter the original fabric.
- iv. Where paint or render cannot be easily removed, a good halfway solution is to paint external walls in colours matching the original brick. Try to get the best match possible. You can determine the original brick colour by removing a section of the paint or render, or finding some area that was not completely covered.

### **Timber Buildings**

The general construction type in Deniliquin in regard to timber buildings is the 'weatherboard' house. Weatherboard houses were built from the area's earliest days and became more common as technology evolved.

#### **Objectives**

- a. To ensure retention of original timber walls, verandah and feature details.
- b. To encourage the retention and repair of timber structures.

#### **Recommendations**

- i. Sometimes wood is so badly deteriorated that replacement of a section of timber is the only option. It is good conservation practice to replace the minimum necessary, and to do it with the traditional skills of the carpenter, joiner and cabinetmaker.
- ii. The aim should be to reconstruct the original form of the damaged timber so that the repair does not detract from the appearance of the old work.
- iii. Preferably, repairs should be done on site so that original fixings and fastenings are not lost.
- iv. To repair rotted timber and to be certain of removing all active fungi, remove the visible decayed zone together with any surrounding area affected. Apply fungicides, or paint that includes fungicides, to the remaining timber as a precaution.
- v. Resist the temptation to repair every small knock or dent.
- vi. Try to repair joinery on site wherever possible, as the process of removal and refitting inevitably results in further damage. If decayed timber needs to be removed to form a splice or patch repair, take off just enough timber to allow an effective repair.

## **Dampness & Salt Attack**

Many traditional buildings were constructed on footings of dense stone which helped to reduce the upward passage of water. In more recent construction damp is prevented by the insertion of a damp-proof course (dpc). With many late nineteenth century buildings being constructed without dpcs this causes dampness at base of walls and in most cases dampness will have salt associated with it. Salt attack causes decay of masonry materials such as stone, brick and mortar. Repeated wetting and drying with seasonal changes leads to the cyclic precipitation of salts and the progressive decay of masonry.

### **Objectives**

- a. To ensure buildings are maintained and that if dampness is an issue, then managing the damp and salt attack in a responsible manner.

### **Recommendations**

- i. Once dampness in a wall is established, undertake accurate diagnosis to determine the source – is it rising, penetrating or falling damp?
- ii. Good housekeeping is fundamental – ensure gutters and downpipes are working, ensure site is well drained and no ponding against walls, check for and fix any plumbing leaks and ensure adequate underfloor ventilation.
- iii. Remove excessive salt deposits once formed by dry vacuuming, then use sacrificial plasters – monitor its effectiveness and retreat if necessary.
- iv. If dampness is still a problem then inserting a new damp-proof course maybe an effective solution – the approach may entail undersetting with mechanical dpc and/or slot sawing and inserting dpc and/or active electro-osmotic (chemical injection) damp-proofing.

**Note: For further reference see Salt attack and rising damp – A guide to damp in historic and older buildings, David Young for Heritage Council of NSW 2008.**

## APPENDIX 6: CONSERVING BUILDINGS

### *Getting the Details Right*

When a building is designed, there is generally a consistent approach to details such as window frames, sills, skirting boards, verandah posts and brackets. These existing original features should be retained and maintained.

New work, or repair of the existing details should be in keeping with the original design. The imitation of something from another place such as introducing aluminum lace or shutters is not appropriate as it can detract from the appearance and authenticity of the property.

Missing components such as verandah brackets, fences, and chimneys should be copied carefully and reinstated in their original style.

Internal details such as door and window handles were often special decorative features of a house, and should be retained. Reproduction details can be expensive, so it is preferable to use originals where possible.

### *Doors & Windows*

Original external building features such as timber windows and doors should be retained in their original configuration and dimensions.

Timber was generally painted externally, not varnished. Priming undercoat and top coat provides the optimum protection against weathering.

### *Colour Schemes*

Repainting of buildings should occur as part of general maintenance. Colour schemes that are in keeping with the period of the building will enhance its character and the surrounding area.

Painting in a colour scheme suited to the age of a building can be well researched using a number of resources.

These include:

- Paint scrapes in areas, which have not been overly exposed to reveal previous colours used.
- Old black and white photographs which show shades on different elements of the building.
- An understanding of traditional colour schemes, which can be obtained by referring to books written about the subject.
- It is not usually necessary to repeat the use of original colours, but research is often helpful to understand how different areas were treated.
- Paint manufacturers have developed heritage colour ranges, which are useful when deciding on suitable period colours.
- Colour schemes, which complement the style of the building, will enhance the character of the surrounding area.
- The dominant use of bright corporate colours on building facades is generally inconsistent with maintaining the heritage character and significance of a building and/or Conservation

Area. Well-placed and proportioned signage can provide the clear information needed for effective street presence of a business.

## APPENDIX 7: REFERENCE BOOKS

### Deniliquin Heritage Studies & Local Publications

Deniliquin Main Street Project Report, Peter Freeman & Partners 1990-1991.

Deniliquin Council Heritage Study / Inventory, 2008

Saltbush Country – History of the Deniliquin District, John EP Bushby

(Published by Deniliquin Historical Society) 1980

Back to Deniliquin – publications 1948 and 1958.

### Useful Heritage References

A Heritage Handbook , Graeme Davidson and Chris McConville , 1991

A History of Australian Gardening Books and a Bibliography 1806-1950, University of Canberra, 1986

A Pictorial Guide to Identifying Australian Architecture, R Apperly, R Irving and P Reynolds, 1989

Australian Cottages, R Moore, S Burke & R Joyce, 1989

Australian Houses of the 20's and 30's, P Cuffley, 1989

Australian Houses of the Forties and Fifties, P Cuffley, 1993

Australia's Home, R Boyd Melbourne 1952

Californian Bungalow in Australia, G Butler, 1992

Caring for Old Houses, I Evans, 1989

Colour Schemes for Old Australian Houses, I Evans, C Lucas & I Stapleton, 1984

More Colour Schemes for Old Australian Houses, I Evans, C Lucas & I Stapleton, 1992

Decorative Plasterwork: Repair and Restoration, W D Stagg & R Masters, 1986

Design in Context, NSW Heritage Office & Institute of Architects 2005

Fences: For Town and Country, J Stacpoole, John Maxwell & Associates, 1998

Getting the Details Right; Restoring Australian Houses, 1890's – 1920's,

Department of Planning, Sydney 1989

Great Gardens of Australia, H Tanner Macmillan, 1976

Historic Gardens in Australia – Guidelines for the Preparation of Conservation Plans, Australian Garden History Society, 1983

How to Restore the Old Aussie House, I Stapleton, 1983

Infill: Guidelines for the Design of Infill Buildings, Heritage Council and Royal Australian Institute of Architects, 1988

New Uses for Heritage Places, NSW Heritage Office & Institute of Architects 2008

NSW Heritage Manual, Heritage Office and Department of Urban Affairs and Planning, 1996

Restoring Old Australian Houses and Buildings; An Architectural Guide, P Cox and H Tanner, 1975

Streetwise – A Practical Guide, Elizabeth Vines for National Trust of NSW 1996

The Australian House, The Flannel Flower Press, Sydney 1983

The Complete Australian Old House Catalogue, I Evans, 1990

The Federation House: A Restoration Guide, I Evans, 1986

The Federation House: Australia's Own Style, H Fraser & R Joyce, 1986

The History and Design of the Australian House, R Irving, 1985

The Illustrated Burra Charter, P Marquis-Kyle and Meredith Walker, 1996

Towards the Dawn: Federation Architecture in Australia 1890-1915, T Howells and M Nicholson, 1989

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## 12 CAR PARKING

This Chapter applies to all development where consent is required. Providing adequate off-street parking is an important consideration as it contributes to the economic viability of a development and maintains the safety of the road network by discouraging on-street parking.

The provision of car parking requirements listed in Table 12-1 are based on the Roads and Traffic Authority's Guide to Traffic Generating Developments 2002. The RTA (NSW Government Department at the time) conducted car parking surveys and research to determine the recommended number of car parking spaces for each land use, representing peak demand.

**NOTE: It is important that development complies with all relevant Chapters of this DCP. Applicants should check each Chapter and address all relevant controls.**

### 12.1 CBD PARKING REQUIREMENTS

Council acknowledges the lack of parking available on properties within the B2 Local Centre zone. Given that a contribution plan is not currently in place for car parking, Council is unable to accept a contribution in lieu of car parking spaces that cannot be provided on site. This section aims to allow new development or the re-development of existing CBD properties to be undertaken without being restricted by their lack of ability to provide off-street parking.

#### *Objectives*

- a. Ensure development and re-development of properties within the CBD is not restricted due to a lack of ability to provide off-street parking.

#### *Controls*

1. Where a change of use of existing floorspace is proposed within the CBD no additional car parking spaces are required.
2. Where minor alterations or additions to existing developments are proposed within the CBD no additional car parking spaces are required.
3. Where a major redevelopment of an existing site within the CBD is proposed the proponent must seek the advice of Council in order to enter into an agreement relating to the provision of car parking spaces.

### 12.2 GENERAL PARKING REQUIREMENTS

This section applies to all development outside the B2 Local Centre zone. General notes for the use of this table are as follows:

- Where a proposed land use is not listed in Table 12-1, the most similar land use should be used as a guide, or refer to the RTA's Guide to Traffic Generating Developments 2002.

- Where the proposed development involves a combination of land uses, the total number of off-street car spaces to be provided shall be the sum of the requirements for each use.
- Should a variation to the requirements of Table 12-1 be sought, the proponent must demonstrate that the proposed number of spaces will satisfy the expected demand. The total number of off-street parking spaces to be provided is at the discretion of Council. A variation may be considered where:
  - The proposed development is minor in nature and the expected increase in parking demand is minimal, or
  - The proposed development shares a common car park with other tenancies and peak parking demand times between tenancies are staggered, or
  - Suitable alternative parking arrangements are available.

Table 12-1 Car Parking Requirements

LAND USE	CAR PARKING REQUIREMENT	
<b>RESIDENTIAL</b>		
Dwelling house, dual occupancy, attached dwellings, semi-detached dwellings	1 space per dwelling with up to 3 bedrooms 2 spaces per dwelling with 4 or more bedrooms	
Multi-dwelling housing	1 space per dwelling + 1 space for every five 2 bedroom dwellings + 1 space for every two 3 bedroom dwellings + 1 space for every five dwellings (visitor parking)	
Housing for Aged and Disabled Persons	In accordance with the SEPP (Housing for Seniors or People with a Disability) 2004	
<b>CASUAL ACCOMMODATION</b>		
Motels, tourist and visitor accommodation	1 space per unit + 1 space for every 2 employees (full time equivalents) <i>If a restaurant is included then <b>add the greater of:</b></i> 15 spaces per 100m <sup>2</sup> GFA of restaurant / function room, or 1 space per 3 seats	
Bed and breakfast accommodation	1 space per guest room	
<b>OFFICE AND COMMERCIAL</b>		
Commercial premises	1 space per 40m <sup>2</sup>	
<b>RETAIL</b>		
Shopping centres	GLFA (m <sup>2</sup> )	Spaces per 100m <sup>2</sup> GLFA
	0 – 10,000	6.1
	10,001 – 20,000	5.6
	20,001 – 30,000	4.3
	Over 30,000	4.1

LAND USE	CAR PARKING REQUIREMENT
Service stations and convenience stores	Add all relevant requirements: 6 spaces per vehicle servicing workbay 5 spaces per 100m <sup>2</sup> of convenience store <i>If a restaurant is included then <b>add the greater of:</b></i> 15 spaces per 100m <sup>2</sup> GFA, or 1 space per 3 seats
Motor showrooms	0.75 spaces per 100m <sup>2</sup> site area + 6 spaces per vehicle servicing workbay
Car tyre retail outlets	The <b>greater</b> of: 3 spaces per 100m <sup>2</sup> GFA, or 3 spaces per vehicle servicing workbay
Bulky goods retail stores	1 space per 40m <sup>2</sup> GFA
<b>FOOD &amp; DRINK PREMISES, CLUBS</b>	
Take-away outlets (with <b>no</b> on-site seating)	12 spaces per 100m <sup>2</sup> GFA
Take-away outlets (with on-site seating)	12 spaces per 100m <sup>2</sup> GFA or The <b>greater</b> of: 1 space per 2 internal seats, or 1 space per 5 internal and external seats
Drive in take-away outlets (with on-site seating <b>and</b> drive through facilities)	The <b>greater</b> of: 1 space per 2 internal seats, or 1 space per 3 internal and external seats <b>Plus</b> drive through queuing area for 5 cars
Restaurants	The <b>greater</b> of: 15 spaces per 100m <sup>2</sup> GFA, or 1 space per 3 seats
Clubs	1 space per 6m <sup>2</sup> of public dining, gaming or lounge area
<b>RECREATIONAL FACILITIES</b>	
Gyms, health & fitness centres	1 space per 15m <sup>2</sup> GFA
<b>TOURIST FACILITIES</b>	
Caravan parks	1 space per caravan site
<b>ROAD TRANSPORT FACILITIES</b>	
Road transport terminal	Comparisons should be drawn with similar developments
<b>INDUSTRY</b>	
General industrial developments	The <b>greater</b> of: 1 space per 90m <sup>2</sup> GFA, or 1 per 2 employees
Factories, factory units	1 space per 50m <sup>2</sup> GFA for each unit.
Business parks	1.5 spaces per 100m <sup>2</sup> of total GLA

<b>LAND USE</b>	<b>CAR PARKING REQUIREMENT</b>
Plant nurseries	The <b>greater</b> of: 15 spaces, or 0.5 spaces per 100m <sup>2</sup> of site area
<b>HEALTH &amp; COMMUNITY SERVICES</b>	
Professional consulting rooms	3 spaces per consulting room
Medical centres	4 spaces per 100m <sup>2</sup> GFA
Child care centres	1 space for every 4 children in attendance

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## 13 OUTDOOR ADVERTISING

Where consent is required for outdoor advertising, a development application will be assessed on its ability to meet:

- The zone objectives and provisions of the applicable LEP.
- *Environmental Planning and Assessment Act 1979*, including the provisions of Section 79C.
- The provisions of the *Murray Regional Environmental Plan No 2—Riverine Land*.
- Any other applicable State Environmental Planning Policies.
- Relevant objectives and controls in this DCP.
- Council policies (refer to Chapter 1 Section 1.8).
- Council’s Development Manual.

**NOTE: Please also refer to Chapter 11 for proposed advertising or signage within the Heritage Conservation Area or within the vicinity of a listed heritage item.**

**NOTE: It is important that development complies with all relevant Chapters of this DCP. Applicants should check each Chapter and address all relevant controls.**

### 13.1 GENERAL DEFINITIONS

The following general definitions are based on those provided in clause 4 of the *State Environmental Planning Policy 64 - Advertising and Signage (SEPP 64)*.

**Advertisement** means signage to which Part 3 of SEPP 64 applies and includes any advertising structure for the advertisement.

**Advertising display area** means the area of an advertisement or advertising structure used for signage, and includes any borders of, or surrounds to, the advertisement or advertising structure, but does not include safety devices, platforms or lighting devices associated with advertisements or advertising structures. Where a sign has two or more sides, the advertising display area is not the sum of the display areas on all sides.

**Advertising structure** means a structure or vessel that is principally designed for, or that is used for, the display of an advertisement.

**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.

**Building wrap advertisement** means an advertisement used in association with the covering or wrapping of:

- (a) a building or land, or
- (b) a building that is under construction, renovation, restoration or demolition, but does not include a wall advertisement.

**Business identification sign** means a sign:

- (a) that 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) that may include the address of the premises or place and a logo or other symbol that identifies the business, but that does not include any advertising relating to a person who does not carry on business at the premises or place.

**Freestanding advertisement** means an advertisement that is displayed on an advertising structure that is mounted on the ground on one or more supports.

**Product image** means any words, letters, symbols or images that identify a product or corporate body, but does not include any object to which the words, letters, symbols or images are attached or appended.

**Roof or sky advertisement** means an advertisement that is displayed on, or erected on or above, the parapet or eaves of a building.

**Signage** means all signs, notices, devices, representations and advertisements that advertise or promote any goods services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage and includes:

- (a) Building identification signs, and
- (b) Business identification signs, and
- (c) Advertisements to which Part 3 of SEPP 64 applies, but does not include traffic signs or traffic control facilities.

**Special promotional advertisement** means an advertisement for an activity or event of a civic or community nature, but does not include a wall advertisement.

**Wall advertisement** means an advertisement that is painted on or fixed flat to the wall of a building, but does not include a special promotional advertisement or building wrap advertisement.

## 13.2 TYPES OF SIGNS

The following sign definitions are based on those provided in clause 4 of the *State Environmental Planning Policy 64 Advertising and Signage (SEPP 64)*.



Figure 13-1 Types of Signs (Source: NSW Planning and Infrastructure, Changes to Exempt and Complying Development - Information Sessions for Council and Industry Practitioners January 2014 – February 2014)

### 13.3 STATE PLANNING POLICIES

There are two main State Environmental Planning Policies (SEPPs) that apply to signage. These are discussed below.

#### ***State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)***

This SEPP details signage that, in certain circumstances, are exempt and complying development.

#### ***State Environmental Planning Policy No 64 – Advertising and Signage (SEPP 64)***

SEPP 64 applies to all signage that is permissible with or without consent under the provisions of another environmental planning instrument, and that is visible from any public place or public reserve. It aims to ensure that signage is compatible with the amenity and character of the area, is of high quality design and finish, and is situated in a suitable location.

SEPP 64 does not apply to signage that is defined as exempt development under the provisions of instruments such as LEP 2013, Codes SEPP or SEPP 64 itself.

**Note: SEPP 64 does not prohibit the display of an advertisement at a sporting facility on land zoned for public recreation that provides information about a sponsor of a sporting team or organisation that utilises the sporting facility.**

### 13.4 DO I NEED A DEVELOPMENT APPLICATION?

There may be some signage that is “permissible without consent”, if it is identified as such in an environmental planning instrument. Most signage will fall into the categories of exempt, complying, permissible with consent or prohibited development.

Figure 13-2 is a simple flowchart to help work out if you need to lodge an application for your sign (not including signs that are “permissible without consent”). If your sign is “permissible without consent” a development application is not needed, however the sign must still satisfy SEPP 64 and take into consideration any impacts on the environment.

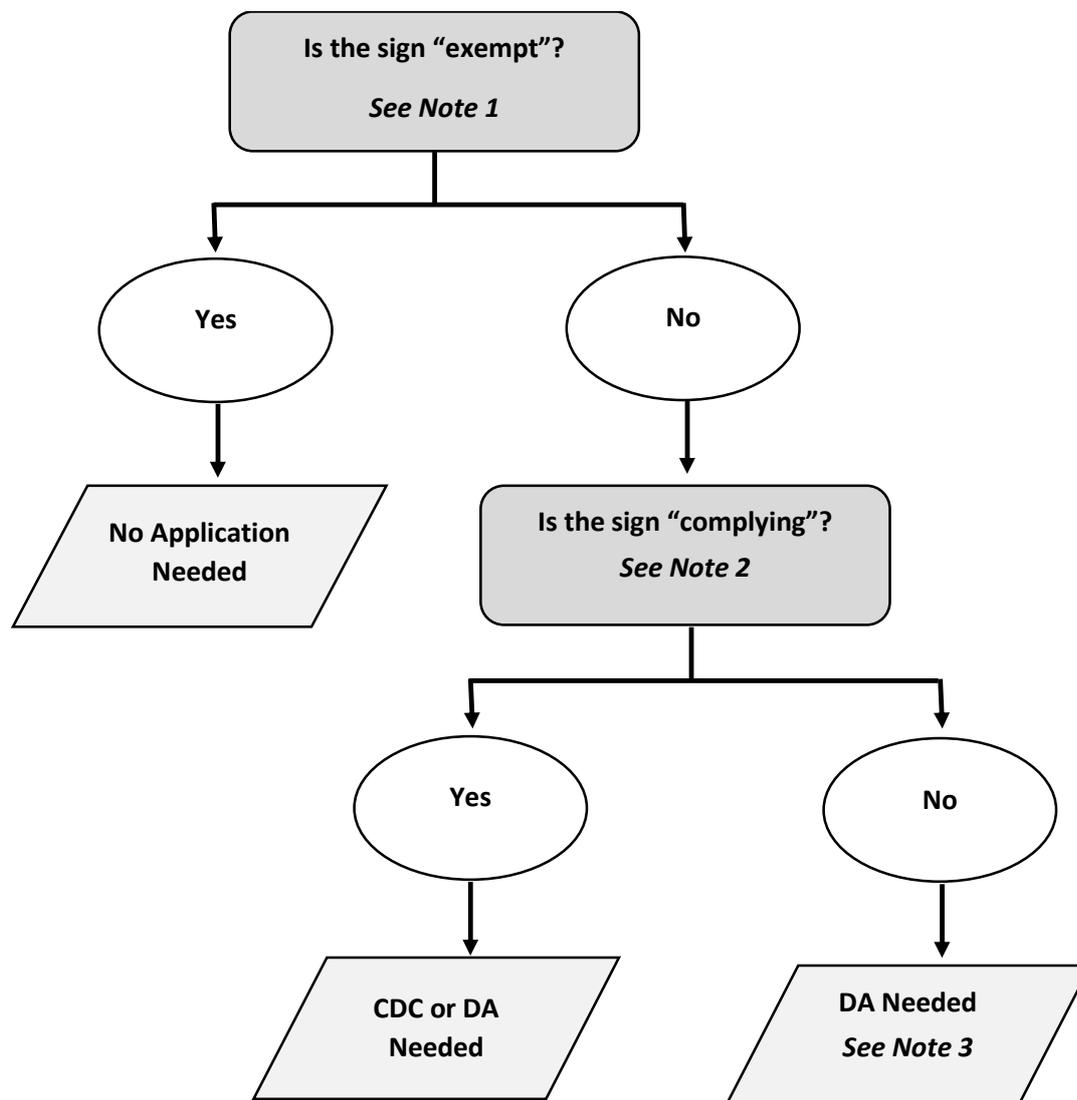


Figure 13-2 Signage Application Flow Diagram

**Note 1: Exempt Development**

- Exempt signs are usually those that are minor in size and nature, meets the requirements of the Building Code of Australia and are **not** proposed on land or a building that has any special significance. Areas with special significance may include, but is not limited to, Heritage Conservation Areas, near a listed Item of Environmental Heritage and land that is critical habitat to threatened species.
- An advertisement or sign is exempt development if it satisfies the exempt development provisions of the Codes SEPP. Council's Environmental Services section can let you know if your sign is exempt development.
- If an advertisement or sign satisfies these provisions, a development application is not required. The signage however must be constructed or installed in accordance with Part 2 Division 2 Advertising and Signage Exempt Development Code (within the Codes SEPP).

**Note 2: Complying Development**

- Some projecting wall signs and freestanding pylon and directory board signs are listed as Complying Development in Part 5 of the Codes SEPP.
- An advertisement or sign is complying development if it satisfies the relevant clauses of the Codes SEPP. Council's Environmental Services section can let you know if your sign is complying development.
- If an advertisement or sign satisfies these provisions the applicant can either:
  - Apply for a Complying Development Certificate through Council or a Private Certifier, or
  - Lodge a development application with Council.

**Note 3: Permissible With Consent**

- Where an advertisement or sign is not exempt, prohibited or complying development a development application will need to be submitted to Council to obtain consent.
- The following general advertising and signage controls must be addressed in a development application.

## 13.5 GENERAL ADVERTISING AND SIGNAGE CONTROLS

### **Objectives**

- a. Ensure signage does not create visual clutter.
- b. Ensure the size of signage is appropriate for the building and the surrounding neighbourhood.
- c. Ensure that signage complements urban and rural landscapes.
- d. Ensure signage is of high quality construction and design.

### **Controls**

1. Advertising signage within the Heritage Conservation Area, on the site of an Item of Environmental Heritage must comply with the relevant controls of Chapter 11 - Heritage Conservation.
2. All signage must relate directly to the business activity occupying the site, unless permitted by SEPP 64.
3. Where a sign will be attached to a building, it must not obscure any architectural feature of the building such as mouldings, windows, doors, parapets and the like.
4. The use of a common directory sign is encouraged for multi-occupancy sites.
5. The size of signs permitted will depend on the merits of the site. Council will take the following matters into consideration:
  - Safety of pedestrians, cyclists and motorists.
  - The visual amenity of the area.
  - The number of existing signs and whether the new signage will reduce visual clutter.
  - The amount of space suitable for signs that will be attached to a building.
6. The number of signs permitted on a particular property will depend on the circumstances of the site. Council will take the following matters into consideration:
  - The length of street frontage of the site.
  - The number of tenancies on the site.
  - The number of existing signs and whether the new signage will reduce visual clutter.
  - The amount of space suitable for signs that will be attached to a building.

7. Signs and associated structures must not cause a nuisance or hazard or endanger public safety by:
  - Obscuring the view of motorists, cyclists or pedestrians, or
  - Emitting unreasonable glare from internal or external illumination or reflection from surface materials.
8. Flashing signage is not permitted.
9. The size of sponsor signs permitted at public sporting facilities, except for land subject to the 'Deniliquin Rams Football and Netball Club Site Advertising Agreement', will depend on the merits of the sign and the site. Council will take the following matters into consideration:
  - Safety of the public.
  - Visual amenity of the facility.
  - The size of existing signage at the facility.
10. Signs on land occupied by the Deniliquin Rams Football and Netball Club, being Lot 262 DP 634603 and Lot 1 DP 724430 are to be in accordance with the 'Deniliquin Rams Football and Netball Club Site Advertising Agreement'.

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## 14 AIRPORT

This Chapter applies to all land in the vicinity of the Deniliquin Airport. To ensure the operation of the airport is protected into the future, it is important that development surrounding the airport will not restrict the current and future operation of the airport in any way. Development surrounding the airport must be adequately protected from aircraft noise and the height of structures must not obstruct the operation of the airport.

The *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) allows development for the purpose of an “airport” or “air transport facility” to be carried out, by or on behalf of a public authority, without consent within certain land use zones as specified by ISEPP. Where development consent is not required, consideration must still be given to expected impacts on the environment in accordance with Part 5 of the *Environmental Planning and Assessment Act 1979*. Development that is ancillary to the “air transport facility” is permissible with consent on the airport land.

Where consent is required for development within the vicinity of the airport, the development application will be assessed on its ability to meet:

- The zone objectives and provisions of the applicable LEP.
- *Environmental Planning and Assessment Act 1979*, including the provisions of Section 79C.
- The provisions of the *Murray Regional Environmental Plan No 2—Riverine Land*.
- Any other applicable State Environmental Planning Policies.
- Relevant objectives and controls in this DCP.
- Council policies (refer to Chapter 1 Section 1.8).
- Council’s Development Manual.

**Note: It is important that development complies with all relevant Chapters of this DCP. Applicants should check each Chapter and address all relevant controls.**

### 14.1 HEIGHT LIMIT

#### *Objectives*

- a. Protect the long-term viability of the airport.
- b. Ensure the height of buildings, structures and landscaping in the vicinity of the airport does not interfere with the operation of the airport.
- c. Protect the community from undue risk from the operation of the airport.

#### *Controls*

1. Development within the vicinity of Deniliquin Airport must not exceed the maximum height limits specified on Council’s Future Obstacle Limitation Surfaces Plan.

**Note: Please contact Council’s Environmental Services section to view the Future Obstacle Limitation Surfaces Plan.**

**Note: Where a proposed development exceeds the height limits on the Future Obstacle Limitation Surfaces Plan, Council must consult with the relevant Commonwealth body (Civil Aviation Safety Authority) about the application. Council may only grant consent where the Commonwealth body does not object to the proposed development.**

2. Development is not permitted within 60.0m of the non-directional beacon (NDB), location shown in Figure 14-1.
3. Development within 150.0m of the NDB shown in Figure 14-1 will be referred to the relevant Commonwealth body (Civil Aviation Safety Authority).

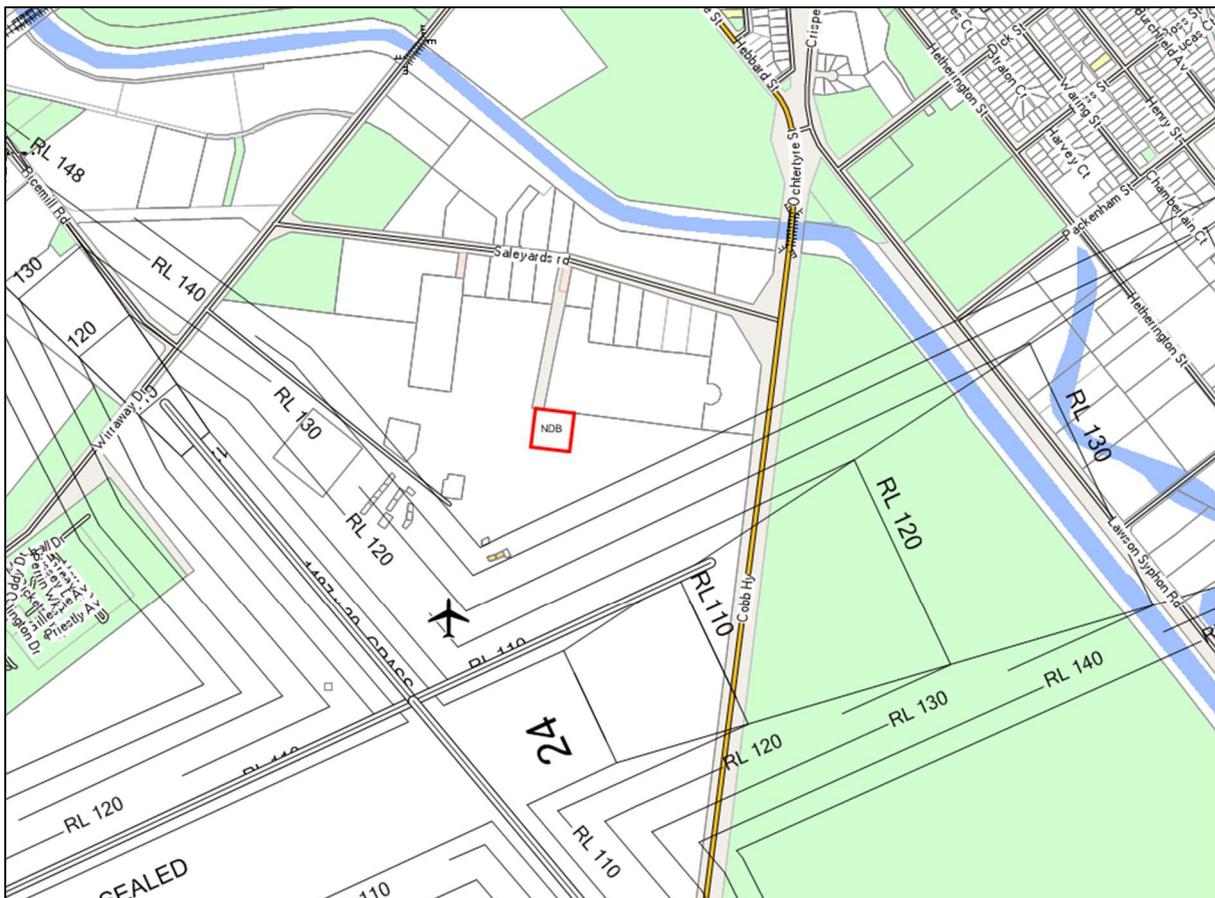


Figure 14-1: Location of navigation directional beacon (NDB) at Deniliquin Airport

## 14.2 NOISE

### Objectives

- a. Protect the long-term viability of the airport.
- b. Ensure buildings in the vicinity of the airport are appropriately protected from aircraft noise.

### **Controls**

1. Development that includes the construction of a building on land in the vicinity of the airport must, to the satisfaction of Council, incorporate measures detailed in Australian Standard 2021 – 2000 Acoustics – Acoustics-Aircraft noise intrusion – Building siting and construction.

**Note: In determining a development application for land within the vicinity of the airport, Council will give consideration to the following matters:**

- **The existing and expected future frequency of aircraft flights.**
- **The nature of the business operation and use of the building.**

## **14.3 MASTERPLAN**

A Master Plan for the Deniliquin Airport, prepared by Engineering management Styles, was adopted by Council in 2011. The Master Plan provides a long-term development strategy for the Deniliquin Airport land, to promote appropriate and organised development of the land, while taking environmental and socio-economic issues into consideration. The land to which this Plan applies is shown in Figure 14-2.

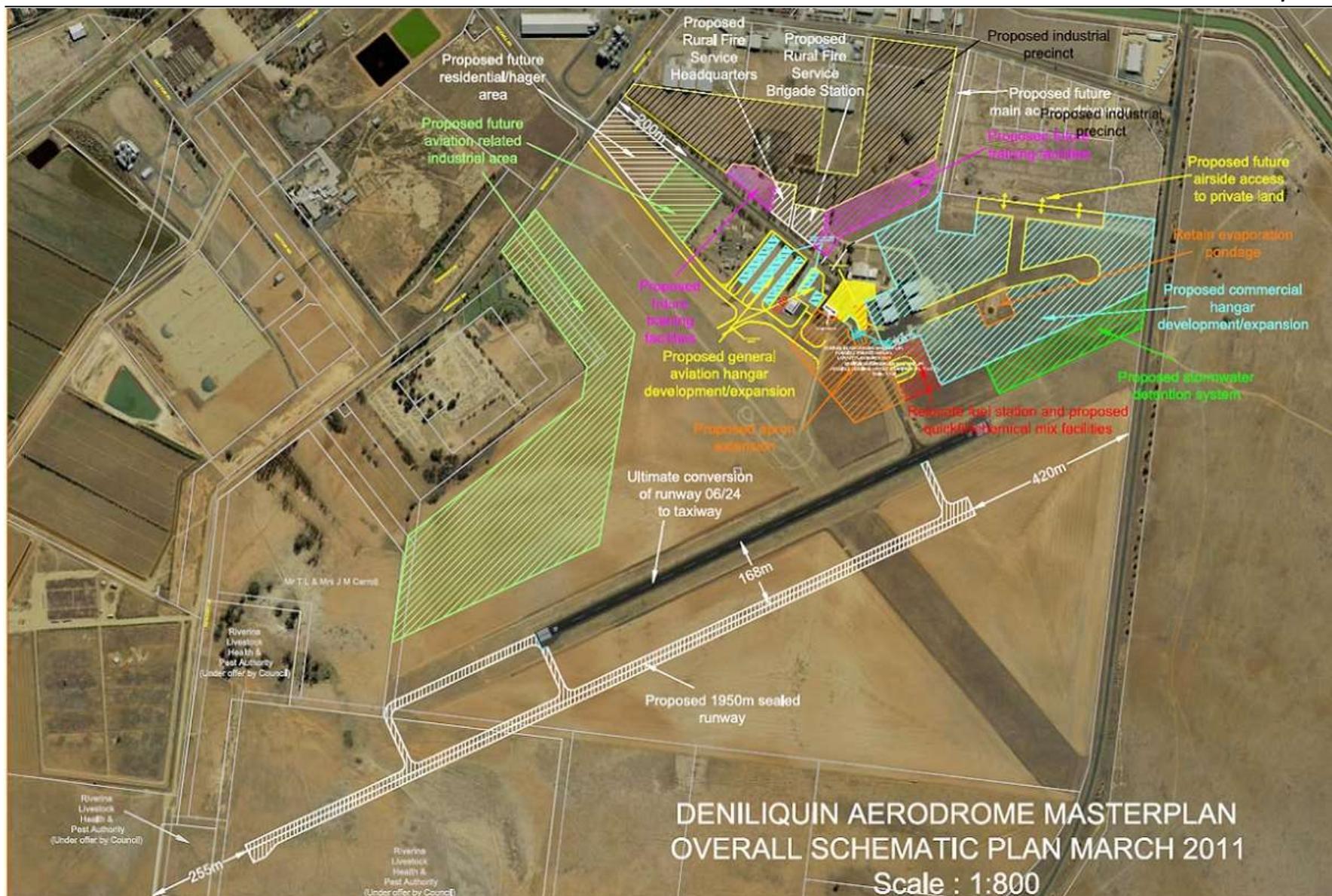


Figure 14-2: Land that the Deniliquin Master Plan Applies

**Objectives**

The purpose of the Deniliquin Regional Airport Master Plan is to:

- a. Provide a foundation and direction as to the future of the Deniliquin Airport and its facilities that will add to the essential infrastructure of the Riverina Region. This is regarded as essential to the continuing well-being and wealth of NSW, and Australia.
- b. Identify the main products and services of the aerodrome, associated activities and events, and visions of the future roles of the facilities.
- c. Provide Deniliquin Council with clear strategies to achieve the optimisation and enhancement of the uses of the existing facilities at a bearable cost to the Council and its community.
- d. Protect and grow the use of air transport, associated industries and facilities at Deniliquin.
- e. Address any socio-economic and environmental issues associated with the aerodrome activities that may be of concern to the community, now and into the future.
- f. Provide an essential background document that may assist Deniliquin Council to apply for funding assistance now and in the longer term from Government agencies.
- g. Assess any required infrastructure improvements.
- h. Provide a list of proposed actions and preliminary costing estimates for future capital and maintenance works.
- i. Provide a comprehensive working document that will attract further business opportunities, including a Regular Passenger Transport (RPT) Air Service to capital city/ies.

**Controls**

1. Development of land to which the Deniliquin Regional Airport Master Plan applies is to be carried out in accordance with the adopted Master Plan. Where a variation to the Master Plan is requested the applicant must demonstrate to the satisfaction of Council that the variation is justified.

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**DENILQUIN AERODROME**  
 OBSTACLE LIMITATION SURFACE DIMENSIONS  
 CO-ORDINATES ARE MGA84 ZONE 55.

**RUNWAY 06 - 24**  
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 24 THRESHOLD 314386.612 6063115.104 103.478  
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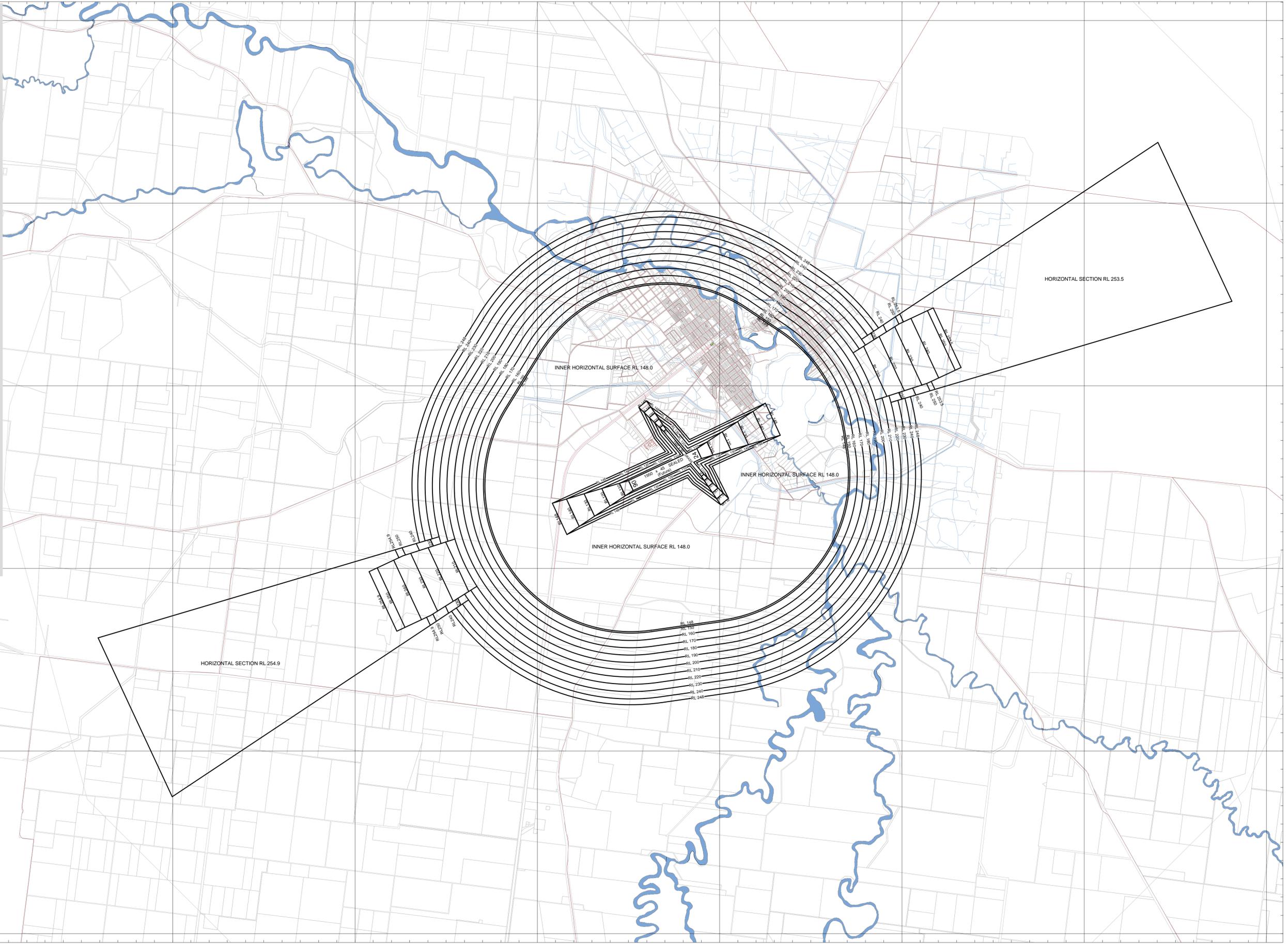
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 INNER EDGE LENGTH 180 metres  
 DIVERGENCE ANGLE 12.5%

APPROACH SURFACE  
 FIRST SECTION GRADE 2%  
 FIRST SECTION LENGTH 15000 metres  
 SECOND SECTION GRADE 2.5%  
 SECOND SECTION LENGTH 3600 metres  
 HORIZONTAL SECTION LENGTH 8400 metres  
 INNER EDGE LENGTH 300 metres  
 DIVERGENCE ANGLE 15%

**RUNWAY 12 - 30**  
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 30 THRESHOLD 314494.876 6062591.762 103.115  
 CENTRELINE BEARING 139° 53' 15"

TAKE OFF SURFACE  
 TAKE OFF GRADE 4%  
 LENGTH OF TAKE OFF AREA 2500 metres  
 INNER EDGE LENGTH 80 metres  
 DIVERGENCE ANGLE 10%

APPROACH SURFACE  
 FIRST SECTION GRADE 4%  
 FIRST SECTION LENGTH 2500 metres  
 INNER EDGE LENGTH 80 metres  
 DIVERGENCE ANGLE 10%  
 TRANSITIONAL SLOPE 14.3%  
 INNER HOR. SURFACE HT 45 metres  
 INNER HOR. SURFACE RAD 4000 metres  
 CONICAL SURFACE SLOPE 5%  
 CONICAL SURFACE WIDTH 2000 metres



DRAWN	B. SANSOM	<b>NOTE:</b> - LEVELS ARE TO AUSTRALIAN HEIGHT DATUM (AHD) - CO-ORDINATES ARE MGA84 ZONE 55 - ARP WAS NOT FOUND AT THE TIME OF SURVEY AND SUSPECTED DESTROYED. AERODROME REFERENCE ELEVATION USED IS THE MEAN OF FOUR RUNWAY ENDS - DUE TO LOCAL VARIATIONS IN THE TRANSITIONAL SURFACE, OBJECTS LOCATED WITHIN THIS SURFACE MAY REQUIRE GROUND SURVEY TO CONFIRM CLEARANCE
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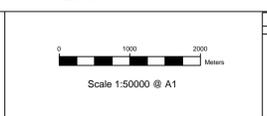
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 E: ps@airportsurvey.com.au

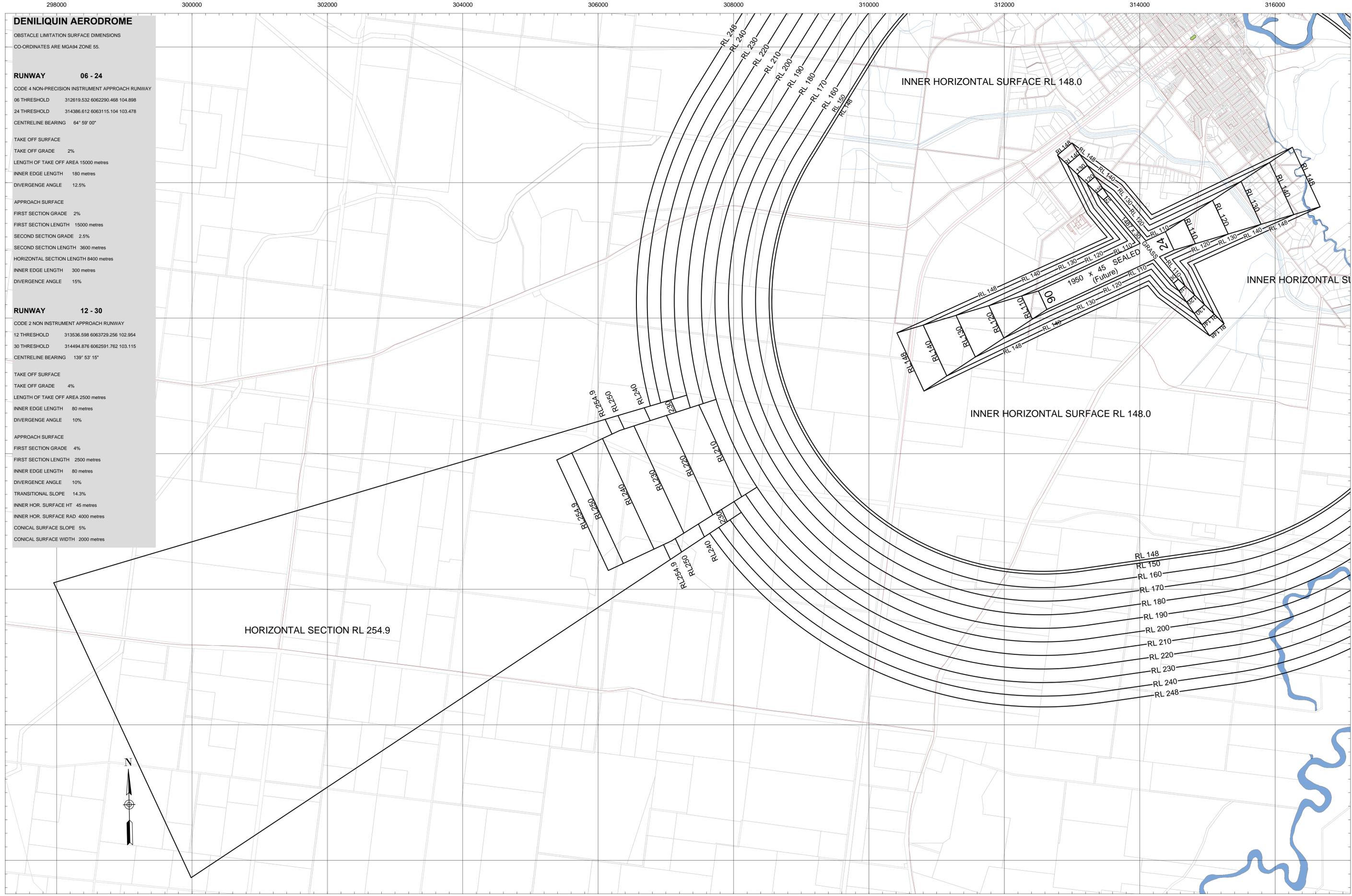
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 Mo: 0429 230 650  
 Ms: 0407 360 006

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**OBSTACLE LIMITATION SURFACES - FUTURE**



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 CONICAL SURFACE WIDTH 2000 metres

HORIZONTAL SECTION RL 254.9

INNER HORIZONTAL SURFACE RL 148.0

INNER HORIZONTAL SURFACE RL 148.0

INNER HORIZONTAL SURFACE RL 148.0



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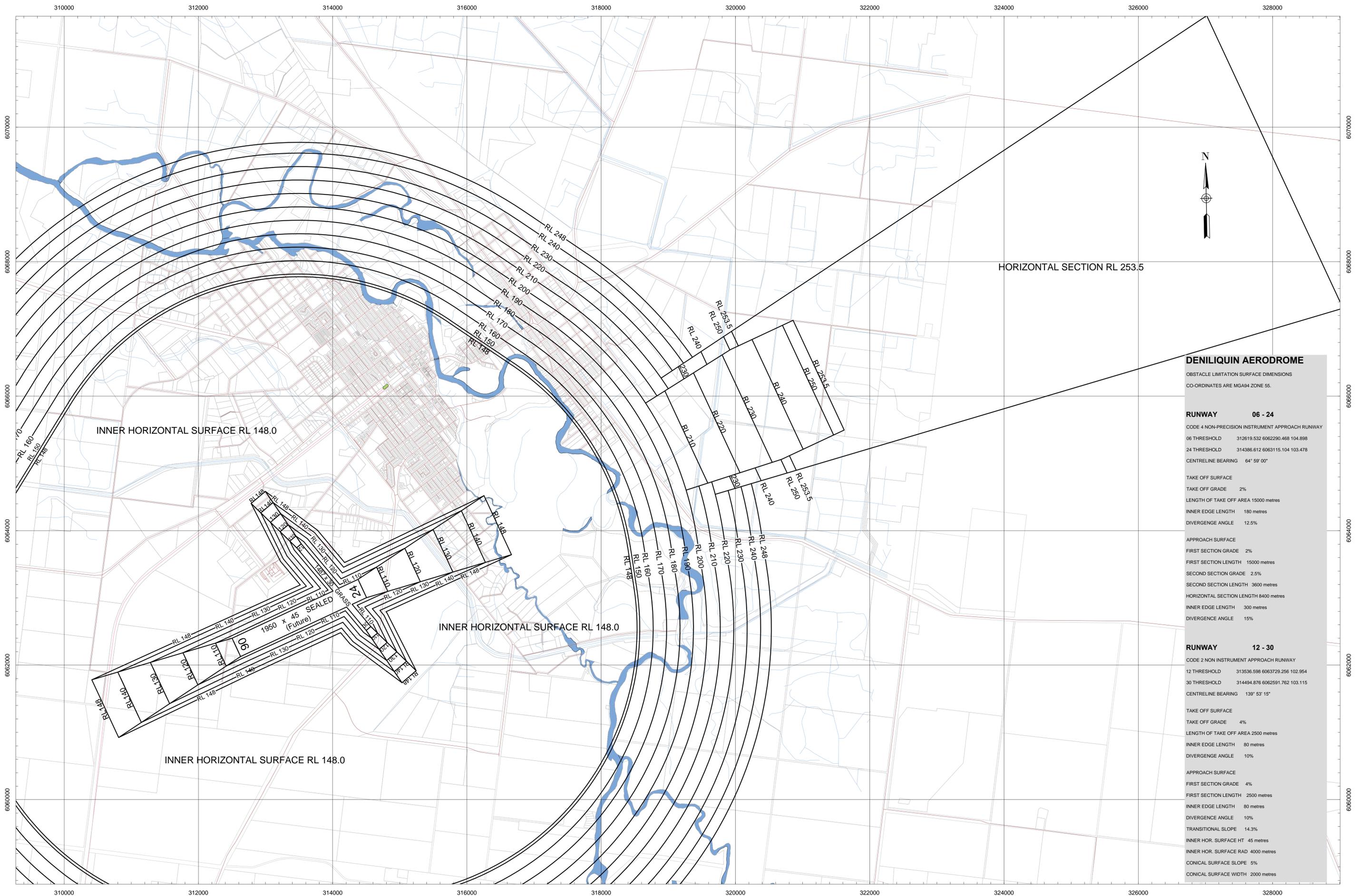
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 Ms: 0407 360 006

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**OBSTACLE LIMITATION SURFACES - FUTURE**

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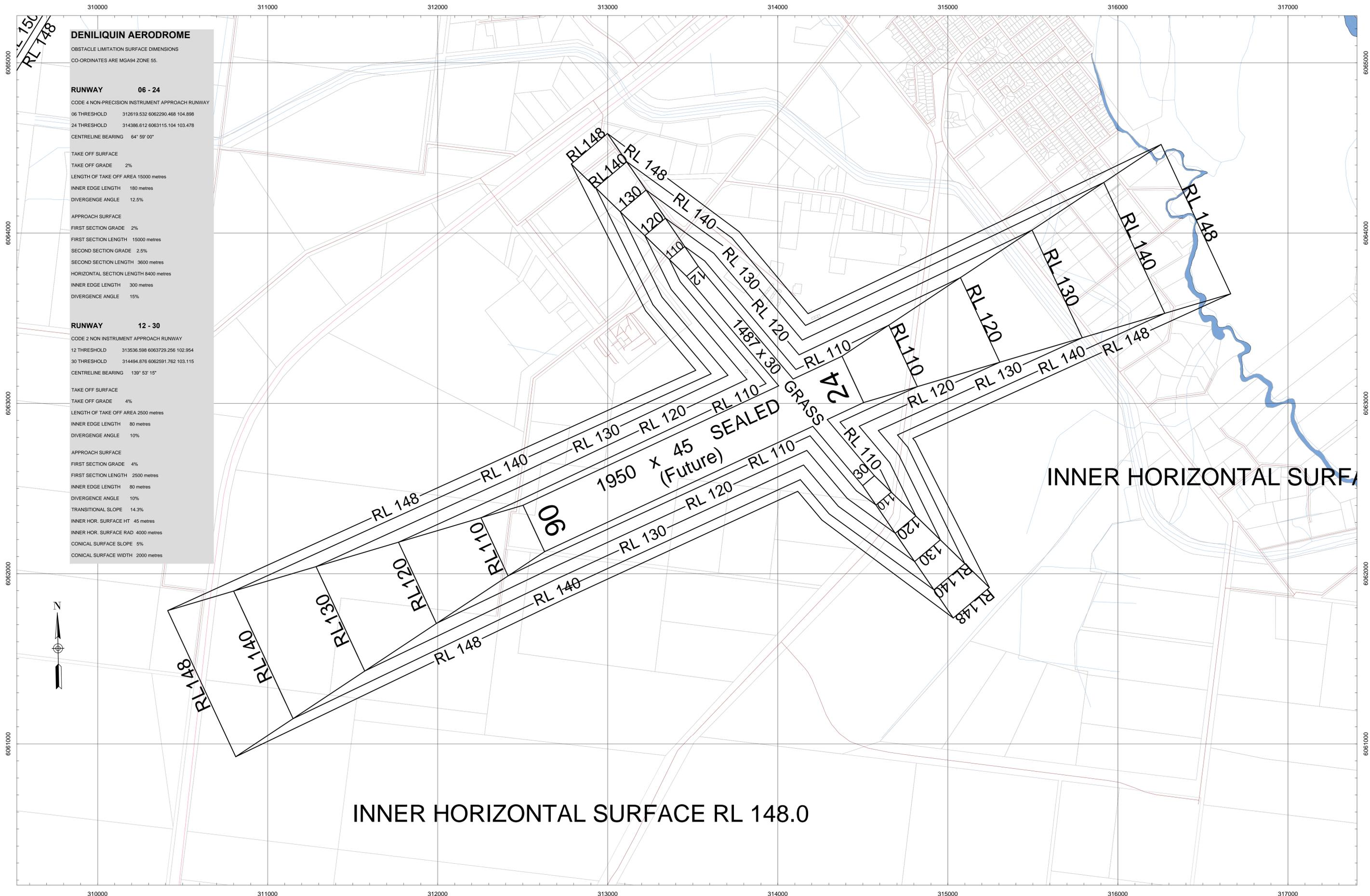
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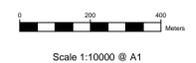
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## 15 KYALITE STABLES

This Chapter applies to Lots 2 and 3 DP562598 and Lot 1 DP1121183, 21701-21703 Riverina Highway (known as Kyalite Stables). It is important that the development responds to the characteristics of the site by setting development controls for the location of buildings and accesses and vegetation removal.

Where consent is required for development on this site, the development application will be assessed on its ability to meet:

- The zone objectives and provisions of the applicable LEP.
- *Environmental Planning and Assessment Act 1979*, including the provisions of Section 79C.
- The provisions of the *Murray Regional Environmental Plan No 2—Riverine Land*.
- Any other applicable State Environmental Planning Policies.
- Relevant objectives and controls in this DCP.
- Council policies (refer to Chapter 1 Section 1.8).
- Council's Development Manual.

**Note: It is important that development complies with all relevant Chapters of this DCP. Applicants should check each Chapter and address all relevant controls.**

### 15.1 CHARACTER OF DEVELOPMENT

#### *Objectives*

- a. Create a large lot residential development at 21701-21703 Riverina Highway, North Deniliquin, known as Kyalite Stables, to support lifestyle living opportunities at the periphery of Deniliquin.
- b. To enhance the scenic landscape values of the riverfront areas, as viewed from the site and across the river, with architecturally designed dwellings that reflect the riverfront context of the site.
- c. Create no more than 5 riverfront lots along the Edward River, with lots sizes ranging from 1.2ha to 2ha, in accordance with the Deniliquin LEP 2013 Lot Size Maps.
- d. To ensure a landscaped buffer area is established at the frontage interface with the Riverina Highway, beyond the strip of land along the highway frontage identified for future land acquisition (Deniliquin LEP 2013 Land Reservation Acquisition Map).
- e. To create road and pedestrian access to the site off the Riverina Highway in consultation with Roads and Maritime Service (RMS), with opportunities for a gateway entry feature, signage and if required a slip lane off the highway.
- f. To ensure any future development maintains the terrestrial biodiversity by protecting native fauna and flora, protecting ecological processes and encouraging the conservation and/or recovery of native fauna and flora and their habitats (Refer to Deniliquin LEP 2013 Terrestrial Biodiversity Map)

**Controls**

1. No more than 5 riverfront lots along the Edward River with lot sizes ranging from 1.2ha to 2ha in accordance with the Deniliquin LEP 2013 Lot Size Maps.
2. A landscape buffer is to be planted and maintained at the frontage interface with the Riverina Highway beyond the land identified for future land acquisition (Deniliquin LEP 2013 Land Reservation Acquisition Map).
3. Pedestrian and vehicular access to the site from the Riverina Highway is to be constructed in accordance with the requirements of the Roads and Maritime Service and Council.
4. Future development of the land is to have consideration of the Deniliquin LEP 2013 Terrestrial Biodiversity Map.

## **15.2 BUILDING AND ACCESS ENVELOPES**

**Objectives**

- a. Ensure that buildings and accesses constructed on the site are located within the identified building envelopes.
- b. Ensure that there is no significant impact from flooding on adjoining properties.
- c. Ensure that the site is developed in accordance with the flood modelling prepared for the site.

**Controls**

1. Development for the purposes of residential accommodation and ancillary structures is to occur within the prescribed building envelope as shown in Figure 15-1 (red hatching).
2. Construction of accesses within each lot is to occur within access envelopes identified in Figure 15-1 (blue hatching).
3. Construction of flood mitigating / flow structures such as culverts are required to occur in accordance with the site-specific flood modelling work (Kyalite Stables Flood Impact Assessment (WMAwater, 16 December 2015)) and as presented in Figure 15-1.

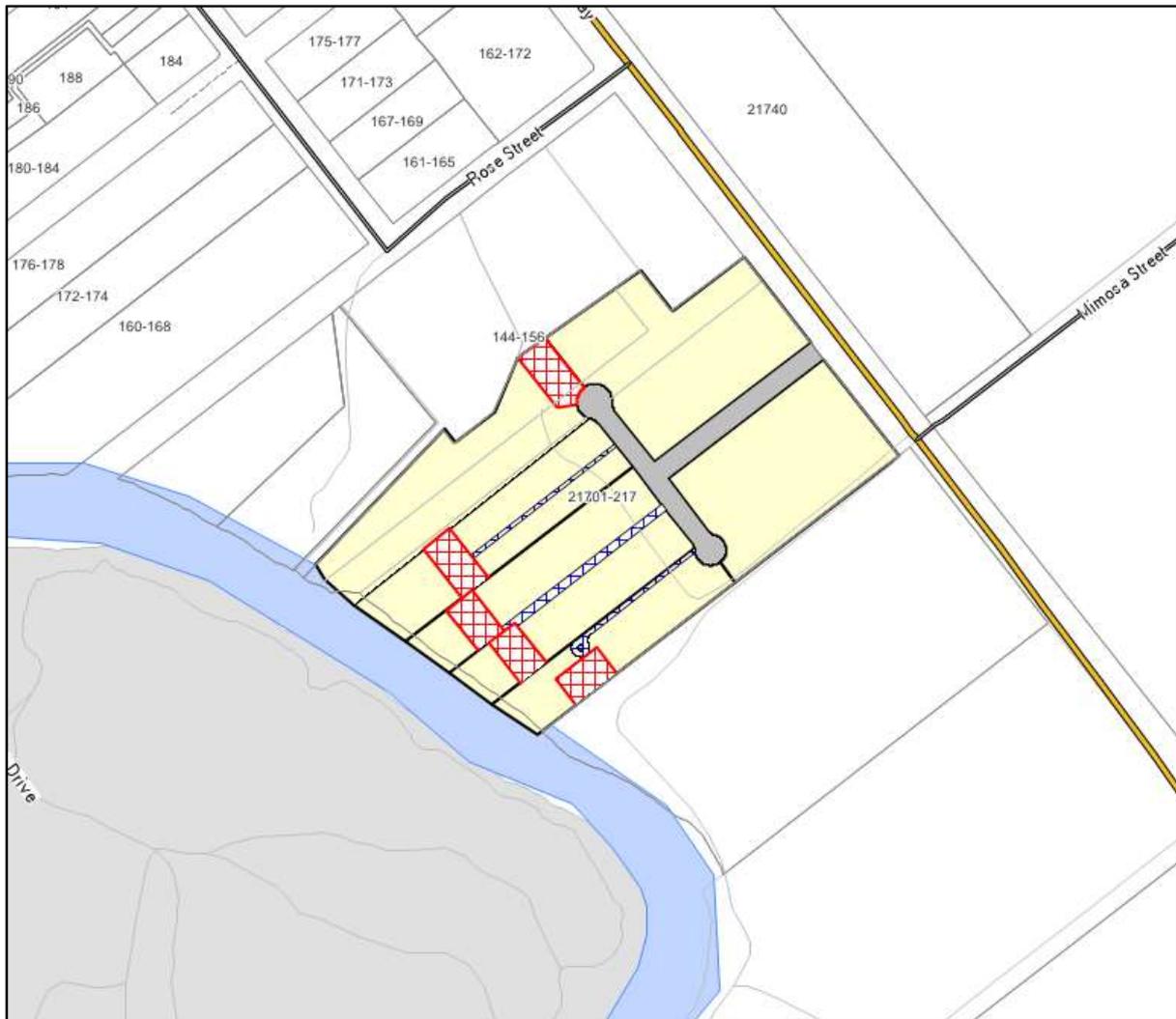


Figure 15-1: Nominated building envelopes

The location of building and access envelopes on site is to verified using GIS data and by survey.

### 15.3 DEVELOPMENT ON RIVER FRONT AREAS

#### **Objectives**

- a. To facilitate limited river front residential development along the Edward River at Deniliquin.
- b. To conserve and maintain existing native flora and fauna along the riverfront.
- c. To protect the landscape and scenic value of riverfront land as viewed from the site and from across the river.

#### **Controls**

1. Dwellings and other structures are prohibited on the area mapped “river front area” in the River Front Area Map under Deniliquin LEP 2013 River Front Areas Map.

## 15.4 FLOOD PLANNING

### Objectives

- a. To minimise the flood risk to life and property and avoid significant adverse impacts on the flood behaviour of the riverine environment and neighbouring properties.
- b. To protect and improve the bed and bank stability of the Edward River.
- c. To facilitate limited residential development at the site, in accordance with site specific flood modelling (Kyalite Stables Flood Impact Assessment (WMAwater, 16 December 2015)), the *Edward River at Deniliquin Flood Study* and the *Edward River at Deniliquin Floodplain Risk Management Plan and Study*.

### Controls

- a. Any development on the site must be consistent with the flood hazard of the land, with a flood planning level of:
  - 1:100 ARI plus 0.5 metre freeboard within areas mapped within a floodway extent, or
  - 1:100 ARI plus 0.3 metre freeboard within areas mapped outside the floodway extent.
- b. *Freeboard* provides a safety factor for greater protection against different types of flooding and describes a factor of safety expressed in metres above a flood level for flood protective or control works. Freeboard is intended to allow for the uncertainties in design and construction. Adding a freeboard to a flood level can greatly reduce the risk of a structure flooding.

## 15.5 PRESERVATION OF TREES AND VEGETATION

### Objectives

- a. To prescribe vegetation and trees for the purposes of clause 5.9(2) of the Deniliquin LEP 2013.

### Controls

1. For the purposes of clause 5.9(2) of the Deniliquin LEP 2013 prescribed vegetation is locally indigenous vegetation or trees equal to or greater than five (5) metres in height.