



DRAFT

DEVELOPMENT CONTROL PLAN 2010

The attached development control plan has been prepared to cover the entire Gloucester Shire Local Government area and contains a greater level of detail for development within the identified zones.

This development control plan has been prepared in accordance with the NSW Environmental Planning and Assessment Act 1979 as amended.

This Development Control plan was adopted by Gloucester Shire Council on

17.11.2010

This development Control Plan shall be reviewed every Five Years from the date of Adoption or as required to meet changes in legislation.

Table of Contents

- 1.0 Introduction
- 2.0 Definitions
- 3.0 Objectives
- 4.0 Sections contained in this Plan
 - 4.1 Multi Residential Development Guidelines
(Zone R2 and R3)
 - 4.2 Industrial Development Guidelines
(Zones IN1 and IN3)
 - 4.3 Tourist Development Guidelines
(Zones RU1, RU5, R1, R3, R5, B2, B4, RE1 and E3)
 - 4.4 Subdivision of Land Development Guidelines
(Zones RU1, RU5, R1, R2, R3, R5, B2, B4,
IN1, IN3, SP1, SP2, RE1, RE2, E2 and E3)
 - 4.5 Community Land Subdivision Guidelines
(Zones RU1, RU5, R1, R2, R3, R5, B4, E2 and E3)
 - 4.6 Building Line Setback Guidelines
(Zones RU1, RU5, R1, R2, R3, R5, B2, B4,
IN1, IN3, SP1, SP2, RE1, RE2, E2 and E3)
 - 4.7 Gloucester Local Centre Guidelines
(Zone B2)
 - 4.8 General Car parking Guidelines
(Zones RU1, RU5, R1, R2, R3, R5, B2, B4, IN1, IN3,
SP1,) (SP2, RE1, RE2, E2 and E3)

4.9 Setback Distance to Residential Development

(Zones RU1, RU3, RU5, R1, R2, R3, R5, B2, B4, IN1, IN3, SP1, SP2, RE1, RE2, E2 and E3)

4.10 Floodplain Management Guidelines

(Zones R2, R3, R5, B2, B4, E3, SP1, RE1 and RE2)

4.11 Approval of Applications

(Zones RU1, RU3, RU5, R1, R2, R3, R5, B2, B4, IN1, IN3, SP1, SP2, RE1, RE2, E2 and E3)

4.12 Waste Not DCP NSW Department of Environment and Climate Change

(ZONES RU1, RU5, R1, R2, R3, R5, B2, B4, IN1, IN3, SP1, SP2, RE1, RE2, E2 and E3)

4.13 Applications for Approval to Occupy Temporary Accommodation Structures (During Dwelling Construction)

(ZONES RU1, RU5, R1, R2, R3, R5, E2 and E3)

4.14 Cut / Fill and Fencing Requirements

(Zones R1, R2, R3, R5)

1.0 Introduction

1.1 Name of Plan

This plan is called *Development Control Plan 2010*

1.2 Land to which plan applies

The provisions of this plan applies to all land zones which are listed in the *Gloucester Local Environmental Plan 2010* and for which individual sections have been developed and included in this Plan.

1.3 Purpose of Plan

This plan contains more detailed provisions than contained in the relevant environmental planning instruments.

The purpose of this plan is to give detailed guidance to people wishing to develop within the zones as identified.

1.4 Application of Plan

When a development application is lodged which relates to land to which this plan applies, Council shall take the provisions of this plan into consideration in determining the application.

Compliance with the provisions of this plan does not necessarily imply that Council will consent to an application. Council must also take into consideration the relevant planning instrument, those matters listed under Section 79C of the *Environmental Planning and Assessment Act, 1979* and relevant Council codes and policies.

1.5 Commencement and amendment of plan

This Development Control Plan 2010, commenced on 17 November 2010.

1.6 Consultation with Council staff

Prospective applicants are strongly advised to consult Council staff prior to preparing and submitting development applications. This is to ensure that subsequent delays due to inadequate documentation are minimised. Council staff will advise applicants on relevant planning documents, Council policy, construction and health, issues that may emerge with the development and the supporting information that should accompany the application, but will not act as a consultant for the applicant.

In varying places, this plan and any plans adopted by reference contain objectives, performance criteria, standards and acceptable design solutions. Where written justification is provided by the applicant, Council may agree to vary the acceptable design solutions if it is satisfied that the objectives and

performance criteria have been met. Council staff can advise on where this operates, but cannot guarantee that the variation will be agreed to.

1.7 Contributions Plans

Council advises all potential applicants to access the applicable S94 Contributions Plans under which Council can require an applicant to make a monetary contribution or land dedication; and / or accept a material public benefit as a result of undertaking development.

Applicants may need advice from Council staff prior to submitting an application to determine the costs of development and project feasibility.

2.0 Definitions

Reference shall be made to the Gloucester Local Environmental Plan 2010 for definitions to wording contained in this Plan.

3.0 Objectives

The objectives of this plan are:

To ensure that development across Gloucester Shire is carried out in an ecological sustainable manner that enhances the quality of life, community and environment of this unique area.

4.0 Sections under this Plan

This plan has been prepared in sections to allow the public, building designers and developers to consider the details of the relevant sections as they relate to the zones specified. More than one section may apply to a development such as a multi residential development that requires subdivision. Each section must be read to ensure compliance.

The following zones have been included under this plan and the relevant sections as applying to that zone:

ZONE	SECTION of DCP that APPLIES
-------------	------------------------------------

RU1	Tourist Development Guidelines Section Subdivision of Land Development Guidelines Community Land Subdivision Guidelines Building Line Setback Guidelines Floodplain Management Guidelines Waste Not DCP Applications for Approval to Occupy Temporary Accommodation Structures
------------	---

RU5	Multi Residential Development Guidelines Section Tourist Development Guidelines Section Subdivision of Land Development Guidelines Community Land Subdivision Guidelines Building Line Setback Guidelines Floodplain Management Guidelines Waste Not DCP
------------	--

R1	Multi Residential Development Guidelines Section Tourist Development Guidelines Section Subdivision of Land Development Guidelines Community Land Subdivision Guidelines Building Line Setback Guidelines Floodplain Management Guidelines Waste Not DCP Cut / Fill and Fencing Requirements
-----------	---

R2	Multi Residential Development Guidelines Section Subdivision of Land Development Guidelines Community Land Subdivision Guidelines Building Line Setback Guidelines Waste Not DCP Cut / Fill and Fencing Requirements
-----------	---

R3	Multi Residential Development Guidelines Section Tourist Development Guidelines Section Subdivision of Land Development Guidelines Community Land Subdivision Guidelines Building Line Setback Guidelines Floodplain Management Guidelines Waste Not DCP Cut / Fill and Fencing Requirements
-----------	---

- R5** Multi Residential Development Guidelines Section
 Tourist Development Guidelines Section
 Subdivision of Land Development Guidelines
 Community Land Subdivision Guidelines
 Building Line Setback Guidelines
 Floodplain Management Guidelines
 Waste Not DCP
 Applications for Approval to Occupy Temporary
 Accommodation Structures
 Cut / Fill and Fencing Requirements
- B2** Tourist Development Guidelines Section
 Subdivision of Land Development Guidelines
 Building Line Setback Guidelines
 Floodplain Management Guidelines
 Waste Not DCP
- B4** Multi Residential Development Guidelines Section
 Tourist Development Guidelines Section
 Subdivision of Land Development Guidelines
 Community Land Subdivision Guidelines
 Building Line Setback Guidelines
 Floodplain Management Guidelines
 Waste Not DCP
- IN1** Industrial Development Guidelines Section
 Subdivision of Land Development Guidelines
 Building Line Setback Guidelines
 Waste Not DCP
- IN3** Industrial Development Guidelines Section
 Subdivision of Land Development Guidelines
 Building Line Setback Guidelines
 Waste Not DCP
- RE1** Tourist Development Guidelines Section
 Subdivision of Land Development Guidelines
 Building Line Setback Guidelines
 Waste Not DCP
- E2** Subdivision of Land Development Guidelines
 Community Land Subdivision Guidelines
 Building Line Setback Guidelines
 Waste Not DCP

E3

Tourist Development Guidelines Section
Subdivision of Land Development Guidelines
Community Land Subdivision Guidelines
Building Line Setback Guidelines
Floodplain Management Guidelines
Waste Not DCP
Applications for Approval to Occupy Temporary
Accommodation Structures

SECTION 4.1

**MULTI RESIDENTIAL DEVELOPMENT
GUIDELINES**

(ZONES R1, R2, R3, R5, RU5 & B4)



1.0 Introduction

1.1 Land to which Section applies

The provisions of this section apply to the land which is zoned *R1 – General Residential, R2- Low Density residential and R3 - Medium Density Residential, R5 – Large Lot Residential, RU1- Primary production, RU5 – Village, and E3 - Environmental management* in the *Gloucester Local Environmental Plan 2010*.

1.2 Purpose of Section

This section contains more detailed provisions than contained in the relevant environmental planning instruments.

The purpose of this section is to give detailed guidance to people wishing to develop within the General, the Low and Medium Density Residential areas.

This section covers dual occupancies, multi dwelling housing and residential flat buildings.

1.3 Application of Section

When a development application is lodged which relates to land to which this section applies, Council shall take the provisions of this section into consideration in determining the application.

Compliance with the provisions of this section does not necessarily imply that Council will consent to an application. Council must also take into consideration the relevant planning instrument, those matters listed under Section 79C of the *Environmental Planning and Assessment Act, 1979* and relevant Council codes and policies.

All applicants and building designers are advised that State Environmental Planning Policy No 65—Design Quality of Residential Flat Development is required to be considered in the design of all residential flat buildings in accordance with clause 21A - Approval of development control plans relating to residential flat development, Environmental Planning and Assessment Regulation 2000.

1.4 Consultation with Council staff

Prospective applicants are strongly advised to consult Council staff prior to preparing and submitting development applications. This is to ensure that subsequent delays due to inadequate documentation are minimised. Council staff will advise applicants on relevant planning documents, Council policy, construction and health, issues that may emerge with the development and the supporting information that should accompany the application, but will not act as a consultant for the applicant.

In varying places, this plan and any plans adopted by reference contain objectives, performance criteria, standards and acceptable design solutions. Where written justification is provided by the applicant, Council may agree to vary the acceptable design solutions if it is satisfied that the objectives and performance criteria have been met. Council staff can advise on where this operates, but cannot guarantee that the variation will be agreed to.

2.0 Definitions

Reference shall be made to the Gloucester Local Environmental Plan 2010 for definitions to wording contained in this Plan.

3.0 Objectives

The objectives of this section are:

- a) To ensure that multi residential development:
 - i) is generally related to the scale, bulk and height of existing development, the streetscape and landscape in its locality;
 - ii) is attractive and functional;
 - iii) retains existing worthwhile vegetation wherever possible;
 - iv) is landscaped to improve the appearance of the development from the street, adjoining properties and from vantage points in the Shire; and
 - v) has adequate on-site parking.

4.0 Development Applications

Development consent must be obtained to erect a building, carry out work, or change from one type of use to another. However, there are some exceptions to this; these are described below in Section 4.2 and 4.3.

4.1 Content of development applications

4.1.1 Development applications should be submitted on Council's current application form and in accordance with the instructions for completing development applications. Copies of the form are available on request, including a checklist of items to accompany the application. The required plan details are listed in Schedule A.

4.1.2 The purpose for which consent is sought is to be clearly stated in the application (eg, duplex, multi unit development, dwelling)

4.1.3 Where consent is sought for a proposal the provision of car parking needs to be shown in accordance with this section of the DCP.

4.1.4 In addition to the prescribed information, Council requires applicants to demonstrate the extent to which the development conforms to the principles

and requirements of this section of the DCP, and to justify any departures from it.

4.1.5 Particular attention should be paid to a Statement of Environmental Effects or Environmental Impact Statement, as applicable, which must accompany the application.

4.1.6 In general, the principle underlying the statutory requirement for development applications is that the applicant should provide the Council with sufficient information about the development and its effects to enable the Council to make a proper decision. Council has the power not to accept an application which it regards as inadequate or incomplete, or to seek additional information.

4.1.7 Applicants are strongly advised to use the services of architects, landscape architects, surveyors, environmental planners and engineers within their field of expertise, to design their developments. All drawings submitted shall bear the names of the persons responsible for the design.

4.2 Change of use

Certain developments, particularly certain changes of use which would normally have required development consent under the relevant planning instrument, may not require consent. This is because of the operation of *State Environmental Planning Policy No 4 - Development Without Consent*, as amended.

Under *State Environmental Planning Policy No 4*, applicants may be required to notify Council of their development and pay a prescribed fee. A Construction Certificate may also be necessary, for example, when:

- i) the use and occupation of a building is to be changed from that of one class (as defined by the Building Code of Australia) to that or another class; or
- ii) any building construction or alteration is proposed.

Details of the operation and effect of *State Environmental Planning Policy No 4* are available from Council.

4.3 Exempt and Complying Development

The Gloucester Local Environmental Plan 2010 contains requirements to permit exempt and complying development on land zoned for General, Low and Medium Density Residential use.

5.0 Restrictions on Intensity of Development

5.1 Multi Residential development will be limited by site functional factors such as access, parking and setbacks.

5.2 The height of buildings shall comply with the Height of Buildings Map in the Gloucester Local Environmental Plan 2010. Note: Any Car parking or open area under a building is to be counted in assessing the number of storeys.

5.3 Floor Space Ratios shall comply with the Floor Space Ratio Map in the Gloucester Local Environmental Plan 2010.

5.4 The building shall be setback from the front boundary (Road Boundary) a minimum of 6.0 metres.

5.5 The building shall be designed to comply with the requirements of the Building Code of Australia for side and rear wall and structural element setbacks. Side and rear wall setbacks shall comply with this section of the DCP.

6.0 Sitting and Design of Buildings

6.1 Building aesthetics

The sitting and design of a development, as illustrated in the application plans, shall be such as to satisfy the public and neighbours (if exhibited) and Council (at decision stage), that the likely external appearance will be satisfactory having regard for the type of development proposed.

Appropriate use should be made of materials, colours and variety of building form to ensure that the development would be appropriate in its surroundings.

6.2 Adjoining residential

Care must be taken to establish a reasonable measure of visual privacy for any neighbouring residential buildings. The location of major windows is of critical importance in this respect.

6.3 Setbacks

6.3.1 Front Boundary Setback

Buildings shall be setback a minimum of 6.0 metres from the front boundary. A concession may be allowed in the case of corner allotments, where the setback to one street frontage may be 3.0 metres, provided that:

- i) adequate site distances at the road junction and access to the site are maintained;
- ii) the setback provides adequate space for site landscaping of a type which is consistent with landscape principles specified in Section 7.
- iii) that carparking can be maintained within the subject land and does not extend onto any footpath or road carriageway.

6.3.2 Side and Rear Setback

Buildings shall be setback a minimum of 3 metres from the side and rear boundaries. A concession may be allowed where external walls have no windows and have a fire rating complying with the Building Code of Australia.

Any concession will require the side boundary setbacks to be not less than 1.5 metres. Further, that at any point, the sum total of both side setbacks to be not less than 6.0 metres.

Council may not grant this concession if it would result in the reduction of court yard or landscaping areas.

Notwithstanding the foregoing set backs, no building shall be sited to permit shadow from the building to encroach significantly onto any adjoining property during mid winter.

For units built down the allotment (Gun Barrel type) Council will usually require that the distance to the boundaries, the type of construction, or the provision of screening is such as to protect the adjoining residents from loss of privacy, obstruction of sunlight or unreasonable spillage of light or noise.

6.3.3 Encroachments of Setbacks

Only private balconies, having a minimum height above ground level of 2.4 metres, eaves and sun protection projections may encroach.

6.3.4 Private Balconies

Private (as distinct from access) balconies may encroach on the setback by a maximum distance of 1.5metres, or 25% of setback, whichever is less. Not more than 50% of a wall may be occupied by such balconies and no part of the balcony may be enclosed above 1.22 metres in height. The maximum encroachment of a private balcony to a street or reserve is 900mm.

Any portion of the eaves or roof of a Residential Flat Building directly above an encroaching balcony on the topmost storey may be permitted to encroach upon the prescribed setback to the maximum distance permissible for the balcony itself.

6.3.5 Site Coverage

The site coverage and floor space ratio shall be as defined under the Gloucester LEP 2010.

The site coverage for all buildings shall not exceed 50% of the allotment area or the combined area of two or more allotments. Site coverage shall exclude any open car park area or landscaping, drive ways or available open space (excluding balconies, decks or private space above ground level). Any Car parking or open area under a building is to be counted in assessing site coverage.

6.3.6 Private space

The design of landscaping shall be considered in accordance with Section 7.0 of this DCP.

Private space and landscaping areas shall be provided on the following scale:

40 square metres for each 1 bedroom dwelling unit

60 square metres for each 2 bedroom dwelling unit

80 square metres for each 3 or more bedroom dwelling unit

A building may provide space in common areas under a strata plan or in the overall landscaping to allow resident access; such as a swimming pool area, a common BBQ area or the like. Car parking, driveways and vehicle washing areas are not to be included in the private space calculations.

Each dwelling unit shall be provided with an unbuilt-upon area at ground level for the exclusive use of the occupants of that dwelling. Such areas of private open space shall be:-

- (a) In area equal to 50% of the total floor plan area of the flat subject to a minimum of 40 square metres per unit;
- (b) In one part or more parts, subject to the following requirements:
 - If provided in one part, such part shall have a minimum dimension of 4.5 metres; and
 - if provided in two or more parts, one part shall have a minimum area of 30 square metres and a minimum dimension of 4.5 metres and a least one other part shall have a minimum dimension of 3 metres the required minimum dimension of any part of the required unbuilt-upon area shall be measured exclusive of paths, access ways and the like;
- (c) Comprised of unobstructed yard area;
- (d) Exclusive of space required for vehicle parking purposes, whether covered or not;
- (e) Contiguous to the dwelling in respect of which it is provided; and
- (f) Capable of being physically enclosed, but not necessarily so enclosed.

In addition to the private unbuilt-upon space for individual dwellings, there be provided a further 30 square metres of unbuilt-upon space per dwelling (common space), the disposition of which shall be subject to the approval of the Council and the preservation of any necessary rights of access to individual dwellings.

6.3.7 Other Buildings Onsite

A maximum of 10 percent of the unbuilt-upon portion of the site which is not occupied by dwellings may be used for the erection of electricity substations, garages, carports, garbage bin storage, letter boxes or other buildings approved in the individual case.

6.3.8 General Design Provisions

- (a) Multi Unit Residential buildings shall comply with the provisions of the Building Code of Australia in relation to fire rating and notwithstanding this; multi unit residential buildings of one storey in height shall be erected with external walls predominantly of masonry.
- (b) All plumbing and drainage must be carried out within suitable ducts within the building so as to be not readily visible from public streets, parks etc. and such ducts shall be fire rated as required by the provisions of BCA.
- (c) Exposed balcony floors shall be graded and drained to suitable outlets.
- (d) An enclosed waste garbage receptacle shall be provided adjacent to the street boundary in a location to Council's satisfaction. It shall be constructed with an approved weather-proof building material that blends with the landscape and surrounding buildings. The floor must be constructed of a concrete slab or similar material that is impervious to moisture.

The receptacles shall consist of walls constructed on three sides with a solid timber gate or similar type material facing the driveway for access. Earth mounding and landscaping shall be provided around the receptacle in order to reduce the visual impact of the structure. The contents of the receptacles should not be visually exposed to adjoining streets, parks and properties.

- (e) Where laundries are not provided with drying machines, open air clothes drying areas must be provided. Such open air clothes drying areas shall be indicated on the plan of the proposed development and provided at the rate of 7.5 lineal metres of the clothes line per dwelling.
- (f) All dwelling units shall be provided with town water and shall be connected to reticulated sewerage.
- (g) Special care should be taken in the siting of buildings on allotments in order to avoid buildings encroachments upon areas of land that are within the influence of sewer mains.

6.3.9 Water Supply

(a) Metering

The method of metering of a Multi residential (Torrens or strata) development is usually dictated by the nature of the development itself. In the case of a home unit block, metering of individual units is not possible and a single meter therefore controls the supply to the whole property. With town house type development, however, the Local Water Authority insists on the separate metering of each unit.

Where there are common areas of landscaping, then a “common space meter” may be approved for areas and facilities under the control of the Body Corporate. Generally, only one “common space meter” is approved, unless there are special circumstances, such as a very large site with several widely spaced common amenities in which case more than one may be approved.

(b) Main Tapping & Service Connection

All meter sizes and main tapings shall be in accordance with the relevant Australian Standards for dwelling unit developments.

The local Water Supply Authority has an application form to be completed for the tapping of the main and the supply of the meter for an oversize service.

6.3.10 Electricity Requirements

Underground service of electricity shall be required from the point of supply in the street to the proposed new building.

The applicant is to ascertain by reference to the Electricity Supplier.

(a) The position where service box and meters are to be installed.

(b) Whether transformer distribution is required. In the event of such centre being required, the applicant shall conform to the requirements of the Electricity Supplier but the centre must not be located between the building and the street alignment.

7.0 Landscaping

7.1 Objectives of landscaping

The following landscaping requirements aim to ensure a high standard of environmental quality of individual developments, whilst enhancing the general streetscape and amenity of the area. Landscaping areas are to include individual court yards or private recreational space per dwelling unit.

7.2 Landscape Drawings

The method of obtaining approval for the landscaping in a proposed development varies depending on the proposed size of the building.

For development with a proposed total floor area less than 1000 m², the developer can follow either the procedure outlined in section 7.2.1 or the procedure outlined in section 7.2.2.

For development with a proposed total floor area of 1000 m² or more Council requires a qualified Landscape Architect to follow the procedure outlined in section 7.2.2.

7.2.1 Where an approved Landscape Consultant is not used the following procedure is adopted.

a) A landscaping principles plan shall be submitted as part of the development application and shall be prepared a by person with a demonstrable expertise in landscape design.

It shall show the landscape treatment in terms of principles adopted, general descriptions of landscape surfaces and spread and height of trees and shrubs at maturity both for the site, road shoulders and footway areas adjoining the site.

It shall include diagrams showing the vertical form of the proposed landscaping (at maturity) superimposed on appropriate elevations of the building.

b) Council will require submission of a detailed landscaping plan as part of the Construction Certificate, prepared by a person with demonstrable expertise in landscape design. This plan must be based on the landscaping principles plan submitted with the development application and must embody any relevant conditions of development consent.

c) Council shall require a bond to be paid at Construction or complying development certificate stage for the maintenance period of the landscaping.

d) The Landscaping maintenance period is 12 months from the date of the final or occupation inspection and once landscaping is completed. The Council shall inspect the work at six and twelve month intervals to ensure the works have been maintained satisfactorily and carried out to accepted practices. Refunding of 50% of the bond shall occur at six months and at twelve months if landscaping is satisfactorily maintained, replaced and established.

7.2.2 Where a Landscape Consultant is used, the following reports must be supplied.

i) Design

A concise design report and concept plan should be submitted with the development application to show that the landscape works design is in accordance with the intent of the Landscaping Guidelines & Policy.

ii) Implementation

During implementation the landscape architect shall be commissioned to carry out periodic inspections.

Upon the satisfactory completion of the landscape construction works the approved landscape consultant shall provide a Certificate of Practical Completion stating that the works have been carried out in accordance with accepted professional standards and landscape policy objectives and that a maintenance programme is established. Minor defects to be rectified during the maintenance period must be submitted to Council in this report.

iii) Council shall require a bond to be paid at Construction or Complying development certificate stage for the maintenance period of the landscaping.

iv) The Landscaping maintenance period is 12 months from the date of the final or occupation inspection and once landscaping is completed. The Council shall inspect the work at six and twelve month intervals to ensure the works have been maintained satisfactorily and carried out to accepted practices. Refunding of 50% of the bond shall occur at six months and at twelve months if landscaping is satisfactorily maintained, replaced and established.

7.3 Landscaping principles

The following principles shall apply to the landscaping treatment of the site:

- a) That part of the site not occupied by the building or traffic areas should be landscaped.
- b) As little as possible of the unbuilt upon areas should be used for access ways, driveways, parking and storage areas, etc. These areas should be screened by vegetation from public and neighbouring areas, and integrated into the overall landscape plan.
- c) Site landscaping should enhance the visual environment, create usable areas of active and passive open space around the building, be useful in shading walls, windows and open spaces, and assist with transitions of scale between adjoining buildings.
- d) Landscaping should be used to soften the appearance of development, both for ground areas, as well as within the building and on balconies, terraces and roofs as appropriate for the particular development.

- e) All existing live trees should be preserved where not located close to the external walls of a proposed building. Applicants will be required to maintain as many trees as possible on the site and approval is to be obtained before any tree is lopped or destroyed.
- f) Selection of species for planting should relate to the natural vegetation in the locality, the scale of the surrounding development and the function of the landscaping (eg, providing shade or screening effect).
- g) Trees and shrubs should be used to divide and screen open parking areas.
- h) Pedestrian access to all entry points and to open areas around the building should be adequately provided.
- i) Landscaping may include the planting of trees on the Council footpath with approval but will be considered as supplementary to the required landscaping requirements for the development site.

7.4 Landscaping Generally

Site landscaping for Multi Residential development shall comprise appropriate landscaping treatment for the available area of the site between the facade of buildings and the street frontage or frontages.

Landscaping treatment should include retention and provision of large trees, particularly of native species, so as to complement buildings or overall development.

8.0 Car parking and Access

8.1 Off Street Parking

Off-street parking areas are to be designed and provided in accordance with the RTA Guide to Traffic Generating Developments.

8.2 Objectives

The development proposal should be designed so that:

- a) parking space is sufficient for the needs of residents and visitors including any ancillary uses;
- b) parking is located in such a way as to be evident, convenient and accessible;
- c) parking space and driveways do not detract unnecessarily from the appearance or amenity of a development.
- d) that no car parking space is provided between the front of the building and the street alignment.

8.3 Parking area use

8.3.1 Resident Parking

Parking for residents should be accessible to the dwelling unit and undercover (garage or carport). Resident parking shall be provided as a minimum of one space per residential unit for a one or two bedroom unit and two spaces per residential unit having three or more bedrooms. Table 8.1 provides greater detail.

8.3.2 Visitor Parking

Such parking should be located so as to satisfy the objectives in 8.2. Special attention should be given to the design so that an unfamiliar or inexperienced driver need have no hesitation in using the parking area, rather than parking the vehicle in the street.

Visitor parking shall be provided at the rates shown in table 8.1

8.4 Parking requirements

The car parking spaces for a particular development shall be designed in size and area to the Auspec #1 and the RTA Guide to Traffic Generating Developments.

Table 8.1

Dwelling Type	Residential Parking	Visitor Parking
Duplex (up to 2 bedrooms per unit)	1 space per unit	1 space per unit
Duplex (over 2 bedrooms per unit)	2 spaces per unit	1 space per unit
Multi Residential (up to 2 bedrooms per unit)	1 space per unit	1 space per 5 to 6 bedrooms or per 3 units
Multi Residential (over 2 bedrooms ie 3 or more)	2 spaces per unit	1 space per 5 to 6 bedrooms or 1 per 2 units of 3 or more bedrooms
Multi Residential (bed sit or single bedroom)	1 space per unit	1 space per 6 units

Note:

1. Where a proposed development does not fall within any of these categories, the assessment of on-site parking demand shall be calculated having regard to the general nature of the development and its traffic generating potential.
2. Where a proposed development is seen to fall into more than one category, the highest demand category shall be used to assess the amount of parking spaces.
3. Generally, more than one category in the one development will require total parking provision for each category.
4. Where retailing is proposed, additional parking will be required in the following manner:
 - a) car parking shall be calculated for the retail premise separate to the residential component in accordance with the RTA Guide to Traffic Generating developments
5. In respect of both retailing and residential uses, the required parking provision may be varied by Council having regard to the nature of goods to be retailed from the premises.

8.5 Parking and Driveway General Requirements

At least one covered space should be contained within the curtilage of each dwelling with the balance being located in accessible areas and readily defined. At least one garage must be provided for each dwelling and must be attached to the side or rear walls of the dwelling. Appropriate provision is to be made for the off-street parking of visitors or other cars within the allotment at the ratio identified in the table above.

All parking areas and driveways shall be constructed of 150mm concrete slab reinforced with mesh, having a compressive strength of 15MPa at 28 days, or an engineered flexible pavement with 25mm hot mix surface and shall be adequately drained to prevent water entering adjoining properties.

Concrete kerbs or other approved barriers (0.15 metres high) shall be provided separating landscaped areas from driveways and parking areas.

The use of materials such as brick pavers, grass-crete, U-groove pavers, etc are recommended in visitors car parking areas in order to achieve a visually softer appearance.

Driveways shall be designed in order that there is strategically located sections with a minimum width of 5 metres to provide for proper passing of vehicles.

The location of parking areas and driveways shall be such as not to interfere with pedestrian flow or safety on the site.

A concrete footpath crossing shall be constructed to a 150mm concrete slab reinforced with mesh standard or its equivalent. Service conduits should be placed prior to pouring of the slab. The developer is responsible for contacting the service providers and establishing their individual requirements for access below concrete areas. Maximum rise between the street gutter invert and a point 3 meters in from

gutter invert to be 250mm unless otherwise approved. Where more than one crossing is required, the combined width of such crossings shall no exceed 8 metres.

8.6 Public Road Shoulder, Kerbs and Gutter and Footpath

Where either the road shoulder is not bitumen sealed, the kerb and gutter not in existence or the footpath not formed, then the carrying out of such work will be a condition of approval to the development. Where these are in existence Council will require repair of any damage to these by the development prior to acceptance of completion of the development.

Particular care should be taken not to build the footpath up above its correct level by the dumping or pushing soil onto the footpath from the development.

Any footpath or pedestrian crossings shall be constructed to a 100mm concrete standard or its equivalent.

8.7 Access to Site

The developer shall be required to provide and meet the costs of all access from the road onto the development site. Any kerb and guttering crossing caused to be redundant by the proposed development shall be removed and the kerb and gutter reinstated at the developers expense.

9.0 Waste Management

Waste services shall be provided as per table 9.1 and landscaping and building design shall allow for individual storage facilities to be located in accordance with this code. The provision of waste services are the minimum service provisions required and owners should discuss with tenants their individual needs to ensure the removal of waste from the unit complex. This item will need to be considered with the Waste Not Section of this DCP.

Table 9.1

Dwelling Type	Household waste bins	Recycling bins	Green waste bins
Duplex	1 per unit	1 per unit	1 per unit
Strata unit	1 per unit	1 per unit	1 per unit
Multi Residential (up to 3 units)	2 per 3 units	2 per 3 units	1 per complex
Multi Residential (4 or more)	1 per 3 units or part there of (e.g. in a 4 or 5 unit complex it requires 2 bins)	2 per 3 units or part there of (e.g. in a 4 or 5 unit complex it requires 4 bins)	2 per complex
Multi Residential (bed sit or single bedroom)	1 per 3 units or part there of	1 per 3 units or part there of	1 per 3 units

Note:

1. Where a proposed development does not fall within any of these categories, the assessment of waste service demand shall be calculated having regard to the general nature of the development and its waste generating potential.
2. Where a proposed development is seen to fall into more than one category, the highest demand category shall be used to assess the waste service requirements.
3. Where retailing is proposed, additional waste services will be required.

10.0 Designs for Climate and Energy Conservation

The design and siting of the building and the landscape design should ensure that heat gain into the building is minimised, in order to reduce the load on or need for air conditioning systems. The penetration of sunlight into neighbouring properties for solar collectors shall also be considered.

Design techniques for the control of sun penetration include:

- orientation (suitable control of sunlight is most easily obtained on walls facing north);
- use of horizontal projecting screens such as overhead balconies, awnings, wide eaves or pergolas (to allow warm winter sun to penetrate rooms while excluding the hot summer sun);
- use of deciduous trees on the northern part of the allotment (to allow sunlight penetration in winter and shade in summer);
- restricting the amount of glass area in walls facing east or west (particularly west as the low afternoon sun is warmer than the early

morning sun). The use of shade trees and horizontal screens can reduce the amount of penetration, but this is more difficult than for north facing walls;

- use of ceiling and wall insulation.

Materials should be selected that are appropriate to hot climates to assist in reducing heat gain, for example, light coloured walls and roofing materials.

Note: Medium Density Residential buildings may be required to comply with BASIX. You are advised to consult a Building designer or certifier prior to drawing plans. Further that designing for energy efficiency does not negate the requirements to comply with the Building Code of Australia.

11.0 General Requirements

11.1 Roof and Surface Water Disposal

All roof and surface water shall be discharged into the street drainage or piped drainage easements, if available, to the satisfaction of the Councils Technical Services Department.

Where disposal direct to the street watertable or drainage easement cannot be satisfied, a suitable legal drainage easement will need to be created and constructed at the expense of the developer.

Adequate on site measures shall be taken to provide for on site infiltration and retardation of stormwater. This may be undertaken in conjunction with landscaping. Where possible, stormwater retained on site should be re-used for the irrigation of landscaping. Council requires minimum rain water storage to be 2000 litres per unit as a minimum. This minimum does not over ride any requirements of BASIX and the requirements to connect to toilets, laundries or other fixtures.

Stormwater should not flow across footpaths from internal paved yards or driveways. Provision of side mounted kerb and gutter; stormwater metal grates within the internal driveway at the property line are preferred to full driveway width stormwater metal grates. Stormwater designs that allow water to enter a laneway shall be subject to individual location controls and advice is to be sort from Councils Technical Services section prior to design works being submitted.

You are advised to consult Councils Technical Services Department or a civil engineer prior to drawing plans to ensure that your proposal can be satisfactorily achieved.

11.3 Street Kerbing

Provision in existing kerbing for new driveways or new roof drainage outlets to be cut with a concrete saw; closing up all old driveways and their replacement with a full kerb station is a condition of approval.

11.4 Vehicle washing facilities

Consideration should be given for provision of vehicle washing facilities, constructed with consideration given to the disposal of water and silt with a hose cock fitted nearby. Car washing areas shall require approval under the Local Water and Sewerage Authorities Trade Waste Policy.

11.5 Trade Waste Policy

Prior approval shall be required for the disposal of trade wastes to the sewerage system, and shall comply with the Local Water and Sewerage Authorities trade waste policy as appropriate. Premises that are discharging waste to the sewerage system shall be required to obtain an approval for the discharge of trade waste.

Applicants are advised to contact the Local Water and Sewerage Authorities for advice on the required systems to be installed.

11.6 Building Materials

All Buildings should be designed so as to comply with the requirements for the Building Code of Australia and energy efficiency requirements under this DCP and BASIX.

11.7 Access for the disabled

Attention is drawn to the requirements of the Building Code of Australia regarding the provision of access for the disabled, which may affect the design of the building in some cases.

11.8 Fencing

Fencing for security or privacy shall not be erected between the building line and the front boundary of a site. However, Council may permit the erection of fences in circumstances where:

- i) such fencing comprises an open type fence and/or low fencing (less than 500 mm high); and
- ii) the fence does not obstruct the view of landscaping from the street and drivers' views from driveway to road.

Where fences are erected, landscaping of an appropriate height and scale shall be provided to screen the fence and achieve an attractive appearance to the development when viewed from the street or other public place.

Fencing between properties shall be in accordance with the Dividing Fences Act and shall be of a minimum height of 1.5 metres. Applicants are advised to discuss fencing requirements with the adjoining land owners or seek advice from the NSW Lands Department.

11.9 Head works and S94 Contributions (No Subdivision)

Developers of Medium Density Housing shall contribute to stormwater, water and sewerage head works in accordance to Council's Policy and fees and charges and the fees and charges of the Local Water and Sewerage Authorities.

Contributions for other services or infrastructure provisions are included in Councils Section 94 Plan.

Council under the Environmental Planning and Assessment Act may enter into an agreement with a developer to make provision for a service or community benefit not identified in a Section 94 Plan. Council will consider any agreements proposed by the developer but may choose not to accept such in lue of other essential provisions.

Proponents should consult with Councils Technical Services department to determine contributions applicable.

The contributions will be a condition of development consent, and require payment prior to approval for linen release or building.

12 Subdivisions

12.1 Lot Size and Shape

The minimum size for a subdivision shall be as shown on the Lot Size Map in accordance with the Gloucester Local Environmental Plan 2010.

Allotments containing a multi unit development shall have a minimum frontage to depth ratio of 1:3. Battle axe allotments will generally not be supported. All allotments shall have a minimum frontage of 20 metres at the building alignment.

Strata Title or Community Title subdivisions shall comply with the requirements of the relevant Acts and any other Act setting standards for this form of development.

12.2 Roads and Access

All roads to be constructed as a requirement of development or subdivision approval shall be constructed to Council's standards and requirements for construction of engineering works. Councils current standards are AusRoads

as amended. Developers are required to contact Councils Technical Services Department to discuss requirements.

Internal roads and driveways shall be constructed to a suitable sealed bitumen or concrete standard.

Property access shall be sealed and properly drained. Driveways shall be concreted square to the kerb with a maximum width of 6 metres. Generally, only one driveway access shall be permitted.

12.3 Easements

Suitable provision shall be made for the provision of drainage easements and electricity easements, the location of which is not to adversely affect the future usability of any allotment.

12.4 Financial Contributions

As per Section 10.9 in this Section, Council and the Local Water and Sewerage Authorities will seek financial contributions in accordance with Council's Section 94 Contributions Plan and Stormwater, water and sewer contributions plan as advertised annually as part of Councils fees and charges.

Proponents should consult with Council to determine contributions applicable. The contributions will be a condition of development consent, and require payment prior to approval for linen release or building.

Water and sewerage contributions under the Local Water and Sewerage Authorities Contributions Plan may also be applicable.

12.5 Strata Title

At least one car parking space per dwelling shall be shown on the Strata Plan, the remainder of the spaces may be shown as Common Property.

Appendix 4.1 - Multi Residential Development Guidelines

Requirements for Plans

1. General

- Plans should be drawn to an appropriate scale shown on the drawings.
- Plans should be drawn with clarity.
- Plans should indicate a north point.
- All plans shall be consistent with each other.

2. Survey plans are to indicate:

- Existing buildings, structures and features of the site;
- Topography (spot levels, contours) including that of adjoining property where relevant;
- Natural drainage of the site;
- Any easements or rights of way;
- Significant existing vegetation, indicating its location on the site, type and spread;
- Location, height and use of any adjoining buildings or structures such as swimming pools; and
- Features of streets immediately adjoining or within the property, including poles, kerbs, crossings and pits.

3. Site plans are to identify the location of the following:

- Proposed and existing buildings;
- Existing significant trees, indicating whether they will be retained or removed;
- Paved areas;
- Landscaped areas;
- Driveway entry and/or exit;
- Car parking spaces for employees and visitors;
- Garbage storage areas;

- On-site detention tanks;
- Letter boxes;
- Private open spaces; and
- Where privacy is an issue in the proceedings, the location of windows of the adjoining property and the subject proposal.

4. Floor plans are to indicate:

- Room names, area and dimensions;
- The location of windows and doors;
- The levels of floors, terraces and the like to Australian Height Datum (AHD);
- Wall construction; and
- Spot levels of natural ground to AHD.

5. Elevations are to indicate:

- Elevations of all sides of the building or structure;
- Outline of existing buildings;
- Materials and finishes to be used in construction;
- Location of adjoining buildings showing address, height, setbacks and other relevant features;
- Proposed window size, sill height and location; and
- Height of eaves, ridge and floor levels to AHD.

6. Sections are to indicate:

- Appropriate number and location;
- Section line and location on plan;
- Room names;
- Adequate representation of ground level;
- Areas of cut and/or fill; and
- Height of levels to AHD.

7. Landscape plans are to:

- Be consistent with other plans with respect to the height, size and location of buildings;
- Indicate the location, species, height and spread of significant existing trees, indicating whether they will be retained or removed;
- Indicate the location of any additional planting to be carried out including species names, spread, height and other features; and
- Indicate the location of significant retaining walls or other structures.
- Indicate finished relative levels of all major surfaces.

8. Overshadowing plans are to:

- Be based on true north;
- Indicate the location and nature of existing and/or proposed fencing, with the shadows projected;
- Indicate horizontal and vertical impact, including any impact from any substantial wall;
- Provide a table of compliance and non-compliance with known criteria (such as a development control plan, a State environmental planning policy or Australian Model Code for Residential Development (AMCORD)); and
- Make appropriate allowance for the topography.

9. Additional Information Required

- method of waste disposal and recycling.
- Statement of compliance with Section 4.1 of DCP 2010

SECTION 4.2

INDUSTRIAL DEVELOPMENT GUIDELINES

(ZONE IN1 and IN3)



1.0 Introduction

1.1 Land to which plan applies

The provisions of this section apply to the land which is zoned Industrial IN1 and IN3 in *Gloucester Local Environmental Plan 2010*.

1.2 Purpose of Industrial Development Guidelines Section

This section contains more detailed provisions than contained in the relevant environmental planning instruments.

The purpose of this section is to give detailed guidance to people wishing to develop within the industrial areas and provide guidelines concerning retailing in industrial zones.

1.3 Application of Section

When a development application is lodged which relates to land to which this plan applies, Council shall take the provisions of this section into consideration in determining the application.

Compliance with the provisions of this section does not necessarily imply that Council will consent to an application. Council must also take into consideration the relevant planning instrument, those matters listed under Section 79C of the *Environmental Planning and Assessment Act, 1979* and relevant Council codes and policies.

1.4 Consultation with Council staff

Prospective applicants are strongly advised to consult Council staff prior to preparing and submitting development applications. This is to ensure that subsequent delays due to inadequate documentation are minimised. Council staff will advise applicants on relevant planning documents, Council policy, construction and health, issues that may emerge with the development and the supporting information that should accompany the application, but will not act as a consultant for the applicant.

In varying places, this plan and any plans adopted by reference contain objectives, performance criteria, standards and acceptable design solutions. Where written justification is provided by the applicant, Council may agree to vary the acceptable design solutions if it is satisfied that the objectives and performance criteria have been met. Council staff can advise on where this operates, but cannot guarantee that the variation will be agreed to.

2.0 Definitions

Reference shall be made to the Gloucester Local Environmental Plan 2010 for definitions to wording contained in this Plan.

3.0 Objectives

The objectives of this section are:

- a) To ensure that industrial development:
 - i) is generally related to the scale, bulk and height of existing development, the streetscape and landscape in its locality;
 - ii) is attractive and functional;
 - iii) retains existing worthwhile vegetation wherever possible;
 - iv) is landscaped to improve the appearance of the development from the street, adjoining properties and from vantage points in the Shire; and
 - v) has adequate on-site parking; and
- b) To provide guidelines for retailing of goods in industrial areas and related servicing uses without unduly detracting from the retail strength of the central business districts.

4.0 Development Applications

Development consent must be obtained to erect a building, carry out work, carry out retailing of goods or change from one type of use to another. However, there are some exceptions to this; these are described below in Section 4.2 and 4.3.

4.1 Content of development applications

4.1.1 Development applications should be submitted on Council's current application form and in accordance with the instructions for completing development applications. Copies of the form are available on request, including a checklist of items to accompany the application. The required plan details are listed in Schedule A.

4.1.2 The purpose for which consent is sought is to be clearly stated in the application (eg, office premises, car repair station, light industry, heavy industry or warehouse).

4.1.3 Where consent is sought for a proposal which incorporates retailing (whether only ancillary or otherwise), this must be clearly stated and explained in the application. The application should include information detailing:

- a) a description of the activity sufficient to indicate the proportion of the total activity catering for retail sales, and the significance of those retail sales to the proposal;
- b) the extent of floor space and site area used for retail display, retail sales or otherwise accessible to retail customers;
- c) the provision of car parking in accordance with this DCP.

4.1.4 In addition to the prescribed information, Council requires applicants to demonstrate the extent to which the development conforms to the principles and requirements of this DCP, and to justify any departures from it.

4.1.5 Particular attention should be paid to a Statement of Environmental Effects or Environmental Impact Statement, as applicable, which must accompany the application.

4.1.6 In general, the principle underlying the statutory requirement for development applications is that the applicant should provide the Council with sufficient information about the development and its effects to enable the Council to make a proper decision. Council has the power not to accept an application which it regards as inadequate or incomplete, or to seek additional information.

4.1.7 Applicants are strongly advised to use the services of architects, landscape architects, surveyors, environmental planners and engineers within their field of expertise, to design their developments. All drawings submitted shall bear the names of the persons responsible for the design.

4.2 Change of use

Certain developments, particularly certain changes of use which would normally have required development consent under the relevant planning instrument, may not require consent. This is because of the operation of *State Environmental Planning Policy No 4 - Development Without Consent*, as amended.

Under *State Environmental Planning Policy No 4*, applicants may be required to notify Council of their development and pay a prescribed fee. A Construction Certificate may also be necessary, for example, when:

- i) the use and occupation of a building is to be changed from that of one class (as defined by the Building Code of Australia) to that or another class; or
- ii) any building construction or alteration is proposed.

Details of the operation and effect of *State Environmental Planning Policy No 4* are available from Council.

4.3 Exempt and Complying Development

The Gloucester Local Environmental Plan 2010 contains requirements to permit exempt and complying development on land zoned for industrial use. Exemption and complying development may also apply under State legislation. Exemptions may also apply to developments identified under *State Environmental Planning Policy (Infrastructure) 2010*. This policy relates to major developments and will generally apply to developments in the IN3 Heavy Industrial zone.

5.0 Restrictions on Intensity of Development

- 5.1 Industrial development will be limited by site functional factors such as access, parking and setbacks.
- 5.2 The height of buildings shall comply with the Height of Buildings Map in the Gloucester Local Environmental Plan 2010.
- 5.3 The building shall be setback from the front boundary (Road Boundary) a minimum of 10 metres.
- 5.4 The building shall be designed to comply with the requirements of the Building Code of Australia for side and rear wall and structural element set backs. Note: building elements require fire protection within 3 metres of the boundaries. Large isolated buildings require greater set backs.

6.0 Sitting and Design of Buildings

6.1 Building aesthetics

The sitting and design of a development, as illustrated in the application plans, shall be such as to satisfy the public and neighbours (if exhibited) and Council (at decision stage), that the likely external appearance will be satisfactory having regard for the type of development proposed.

Appropriate use should be made of materials, colours and variety of building form to ensure that the development would be appropriate in its surroundings.

6.2 Adjoining residential

Although the industrial zones do not support residential land uses, a number of residential developments do exist within the IN1 zone due to historical precedents.

Care must be taken to establish a reasonable measure of visual privacy for any neighbouring residential buildings. The location of major windows is of critical importance in this respect.

6.3 Setbacks

6.3.1 Front Boundary Setback

Buildings shall be setback a minimum of 10 metres from the front boundary. A concession may be allowed in the case of corner allotments, where the setback to one street frontage may be less than 10 metres, provided that:

- i) adequate site distances at the road junction and access to the site are maintained;

- ii) the setback provides adequate space for site landscaping of a type which is consistent with landscape principles specified in Section 7.

6.3.2 Side and Rear Setback

Buildings shall be setback a minimum of 3 metres from the side and rear boundaries. A concession may be allowed where external walls have no windows and have a fire rating complying with the Building Code of Australia. In these circumstances, the building may be located up to the side and/or rear boundary of the site.

Council may not grant this concession if it would result in the removal of significant vegetation.

7.0 Landscaping

7.1 Objectives of landscaping

The following landscaping requirements aim to ensure a high standard of environmental quality of individual developments, whilst enhancing the general streetscape and amenity of the area:

7.2 Landscape Drawings

The method of obtaining approval for the landscaping in a proposed development varies depending on the proposed size of the building.

For development with a proposed floor area less than 2000 m², the developer can follow either the procedure outlined in section 7.2.1 or the procedure outlined in section 7.2.2.

For development with a proposed floor area of 2000 m² or more Council requires a qualified Landscape Architect to follow the procedure outlined in section 7.2.2.

7.2.1 Where an approved Landscape Consultant is not used the following procedure is adopted.

- a) A landscaping principles plan shall be submitted as part of the development application and shall be prepared a by person with a demonstrable expertise in landscape design.

It shall show the landscape treatment in terms of principles adopted, general descriptions of landscape surfaces and spread and height of trees and shrubs at maturity both for the site, road shoulders and footway areas adjoining the site.

It shall include diagrams showing the vertical form of the proposed landscaping (at maturity) superimposed on appropriate elevations of the building.

- b) Council will require submission of a detailed landscaping plan as part of the Construction Certificate, prepared by a person with demonstrable expertise in landscape design. This plan must be based on the landscaping

principles plan submitted with the development application and must embody any relevant conditions of development consent.

c) Council shall require a bond to be paid at Construction or complying development certificate stage for the maintenance period of the landscaping.

d) The Landscaping maintenance period is 12 months from the date of the final or occupation inspection and once landscaping is completed. The Council shall inspect the work at six and twelve month intervals to ensure the works have been maintained satisfactorily and carried out to accepted practices. Refunding of 50% of the bond shall occur at six months and at twelve months if landscaping is satisfactorily maintained, replaced and established.

7.2.2 Where a Landscape Consultant is used, the following reports must be supplied.

i) Design

A concise design report and concept plan should be submitted with the development application to show that the landscape works design is in accordance with the intent of the Landscaping Guidelines.

ii) Implementation

During implementation the landscape architect shall be commissioned to carry out periodic inspections.

Upon the satisfactory completion of the landscape construction works the approved landscape consultant shall provide a Certificate of Practical Completion stating that the works have been carried out in accordance with accepted professional standards and landscape policy objectives and that a maintenance programme is established. Minor defects to be rectified during the maintenance period must be submitted to Council in this report.

iii) Council shall require a bond to be paid at Construction or Complying development certificate stage for the maintenance period of the landscaping.

iv) The Landscaping maintenance period is 12 months from the date of the final or occupation inspection and once landscaping is completed. The Council shall inspect the work at six and twelve month intervals to ensure the works have been maintained satisfactorily and carried out to accepted practices. Refunding of 50% of the bond shall occur at six months and at twelve months if landscaping is satisfactorily maintained, replaced and established.

7.3 Landscaping principles

The following principles shall apply to the landscaping treatment of the site:

a) That part of the site not occupied by the building or traffic areas should be landscaped.

- b) As little as possible of the unbuilt upon areas should be used for access ways, driveways, parking and storage areas, etc. These areas should be screened by vegetation from public and neighbouring areas, and integrated into the overall landscape plan.
- c) Site landscaping should enhance the visual environment, create usable areas of active and passive open space around the building, be useful in shading walls, windows and open spaces, and assist with transitions of scale between adjoining buildings.
- d) Landscaping should be used to soften the appearance of development, both for ground areas, as well as within the building and on balconies, terraces and roofs as appropriate for the particular development.
- e) All existing live trees should be preserved where not located close to the external walls of a proposed building. Applicants will be required to maintain as many trees as possible on the site and approval is to be obtained before any tree is lopped or destroyed.
- f) Selection of species for planting should relate to the natural vegetation in the locality, the scale of the surrounding development and the function of the landscaping (eg, providing shade or screening effect).
- g) Trees and shrubs should be used to divide and screen open parking areas.
- h) Pedestrian access to all entry points and to open areas around the building should be adequately provided.

7.4 Landscaping Generally

Site landscaping for industrial development shall comprise appropriate landscaping treatment for the available area of the site between the facade of buildings and the street frontage or frontages.

Landscaping treatment should include retention and provision of large trees, particularly of native species, so as to complement buildings or industrial development.

8.0 Car parking and Access

8.1 Off-street parking and loading areas

Off-street parking and loading areas are to be designed and provided in accordance with the RTA Guide to Traffic Generating Developments.

8.2 Objectives

The development proposal should be designed so that:

- a) parking space is sufficient for the needs of patrons including any ancillary uses;
- b) parking is located in such a way as to be evident, convenient and accessible;
- c) parking space and driveways do not detract unnecessarily from the appearance or amenity of a development; and
- d) parking areas for staff and patrons and loading areas are at least to some extent separate so as to assist with movement function of the development.

8.3 Parking area use

8.3.1 Staff Parking

Parking for staff should be located preferably more distant from the street, leaving customer parking more accessible.

8.3.2 Customer or Patron Parking

Such parking should be located so as to satisfy the objectives in 8.2. Special attention should be given to the design so that an unfamiliar or inexperienced driver need have no hesitation in using the parking area, rather than parking the vehicle in the street.

8.4 Parking requirements

The following table indicates the requirements of car parking spaces for particular development. These requirements are extracted from the RTA Guide to Traffic Generating Developments. Requirements for other land uses, may be found in the RTA Guide to Traffic Generating Developments.

Note: Refer to the RTA Guide to Traffic Generating Developments for the current requirements.

Land Use (examples only)	Parking Spaces Required
Gymnasiums	3 spaces per 100 sq m
Warehouses	1 space per 300 sq m
Car repairs stations	8 plus 1 per employee
Industries	1.3 spaces per 100 sq m gross floor space – minimum 1 per individual unit
Junk yards, liquid fuel depots	4 plus 1 per employee
Motor vehicle showrooms, marine & caravan sales	1 per 70 sq m display floor space (separate parking) plus 1 per 2 employees
Plant Nursery	0.5 spaces per 100 sq m of site area
Service stations	6 spaces per lube bay plus 1 per 2 employees
Squash courts	3 per court
<p>Note:</p> <ol style="list-style-type: none"> 1. Where a proposed development does not fall within any of these categories, the assessment of on-site parking demand shall be calculated having regard to the general nature of the development and its traffic generating potential. 2. Where a proposed development is seen to fall into more than one category, the highest demand category shall be used to assess the amount of parking spaces. 3. Generally, more than one category in the one development will require total parking provision for each category. 4. Where retailing ancillary to industry is proposed, additional parking will be required in the following manner: <ol style="list-style-type: none"> a) Where retail customers have access only to a display area or showroom, there shall be one space for each 30 m² of that area; or b) Where retail customers have access to other than a defined display area or showroom, two car parking spaces in addition to those required for the principle development, shall be provided. 5. Where retailing of bulky goods is proposed, one car space for each 70 m² of gross floor space shall be provided. 6. In respect of both ancillary retailing and retailing of bulky goods, the required parking provision may be varied by Council having regard to the nature of goods to be retailed from the premises. 	

9.0 Design for Climate and Energy Conservation

9.1 The design and siting of the building and the landscape design should ensure that heat gain into the building is minimised, in order to reduce the load on or need for air conditioning systems. The penetration of sunlight into neighbouring property for solar collectors shall also be considered.

9.2 Design techniques for the control of sun penetration include:

- orientation (suitable control of sunlight is most easily obtained on walls facing north);
- use of horizontal projecting screens such as overhead balconies, awnings, wide eaves or pergolas (to allow warm winter sun to penetrate rooms while excluding the hot summer sun);
- use of deciduous trees on the northern part of the allotment (to allow sunlight penetration in winter and shade in summer);
- restricting the amount of glass area in walls facing east or west (particularly west as the low afternoon sun is warmer than the early morning sun). The use of shade trees and horizontal screens can reduce the amount of penetration, but this is more difficult than for north facing walls;
- use of ceiling and wall insulation.

9.3 Materials should be selected that are appropriate to hot climates to assist in reducing heat gain, for example, light coloured walls and roofing materials.

Note: *Industrial and commercial buildings may be required to comply with BASIX. You are advised to consult Councils Building Staff prior to drawing plans. Further that designing for energy efficiency does not negate the requirements to comply with the Building Code of Australia.*

10.0 General Building Requirements

10.1 Roof and surface water disposal

All roof and surface water shall be discharged into the street drainage or piped drainage easements, if available, to the satisfaction of the Councils Technical Services Department.

Where disposal direct to the street watertable or drainage easement cannot be satisfied, a suitable legal drainage easement will need to be created and constructed at the expense of the developer.

All industrial developments shall provide on site treatment of stormwater by the installation of sediment control structures, grease and oil arrestors and the like, and a separate approval is required from Council. Natural Wetlands and water courses shall not be used for on site treatment of stormwater or effluent.

Adequate on site measures shall be taken to provide for on site infiltration and retardation of stormwater. This may be undertaken in conjunction with landscaping. Where possible, stormwater retained on site should be re-used for the irrigation of landscaping.

Where possible, drains should be open surface drains or accessible on the premises. This enables tracking of pollutant discharges and/or early interception of accidental spills.

Prior approval shall be required for the disposal of trade wastes to the sewerage system, and shall comply with the Local Water and Sewerage Authority trade waste policy as appropriate.

You are advised to consult Councils Technical Services Department prior to drawing plans to ensure that your proposal can be satisfactorily achieved.

10.2 Garbage storage and removal

The garbage area shall be screened where the receptacle is visible from a public place or where more than one receptacle, from within the development.

Garbage disposal units discharging to the sewer will not be permitted.

10.3 Vehicle washing facilities

Consideration should be given for provision of vehicle washing facilities, constructed with consideration given to the disposal of water and silt with a hose cock fitted nearby. Car washing areas shall require approval under the Local Water and Sewerage Authority Trade Waste Policy.

10.4 Trade Waste Policy

Industries, shops or other premises that are discharging waste to the sewerage system shall be required to obtain an approval for the discharge of trade waste. Applicants are advised to contact the Local Water and Sewerage Authority for advice on the required systems to be installed.

10.5 On site parking, Loading and Turning Areas

On site parking, loading and turning areas should be constructed with an approved sealed material. In exceptional circumstances an approved consolidated gravel pavement may be acceptable. Measures are to be taken to ensure that any graveled areas on site are as dust free as possible. Council may require dust suppression as a condition of development consent depending on the nature of adjoining land uses. Development applications shall indicate paving materials to be used.

All roads, parking and turning areas shall be suitably drained to ensure that no contaminated water leaves the site.

10.6 Advertisements

10.6.1 The aim of this section is to:

- a) ensuring adequate identification of all industrial premises while preventing the proliferation of advertisements; and
- b) ensuring that advertising is related to the scale and size of premises.

10.6.2 Consents

Development consent is required for advertisements other than:

- a) shop window displays;
- b) commercial signs;
- c) temporary advertisements and temporary advertising structures (ie a maximum of 1 months on display);
- d) top hamper signs;
- e) fascia signs; and
- f) under awning signs.

Consent can be obtained simultaneously with consent to erect or use a building or to use land if sufficient details for evaluation are included in the development application. This avoids delays.

10.6.3 Pole or pylon sign

As industrial premises are required to be set back 10.0 m from the street alignment, the premises may be identified by a pole or pylon sign located forward of that building line, and not overhanging the street alignment.

Where there are two or more businesses within the property, the sign should be a business directory sign.

Additional signs may be permitted on the basis of:

- the adequacy of the signs, and/or
- additional entries on that frontage.

10.6.4 Other signs

Each business within a property can have an identifying sign. Preferred signs (in order) are:

- a) top hamper signs;
- b) fascia signs;
- c) under-awning signs; and
- d) flush wall signs.

Other signs and additional signs may be considered and approved where justified.

10.6.5 Additional considerations

In addition to the requirements above, the size, shape and location must be appropriate for the appearance of the locality.

10.6.6 Content

The content of the advertisement must name or characterise the building (or land use) or advertise the purpose (or any proposed purpose) for which the building is used.

Up to one-third of the advertising area may be used for a sponsor's product or other approved message.

10.7 Building Materials

Industrial development should be designed so as to comply with the requirements for the Building Code of Australia and energy efficiency requirements under this DCP and BASIX.

Council permits facades to be of metal and unless otherwise approved should have a façade facing the street of colour bonded material, masonry or a suitable treatment that enhances the overall appearance of the building and street.

10.8 Access for the disabled

Attention is drawn to the requirements of the Building Code of Australia regarding the provision of access for the disabled, which may affect the design of the building in some cases.

10.9 Open storage areas

10.9.1 Where any materials are to be stored outside the buildings, full details of the parts of the site to be so used and of the specific materials to be stored should be provided by the applicant.

10.9.2 Open storage areas are to be effectively screened. Such areas are to be located behind the building line.

10.9.3 In the case of applications which do not include buildings, screen walls or other approved screen devices are to be erected in order to effectively prevent the use of the land being viewed from a public road or nearby public reserve.

10.9.4 Screening devices are to be designed to harmonise with any existing or proposed landscaping.

10.10 Fencing

Fencing for security or privacy may be erected between the building line and the front boundary of a site where it is incorporated with the landscaping.

Where fences are erected, landscaping of an appropriate height and scale shall be provided to screen the fence and achieve an attractive appearance to the

development when viewed from the street or other public place. Fencing and landscaping shall not restrict the view of road users when fully developed or grown.

11.0 Retailing in Industrial Zones

11.1 Introduction

This section addresses retailing in industrial zones. Certain types of retailing are permissible with Council consent under the Gloucester Local Environmental Plan 2010.

Note: Please read the definitions in the LEP 2010 to determine if you can undertake retailing as required.

Where retailing ancillary to industry or other permissible uses is proposed, the following information shall be submitted with a development application:

- i) the extent of floor space and site area intended to be used for retail display, retail sales or otherwise accessible to retail customers; and
- ii) A description of the activity sufficient to indicate the proportion of the total activity catering for retail sales, and the significance of those retail sales to the proposal.

Permissible types of retailing are outlined below.

11.2 Shops serving the needs of industrial workers

Council may grant consent to the development of certain types of retail establishments which serve the needs of industrial workers.

The Gloucester LEP 2010 permits a neighbourhood shop to be established in the IN1 and IN3 zones. Refer definition in LEP 2010.

Council shall not consent to the erection of a shop of a type described above if the floor space of the shop exceeds that which is reasonably required to serve the needs only of workers in the industrial area.

11.3 Ancillary retailing

11.3.1 Council may approve retailing of goods in industrial areas where such retailing is clearly ancillary to and supportive of the main function on the site.

Showrooms may be permitted where they are ancillary to the industrial use of the site and are used only for the display and sale of goods manufactured or produced on the site. Retailing of products which are not manufactured or processed on-site, or ancillary to manufactured goods processed on site, is prohibited in applications for ancillary retailing. Refer to definitions in LEP 2010.

11.3.2

In considering applications for ancillary retailing, Council shall take into account:

- i) the proportion of total floor space being occupied by retailing or showroom activity;
- ii) the nature of goods to be displayed and retailed on the site;
- iii) the higher traffic generating potential of the proposed ancillary retailing or showroom on the industrial site; and
- iv) the possible need for increased on-site car parking.

Council may approve showrooms ancillary to warehousing but retailing ancillary to warehouses and other storage type uses are not permissible.

12.0 Office Development

Office space ancillary to manufacturing, processing, storage or distribution functions is permissible with Council consent, subject to satisfaction of the following matters:

- i) That the office component of a proposed development is ancillary to the functions carried out in the factory or warehouse.
- ii) That the office area is not leased to a separate firm.
- iii) That parking facilities are adequate to cater for the size of the office development.

8.0 Subdivisions

13.1 Lot Size and Shape

The minimum size for an industrial subdivision shall be as shown on the Lot Size Map in accordance with the Gloucester Local Environmental Plan 2010. Allotments are to have a minimum area of not less than 1000 square metres. A minimum frontage to depth ratio of 1:3 shall apply. Battle axe industrial allotments will generally not be supported. All allotments shall have a minimum frontage of 20 metres at the building alignment.

13.2 Industrial Roads and Access

All roads to be constructed as a requirement of development or subdivision approval shall be constructed to Council's standards and requirements for construction of engineering works. Councils current standards are AusRoads as amended. Developers are required to contact Councils Technical services Department to discuss requirements.

Roads shall be constructed to a suitable sealed bitumen standard. All new roads opened in a subdivision shall have a minimum road reserve width of 20 metres and a minimum carriageway width of 10 metres.

Property access shall be sealed and properly drained. Driveways shall be of reinforced concrete, bitumen or hot mix, and square to the kerb with a maximum width of 8 metres.

13.3 Easements

Suitable provision shall be made for the provision of drainage easements and electricity easements, the location of which is not to adversely affect the future usability of any allotment.

13.4 Services

13.4.1 Water and Sewer

All industrial land in the IN1 zone shall be required to connect to the town water supply and sewerage system. The sizing of pipes and water meters needs to be discussed with the local water authority and conditions requiring designs developed by appropriately qualified persons will be submitted to the authority. The minimum service connection for water is 18mm. You should note that water services required for fire fighting purposes require greater metering capacity and higher flow rates than the minimum service.

The provision of trade waste collectors and traps for waste water entering the town sewerage system will be considered based on the proposed use of the premises. You should contact the Local Water and Sewerage Authority to determine the required system for your development.

13.4.2 Electricity

All industrial lots shall be connected to an approved electricity supply.

13.4.3 Stormwater

Council shall require with each subdivision and all new buildings a Stormwater retention and disposal plan. New Stormwater drains shall be designed and installed in accordance with AUSPEC guidelines and may require the provision for Stormwater retention and drainage systems to be installed to prevent downstream flooding and high volume discharges. All Stormwater drainage, retention and flood controls shall be designed and installed at the developers cost.

13.5 Financial Contributions

Developers of Industrial premises shall contribute to stormwater, water and sewerage head works in accordance to Council's Policy and fees and

charges and the charges imposed by the Local Water and Sewerage Authority.

Contributions for other services or infrastructure provisions are included in Councils Section 94 Plan.

Council under the Environmental Planning and Assessment Act may enter into an agreement with a developer to make provision for a service or community benefit not identified in a Section 94 Plan. Council will consider any agreements proposed by the developer but may choose not to accept such in lieu of other essential provisions.

Proponents should consult with Councils Technical services department to determine contributions applicable.

The contributions will be a condition of development consent, and require payment prior to approval for linen release or building.

14.0 Consultation with State Government Agencies

All applicants are advised that they should make contact with the relevant State Government agencies to determine if their development requires future licensing from the EPA or other agency.

Appendix 4.2 - INDUSTRIAL DEVELOPMENT GUIDELINES

Requirements for Plans

1. General

- Plans should be drawn to an appropriate scale shown on the drawings.
- Plans should be drawn with clarity.
- Plans should indicate a north point.
- All plans shall be consistent with each other.

2. Survey plans are to indicate:

- Existing buildings, structures and features of the site;
- Topography (spot levels, contours) including that of adjoining property where relevant;
- Natural drainage of the site;
- Any easements or rights of way;
- Significant existing vegetation, indicating its location on the site, type and spread;
- Location, height and use of any adjoining buildings or structures such as swimming pools; and
- Features of streets immediately adjoining or within the property, including poles, kerbs, crossings and pits.

3. Site plans are to identify the location of the following:

- Proposed and existing buildings;
- Existing significant trees, indicating whether they will be retained or removed;
- Paved areas;
- Landscaped areas;
- Driveway entry and/or exit;
- Car parking spaces for employees and visitors;
- Garbage storage areas;
- On-site detention tanks;

- Letter boxes;
- Private open spaces; and
- Where privacy is an issue in the proceedings, the location of windows of the adjoining property and the subject proposal.

4. Floor plans are to indicate:

- Room names, area and dimensions;
- The location of windows and doors;
- The levels of floors, terraces and the like to Australian Height Datum (AHD);
- Wall construction; and
- Spot levels of natural ground to AHD.

5. Elevations are to indicate:

- Elevations of all sides of the building or structure;
- Outline of existing buildings;
- Materials and finishes to be used in construction;
- Location of adjoining buildings showing address, height, setbacks and other relevant features;
- Proposed window size, sill height and location; and
- Height of eaves, ridge and floor levels to AHD.

6. Sections are to indicate:

- Appropriate number and location;
- Section line and location on plan;
- Room names;
- Adequate representation of ground level;
- Areas of cut and/or fill; and
- Height of levels to AHD.

7. Landscape plans are to:

- Be consistent with other plans with respect to the height, size and location of buildings;
- Indicate the location, species, height and spread of significant existing trees, indicating whether they will be retained or removed;

- Indicate the location of any additional planting to be carried out including species names, spread, height and other features; and
- Indicate the location of significant retaining walls or other structures.
- Indicate finished relative levels of all major surfaces.

8. Overshadowing plans are to:

- Be based on true north;
- Indicate the location and nature of existing and/or proposed fencing, with the shadows projected;
- Indicate horizontal and vertical impact, including any impact from any substantial wall;
- Provide a table of compliance and non-compliance with known criteria (such as a development control plan, a State environmental planning policy or Australian Model Code for Residential Development (AMCORD)); and
- Make appropriate allowance for the topography.

9. Additional Information Required

- details of hours of operation;
- number of employees;
- noxious trades and processes
- noise generation levels and control methods; and
- method of waste disposal and recycling and location of bulk waste collection bins to allow the collection vehicle entry.
- Statement of compliance with Section 4.2 of DCP 2010

SECTION 4.3

TOURIST DEVELOPMENT GUIDELINES SECTION

ZONES

RU1, RU5, R1, R3, R5, B2, B4, RE1, E3



1.0 Introduction

1.1 Land to which section applies

The provisions of this plan apply to the land identified permitting tourist developments in *Gloucester Local Environmental Plan 2010*.

Tourist developments are permissible in zones RU1, RU5, R1, R3, R5, B2, B4, RE1, and E3

1.2 Purpose of Section

This section contains more detailed provisions than contained in the relevant environmental planning instruments.

The purpose of this section is to give detailed guidance to people wishing to develop tourist facilities.

1.3 Application of Section

When a development application is lodged which relates to land to which this section applies, Council shall take the provisions of this section into consideration in determining the application.

Compliance with the provisions of this section does not necessarily imply that Council will consent to an application. Council must also take into consideration the relevant planning instrument, those matters listed under Section 79C of the *Environmental Planning and Assessment Act, 1979* and relevant Council codes and policies.

1.4 Consultation with Council staff

Prospective applicants are strongly advised to consult Council staff prior to preparing and submitting development applications. This is to ensure that subsequent delays due to inadequate documentation are minimised. Council staff will advise applicants on relevant planning documents, Council policy, construction and health, issues that may emerge with the development and the supporting information that should accompany the application, but will not act as a consultant for the applicant.

In varying places, this plan and any plans adopted by reference contain objectives, performance criteria, standards and acceptable design solutions. Where written justification is provided by the applicant, Council may agree to vary the acceptable design solutions if it is satisfied that the objectives and performance criteria have been met. Council staff can advise on where this operates, but cannot guarantee that the variation will be agreed to.

2.0 Definitions

Reference shall be made to the Gloucester Local Environmental Plan 2010 for definitions to wording contained in this Plan.

3.0 Objectives

The objectives of this section are:

- a. encourage a high standard of development that is sympathetic with the environment and character of the area
- b. provide detailed requirements against which development proposals can be measured
- c. explain and document Council's requirements to encourage an understanding of its policies for development

It is the intention of this section to encourage the proper management and development of tourist facilities within the Gloucester Shire and to ensure as far as possible that appropriate new development is encouraged.

4.0 Development Applications

Development consent must be obtained to erect a building, carry out work, carry out retailing of goods or change from one type of use to another. However, there are some exceptions to this; these are described below in Section 4.2 and 4.3.

4.1 Content of development applications

4.1.1 Development applications should be submitted on Council's current application form and in accordance with the instructions for completing development applications. Copies of the form are available on request, including a checklist of items to accompany the application. The required plan details are listed in Schedule A.

4.1.2 The purpose for which consent is sought is to be clearly stated in the application (e.g. bed and breakfast, caravan park, tourist cabins).

4.1.3 Where consent is sought for a proposal which incorporates retailing (whether only ancillary or otherwise), this must be clearly stated and explained in the application. The application should include information detailing:

- a) a description of the activity sufficient to indicate the proportion of the total activity catering for retail sales, and the significance of those retail sales to the proposal;
- b) the extent of floor space and site area used for retail sales;
- c) the provision of car parking in accordance with this DCP.

4.1.4 In addition to the prescribed information, Council requires applicants to demonstrate the extent to which the development conforms to the principles and requirements of this DCP, and to justify any departures from it.

4.1.5 Particular attention should be paid to a Statement of Environmental Effects or Environmental Impact Statement, as applicable, which must accompany the application.

4.1.6 In general, the principle underlying the statutory requirement for development applications is that the applicant should provide the Council with sufficient information about the development and its effects to enable the Council to make a proper decision. Council has the power not to accept an application which it regards as inadequate or incomplete, or to seek additional information.

4.1.7 Applicants are strongly advised to use the services of architects, landscape architects, surveyors, environmental planners and engineers within their field of expertise, to design their developments. All drawings submitted shall bear the names of the persons responsible for the design.

4.2 Change of use

Certain developments, particularly certain changes of use which would normally have required development consent under the relevant planning instrument, may not require consent. This is because of the operation of *State Environmental Planning Policy No 4 - Development Without Consent*, as amended.

Under *State Environmental Planning Policy No 4*, applicants may be required to notify Council of their development and pay a prescribed fee. A Construction Certificate may also be necessary, for example, when:

- iii) the use and occupation of a building is to be changed from that of one class (as defined by the Building Code of Australia) to that or another class; or
- iv) any building construction or alteration is proposed.

Details of the operation and effect of *State Environmental Planning Policy No 4* are available from Council.

4.3 Exempt and Complying Development

The Gloucester Local Environmental Plan 2010 contains requirements to permit exempt and complying development on land zoned for tourist use.

5.0 Restrictions on Intensity of Development

5.1 Tourist development will be limited by site functional factors such as access, parking and setbacks.

5.2 The height of buildings shall comply with the Height of Buildings Map in the Gloucester Local Environmental Plan 2010.

5.3 The building shall be setback from the front boundary (Road Boundary) a minimum of 75 metres where the allotment is over 20 hectares in area and 30metres where the allotment is below 20 hectares in area in the rural and

environment protection zones, 6 metres in a residential R1, R2 R3 and RU5 zones and 15 metres in the R5 zone. Other zones will be dependant on the primary use of the land.

5.4 The buildings shall be designed to comply with the requirements of the Building Code of Australia.

5.5 Cabin style buildings must comply with the Local Government Act and Regulations.

6.0 Sitting and Design of Buildings

6.1 Building aesthetics

The sitting and design of a development, as illustrated in the application plans, shall be such as to satisfy the public and neighbours (if exhibited) and Council (at decision stage), that the likely external appearance will be satisfactory having regard for the type of development proposed.

Appropriate use should be made of materials, colours and variety of building form to ensure that the development would be appropriate in its surroundings.

6.2 Adjoining residential

Care must be taken to establish a reasonable measure of visual privacy for any neighbouring residential buildings. The location of major windows is of critical importance in this respect.

6.3 Setbacks

6.3.1 Front Boundary Setback

Buildings shall be setback a minimum distance as described in section 5.3 from the front boundary. A concession of up to 50% may be allowed in the case of corner allotments, where the setback to one street frontage may be less provided that:

- i) adequate site distances at the road junction and access to the site are maintained;
- ii) the setback provides adequate space for site landscaping of a type which is consistent with landscape principles specified in Section 7.

6.3.2 Side and Rear Setback

Buildings shall be setback a minimum of 3 metres from the side and rear boundaries. A concession may be allowed where external walls have no windows and have a fire rating complying with the Building Code of Australia or the building type is permitted closer to the boundary by the Building Code of Australia.

Note that buildings in a rural or environmental protection zone must be set back a minimum of 50 metres to a side or rear boundary where the allotment is over 20 hectares in area and 10m where the allotment is below 20 hectares in area.

Council may not grant this concession if it would result in the removal of significant vegetation.

7.0 Landscaping

7.1 Objectives of landscaping

The following landscaping requirements aim to ensure a high standard of environmental quality of individual developments, whilst enhancing the general streetscape and amenity of the area:

7.2 Landscape Drawings

The method of obtaining approval for the landscaping in a proposed development varies depending on the proposed size of the building.

For development with a proposed floor area less than 2000 m², the developer can follow either the procedure outlined in section 7.2.1 or the procedure outlined in section 7.2.2.

For development with a proposed floor area of 2000 m² or more Council requires a qualified Landscape Architect to follow the procedure outlined in section 7.2.2.

7.2.1 Where an approved Landscape Consultant is not used the following procedure is adopted.

a) A landscaping principles plan shall be submitted as part of the development application and shall be prepared by a person with a demonstrable expertise in landscape design.

It shall show the landscape treatment in terms of principles adopted, general descriptions of landscape surfaces and spread and height of trees and shrubs at maturity both for the site, road shoulders and footway areas adjoining the site.

It shall include diagrams showing the vertical form of the proposed landscaping (at maturity) superimposed on appropriate elevations of the building.

b) Council will require submission of a detailed landscaping plan as part of the Construction Certificate, prepared by a person with demonstrable expertise in landscape design. This plan must be based on the landscaping principles plan submitted with the development application and must embody any relevant conditions of development consent.

c) Council shall require a bond to be paid at Construction or complying development certificate stage for the maintenance period of the landscaping.

d) The Landscaping maintenance period is 12 months from the date of the final or occupation inspection and once landscaping is completed. The Council shall inspect the work at six and twelve month intervals to ensure the works have been maintained satisfactorily and carried out to accepted practices.

Refunding of 50% of the bond shall occur at six months and at twelve months if landscaping is satisfactorily maintained, replaced and established.

7.2.2 Where a Landscape Consultant is used, the following reports must be supplied.

i) Design

A concise design report and concept plan should be submitted with the development application to show that the landscape works design is in accordance with the intent of the Landscaping Guidelines.

ii) Implementation

During implementation the landscape architect shall be commissioned to carry out periodic inspections.

Upon the satisfactory completion of the landscape construction works the approved landscape consultant shall provide a Certificate of Practical Completion stating that the works have been carried out in accordance with accepted professional standards and landscape policy objectives and that a maintenance programme is established. Minor defects to be rectified during the maintenance period must be submitted to Council in this report.

iii) Council shall require a bond to be paid at Construction or Complying development certificate stage for the maintenance period of the landscaping.

iv) The Landscaping maintenance period is 12 months from the date of the final or occupation inspection and once landscaping is completed. The Council shall inspect the work at six and twelve month intervals to ensure the works have been maintained satisfactorily and carried out to accepted practices. Refunding of 50% of the bond shall occur at six months and at twelve months if landscaping is satisfactorily maintained, replaced and established.

7.3 Landscaping principles

The following principles shall apply to the landscaping treatment of the site:

- a) That part of the site not occupied by the building or traffic areas should be landscaped.
- b) As little as possible of the unbuilt upon areas should be used for access ways, driveways, parking and storage areas, etc. These areas should be screened by vegetation from public and neighbouring areas, and integrated into the overall landscape plan.
- c) Site landscaping should enhance the visual environment, create usable areas of active and passive open space around the building, be useful in shading walls, windows and open spaces, and assist with transitions of scale between adjoining buildings.

- d) Landscaping should be used to soften the appearance of development, both for ground areas, as well as within the building and on balconies, terraces and roofs as appropriate for the particular development.
- e) All existing live trees should be preserved where not located close to the external walls of a proposed building. Applicants will be required to maintain as many trees as possible on the site and approval is to be obtained before any tree is lopped or destroyed.
- f) Selection of species for planting should relate to the natural vegetation in the locality, the scale of the surrounding development and the function of the landscaping (eg, providing shade or screening effect).
- g) Trees and shrubs should be used to divide and screen open parking areas.
- h) Pedestrian access to all entry points and to open areas around the building should be adequately provided.

7.4 Landscaping Generally

Site landscaping for tourist development shall comprise appropriate landscaping treatment for the available area of the site between the facade of buildings and the street frontage or frontages.

Landscaping treatment should include retention and provision of large trees, particularly of native species, so as to complement buildings or tourist development.

8.0 Car parking and Access

8.1 Off-street parking and loading areas are to be designed and provided in accordance with the RTA Guide to Traffic Generating Developments.

8.2 Objectives

The development proposal should be designed so that:

- a) parking space is sufficient for the needs of patrons including any ancillary uses;
- b) parking is located in such a way as to be evident, convenient and accessible;
- c) parking space and driveways do not detract unnecessarily from the appearance or amenity of a development; and
- d) parking areas for staff and patrons and loading areas are at least to some extent separate so as to assist with movement function of the development.

8.3 Parking area use

8.3.1 Staff Parking

Parking for staff should be located preferably more distant from the street, leaving customer parking more accessible.

8.3.2 Customer or Patron Parking

Such parking should be located so as to satisfy the objectives in 8.2. Special attention should be given to the design so that an unfamiliar or inexperienced driver need have no hesitation in using the parking area, rather than parking the vehicle in the street.

8.4 Parking requirements

The following table indicates the requirements of car parking spaces for particular development. These requirements are extracted from the RTA Guide to Traffic Generating Developments. Requirements for other land uses, may be found in the RTA Guide to Traffic Generating Developments.

Note: Refer to the RTA Guide to Traffic Generating Developments for the current requirements.

Table 8.1

Dwelling Type	Residential Parking	Visitor Parking
Bed and Breakfast / Farm stay or similar (up to 2 bedrooms)	1 space	1 space per 2 bedrooms
Bed and Breakfast / Farm stay or similar (over 2 bedrooms per unit)	1spaces	1 space per bedroom
Motels, hostels or similar	2 spaces per managers residence	1 space per unit or bedroom

Note:

1. Where a proposed development does not fall within any of these categories, the assessment of on-site parking demand shall be calculated having regard to the general nature of the development and its traffic generating potential.
2. Where a proposed development is seen to fall into more than one category, the highest demand category shall be used to assess the amount of parking spaces.
3. Generally, more than one category in the one development will require total parking provision for each category.

4. Where retailing is proposed, additional parking will be required in the following manner:
 - a) car parking shall be calculated for the retail premise separate to the residential component in accordance with the RTA Guide to Traffic Generating developments
5. In respect of both retailing and residential uses, the required parking provision may be varied by Council having regard to the nature of goods to be retailed from the premises.

9.0 Design for Climate and Energy Conservation

9.1 The design and siting of the building and the landscape design should ensure that heat gain into the building is minimised, in order to reduce the load on or need for air conditioning systems. The penetration of sunlight into neighbouring property for solar collectors shall also be considered.

9.2 Design techniques for the control of sun penetration include:

- orientation (suitable control of sunlight is most easily obtained on walls facing north);
- use of horizontal projecting screens such as overhead balconies, awnings, wide eaves or pergolas (to allow warm winter sun to penetrate rooms while excluding the hot summer sun);
- use of deciduous trees on the northern part of the allotment (to allow sunlight penetration in winter and shade in summer);
- restricting the amount of glass area in walls facing east or west (particularly west as the low afternoon sun is warmer than the early morning sun). The use of shade trees and horizontal screens can reduce the amount of penetration, but this is more difficult than for north facing walls;
- use of ceiling and wall insulation.

9.3 Materials should be selected that are appropriate to hot climates to assist in reducing heat gain, for example, light coloured walls and roofing materials.

Note: Tourist and commercial buildings may be required to comply with BASIX. You are advised to consult Councils Building Staff prior to drawing plans. Further that designing for energy efficiency does not negate the requirements to comply with the Building Code of Australia.

10.0 General Building Requirements

10.1 Roof and surface water disposal

All roof and surface water shall be discharged into the street drainage or piped drainage easements, if available, to the satisfaction of the Council's Technical Services Department.

Where disposal direct to the street water table or drainage easement cannot be satisfied, a suitable legal drainage easement will need to be created and constructed at the expense of the developer.

All tourist developments shall provide on site treatment of stormwater by the installation of sediment control structures, grease and oil arrestors and the like, and separate approval is required from Council. Natural Wetlands and water courses shall not be used for on site treatment of stormwater or effluent.

Adequate on site measures shall be taken to provide for on site infiltration and retardation of stormwater. This may be undertaken in conjunction with landscaping. Where possible, stormwater retained on site should be re-used for the irrigation of landscaping.

Where possible drains should be open surface drains or accessible on the premises. This enables tracking of pollutant discharges and/or early interception of accidental spills.

Prior approval shall be required for the disposal of trade wastes to the Council's sewerage system, and shall comply with Council's trade waste policy as appropriate.

You are advised to consult Council's Technical Services Department prior to drawing plans to ensure that your proposal can be satisfactorily achieved.

10.2 Garbage storage and removal

The garbage area shall be screened where the receptacle is visible from a public place or where more than one receptacle, from within the development.

Garbage disposal units discharging to the sewer will not be permitted.

10.3 Vehicle washing facilities

Consideration should be given for provision of vehicle washing facilities, constructed with consideration given to the disposal of water and silt with a hose cock fitted nearby. Car washing areas shall require approval under the local water and sewerage authority Trade Waste Policy.

10.4 Trade Waste Policy

Industries, shops or other premises that are discharging waste to the sewerage system shall be required to obtain an approval for the discharge of trade waste.

Applicants are advised to contact the local water and sewerage authority for advice on the required systems to be installed.

10.5 On site parking, Loading and Turning Areas

On site parking, loading and turning areas should be constructed with an approved sealed material. In exceptional circumstances an approved consolidated gravel pavement may be acceptable. Measures are to be taken to ensure that any graveled areas on site are as dust free as possible. Council may require dust suppression as a condition of development consent depending on the nature of adjoining land uses. Development applications shall indicate paving materials to be used.

All roads, parking and turning areas shall be suitably drained to ensure that no contaminated water leaves the site.

10.6 Advertisements

10.6.1 The aim of this section is to:

- a) ensuring adequate identification of all tourist premises while preventing the proliferation of advertisements; and
- b) ensuring that advertising is related to the scale and size of premises.

10.6.2 Consents

Development consent is required for advertisements other than:

- a) shop window displays;
- b) commercial signs;
- c) temporary advertisements and temporary advertising structures (ie a maximum of 1 months on display);
- d) top hamper signs;
- e) fascia signs; and
- f) under awning signs.

Consent can be obtained simultaneously with consent to erect or use a building or to use land if sufficient details for evaluation are included in the development application. This avoids delays.

10.6.3 Pole or pylon sign

As tourist premises are required to be set back 10.0 m from the street alignment, the premises may be identified by a pole or pylon sign located forward of that building line, and not overhanging the street alignment.

Where there are two or more businesses within the property, the sign should be a business directory sign.

Additional signs may be permitted on the basis of:

- the adequacy of the signs, and/or
- additional entries on that frontage.

10.6.4 Other signs

Each business within a property can have an identifying sign. Preferred signs (in order) are:

- a) top hamper signs;
- b) fascia signs;
- c) under-awning signs; and
- d) flush wall signs.

Other signs and additional signs may be considered and approved where justified.

10.6.5 Additional considerations

In addition to the requirements above, the size, shape and location must be appropriate for the appearance of the locality.

10.6.6 Content

The content of the advertisement must name or characterise the building (or land use) or advertise the purpose (or any proposed purpose) for which the building is used.

Up to one-third of the advertising area may be used for a sponsor's product or other approved message.

10.7 Building Materials

Tourist development should be designed so as to comply with the requirements for the Building Code of Australia and energy efficiency requirements under this DCP and BASIX.

Council permits facades to be of metal and unless otherwise approved should have a façade facing the street of colour bonded material, masonry or a suitable treatment that enhances the overall appearance of the building and street.

10.8 Access for the disabled

Attention is drawn to the requirements of the Building Code of Australia regarding the provision of access for the disabled, which may affect the design of the building in some cases.

10.9 Fencing

Fencing for security or privacy shall not be erected between the building line and the front boundary of a site. However, Council may permit the erection of fences in circumstances where:

- i) such fencing comprises an open type fence and/or low fencing (less than 500 mm high); and
- ii) the fence does not obstruct the view of landscaping from the street and drivers' views from driveway to road.

Where fences are erected, landscaping of an appropriate height and scale shall be provided to screen the fence and achieve an attractive appearance to the development when viewed from the street or other public place.

11.0 Retailing in Tourist Zones

11.1 Introduction

This section addresses retailing in tourist zones. Certain types of retailing are permissible with Council consent.

Where retailing ancillary to industry or other permissible uses is proposed, the following information shall be submitted with a development application:

- i) the extent of floor space and site area intended to be used for retail display, retail sales or otherwise accessible to retail customers; and
- ii) A description of the activity sufficient to indicate the proportion of the total activity catering for retail sales, and the significance of those retail sales to the proposal.

Permissible types of retailing are outlined below.

11.2 Shops serving the needs of tourists

Council may grant consent to the development of certain types of retail establishments which serve the needs of tourists.

The following types of shops may be considered for approval in the following areas:

Cellar door premises, Kiosk or other premises as listed in the LEP 2010.

Council shall not consent to the erection of a shop of a type described above if the floor space of the shop exceeds that which is reasonably required to serve the needs only of the tourist area.

11.3 Ancillary retailing

11.3.1 Council may approve retailing of goods in tourist areas where such retailing is clearly ancillary to and supportive of the main function on the site.

Showrooms may be permitted where they are ancillary to the tourist use of the site and are used only for the display and sale of goods manufactured or produced on the site. Retailing of products which are not manufactured or processed on-site, or ancillary to manufactured goods processed on site, is prohibited in applications for ancillary retailing.

11.3.2

In considering applications for ancillary retailing, Council shall take into account:

- i) the proportion of total floor space being occupied by retailing or showroom activity;
- ii) the nature of goods to be displayed and retailed on the site;
- iii) the higher traffic generating potential of the proposed ancillary retailing or showroom on the tourist site; and
- iv) the possible need for increased on-site car parking.

Council may approve showrooms ancillary to warehousing but retailing ancillary to warehouses and other storage type uses are not permissible.

11.4 Services

11.4.1 Water and Sewer

All tourist developments shall be required to have a potable water supply or connect to the town water supply and sewerage system. The sizing of pipes and water meters needs to be discussed with the local water and sewerage authority and conditions requiring designs developed by appropriately qualified persons will be applied by Council. The minimum service connection for water is 18mm. You should note that water services required for fire fighting purposes require greater metering capacity and higher flow rates than the minimum service.

Contact should be made with Councils Environment section to discuss potable water supply requirements for rural tourist developments that can not connect to a town supply.

The provision of trade waste collectors and traps for waste water entering the town sewerage system will be considered based on the proposed use of the premises. You should contact the local water and sewerage authority to determine the required system for your development.

11.4.2 Electricity

All tourist lots shall be connected to an approved electricity supply. An approved supply may include grid based power, solar or other suitable supply source.

11.5 Financial Contributions

Developers of Tourist premises shall contribute to stormwater, water and sewerage head works in accordance to Council's Policy and fees and charges.

Contributions for other services or infrastructure provisions are included in Councils Section 94 Plan.

Council under the Environmental Planning and Assessment Act may enter into an agreement with a developer to make provision for a service or community benefit not identified in a Section 94 Plan. Council will consider any agreements proposed by the developer but may choose not to accept such in lieu of other essential provisions.

Proponents should consult with Councils Technical Services department to determine contributions applicable.

The contributions will be a condition of development consent, and require payment prior to approval for linen release or building.

12.0 Best Practice Guidelines – Holiday and Short Term Rentals

The Guidelines attached in Appendix 4.3.2 will be taken into consideration where an application is received for the short term rental of a residential building. These guidelines have been developed by the Real estate Institute in association with Local Government and others.

Although this form of development is limited away from the coastal strip, the short term rental market is gradually increasing in the Gloucester Shire area and is predicted to grow over the life of this document.

Persons making application for short term rental or holiday accommodation will need to provide Council with advice as to how they intend to meet the guidelines in Appendix 4.3.2 with the submitted development application.

13.0 Tourist development requirements by Type

13.1 Bed and Breakfast Accommodation

13.1.1 Objectives:

- To allow suitable standard bed and breakfast accommodation for tourists and visitors in dwelling housed where adequate services are available and residential amenity can be maintained, and;
- To ensure bed and breakfast accommodation is attractive to visitors and enhances the reputation of the Gloucester Shire as a tourist destination.

13.1.2 General

Bed and breakfast accommodation refers to visitor accommodation within a dwelling house and must be operated by the permanent resident(s) of the dwelling house, who may or not be the owner. The accommodation must be for short term visitors only, generally with a maximum continuous stay of two weeks. There must be no more than eight visitors resident at any one time, and the total number of occupants of the dwelling house shall not exceed twelve (including visitors, residents, friends family members or the like).

13.1.3 On-site sewage management systems

Dwellings which are serviced by an on-site sewage management system may also be used for bed and breakfast accommodation. However, where proposed works include increasing the number of bedrooms, the applicant must provide certification from an appropriately qualified professional that the existing sewage system is sufficient to cater for the increased usage.

13.1.4 Parking

Off-street parking is to be provided for one residents vehicle and for one vehicle per every three (3) guests. If this is not possible, an contribution towards the provision of parking by Council may be levied. Car parking and turning areas are to be of a suitable standard of construction.

13.1.5 Signage

One advertising sign on the property is permitted to indicate that the dwelling house provides bed and breakfast accommodation and the name of the operator. The size of the sign shall not exceed 0.5 square metres in area.

13.1.6 Health and Safety

Health, building and safety standards shall comply with the Building Code of Australia and any Standards referred to therein.

Fire safety measures shall be implemented to the satisfaction of Council. The kitchen shall be provided with a 1.2 x 1.8 metre fire blanket and 3.5Kg carbon dioxide portable fire extinguisher to be mounted within the kitchen area with clear instructions for use. Deadlocks requiring an internal key release are not to be provided on doors to guest rooms or external doors. Approved smoke alarms are to be installed in all bedrooms and hallways. Lighting in the hallway is to be activated by the smoke alarm to assist in the evacuation of occupants, in accordance with the Building Code of Australia.

Suitable health and building measures shall be taken to ensure the amenity of residents and guests. Premises and furnishings are to be kept clean and free from vermin. No animals are allowed in a guest room, dining room or kitchen. Guide

dogs for the visually impaired are acceptable within the dining room or guest room only. Toilet and bathroom facilities for guests are to be separate from those used by permanent residents. For guest bedrooms, a minimum of 5.5 square metres of floor area per person is required.

A kitchen used for the preparation and storage of guest's food shall comply with food health requirements. Food is to be prepared for residents and guests only.

The accommodation shall be operated in a manner satisfactory to maintain residential amenity. It is important that noise levels are in keeping with those normally experienced in the locality.

13.2 Camping grounds and Caravan Parks

13.2.1 Objective:

To allow camping grounds and caravan parks in suitable locations and to ensure that no adverse environmental impact occurs.

13.2.2 Legislation

For the purpose of this plan, a caravan park means land used for the purpose of parking of caravans or movable dwellings as referred to in *State Environmental Planning Policy No.21 – Caravan Parks*.

Caravan parks and camping grounds are also subject to regulation under the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*, which imposes minimum requirements and provides for regular licensing.

13.2.3 Definitions

Camping ground	Land used for the erection of tents or other portable accommodation.
Primitive Camping Ground	A camping ground which is remote from other development and where there is no vehicle access and no permanent facilities are provided.

Development consent is required for primitive camping grounds as defined above, if more than twenty (20) people are likely to be using the site at any one time. Development consent is also required if a primitive camping ground is expected to be used for this purpose for a total period of more than one month's occupation in any two month period (regardless of the number of persons accommodated).

Caravan parks and camping grounds shall have suitable vehicular access and satisfactory arrangements shall be made for water supply, sewerage and laundry facilities, based on the maximum number of persons.

Permanent site facilities or improvements shall not be established on flood-labile land with an estimated flood recurrence interval of greater than 1 in 100 years. No camping grounds or caravan parks shall be established on flood liable land with an estimated flood recurrence interval of greater than 1 in 10 years.

Suitable areas of open space shall be provided and marked to ensure the amenity of the site. Landowners are required to ensure that a responsible person is in attendance on a site to ensure that it is managed properly.

13.3 Holiday Cabins / Farm Stay Buildings

13.3.1 Objectives:

To allow the development of holiday cabins or farm stay buildings where adequate services are available and rural amenity is not adversely affected, and;

To ensure the development of holiday cabin accommodation or farm stay buildings is attractive to visitors and enhances the reputation of the Gloucester Shire as a tourist destination.

13.3.2 Legislation

The Gloucester Local Environmental Plan 2010 permits farm stay accommodation in the RU1 Primary production zone only.

Holiday cabins or farm stay buildings are self-contained buildings providing temporary accommodation for visitors. Under the provisions of the Gloucester Local Environmental Plan 2010, a holiday cabin will typically fall within the definition of farm stay accommodation being tourist or visitor accommodation provided to paying guests on a working farm as a secondary business to primary production.

Holiday cabins will be considered as a moveable dwelling where manufactured to such standards.

13.3.3 Requirements

Holiday cabins or farm stay buildings must be for short-term visitors only, generally with a maximum continuous length of stay of two weeks.

Any holiday cabin or farm stay buildings shall have a maximum site coverage of eighty (80) square metres. The maximum density of holiday cabin developments or farm stay buildings shall be in accordance with the following table:

Land size (in Hectares)	Maximum number of cabins
10 to 99	1 per 5Ha with a maximum of 5*
100 to 149	10*
Greater than 150	15*

Note: ‘*’ The maximum allowable number of farm stay buildings or tourist cabins will be subject to a development application, and planning issues and site constraints will need to be considered. Consequently, the approved number of buildings may not necessarily equate to the maximum values in this table.

Appendix 4.3.1 - TOURIST DEVELOPMENT GUIDELINES

Requirements for Plans

1. General

- Plans should be drawn to an appropriate scale shown on the drawings.
- Plans should be drawn with clarity.
- Plans should indicate a north point.
- All plans shall be consistent with each other.

2. Survey plans are to indicate:

- Existing buildings, structures and features of the site;
- Topography (spot levels, contours) including that of adjoining property where relevant;
- Natural drainage of the site;
- Any easements or rights of way;
- Significant existing vegetation, indicating its location on the site, type and spread;
- Location, height and use of any adjoining buildings or structures such as swimming pools; and
- Features of streets immediately adjoining or within the property, including poles, kerbs, crossings and pits.

3. Site plans are to identify the location of the following:

- Proposed and existing buildings;
- Existing significant trees, indicating whether they will be retained or removed;
- Paved areas;
- Landscaped areas;
- Driveway entry and/or exit;
- Car parking spaces for employees and visitors;
- Garbage storage areas;

- On-site detention tanks;
- Letter boxes;
- Private open spaces; and
- Where privacy is an issue in the proceedings, the location of windows of the adjoining property and the subject proposal.

4. Floor plans are to indicate:

- Room names, area and dimensions;
- The location of windows and doors;
- The levels of floors, terraces and the like to Australian Height Datum (AHD);
- Wall construction; and
- Spot levels of natural ground to AHD.

5. Elevations are to indicate:

- Elevations of all sides of the building or structure;
- Outline of existing buildings;
- Materials and finishes to be used in construction;
- Location of adjoining buildings showing address, height, setbacks and other relevant features;
- Proposed window size, sill height and location; and
- Height of eaves, ridge and floor levels to AHD.

6. Sections are to indicate:

- Appropriate number and location;
- Section line and location on plan;
- Room names;
- Adequate representation of ground level;
- Areas of cut and/or fill; and
- Height of levels to AHD.

7. Landscape plans are to:

- Be consistent with other plans with respect to the height, size and location of buildings;
- Indicate the location, species, height and spread of significant existing trees, indicating whether they will be retained or removed;
- Indicate the location of any additional planting to be carried out including species names, spread, height and other features; and
- Indicate the location of significant retaining walls or other structures.
- Indicate finished relative levels of all major surfaces.

8. Overshadowing plans are to:

- Be based on true north;
- Indicate the location and nature of existing and/or proposed fencing, with the shadows projected;
- Indicate horizontal and vertical impact, including any impact from any substantial wall;
- Provide a table of compliance and non-compliance with known criteria (such as a development control plan, a State environmental planning policy or Australian Model Code for Residential Development (AMCORD)); and
- Make appropriate allowance for the topography.

10. Additional Information Required

- details of hours of operation;
- number of employees;
- noise generation levels and control methods; and
- method of waste disposal and recycling.
- Statement of compliance with Section 4.3 of DCP 2010

Appendix 4.3.2 - BEST PRACTICE GUIDELINES – HOLIDAY AND SHORT TERM RENTALS

Development of Guidelines

These Best Practice Guidelines were developed following a collaborative process between REINSW, state and local governments, tourism organisations and member agents.

Objectives of Guidelines

The Guidelines should be used to reflect the minimum standards to which every agent should comply when working in these areas of property practice. The principal objective of these Guidelines is to assist agents and owners in meeting the needs of all stakeholders including owners, tenants, neighbours, local communities, local councils and government.

These Guidelines also seek to encourage acceptable standards of behaviour of occupants (to the extent to which an agent is able to do so) and to raise property management and service standards.

These Guidelines complement REINSW's voluntary Code of Practice which governs the ethical aspects of agency practice. These Guidelines are not intended to replace the agents' responsibilities under any applicable legislation or other mandatory or voluntary code of conduct.

These Guidelines provide a mechanism for notification and resolution of disputes, to enable any such dispute to be resolved as quickly as is practicable.

1. Property management

1.1. Agents and owners are to act with integrity, professionalism, courtesy and consideration when dealing with property owner(s), occupant(s), representatives of owners corporations, neighbouring owners or occupants (or their representatives), local councils and other government bodies.

1.2. Agents must always use their best endeavours to ensure that the residential amenity of the property and surrounding properties is maintained.

1.3. A written Management Agency Agreement between the owner(s) or Principal and the agent must be prepared. The authority of the Principal to deal with the property should be confirmed by the agent.

1.4. Agents should be mindful of the termination period in the Management Agency Agreement and the extent to which an agent can accept forward bookings on an owner's behalf.

1.5. A Residential Tenancy Agreement or a Letting Agreement (including any terms and conditions of occupancy) as required, should be prepared and executed in connection with each tenancy or occupancy.

1.6. A Management Agency Agreement should contain provisions sufficient to enable the agent to maintain the accommodation to the standard presented at the time of booking and to enable the agent to respond promptly to the reasonable needs of the occupant(s).

1.7. The property offered should be in a safe, habitable state of repair. Agents should maintain a policy governing the cleaning and periodic replacement and repair of furnishings provided (such as linen). Agents must ensure that smoke detectors are fitted to all properties and should provide fire safety information to the occupants commensurate with the type of the property and in accordance with applicable legislation.

1.8. Agents should have a key management system in place to maintain the security of the property and any associated facilities, including action to be taken upon the loss or theft of keys or other security devices.

1.9. Agents should make an inventory report for the property and any related facilities available to occupants upon commencement of any occupancy.

1.10. Agents should obtain prior written authority from the owner to respond in urgent or emergency situations to restore property services.

1.11. Agents should create and maintain policies, precedent agreements or other documents to enable them to give effect to these Guidelines.

1.12. Where applicable, agents should notify an owners' corporation (or its managing agent) of the agent's appointment and provide the agent's contact details.

1.13. Agents should familiarise themselves with the provisions of any local planning instruments regulating the use of the property prior to accepting management of the property.

1.14. Agents should, wherever possible, make every effort to discuss the rights and obligations of the occupant(s) (with particular reference to residential amenity) with the occupant(s) in person or by telephone.

1.15. Council has determined that the agent may be a Real Estate Agent appointed by the Owner, The Owner or any other person appointed by the Owner to Act on their behalf in the rental of the property.

2. Consumer protection

Contact information

2.1. Agents will advertise the property with fair and reasonable representation cognisant that short-term occupants may not inspect the property prior to arrival.

2.2. Agents should provide a general after hours contact number to occupants, to any building manager/caretaker (if any), building managing agent (if any) and representative of an owners corporation (if any). Agents should ensure that a current list of emergency numbers is available within the property.

Contact details and complaints

2.3. Agents should, where possible, place a sign on the front of the property with the contact details of the agent or owner, and/or provide similar details to neighbours.

2.4. Agents should retain a log of complaints and the action taken to follow up the complaints.

2.5. Agents must provide, or have displayed prominently in the property, information promoting good neighbourly behaviour. Examples could include leaflets or materials produced by the agent, or the Office of Fair Trading.

3. Letting Agreements and Residential Tenancy Agreements

A written agreement must be in the form of a Letting Agreement (or Residential Tenancy Agreement where applicable and in accordance with applicable legislation). An electronic format may be used where permitted by legislation.

The Letting Agreement must include:

3.1. The property address sufficient to identify the particular property.

3.2. Dates of occupancy and check-in/check-out times.

3.3. Primary occupant's name, usual residential address (or most appropriate contact address if other than this property) and contact phone number(s).

3.4. Rental rate and other charges (if applicable).

3.5. Terms and Conditions of Occupancy including any special conditions.

3.6. The grounds upon which, and the manner in which, the Agreement may be terminated.

3.7. After hours contact details for the agent or their nominated representative.

3.8. Maximum permitted number of occupants.

3.9. Maximum number of vehicles permitted onsite and the parking space(s) allocated. Occupants should supply all vehicle/trailer registration numbers which will occupy such spaces.

3.10. Copies of, or references to, any By-laws or House Rules relating to the property (if applicable) are to be made available either prior to arrival, on arrival or are to be made available in the property.

3.11. An express clause to the effect that the occupant(s) will:

3.11.1. respect and preserve the residential amenity of the property;

3.11.2. maintain the security of the property;

3.11.3. abide by any noise abatement order issued by the police or any other regulatory authority;

3.11.4. refrain from engaging in any drunken, obscene or antisocial behaviour.

4. Security deposit

4.1. Any rental bond received in relation to a residential tenancy must be dealt with in accordance with any applicable legislation.

4.2. A security deposit should be taken by the agent (e.g. as cash or a credit card authorisation) prior to each period of occupancy (not being subject to the residential tenancy legislation). Occupants should be advised that failure to comply with the terms and conditions of the Letting Agreement may constitute a breach of the Letting Agreement and may result in deductions or other costs.

4.3. Provision of photo identification (e.g. drivers licence or passport) should be obtained from the occupant prior to, or on arrival to confirm the identity of the occupier(s).

4.4. The agent should not release keys, other security swipe cards, alarm code or access devices to anyone other than the tenant or primary occupant unless at their direction.

5. Noise

5.1. Occupants must be encouraged to keep noise to a reasonable level at all times, in conformity with the amenity of the property and, in particular, between 10pm and 8am.

5.2. Agents should avoid check-ins after 10pm, or should make arrangements for check-ins to be conducted in a manner that is least disruptive to other residents.

Security deposits should be released or returned to the occupant(s) as soon as possible following their departure, subject to retention of any amount required to rectify any damage to the property, common property or to neighbouring properties.

6. Recycling and garbage

6.1. Occupants must be informed that garbage must be disposed of in accordance with the usual practice at the property and in the allocated bins, and that excess rubbish must not be left in public or common areas.

6.2. Agents should provide details of Council garbage and recycling collection days, and any special requirements relating to the disposal of garbage or waste minimisation.

7. Access and parking

7.1. Agents should provide information on, or prior to, arrival regarding access or parking, including any parking restrictions, to ensure ease of access with minimum disturbance to other residents or neighbouring properties.

8. Insurance

8.1. Agents should recommend to owners of holiday or short-term rental properties that they hold appropriate insurance, including comprehensive landlords' and public liability insurance (as appropriate).

9. Administration of the Best Practice Guidelines

9.1. Council may receive a written notice of a breach of these Guidelines from occupants, property owners, neighbours and the general public (a Complainant).

9.2. Council may investigate an alleged breach and seek a written explanation from the member agent. Council may also direct any complaints to the Department of Fair Trading or REINSW.

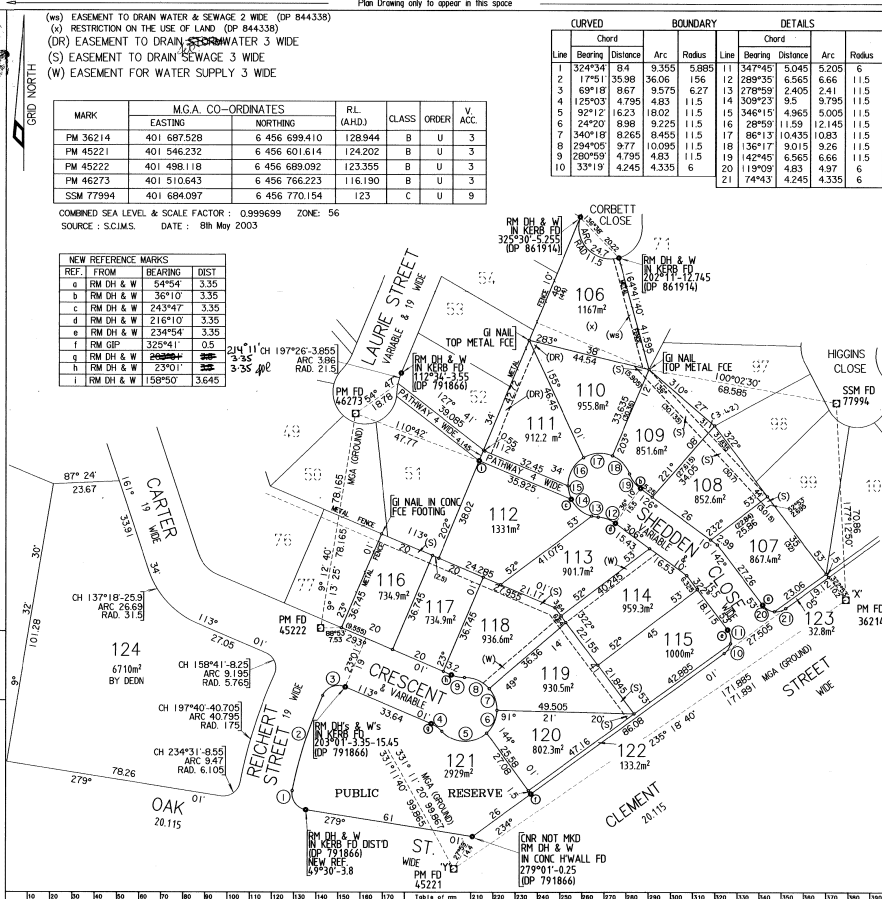
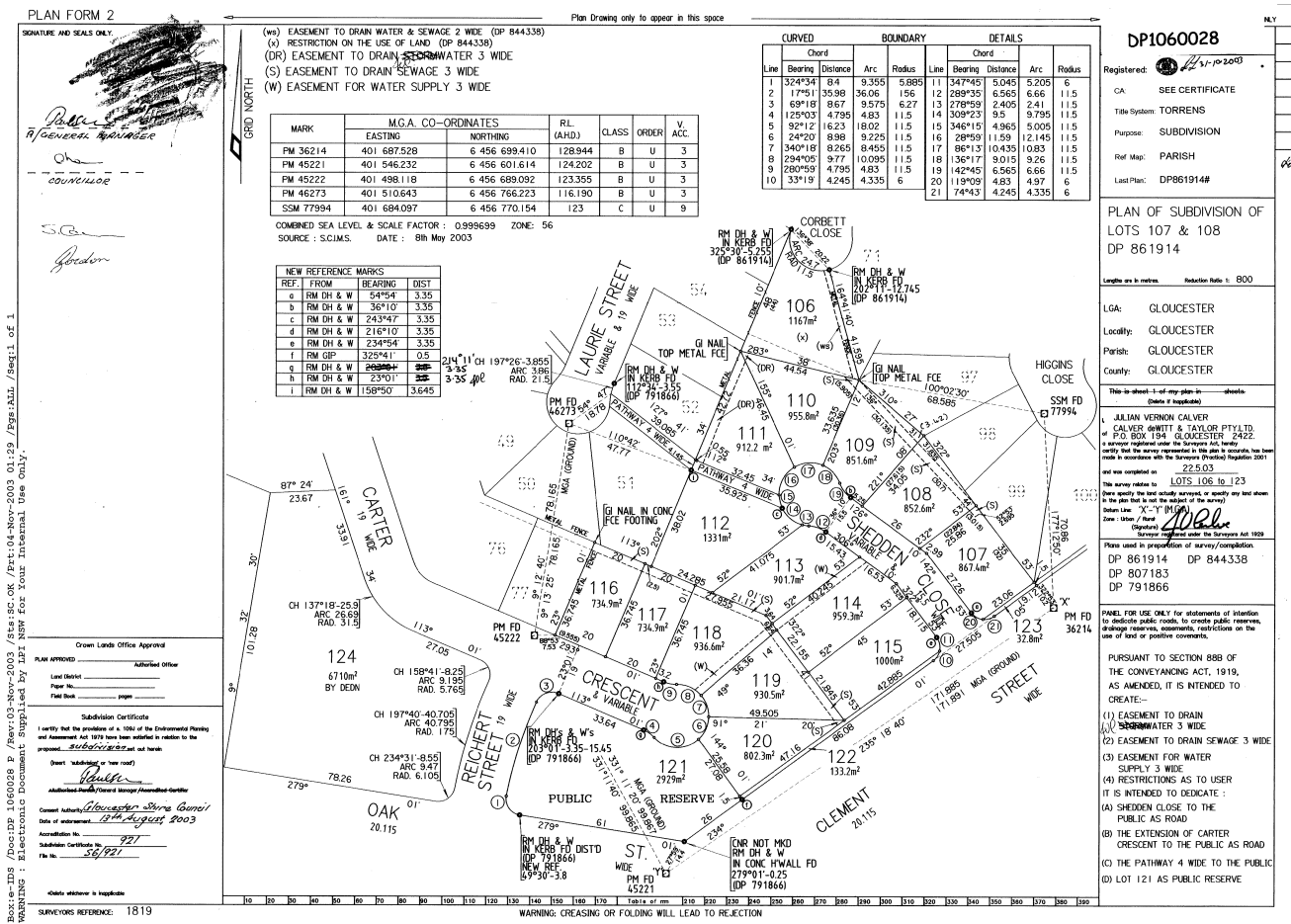
9.3. Agents must use their best endeavours to attempt to reach a prompt resolution with a Complainant and give every assistance during the investigation of any complaint.

9.4. Nothing in these Guidelines affects any right any person may have to lodge a complaint with the Office of Fair Trading or the Consumer, Trader & Tenancy Tribunal (CTTT).

SECTION 4.4

SUBDIVISION OF LAND DEVELOPMENT GUIDELINES ZONES

RU1, RU5, R1, R2, R3, R5, B2, B4, IN1, IN3, SP1, SP2, RE1, RE2, E2 and E3



1.0 Introduction

1.1 Land to which plan applies

The provisions of this section apply to all land within Gloucester Shire Council and specifically to the land which is zoned RU1, RU5, R1, R2, R3, R5, B2, B4, IN1, IN3, SP1, SP2, RE1, RE2, E2 and E3 in the *Gloucester Local Environmental Plan 2010*.

1.2 Purpose of Subdivision of Land Development Guidelines Section

This section contains more detailed provisions than contained in the relevant environmental planning instruments.

The purpose of this section is to give detailed guidance to people wishing to develop within the Shire and provide guidelines concerning the subdivision of land in the relevant zones.

1.3 Application of Section

When a development application is lodged which relates to land to which this plan applies, Council shall take the provisions of this section into consideration in determining the application.

Compliance with the provisions of this section does not necessarily imply that Council will consent to an application. Council must also take into consideration the relevant planning instrument, those matters listed under Section 79C of the *Environmental Planning and Assessment Act, 1979* and relevant Council codes and policies.

1.4 Consultation with Council staff

Prospective applicants are strongly advised to consult Council staff prior to preparing and submitting development applications. This is to ensure that subsequent delays due to inadequate documentation are minimised. Council staff will advise applicants on relevant planning documents, Council policy, construction and health, issues that may emerge with the development and the supporting information that should accompany the application, but will not act as a consultant for the applicant.

In varying places, this plan and any plans adopted by reference contain objectives, performance criteria, standards and acceptable design solutions. Where written justification is provided by the applicant, Council may agree to vary the acceptable design solutions if it is satisfied that the objectives and performance criteria have been met. Council staff can advise on where this operates, but cannot guarantee that the variation will be agreed to.

1.5 Contributions Plans

Council advises all potential applicants to access the applicable S94 Contributions Plans under which Council can require an applicant to make a monetary contribution or land dedication; and / or accept a material public benefit as a result of undertaking development.

Applicants may need advice from Council staff prior to submitting an application to determine the costs of development and project feasibility.

2.0 Definitions

Reference shall be made to the Gloucester Local Environmental Plan 2010 for definitions to wording contained in this Plan.

3.0 Objectives

The objectives of this section are:

- The design of all subdivisions provides a total living environment integrating landscape. Buildings, access ways and other spaces;
- New allotments are designed to take in natural features, topography and designed for solar access;
- That the subdivision demonstrates management and conservation of the land to reduce adverse effects on the environment;
- Subdivisions are energy, resource and cost efficient in relation to lot orientation, stormwater management and utility provision;
- That an appropriate road hierarchy occurs within subdivisions to allow a safe environment for pedestrians, cyclists and motor vehicles;
- The engineering design and the construction of the subdivision demonstrates innovation in design and economical service with consideration of lifestyle costs.

4.0 Development Applications

Development consent must be obtained to subdivide land. However, there are some exceptions to this; these are described below in Section 4.2 and 4.3.

4.1 Content of development applications

4.1.1 Development applications should be submitted on Council's current application form and in accordance with the instructions for completing development applications. Copies of the form are available on request, including a checklist of items to accompany the application. The required plan details are listed in Schedule A.

- 4.1.2 The purpose for which consent is sought is to be clearly stated in the application (e.g., Subdivision of land, subdivision for a road, strata subdivision).
- 4.1.3 Where consent is sought for a proposal which incorporates Land and road subdivisions, this must be clearly stated and explained in the application. The application should include information detailing:
- a) In general, a description of the proposed boundary locations, land sizes as existing and once subdivided, access to roads and road names, existing and proposed easements for services, location of streams and water courses and topographic features;
 - b) In a strata subdivision, the extent of floor space and site area for each unit and the common property;
 - c) Location of any building envelopes, compliance with the requirements of the Rural Fire Service guidelines for bush fire protection and the location and types of services to be provided to the land.
- 4.1.4 In addition to the prescribed information, Council requires applicants to demonstrate the extent to which the development conforms to the principles and requirements of this DCP, and to justify any departures from it.
- 4.1.5 Particular attention should be paid to a Statement of Environmental Effects or Environmental Assessment (Environmental Impact Statement), as applicable, which must accompany the application.
- 4.1.6 In general, the principle underlying the statutory requirement for development applications is that the applicant should provide the Council with sufficient information about the development and its effects to enable the Council to make a proper decision. Council has the power not to accept an application which it regards as inadequate or incomplete, or to seek additional information.
- 4.1.7 Applicants are strongly advised to use the services of surveyors, environmental planners and engineers within their field of expertise, to design their developments. All drawings submitted shall bear the names of the persons responsible for the design.
- 4.1.8 Applications for subdivision may require separate approval from State Government Agencies under a number of Acts of Parliament. This is called integrated development and can be triggered under the following legislation:
- Fisheries Management Act 1994
 - Heritage Act 1977
 - Mine Subsidence Compensation Act 1961
 - National Parks and Wildlife Act 1974
 - Protection of the Environment Operations Act 1997
 - Rural Fires Act 1997
 - Roads Act 1993

- Water Management Act 2000

Applicants are advised to contact the relevant State Government Agencies to seek advice prior to lodging an application with Council.

4.2 Exempt and Complying Development

The Gloucester Local Environmental Plan 2010 contains requirements to permit exempt and complying development.

Exempt and complying development may also apply under State legislation. Council can assist with advice on current legislation.

5.0 Restrictions on Intensity of Development

- 5.1 Subdivision development will be limited by site functional factors such as topography, access to roads, services and setbacks.
- 5.2 The subdivision of land shall comply with the Lot Size Maps in the Gloucester Local Environmental Plan 2010.
- 5.3 The subdivision designs shall ensure that any future building shall be setback from the front boundary (Road Boundary) a minimum distance as contained in the Building Line Setback Section of this DCP.
- 5.4 The building envelopes shall be designed to comply the minimum distance as contained in the Building Line Setback Section of this DCP and with the requirements of the Building Code of Australia for side and rear wall and structural element set backs. Note: building elements require fire protection within 3 metres of the boundaries. Large isolated buildings require greater set backs.

6.0 Sitting for the Design of Buildings

6.1 Building aesthetics

The sitting and design of a development, as illustrated in the application plans, shall be such as to satisfy the public and neighbours (if exhibited) and Council (at decision stage), that the likely future impacts on existing developments will be satisfactory having regard for the type of development proposed.

6.2 Adjoining residential

Care must be taken in the subdivision design to establish a reasonable measure of visual privacy for any neighbouring residential buildings. The location of major views is of critical importance in this respect. Views from of properties to the subject land need to be assessed both in a residential and rural location.

6.3 Setbacks

6.3.1 Front Boundary Setback

Building envelopes shall be setback from the front boundary as contained in table 4.6.1. Of Section 4. 6 Building Line Setback Guidelines.

6.3.2 Side and Rear Setback

Building envelopes shall allow a future building to be setback from the side and rear boundaries as contained in table 4.6.1.

7.0 Service Provision

7.1 Residential, Commercial and Industrial Subdivisions

All residential subdivisions shall be provided with the following services:

- Mains power supply to be provided to the satisfaction of the supply authority.
- Telecommunications to be provided to the satisfaction of the supply authority.
- Where a subdivision is to create multiple allotments and electricity mains power is required to be extended to service the development – underground power is required to be provided along the street frontage.
- The developer will provide street lighting connected to the grid, unless an alternative approved solar power service is provided to relevant Australian Standards.
- A drainage system to remove stormwater and drainage retention systems for high rain fall events.
- Water and sewerage pipes, meters and service lines shall be provided to each existing and new allotment created to comply with the local water and sewerage authority requirements.
- Subdivisions in the IN3 Heavy Industrial zone will not require town water or sewerage systems to be provided as long as other satisfactory arrangements are achievable.

7.2 Rural Residential Subdivision

All rural residential subdivisions shall be provided with the following services:

- Mains power supply to be provided to the satisfaction of the supply authority.
- Telecommunications to be provided to the satisfaction of the supply authority.
- Where a subdivision is to create multiple allotments and electricity mains power is required to be extended to service the

development – underground power is required to be provided along the street frontage.

- The developer will provide street lighting connected to the grid, unless an alternative approved solar power service is provided.
- A drainage system to remove stormwater and drainage retention systems for high rain fall events.
- Water and sewerage pipes, meters and service lines shall be provided to each existing and new allotment created to comply with the local water and sewerage authority requirements.

7.3 Rural Subdivision

- Overhead mains power services are to be provided to the satisfaction of the supply authority. Or other alternative power supply as approved by Council. Council will require confirmation that electricity can be supplied by the Authority prior to the linen plan release.
- Telecommunications are to be provided to the satisfaction of the supply authority.
- A drainage system to remove stormwater and drainage retention systems for high rain fall events may be required for community title, or other similar subdivisions. Drainage requirements may be conditioned to reduce damage to roads in rural areas.

7.4 Service Access

Where access to the development is required through a separate allotment an easement will be required to be created to the service provider's requirements.

7.5 Easements

Where easements are to be created the applicant is to seek the concurrence and approval for the burdened allotment holder in writing. Details are to be submitted with the development application.

Easements shall be created for all service provisions to the supply authorities requirements

Where necessary all services should be (if possible) located within one easement.

It is the applicant's responsibility to ensure that any easements created for the provision of services is created to the satisfaction of the supply authority prior to the lodgement of the Subdivision Certificate Application. Confirmation of this will be required in writing from the supply authority prior to the release of the Subdivision Certificate.

7.6 Authority

Council will require written confirmation from the supply authority that satisfactory arrangements have been made for the provision of services and easements.

7.7 Standard Conditions - Services

1. Electricity Supply:

A letter is required from Country Energy advising that suitable arrangements have been made to make electricity supply available to all lots within the subdivision.

2. Telecommunications Supply:

It shall be the responsibility of the applicant to make provision of telecommunications lines (at the time of development) to service the proposed subdivision. The applicant shall negotiate with the telecommunications carrier in this regard. Council shall require written confirmation from these companies of compliance with this condition to prior to the issue of the Subdivision Certificate.

3. Water and Sewerage Supply:

A letter is required from the water and sewerage supply authority if it is not Council, advising that suitable arrangements have been made to make water or sewer supplies available to all lots within the subdivision.

8.0 Subdivision Layout Plan and Associated Documentation

Detailed plans of the proposed subdivision layout should accompany all development applications for subdivision. Applicants are encouraged to use suitably qualified consultants to prepare subdivision proposals for submission as a development application. All documents or plans produced professionally should carry the name of the responsible consultant. The detailed subdivision layout plan shall be drawn to a suitable scale (Min 1:2000) and include the following information:

- North point and scale;
- Property description of the subject land and of the adjoining properties;
- Dimensions relating to the existing land, as well as the proposed lot numbers and the approximate dimensions and areas of all lots within the subdivision;
- The location and extent of important physical features such as significant vegetation, watercourses, dam, quarries, marshes etc shall be shown,

together with the location of artificial objects such as transmission lines and towers, retaining walls, culvert structures etc;

- Where boundaries are proposed to follow natural or artificial features, accurate details of such boundaries are to be included eg length, thickness and height of party walls;
- The location and approximate dimensions of any existing or proposed easements shall be shown, together with the direction of flow in any drainage easement or natural watercourse;
- A draft servicing strategy;
- A clearly identified hierarchy of roads including the position of any new roads in relation to existing roads and treatment of road intersections;
- The location and amount of Public Reserve to be provided in the subdivision;
- Relevant topographical and cadastral information, including contour lines to AHD datum:
- All areas of fill and average depths to natural surface level;
- A locality sketch, drawn to scale, shall be submitted, preferably inset on the Subdivision Layout plan, showing the location of the area proposed to be subdivided with respect to existing streets and settlements;
- Review of any environmental factors which may be affected by or have a bearing on the proposed subdivision;
- Suitable documentation to declare the land is contaminant free;

Note: the above list is not exhaustive and further plans and information may be required before consideration of the Development Application.

Engineering Documentation

Once consent has been obtained under the EP&A Act, engineering documentation conforming to Auspec #1 must be submitted and approved before development may commence. Council requires compliance with Auspec #1 standards of construction as amended by the Mid North Coast Group of Councils.

A Construction Certificate is required to be issued for all subdivision works. All applicants are advised that all conditions of development consent are to be addressed within the detailed engineering plans and specification.

Applicants must ensure that proposed development is identical to that for which development consent was granted, modified only by any condition of consent.

Works-as-Executed (WAE) Plans

Following the completion of the approved engineering works in a subdivision or development, “Works-as Executed” plans are required to be prepared by a registered surveyor / professional engineer and forwarded to Council prior to the release of the Original Plan of Subdivision. Details of the information to be included on WAE plans are provided in Council’s Engineering Guidelines.

Subdivision Certificate

At the completion of subdivision work and Original Plan of Subdivision should then be prepared by a registered surveyor and submitted to Council for approval. A subdivision certificate is also required to be issued prior to the release of the plan in order to certify that the subdivision has been completed in accordance with the development consent.

The Original Plan of Subdivision should be submitted to Council with six (6) copies and all relevant documentation including the Section 88B Instrument.

Generally, the following items will be required to be completed prior to the issue of the Subdivision Certificate and Original Plan of Subdivision:-

1. All conditions of development consent shall be satisfied;
2. Evidence of easement acquisition for both drainage and sewer, or written consent from downstream owners of acquisition of easements, must be provided;
3. All works shall be completed as per the approved drawings;
4. All contributions / fees shall be paid (ie inspection fee, section 94 contributions; head works contributions)
5. A cash bond or bank guarantee shall be lodged for any outstanding work plus 30% of the value of the uncompleted works, based on the contract value of the works;
6. A maintenance bond shall be provided to an amount of 5% of the total contract value (*Note: Council requires a 36 month maintenance period for all new roads, footpaths and water, sewerage or drainage services*);
7. The following documents shall be submitted:-

- Country Energy Notification
- Telstra Notification
- S88B Instrument
- Work-as-Executed Drawings;
- Proof of Public Liability Insurance to the value of \$10 million, specifically indemnifying Council from all claims arising from the execution of works.

GENERAL GUIDELINES FOR SUBDIVISION

Subdivision design requires careful appraisal and systematic analysis of the site with consideration of all the natural and man-made constraints to ensure that its best qualities are used in the most effective way.

In determining a development application for subdivision, Council will consider all the matters specified under Section 79C (1) of the EP&A Act having particular regard to the following;

- slope and orientation of the land;
- environmental constraints such as soil stability, flooding, contaminants and erosion;
- design of roads and individual site access;
- retention of special qualities of features such as views and trees;
- availability and adequacy of services;
- provision of adequate site drainage;
- provision of public open space;
- character of adjoining subdivision;
- relationship of the subdivision layout to adjacent land suitable for subdivision;
- the application of Council's engineering policies/standards.

Drainage

Council shall assess all drainage designs to;

- To provide an adequate drainage system to allow the satisfactory flow of stormwater from properties and road reserves.
- The stormwater system must provide facilities which ensure post development discharge characteristics are equal to predevelopment discharge. The use of detention and / or infiltration systems will be acceptable.
- to prevent stormwater damage to the built and natural environment and to ensure acceptable levels of health, safety and amenity. The use of end point gross pollution traps may be acceptable.

- to provide a stormwater system to reduce nuisance flows to a level which is acceptable to the community.
- to provide a stormwater system which utilises open space in a manner compatible with other uses.
- to control flooding and provide escape routes for overland flows for high intensity storm occurrence.

The drainage system that shall be designed in accordance with the Engineering Guidelines for Subdivision and Developments with reference to the current edition of “Australian Rainfall and Runoff” and Auspec ! (D5) as amended by the Mid north Coast Group of Councils.

The drainage system should provide for both a minor and major drainage component. The minor system is the piped network designed to contain minor storm events. The major system refers to overland flow paths which are designed to convey major storm events when the capacity of the minor system is exceeded. Subdivision layouts should ensure that private land is not impacted by major flow events.

Lot drainage shall discharge to the street gutter wherever possible. Where the topography of the lot makes it necessary to discharge to the rear of the lot, inter-lot drainage shall be designed to accept the runoff from impervious areas and shall be located in easements in favour of the upstream property owners, to enable rights of access for maintenance. Only unpolluted water shall be allowed to drain into the public drainage system.

Council may consider alternative forms of drainage including methods of on-site disposal such as retention and/or detention basins. In assessing the suitability of such systems, Council will take into account such matters as ease of maintenance, public safety risk and cost liability for Council.

Preservation of Landscapes and Places of Historic Interest

Under the Gloucester LEP Council is required to protect the environment and preserve significant landscape elements including trees and to ensure conservation of places and objects of historic value, scientific interest and natural beauty or advantage.

Significant landscape features such as creeks, rock formations, tree lines or significant trees and hilltops shall be identified and incorporated into the subdivision

layout. Places and objects of historic value, scientific interest, natural beauty or advantage are to be identified and fully protected by the owner/contractor from interference during the course of subdivision activities.

Where subdivision affects heritage items included within any current LEP, the impact of the subdivision on the cartilage or immediate context of a heritage item must be evaluated in the Statement of Environmental Effects.

Under the Heritage Act 1977, the Heritage Council of NSW must be notified if any relic relating to settlement prior to January 1, 1900 is discovered. Furthermore, the National Parks and Wildlife Act 1974 required that the National Parks and Wildlife Service must be notified of any relic relating to aboriginal settlement. Under no circumstances should any relic be disturbed or removed with the prior approval of these authorities.

Threatened Species

When an application is made for the development under Part 4, or an activity if proposed under Part 5 of the EP&A Act, Council may require the applicant to submit a flora and fauna impact assessment in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the Threatened Species Conservation Act 1995. Other relevant legislation that should be addressed include the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 and State Environmental Planning Policy 44 – Koala Habitat.

In deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats, the following factors, as set out in Section 5A of the EPA Act must be taken into account;

- a) *in case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,*
- b) *in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction,*
- c) *in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:*
 - (i) *is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or*

- (ii) *is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,*
- d) *in relation to the habitat of a threatened species, population or ecological community:*
 - (i) *the extent to which habitat is likely to be removed or modified as a result of the action proposed, and*
 - (ii) *whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and*
 - (iii) *the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality,*
- e) *whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly),*
- f) *whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan,*
- g) *whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.*

Depending on the outcome of this assessment, a more extensive investigation may be triggered, in the form of a Species Impact Statement (SIS).

A SIS must include a full description of the proposed development or activity, In addition to the following information in relation to threatened species and populations:-

- a general description of the threatened species or populations known or likely to be present in the area of the proposal;
- an assessment of which of these species or populations is likely to be affected by the proposal;
- details of the local, regional or state-wide conservation status of the species or populations, as well as key threatening processes affecting it, its habitat requirements and any recovery or threat abatement plans applying to it;
- an estimate of the local and regional abundance of the species or populations;
- a full description of the type, location, size and condition of the habitat (including critical habitat) of those species and populations, and details of the distribution and condition of similar habitats in the region;
- a full assessment of the likely cumulative effect of the development or activity on those species or populations in the region (including, if possible, the quantitative effect on local populations);

- a description of any feasible alternatives to the proposal that are likely to be of lesser effect;
- the reasons for justifying the proposed development or activity, having regard to biophysical, economic and social consideration and the principles of ecologically sustainable development;
- measures proposed to mitigate the adverse effect of the proposal; and
- a list of approvals that must be obtained under any other Act before the proposed development of activity must be lawfully carried out.

Similar, although not quite as extensive, information must also be provided about ecological communities. The SIS must also contain a statement pertinent to the qualification and experience of the person who prepared the SIS and of any other person (s) who conducted research, or whose investigations relied on the preparation of the SIS.

Note: Council has prepared documents to guide applicants on known threatened species in the local government area. These documents should be referred to and developed upon to identify areas of habitat. Council has not ground truthed areas of the shire to identify exact locations for threatened species and will seek advice from appropriate State and Federal government authorities to assist in the application assessment.

Road Network Design and Construction

The design of a proposed subdivision shall provide a distinctive and hierarchical network of roads with clear physical distinctions between each type of road, based on public safety, function, capacity, traffic volumes, and vehicle speeds. Council and its Traffic Committee shall assess applications;

- To provide acceptable levels of access, safety and convenience for all road users.
- To provide access for emergency and service vehicles to all lots and enable the establishment of efficient and accessible bus routes.
- To provide appropriate and cost effective design and construction guidelines for both public and private roads.
- To accommodate public utility services and drainage systems.
- To minimise road construction costs, energy demand, risk exposure and maintenance costs without compromising other objectives.

Council requires that public road access be provided to all lots within a conventional subdivision.

All roads within and surrounding a subdivision should be part of a road hierarchy based on their function. Road standards will also vary between residential, industrial and rural localities.

The hierarchy of roads adopted in this plan consists of a four tier system based on the volume and type of traffic using (or projected to use) the road as referred to in Auspec 1. The four categories are:

Arterial Roads – these predominantly carry through traffic from one region to another and generally carry more than 10,000 vehicles per day (vpd). These roads include Bucketts Way South, Bucketts Way East and Thunderbolts Way.

Distributor Roads – connect the arterial roads to areas of development or carry traffic directly from one part of a region to another. Distributor roads are not residential streets so access to this road should be minimised. Traffic volume carried or to be carried is between 4000 and 10000 vpd.

Collector Roads – connect the sub-arterial roads to the local road system in developed or developing areas and may serve as convenient bus routes. Collectors carry or are expected to carry between 2000 or 6000 vpd

Local Roads – are residential streets where resident's safety and amenity are a priority. Local roads carry or are expected to carry less than 2000 vpd.

Each road should reflect its role in the road hierarchy by their visual appearance and physical design. Routes should differ in alignment, width and design standard according to the volume and type of traffic they are intended to carry and the desirable travel of speed.

Generally the minimum standard acceptable would be bitumen seal with either kerb and guttering or central drainage within concrete edging.

Pedestrian, bicycle and vehicular traffic must be able to circulate freely with the minimum of conflict and may warrant separation depending on the existing or likely traffic levels. Driving conditions should be safe, pleasant and convenient, with good visibility and a smooth flow in the road geometry to reduce driver stress. Wherever practicable, vertical (crests, hills) and horizontal (curve radius) street alignments should relate to natural site contours and should be designed to ensure the safety of all road users.

Council considers that there are two kinds of roads in residential areas – those on which people live and those which distribute traffic through the area. Consequently, on the majority of local and access streets the needs of pedestrian should take priority over those of motor vehicles. The aim of this design principle is to create a local neighbourhood where it is safe for children to play and where drivers do not

expect the same rights that they enjoy when on a major road. High volumes of traffic and high speeds are not compatible with the activities of residents in their home environment. Consequently, all local and access streets should be appropriately designed and may incorporate features that physically limit the speed of traffic, thereby improving the amenity and safety of the area for both residents and pedestrians.

State Environmental Planning Policy (Infrastructure) 2009

Depending on scale of a proposed subdivision, Council may be required to consult with the NSW Roads and Traffic Authority to obtain advice on traffic and safety aspects associated with a proposal. This consultation process is a statutory requirement prescribed by the Department of Planning's State Environmental Planning Policy (Infrastructure) 2010.

Consultation with the RTA will occur during the process of determining the development application. However, Council strongly advises all applicants for development, fronting a Classified Road or where there is likely to be impacts on roads having an intersection with a Classified Road, to consult with the RTA prior to finalising their plans. Additional information regarding consultation procedures may be obtained by contacting Council's Technical Services Department.

Site Hazards

Under S79(c) Council must be provided with adequate details to ensure adequate assessment of any risks to urban development are identified and addressed at the development application stage and to minimise the risk to urban development of periodic inundation and flooding, unstable ground conditions, soil erosion and pollution of natural systems and exposure to bush fire and contaminated lands.

Flooding

Subdivision layouts shall be based on a strategy for surface water drainage which minimises the incidence of nuisance flooding and provides an escape route for major flooding.

Residential subdivision will not be permitted where any lot to be created will be fully inundated by a 1 in 100 year probability flood and the creation of such lot will create potential for increased intensity of development on flood liable land.

Strata title or similar developments in the B2 (general business) and B4 (Mixed Use) zones where shop top housing or similar developments can occur in a flood zone shall be reviewed as to occupancy safety and emergency services access to allow relocation of residents.

Unstable Ground Conditions

Where the land may be subject to unstable ground conditions, the development application must be accompanied by a suitable geotechnical report and urban capability assessment.

Appropriate measures are required to avoid soil erosion and sedimentation (in accordance with the guidelines of the Department of Land and Water Conservation and the NSW Environment Protection Authority). For example, Council encourages the location of boundaries along natural features, such as drainage line, in order to minimise the likelihood of soil erosion problems.

Where development is within 400m of a stream or river, the Department of Land and Water Conservation must be consulted.

Note: Council recommends consultation with the relevant department prior to making application to reduce consultation times and to ensure the Departments requirements can be meet. Council will require written confirmation of departmental requirements with the submitted development application. Council may also submit the application under the Integrated development process to the department as required by the EP&A Act.

Bushfire

In areas subject to bushfire risk, proposals for subdivision will need to demonstrate that consideration of bushfire risk has been incorporated into the subdivision design. A Bushfire Hazard Assessment will be required to accompany subdivision application for bushfire prone land.

Note: Council recommends consultation with the NSW Rural Fire Service prior to making application to reduce consultation times and to ensure the Services requirements can be meet. Council will require written confirmation of requirements with the submitted development application. Council may also submit the application under the Integrated development process to the Rural fire Service as required by the EP&A Act.

Land Contamination

The development application should detail the history of the site and areas suspected to contain contaminated soil. In this regard, Council's "Contaminated Land Policy 1999" requires that information be submitted with the development application to identify any past or present potentially contaminating activities that may have occurred on the land. Where listed in the Policy and/or based on the known history and an inspection of the site, a preliminary site contamination investigation will be required to provide a detailed appraisal of the site's history, in

addition to a report based on visual inspection and assessment. Such is to be carried out by a suitably qualified person.

Where a property is identified as contaminated, Council must be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for a proposed land use. A detailed site contamination investigation will be required where the results of the preliminary investigation demonstrate the potential for, or existence of, contamination that may be suitable for the proposed development. In some instances, a preliminary and a detailed investigation may be combined, where the land is known to contain or to have contained, a potentially contaminating activity.

If it is found that remediation of the land is necessary, a remedial action plan is to be submitted to document the proposed remedial works and a validation report required prior to the issue of a Construction Certificate and/or commencement of operations.

Landscape

The applicant is to submit details adequate for Council to assess the application and ensure the following factors can be undertaken;

- To maintain and enhance existing streetscape and landscape character.
- To reinforce and define vehicle speed control elements.
- To provide shade and acoustic and visual privacy.

The total streetscape includes a range of manmade and natural elements – roads, dwelling, gardens, paved areas, driveways, tree planting, utility services and so on. All these should be considered in design of the subdivision.

While the size of a particular development site will have a considerable bearing on the choice and variety of landscape elements to be used, it is recommended that in the planning and design of all subdivisions, appropriate attention be given to the following factors:

- general landscape theme (ie exotic, indigenous, evergreen/deciduous);
- climatic considerations (ie wind conditions, variations in sunlight and rainfall);
- use of water and drainage areas for recreation and visual amenity;
- location and form of landscape elements within the residential precinct (eg mounding to enhance privacy etc)
- planting themes and groupings of plant types in terms of function (eg privacy screen, security, play area etc);
- choice of surface finishes (eg paving) and outdoor furniture to reflect a cohesive theme.

Earthworks Restoration / Site Filling

To ensure the environmental impact of site fill is properly assessed and to ensure that all distributed surfaces are rehabilitated to an appropriate standard the applicant shall provide information on earth works.

“Site fill” is development as defined under the EP&A Act and accordingly requires development consent under the Gloucester LEP.

Where site fill is necessary, the materials and extent of fill must be detailed in the development application for the approval of Council prior to lodging the Engineering drawings. Council’s assessment will take into account Australian Standard 3798 which gives guidance of the specifying, execution and control testing of earthworks and associated preparation works within commercial and residential developments.

Areas disturbed during construction are to be reformed to appropriate grades and re-vegetated. Restoration works are to be detailed and scheduled as part of the engineering plans for any project.

Note: Any site fill for dwelling construction must comply with AS 3798.

Work Required by the Developer

Under the provisions of Section 80A of the EP&A Act, Council may impose a condition of development consent to require the carrying out of works relating to any matter referred to in section 79C applicable to the proposed development. It is emphasised that any such works must fairly and reasonably relate to the proposed development and the cost of any additional works that Council may wish to undertake for the benefit of the wider community will necessarily be borne by Council.

Examples of works or items that may be required under Section 80A depending upon the circumstances relating to the proposed subdivision may include;

- downstream drainage;
- revegetation of drainage channels or visual screening;
- road works including intersection upgrading;
- local area traffic management;
- rail crossing upgrades;
- utility service modifications.

These requirements will be imposed as conditions of development consent.

Subdivision / Development Inspection Fees

When Engineering Drawings are lodged with Council, a fee is payable for examination of the engineering drawings, inspection of subdivision works and for the issue of a Subdivision Certificate.

Physical Testing

The contractor/developer will be required to pay for all physical testing such as density tests, Benkelman Beam deflection tests, concrete testing, testing of pavement materials, water and sewer testing.

This includes all tests carried out by Council on behalf of the contractor/developer where the developer does not arrange for the testing to be undertaken by independent contractors or testing authorities.

GUIDELINES FOR SUBDIVISION IN RESIDENTIAL ZONES

The guidelines seek to ensure that new residential lots have an area and dimensions to meet the projected requirements of people with different housing needs and are orientated to enable, where practicable, the application of energy conservation principles. In this regard, each lot should have an appropriate area and dimensions to enable the siting and construction of a dwelling and ancillary outbuildings, the provision of private outdoor space, convenient vehicle access and parking to permit solar access and any other siting and design requirements.

Lot Orientation

Lot orientation is to be considered to;

- To maximise access to daylight and sunlight for both occupiers and neighbours.
- To promote energy efficiency and sustainable development.
- To take advantage of any view or outlook.

Comfortable living conditions may be achieved by considering prevailing climatic factors in subdivision design. Generally, lots should be orientated either north-south or east-west with the potential for living and private open space areas of dwellings to face north.

The potential for adverse impacts of overshadowing of existing and future buildings must be reduced at the time of design.

Site Frontage

In these guidelines, Council has not specified a minimum site frontage for lots in residential areas. Subdivision must be designed to provide each lot with appropriate dimensions to enable the sitting and construction of a dwelling and ancillary outbuildings, the provision of private outdoor space, convenient vehicle access and parking and to permit solar access. Along collector roads, it may be appropriate to minimise the number of vehicular access points for safety reasons by increasing the site frontage for each lot.

Lots with narrow frontages should be designed to enable the long axis of the lots to be orientated in either an east-west or north-south direction to provide for north facing living areas.

Lot Dimensions

Lot dimensions should encourage variety and choice in housing forms by providing lots suitable for a broad range of dwelling sizes to meet the anticipated requirements of people with different housing needs.

Conventional Subdivision

The “Lot Size Map” of Gloucester Local Environmental Plan 2010 prescribe the minimum lot sizes for all new allotments. Generally the minimum residential lots size is 500 square metres for residential allotments, within which it must be possible to fit a rectangle suitable for building purposes measuring 10 metres by 15 metres behind the building line (refer building line setbacks in the DCP).

Lots down to 450 square metres may be considered where they form part of an integrated housing development approved under the LEP.

Dual Occupancy

In order to subdivide a dual occupancy development, the area of land on which the development is or is to be created must be at least 900 square metres.

Note: Council will only grant consent to subdivide land down to a minimum lot size of 450 square metres where a dual occupancy development currently exists on the land, or where Council grants consent to a subdivision at the same time as the dual occupancy development (ie integrated housing development).

It should be noted that for an integrated housing development, the original linen plan of subdivision will not be released until such time as an Occupation Certificate is issued for the dwellings, unless application is made for a staged construction.

Battle-axe shaped lots

The minimum area for battle-axe shaped lots is 700 square metres (500 sq metres for lot plus access handle) within which it must be possible to fit a rectangle suitable for building purposes measuring 10 metres by 15 metres, excluding the access corridor. Battle-axe lots must also have a frontage to a public reserve which must have a minimum length of 15 metres.

The access corridor providing frontage to a public road shall be at least 4.5 metres wide. Where up to four accessways are shared by employing reciprocal rights-of-way, the combined width of the accessway shall have a minimum width of 6.0 metres with suitable impervious materials such as concrete, pavers or bitumen. In considering this type of in-fill development, the key considerations will be the impact on adjoining development and amenity for existing and future residents.

Road Design and Construction

Issues relating to residential road standards such as design speeds, intersection design and road geometry are addressed in Auspec #1.

Generally, intersections shall be either T-junctions or roundabouts. A combination of measures such as limiting street length, introducing bends and narrowing the carriageway width may be required to limit design speeds.

Changes in required driver behaviour should be designed through a combination of measures, rather than rely on posted speed and to create safe residential environments in which traffic conflict between vehicles, pedestrians and cyclists is minimised.

A variety of streetscape possibilities should be included to create interesting and inviting residential development which is complementary to the character of the surrounding locality and enhance the unique nature of the Shire.

Public Open Space

Council has taken a realistic approach to continued maintenance of recreation spaces and committed costing to servicing. In the design of a subdivision Council will;

- ensure adequate provision and distribution of public open space in convenient locations and of a quality to meet the recreational needs of the community.
- encourage dual use of open space for recreation and major drainage networks, provided the land is suitable for both purposes.

- encourage opportunities to link open space networks, community facilities and public services with dwellings.
- encourage the retention of significant existing vegetation within open space areas, and its integration with both private site landscaping and natural bushland areas.

In relation to all residential subdivision, monetary contributions will be levied towards the embellishment of existing public open space at the rate required by Council's current developer contribution plans, prepared in accordance with the EP&A Act. In addition to the payment of contributions for embellishment of existing open space, Council may require the dedication of land for additional public open space or payment of a contribution toward the acquisition of such land at a rate identified in the Contributions Plan.

Dedication of land may be accepted or required where it forms part of an identified recreation strategy which is designed to meet the needs of the future population, or where there is no existing reserve in the locality (eg development of the "Greenfield" site). Further, in areas where no or insufficient local facilities exist in the vicinity, Council has the discretion to acquire or seek dedication of stand alone local reserves. In such instances, the amount of public open space required will be calculated in accordance with the formula contained in Council's current Contributions Plan.

GUIDELINES FOR SUBDIVISION OF BUSINESS AND INDUSTRIAL ZONES

Retail/Commercial

Lots in the business zones are not subject to specific dimensional standards. However each proposal should be designed to provide future development with adequate on-site parking, manoeuvring and loading area in accordance with Chapter 4.8 General Car parking Guidelines, of this DCP.

Where it is considered that the proposed size or dimensions of a commercial lot may jeopardise its future viability, the applicant will be required to define the building envelope and access design at the time of subdivision.

Each case will be treated on its individual merits and applicants should discuss their proposals with staff of Council's Planning and Environment Department and Technical Services Department to determine appropriate subdivision requirements.

Consideration will only be given to the creation of battle-axe shaped lots for retail and commercial purposed where there are no practical alternatives for subdivision.

Industrial

Generally, lots within the proposed industrial subdivision are to have a minimum frontage of 40 metres and an area of 1000 square metres. This standard is considered appropriate to ensure that industrial sites have sufficient area to allow manoeuvring and turning of large vehicles on site.

Road Network

The dimensional standards required are different from those required in residential zones as a result of the nature of commercial and industrial traffic.

The developer is to provide acceptable levels of access, safety and convenience for all road users in business and industrial area, having regard for the particular requirements of heavy vehicles servicing the workforce and to reduce traffic conflict by ensuring that heavy vehicle movements are segregated from local traffic.

Local industrial roads shall have a minimum road reserve width of 23 metres, with a 13 metre carriageway where parallel parking is provided and an 18 metre carriageway where angle parking is permitted. Cul-de-sac in industrial areas should generally be avoided.

Site Access

Vehicular access driveways from a public road shall be:

- divided on the property line or have separate driveway entries and exits, wherever possible, to ensure an unobstructed traffic flow to and from the site;
- not closer than 6m to an intersecting road or break in a traffic island; and
- located so that sight distance is adequate.

Driveways shall be designed in accordance with Auspec #1. Direct access shall be denied to all major roads where alternate access is available via a secondary road.

Provision shall also be made for access to utility services such as sewer mains, electricity supply etc.

GUIDELINES FOR SUBDIVISION IN RURAL AND ENVIRONMENT PROTECTION ZONES

The Gloucester LEP requires the protection of the environmental and scenic qualities and character of the area by minimising impact areas and retaining existing vegetation.

To give particular consideration to the impacts of subdivision in terms of:

- (a) topography and landform
- (b) erosion control and land restoration
- (c) provision of building site
- (d) availability of water supply and sewerage
- (e) vegetation communities

Lot Sizes

The “Minimum Lot Size Map” and Clause 4.1 of Gloucester Local Environmental Plan 2010 prescribe the minimum lot size provisions; Council will also consider the impact of the proposed subdivision on the on-going viability of agricultural land use and the potential for rural land use conflict. These considerations are consistent with the stated objectives in the LEP for the RU1 Primary Production and the RU4 Rural Small Holdings Zones (future land zone).

To assist in the assessment of these impacts, Council may request that applications for the subdivision of land within zones RU1 and E3 Environmental Management be accompanied by a “Total Farm management Report”. Reference should be made to the NSW Agricultural web site for details.

ROADS

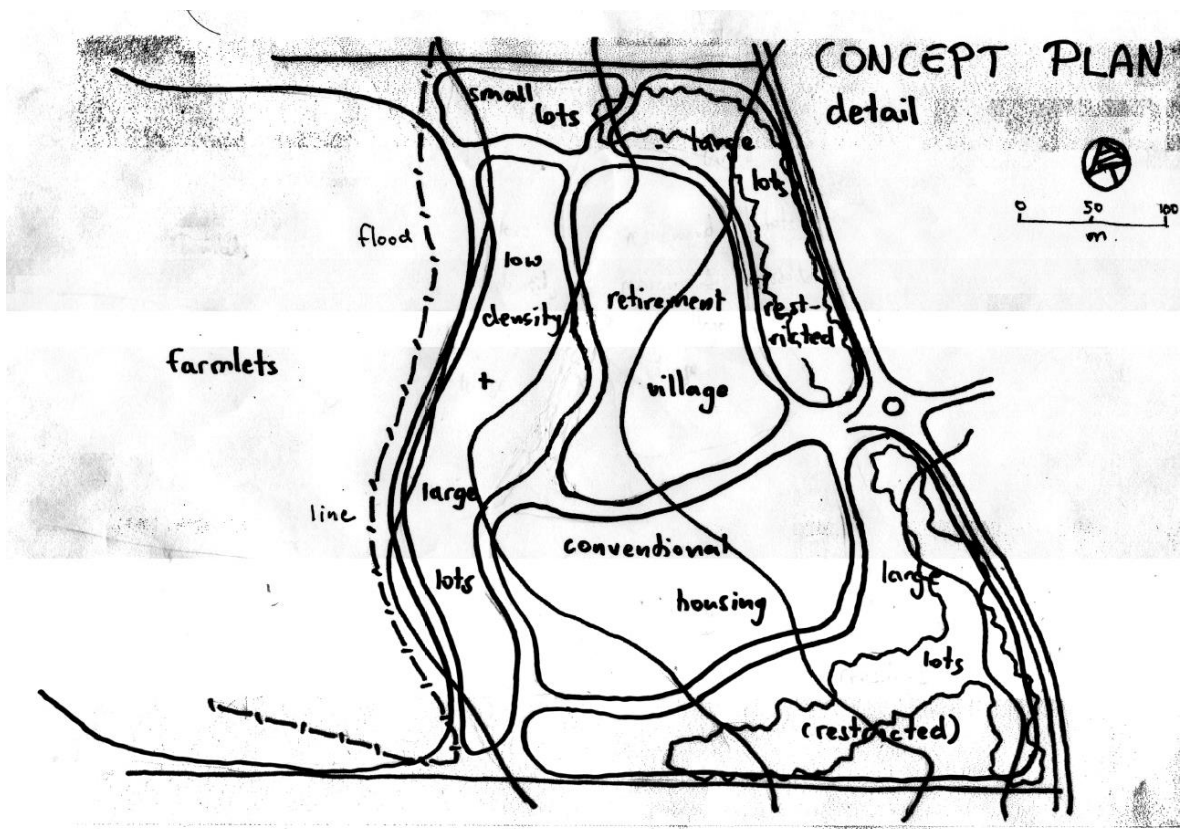
Access to lots must be provided in accordance with Auspec #1 as amended by the Mid north Coast Group of Councils.

The required widths for rural roads are detailed in Auspec #1 as amended by the Mid north Coast Group of Councils having due regard to the existing and future function of the road in the road network. Generally, new rural roads will be required to be of two lane width with sealed shoulders and bitumen sealed.

SECTION 4.5

COMMUNITY LAND SUBDIVISION GUIDELINES ZONES

RU1, RU5, R1, R2, R3, R5, B4, E2, E3



1.0 Introduction

NOTE: This section shall be read in conjunction with Section 4.4 – Subdivision of Land Development Guidelines.

1.1 Land to which plan applies

The provisions of this section apply to the land which is zoned *RU1, RU5, R1, R2, R3, R5, B2, B4, E2 and E3* in the *Gloucester Local Environmental Plan 2010*.

The development of community land subdivisions within the RU1 and E3 zones of Gloucester Shire are restricted under Clause 4.2A of the Gloucester LEP 2010 to the minimum land size shown on the Lot Size Map.

1.2 Purpose of Subdivision of Land Development Guidelines Section

This section contains more detailed provisions than contained in the relevant environmental planning instruments.

The purpose of this section is to give detailed guidance to people wishing to develop within the Shire and provide guidelines concerning the subdivision of land in the relevant zones.

1.3 Application of Section

When a development application is lodged which relates to land to which this plan applies, Council shall take the provisions of this section into consideration in determining the application.

Compliance with the provisions of this section does not necessarily imply that Council will consent to an application. Council must also take into consideration the relevant planning instrument, those matters listed under Section 79C of the *Environmental Planning and Assessment Act, 1979* and relevant Council codes and policies.

1.4 Consultation with Council staff

Prospective applicants are strongly advised to consult Council staff prior to preparing and submitting development applications. This is to ensure that subsequent delays due to inadequate documentation are minimised. Council staff will advise applicants on relevant planning documents, Council policy, construction and health, issues that may emerge with the development and the supporting information that should accompany the application, but will not act as a consultant for the applicant.

In varying places, this plan and any plans adopted by reference contain objectives, performance criteria, standards and acceptable design solutions. Where written justification is provided by the applicant, Council may agree to vary the acceptable design solutions if it is satisfied that the objectives and

performance criteria have been met. Council staff can advise on where this operates, but cannot guarantee that the variation will be agreed to.

2.0 Definitions

Reference shall be made to the Gloucester Local Environmental Plan 2010 for definitions to wording contained in this Plan.

3.0 Development under Community Titles Legislation

This section has been developed to assist the community in the process of assessing and approval of applications received under the Gloucester Local Environmental Plan 2010 for the subdivision of Land and under the Community Land Development Act 1989 and Community Land Management Act 1989.

The table to this section provides advice when development shall be restricted to the number of premises as contained in the tables accompanying this policy.

The Gloucester Local Environmental Plan 2010, contains provisions that restricts development in certain areas for Strata and Community title subdivisions.

The objectives to the Community Land Development Act 1989 No 201 state;

Community Land Development Act 1989 No 201

4 Object and application of Act

(1) *Subject to subsection (2), the object of this Act is to facilitate the subdivision of land into parcels for separate development or disposition:*

*(a) with an interest in associated land in the nature of common or shared property, and
(b) with or without further subdivision (including a subdivision under the Strata Schemes (Freehold Development) Act 1973) in conjunction with the development of another such parcel or other such parcels.*

(2) *A plan is not registrable under this Act if, in the opinion of the Registrar-General, it is essentially for:*

*(a) the subdivision of a building into lots, or into lots and common property, where the lots are, by reference to the building, made to correspond to attached or semi-detached units within the building (whether or not a lot includes land not within the building), or
(b) the subdivision of land into lots and common property, where the common property comprises mainly land above a lot or lots or land below a lot or lots, or
(c) the subdivision of land into lots limited wholly or partly in height or in depth.*

(3) *This Act binds the Crown except in relation to a requirement to obtain an approval, consent or certificate from a consent authority.*

4.0 Sitting for the Design of Buildings

As land developed under Community schemes places a greater residential density on the land, Council has developed table 4.5.1 to advise on acceptable residential densities for a range of land sizes.

Increased residential density may be considered by Council subject to substantial evidence that the development will not impact on land resources, waste water disposal, water requirements, traffic movements and any other item as contained in Appendix 1 to this section.

Council shall require all development applications to address the criteria contained in Appendix 1 to this policy to assist it in determining if the development is necessary or desirable for the locality proposed regardless of the densities complying with Table 4.5.1.

4.1 Building aesthetics

The sitting and design of a development, as illustrated in the application plans, shall be such as to satisfy the public and neighbours (if exhibited) and Council (at decision stage), that the likely future impacts on existing developments will be satisfactory having regard for the type of development proposed.

4.2 Adjoining residential

Care must be taken in the subdivision design to establish a reasonable measure of visual privacy for any neighbouring residential buildings. The location of major views is of critical importance in this respect. Views from of properties to the subject land need to be assessed both in a residential and rural location.

4.3 Setbacks

4.3.1 Front Boundary Setback

Building envelopes shall be setback from the front boundary as contained in table 4.6.1.

4.3.2 Side and Rear Setback

Building envelopes shall allow a future building to be setback from the side and rear boundaries as contained in table 4.6.1.

Table 4.5.1: Residential Densities for Community Developments

LAND SIZE	RESIDENTIAL DENSITY (TOTAL DWELLING UNITS)
1000 square metres to 2 Hectares	2
2 Hectares to 10 Ha	4

***Note:** The development of community land subdivisions within the RU1 and E3 zones of Gloucester Shire are restricted under Clause 4.2A of the Gloucester LEP 2010 to the minimum land size shown on the Lot Size Map.*

5.0 Council to Consider Highest Use of Land Potential

Council will consider all applications under this policy as to the continuing viability of the land and its sustainability before approval of any subdivision.

A variation to the development densities contained in Table 4.5.1 shall only be considered where a public water and sewerage supply is available to the land and if the locality meets all other criteria required for assessment.

The determination of the necessary and desirable components of the land to be developed must take into consideration the impacts on the environment, the social aspects of location and provision of community facilities and services and the commercial or economic viability of the land and the changes that the proposed subdivision may have on the long term future of the land and cost to the community to allow the subdivision.

The applicant shall be required to provide detailed advice why the development of a Community title subdivision is the highest use for the land and how the land may be utilised to reduce any impacts on agriculture, scenic quality or subdivision under other Acts.

6.0 Service Provisions and Contributions to Community Developments

All land subdivisions have a real cost to the community in their development and long term service provisions. This may be in the form of road upgrades and repairs, social services or a need for more recreational services.

Council in its assessment of these services shall require contributions to be paid towards the provision of services and infrastructure in accordance with its Section 94 Plans and water and sewerage authority contributions plans.

Additional service or upgrade requirements may be required by Council in any approval such as road extensions or water and sewerage extensions to service the proposed development. These service provisions or upgrades shall be at the developer's cost and shall not be provided or subsidised by Council.

7.0 Council Maintenance Obligations

All applicants are advised that as a Community Title Subdivision, Council will **not** be responsible for the future maintenance of any civil works within the confines of the property. This includes roads, footpaths, water or sewer mains or pipes, trees, gardens or play areas. The responsibility for the maintenance and improvement of any item within the subdivision is the owner's responsibility as provided under the management plans.

APPENDIX 4.5 – Community Title Subdivisions

PLEASE TAKE NOTE:

Information provide to meet the application needs for Councils determination should be detailed, accurate and well founded. Council shall assess applications and determine if they are necessary or desirable for the location based on the information that is provided. Failure to address the information required by this policy may result in refusal of your application.

Site analysis

The following information, is to be shown in a site analysis:

With regard to the physical characteristics of the site:

- site dimensions and site area,
- spot levels, contours and north point,
- views to and from the site,
- prevailing winds,
- orientation, micro climates, significant noise sources,
- land with a slope greater than 18 degrees,
- watercourses and groundwater resources,
- natural wetlands,
- land subject to pondage, seasonal water logging, high watertable or salinity,
- natural drainage,
- any part of the land that is subject to a risk of flooding, bush fires (refer to RFS documents for subdivision and building controls), landslip, erosion (or areas with actual or potential acid sulphate soils) or any other physical constraint to development of the land in accordance with this Policy,
- soil types and, where present, the geology of any rocky outcrops on the site,
- any part of the land that is prime crop and pasture land,
- vegetated areas requiring environmental protection or areas where rehabilitation or reforestation will be carried out,
- identification of previous use and any contaminated soils or filled areas,
- location of known resources of mineral or extractive deposits on or adjacent to the proposed development or otherwise potentially sterilised by the development,
- any road reserve areas that impinge on the site,
- location of fences, boundaries and any other notable features (natural or historical),
- any heritage items (including known items of Aboriginal heritage), relics and sites, and their curtilage.

With regard to the development details of the site:

- location of buildings and other structures,
- indicative footprints of the proposed buildings,

- design and siting of proposed buildings and their relationship to existing heritage items,
- any areas of the site to be used for development other than dwellings,
- proposed access from a public road to the area or areas in which the dwellings are to be situated (plus other tracks necessary for agricultural use, fire fighting or property maintenance and any tracks that cross Crown land or watercourses),
- easements for drainage services,
- source and capacity of any water supply, electricity, telephone and waste disposal systems for the dwellings, plus strategies for dealing with domestic wastewater,
- areas designated for storage of solid waste,
- areas designated for landfill of solid waste,
- where possible, measures aimed at preventing the spread of bushfire.

With regard to the land surrounding the site:

- the heritage significance of surrounding buildings and landscape,
- characteristics of any adjacent public land,
- directions and distances to local shops, schools, public transport, parks and community facilities,
- a brief description of the land uses on surrounding land.

Principles of Sustainability

The applicant is to provide a statement as to the sustainability impacts for this development.

Does this development provide a balance approach to the sustainability principles of environment, social and economic development? (An assessment of above criteria should be used).

Climate change impacts

The applicant is to provide a statement as to the development impact on climate change at a local Level, indicating how the effects of climate change can be offset in the community management plan.

The applicant should note that;

- Impacts of climate change shall result from erection of buildings, road construction and activities requiring the use of fossil fuels, water or vegetation removal.
- To offset the impacts, buildings will be required to comply with BASIX standards and vegetation corridors or areas would need to be established to offset carbon increases.

SECTION 4.6

BUILDING LINE SETBACK GUIDELINES

(Zones RU1, RU5, R1, R2, R3, R5, B2,
B4, IN1, IN3, SP1, SP2, RE1, RE2, E2
and E3)



1.0 Introduction

1.1 Land to which plan applies

The provisions of this section apply to the land which is zoned RU1, RU5, R1, R2, R3, R5, B2, B4, IN1, IN3, SP1, SP2, RE1, RE2, E2 and E3 in the *Gloucester Local Environmental Plan 2010*.

1.2 Purpose of Building Line Setback Guidelines Section

This section contains more detailed provisions than contained in the relevant environmental planning instruments.

The purpose of this section is to give detailed guidance to people wishing to develop within the Shire and provide guidelines concerning the subdivision of land in the relevant zones.

1.3 Application of Section

When a development application is lodged which relates to land to which this plan applies, Council shall take the provisions of this section into consideration in determining the application.

Compliance with the provisions of this section does not necessarily imply that Council will consent to an application. Council must also take into consideration the relevant planning instrument, those matters listed under Section 79C of the *Environmental Planning and Assessment Act, 1979* and relevant Council codes and policies.

1.4 Consultation with Council staff

Prospective applicants are strongly advised to consult Council staff prior to preparing and submitting development applications. This is to ensure that subsequent delays due to inadequate documentation are minimised. Council staff will advise applicants on relevant planning documents, Council policy, construction and health, issues that may emerge with the development and the supporting information that should accompany the application, but will not act as a consultant for the applicant.

In varying places, this plan and any plans adopted by reference contain objectives, performance criteria, standards and acceptable design solutions. Where written justification is provided by the applicant, Council may agree to vary the acceptable design solutions if it is satisfied that the objectives and performance criteria have been met. Council staff can advise on where this operates, but cannot guarantee that the variation will be agreed to.

2.0 Definitions

Reference shall be made to the Gloucester Local Environmental Plan 2010 for definitions to wording contained in this Plan.

3.0 Objectives

The objectives of this section are:

- a) To ensure that future development:
 - i) Is generally consistent with the setbacks acceptable to the general community;
 - ii) is functional;
 - iii) retains existing visual characteristics and allows for landscaping to enhance the streetscape of the area wherever possible;

4.0 Development Applications

Development consent must be obtained to develop or subdivide land. However, there are some exceptions to this; these are described below in Section 4.2 and 4.3.

4.1 Content of development applications

4.1.1 Development applications should be submitted on Council's current application form and in accordance with the instructions for completing development applications. Copies of the form are available on request, including a checklist of items to accompany the application.

4.2 Exempt and Complying Development

The Gloucester Local Environmental Plan 2010 contains requirements to permit exempt and complying development on land zoned for industrial use.

Exempt and complying development may also apply under State legislation. Council can assist with advice on current legislation.

5.0 Restrictions on Intensity of Development - Subdivision

5.1 Subdivision development will be limited by site functional factors such as access to roads, services and setbacks.

5.2 The subdivision of land shall comply with the Lot Size Maps in the Gloucester Local Environmental Plan 2010.

5.3 The subdivision designs shall ensure that any future building shall be setback from the front boundary (Road Boundary) a minimum distance as contained in Table 4.6.1 of this section.

5.4 The future buildings shall be designed to comply with the requirements of the Building Code of Australia for side and rear wall and structural element setbacks. Note: some building elements require fire protection within 3 metres of the boundaries. Large isolated buildings require greater setbacks.

6.0 Sitting and Design of Buildings

6.1 Building aesthetics

The sitting and design of a development, as illustrated in the application plans, shall be such as to satisfy the public and neighbours (if exhibited) and Council (at decision stage), that the likely external appearance will be satisfactory having regard for the type of development proposed.

Appropriate use should be made of materials, colours and variety of building form to ensure that the development would be appropriate in its surroundings.

6.2 Adjoining residential Developments

In deciding the location of a building on the site, the applicant should consider the location of trees, services and the location of entrances and windows on the buildings that adjoin their site.

Care must be taken to establish a reasonable measure of visual privacy for any neighbouring residential buildings. The location of major windows is of critical importance in this respect. Early consideration of this one element can protect the long term privacy of all residents.

6.3 Setbacks

6.3.1 Front Boundary Setback

Buildings shall be setback a minimum distance from the front boundary as contained in table 4.6.1. A concession may be allowed in the case of corner allotments, where the setback to one street frontage, provided that:

- i) adequate site distances at the road junction and access to the site are maintained;
- ii) the setback provides adequate space for site landscaping;
- iii) A dwelling being constructed to face a lane way shall be setback at the distance required as if the lane way is a principle road.
- iv) Council will consider variations to the minimum set backs in the instances of garages, car ports or the like based on road safety, visibility and access, but will not vary the setback to less than 1.0 metre to a rear boundary line.

6.3.2 Side and Rear Setback

Buildings shall be setback a minimum from the side and rear boundaries as contained in table 4.6.1. A concession may be allowed where external walls have no windows and have a fire rating complying with the Building Code of Australia. In these circumstances, the building may be located at a distance as approved by Council to the side and/or rear boundary of the site.

6.3.3 Request for Variation to Setbacks

Council may consider a variation to front or side setbacks upon receipt of a formal application and payment of fees.

The applicant must provide valid justification for a variation to the front or side setback providing plans of the proposed building location, elevations from the street, the location of adjoining buildings, the reasons for the change and how the structure can be improved in appearance from a visual perspective. Applicants are also advised to contact their neighbours before submitting an application.

Council will notify neighbours where it considers relevant to seek comment on the proposed variation.

Council may not grant any concession under section 6.3 if it would result in the removal of significant vegetation, cause an impact on adjoining developments or be inconsistent with streetscape or community expectations.

6.3.4 On site Carparking

All residential buildings shall be designed to allow onsite carparking behind the front boundary line in accordance with the table below. This requirement is to ensure that adequate space is located to park motor vehicles on the subject land based on the potential residential occupation of the property.

Council may require additional car parks to be provided on a property based on residential development types as identified in this DCP. Applicants and designers should read the relevant sections of the DCP and discuss requirements with Council or your building certifier.

Building Type	Number of Bedrooms	Vehicle Parking spaces behind the front boundary line
Dwelling (Class 1)	1 to 3	2
	4 to 5	3
	5 or more	3 plus 1 per 2 bedrooms greater than 5

Table 4.6.1

ZONE	SETBACK - FRONT BOUNDARY IN METRES	SETBACK - CORNER BLOCK MINOR SIDE	SET BACK - SIDE and REAR BOUNDARY IN METRES
Rural Zones			
RU1 Primary Production (Above 100 hectares)	75	50	50
RU1 Primary Production (Below 100 Ha in area)	30	10	10
RU5 Village	6	3	1
Residential Zones			
R1 General Residential	6	3	1
R2 Low Density Residential	6	3	1
R3 Medium Residential	6	3	3
R5 Large Lot Residential (Over 8000 square metres)	30	15	15
R5 Large Lot Residential (Under 8000 square metres)	15	7.5	7.5
Business Zones			
B2 Local Centre	0	0	0
B4 Mixed Use	3	3	3
Industrial Zones			
IN1 General Industrial	10	5	3
IN3 Heavy Industrial	10	5	3
Special Purpose Zones			
SP1 Special Activities	10	5	3
SP2 Infrastructure	10	5	3
Recreation Zones			
RE1 Public Recreation	10	5	3
RE2 Private Recreation	10	5	3
Environment Protection Zones			
E2 Environmental Conservation	75	50	50
E3 Environmental Management (above 100 Hectares)	75	50	50
E3 Environmental Management (below 100 Hectares)	30	10	10

SECTION 4.7

Gloucester Local Centre Guidelines (Zone B2)



1.0 Introduction

1.1 Land to which plan applies

The provisions of this section apply to the land which is zoned B2 in the *Gloucester Local Environmental Plan 2010*.

1.2 Purpose of Local Centre Guidelines Section

This section contains more detailed provisions than contained in the relevant environmental planning instruments.

The purpose of this section is to give detailed guidance to people wishing to develop within the Shire and provide guidelines concerning the development of land in the relevant zones.

1.3 Application of Section

When a development application is lodged which relates to land to which this plan applies, Council shall take the provisions of this section into consideration in determining the application.

Compliance with the provisions of this section does not necessarily imply that Council will consent to an application. Council must also take into consideration the relevant planning instrument, those matters listed under Section 79C of the *Environmental Planning and Assessment Act, 1979* and relevant Council codes and policies.

1.4 Consultation with Council staff

Prospective applicants are strongly advised to consult Council staff prior to preparing and submitting development applications. This is to ensure that subsequent delays due to inadequate documentation are minimised. Council staff will advise applicants on relevant planning documents, Council policy, construction and health, issues that may emerge with the development and the supporting information that should accompany the application, but will not act as a consultant for the applicant.

In varying places, this plan and any plans adopted by reference contain objectives, performance criteria, standards and acceptable design solutions. Where written justification is provided by the applicant, Council may agree to vary the acceptable design solutions if it is satisfied that the objectives and performance criteria have been met. Council staff can advise on where this operates, but cannot guarantee that the variation will be agreed to.

2.0 Definitions

Reference shall be made to the Gloucester Local Environmental Plan 2010 for definitions to wording contained in this Plan.

3.0 Objectives

The objectives of this section are:

- (a) To provide a set of design guidelines that will encourage aesthetic and harmonious development and reinforce the existing character of Gloucester's business area;
- (b) To encourage conservation of buildings with heritage significance; and
- (c) To assist the public and developers in the design of new buildings and additions to existing buildings.

4.0 Development Applications

Development consent must be obtained to develop any land identified in the Gloucester LEP or in this plan.

However, there are some exceptions to this; these are described below in Section 4.2 and 4.3.

4.1 Content of development applications

4.1.1 Development applications should be submitted on Council's current application form and in accordance with the instructions for completing development applications. Copies of the form are available on request, including a checklist of items to accompany the application.

4.2 Exempt and Complying Development

The Gloucester Local Environmental Plan 2010 contains requirements to permit exempt and complying development on land zoned for industrial use.

Exempt and complying development may also apply under State legislation. Council can assist with advice on current legislation.

5.0 HERITAGE BASIS

The Gloucester business centre has developed into a unique country service centre. This development control plan proposed policies and guidelines for its restoration and redevelopment.

5.1 DEVELOPMENT GUIDELINES

Application for development will be considered on the individual merits and circumstances of the case in terms of the achievement of the stated objectives. The guidelines contained in this Development Control Plan are in general a means of achieving the Plan's objectives. In special circumstances, departure from the Development Control Plan will be considered where it is demonstrated that the

guidelines are unnecessary or unreasonable in the circumstances of the case and Council is satisfied that the Plan objectives will not be compromised.

New development of vacant sites or large scale extensions and / or re-development proposals will generally be required to comply with all aspects of this Chapter.

Applications for minor extensions or alterations to existing premises will be considered on merit on order to achieve the most satisfactory and functional form of development.

In addition to the guidelines contained in this Plan, Council is required to take into account such matters listed in Section 79C of the Environmental and Planning Assessment Act, 1979 which are considered relevant to the determination to the applications.

Development Applications are required for the following:

- (i) New development or re-development;
- (ii) Alterations and/or additions
- (iii) Change of use from one form of development to another eg office to shop; and
- (iv) Heritage items (as identified in Gloucester Local Environmental Plan 2010, any alteration or additions affecting the character of the building or area.

Further requirements for Development Application can be obtained from Council offices.

5.2 HERITAGE REPORT

A Heritage Report will be required in the following circumstances:

- (i) Where a building has been identified as a heritage item and major works are proposed (eg replacement of shop front, removal of tiles, renovation of external walls, alteration to awnings) and;
- (ii) Where a change of use or works are being proposed for a building and in the opinion of Council the proposed use or works may result in a loss of heritage significance of the building or its environs.

Where a Heritage Report is required it shall be prepared by the applicant and submitted with the development application. A Heritage Report shall include the following:

- (a) a measured plan of the premises as existing at a scale of 1:200 or 1:100;
- (b) details of the proposed changes to the building and their effect on the heritage significance of the building;

- (c) a site plan showing the location of the building and buildings on adjoining sites, and principal features on the site such as fences, mature trees and paths;
- (d) a description of the building with information about its history, its approximate age, its construction and its features such as roof, awnings, verandas and doors.

5.3 CONSERVATION INCENTIVES

To encourage the conservation of a building that is a heritage items or is within the heritage conservation area, Council may consider certain incentives.

For instance, if Council is satisfied that preservation of the building is dependent upon a proposed development taking place, then;

1. the proposed use of the building or land may be approved if there would be little or no adverse effect on the amenity of the area; and
2. the erection of a building may not necessitate the usual required provision of parking spaces.

5.4 BUILDING SETBACKS

To retain building setbacks and to ensure consistency with the streetscape Council will require the following:

1. No building is to be set closer to the street frontage than any building of heritage significance on an adjoining lot.
2. New developments should adopt a street setback equal to or greater than immediately adjoining neighbours, thus ensuring that new works do not visually detract from the overall streetscape or key buildings.

5.5 FACADES

The facades of the buildings in the conservation area are an important feature Gloucester's commercial centre and need to be retained and restored wherever possible by the following;

1. The use of brick parapets, overhanging awnings, verandas and balconies was a predominant architectural feature of the early twentieth century streetscape. The retention and re-instatement of these building elements is encouraged;
2. Under awning shop fronts of original character should be maintained. Unsympathetic shop front facades should be modified if possible to reduce the impact at street level. New awnings and/or streetscape planting may be used to screen and soften the impact.

5.6 ROOF FORMS

To ensure the compatibility of building styles by encouraging the use of appropriate and consistent roof forms, the following is required;

1. New development or extensions and additions to existing buildings should wherever possible incorporate a roof design which is consistent with the prevailing character of the main street, especially with regards to roof pitch.
2. The consideration of roof form is particularly important to those buildings not subjected to façade treatment, which generally comprises a mix of residential and commercial buildings in the streetscape. Hipped roof forms in corrugated iron were characteristic of the era.

5.7 COLOUR SCHEMES AND PAINTING

The unique character of the commercial centre will be preserved where a greater uniformity of character to the streetscape is encouraging by the use of authentic colour schemes.

The following requirements will apply;

1. New buildings or maintenance work should be painted in authentic colours and texture finish originally used in the early 1900's. Existing buildings should be repainted to conform over time. Colour scrapings from the more notable buildings in the heritage conservation area should be the basis for the choice of authentic colours.
2. Awnings should be painted in a trim colour to match the building's façade. The underneath of the awning should be a neutral or cream colour to reflect light in the shop and display area.
3. Buildings consisting of brick, stone, tile and unpainted render should be cleaned and NOT painted unless a specific problem warrants such action.
4. Tiles to shop fronts are not be removed, replaced or covered. Tiles that require removal should be reinstalled to complete the façade.

5.8 FORM, STYLE, SCALE AND USE OF MATERIALS IN THE HERITAGE CONSERVATION AREA

To ensure that new and infill development is compatible with the existing historic character of the town, the following requirements will apply;

1. The form of new development should be in keeping with the built form of adjacent buildings or early types.
2. The scale and massing of new developments should not dominate existing buildings.
3. Materials should (where possible) match or approximate the building elements of the earlier buildings in size, style and type of finish.
4. The style, size, proportion and position of the openings for windows and doors should be in keeping with the character of the earlier buildings.

6.0 DESIGN INFORMATION

Council has made available in its office and on its web site a heritage report and a photographic record of the Heritage Conservation area.

Land owners, heritage consultants and building designers should refer to this document to understand the basis behind the Main street heritage precinct and design requirements.

7.0 NEW DEVELOPMENTS – OUTSIDE HERITAGE CONSERVATION AREA

All new developments should be designed to ensure that the buildings in both style and form are complimentary of the adjacent heritage conservation area and buildings of significance architectural feature outside the area but within the zone boundaries.

Owners should consult an appropriate building designer to assist in designing a building that is sympathetic to the general feel of the commercial area and to include into the design architectural features that may enhance the future appreciation of the design and commercial / social significance.

Away from the identified heritage conservation area, Council would like to encourage the development of architectural styles that are not just a regurgitation of low cost commercial developments. Building design should be made on the longevity of building use and social appreciation of future generations.

SECTION 4.8

General Car parking Guidelines

(Zones RU1, RU5, R1, R2, R3, R5, B2, B4, IN1, IN3, SP1, SP2, RE1, RE2, E2 and E3)



1.0 Introduction

1.1 Land to which plan applies

The provisions of this section apply to the land which is zoned RU1, RU5, R1, R2, R3, R5, B2, B4, IN1, IN3, SP1, SP2, RE1, RE2, E2 and E3 in the *Gloucester Local Environmental Plan 2010*.

1.2 Purpose of Building Line Setback Guidelines Section

This section contains more detailed provisions than contained in the relevant environmental planning instruments.

The purpose of this section is to give detailed guidance to people wishing to develop within the Shire and provide guidelines concerning the subdivision of land in the relevant zones.

1.3 Application of Section

When a development application is lodged which relates to land to which this plan applies, Council shall take the provisions of this section into consideration in determining the application.

Compliance with the provisions of this section does not necessarily imply that Council will consent to an application. Council must also take into consideration the relevant planning instrument, those matters listed under Section 79C of the *Environmental Planning and Assessment Act, 1979* and relevant Council codes and policies.

1.4 Consultation with Council staff

Prospective applicants are strongly advised to consult Council staff prior to preparing and submitting development applications. This is to ensure that subsequent delays due to inadequate documentation are minimised. Council staff will advise applicants on relevant planning documents, Council policy, construction and health, issues that may emerge with the development and the supporting information that should accompany the application, but will not act as a consultant for the applicant.

In varying places, this plan and any plans adopted by reference contain objectives, performance criteria, standards and acceptable design solutions. Where written justification is provided by the applicant, Council may agree to vary the acceptable design solutions if it is satisfied that the objectives and performance criteria have been met. Council staff can advise on where this operates, but cannot guarantee that the variation will be agreed to.

2.0 Definitions

Reference shall be made to the Gloucester Local Environmental Plan 2010 for definitions to wording contained in this Plan.

3.0 Objectives

The objectives of this section are:

a) To ensure that future development:

- i) Is generally consistent with the setbacks acceptable to the general community;
- ii) is functional;
- iii) retains existing visual characteristics and allows for landscaping to enhance the streetscape of the area wherever possible;

4.0 Development Applications

Development consent must be obtained to develop or subdivide land. However, there are some exceptions to this; these are described below in Section 4.2 and 4.3.

4.1 Content of development applications

4.1.1 Development applications should be submitted on Council's current application form and in accordance with the instructions for completing development applications. Copies of the form are available on request, including a checklist of items to accompany the application.

4.2 Exempt and Complying Development

The Gloucester Local Environmental Plan 2010 contains requirements to permit exempt and complying development on land in various zones.

Exempt and complying development may also apply under State legislation. Council can assist with advice on current legislation.

5.0 Car parking Requirements

Unless stated else where in this DCP the follow car parking rates shall apply to all developments. The Car parking rates have been collated from the RTA Guide to Traffic Generating Developments for car park requirements.

Developments that do not fit into one of the nominated categories shall be subject to car parking provisions as conditioned by Council under Section 80 of the Environmental Planning and Assessment Act.

Development Type	Car parks / Square Metre	Disabled Car parks * As per Building Code of Australia
Bed and Breakfast or Farm Stay	Refer Table under Section 4.3	*
Commercial – Office	1 space per 40 m2 gross floor area	*
Commercial – Retail	1 space per 40 m2 gross floor area	*
Commercial – Shopping Centre	6.1 spaces per 100m2 of GLFA	*
Commercial – Fast Food a) Where drive through facilities are available b) No onsite seating and no drive through facility c) Onsite seating available but no drive through facility	a) 1 space per 2 seats internal, plus 1 space per 3 seats external b) 12 spaces per 100m2 GFA c) 12 spaces per 100m2GFA plus 1 space per 5 seats	*
Commercial – Food Retail	6.1 spaces per 100m2 of GLFA	*
Commercial - Restaurant	1 space per 3 seats	*
Commercial – Motor Vehicle Repair	Refer RTA Traffic Generating Guidelines	*
Commercial – Tyre Retail / Repair	3 spaces per 100m2 GFA	*
Commercial – Car Wash	Refer RTA Traffic Generating Guidelines	*
Dwelling- 1 to 3 bedrooms	2 spaces	
Dwelling – 4 to 5 bedrooms	3 spaces	
Dwelling – 5 or more bedrooms	3 plus 1 extra space per 2 bedrooms greater than 5	
Medical Services Centre	3 spaces per consulting room (Refer RTA Traffic Generating Guidelines)	*
Bulk Goods Retail	1.9 spaces per 100m2 GFA	*
Industrial – Factory / Manufacturing	Refer RTA Traffic Generating Guidelines	*
Industrial – Showroom / Retail	Refer RTA Traffic Generating Guidelines	*
Multi Unit Residential Developments	Refer Tables under Section 4.1	*
Retail developments	Refer RTA Traffic Generating Guidelines	*
Tourist Accommodation – Motel / Hotel	1 space for each motel unit or bedroom plus 1 space per 2 employees	1 space per disabled unit
Tourist Accommodation – Resort	1 space for each motel unit plus 1 space per 2 employees	1 space per disabled unit
Tourist Facility – Club	17.4 spaces per 100m2 GFA	*

Note: A land use may contain a number of different uses within the same building or land area. Carparking shall be provided for each individual component of the development e.g. a factory with a show room will require parking at the rates in the table for each of the relative floor areas.

6.0 Variations to Table Requirements

Council may consider variations to car parking requirements where a business can establish that its long term use will not require the car parking specified in the tables.

The applicant shall be required to submit advice from a qualified professional to identify why the parking required is to be less than contained in this plan or determined by development approval.

7.0 Section 94 Contribution Plans

In relation to all car parking, monetary contributions will be levied towards the provision of car parking spaces at the rate required by Council's current developer contribution plans, prepared in accordance with the EP&A Act, where the developer can not provide on site the level of car parking required to service the proposed development.

Section 4.9

Setback Distance to Residential Development

(Zones RU1, RU3, RU5, R1, R2, R3, R5, B2, B4, IN1, IN3, SP1, SP2, RE1, RE2, E2 and E3)



1.0 Introduction

1.1 Land to which Section applies

The provisions of this section apply to the land which is *zoned RU1, RU3, RU5, E2, E3, R1, R2, R3, R5, B2, B4, IN1, IN3, SP1, SP2, RE1, RE2, E2 and E3* in the *Gloucester Local Environmental Plan 2010*.

1.2 Purpose of Section

This section contains more detailed provisions than contained in the relevant environmental planning instruments.

The purpose of this section is to give detailed guidance to people wishing to develop residential buildings or an activity in the identified zone areas.

This section of the DCP has been provided due to the changing nature of the Gloucester Shire area due to demographics and land use activities across the shire. The increase in new residents to an area has the possibility to cause conflicts between a residential land use and the use of adjoining land that is based on agricultural uses, forestry, extractive industry or residential developments.

This section covers items contained in the table. Other developments will be assessed based on a similar item as contained in the table or best industry practice.

1.3 Application of Section

When a development application is lodged which relates to land to which this section applies, Council shall take the provisions of this section into consideration in determining the application.

Compliance with the provisions of this section does not necessarily imply that Council will consent to an application. Council must also take into consideration the relevant planning instrument, those matters listed under Section 79C of the *Environmental Planning and Assessment Act, 1979* and relevant Council codes and policies.

1.4 Consultation with Council staff

Prospective applicants are strongly advised to consult Council staff prior to preparing and submitting development applications. This is to ensure that subsequent delays due to inadequate documentation are minimised. Council staff will advise applicants on relevant planning documents, Council policy, construction and health, issues that may emerge with the development and the supporting information that should accompany the application, but will not act as a consultant for the applicant.

In varying places, this plan and any plans adopted by reference contain objectives, performance criteria, standards and acceptable design solutions.

Where written justification is provided by the applicant, Council may agree to vary the acceptable design solutions if it is satisfied that the objectives and performance criteria have been met. Council staff can advise on where this operates, but cannot guarantee that the variation will be agreed to.

2.0 Definitions

Reference shall be made to the Gloucester Local Environmental Plan 2010 for definitions to wording contained in this Plan.

3.0 Objectives

The objectives of this section are:

- a) reduce potential conflicts arising due to the location of a development to a residential building or use.
- b) to protect an agricultural, forestry, commercial, industrial or other use from the encroachment of residential buildings or uses due to a single development or from land subdivision.

4.0 Development Applications

Development consent must be obtained to erect a building, carry out work, or change from one type of use to another. However, there are some exceptions to this; these are described below in Section 4.2 and 4.3.

4.1 Content of development applications

- 4.1.1 Development applications should be submitted on Council's current application form and in accordance with the instructions for completing development applications. Copies of the form are available on request, including a checklist of items to accompany the application. The required plan details are listed in Schedule A.
- 4.1.2 The purpose for which consent is sought is to be clearly stated in the application
- 4.1.3 In addition to the prescribed information, Council requires applicants to demonstrate the extent to which the development conforms to the principles and requirements of this section of the DCP, and to justify any departures from it.
- 4.1.4 Particular attention should be paid to a Statement of Environmental Effects or Environmental Impact Statement, as applicable, which must accompany the application.
- 4.1.6 In general, the principle underlying the statutory requirement for development applications is that the applicant should provide the Council with sufficient information about the development and its effects to enable the Council to

make a proper decision. Council has the power not to accept an application which it regards as inadequate or incomplete, or to seek additional information.

4.1.7 Applicants are strongly advised to use the services of architects, landscape architects, surveyors, environmental planners and engineers within their field of expertise, to design their developments. All drawings submitted shall bear the names of the persons responsible for the design.

4.2 Change of use

Certain developments, particularly certain changes of use which would normally have required development consent under the relevant planning instrument, may not require consent. This is because of the operation of *State Environmental Planning Policy No 4 - Development Without Consent*, as amended.

Under *State Environmental Planning Policy No 4*, applicants may be required to notify Council of their development and pay a prescribed fee. A Construction Certificate may also be necessary, for example, when:

- iii) the use and occupation of a building is to be changed from that of one class (as defined by the Building Code of Australia) to that or another class; or
- iv) any building construction or alteration is proposed.

Details of the operation and effect of *State Environmental Planning Policy No 4* are available from Council.

4.3 Exempt and Complying Development

The Gloucester Local Environmental Plan 2010 contains requirements to permit exempt and complying development on land zoned for Low and Medium Density Residential use.

5.0 Buffer Distances

The following table is provided to establish the location of a dwelling to an existing or proposed activity on adjoining land.

The assessment of all development applications and complying development certificates will take in the setback distances contained in this DCP and apply them to ensure that the residential development, future owner's rights and the rights of any existing producer are protected.

Table 4.10.1

Activity proposed or undertaken	Recommended buffer distance (in metres) to a dwelling or residential building
Agricultural Activity	
Poultry farming:	
(a) for meat	500
(b) for eggs	400
Frost fan	1,000
Piggery	Such distance as may be specified by Council
Dairy	500
Feedlots:	
(a) for dairy or beef cattle	5,000
(b) for other livestock	Such distance as may be specified by Council
Stock and saleyards	500
Winery	400
Vine Yard	100
Greenhouses/hothouses:	
(a) using manure	100
(b) using refuse	300
Packing sheds	100
Mushroom production	Such distance as may be specified by Council
Composting	500
Intensive horticulture (in Zones RU1 and E3 only)	40
Forestry – private and state	400
Mining and extractive industries	
Open cut mining	
(a) for coal	1,000
(b) for other minerals	500
Extraction of:	
(a) natural gas	50 electric pumps / 1,000m where generators used
(b) crude oil of low sulphur content	300
Quarrying of:	
(a) hard rock, with blasting	500
(b) material other than hard rock, with blasting	300
(c) any material without blasting	200
Manufacturing food, beverages and tobacco	

Abattoirs	500
Smallgoods production	100
Milk products production	100
Vegetable oils or fats production using solvents	300
Flour mills	300
Bakeries	100
Seafood processing	500
Malt works	300
Tobacco and cigarette factories	500
Other food or beverage production	Such distance as may be specified by Council
Textiles	
Dyeing or finishing of cotton, linen and woollen yarns and textiles	300
Production of carpet backing with latex	300
Production of artificial fibres and textiles:	
(a) cellulose nitrate or viscose fibre, cellophane or artificial rubber	1,000
(b) other synthetic fibres and textiles	500
Treatment or production of textiles:	
(a) using carbon disulphide	500
(b) using other substances	Such distance as may be specified by Council
Rope, cordage and twine manufacturing	100
Wool scouring	200
Wood, wood products and furniture	
Saw mills	300
Charcoal production:	
(a) by the retort process	500
(b) other than by the retort process	1,000
Wood preservation plants	100
Production of wood-fibre or wood-chip products	300
Joineries	100
Paper and paper products	
Manufacture of paper or paper pulp:	
(a) involving combustion of sulphur or sulphur containing materials	5,000
(b) from semi-processed materials	100
(c) from prepared cellulose and rags	200
(d) by other methods	Such distance as may be specified by Council

Chemical, petroleum and coal products	
Production or bulk storage of chemical fertilizers	1,000
Production or bulk storage of industrial gases	1,000
Production or bulk storage of polyester resins	1,000
Production or bulk storage of other synthetic resins or rubber	1,000
Production or bulk storage of ammunition, explosives or fireworks	1,000
Formaldehyde production	300
Paints and inks:	
(a) manufacture	1,000
(b) blending and mixing only	300
Production of pharmaceutical or veterinary products	1,000
Production of biocides	1,000
Production of soap and other detergents	300
Production of cosmetics and toilet preparations	100
Production of inks	300
Petroleum refineries	2,000
Briquette production	300
Production of other petroleum or coal products	500
Production of other organic industrial chemicals	1,000
Production of other inorganic industrial chemicals	1,000
Other chemical production	300
Non-metallic mineral products	
Manufacture of glass or glass products, including glass wool	500
Rock wool manufacture	500
Bricks, tiles, pipes, refractory's etc with an annual design production rate exceeding 10,000 tonnes per year	200
Production of cement in amounts:	
(a) not exceeding 5,000 tonnes per year	300
(b) exceeding 5,000 but not more than 150,000 tonnes per year	500

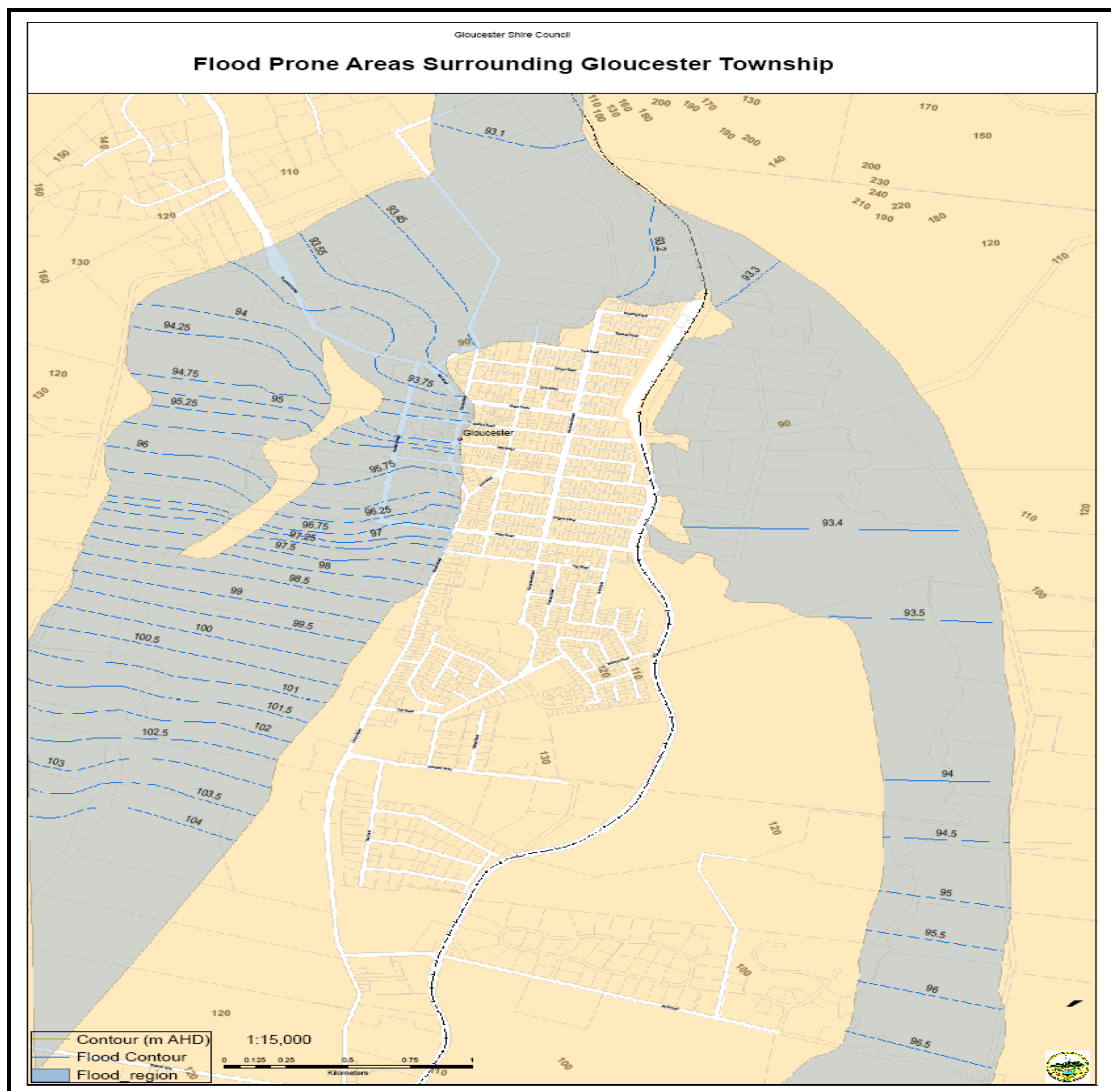
(c) exceeding 150,000 tonnes per year	1,000			
Concrete batching plants	100			
Bitumen batching plants	500			
Production of concrete or stone articles	100			
Manufacture of plaster products	100			
Basic metal products				
Iron and steel production in amounts:				
(a) not exceeding 1,000,000 tonnes per year	500			
(b) exceeding 1,000,000 tonnes per year	1,000			
Production of non-ferrous metals:				
(a) aluminium by electrolysis	2,000			
(b) other non-ferrous metals in amounts:				
(i) not exceeding 100 tonnes per year	100			
(ii) exceeding 100 but not more than 2,000 tonnes per year	300			
(iii) exceeding 2,000 tonnes per year	500			
Fabricated metal products				
Manufacture of structural or sheet metal products	500			
Manufacture of iron and steel products in amounts:				
(a) not exceeding 1,000 tonnes per year	500			
(b) exceeding 1,000,000 tonnes per year	1,000			
Manufacture of boilers	100			
Abrasive blast cleaning		Such distance as maybe specified by Council		
Miscellaneous manufacturing				
Rendering and casings works	1,000			
Leather tanning and dressing	300			
Leather and artificial leather goods production	300			
Manufacture of rubber products, using organic solvents	300			
Fibreglass manufacturing	200			
Printing and coating works with heated curing ovens	500			
Electricity, gas and water				
Gas distribution works for mains supply	300			
Odourising gas with marchpanes	1,000			
Sewerage works serving a population of:	<1,000	<5,000	<20,000	<50,000
Mechanical/biological plants	100	200	300	400

Aerobic pondage systems	150	350	700	1,000
Facultative ponds	300	700	1,400	2,200
Secondary treated effluent applied by:				
(a) spray irrigation	200	200	200	200
(b) flood irrigation	50	50	50	50
Transport and storage				
Storage of petroleum products and crude oil in tanks exceeding 2,000 tonnes capacity:				
(a) with fixed roofs	300			
(b) with floating roofs	100			
Grain elevators	300			
Storage of wet-salted or unprocessed hides	300			
Warehousing of bulk volatile organic compounds in quantities greater than 1,000 tonnes	1,000			
Temporary storage of industrial wastes	300			
Treatment of aqueous waste	300			
Treatment of organic waste	500			
Waste incinerator:				
(a) for wood waste	300			
(b) for plastic or rubber waste	500			
(c) for chemical, biomedical or organic waste	Such distance as may be specified by Council			
Waste management facilities				
Sanitary and garbage disposal services landfills	500 (residential zone) 250 (dwelling not associated with development)			
Recycling and composting	200			
Depots for refuse collection vehicles	100			
Temporary storage of industrial waste	300			
Treatment of aqueous waste	200			
Treatment of organic waste	500			
Industrial dry cleaners	100			
Crematoria	300			

SECTION 4.10

FLOODPLAIN MANAGEMENT GUIDELINES

(Zones R2, R3, R5, B2, B4, E3, SP1, RE1 and RE2)



1.0 Introduction

1.1 Land to which plan applies

The provisions of this section apply to the land which is zoned *R2, R3, R5, B2, B4, E3, SP1, RE1 and RE2* in the *Gloucester Local Environmental Plan 2010*.

1.2 Purpose of Floodplain Management Guidelines Section

This section contains more detailed provisions than contained in the relevant environmental planning instruments.

The purpose of this section is to give detailed guidance to people wishing to develop within the Shire and provide guidelines concerning the construction of buildings, undertaking other forms of development or the subdivision of land in the relevant zones.

1.3 Application of Section

When a development application is lodged which relates to land to which this plan applies, Council shall take the provisions of this section into consideration in determining the application.

Compliance with the provisions of this section does not necessarily imply that Council will consent to an application. Council must also take into consideration the relevant planning instrument, those matters listed under Section 79C of the *Environmental Planning and Assessment Act, 1979* and relevant Council codes and policies.

1.4 Consultation with Council staff

Prospective applicants are strongly advised to consult Council staff prior to preparing and submitting development applications. This is to ensure that subsequent delays due to inadequate documentation are minimised. Council staff will advise applicants on relevant planning documents, Council policy, construction and health, issues that may emerge with the development and the supporting information that should accompany the application, but will not act as a consultant for the applicant.

In varying places, this plan and any plans adopted by reference contain objectives, performance criteria, standards and acceptable design solutions. Where written justification is provided by the applicant, Council may agree to vary the acceptable design solutions if it is satisfied that the objectives and performance criteria have been met. Council staff can advise on where this operates, but cannot guarantee that the variation will be agreed to.

2.0 Definitions

Reference shall be made to the Gloucester Local Environmental Plan 2010 and the Gloucester Floodplain Management Plan 2004 for definitions to wording contained in this Plan.

3.0 Objectives

This Section of the Development Control Plan aims to:

- reduce the liability of flooding to present and future occupiers of the flood liable areas of Gloucester;

- ensure development is in accordance with the Gloucester Floodplain Management Plan;
- provide detail development requirements against which development proposals can be measured;
- explain and document Council's requirements to encourage understanding of its policies for development.

4.0 Development Applications

Development consent must be obtained to develop or subdivide land. However, there are some exceptions to this; these are described below in Section 4.2 and 4.3.

4.1 Content of development applications

4.1.1 Development applications should be submitted on Council's current application form and in accordance with the instructions for completing development applications. Copies of the form are available on request, including a checklist of items to accompany the application.

4.2 Exempt and Complying Development

The Gloucester Local Environmental Plan 2010 contains requirements to permit exempt and complying development on land zoned for industrial use.

Exempt and complying development may also apply under State legislation. Council can assist with advice on current legislation.

5.0 Development Guidelines

5.1 Development of Flood-liable Lands

Issues:

- Development of flood liable land increases the damages and social disruption caused by floods.
- Flood-liable land is a valuable resource and should not be precluded from development unnecessarily.
- All development proposals for flood-liable land should be treated on merit.

Provisions:

1. Development of flood-liable land shall not be encouraged.
2. Development of flood-liable land may be permitted provided that evidence is submitted, in the form of a flood study by a suitably qualified engineer, which will substantiate that the proposed development will not alter flood behaviour to the detriment of any other property.
3. Remedial works shall be provided where the increase in flood level for the Designated Flood event exceeds 0.1 m or as determined by Council.

Controls:

1. All works required to offset the effects of the proposed development shall be completed as part of the development.
2. Where the development is to be carried out in stages, all works required to offset the effects of the proposed development at a particular stage, shall be completed as part of that particular stage.
3. Written acceptance of increased flood levels from all adversely affected owners may be permitted in lieu of remedial works, to the satisfaction of Council.

5.2 Development in "High Hazard - Floodway" Areas**Issues:**

- "High Hazard - Floodway" are those areas of the floodplain where the depth and velocity of floodwaters can pose a threat to the safety of residents and would-be rescuers.
- The depth and velocity of floodwaters in "High Hazard - Floodway" areas can cause structural damage to buildings.
- Significant redistribution of flood flow, which may adversely affect other property, may result from partial blocking of floodway areas.

Provisions:

1. No development shall be allowed in "High Hazard - Floodway" areas.

Exceptions:

1. Land zoned as "Special Uses" and Gloucester LEP 2000.
2. Land with building entitlements existing as of December 2002.

Controls:

1. No permanent, temporary or transportable structures shall be erected in a designated "High Hazard - Floodway" area.
2. No caravan or mobile home shall be sited in a designated "High Hazard - Floodway" area.
3. No major landscaping works which will impede the passage of floodwater or redistribute the flow of floodwaters shall be constructed in a designated "High Hazard - Floodway" area.
4. Fencing and minor landscaping works within a designated "High Hazard - Floodway" area shall be constructed so as to provide minimal obstruction to the passage of floodwaters.

5.3 Development in "High Hazard - Floodway" Areas

Issues:

- The general issues of development in "High Hazard - Floodway" areas are outlined above.
- It is recognised that existing uses in Gloucester relate to the Gloucester Caravan Park and three existing but unused building entitlements.

Provisions:

1. Buildings must have floor levels above designated flood levels as outlined later.
2. Caravans, temporary or transportable structures must be anchored to resist flood applied loading.
3. Each development must have an evacuation plan which is incorporated into the overall SES evacuation plan.

Controls:

1. Council shall require confirmation that the individual evacuation plans are incorporated into SES planning.

5.4 Filling of Flood-liable Land

Issues:

- Filling of flood-liable land can increase flood levels elsewhere due to obstruction to flood flows or loss of flood storage.
- Filling of flood-liable land is an appropriate flood mitigation measure for some locations.

Provisions:

1. Filling of flood liable land may be permitted where flood depths in the Designated Flood are less than 0.75 metres, subject to Provisions 2 and 3 below.
2. Filling of flood-liable land may be permitted provided that evidence is submitted, in the form of a flood study by a suitably qualified engineer, which will substantiate that the proposed development will not alter flood behaviour to the detriment of any other property.
3. Remedial works shall be provided where the increase in flood level for the Designated Flood event exceeds 0.1 m or as determined by Council.

Controls:

1. Council approval shall be required prior to placement of any fill on flood-labile land.
2. In consideration of filling, Council shall consider the implications of filling the surrounding land (having the same flood depths) to the same finished level as the works proposal.
3. All proposals for filling on flood-labile land shall include certification by a suitably qualified and experienced Engineer that the proposed filling will not affect flood behaviour to the detriment of any other property.
4. Remedial works to offset the effects of filling on flood-labile land shall be completed as part of the development of the site.
5. The finished surface level of filling shall be above Designated Flood level.
6. Filling for residential buildings shall provide a minimum building platform having a minimum area of 700 m² or the whole lot, whichever is the lesser.

5.5 Flood Levees

Issues:

- Levees can provide a partial solution to existing flood problems.
- Levees have the potential to increase flood levels elsewhere on the floodplain.
- It is generally not economically viable to construct levees to provide protection against the full range of floods.
- Levees can provide a false sense of security for residents.
- Drainage of areas protected by levees can be difficult to achieve.

Provisions:

1. The construction of levees to provide flood protection for proposed development shall not be encouraged.
2. Construction of a flood levee may be approved by Council where it is not feasible to fill the site to Designated Flood Level, subject to conditions.
3. Levees shall not be constructed to protect flood liable land where flood depths exceed 1 metre.

Controls:

1. The crest level of the levee shall have a minimum freeboard of 1 metre above the Designated Flood level at the site.

2. The whole extent of the levee structure, including access for maintenance purposes, shall be located within a Drainage Reserve, dedicated to Council. Vehicular access to the full length of the levee is to be provided from a public road.

5.6 Building on Flood-liable Land - Structural Provisions

Issues:

- Damages caused by flooding can be minimised by building at a higher level.
- Freeboard is a factor of safety designed to compensate for wave action and localised hydraulic effects.

Provisions:

1. Flood levels for all structures shall be a minimum of 0.5 m above Designated Flood level.
2. Additions to existing buildings shall be assessed on merit. In general, additions will be considered for those building works whose floor area is not greater than 20 percent of the existing building floor plan.

Controls:

1. The floor level of any building located on flood-liable land shall be confirmed by Survey Certificate prepared by a Registered Surveyor. The Survey Certificate shall be lodged prior to proceeding with construction above flood level.
2. Where ground level at any building site is below Designated Flood level, the structure below flood level shall be constructed from flood-compatible materials and shall be certified by a suitably qualified and experienced Engineer as being capable of withstanding the floods and conditions likely to occur in the Designated Flood event.
3. All building services shall have outlets, switches, junctions, and any features susceptible to flood damage, sited above the flood planning level.
4. Where a development site has been filled and the finished ground level is less than 0.5 m above Designated Flood level, minimum floor levels shall apply to all structures erected on the filled area.

5. Gully traps on all structures shall be a minimum of 0.3 m above Designated Flood level and at least 0.15 m below floor level.

5.7 Building on Flood Liable Land - Exemptions

These conditions apply to redevelopment of existing buildings within the Gloucester "Commercial Zoning".

Issues:

1. The Commercial zoning of Church Street includes a conservation listing.
2. Existing building floor levels are at footpath level.

Provisions:

1. The gradual siting of all floor levels to be above the flood planning levels is encouraged.
2. Where commercial or access issues prevent floor levels being located above the flood planning level, lower floor levels are permissible provided that:
 - a flood storage area above the flood planning level is available for emergency storage of goods;
 - flood compatible materials shall be used below the flood planning levels; and
 - all services shall have outlets, switches, junctions and features susceptible to flood damage, above the flood planning levels.

Section 4.11

Approvals of Applications

(Zones RU1, RU3, RU5, R1, R2, R3, R5, B2, B4, IN1, IN3, SP1, SP2, RE1, RE2, E2 and E3) Section

1.0 Introduction

1.1 Land to which Section applies

The provisions of this section apply to the land which is zoned *RU1, RU3, RU5, E2, E3, R1, R2, R3, R5, B2, B4, IN1, IN3, SP1, SP2, RE1, RE2, E2 and E3* in the *Gloucester Local Environmental Plan 2010*.

1.2 Purpose of Section

This section contains more detailed provisions than contained in the relevant environmental planning instruments.

The purpose of this section is to give detailed guidance to people wishing to develop buildings or an activity in the identified zone areas.

This section of the DCP has been provided due to the changing nature of the Gloucester Shire area due to demographics and land use activities across the shire. This section has been included to advise the public on how all applications will be assessed by Council as delegated under the Local Government act 1993.

1.3 Application of Section

When a development application is lodged which relates to land to which this section applies, Council shall take the provisions of this section into consideration in determining the application.

Compliance with the provisions of this section does not necessarily imply that Council will consent to an application. Council must also take into consideration the relevant planning instrument, those matters listed under Section 79C of the *Environmental Planning and Assessment Act, 1979* and relevant Council codes and policies.

1.4 INTERPRETATION

“Adjoining land” means land which abuts an application site or is separated from it only by a pathway, driveway or similar thoroughfare.

“Affected person” means a person who owns land:

- (a) That adjoins an application site; or
- (b) The enjoyment of which may be detrimentally affected by the use of an application site or the erection of a building on an application site.

“Application site” means the land to which an application for building approval Or development consent relates.

“Building” includes part of a building and any structure or part of a structure.

“Neighbouring Land”	means any land, other than adjoining land, which may be detrimentally affected by the use of an application site for the creation of a development on an application site (and includes properties in a neighbouring local Council area). Neighbouring land may also be separated by a road, a river or other natural feature.
“Notification plan”	means the plan accompanying the notice of application to erect a building.
“Land”	includes any building or part of a building created on the land.

1.5 EXEMPTION FROM APPROVAL

This section is to be read in conjunction with the Gloucester Local Environmental Plan 2010, State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and Environmental Planning & Assessment Act 1979 for any exemptions and complying development requirements.

1.6 CRITERIA FOR APPROVAL

This section contains no criteria for approval. Exempt and Comply Development criteria is included in the LEP, SEPP (Exempt and Complying Development Codes) and EP & A Act.

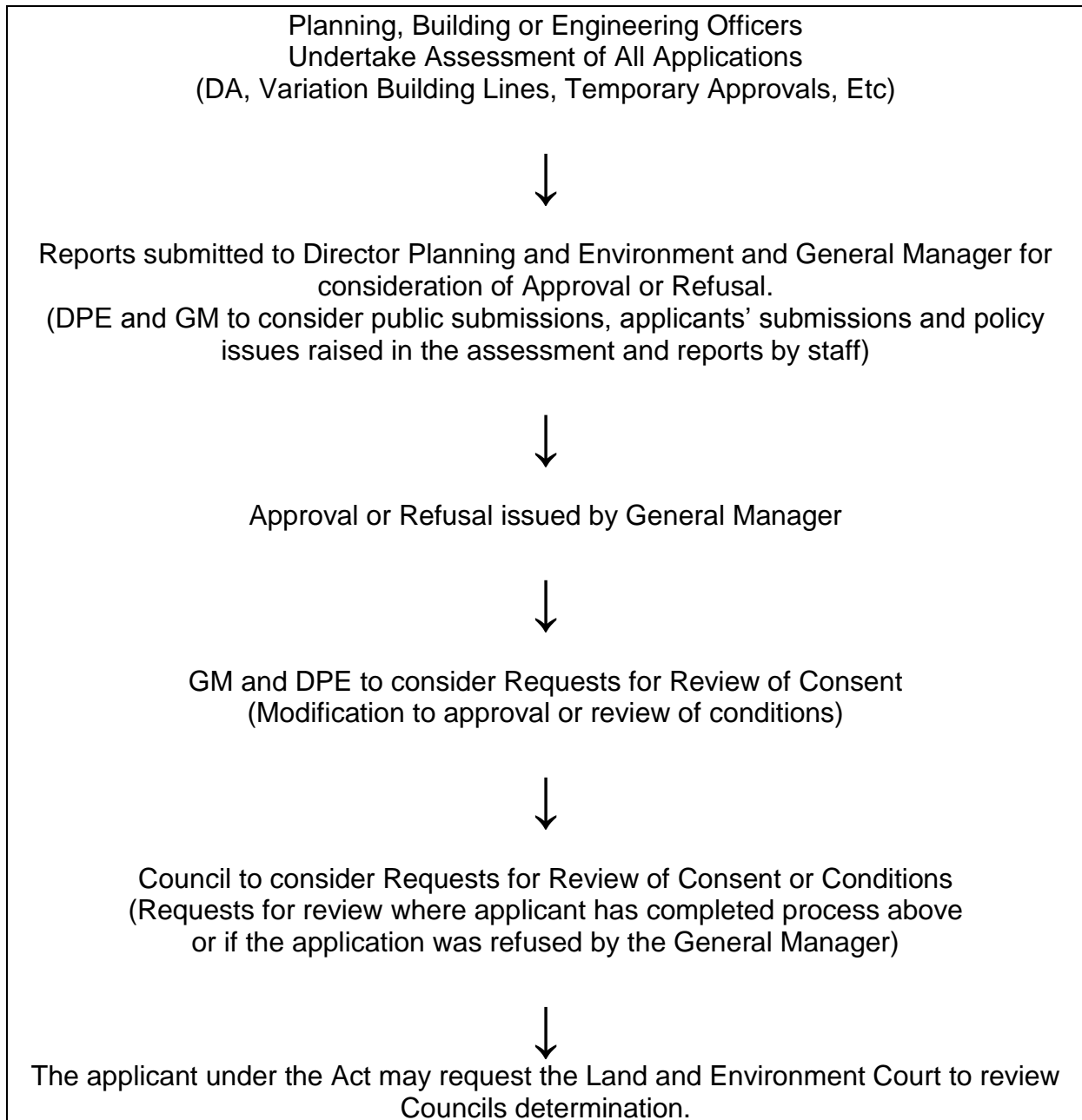
1.7 CRITERIA FOR REFERRAL OF DAs TO COUNCIL

Upon receipt of a development application a Council Planner or Building Surveyor will undertake a preliminary review to determine if the information provided is adequate for assessment purposes. It may be the case that additional information or clarification is required prior to determination of the application.

The development application process and variations to a policy are operation matters under the Local Government Act and that the approval is given to the General Manager as a delegation. This approval delegation also includes the assessment of variations to policy, the consideration of objections from the public and the approval or refusal of an application. Councillors do not consider development applications or requests for variation unless it is a request for a review of a determination. (See Figure 1)

As Gloucester is a small Council a number of developments are of public interest and this generally is reflective of values above \$1million or issues surrounding mining developments. These forms of development should be referred to Council as a matter of public interest even though the approval is generally of an operation issue.

FIGURE 1



2.0 NOTICE OF APPLICATIONS

2.1 AIMS AND OBJECTIVES

- 2.1.1 To provide for public participation in the decision making processes related to an application where there may be a detrimental effect upon the enjoyment of the property.

- 2.1.2 To set out the matters to which the Council will have regard when forming its opinion as to whether or not the enjoyment of adjoining land may be detrimentally affected by a proposed development.
- 2.1.3 To set out the criteria for notifying persons other than persons who own land adjoining the land to which an application applies.
- 2.1.4 To specify the circumstances when notification is not required.
- 2.1.5 To detail the form that notification will take and the requirements for the notification plan.

2.2 INFORMATION AND FEE TO ACCOMPANY AN APPLICATION FOR APPROVAL

- 2.2.1 Any application submitted to Council for approval to erect a building must be accompanied by:
 - (a) a plan of A4 or A3 size showing a site plan and the height and external configuration of any building in relation to existing ground level, and
 - (b) A fee for the service provided in the notification of applications and the consideration of submissions made within the notification period (such fee to be reviewed annually by Council).

2.3 PERSONS TO BE NOTIFIED

- 2.3.1 Notice of an application will be sent to the persons who appear to the Council to own land adjoining and neighbouring an application site if, in the Council's opinion, the enjoyment of the adjoining or neighbouring land may be detrimentally affected by the building to which the application applies.
- 2.3.2 A notice forwarded to the Manager or Secretary of the Body Corporate, or an Association (under the Community Land Development Act 1989) is taken to be a notice to the owner of each lot within the body Corporate or Association, as applicable.
- 2.3.3 Notice of an application will be sent to the owner of the land at his/her current recorded address at the same time the application was received, and Council shall not be responsible for notifying the owner at a new address, or any subsequent purchaser. Council will rely on its rates records only for notification purposes.

2.4 MATTERS TO BE CONSIDERED IN FORMING AN OPINION THAT ENJOYMENT OF LAND MAY BE DETRIMENTALLY AFFECTED

2.4.1 The Council will be given notice of an application to those persons who own adjoining or neighbouring land to an application site where, in the Council's opinion, the enjoyment of the land will be detrimentally affected in relation to:-

- (a) the view to and the view from the land;
- (b) overshadowing;
- (c) privacy;
- (d) noise;
- (e) the visual quality of the building in relation to the streetscape
- (f) the scale or bulk of the proposed building;
- (g) the siting of the proposed building in relation to the application site boundaries;
- (h) hours of use;
- (i) light spillage or reflection;
- (j) means of access to or provision of parking on the application site;
- (k) proposed changes to any covenant or easement benefiting the adjoining or neighbouring land;
- (l) the height, materials and position of fences erected on a boundary;
or
- (m) traffic generation

2.5 FORMING AN OPINION UNDER SECTION 2.4

2.5.1. Upon the lodgement of an application, the Council will determine who may be detrimentally affected in terms of the matters listed in 3.6.1. (a) to (m).

2.6 OTHER NOTIFICATION

2.6.1 Certain applicants will attract a need for notification of other government authorities and the seeking of their concurrence. This notification shall be in accordance with the requirements of the EP & A Act 1979.

2.6.2 Notification of development may also be made in a local newspaper where in the opinion of Council the development is of a local interest and may impact on people who do not adjoin the development site. Council shall also notify development required under Acts of Parliament.
Examples of these developments include commercial buildings, multi unit residential developments, hotels, motels, mines and quarry developments, large scale tourist developments and developments that may generate noise, odour, increase traffic, intensive livestock keeping or harmful materials use such as pesticides or chemicals.

2.6.3 Council is NOT required to notify for Complying Development Certificates issued under State Environmental Planning Policy (Exempt & Complying Development Codes) 2008.

The person having the benefit of the complying development certificate must give at least 2 days' notice in writing of the intention to commence the works to the owner or occupier of each dwelling that is situated within 20m of the lot on which the works will be carried out.

2.7 APPLICATIONS WHICH WILL NOT BE NOTIFIED

2.7.1 Notification will not be made of any application where the building works involve alterations to an existing building where the works will not result in any change to the height, external configuration or external façade of the existing building.

2.7.2 Notification will not be made of an application to erect a building if:

(a) notice has been given of a development application relating to the same proposal; and

(b) plans of the proposed building showing its height and external configuration were available for inspection at the time the notice of the development application was given; and

(c) there has been, in the opinion of the Council, no significant change to the height and external configuration of the building as shown on the plan.

2.7.3 Notification will not be made of an application where the person affected by the proposal is the person, or one of the persons, who made the application to erect the building.

2.7.5 Notification will not be made as to an appeal under CI 82A of the EP&A Act or an appeal to the Land and Environment Court where Council has received a modification or required modification that is substantially the same development as the development described in the original application.

2.8 FORM OF THE NOTICE AND THE NOTIFICATION PLAN

2.8.1 The written notice to be forwarded by Council to the owners the land defined in section six above shall contain the following information:

(a) a description and address of the site;

- (b) the proposed use of the building; a description of the building;
- (c) the name of the applicant and the council;
- (d) where and when the plans can be inspected;
- (e) the time period within which written submissions are to be made;
- (f) that the substance of written submissions may be included in reports and be available for the applicant to consider;
- (g) a notification plan.

2.8.2 For the purposes of this section, the notification plan shall:

- (a) be set out on A4 or A3 size sheet;
- (b) be of scale which will clearly delineate the features of the building;
- (c) show the height and external configuration of the proposed building in relation to the site on which it is proposed to be erected;
- (d) include a site plan showing the relationship of the proposed building to the boundaries of the allotment;
- (e) have clearly figured dimensions to indicate size, height and position of the building in relation to the site.

2.9 PERIOD DURING WHICH A PERSON MAY INSPECT A PLAN RELATING TO AN APPLICATION AND MAKE SUBMISSIONS

2.9.1 The period during which a person may inspect a plan relating to an application and make submissions shall be a minimum of 14 days from the date of the notice of the application. An additional period may be specified by the Council having regard for the circumstances of the case.

2.9.2 Special arrangements may be made to enable a person to inspect a plan relating to an application outside of normal business hours if necessary.

2.10 FORM OF SUBMISSIONS FROM PERSONS NOTIFIED AND THE GENERAL PUBLIC

2.10.1 Submissions made in respect of applications must be in writing and addressed to the General Manager. Written advice can be received by letter (mail), facsimile, or email via Councils web address.

2.10.2 Submissions must clearly indicate the name and address of the person making the submission.

2.10.3 Special alternate arrangements may be made where any difficulty exists in the provision of written submissions

2.11 PERIOD DURING WHICH AN APPLICANT MAY INSPECT SUBMISSIONS MADE IN RELATION TO AN APPLICATION AND MAKE SUBMISSIONS

2.11.1 The period during which an applicant may inspect submissions relating to an application and make final submissions in response to comments made in such submissions shall be a maximum of 14 days including weekends (10 working days) from the date of the notice to the applicant. An additional period may be specified by the Council having regard for the circumstances of the case.

2.11.2 An applicant can request copies of the submissions. Council shall provide copies of all submissions, less the names and contact details. The applicant shall reimburse Council for the reasonable cost of copying the submissions. The applicant must request to be furnished with a copy of the submissions in writing. The Council shall copy submissions as soon as possible, however the period for which written advice for Council on issues arising from submissions shall not be increased beyond the 14 day period.

2.11.3 Should an applicant have reasonable grounds to require an extended period to consider submissions, they may request in writing for Council to Stop the Clock on the application, whilst a response is being prepared. Council will then suspend all further assessment until sufficient information is forwarded by the applicant to recommence the process.

2.11.4 The applicant must provide written advice to Council to have such considered in reports prepared on the development.

2.11.5 Council shall not consider any new written or verbal advice after the final submission period by the applicant or employee (consultant) of the applicant.

2.12 CONSIDERATION OF SUBMISSIONS

2.12.1 The Council must consider all submissions made before determining the application.

2.13 NOTIFICATION OF DETERMINATION

2.13.1 The Council will give notice of the determination of an application to the applicant and each person who made a submission.

2.14 APPEALS

2.14.1 An applicant may appeal to Council to reconsider a development application under Section 82A of the Environmental Planning and Assessment Act. The applicant should seek advice of Council as to this appeal right.

2.14.2 An applicant who is dissatisfied with the determination of the Council with respect to the applicant's application for an approval may appeal to the Land and Environment Court.

There are no appeal rights regarding Complying Development Certificates.

2.14.3 A person making a submission has no right of appeal against the determination of the Council.

Section 4.12

Waste Not Section

ZONES

RU1, RU5, R1, R2, R3, R5, B2, B4, IN1, IN3,
SP1, SP2, RE1, RE2, E2 and E3

The Model Waste Not DCP applies to the zones as listed above and is based on the model DCP provided by the NSW Department of Environment and Climate Change.

All development applications and complying development certificates issued by Council or a private certifier shall comply with the DCP.





Published by:

Department of Environment and Climate Change NSW

59–61 Goulburn Street

PO Box A290

Sydney South 1232

Ph: (02) 9995 5000 (switchboard)

Ph: 131 555 (environment information and publications requests)

Ph: 1300 361 967 (national parks information and publications requests)

Fax: (02) 9995 5999

TTY: (02) 9211 4723

Email: info@environment.nsw.gov.au

Website: www.environment.nsw.gov.au

DECC 2008/353

ISBN 978 1 74122 883 0

July 2008

Printed on recycled paper

© Copyright State of NSW and the Department of Environment and Climate Change NSW July 2008

The Department of Environment and Climate Change NSW and the State of NSW are pleased to allow this material

to be reproduced in whole or in part, provided the meaning is unchanged and its source, publisher and authorship are acknowledged.

Contents

- 1 Introduction 1**
 - 1.1 Name of Chapter 1
 - 1.2 Site Waste Minimisation and Management..... 1
 - 1.3 Purpose of this Chapter..... 1
 - 1.3.1 Aims..... 1
 - 1.3.2 Objectives 2
 - 1.4 Types of Development Covered 2
 - 1.5 The Development Approval Process 2
 - 1.5.1 Development that Requires Consent..... 2
 - 1.5.2 Complying Development 3
 - 1.5.3 Exempt Development..... 3
 - 1.5.4 State Significant Development/Major Projects..... 3
 - 1.5.5 Departures from the Controls of this Chapter 3
 - 1.6 Enforcement..... 3
 - 1.7 The Responsible Authority 4
 - 1.8 Use and Interpretation of this Chapter 4
 - 1.8.1 Abbreviations 4
 - 1.8.2 Summary Guide to Using this Chapter 4
 - 1.8.3 Steps in the Preparation and Submission of an Application..... 5

- 2 Submission/Application Requirements 6**
 - 2.1 Documentation to be Submitted to Comply with the Requirements of this Chapter 6
 - 2.2 Site Waste Minimisation and Management Plans..... 6
 - 2.3 Submission of a SWMMP..... 6
 - 2.3.1 Development Generally..... 6
 - 2.3.2 Complying Development 7
 - 2.3.3 Exempt Development..... 7
 - 2.4 Waste/Recycling Generation Rates..... 7

3	Assessment Criteria/Controls for all Development	8
3.1	Demolition of Buildings or Structures.....	8
3.1.1	General.....	8
3.1.2	Aim	8
3.1.3	Objectives	8
3.1.4	Controls /Requirements	8
3.2	Construction of Buildings or Structures	10
3.2.1	General.....	10
3.2.2	Aim	10
3.2.3	Objectives	11
3.2.4	Controls /Requirements	11
4	Development-Specific Assessment Criteria/Controls	13
4.1	Single Dwellings, Semi-Detached and Dual Occupancy.....	13
4.1.1	General.....	13
4.1.2	Aim	13
4.1.3	Objectives	13
4.1.4	Controls /Requirements	13
4.2	Multi-Unit Dwellings (Town Houses, Flats and Villas).....	14
4.2.1	General.....	14
4.2.2	Aim	14
4.2.3	Objectives	15
4.2.4	Controls/Requirements	15
4.3	Commercial Developments and Change of Use (Shops, Offices, Food Premises, Hotels, Motels, Licensed Clubs, Education Establishments, Entertainment Facilities and Hospitals)	18
4.3.1	General.....	18
4.3.2	Aim	18
4.3.3	Objectives	19
4.3.4	Controls /Requirements	19
4.4	Mixed Use Developments (Residential/Non-Residential).....	21
4.4.1	General.....	21
4.4.2	Aim	21

4.4.3 Objectives	21
4.4.4 Controls/Requirements	22
4.5 Industrial	22
4.5.1 General.....	22
4.5.2 Aim	22
4.5.3 Objectives.....	22
4.5.4 Controls /Requirements	23

Appendices

- A. Site Waste Minimisation and Management Plan Template (SWMMP)**
- B. Waste/Recycling Generation Rates**
- C. Indicative Bin Sizes**
- D. Waste Recycling/Storage Rooms in Multi-Unit Dwellings**
- E. Garbage Truck Dimensions for Residential Waste Collection**
- F. Garbage Chutes**
- G. Commercial/Industrial Waste & Recycling Storage Areas**

1 Introduction

1.1 Name of Chapter

This Chapter is titled Site Waste Minimisation and Management. It is known colloquially as the Waste Not DCP, as it is based on an early document (1996) when consolidated development control plans (DCPs) were not required and DCPs often dealt with one issue.

1.2 Site Waste Minimisation and Management

Waste and resource consumption is a major environmental issue and a priority for all levels of government within Australia. This is particularly the case as landfill sites become scarce and the environmental and economic costs of waste generation and disposal rise. Government and society alike are exposed to the issue of managing the increasingly large volumes of waste generated by our society.

Sustainable resource management and waste minimisation has emerged as a priority action area and a key in the quest for Ecologically Sustainable Development (ESD). Critical actions in this regard include the following (moving from most desirable to least desirable):

- avoiding unnecessary resource consumption
- recovering resources for reuse
- recovering resources for recycling or reprocessing
- disposing of residual waste (as a last resort).

The building and construction industry in particular is a major contributor to waste, much of which is still deposited to landfill. The implementation of effective waste minimisation strategies has the potential to significantly reduce these volumes.

Effective waste planning and management can also benefit the builder/developer. Some of the benefits of good waste planning and management include:

- reduced costs
- improved workplace safety
- enhanced public image
- compliance with legislation such as the *Protection of the Environment Operation Act 1997* that requires waste to only be transported to a place that can lawfully accept it.

1.3 Purpose of this Chapter

1.3.1 Aims

This Chapter aims to facilitate sustainable waste management within the Local Government Area in a manner consistent with the principles of ESD.

1.3.2 Objectives

The objectives in pursuit of sustainable waste management include:

Waste minimisation

- To minimise resource requirements and construction waste through reuse and recycling and the efficient selection and use of resources.
- To minimise demolition waste by promoting adaptability in building design and focussing upon end of life deconstruction.
- To encourage building designs, construction and demolition techniques in general which minimise waste generation.
- To maximise reuse and recycling of household waste and industrial/commercial waste.

Waste management

- To assist applicants in planning for sustainable waste management, through the preparation of a site waste minimisation and management plan.
- To assist applicants to develop systems for waste management that ensure waste is transported and disposed of in a lawful manner.
- To provide guidance in regards to space, storage, amenity and management of waste management facilities.
- To ensure waste management systems are compatible with collection services.
- To minimise risks associated with waste management at all stages of development.

1.4 Types of Development Covered

This Chapter applies to the following types of development that may only be carried out with development consent or a complying development certificate.

- demolition
- construction
- change in use

1.5 The Development Approval Process

1.5.1 Development that Requires Consent

When determining a development application under Section 79C of the *Environmental Planning and Assessment Act, 1979* (as amended) (The Act), Council must consider the contents of this Chapter.

Compliance with the minimum provisions herein does not, however, necessarily mean that an application will be approved, as each application will be considered on its merits.

It is accepted that optimum waste minimisation and management will necessitate site specific and sometimes unique solutions. As a result, Council may approve on its merits an application that proposes a variation to the controls, provided it can be demonstrated that the objectives herein will be achieved.

1.5.2 Complying Development

The Council or an accredited certifier must have regard to the provisions of this Chapter in issuing a complying development certificate.

1.5.3 Exempt Development

Preparation of a Site Waste Minimisation and Management Plan (SWMMP) is not required for exempt development (as defined by Council). However, persons carrying out exempt development are encouraged to minimise the generation of waste in the construction and operation of any such use or activity and deal with any waste generated in accordance with the objectives herein.

1.5.4 State Significant Development/Major Projects

The Major Projects State Environmental Planning Policy establishes the Minister (or by delegation the Department of Planning) as the consent authority for development categorised as Major Projects/State Significant Development.

Council will liaise with the Department of Planning (representing the Minister for Planning) to ensure appropriate outcomes in respect of waste minimisation and management.

The minimum requirements for such forms of development will be compliance with the aims and objectives of this Chapter.

1.5.5 Departures from the Controls of this Chapter

Council may approve variations to the provisions herein in accordance with the principles of merit-based assessment.

Any request for variation to the provisions must be in writing and comprise part of the application. The request shall clearly demonstrate that:

- the aims and objectives are met, and
- compliance with the relevant provisions is unreasonable or unnecessary in the circumstances of the case.

1.6 Enforcement

This Chapter is enforced through the development assessment and approval process of Section 79 of The Act.

Subsequent non-compliance with approvals is pursued under Section 121B, Part 6 of the Act, by way of the issue of relevant orders requiring compliance and subsequent legal action for non-compliance.

1.7 The Responsible Authority

Council or an accredited certifier (as defined under the *Environmental Planning and Assessment Amendment Act, 1979*) is responsible for enforcing the observance of the provisions of this Chapter.

1.8 Use and Interpretation of this Chapter

This section outlines how to interpret and apply the provisions herein for the planning and designing of site waste minimisation and management.

1.8.1 Abbreviations

A list of abbreviations has been adopted. The relevant abbreviations are detailed below.

BCA	Building Code of Australia
CC	Construction Certificate
DA	Development Application
DGP	Development Control Plan
EPA	Environment Protection Authority
ESD	Ecologically Sustainable Development
SEE	Statement of Environmental Effects
SMA	Sydney Metropolitan Area
The Act	<i>Environmental Planning and Assessment Act, 1979</i> (as amended)
SWMMP	Site Waste Minimisation and Management Plan

1.8.2 Summary Guide to Using This Chapter

This Chapter shall be generally used as follows:

1. Read Section 1 – Introduction

This section provides a background to waste minimisation and management, details aims and objectives of waste minimisation and management associated with local development and the application of the Chapter.

2. Read Section 2 – Submission Requirements

This section provides specific advice in respect of information to accompany submission of a Development Application (DA) and highlights the requirements of a Site Waste Minimisation and Management Plan.

3. Read Section 3 and 4 – Assessment Criteria/Controls

These sections detail the criteria/controls Council will consider in assessing the adequacy of the Site Waste Minimisation and Management Plan, in addressing the principles of sustainable waste management. Section 3 details general criteria and

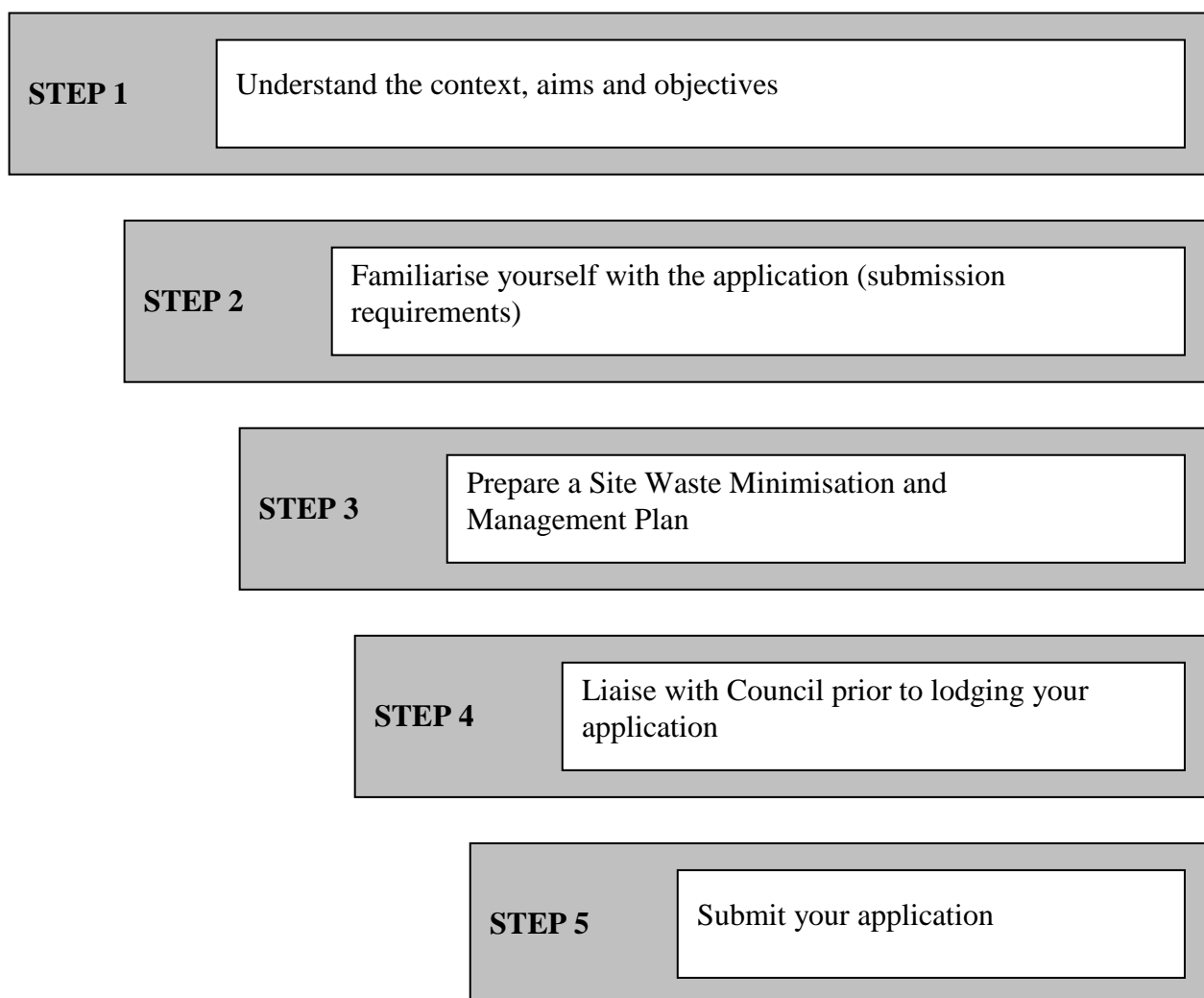
controls for all demolition and all constructions, while Section 4 adds additional criteria and controls for specific types of constructions.

4. Read the Appendices — Further Information

This section provides useful information in interpreting this Chapter, understanding the waste minimisation and management environment and documenting the central submission requirement – a Site Waste Minimisation and Management Plan.

1.8.3 Steps in the Preparation and Submission of an Application

The actions involved in preparing and submitting a development application, which satisfactorily addresses waste minimisation and management obligations are summarised in the following chart.



2 Submission/Application Requirements

2.1 Documentation to be Submitted to Comply with the Requirements of this Chapter

All applications for development, including demolition, construction and the ongoing use of a site/premise, must be accompanied by a Statement of Environmental Effects (SEE). This Statement is to include a SWMMP as the central document of compliance with this Chapter's requirements.

In addition to submission of a SWMMP (as part of the SEE), the waste management facilities proposed as part of the development, shall be clearly illustrated on the plans of the proposed development, accompanying the development application (DA).

2.2 Site Waste Minimisation and Management Plans

A Site Waste Minimisation and Management Plan (SWMMP) outlines measures to minimise and manage waste generated during:

- demolition
- construction
- ongoing use of the site/premises.

In doing so, the SWMMP nominates:

- volume and type of waste and recyclables to be generated
- storage and treatment of waste and recyclables on site
- disposal of residual waste and recyclables
- operational procedures for ongoing waste management once the development is complete.

The SWMMP highlights the method of recycling or disposal and the waste management service provider.

Appendix A provides a template for the compilation of a SWMMP.

2.3 Submission of a SWMMP

2.3.1 Development Generally

A SWMMP must be submitted for all types of development including demolition, construction and ongoing use of the site/premises; including local development, integrated development and state significant/major project development (as defined by the *Environmental Planning and Assessment Act and Amendments*). More details are required in SWMMPs for larger and more complex developments. The amount of supporting information and diagrams also increases.

Where a DA is required, with or without the need for a Construction Certificate (CC), a SWMMP must be submitted at development application stage. Where only a CC is required, a SWMMP shall be submitted at the construction certificate stage. Maximum waste minimisation and management benefits are achieved when the SWMP is considered from the earliest stages of the development. It is for this reason that a SWMMP is required with the earliest approval application.

Note: Council may accept a preliminary SWMMP for a DA and then discuss with the builder a more detailed SWMMP at the construction certificate application process.

2.3.2 Complying Development

A Site Waste Minimisation and Management Plan (SWMMP) is required for development identified as Complying Development in accordance with Council's adopted Exempt and Complying Development criteria. Site waste minimisation and management must be carried out in accordance with an approved SWMMP, and dockets retained on site to show to where any construction and or demolition waste has been transported.

2.3.3 Exempt Development

A SWMMP is not required in association with Exempt Development carried out in accordance with Council's adopted Exempt and Complying Development criteria.

However, a person carrying out exempt development should seek to minimise the generation of waste in the construction and operation of any such use or activity and deal with any waste generated in accordance with the objectives herein.

2.4 Waste/Recycling Generation Rates

In the absence of project specific calculations, the rates specified in **Appendix B Waste/Recycling Generation Rates** and Council's current rate of provision of services to residential properties can be used to inform the compilation of a SWMMP.

3 Assessment Criteria/Controls for All Development

3.1 Demolition of Buildings or Structures

3.1.1 General

The demolition stage provides great scope for waste minimisation. Proponents are actively encouraged to consider possible adaptive reuse opportunities of existing buildings/structures, reuse of materials or parts thereof.

3.1.2 Aim

The principal aim of managing this activity is to maximise resource recovery and minimise residual waste from demolition activities.

3.1.3 Objectives

- Optimise adaptive reuse opportunities of existing building/structures.
- Maximise reuse and recycling of materials.
- Minimise waste generation.
- Ensure appropriate storage and collection of waste.
- Minimise the environmental impacts associated with waste management.
- Avoid illegal dumping.
- Promote improved project management.

3.1.4 Controls/Requirements

- A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the demolition application. Note: that a development application may be required for demolition.
- Pursue adaptive reuse opportunities of buildings/structures.
- Identify all waste likely to result from the demolition, and opportunities for reuse of materials. Refer to **Figure 1**.
- Facilitate reuse/recycling by using the process of 'deconstruction', where various materials are carefully dismantled and sorted.
- Reuse or recycle salvaged materials onsite where possible.
- Allocate an area for the storage of materials for use, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation, and access and handling requirements).
- Provide separate collection bins or areas for the storage of residual waste.

- Clearly 'signpost' the purpose and content of the bins and storage areas.
- Implement measures to prevent damage by the elements, odour and health risks, and windborne litter.
- Minimise site disturbance, limiting unnecessary excavation.

When implementing the SWMMP the applicant must ensure:

- Footpaths, public reserves, street gutters are not used as places to store demolition waste or materials of any kind without Council approval.
- Any material moved offsite is transported in accordance with the requirements of the *Protection of the Environment Operations Act (1997)*.
- Waste is only transported to a place that can lawfully be used as a waste facility.
- Generation, storage, treatment and disposal of hazardous waste and special waste (including asbestos) is conducted in accordance with relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by WorkCover NSW.
- Evidence such as weighbridge dockets and invoices for waste disposal or recycling services are retained.

Note: Materials that have an existing reuse or recycling market should not be disposed of in a landfill. **Figure 1** provides a list of some potential reuse/recycling options. Reuse and recycling opportunities are decreased when asbestos is not carefully removed and segregated from other waste streams.

Material	Reuse/recycling potential
Concrete	Reused for filling, levelling or road base
Bricks and Pavers	Can be cleaned for reuse or rendered over or crushed for use in landscaping and driveways
Roof Tiles	Can be cleaned and reused or crushed for use in landscaping and driveways
Untreated Timber	Reused as floorboards, fencing, furniture, mulched or sent to second hand timber suppliers
Treated Timber	Reused as formwork, bridging, blocking and propping, or sent to second hand timber suppliers
Doors, Windows, Fittings	Sent to second hand suppliers
Glass	Reused as glazing or aggregate for concrete production
Metals (fittings, appliances and wiring)	Removal for recycling
Synthetic Rubber (carpet underlay)	Reprocessed for use in safety devices and speed humps
Significant Trees	Relocated either onsite or offsite
Overburden	Power screened and used as topsoil
Garden Waste	Mulched, composted
Carpet	Can be sent to recyclers or reused in landscaping
Plasterboard	Removal for recycling, return to supplier

Figure 1: Examples of demolition materials and potential reuse/recycling opportunities (based on the *Combined Sydney Regional Organisation of Councils Model DCP 1997*)

3.2 Construction of Buildings or Structures

3.2.1 General

Attention to design, estimating of materials and waste sensitive construction techniques and management practices can achieve significant rewards in managing waste.

3.2.2 Aim

The principal aim of managing this activity is to maximise resource recovery and minimise residual waste from construction activities.

3.2.3 Objectives

- Maximise reuse and recycling of materials.
- Minimise waste generation.
- Ensure appropriate collection and storage of waste.
- Minimise the environmental impacts associated with waste management.
- Avoid illegal dumping.
- Promote improved project management.
- Optimise adaptive reuse opportunities of existing building/structures.

3.2.4 Controls / Requirements

- A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the application.

Note: The type of construction determines whether a development application, construction certificate or complying development statement is required. In all cases a SWMMP must be completed. Maximum waste minimisation and management benefits are achieved when the SWMMP is considered from the earliest stages of the development.

- Estimate volumes of materials to be used and incorporate these volumes into a purchasing policy so that the correct quantities are purchased. For small-scale building projects see the rates in **Appendix B Waste/Recycling Generation Rates** for a guide.
- Identify potential reuse/recycling opportunities of excess construction materials.
- Incorporate the use of prefabricated components and recycled materials.
- Arrange for the delivery of materials so that materials are delivered 'as needed' to prevent the degradation of materials through weathering and moisture damage.
- Consider organising to return excess materials to the supplier or manufacturer.
- Allocate an area for the storage of materials for use, recycling and disposal (considering slope, drainage, location of waterways, stormwater outlets and vegetation).
- Arrange contractors for the transport, processing and disposal of waste and recycling. Ensure that all contractors are aware of the legal requirements for disposing of waste.
- Promote separate collection bins or areas for the storage of residual waste.
- Clearly 'signpost' the purpose and content of the bins and storage areas.
- Implement measures to prevent damage by the elements, odour and health risks, and windborne litter.
- Minimise site disturbance and limit unnecessary excavation.
- Ensure that all waste is transported to a place that can lawfully be used as a waste facility.

Retain all records demonstrating lawful disposal of waste and keep them readily

accessible for inspection by regulatory authorities such as council, DECC or WorkCover NSW.

4 Development-Specific Assessment Criteria/Controls

4.1 *Single Dwellings, Semi-Detached and Dual Occupancy*

4.1.1 General

The design of waste and recyclables storage areas within the home and property affect ease of use, amenity, the movement and handling of waste for the life of the development.

4.1.2 Aim

To encourage source separation of waste, reuse, and recycling by ensuring appropriate storage and collection facilities for waste, and quality design of waste facilities.

4.1.3 Objectives

- Maximise reuse and recycling of materials.
- Minimise waste generation.
- Ensure appropriate collection and storage of waste.
- Minimise the environmental impacts associated with waste management.
- Avoid illegal dumping

4.1.4 Controls/Requirements

- A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the application.

Note: The type of construction determines whether a development application, construction certificate or complying development statement is required. In all cases a SWMMP must be completed. Maximum waste minimisation and management benefits are achieved when the SWMMP is considered from the earliest stages of the development.

- Plans submitted with the SWMMP must show:
 - The location of an indoor waste/recycling cupboard (or other appropriate storage space) for each dwelling.

- The location of an onsite waste/recycling storage area for each dwelling, that is of sufficient size to accommodate Council's waste, recycling and garden waste bins. Indicative bin sizes are shown in **Appendix C Indicative Bin Sizes**.
- An identified onsite location for a compost container.
- An identified kerbside collection point for the collection and emptying of Council's waste, recycling and garden waste bins.
- Waste containers are to be stored in a suitable location so as to avoid vandalism, nuisance and adverse visual impacts.
- A designated area for composting that should not impact on adjoining properties.
- Where possible, the waste/recycling storage area should be located in the rear yard and minimise the distance of travel to the collection point.
- The waste storage area is to be easily accessible and have unobstructed access to Council's usual collection point.
- There should be sufficient space within the kitchen (or an alternate location) for the interim storage of waste and recyclables.
- The placement of bins for collection at the nominated collection point should ensure adequate traffic and pedestrian safety is maintained.

Note: It is the responsibility of dwelling occupants to move bins to the identified collection point no earlier than the evening before collection day and to then return the bins to their storage area no later than the evening of collection day. Bins are to remain in their on-site storage area at all other times.

4.2 Multi-Unit Dwellings (Town Houses, Flats and Villas)

4.2.1 General

The design of waste and recycling storage areas within the unit and property affects ease of use, amenity, movement and handling of waste for the life of the development. Multiple households within the property increase challenges with regard to waste volumes, ease of access and operation of waste sorting and removal systems. Resources such as the *Better Practice Guide for Waste Management in Multi-Unit Dwellings* should be used to inform design of multi-unit dwellings.

4.2.2 Aim

To encourage source separation of waste, reuse, and recycling by ensuring appropriate storage and collection facilities for waste, and quality design of waste facilities.

4.2.3 Objectives

- Ensure appropriate waste storage and collection facilities.
- Maximise source separation and recovery of recyclables.
- Ensure waste management systems are as intuitive for occupants as possible and are readily accessible.
- Ensure appropriate resourcing of waste management systems, including servicing.
- Minimise risk to health and safety associated with handling and disposal of waste and recycled material, and ensure optimum hygiene.
- Minimise adverse environmental impacts associated with waste management.
- Discourage illegal dumping by providing on site storage, and removal services.

4.2.4 Controls/Requirements

- A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the development application.
- Plans submitted with a development application must show:
 - The location of an indoor waste/recycling cupboard (or other appropriate storage space) for each dwelling.
 - The location of individual waste/recycling storage areas (such as for townhouses and villas) or a communal waste/recycling storage room(s) able to accommodate Council's waste, recycling and garden waste bins.
 - The location of any garbage chute(s) and interim storage facilities for recyclable materials.
 - The location of any service rooms (for accessing a garbage chute) on each floor of the building.
 - The location of any waste compaction equipment.
 - An identified location for individual compost containers or communal compost container.
 - An identified collection point for the collection and emptying of Council's waste, recycling and garden waste bins.
 - The path of travel for moving bins from the storage area to the identified collection point (if collection is to occur away from the storage area).
 - The on-site path of travel for collection vehicles (if collection is to occur on-site), taking into account accessibility, width, height and grade.
- Systems should be designed to maximise source separation and recovery of

recyclables.

- Waste management systems should be designed and operated to prevent the potential risk or injury or illness associated with the collection, storage and disposal of wastes.

The following minimum collection and storage facilities shall be provided:

- Each dwelling unit should be provided with an indoor waste/recycling cupboard (or other appropriate storage space) for the interim storage of a minimum one day's garbage and recycling generation.
- Residential flat buildings must include communal waste/recycling storage facilities in the form of a waste/recycling storage room (or rooms) designed in accordance with **Appendix D Waste Recycling/Storage Rooms in Multi-Unit Dwellings** and the *Better Practice Guide for Waste Management in Multi-Unit Dwellings*.
- Multi-unit housing in the form of townhouses and villas must include either individual waste/recycling storage areas for each dwelling or a communal facility in the form of a waste/recycling storage room (or rooms) designed in accordance with **Appendix D Waste Recycling/Storage Rooms in Multi-Unit Dwellings** and the *Better Practice Guide for Waste Management in Multi-Unit Dwellings*.
- Space must be provided for an individual compost container for each dwelling (such as in townhouse and villa developments) or for a communal compost container; the siting of which will have regard to potential amenity impacts.
- The waste/recycling storage area(s) or room(s) must be of a size that can comfortably accommodate separate garbage, recycling and garden waste containers at the rate of Council provision.
- For multi-storey developments that include ten or more dwellings, a dedicated room or caged area must be provided for the temporary storage of discarded bulky items which are awaiting removal. The storage area must be readily accessible to all residents and must be located close to the main waste storage room or area.
- The following location and design criteria shall apply to collection and storage facilities:
 - In townhouse and villa developments with individual waste/recycling storage areas, such areas should be located and designed in a manner which reduces adverse impacts upon neighbouring properties and upon the appearance of the premises.
 - There must be an unobstructed and Continuous Accessible Path of Travel (as per *Australian Standard 1428 Design for Access and Mobility - 2001*) from the waste/recycling storage area(s) or room(s) to:
 - the entry to any Adaptable Housing (as per *Australian Standard 4299 Adaptable Housing - 1995*)

- the principal entrance to each residential flat building
- the point at which bins are collected/emptied.

In instances where a proposal does not comply with these requirements, Council will consider alternative proposals that seek to achieve a reasonable level of access to waste/recycling storage area(s) or room(s).

- Communal waste storage areas should have adequate space to accommodate and manoeuvre Council's required number of waste and recycling containers.
- Each service room and storage area must be located for convenient access by users and must be well ventilated and well lit.
- Where site characteristics, number of bins and length of street frontage allow, bins may be collected from a kerbside location. In instances where kerbside bin collection is not appropriate, bins must be collected onsite. Bins that are collected onsite are to be collected either from their usual storage point or from an onsite temporary holding area located inside the property boundary and close to a property entrance.
- Where bins cannot be collected from a kerbside location or from a temporary holding area located immediately inside the property boundary, the development must be designed to allow for on-site access by garbage collection vehicles (of dimensions detailed at **Appendix E Garbage Truck Dimensions for Residential Waste Collection**). In these instances, the site must be configured so as to allow collection vehicles to enter and exit the site in a forward direction and so that collection vehicles do not impede general access to, from or within the site. Access driveways to be used by collection vehicles must be of sufficient strength to support such vehicles.

Note: As a minimum requirement for collection vehicle access, Council will require indemnity against claims for loss or damage to the pavement or other driving surface. Council may also require indemnity against liabilities, losses, damages and any other demands arising from any on-site collection service. In all cases, a hazard assessment will need to be conducted prior to Council agreeing to undertake the service.

- Should a collection vehicle be required to enter a property, access driveways and internal roads must be designed in accordance with *Australian Standard 2890.2 Parking Facilities – Off-Street Commercial Vehicle Facilities – 2002*.
- If Council waste collectors and/or waste collection vehicles are required to enter a site for the purpose of emptying bins, then site specific arrangements must be in place.
- If bins need to be moved from normal storage areas to a different location for collection purposes, it is the responsibility of agents of the owners' corporation to move the bins to the collection point no earlier than the evening before collection day and to then return the bins to their storage areas no later than the evening of collection day. Bins are to remain in their on-site storage areas at all other times.

- Residents should have access to a cold water supply for the cleaning of bins and the waste storage areas. Storage areas should be constructed and designed to be weather proof and easy to clean, with wastewater discharged to sewer.
- The design and location of waste storage areas/facilities should be such that they compliment the design of both the development and the surrounding streetscape.
- Developments containing four or more storeys should be provided with a suitable system for the transportation of waste and recyclables from each storey to waste storage/collection areas.
- Garbage chutes must be designed in accordance with **Appendix F Garbage Chutes**, the *Building Code of Australia* and *Better Practice Guide for Waste Management in Multi-Unit Dwellings*. Garbage chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use. Alternative interim disposal facilities for recyclables should be provided at each point of access to the garbage chute system.
- The following management responsibilities shall be addressed:
 - Agents of the owners' corporation must take responsibility for the management of waste and recyclable materials generated upon the site. Arrangements must be in place in regards to the management, maintenance and cleaning of all waste/recycling management facilities.

4.3 Commercial Developments and Change of Use (Shops, Offices, Food Premises, Hotels, Motels, Licensed Clubs, Education Establishments, Entertainment Facilities and Hospitals)

4.3.1 General

A range of non-residential uses present an array of unique waste minimisation opportunities and management requirements. Flexibility in size and layout is often required to cater for the different needs of multiple tenants as well as future changes in use.

Note: Storage and disposal of liquid waste, such as oils and chemicals, are not covered by this Site Waste Minimisation and Management Chapter.

4.3.2 Aim

To ensure new developments and changes to existing developments are designed to maximise resource recovery (through waste avoidance, source separation and recycling); and to ensure appropriate well-designed storage and collection facilities are accessible to occupants and service providers.

4.3.3 Objectives

- Ensure appropriate waste storage and collection facilities.
- Maximise source separation and recovery of recyclables.
- Ensure waste management systems are as intuitive for occupants as possible and readily accessible to occupants and service providers.
- Ensure appropriate resourcing of waste management systems, including servicing.
- Minimise risk to health and safety associated with handling and disposal of waste and recycled material and ensure optimum hygiene.
- Minimise adverse environmental impacts associated with waste management.
- Discourage illegal dumping by providing on site storage, and removal services.

4.3.4 Controls/Requirements

- A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the application.

Note: The nature of the development or change in use will determine whether a development application or construction certificate is required. In all cases a SWMMP must be completed. Maximum waste minimisation and management benefits are achieved when the SWMMP is considered from the earliest stages of the development.

- Plans submitted with the SWMMP must show:
 - The location of the designated waste and recycling storage room(s) or areas, sized to meet the waste and recycling needs of all tenants.
 - The location of temporary waste and recycling storage areas within each tenancy. These are to be of sufficient size to store a minimum of one day's worth of waste.
 - An identified collection point for the collection and emptying of waste, recycling and garden waste bins.
 - The path of travel for moving bins from the storage area to the identified collection point (if collection is to occur away from the storage area).
 - The on-site path of travel for collection vehicles (if collection is to occur on-site).
- There must be convenient access from each tenancy to the waste/recycling storage room(s) or area(s). There must be step-free access between the point at which bins are collected/emptied and the waste/recycling storage room(s) or area(s).
- Every development must include a designated waste/recycling storage area or room(s) (designed in accordance with **Appendix G Commercial/Industrial**

Waste and Recycling Storage Areas).

- Depending upon the size and type of the development, it may be necessary to include a separate waste/recycling storage room/area for each tenancy.
- All commercial tenants must keep written evidence on site of a valid contract with a licensed waste contractor for the regular collection and disposal of the waste and recyclables that are generated on site.
- Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s).
- Arrangements must be in all parts of the development for the separation of recyclable materials from general waste. Arrangements must be in all parts of the development for the movement of recyclable materials and general waste to the main waste/recycling storage room/area. For multiple storey buildings, this might involve the use of a goods lift.
- The waste/recycling storage room/area must be able to accommodate bins that are of sufficient volume to contain the quantity of waste generated (at the rate described in **Appendix B Waste/Recycling Generation Rates**) between collections.
- The waste/recycling storage room/area must provide separate containers for the separation of recyclable materials from general waste. Standard and consistent signage on how to use the waste management facilities should be clearly displayed.
- The type and volume of containers used to hold waste and recyclable materials must be compatible with the collection practices of the nominated waste contractor.
- Waste management facilities must be suitably enclosed, covered and maintained so as to prevent polluted wastewater runoff from entering the stormwater system.
- Where possible, waste/recycling containers should be collected from a rear lane access point. Consideration should be given to the time of day at which containers are collected so as to minimise adverse impacts upon residential amenity, pedestrian movements and vehicle movements.
- The size and layout of the waste/recycling storage room/area must be capable of accommodating reasonable future changes in use of the development.
- A waste/recycling cupboard must be provided for each and every kitchen area in a development, including kitchen areas in hotel rooms, motel rooms and staff food preparation areas. Each waste/recycling cupboard must be of sufficient size to hold a minimum of a single day's waste and to hold separate containers for general waste and recyclable materials.
- Premises that discharge trade wastewater must do so only in accordance with a written agreement from the local sewer authority. In the Sydney Metropolitan Area (SMA) this is Sydney Water. Sydney Water defines trade wastewater as "any liquid,

and any substance contained in it, which may be produced at the premises in an industrial and commercial activity, but does not include domestic wastewater (e.g. from hand-basins, showers and toilets).”

- Premises which generate at least 50 litres per day of meat, seafood or poultry waste must have that waste collected on a daily basis or must store that waste in a dedicated and refrigerated waste storage area until collection.
- Arrangements must be in place regarding the regular maintenance and cleaning of waste management facilities. Tenants and cleaners must be aware of their obligations in regards to these matters.
- Any garbage chutes must be designed in accordance with the requirements of **Appendix F Garbage Chutes**, the *Building Code of Australia* and *Better Practice Guide for Waste Management in Multi-Unit Dwellings*. Garbage chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use.

4.4 Mixed Use Developments (Residential/Non-Residential)

4.4.1 General

Where residential and commercial land uses occur within the one building or development waste management will necessitate a balancing of variable demands, including preservation of residential amenity.

4.4.2 Aim

To ensure new developments and changes to existing development are designed to maximise resource recovery (through waste avoidance, source separation and recycling) and to ensure appropriate, well-designed storage and collection facilities are accessible to occupants and service providers.

4.4.3 Objectives

- Ensure appropriate waste storage and collection facilities.
- Maximise source separation and recovery of recyclables.
- Ensure waste management facilities are safely and easily accessible to occupants and service providers.
- Ensure appropriate resourcing of waste management systems, including servicing.
- Minimise risk to health and safety associated with handling and disposal of waste and recycled material and ensure optimum hygiene.
- Minimise adverse environmental impacts associated with waste management.
- Discourage illegal dumping by providing on site storage, and removal services.

4.4.4 Controls/ Requirements

A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the application.

The controls at Section 4.2.4 Multi-Unit Dwellings apply to the residential component of mixed-use development.

The controls at Section 4.3.4 Commercial Developments apply to the non-residential component of mixed-use development.

Mixed Use development must incorporate separate and self-contained waste management systems for the residential component and the non-residential component. In particular, the development must incorporate separate waste/recycling storage rooms/areas for the residential and non-residential components. Commercial tenants must be prevented (via signage and other means), from using the residential waste/recycling bins and vice versa.

The residential waste management system and the non-residential waste management system must be designed so that they can efficiently operate without conflict. Conflict may potentially occur between residential and non-residential storage, collection and removal systems, and between these systems and the surrounding land uses. For example, collection vehicles disrupting peak residential and commercial traffic flows or causing noise issues when residents are sleeping.

4.5 Industrial

4.5.1 General

Industrial developments typically produce a diverse range of waste products. Some of these waste products may be hazardous and require compliance with established laws/protocols that are additional to this Chapter. Other waste products are similar in nature to commercial and domestic waste streams. Mixing waste products limits potential reuse and recycling opportunities and may distribute toxic material through a larger volume of wastes.

4.5.2 Aim

To ensure new developments and changes to existing developments are designed to maximise resource recovery (through waste avoidance, source separation and recycling) and to ensure appropriate, well-designed storage and collection facilities are accessible to occupants and service providers.

4.5.3 Objectives

- Ensure appropriate waste storage and collection facilities.
- Maximise source separation and recovery of recyclables.

- Ensure waste management facilities are as intuitive for occupants as possible and readily accessible to occupants and service providers.
- Ensure appropriate resourcing of waste management systems, including servicing.
- Minimise risk to health and safety associated with handling and disposal of waste and recycled material and ensure optimum hygiene.
- Minimise adverse environmental impacts associated with waste management.
- Discourage illegal dumping by providing on site storage, and removal services.

4.5.4 Controls/Requirements

- A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the application.
- Plans submitted with the SWMMP must show:
 - The location of designated waste and recycling storage room(s) or areas sized to meet the waste and recycling needs of all tenants. Waste should be separated into at least 4 streams, paper/cardboard, recyclables, general waste, industrial process type wastes.
 - The on-site path of travel for collection vehicles.
- Evidence of compliance with any specific industrial waste laws/protocols. For example, those related to production, storage and disposal of industrial and hazardous wastes as defined by the *Protection of the Environment Operations Act 1997*.
- There must be convenient access from each tenancy and/or larger waste producing area of the development to the waste/recycling storage room(s) or area(s). There must be step-free access between the point at which bins are collected/emptied and the waste/recycling storage room(s) or area(s).
- Every development must include a designated general waste/recycling storage area or room(s) (designed in accordance with **Appendix G Commercial/Industrial Waste & Recycling Storage Areas**), as well as designated storage areas for industrial waste streams (designed in accordance with specific waste laws/protocols).
- Depending upon the size and type of the development, it might need to include separate waste/recycling storage room/area for each tenancy and/or larger waste producing areas.
- All tenants must keep written evidence on site of a valid contract with a licensed waste contractor for the regular collection and disposal of all the waste streams and recyclables which are generated on site.
- Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitted lids so the contents are not able to leak or

overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s).

- Arrangements must be in place in all parts of the development for the separation of recyclable materials from general waste. Arrangements must be in place in all parts of the development for the movement of recyclable materials and general waste to the main waste/recycling storage room/area.
- The waste/recycling storage room/areas must be able to accommodate bins that are of sufficient volume to contain the quantity of waste generated between collections.
- The type and volume of containers used to hold waste and recyclable materials must be compatible with the collection practices of the nominated waste contractor.
- Waste management storage rooms/areas must be suitably enclosed, covered and maintained so as to prevent polluted wastewater runoff from entering the stormwater system.
- A waste/recycling cupboard must be provided for each and every kitchen area in the development. Each waste/recycling cupboard must be of sufficient size to hold a minimum of a single day's waste and to hold separate containers for general waste and recyclable materials.
- Premises that discharge trade wastewater must do so only in accordance with a written agreement from the local sewer authority. In the Sydney Metropolitan Area this is Sydney Water. Sydney Water defines trade wastewater as 'any liquid, and any substance contained in it, which may be produced at the premises in an industrial and commercial activity, but does not include domestic wastewater (e.g. from hand-basins, showers and toilets).'
- Arrangements must be in place regarding the regular maintenance and cleaning of waste management facilities. Tenants and cleaners must be aware of their obligations in regards to these matters.
- Production, storage and disposal of hazardous wastes (such as contaminated or toxic material or products) require particular attention. The appropriate laws and protocols should be observed.

Appendix A: Site Waste Minimisation and Management Plan Template

Applicant and Project Details (All Developments)	
Applicant Details	
Application No.	
Name	
Address	
Phone number(s)	
Email	
Project Details	
Address of development	
Existing buildings and other structures currently on the site	
Description of proposed development	
<i>This development achieves the waste objectives set out in the DCP. The details on this form are the provisions and intentions for minimising waste relating to this project. All records demonstrating lawful disposal of waste will be retained and kept readily accessible for inspection by regulatory authorities such as council, DECC or WorkCover NSW.</i>	
Name	
Signature	
Date	

Demolition (All Types of Developments)

Address of development: _____

Refer to Section 3.1 of the DCP for objectives regarding demolition waste.

most favourable



least favourable

	Reuse	Recycling	Disposal	
Type of waste generated	Estimate Volume (m³) or Weight (t)	Estimate Volume (m³) or Weight (t)	Estimate Volume (m³) or Weight (t)	Specify method of on site reuse, contractor and recycling outlet and /or waste depot to be used
Excavation material				
Timber (specify)				
Concrete				
Bricks/pavers				
Tiles				
Metal (specify)				
Glass				
Furniture				
Fixtures and fittings				
Floor coverings				
Packaging (used pallets, pallet wrap)				
Garden organics				
Containers (cans, plastic, glass)				
Paper/cardboard				
Residual waste				
Hazardous/special waste e.g. asbestos (specify)				

Other (specify)				
-----------------	--	--	--	--

Construction (All Types of Developments)

Address of development: _____

Refer to Section 3.2 of the DCP for objectives regarding construction

most favourable  least favourable

	Reuse	Recycling	Disposal	
Type of waste generated	Estimate Volume (m³) or Weight (t)	Estimate Volume (m³) or Weight (t)	Estimate Volume (m³) or Weight (t)	Specify method of on site reuse, contractor and recycling outlet and/or waste depot to be used
Excavation material				
Timber (specify)				
Concrete				
Bricks				
Tiles				
Metal (specify)				
Glass				
Plasterboard (offcuts)				
Fixtures and fittings				
Floor coverings				
Packaging (used pallets, pallet wrap)				
Garden organics				
Containers (cans, plastic, glass)				
Paper/cardboard				

Residual waste				
Hazardous/special waste (specify)				

Ongoing Operation (Residential, Multi Unit, Commercial, Mixed Use and Industrial)

Address of development: _____

Show the total volume of waste expected to be generated by the development and the associated waste storage requirements.

	Recyclables		Compostable	Residual waste*	Other
	Paper/ cardboard	Metals/ plastics/glass			
Amount generated (L per unit per day)					
Amount generated (L per development per week)					
Any reduction due to compacting equipment					
Frequency of collections (per week)					
Number and size of storage bins required					
Floor area required for storage bins (m ²)					
Floor area required for manoeuvrability (m ²)					
Height required for manoeuvrability (m)					

* Current “non-recyclables” waste generation rates typically include food waste that might be further separated for composting.

Construction Design (All Types of Developments)

Outline how measures for waste avoidance have been incorporated into the design, material purchasing and construction techniques of the development (refer to Section 3.2 of the DCP):

Materials

Lifecycle

Detail the arrangements that would be appropriate for the ongoing use of waste facilities as provided in the development. Identify each stage of waste transfer between residents' units/commercial tenancies and loading into the collection vehicle, detailing the responsibility for and location and frequency of, transfer and collection.

Plans and Drawings (All Developments)

The following checklists are designed to help ensure SWMMPs are accompanied by sufficient information to allow assessment of the application.

Drawings are to be submitted to scale, clearly indicating the location of and provisions for the storage and collection of waste and recyclables during:

- demolition
- construction
- ongoing operation.

Demolition

Refer to Section 3.1 of the DCP for specific objectives and measures.

Do the site plans detail/indicate:

	Tick Yes
Size and location(s) of waste storage area(s)	
Access for waste collection vehicles	
Areas to be excavated	
Types and numbers of storage bins likely to be required	
Signage required to facilitate correct use of storage facilities	

Construction

Refer to Section 3.2 of the DCP for specific objectives and measures.

Do the site plans detail/indicate:

	Tick Yes
Size and location(s) of waste storage area(s)	
Access for waste collection vehicles	
Areas to be excavated	
Types and numbers of storage bins likely to be required	

Signage required to facilitate correct use of storage facilities	
--	--

Ongoing Operation

Refer to Section 4 of the DCP for specific objectives and measures.

Do the site plans detail/indicate:

	Tick Yes
Space	
Size and location(s) of waste storage areas	
Recycling bins placed next to residual waste bins	
Space provided for access to and the manoeuvring of bins/equipment	
Any additional facilities	
Access	
Access route(s) to deposit waste in storage room/area	
Access route(s) to collect waste from storage room/area	
Bin carting grade	
Location of final collection point	
Clearance, geometric design and strength of internal access driveways and roads	
Direction of traffic flow for internal access driveways and roads	
Amenity	
Aesthetic design of waste storage areas	
Signage – type and location	
Construction details of storage rooms/areas (including floor, walls, doors, ceiling design, sewer connection, lighting, ventilation, security, wash down provisions etc)	

Appendix B: Waste/Recycling Generation Rates

Construction Waste

'Rule of Thumb' for renovations and small home building

- Timber 5-7% of material ordered
- Plasterboard 5-20% of material ordered
- Concrete 3-5% of material ordered
- Bricks 5-10% of material ordered
- Tiles 2-5% of material ordered

Source: *Waste Planning Guide for Development Application, Inner Sydney Waste Board, 1998*

Ongoing Operation

Premises type	Waste generation	Recyclable material generation
Backpackers' Hostel	40L/occupant space/week	20L/occupant space/week
Boarding House, Guest House	60L/occupant space/week	20L/occupant space/week
Food premises: Butcher Delicatessen Fish Shop Greengrocer Restaurant, Café Supermarket Takeaway food shop	80L/100m ² floor area/day 80L/100m ² floor area/day 80L/100m ² floor area/day 240L/100m ² floor area/day 10L/1.5m ² floor area/day 240L/100m ² floor area/day 80L/100m ² floor area/day	Variable Variable Variable 120L/100m ² floor area/day 2L/1.5m ² floor area/day 240L/100m ² floor area/day Variable
Hairdresser, Beauty Salon	60L/100m ² floor area/week	Variable
Hotel, Licensed Club, Motel	5L/bed space/day 50L/100m ² bar area/day 10L/1.5m ² dining area/day	1L/bed space/day 50L/100m ² bar area/day 50L/100m ² dining area/day
Offices	10L/100m ² floor area/day	10L/100m ² floor area/day
Shop less than 100m ² floor area Shop greater than 100m ² floor area	50L/100m ² floor area/day 50L/100m ² floor area/day	25L/100m ² floor area/day 50L/100m ² floor area/day
Showroom	40L/100m ² floor area/day	10L/100m ² floor area/day
Multi-Unit Dwellings ¹	80L/unit/week	40L/unit/week

Sources: Adapted from *Waverley Council Code for the Storage and Handling of Waste*.
¹ Appendix A, *Better Practice Guide For Waste Management In Multi-Unit Dwellings 2007*

Appendix C: Indicative Bin Sizes

Bin type	Height	Depth	Width
140 Litre Bin	1065mm	540mm	500mm
240 Litre Bin	1080mm	735mm	580mm

These dimensions are only a guide and differ slightly according to manufacturer, if bins have flat or dome lids and are used with different lifting devices.

Appendix D: Waste Recycling/Storage Rooms in Multi-Unit Dwellings

Building Code of Australia

Waste/recycling storage rooms must be constructed in accordance with the requirements of the *Building Code of Australia (BCA)*.

Location and Appearance

- Waste/recycling storage rooms must be integrated into the design of the overall development. It is preferable that such rooms be located behind the front building line. Wherever possible, the room should be in a basement location within the main building envelope (rather than a separate stand-alone structure). Materials and finishes visible from outside should be similar in style and quality to the external materials used in the rest of the development.
- Waste/recycling storage rooms must be located and designed in a manner that reduces adverse impacts upon the inhabitants of any dwellings on the site and upon neighbouring properties. The location and design of the room should minimise adverse impacts associated with:
 - the proximity of the room to any dwellings
 - the visibility of the room
 - noise generated by any equipment located within the room
 - noise generated by the movement of bins into and out of the room
 - noise generated by collection vehicles accessing the site; and
 - odours emanating from the room.

Size

- Waste/recycling storage rooms must be of adequate size to comfortably accommodate all waste and recycling bins associated with the development.

Layout

The gradient of waste/recycling storage room floors and the gradient of any associated access ramps must be sufficiently level so that access for the purpose of emptying containers can occur in accordance with WorkCover NSW Occupational Health and Safety requirements.

Within waste/recycling storage rooms, containers used for the storage of recyclable materials should be kept separate from (but close to) general waste containers — so that the potential for contamination of recyclable materials is minimised.

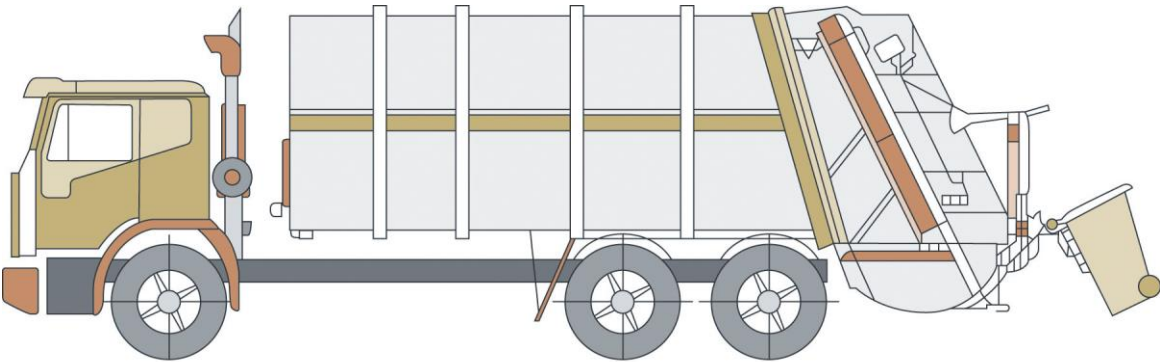
Appendix E: Garbage Truck Dimensions for Residential Waste Collection

This page includes information regarding the dimensions of garbage trucks that are typically used for the collection of residential waste. Developments that require Council garbage trucks to enter the site for the collection of residential waste must be designed to accommodate on-site truck movement.

Requirements regarding vehicle turning circles and driveway width/gradient are contained in *Australian Standard 2890.2 2002/Planning Facilities — off street commercial vehicles*.

It is recommended that an applicant speak with Council’s Waste Services Coordinator in regards to the design of development proposals that involve garbage trucks entering the site. Services will not be provided where there are undue risks.

Typical Council Garbage Truck used for Domestic Waste Collection	
Length overall	8.0 metres
Width overall	2.5 metres
Operational height	4.3 metres
Travel height	4.3 metres
Weight (vehicle and load)	22.5 tonnes
Weight (vehicle only)	13 tonnes
Turning Circle	25.0 metres



rearloader garbage truck

Example of a Council garbage truck.
 Source of diagram: *Better Practice Guide for Waste Management in Multi-Unit Dwellings, DECC 2008.*

Appendix F: Garbage Chutes

Garbage chute design

- Garbage chutes must be constructed in accordance with the requirements of the *Building Code of Australia (BCA)*.
- Garbage chutes must be located and insulated in a manner that reduces noise impacts.
- Chutes, service openings and charging devices must be constructed of material (such as metal) that is smooth, durable, impervious, non-corrosive and fire resistant.
- Chutes, service openings and charging devices must be capable of being easily cleaned.
- Chutes must be cylindrical and should have a diameter of at least 500mm.
- There must not be any bends (or sections of reduced diameter) in the main shaft of the chute.
- Internal overlaps in the chute must follow the direction of waste flow.
- Chutes must deposit rubbish directly into a bin or compactor located within a waste/recycling storage room.
- A cut-off device must be located at or near the base of the chute so that the bottom of the chute can be closed when the bin or compacting device at the bottom of the chute is withdrawn or being replaced.
- The upper end of a chute should extend above the roofline of the building.
- The upper end of a chute should be weather protected in a manner that doesn't impede the upward movement of air out of the chute.

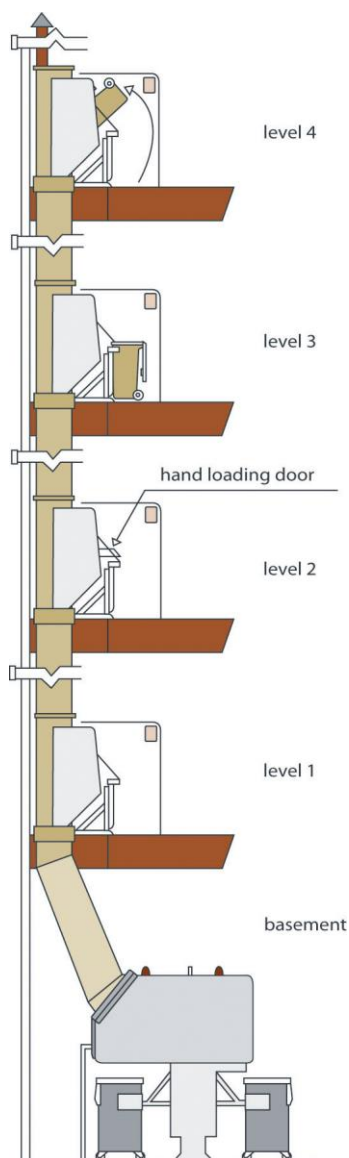
Garbage chute service room design

- The service opening (for depositing rubbish into the main chute) on each floor of the building must be located in a dedicated service room.
- The charging device for each service opening must be self-closing and must not project into the main chute.
- Branches connecting service openings to the main chute are to be no more than 1m long.
- Each service room must include containers for the storage of recyclable materials. Signage regarding the materials that can be recycled should be displayed near these containers.
- Each service room must be located for convenient access by users and must be well ventilated and well lit.

- The floors, walls and ceilings of service rooms must be finished with smooth, durable materials that are capable of being easily cleaned.
- Service rooms must include signage that clearly describes the types of materials that can be deposited into the garbage chute and the types of materials which should be deposited into recycling bins.

Management

- Garbage chutes are not to be used for the disposal of recyclable materials. Signage to this effect should be displayed near service openings.
- Arrangements must be in place for the regular maintenance and cleaning of garbage chutes and any associated service rooms, service openings and charging devices.
- Arrangements must be in place for the regular transferral of recyclable materials (which are stored in service rooms) to the main waste/recycling storage room.



Example of a garbage chute system.

Source: *Better Practice Guide for Waste Management in Multi-Unit Dwellings*, DECC, 2008.

Appendix G: Commercial/Industrial Waste and Recycling Storage Areas

Building Code of Australia

- Waste/recycling storage areas must be constructed in accordance with the requirements of the Building Code of Australia (BCA).

Location and appearance

- Waste/recycling storage areas must be integrated into the design of the overall development. Materials and finishes that are visible from outside should be similar in style and quality to the external materials used in the rest of the development.
- Waste/recycling storage areas must be located and designed in a manner that reduces adverse impacts upon neighbouring properties and the streetscape. The location and design of the areas should minimise adverse impacts associated with:
 - the proximity of the area to dwellings
 - the visibility of the area
 - noise generated by any equipment located within the area
 - noise generated by the movement of bins into and out of the area
 - noise generated by collection vehicles accessing the site; and
 - odours emanating from the area.

Size

- Waste/recycling storage areas must be of adequate size to comfortably accommodate all waste and recycling bins associated with the development.
- Waste/recycling storage areas must be able to accommodate separate general waste bins and recycling bins which are of sufficient volume to contain the quantity of waste generated (at the rate described in **Appendix B**) between collections.

Layout

- The gradient of waste/recycling storage area floors and the gradient of any associated access ramps must be sufficiently level so that access for the purpose of emptying containers can occur in accordance with WorkCover NSW Occupational Health and Safety requirements.

- Within waste/recycling storage areas, containers used for the storage of recyclable materials should be kept separate from (but close to) general waste containers — so that the potential for contamination of recyclable materials is minimised.

Access: waste/recycling collection

- The development must be designed to allow access by collection vehicles used by the nominated waste contractor. Wherever possible, the site must be configured to allow collection vehicles to enter and exit the site in a forward direction and so collection vehicles do not impede general access to, from and within the site. Access driveways to be used by collection vehicles must be of sufficient strength to support such vehicles.
- Servicing arrangements for the emptying of bins must be compatible with the operation of any other loading/unloading facilities on-site.
- Access for the purpose of emptying waste/recycling storage containers must be able to occur in accordance with WorkCover NSW Occupational Health and Safety requirements.

Access: general

- In commercial development, public buildings and industrial development, there must be convenient access from each tenancy to the waste/recycling storage area(s). There must be step-free access between the point at which bins are collected/emptied and the waste/recycling storage area(s).
- Arrangements must be in place so that the waste/recycling storage area is not accessible to the general public.
- Vermin must be prevented from entering the waste/recycling storage area.

Surfaces

- Waste/recycling storage areas must have a smooth, durable floor and must be enclosed with durable walls/fences that extend to the height of any containers which are kept within.

Doors/gates

- Doors/gates to waste/recycling storage areas must be durable. There must be a sign adjacent to the door/gate that indicates that the door/gate is to remain closed when not in use. All doors/gates are to be openable from both inside and outside the storage area and must be wide enough to allow for the easy passage of waste/recycling containers.

Services

- Waste/recycling storage areas must be serviced by hot and cold water provided through a centralised mixing valve. The hose cock must be protected from the waste containers and must be located in a position that is easily accessible when the area is filled with waste containers.
- The floor must be graded so that any water is directed to a sewer authority approved drainage connection located upon the site. In the SMA this is Sydney Water.

Signage

- Waste/recycling storage areas must include signage that clearly describes the types of materials that can be deposited into recycling bins and general garbage bins.

Management

- Arrangements must be in place for the regular maintenance and cleaning of waste/recycling storage areas. Waste/recycling containers must only be washed in an area which drains to a sewer authority approved drainage connection. In the SMA this is Sydney Water.
- The *Better Practice Guide for Waste Management in Multi-Unit Dwellings* gives detailed information about waste recycling/storage rooms and facilities. The Guide was substantially reviewed in 2007 and is available on the Department of Environment and Climate Change NSW website (www.environment.nsw.gov.au). Further updates will be published as further information from social research and waste stream audits becomes available.

SECTION 4.13

Applications for Approval to Occupy Temporary Accommodation Structures (During Dwelling Construction)

*(ZONES RU1, RU5, R1, R2,
R3, R5, E2 and E3)*

Temporary Accommodation (During Dwelling Construction)

1.1 Land to which section applies

The provisions of this section apply to the land which is zoned RU1, R5, and E3 in the Gloucester Local Environmental Plan 2010.

1.2 Purpose of Section

This section is to outline conditions that must be met and abided by for applicants wishing to reside in temporary accommodation on an allotment that currently has an approved dwelling under construction.

1.3 Application of Section

When a development application is lodged which relates to land to which this plan applies, Council shall take the provisions of this section into consideration in determining the application.

Compliance with the provisions of this section does not necessarily imply that Council will consent to an application. Council must also take into consideration the relevant planning instrument, those matters listed under Section 79C of the *Environmental Planning and Assessment Act 1979* and relevant Council codes and policies.

2.0 Definitions

Reference shall be made to the Gloucester Local Environmental Plan 2010 for definitions to wording contained in this Plan. In addition, the following definitions are used in this plan:

Temporary dwelling means a building proposed to be used, or adapted for use as a dwelling, for a limited time period, whilst an approved dwelling is under construction. The temporary dwelling must be situated on the same lot as the dwelling being constructed, or situated on an adjacent lot in the same ownership.

Principle dwelling means the dwelling for which Development Approval has been granted and a Construction Certificate issued. The temporary dwelling provides accommodation whilst the principle dwelling is being constructed.

3.0 General Requirements

3.1 Application

Prior to Council considering an application for a temporary dwelling, a Development Application is required to be lodged with Council. Additionally, a Construction Certificate (CC) may be required for any building works proposed. Council's 'Combined Planning and Building Application Form' details a list of required attachments. Fees apply.

Application requirements are generally as follows:

- Lodgement of a 'Combined Planning and Building Application Form'. This form also details the list of required attachments, eg plans, Statement of Environmental Effects etc.
- Payment of appropriate fees.
- Building works will require an application for a Construction Certificate (see 'Combined Planning and Building Application Form' for more information).
- Effluent disposal will either require approval from Council, in the case of an on-site sewerage management system or MidCoast Water, in the case of reticulated sewer being available to the allotment.

3.2 Approval

Prior to Council approving the temporary occupation of a building, the following criteria must be met:

- The applicant must have both an approved Development Application and Construction Certificate for a dwelling on the same allotment as the proposed temporary dwelling.
- The proposed temporary dwelling must have been approved by Council or a Principal Certifying Authority, and completed in accordance with the conditions of the Development Consent.
- In the event that the building was constructed in accordance with a State Planning Instrument (e.g. Exempt and Complying Development Codes 2008), Council may require certification which includes (but is not limited to):
 - Certificate of Structural Adequacy, issued by a Practising Structural Engineer, MIE(Aust)
 - Plumbing Certification
 - Smoke alarm certification
 - Wet area certification
 - Bushfire Assessment
 - Flooding certification
- Approval will relate to the ground floor of a building only, and no first floor or mezzanine levels will be considered.
- Applications that include proposed building works such as attachments to the building (eg decks, verandahs and the like) will generally not be supported.
- Applications that include internal floor plans consistent with a dwelling are unlikely to be supported; floor plans are to include simple partitions of sleeping areas and Bathroom areas only.
- Each application will be assessed on merit.
- Approval will only be considered for the temporary accommodation structure of up to 12 months.

- If the development falls within Council's garbage pickup service area the applicant must apply for to Council for roadside garbage bins.

3.3 Extension of time

Prior to the expiry of the temporary dwelling approval, Council may consider an application for an extension of time. An application to modify the Development Consent would need to be lodged with Council, and relevant fees paid.

An extension of time will only be granted if the applicant can demonstrate that the construction of the dwelling is progressing to the satisfaction of Council.

4.0 Standards

4.1 Construction Standards

The temporary dwelling must comply with the following construction standards prior to being occupied:

- The building shall comply with the Building Code of Australia.
- Smoke alarms shall be installed in all habitable rooms in accordance with the Building Code of Australia.
- The building shall be completed in accordance with the approved plans and specifications.
- The building is required to have had a satisfactory final inspection carried out and an Occupation Certificate issued.
- All drainage within the building shall be installed and connected to an on-site sewerage management system or sewer system to the satisfaction of Council.

4.1 Services

If the dwelling is located within the garbage pickup service area the applicant must apply to Council for roadside garbage bins before the dwelling can be occupied.

4.2 Access

All weather 2-wheel drive access is to be constructed to the satisfaction of Council's Technical Services Department.

5.0 Completion

On completion of the new dwelling, the temporary dwelling shall be rendered uninhabitable by the removal of the kitchen cupboards, sink, stove and any other associated fixtures in relation to the kitchen.

Should the owner intend to continue using the building for habitable purposes; a development application is required to be submitted to Council for consideration of its change of use.

Note: An Occupation Certificate will not be issued for the new dwelling until the above requirements have been completed and the structure rendered uninhabitable or Council has approved the structure for its change of use.

6.0 Non-Compliance

Council will consider the service of Penalty Notices, Orders and/or legal action in the following circumstances:

- Occupancy of the temporary dwelling continues after the allowable time period, or;
- Conditions of the Temporary Dwelling Approval are not being complied with.

7.0 Conditions

Standard conditions of consent for temporary occupation may include:

Existing building

1. The construction of the existing building must comply with the provisions for a Class 1a building as outlined in the Building Code of Australia.
 2. Where the existing building was approved by Council or a Private Certifying Authority, evidence of a satisfactory final inspection and an Occupation Certificate must be submitted to Council.
- OR
3. Where the existing building was not approved by Council or a Private Certifying Authority, a Practising Structural Engineer (M.I.E. Aust.) is to issue a Certificate for the building, indicating that the works are structurally sound.
 4. All weather 2-wheel drive access is to be constructed to the satisfaction of Council's Technical Services Department.

Prior to occupation of the temporary dwelling

5. The temporary dwelling must be completed in accordance with the approved plans and specifications.
6. Smoke alarms shall be installed in each habitable sleeping area in accordance with the Building Code of Australia and AS 3786. Where mains power supply is available to the lot, the smoke alarm/s shall be connected to the mains power.
7. The temporary dwelling is required to have a satisfactory final inspection and an Occupation Certificate issued, prior to the commencement of the temporary accommodation.

8. All drainage within the temporary dwelling shall be installed and connected to an on-site sewerage management system or sewer system to the satisfaction of Council.

Certificates (as applicable)

9. A certificate from a licensed plumber, indicating that the plumbing and drainage works have been completed in accordance with AS 3500 – National Plumbing and Drainage Code.
10. A certificate from a licensed installer, stating that the wet areas have been completed in accordance with AS 3740 – Waterproofing of wet areas within residential buildings.
11. A licensed electrician's certificate certifying that the smoke alarm/s installed in the building is in accordance with AS3786 and that the electrical works comply with AS 3000 - 2007 “Wiring Rules”.

Occupation to Cease

12. Occupation of the temporary dwelling is to cease twelve (12) months after the date of issue of the Occupation Certificate, or 14 days after the issue of an Occupation Certificate for the principle dwelling (whichever comes first). Extension of this period is subject to a separate application to Council.
13. On completion of the new dwelling, the temporary dwelling shall be rendered uninhabitable by the removal of the kitchen cupboards, sink, stove and any other associated fixtures in relation to the kitchen.

SECTION 4.14

Cut / Fill and Fencing Requirements

(Zones R1, R2, R3, R5)

1.1 Land to which section applies

The provisions of this section apply to the land which is zoned *R1, R2, R3, and R5* in the *Gloucester Local Environmental Plan 2010*.

1.2 Purpose of Section

This section outlines restrictions as to what extend excavations can be carried out to.

1.3 Application of Section

This section should be applied to any sloping site where excavation works will be required to be carried out prior to development.

2.0 Definitions

Reference shall be made to the Gloucester Local Environmental Plan 2010 for definitions to wording contained in this Plan.

3.0 Excavations of sloping sites

3.1 Excavation associated with the erection of, or alterations or additions to, a dwelling house or ancillary development (other than a swimming pool) must:

- (a) Be not more than 1m below ground level (existing), and
- (b) Be constructed using a retaining wall or unprotected embankment that meets the standards of subclause (2) or (3), respectively.

3.2 A retaining wall:

- (a) must not redirect the flow of surface water onto adjoining property, and
- (b) must not extend more than 2m horizontally from any external wall of the dwelling house or ancillary development.

3.3 An unprotected embankment must not extend more than 2m horizontally beyond the external wall of the dwelling house or ancillary development.

3.4 Excavation associated with the erection of, or alterations or additions to, a swimming pool must be not more than the depth required for the pool structure.

4.0 Fill of sloping sites

4.1 Fill associated with the erection of, or an alteration or addition to, a dwelling house or ancillary development must:

- (a) be contained wholly within the footprint of the dwelling house or ancillary development, or
- (b) be adequately contained by a retaining wall that:
 - (i) is not higher than 600mm (including the height of any batters) above ground level (existing), and

(ii) does not redirect the flow of surface water onto adjoining property.

4.2 Despite subclause (1), exposed fill may be constructed using an unprotected embankment if the dwelling house or ancillary development has a setback of more than 2m from a side or rear boundary, if:

- (a) the fill is not more than 600mm above ground level (existing), and
- (b) the fill (but not the embankment) does not extend more than 1m beyond an external wall of the dwelling house or ancillary development, and
- (c) the toe of the unprotected embankment has a setback of at least 400mm from a side or rear boundary.

5.0 Run-off & Erosion Controls

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- (a) diverting uncontaminated run-off around cleared or disturbed areas, and
- (b) erecting a silt fence to prevent debris escaping into drainage systems and waterways, and
- (c) preventing tracking of sediment by vehicles onto roads, and
- (d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

6.0 Drainage

6.1 All stormwater drainage collecting as a result of the erection of, or alterations or additions to, a dwelling house or ancillary development must be conveyed by a gravity fed or charged system to:

- (a) a public drainage system, or
- (b) an inter-allotment drainage system, or
- (c) an on-site disposal system.

6.2 All stormwater drainage systems within a lot and the connection to a public or an inter-allotment drainage system must:

- (a) if an approval is required under section 68 of the [Local Government Act 1993](#), be approved under that Act, or
- (b) if an approval is not required under section 68 of the [Local Government Act 1993](#), comply with any requirements for the disposal of stormwater drainage contained in a development control plan that is applicable to the land.

7.0 Fencing and Retaining Walls

The positioning of fencing on a retaining wall or areas of fill material shall be in accordance with the Dividing Fences Act and the fence height shall be no greater than 1.8 metres as measured from the natural ground level prior to the retaining wall or fill material being installed.