

Lithgow City Council

# South Bowenfels Development Control Plan - Residential Development



February 2006

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## PART ONE - INTRODUCTION

### 1.1 Citation - Name of Plan

This plan may be cited as South Bowenfels Development Control Plan – Residential Development.

### 1.2 Purpose of Plan

The plan provides guidance on appropriate and achievable controls for residential development for the South Bowenfels Release Area. It seeks to create quality residential development and improved levels of residential amenity through considered siting and design of buildings and associated infrastructure.

### 1.3 Where the Plan Applies

The plan applies to land as shown edged heavy black on the map titled South Bowenfels Release Area and numbered Map No 1 of this plan.

### 1.4 Aims & Objectives of the Plan

The controls in this plan seek to provide for a range of housing choices whilst achieving the following objectives;

- a) **Appropriate Context** - Residential development is to respond to and contribute to the protection and rehabilitation of the key natural features of the area including watercourses and riparian corridors, wetlands and buffer areas, remnant native vegetation and ecological corridors as well as significant landforms. Development is also to respond to key built features including items of heritage significance and established land uses.
- b) **Appropriate Scale** - Residential development is to be of an appropriate scale in terms of height and bulk so as to minimise adverse impacts on adjacent properties.
- c) **Appropriate Built Form** - Residential development is to be appropriate for a site having regard to the buildings purpose, use, setback, alignment and proportion.
- d) **Appropriate Density** - Residential development is to have an appropriate density for a site in terms of overall floor space and site coverage yields.
- e) **Appropriate Appearance** - Residential development is to contain an appropriate composition of building elements, textures, materials and colours.
- f) **Appropriate Amenity** - Residential development is to provide good visual and acoustic privacy, access to sunlight, natural

ventilation for individual residences and neighbouring properties.

- g) **Appropriate Resource, Energy and Water Efficiency** - Residential development is to make efficient use of natural resources in order to optimise the efficiency of design for sustainability and incorporate Water Sensitive Urban Design solutions.
- h) **Appropriate Safety and Security** - Residential development is to be safe and secure in terms of its access and private, public and communal open space areas.
- i) **Compatibility (non-residential development)** – Any other permissible non-residential development is compatible with the residential amenity of its surrounds.

### The plan also has the following aims:

- i) To ensure the logical and economical phasing of development so as to minimise infrastructure costs and maintenance.
- ii) To ensure that the development is consistent with the land's capability/suitability. In this regard development should be a reflection of both the capability of the land to physically support development and the economic and social desirability of the development.
- iii) To encourage a variety of housing styles and forms catering for a full range of consumer demand.
- iv) To ensure that all new residential estate development is adequately served with community facilities and open space sufficient to satisfy projected needs.
- v) To ensure that all development incorporates the principles of ecological sustainable development.

### 1.5 Relationship of this DCP to Other Environmental Planning Instruments

The principal environmental planning instrument which applies to this area is Lithgow City Local Environmental Plan 1994 as amended. This document sets out the land use zones and broad development controls for all types of development within the local government area.

This Development Control Plan has been made under the provisions of Section 74(C) of the Environmental Planning and Assessment Act 1979 and will support the LEP and provide greater detail for achieving its

objectives in respect to development in South Bowenfels.

Any development proposed must also give consideration to;

- a) The provisions of the Environmental Planning and Assessment Act, 1979 and Regulations 2000.
- b) The provisions of any State Environmental Planning Policy (SEPP) which applies to the land, in particular SEPP 55 - Remediation of Land, SEPP 58 - Protecting Sydney's Water Supply, SEPP 60 - Exempt and Complying Development, SEPP 65 - Design Quality of Residential Flat Development and the accompanying Residential Flat Design Code, SEPP (Seniors Living) 2004 and SEPP (Building Sustainability Index: BASIX) 2004. Refer to [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au) to review the provisions of the State Environmental Planning Policies.
- c) The provisions of any Regional Environmental Plan (REP) that applies to the area in particular Draft REP- Sustaining the Catchments.
- d) Provisions of any policies or studies adopted or recognised by Lithgow City Council that are relevant.

*Please note:*

*Council has resolved to repeal the adopted Policy & Guideline for Residential Unit Development as it relates to the subject area of this plan.*

*Council has resolved to repeal the provisions of Clause 8, 9 & 14.1 of Council's Subdivision and Development Code dated 29/9/1992 as it relates to the subject area of this plan.*

Where there is any inconsistency between this plan and any LEP, SEPP, or REP, such higher order plans/policy will prevail.

### **1.6 Relationship of this DCP to other Development Control Plans**

This DCP repeals the application of the following Development Control Plans as they apply to the land to which this DCP applies;

Outdoor Advertising DCP – Oct '88

Off Street Carparking DCP – '97

Lithgow Escarpment Protection DCP – '92

Industrial Development DCP –

Bed & Breakfast Accommodation DCP – '93

Poultry DCP – '00

Animal Boarding and Training Establishments – '02.

*Where necessary relevant provisions of the above Development Control Plans have been incorporated into this DCP.*

### **1.7 Effective Date of Plan**

The Development Control Plan was adopted by Lithgow City Council on 6<sup>th</sup> February, 2006 and came into effect on 23rd February, 2006.

### **1.8 Variation Requirements**

The controls contained in this DCP should be complied with. However, there may be extenuating circumstances (context or site specific) where a minor variation may be justified in the interests of excellence in design.

Council may consider variations to development standards where it can be demonstrated that the objectives of the DCP and the objectives of the particular standard can be achieved without detriment having regard to good planning principles.

Any applicant wishing to vary a standard in this DCP must request the variation in writing, providing a detailed justification for the request and evidence that a better design outcome will result from the variation. Council will not approve any variation unless it is fully satisfied with the argument for non-compliance.

### **1.9 Changes to Legislation and Instruments Mentioned in Development Control Plan**

Where this plan mentions any Acts, Regulations, Instruments and/or Policies and that Act, Regulation, Instrument or Policy is modified or revoked or re-named then, depending on the substantive effect of that amendment or revocation, this DCP may be amended to reflect the new or altered regime. Should this have little substantive effect on this plan then this DCP may be amended without the need for exhibition and public comment

### **1.10 Review Process**

This DCP will be reviewed on a regular basis to ensure that it is meeting the stated aims and objectives and it is responsive to the needs of the community.

The DCP should be reviewed every two years.

## PART TWO - DEFINITIONS

<b><i>Battleaxe Allotment</i></b>	Means a lot which does not have a street frontage (other than the access driveway) and is accessed via a single or shared driveway.
<b><i>Bed &amp; Breakfast</i></b>	Means a dwelling-house used by its permanent residents for the provision of short term accommodation for commercial purposes, which may include meals.
<b><i>Building Height</i></b>	Means the distance measured vertically from the highest point on the roof of a building (not including a chimney, vent, or other service installation) to the natural ground level immediately below that point.
<b><i>Carport</i></b>	Means a roofed structure with no garage door or walls, and used for car parking purposes only.
<b><i>Communal open space</i></b>	Means the open space of an allotment that is accessible to all residents of a multi-unit development. This includes open space that does not form part of the private open space.
<b><i>Corner Allotment</i></b>	Means an allotment which has a primary and secondary frontage to a road or street.
<b><i>Council Development</i></b>	Means Lithgow City Council. Means (a) the use of land, and (b) the subdivision of land, and (c) the erection of a building, and (d) the carrying out of a work, and (e) the demolition of a building or work, and (f) any other act, matter or thing referred to in section 26 that is controlled by an environmental planning instrument.
<b><i>DCP</i></b>	Means South Bowenfels Development Control Plan - Residential Development.
<b><i>Dormer</i></b>	Means a vertical window with its own roof projecting from a larger sloping roof.
<b><i>Dual Occupancy</i></b>	Means two attached dwellings (with a single common wall) having the appearance of one dwelling, or two detached dwellings on a single allotment.
<b><i>Dwelling</i></b>	Means a room or number of rooms occupied or used, or so constructed or adapted as to be capable of being used as a separate domicile.
<b><i>Dwelling-house</i></b>	Means a building containing 1 but not more than one 1 dwelling
<b><i>Finished ground level</i></b>	Means the ground surface of a site following any cutting, filling or grading of the site.
<b><i>Floor Space Ratio</i></b>	Means the ratio of the gross floor area of all development on an allotment (exclusive of the first two covered or enclosed car parking spaces (carport or garage) to the area of the allotment on which those structures are situated.
<b><i>Front (Primary) Setback</i></b>	Means the setback (being the horizontal distance measured from a building or structure to the allotment boundary) between the street and the primary frontage of the dwelling.
<b><i>Granny Flat</i></b>	Means a small additional dwelling to be utilized by the owner of the property or a family member having a floor area which is no greater than 75m <sup>2</sup> .
<b><i>Gross Floor Area</i></b>	Means the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the outer face of the external enclosing walls as measured at a height of 1,400 millimetres above each floor level, excluding; (i) columns, fin walls, sun control devices, awnings, and any other elements, projections or works outside the general lines of the outer face of the external wall; and (ii) lift towers, cooling towers, machinery and plant rooms and ancillary storage space and air conditioning ducts; and (iii) car parking needed to meet any requirements of the Council and any internal designated vehicular or pedestrian access thereto; and (iv) space for the loading and unloading of goods; and (v) internal public arcades and thoroughfares, terraces, balconies with outer walls less than 1,400 millimetres high and the like.
<b><i>Habitable Room</i></b>	Means all rooms within a dwelling except bathrooms, toilets, and laundries, and other spaces infrequently used.
<b><i>Landscaped Area</i></b>	Includes any areas used for gardens, lawns, shrubs or trees, but does not include any part of the site occupied by buildings, driveways, service access ways, parking areas, communal drying yards, garbage storage areas, swimming pools,

	balconies and decks.
<b>Living Area</b>	Means a room including a lounge room, living room, kitchen, dining room, television room, sunroom and the like.
<b>Medium Density Development</b>	Means three or more dwellings on an allotment of land and may include the following <ul style="list-style-type: none"> <li>(i) Villa House means a single storey building on a site containing three or more dwellings, where each dwelling has an individual entrance and there is open space at ground level for the exclusive use of the occupants of the dwelling.</li> <li>(ii) Townhouse means a two storey building on a site containing three or more dwellings, where each dwelling has an individual entrance and there is open space at ground level for the exclusive use of the occupants of the dwelling</li> <li>(iii) Terrace House means three or more attached dwellings with each dwelling having at least one common wall and an individual entrance.</li> <li>(iv) Residential Flat Building means a building containing three or more dwellings which has a common entrance and private open space areas provided by ground or upper level balconies.</li> </ul>
<b>Natural Ground Level</b>	Means the ground surface of the site as it was prior to any cutting, filling or grading of the site
<b>Open Space</b>	Means any open or vacant area on an allotment that is designed, constructed or adapted for outdoor living activities, but does not include <ul style="list-style-type: none"> <li>(i) a driveway, parking area, drying area or other service area, balcony, and the like, or</li> <li>(ii) any above ground terrace, deck, or verandah where the height of the floor level is more than 300mm above natural ground level.</li> </ul>
<b>Primary Frontage</b>	Means; <ul style="list-style-type: none"> <li>(i) the single frontage where the allotment has a single frontage to the street, or</li> <li>(ii) the longest frontage where a corner allotment has two or more frontages to the street, or</li> <li>(iii) The two frontages where an allotment (not including a corner allotment) runs between two streets.</li> </ul>
<b>Private Open Space</b>	Means open space used only by the residents of a dwelling.
<b>Public Open Space</b>	Means the public domain that can be used by any individual (such as roads, footpaths, parks and reserves).
<b>Riparian Land</b>	Means the land that affects, or is affected by, a watercourse and the flow of water within a watercourse and includes parts of the floodplain.
<b>Secondary Frontage</b>	Means; <ul style="list-style-type: none"> <li>(i) the shortest frontage where a corner allotment has two or more frontages to the street, and</li> <li>(ii) Any frontage of an allotment that adjoins a lane.</li> </ul>
<b>Secondary Setback</b>	Means the setback of a building from the boundary of the secondary frontage.
<b>Site Area</b>	Means the area of land to which an application for consent to carry out development relates but does not include any part of that land on which the development is not permitted by or under this plan or any other environmental planning instrument.
<b>Stacked Parking Space</b>	Means a car parking space which is located on the access driveway of another space.
<b>Storey</b>	Means; <ul style="list-style-type: none"> <li>(i) the space between two floors, or</li> <li>(ii) the space between any floor and its ceiling or roof above, or</li> <li>(iii) garage, workshops, storerooms and the like, where the height between ground level and the top of the floor above is 1.2m</li> </ul> A storey which exceeds 4.5metres is considered as two storeys.
<b>Wall height</b>	Means the vertical distance measured from any point on the underside of the eaves at the wall line, or the top of the parapet, or the flat roof (whichever is the highest) to the natural ground level immediately below that point.
<b>Watercourse</b>	Means; <ul style="list-style-type: none"> <li>(a) river, creek, or natural stream whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel;</li> <li>(b) any tributary, branch or other watercourse into or from which a watercourse</li> </ul>

referred to in paragraph (a) flows.

Means

***Wetland***

(a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or

(b) artificial wetland, including marshes, swamps, wet meadows, sedgelands or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.

***Visually Prominent Area***

Means a ridgeline, hilltop or slope that, when viewed from a public open space such as an arterial road is a prominent feature of the natural landscape of a locality.



## PART THREE - SUBMITTING A PROPOSAL

### 3.1 When is an Application Required?

A development application is required for all types of residential development considered in this DCP, except where such development is specifically identified as exempt or complying development pursuant to State Environmental Planning Policy No 60. Where development is identified as complying, an application for a complying development certificate will be required and must be approved by Council, or an accredited certifier, before any work commences on the development. All complying development must comply with the prescriptive measures of this DCP.

Where construction activities are proposed as part of a development, a Construction Certificate will also be required. This can relate to buildings as well as subdivision construction (eg roads). The Construction Certificate for buildings may be issued by either Council or an accredited certifier. Council offers a service where both the Development Application and Construction Certificate can be lodged as one combined application providing adequate construction standard plans are available. All development must comply with the provisions of the Building Code of Australia.

If unsure as to whether your development requires a development application and/or construction certificate, you are advised to consult directly with officers of Council's Environmental and Planning Services Division.

### 3.2 Pre-application Consultation

Applicants are encouraged to discuss their proposal with Council officers at the early concept stage. Where appropriate, consultation with neighbours and in some cases the wider community may be required. As an aid to discussions, a site survey and analysis, photographs of the site and adjoining properties and concept plans should be supplied at this stage. It may become apparent that more than one meeting will be required to identify areas of opportunities and constraints for the development.

The aim of the consultation process is to provide direction and guidance to you as the applicant and to assist you with advice on Council's requirements relating to development at South Bowenfels. It is expected that this exchange of information in the very early stages of design will facilitate your preparation of the application and, following submission, Council's consideration of it.

### 3.3 Information Required

The type and detail of information to be provided with a development application will depend upon such factors as the scale and intensity of development as well as the complexity and location of the site. In all cases, the aim should be to provide clear and comprehensive information that will assist Council in assessing the proposal.

Any development application lodged under this plan must be accompanied by the following: Please refer to Council's Development Application guide for further information.

- a) A **description of the land** to be developed can be given in the form of a map which contains details of the lot number, deposited plan number etc. Details of any restrictive covenants pursuant to S 88(b) of the Conveyancing Act should also be provided.
- b) **Site plan to include:**
  - the location, boundary dimensions, site area and north point of the land;
  - existing vegetation and trees on the land;
  - location and uses of existing buildings on the land;
  - existing levels of the land in relation to buildings and roads;
  - location and uses of buildings on sites adjoining the land;
  - location of watercourses, riparian corridors and buffers on the site;
  - location of wetlands, riparian corridors and buffers on the site;
  - location of ecological corridors;
  - photos of the watercourses and riparian corridors on the site, looking in an upstream and downstream direction and across to the opposite bank.
- c) **Plans and drawings describing the proposed development must indicate** (where relevant):
  - a) the location of proposed new buildings or works (including extensions or additions to existing buildings or works) in relation to the land's boundaries and adjoining development;
  - b) floor plans of proposed buildings showing layout, partitioning, room sizes and intended uses of each part of the building;
  - c) elevations and sections showing the proposed external finishes and heights;
  - d) proposed finished levels of the land in relation to buildings and roads;
  - e) building perspectives, where necessary to illustrate the proposed building;

- f) proposed parking arrangements, entry and exit points for vehicles, and provision for movement of vehicles within the site (including dimensions where appropriate);
- g) proposed landscaping and treatment of the land in a Landscape Concept plan (indicating plant types and their height and maturity)
- h) proposed methods of draining the land.
- i) the height and external configuration of proposed buildings in relation to the site on which it is to be erected.
- j) If the application is for residential development, a BASIX certificate is required to accompany all applications.
- d) **In the case of subdivisions;**
- a) details of the existing and proposed subdivision pattern (including the number of lots and location of roads);
- b) details of consultation with public authorities responsible for provision or amplification of utility services by the proposed subdivision;
- c) preliminary engineering drawings indicating proposed infrastructure including roads, water, sewerage and earthworks;
- d) existing and finished ground levels.
- e) **Construction Certificate – Building Work;** Detailed plans, preferred scale of 1:100 consisting of a block plan and a general plan and or statements that indicates;
- a plan of each floor section,
  - a plan of each elevation of the building,
  - levels of the lowest floor and of any yard or unbuilt on area belonging to that floor and the levels of the adjacent ground,
  - the height, design, construction and provision for fire safety and fire resistance (if any),
  - specifications for the development that describe the construction and materials of which the building is to be built (stating new or second hand) and method of drainage, sewerage and water supply.
  - how the performance requirements of the Building Code of Australia are to be complied with. Where the application involves an alternative solution to meet the requirements of the BCA the application must be accompanied by;
    - details of the performance requirements that the alternative solution is intended to meet, and
    - details of the assessment methods used to establish compliance with those performance requirements,
    - evidence of any accredited component, process or design sought to be relied upon.
- f) **Construction Certificate – Subdivision Work**  
Detailed plans showing;
- earthworks,
  - roadworks,
  - road pavements,
  - road furnishings,
  - stormwater drainage,
  - water supply works,
  - sewerage works,
  - landscaping works,
  - erosion and sediment control works.
- Where the proposed subdivision work involves a modification to previously approved plans the plans must be coloured or otherwise marked to the satisfaction of the certifying authority to adequately distinguish the modification.
- g) **Site analysis** (for dual occupancy, villas, townhouses, terrace housing, residential flat buildings and any subdivision involving three or more allotments). Guidelines for the preparation of a site analysis are contained in Council’s Development Application Guide.
- h) **Shadow diagrams** for dwelling houses (2 storey) or single storey dwellings on sloping sites, dual occupancy and medium density developments. Shadow diagrams showing the impact on the subject site and adjoining land and/or development with shadows cast by proposed buildings and fences during winter solstice on 21 June at 9am, 12 noon, 3pm.
- i) **Street elevation** or photomontage view of the street that shows adjacent buildings, materials, roof pitch and form for all 2 storey medium density development.
- j) **Statement of Environmental Effects** addressing the following matters; the environmental impacts of the development, how these impacts have been identified and what steps will be taken to mitigate these impacts. It should also recognise any issues identified in the site analysis and detail how they will be addressed. Guidelines for preparing a Statement of Environmental Effects are contained in Council’s Development Application guide.
- k) **Supporting information** may also be necessary for proposals of a type or scale which require more detailed assessment of the potential impacts of the development. It is recommended that Council’s planning staff be consulted as to the likelihood of such information being required. Supporting information may include:

- Heritage Assessment,
- Aboriginal Cultural Heritage Assessment
- Flora and Fauna Assessment,
- Contamination Investigation including where necessary site Validation/ Remediation Report,
- Traffic Impact Assessment,
- Noise Impact Assessment,
- Hydrological Report,
- Geotechnical Report,
- Erosion and Sedimentation Control,
- Soil and Water Management Plan,
- Bushfire Hazard Report,
- Landscape Assessment.

### 3.4 Use of Consultants

Professionally made applications are inevitably quicker and easier to understand if placed on public exhibition. This leads to a more efficient process with less chance for confusion, conflict and delays.

Whilst not mandatory, Council encourages applicants to consider utilising suitably qualified persons for the preparation of plans and supporting information for development, subdivision, drainage concept and landscape proposals. All information and drawings should bear the name of the consultants and their relevant qualifications.

Applicants are advised, before engaging any consultant, to inspect examples of their work for assurance of a satisfactory level of experience and skill.

### 3.5 Other Approvals That May Be Necessary

- a) **Integrated Development** Before lodging a development application, applicants must also consider whether their proposal will require other approvals in addition to Council's consent. If so, the development becomes integrated development. Council officers can advise if this pertains to your application.

Agencies from which you may need to obtain approval in accordance with the integrated development provisions (Part 4, Division 5) of the Environmental Planning and Assessment Act, 1979 include:

- Heritage Council of NSW:
- Department of Planning (DOP)
- Department of Natural Resources (DNR)
- Department of Environment and Conservation (DEC) including the Environment Protection Authority and National Parks and Wildlife Service.
- Road and Traffic Authority
- Rural Fire Service

- Department of Primary Industries (DPI) including NSW Fisheries
- Department of Lands

An application for integrated development must include;

- sufficient information for the approval body to make an assessment of the application;
- an additional fee for each approval body as determined by Clause 100 of the Environmental Planning & Assessment Regulations
- additional copies of plans as determined by the consent authority.

#### b) **Concurrence**

Depending on the location and type of development other approvals or concurrence may be required from:

- Sydney Catchment Authority

#### c) **Section 68 Approval**

Certain types of proposals may also require separate approval under Section 68 of the Local Government Act, 1993. A full list of these activities requiring approval is included in Council's Development Application guide, but includes;

- Structures or places of public entertainment
- Water supply, sewerage and stormwater drainage work
- Management of Waste
- Community Land
- Public Roads
- Other Activities

### 3.6 Developer Contributions.

Where a development will increase the demand and need for public amenities and services within the area and City, Council may require financial contributions or the dedication of land from the developer. Generally contributions will be payable in respect of;

- water and sewerage headworks;
- community facilities; and
- other infrastructure works (eg.roadworks, drainage structures, cycleways etc).

Applicants should refer to any Developer Contributions Plans or Development Servicing Plans which apply to the development site.

In the absence of these plans, Council will negotiate an agreed level of contribution with the applicant/developer. This matter should be discussed

with Council officers at the earliest possible time in the planning of the development.

Any agreement reached will be publicly exhibited in accordance with the provisions of the Environmental Planning and Assessment Act, 1979 as amended.

### **3.7 Notification Process**

Development under this plan will be notified in accordance with the provisions set out in Appendix "A".

Applicants should consult with Council officers to ascertain what the likely level of public engagement to be undertaken will be prior to lodging a development application.

## **PART FOUR - GENERAL CONTROLS**

### **4.1 Ecological Sustainable Development**

All development under this plan must conform to the principles of Ecological Sustainable Development (ESD). Ecological Sustainable Development is “development that meets the needs of the present without compromising the ability of future generations to meet their needs”. The four principles of ESD are listed below;

#### ***Precautionary Principle***

If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

#### ***Inter-generational Equity***

The present generation should ensure that the health, diversity and productivity of the environment is maintained and enhanced for the benefit of future generations.

#### ***Conservation of Biological Diversity and Ecological Integrity***

The conservation of biological diversity and ecological integrity should be a fundamental consideration of any decision-making.

#### ***Improved valuation, pricing and incentive mechanisms***

The true value of assets and services should include environmental factors. For example polluter pays principle for those that pollute should pay the cost of containment, avoidance or abatement.

### **4.2 Plan Structure**

The plan provides the objectives and development controls that a proposal must incorporate to enhance the quality and amenity of the area and future neighbourhood. The plan has been divided into a number of design elements for both subdivision and residential development considered necessary to achieve the overall aims and objectives of the DCP.

Each design element has:

- **Objectives**, which are statements defining the intention of the element and describing desired outcomes;
- **Performance Criteria**, which are general statements of the means of achieving the objectives. They are not limiting in nature, and provide designers/applicants with opportunities to develop a number of different design solutions. Not all Performance Criteria will be applicable to every development. In submitting a proposal for approval the applicant must indicate those criteria not relevant to their particular development; and

- **Prescriptive measures**, which provide development standards, which if satisfied, are deemed to satisfy either one or more of the objectives.

### **4.3 How to Use this Plan**

Applicants are advised to thoroughly read this document. Development has been divided into three sections, being **Section 5** – Subdivision, **Section 6** – Residential Development and **Section 7** - Other Development. Where the development involves subdivision, applicants are encouraged to also read Section 6 to be aware of how the subdivision design may impact on the future design and quality of residential development.

Each development application must satisfy the objectives of the DCP and each design element.

It should be noted; however that mere compliance with the prescriptive measures of this DCP will not necessarily secure development approval. The onus is on the applicant to demonstrate how the development achieves both the objectives of the DCP and each relevant design element.

Each application will also be assessed under all matters for consideration listed under S 79C of the Environmental Planning and Assessment Act, 1979.

In the interests of excellence in design applicants may seek to vary from the development standards of this DCP, where it can be demonstrated that the objectives of the plan and each design element are achieved by other acceptable design solutions without detriment.

## PART FIVE - SUBDIVISION

### 5.1 Lot Layout and Size

#### 5.1.1 Objectives

The objectives are to:

- a) provide a range of allotment sizes to suit a variety of residential developments;
- b) provide for lot dimensions and areas which are adequate to ensure development responds to streetscape, solar and daylight access, privacy, landscaping, outdoor space, vehicle access and parking;
- c) ensure that the size of an allotment is sufficient to accommodate all the functions associated with a single detached dwelling such as building envelope, landscaping and access;
- d) minimise any likely impact of subdivision and development on the amenity of the neighbouring properties;
- e) minimise any likely impact of subdivision and development on significant topographical and natural features of an allotment (including watercourses, wetlands, riparian corridors, and buffers, remnant native vegetation and ecological corridors);
- f) control the scale of development so that it is compatible with the housing characteristics of the locality; and
- g) ensure the efficient or "productive" use of land and of the public capital investment in infrastructure.

#### 5.1.2 Performance Criteria

- a) Lots should have appropriate area and dimensions for the siting and construction of a dwelling and ancillary outbuildings, the provision of private outdoor open space and convenient vehicle access and parking.
- b) Lots should be varied in size to encourage a variety of housing styles and forms catering for the full range of consumer demand and the housing needs of people with differing requirements.
- c) Lot sizes and dimensions should be increased to maintain usable areas where sites are sloping or contain significant landscape features including water courses and easements or to address physical

constraints such as bushfire hazards or soil erosion and minimise environmental impact.

- d) Lots should be oriented to promote the energy efficiency of houses.
- e) Lots are to be designed to enable pedestrian safety and allow passive street surveillance.
- f) Lots are to be designed to maximise views to public open space and natural areas (including watercourses, wetlands, riparian corridors, and remnant native vegetation) where applicable, by providing a perimeter road between these areas and the development, for attractive outlooks and increased safety in public areas.

#### 5.1.3 Prescriptive Measures

The following identifies dimension and frontage requirements that apply to "standard residential allotments, and "corner allotments" which are primarily for the siting of a single dwelling.

**NB: Battleaxe lots will not be approved on land to which this DCP applies.**

- a) **Standard Residential Allotments**  
A standard residential allotment is an allotment which has a single frontage to a road or street. A standard allotment may also have a street frontage at the rear of the allotment. Standard residential allotments should have the following dimensions;
- b)
  - Minimum Frontage 18.5m
  - Minimum Depth 20m
  - All development or stage of development is to retain an average lot area of 700m<sup>2</sup> from any land parcel as held at the effective date of this plan. Council officers will determine how the land parcel was held through Council's rating information.

Allotments at the head of a cul-de-sac are to be a minimum of 18.5m at the front of the building line. The minimum length of the frontage along the head of the cul-de-sac is 12.5 metres. Refer to the diagram below;

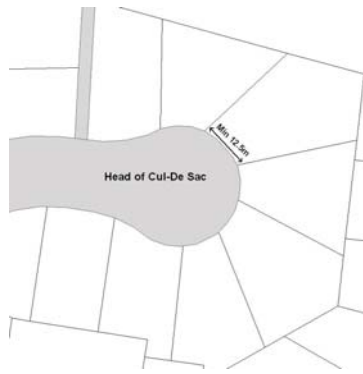


Figure 1. Diagram showing minimum frontage of lots onto a cul-de-sac

All allotments should be able to accommodate a building platform of 15m by 20m after complying with all minimum setback requirements as required by Section 6.3 & 6.4.

### b) Corner Allotments

A corner allotment is an allotment which has a primary frontage and a secondary frontage to a road or street. Corner allotments should have the following dimensions;

- Minimum Depth 25m (on at least one boundary).
- Average width 30m.

Corner allotments should generally be designed as larger allotments to accommodate minimum setback requirements from both the primary and secondary frontages.

### c) Granny Flats

The subdivision of land to excise a granny flat is not permitted.

### d) Dual Occupancy

Dual occupancy development may only be considered on sites where the allotment;

- has an area of not less than 400m<sup>2</sup> for an attached dual occupancy
- has an area of not less than 600m<sup>2</sup> for a detached dual occupancy

*Please note that compliance with all other design element requirements of Part 6 of this plan will necessarily increase the minimum size of allotments for dual occupancy development.*

- has a lot frontage of not less than 24m at the front building line,

- on corner allotments has a lot depth of not less than 40m

### e) Medium Density Development

Medium density development may only be considered on sites where;

- the lot frontage is not less than 30m at the front building line.

### f) Lot Orientation

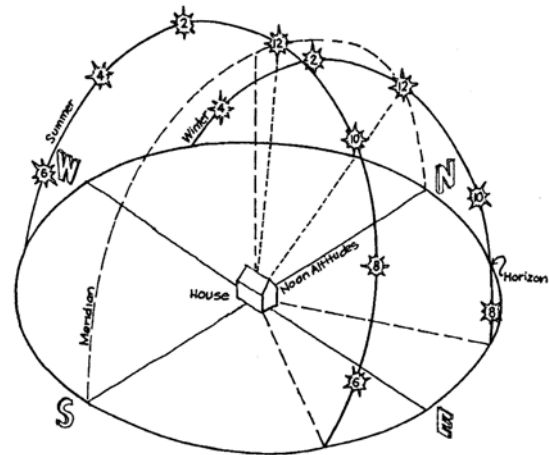


Figure 2. Variations in the sun's path during the year

- For infill subdivision in established areas, lot orientation should optimise solar access while taking account of the existing pattern and orientation of development
- For subdivisions in urban release areas and at the edge of established areas, lot orientation should maximise solar access by providing;
  - a north-south orientation within the range of 30 degrees east of north and 20 degrees west of north as the preferred orientation; and
  - lots oriented east-west having increased width; and
  - the midpoint of each lot with access to a minimum of 3 hours sunlight between 9am and 3pm at the winter solstice (June 21)
- Lots should be designed to avoid funneling effects from unfavourable winds.
- Lots are to be designed to maximise the potential for passive surveillance of streets and open space areas.

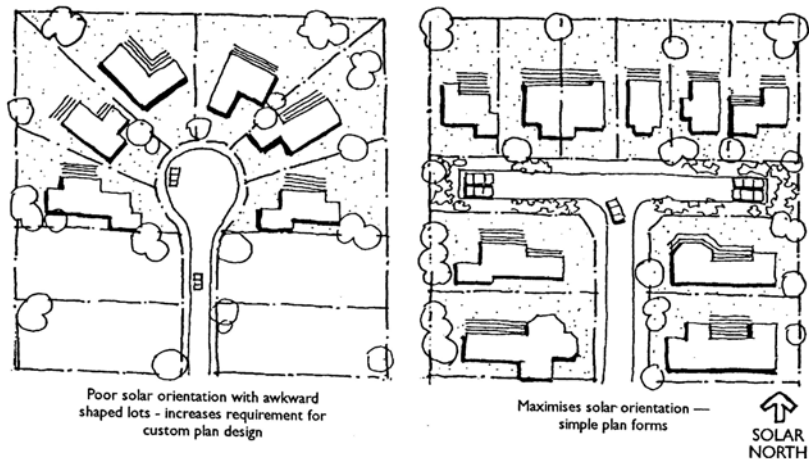


Figure 3. Lot shape and dwelling orientation Source: Amcord, 1995

## 5.2 Street Design

### 5.2.1 Objectives

- a) To provide safe streets,
- b) To provide a logical and legible street hierarchy,
- c) To ensure safe and effective access for pedestrians, cyclists and drivers to their homes and all required facilities,
- d) To accommodate public utility services, drainage systems and local car parking demands,
- e) To provide appropriate access for larger and special purpose vehicles including garbage trucks, emergency service vehicles, delivery vehicles, and buses,
- f) To promote development of an attractive streetscape,
- g) To promote the efficient and economic development of land and that road planning does not cut off options for future development of adjoining land,
- h) To ensure that the environmental impact of road construction is minimised and areas which are environmentally sensitive are protected,
- i) To provide perimeter roads between the riparian corridor, wetland, remnant native vegetation and urban development.

### 5.2.2 Performance Criteria

- a) Design features of each individual street should reflect its role and function within the road hierarchy to produce an efficient and effective street network,
- b) Junctions along residential streets should be spaced to create safe and convenient vehicle movements,
- c) Street reserve widths are to adequately cater for all required functions including;
  - safe and efficient movement of all users,
  - provision for parked vehicles,
  - provision for landscaping and street furniture construction, and

- maintenance of public utilities.

- d) Vehicle speed limits are to be built into the design of streets through the adoption of design speeds that enhance the safety of pedestrians and cyclists, particularly the young and elderly.
- e) Street design and streetscape including the provision of landscaping are to promote the safety of pedestrians, cyclists and drivers through provision of adequate sightlines at critical locations such as intersections, driveway crossovers, bus stops and crossing points.
- f) Street networks should be oriented to promote efficient solar access for dwellings.
- g) Street design should contribute to the creation of an attractive and pleasant streetscape.
- h) Street networks should not operate as through roads for externally generated traffic while at the same time limiting the length of time local drivers need to spend in a low speed environment.
- i) Remnant native trees and shrubs should be protected and incorporated into the street design,
- j) Street trees should be planted at the subdivision stage and are to consist of a diversity of appropriate trees and shrubs.

### 5.2.3 Prescriptive Measures

- a) All subdivision applications will be required to be generally designed around the collector road network as shown on Map No 2 of this DCP titled "Conceptual Road Layout - South Bowenfels DCP". Road planning shall have regard to the development potential of adjoining lands and should not cut off options for future development.
- b) The local road system within residential subdivisions shall conform to the road hierarchy classification and minimum standards set out in the table following;



## ROAD CLASSIFICATION & STANDARDS TABLE

Element	Local Distributor	Collector	Local Access	Minor Cul-De-Sac
No of Allotments	400 & >	200-400	15-200	15
Road Reserve Width	20m	18m	15m	15m
Carriageway Width	13m	11m	8m	8m
Footway Width	2 x 3.5m	2x 3.5m	2x 3.5m	2x 3.5m
Design Speed	60kph	60kph	40kph	30kph
Parking Provision	Carriageway	Carriageway	Carriageway	Carriageway
Kerb Type (depending on hydrological assessment requirements)	Rolled/Vertical	Rolled/Vertical	Rolled/Vertical	Rolled/Vertical

**Note:** the road reserve width may be reduced to a minimum of 10 metres where access is required to only one side of the road.

**Options:** Council will consider alternative proposals on their merit and allow developers to submit designs which meet the objectives and performance criteria. Where certainty is required use the default standards as set out in DCP which are deemed to satisfy the criteria.

- c) All new roads shall be constructed by the developer with road pavements sealed kerb to kerb and concrete kerb and gutter. All verges are to be turfed to a minimum of 1.8m behind all kerbs and the remainder top soiled and seeded. All turf used shall be drought and frost tolerant. For detailed design and construction standards please refer to Council's Subdivision and Development Code.
- d) Cul-de-sac should not exceed 150m in length unless topographic constraints render other options impracticable.
- e) Roads utilising Hammer head or T junctions should not exceed 50m in length.
- f) Streets should be designed to provide interest and variety in the streetscape through kerbs (where practicable), landscaping and paving treatments. The street design should be compatible with the existing road pattern in the locality.
- g) No more than three turning movements at intersections should be required in order to travel from any home to the most convenient collector street or higher order road.
- h) The minimum spacing of staggered junctions in a local street network should be 20 metres.
- i) Cul-de-sac for residential roads should have a minimum seal radii of 9m and boundary radii of 12.5m.
- j) A street tree plan detailing growth dimensions at maturity is to accompany all development applications.

### 5.3 Utility Services

#### 5.3.1 Objectives

- a) To provide an appropriate level of utility services for the existing and future community.
- b) To enable installation, maintenance and augmentation of services in a cost effective manner and with minimal impact on the environment and the community.
- c) To provide a sewerage system for the maintenance of public health and the disposal of effluent in an environmentally sensitive manner.
- d) To provide an adequate, reliable, and safe potable water supply.
- e) To provide lighting of public spaces for the safety of pedestrians and road users.
- f) To ensure that all lots are capable of being serviced with appropriate access to electricity, natural gas and telecommunications.
- g) To protect the visual amenity of the area.
- h) To minimise the impact of utility services on the viability of existing vegetation and proposed landscaping.
- i) To minimise the impact of utility services on the viability of existing vegetation and proposed landscaping, watercourses, riparian corridors and ecological corridors.

#### 5.3.2 Performance Criteria

- a) Installation of utility services to result in minimal site disturbance.
- b) Location of utility services are not to adversely affect the viability of significant vegetation, waterways, riparian corridors, and ecological corridors.
- c) All utility services are provided within street reserves to each lot in an efficient and cost effective manner.
- d) Long term maintenance of utility services can be carried out with minimal disturbance and environmental and economic cost to the community.

- e) Alteration, augmentation or the addition of new utility services can be carried out with minimal disturbance and environmental cost to the community.
- f) The physical appearance of all utility services forms part of the overall design of the subdivision of the locality.
- g) Attractive, functional, energy efficient and appropriately located lighting is installed in streets and proposed public spaces.
- h) The design and provision of public utilities should conform to the cost effective criteria of the relevant servicing authority.
- i) Compatible public utility services should be located in common trenches so as to minimise the land required, be cost effective and minimise environmental impact.

### 5.3.3 Prescriptive Measures

- a) Council shall only grant consent to the subdivision of land where water and sewerage services required by that subdivision are immediately available to the land. This may preclude the development of certain lands in the short to medium term. All development is to have regard to any adopted Infrastructure Strategy for the area and be developed in line with the staging requirements of those strategies.
- b) Utility services installation shall be carried out in accordance with Council's Subdivision and Development Code.
- c) All residential lots shall have a separate and distinct connection to Council's water and sewerage systems. Sewer junctions are to be provided at the lowest point on the site. All water connections are to be metered.
- d) All residential lots to be able to be connected to the reticulated electricity, telecommunications and natural gas services.
- e) All services shall be provided underground and where possible utilise common trenches.
- f) Written evidence of compliance with the requirements of all relevant service authorities in the form of a notification of arrangement prior to the release of construction certificate or subdivision certificate, as may be appropriate will be required to be submitted.
- g) All developments shall be provided with adequate street lighting in accordance with AS/NZS 1158, 1997 and be to the satisfaction of the relevant electricity supplier. Such lighting shall have regard to its visual impact and be designed to compliment the streetscape.
- h) No wood or coal burning appliances are to be installed in any development. A restrictive covenant shall be placed on each lot created through an 88(b) Instrument of the Conveyancing Act accompanying the land title.
- i) The location of any utility services in riparian corridors should be directionally drilled,

- particularly where there is remnant vegetation to minimise impacts on the riparian functions.
- j) All access to service utility inspection points are not to be located or interfere with the riparian corridor.
- k) All development shall have regard to the adopted South Bowenfels Sewerage Infrastructure Study.

## 5.4 Soil and Stormwater Management

### 5.4.1 Objectives

- a) To minimise soil erosion and sedimentation by minimising land disturbance and requiring control measures at the source.
- b) To provide safe, cost effective and environmentally sustainable stormwater drainage systems and stormwater drainage network.
- c) To control the flow of water into the natural and man made drainage systems in such a way to minimise impacts from storm water runoff.
- d) To maintain the health of the catchment areas and to ensure a neutral or beneficial effect on the health of the Sydney Water Drinking Catchment.
- e) To provide water quality management systems which;
  - ensure that disturbance to natural stream systems is minimised;
  - ensure disturbance to riparian corridors is avoided;
  - ensure that storm water discharge to surface and underground receiving waters, both during construction and during use of the subject land, does not degrade the quality of the receiving waters.

### 5.4.2 Performance Criteria

- a) Soil erosion and sediment control measures are incorporated into the design of the subdivision / development utilising best practice techniques to minimise or eliminate point source and diffuse source pollution.
- b) Drainage from subdivision sites should be consistent in both water quality and quantity terms with the pre-development storm water patterns.
- c) Drainage systems should be designed so as to ensure safety and minimise the likelihood of storm water inundation of existing and future dwellings. All residential lots are to be above the 1 in 100 years Average Recurrence Interval (ARI) flood level.
- d) The development is to comply with the provisions of State Environmental Planning Policy No 58- Protecting Sydney's Water Supply and Draft Regional Plan - Sustaining the Catchments.
- e) Development is to maximise the potential for on site retention and use of stormwater runoff.

### 5.4.3 Prescriptive Measures

- a) All developments shall submit a "Soil and Water Management Plan"(SWMP) with the development application which addresses soil erosion, sediment control and stormwater management for the proposed subdivision during the construction phase and over the long term life of the development. The SWMP should be prepared by a suitably qualified practitioner and utilise all best practice environmental engineering techniques.

All minor applications should be supported by a statement addressing the expected flows (pre and post development) and the measures taken to ensure that stormwater is retained on-site or suitably disposed of.

- b) The design, construction and implementation of the stormwater drainage systems and networks shall;
- be in accordance with Council's subdivision and development code, the South Bowenfels Release Area Stormwater Management Strategy and adopted Storm Water Management Plan (dated September, 2003).
  - Integrate effectively with other design elements of the subdivision such as street networks, utility services and open space networks.
- c) Public drainage devices shall only be located beyond the riparian corridors and on land that is to be dedicated at no cost to Council such as drainage reserves, public roads, public pathways or public open space. Any proposal to locate such devices on public open space will need to be fully justified in terms of the impact on the utility of the land for conservation, recreation or other open space purposes.
- d) Where the site topography prevents discharge of storm water directly to the street gutter or a Council controlled pipe system, inter allotment drainage shall be provided to accept all runoff from the site. The design, capacity and construction of the inter allotment drainage system shall be in accordance with the requirements of Australian Rainfall and Runoff: A guide to flood estimation, The Institution of Engineers, Australia.
- e) Appropriate easements will be required to be created and shown on development application plans. Proposals which require the creation of easements over downstream properties for drainage purposes will require the written consent of the owner(s) of the properties affected and such consent is required to be submitted to Council with the development application.

- f) No construction work will be permitted over any easement.
- g) All outlets from the stormwater drainage system shall be designed to minimise scour and erosion potential within the existing drainage lines/watercourses.
- h) Any development which may be impacted upon from surface water runoff from land at a higher elevation must address the overland flow of water through the development (both pre and post flows). This may require a detailed hydrological analysis by a suitably qualified Engineer.
- i) All stormwater control devices are to be installed off- line, so as to prevent obstruction to fish passage and damage to aquatic habitats within any watercourse or wetland.

## 5.5 Public Open Space

### 5.5.1 Objectives

- a) To provide sufficient public open space for the active and passive recreation needs of residents.
- b) To enhance the appearance, amenity, safety and energy efficiency of urban development through integrated open space and landscape design.
- c) To enable multiple use of open space and open space corridors for recreation, conservation, access and drainage without diminishing the recreation or conservation values of that space.
- d) To retain significant features and ensure that the overall visual impact is not unnecessarily reduced.
- e) To provide adequate spatial and functional distribution of open space.
- f) To link significant areas of open space with pedestrian and cycle routes to form a comprehensive open space system.

### 5.5.2 Performance Criteria

- a) The provision of Open Space conforms to the requirements of any Open Space Plan/Study adopted by Council that relates to the area.
- b) Open Space is provided so as to:
- reflect the positive attributes of the locality and contributes to its character;
  - provide for a range of uses and activities for all members of the community;
  - provide a local focus for social interaction; and
  - be cost effective to maintain;
- c) Open Space is provided so as to
- provide or extend bushland corridors as habitat for native fauna and flora;
  - retain significant natural and/or man-made features

- protect and rehabilitate watercourses, riparian corridors and wetlands.
- provide for drainage reserves and slow movement corridors (pathways, cycleways and emergency access) as part of a high quality integrated open space network. enable pedestrian and cycle access.

### 5.5.3 Prescriptive Measures

- a) Where not specifically stated in an adopted Open Space plan/study, Open Space shall be provided at a rate of 2.83ha/1000 population of usable open space. (This area can be further broken down to 1.83ha of active/sporting open space and 1ha of passive/ parklands/1000 population). Where it is not feasible or desirable to dedicate a land component for Open Space within a development, Council will require an equivalent monetary contribution towards the provision of community usable open space areas.

For the purposes of calculation it shall be assumed that a single lot/dwelling is equivalent to 2.5 persons (ABS figures for mean household size 2001 Census).

- b) No lot shall be located more than 400m walking distance from public open space.
- c) No lot shall be located more than 500m walking distance from an active open space area/ playground.
- d) No more than 25% of lots in any stage of a development adjacent to open space shall abut that open space on a side or rear boundary.
- e) All aspects of open space planning are to be designed to encourage user safety and minimise conflict with adjoining uses.
- f) All public open space area and lots which adjoin public open space areas are to have an open style of fencing so as to maximise surveillance of the area and minimise criminal activity and environmental degradation. No solid fencing materials will be permitted to be used above 1.2m in height. A restrictive covenant will be required to be placed on all lots affected through an 88B Instrument accompanying the land title. Refer to Section 6.13 of this plan for further requirements.
- g) Riparian corridors are to be provided for conservation purposes only.
- h) Public footpaths and cycleways are to be located beyond the riparian corridor (furthest from the watercourse). Access to the watercourses can be provided at strategic locations where the ecological integrity of the existing riparian vegetation and stream bed stability will not be compromised.

## 5.6 Heritage

### 5.6.1 Objectives

- a) To preserve desirable elements of the character of settlement in the South Bowenfels area as identified on Map No1.
- b) To enhance retention and protection of identified heritage items and their curtilage.
- c) To protect Aboriginal archaeological sites.

### 5.6.2 Performance Criteria

- a) Identified heritage items and aboriginal archaeological sites are retained and curtilage protected. Protection of such items is incorporated in the subdivision design.
- b) Subdivision design does not adversely impact the cultural or heritage values of identified items or sites.
- c) In established areas, subdivisions should be sympathetically designed to ensure that the existing heritage value of the streetscape and character of an area and/or item is maintained.

### 5.6.3 Prescriptive Measures

- a) The development application shall provide details of any identified heritage item or aboriginal archaeological site including location in any proposed lot layout plan and proposed treatment of the proposed item or site:
- during the construction phase of the subdivision; and
  - during the long term development phase of the locality.

Depending on the level of impact expected, it may be necessary to lodge a heritage impact statement for the development. Enquiries should be made with Council officers early in the design stages of the subdivision.

Any aboriginal archaeological sites discovered through the process of land survey or subdivision design /construction are to be treated in accordance with the provisions of the National Parks and Wildlife Act, 1974.

## 5.7 Hazards/Environmental Constraints

### 5.7.1 Objectives

- a) To minimise the risk of life and/or property from hazards such as bushfire, flooding, landslip and contamination.
- b) To minimise adverse impact on adjoining or adjacent lands.
- c) To ensure development does not increase the impacts of natural or man- made hazards either within the site or off site.

### 5.7.2 Performance Criteria

- a) Subdivisions should be designed so as to enable the separation of urban development and potential bush fire prone areas. Subdivisions are to comply with the "Planning for Bushfire Protection" document prepared by the NSW Rural Fire Service.
- b) All potential hazards should be identified and addressed in the initial site analysis and planning. The development should be designed having regard to the sites opportunities and constraints.
- c) All contaminated or potentially contaminated sites must be investigated and remediated and validated to ensure no adverse impact on public health or the environment.
- d) Ensure that there is no risk to public health and safety or the environment from any activities carried out on a site.
- e) All steep land should be protected from development and left in a natural vegetated state.

### **5.7.3 Prescriptive Measures**

- a) Where a development site is located in a bush fire prone area, the development shall comply with the document "Planning for Bushfire Protection", prepared by the NSW Rural Fire Service. In general, Council will not favourably consider subdivision of heavily vegetated land in bush fire prone areas where the subdivision will require subsequent clearing of vegetation to meet required asset protection zones, access requirements and the like.

Asset protection zones are not to be located in the riparian corridor or wetland buffer area.

Refer to Map No 3 of the DCP titled "Bushfire Prone Areas" which shows the extent of Bush Fire Prone areas.

Refer to [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)

- b) Where the site has been identified as potentially subject to landslip, the applicant shall provide a geotechnical report prepared by a suitably qualified person to determine the feasibility of the proposal and mitigate any adverse environmental impact.
- c) Where the site had been identified as being affected by localised drainage or flooding the applicant will be required to provide a Hydrological Report prepared by a suitably qualified person to determine the environmental impact of the proposal and any means proposed to mitigate that impact.
- d) All subdivision applications will be required to carry out an initial site evaluation to determine if contamination is an issue to be addressed in

- accordance with the provisions of "Managing Land Contamination - Planning Guidelines SEPP 55- Remediation of Land" prepared by the Department of Urban Affairs and Planning and the Environment Protection Authority. Where land is identified as being contaminated or has the potential to be contaminated, further investigations will be triggered and required to be submitted with the development application. Further information is included in Council's Development Application Guide.
- e) All contamination reports should conform to the "Guidelines for Consultants - Reporting on Contaminated Sites" prepared by the NSW Environment Protection Authority.
- f) All applications for subdivisions are to lodge an assessment of exposed sites to determine wind loadings in accordance with the relevant Australian Standard.
- g) No building development is to occur on lands that have a slope in excess of 18°. Refer to Map No 5 titled "Slope Analysis" that indicates the slope categories for the area.

## **5.8 Benching/Cut & Fill**

### **5.8.1 Objectives**

- a) To ensure that new residential lots are designed to accommodate development of a high standard.
- b) To protect the amenity of adjoining lots.
- c) To enhance the visual amenity of newly developing residential precincts.
- d) To minimise the environmental impact of development.

### **5.8.2 Performance Criteria**

- a) Proposed streets, stormwater management and utility services infrastructure in new residential subdivisions have demonstrated capacity to provide the required level of service without the need for excessive cut and fill or construction of retaining walls.
- b) Disturbance to natural drainage patterns is minimised.

### **5.8.3 Prescriptive Measures**

- a) The maximum cut and fill batter slopes for road construction purposes shall be a maximum of 3H: 1V. Depending on soil classification this ratio will be reduced as determined by a Geotechnical assessment. All batters are to be constructed in accordance with Council's Subdivision and Development Code.

## 5.9 Visually Prominent Areas & Ridgelines

### 5.9.1 Objectives

- a) To retain significant features of the landscape and ensure that the visual impact of such are not unnecessarily reduced.
- b) To protect and preserve the escarpment and bushland in the vicinity of the town of Lithgow given their value:
  - as part of the natural heritage.
  - as a landscape backdrop of the town of Lithgow
  - as a natural stabiliser of the soil surface
  - as a habitat for flora and fauna
  - for recreation, education and public enjoyment compatible with their conservation.
- c) To maintain the character of the area and the sense of place associated with the prominent knoll known as Three Tree Hill.

### 5.9.2 Performance Criteria

- a) Development is to be designed so as to maintain the integrity of geological features of the area.
- b) Development is to result in minimal change to the landscape skyline as viewed from public vantage points.
- c) Development is to result in minimal loss of existing vegetation and bushland.
- d) Development is to be designed to blend into the existing landform without adverse visual impact.

### 5.9.3 Prescriptive Measures

- a) Any development proposed for the western boundary of the area of this plan is to provide a vegetated buffer 20m wide and variable following natural contour levels. A landscaping plan will be required detailing the proposed treatment of this area including plant species to be planted in both the upper and lower canopies as well as mature plant heights.
- b) No building development is to occur on lands that have a slope in excess of 18°.
- c) A landscape assessment is to accompany all applications for subdivision involving three or more lots to identify the visual impact of the proposal.
- d) No existing vegetation is to be removed from development sites without the prior approval of Council.
- e) The elevation of the roof of any building is not to be above the 960 AHD level around the trees located on Three Tree Hill as viewed from adjoining development and public spaces.

This requirement is to be placed on as a restrictive covenant through an 88 B instrument.

## 5.10 Protection of Watercourses and Riparian Corridors

### 5.10.1 Objectives

- a) To conserve, protect and rehabilitate watercourses (as identified on Map No 4 titled “Stream Categories Riparian Corridors and Buffers”) as natural systems;
- b) To conserve, protect and rehabilitate the watercourses and wetland;
- c) To conserve, protect and rehabilitate riparian corridors through the provision of continuous, fully vegetated riparian corridors with local provenance species along both sides of the watercourses and around the wetland;
- d) To ensure that ecological linkages are provided between native vegetation of conservation significance and the riparian corridors by providing supplementary plantings.

### 5.10.2 Performance Criteria

- a) All remnant vegetation within the riparian corridors should be protected and rehabilitated. Development of the site should result in no further loss of existing native vegetation along watercourses or wetland.
- b) The riparian corridors are to be rehabilitated with local provenance species at a density that would occur naturally.
- c) A suitable interface should be provided between the riparian corridor and the development (such as perimeter roads, recreational areas, and open space)
- d) Any assessment of flood impacts and flood modelling must take account the establishment of a fully structured vegetated riparian corridor. The Manning “n” roughness coefficient is to be such that it represents a diverse and fully structured riparian corridor (trees, shrubs and groundcover) for discharge determinations.
- e) Any bank stabilisation measures are to use soft engineering techniques that promote an ethos of sustainability and naturalness.
- f) The number of watercourse road crossings is to be minimised.

### 5.10.3 Prescriptive Measures

- a) The minimum riparian corridor widths and buffers (measured from top of bank) to be protected and rehabilitated within the South Bowenfels Release Area are to be in accordance with the attached Map No 4 titled “Stream Categories –Riparian Corridors and Buffers” and the relevant stream category minimal widths stated in Appendix C.

*NB: Farmers Creek is categorised as Category 1- Environmental Corridor.  
Other Watercourses have been categorised as Category 2 – terrestrial and aquatic habitat.*

- b) A Vegetation Management Plan (VMP) is to be prepared to establish the riparian corridors and buffers. The VMP is to use natural and assisted vegetation and planting of locally native vegetation (trees, shrubs, and groundcover species) that emulate the native vegetation community of the site.
- c) No new development is to occur in the riparian corridors unless the works include
  - rehabilitation of aquatic and riparian vegetation and habitat;
  - demolition and removal of existing structures or works;
  - road crossings;
  - crossings for easement services
  - utility installation crossings
  - stormwater outlets

Such development should be designed and constructed so that ecological connectivity values are not compromised.

- d) No other new development will be approved within the riparian corridor.
- e) Asset Protection Zones are not to be located within riparian corridors.
- f) Perimeter roads are to be provided between the riparian corridor and development.
- g) Road crossings must be designed to maintain riparian connectivity and
  - allow for the growth of local provenance vegetation under the bridge structure
  - allow for light and moisture penetration
  - use pierced bridge approaches. The piers are not to be located in the bed of the watercourse
  - the bridge crossing easement must be the minimum width for the bridge structure
  - all services /utilities are to be located within the road crossing easement
- h) All stormwater discharge is to be treated outside the riparian corridor before it enters the watercourse.

## **PART SIX - RESIDENTIAL DEVELOPMENT**

### **6.1 Site Area and Dimensions**

Please refer to Section 5.1 LOT LAYOUT AND SIZE for minimum allotment areas and dimensions for each type of residential development. Developments must meet the development standards of this section.

### **6.2 Hazards/Environmental Constraints**

Please refer to Section 5.7 HAZARDS/ENVIRONMENTAL CONSTRAINTS. All developments must give consideration to this design element.

### **6.3 Benching/Cut & Fill**

#### **6.3.1 Objectives**

- a) To ensure that new residential lots are designed to accommodate development of a high standard.
- b) To protect the amenity of adjoining lots.
- c) To enhance the visual amenity of newly developing residential precincts.
- d) To minimise the environmental impact of development.

#### **6.3.2 Performance Criteria**

- a) Proposed residential lots have a demonstrated capacity to accommodate high quality dwellings and any ancillary development including vehicular access without the need for excessive cut and fill, terracing of sites or construction of retaining walls.
- b) Disturbance to natural drainage patterns is minimised.

#### **6.3.3 Prescriptive Measures**

- a) Filling in excess of 600mm and up to 1.5m may only be considered where there is no impact on the amenity of the adjoining properties and the fill is contained within the perimeter of the building by means of suitable integrated retaining systems such as slab dropped edge beams.

Excavations in excess of 1 metre may be considered where: there is no impact on amenity of either the subject dwelling or the adjoining properties; adequate provision is made for surface and sub soil drainage; the retaining walls are designed by a suitably qualified structural engineer and the excavation is integrated in the design of the dwelling.

In assessing the impact on the amenity on the subject dwelling, it is required that the external walls of the subject dwelling should be set back from the retaining wall a minimum distance equal to the height of the retaining wall to allow for the provision of adequate light and ventilation to the dwelling and its curtilage.

*It should be noted that compliance with the other requirements in Part 6 (eg Building height) may be more difficult if the above design features are incorporated in the proposed residential development. All development must demonstrate compliance with all provisions of this plan and should not address any one design element in isolation.*

- b) All fill above 600mm in height to be retained by suitable retaining methods.
- c) Retaining walls shall be constructed or faced with materials that are similar to and complement the character of the area and the existing and proposed development. Retaining walls should generally be constructed of masonry materials or complimented by appropriate landscaping.
- d) A retaining wall must locate sub-soil drainage lines;
  - behind the base of the wall, and
  - the drainage lines must connect to the proposed stormwater drainage system of the development.
- e) All retaining walls above 600mm in height will require submission of a development application and construction certificate and is to be supported by a Structural Engineers design.
- f) Driveways and car parking areas shall have a maximum grade of 22% with suitable transitions at the boundary and garages to prevent scraping.

### **6.4 Density**

#### **6.4.1 Objectives**

- a) To ensure that the site density of new development complements the residential neighbourhood.
- b) To provide diversity of housing choice within the area.

#### **6.4.2 Performance Criteria**

Developments should be designed to

- a) compliment the housing density and character in the surrounding area;
- b) minimise the impact on the amenity of neighbouring properties and public open spaces;
- c) maintain a balance with private open space; and
- d) avoid dominating the allotment and streetscape.



### 6.4.3 Prescriptive Measures

- a) All development shall not exceed a floor space ratio greater than 0.5:1. For the purposes of calculating the total gross floor area, each car parking space is deemed to have an area of 18m<sup>2</sup>.
- b) The maximum number of dwellings on each site for medium density development shall not exceed:
  - one 1 bedroom dwelling per 220m<sup>2</sup> of site area
  - one 2 bedroom dwelling per 300m<sup>2</sup> of site area
  - one 3+ bedroom dwelling per 375m<sup>2</sup> of site area.

Any calculation with a 0.5 decimal point and above shall be rounded up. Council will consider a variation for one additional dwelling if the decimal point is less than 0.5 where the site area is in excess of 1500m<sup>2</sup>.

Notwithstanding the above development shall not exceed a floor space ratio greater than 0.5:1.

- c) Notwithstanding clauses a) & b) above, development for the purposes of dual occupancies and medium density shall not be carried out on an allotment of land to which this DCP applies where:
  - the shortest distance between the point on the boundary of the allotment and a point on the boundary of an allotment on which another dual occupancy or medium density development has been carried out, or for which there is a current consent for development of that classification, is less than 75m.

## 6.5 Setbacks

### 6.5.1 Objectives

- a) To ensure siting of a building protects the amenity of neighbouring properties and maintains appropriate residential character.
- b) To ensure the siting of buildings is compatible with the alignment of neighbouring buildings and the general alignment in the street.
- c) To setback buildings and garages/carports from the street to provide adequate space for landscape or open space, visual and acoustic privacy and vehicle parking, while assisting in establishing an attractive streetscape.
- d) To provide spatial relief between buildings, maximising solar access and privacy.
- e) To minimise the impact of vehicle movement on the living areas and bedrooms of dwellings.
- f) To establish a scale and sense of enclosure appropriate of the locality.

### 6.5.2 Performance Criteria

- a) The setback of buildings contributes to existing or proposed streetscape character, assists the integration of new developments into the public streetscape, makes efficient use of the site and provides amenity for residents.
- b) The location of garages and carports does not diminish the attractiveness of the streetscape, does not dominate views of the dwelling from the street and integrates with features of associated dwellings.
- c) The setback of buildings should progressively increase as the building and wall heights increase.
- d) The setback of buildings and structures should
  - protect the activities and amenity of adjoining uses,
  - provide an adequate area for landscaping to protect existing trees and natural features,
  - provide adequate sunlight to the living areas and private open space of a proposed dwelling and neighbouring properties,
  - enable a sharing of views between neighbours, and
  - relate to existing landform with minimal cut and fill.

### 6.5.3 Prescriptive Measures

*Setbacks listed below are minimum standards only and may be required to be increased to achieve other objectives of this plan.*

#### a) Front Setback

- i) The minimum front setback for the first storey is to be no less than 6m.
- ii) The minimum front setback for the second storey is to be no less than 7m
- iii) Where neighbouring developments are not consistent in their front setback line, development setback should be in a 10% range of the average of the existing adjoining setbacks.
- iv) Detached carports and garages should be recessed a minimum of 0.5m behind the main building.

#### b) Secondary Setback

- i) The minimum secondary setback for single dwellings shall be 4m. Developments should be treated in such a way either through design or landscaping to reduce the visual prominence as viewed from the street.
- ii) The setbacks for garages fronting the secondary street frontage should respect the setback of any existing adjacent development facing the secondary street and should generally not be located forward of their

associated main dwelling. Such setback is to be a minimum of 5.5m.

- iii) The minimum secondary setback for dual occupancies and medium density developments shall comply with front boundary setbacks (single storey 6m, 2 storey 7m).

**c) Side and Rear Setback for Single Dwellings, Granny Flats, and Dual Occupancies & Ancillary buildings**

- i) The minimum setback to the side boundary of an allotment shall be:

- 0.9m for a building wall and
- 0.675m for eaves and gutters.

- ii) All development shall be sited so as to be fully contained within the building height envelope as specified in Section 6.6.
- iii) The minimum setback for a driveway to the side and rear boundaries of an allotment is 1m.
- iv) The minimum side setback for an ancillary building is 0.6m.

**d) Medium Density Development**

- i) The minimum setback to the side and rear boundaries of an allotment shall be;

- 4.5m for single storey development,
- 6m for two storey development.

- ii) The minimum setback for a driveway to the side and rear boundaries of an allotment is 1.5m.

**e) Development Adjoining the Great Western Highway.**

All development adjoining the Great Western Highway are to be setback a minimum distance of 10m from the boundary.

*Please note compliance with 6.10.3 b) v) may require an increase in this distance.*

**6.6 Building Height**

**6.6.1 Objectives**

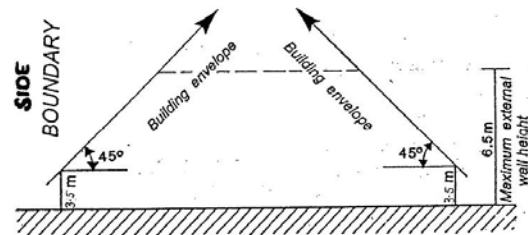
- a) To ensure that development minimises impact on the neighbouring properties in terms of bulk, overshadowing, privacy and views.
- b) To ensure that new development is built at a height compatible with the existing or likely future character of the area.
- c) To minimise the impact of development on significant natural features such as Three Tree Hill.

**6.6.2 Performance Criteria**

- a) Building height should be related to landform, with minimal cut and fill.
- b) Building heights are similar to those in the public streetscape, with higher buildings sited so as to minimise adverse impacts on neighbours and on the streetscape.
- c) Building forms do not intrude on the vistas created from or to significant natural features.

**6.6.3 Prescriptive Measures**

Buildings are to be sited within a building envelope determined by the following method and shown in Diagram 1. Planes are projected at 45° from a height of 3.5m above natural ground level at the side boundaries to a maximum height of 6.5m.



*Figure 4. Method for determining building envelope & height.*

**6.7 Open Space & Landscaping**

**6.7.1 Objectives**

- a) To ensure that private open space provided for dwellings is clearly defined, usable and meets user requirements for privacy, access, outdoor activities and landscaping.
- b) To provide an environment which enhances the streetscape and surrounding neighbourhood.
- c) To require landscaping which is consistent with the scale of development and complements the visual amenity of the neighbourhood and streetscape.
- d) To maximise landscaped areas which are easy to maintain and avoid large hard surfaced areas.

**6.7.2 Performance Criteria**

- a) Private open space is clearly defined for private use and be suitably screened to achieve a level of privacy consistent with the surrounding environment.
- b) Open space areas are of dimensions to suit the projected requirements of the dwelling occupants, and to accommodate some outdoor

- recreational needs as well as providing space for service functions.
- c) Part of the open space is capable of serving as an extension of the dwelling for relaxation, dining, entertainment, recreation and children's play, and is accessible from a main living area of the dwelling.
  - d) Location of open space takes advantage of outlook and natural features of the site; reduces adverse impact of adjacent buildings on privacy and overshadowing; and addresses surveillance, privacy and security issues where private open space abuts public space.
  - e) Orientation of open space helps to achieve comfortable year-round use.
  - f) The landscape design of open space should
    - contribute appropriate planting to the street frontage
    - improve the amenity and privacy to dwellings
    - minimise the risk to overhead or underground services

- avoid stormwater run-off by minimising hard paved areas;
- plant vegetation which is suitable for the climate and character of the area.

### 6.7.3 Prescriptive Measures

#### a) Open Space

- i) Open Space areas where possible should be located on the northern side of the dwelling.
- ii) Landscaped front yards, drying areas, parking and access areas, and garbage receptacles are not to be considered as open space areas.
- iii) Patios, decks, balconies and the like at or near ground level may only be counted as open space when they are not enclosed by the line of the roof of the building.

#### b) Private Open Space

- i) The minimum amount of private open space to be provided is shown in the table following;

### PRIVATE OPEN SPACE REQUIREMENTS

Development Type	Size of Dwelling	Private Open Space (M <sup>2</sup> ) Per Dwelling
Dwelling House	All	100m <sup>2</sup>
Granny Flats	All	50m <sup>2</sup>
Dual Occupancy	2 bedroom or less	75m <sup>2</sup>
	3+ bedrooms	100m <sup>2</sup>
Medium Density where private open space is to be provided at ground level	Per Dwelling	75m <sup>2</sup>
Medium Density where private open space is to be provided above ground	Per Dwelling	Equivalent of 50m <sup>2</sup> Comprising of Private balcony - Minimum area 15m <sup>2</sup> & Communal Open Space.

- ii) Private open space at ground level is to contain a primary area of at least 8m by 4m, directly connected to a living area, and not to steeper than 1 in 10 gradient. On steeper sites private open space is to be terraced to provide useable space.
  - iii) Private open space above ground level to have a minimum dimension 2m and be located to have direct access to the main habitable rooms of the dwelling.
  - iv) Private open space is not to be provided forward of the front building line on the primary frontage.
- c) Communal Open Space**
- i) Where developments do not have ground level open space, open space is to be provided by a private balcony as required by ii) above and provide a communal open space area on site calculated by multiplying the number of units by 50m<sup>2</sup> private open space area per dwelling, minus the area provided as balcony.

*For example 8 units with balconies of 15m<sup>2</sup> - The Communal open space requirement is 8x (50-15) = 8x35 = 280m<sup>2</sup>.*

- ii) Communal open space areas should have a minimum dimension of 10m, be functional and provide for both passive and active recreation needs of the range of residents. (Remnants of space on a site that are of little actual use will not satisfy as communal open space).
  - iii) Communal open space should be located to maximise solar access and be separated from the main living areas of the dwellings.
  - iv) Communal open space should have a gradient no steeper than 1 in 10 gradient. Steeper sites may need to be terraced to provide a usable space.
- d) Landscaping**
- i) A minimum landscaped area of 35% applies to the site. This area may be required to be

increased to meet the other design objectives of this plan.

- ii) All applications, except for single dwellings will be required to submit a landscape concept plan for the site, prepared by a landscape architect or suitably qualified person. Council's Development Application Guide identifies the information that should be included in landscape concept plan to accompany the development application. The plan should provide for plants and trees of a suitable species, growth rate and maturity height to meet the required objectives.
- iii) Landscaped areas are to minimise the use of impervious surfaces and be designed to facilitate on-site filtration of stormwater runoff.

A maximum of 60% impervious site coverage will be permitted in any one development.

- iv) The area between any driveway/access servicing a rear dwelling and the side boundary shall be a mulched garden bed with permanent edging. The bed is to be planted with suitable species so as to "soften" the appearance of the driveway and any fencing.
- v) Appropriate housing lighting is to be provided to pedestrian pathways, dwelling entries, driveways and car parks to ensure a high level of safety and security for residents and visitors and to minimise impact on adjoining development. Full details of lighting to be included in the landscape concept plan for the development.
- vi) For all developments, except single dwellings, Council will require the submission of a landscape maintenance bond equal to 1% of the total building costs with such monetary bond or bank guarantee to be released 12 months after satisfactory maintenance of the landscaped areas.
- vii) Development having frontage to the Great Western Highway shall be suitably landscaped to soften the development as viewed from the Highway, provide assistance with noise

attenuation and provide an adequate buffer. Details of such landscaping are to accompany any development application.

## **6.8 Parking and Access**

### **6.8.1 Objectives**

- a) To provide sufficient, convenient and safe parking which is adequate for residents and visitors and is not visually obtrusive.
- b) To make appropriate provisions for vehicle turning movements.
- c) To ensure the safety of pedestrians, cyclists and vehicles.
- d) To ensure driveway design minimises its visual impact on streetscape.

### **6.8.2 Performance Criteria**

- a) Carparking is provided according to projected needs which are determined by:
  - the number and size of proposed dwellings;
  - availability of public transport;
  - availability of on-street car parking;
  - the location of non-residential uses; and
- b) Carparking facilities such as carports, garages and driveways are to be designed and located to:
  - conveniently and safely serve users including pedestrians, cyclists and vehicles;
  - enable efficient use of car spaces and access ways, including adequate manoeuvrability for vehicles between the street and the lot;
  - achieve relevant streetscape objectives; and
- c) Parking areas and driveways are to be designed, surfaced and graded to reduce runoff and allow stormwater to be controlled on site.

### **6.8.3 Prescriptive Measures**

- a) Car parking facilities for residential development shall be provided in accordance with the following table:

## CAR PARKING REQUIREMENTS

Dwelling Classification	Dwelling Size or Number of Bedrooms	Resident Car Spaces Required*	Visitor Car Spaces Required
Single Dwellings	All	2 spaces (one of which is enclosed)	Nil
Granny Flats	All	1 space	Nil
Dual Occupancies (in addition to that required for the first dwelling)	1 or 2 bedroom	1 enclosed space	1 space for every two dwellings or part thereof*
	2 bedroom	1 enclosed space	1 space for every dwelling.
	3+ bedrooms	2 spaces (one of which is enclosed)	1 space for every dwelling.
Medium Density	1 bedroom	1 enclosed space	1 space for every two dwellings or part thereof*
	2 bedroom	2 spaces (one of which is enclosed)	1 space for every two dwellings or part thereof*
	3+ bedrooms	2 spaces (one of which is enclosed)	1 space for every two dwellings or part thereof.*

*\*The number of car parking spaces shall be rounded up to the nearest whole number. Studies and the like will be considered as bedrooms. Each Medium Density development shall provide at least one visitor car parking space suitably sized to cater for use by the disabled.*

- b) Stacked resident parking spaces are acceptable for all dwelling classifications except medium density developments and required visitor parking but only where more than one car-parking space is required for an individual dwelling.
- c) Vehicular access and parking areas for medium density development are to ensure that all vehicles are capable of entering and exiting the site in a forward direction and ingress and egress from each space can be achieved in one movement.
- d) Required car parking (other than the space associated with stacked resident parking) shall not be provided forward of the building line or within the front setback.
- e) All visitor car parking spaces are to be clearly marked and not utilised for vehicular manoeuvring areas or open space. The visitor car parking area shall be located in a visible, accessible and centrally located area and shall be clearly signposted. The visitor car parking spaces shall not be located behind garage doors or security gates.
- f) Garages shall have a minimum dimension of 3.5m x 5.5m measured internally. Garage doorways shall have a minimum width of 2.5m.
- g) All car parking spaces shall have minimum dimensions of 2.5m x 5.5m. Minimum dimensions to be used for parking spaces and aisles for parallel and angle parking are shown in Appendix B.
- h) Access driveways are to be offset from the side boundary a minimum of 1.5m for the full length of driveway for medium density developments, and for the full length of the front setback area tapering to 1m for all other development classifications.
- i) Excessive use of plain concrete for driveways and parking areas is to be avoided through the use of curved driveways broken with landscaping and the use of coloured or textured paving or concrete. Details of such treatment are to be provided with the development application. No gravel or the like is to be used for the finished treatment of driveways.
- j) Driveways are to have a minimum pavement width of 3.5m which will increase depending on the size and scale of the development. In larger developments the driveway/access shall be greater within the front setback area to accommodate two vehicles abreast.
- k) Driveways and car parking areas shall have a maximum grade of 22% with suitable transitions at the boundary and garages to prevent scraping.
- l) Driveways are to be a minimum of 6m from the kerb return of a street corner. Vehicular footpath crossings shall be perpendicular to the road and shall be in accordance with access profiles approved by Council's engineering department.

- m) Driveways are to be a minimum of 0.5m clear of drainage structures on the kerb and gutter. Driveways are to take into consideration the existing public utility infrastructure. Any relocation will be at the cost of the developer.
- n) Kerb and gutter, road shoulder and footpath construction for the road frontage only of the development shall be required to be carried out where it is not already provided.
- o) All car parking areas will be required to be suitably screened and landscaped to minimise their impact on adjoining dwellings and the streetscape. Details of such treatment will be required to be submitted in the landscape concept plan for all developments other than single dwellings.
- p) No carport or garage is to be sited forward of the building line.
- q) All development will be required to allow vehicular access to the rear of the site either by vacant land/driveway or via double drive through garage doors. Where the latter is chosen, consideration should be given to the width of the structure and overhead clearances which may be needed by larger vehicles.

## 6.9 Streetscape & Building Design

### 6.9.1 Objectives

- a) To achieve housing forms of scale and character which complements the surrounding development and enhances the image of the area.
- b) To ensure that streets are attractive and pedestrian friendly.
- c) To ensure a safe environment by promoting crime prevention through design.
- d) To ensure that development recognises any particular streetscape features and qualities.
- e) To provide attractive streetscapes that reinforce the functions of the street, enhance the amenity of buildings, and are sensitive to the built form, landscape and environmental conditions of the locality including heritage.
- f) To preserve desirable elements of the character of settlement in the South Bowenfels area.
- g) To enhance retention and protection of identified heritage items and curtilages.

### 6.9.2 Performance Criteria

- a) All development must contribute to the streetscape and landscape character of the area by
  - being complimentary to existing development within the neighbourhood in regard to building bulk, height, colours and materials, roof pitches and facade articulation.
  - integrating with the existing buildings and landscaping of the street, maintaining and

enhancing significant vegetation and site features.

- b) The frontage of buildings and their entries are readily apparent to the street.
- c) Carports and garages are sited and designed so as not to dominate the street frontage.
- d) The design, materials and colours of a building should articulate or soften the external facades and roof to add visual interest to the streetscape.
- e) A front dwelling in a multi-unit development should appear like a dwelling house, with its unique identity when viewed from the street.
- f) The appearance of dwellings within a multi-unit development should vary if the development is located in an established area of diverse building styles.
- g) Appropriate landscaping should be used to create a pleasant and attractive streetscape.
- h) Identified heritage items are retained and curtilage protected. Protection of such items is to be incorporated into the developments design.
- i) Development is to be sympathetically designed to ensure that the existing heritage value of the items and their place in the area is maintained.

### 6.9.3 Prescriptive Measures

- a) Buildings adjacent to the public street are to address the street by having a front door and/or living room or kitchen window facing the street.
- b) No building wall in excess of 5m to the public street frontage or 12m to a side boundary shall be unarticulated. Architectural elements which may be used to articulate facades and minimise large expanses of blank walls and glazed areas include but not limited to;
  - i) defining the base, middle or top of a building using different materials and colours, or
  - ii) incorporating horizontal or vertical elements such as recessed walls or banding, or
  - iii) incorporating recessed or partially recessed balconies within the building wall, or
  - iv) incorporating “Juliet” balconies or french windows, or
  - v) defining the window openings, fenestration, balustrade design, building entrances, and doors, or
  - vi) using roof forms to create an interesting skyline, or
  - vii) using sun shading devices, or
  - viii) any other suitable architectural feature.
- c) A development on a corner allotment must present each street façade as a main street façade.
- d) Each dwelling in a dual occupancy development on a corner allotment shall address a different public street.
- e) The design of the front dwelling of a medium density development shall have the appearance of a single dwelling as viewed from the primary frontage.

- f) All new development must have a minimum roof pitch of 15° except for rear additions to an existing building which are not visible from the street. In established areas the majority of the roof form viewed from the public street and adjoining properties shall be pitched at an angle not less than 5° below the dominant roof pitch in the sites visible locality.
- g) Carports and garages are to be designed to be compatible with the dwelling design and with a maximum width of garage or carport opening of 6m, where they face the street, so as to not dominate the streetscape.
- h) Depending on the scale of development the design of some residential flat development will be required to comply with State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development, and should consider the Residential Flat Design Code.
- i) Areas between the front building line and the public street will be required to be adequately landscaped to establish or strengthen positive elements of neighbourhood character. Details of treatment of this area are to be provided in the Landscape Concept Plan submitted with a development application for all developments other than single dwellings.
- j) On corner allotments secondary street fencing shall not be greater than 1.5m high and shall be constructed of materials consistent with the design and principal wall materials of the dwelling and should incorporate masonry as a component of the fencing construction. **No colorbond fencing to be used on corner allotments.** Fencing should also be complimented with appropriate landscaping.
- k) Development proposed to be carried out in the area surrounding Three Tree Hill shall ensure that the elevation of the roof of any structure is to be no higher than 960 AHD. Ground levels and contours taken by a registered surveyor must be submitted with any development application.
- l) Development involving or in the vicinity of a heritage item, may, depending on the level of impact, require a Heritage Impact Statement to be prepared by a suitably qualified person and submitted with the development application.
- m) All external walls of development are to be constructed of brick, stone, concrete, glass or timber or any combination of the above provided that timber or other light weight materials are only used as infill panels and do not represent more than 25% of the building materials used for external walls except where finished with a masonry product.
- n) All roofing materials are to be of either concrete or terracotta tiles or the like or colour bond iron. All materials are to be non-reflective and of colours to compliment adjoining development and the landscape.

- o) All outbuildings are to be constructed of materials to compliment the main dwelling or development upon the site and to be non-reflective.
- p) Development is to enclose all sub floor areas with appropriate materials to compliment the main building design.

## 6.10 Privacy

### 6.10.1 Objectives

- a) To minimise the overlooking of a living area and private open space of a dwelling.
- b) To maximise privacy between buildings.
- c) To ensure the design and siting of a building provide acoustic privacy for residents and neighbours in their dwellings.

### 6.10.2 Performance Criteria

- a) The privacy of dwellings (particularly a living area) and a private open space should be protected through:
  - the building layout and setbacks
  - the location and design of windows, balconies, terraces and the like; and
  - landscaping and screening.
- b) The building design should minimise overlooking in preference to a screening device, high sills, or obscure glass. Where used, these elements should integrate with the building design and have a minimal impact on the amenity of neighbouring properties.
- c) The siting of a noise sensitive room and private open space should be away from a noise source (such as active recreational area, driveway and parking area, service equipment area, pool filter/pump, air conditioning unit, and burglar alarm) in addition to appropriate noise shielding techniques.
- d) The siting and construction of a development should:
  - reduce the reflection of noise onto other buildings;
  - minimise the infiltration of noise into a building;
  - minimise sound transmissions through a building structure and common walls; and
  - provide an acoustic barrier to private and communal open spaces.

### 6.10.3 Prescriptive Measures

- a) Visual Privacy
  - i) Where a development proposes a habitable room window that is within 9m of, or directly overlooks, habitable room windows of an adjacent dwelling, the development must:

- offset the windows between dwellings to minimise overlooking, or
  - provide the window with a minimum sill height of 1.7m above floor level, or
  - ensure the window cannot open and has obscure glazing to a minimum height of 1.7m above floor level, or
  - the appropriate use of another form of screening.
- ii) Outlook from windows, balconies, stairs, landings, terraces and decks or other private, communal or public areas within a development is obscured or screened where a direct view is available into the private open space of an existing dwelling or any likely future dwelling.

If screening is used, the view of the area overlooked must be restricted within 9m and beyond a 45° angle from the plane of the wall containing the opening, measured from a height of 1.7m above floor level (see figure below).

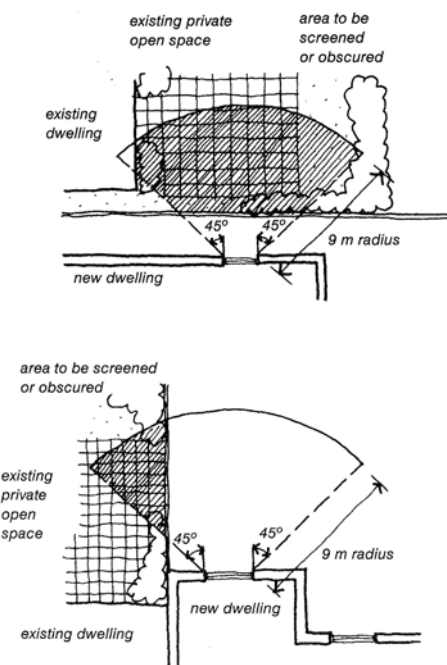


Figure 5. Screening views adjacent to private open spaces.

No screening is required where;

- windows are in bathrooms, toilets, laundries, storage rooms or other non-habitable rooms and they have translucent glazing or sill heights of at least 1.7m,
- windows are in habitable rooms and they have sill heights of 1.7m or more above floor level or translucent glazing to any part of a window less than 1.7m above floor level.

- Windows and balconies of an upper-level dwelling are designed to prevent over-looking of more than 50% of the private open space of a lower-level dwelling directly below and within the same development. (See Figure below)

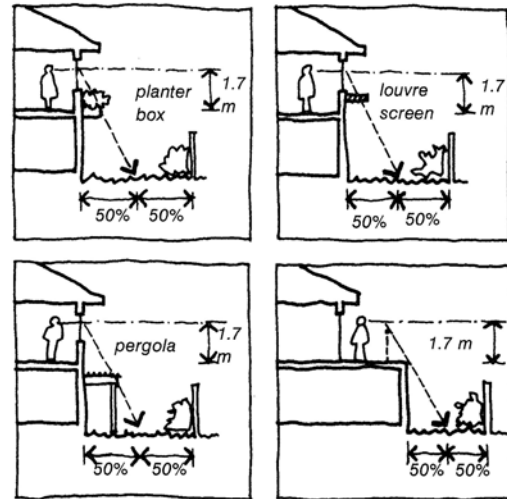


Figure 6. Techniques for providing privacy to a lower dwelling's private open space.

- Direct views described in ii. & iii. may be obscured by solid translucent screens or perforated panels or trellises which have a maximum of 25% openings, and which are:
  - permanent and fixed
  - of durable materials
  - designed and painted or coloured to blend in with the development.

#### b) Acoustic Privacy

- Bedroom windows to be sited at least 3m from shared streets and/or driveways and parking areas of other dwellings.
- Bedrooms of one dwelling do not share walls with living rooms or garages of adjacent dwellings within a medium density development.
- Shared walls and floors between dwellings within medium density developments are to be constructed in accordance with the noise transmission and insulation requirements of the Building Code of Australia.
- Site and building layouts to be designed to locate noise-sensitive rooms and private open space away from noise sources and allow for protection by appropriate noise-shielding techniques.
- An acoustic assessment is required to be carried out for all development adjoining the Great Western Highway and is to comply with any recommendations regarding setbacks and



appropriate noise shielding techniques. This requirement is to be placed as a restrictive covenant through an 88B instrument.

## **6.11 Solar Access and Efficiency**

### **6.11.1 Objectives**

- a) To maximise the benefits of passive solar design and natural ventilation;
- b) To minimise the degree of overshadowing on neighbouring properties; and
- c) To ensure that developments incorporate energy efficiency in the design, construction, and use of buildings.

### **6.11.2 Performance Criteria**

- a) The design and siting of a building should maximise solar access to the north facing windows of a living area, and to the private open space of a dwelling. The northern aspect is the most important in terms of sunlight. Face the main habitable rooms within the range of 30° east and 20° west of true north and locate main outdoor living areas on the northern side of the dwelling.
- b) A development should minimise the overshadowing of neighbouring properties and public open spaces.
- c) A development should explore innovative technologies and design approaches to maximise natural ventilation, insulation, solar orientation and energy efficiency.

### **6.11.3 Prescriptive Measures**

- a) Solar Access
  - i) The north facing windows to living areas of each dwelling and neighbouring dwellings are to receive at least 3 hours of sunlight over at least part of their surface between 9am and 3pm on 21 June.
  - ii) The open space areas of each dwelling and neighbouring dwellings are to receive at least 3 hours sunlight over at least 75% of its area between 9am and 3pm on 21 June.
  - iii) Should the requirements of i. & ii. are not already met by existing development, new development shall not further reduce access to sunlight.
  - iv) All outdoor clothes drying areas shall have at least two hours of access to sunlight between 9am and 3pm on 21 June.
  - v) A development should avoid overshadowing any existing solar hot water system, photovoltaic panel or other solar collector on an allotment and neighbouring properties.
  - vi) All developments other than single storey dwellings will be required to submit a shadow diagram showing the impact of a proposal on

adjoining residential buildings and their primary open space areas. A shadow diagram may be required as additional information for some single dwelling applications depending on the specific site characteristics.

### **b) Energy Efficiency**

All development applications for all classifications of residential dwellings must be accompanied by a BASIX Certificate and incorporate appropriate energy and water saving devices. For further information please refer to [www.iplan.nsw.gov.au/basix](http://www.iplan.nsw.gov.au/basix).

## **6.12 Crime Prevention**

### **6.12.1 Objectives**

- a) To ensure the siting and design of buildings contribute to the personal and property security of people.
- b) To ensure a development is integrated with the public domain and contribute to an active pedestrian-orientated environment.
- c) To maximise natural surveillance so that people feel safe at all times.
- d) To minimise the potential for intruders to enter buildings and dwellings.
- e) To ensure entrances and exits are clearly visible from the street.
- f) To encourage building designs, materials, and maintenance programs that reduces the opportunities for vandalism and graffiti.

### **6.12.2 Performance Criteria**

Design developments to minimise the opportunity for crime by;

- ensuring natural surveillance of buildings, streets, car parking facilities and open spaces is maximised through the provision of perimeter roads.
- incorporating increased security measures into the design of the building,
- utilising signage, building features and landscaping to reduce the likelihood of inappropriate activity and clearly define individual areas and uses within a development.

### **6.12.3 Prescriptive Measures**

All medium density developments must provide a statement which demonstrates how the development has been designed with consideration to the following four principles of Crime Prevention through Environmental Design.

- **Surveillance** - measures to enable maximum natural surveillance of buildings, streets, car parking facilities and open spaces,

- **Access Control** - measures used to provide a clear indication of areas where people are and are not permitted to go, and incorporating security measures to restrict access to private or high risk areas.
- **Territorial Reinforcement** - measures used to encourage the ownership of public space, clearly delineating between public and private space, and designing spaces to reflect the intended use.
- **Space Management** - measures used to ensure that spaces are well maintained and used as they were intended.

fence has openings which make it not less than 50% transparent. Where possible the fence should also be articulated to provide visual interest.

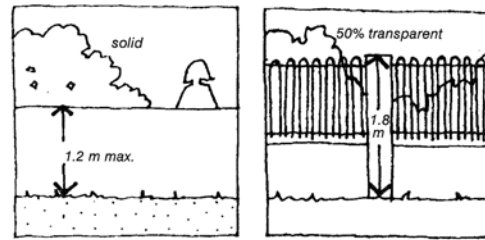


Figure 7. Higher front fences should generally be transparent.

## 6.13 Fencing

### 6.13.1 Objectives

- To ensure that developments provide fencing which complements existing private and public spaces and enhances the character of the development.
- To ensure that fencing does not dominate the streetscape.
- To ensure that fencing does not compromise the safety of residents or their capacity to undertake visual surveillance of adjoining areas.

### 6.13.2 Performance Criteria

- The design and materials of fencing are compatible with the associated development and with attractive fences in the nearby visible locality.
- Fences adjoining public open spaces should maintain surveillance and make a positive contribution to the public space.
- Fences should be designed to provide visual interest and should not be the dominant design element of a development.

### 6.13.3 Prescriptive Measures

- Bonded metal colour fencing is not permitted on the primary and secondary frontages of corner allotments or on any boundary adjoining public open space.
- On corner allotments secondary street fencing shall not be greater than 1.5m in height. Fencing shall be constructed of materials consistent with the design and principal wall materials of the dwelling and should incorporate masonry as a component of the fencing construction. Fencing will also be required to be complimented with appropriate landscaping.
- Fences adjoining active public open space areas to be no more than 1.2m high constructed of solid materials and should be constructed of primarily masonry materials consistent with the dwelling. The height of the fence may be increased to a maximum of 1.8m high if the

- Side and rear fences shall be a maximum of 1.8m in height.
- No solid fence is permitted forward of the building line other than decorative lightweight materials to a maximum height of 900mm.
- Details of fencing are to be provided with the development application.

## 6.14 Services and Site Facilities

### 6.14.1 Objectives

- To ensure that all essential services and facilities are provided to new developments.
- To ensure that site facilities provide easy access to dwellings, are visually attractive, blend in with the development and street character, and require minimal maintenance.
- To minimise any adverse environmental impact of development.

### 6.14.2 Performance Criteria

- All development shall provide a reasonable level of services consistent with urban development.
- Site facilities are to meet the requirements of residents and visitors, be readily accessible to each dwelling and require minimal maintenance.
- Garbage bin areas, mail boxes, external storage facilities and internal vehicular manoeuvring areas are sited and designed for attractive visual appearance, adequate access and function, and complement the architecture and environs.
- Dwellings are provided with adequate external clothes drying facilities.
- All services and household needs to be provided so as to minimise adverse environmental impact.

### 6.14.3 Prescriptive Measures

#### a) Essential Services

- i) All development is to be connected to Council's water, sewer and stormwater disposal systems.
- ii) All development shall be provided with underground connection to the following services to the satisfaction of the relevant authority. Written notification of arrangements with each of the authorities will be required to be submitted to Council.
  - Natural Gas – AGL or other approved service provider
  - Electricity - Integral Energy or other approved service provider
  - Telecommunications - Telstra or other approved service provider.
- iii) Fire hydrants and booster facilities are to be provided to developments in accordance with the requirements of the NSW Fire Brigade.
- iv) No wood or coal burning appliances are to be installed in any development.

#### b) Public Lighting

Public lighting of all communal spaces within a development is to be approved and provided to the requirements set by both Council and Integral Energy. All lighting associated with a development is to be designed and positioned so that at no time will, any light be cast upon any adjoining property.

#### c) Ancillary Structures

- i) The siting of a communications facility, aerial, satellite dish, plant room, and the like must;
  - integrate with the architectural features of the development to which it is attached, or
  - be sufficiently screened when viewed from the street and neighbouring properties.

#### d) Waste Facilities

For medium density development, an area is to be provided (paved and screened from view) to accommodate one 240 litre mobile garbage bin and one recycling crate per dwelling. A cold water tap is to be provided adjacent to this area to facilitate cleansing of the bins and drainage from this area is to be connected to Council's sewer with a trade waste approval.

Where possible bulk bin waste removal systems should be incorporated.

#### e) Clothes Drying Areas

Provision shall be made for external clothes drying areas for each dwelling. A minimum area of 4.5m<sup>2</sup> per dwelling/unit is to be provided. These areas should be screened from the street

and located in a secure and sunny position, generally with a northerly aspect.

#### f) Letter Boxes

All dwellings that require a letter box shall be provided with letterboxes readily accessible to the street, to the satisfaction of Australia Post. In medium density developments, letterbox facilities should be designed and appropriately treated to compliment the development and the streetscape.

The area around all freestanding mail boxes is to be landscaped.

#### g) Car Wash Bays

A car wash bay is to be provided for all medium density developments involving more than 5 dwellings. The car wash bay may be provided in one of the visitor car- parking spaces; however it will need to be located and designed to drain into an adjoining landscaped area

#### h) Heating Appliances

No wood or coal burning appliances are to be installed in any development.

#### i) Air Conditioning Units

Air conditioning units should be installed in accordance with the provisions of the Noise Guide for Local Government: Air conditioner noise.

### 6.15 Ancillary Development

#### 6.15.1 Objectives

- a) To ensure that ancillary development contributes positively to both the streetscape and the character of the area.
- b) To protect the amenity of neighbouring developments.
- c) To ensure that ancillary development visually integrates into the development and does not become the dominant focus of the site.

#### 6.15.2 Performance Criteria

- a) The use of an outbuilding and outdoor structure must directly relate to the residential development on the allotment.
- b) The design, materials, colours, bulk and scale of outbuildings should compliment the existing development of the site and that of the neighbourhood.
- c) Ancillary development is to be sited so as to minimise any adverse impact on adjacent allotments and meet the objectives, performance criteria and/or prescriptive measures of other elements of this plan.

### 6.15.3 Prescriptive Measures

#### a) Outbuildings

- i) Colours and materials shall compliment the immediate neighbourhood and shall be non-reflective.
- ii) All buildings to be sited to meet the minimum setback requirements of this plan.

#### b) Water Tanks

- i) Rainwater tanks, if proposed must have a combined capacity of at least 8,000 litres (10,000 is recommended). These must be fitted with a “first flush” diversion unit or “filter bag” to remove surface contamination and a facility for periodic de-sludging. The tank must have sufficient capacity and be connected so as to supplement water for the following services on the site, in order of priority;
  - Toilet flushing
  - Laundry
  - Garden irrigation; and
  - External washing (cars etc).

- ii) The tanks are to be installed (in accordance with the National Plumbing Drainage Code AS/NZS 3500) and connected to mains water supply with a backflow prevention device to top them up during periods of low rainfall. Supplemental inflow should not take place until the tank is at least 80% empty.
- iii) Submersible pumps are recommended as the water within the tank provides insulation to mask pump noise. Any pump external to the tank is to be enclosed in a noise attenuating enclosure and not create a noise problem. The pump is not to be audible at the nearest property boundary between 8.00pm and 7.00am Monday to Saturday and 8.00pm and 8.00am on Sundays.
- iv) Rainwater tanks shall only be connected to collect roof run-off.
- v) All above ground tanks shall be sited to minimise its visual impact and be appropriately screened.
- vi) No tank is to be located forward of the building line.

#### c) Swimming Pools

- i) Pool concourse levels to be at an appropriate height having regard to its potential impact on adjoining properties.
- ii) The siting of a pool pump and similar mechanical equipment must avoid the bedroom and living area windows of an adjoining dwelling.
- iii) The swimming pool/spa fence must comply with the Swimming Pools Act and Regulation (including AS 1926- Swimming Pool Safety).

## PART SEVEN – OTHER DEVELOPMENT TYPES

*The existing and preferred future character for the South Bowenfels Release Area is essentially dominated by residential development. However, it is recognised that other land uses are permissible within the area. The development of non-residential land uses should only be considered where through good urban design, these uses can be integrated within the area without detriment to either the areas natural features or residential amenity.*

*The development of these uses will be predominantly considered through a merit based assessment process. However, the following section provides a set of objectives against which all development will be assessed. Certain development standards and performance criteria for specific aspects of some development types are also outlined below.*

*Generally, the majority of provisions outlined in this DCP would relate to any development type, except where specifically stated as relating to residential development and should be considered as the broad development parameters for all development.*

### 7.1 Objectives

- a) **Appropriate Context** – Development is to respond to and contribute to the protection and rehabilitation of the key natural features of the area including watercourses and riparian corridors, wetlands and buffer areas, remnant vegetation and ecological corridors as well as significant landforms. Development is also to respond to key built features including items of heritage significance and established land uses.
- b) **Appropriate Scale** – Development is to be of an appropriate scale in terms of height and bulk so as to minimise adverse impacts on adjacent properties.
- c) **Appropriate Built Form** – Development is to be appropriate for a site having regard to the buildings purpose, use, setback, alignment and proportion.
- d) **Appropriate Density** - Development is to have an appropriate density for a site in terms of overall floor space and site coverage yields.
- e) **Appropriate Appearance** – Development is to contain an appropriate composition of building elements, textures, materials and colours.
- f) **Appropriate Amenity** – Development is to be compatible with the residential amenity of its surrounds and the area.
- g) **Appropriate Resource, Energy and Water Efficiency** – Development is to make efficient use of natural resources in order to optimise the efficiency of design for sustainability and incorporate Water and Sensitive Urban Design solutions.

h) *Appropriate Safety and Security* – Development is to be safe and secure in terms of its functionality and access to private, public and communal open space areas. Development should also ensure that it does not impact upon the safety of surrounding residential development.

### 7.2.1 Off street car parking

a) Developments will be required to provide off-street car parking at a minimum rate as specified in the following table

## 7.2 Development Standards (as adopted from relevant existing Development Control Plans).

**CAR PARKING STANDARDS TABLE**

<b>Land and Building Use</b>	<b>Rate of Provision</b>
Bed & Breakfast	1 space per bedroom
Car repair stations (includes panel and spray painting, workshops, general repair or servicing of motor vehicles and trucks)	1 space per 33m <sup>2</sup> of gfa or 3 spaces per work bay whichever is the greater plus 1 space per employee
Boarding houses, hostels, guest houses and similar uses	1 space per manager 1 space per staff on site at one time plus 1 space per bedroom
Child care centres	1 space per staff plus 1 space per 8 children
Educational establishments (a) infants, primary and secondary schools	1 space per staff (all schools) plus 1 space per 10 students 17 years of age or older, plus adequate student set down/pick up areas, bus turning areas plus parking for auditoriums and sports stadiums
(b) higher education establishments, tertiary schools and colleges	1 space per staff plus 1 space per 5 students plus bus turning areas for auditoriums and sports stadiums
Housing for the aged and disabled	as per the seniors living state environmental planning policy 2004.
Hotels	1 space per 5m <sup>2</sup> of bar, lounge, restaurant and service areas plus 1 space per bedroom or unit
Industrial development	1 space per 100m <sup>2</sup> of gfa used for industrial purposes 1 space per 300m <sup>2</sup> of gfa used for warehouse purposes 1 space per 40m <sup>2</sup> of gfa used for office purposes
Licensed clubs and reception centres	1 space per 5m <sup>2</sup> of licensed floor area plus 1 space per 5m <sup>2</sup> of dining area
Motels	1 space for each motel unit plus 1 space for manager plus 1 space per 2 employees on site at any one time before 9.00am, plus other uses (restaurant and conference rooms at their respective rates)
Motor showrooms	1 space per 40m <sup>2</sup> of office/administration area plus 1 space full time employee plus 3 spaces per work bay
Offices, including banks, professional offices and other similar uses	1 space per 40m <sup>2</sup> of gfa
Place of public worship	the greater of 1 space per 5 seats or where no seats 1 space per 6.5m <sup>2</sup> and additional provision for overflow parking on site
Professional consulting rooms- medical centres (commercial areas only)	3 spaces per surgery/procedures room plus 1 space
Recreation facilities squash courts tennis courts bowling alleys bowling greens all other facilities	3 spaces per court 3 spaces per court 3 spaces per alley 10 spaces per green assessed on demand analysis
Refreshment rooms (including restaurants and cafes)	1 space per 6.5m <sup>2</sup> of gfa or 1 space per 3 seats (whichever

	is greater) plus queuing area for a minimum of 5 cars if a drive through facility is provided
Road transport terminal	1 car space per staff member plus truck parking as required where other uses incorporated , see respective rates
Shops (including supermarkets and neighbourhood shopping centres)	1 space per 25m <sup>2</sup> of gfa
Service stations	3 spaces per work bay plus 1 space per 2 employees
Place of assembly (including theatres, halls, cinemas and similar uses)	1 space per 10 seats or 1 space per 6.5m <sup>2</sup> of gfa whichever is the greater
Tourist facilities- accomodation, caravan parks, camping grounds, cabins	1 space per manager plus bus parking plus 1 space per site plus visitor parking of 1 space per 10 tourist sites and/or 1 space per 5 permanent sites

Manoeuvring areas are to be calculated utilising AS/NZS 2890.1.2004 – Parking Facilities

- b) Carparking areas will be required to be suitably landscaped. Landscaped areas should be used throughout the car park rather than placed only on the perimeters. Pedestrian desire lines should be incorporated to ensure pedestrian traffic can move from the car park to the desired destination without the need for traversing landscaped areas.
  - c) Parking spaces for the disabled are to be provided and signposted in accordance with the relevant Australian standard. Clear access from these spaces to the buildings /facility being served must be provided at suitable grades.
- b) cladding or preferably masonry or a combination of both.
  - b) Particular consideration shall be given to the design and use of the masonry materials in the street elevation of industrial buildings where such buildings are in close proximity to residential neighbourhoods or front main roads.
  - c) Where the side or rear elevation of an industrial building is visible from residential areas, colours and wall profiles should be selected to minimise their visual impact.
  - d) Windows, doors and other wall openings should be arranged to minimise noise impacts on residences, where an industry is to be located in close proximity to either existing or future residential neighbourhoods.

### **7.3 Bed & Breakfast Establishments**

- a) The establishment must be operated by a permanent resident of the dwelling house
  - b) the accommodation must be for short term visitors only
  - c) there must be no more than twelve (12) people resident at any one time, within the establishment. This includes paying guests who are in residence, visitors, permanent residents, friends or family members.
- e) External plant such as generators, air conditioning plant and the like should be enclosed to minimise noise impacts.
  - f) External and security lighting should be directed and shielded to avoid light spillage to adjoining residential neighbourhoods.
  - g) Driveways should be arranged or screened to avoid headlight glare on residential windows.
  - h) Hours of operation will be limited to minimise nuisance to adjoining residential neighbourhoods.

### **7.4 Industrial Development**

As the existing and preferred future character of the South Bowenfels Release Area is a high quality residential area it is considered that the potential for industrial development in the area is minimal. Council may however give consideration to high quality home industries or light industries which can be demonstrated to be high urban design standard and would not interfere with the amenity of the either the existing or future neighbourhoods.

#### **7.4.1 Minimum Development Performance Criteria**

- a) The external walls of any building to be used for industrial uses shall be profiled colour treated

Lithgow City Council

South Bowenfels  
Development Control Plan  
- Residential Development

**APPENDIX A**

**DA Notification Procedures**

## Notification Procedures

### *Why Notify?*

Every development proposal has the potential to impact upon adjoining neighbours and the surrounding locality and depending on the type of proposal may have both positive and negative impacts which need to be addressed in determining the development application.

Some types of development are required by legislation to be publicly exhibited such as Designated Development, Advertised Development, Remediation Development, Temporary use of land and Demolition of Heritage items.

For all other development, Council policy will dictate whether a proposal will be notified and the notification process.

Lithgow City Council has the following objectives in relation to development notification:

- To inform likely affected persons of development proposals;
- To encourage people to become involved and take an interest in the development of their area;
- To give people an opportunity to submit comments and/or submissions on development proposals so as to assist Council in its decision making process;
- To educate residents that Council will only take into account submissions on relevant matters relating to environmental and planning considerations;
- To educate residents that a right to make a submission on a development application does not infer a right to “veto” a development proposal but rather to assist in the assessment and determination process;
- To discourage submissions based on irrelevant considerations such as objection for objections sake, lack of basic understanding of a proposal, fear of change or NIMBY (not in my back yard syndrome);
- To ensure that submissions relating to relevant matters are given due consideration in the decision making process.

### *What can applications do to assist the notification process?*

Always consider the likely impact on neighbours! It is possible to avoid conflicts and delays by consulting with neighbours before finalising your design. Your neighbours are likely to be more receptive to your

proposal if they hear from you first and understand your proposal.

### *What is the notification process?*

Development under this plan will be notified in the following manner;

The table titled “Notification Process” lists the types of development which may be considered under Council’s Environmental Planning Instrument, and indicated which level of notification is required. Where a development is not specifically listed in the Table, Council reserves the discretion to notify (or not notify) taking into account the following matters:

- The type of development; and
- The potential scale and intensity of the effects of that development; and
- The similarity of the development to a type identified in the Table.

Council also reserves its discretion regarding the level of notification required for development that, in the opinion of the Manager of Environmental and Planning Services, is of a nature where the opportunity should be available to submit written comments.

There are two levels of notification, “Type A” and “Type B”, reflecting the different type and complexity or possible impacts of the proposed development.

### *“Type A” Notification*

“Type A” notification is for minor proposals, and notification is aimed at those on ‘adjoining land’.

“Type A” notification consists of:

- A letter being sent to:
  - Owners and occupiers of “adjoining land”
  - Any public authority deemed by the Development Assessment Officer to have, or is likely to have, an interest in the proposed development.
- The letter sent to the parties identified above shall contain the following details:
  - The address of the proposed site;
  - A description of the proposed work/use;
  - An A4 or A3 size notification plan (where practical) of any proposed building work which depicts its height, external configuration and siting.
  - Name and contact number of the relevant Development Assessment Officer;
  - Advice that the plans may be inspected at Council’s offices during normal office hours;



- The closing date for written submissions and
  - Advice that the authors' details may be disclosed at some point in the determination process.
- Notification period is for generally 14 days from the date of the notification letter. Council's Development Assessment Officer maintains the discretion to extend the notification period if considered necessary.
  - The owners and occupiers of adjoining land will be notified as shown in the following table.

***“Type B” Notification***

“Type B” notification is for more complex proposals, where more extensive notification is carried out.

“Type B” notification consists of:

- A letter being sent to:
  - Owners and occupiers of ‘adjoining land’;
  - Any other individual, group, organisation or similar deemed by the Development Assessment Officer to have, or likely to have, an interest in the proposed development; and
  - Any public authority deemed by the Development Assessment Officer to have, or is likely to have, an interest in the proposed development.
- The letter sent to the parties identified above shall contain the following details;
  - The address of the proposed site;
  - A description of the proposed work/use;
  - An A4 or A3 size notification plan (where practical) of any proposed building work which depicts its height, external configuration and siting.

- Name and contact number of the relevant Development Assessment Officer;
  - Advice that the plans may be inspected at Council's offices during normal office hours;
  - The closing date for written submissions and
  - Advice that the authors' details may be disclosed at some point in the determination process.
- An advertisement in a local newspaper;
  - Notification period is 21 days from the date of the advertisement in the local newspaper. Council's Development Assessment Officer maintains discretion to lengthen the notification period if considered necessary; and
  - The owners and occupiers of ‘adjoining land’ will be notified as shown on the following table.

**TABLE: NOTIFICATION PROCESS**

<b>Type of Development Proposed</b>	<b>Minimum Notification Required (Surrounding Sites)</b>	<b>Notification Procedure</b>	<b>Period</b>
2 storey residence or second storey additions	3 either side of the subject site, 3 at rear and 3 directly across the road from the frontage of the subject site	Type A -	14 days
Subdivision < 10 lots	3 either side of the subject site, 3 at rear and 3 immediately opposite the frontage to the subject site	Type A -	14 days
Subdivision > 10 lots	6 either side of the subject site, 6 at the rear and 6 immediately opposite the frontage to the subject site	Type B -	21 days
Bed & Breakfast & Boarding Houses	6 either side of the subject site, 6 at the rear and 6 immediately opposite the frontage to the subject site.	Type A	14 days
Medium Density Housing (up to 5 dwellings)	6 either side of the subject site, 6 at the rear and 6 immediately opposite the frontage to the subject site	Type B	21 days
Hotels, Motels, Tourist Facilities	8 either side of the subject site, 8 at the rear and 8 immediately opposite the frontage to the subject site	Type B	21 days
Home industries, places of public worship, child care centres, recreation facility, amusement centres, general stores, professional consulting rooms, restaurant or any other permissible use	8 either side of the subject site, 8 at the rear and 8 immediately opposite the frontage of the site.	Type B	21 days
Demolition of a building or work that is a heritage item.	6 either side of the subject site, 6 at the rear and 6 immediately opposite the frontage of the site	Type B	21 days

### ***When is Notification not required?***

Council will **not** give notice of a Development Application in the following instances:

- The proposal is 'Exempt Development';
- The proposal is 'Complying Development';
- The proposal is for a single storey residence or addition that is permissible in the zone;
- The proposal is for a domestic garage providing it complies with any Council Policy and the requirements of any Development Control Plan;
- Council has already previously given notice of a development application that is substantially the same in terms of height and external configuration;
- The application is rejected on the basis of inadequate, unclear or illegible information;
- An application to modify a development consent is received where in the opinion of the Development Assessment Officer the impact of the application if approved would be minor;
- A request has been received for an extension of time to start an approved development;
- An application is received to carry out alterations or additions for the purpose of fire safety upgrading of existing buildings.

### ***Modification of consent or review of determinations***

Notification for Section 96 modification applications shall be forwarded to those who were notified on the original application unless the proposed modification is of a minor nature as determined by the Development Assessment Officer. Notifications for review of determinations under Section 82A will be forwarded to those who made submissions on the application when previously notified.

### ***Notification as required by the Environmental Planning and Assessment Act and regulations***

Any development proposal which is required to be publicly exhibited by law under the Environmental Assessment Act and Regulations shall be duly notified in accordance therewith. If you are unsure as to whether your development falls under these requirements please liaise with Council's development assessment staff.

## **Viewing applications**

### ***Where & when can applications be viewed?***

All applications that have been notified by way of letter or in the local newspaper are available for inspection at Council's Administration Centre, 180 Mort St, Lithgow. Applications are available for inspection during normal Council business hours, 8.15am to 4.30pm Monday to Friday.

### ***What is available for viewing?***

All plans and information lodged with an application will be available for viewing. Generally this will include: all plans, the Development Application form, and in the case of larger developments a Statement of Environmental Effects, supplementary reports etc.

Notwithstanding the above, Section 12 of the Local Government Act 1993 will prevail in some circumstances. This states, that a person does not have the right to inspect so much of a Development Application, as consists of:

- The plans and specifications for any residential parts of a proposed building, other than plans that merely show its height and external configuration in relation to the site on which it is proposed to be erected, or
- Commercial information, if the information would be likely:
  - To prejudice the commercial position of the person who supplied it, or
  - To reveal a trade secret.

### ***Assistance***

Assistance will be available to those viewing applications at Council's Administration Centre. A duty planner and building surveyor will be available during all office hours, however you may make appointment to view the application with the officers responsible for assessing a particular application by phoning them direct or by contacting the Environmental and Planning Services Department on (02 63 549965).

### ***Availability of extracts from applications***

The Environmental Planning and Assessment Act requires Council to make available extracts of applications to those interested.

A fee may be charged for the copying of forms or plans associated with the application.

## Submissions

### *What is a submission?*

Submissions are letters, petitions or similar written representations from individuals or groups of people regarding a particular application.

A submission could:

- Support an application; or
- Object to an application; or
- Object to part of an application; or
- Suggest ways of overcoming concerns with an application; or
- Suggest alternatives to a proposal or element of a proposal.

It is recommended that written submissions be lodged if you have a concern about an application. Council staff can assist anyone who may experience difficulty in placing your concerns in writing.

### *What should a submission contain?*

Submissions should contain the following:

- The name and address of the person making the submission;
- The address of the property that is the subject of the Development Application; and
- The reason for the submission; and
- If you wish your details to be kept confidential.

Submissions at all times should be clearly set out (ie state the actual reasons why you are against a proposal and/or provide constructive suggestions for overcoming any concerns).

Anyone can write and/or lodge a submission. You do not necessarily need to seek professional advice before lodging a submission, however this is an option for you to consider for major proposals.

Should you be preparing a petition, the petition should clearly identify a head petitioner so that Council can contact that person. Each page of the petition should also contain the nature of objection of the petition (not just the first page). Please note individual submissions are a more appropriate way to register your concerns in detail.

Should your first language not be English, language aides are available to assist you.

### *Submission Period*

Unless otherwise specified, submissions may be made **up to and including the last day upon which a person may inspect an application** in response to a

notification letter issued or an advertisement in a newspaper.

### *Where to send submissions*

Submissions can be sent to:  
The General Manager  
Lithgow City Council  
PO Box 19 or  
180 Mort St,  
LITHGOW NSW 2790.

Should you know the Development Assessment Officer for the particular application, you can mark the letter to their attention.

Submissions will also be accepted by facsimile or e-mail if they are received before the close of business on the last day the application is available for inspection.

Generally, receipt of submissions will be acknowledged in writing and a full reply will be issued advising of the outcome of the proposal.

### *Consideration of submissions*

All submissions received within the nominated time-frame will be considered when determining the application. The application will not be determined prior to the expiry of the nominated notification period. Submissions received after the nominated time-frame will be considered if practical.

Lithgow City Council has a policy of attempting to resolve objections prior to the determination of the application. In some instances, a mediation meeting may be arranged between the applicant and those persons who are aggrieved by the proposal.

The terms of any unresolved objection will be summarised in the assessment report to be presented to Council. The names and addresses of the objectors will be withheld in the report.

However, persons making a submission should be aware that details of their submission may be available to other people if an application is received under the Freedom of Information Act, or the Local Government Act. Personal details of those who make submission are, in most instances, kept confidential.

### *Notification Fees*

An additional fee will be charged to recover the costs of notification. Please refer to Council's scale of fees and charges or enquire with the staff at Council's Environmental & Planning Services Department.

Such fee is required to be paid with the development application fee.

Lithgow City Council

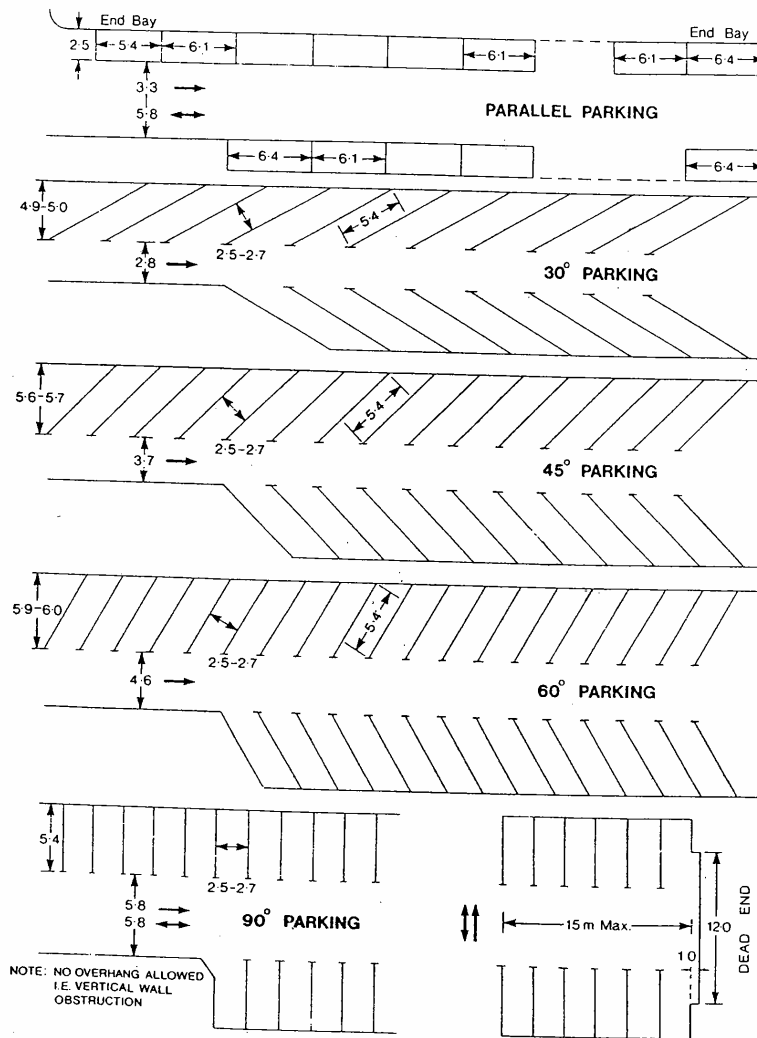
South Bowenfels  
Development Control Plan  
- Residential Development

**APPENDIX B**

**Car Parking Layout**

### Parking Spaces and Aisles

Recommended minimum dimensions of parking spaces and aisles for parallel and angle parking are illustrated in Figure B.1 which is repeated below.



(All dimensions shown in metres) **Figure 3.1/B.1 Recommended Minimum Parking Dimensions**  
For non-critical manoeuvring areas.

Lithgow City Council

South Bowenfels  
Development Control Plan  
- Residential Development

**APPENDIX C**

**Protection and Rehabilitation  
of Riparian Lands**

## Stream Category Minimal Widths

### *Category 1 – an environmental corridor*

A minimum core riparian corridor width of **40 metres** along both sides of the watercourse (measured from top of bank), or to the extent of remnant native vegetation, whichever is the widest, to provide an environmental corridor, terrestrial and aquatic habitat, bank stability and protect water quality **plus a 10 metre** wide vegetated buffer.

### *Category 2 – terrestrial and aquatic habitat*

A minimum core riparian corridor width of **20 metres** along both sides of the watercourse (measured from the top of the bank), or to the extent of remnant native vegetation, whichever is the widest, to provide terrestrial and aquatic habitat, bank stability and water quality **plus a 10 metre** wide vegetated buffer.

### *Category 3 – bed and bank stability/water quality*

A minimum core riparian corridor width of 10 metres along both sides of the watercourse (measured from the top of the bank) to provide bank stability and water quality – an additional buffer is generally not required.

## Environmental Objectives for Riparian Land

### *Category 1 – Environmental Corridor*

Maximise the protection of terrestrial and aquatic habitat to:

- provide a continuous corridor for the movement of flora and fauna species through the catchment and beyond the catchment.
- provide extensive habitat (and connectivity between habitat nodes) for terrestrial and aquatic fauna.
- maintain the viability of native riparian vegetation.
- manage edge effects at the riparian/urban interface.
- manage the impacts from saline affectation.
- provide bank and bed stability.
- protect water quality.
- protect instream aquatic vegetation.

This is achieved by:

- a) providing a continuous riparian corridor that:

- provides linkages to stands of remnant vegetation where applicable, and
  - a ‘core riparian zone’ (CRZ) with a width greater than 40 metres from the top of the bank, and
  - sufficient (additional) riparian corridor width based on geomorphological and environmental considerations
- b) providing a suitable environmental protection zoning to the riparian land that recognises its environmental significance.
  - c) restoring/rehabilitating the riparian zone with local provenance native vegetation.
  - d) ensuring vegetation in the CRZ is at a density that would occur naturally.
  - e) locating services (power, water, sewerage and water quality treatment ponds) outside of the CRZ. (Encroachment into the non core riparian area may be possible if the impact on riparian functions is minimal and integrity maintained).
  - f) providing a suitable interface between the riparian area and urban development (roads, playing fields, open space) to minimise edge effects.
  - g) minimising the number of road crossings.
  - h) maintain riparian connectivity by using piered crossings in preference to pipes or culverts.
  - i) minimise the impact of walkways, cycleways and general access points by using ecologically informed design principles.
  - j) locating flood compatible activities (playing fields) outside of the CRZ. (Encroachment into the non core riparian area may be possible if the impact on riparian functions is minimal and integrity maintained).
  - k) managing urban development to avoid increasing the impact of salinity on the landscape and watercourse.
  - l) providing lateral connectivity for instream function.
  - m) ensuring channel stability.
  - n) protecting the natural values within the channel.



- o) ensuring all stormwater discharge is treated outside of and before it enters the CRZ.

### ***Category 2 – Terrestrial and Aquatic Habitat***

Maintain/restore the natural functions of a stream and its aquatic and terrestrial values to:

- maintain the viability of native riparian vegetation.
- Provide suitable habitat for terrestrial and aquatic fauna
- Manage the impacts from saline affectation
- Provide bank and bed stability
- Protect water quality
- Protect instream aquatic vegetation

This is achieved by:

- a) providing a ‘core riparian zone’ (CRZ) with a width greater than 20 metres from the top of the bank.
- b) providing, wherever possible, sufficient (additional) riparian corridor width based on geomorphological and environmental considerations.
- c) restoring/rehabilitating the riparian area with local provenance native vegetation.
- d) ensuring vegetation in the CRZ is at a density that would occur naturally.
- e) providing, whenever possible, appropriate zoning that recognises the environmental significance of the riparian land.
- f) minimising the number of road crossings.
- g) ensure road crossings are designed to maintain riparian connectivity.
- h) providing a suitable interface between the riparian area and urban development (roads, playing fields, open space) to minimise edge affects.
- i) minimising the extent of open parkland adjacent to a stream.
- j) locating services (power, water and sewerage water quality treatment ponds) outside of the CRZ. Encroachment into the riparian area may be possible if the impact on riparian functions is minimised.
- k) managing urban development to avoid increasing the impact of salinity on the landscape and watercourse.

- l) providing lateral connectivity for instream function.

- m) ensuring channel stability.

- n) protecting the natural values within the channel

- o) ensuring all stormwater discharge is treated before it enters the stream.

### ***Category 3 – Bank Stability and Water Quality***

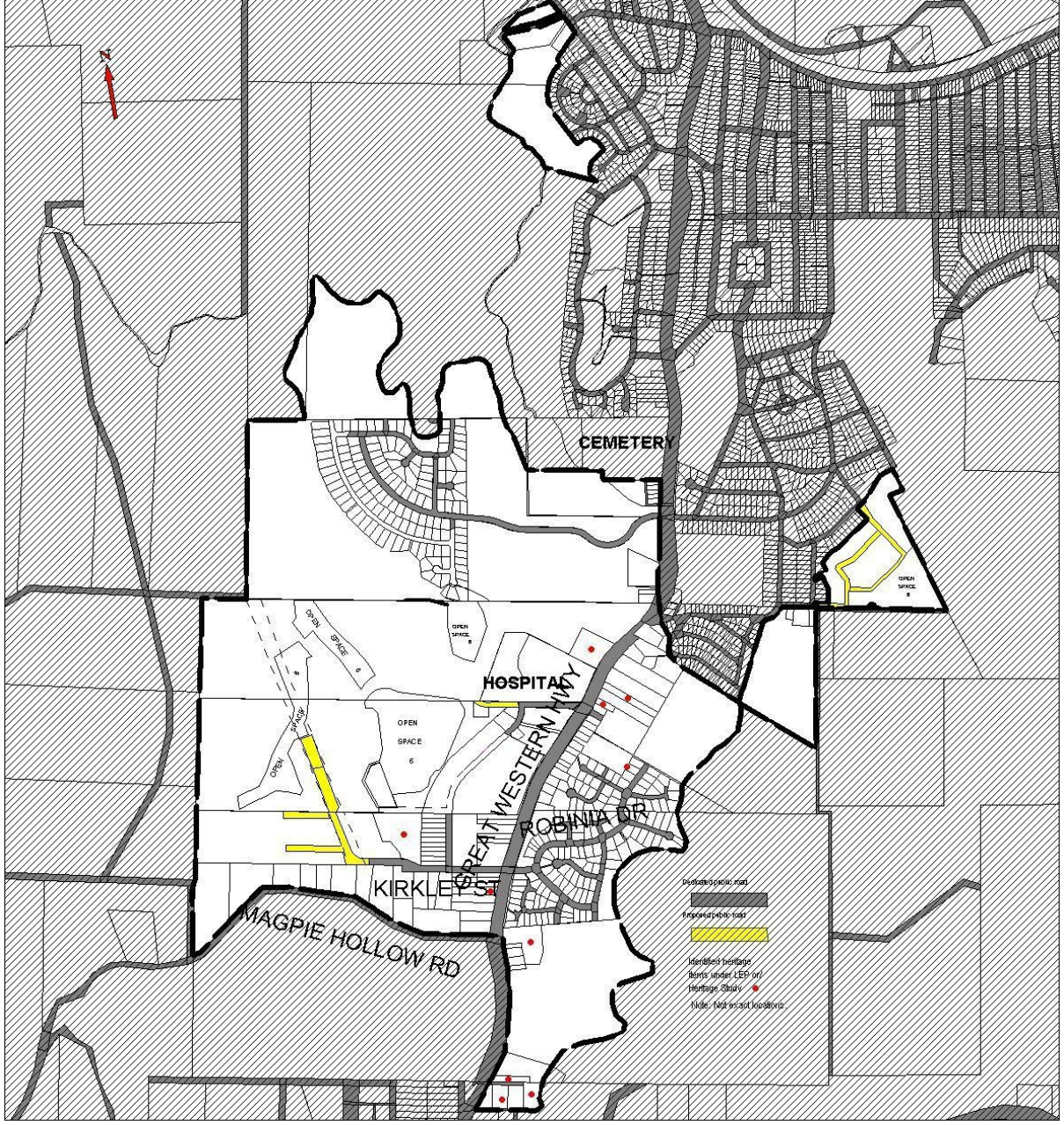
Maintain/restore as much as possible the natural functions of a stream to:

- Provide bank and bed stability
- Protect water quality
- Protect native vegetation
- Protect instream aquatic vegetation

This is achieved by:

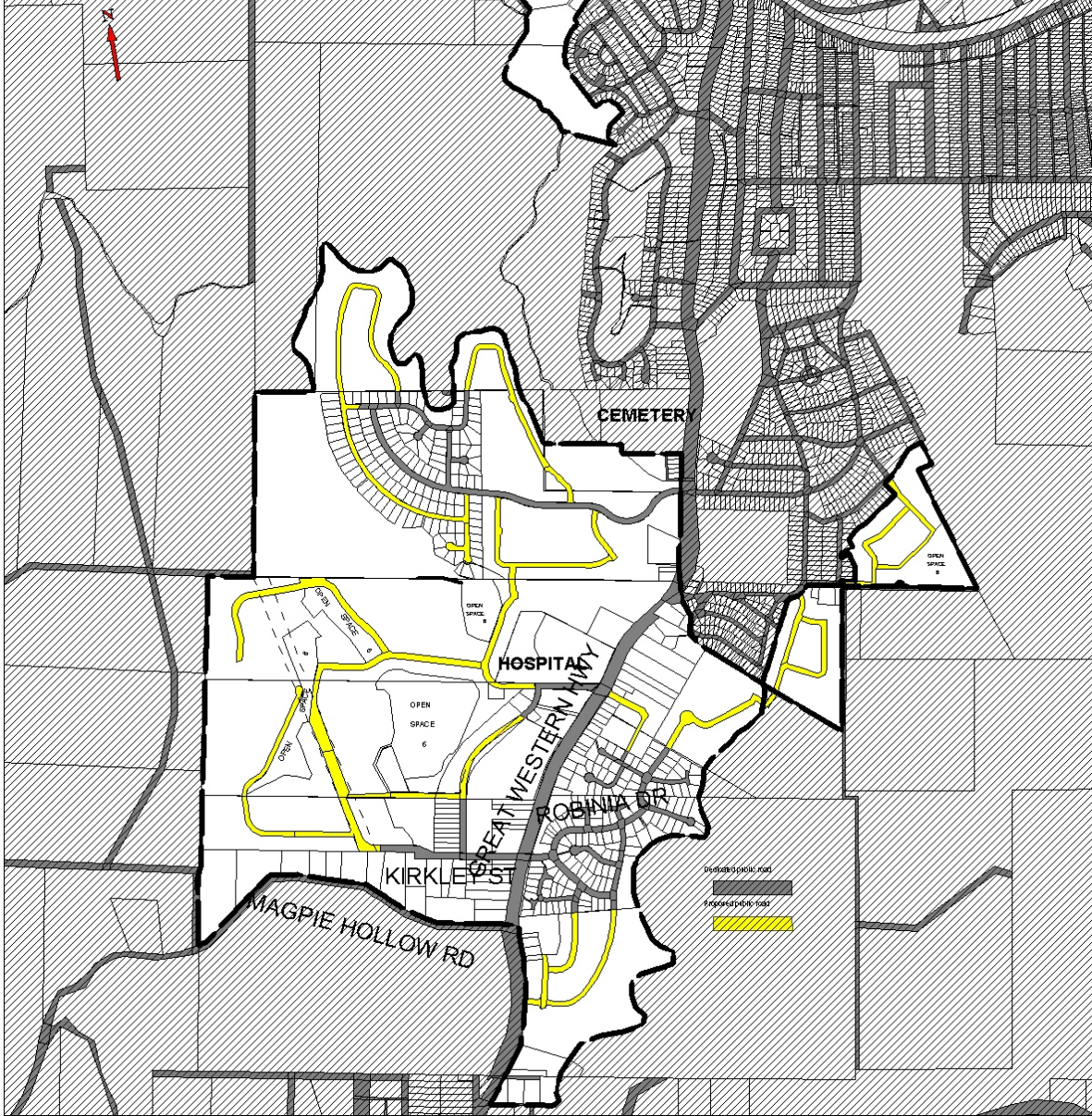
- a) emulating wherever possible a naturally functioning stream.
- b) ensuring channel stability.
- c) protecting the natural values within the channel.
- d) providing lateral connectivity for instream function.
- e) using pipes or other engineering devices as a last resort.
- f) ensuring all stormwater discharge is treated before it enters the stream.

**MAP 1  
SOUTH BOWENFELS RELEASE AREA**



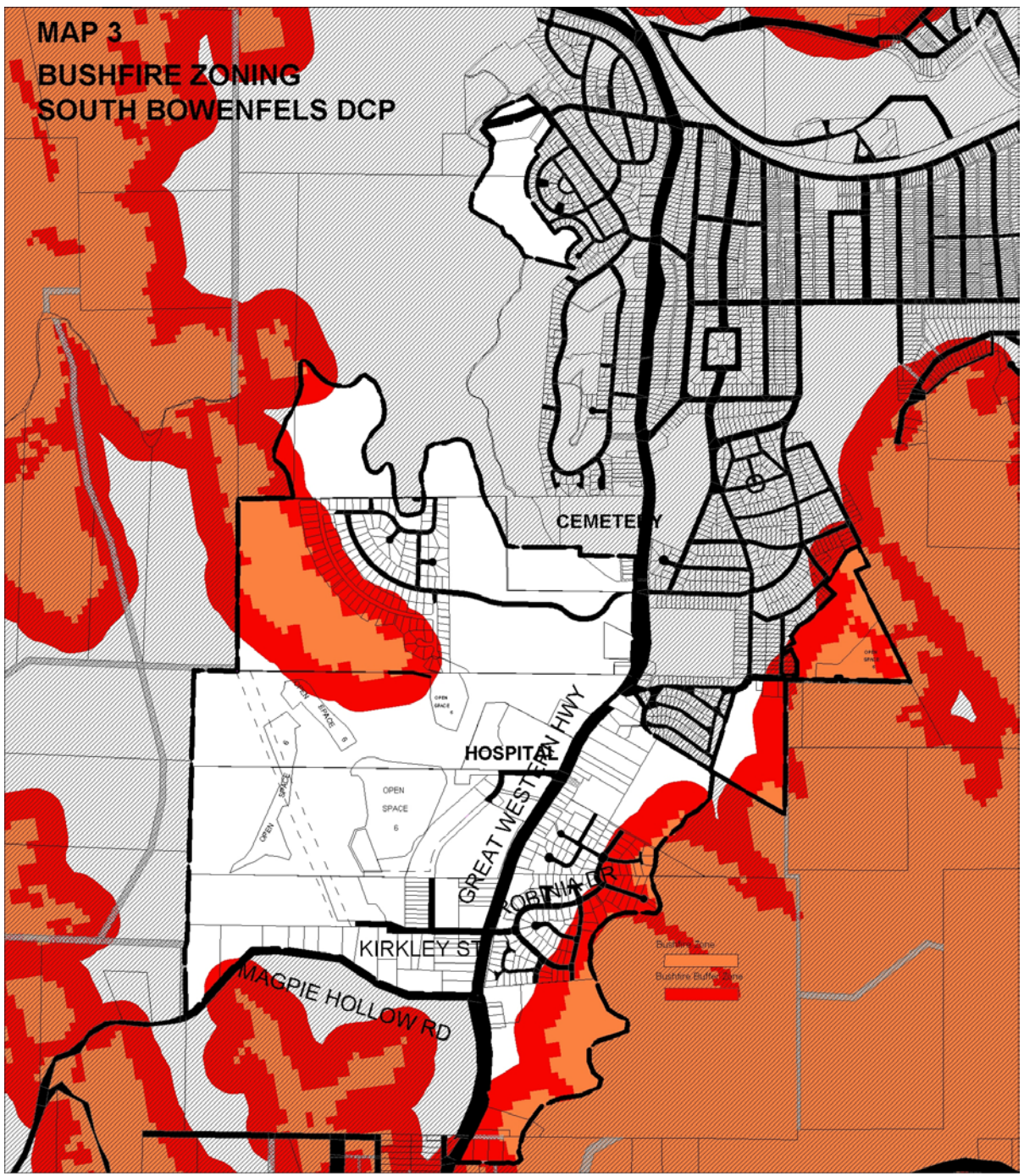


**MAP 2**  
**CONCEPTUAL ROAD LAYOUT**  
**SOUTH BOWENFELS DCP**



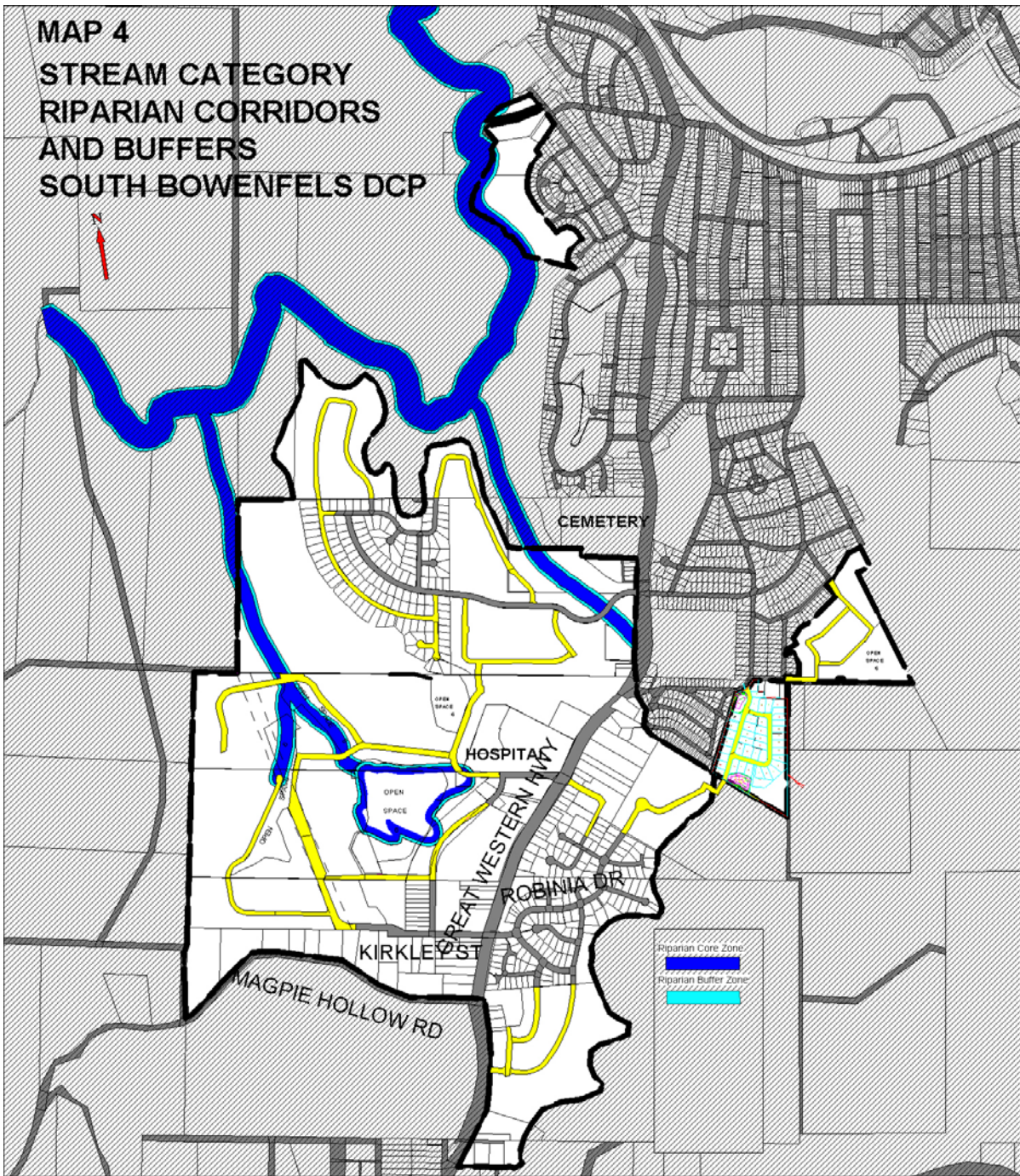


**MAP 3  
BUSHFIRE ZONING  
SOUTH BOWENFELS DCP**





**MAP 4  
STREAM CATEGORY  
RIPARIAN CORRIDORS  
AND BUFFERS  
SOUTH BOWENFELS DCP**





**MAP 5  
SLOPE ANALYSIS  
SOUTH BOWENFELS DCP**

