



# Brewarrina Shire Council Development Control Plan 2023

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## **CHAPTER 1: INTRODUCTION**

### **1.1 NAME OF PLAN**

This plan is known as Brewarrina Shire Development Control Plan 2023 (DCP)

### **1.2 LAND TO WHICH THIS PLAN APPLIES**

This plan applies to all land within the Brewarrina Local Government Area

### **1.3 DATE OF COMMENCEMENT**

This amended plan was adopted by Council on 23 June 2023 and replaces the previous DCP 2012. It becomes effective pursuant to the Brewarrina Local Environmental Plan 2012 (LEP).

### **1.4 RELATIONSHIP TO OTHER PLANS AND POLICIES**

This plan repeals all other Development Control Plans applying in the Brewarrina Shire.

### **1.5 AIMS OF THIS PLAN**

The aims of this plan are as follows:

- Simplify the content into separate types of Developments for ease of reading and addressing relevant information for Development Applications (DA);
- Define development standards that deliver the outcomes desired by the community and Council;
- Provide clear and concise development guidelines for various forms of development;
- Encourage innovation in design and development by not over-specifying development controls;
- Provide certainty of development outcomes for developers and the community.
- This DCP will be reviewed, and if necessary, amended when development demand significantly increases.

### **1.6 STRUCTURE OF THE DCP**

While the DCP has been broken up into separate issues for ease of reading, you need to check all annexures to be certain there is nothing else that impacts on your proposal.

This DCP structure is aimed at simplifying reading for the two main developments that Council receives Development Applications for, being Residential and Commercial.

Other developments and less frequently used such as Industrial, Agricultural and specific issue consideration, are addressed in Annexures derived from the previous DCP.

These annexures, (numbered 1 to 9), are an essential and fundamental part of the DCP and may be added to or expanded if the need arises in the future.

#### **1.6.1 Definitions**

Definitions used in this DCP are derived from and are included in the Environmental Planning and Assessment Act, Brewarrina Shire Local Environmental Plan 2012 and relevant Documents as cited in the plan.

Where an Australian Standard, State Act, Planning Instrument or Regulation is quoted in this document and it becomes superseded, any replacement Standard, Act, Planning Instrument or Regulation will apply.

## **CHAPTER 2: INFORMATION REQUIREMENTS**

### **2.1 INTRODUCTION**

This section of the DCP outlines the matters that have to be submitted with Development Applications.

### **2.2 SEPP BUILDING SUSTAINABILITY INDEX 2004**

A BASIX certificate must be submitted with all application for residential development.

### **2.3 STATEMENT OF ENVIRONMENTAL EFFECTS**

A Statement of Environmental Effects is required to be lodged with all DAs. This is to address all of the relevant issues associated with the application.

For simple applications, the applications must cover the basic essentials listed in Schedule 8 Statement of Environmental Effects.

More complex proposals or proposals that will have a potential impact on neighbours or the wider environment must be comprehensive in terms of likely impacts. Council reserves the right to require more information on issues of concern.

### **2.4 PLANS AND REPORTS**

#### **2.4.1 Site Plans**

A detailed site plan is required with all applications for residential development. In preparing this plan, an analysis of the range of environmental factors that will influence the proposed development is required. These factors may be both internal and external to the site. The level of site analysis varies with the complexity of the project.

For small alterations and additions, a simple plan/diagram outlining key site characteristics, such as:-

- True north;
- Location of trees, boundaries, buildings and streets;
- Location of sewer and water lines and septic;
- Location of any drainage line or natural waterways;
- Location of any power wires;
- Location of any easements.

Images from Google maps, Six maps and other maps systems can be useful but may need clarification if changes have been made since the electronic maps were created.

#### **2.4.2 Floor Plans, Elevations & Sections**

Detailed floorplans and elevation along with sections of the building (and cross sections where necessary for clarity), are to be supplied as appropriate

#### **2.4.3 Landscape Plans**

Applicants are to consult with Council before lodgement, regarding landscape plan requirements, which will vary according to the nature of the Development and Location.

### **2.5 POTENTIAL SITE CONTAMINATION**

A statement must be included providing a history of the site to ascertain if it is potentially contaminated.

## **2.6 DEVELOPMENT NOTIFICATION**

### **2.6.1 Development that must be notified**

Apart from the exceptions listed below, all other development applications that involve alteration to the external configuration of a building, the erection of a new building, or variation to an adopted building line will normally be notified to adjoining landowners in accordance with this chapter.

The kinds of development that will not automatically be notified comprise:

- Single storey dwelling house;
- Duplexes, semi-detached dwellings; dual occupancies; attached dwellings; and secondary dwellings that comply with all State Planning Policies.
- Single storey additions to a house;
- Minor dwelling additions such as: open car port, pergola, veranda;
- Private swimming pool;
- Detached garage or shed associated with a dwelling;
- Any building on land within RU1 Primary Production, RU3 Forestry zone that do not require Development Consent under the LEP or any other legislation;
- Subdivision creating less than 3 lots;
- Commercial or industrial development within a building already granted development approval for Commercial or Industrial purpose, provided the new use does not, in Council's opinion, create new planning consideration.

Despite the above exclusions, following site inspection of the site, and consideration of such factors as the character of the existing development, proposed change of use, slope of the site and local amenity, Council may determine that notification should occur and the adopted fees will apply.

Written notice to adjoining landowners shall contain the following minimum information:

- Real property description and address of the land;
- Applicant's name;
- Description of the proposal for which consent is sought;
- Details of exhibition;
- The date when any submissions or objections must be lodged with Council.

### **2.6.2 Development that must be advertised**

**The following kinds of development will be advertised:**

- Demolition of a building identified as a heritage item in Schedule 5 to the Brewarrina Local Environmental Plan 2012;
- Use of a heritage item for a purpose prohibited within the zone, as provided for by clause 5.10(10) of the Brewarrina Local Environmental Plan 2012;
- Major Council projects (not including utility service infrastructure) with a value exceeding \$1,000,000, or likely to be of significant community interest;
- New non-residential uses in or adjacent to existing dwellings or vacant land that may be used for residential purposes in the future.
- Subdivisions creating 3 or more allotments.
- Within the R5 Large Lot Residential or, RU5 Village Land use Zones, development applications for the purposes of:
  - Multi dwelling housing (more than 2); residential flat buildings; seniors housing; hostels; boarding houses; group homes; tourist and visitor accommodation; boarding houses; caravan parks; exhibition homes; exhibition villages, community title proposals.
- Any development identified by Senior Council staff that justify advertised in the public interest.

These developments will be advertised by:

- Notice of the development in a local Newspaper, containing the same information as is required to be given in the written notice. Council may also advertise on various other platforms;
- Written notice of the proposal to be given to all adjoining landowners;
- Period of exhibition to comprise a minimum of 14 days from the date notice is published (plus an additional 7 days of exhibition where the period of exhibition coincides with Public School Holidays, or additional day/s for a Public Holiday).

## CHAPTER 3: NATURAL HAZARDS

### 3.1 INTRODUCTION

A number of site constraints and hazards can exist when building in the Shire. These hazards can include bushfire, landslip and flooding.

The aim of this section of the DCP is:

- To advise the community of the approach that Council will take in considering development applications for residential and other development proposals within Brewarrina Shire on land the subject of natural hazards;
- To ensure that acceptable standards of safety to life and property are applied when Council considers proposals for development on flood liable and bushfire prone land;
- To ensure adequate flood free access is necessary and available for the intended use.
- To ensure that development that is approved in flood liable areas is structurally capable of withstanding the effects of flowing floodwaters including debris and buoyancy forces;
- To ensure that development is not permitted in flood liable and bushfire prone areas where that development would result in unnecessary risk of life to occupants or rescuers or unwarranted public costs;
- To inform the community of Council's requirements in relation to the development and use of flood liable and bushfire prone land;
- To encourage development and construction that is compatible with flood and bushfire hazard control measures.

### 3.2 FLOODING

#### 3.2.1 Flood Affected Land

- A significant amount of land along the Barwon & Darling Rivers and its tributaries is flood prone.
- The Brewarrina Shire LEP states that land at or below the flood planning level the flooding provisions of the LEP apply. Council has adopted the 1:100 ARI flood (being the level of the 1974 flood) - 117.4m AHD.
- As a general rule, flood affected land within the Shire is that land that is grey soil adjacent to the Darling River and its tributaries. Red soil is generally considered not to be flood prone but local knowledge may indicate otherwise.
- If a development is proposed for land on the grey soil or is, in the opinion of a senior officer of the Council, likely to be flood affected, it is deemed to be flood affected land for the purposes of this DCP.
- It is an acknowledge reality that because of the flatness of much of the Council area, high rainfall or floodwaters may have significantly different impacts on different land.

#### 3.2.2 Access

- Flood free vehicle access is required for all lots created by subdivision.
- For development of existing lots, where flood free vehicle access is not possible, the development must be able to achieve safe wading criteria as specified in whatever State or Federal Government guidelines are applicable in the circumstances.

#### 3.2.3 On-site Sewer Management

Onsite sewer management facilities must be sited and designed to withstand flooding conditions (including consideration of structural adequacy, avoidance of inundation, and flushing/leaking into flowing

floodwaters). Tank and trench style of systems are not permitted on land affected by the Flood Planning Level.

All sewer fixtures must be located above the 1% Flood level.

### **3.2.4 General Development Requirements**

- No building or work (including land filling, fencing, excavation) shall be permitted on flood affected land where in the opinion of Council, such building or work will obstruct the movement of floodwater or cause concentration or diversion of floodwaters
- DA must demonstrate the building or structure can withstand the force of flowing floodwaters, including debris and buoyancy forces as appropriate.
- Where required, a survey plan prepared by a registered surveyor showing existing ground levels, finished ground levels, finished floor levels, flood levels and location of existing/proposed buildings and safe evacuation path on the site relative to AHD. This survey plan is to have regard to the flood planning level of the 1:100 ARI flood.
- All materials used in construction shall be flood compatible.
- Development must be designed in accordance with the Flood Proofing Guidelines that are applicable at the time of applications.

### **3.2.5 Residential Development**

- Floor levels of all habitable rooms, or rooms with connection to sewer infrastructure shall not be less than the flood planning level which is 500mm (freeboard) above the level of the highest known flood. Where Council is satisfied that the site is adequately protected by flood protection facilities that would provide the same protection, this will not be required but is recommended.
- If council is in doubt about the flood risk and levels necessary, it may require a Registered Surveyors report on such levels.
- Additions to existing buildings that are considered flood liable will be only be permitted, with limitations, based on current guidelines and the circumstances of the site.

## **3.3 BUSHFIRE**

In accordance with the requirements of the Environmental Planning and Assessment Act, 1979 and “Planning for Bushfire Protection” Council has prepared Interim High Bushfire Risk mapping. Extracts of this mapping are available from Council upon request.

### **3.3.1 Council requires**

That all residential development located within identified high bushfire risk areas is in accordance with the recommendations of the State or Federal guidelines applicable at the time.

### **3.3.2 Council recommends**

- Prior to the submission of a development application for residential development, contact should be made with Council to ascertain whether or not the proposed development will be located within a high risk bushfire area;
- Where the development is located within a high risk bushfire area, preliminary discussions should be convened with the NSW Rural Fire Service to ascertain the Department’s likely requirements;
- Prior to the submission of a development application for residential development, contact should be made with Council to ascertain whether a threatened species (flora & fauna) assessment is required;



## CHAPTER 4: DEVELOPMENT TYPES

### 4.1 INTRODUCTION

This chapter provides controls for all of the development types that are anticipated within the Shire. These include the following:

For all development proposals, you need to review the attached annexures to ascertain if any are applicable to your proposal.

- Housing (including dual occupancy and multi-unit development)
- Subdivision
- Industrial
- Commercial
- Intensive livestock
- Earthworks (generally exceeding 1m above or below natural ground level) including dams, access roads and irrigation layouts.
- Intensive plant agriculture.

### 4.2 OBJECTIVES

- To ensure that all development is compatible with the surrounding properties, environment and development.
- To ensure that development does not impact on the surrounding development by way of overshadowing or privacy
- To ensure that development has adequate access to services and utility infrastructure
- To ensure that Agricultural development does not have a negative impact on adjoining landholders or communities.

### 4.3 GENERAL HOUSING AND ANCILLARY STRUCTURES

#### 4.3.1. Building Setbacks

The building setbacks are related to the zone in the Brewarrina Shire Local Environmental Plan. They are set out in the following table.

**Certain types of Development require significantly greater distances.**

Zone	Street Frontage	Side / Rear Boundary	Outbuildings	
			Size	Cumulative Outbuildings
Primary Production (RU1)	20 m	10	Not specified	
Village (RU5)	6 m	BCA Requirements	75 m <sup>2</sup>	150 m <sup>2</sup>
Large Lot Residential (R5) 2 ha	20 m	10m	150 m <sup>2</sup>	200 m <sup>2</sup>
Large Lot Residential (R5) 10 ha	20 m	10 m	200 m <sup>2</sup>	400 m <sup>2</sup>

#### 4.3.2. Design

- No windowless facades at the street frontage(s)

#### **4.3.3 Building Height**

- As permitted under State Planning Policies and Building Regulations.

#### **4.3.4 Utilities**

- Buildings and structures are to be located clear of utility infrastructure, including power lines.
- For sewer mains, structures are to be located a minimum of one metre or the equivalent invert depth, whichever is greater, from the centreline of the main.
- Stormwater runoff must not exceed infrastructure capacity.

#### **4.3.5 Site Coverage**

The maximum site coverage for all buildings is set out in the following table.

<b>Zone</b>	<b>Cumulative site Coverage</b>
Primary Production (RU1)	Not Specified
Village (RU5)	70%
Large Lot Residential (R5) 2 ha	25%
Large Lot Residential (R5) 40 ha	<u>25%</u>

#### **4.3.6 Solar Access**

- Two storey development >2m from the boundary does not require a shadow diagram or notification.
- Two storey dwellings <2m from the boundary shall ensure habitable rooms of adjoining dwellings and major part of their landscaped open space to retain a minimum of 4hrs sunlight between 9am-3pm on 21<sup>st</sup> June (winter solstice).

#### **4.3.7 Privacy**

- Single storey development, meeting setbacks do not require specific privacy controls.
- Development of more than one storey should locate and size windows to habitable rooms to avoid facing onto windows, balconies or courtyards of adjoining dwellings.

#### **4.3.8 Parking**

- Provision for parking of two vehicles behind the building line.

#### **4.3.9 Access**

- All weather 2WD access is required to the dwelling.

#### **4.3.10 Fencing**

- Street fencing shall be open or combination of open panels and masonry columns to a maximum height of 2.4 metres.
- Where a street fence is proposed, the section of side boundary fencing located in front of the building setback shall be open or combination of open panels and masonry columns to match front fence.
- Street fencing details are required with DA for dwelling.
- no barb wire on front or side fence below 2.2m

#### 4.3.11 Outbuildings and Detached Garages

- Not within building setback.
- Not in front of main dwelling if <4,000m<sup>2</sup> lot.
  - If in front of main dwelling, it must:
    - \* Appear like part of the habitable dwelling.
- Maximum height of 3.2m to eave, 3.6m to peak of roof or match house roof pitch for General Residential (R1), Large Lot Residential (R5) or Village (RU5)
- Not specified for Primary Production zone

#### 4.3.12 Temporary Accommodation during dwelling construction

- Not generally permitted in Village (RU5) zones.
- Written evidence that finance is available for erection of the proposed permanent dwelling within a period not exceeding 12 months.
- Maximum period of occupation is 12 months.
- Cannot be situated in front of the proposed dwelling.
- Footings of the main dwelling must be constructed and inspected before occupation of the temporary accommodation.
- Provision of adequate toilet facilities (these could be the future facility for the completed dwelling) after re-connection.
- Occupation of the temporary accommodation by the owner household only.

#### 4.3.13 Relocated Dwellings (transported from a previous address)

- Dwelling not to be moved onto site before development consent issued and no work is to commence on the re-erection of the dwelling until the Construction Certificate is approved by Council or the Principal Certifying Authority.
- The DA must include:
  - ⇒ A comprehensive report prepared by an accredited Building Surveyor or Structural Engineer certifying the soundness of the building; and
  - ⇒ Photographic evidence of the dwelling supported by a description of its condition.
  - ⇒ Plans specifications and essential details such as footings, drainage etc.

#### 4.3.14 Pools

- Where visible from a public place or road, details of screening are to be supplied.
- Any associated retaining walls or decks are not to exceed 1.0 metres above natural surface level.
- Pool pump enclosure to be placed greater than 15 metres from a habitable room in a dwelling on adjoining property or within a sound-proof enclosure.

#### 4.3.15 Water tanks

- Located behind the street setback of the existing dwelling
- Maximum height of 3.2 metres
- Suitably screened where visible from a public place or street

#### 4.3.16 Car Ports

- Behind the building setback, and
- If in front of main dwelling, must appear like part of the habitable dwelling.

### 4.4 RESIDENTIAL DUAL OCCUPANCY

#### 4.4.1 Building Setbacks

The building setbacks are related to the zone in the Brewarrina Shire Local Environmental Plan. They are set out in the following table.

Zone	Single Storey		2 Storeys	
	Street Frontage	Side / Rear Boundary	Street Frontage	Side / Rear Boundary
Village (RU5)	6 m	1 m (675mm#)	6m	2 m (1,125mm#)
Large Lot Residential (R5)	20 m	10m	20 m	10m

- No concession to secondary frontage on a Corner lot
- No continuous section of wall built facing a side boundary shall exceed 50% of the length of the boundary up to a maximum of 10m.

#### **4.4.2 Density**

- Minimum area per dwelling is 300 m<sup>2</sup> in the Village (RU5) Zone

#### **4.4.3 Design**

- For corner lots, dwellings shall be designed to present to and have vehicle access from alternate frontages, unless one street is a collector road or greater, where both shall be accessed from the lesser street classification.

#### **4.4.4 Building Height**

Measured from natural ground level to:

- Topmost ceiling: maximum 7.2m
- Top of the ridge: maximum 10m

#### **4.4.5 Utilities**

- Buildings and structures are to be located clear of utility infrastructure, including overhead power lines.
- For sewer mains, structures are to be located a minimum of one metre or the equivalent invert depth, whichever is greater, from the centreline of the main.
- Stormwater runoff must not exceed infrastructure capacity and to ensure storm water can be discharged to the street drainage system (if inadequate on site disposal area is available) by use of rainwater storage tank with an adequate head capacity to push water to the road.

#### **4.4.6 Site Coverage**

- Residential areas: Maximum site coverage of 75% (includes all hardstand areas).

#### **4.4.7 Solar Access**

- Two storey development >2m from the boundary does not require a shadow diagram or notification.
- Two storey dwellings <2m from the boundary shall ensure habitable rooms of adjoining dwellings and major part of their landscaped open space to retain a minimum of 4hrs sunlight between 9am-3pm on 21 June (winter solstice).

#### **4.4.8 Privacy**

- Development of more than one storey must locate and size windows to habitable rooms to avoid facing onto windows, balconies or courtyards of adjoining dwellings.

#### **4.4.9 Parking**

Parking is to meet the minimum requirements set out in the following table:

Number of beds in each dwelling	Parking spaces per dwelling
1	1
2	1
3	1
4 or more	2

- Rooms capable of occupation as a bedroom (eg study) are treated as a bedroom for the purpose of calculating parking requirements.
- One visitor space must be provided onsite where on-street parking within the property's street frontage is not available.

#### **4.4.10 Access**

- All weather 2WD access is required to the dwelling.
- Dimensions to meet Australian Standard AS2890.1 Parking Facilities.
- All parking and manoeuvring areas to be hardstand (pavers or concrete).
- Onsite turning areas must be provided onsite where fronting a major road.

#### **4.4.11 Landscaping**

- As agreed with by discussion with Council before lodgement of DA.

#### **4.4.12 Private Open Space**

- Private open space must be provided in accordance with the following table in relation to its position relative to the dwelling for solar access.

Private Open Space Location	Minimum Amount	Minimum Dimension
North	35 m <sup>2</sup>	5 m x 5 m
East	50 m <sup>2</sup>	6m x 6 m
South	60 m <sup>2</sup>	6m x 6 m
West	45 m <sup>2</sup>	6m x 6 m

- Must be directly accessible from a living area.
- Area calculation does not contain intrusions such as drying areas, electricity substation, water tanks, hot water systems, retaining walls.

#### **4.4.13 Fencing**

- Street fencing shall be open or combination of open panels and masonry columns to a maximum height of 1.8 metres.
- Where a street fence is proposed, the section of side boundary fencing located in front of the building setback shall be open or combination of open panels and masonry columns to match front fence.
- Street fencing details are required with DA for dwelling.

#### **4.4.14 Outbuildings and Detached Garages**

- Not within building setback.
- Not in front of main dwelling if <4,000m<sup>2</sup> lot.
- If in front of main dwelling, it must be:
  - ⇒ Same construction,
  - ⇒ Matching roof pitch, and
  - ⇒ Appear like part of the habitable dwelling.
- Maximum height of 3.2m to eave, 3.6m to peak of roof or match house roof pitch for Large Lot Residential (R5) or Village (RU5)
- Not specified for Primary Production zone

#### **4.4.15 Pools**

- Where visible from a public place or road, details of screening are to be supplied.
- Any associated retaining walls or decks are not to exceed 1.0 metres above natural surface level.
- Pool pump enclosure to be placed greater than 15 metres from a habitable room in a dwelling on adjoining property or within a sound-proof enclosure.

#### **4.4.16 Water tanks**

- Located behind the street setback of the existing dwelling
- Maximum height of 3.2 metres
- Suitably screened where visible from a public place or street

#### **4.4.17 Car Ports**

- Behind the building setback and be,
- If in front of main dwelling, must:
  - ⇒ Matching roof pitch, and
  - ⇒ Appear like part of the habitable dwelling.

#### **4.4.18 Facilities**

- Letterboxes to be provided at the front property boundary in accordance with Australia Post requirements. Strata developments require an additional letter box for the Body Corporate.
- Clothes drying facilities are required to be free of access ways. Clothes lines and hoists shall be located at the rear of development and adequately screened from adjoining roads.

#### **4.4.19 Utilities and Services**

- Servicing strategy required to demonstrate the availability and feasibility of providing water, sewer and stormwater services appropriate for the scale of development.

#### **4.4.20 Future Subdivision**

- Dual occupancy development must consider potential future subdivision and locate buildings with adequate access to and clearance from utilities.

## 4.5 RESIDENTIAL MULTI-DWELLING DEVELOPMENT

### 4.5.1 Building Setbacks

The building setbacks are related to the zone in the Brewarrina Local Environmental Plan. They are set out in the following table.

Zone	Single Storey		2 Storeys	
	Street Frontage	Side / Rear Boundary	Street Frontage	Side / Rear Boundary
RU5	4.5 m, 5.5 m to garage	1 m (675 mm <sup>#</sup> )	4.5 m, 5.5 m to garage	2 m (1,125 mm <sup>#</sup> )

- No concession to secondary frontage.

### 4.5.2 Density

- Minimum area per dwelling is 300 m<sup>2</sup> in RU5

### 4.5.3 Design

- For corner lots, dwellings be designed to present to and have vehicle access from alternate frontages, unless one street is a collector road or greater, where access shall be obtained from the lesser street classification.
- No continuous section of wall built on a side boundary shall exceed 50% of the length of the boundary up to a maximum of 10m

### 4.5.4 Building Height

Measured from natural ground level to:

- Topmost ceiling: maximum 7.2m
- Top of the ridge: maximum 10m

### 4.5.5 Utilities

- Buildings and structures are to be located clear of utility infrastructure, including overhead power wires.
- For sewer mains, structures are to be located a minimum of one metre or the equivalent invert depth, whichever is greater, from the centreline of the main.
- Stormwater runoff must not exceed infrastructure capacity.

### 4.5.6 Site Coverage

- Residential zones: Maximum site coverage of 75% (includes all hardstand areas).

### 4.5.7 Solar Access

- Shadow diagram are required for developments of  $\geq 2$  storeys and need to demonstrate habitable rooms of adjoining dwellings and major part of their landscaped open space to retain a minimum of 4hrs sunlight between 9am-3pm on 21st June (winter solstice).

### 4.5.8 Privacy

- Multi-storey development must locate and size windows to habitable rooms to avoid facing onto windows, balconies or courtyards of adjoining dwellings.

#### 4.5.9 Parking

Parking is to meet the requirements set out in the following table:

Number of beds in each dwelling	Parking spaces per dwelling	Visitor Spaces
1	1	
2	1	
3	1	
4 or more	2	

- Rooms capable of occupation as a bedroom (eg study) are treated as a bedroom for the purpose of calculating parking requirements.

#### 4.5.10 Access

- All weather 2WD access is required to the dwelling.
- Dimensions to meet Australian Standard AS2890.1 Parking Facilities.
- Stack parking is not deemed to satisfy parking requirements
- All parking and manoeuvring areas to be hardstand (pavers or concrete).
- Developments requiring 4 or more car spaces are to provide adequate turning dimensions to allow all vehicles to enter and leave the site in a forward direction.

#### 4.5.11 Landscaping

- As negotiated with Council before submission of DA

#### 4.5.12 Private Open Space

- Private open space must be provided in accordance with the following table in relation to its position relative to the dwelling for solar access (any one)

Private Open Space Location	Minimum Amount	Minimum Dimension
North	35 m <sup>2</sup>	4 m x 4 m
East	50 m <sup>2</sup>	4 m x 4 m
South	60 m <sup>2</sup>	4 m x 4 m
West	45 m <sup>2</sup>	4 m x 4 m

- Must be directly accessible from a living area.
- Area calculation does not contain intrusions such as drying areas, electricity substation, water tanks, hot water systems, retaining walls.

#### 4.5.13 Outdoor Lighting

- Must provide certification of compliance with AS4282 Control of Obtrusive Effects of Outdoor Lighting if >10 dwellings proposed.



#### **4.5.14 Adaptability**

Development of 5 or more units must provide 1 in 5 units capable of conversion to adaptable housing in accordance with AS4299, Class C level.

#### **4.5.15 Facilities**

- Screened garbage storage required inside front property boundary, at the rear of each unit or within garages. Storage locations to be included in landscape plan.
- Letterboxes provided at the front property boundary in accordance with Australia Post requirements. Strata developments require an additional letter box for the Body Corporate.
- Clothes drying facilities required free of access ways. Clotheslines and hoists shall be located at the rear of development and adequately screened from adjoining roads.

#### **4.5.16 Utilities and Services**

- Multi- dwellings not permitted on un-sewered land.
- Servicing strategy is required to demonstrate the availability and feasibility of providing water, sewer and stormwater services appropriate for the scale of development.

#### **4.5.17 Storage**

- Must provide a minimum of 5m<sup>3</sup> of dedicated storage area per dwelling in addition to the standard internal storage provision (e.g. wardrobes, kitchen cupboards, pantry, and linen press).

#### **4.5.18 Fencing**

- Street fencing shall be open or combination of open panels and masonry columns to a maximum height of 1.8 metres.
- Where a street fence is proposed, the section of side boundary fencing located in front of the building setback shall be open or combination of open panels and masonry columns to match front fence.
- Street fencing details are required with DA for dwelling.

#### **4.5.19 Outbuildings and Detached Garages**

- Not within building setback.
- Not in front of main dwelling if <4,000m<sup>2</sup> lot.
- If in front of main dwelling, it must be:
  - ⇒ Same construction,
  - ⇒ Matching roof pitch, and
  - ⇒ Appear like part of the habitable dwelling.
- Maximum height of 3.2m to eave, 3.6m to peak of roof or match house roof pitch for General Residential (R1), Large Lot Residential (R5) or Village (RU5)

#### **4.5.20 Pools**

- Where visible from a public place or road, details of screening are to be supplied.
- Any associated retaining walls or decks are not to exceed 1.0 metres above natural surface level.
- Pool pump enclosure to be placed greater than 15 metres from a habitable room in a dwelling on adjoining property or within a sound-proof enclosure.

#### **4.5.21 Water tanks**

- Located behind the street setback of the existing dwelling
- Maximum height of 3.2 metres
- Suitably screened where visible from a public place or street

## 4.6 COMMERCIAL AND RETAIL DEVELOPMENT

**NOTE: Many of these standards will not be applied to existing buildings.**

### 4.6.1 Building Setbacks

- No minimum setbacks are specified.
- Side and rear setbacks must meet BCA requirements.

### 4.6.2 Height

No height restrictions.

### 4.6.3 Outdoor Lighting

- Demonstrate compliance with AS/NZS 11583.1 Pedestrian Area (Category P) Lighting and AS4282 Control of Obtrusive Effects of Outdoor Lighting.

### 4.6.4 Outdoor Signage

- A single business premises is permitted to have:
  - ⇒ one under awning sign,
  - ⇒ one top hamper sign, and
  - ⇒ one fascia sign,
  - ⇒ that do not project above or beyond that to which it is attached.One of which may be illuminated, but not flashing, moving or floodlit.
- Design and location of signage must be shown on plans with DA.
- Where there is potential for light spill from signage to adjoining properties, all illuminated signage shall be fitted with a timer switch to dim or turn off the light by 11pm each night.
- Signage must comply with SEPP 64 – Advertising and Signage Schedule 1 Assessment Criteria.

### 4.6.5 Design

- Building facades shall be articulated by use of colour, arrangement of elements or by varying materials.
- Large expansive blank walls not permitted unless abutting a building on an adjoining allotment.
- Plans must show the location of all external infrastructure (including air conditioning units, plant rooms, ducting) and demonstrate how it will be screened from view from a public place or road.
- Development on corner sites shall incorporate splays, curves, building entries and other architectural elements to reinforce the corner as land mark feature of the street.

### 4.6.6 Post supported verandas and balconies

- Set back a minimum of 600 mm from the back of the kerb.
- Must complement the style, materials and character of the building being altered.
- Public liability insurance to Council requirements, and a Council license is required for veranda or balcony awning over the public footpath.
- Not to interfere with operation of or access to utility infrastructure.

### 4.6.7 Utilities and Services

- Servicing strategy required to demonstrate the availability and feasibility of providing water, sewer and stormwater services appropriate for the scale and nature of development. Evidence of consultation with the Council is to be provided.
- Applications must demonstrate adequate provision for storage and handling of solid wastes.
- Trade Waste Application and facilities are required where liquid wastes (excluding domestic waste from a hand washbasin, shower, bath or toilet) are to be discharged to Council's sewerage system.
- Buildings and structures are to be located clear of utility infrastructure including Power Lines.

- For sewer mains, structures are to be located a minimum of one metre or the equivalent invert depth, whichever is greater, from the centreline of the main. See Council Policy “Excavating/Filling or Building Adjacent to or Over Existing Sewer Mains” for further detail.

**4.6.8 Traffic and Access**

- Where possible, All vehicles must be able to enter and exit the site in a forward direction.
- Design must demonstrate no conflict between pedestrian, customer vehicles and delivery vehicles.
- Wearing surfaces for access driveways, parking areas, loading/unloading facilities and associated vehicle manoeuvring areas relative to the design vehicle.
- Unsealed vehicle movement areas are not acceptable due to environmental management impacts.
- Loading bay(s) must be sited to avoid use for other purposes such as customer parking or materials storage and be line marked and signposted.
- Site access not permitted:
  - ⇒ Close to traffic signals, intersection or roundabouts with inadequate sight distances;
  - ⇒ Opposite other large developments without a median island;
  - ⇒ Where there is heavy and constant pedestrian movement on the footpath; ☐ Where right turning traffic entering the site may obstruct through traffic.
- Separate, signposted entrance and exit driveways are required for developments requiring more than 50 parking spaces or where development generates a high turnover of traffic.
- The number of access points from a site to any one street frontage is limited to 1 ingress and 1 egress.
- Driveways must be provided in accordance with AS 2890.1 Parking Facilities

**4.6.9 Parking**

Land Use	Parking Requirements
Bulky Goods	1 space per 45 m <sup>2</sup> GFA
Business	1 space per 25 m <sup>2</sup> GFA
Brothels	1 space per staff working at any one time plus 1 space per room where sexual services are provided
Child Care Centre	1 space per every 5 children (based on maximum allowed)
Drive-in takeaway food shop	1 space per 8.5 m <sup>2</sup> GFA plus 1 space per 3 seats
Health Consulting Rooms	3 spaces per practitioner plus 1 space per employee
Hotel	1 space per hotel unit plus 1 space per 3.5 m <sup>2</sup> licensed public floor area
Major Retail Premises	Refer to RTA Guidelines
Medical Centres	1 space per 25 m <sup>2</sup> GFA or 3 spaces per practitioner plus 1 space per employee whichever is greater
Motel	1 space per accommodation unit plus 1 space per 2 employees
Restricted Premises	1 space per 23 m <sup>2</sup> GFA (leasable)
Retail Premises shops < 1,000 m GFA	1 space per 25 m <sup>2</sup> GFA
Retail Premises shops > 1,000 m GFA	2 space per 16 m <sup>2</sup> GFA

<b>Land Use</b>	<b>Parking Requirements</b>
Retail Premises video	3 space per 16 m <sup>2</sup> GFA

NB. Other land use requirements are provided in Parking Schedule of the Discretionary Development Standards

## CHAPTER 5: ENVIRONMENTAL CONTROLS

### 5.1 Environmental Effects

- The application documentation shall identify any potential environmental impacts of the development and demonstrate how they will be mitigated. These impacts may relate to:
  - ⇒ Traffic
  - ⇒ Flood liability (Flooding and Roof/Site pondage)
  - ⇒ Slope
  - ⇒ Construction impacts
  - ⇒ Solid and Liquid Waste
  - ⇒ Air quality (odour and pollution)
  - ⇒ Noise emissions
  - ⇒ Water quality
  - ⇒ Sustainability

### 5.2 Soil and Erosion Control

- Runoff shall be managed to prevent any land degradation including offsite sedimentation.
- Cut and fill will be minimised and the site stabilised during and after construction.
- Arrangements in place to prompt revegetation of earthworks to minimise erosion.

### 5.3 Vegetation

Development design shall accommodate the retention of any significant trees and vegetation.

### 5.4 Waste Management

General waste storage and collection arrangements shall be specified.

### 5.5 Noise

- Where relevant, applications are to contain information about likely noise generation and the method of mitigation.

### 5.6 Geology

- The design process must give consideration to the potential impact of erosive soils, saline soils, soils of low wet strength, highly reactive soils and steep slopes and document how these constraints are addressed.

### 5.7 Storm Water

- Because of the general flatness of the town and pockets of low land from adjoining lots or roads, storm water disposal may require special consideration to avoid ponding and dampness in and around the development and on adjoining land.

**CHAPTER 6: ANNEXURES 1-9**

Annexures 1 to 9 deal with a variety of developments and consideration and are part of this DCP.

## **ANNEXURE 1: FLOODING**

### **1 FLOOD AFFECTED LAND**

- A significant amount of land along the Barwon & Darling Rivers and its tributaries is floodprone.
- The Brewarrina Shire LEP states that land at or below the flood planning level the flooding provisions of the LEP apply. Council's adopted 1:100 ARI flood is the level of the 1974 flood (flood planning level).
- As a general rule, flood affected land within the Shire is that land that is grey soil adjacent to the Darling River and its tributaries. Red soil is generally considered not to be flood prone but local knowledge may indicate otherwise.
- If a development is proposed for land on the grey soil or is, in the opinion of a senior officer of the Council, likely to be flood affected, it is deemed to be flood affected land for the purposes of this DCP.
- It is an acknowledge reality that because of the flatness of much of the Council area, high rainfall or flood waters may have significantly different impacts on different land. In many cases this means the relatively shallow flood depths do not significantly increase as the water tends to extend the waters over a broader area at a similar depth depending on the topography.

### **2 ACCESS**

Flood free vehicle access is required for all lots created by subdivision.

For development of existing lots, where flood free vehicle access is not possible, the development must be able to achieve safe wading criteria as specified in whatever State or Federal Government guidelines are applicable in the circumstances.

### **3 ON-SITE SEWER MANAGEMENT**

Onsite sewer management facilities must be sited and designed to withstand flooding conditions (including consideration of structural adequacy, avoidance of inundation, and flushing/leaking into flowing flood waters). Tank and trench style of systems are not permitted on land affected by the Flood Planning Level.

All sewer fixtures must be located above the 1% Flood.

### **4 GENERAL DEVELOPMENT REQUIREMENTS**

- No building or work (including land filling, fencing, excavation) shall be permitted on flood affected land where in the opinion of Council, such building or work will obstruct the movement of floodwater or cause concentration or diversion of floodwaters
- DA must demonstrate the building or structure can withstand the force of flowing floodwaters, including debris and buoyancy forces as appropriate.
- Where required, A survey plan prepared by a registered surveyor showing existing ground levels, finished ground levels, finished floor levels, flood levels and location of existing/proposed buildings and safe evacuation path on the site relative to AHD. This survey plan is to have regard to the flood planning level of the 1:100 ARI flood.
- All materials used in construction shall be flood compatible.
- Development must be designed in accordance with the Flood Proofing Guidelines that are applicable at the time of applications.

### **5 RESIDENTIAL DEVELOPMENT**

- Floor levels of all habitable rooms, or rooms with connection to sewer infrastructure shall not be less than the flood planning level which is 500mm (freeboard) above the level of the highest

known flood. Where Council is satisfied that the site is adequately protected by flood protection facilities that would provide the same protection, this will not be required but is recommended.

- If council is in doubt about the flood risk and levels necessary, It may require a Registered Surveyors report on such levels.
- Additions to existing buildings that are considered flood liable will be only be permitted, with limitations, based on current guidelines and the circumstances of the site.

### **6 COMMERCIAL / RETAIL / INDUSTRIAL DEVELOPMENT**

- Development shall incorporate measures to seal or flood proof buildings, to avoid activities or fittings susceptible to flood damage, or to store important contents of buildings above the flood planning level
- Where Council is satisfied that the site is adequately protected by flood protection facilities that would provide the same protection, this will not be required but is recommended.

### **7 SUBDIVISION**

- Residential subdivision will not be permitted where any lot to be created will be significantly inundated by the flood planning level event and the creation of such lot will create the potential for increased intensity of development on flood liable land.
- Residential commercial and Industrial subdivision will not be permitted where any lot create would be inundated by the flood planning level

### **8 LANDFILLING**

- Where Council considers it necessary, a Survey plan prepared by a registered surveyor is required, showing the contour levels of natural surface, any existing fill and the designed contour levels for the finished work.
- A report certified by a consulting engineer is required to detail the impact of the proposed fill on adjoining properties when levee banks are proposed, and identify the methods of internal drainage.
- Applications shall be accompanied by a construction management plan to show
  - ⇒ source of fill, including contamination assessment
  - ⇒ an assessment of the impact of haulage vehicles on roads
  - ⇒ precondition report of all haulage routes.
  - ⇒ details of method of compaction of fill and associated impacts: control of dust, sedimentation, water quality impacts, noise and vibration
  - ⇒ contingency for containment of fill in the event of a flood during placement

### **9 NON-RESIDENTIAL RURAL BUILDINGS**

- Not permitted in “floodways”.
- Where required by Council, Floor areas shall be located above the flood planning level.

Definitions are as per the applicable Floodplain Development guidelines of the State of Federal guidelines.



## ANNEXURE 2: INTENSIVE LIVESTOCK

### 1 INTENSIVE LIVESTOCK AGRICULTURE

#### 1.1 Siting and Setbacks

Development for the purposes of intensive livestock agriculture, are required to comply with the minimum buffers distances outlined below

##### Philosophy.

Historically, creators of a nuisance under common law had to avoid creating the nuisance. In heavily urbanised areas where there has been an existing potentially nuisance creating establishment, require the adjoining landowner to provide a buffer on their own land if they want to do urban zoning in the vicinity. This effectively protected an existing use right.

Where no existing right exists, the developer of the new industry should supply buffers.

Note based on current NSW recommendations.

	Intensive livestock agriculture (except poultry farms)	Poultry farms
Front building setback	1000 m	250 m
Side or rear building setback	500 m	500 m
Dwelling on same property	50 m	50 m
Any dwelling on a neighbouring property	1000 m	500 m
All residential zones	1000 m	500m

- Development must be in accordance with the current Code of Practice for Animal Care produced by the Department of Primary Industries.
- Sites with a slope greater than 5% must not be used for intensive livestock agriculture.
- Sites that have residual chemicals in the soil such as organochlorides and arsenic must not be used for intensive livestock agriculture.
- Development must be located having regard to the topography and microclimate of the area to ensure concentration of odours cannot occur.

#### 1.2 Noise, odour and dust

- Where possible, buildings and facilities are to be located out of the line of sight of adjoining neighbours.
- Locate all stationary noise generating machinery within sheds and where practical away from property boundaries.
- Ensure that feed grain is stored in a dry storage area to prevent fermentation.
- Prevent entry of drainage/seepage water into site sheds and storage facilities through the construction of earth contour banks and drainage.
- Feeding troughs and self-feeders must be designed to minimise any spillage that could potentially contribute to odour emissions.
- Appropriately silenced forklifts should be utilised to reduce night noise generation.
- Noise levels generated must not exceed the requirements of the NSW Industrial Noise Policy (NSW EPA, 2000).

- Industry Best Practice Management measures developed to eliminate or reduce odour are to be employed.
- Where practical, major truck deliveries and produce transport should be scheduled for
- Reasonable hours of the day.
- In addition to the above, the following controls apply to poultry sheds:
  - ⇒ All poultry sheds are to be appropriately cleaned out after every batch.
  - ⇒ Sheds or structures must be adequately ventilated.
  - ⇒ Shed curtains or shutters must be utilised during shed clean outs (to minimise the impact of dust on adjoining land users). As far as practicable, dust generated must stay within property boundaries.
  - ⇒ The type of litter material chose for shed floors must have regard to its propensity to produce dust.

### 1.3 Soil and Water Management

- Local drainage patterns are to be maintained and stormwater flows effectively managed.
- Development must incorporate the construction of stormwater diversion banks, sedimentation ponds and the installation of a wastewater treatment system to divert and treat wastewater and run-off.
- Suitable impermeable sedimentation pond structures must be constructed that will not contaminate surface and ground waters.
- Development must provide appropriate methods for the adequate management and handling of litter, manure, composting and removal of dead animals.
- Runoff from feeding pens and site buildings (sealed or compacted) is to be collected in sedimentation ponds prior to any irrigation on-site. Contaminated waters must be suitably treated before reuse on the farm.
- All sedimentation ponds are to be de-sludged to remove build-up of solid effluent when their storage capacity is reduced by more than 25%.
- Loads of litter, manure and feed being transported to the property are to be adequately covered.
- Prompt and safe disposal of feed by-products is to be arranged where recycling is not
- Possible to avoid the harbouring of pests and vermin.
- Diversion banks may need to be constructed to intercept and divert runoff away from manure stockpile and carcass disposal area.
- Runoff from shed roofs, access tracks and hard stands (sealed or compacted) is to be collected and stored on site.

### 1.4 Transport and Access

- Internal access roads must be of all-weather design constructed and have turning areas adequate for large articulated vehicles where required.
- The location of roads, parking and turning areas must recognise potentially sensitive areas such as neighbouring houses.
- The timing and manner of transport activities associated with the development including the frequency, times, routes and number of animal deliveries and pick-ups, feed deliveries and clean-outs must take into consideration the impact on adjoining neighbours.
- Car parking and manoeuvring areas for vehicles must be constructed in accordance with Council's Design Specifications.

### **1.5 Landscaping**

Strict compliance with these requirements will depend on the location and nature of the site of the establishment.

Where native vegetation is limited in its capacity to provide visual screening then the following vegetation design controls apply:

- ⇒ Site boundaries – vegetative screen. Rows of vegetation to be established and maintained
- ⇒ Site boundaries – vegetative windbreak (where provided). 3 rows of vegetation to be established and maintained
- ⇒ Around Site Structures - Grassed areas are to be kept maintained
- ⇒ Earth dam banks - Grassed areas are to be kept maintained
- ⇒ Open Stormwater Drains - Grassed areas are to be kept maintained
- Landscaping must incorporate a mixture of trees, shrubs and groundcovers, and where practicable utilise species that are endemic to the Brewarrina Shire.
- All plantings are to be in groups, consist of advanced stock and are to be a minimum of 12m from sheds to allow adequate air movements. In bushfire prone areas, fire retardant species must be utilised and separation from buildings must be consistent with the requirements of Planning for Bushfire Protection.
- The mature height of tall species should be sufficient to intercept a direct line of sight from a neighbouring dwelling or roadway (measured 2m above the natural ground level).
- Tree planting must not impede on the available area for on-site effluent disposal.

## ANNEXURE 3: INTENSIVE PLANT AGRICULTURE

### 1 INTENSIVE PLANT AGRICULTURE

The existing LEP requires consent for this activity and includes land uses for issues like growing cotton – but not irrigated land for pasture or fodder crops (grain)

#### 1.1 Siting and Setbacks

Development for the purposes of intensive plant agriculture, are required to comply with the minimum buffers distances outlined below

##### Reasons

These agricultural uses often generate spray drift and in heavily urbanised areas, these sorts of buffers are imposed on residential zoning historically, under common law, the creator of the Nuisance was always required to prevent the nuisance and spray drift is a nuisance – not only to adjoining land owners but also road reserves and their vegetation.

	Horticulture (field based)	Controlled environment structures (igloos)	Viticulture
Front building setback	200m	20 m	40 m
Side or rear building setback	200m	20 m	40 m
All residential zones	200 m	200 m	200 m
Dwelling on same property	20 m	20 m	20 m
Any other dwelling	200 m	50 m	50 m

- Development for the purposes of intensive plant agriculture must accommodate future expansion of the farm while maintaining recommended buffer distances.
- Must not be located on visually prominent locations such as ridgelines and highly exposed areas.
- Must, where possible, be sited in locations that maximise opportunities for cooperative packing and labour pooling.
- Must, where practical, be sited in locations that minimise impact to the amenity of surrounding land uses.
- Sites with a slope greater than 5% must not be used for intensive plant agriculture, other than for the purposes of viticulture, which may be located on slopes up to 20%.
- Sites that have residual chemicals in the soil such as organochlorides and arsenic must not be used for intensive plant agriculture.

#### 1.2 Controlled Environment Structures

All controlled environment structures, including covering materials, are to be kept well maintained and in good condition.

- The orientation of controlled environment structures must be determined in accordance with the direction of prevailing winds to take advantage of cooling summer breezes.
- Where possible, controlled environment structures are to be a minimum of 4 metres in height to encourage adequate ventilation, provide optimal growing environment and increase the overall efficiency.

- Development must include the planting and maintenance of vegetative screens and windbreaks.
- Controlled environment horticulture structures are to be raised to facilitate the drainage of stormwater away from structures.

### **1.3 Noise and Odour**

- Where possible, site building and facilities are to be located out of the line of visual impact of neighbouring dwellings.
- Ensure that feed grain is stored in a dry storage area to prevent fermentation.
- Prevent entry of drainage/seepage water into site sheds and storage facilities through the construction of earth contour banks and drainage.
- Appropriately silenced forklifts should be utilised to reduce night noise generation.
- Noise levels generated must not exceed the requirements of the NSW Industrial Noise Policy (NSW EPA, 2000).
- Where practical, major truck deliveries and produce transport should be scheduled for reasonable hours of the day. Council acknowledges that farmers need to access markets early in the morning therefore requiring night time vehicle movements.
- Locate all stationary noise generating machinery within sheds and where practical away from property boundaries.

### **1.4 Soil, Waste and Water Management**

- Intensive plant or horticultural operations are to incorporate grassed inter-row areas or cover crops between production areas crop rows in order to:  reduce erosion potential,
  - ⇒ Improve soil organic matter,
  - ⇒ Provide trafficable areas in wet weather,  act as biological filters for water run-off, and  reduce pest and disease levels.
- The existing soil moisture content must be assessed prior to undertaking any cultivation practices to avoid damage to the soil structure from cultivating when too dry or moist.
- Cultivation between crop rows must be minimised and only undertaken for moisture retention and ground preparation.
- Viticulture farms are to incorporate cover crops in their overall farm management practices to reduce erosion potential, improve soil organic matter and reduce pest and disease levels.
- Any cultivation of the site must follow the natural contour lines to increase soil water retention and to minimise erosion potential.
- Applications are to demonstrate that an adequate water supply is available to support the proposed development.
- Water quality tests must be performed to demonstrate that levels of salts, minerals, and pH are suited for horticultural use.
- Stormwater drains are to be wide, gently sloping open drains that are well vegetated to minimise erosion potential and facilitate filtering of solid particles contained in the runoff.
- Local drainage patterns are to be maintained and stormwater flows effectively managed.
- Development must incorporate the construction of stormwater diversion banks, sedimentation ponds and the installation of a wastewater treatment system to divert and treat wastewater and run-off.
- Runoff from site buildings (sealed or compacted) is to be collected in sedimentation ponds prior to any irrigation on-site. Contaminated waters must be suitably treated before reuse on the farm.
- Diversion banks may need to be constructed to intercept and divert runoff away from any composting areas.

- Viticulture farms must consider soil types and their suitability for the production of grapes over the proposed development site.

### **1.5 Pest Management**

- Pesticide use must meet the requirements of any relevant pesticide legislation (currently being the *NSW Pesticides Act 1999* and associated regulations such as the *Pesticides Regulation 2009*, *Pesticides Amendment (Records) Regulation 2001* and the *Pesticides Amendment (User Training) Regulation*, administered through the NSW Department of Environment, Climate change and Water).
- The storage, transport, and keeping of records for all pesticides used in intensive plant agriculture farms are to be in accordance with any relevant legislation (currently being the *NSW Pesticides Regulation 1995*).
- Records of spray activity including method, chemical and prevailing conditions to avoid spray drift to be kept.

### **1.6 Transport and Access**

- Internal access roads must be of all-weather design constructed and have turning areas adequate for large articulated vehicles where required.
- The location of roads, parking and turning areas must recognise potentially sensitive areas such as neighbouring houses.
- The timing and manner of transport activities associated with the development including the frequency, times, routes and number of deliveries and pick-ups must take into consideration the impact on adjoining neighbours.

### **1.7 Landscaping**

Strict compliance with these criteria may vary depending on the nature of the surrounding environment and land use.

Landscaping design can be used to reduce the potential for spray drift and thus avoid negative impacts on adjoining land owners and the potential important role of road reserves in supporting and preserving the natural flora and fauna.

Where native vegetation is limited in its capacity to provide visual screening then the following vegetation design controls apply:

- ⇒ Site boundaries – vegetative screen. Rows of vegetation to be established and maintained
- ⇒ Site boundaries – vegetative windbreak (where provided). 3 rows of vegetation to be established and maintained
- ⇒ Around Site Structures - Grassed areas are to be kept maintained
- ⇒ Earth dam banks - Grassed areas are to be kept maintained
- ⇒ Open Stormwater Drains - Grassed areas are to be kept maintained
- All plantings are to be in groups, consist of advanced stock and are to be a minimum of 12m from structures to allow adequate air movements. In bushfire prone areas, fire retardant species must be utilised and separation from buildings must be consistent with the requirements of Planning for Bushfire Protection.
- The mature height of tall species should be sufficient to intercept a direct line of sight from a neighbouring dwelling or roadway (measured 2m above the natural ground level).
- Landscaping must not impede on the available area for on-site effluent disposal.
- The mature height of tall species must not impede or shade the available growing area for horticultural crops.

Landscaping must incorporate a mixture of shrubs and groundcovers, and where practical utilise species that are endangered, endemic to the Brewarrina Shire or will provide food and shelter to specific threatened species.

## ANNEXURE 4: INDUSTRIAL DEVELOPMENT

**Note: Council will be flexible on these issues that are not currently required or can be provided at a future date as a condition of consent.**

### 1 INDUSTRIAL DEVELOPMENT

#### 1.1 Building Setbacks

- Street setback must be a minimum of 5m.
- No concession for secondary frontage.
- Street setback must be landscaped.
- Side and rear setbacks to meet BCA requirements.

#### 1.2 Design

- Building elevations to the street frontage or where visible from a public road, reserve, railway or adjoining residential area are to incorporate variations in façade treatments, roof lines and building materials.
- Low scale building elements such as display areas, offices, staff amenities are to be located at the front of premises and constructed in brick or finished concrete.
- Roofing materials should be non-reflective where roof pitch is greater than 17 degrees or not visible from a public road.

#### 1.3 Utilities and Services

- Servicing strategy is required to demonstrate the availability and feasibility of providing water, sewer and stormwater services appropriate for the scale and nature of development.
- Applications must demonstrate adequate provision for storage and handling of solid wastes.
- Trade Waste Application and facilities are required where liquid wastes (excluding domestic waste from a hand washbasin, shower, bath or toilet) are to be discharged to Council's sewerage system.
- Onsite stormwater capture and reuse shall be provided for maintenance of landscaping. Storage tanks shall be appropriately located and screened.
- Buildings and structures are to be located clear of utility infrastructure.
- For sewer mains, structures are to be located a minimum of one metre or the equivalent invert depth, whichever is greater, from the centreline of the main.

#### 1.4 Landscaping

- Landscaping is required:
  - ⇒ in the front 5m of street setback;
  - ⇒ side and rear setbacks where visible from public place or adjoining residential area; and
  - ⇒ areas adjacent to building entrances and customer access points.
- Landscaping or shade structures shall be provided in outdoor car parking areas where >10 spaces are required, to provide shading and soften the visual impact of large hard surfaces.
- Landscaping shall comprise only low maintenance, drought and frost tolerant species.

#### 1.5 Fencing

- Open work or storage areas visible from a public place or street must be fenced by masonry materials or pre-coloured metal cladding of minimum 2m height. Fencing to be located behind the building setback. Security barriers may also be incorporated.
- Security fencing must be also located behind the building setback area except when of a decorative nature to be integrated in the landscaped area.



### 1.6 Traffic and Access

The Traffic Assessment is required to demonstrate the adequacy of:

- ⇒ road network,
  - ⇒ site access,
  - ⇒ loading/unloading facilities, and
  - ⇒ safe on-site manoeuvring for largest design vehicle
  - ⇒ wearing surfaces for access driveways, parking areas, loading/unloading facilities and associated vehicle manoeuvring areas relative to the design vehicle.
- Unsealed vehicle movement areas are not acceptable due to environmental management impacts.
  - All vehicles must be able to enter and exit the site in forward direction.
  - Site access not permitted:
    - ⇒ Close to traffic signals, intersection or roundabouts with inadequate sight distances;
    - ⇒ Opposite other large developments without a median island;
    - ⇒ Where there is heavy and constant pedestrian movement on the footpath; ☒ Where right turning traffic entering the site may obstruct through traffic.
  - Separate signposted entrance and exit driveways are required for developments requiring more than 50 parking spaces or where development generates a high turnover of traffic.
  - The number of access points from a site to any one street frontage is limited to 1 ingress and 1 egress.
  - Driveways must be provided in accordance with Australian Standard AS2890.1 Parking Facilities.

### 1.7 Parking

The parking requirements are set out in the following table.

Land Use	Parking Requirement
Industrial retail	1 space per 45m <sup>2</sup> GFA
Industrial	1 space per 75m <sup>2</sup> GFA or 1 space per 2 employees. Whichever is Greater
Transport / Truck Depot	space for each vehicle present at peak time onsite and driver parking
Vehicle Body Repair Workshop or Repair Station	1 per 40m <sup>2</sup> GFA or 3 spaces per workshop bay. Whichever is Greater
Warehouses	1 space per 300m <sup>2</sup> GFA or 1 space per employee. Whichever is Greater
Other	Based on predicted peak vehicle use

- A Portion of customer parking to be provided convenient to the public entrance.

### 1.8 Loading / unloading Facilities

- Adequate space and facilities are required to be provided wholly within the site.
- Loading and delivery bays must be designed to allow vehicles to enter and exit the site in a forward direction.
- Loading bay(s) must be sited to avoid use for other purposes such as customer parking or materials storage and be linemarked and signposted.

### 1.9 Outdoor Signage

- Single occupant industrial site:
  - ⇒ one free standing advertisement within the 5m landscaped setback; and
  - ⇒ one advertisement integrated within the facade of the building, but no higher than the building roof line.
- Multiple unit industrial site:
  - ⇒ one index board near site entrance or within the 5m landscaped setback; and
  - ⇒ one advertisement integrated within the facade of each unit, but no higher than the building roof line.
- Signage must comply with SEPP 64 – Advertising and Signage Schedule 1 Assessment Criteria.

### 1.10 Outdoor lighting

- Must comply with Australian Standard AS4282 Control of Obtrusive Effects of Outdoor Lighting.

### 1.11 Noise

- Windows, doors and other wall openings shall be arranged to minimise noise impacts on residences where proposed within 400m of a residential zone.
- External plant (generators, air conditioning plant etc.) shall be enclosed to minimise noise nuisance where adjoining residential area.

### 1.12 Brothels and Restricted Premises

- Must be located at least 150m from any of the following:
  - ⇒ Existing dwelling;
  - ⇒ Residential zone; ☒ Place of worship;
  - ⇒ Any place designated for and utilised by children (e.g. child care centre, community facility, educational establishment, entertainment facility, recreation area/facility);
  - ⇒ Any other sex services premises.

### 1.13 Landscaping

- Subject to agreement with Council before lodgement of DA.
- Landscaping or shade structures shall be provided in outdoor car parking areas where >10 spaces are required, to provide shading and soften the visual impact of large hard surfaces.
- Edging to be provided to retain mulch and protect the landscaping from damage from vehicles.
- Landscaping shall comprise only low-maintenance, drought and frost tolerant species.

## ANNEXURE 5 – LAND FORMING DEVELOPMENT

### 1 LAND FORMING DEVELOPMENT

#### 1.1 Definition

Land forming development means works associated with agriculture that involve the process of adjusting or altering the natural formation or surface of land, and includes the construction of levees, drains, channels and dams.

As a general guideline, land formation under standard State Planning Policies is over 1m of fill or over 1m excavation/cut above or below natural ground level.

However, in such flat country, this criterion may be far too generous. Even putting in an access road could have a significant impact on a flood plain.

#### 1.2 Consideration of Development

When considering an application for land forming development, Council and developers shall take into consideration the following matters:

- The effect of the development of the potential for wind erosion;
- The effect of the development on the landscape and scenic quality of the land;
- Whether any trees or other vegetation on the land should be preserved;
- The topography of the site and adjoining land, in particular, the level of the land to be developed in relation to the surrounding land;
- The flood liability of the land;
- The likely effect of flooding on adjoining or other land in the locality as a result of the development of the land;
- The risk of soil erosion and other land degradation;
- The loss of important vegetation systems and natural wildlife habitats;
- An estimation of natural peak discharge from the holding for a one in twenty, one in fifty and one in one hundred year rainfall pattern (based on Rational Method as set out in “Australian Rainfall and Run-off”) or on such other method as the Council may agree to;
- An estimation of peak discharge from the holding for a one in twenty, one in fifty and one in one hundred year rainfall pattern after the completion of the development; and
- A whole farm plan indicating the proposed overall irrigation layout pattern including provisions for supply, drainage and on farm storage.
- Control of runoff after application, either for reuse or return to environment.

#### 1.3 Design of Land forming

- The land forming design must be able to:
  - ⇒ Maximise the distance of storm water travel to the discharge point of the holding;
  - ⇒ Maximise time concentration by slowing the rate of stormwater run-off;
  - ⇒ Minimise the volume of overland flow per unit area; and
  - ⇒ Provide buffers such as retention basins and vegetation plots to increase the time of concentration.

#### **1.4 Plans**

The following details are to be included on land forming development plans:

- *Site Plans* are recommended to be a scale to fit on an A3 or A1 sheet and should show existing and proposed lot boundaries, extent of works, features, vegetation, drainage lines, contours, existing buildings, flood prone land, existing and proposed roads, land capability, areas of special significance and any hazard land.
- *Survey Plans* are recommended to be a suitable scale to fit on an A1 or A3 sheet. These plans should indicate detailed locations of all lots and the balance of title, dimensions and areas lots.
- *Detail Plans* are required to show the following:
  - ⇒ Existing vegetation and trees on the land;
  - ⇒ Existing levels and topographical details of the land including contour lines drawn at suitable intervals;
  - ⇒ The natural pattern of rainfall run-off;
  - ⇒ Divert stormwater away from or around critical features such as steep slopes or unstable soil;
  - ⇒ Provide for zero net increase in peak discharge from the holding and direct such discharge to the natural discharge point; and
  - ⇒ Preserve natural drainage lines through the property or make provision for adequate alternative drainage lines.

#### **1.5. Levels**

- All plans should indicate falls for surface run-off. This may be done using ratios of percentage slope, i.e. 1 in 80 or 3%.
- Levels should also be indicated as spot levels or contour lines.
- Where changes of level are being incorporated into the design, both new and existing levels should be shown.

## ANNEXURE 6: HERITAGE ITEMS

### 1 HERITAGE

#### 1.1 Heritage Items

There are a number of buildings and sites within the Shire which have heritage significance. They are listed in the heritage schedule of the Brewarrina Shire LEP.

The following objectives are in the Brewarrina Shire LEP and are repeated here to provide context to the issue:

- (a) to conserve the environmental heritage of Brewarrina Shire, and*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

When carrying out development on the same lot as a heritage item or on lots in the vicinity, it is necessary to carry out an assessment of the impact of the development on the heritage item.

#### 1.2 Subdivision

- Subdivision proposals must be consistent with the prevailing subdivision pattern.
- Subdivision of a property containing a heritage item must:
  - ⇒ Maintain existing building curtilage;
  - ⇒ Provide for outbuildings and garaging; and
  - ⇒ Ensure significant landscape features and vegetation are retained.

#### 1.3 Alterations and/or additions to existing heritage items

- Destruction of important elements such as chimneys, windows and gables will not be permitted.
- Original details such as panelling, ceilings, skirtings, architraves or remaining door and window furniture, must be retained.
- Fire safety upgrading of buildings must be undertaken in accordance with the NSW Heritage Office manual titled “Heritage on Fire”.
- In relation to siting of alterations and additions, the following criteria apply
  - ⇒ Basement additions are not permitted at the front elevation
- Extensions or alterations to heritage items should not project beyond the front building line.
- Side additions should not compromise the ability for driveway access to the rear of the block
- Front and side setbacks should be typical of the spacing between buildings located in the vicinity of the new development.
- Extensions or additions to a building on a heritage listed site must only occur at the rear of the existing building or where not visible from the street.
- In relation to roofing -
  - ⇒ Original roof material must be matched in material and colour.
  - ⇒ Skillion roofs of additions must be pitched rather than flat and should be of a depth which is secondary to that of the main building.
  - ⇒ Roof pitch of additions must match existing.
  - ⇒ Roofing must maintain the scale and massing of the existing roof form.

- ⇒ All roof openings must be located on the rear pitch of the roof and not be visible from the street.
- In relation to size and scale -
  - ⇒ Building bulk and large expanses of solid masonry should be avoided through the use of recesses, bays, vertical elements and/or the use of additional surface treatments/materials.
- In relation to materials and colours -
  - ⇒ Extensions or alterations must retain existing materials and finishes and use compatible materials for new work.
- New face brickwork should match the existing brick in colour and texture, and type of jointing and mortar colour.
- Unpainted face brick or stone must remain unpainted and unrendered.
- Original timber windows must be retained, repaired or reconstructed in existing buildings. New doors and windows must be of materials consistent with the existing building.
- Colour schemes must match the period of the building.
- Mock historical details must not be applied

#### **1.4 Change of Use of a Heritage Item**

- ☑ Adaptive reuse of a building must:
  - ⇒ Retain all significant fabric of the heritage listed building.
  - ⇒ Retain the general appearance of the building so that its original role can be readily interpreted

#### **1.5 Fencing of Heritage Items**

- Original fences must be retained and maintained unless they are beyond repair.
- Fences must be of a scale comparable with the street and the building.
- Front fences must be of materials characteristic to the surrounding area, particular to the street and suitable to the era of the house. Examples include timber picket, low masonry, palisade and hedges.
- Plain or colour treated metal fences are not permitted on any street frontage or side boundary in front of the street setback or heritage item.

#### **1.6 New Development**

- Design shall give consideration to the following -
  - ⇒ New development must have a hipped or gabled roof without unnecessary secondary projections.
  - ⇒ New development must use materials which are consistent with the overall character of the streetscape, as defined by reference to the original older buildings in the immediate locality.
  - ⇒ Openings in visible frontages must retain a similar ratio of solid to void as to that established by the original older buildings.
  - ⇒ If a large area of glass is required, vertical mullions must be used to suggest vertical orientation. A large window could also be set out from the wall to form a simple square bay window making it a contributory design element rather than a void.
  - ⇒ The quality and quantity of existing street front garden landscaping must be maintained.
  - ⇒ Siting of new development shall give consideration to the following -
    - ⇒ New development must be aligned to the predominant building line and must provide for the retention of curtilages around heritage buildings.

- ⇒ Where there is no identifiable setback pattern, new buildings should be setback at the same distance from the street as the adjoining properties.
- ⇒ New development must be sited behind the building line of any adjoining heritage item.
- ⇒ Development patterns such as subdivision layout, setbacks and spaces between buildings should be maintained.
- ⇒ Size and scale of new development must be consistent with surrounding buildings in terms of the average predominant height, size and proportions.
- Selection of materials should include consideration of the following -
  - ⇒ Bricks of mixed colours (mottled) and textured 'sandstock' bricks are not permitted.
  - ⇒ Building bulk and large expanses of solid masonry must be avoided through the use of recesses, bays, vertical elements and/or the use of additional surface treatments/materials.
- Corrugated galvanized iron (or zincalume finish) is a most appropriate roofing material for new buildings in historic areas.

### 1.7 New Ancillary Structures

- Any ancillary structures (e.g. carport, garage, shed) must:
  - ⇒ not be located between the main dwelling front building line and the street frontage;
  - ⇒ be no greater than one storey with an attic;
  - ⇒ must be constructed of materials complementary to the main dwelling; ☑ be located between the rear of the dwelling and the rear boundary.
- Garages must:
  - ⇒ have simple rectangular plans;
  - ⇒ have doors restricted to single car width;
  - ⇒ have a roof form which is gabled or hipped with roof pitch equal or less than that of the main dwelling;
  - ⇒ be detached from the existing house;
  - ⇒ be set to the rear of the dwelling;
  - ⇒ constructed of materials of simple character i.e. weatherboards, vertical shiplap boards and corrugated metal roof sheeting; ☑ Carports must:
    - ⇒ be of timber frame construction. Standard steel frame carports and garages are not appropriate;
    - ⇒ have a roof pitch slightly lower than that of the main building – generally 25 – 30°;
    - ⇒ be detached from the existing house; ☑ be set to the rear of the dwelling.

## **ANNEXURE 7 - SUBDIVISION**

Parts of this DCP annexure will only be applied to subdivisions involving more than three new lots.

### **1 SUBDIVISION**

#### **1.1 Lot size**

- “Lot size map” and Clause 4.1 of Brewarrina Shire LEP 2012 prescribe the minimum lot sizes for all new allotments.
- Development applications are to address the following issues;
- Service strategies
- Sewer
- Water supply
- Storm water Disposal
- Telecommunications
- Electricity
- Road design (all aspects)
- Lot orientation
- Open space
- Lot access with consideration of land use
- Minimum lot sizes do not apply to Strata and Community Title Subdivisions.
- Residential lots must be able to accommodate a rectangle suitable for building purposes measuring 10m x 15m behind the street setback (note there is no concession to a second street frontage for setbacks).
- Easements are not to encumber more than 10% of the total area of the lot.

#### **1.2 Servicing Strategy**

- All development applications shall provide a servicing strategy (water, sewer, stormwater, telecommunications and electricity) to demonstrate that it is feasible for the subdivision to be serviced in accordance with the requirements of Council’s Engineering Guidelines for Subdivision and Developments.
- The strategy shall include evidence that the developer has consulted with Council’s Manager of Water and Wastewater in relation to the availability and capacity of the existing water and sewer networks consistent with the likely future use of the land.
- For new estates this shall include nomination of a maximum number of equivalent tenements that will be serviced by the infrastructure.

##### **1.2.1 Sewer**

- The servicing strategy shall identify the method of providing sewer to the proposed lots in accordance with the Council’s Engineering Guidelines for Subdivision and Development.
- Residential lots are to be serviced by gravity sewer. Detail of any lot filling required to achieve minimum grade shall be provided.
- The area within proposed lots shall be capable of being serviced by gravity sewer (unless located within an estate where an alternate sewer system is established).
- Reticulated sewer is required where the Lot Size Map specifies a minimum lot size of up to and including 4000m<sup>2</sup>
- On-site sewer management facilities will be required when developing lots where the Lot Size Map specifies a minimum area of 1 hectare or greater.

##### **1.2.2 Water**

- The Servicing Strategy shall identify the method of providing water to the proposed lots in accordance with the Council’s Engineering Guidelines for Subdivision and Development.



- Reticulated water is to be supplied to subdivisions of land in the General Residential R1 Zone.
- On-site water storage requirements will be applied when future development occurs on lots where the Lot Size Map specifies a minimum area of 20 hectares or greater.

### **1.2.3 Stormwater Drainage**

- The servicing strategy shall include consideration of flows up to the 1:100 ARI flood event or existing natural flow, existing developed flow and post developed flow.
- Minor flows are to be piped to a 1:5 ARI flood event.
- Location of major flows are to be defined to a designated overland flow path up to a 1:100 ARI flood event and are to be dedicated as a drainage reserve.
- Measures to control stormwater flow and water quality are required.
- Where drainage is required to the rear of the lot, inter-allotment drainage shall be located in easements in favour of the upstream properties benefitted by the easement.
- Because of general flatness of the area, drainage basins may be required within the landscaping of the street and open space areas or to natural drainage locations.
- Lot layout and easements are to be established so that no future development will rely upon pump-out, infiltration systems or any other method other than connection to the gravity piped system.

### **1.2.4 Telecommunications**

- Telecommunications are to be provided underground, but for RU1 development and large rural residential Lots, these may be overhead. In some cases satellite or other methods may be more appropriate.

### **1.2.5 Electricity**

All subdivision is to be serviced by an adequate supply of electricity for the nature of the subdivision and any supply upgrades (Mains, Transformers, individual supply to all lots, street lighting and such) by the energy authority are to be resolved. While underground supply may be desirable, this is not a requirement unless there is an identified need in a particular case.

For subdivision of land in the Primary Production Zone mains electricity is desirable and may be overhead but if circumstances and the nature of the land use make this impractical alternative energy may be accepted.

### **1.3 Battle-axe shaped lots**

- Minimum area for battle-axe shaped lot is 800m<sup>2</sup> excluding the access handle.
- Access handles shall be of a minimum width of 4.5 metres, of which 3 metres is to be constructed and sealed with asphaltic concrete or interlocking pavers at the time of subdivision.
- The topography of the site may require installation of kerbing to manage overland stormwater.
- Battle-axe lots must also share a common boundary with a public reserve of at least 15 metres in length.
- Only 1 Torrens title lot is to use battle-axe handle access.

### **1.4 Industrial lots**

- Industrial lots shall have a minimum street frontage and square width of 24m and an area of 1,000m<sup>2</sup>.
- Industrial subdivision cannot be serviced by cul-de-sac road formation.

### **1.5. Road Network Design**

- The road hierarchy shall be defined.
- Roads to be all weather sealed 6m wide pavement with table drains and entry culvert
- Residential subdivision must incorporate appropriate facilities and opportunities for pedestrian and bicycle movement.
- The alignment, width and design standard for all roads shall be in accordance with the expected traffic volume, type of traffic and desired speed in accordance with the Council's Engineering Guidelines for Subdivision and Development.
- Kerb and gutter is required for subdivision where the Lot Size Map specifies a minimum lot size of up to and including 2 ha.
- The road pavement requirement will be determined based on vehicle movements (both current and future) and with consideration to the existing development and character of the locality. Generally, sealed pavement will be required where the Lot Size Map specifies a minimum lot size of up to and including 10 hectares.
- A road within a residential subdivision servicing 15 lots or more must include a constructed pedestrian footpath.
- Subdivision layouts shall make provision for road connection to adjoining undeveloped land.
- Subdivision design shall ensure that individual allotments are within 400 metres walking distance of a collector road.
- Roads to be designed having regard to topographic contours to minimise cut and fill.

#### **1.5.1 Culs-de-sac**

- Radius of a cul-de-sac bowl in a residential subdivision shall not be less than
- 12.5 metres.
- The design must accommodate stormwater drainage overland flow paths.
- Alternate cul-de-sac configuration is not permitted, such as "hammer-head" or "Y" shapes.

### **1.6 Landscaping**

- Subdivision involving new road construction shall include street tree planting of suitable species.
- Landscape plans shall be provided for all dual use drainage reserves to enhance recreational opportunities and visual amenity without compromising drainage function and other services.
- Because of general flatness, drainage basins should be provided within the land scaping of the street and open space areas.

### **1.7 Site Access**

- Public road access is required to all lots.

Commercial or industrial subdivision shall include provision of a kerb layback which is -

- ⇒ located at either end of the property frontage;
- ⇒ not closer than 6m to an intersecting road or break in a traffic island; and
- ⇒ located so that sight distance is adequate.
- ⇒ No direct access to arterial or sub-arterial roads shall be permitted where alternatives are available.

### **1.8 Lot Orientation**

- Where residential subdivision involves a road running north-south, allotments are to be designed to provide solar access for future development.
- Orientation shall minimise potential overshadowing impacts of existing and future buildings.

### **1.9 Open Space**

- Open space provision within residential subdivision will be determined compliance with the provisions of the Site Specific Design Criteria.
- Where required, subdivision design must provide open space achieving the following criteria:
  - ⇒ Minimum area of 0.5ha;
  - ⇒ Buffered from main roads and identified hazards for improved safety;
  - ⇒ Safely accessible by pedestrian and cycleway links;
  - ⇒ Connectivity maximised between open space;
  - ⇒ Walkable access to highest number of the population;
  - ⇒ High passive surveillance opportunities;
  - ⇒ Minimum slope; and
  - ⇒ Provide complimentary uses of open space (drainage, conservation, cycleways etc.) that ensures ongoing usability.

### **1.10 Vegetation**

- The design shall accommodate the retention of any significant trees and vegetation.

### **1.11 Garbage collection**

- Road design must accommodate the legal movement of garbage collection vehicles.
- Allotments are to allow for placement of garbage receptacles for collection within the alignment of that lot.
- Temporary turning facilities shall be provided to facilitate garbage collection services.

### **1.12 Community Title Subdivision**

Community title subdivision must include community facilities that are shared between the residents of the development. It is not appropriate that this form of development be used as an alternative to strata title where the only shared component is a driveway.

Council will be seeking amendments to the Local Environment Plan 2012 to allow these developments on smaller parcels of land (currently 2000ha).

### **1.13 Contamination**

All subdivision development applications are to include consideration of potential land contamination

### **1.14 Road Widths**

Road widths are determined based on the road category, in accordance with the table below. If there are new State requirements applied or recommended, Council reserves the right to use the new criteria.

Road Category	Indicative Traffic Volume (vehicles per day)	Road Width (metres)				
		Road Reserve	Traffic Lane	Parking Lane	Median	Verge (footway)
1. Arterial	> 10,000	34	4 x 3.5	2 x 3.0	1 x 5.0	2 x 4.5
2. Sub-Arterial (divided)	6,000 - 10,000	32	4 x 3.5	2 x 3.0	1 x 5.0	2 x 3.5
3. Distributor	4,000 - 6,000	20	2 x 3.5	2 x 3.0	Nil	2 x 3.5
4. Collector	2,000 - 4,000	20	2 x 3.5	2 x 3.0	Nil	2 x 3.5
5.1 Local Serving > 15 lots	500 - 2,000	18	2 x 3.5	2 x 3.0	Nil	2 x 3.5
5.2 Culs-de-sac and short loops	150 - 500	15	2 x 4.0	Nil	Nil	2 x 3.5
5.3 Minor culs-de-sac	0 - 150	13	1 x 6.0	Nil	Nil	2 x 3.5
5.4 Local Access street (laneway)	0 - 50	13	1 x 6.0	2.5 (parking bays)	Nil	2 x 3.5
6. Industrial	NA	25	2 x 3.5	2 x 5.5	Nil	2 x 3.5

**ANNEXURE 8: STATEMENT OF ENVIRONMENTAL EFFECTS OF PROPOSED DEVELOPMENT**

**1 INTRODUCTION**

**Minor Development Statement of Environmental Effects.**

**Note: Some issues may simply require answers such as “Not an issue”.**

**Other major/significant issues are best dealt with by “See attachment”.**

This statement of environmental effects has been prepared by (Insert Name)

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to accompany this a development application

**You must provide Lot/S/DP Lot \_\_\_\_\_ Section \_\_\_\_\_ DP \_\_\_\_\_**

The application is being lodged by (insert name)

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pursuant to Clause 4.12 of the Environmental Planning and Assessment Act 1979.

The proposal has been designed to achieve the relevant provisions of Brewarrina Shire Council Local Environmental Plan 2012 (LEP), and Clause 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).

Statement of environmental effects has been prepared to accompany a development application for

*(insert brief description of development proposal)*

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*insert address*

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*Insert brief summary of proposal*

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This statement has been prepared having regard to the following documentation:

Reference other documentation eg. architectural/survey/drainage plans/specifications

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**SITE DESCRIPTION AND ANALYSIS**

**(a) Location and property description – You can also use images from Google maps = six maps etc.**

Insert property description and list image attachments such as Google or Six map attachments/Survey etc.

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**(b) Site characteristics**

Describe site – recommend including photo or survey as attachments.

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**(i) Surrounding development**

Describe surrounding development

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**CLAUSE 4.15 -MATTERS FOR CONSIDERATION**

The following provides an assessment of the proposal against the provisions of Clause 4.15 of the Environmental Planning and Assessment Act (as amended).

***(a) the provisions of:***

***(i) any environmental planning instrument E.G.***

**State Environmental Planning Policies – LEP – DCP.**

Describe compliance/noncompliance with Planning Instruments. Major issues should be by attachments

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**Local Environmental Plan**

Describe compliance/noncompliance with Local Environmental Plan

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***(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and***

Describe compliance with other agencies requirements

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***(iii) Describe compliance/noncompliance with development control plan (recommend including table for larger developments)***

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***(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F. Describe whether applicable***

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***(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph) Describe whether applicable***

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***(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates, NOT APPLICABLE***

***(a) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality, Describe environmental, social and economic impacts of development – Use separate document for major projects.***

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***(b) The suitability of the site for the development, Describe suitability of site for development***

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*(c) any submissions made in accordance with this Act or the regulations, Consideration will be given to any submissions made as a result of Council's consultation and notification processes.*

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*(d) the public interest. Describe how development is in the public interest*

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**OTHER CONSIDERATIONS**

**1 Visual Impacts -Describe visual impacts**

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**2 Open Space - Describe impact on open space**

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**3 Overshadowing and Privacy - Describe impact on overshadowing and privacy if applicable**

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**4 Noise - Describe impact on noise**

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**5 Erosion Control Measures - Describe erosion impact and controls proposed**

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**6 Economic and Social Impacts - Describe economic and social impacts**

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**7 Environmental Benefits - Describe environmental benefits**

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**8 Disabled Access - Describe disabled access**

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**9 Security, Site Facilities and Safety - Describe security/safety impacts**

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**10 Waste Management - Describe waste management**

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**11 Building Code of Australia - Describe compliance with Building Code of Australia**

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**12 Traffic - Describe traffic impact**

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**13 Stormwater/flooding - Describe stormwater/flooding impact**

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**14 Add any other impacts as required**

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**15 Does the development have any power lines across it or close to the site?**

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**CONCLUSION**

Provide your overall point of view in terms of the answers given above, the proposals merits and considerations. *For complex issues use attachment*

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## ANNEXURE 9: ANIMAL BOARDING AND TRAINING

### 1 ANIMAL BOARDING OR TRAINING ESTABLISHMENT

#### 1.1 Building Setbacks

- All following proposed new structures or expansion of existing structures for the purpose of dog kennels, are required to comply with the minimum separation distances outlined below:

Element	Distance
Front building setback	65 m
Side or rear building setback	25 m
All residential zones	300 m
Any dwelling on a neighbouring property	200 m

#### 1.2 Noise

- Must comply with the Industrial Noise Policy of the Environment Protection Authority and any relevant policy.
- Sound-proofed holding sheds for all distressed animals must be provided.

#### 1.3 Waste and Water Management

- Must demonstrate that waste can be managed without detriment to the environment.
- Stormwater must be disposed of in a manner that does not interfere with adjoining land uses.
- Stormwater and wastewater generated from the cleaning of structures and yard areas will require treatment to remove pathogens prior to being reused on-site for irrigation purposes.
- Applications are to demonstrate that an adequate water supply (reticulated water, rainwater tanks and surface waters) is available to support the proposed development.
- Applications must not solely rely on reticulated water supply to service the needs of the development and must demonstrate an integrated approach to water management using alternate water sources in conjunction with reticulated water.
- Stormwater drains are to be wide, gently sloping open drains that are well vegetated to minimise erosion potential and facilitate filtering of solid particles contained in the runoff.
- In addition to the controls above, the following apply to animal boarding and training establishments for the purpose of dog kennels:
  - ⇒ The flooring of kennels must be constructed from concrete to facilitate ease in cleaning and must be a minimum of 75mm thick.
  - ⇒ Concrete flooring must have a graded fall to the front opening and must be serviced by a catchment drain that is integrated into the on-site wastewater management system prior to any reuse on-site.
  - ⇒ Yard areas must be designed to allow cleansing and removal of refuse and must be fully turfed or concreted. Brick, asphalt or earth yard areas are not permitted.

#### 1.4 Transport and Access

- Internal access roads must be of all-weather design constructed and have turning areas adequate for large articulated vehicles where required.
- The location of roads, parking and turning areas must recognise potentially sensitive areas such as neighbouring houses.
- The timing and manner of transport activities associated with the development including the frequency, times, routes and number of animal deliveries and pick-ups, feed deliveries and clean-outs must take into consideration the impact on adjoining neighbours.

- Car parking and manoeuvring areas for vehicles must be constructed in accordance with Council's Design Specifications.

### **1.5 Landscaping**

- Where native vegetation is limited in its capacity to provide visual screening then the following vegetation design controls apply:
  - ⇒ Site boundaries – vegetative screen. Rows of vegetation to be established and maintained
  - ⇒ Site boundaries – vegetative windbreak (where provided). 3 rows of vegetation to be established and maintained
  - ⇒ Around Site Structures Grassed areas are to be kept maintained
  - ⇒ Open Stormwater Drains Grassed areas are to be kept maintained
- All plantings are to be in groups, consist of advanced stock and are to be a minimum of 12m from buildings to allow adequate air movements. In bushfire prone areas, fire retardant species must be utilised and separation from buildings must be consistent with the requirements of Planning for Bushfire Protection.
- The mature height of tall species should be sufficient to intercept a direct line of sight from a neighbouring dwelling or roadway (measured 2m above the natural ground level).
- Landscaping must not impede on any required area for on-site effluent disposal.