



DRAFT WALCHA DEVELOPMENT CONTROL PLAN 2019

Adopted 31 July 2019 – Resolution No.: 4/20192020

Amended 27 October 2021 – Resolution No.: xxxxx

Ref. WINT/2021/08886



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ACRONMYNS

APZ	Asset Protection Zone
B2	Local Centre Zone
B4	Mixed Use Zone
BASIX	Building Sustainability Index
BCA	Building Code of Australia
CBD	Central Business District
Codes SEPP	State Environmental Planning Policy (Exempt & Complying Development Codes) 2008
DA	Development Application
DBYD	Dial Before You Dig
DCP	Development Control Plan
DIPE	Department of Planning, Industry & Environment
E1	National Parks & Nature Reserves Zone
E2	Environmental Conservation Zone
E4	Environmental Living Zone
EIS	Environmental Impact Statement
EP&A Act	Environmental Planning & Assessment Act
EPL	Environment Protection Licence
FFL	Finished Floor Level
GFA	Gross Floor Area
GIPA	Government Information (Public Access) Act 2009
IN1	General Industrial Zone
LEP	Local Environmental Plan
LGA	Local Government Area
MHRDC	Maximum Harvestable Right Dam Capacity
NCC	National Construction Code
POEO Act	Protection of the Environment Operations Act 1997
POS	Private Open Space
R1	General Residential Zone
R5	Large Lot Residential Zone
RE1	Public Recreation Zone
RU1	Primary Production Zone
RU4	Primary Production Small Lots Zone



RU5	Rural Village Zone
SEARs	Secretary's Environmental Assessment Requirements
SoEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SEPP 64	State Environmental Planning Policy 64 Advertising & Signage
SOHI	Statement of Heritage Impact
TCP	Traffic Control Plan
WLEP	Walcha Local Environmental Plan 2012
WM Act	Water Management Act 2000
VRZ	Vegetated Riparian Zone



DEFINITIONS

This DCP adopts the terms and definitions of Walcha Council LEP 2012. (WLEP). **Additional terms** used throughout this DCP are defined below.

1% AEP Flood - the flood with a chance of occurrence of one in one hundred in any one year. *Note: This is the preferred description to the 1:100 year ARI event.*

adjoining land - land which abuts an application site or is separated from it only by a roadway, pathway, driveway or similar thoroughfare.

Advertiser - in relation to an advertisement or an advertising structure, means

- the person who caused the advertisement to be displayed or the advertising structure to be erected or
- the owner of the building or land, or the occupier of land, on which the advertisement is displayed or the advertising structure is erected.

AHD- Australian Height Datum.

ancillary development - development on land for a purpose that is ancillary or incidental to a use under the WLEP 2012.

application site - the parcel of land to which a Development Application relates and includes all lands required for the carrying out of the application proposal.

Area - of an advertisement in the form of a sign means the area within the outline of that sign or, where one side is larger than the other, the area within the outline of the larger side; or for any other sign (e.g multi-sided signs), one third of the total surface area of the sign.

asset protection zone (APZ) - is a buffer zone between a bush fire hazard and buildings, which is managed progressively to minimise fuel loads and reduce potential radiant heat levels, flame, ember and smoke attack.

Code SEPP - State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

contaminated land - land in, on or under which any substance is present at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment.

clearing (native vegetation)

Clearing is defined as cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation. Clearing therefore includes:

- any type of ploughing that kills native groundcover
- the under-scrubbing of native forests
- herbicide spray drift that kills or destroys native vegetation, or
- thinning of native woodlands.



This includes clearing of individual plants and applies to all layers of vegetation from groundcover to canopy trees. Activities such as pruning, lopping or slashing of native groundcover, that do not kill the native vegetation, are not considered clearing. Burning that does not kill native vegetation or substantially reduce the composition and proportion of native species may not be considered as clearing, check with the Local Land Service (LLS). Because the definition of native vegetation does not include dead vegetation, the removal of dead timber is not considered clearing.

detached studio means a habitable building that is used for purposes ancillary to a dwelling house such as a home office, entertainment area, art studio or guest room and:

- a) is established in conjunction with a dwelling house, and
- b) is on the same lot of land as the dwelling house, and
- c) is separate from the dwelling house, and
- d) is not used as a separate dwelling house, and
- e) does not contain any cooking facilities.

directional sign - a sign erected for purposes of directing vehicular or pedestrian traffic, advising or restricting the public.

EP&A Act - the *Environmental Planning and Assessment Act 1979* (as amended).

flood investigation report - a report prepared by an appropriately qualified and experienced professional that reviews the history of flooding in an area, where modelling is not available. The review would draw upon historical information, including from landowners, physical evidence in the locality of any historical events, extrapolation (suitably qualified) from known information or events, and any other such information as might be considered by the professional to be relevant in estimating the flood height of the site.

flood liable land - is synonymous with flood prone land, i.e. land susceptible to flooding by the *probable maximum flood* event. Flood liable land refers to the whole floodplain, and not just that part below the *flood planning level*.

flood planning area - is the area of land below the flood planning level and thus subject to flood related development controls.

flood planning level (FPL) - the level of a 1% AEP flood event plus 0.5 metres freeboard.

floodplain risk management plan - a plan adopted pursuant to the principles of the Floodplain Development Manual.

floodplain development manual - the NSW Government Floodplain Development Manual the management of flood liable land dated April 2005 as Gazetted by the NSW Government on 6 May 2005, or any Gazetted update of this.

flood prone land- (see flood liable land).

flood storage area - (flood impact category) a planning control for the purpose of limiting development that would displace floodwater. Ultimately, flood storage areas are defined by mapping and are limiting on development, but not to the extent where development would be totally prohibited.



floodway - (flood impact category) a planning control for the purpose of excluding buildings, earth embankments and other forms of development from an area of land where significant volume of water flows during floods. Ultimately, floodways are defined by mapping and are restrictive on development, however floodways can be moved, realigned or altered depending on the merits of the case, as agreed by Council.

front building line - a line drawn parallel with the primary street frontage at the point of a building closest to the street. This line is expected to be no closer to the street frontage than specified for the primary street frontage setback.

WLEP means the Walcha Council Local Environmental Plan 2012.

habitable room - refers to any room or area used for normal domestic activities, including living, dining, family, lounge, bedrooms, kitchen etc, but excludes service and amenity areas such as ensuite, bathroom, storerooms, laundry and garages.

hazardous material - anything that, when produced, stored, moved, used or otherwise dealt with without adequate safeguards to prevent it from escaping, may cause injury or death or damage to life, property or the environment.

integrated development - is development (not being Exempt or Complying) that, in order for it to be carried out, requires development consent and one or more approvals set out in Clause 91 of the *Environmental Planning and Assessment Act 1979 (as amended)*.

land - includes any building or part building erected on the land.

landscaped area - refers to any part of the site, at ground level, that is permeable and consists of soft landscaping, turf or planted areas, rockeries and pebbled areas, for the purpose of reducing stormwater run-off. It excludes driveways, parking areas, drying yards or other service areas, undercrofts, roofed areas (excluding eaves <450mm wide), outdoor rooms, balconies, terraces, decks and verandahs.

Native vegetation - means any of the following types of indigenous vegetation:

- trees (including any sapling or shrub, or any scrub),
- understorey plants,
- groundcover (being any type of herbaceous vegetation),
- plants occurring in a wetland.

Vegetation is indigenous if it is of a species of vegetation, or if it comprises species of vegetation, that existed before European settlement.

Native vegetation does not include any mangroves, seagrasses or any other type of marine vegetation to which section 205 of the *Fisheries Management Act 1994* applies.

A **natural water system** is a naturally occurring watercourse, waterway, lake, wetland, lagoon, estuary and/or other water body.

neighbouring land - means any land, other than adjoining land, which is near to a development site (and may include land in a neighbouring local Council area).



notification plan - the plan showing a site plan, height and external elevations of buildings, which accompanies a Development Application.

owner -

- every person who jointly or severally, whether at law or in equity, is entitled to the land for any estate of freehold in possession
- in the case of land that is the subject of a strata scheme under the *Strata Titles Act 1973*, or a leasehold strata scheme under the *Strata Titles (Leasehold) Act 1986*, the Owners' Corporation
- in the case of land that is community, precinct or neighbourhood parcel within the meaning of the *Community Land Development Act 1989*, the Association for the parcel

probable maximum flood (PMF) - the largest possible flood that could conceivably occur.

private open space - refers to the areas external to a building, located behind the front facade, that serve as an extension of the home and are used for private dining, entertaining and recreational purposes and includes terraces, balconies, alfresco areas etc.

Regionally significant development (regional development) includes:

- General development over \$30 million
- Council related development over \$5 million
- Crown development over \$5 million
- Eco-tourist facilities over \$5 million
- Particular designated development (certain extractive industries and waste management facilities)

remnant native vegetation is any native vegetation other than regrowth. Regrowth means any native vegetation that has regrown since the earlier than 1 January 1990 in the case of other land, or the date specified in a PVP (in exceptional circumstances being a date based on existing rotational farming practices).

residential development - dwellings, residential flat buildings, motels, boarding houses, hostels, caravan parks, units for the aged and any place where persons would ordinarily be expected to reside and sleep.

Statement of Environmental Effects (SEE) is the record of the environmental assessment, which necessitates a process of identifying and discussing the planning and environmental information relevant to the site or proposal.



CHAPTER 1 - GENERAL PROVISIONS

This plan is known as the Walcha Council Development Control Plan (DCP) 2019. It applies to the Walcha Council Local Government Area (LGA).

Date adopted by Council

31 July 2019

Amendments

Date and description of amendments:

AMENDMENT DATE	CHAPTER	DESCRIPTION
27 October 2021	Chapter 1 – General Provisions	Referenced the <i>New England North West Regional Plan 2036, Local Strategic Planning Statement 2036</i> and the <i>Community Strategic Plan Walcha - 2027</i>
	Chapter 2 – Notification Procedures	Superseded by the <i>Walcha Community Participation Plan 2020</i> adopted 14 February 2020
	Chapter 3 – Residential Development	Corrected the Minimum Site Area Per Dwelling controls for R5 land to reflect WLEP provisions.
	Chapter 4 – Rural Development	Removal of Clause 4.4(b)
	Chapter 5 – Ancillary Development & Shed Conversion	Removal of Clause 5.7(f)
	Chapter 14 – Wind Power Generation	Inclusion of new chapter.

Disclaimer

The hyperlinks to various State or Federal Government legislation have been included in this Development Control Plan in good faith and were current at the time that this document was prepared.

Applicants, landowners and any person(s) using the hyperlinks should ensure that the relevant legislation or policy is the most up-to-date version. This information may be obtained from the relevant government authority administering the legislation.

The purpose of this Plan is to provide guidelines, objectives and controls for people who wish to carry out development in the Walcha Council LGA.

The DCP should be read in conjunction with the *Walcha Local Environmental Plan 2012* and any relevant State and Regional Environmental Planning policies, bearing in mind that a proposal may be affected by more than one chapter of the DCP.



Prospective applicants are encouraged to discuss their development proposals at an early stage via Council's pre-lodgement advice service with relevant staff to ensure compliance with the requirements of the DCP.

1.1 Amendment of the plan

The plan may be amended in accordance with the provisions of the Regulations under the *Environmental Planning and Assessment Act 1979*.

1.2 Interpretation of Legislative References

Various references are made to legislation in this DCP. Legislation may include Acts, Regulations and Environmental Planning Instruments. Where such legislation changes during the currency of this DCP, reference in the DCP to the legislation should be taken as a reference to the most recent version of that legislation or as a reference to legislation that has replaced the referenced legislation. 'Hyperlinks' embedded into the digital version of the DCP will direct the reader to the relevant legislation. Alternatively, current NSW legislation can be found at www.legislation.nsw.gov.au.

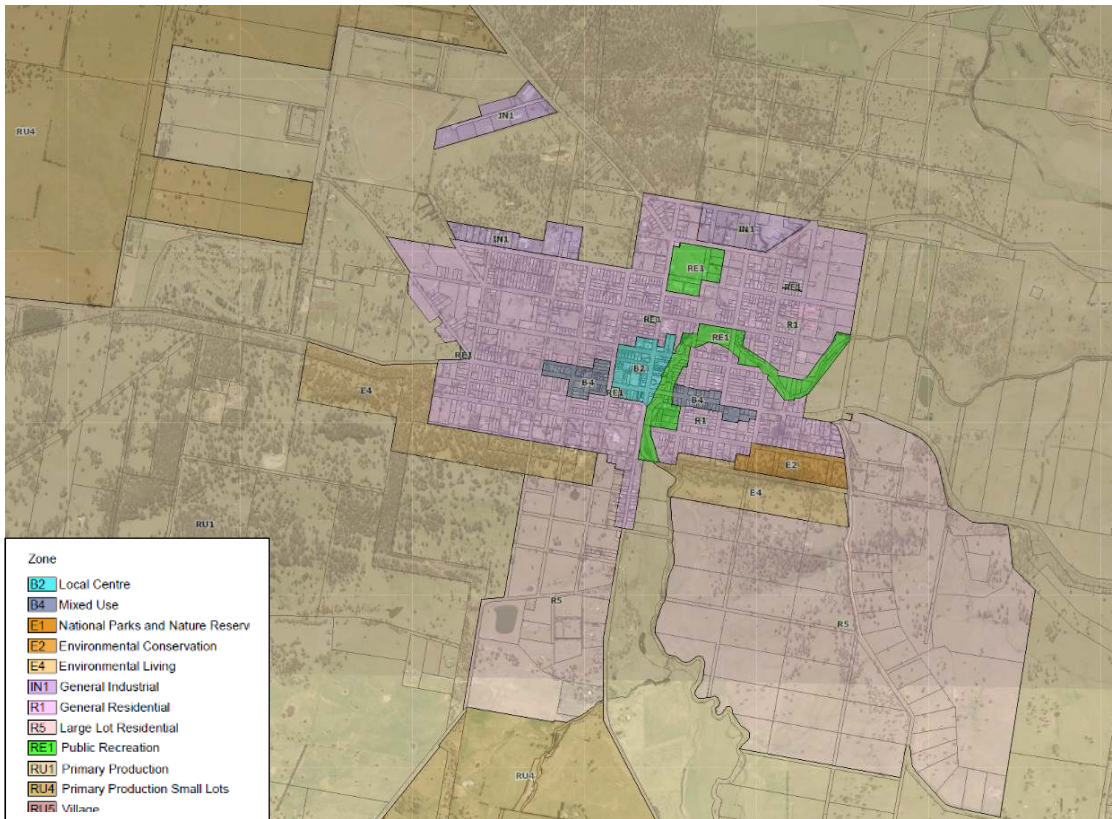
1.3 Repeal of the plan

The plan may be repealed under the provisions of the *Environmental Planning & Assessment Regulation 2000*.

1.4 Relevant Local Environmental Plan

The plan relates to *Walcha Local Environmental Plan 2012* (WLEP), as amended. In the event of any conflict between this DCP and that Plan, WLEP takes precedence.

WLEP Zones for Walcha and surrounding area



Source: NSW Planning & Environment

1.5 Planning Pathways

There are three distinct planning pathways that most developments will need to follow. These are outlined below.

Exempt Development

Under the [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) (the Codes SEPP), development of a minor nature can be undertaken without the need for formal approval to be obtained. If undertaking such work without approval, the onus is on the developer to ensure that the works are in fact exempt from approval. This can be done through direct reference to the Codes SEPP, or by contacting Council's planning staff.

Complying Development

Under the Codes SEPP, a range of specified development can be undertaken via a simplified approvals process called Complying Development. Various conditions must be met for the development to be undertaken as Complying Development including meeting the requirements of the Building Code of Australia. Further details about development that is classified as Complying Development can be found in the [Codes SEPP](#) at the [NSW Legislation](#) website.

Council planning staff members are also available to advise whether a proposed development can be undertaken as Complying Development and what documentation and other requirements are needed.

Local Development Application



Development that requires approval by Council is known as 'local development'. This DCP provides additional information about design and planning considerations that must be taken into account as part of the assessment of a DA. Applicants should refer to the relevant chapters of the DCP in order to check the matters they will need to attend to prior to lodgement of a DA.

1.6 State Environmental Planning Policies (SEPPs)

SEPPs apply to certain development that involves matters or issues of relevance to the State. The full list of SEPPs is found at the [NSW Planning, Industry and Environment](#) website.

1.6a New England North West Regional Plan 2036

The New England North West Regional Plan provides the overarching framework to guide subsequent and more detailed land use plans, development proposals and infrastructure funding decisions for the New England North West region. This can be found at [New England North West - \(nsw.gov.au\)](#)

1.6a Community Strategic Plan Walcha - 2027

The Community Strategic Plan Walcha - 2027 is the guide for the future of the Walcha LGA, and represents the broader vision, aspirations, goals, priorities and challenges for the Walcha community. This can be found at [Community Strategic Plan -Walcha Council -www.walcha.nsw.gov.au](#)



1.6c Walcha Local Strategic Planning Statement 2036

The *Walcha Local Strategic Planning Strategy 2036* sets short, medium and long-term actions to deliver our community priorities and vision as referenced in the *New England North West Regional Plan 2036* and *Community Strategic Plan Walcha – 2027*. The statement will shape how the land use zones and development standards in the *Walcha Local Environmental Plan 2012* and *Walcha Development Control Plan 2019* evolve over time to meet the community's future economic, social and environmental needs. This can be found at [The Planning Process -Walcha Council -www.walcha.nsw.gov.au](http://www.walcha.nsw.gov.au)

1.7 National Construction Code (NCC)

The NCC (formerly the Building Code of Australia) applies for all building construction works. Irrespective of any other control in this document, the requirements of the NCC will take precedence.

1.8 Dial Before You Dig

Dial Before You Dig is a free national referral service designed to assist in preventing damage and disruption to Australia's vast infrastructure networks which provide essential services we use every day. Underground pipes and cables carry vital services such as water, electricity, communications and gas - damaging them can cause widespread disruption and in some cases isolate entire communities from these essential basic services. There is also the risk of personal injury and incurring significant financial penalties if you damage underground infrastructure. If you wish to enquire on underground assets, please use the following link: [Dial Before You Dig](http://www.dialbeforeyoudig.com.au).



1.9 *Planting of Vegetation*

As a general rule, any vegetation that is planted as part of a development proposal should be located so as to avoid present or future interference with infrastructure including roads, buildings, water and sewer lines or service easements. This will require consideration of the type of the vegetation and its root system.

1.10 *Natural Water Systems*

Natural water systems should be maintained in a natural state including maintaining riparian vegetation and habitat such as fallen debris. Unless extraordinary circumstances exist, filling, redirecting, piping, capping or otherwise modifying natural water systems will not be permitted.

1.11 *Variations*

Council may consider variations to the standards required of development in this DCP. Variations will be considered where development meets the aims and objectives of a particular control in an alternative way and results in a better environmental outcome. Request for variations to DCP controls must be received in writing with details of the reasons and justification for the variation provided. Development that relies on multiple non-compliances and/or significant departures from the DCP controls may require determination by the full Council.



CHAPTER 2 - NOTIFICATION PROCEDURES

Superseded – 27 October 2021

This chapter was superseded by the *Walcha Community Participation Plan 2020*. At the Ordinary Meeting of Council on 18 December 2019, Council Resolution 104/2019 allowed the formal adoption on 14 February 2020.

The *Walcha Community Participation Plan 2020* sets out how and when Council will engage with the community when undertaking its town planning functions, and applies to the entire Walcha Local Government Area (LGA). The level and extent of community participation will vary depending on the scope of the proposal under consideration and the potential impact of the decision.



CHAPTER 3 - RESIDENTIAL DEVELOPMENT

3.1 About this Chapter

This chapter provides the development controls for low and medium density residential development (Class 1, 2 and 3 buildings) in the Walcha LGA. The purpose of this chapter is to provide local controls and guidance so that development for housing enhances the overall character and amenity of neighbourhoods.

3.2 Where this Chapter applies

This chapter applies to residential development including ancillary development undertaken on residential land zoned R1, R5, RU5 and E4 in the Walcha LGA.

3.3 General Advice to Applicants for Residential Development

Aim

The aim of this chapter is to enhance and protect the amenity of residential areas by:

- Providing design controls for residential development;
- Setting reasonable and attainable environmental standards for solar access, privacy, protection of views, vehicular access, parking and landscaping; and
- Recognising that zones require controls that match the zone objectives and that lower density development should be subject to less stringent controls as their amenity impacts are lower.

Note: Applicants are strongly advised to seek the services of qualified architects, town planners, landscape designers, surveyors and civil engineers, to accurately document development proposals. All drawings submitted shall bear the names of the persons responsible for the design.

Council must be able to assess the impact of the proposed development on any adjoining residences, together with the wider environmental implications. Development applications should be accompanied by a Statement of Environmental Effects. Information setting out the requirements of a Statement of Environmental Effects is provided at Chapter 11.

Note: In cases where a development proposal fails to meet one or more of the controls listed in this plan, an amendment to, or redesign of the proposal may be warranted or the application should be withdrawn with partial refund of application fees.

3.4 Density Requirements

Objectives

- To provide density controls to enhance and protect the amenity of new and existing residential areas.
- To ensure that the density of residential development is appropriate to the scale and character of each location.
- To ensure that development provides a variety and choice of dwelling types and sizes where possible.



Controls:

Minimum Site Area per Dwelling

Table 3.1 below establishes the estimated densities for each zone and the number of dwellings a site could potentially accommodate. These controls should be used as a guide only, to determine the maximum development potential of a site. In practice, site dimensions and design constraints (e.g. potential overshadowing, easements, development in the vicinity of heritage items, car-parking requirements, floor area and setbacks) may prevent the estimated maximum being achieved.

TABLE 3.1 MINIMUM SITE AREA PER DWELLING

Zone	Dwelling Use / Size	Site area per dwelling (1)
R1	Single dwelling within serviced lot	1 dwelling / 450 m ²
	Dual Occupancy - Attached	1 dwelling / 225 m ²
	Dual Occupancy - Detached	1 dwelling / 600 m ²
	Attached dwellings	1 dwelling / 450 m ²
	Multi dwelling housing and residential flat buildings	1 dwelling / 200 m ²
R5	Dwellings	1 dwelling / Minimum Lot Size
	Dual Occupancies	1 dwelling / Minimum Lot Size
RU5	Single dwelling within serviced lot	1 dwelling / 500 m ²
	Single dwelling within un-sewered lot	1 dwelling / 3,000 m ²
	Dual Occupancy (attached or detached) <i>(2) and (3)</i>	1 dwelling / 3,000 m ²
B2	Dwellings	Merit based
	Shop top housing	Merit based
B4	Dwellings	Merit based
	Shop top housing	Merit based
E4	Dwellings	Merit based

Notes:

- (1) Not including the area of any access handle.*
- (2) Higher density residential development is generally unsuitable within un-sewered land.*
- (3) Site coverage is dependent on the land capability for onsite wastewater management.*



3.5 Setbacks

Objectives

- To maintain the existing character of the streetscape in residential areas;
- To allow an outlook to and surveillance of the street; and
- To ensure attractive streetscapes through consistency in setbacks in new developments.

Controls:

- a) No continuous section of wall built along a side boundary shall be longer than 10 metres or exceed 50% of the length of the boundary or the length of any adjoining wall of the boundary, whichever is lesser.
- b) In established residential areas (infill development) the front setback should generally be consistent with the established setback/building line of adjoining buildings. In other areas, the setbacks controls in Table 3.2 apply.

TABLE 3.2 MINIMUM SETBACKS

Zone	Housing type	Setback
R1 RU5	Dwelling / Dual Occupancy	Street 6m to main frontage –if corner allotment 3m to secondary frontage.
		Side/Rear Single storey – 900 mm (subject to compliance with the NCC. Walls greater than 3 m in height - 2 m
R1 RU5	Multi dwelling housing and residential flat buildings up to two storeys	6m to main frontage – if corner allotment 3m to secondary frontage
		Side/Rear – 3 m
R5	Dwelling / Dual Occupancy	Front – 15 m Side/Rear – 3 m
B2	Shop top housing, multi dwelling housing and residential flat buildings	Merit assessment.

Subject to compliance with the fire-resistance rating requirements prescribed in the current version of the National Construction Code of Australia (NCC) and ensuring there is no adverse impact on the privacy or solar access of adjoining properties, side or rear walls which are less than 3 metres in height may be built to within 900mm of the boundary.

3.6 Building Height

Objectives

- To ensure that buildings minimise impacts on adjoining properties from overshadowing, overlooking and excessive bulk and scale;
- To minimise the impact of elevated housing developments in areas of predominantly single storey housing; and
- To ensure that the height of new development is not excessive and relates well to the local context.

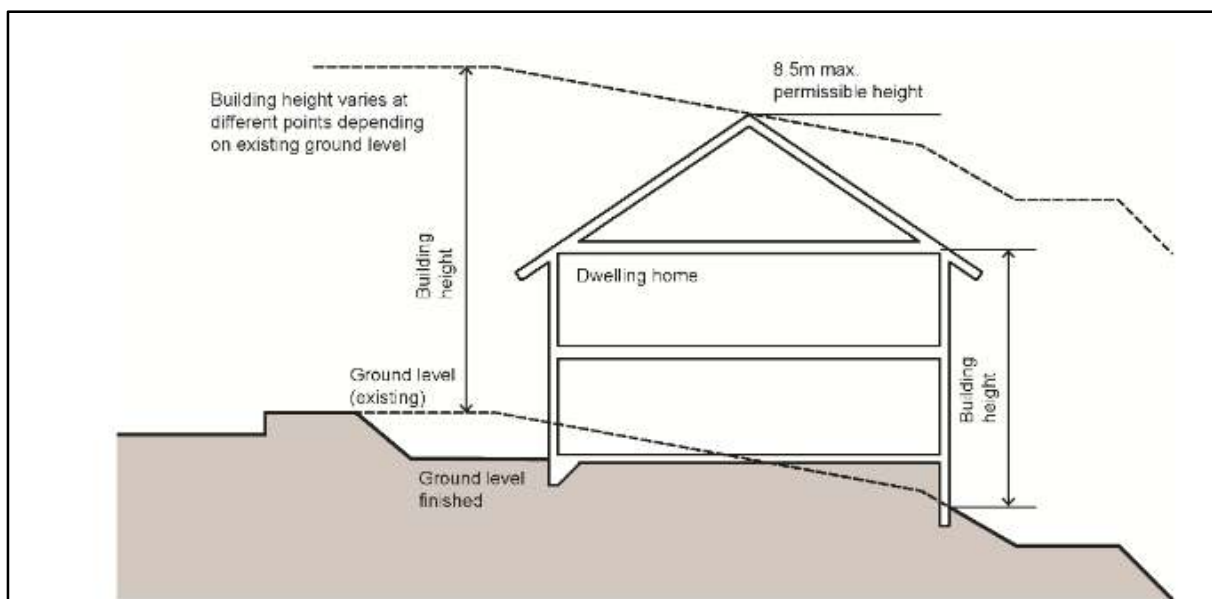
Controls:

- a) The Maximum Building Height for R1 General Residential zoned land is 8.5 m.
- b) The Maximum Building Height for all other zones is merit based, however must not exceed 10 m.

Maximum Height

The maximum height of the building at any point shall be measured from the **natural ground level** to the ridge of the roof. This height should not be more than 8.5 metres. Measuring building height on sloping sites is illustrated in Diagram 3.1 below.

Diagram 3.1 – Building Height



Source: Codes SEPP

Development Applications for buildings of two (2) storey and greater may require shadow diagrams, prepared in accordance with the Solar Access guidelines in this chapter.



3.7 Open Space

Objectives

- To ensure that residential development provides an adequate amount of functional private open space that is appropriate to the context of the location;
- To protect privacy and amenity of neighbouring properties; and
- To ensure that areas provided are suitably located and landscaped to obtain adequate sunlight and protection from prevailing winds.

Controls:

- a) Dwellings, dual occupancies and multi dwelling housing shall include no less than:
 - a. 125 m² of **landscaped area** per dwelling
 - b. 35 m² of **private open space** (POS) per dwelling
- b) POS areas are to have a minimum dimension of 4 m and a maximum gradient of 1 in 10.
- c) POS can include balconies, courtyards and terraces.
- d) At least half of the POS area should receive 3 hours or more of sunlight between 9am – 3pm on June 21 (winter solstice).
- e) Residential flat buildings and shop top housing are to have a balcony with a minimum area of 12 m² and a minimum dimension of 2m with direct access from the main living area of the dwelling. The positioning of POS areas is not to unreasonably compromise the POS of other nearby dwellings (on the same site or on adjacent properties).

3.8 Landscaping

Objectives

- To reduce the visual impact of new development and to maintain and enhance existing streetscape and landscape character.
- To preserve significant trees and landscape elements.

New plantings should be selected having regard to their future maintenance requirements and likely growth. In general, any substantial tree or shrub should be a minimum horizontal distance of 4 metres from the external wall of a building or the line of any underground service pipes (details available from Council).

Controls:

- a) Existing mature trees should be retained and incorporated in the development wherever possible.
- b) Attached Dwellings, Multi Dwelling Housing and Residential Flat Buildings:
 - A Landscape Plan should be prepared by an appropriate person (Landscape Architect, Landscape Designer or the like) and shall include details of site features, hardstand areas, fencing treatment, number and type of plant species, location of services and mains and planting locations.
 - The Landscape Plan shown be drawn to scale (1:100 or 1:200).
 - Where common open space areas are provided, low maintenance gardens are preferable.

In assessing the suitability of landscape plans, Council will give thorough consideration to the following:



- adequacy of sunlight;
- privacy of open space and adjoining developments;
- ease of maintenance;
- whether tree size at maturity will be in scale with the bulk of the building and open space;
- the practicality of landscaped areas for use by the people who live in the proposed development; and
- location of trees in relation to services.

3.9 General Controls for Multi Dwelling Housing

Objectives

- To achieve a coherent site layout that provides a pleasant, attractive, manageable and resource efficient living environment;
- To ensure that streetscape, amenity and energy efficiency are considered at the outset of the design process; and
- To encourage site planning and building design that optimizes solar access to land and buildings.

Controls

- a) "Gun Barrel" type multi dwelling housing developments will not be supported by Council.
- b) A driveway, which serves a maximum of three dwellings, is to have a minimum paved width of 3m within a 4.5 m wide formation.
- c) Generally, the internal driveways and crossovers associated with multi dwelling housing development shall have a minimum clear trafficable width of 5.5 metres. However, a minimum of 4.5 metres may be acceptable where justified in an assessment of site access requirements and traffic usage
- d) A shared driveway, which serves three or more dwellings, is to have a minimum paved width of 4.5m at the street, continuing at this width to a depth of 6m.
- e) Driveways, manoeuvring areas and parking areas are generally to be designed in accordance with the provisions of AS2890.1 Parking Facilities: Off-Street Parking. Car parking spaces are to be adequately delineated and maintained at all times.
- f) All vehicles must enter and leave the site in a forward direction.
- g) The location of visitor parking facilities should be evident from the street so that their use is encouraged
- h) The use of decorative paving e.g. interlocking pavers, grasscrete etc for access and visitor parking is strongly encouraged.
- i) Development proposals over more than one lot will require lot consolidation (plan of subdivision) as part of the development.
- j) Minimum separation between habitable room windows of facing dwellings:
 - a. Ground and 1st floor level – 9m
 - b. Above 1st floor level 12m
- k) Bin storage and drying areas to be:
 - a. concealed from view from the street
 - b. clothes lines and hoists shall be located at the rear of multi dwelling housing developments and adequately screened from adjoining roads.
 - c. clearly shown on the site plan.

3.10 General Controls for Secondary dwellings



Secondary dwellings may be complying development under [State Environmental Planning Policy \(Affordable Rental Housing\) 2009](#). This SEPP also specifies criteria which cannot be used by a consent authority as grounds to refuse consent to a secondary dwelling.

Objectives

- To ensure the efficient use of land and infrastructure.
- To maintain the character, amenity and environmental values of the area.

Controls

- a) A new (additional) vehicular access point is not to be constructed to a site for the purposes of a secondary dwelling, unless the access is from a rear laneway or side street. There is only to be one vehicle entrance for both dwellings from the primary frontage of the site.
- b) When constructed in an area without a reticulated water supply, it must be demonstrated that sufficient rainwater tank water can be provided.
- c) When constructed in un-sewered areas, an on-site wastewater disposal assessment must be provided to demonstrate that the existing system has the capacity for the secondary dwelling or, alternatively, the wastewater system must be upgraded to Council's on-site sewage management system specifications.
- d) A minimum of 50 square metres of private open space must be retained on the site for shared-use by the occupants of both the primary and secondary dwelling. The private open space must have minimum dimensions of at least 4 metres and a core area with minimum dimensions of at least 5 x 5 metres is to be provided.

3.11 Relocated dwellings

Objective

- To protect the amenity of new and existing residential controls.
- To ensure the development does not detract from the amenity of neighbouring properties or the streetscape.
- To ensure all compliance with the National Construction Code

Controls

- a) Dwelling not to be moved onto site before development consent is issued.
- b) no work is to commence on the re-erection of the dwelling all regulatory approvals have been obtained.
- c) Compliance with the National Construction Code and BASIX is to be ensured.

3.12 Solar Access

Objective

- To minimise overshadowing of adjoining properties/buildings whilst maximising solar access to the development site.



Controls:

- a) Residential development shall be designed to ensure that the habitable rooms of adjoining residential buildings, and the major part of their landscaped open space, have at least four (4) hours of sunlight between 9.00am and 3.00pm on 21 June (winter solstice).
- b) Residential development shall be designed to ensure that the habitable rooms of the proposed development and the major part of their private open space have at least four (4) hours of sunlight between 9.00am and 3.00pm on 21 June (winter solstice).
- c) New buildings should not obscure sunlight to habitable rooms or open space adjoining buildings during winter months.

Shadow Diagrams

For applications involving development of two storeys or higher, Council may require an applicant to prepare a shadow diagram showing the impact of a proposal on adjoining residential buildings and their landscaped open space. Shadow diagrams may also be required for a single storey development depending on the size, orientation, level and slope of the allotment.

Note: A Building Sustainability Index (BASIX) certificate will be required for all BASIX affected buildings.
www.basix.nsw.gov.au

3.13 Privacy

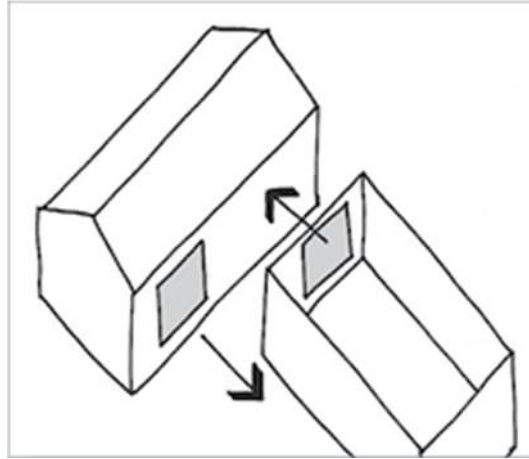
Objective

- To ensure that reasonable privacy both internal and in respect of existing adjoining residences and private open space, is achieved.

Controls

- a) Upper level openings on side facades which are less than 3m from a neighbouring house must be:- at least 1.7m above floor level OR - screened OR - fixed with translucent glazing.
- b) Habitable rooms overlooking the private open space of a neighbouring house are to have sill heights at least 1.7m above floor level.
- c) A habitable room should look over the street to provide passive surveillance.
- d) External lighting shall be baffled so there is no light spillage onto adjoining properties.
- e) Recreation facilities, such as swimming pools shall be located behind the building line and away from the bedroom areas of adjoining dwellings
- f) As shown in Diagram 3.3, windows shall be offset to increase privacy to adjoining buildings.

Diagram 3.3 – Offsetting Windows



Offset windows where possible.
Provide screening and/or landscaping if less than 12m between buildings

3.14 Views

Objective

- To minimise, wherever possible, the obstruction of views from adjoining buildings

View Protection

In an urban environment it is not always possible to protect all views for all people. Nevertheless, an initial site analysis should attempt to identify significant views both from a proposed development site and from neighbouring properties. Developments should be designed to maintain, as far as practicable, the views of existing residents, while taking advantage of views for residents of the new dwellings.

Controls

- a) Proposals involving developments of two storeys or higher should be accompanied by a survey showing the position of the buildings on site, the location of adjoining building(s) and a supporting statement assessing the degree of view loss, if any, resulting from the proposal.

3.15 Services

Sewer, Water, Stormwater, Electricity and Telephone Services

All developments are to be connected to existing public utility installations. All services shall be provided underground (unless otherwise approved by Council).

For unit developments of three (3) or more dwellings, a preliminary stormwater design plan is to be submitted with the Development Application, complying with Aus-Spec design specification D05 – Stormwater Drainage Design. On-site stormwater detention will be required on sites where under capacity drainage systems exist. Inter-allotment drainage shall be provided where water cannot drain directly to the street frontage or a natural watercourse.



Generally, buildings will not be permitted over sewer easements, within the zone of influence of a sewer main, or within the "zone of influence" of the foundations.

Separate sewer junctions and water meters will be required for each separate residence.

Lots will need to be consolidated for development of unsewered land where wastewater disposal infrastructure is located over more than one lot.

Note: Restrictions to Land Title

Restrictions may apply to the title of land which could affect a proposed development. Examples include maintenance of overland flow paths; tree planting; and/or building envelopes. It is the responsibility of the applicant/developer to investigate and where relevant, identify any such user restrictions prior to the preparation of plans for lodgement with a development application.

3.17 Constraints when Developing "Older Lots" or Converting Existing Buildings

Opportunity for medium density housing may be restricted in residential areas fronting narrow laneways, on roads where the pavement width is inadequate for the increase in generated traffic or in areas that are not served by underground stormwater drainage. While Council is prepared to consider a range of innovative design solutions to overcome these deficiencies, it must be recognised that **some sites are not suitable for medium or high density residential development.**

Developers must also be aware that the development costs associated with these 'older' lots may be higher than in other areas where adequate services are able to be easily provided or are in existence. Where an existing building is proposed to be converted for 'dual occupancy' or 'multi dwelling housing', it will be required to comply with the provisions of these guidelines, with the exception of setback requirements in relation to the existing structure (for example, conversion of the bottom section of an existing dwelling). Council will require the exterior of the existing building, landscaping and fencing to be upgraded as part of the application.

3.18 Flood Liable Land

Some land within the LGA is subject to flooding and may affect the future development of land with regard to floor levels; landfilling; excavation; flood compatible building materials and the like.

Controls

- a) Minimum finished floor level (FFL) for habitable rooms is to be at the height of the 100-year Average Recurrence Interval flood level plus 0.5 metre freeboard.
- b) The minimum FFL of all non-habitable room(s) is to be at the height of the 100-year Average Recurrence Interval flood level.
- c) Infill development and/or changes of use are to be assessed on merit, taking into account adjoining land uses and flood levels, access constraints and fill requirements. A flood study may be required in certain situations.



Where a flood study has not been completed the FFL shall be 500mm above the verified highest known flood level. Where a development falls outside the extents of an approved Council flood study and plan, developers may be required to undertake flood studies and/or engage surveyors to demonstrate that all development will be above designated flood levels. In some circumstances, developers may be required to submit evidence of historical flood levels.

The State Floodplain Development Manual contains useful information for anyone considering building on flood liable land.

3.19 Adaptable Housing Provisions

Objective

- to provide guidelines for access both to, and within buildings and public spaces for people who have a disability;
- to assist in better design of building and spaces so as to meet the access needs of all members of the community;
- increase community awareness of mobility issues affecting certain sections of the community;
- to ensure that new development is accessible by all people;
- to ensure compliance with the relevant Australian Standards for Access and Mobility; and
- to provide intending developers with clear guidance as to the legal requirements and Council policy for access and mobility.

Guidelines:

Adaptable Housing

- a) Council will support medium density development that includes dwelling units constructed in accordance with Australian Standard 4299-1995 Adaptable Housing. The minimum design requirements for adaptable housing are contained within Australian Standard 4299 Adaptable Housing. The requirements contained within the AS indicate a means of meeting the necessary design criteria for adaptable housing.

Private Car Parking (off street)

- b) Safe and accessible car parking spaces should be provided adjacent to continuous and accessible paths of travel to the dwelling.

Signage and Lighting

- c) To minimise personal risk and improve safety; car parks, set-down points, access routes and entrances are to be well lit, of sufficient contrast and well sign posted to assist people with a disability to accessible locations and through entry points.

Kerb ramps, ramps and walkways

- d) To allow free and unobstructed access to buildings from off-street car parking and set-down points: ramps and walkways should be provided.

Primary Points of Entry

- e) Entrance doors or primary points of entry to buildings must allow for the unimpeded passage of people with disabilities.



Internal Circulation and Facilities

- f) The minimum design requirements for adaptable housing are contained within Australian *Standard 4299 Adaptable Housing*.

Paths of Travel and Circulation

- g) Safe and continuous paths of travel are available to all applicable elements within the building.
h) Where appropriate, step-ramps, ramps walkways and stairs must allow for the needs of people with disabilities when accessing different parts of the building.
i) Doors, doorways and corridors must be of sufficient dimension (including clear openings and circulation spaces) to allow safe and unobstructed passage for people with a disability.

Signage, Lighting and Amenities:

- j) Suitably illuminated pathways within the development.
k) Where appropriate, building controls must be located in accessible positions and of suitable design to allow operation by people with disabilities (eg. Controls include; security and air conditions panels, light switches, power points).
l) Where appropriate, sanitary facilities and similar amenities must be accessible and functional for people with a disability.
m) Kitchen elements are located so that they are accessible and can be operated safely, thus minimising the risk of scalding, burning or other injury.

3.20 Medium Density Housing Development Associated with Commercial or Retail Development

Objective

- To facilitate multi dwelling housing in Business zones where it will not prejudice development of the land for commercial, retail or service activity.
- To encourage 'shop-top' housing developments in the Business Zones.
- To ensure that multi dwelling housing is carried out in association with permissible commercial or retail development in the zone.

Initial enquires should be made to Council to identify areas considered suitable for 'multiple dwellings' within Walcha's Business zones.

Controls:

- a) Consideration must be given to the **heritage** nature and character of the town centre and existing surrounding/adjacent development.
- b) **Car Parking:** A concession may be given in respect to visitor parking where, in the opinion of Council, sufficient off-site parking is available in the locality. However, at least one (1) space per unit must be provided on site.
- c) **Setbacks:** No setbacks apply in the Business Zone. However, as a general rule, Council will require all new developments above two storeys in height to be setback a further two metres per storey for each additional storey (or three metres in building height) above the two storey height.

3.21 Residential Flat Buildings

[State Environmental Planning Policy \(SEPP\) No. 65 – Design Quality of Residential Flat Development](#) applies to development for residential flat buildings of **four or more self-contained dwellings**. The SEPP aims to improve the design quality of residential flat buildings in NSW. If the SEPP applies, development proposals must include an Apartment Design Guide Assessment prepared by a qualified designer certifying that the design of the project meets the design quality principles of the SEPP.

3.22 Koala Habitat

Koala Habitat: The onus is on the applicant to demonstrate to Council that the land is not potential or actual Koala habitat and that the development will not adversely impact Koala habitat. SEPP 44 Koala Habitat Protection applies to the Walcha LGA.

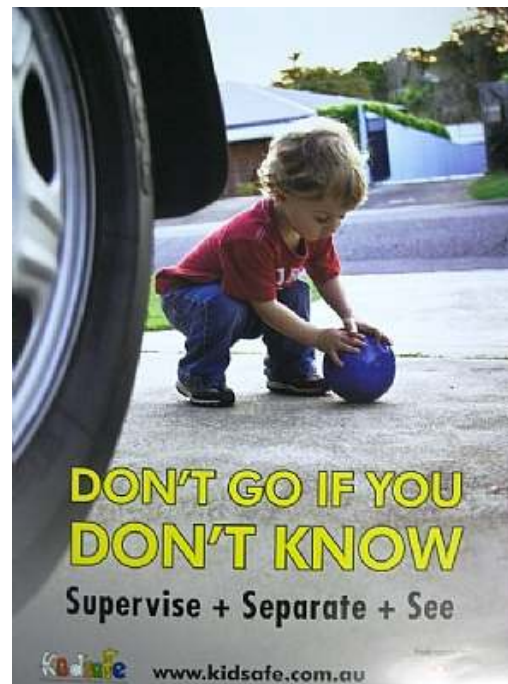
3.23 Driveway Safety

Background

On average, seven children are killed each year and 60 are seriously injured after being hit or run over by a motor vehicle at home. Very young children are at greatest risk – 90% of children killed and 70% of those seriously injured are under five years of age. In cases where a child is killed:

- half the vehicles involved are cars and a third are four-wheel-drives
- two-thirds are reversing
- two-thirds are driven by a parent or other relative.

Source: Child pedestrian safety: driveway deaths and low-speed vehicle run-overs, Australia 2001–10 (Bureau of Infrastructure, Transport and Regional Economics, www.bitre.gov.au).



Guidelines

- Residential development shall be designed to reflect vehicle and occupant safety principles.
- New residential development and significant dwelling alterations should provide measures self-closing doors, fencing and gates) (to prevent children from entering the garage and driveway from the house.



CHAPTER 4 - RURAL DEVELOPMENT

4.1 About this Chapter

This section refers to dwellings, dual occupancy development, rural worker's dwellings, dwelling additions, tourist development and other forms development permitted in the Rural and Environmental Zones contained within the *Walcha Local Environmental Plan 2012*.

4.2 Where this Chapter applies

This chapter applies to development of rural zoned land (RU1, RU4,) with the exception of subdivision of land.

4.3 Aims and Objectives

- To enhance the character of the rural areas.
- To encourage the use of existing or potentially productive land for agricultural purposes.
- To reduce potential for rural land use conflict.
- To protect old-growth, significant hollow-bearing trees and conservation significant vegetation through recognition of their ecological value and scarcity in the landscape.
- To improve the ecological function of riparian areas within the landscape.
- To improve the stability of the bed and banks of waterways through the management of riparian vegetation.
- To ensure that adequate arrangements in respect of the control of noxious weeds.
- To ensure that rural development is safe in terms of flooding and bush fire risk.

4.4 General Controls

- a) Rural dwellings are subject to the development standards of Clause 4.2A of the WLEP 2012. Refer to Note below.

Note: Clause 4.2A of the WLEP provides development standards for the erection of dwellings on rural land. To summarise, dwellings may only be erected on rural land if:

- *The lot has an area of at least the minimum lot size shown on the WLEP map; or*
- *The lot was created prior to 2012 and a dwelling was permissible at that time; or*
- *The lot is an existing holding; or*
- *The dwelling is intended to replace a lawfully erected dwelling.*



- b) **Superseded 27 October 2021**
- c) Council will require the consolidation of undersized rural lots (vacant lots with an area of less than the minimum rural lot size) within the same rural property holding as a condition of consent for new rural dwellings and dual occupancies.
- d) To reduce the number of driveway access crossings on busy or dangerous road, rural dual occupancies will use the same vehicular access to and from a public road. Separate driveway access to minor roads will be assessed on merit.
- e) Rural buildings, including garages and sheds should be clustered to form a group and where possible, buildings shall be broken into smaller elements rather than presenting a large building mass.
- f) All buildings to be setback at least 15 metres from the front property boundary (with frontage to a public road).
- g) Materials and/or finishes should not give rise to visual intrusion by virtue of texture, colour or arrangement. The use of recessive earthy tones is required. The use of reflective materials is prohibited.
- h) A removable dwelling not to be moved onto a site before development consent is issued. No work is to commence on the re-erection of the dwelling until all regulatory approvals have been obtained.
- i) Development involving the on-site management of wastewater must comply with Council's [On-site Sewage Management Strategy 2015-2018](#).
- j) Development within bushfire prone land must meet the relevant requirements of the Rural Fire Service and *Planning for Bushfire Protection 2019* (and any amending guidelines).
- k) The carrying out of development ('works' including excavation or deposition of material) on waterfront land requires a Controlled Activity Approval (CAA) under the [Water Management Act 2000](#). Council will refer DAs involving works within waterfront land to the NSW Department of Industry (Water) as integrated development.
- l) Koala Habitat: The onus is on the applicant to demonstrate to Council that the land is not potential or actual Koala habitat and that the development will not adversely impact Koala habitat. SEPP 44 Koala Habitat Protection applies to the Walcha LGA.

4.5 Vehicular Access Requirements

Where access from a public road to a private property is required:

- Access to a development shall be located having regard to its potential impact on the landscape and native vegetation and shall be unobtrusive and sympathetic to the existing landform and neighbouring development.
- All development is required to have coincidental legal and physical access from a public road to the development site. In this regard, Council may require evidence from a registered surveyor that this is the case.
- Where a part of any access is via an unformed Crown road, the road may first require dedication as a Council public road, and then construction to an appropriate standard once Council approval has been gained for the work. For a single residential dwelling, the minimum standard of construction where the owner will be responsible for ongoing track maintenance is in accordance with the *NSW Department of Industry – Lands & Water Guideline—Administration of Crown Roads*.
- Road and drainage designs may need to be submitted to Council at the applicant's expense prior to approval of any roadworks within a Council public road reserve.
- The developer will be responsible for construction or upgrading of any vehicle access in accordance with Council standards, including:



- A suitable width all-weather pavement from the road to the entrance gate or stock grid.
- Where the access crosses a table drain, a minimum 375mm diameter pipe with headwalls, or concrete dish drain on the alignment of the table drain.
- Any entrance gate or stock grid should be set back a minimum distance of 15 metres from the edge of the traffic lane for single unit truck access, or 22 metres for semi-trailer access.
- The access is to be located at where safe intersection sight distances can be achieved, including a minimum gap sight distance of 5 seconds.
- A Council Road Opening Permit is required prior to performing any work within a public road reservation. Forms and advice on relevant fees can be obtained from Council's Engineering Services department.

Crown road sales and closures

Many Crown roads within the public road network are not required to maintain public access. In these cases, Crown roads may be sold or closed without compromising the broader public interest. Roads may be sold in two ways.

Firstly, the department administers Crown road sales in accordance with Section 152B of the Roads Act ('Road purchases'). Sale of a Crown road under this section is suitable when the purchaser of the road is an adjoining landholder.

Alternatively, when a person wanting to purchase a Crown road does not own the adjoining land, the department may consider closing the road under Section 37 of the Roads Act before administering the sale of the land ('Road closure and purchase'). The sale of a closed road would then be administered in accordance with the Crown Land Management Act 2016.

Most Crown road sales will be road purchases—that is, to adjoining landholders, in line with Section 152B of the Roads Act.

Before determining when a road is suitable for sale (under Section 152B) or closure (under Section 37), the department will consider the access needs of surrounding properties to establish whether a road must be retained within the public road network.

The steps and estimated time frames for processing applications are available on the department's website at [Department of Industry](https://www.industry.nsw.gov.au/lands/access/road). <https://www.industry.nsw.gov.au/lands/access/road>

4.6 Environmental Considerations – Requirements

- a) Development shall not be carried out on slopes greater than 20%. If development on slopes greater than 20% is unavoidable, a geotechnical assessment may be necessary.
- b) The clearing of **native vegetation** on rural zoned land zoned subject to the [Local Land Services Act 2016](#) administered by [Local Land Services](#).
- c) Riparian lands within a subdivision are to be stabilised and revegetated according to stream order and buffer category. Water courses classified as stream order 3 or greater (Strahler method) require a riparian buffer of at least 40 m
- d) Roads are to be located outside riparian buffer areas where possible. Where roads traverse the riparian buffer area, the road design is to minimise the area of disturbance and demonstrate minimal impact on the riparian function and integrity.
- e) Driveway/roadway crossings/other infrastructure located over waterways are to have regard to the requirements for fish passage in accordance with relevant NSW State Government requirements under the [Fisheries Management Act 1994](#).

4.7 Flooding

In low-lying areas, a flood assessment may be required to determine appropriate floor levels for habitable structures. Waterway crossings on any access roadways should be designed to permit two-wheel drive access from a public road to the residence during a critical one (1) in 100 year storm event.



4.8 Land Use Buffers

- a) Buffers from development to rural land uses are to be established in accordance with the NSW DPIE [Land Use Conflict Risk Assessment Guide](#).
- b) Where a proposed development for a dwelling, dual occupancy or tourist accommodation will adjoin an agricultural enterprise on an adjoining property, a minimum 100m separation shall be provided. Where the 100m buffer cannot be achieved, Council will consider the use of vegetative buffers on the proposed development site

4.9 Services

- a) **Electricity and Telecommunications Infrastructure**
 - Any structures associated with the provision of electricity and telecommunications to the development shall be sited to have minimal environmental impact including vegetation removal and visual impact.
 - Applications are required to demonstrate the method of power supply and telecommunications (NBN).
 - Where generators are proposed, controls shall be placed on the hours of operation and levels of noise emission having regard to the proximity of neighbouring development and the environment.
- b) **Water**
 - Rural dwellings without a reticulated water supply shall have water storage facilities containing a minimum of 40,000 litres of potable water for domestic purposes in addition to any *Planning for Bushfire Protection 2019* requirements.

4.10 Farm Dams

The Department of Industry-Water NSW regulates and licenses farm dams. Dams that do not need a licence or development consent are:

- Dams that capture up to 10 per cent of run-off
- Dams up to one megalitre on small properties:
 - Licences are not required for dams up to one megalitre in size on small properties where the Maximum Harvestable Right Dam Capacity (MHRDC) is less than one megalitre and where the property was approved for subdivision before 1 January 1999. No further harvestable right dams may be constructed; any new dams above this allowance must be licensed.

Note 1: Under the [Fisheries Management Act 1994](#), any new dam or modification to an existing dam may require the owner to provide for fish passage. Contact NSW Fisheries office for further advice.

Note 2: Certain artificial waterbodies (dams) are permissible without consent. Development for the purpose of an artificial waterbody may be carried out without development consent on land to which this Part applies if:

(a) its storage capacity is less than 15 megalitres, and

(b) it is not within 40 metres of a public road, natural waterbody, environmentally sensitive area or tree clearing operations, and

(c) it is not within an area of high water table or acid sulphate, sodic or saline soils.

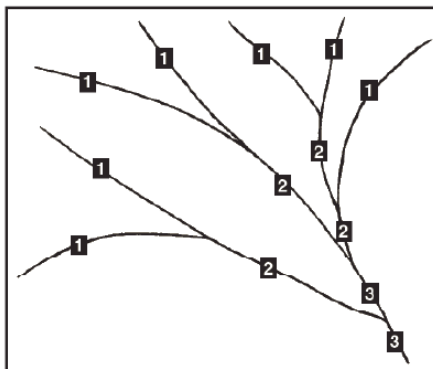
Refer: [State Environmental Planning Policy \(Primary Production and Rural Development\) 2019](#)

4.11 Waterfront Land

Development on waterfront land, (controlled activities carried out in, on or under waterfront land) are regulated by the *Water Management Act 2000 (WM Act)*). The NSW Department of Industry (Water in NSW) administers the WM Act and is required to assess the impact of any proposed controlled activity to ensure that no more than minimal harm will be done to waterfront land as a consequence of carrying out the controlled activity. Waterfront land includes the bed and bank of any river, lake or estuary and all land within 40 metres of the highest bank of the river, lake or estuary.

Council will refer development proposals on waterfront land for comment or approval.

Water in NSW recommends a vegetated riparian zone (VRZ) width based on watercourse order as classified under the Strahler System of ordering watercourses and using current 1:25 000 topographic maps. The width of the VRZ should be measured from the top of the highest bank on both sides of the watercourse.



Watercourse type	VRZ width (each side of watercourse)	Total RC width
1 st order	10 metres	20 m + channel width
2 nd order	20 metres	40 m + channel width
3 rd order	30 metres	60 m + channel width
4 th order and greater (includes estuaries, wetlands and any parts of rivers influenced by tidal waters)	40 metres	80 m + channel width

Source: Controlled activities on waterfront land - Guidelines for riparian corridors on waterfront land NSW Office of Water July 2012



CHAPTER 5 – ANCILLARY DEVELOPMENT AND SHED CONVERSION

5.1 About this Chapter

Ancillary development is a group term encapsulating a variety of types of minor development that would ordinarily be associated with the occupation and use of a dwelling house or dual occupancy and that generally have minimal environmental impact.

Note 1: Ancillary development, includes:

- (a) access ramp,
- (b) awning, blind or canopy,
- (c) balcony, deck, patio, pergola, terrace or verandah that is attached to a dwelling house,
- (d) basement,
- (e) carport that is attached to a dwelling house,
- (f) detached studio,
- (g) driveway, hard stand space, pathway or paving,
- (h) fence or screen,
- (i) garage that is attached to a dwelling house,
- (j) outbuilding,
- (k) rainwater tank that is attached to a dwelling house,
- (l) retaining wall,
- (m) swimming pool or spa pool and child-resistant barrier.

Certain forms of ancillary development may be carried out as exempt development (without the need for consent) or as Complying Development under the [Codes SEPP](#).

Note 2: This chapter is not concerned with ancillary 'use' – this is a different concept and is explained in the NSW Planning Circular *How to characterise development* PS13-001.

5.2 Where this Chapter applies

This chapter applies to development within the Walcha Shire.

5.3 Aims and Objectives

- To ensure ancillary development does not detract from the amenity of neighbouring properties or the streetscape.
- To enable the temporary occupation of compliant sheds as a means of short term accommodation while an approved dwelling is under construction.

5.4 Detached Studios

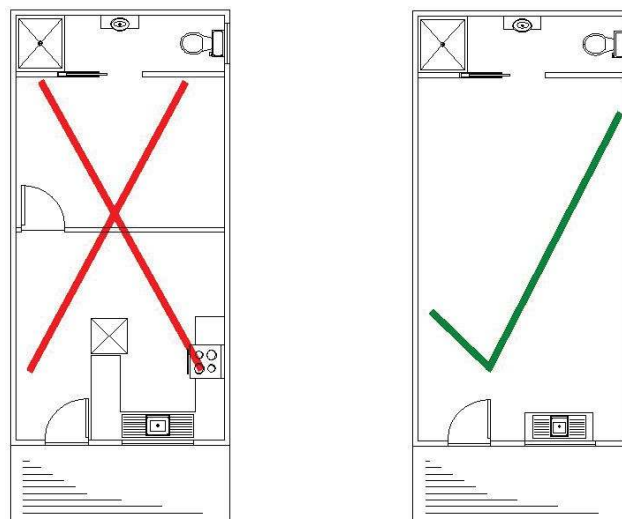
Objective

- To clarify and ensure consistency in Council's position on the facilities considered to be acceptable within detached studios, before separate occupancy is deemed to occur.

Detached studios may be used for purposes such as a bedroom, as artist's work space, a home office, a hobby room, a rumpus room, a teenager's 'retreat', or similar habitable room, provided the criteria above are satisfied. Detached Studios shall comprise a single room or may include a single room and shower/toilet facility. No kitchen or laundry facilities will be permitted.

Controls

- Permitted facilities within detached studios are dependent on the proposed use and are limited to:
 - shower/ toilet facility;
 - a sink (free-standing or in a bench-top) with a hot and cold water supply for washing hands and/or cleaning art/ hobby equipment only; and
 - other facilities which are appropriate for the proposed use and do not provide for separate occupancy
- a) When assessing a development application which includes a detached studio, Council would require the applicant to provide a floor plan showing all proposed facilities as well as a statement of use. This statement of use would assist in determining what facilities, if any, would be permitted given the stated use of the detached studio. A condition would also be included in any development consent indicating the detached studio is not permitted to be used, or be adapted to be used, as separate occupancy.



Floor plans which give an example of what would not be considered acceptable and what would be considered acceptable for a detached studio (under Council's LEP and Better Living DCP).

- b) A detached studio forms part of the primary dwelling on the land and is classified a Class 1 building under the Building Code of Australia (BCA). Accordingly, the relevant provisions of the BCA applicable to a Class 1 dwelling, including bushfire and smoke alarms, apply to a detached



studio. For example, the construction requirements i.e. Bushfire Attack Level, for a detached studio located on bushfire-prone land are identical to that for a dwelling in the same location. Generally, a BASIX Certificate is not required for a detached studio.

Also, detached studios can also be applied for in certain circumstances under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP).

5.5 *Fencing and Walls*

Objectives

- To be part of a development provide privacy, security and noise attenuation, without having a detrimental impact upon the streetscape and adjacent buildings.
- Enable some outlook from buildings to the street for safety and surveillance
- Be designed and detailed to provide visual interest to the streetscape

Controls

Front fences and walls must comply with the following:

- a) be constructed of materials compatible with the proposed housing, and with other attractive visible examples of fences and walls in the existing streetscape.
- b) be compatible with facilities in the street frontage area, such as mail boxes and garbage collection areas.
- c) be compatible in streetscapes of significance and is appropriate to the heritage or environmental context of the site.
- d) front fences and walls should be designed to use similar or compatible materials to that used in attractive buildings in the locality.
- e) street fencing shall be open or combination of open panels and masonry columns to a maximum height of 1.8 metres and are constructed from light weight materials.
- f) 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.

5.6 *Retaining Walls*

A retaining wall is a structure built to retain a difference in ground level.

Controls

- a) Retaining walls must be designed and engineered to a safe and aesthetic suitable standard.
- b) Support for earthworks more than 600mm above or below ground level (existing) must take the form of a retaining wall or other structural support that:
 - a professional engineer has certified as structurally sound, including in relation to (but not limited to) the ability to withstand the forces of lateral soil load, and
 - has been designed so as not to redirect the flow of any surface water or ground water, or cause sediment to be transported, onto an adjoining property, and
 - has adequate drainage lines connected to the stormwater drainage system for the site, and
 - does not have a total height measured vertically from the base of the retaining wall or structural support to its uppermost portion that is more than the height of the associated excavation or fill, and



- is separated from any other retaining wall or structural support on the site by at least 2m, measured horizontally, and
 - has been installed in accordance with any manufacturer's specifications, and
 - if it is an embankment or batter—has a toe or top that is more than 1m from any side or rear boundary.
- c) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot.
- d) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property.

5.7 *Outbuildings, Carports & Detached Garages*

Objectives

- To enhance the streetscape by providing good quality development presentation to the public domain.
- Maintaining privacy within habitable rooms of dwellings and in secluded private open space

Controls

- a) Outbuildings, Carports & Detached Garages are not allowed within building setback.
- b) In Zone R1, RU5 or R5, detached sheds made from a material that is not the same as the dwelling, must be setback at least 1 metre behind the front façade of the dwelling. This control applies to lots with both single and secondary frontages, with the exception of rear lanes.
- c) If in front of main dwelling, must be of the same construction, matching roof pitch, and appear like part of the habitable dwelling.
- d) Amenities in an ancillary structure to a dwelling are restricted to one toilet, one hand basin and one shower.
- e) Must be located clear of the utility services.
- ~~f) The width of garage doors must not be greater than 50% of the front elevation.~~
- g) No windowless facades at the street frontage(s).
- h) Direct views into windows of dwellings and secluded private open space is to be avoided.

5.8 *Conversion of a Shed to a Dwelling*

Sheds and outbuildings are class 10a (non-habitable) buildings under the Building Code of Australia and generally don't meet the higher construction standards required for a dwelling (class 1a). Development approval is required to convert a shed or outbuilding for use as a dwelling. The following information provides guidance for anyone considering converting a shed or outbuilding to a dwelling.

▪ Can I build a shed and convert it to a dwelling later?

If you are considering building a shed with a view to using it as a dwelling at a later stage it is important to seek professional advice before you build. You may be able to build to a higher standard and have correct boundary setbacks which will allow an easier conversion to a dwelling. You may find that building a shed for later conversion is not the best or most cost-effective option. It may be better to build a new dwelling that fully complies with the Building Code of Australia. See construction standards for converting a shed to a dwelling.



▪ **What sanitary facilities can I install in a shed?**

The installation of sanitary facilities in a shed requires prior development approval, even if the shed has been erected as an exempt structure. Generally, approval can be given to a toilet, shower and hand basin in a shed.

▪ **Can I live in a shed temporarily while I build my house?**

An owner of a property for which development approval for a dwelling has been granted may apply to Council to occupy a shed or caravan prior to the building being completed. Approval will only be granted on the following basis:

1. A shower, basin and toilet connected to either sewerage or an approved on-site waste water management system are on the site.
2. Town water is connected or an adequate tank water supply is available;
3. Construction of the dwelling has substantially commenced (i.e. footings or slab poured).
4. If located in a bushfire prone area, adequate measures are to be in place for safe evacuation in case of bushfire and any required Asset Protection Zones are established.
5. The period of occupation is 1 year or less.
6. Adequate construction progress on the dwelling is maintained during the period of occupation.
7. A smoke alarm is installed in the shed or caravan.
8. Temporary kitchen and laundry facilities are removed from the shed within 3 months of when the dwelling is completed and the use of the building reverts to a non habitable shed. A bathroom can remain.

▪ **What are the construction standards for converting a shed to a dwelling?**

The construction standards for a dwelling are contained in the Building Code of Australia (BCA), the *Environmental Planning & Assessment Act, 1979* and Council's Development Control Plans (DCP's) and can be summarised as:

- a) Minimum facilities - a toilet; shower or bath; wash basin; kitchen sink and facilities for the preparation and cooking of food; laundry tub and space for a washing machine.
- b) If the shed is visible from a public place it will need to be of a higher architectural quality (e.g. increased roof pitch, architectural features such as verandahs, eaves, etc) to be in keeping with the character of the area.
- c) Concrete slab – constructed to AS2870 for a class 1a dwelling or a structural engineer's certificate supplied which states the slab is suitable for use in a dwelling. Evidence of a plastic membrane under the slab or the slab will need to be suitably water proofed to prevent moisture entering the building. Slab should be at least 100mm above surrounding ground level with adequate surface water drainage but preferably at least 225mm above surrounding ground level.
- d) Frame, including tie downs and bracing – constructed for a class 1a dwelling standard under AS1684 if timber framed or certified by a structural engineer to be suitable for a dwelling.
- e) Minimum ceiling height - 2.4 m for habitable rooms and 2.1 m for laundry, bathroom, corridor and toilet as per the BCA.
- f) Minimum natural light for habitable rooms – glazed area of windows to be 10% of the floor area and ventilation as per the BCA.
- g) Boundary setbacks to comply with the BCA (e.g. 900mm wall to side or rear boundary and 450mm eave to boundary)



- h) Flood – if the property is flood liable the floor level must be at least 500mm above the 1:100 year flood level.
 - i) Bushfire – if the property is mapped as bushfire prone the NSW Rural Fire Service document titled 'Planning for Bushfire Protection 2006' and AS3959 apply. Submit a bushfire consultants report or completed Rural Fire Service guidelines for single dwelling development applications. See www.rfs.nsw.gov.au
 - j) BASIX – a BASIX Certificate is to be submitted with any development application for conversion of a shed to a dwelling outlining the energy efficiency measures to be installed. See www.basix.nsw.gov.au
 - k) Connection to sewer or an approved on site waste water management system.
 - l) Thermal break – if the building has metal framing and metal wall or roof cladding a NSW amendment to the BCA requires a thermal break be installed between the cladding and frame. This can be achieved using compressed bulk insulation, 20mm thick timber battens, 12mm thick polystyrene strips, air cell or thermal break insulation.
 - m) Certificates of compliance for electrical, plumbing and glazing
 - n) Termite protection to AS 3660.1 where required.
 - o) Complying stairs, landings, balustrades, etc.
 - p) Hardwired smoke alarm between living and sleeping areas.
- **There is already a shed on the property that has been converted to a dwelling but I'm not sure if it is Council approved. What should I do?**

You can check the building approvals that have been issued for a property by submitting a Government Information (Public Access) (GIPA) search of Council's records (form available at Council's website or offices). There is no cost if the information is emailed to you and a photocopy fee if paper copies are required. If the GIPA search reveals there are no approvals for the building this matter should be discussed with Council staff.

If the property has a dwelling eligibility and this is the only dwelling on the property a development application and building certificate application under Section 10.7 of the *Environmental Planning & Assessment Act 1979* may be submitted for assessment.

If this is a second dwelling on the property, this matter should be discussed with Council Planning staff.

- **Can I convert a shed to a dwelling to create a dual occupancy on my property?**

Yes. Attached or detached dual occupancies or secondary dwellings are permitted with development consent in most zones.

- **What action can be taken if a shed is converted to a dwelling without approval?**

Council takes unauthorised development very seriously. When unauthorised development occurs compliance action will be taken in accordance with Council's Enforcement Policy and can include:

- The issue of significant infringement notices These can be issued to the owner of the property and the person who carried out the work.
- The issue of a rectification, demolition or cease use order.
- The requirement to submit applications and supporting documentation for retrospective assessment.
- Court action



CHAPTER 6 - SUBDIVISION

6.1 About this Chapter

This chapter provides the requirements and design details for subdivision in the Walcha LGA. Subdivision of land may ultimately result in an intensification of land use and as such it is important that the potential impacts of this intensification are considered as part of the approval process.

Note:

S2.75 of the Codes SEPP provides for certain subdivision as exempt development.

- a) *widening a public road,*
- b) *a realignment of boundaries:*
 - i. *that is not carried out in relation to land on which a heritage item or draft heritage item is situated, and*
 - ii. *that will not create additional lots or increase the number of lots with a dwelling entitlement or increase the opportunity for additional dwellings, and*
 - iii. *that will not result in any lot that is smaller than the minimum size specified in an environmental planning instrument in relation to the land concerned (other than a lot that was already smaller than that minimum size), and*
 - iv. *that will not adversely affect the provision of existing services on a lot, and*
 - v. *that will not result in any increased fire risk to existing buildings, and*
 - vi. *if located in Zone RU1, RU2, RU3, RU4, RU6, E1, E2, E3 or E4—that will not result in more than a minor change in the area of any lot, and*
 - vii. *if located in any other zone—that will not result in a change in the area of any lot by more than 10%,*
- c) *(Repealed)*
- d) *rectifying an encroachment on a lot,*
- e) *creating a public reserve,*
- f) *(f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.*

Lot consolidation does not require development consent.

6.2 Where this Chapter applies

This Chapter applies to all land within the Walcha LGA.

6.3 General Advice to Applicants for Subdivision

- Prior to preparation of a Development Application, owners/applicants should contact Council's Department of Environmental Services to:
 - discuss land zoning and any restrictions on the land (such as bush fire hazard or flooding); and/or
 - purchase a S10.7 zoning certificate; and
 - arrange a DA pre-lodgement meeting to discuss the particular site requirements that will need to be addressed prior to lodgement of the Development Application.



- Prepare a site analysis sketch indicating
 - the site boundaries;
 - the site surrounds and, in particular, adjacent properties;
 - the site topography;
 - the site aspect/orientation;
 - existing vegetation including the location and type;
 - creeks and drainage lines;
 - any areas of steep land, in particular, any areas in excess of 15% as this gradient creates limitations in terms of development;
 - views out of and to the site; and
 - scenic elements within the site.
- Prepare a conceptual Plan of Subdivision drawn to an appropriate scale. It is recommended that the Plan of Subdivision be drawn by a surveyor (as this will be required anyway before issue of a subdivision certificate prior to finalisation of the subdivision), however a less formal drawing is acceptable for Development Application purposes provided it includes the following information:
 - Property boundaries of the development site and adjoining land;
 - Contours;
 - Location of existing built and natural items on or adjacent to the land (e.g. buildings, roads, sewer, town water, electricity, telephone, trees, streams, dams, depressions, rock outcrops etc);
 - Location of all existing drainage reserves, easements and rights of way affecting or likely to affect the land;
 - The proposed new lots and any new roads showing accurate dimensions and areas;
 - Proposed names for new roads;
 - Stormwater design and appropriate easements for drainage; and
 - Servicing.

6.4 General Subdivision Controls

- a) The ["Lot Size Map"](#) and Clause 4.1 of the WLEP 2012 prescribes minimum lot sizes.
- b) Public road upgrading and new roads created by subdivision shall be constructed in accordance with Council's Development Design and Construction Manual (Aus-Spec 1). All costs associated with the development are to be met by the developer.
- c) Subdivision involving access off a classified road (Oxley Highway) will be referred to the NSW Traffic for NSW (TfNSW) for comment.
- d) *Traffic Generating Development* (Schedule 3 of [SEPP Infrastructure](#)) will be referred to the RMS as Integrated Development and will require their General Terms of Approval.
- e) Subdivision within bushfire prone land that could lawfully be used for residential or rural residential purposes is Integrated Development and
 - requires a Bushfire Safety Authority from the NSW Rural Fire Service; and
 - must meet the relevant requirements of *Planning for Bushfire Protection 2019*.
- f) Development shall not be carried out on slopes greater than 20%. A geotechnical report may be required when subdividing steep land.
- g) All new lots must have practical and legal access to a public road.
- h) Where subdivision is proposed to be carried out in stages, information is to be supplied detailing the staged release of lots and all infrastructure works (roads, water, sewer and stormwater drainage).



- i) Demonstrated consideration of whether the land to be subdivided is suitable for the intended purposes in accordance with [SEPP 55 Remediation of Land](#).
- j) All lots in new subdivisions will be allocated a new rural address number as part of the development consent. The applicant will be required to ensure the rural address number plate is installed for each lot prior to release of the Subdivision Certificate.
- k) **Landscaping** - New subdivisions in Zones R1, R5, RU5, B2, B4, and IN1 must re-establish grass cover on verges and plant street trees at the following minimum rates:

ZONE	R1 and RU5	R5	B2, B4	IN1
Street trees	1 per new lot Corner lots - 2	1 per 30 metres of road frontage	1 per 10 metres of road frontage	1 per 10 metres of road frontage

- l) A basic landscaping plan showing intended location, type and mature height of trees is required to be submitted with a development application for subdivision in accordance with the above table.
- m) Street trees will be planted in accordance with Councils Street Tree Plan.
- n) Street trees must be located so as not to interfere with sight lines from driveways or the location of existing and future utility services.
- o) All subdivision development applications are to include consideration of potential land contamination.

6.5 Subdivision in Residential Areas

Where this Section Applies

The Section applies to development in the R1 General Residential and RU5 Village land use zones.

Objectives

- To provide safe, convenient and attractive neighbourhoods that meet the diverse and changing needs of the community by:
 - Offering a wide choice of good quality housing and associated community facilities
 - Encouraging walking and cycling
 - Minimising energy consumption
 - Promoting a sense of place through neighbourhood focal points and the creation of a distinctive identity which recognises and, where relevant, preserves the natural environment.
- To ensure that subdivision will not result in increased risk from bushfire or other environmental hazards,
- To ensure that the intensification of land use does not result in undesirable environmental consequences, and
- To implement the 'user pays' principle for the provision of services to the subdivision.
- To improve the quality of future streetscapes within subdivisions by requiring landscaping within public road reserves.

Controls

- a) **Services:** The following services should be provided to each lot at the subdivider's cost
 - reticulated water
 - a sewerage connection
 - electricity, telephone and telecommunication services – underground reticulation

- the necessary underground conduits for the passage of future service lines
- any easements required to facilitate the provision of services and/or inter-allotment drainage
- Developer to provide kerb and gutter and footpaths in the R1 Zone and within the RU5 zone as required by Council.

b) Frontage Requirements:

- Lots shall have a minimum frontage of the average of lots in the immediate locality.
- Lots fronting cul-de-sacs shall have a minimum frontage of 10 m.
- Corner lots shall have a minimum frontage of the average of lots in the immediate locality. The lot size shall be met after allowing for area lost at corners which are to be splayed to a minimum of 3 metres and dedicated as public road.

c) 'Battle-axe' lots

- Battle-axe lots shall have a minimum frontage of 4m. No more than two (Torrens Title) lots will share a battle axe handle access.
- The access handle is to be excluded from calculation of area of the lot for the purposes of minimum lot size calculations.
- The access handle is to be concreted or sealed.
- The maximum height of the access way fencing shall be 0.9m between the front of the adjacent dwelling and the street, and 1.8m between the front of the adjacent dwelling and the rear of the lot.
- The prime objective in designing the access way is to provide for vehicles to be able to move in a forward direction when entering or leaving the site.

d) Environmental amenity

- Subdivisions are to avoid clearing of native vegetation.
- Native vegetation, significant trees and riparian areas retained within a residual lot.
- Refer **Section 4.11 Waterfront Land** for requirements for riparian areas.



Sample: Preferred subdivision layout – Existing vegetation retained, lots avoid riparian areas



6.6 *Subdivision in Rural and Rural Residential Areas*

This section applies to land zoned RU1 Primary Production, RU4 Primary Production Small Lots, R5 Large Lot Residential and E4 Environmental Living.

Objectives

- To ensure that subdivision in rural and rural residential areas is appropriate within the rural landscape.
- To minimize fragmentation of agricultural lands.
- To allow for boundary adjustments and subdivision that facilitates flexibility in the arrangement of agricultural holdings.
- To ensure that subdivision will not result in increased risk from bushfire or other environmental hazards.

Site Analysis

A plan showing the site analysis for the subject land must accompany development applications for subdivision and should consider:

- the site boundaries;
- the site surrounds and, in particular, adjacent properties;
- the site topography;
- the site aspect/orientation;
- existing vegetation including the location and type;
- creeks and drainage lines;
- any areas of steep land, in particular, any areas in excess of 15% as this gradient creates limitations in terms of development;
- views out of and to the site; and
- scenic elements within the site.

A Site Analysis Plan will provide a 'snapshot' of the site and assist in evolving a development proposal that is relevant and appropriate to the land.

When considering an application for subdivision of land Council shall take into consideration: -

- The desirability of providing a range and mix of allotment sizes;
- The size of each proposed allotment in relation to its suitability to accommodate the proposed development and the disposal of wastes;
- Whether adequate services are available to each allotment;
- Whether sealed access roads are available to each allotment; and
- Whether provision has been made for the control of noxious weeds and the minimisation of the risk to development from bush fire hazards.

Controls

In addition to the controls in Chapter 4 Rural Development, the following controls apply to development for subdivision of land.

a) Road Access

- All weather, two wheel drive access crossing(s) and driveways are to be constructed at the cost of the developer.
- Access crossings from bitumen sealed public roads require a bitumen formation from the edge of the public road formation to the property boundary with bitumen splays.



- Each allotment to be created within a two (2) km radius of the township of Walcha will have frontage to a bitumen sealed road with access to Walcha. The road shall be constructed to Council's standards for rural roads.
- Each allotment to be created within a radius of between two (2) km and five (5) km of the township of Walcha will have frontage to a bitumen sealed road. The road shall be constructed to Council's standards for rural roads by the developer.
- New public roads created by the subdivision or the need for the existing roads to be upgrade by the subdivision shall be constructed in accordance with Council's Development Design and Construction Manual (AUS-Spec 1). All costs associated with the development are to be met by the developer.
- Cul-de-sacs will be of a sufficient width for manoeuvring of garbage truck and other semi rigid vehicles.

b) Water

- Each allotment to be created within a two (2) km radius of the township of Walcha is to be connected to a reticulated public water supply.
- Each proposed allotment to be created within a radius of between two (2) km and five (5) km of the township of Walcha is to be of sufficient size to enable the provision of an adequate potable water supply and a bulk water supply for fire fighting purposes.

c) Waste Disposal

- Each allotment to be created is to contain sufficient area for the on-site disposal of effluent in accordance with the requirements of Council and Department of Health.
- All lots must have suitable locations for the on-site management of wastewater in accordance with Council's On-site Sewage Management Strategy.

d) Utility Services

- Each proposed allotment to be created shall be capable of being connected to a reticulated electricity supply and a telephone service. Written confirmation from the relevant public authority that these services are available shall be provided to Council.

e) Noxious Weeds

- Each application for subdivision of land must be accompanied by a Plan of Management for the control of noxious weeds. Conditions of consent may be imposed by Council with respect to the control of noxious weeds.

f) Bush Fire

- A Bushfire Risk Assessment must accompany applications for subdivision of bushfire prone land, providing an assessment that meets the requirements of *Planning for Bushfire Protection 2019*. Indicative Building Envelopes must be shown for any vacant lot clear of any bushfire asset protection zones (APZs).
- Vegetation clearing for bush fire asset protection zones, access requirements and the like must be supported by a detailed ecological assessment prepared by a qualified consultant.

g) Rural Amenity

- All prominent hilltops and ridges are to be preserved. Subdivisions should be designed so as to:
 - i. Exclude roads, powerlines and other services and amenities from hilltops
 - ii. Exclude dams and other earthworks from hilltops
 - iii. Any tanks and similar structures which are dependent upon gravity for their operation should be designed and located so as to blend in with the natural environment.

- Lot layouts should reflect site topography. Retain vegetation and scattered trees as natural features and to provide separation between lots and dwellings. Design new lots with the potential for building pads to be staggered and separated from their neighbours. Ensure road reserves have space for street trees. Enhance creeks as natural features. Consolidate remnant vegetation within a limited number of lots to facilitate better management of this vegetation.

h) Koala Habitat

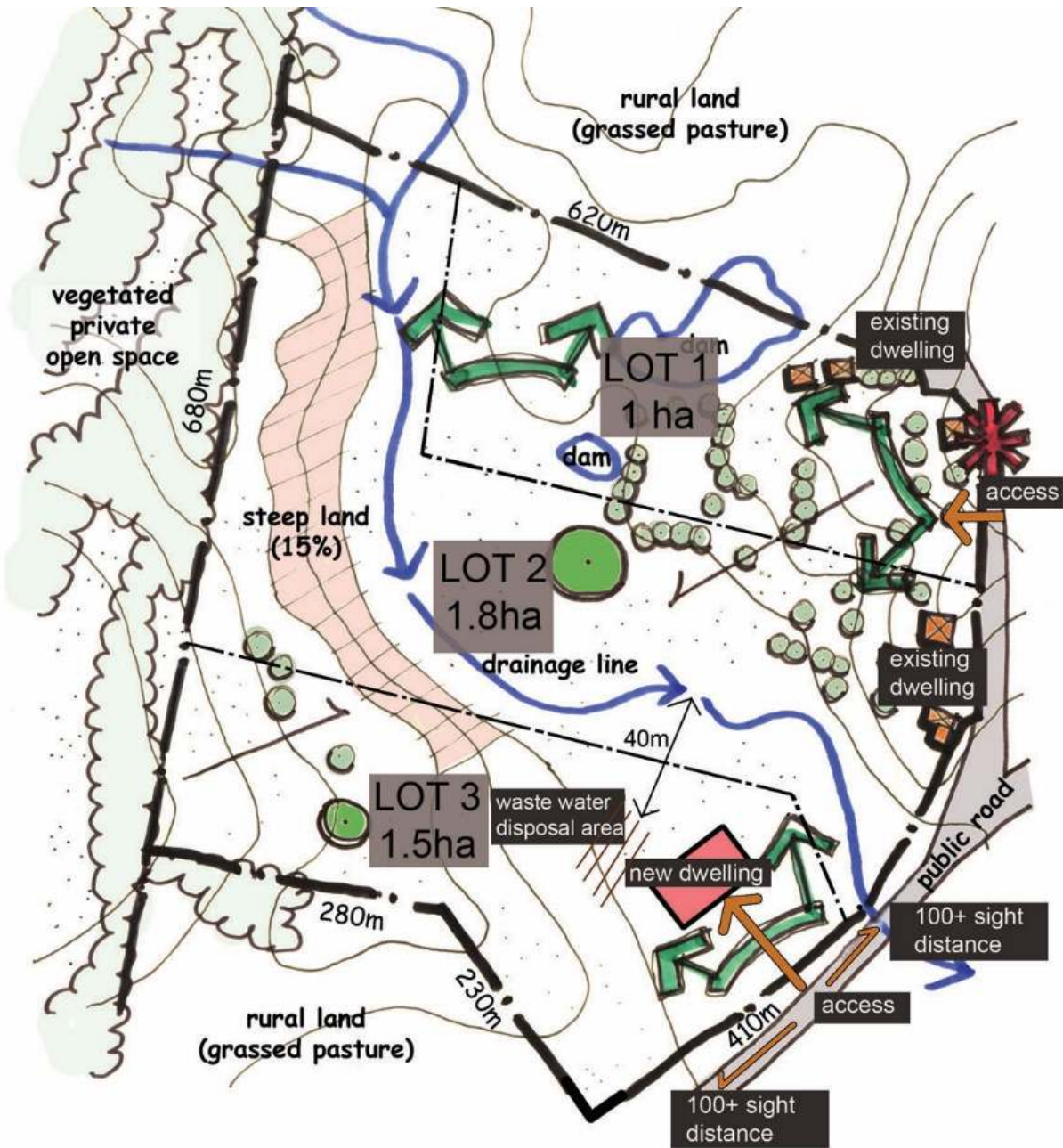
- The onus is on the applicant to demonstrate to Council that the land is not potential or actual Koala habitat and that the development will not adversely impact Koala habitat. [SEPP 44 Koala Habitat Protection](#) applies to the Walcha LGA.

NOTE: Refer to Section 4.6 and 4.11 for requirements for clearing of native vegetation and 'works' in the vicinity of a watercourse.

Sample: Site Analysis Sketch



Sample: Subdivision Concept Plan



6.7 Subdivision in Commercial and Industrial Areas

Where this Section Applies

The Section applies to the B2 Local Centre, B4 Mixed Use and IN1 General Industrial land use zones

Objectives

- To provide safe, convenient and attractive employment lands by:
 - Facilitating development that is consistent with the objectives for the Commercial and Industrial zones in the WLEP.



- To ensure that the intensification of land use does not result in undesirable environmental consequences.
- To implement the 'user pays' principle for the provision of services to the subdivision.
- Providing flexibility and choice in land for commercial and industrial purposes.
- To ensure that subdivision of employment land does not jeopardise the potential of that land for commercial or industrial purposes.

Controls

- a) Subdivision design and construction must comply with Council's relevant engineering guidelines.
- b) **Minimum dimensions** for the size and shape of proposed allotments do not apply. However, a development application for subdivision must be able to demonstrate that the size and shape of the allotments are appropriate for their proposed use and are able to accommodate business premises, car parking, landscaping and other requirements of the proposed development.
- c) **New roads** created by the subdivision or the need for the existing roads to be upgraded by the subdivision shall be constructed in accordance with Council's Development Design and Construction Manual (Aus-Spec 1). All costs associated with the development are to be met by the developer.
- d) The following **services** shall be provided to each lot at the subdivider's cost:
 - reticulated water
 - a sewerage connection
 - kerbing and guttering
 - stormwater drainage infrastructure
 - electricity
 - telephone service
 - the necessary underground conduits for the passage of future service lines
 - any easements required to facilitate the provision of services and/or inter-allotment drainage
- e) Council or an accredited contractor will carry out all works associated with connection to the existing reticulated water and sewerage network with full costs to be met by the developer.
- f) Evidence (provisioning certificates) demonstrating satisfactory arrangements for electricity and telephone services shall be provided prior to issue of the subdivision certificate.



CHAPTER 7 - DEVELOPMENT IN COMMERCIAL AND INDUSTRIAL AREAS

7.1 *About this Chapter*

The Walcha LGA comprises a number of areas that constitute 'employment lands' – i.e. areas that provide for job creation and ongoing employment. These areas are zoned for commercial or industrial land uses, and are intended to support the development and operation of various business enterprises. This chapter should be read in conjunction with the WLEP and other chapters of the DCP that are relevant for particular developments.

7.2 *Where this Chapter applies*

This chapter applies to land zoned Business (B2 Local Centre and B4 Mix Use) and IN1 General Industrial under the WLEP.

7.3 *General Advice to Applicants*

Different land uses are permissible within the business and industrial zones. Applicants are urged to check with Council's planning staff about the permissibility or otherwise of a proposed development early in the project planning stages.

The employment land zones each have different objectives in terms of the type of enterprise that is appropriate. Applicants and developers are encouraged to consider how their proposed development will fit within these.

7.4 *Aims and Objectives*

This chapter is intended to achieve the following:

- To reinforce the role of the town centre (B2 zone) as the main focus for retail and commercial activity within Walcha.
- Footpath displays are supported provided they maintain pedestrian safety.
- To provide guidelines for elements, such as the external appearance of buildings and landscaping, which contribute towards appropriate streetscape character.
- To ensure that the design of developments provides ease of access for pedestrians, including people with disabilities.
- To ensure that business and industrial development is served by the necessary physical infrastructure, including reticulated water supply and sewerage and drainage systems.
- To ensure that adequate vehicular access and parking is provided so as to protect the safety of other road users.



7.5 Controls

Change of Use

Developers are encouraged to consult with Council's staff prior to undertaking a change of use of premises in order to determine which of the following planning pathways would apply:

- a) Development consent is not required for certain change of use of premises that are listed as exempt development under S5.3 of the [Codes SEPP 2008](#).
- b) Change of use may also be permissible as complying development under the Codes SEPP. In this case, an application for a Complying Development Certificate will need to be lodged with Council or a private certifying authority.
- c) For a change of use of premises that does not fall into either of the above categories, a Development Application will need to be lodged with Council.

Access for Persons with Disabilities

- d) Adequate provision is to be made to enable persons with disabilities to gain access to the development and to the land on which the development is proposed to be carried out.
- e) The development is to comply with the relevant Australian Standard for access for disabled persons applying at the time the development application is lodged.

Height

- f) There are no LEP maximum building heights for employment lands. Maximum building height is merit based, however should not exceed 10 m or four (4) storeys.
- g) Development involving silos, concrete batching plants and the like, may involve elements of buildings that are greater than 10 m in height.

On-site facilities

- h) On-site facilities for garbage bin and recycling storage and service meters are to be designed to be physically convenient, visually attractive and require minimal maintenance.
- i) Garbage and recycling bin storage is not to be located at the street frontage.
- j) Where collection is not on the street frontage, adequate loading and turning areas for service vehicles is to be provided within the development.
- k) Adequate provision is to be made for the storage and handling of solid wastes generated by the development. The storage area is to be enclosed and the material stored is to be screened from public view.
- l) Provision is to be made for the installation and maintenance of Liquid Trade Waste management facilities where required.

Development on land adjoining land zoned R1 General Residential

- m) Business or industrial development on land adjoining a residential zone should be designed and oriented to reduce adverse amenity to surrounding residential land uses. Applications will be required to address the following:
 - Noise associated with the amount of traffic generated by the development.
 - The type of traffic generated by the development (cars, delivery vehicles etc).
 - Location of car parking and loading/unloading areas
 - Hours of operation.
 - Headlight glare from vehicles within the site.
 - Odour
 - Nuisance caused by illumination of the development for advertising and/or security reasons.
 - Visual impact associated with the setback of the development from the common property boundary and the design and scale of the development. Possible adverse impacts on the



locality, including the above factors, should be considered when choosing the site and designing the development.

Energy efficiency

- n) Opportunities may exist to design layouts for a development which minimise winter heat loss and make use of solar energy. This may be achieved by:
- Locating main office and/or retail areas on the north side of the building. Storage areas, toilets and other rooms requiring minimum climate control could be located away from the north side.
 - Walls set back sufficiently from the north site boundaries to enable winter solar access to the main north facing areas.
 - Buildings to incorporate window shading devices, such as eaves, verandahs and blinds, to reduce exposure from hot summer sun, especially on the western side of the building.
 - Landscaping that incorporates good solar design principles.

Services

- o) The following services should be provided to development for commercial or industrial purposes:
- reticulated water
 - a sewerage connection
 - electricity, telephone and telecommunication services – underground reticulation
 - the necessary underground conduits for the passage of future service lines
 - any easements required to facilitate the provision of services and/or inter-allotment drainage
 - Developer to provide kerb and gutter and footpaths as required by Council.

7.6 Zone B2 Local Centre – Specific Considerations

This zone provides for a reduced range of residential accommodation to encourage mixed commercial and residential development within the town centre area. Single detached dwelling houses are discouraged other than as an ancillary land use to a permissible business development.

Note: An ancillary use is a use that is subordinate or subservient to the dominant purpose. The concept is important when a development involves multiple components on the same land.

- *if a component serves the dominant purpose, it is ancillary to that dominant purpose;*
- *if a component serves its own purpose, it is not a component of the dominant purpose but an independent use on the same land. It is a dominant use in its own right. In such circumstances, the development could be described as a mixed use development.*

Department of Planning, Industry & Environment– Planning Circular PS 13-001

'Shop top housing' is actively encouraged to provide for housing that will decrease car dependency in the town centre.

Note: existing dwellings remain permissible under 'existing use rights' contained in Sections 4.65 to 4.70 of the EP&A Act.

Heritage Considerations



A number of heritage listed items are located within B2 zoned land. As such, any proposals for development within the B2 zone should be carefully checked to see whether heritage provisions will apply to the development. As heritage considerations can place significant restrictions on the type of development that can be undertaken, it is strongly recommended that potential developers contact Council planning staff early in the development process to discuss this.

For any development to be undertaken on Heritage Items, the provisions of *Chapter 9 Heritage* will also apply.



CHAPTER 8 - ACCESS AND PARKING

8.1 *About this Chapter*

This chapter of the DCP has been prepared as a guide to Council's requirements for car parking, access and loading facilities as part of development proposals.

8.2 *Where this Chapter applies*

This Chapter applies to all zones under the WLEP 2012. This chapter applies to new development and re-development of existing sites.

8.3 *Aims and Objectives*

To ensure that new development:

- maintains or improves traffic safety and management;
- provides adequate provision for access and parking for people with disabilities;
- minimises the visual impact of on-site parking. and
- provides for the ongoing maintenance of on-site car parking and manoeuvring areas.

8.4 *Access and Traffic Generation*

Minor development proposals are unlikely to significantly impact the receiving road network, however, consideration of traffic generation and access locations is still required. For more significant developments, Council may require a Traffic Impact Assessment to be prepared addressing the following matters:

- Development involving access off a classified road (Oxley Highway) will be referred to the Traffic for NSW (TfNSW) for comment.
- *Traffic Generating Development* (Schedule 3 of [SEPP Infrastructure](#)) will be referred to the TfNSW as Integrated Development and will require their General Terms of Approval.
- The rate of traffic generation associated with the proposed development.
- Any impact additional traffic generated may have on traffic efficiency, amenity, safety, and road pavement life.

8.5 *Vehicular Crossover and Driveway Width*

Applicants are to lodge a Road Opening Application Form with Council, and receive a Road Opening Permit, prior to performing any work within a public road reservation. Any conditions of the Road Opening Permit are to be complied with in association with the work.

Urban Controls

- a) Urban entrances must meet the 150mm high Kerb Crossing Standard. A copy of the Standard Vehicle Crossing specification is available from Council's Engineering Department upon request.
- b) All existing vehicular crossings not utilised by the development will generally be required to be removed, and the area restored to match the adjoining section of kerb and footpath, prior to occupation or use of the development.
- c) No access/access structure is to block an existing drainage channel, with all water to be drained in a manner that facilitates effective drainage of water.

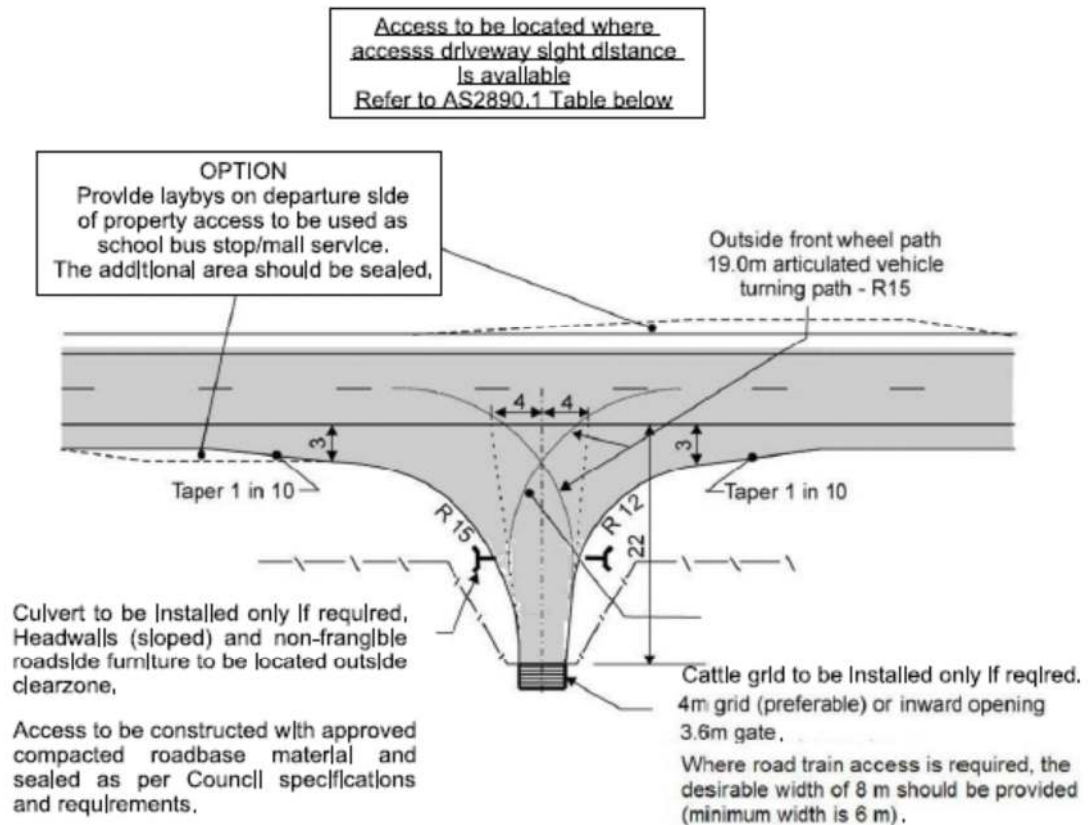
Any disturbed ground or vegetation are to be suitably reinstated.

- d) A dial before you dig (DBYD) must be completed prior to commencing works. Walcha Council cannot guarantee the location of services, additionally Council is not responsible if services are encountered while constructing this access.

Rural Controls

- a) Rural entrances on sealed roads must meet the "Typical Rural Access Standards" shown in the diagram below '2 – Articulated Vehicles'.

TYPICAL RURAL ACCESS STANDARDS



2. Articulated Vehicles

Access Driveway Sight Distance (AS2890.1)

Speed Limit km/h	Sight Distance (rounded to nearest 5m)
50	70
60	85
70	100
80	110
90	125
100	140
110	155

NOTES:

- A: Council may require work to be undertaken to Auspec standards www.natspec.com.au
- B: All ongoing maintenance to rural property access is the responsibility of the property owner.



- a) There will be no requirement to seal a rural access that fronts an unsealed road, however the dimensions of the "Typical Rural Access Standards" will remain.
- b) Where the Typical Rural Access Standard is not achievable on an unsealed road due to vegetation or other constraints, the owner must convince the Engineering Department that heavy vehicles can safely enter and exit with their proposed design.
- c) All existing vehicular crossings not utilised by the development will generally be required to be removed, and the area restored prior to occupation or use of the development.
- d) No access/access structure is to block an existing drainage channel, with all water to be drained in a manner that facilitates effective drainage of water.
- e) Any disturbed ground or vegetation are to be suitably reinstated.
- f) All accesses are to be bitumen sealing with a splay from the edge of the existing bitumen to the boundary line to a standard approved by Council.
- g) No permanent objects are to be installed that will inhibit sight distance.
- h) All works to be undertaken within 3m of the road edge line must have a TCP for the works. If works will impact on traffic, traffic controllers must be on site.
- i) A dial before you dig (DBYD) must be completed prior to commencing works. Walcha Council cannot guarantee the location of services, additionally Council is not responsible if services are encountered while constructing this access.

8.6 Parking Controls

General

- a) Car-parking spaces are to be provided on the same lot as the proposed development. Multi-lot land holdings may require consolidation to comply with this control. *(Reason: To ensure car parking remains annexed to the approved development.)*
- b) Additional parking spaces required for any new development or redevelopment shall comply with the controls of this chapter and **Table: Off-street Parking Rates**.
- c) Accessible car parking spaces are to be provided in accordance with the [Disability \(Access to Premises - Buildings\) Standards 2010](#).
- d) Accessible car parking spaces are to be located as close as possible to the main pedestrian entrance and should have regard to the use and function of the building.
- e) Council will apply the controls of this Chapter if it considers a proposed Change of Use requiring consent will produce a substantially different parking requirement than those attributable to the previous use of premises.
- f) Development proposals that provide less parking than required by this Chapter shall be supported by a parking study.
- g) On-site parking design must meet the relevant Australian Standards (AS 2890.1 and 2890.2 2004).
- h) All required car parking areas, driveways, turning areas and loading areas are paved in either a bitumen seal coat, asphaltic or bituminous concrete, cement concrete, concrete paving blocks, or brick paving blocks. The standard of paving required will be dependent upon the type of development proposed, with regard to traffic loadings including turning movements of heavy vehicles.
- i) In villages and rural areas all-weather paving of driveways, turning areas, loading areas and car parking areas is required. Surface materials to be at the discretion of Council's Director of Infrastructure Services
- j) All parking spaces shall be suitably line-marked and sign-posted and be graded and drained to Council's stormwater system.
- k) Free and uninterrupted access to car parking areas shall be maintained at all times.
- l) Stacked car parking is only permissible in conjunction with single dwelling houses and dual occupancies. Exceptions to this control are at the discretion of Council.



m) Car parking areas are to be incorporated into the building or provided at, or behind, the front setback of the building.

Table: Off-Street Parking Rates

Land Use	Minimum Parking Spaces Required
Bed and breakfast accommodation	1 per guest room
Bulky goods premises	1 per 50m ² Gross Floor Area (GFA)
Business premises	1 per 60m ² GFA
Cellar door premises	1 per 50m ² GFA
Community facility	1 per 5 seats or per 10m ² of GFA, whichever is the greater
Child care centre	1 per employee plus 1 per 10 children plus set down and pickup points for cars (parking study may be required)
Commercial premises (not listed separately)	1 space per 60m ² GFA.
Dwelling house and Dual occupancy dwelling	<ul style="list-style-type: none"> ❖ 1 space per 1 and 2 bedroom dwelling house ❖ 2 spaces per 3 bedroom dwelling house (may be stacked)
Farm Stay Accommodation	1 per guest room
Food and drink premises, excluding pubs	1 space per 30m ² GFA; / except for Walcha 1 space per 5m ² GFA or 1 space per 6 seats.
Freight transport facility	1 per employee
Function centre	1 per 5 seats or 1 per 4m ² GFA, whichever is the greater.
Industry	1 space per 100m ² GFA (minimum 2 spaces per single occupation)
Group home	<ul style="list-style-type: none"> ❖ 1 per 1 and 2 bedroom dwelling house ❖ 2 per 3 bedroom dwelling house
Health consulting rooms	3 per surgery, consultation or treatment room
Health services facility	3 per surgery, consultation or treatment room
Highway service centre	1 per 5 customer seats or 1 per 10m ² GFA (whichever is the greater) plus 1 per 2 employees
Home-based child care or family day care home	1 per employee
Home business and Home industry	1 per employee not resident at the site
Home occupation (sex services)	1 per person offering sex services, in addition to the number required for the residential accommodation
Hospital	1 per 4 beds plus 1 per 2 employees
Kiosk	1 per employee



Land Use	Minimum Parking Spaces Required
Landscape and garden supplies	1 space per 200m ² of site area and employee parking.
Liquid fuel depot	1 per employee plus tanker parking
Motel or hotel accommodation	1 space per unit, plus 1 space per 2 employees.
Market	2.5 per stall for customers plus 1 per stall operator
Medical centre	3 per surgery, consultation room or treatment room or 1 per 25m ² GFA (whichever is the greater)
Mixed use development	As required for each land use within the development
Moveable dwelling	<ul style="list-style-type: none"> ❖ 1 per 1 and 2 bedroom dwelling ❖ 2 per 3 bedroom dwelling ❖ 1 per dwelling if the dwelling is temporary and is not present on the site for more than 6 in every 12 months
Multi dwelling housing	<ul style="list-style-type: none"> ❖ 1 car space per 1 or 2 bedroom dwelling. ❖ 2 car spaces per 3 or more bedroom dwelling. ❖ 1 designated visitor space per 1-4 dwellings. ❖ 2 designated visitor spaces per 5-8 dwellings. ❖ More than 8 dwellings - 2 designated visitor spaces plus 1 visitor space for every 3 or part thereof additional dwellings.
Neighbourhood shop	1 per 20m ² GFA plus 1 per 3 employees
Office premises	1 space per 40m ² GFA.
Place of public entertainment	1 space per 10 seats or 1 space per 15m ² of main assembly area, whichever is the greater.
Place of public worship	1 space per 10 seats or 1 space per 15m ² of main assembly are, whichever is the greater.
Pub	<ul style="list-style-type: none"> ❖ 1 space per 40m² of licensed public floor area. ❖ Service delivery vehicles: <ul style="list-style-type: none"> ○ 1 per 50 units up to 200, plus 1 per 100 thereafter, plus 1 per 1000m² of public area (bar, tavern, lounge or restaurant).
Recreation facilities (indoor)	1 space per 25m ² GFA.
Registered Club	1 space per 4m ² of licensed public floor area.
Restaurant or café	<ul style="list-style-type: none"> ❖ 1 space per 30m² GFA, except for ❖ 1 space per 5m² GFA, or ❖ 1 space per 6 seats ❖ Service delivery vehicles: <ul style="list-style-type: none"> ○ 1 per 50 units up to 200, plus 1 per 100 thereafter, plus 1 per 1000m² of public area (bar, tavern, lounge or restaurant).



Land Use	Minimum Parking Spaces Required
Residential development, other than dwelling houses	<ul style="list-style-type: none"> ❖ 1 space for 1 & 2 bedroom units. ❖ 1.5 spaces per 3 bedroom units. ❖ 2 spaces per 4 bedroom units. ❖ 1 visitor car space per 2 units or part thereof.
Restricted premises	1 space per 30m ² GFA
Retail premises	1 space per 60m ² GFA
Rural supplies	1 per 40m ² GFA
Service Station	3 spaces per work bay, plus 1 space per 30m ² GFA for a convenience store, plus 1 space per 3 seats for a restaurant.
Squash/tennis courts	3 spaces per court.
Vehicle repair station	3 spaces per work bay.
Vehicle sales or hire premises	1 space per 130m ² of display area, plus for vehicle servicing 3 spaces per work bay.

Land uses not listed in Table 8.1 are subject to a parking study and/or the discretion of Council.

Explanatory Notes

- *Gross Leasable Floor Area means the overall usable area of the building excluding amenities, stairways, lift wells and plant rooms.*
- *Ancillary or incidental uses will be assessed as part of the main user of the building i.e. the office of a supermarket will be included in the area of the supermarket and will not be treated as a separate office use.*
- *A use comprising a combination of two or more uses such as combined motor sales and repairs will be assessed as if the two uses existed independently and the required on-site parking provisions will be the aggregation of the independently derived requirements.*
- *"Bedroom" is taken to be any room which would be available for use as a bedroom without structural alteration to the dwelling.*
- *The parking provision for restaurants and function rooms may be reduced where it is demonstrated that the time of peak demand for parking associated with each facility does not coincide or where common usage reduces total demand. Each case will be considered on its individual merits.*
- *If the calculation of required car spaces results in a non-integer value such as 3.6, then this should be rounded up.*



CHAPTER 9 - HERITAGE

9.1 About this Chapter

The purpose of this DCP is to provide controls and guidelines for development within the Walcha Central Business District (CBD) area to:

- Create opportunities for quality development that will enhance the heritage character of the CBD area and improve connections to the Apsley River parklands
- Encourage development that will improve the overall character and amenity of the Walcha
- Provide a framework to guide future development.
- Maintain and enhance the character of the CBD area
- Maintain the importance of the CBD as the heart of the community
- Ensure that landscaping within future development proposals will complement the heritage significance of the CBD area
- Maintain the importance of civic areas and buildings.
- Encourage the inclusion of public art within new development proposals
- Facilitate pedestrian movement within the CBD, particularly in regard to mobility and access.
- To provide guidance to applicants on the matters which Council will consider during the assessment of Development Applications to which this chapter applies.

9.2 Where this Chapter applies

This chapter applies to the Walcha LGA.

9.3 General Advice to Applicants

Walcha is characterised by a mix of large and small scale locally and state significant heritage buildings, the majority of which have remained relatively intact in terms of their street presentation.

The desired built form of the town area is that new commercial development is compatible with and does not detract from the individual character of the Walcha township. All development should strive to achieve desirable social and economic benefits as well as meeting the heritage objectives of the Walcha LEP.

Council recommends that developers contact Council early in their design process and seek advice on heritage issues so that the design response can be more cost-effectively worked into the overall design solution.

9.4 Heritage Controls

Development proposals involving heritage items or nearby heritage items must comply with the controls listed below.



Controls

- a) Statement of Heritage Impact (SOHI) is to accompany any application for building alterations or works to an item of environmental heritage listed on Schedule 5 of the WLEP 2012.
- b) The SOHI should address:
 - Impact the proposed works will have on the item’s heritage significance; and
 - Measures proposed to mitigate negative impacts.
 - Identify whether the existing or proposed building are significant, contributory or non-contributory to understand the role that each building plays within the streetscape.
 - A building that is ‘contributory’ may be adjoining a building that is ‘significant’ and therefore should not detract from that adjoining heritage building through the appropriate use of materials and colours
- c) Alterations & Additions
- d) Design Principles

All new development will aim to meet the overall principles provide in Table: Design Principles below:

Table 9.1: Design Principles

Principle	Method
New building designs and/or additions or alterations are to reflect the important character / heritage elements of the site.	Being in scale and character with the existing building form.
	Utilising similar shapes, massing materials, colours and vegetation.
	Being non-intrusive.
	Not adversely affecting the existing streetscape or locality identity.
The design of first floor residential (shop-top) or commercial buildings shall be diverse and liveable by incorporating some or all of these elements.	<ul style="list-style-type: none"> ❖ decks ❖ verandahs/awnings ❖ window hoods ❖ wide eaves ❖ climate control windows ❖ heritage features/trim
Accessibility	New buildings and alterations to existing buildings are to incorporate disabled access and facilities in accordance with AS 1428.
	Parking areas, footpaths, recreation areas, outdoor dining areas and other public spaces are to be designed as barrier-free environments for people with disabilities.



9.5 CBD - General Controls

All development proposals in the CBD area must aim to be consistent with the Controls provided below. Council will consider variations where it can be demonstrated that alternative proposals result in a better outcome in terms of maintaining or improving the heritage values of the CBD area.

Table 9.2: General Controls

	Element	Control
a)	Awnings	All buildings with frontage to Derby and Fitzroy Streets shall include awnings for shelter. These must align with adjoining buildings to provide a continuous protection
b)	Height	A maximum building height of 8.5m at street frontage is permitted.
c)	Car parking and access	Where rear lane access is viable, this shall be used for direct vehicular access and service instead of the main streets.
		Rear laneways are required to be upgraded and re-surfaced include roll-over guttering.
		On site car parking at the rear of commercial premises is to be in accordance with Chapter 7 Access and Parking.
		Bays shall be located so that vehicles do not utilise the main streets for loading and unloading.
d)	Signage	Signs that detract from the heritage character of the area are not permitted.
	- Under Awning/Verandah Sign	<p>A sign attached underneath the awning or verandah at right angles from the façade of the building:</p> <ul style="list-style-type: none"> ❖ Width 2.4m ❖ Depth 0.5m ❖ Height - No less than 2.6m above pavement. ❖ Not to protrude beyond awning.



	- Wall sign	A sign attached directly to the wall of the building or painted directly onto the wall excluding signs including the parapet of the building. Not to be erected on walls facing adjoining properties. ❖ 25% of wall area
	- Floodlit Sign (Illuminated by an external source of artificial light)	Must not be intrusive to adjoining properties.
	- Banner Sign (A soft canvas or plastic material sign bearing names, numbers and / or pictures and is visible from a public place. Banners are usually fixed to a solid frame or posts. This includes blade signs)	May only be erected for a total period of one (1) month.
e)	Access	All new access should be sympathetic and, where possible, reversible. The general form, materials, finish and compatibility with architectural details of the original design should guide design yet comply with relevant Australian Standards.
f)	Services	Service structures, and plant and equipment within a site, should be an integral part of the development and should be suitably screened.
g)	On-site Loading and Unloading	Facilities for the loading and unloading of service vehicles should be suitably screened from public view and when viewed from the street.

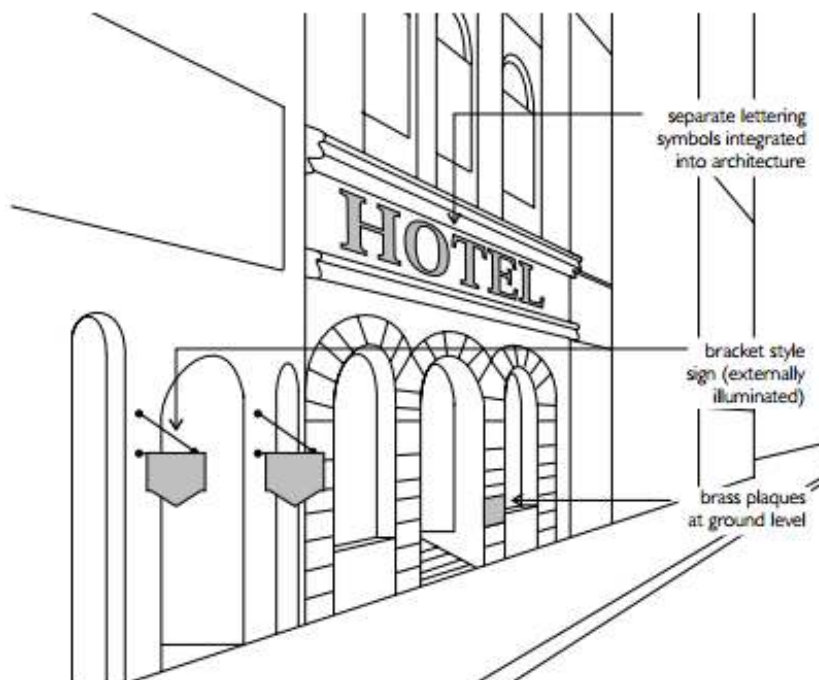
9.6 CBD – Signage Controls

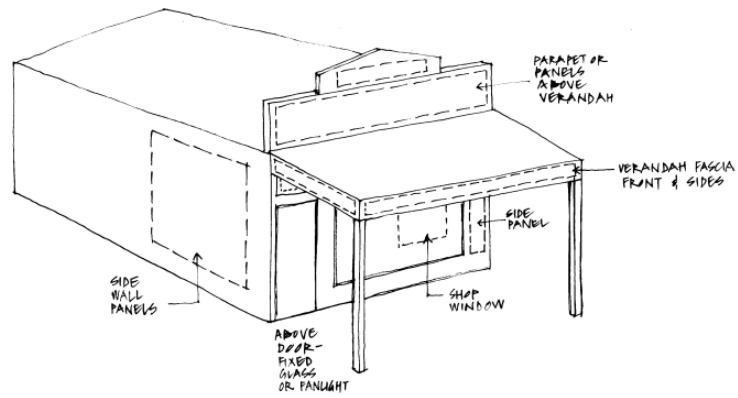
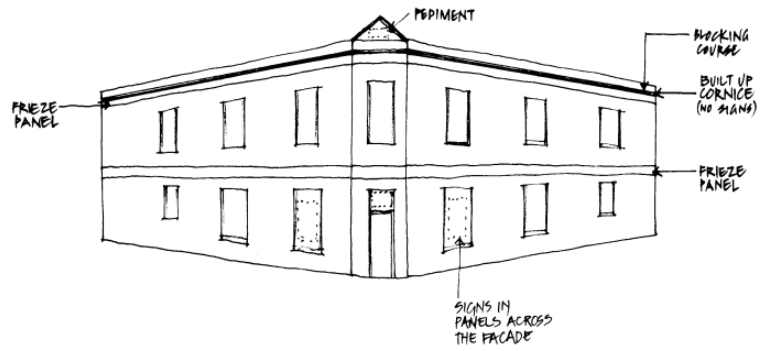
The following types of signs **do not** contribute to the character of the CBD area and are not supported by Council:

	Sign	
a)	Advertising Fixed to Trees	Any sign that uses a tree as a pole for mounting
b)	Above Awning Signs	Signs mounted above the awning or verandah of a building.
c)	Billboards	Additional billboards where the structure is erected for the express purpose of displaying advertising not associated with the use of the land are prohibited.

d)	Bunting	Small flags attached to a single siring mounting between posts or poles usually associated with Motor Vehicle retailing.
e)	Illuminated Wall Signs	Signs mounting directly onto the building above the level of the verandah or awning.
f)	Corporate Building Signs	Painting buildings to reflect corporate colour schemes as a method of drawing attention to the building is considered to be an extension of advertising signage and will not be permitted.
g)	Flashing Signs	Illuminated at frequent intervals by an internal source of light.
h)	Novelty Signs	Odd shaped signs often three dimensional incorporating items such as cars, wine barrels, "big" product samples etc Generally prohibited. Discuss with Council's planning staff prior to installation.
i)	Vehicle Signs	Cars, trailers or equipment bearing advertising material do not make a positive contribution to the area and should not be parked for the express purpose of advertising or providing direction to a business.
j)	Window Sign	A sign applied on or inside the glass of windows and doors, or etched, painted or attached to the glass.

Illustration 9.1 Preferred Signage





Source: Conservation Guidelines for Historic Signs and New Signs on Heritage Buildings



CHAPTER 10 – SHIPPING CONTAINERS

10.1 About this Chapter

Shipping containers are considered a 'building' under the EP&A Act and as such may require development consent unless the development is Exempt Development.

10.2 Where this Chapter applies

This Chapter applies to the Walcha LGA.

10.3 Exempt Development

The [Codes SEPP](#) provides some exemptions from the requirement to obtain development consent for the placement of certain shipping containers. These exemptions relate to:

- Certain farm buildings (see Subdivision 16 of the Code SEPP)
- Building site shed, office or associated structure (temporary) (see Division 3 of the Code SEPP)

If a proposed shipping container development meets the development standards of the SEPP then development consent is not required.

If a development proposal involving a shipping container is not exempt development then development consent is required prior to the installation of any shipping and/or storage container on any land. A Development Application is required. In assessing an application, the following controls are applicable.

10.4 Controls

General Standards (All zones)

- a) Containers must comply with the criteria specific to the zone of the property (below).
- b) Containers must not be located over water, wastewater or stormwater mains or dedicated drainage easements.
- c) Containers must not be located over effluent treatment disposal areas/systems.
- d) Containers must not be located over gas lines or underground power lines.
- e) Setbacks to overhead powerlines must comply with the requirements of the relevant electricity authority.
- f) Containers must be screened from the streetscape by suitable vegetation or other appropriate screening.
- g) Containers will not be permitted in flood prone areas.
- h) Containers must be painted a neutral colour to blend with the surrounding natural environment and built structures, with the proposed colour to be approved by Council.
- i) Containers must not be stacked.
- j) Containers will not be permitted in Heritage Conservation Areas or on lots containing a Heritage Item unless they are approved on a short-term basis (less than 2 years) in conjunction with an approved Development Application and Construction Certificate for specific works.
- k) Containers must not contain sanitary facilities or be used for the collection of rainwater.
- l) Containers must be placed on flat, solid ground. Any associated earthworks (cut & fill) must be in accordance with the [State Environmental Planning Policy \(Exempt and Complying Development\) 2008](#) (Subdivision 15 – Earthworks and retaining walls).
- m) Containers must not be used to store contaminated or hazardous materials.



For Residential, Village or Rural Residential zones:

(R1 General Residential Zone, RU5 Village Zone, R5 Large Lot Residential Zone)

- a) A maximum of one (1) container with a maximum size of 12.2 m x 2.2 m (40 x 7 feet) per property.
- b) Containers must not be located within the front building setback (6 metres from the boundary facing a road). Note: This applies to both frontages for corner allotments.
- c) Containers must not be located forward of the building line on any parcel of land within the zone (building line being the setback associated with an existing dwelling erected on the property).
- d) Containers must not be located any closer than one (1) m from side and/or rear boundaries
- e) Containers must be located within any building envelope associated with the lot.
- f) Containers must be used for domestic storage purposes only.

For Rural and Environmental zones:

(RU1 Primary Production, Zone RU4 Primary Production Small Lots, E4 Environmental Living)

- a) A maximum of one (1) container per allotment is permissible if it is in accordance with Subdivision 16 of the Code SEPP. Additional containers require Development Consent.
- b) Containers must not be located within fifty (50) metres of the front, side or rear boundaries of a property and must comply with setback standards that apply to the particular parcel of land and be within any specified building envelope for that parcel.
- c) Containers must be used for domestic or agricultural storage purposes only.

For Industrial zones:

(IN1 General Industrial)

- a) Containers being stored on industrial land for the purpose of re-sale or hire will not be required to meet all setback requirements provided they are not being used for storage or other purposes. If used for storage or other purposes, approval is required and the requirements of the NCC and the appropriate authority will apply.
- b) The placement and use of shipping containers in Industrial zones shall be dealt with on a case-by-case merit basis following submission of a Development Application.

For Business zones:

(B2 Local Centre, B4 Mixed Use)

- a) Containers will only be approved on a temporary basis, for a maximum of 12 months.
- b) Containers must not encroach upon any existing car-parking spaces.
- c) Containers will be assessed as a BCA Class 7 building and as such will be assessed for fire rating and essential services.



CHAPTER 11 - ERECTION OF ADVERTISEMENTS AND ADVERTISING STRUCTURES

11.1 About this Chapter

This section of the DCP provides Council's specific requirements for Signage development. Consideration should also be given to the provisions contained within [State Environmental Planning Policy \(SEPP\) 64 - Advertising and Signage](#) and the corresponding *Transport Corridor Outdoor Advertising and Signage Guidelines*. The Codes SEPP lists certain signage that may be erected without the need for development consent. Signage within land that is listed on the State Heritage Register under the *Heritage Act 1977*, or that is subject to an interim heritage order under that Act requires development consent.

Part 4 of SEPP 64 provides definitions for signage. SEPP 64 assessment criteria is reproduced at the end of this Chapter.

11.2 Where this Chapter applies

This Chapter applies to the Walcha LGA.

11.3 Aims and Objectives

The aims of the Plan are to ensure that advertisements and advertising structures:-

- Are compatible with the desired amenity and visual character of an area; and
- Provide effective communication in suitable locations; and
- Are of high quality design and finish; and
- Provide time-limited consents for the display of certain advertisements.
- Footpath displays are supported provided they maintain pedestrian safety.

11.4 General Requirements

The following matters will be taken into consideration when assessing development for signage:

- (a) the aims and objectives of this chapter;
- (b) the effect of the proposal on the landscape or scenic quality of the locality;
- (c) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of the proposed development;
- (d) the relationship of the advertisement and advertising structure to the public to which it is directed, especially whether it or the advertising contained within is:
 - Appropriate in size and scale to the lawful speed of travel of any motor vehicles on an adjacent road.
 - Appropriate to the purpose of the public place
- (e) Relevant matters under Section 4.15 of the *Environmental Planning and Assessment Act, 1979*.
- (f) The level of safety of the travelling public will be determined by referring the application to the Local Traffic Committee.



11.5 Advertisements and advertising structures in rural zones

Advertisements and advertising structures in rural zones are permitted only where the advertisement and advertising structure(s) is/are either:

- (a) A "temporary advertisement and advertising structure".
- (b) Advertisements and advertising structures placed on land for the specific purpose of directing the travelling public to places where:
 - The advertisement and advertising structure related to a building or place; and
 - The principal purpose of the advertisement and advertising structure is to direct the travelling public to that building or place.
- (c) The size of the advertisement and advertising structure is to be no smaller than four (4) square metres and no larger than nine (9) square metres. The length of the structure is to be no more than double the height of the structure and the height of the structure is to be no more than double the length of the structure. (This does not apply to temporary advertisements and advertising structures).
- (d) Council will not permit the erection of any advertisements and advertising structures within 5km of the Walcha town boundary.
- (e) No advertisement or advertising structure will be permitted within 1.5km from an existing advertisement and advertising structure.
- (f) Advertisement and advertising structures may be permitted on both sides of the road on private property adjacent to the road reserve.
- (g) Advertisement and advertising structures are to be constructed utilising single supports located immediately adjacent to the advertisement and advertising structures. Support stays will not be permitted.
- (h) The distance from the ground to the top of the advertisement shall not be more than six (6) metres.
- (i) Advertisement and advertising structures may be double facing. If they are not double faced, they will be required to be treated to present an "aesthetic pleasing" surface to road users.
- (j) Luminous material may be used subject to it not having a negative impact on the road users.
- (k) Only one advertisement and advertising structure per business / organisation will be permitted on each of the approaching roads to Walcha.

11.6 Sandwich Boards

Council will consider applications for sandwich boards to be displayed on the footpath or road reserve in the B2 Local Centre, B4 Mixed use, RE1 Public Recreation or R1 General Residential zones.

Sandwich boards are to meet the following standards:

- (a) The structure must be no more than 1.2m in height and 0.9m in width;
- (b) The information on the advertisement is to relate to the business name, hours of operation, services provided and the like;
- (c) The application for a second structure for any one business will be considered on its merits. Instances where a second structure may be considered include corner allotments, or, shops with long frontages and more than one entrance;
- (d) The structure must be placed in front of the business, or if the structure would not be readily visible if placed in front of the business, it may be placed at the front of the allotment;
- (e) The structure may advertise two adjoining businesses, that is, one advertisement for business A on one side and one advertisement for business B on the other, and may be placed on the boundary of the adjoining shop front;



- (f) The advertisement must be positioned so that it does not impede pedestrian or vehicular traffic and is not a safety hazard;
- (g) The advertisement must only be displayed during in business opening hours, and must be able to be repositioned easily (i.e. cannot be chained, bolted or tied down at any time);
- (h) Prior to the display of the sandwich board, the applicant must provide proof to Council with the application that public liability insurance of not less than \$20 million dollars has been obtained and which indemnifies Council against any actions, claims and proceedings in respect of the structure and the advertisement displayed thereon.

11.7 Temporary Advertisement and Advertising Structures

Council will consider applications for temporary advertisement and advertising structures to be displayed on the footpath or road reserve in the B2 Local Centre, B4 Mixed use or R1 General Residential zones.

- (a) These advertisement and advertising structures must not be displayed earlier than twenty- eight (28) days before the day on which the event is to take place and must be removed within seven (7) days after the event.
- (b) These advertisement and advertising structures may include banner type advertisement and advertising structures.
- (c) Council will not permit advertisement and advertising structures to extend from one side of the street / road to the other.

11.8 Advertisement and Advertising Structures Prejudicial to Traffic Safety

Council will regard advertisement and advertising structures as prejudicial to the safety of the travelling public (and require their removal) if:

- (a) they obscure or interfere with road traffic advertisement and advertising structures;
- (b) they obscure or interfere with the view of a road hazard or on-coming vehicle or any other vehicle or person or other obstruction which should be visible to drivers and other road users
- (c) they give instructions to traffic by the use of the words "halt", "stop" or other directions or initiate traffic advertisement and advertising structures in respect of shape, colour etc.
- (d) they can be programmed; move; use flashing or chasing lights or are highly reflective or intense enough to impair a driver's vision or to distract the driver's attention;
- (e) They are situated where road conditions require higher levels of driver concentration, eg where sight distance is limited on curves, at important intersections, near traffic signals near level crossings, at merging and diverging traffic sites or within the driver decision distance (generally 100-200 metres) at such locations.

11.9 Ongoing Maintenance

The responsibility for the care and maintenance of the advertisement and advertising structures rests with the landowner.

All advertisement and advertising structures must be maintained to an adequate standard. Council will take any necessary action to ensure that damaged, dilapidated or unsafe advertisement and advertising structures are repaired, replaced or removed. In this regard the following will apply:

- (a) A letter will be sent to the property owner requesting the repair or removal of the non complying advertisement and advertising structure within seven (7) days.



- (b) If no response is received, a *Notice of Intention to Serve an Order* will be issued under Section Schedule 5, clauses 8 and 9 of the EP&A Act specifying when an Order will be issued, the terms of the proposed Order and the period for compliance with the proposed Order.
- (c) If no response is received within fourteen (14) days, an order will then be issued under Section Sections 9.34, 9.35, 9.36 and Schedule 5, Parts 1-3 of the EP&A Act for removal of the advertisement and advertising structure.
- (d) If the order is not complied with and the advertisement and advertising structure is not removed within the stated time frame, Council may issue a Penalty Infringement Notice (PIN 8188) and remove the advertisement and advertising structure with all costs recoverable from the owner of the land.

11.10 SEPP 64 (Schedule 1) – Assessment Criteria

1. Character of the area

- Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?
- Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?

2. Special areas

- Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?

3. Views and vistas

- Does the proposal obscure or compromise important views?
- Does the proposal dominate the skyline and reduce the quality of vistas?
- Does the proposal respect the viewing rights of other advertisers?

4. Streetscape, setting or landscape

- Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?
- Does the proposal screen unsightliness?
- Does the proposal contribute to the visual interest of the streetscape, setting or landscape?
- Does the proposal reduce clutter by rationalising and simplifying existing advertising?
- Does the proposal protrude above buildings, structures or tree canopies in the area or locality?

5. Site and building

- Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?
- Does the proposal respect important features of the site or building, or both?
- Does the proposal show innovation and imagination in its relationship to the site or building, or both?

6. Associated devices and logos with advertisements and advertising structures

- Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?



7. Illumination

- Would illumination result in unacceptable glare?
- Would illumination affect safety for pedestrians, vehicles or aircraft?
- Would illumination detract from the amenity of any residence or other form of accommodation?
- Can the intensity of the illumination be adjusted, if necessary?
- Is the illumination subject to a curfew?

8. Safety

- Would the proposal reduce the safety for any public road?
- Would the proposal reduce the safety for pedestrians or bicyclists?
- Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?



CHAPTER 12 – DEVELOPMENT IN GATEWAY AREAS

12.1 *About this Chapter*

There are four main gateway approaches into Walcha being Thunderbolts Way, northern and southern approach, and the Oxley Highway eastern and western. It is important that as these sites are developed, an aesthetically pleasing town entrance vista is maintained and where possible enhanced. This chapter provides guidance to help ensure that this is achieved.

12.2 *Where this Chapter applies*

This chapter applies to development within the Walcha Shire.

12.3 *Aims and Objectives*

- To ensure that the gateway areas of Walcha provide an inviting and pleasing vista for those travelling into the township of Walcha.
- To ensure development in gateway areas serves to enhance the overall landscape and streetscape.
- Development within the gateway areas should contribute towards an attractive streetscape and a significant aspect of this is the provision of landscaped areas along site frontages

12.4 *General Advice to Applicants for Development*

A pre-lodgement meeting with Council is recommended in the conceptual planning stages of any development.

12.5 *Acceptable Solutions*

Controls

Given the diversity of developments permitted within the zones, landscaping is one of the few elements which can provide a unifying theme towards creating an established streetscape. A landscaping plan is to be submitted with any development application.

The landscaping requirements and guidelines for development are:

- a) The area between the front site boundary and the building line is to be landscaped.
- b) Car parking areas are permitted between the front site boundary and the building line but only if the car park is suitably screened from public view with landscaping.
- c) High fences or walls along site boundaries adjacent to public roads are not considered desirable. However, where they may be required for noise attenuation or security purposes and the like, the fence or wall is to be set back at least 1 metre from the front boundary and the area between the fence or wall and the front boundary is to be landscaped to reduce its visual impact.
- d) Unutilised parts of the site are to be landscaped.
- e) Existing trees are to be retained where possible.
- f) Landscaped areas are to be properly established and maintained. Particular attention should be given to the types of landscaping materials (including plants, fencing and paving) to be used so as to achieve a durable and low maintenance landscaped area;



- g) Large car parking areas are to use landscaping to break up the visual impact of the expanse of sealed surface and to provide shade.
- h) Trees are to be planted to shade buildings, especially deciduous trees planted to control north sun entry to window.



CHAPTER 13 – STATEMENT OF ENVIRONMENTAL EFFECTS REQUIREMENTS

13.1 What Is a Statement of Environmental Effects?

A Statement of Environmental Effects (SoEE) is a document that is to be submitted with a development application (DA) that puts forward reasons why the development is suitable for the area. The document should state what the impacts of the development are on the natural and built environment and how these impacts are going to be managed.

The SoEE informs Council how the environment has been taken into account and why, if impacts do occur, they are acceptable. The matters listed below are not exhaustive and additional matters may be relevant, depending on the type of development proposed and the constraints of the land.

13.2 Requirements

The [Environmental Planning and Assessment Regulation 2000](#) requires that a SoEE must provide an assessment of the following matters:

- Environmental planning instruments and policies, including:
 - WLEP 2012
 - State Environmental Planning Policies *
- the environmental impacts of the development;
- how the environmental impacts of the development have been identified;
- the steps to be taken to protect the environment or to lessen the expected harm to the environment;
- where development is likely to significantly affect threatened species, populations or ecological communities, or their habitats, a species impact statement is required to be submitted;
- BASIX certificate; and
- an assessment of matters (terrestrial and aquatic environment) specified in Section 1.7 of the [Environmental Planning and Assessment Act 1979](#).

The following State Environmental Planning Policies may be relevant to many local development proposals and if applicable, must be addressed in the SoEE:

- [State Environmental Planning Policy No 44—Koala Habitat Protection](#)
- [State Environmental Planning Policy No 55—Remediation of Land](#)
- [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#)
- [State Environmental Planning Policy \(Infrastructure\) 2007](#)
- [State Environmental Planning Policy \(Vegetation in Non-Rural Areas\) 2017](#)
- [State Environmental Planning Policy \(Primary Production and Rural Development\) 2019](#)

*** NOTE: there are other SEPPs than may be relevant to certain development proposals. It is the applicant's responsibility to consider applicable SEPPs. All SEPPs may be found here: [NSW Legislation](#). Look up "S" under the Browse in Force / EPIs.**

Complex development proposals such as medium density residential development, commercial and industrial development requires consideration of the following issues:



- Appropriateness of built form and landscape in relation to the site context, topography and urban character.
- Building arrangement and their relationship to streets and open spaces.
- Location, function and opportunities for casual surveillance of open space
- Energy efficiency in building design.
- Heritage and conservation opportunities and constraints.
- Crime prevention through urban design.



CHAPTER 14 - WIND POWER GENERATION

14.1 About this Chapter

Areas of the Walcha Council LGA have been identified as being suitable for the generation of wind borne energy. The NSW Wind Atlas prepared by the Sustainable Energy Development Authority and the NSW Department of Planning, Industry & Environment identifies areas in NSW where wind is a potential resource for wind energy generation from harvesting the wind with turbines and connection to the electricity grid and the Walcha LGA has been identified due to it containing a large area which sits on the Great Dividing Range of NSW.

The New England Tablelands is afforded with extensive wind and solar resources, and several advantageous pumped hydro-energy storage sites are available on the edges of the Walcha plateau. Walcha is ideally located for the construction of new storage facilities and delivery of dispatchable power to the system. Reflecting this, Walcha LGA is included in the New England Energy Zone, a key NSW priority energy zone identified in the *NSW Transmission Infrastructure Strategy*, and will become a focus for investment and jobs in modern energy generation. The New England region has been included as an energy zone due to its high energy potential where planned transmission infrastructure upgrades are able to connect multiple projects at a lower cost. Consideration of the impact on productive agricultural land and important view corridors will be key during the assessment of any future development applications.

With an increasing interest within the LGA, it was determined necessary to have Development Control measures to ensure where wind farm developments are proposed, that Council has some policy to control or guide such developments. It is the intention of this chapter to give the community and potential developers the guidelines for wind farm developments and to allow better decision making on such proposals.

For the purposes of this Chapter, commercial wind power generation includes wind power generation turbine(s) or towers with a peak capacity of power rated output greater than 10kW.

14.2 Where this Chapter applies

This Chapter applies to land in the Walcha LGA.

14.3 Vision

Council acknowledges that there is significant local interest in the wind farm debate. Council does support the notion of alternate energy sources such as wind energy generation. Wind farms have been identified in the *Walcha Local Strategic Planning Statement 2019-2029* as potential developments for the area.

Commitment:: *Explore options for renewable energy generation to encourage a diversified economy*

Action: *Encourage the development of wind and solar farms in appropriate areas that:*

- *avoid/manage impacts on the scenic rural landscape and visitor attractions;*
- *have available access to essential infrastructure, such as substations;*
- *preserve valuable farming land;*
- *facilitate appropriate smaller-scale renewable energy projects using biowaste, solar, wind, hydro, geothermal or other innovative storage technologies*



These Development Controls aim to give the community and potential developers the guidelines for wind farm developments so as to ensure such developments do not significantly impact on the community.

14.4 Objectives

The objectives of this plan in relation to wind power generation proposals are:

- To provide a stated position upon which Walcha Council will provide comment in relation to State Significant Development for wind power generation.
- To provide development controls and guidelines that assist in achieving the objectives of the *Walcha Local Environmental Plan 2012*
- Provide information to be included and assessed with each development application for commercial wind power generation
- To minimise potential land use conflicts
- Ensure road and access issues are identified as significant aspects of gaining consent for a wind farm and
- To ensure that adequate provisions are made to restore developed land at the end of the project's useful life.

14.5 Development Applications

Wind energy generation such as wind farms and wind turbines requires development consent. Certain wind monitoring towers may be installed as 'exempt' development under Clause 39 of the [Infrastructure SEPP](#).

The development assessment process for wind farm proposals varies according to the wind farm's capital investment value (CIV) as outlined below:

Capital Investment Value	Development Category	Assessment by	Determination By
Less than \$5 million	Local Development	Council	Council
\$5-30 Million	Regional Development	Council	Joint Regional Planning Panel
\$30 million or more (or \$10 million in an environmentally sensitive area)	State Significant Development	NSW Department of Planning and Environment	Planning Assessment Commission

NSW Planning, Industry and Environment produced *Wind Energy Guidelines (For State Significant Wind Energy Development)* in December 2016. These guidelines were prepared in consultation with the community and energy industry to provide a regulatory framework to guide investment in wind farms across NSW, while minimising and avoiding any potential impacts on local communities. These guidelines outline the requirements for Wind Farm development within NSW.



Upon lodgement of a Development Application with Council, Council will notify all property owners within a 5 km radius from the development. All submissions received will be presented to the Council (or Minister) for their consideration in the assessment and determination process.

Where Council is the consent authority, Council will hold a notification and submission period of not less than 30 days and will require the developer to hold a minimum of one public information night during the exhibition and submission period. The developer should consider additional consultation with the community and effected property owners.

Where development consent is gained, construction must not commence until all relevant conditions have been satisfied, a construction certificate has been issued, a Principal Certifying Authority has been appointed, and the relevant advices have been provided to Council (and the consent authority where it is not the Council) in accordance with the *EP&A Act* and *Regulations*.

The SEE or EIS should as a minimum contain the following information:

- a) The location of the property, boundary dimensions and site area. This should include a map of 1:25000 scale showing the location of the proposed development, the route of transmission lines to the electricity grid (and include access road, pylon, gradient and erosion control assessments), the service roads on and to the site, and the proximity to significant features such as dwellings, environmentally sensitive land, prime crop and pasture land, forests, national parks, heritage items and aircraft facilities.
- b) The site plan or plans showing positions of the proposed wind turbines, site boundaries, native vegetation, the proposed vehicular access points, the location of existing and proposed vegetation and trees on the land, the location and uses of all existing and proposed buildings, power lines, sub-station and fences on the land.
- c) A description of the proposed wind turbine/s, including all relevant details such as number, make, model, dimensions, generation capacity materials and colour.
- d) A land-use description of the adjoining land and/or affected lands and landscape including assessment of the likely future impact.
- e) An evaluation of the electromagnetic radiation and/or interference from the wind turbines and/or transmission lines. This should include impacts on human and animal health and local television and radio reception and other local communications
- f) A construction program environmental management plan incorporating the proposed staging of the project, erosion and sedimentation controls, heavy vehicle movements, site access including all service roads, transmission towers, substation, underground wiring, construction phase impacts including facilities, waste disposal, staff/contractor numbers etc, weed control, farm impacts and all other works
- g) An evaluation of flora and fauna impacts with specific mention of migratory species potentially impacted by the development. Where the development is in close proximity to known habitats of rare or endangered species, early consultation with NSW Planning, Industry & Environment is highly recommended
- h) A decommissioning and site restoration plan and program



- i) All of the relevant issues in the NSW Planning, Industry & Environment's Environmental Impact Assessment Guidelines and the NSW Wind Energy Guidelines current at the time of application submission
- j) Demonstration that relevant Agencies issues have been addressed (eg. CASA for aviation safety, SCA for water quality issues etc.)
- k) The heritage significance of the site and surrounds. Reference shall include the *Walcha Local Environmental Plan 2012*, Heritage Council, NSW National Parks and Wildlife Service, the National Trust of Australia and the Australian Heritage Council.
- l) Assessment of the development regarding all relevant legislation and applicable policies.
- m) A Post Construction Monitoring Program detailing, but not limited to, noise measurements (locations, times & dates), shadow flicker assessments (locations, times & dates), fauna impact surveys, traffic movements, maintenance schedules. The Program will identify those issues to be addressed in a Report which is to be lodged with Council on an annual basis and made available for public viewing. Any inconsistencies arising from the operation of the wind farm and any consent issued by Council are to be addressed in the report. Each application is to be dealt with on its merits and the requirements of the Monitoring Program identified as a result of the community consultation and development assessment process
- n) An assessment of cumulative impact is to be provided, and is to include power line construction.

Note: Applicants are required to keep the local community fully informed throughout their design process.

Noise Impacts

The Environmental Assessment must include a comprehensive assessment of the predicted noise impacts resulting from the construction and operation of the proposal. The assessment must include the consideration of noise impacts of the project, with a particular focus on scenarios under which meteorological conditions characteristic of the locality may exacerbate impacts (such as the van den Berg effect for wind turbines) at sensitive receivers. The probability of such occurrences must be quantified.

If any noise agreements with residents are proposed for areas where noise criteria cannot be met, sufficient information must be provided to enable a clear understanding of what has been agreed and what criteria have been used to frame any such agreements. The noise assessment must be undertaken in accordance with the NSW Planning, Industry & Environment *Wind Energy Noise Assessment Bulletin For State significant wind energy development December 2016*.

Visual Amenity Impacts

The Environmental Assessment must fully describe all project components, locations and dimensions. A photographic assessment clearly demonstrating the potential visual amenity impacts of the proposal must be provided along with clear description of visual amenity mitigation and management measures that the Proponent intends to apply to the project.

An assessment of the feasibility, effectiveness and reliability of the proposed measures and any residual impacts after these measures have been implemented must be included. The Environmental Assessment must assess the visual impact of the proposal of this landscape (including existing and



approved dwellings) for a distance of at least 10 kilometres from the turbines, taking into consideration the impact of shadow “flickers” and blade “glint”.

The visual impact assessment should be prepared with regard to the NSW Planning, Industry & Environment’s *Wind Energy Visual Assessment Bulletin For State significant wind energy development December 2016*.

Additional information may be required

Depending upon the circumstances of the development proposal and level of detail, and accuracy provided within the development application.

Relevant planning staff are available to assist people who need to make an application and to advise on the sort of supporting information that may be needed. It is strongly recommended that Council be contacted before design work is finalised and applications are prepared and lodged. Where the proposal is either designated or state significant development, the developer should be contacting the Department of Planning, Industry & Environment before preparing the EIS to gain the Secretary’s Environmental Assessment Requirements (SEARs) to ensure all legislated requirements are addressed prior to application lodgement.

14.6 Planning & Environmental Controls

The following guidelines are Council’s minimum for wind farm developments, and should be part of the design criteria and assessment of any related Development Application:

- a) The development should be sited and carried out to minimise impacts on, or restrictions to normal grazing, farming, forestry practices.
- b) The development should be carried out in a way that minimises any adverse effects on adjoining land and the development site, particularly in the way of:
 - i. Land degradation
 - ii. Alteration to drainage patterns
 - iii. Pollution, damage, degradation or disruption to ground water
 - iv. Spread of noxious plants and animals and
 - v. Bushfire hazard
 - vi. Amenity of adjoining/adjacent/affected landowners.
- c) The developer must assess the visual impact of the project including an assessment of scenic value. The developer must consult with the Council and the community on appropriate visual impact and their mitigation measures.
- d) In addition to point c) above the developer must assess the cumulative impact of the development in regard to existing wind farms or identified sites of proposed wind farms. Council does not favour large expanse of ridgelines being covered with wind farms and turbines.
- e) Proposed wind turbines shall comply with the NSW Planning, Industry & Environment’s *Wind Energy Guidelines For State significant wind energy development 2016*.
- f) A noise assessment report must be included in the Environmental Impact Statement and must include noise modelling and monitoring data which establishes the background noise levels (L_{A90, 10}) at each sensitive receptor; the predicted equivalent noise levels (L_{A90, 10}) should not exceed



35dB(A) or the background noise by more than 5dB(A), whichever is greater.

The background noise should be determined by the data collection and regression analysis procedure recommended under the 2009 South Australian document *Wind Farms - Environmental Noise Guidelines* as adopted the NSW Government (as outlined in the NSW Planning, Industry & Environment's *Wind Energy: Noise Assessment Bulletin for state significant wind energy development December 2016*).

Note that the EPA regulates noise associated with large scale wind energy projects via an environment protection licence (EPL) issued under the *Protection of the Environment Operations Act 1997*. The EPL will typically include noise performance requirements.

- g) Where visible from a non-related dwelling or immediate surrounds, the development shall not be located within 15 times the blade tip height or 2.0 km's (whichever is the greater) of any dwelling not associated with the development or 15 times the blade tip height or 2.0 km's (whichever is the greater) from a reasonable, practical and suitable dwelling site on any lot that has been created for the purpose of a dwelling. Where turbines are proposed to be significantly higher than such properties/dwellings or where the turbines will dominate the immediate view from the dwelling or dwelling lot, increasing these separation distances is recommended.
- h) The development shall not be located within two times the height of the turbine (including the tip of the blade) from a formed public road. The applicable road authority may require a greater distance.
- i) The development shall not be located within two times the height of the turbine (including the tip of the blade) from a non-related property boundary.
- j) Turbine locations shall be located sensitively to non-related dwellings surrounding the development. Existing and proposed screenings could be used to minimise visual impacts to non-related properties – Note that due to the height of turbines, screening is not the preferred choice of dealing with visual impact. The developer's priority should be endeavouring to position the turbines in locations with low visual impact to nearby properties, especially existing dwellings and lots provided for dwellings.
- k) Turbine locations are to be sensitive to existing related dwellings on the subject site. Issues of excessive noise, shadow flicker, and general proximity to turbines should be minimised.
- l) Turbine locations shall not surround a non-related property. Turbines shall be located with the specified setbacks from property boundaries to minimise the visual impact of the development on adjacent and nearby non-related property. Where a non-related property has turbines adjacent to more than one sector of the property, cumulative impacts, having regard to existing turbines, turbines approved but yet to be constructed, those for which a Development Application has been lodged with a planning authority and those for which written licenses have been granted to a developer for wind farm assessment purposes should be assessed.
- m) A communications study should identify the existing status of communications and detail the proposed method of dealing with potential communication interference. Developers are advised that some parts of the Walcha LGA have very poor radio, TV, mobile phone, two-way reception and the like. The development should not detract from the reception of any of these or other communication methods. Where necessary, it may be required to install additional services (boosters/communication towers/ re-transmission towers etc) to maintain such services in the



vicinity of the development. Where this is determined to be necessary, the work and equipment shall be at the developer's cost.

- n) The construction phase of the wind farm shall occur only on identified roads/routes. Construction vehicles, including concrete trucks, carriers of turbine components, and related heavy vehicles (including relevant contractors) shall only travel the approved road. This route shall be identified in the development application for each of the construction components and/or contractors.
- o) Council requires substantial investigations into the roads chosen for the preferred route. Detailed road condition reports will be required as part of any consent. Council may require the use of the Australian Road Research Board 'laser car' and 'gypsy camera' for this purpose. Full details will also be required of the source of any natural materials to be used for construction of internal roads and other infrastructure.
- p) Council will require road works to cope with the over size and overweight traffic movements related to the construction of a wind farm. Bonds will also be required for any potential damage to roads during the construction phase. The road works and bond amounts will be determined by Council professional staff, but will be determined generally by the length of road and condition of road surface/base bridge, drainage etc relevant to the selected route. Where road works are determined necessary for the development, costs associated with the road works shall be the developer's responsibility.
- q) Internal roads (roads within the property subject to the development) shall be the responsibility of the developer. Council will require proof that they have been adequately designed and constructed for their purpose. Council (and often other State Government Agencies) shall be provided with adequate information about the environmental aspects of the internal road construction.
- r) All infrastructure related to the wind farm should be included in the development application. Management of temporary facilities, waste, numbers of contractors/employees, etc, should be part of the Development Application information. All infrastructure should be located in low visual impact locations and interconnection cables/wiring and the like should be underground.
- s) Council prefers to have a viewing area where safe vehicle and pedestrian movements can view the wind farm in a safe manner. The developer should liaise in this regard with Council Engineering staff and Traffic for NSW.
- t) Within six (6) months of the wind turbine generators becoming redundant, any rights of carriageways that were constructed to enable maintenance to be conducted on the wind turbine generators are to be extinguished by the developer, unless otherwise agreed with the landowner.
- u) Within six (6) months of the Wind Turbine Generators becoming redundant, they are to be fully dismantled and removed from the site by the developer or current operator of the development at the time. Decommissioning Bonds will be considered based on the individual merits of the development.
- v) A Bushfire Threat Assessment is to be prepared by a suitably accredited Bushfire Consultant, addressing, but not limited to, the risk of bushfire originating from the development site and the potential for harm/damage should a bushfire encroach on the site.



14.7 Other Aspects

Development Contribution

Council will require the developer to make contributions in accordance with Council's relevant Development Contributions Plan.

Infrastructure

Parts of Council's road network may not generally be capable of sustaining the overweight loads involved with wind farms and will often require substantial upgrading to permit the wind farm construction vehicles to travel across Council maintained roads. As described above, bonds will be required to ensure any road damage is repaired to Council's satisfaction (minimum preconstruction road condition). Such bonds are payable prior to commencement of the earthworks or construction phase of the development.

Community Consultation

Developers are required to consult with the community, particularly non-related property owners who may be impacted by the proximity of wind turbines. A detailed Community and Stakeholder Communication and Consultation Plan must be prepared at the feasibility stage. The Community and Stakeholder Communications and Consultation Plan needs to demonstrate how the community and affected stakeholders will be informed throughout the development of the project. It should also include opportunities for them to participate in a dialogue at relevant phases of the project.

Consultation with State Government Authorities

Developers are advised to consult widely with public authorities to ensure they are aware of all relevant guidelines, licences and servicing limitations. Council may forward the DA to relevant Government Agencies for advice:

Other agencies, community groups may also be consulted. It is recommended that the Developer familiarise themselves with local groups that may be interested in their development for some local feedback.