



PLANNING PROPOSAL

FOR

**BATHURST REGIONAL LOCAL ENVIRONMENTAL
PLAN 2014
AMENDMENT
(20.00322)**

CLAUSES HOUSEKEEPING AMENDMENT

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Schedule of land affected by the Planning Proposal

Lot	DP	Address
Part Lot 100	864119	21 Blacks Mill Lane, O'Connell
2	1233088	Edgells Lane, Kelso
1 & 2	1237902	294 Russell Street & 10 Bishop Street, Bathurst
Part Lot 284	47960	Boundary Road, Robin Hill

Schedule of Maps

Map Number	Map Name	Version
<u>Heritage Map</u>		
HER_011B	Heritage Map – Sheet HER_011B	A
HER_011BA	Heritage Map – Sheet HER_011BA	A
HER_012B	Heritage Map – Sheet HER_012B	A
<u>Land Zone Map</u>		
LZN_011B	Land Zone Map – Sheet LZN_011B	A
LZN_011F	Land Zone Map – Sheet LZN_011F	A
<u>Lot Size Map</u>		
LSZ_011B	Land Zone Map – Sheet LSZ_011B	A
LSZ_011F	Land Zone Map – Sheet LSZ_011F	A

List of Attachments

Attachment Number	Name
1	Location Plan
2	Council report and minute to proceed with the Planning Proposal
3	Proposed wording of Clause 7.11 Signage
4	Proposed wording of Schedule 2 – Exempt Development
5	Proposed wording of Schedule 3 – Complying Development

Relevant Planning Authority Details

Relevant Planning Authority:	Bathurst Regional Council
Contact Person:	Mr Neil Southorn Director, Environmental Planning and Building Services
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Introduction

Council proposes to undertake a housekeeping LEP Amendment to update the Bathurst Regional LEP 2014 in relation to a number of matters.

Council has undertaken a review of the Exempt and Complying Development criteria contained in the Bathurst Regional Local Environmental Plan 2014. The aim of the Planning Proposal is to clarify the requirements of certain development types.

Council proposes to amend Schedule 5 – Heritage to include two additional local heritage items and amend the curtilage of one local heritage item.

Council also proposes to rezone a parcel of land at Edgells Lane from RE2 to E2 and RU4. It should be noted that Council is the landowner in relation to this land.

Clause 7.10 is proposed to be amended to enable educational establishments to erect directional signage on any land.

Finally, Council wishes to include **artisan food and drink industry** as a permissible land use with consent within the RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lot zones in light of the recent amendments to the Standard Instrument – Principal Local Environmental Plan.

A copy of the Council report and minute to proceed with the Planning Proposal is provided at **attachment 2**.

If the Planning Panel so determines, Council will accept the delegated functions offered to it pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979.

The Planning Proposal has been prepared in accordance with Section 3.33 of *the Environmental Planning and Assessment Act 1979* (the Act) and the relevant Department of Planning Guidelines, including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

Part 1 Objectives or intended outcomes

1.1 Introduction

Council has undertaken a review of the Exempt and Complying Development criteria contained in the Bathurst Regional Local Environmental Plan 2014. The aim of the Planning Proposal is to clarify the requirements of certain development types. Council proposes to amend Schedule 5 – Heritage to include two additional local heritage items and amend the curtilage of one local heritage item. Council also proposes to rezone a parcel of land at Edgells Lane from RE2 to E2 and RU4. It should be noted that Council is the landowner in relation to this land. Clause 7.10 is proposed to be amended to enable educational establishments to erect directional signage on any land. Finally, it is proposed to include **artisan food and drink industry** as a permissible land use within the RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lot zones

Location plans (where relevant) are included at attachment 1.

1.2 The subject land

The amendment to Schedule 5 – Heritage relates to specific land identified below.

The amendment to the Land zone at Edgells Lane relates to specific land identified below.

Amendment to Schedule 2 – Exempt Development, Schedule 3 – Complying Development and Clause 7.10 – Signage relate to all land within the Bathurst Regional Local Government Area.

Amendments to the permissible land uses within RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lot zones relate to all land so zoned within the Bathurst Regional Local Government Area.

For clarity, the proposed amendments as part of this planning proposal have been grouped into categories.

Part 2 Explanation of Provisions

2.1 Introduction

The aim of the Planning Proposal is to make some minor amendments to the Exempt and Complying Development provisions within the Bathurst Regional Local Environmental Plan 2014, alter Schedule 5 with the addition of two new local heritage items and amending the curtilage of one existing heritage item, amending Clause 7.10 to enable educational establishments to erect directional signage on any land, rezone land at Edgells Lane, Kelso and amend the RU1, RU2 & RU4 zones to permit **artisan food and drink industry** as with consent. Council has drafted this housekeeping amendment which is explained in more detail below.

1. Schedule 5: Heritage

Part lot 100 DP 864119, 21 Blacks Mill Lane, O'Connell

The purpose of this amendment is to include the dwelling and associated outbuildings as a local heritage item.

Lots 1 & 2 DP 1237902, 294 Russell Street and 10 Bishop Street, Bathurst

The purpose of the amendment is to alter the curtilage of the existing Heritage Item. The curtilage is proposed to be altered so that it does not include the new dwelling located on Lot 2 DP 1237902.

Part Lot 284 DP 47960, Boundary Road, Mitchell

Spatial Services NSW have advised Council of a survey mark with significant provenance. It is Council's intention to make the survey mark a heritage item with local significance.

2. Land Zone

Lot 2 DP 1233088, Edgells Lane, Kelso

It should be noted that Bathurst Regional Council is the landowner of this parcel of land. The classification, pursuant to the Local Government Act, is not proposed to be altered.

Council has recently purchased the parcel of land for environmental conservation purposes. The lot forms part of the land known locally as 'The Brick Pits' and is important environmental habitat. The land is currently zoned RE2 Private Recreation and it is proposed to zone the environmental habitat portion of the land E2 Environmental conservation and the residual rural balance RU4 Small Lot Primary Production. The classification of the land, pursuant to Local Government Act 1993, is not being altered.

It is appropriate that the land be part zoned E2 Environmental Conservation and part zoned RU4 Primary Production Small Lots.

3. Schedule 2: Exempt Development

The amendment relates to the following matters:

Division	Intent of Amendment
4 - Animal shelters (including aviaries, fowl and poultry houses, dog kennels, horse stables and yards)	Include requirement for stormwater to be disposed of into an existing stormwater drainage system or a legal point of discharge.
7 - Balconies, decks, patios, patio covers, pergolas, terraces and verandahs (including attached or detached to a dwelling, roofed and unroofed)	Removal of 'cabanas' and 'gazebos' from the criteria. Minor rewording of the criteria. Permit structures forward of the building line with a maximum width.
8 - Barbecues and other outdoor cooking structures	Minor rewording to criteria (7) relating to house drainage.
11 - Building alterations (internal and	Include requirement for alterations to

external) to dwellings, including recladding of roofs and walls (see also painting and rendering of buildings)	plumbing works to be inspected by Council.
12 - Building alterations (internal and external) to industrial premises and agricultural produce industries, including recladding of roofs and walls	Include requirement for alterations to plumbing works to be inspected by Council.
13 - Building identification signs and business identification signs	Minor rewording to criteria 4(7).
17 – Carports, garages and garden sheds	Altered the grouping of the development types. Introduce a maximum gross floor area for all development types.
20 - Communication dishes (radio and satellite)	Minor rewording to criteria (6) relating to house drainage.
21 - Cubby houses, play equipment and shade structures of canvas, fabric, mesh or the like	Altered the grouping of the development types.
22 – Dams	Introduce criteria relating to the maximum harvestable rights. Introduce boundary setbacks.
24 - Driveways, paths and paving (including driveways, footway crossings, carparks, loading facilities, hard stand spaces and manoeuvring areas)	Introduce criteria to maintain minimum coverage of engineering services. Minor rewording to criteria (4) relating to house drainage.
25 – Earthworks and retaining walls	Introduce criteria for boundary setbacks for earthworks. Introduce criteria to maintain minimum coverage of engineering services.
27 – Farm buildings, farm sheds and structures	Remove these development types from zones R5, E4 and IN1. Introduce floor area and height restrictions based on lot area. Amend setback criteria.
28 – Fences	Reword the criteria that applies to the development type to clarify the criteria.
29 – Filming	Repeal the provision and defer to SEPP (Exempt and Complying Development) Codes.
32 - Greenhouses, cabanas, gazebos, and ferneries	Alter the grouping of the development types. Remove the criteria that relates to garages and garden sheds.
40 – Painting and rendering of buildings	Remove the ability for the clause to apply to Heritage Items or draft Heritage Items.
42 - Portable classrooms (not covered by State Environmental Planning Policy (Infrastructure) 2007)	Minor rewording to criteria (7) relating to house drainage.
43 - Portable swimming pools and spas and child-resistant barriers	Repeal the provision and defer to SEPP (Exempt and Complying Development)

	Codes.
45 - Rainwater tanks (above or below ground)	Clarify setback requirements. Restrict development in the Flood Planning Area. Clarify the requirement for stormwater disposal based on the zone of the land. Minor rewording to criteria (15) relating to house drainage.
48 - Screen enclosures (of balconies, decks, patios, pergolas, terraces and verandahs)	Include requirement for stormwater to be disposed of into an existing stormwater drainage system or a legal point of discharge. Minor rewording of Clause (6) relating to house drainage.
49A - Shipping containers	New Division. Introduce new criteria for shipping containers.
53 - Temporary builders' structures	Minor rewording of the clause relating to connections to the sewer and clearance from sewer manholes and property connection points.
55 - Temporary structures (other than tents and marquees) and temporary alterations or additions to buildings or works, solely for filming purposes	Repeal the provision and defer to SEPP (Exempt and Complying Development) Codes.
57 - Tents or marquees used solely for filming purposes	Repeal the provision and defer to SEPP (Exempt and Complying Development) Codes.

4. Schedule 3: Complying Development

The amendment relates to Parts 2 - Additions to dwelling houses and 4 – Dwelling Houses of Schedule 3 – Complying Development. The proposed changes relate to ensuring that minimum cover is maintained for all engineering services on the site.

There are no changes to the conditions to be imposed.

5. Bathurst Regional LEP 2014: Clause 7.10

The amendment relates to Clause 7.10(2) and will enable educational establishments to erect directional signage on any land. Education is one of the largest sectors within the Bathurst Regional economy. The region also has a number of boarding houses associated with the Schools. The ability for the educational facilities to erect signage to direct the travelling public is considered appropriate.

6. Bathurst Regional LEP 2014: Zones RU1, RU2 and RU4

Council wishes to include **artisan food and drink industry** as a permissible land use within the RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lot zones in light of the recent amendments to the Standard

Instrument – Principal Local Environmental Plan. Light industries will otherwise remain prohibited land uses in these zones

PART 3 Justification

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of any strategic study or report?

Council's purchase of the land on Edgells Lane, Kelso, was for environmental purposes. The zoning of the land for this purpose is considered appropriate to support Council's ongoing conservation programs.

The ongoing protection of the region's heritage is supported by its adopted Heritage Plan. The addition of two heritage items, at the landowner request, demonstrates the community's support for the ongoing protection of heritage. The alteration of the curtilage to one local heritage item reflects the current subdivision pattern relating to a newly constructed dwelling.

Minor amendments to Council's Exempt and Complying Development provisions within Schedules 2 & 3 of the LEP will clarify the intent of the provisions and refine the applicability of the criteria.

The inclusion of ***artisan food and drink industry*** is considered by Council appropriate given that other similar land uses, such as cellar doors, are permissible with consent in these zones. Council does not wish to make light industries a permissible land use within these zones.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the best means of achieving the intended outcomes. The only avenue available to Council to rezone land, add or modify heritage items, alter the exempt and complying development provisions or the permissible land uses is via a Planning Proposal.

Section B – Relationship to strategic planning framework

3. Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The following table addresses the evaluation criteria for the consistency with the regional and sub-regional strategies, as required by the guidelines for preparing a Planning Proposal.

Evaluation criteria	Y/N	Comment
Does the proposal have strategic merit and: ◇ Is consistent with a relevant	Yes	The planning proposal is not inconsistent with the Central West and Orana Regional Plan. The Planning

<p>local strategy endorsed by the Director General; or</p> <p>◇ Is consistent with the relevant regional strategy or Metropolitan Plan; or</p> <p>◇ Can it demonstrate strategic merit, giving consideration to the relevant section 117 directions applying to the site and other strategic considerations (e.g. proximity to existing urban areas , public transport and infrastructure accessibility, providing jobs closer to home etc)</p>		<p>Proposal supports Direction 25 to support the region’s growth and change.</p> <p>Protecting additional heritage assets responds to Strategy 17.2 of the Regional Plan.</p> <p>The Planning Proposal is consistent with the relevant Section 117 directions of the Minister. They are explained later in this Planning Proposal documentation.</p>
<p>Does the proposal have site specific merit and is it compatible with the surrounding land uses, having regard to the following:</p> <p>◇ The natural environment (including known significant environmental values, resources or hazards) and</p> <p>◇ The existing uses, approved uses and likely future uses of the land in the vicinity of the proposal; and</p> <p>◇ The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.</p>	Yes	<p>Council has recently purchased the parcel of land on Edgells Lane for environmental conservation purposes. Part of the lot forms part of the land known locally as ‘The Brick Pits’ and is important environmental habitat.</p> <p>The other matters within the Planning Proposal are unlikely to have impacts on surrounding land.</p>

4. Is the Planning Proposal consistent with a Council’s local strategy or other local strategic Plan?

Council has had in place its own Exempt and Complying Development criteria for certain development types for a number of decades. These provisions run in parallel with the Codes SEPP. The intent of the Planning Proposal is to provide clarification for a number of development types. There are some development types that will be repealed from the Bathurst Regional LEP 2014, deferring to SEPP (Exempt and Complying Development) Codes. The exempt and complying development provisions for the Bathurst Regional LEP 2014 enable more activity to be considered as either exempt or complying that that enabled by the Codes SEPP. This will remain the case, notwithstanding the changes proposed by this Planning Proposal.

Council’s adopted Heritage Plan supports the ongoing protection of local Heritage Items. The addition of local heritage items is consistent with the Plan.

5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

Council has undertaken a review to determine whether or not the Planning Proposal is consistent with the State Environmental Planning Policies. There are no SEPP's which are relevant to the Planning Proposal. See the table below.

State Environmental Planning Policy (SEPP)	Compliance (Yes/No or Not Relevant)
SEPP No 19 – Bushland in Urban Areas	Not Relevant
SEPP No 21 – Caravan Parks	Not Relevant
SEPP No 30 – Intensive Agriculture	Not Relevant
SEPP No 33 – Hazardous and Offensive Development	Not Relevant
SEPP No 36 – Manufactured Home Estates	Not Relevant
SEPP No 44 – Koala Habitat Protection	Not Relevant
SEPP No 47 – Moore Park Showground	Not Relevant
SEPP No 50 – Canal Estate Development	Not Relevant
SEPP No 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	Not Relevant
SEPP No 55 – Remediation of Land	Not Relevant
SEPP No 62 – Sustainable Aquaculture	Not Relevant
SEPP No 64 – Advertising and Signage	Not Relevant
SEPP No 65 – Design Quality of Residential Flat Development	Not Relevant
SEPP No 70 – Affordable Housing (Revised Schemes)	Not Relevant
SEPP (Affordable Rental Housing) 2009	Not Relevant
SEPP (Building Sustainability Index: BASIX) 2004	Not Relevant
SEPP (Coastal Management) 2018	Not Relevant
SEPP (Educational Establishment Child Care Facilities) 2017	Not Relevant

SEPP (Exempt and Complying Development Codes) 2008	<p>Applies</p> <p>The Planning Proposal will repeal some local exempt development criteria, particularly relating to filming and ancillary structures. Upon repealing the local provisions, the development may still be considered exempt development under the provisions of the SEPP.</p>
SEPP (Housing for Seniors or People with a Disability) 2004	Not Relevant
SEPP (Infrastructure) 2007	Not Relevant
SEPP (Integration and Repeals) 2016	Not Relevant
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Not Relevant
SEPP (Kurnell Peninsula) 1989	Not Relevant
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not Relevant
SEPP (Miscellaneous Consent Provisions) 2007	Not Relevant
SEPP (Penrith Lakes Scheme) 1989	Not Relevant
SEPP (Rural Lands) 2008	Not Relevant
SEPP (State and Regional Development) 2011	Not Relevant
SEPP (State Significant Precincts) 2005	Not Relevant
SEPP (Sydney Water Drinking Catchment) 2011	Not Relevant
SEPP (Sydney Region Growth Centres) 2006	Not Relevant
SEPP (Three Ports) 2013	Not Relevant
SEPP (Urban Renewal) 2010	Not Relevant
SEPP (Vegetation in Non-Rural Areas) 2017	Not Relevant
SEPP (Western Sydney Employment Area) 2009	Not Relevant
SEPP (Western Sydney Parklands) 2009	Not Relevant

6. Is the Planning Proposal consistent with applicable Ministerial Directions (s. 117 directions)?

Council has undertaken a review to ensure the planning proposal is consistent with all relevant Section 117 Ministerial Directions issued by the Minister for Planning to relevant planning authorities under section 117(2) of the *Environmental Planning and Assessment Act 1979*.

All relevant Section 117 Ministerial Directions are considered in the following table.

Section 117 Ministerial Direction	Consistency
1. Employment and resources	
1.1 Business and Industrial Zones	Not applicable. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
1.2 Rural Zones	Not applicable. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
1.3 Mining, Petroleum Production and Extractive Industries	Not applicable. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
1.4 Oyster Aquaculture	Not applicable. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
1.5 Rural Lands	The direction applies due to the inclusion of Lot 2 DP 1233088, Edgells Lane, Kelso. Council proposes the lot to have a dual zoning – E2 Environmental Conservation, which covers the ‘Brick Pits land’ and RU4 – Small Lot Primary Production for the remainder of the land, consistent with the land use pattern on adjacent land. Council is satisfied that the planning proposal is consistent with the requirements of the direction, is of minor significance (Clause 6(b)) and should be supported.
2. Environment and Heritage	
2.1 Environment Protection Zones	The direction applies due to the inclusion of Lot 2 DP 1233088, Edgells Lane, Kelso. Council recently purchased the land for environmental conservation purposes. The Planning Proposal seeks to rezone the land from RE2 to

Section 117 Ministerial Direction	Consistency
	<p>E2 and RU4. The lot forms part of the land known locally as 'The Brick Pits' and is important environmental habitat. The zoning of part of the land E2 for this purpose is considered appropriate to support Council's ongoing conservation programs.</p> <p>Council is satisfied that the planning proposal is consistent with the requirements of the direction, is of minor significance (Clause 6(d)) and should be supported.</p>
2.2 Coastal Protection	<p>Not applicable.</p> <p>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</p>
2.3 Heritage Conservation	<p>The direction applies due to the inclusion of two new local heritage items and the alteration of the curtilage of one local heritage item.</p> <p>The ongoing protection of the region's heritage is supported by Council's adopted Heritage Plan. The addition of two heritage items at the landowner request demonstrates the community's support for the ongoing protection of heritage. The alteration of the curtilage to one local heritage item reflects the current subdivision pattern that relates to a newly constructed dwelling.</p> <p>Council is satisfied that the planning proposal is consistent with the requirements of the direction, is of minor significance (Clause 5(a)) and should be supported.</p>
2.4 Recreation Vehicle Areas	<p>Not applicable.</p> <p>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</p>
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	<p>Not applicable.</p> <p>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</p>
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	<p>Not applicable.</p> <p>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</p>
3.2 Caravan Parks and Manufactured Home Estates	<p>Not applicable.</p> <p>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</p>
3.3 Home Occupations	<p>Not applicable.</p> <p>Council is satisfied that the planning proposal is consistent with the</p>

Section 117 Ministerial Direction	Consistency
	requirements of the direction.
3.4 Integrating Land Use and Transport	Not applicable. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
3.5 Development Near Licensed Aerodromes	Not applicable. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
3.6 Shooting Ranges	The proposal does not affect land adjacent or adjoining an existing shooting range. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
4. Hazard and Risk	
4.1 Acid Sulfate Soils	The Bathurst Region does not include any land identified on Acid Sulfate Soils Planning maps held by the Department. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
4.2 Mine Subsidence and Unstable Land	The Bathurst Region does not include any land identified as within a Mine Subsidence District proclaimed under the Mine Subsidence Compensation Act 1961. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
4.3 Flood Prone Land	Lot 2 DP 1233088 is located on the Bathurst Floodplain. The planning proposal rezones the land from RE2 Private Recreation to E2 Environmental Conservation and RU4 Primary Production Small Lots. The change in zone reduces the development potential of the land. Council is of the opinion that the planning proposal is consistent with the matters raised in Clauses 4 – 8 of the Direction. Council is satisfied that the planning proposal is consistent with the requirements of the direction, is of minor significance (Clause 9(b)) and should be supported.
4.4 Planning for Bushfire Protection	The Planning Proposal does not include any land which is identified as being Bushfire Prone Land. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
5. Regional Planning	
5.1 Implementation of Regional Strategies	No regional strategy applies to the Bathurst Region. Council is satisfied that the planning proposal is consistent with the requirements of the direction.

Section 117 Ministerial Direction	Consistency
5.2 Sydney Drinking Water Catchments	<p>The Bathurst Region is outside the identified Sydney Drinking Water Catchment area.</p> <p>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</p>
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	<p>Does not apply to the Bathurst Region.</p> <p>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</p>
5.4 Commercial and Retail; Development along the Pacific Highway, North Coast	<p>Does not apply to the Bathurst Region.</p> <p>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</p>
5.8 Second Sydney Airport: Badgerys Creek	<p>Does not apply to the Bathurst Region.</p> <p>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</p>
5.9 North West Rail Link Corridor Strategy	<p>Does not apply to the Bathurst Region.</p> <p>Council is satisfied that the planning proposal is consistent with the requirements of the direction.</p>
5.10 Implementation of Regional Plans	<p>The Central West and Orana Regional Plan applies to the Bathurst Region. The Planning Proposal aims to amend the Exempt (Schedule 2) and Complying Development (Schedule 3) provisions for certain development types within the Bathurst Regional LEP 2014. An amendment to three local Heritage Items (Schedule 5) is also proposed.</p> <p>The proposed changes are considered to be consistent with Council's local Land Use Strategies and are not inconsistent with the overall intent of the Regional Plan.</p> <p>Council is satisfied that the planning proposal is consistent with the requirements of the direction, is consistent with the overall intent of the Regional Plan (Clause 5(b)) and should be supported.</p>
6. Local Plan Making	
6.1 Approval and referral Requirements	<p>The Planning Proposal does not affect development application provisions and does not propose any referral provisions relating to this land.</p> <p>Council is satisfied that the planning proposal is consistent with the</p>

Section 117 Ministerial Direction	Consistency
	requirements of the direction.
6.2 Reserving land for Public Purposes	The Planning Proposal does not reduce the land available for public purposes. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
6.3 Site Specific Provisions	The Planning Proposal does not relate to a particular development to be carried out on a specific site. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
7. Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	Does not apply to the Bathurst Region. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
7.2 Implementation of Greater Macarthur Land Release Investigation	Does not apply to the Bathurst Region. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
7.3 Parramatta Road Corridor Urban Transformation Strategy	Does not apply to the Bathurst Region. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Does not apply to the Bathurst Region. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation	Does not apply to the Bathurst Region. Council is satisfied that the planning proposal is consistent with the requirements of the direction.

Section 117 Ministerial Direction	Consistency
Plan	
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Does not apply to the Bathurst Region. Council is satisfied that the planning proposal is consistent with the requirements of the direction.
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Does not apply to the Bathurst Region. Council is satisfied that the planning proposal is consistent with the requirements of the direction.

Section C – Environmental , social and economic impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Council is satisfied that, as a result of the Planning Proposal, critical habitat, threatened species, populations or ecological communities will not be adversely affected by the reclassification. In the case of the land on Edgells Lane, the Planning Proposal seeks to protect environmentally sensitive lands.

8. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

Council considers that there are no likely environmental effects as a result of the Planning Proposal.

9. Has the Planning Proposal adequately addressed any social and economic effects?

Social Impacts

It is considered that as a result of the Planning Proposal there are no social impacts that need to be addressed.

Economic Impacts

It is considered that as a result of the Planning Proposal there are no negative economic impacts that need to be addressed.

Section D State and Commonwealth interests

10. Is there adequate public infrastructure for the Planning Proposal?

The Planning Proposal does not impact on any existing or future public infrastructure.

11. What are the views of State and Commonwealth Public Authorities consulted in accordance with the Gateway Determination?

Council has not consulted with any Government Agencies prior to the drafting of the Planning Proposal. Formal consultation will occur during the public exhibition stage with the NSW Office of Environment and Heritage.

Part 4 Mapping

The following maps are proposed to be amended as a result of this planning proposal.

Map Number	Map Name	Version
<u>Heritage Map</u>		
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LZN_011F	Land Zone Map – Sheet LZN_011F	A
<u>Lot Size Map</u>		
LSZ_011B	Land Zone Map – Sheet LSZ_011B	A
LSZ_011F	Land Zone Map – Sheet LSZ_011F	A

Part 5 Community Consultation

Council anticipates that following the Gateway Determination and Council satisfying any conditions imposed prior to the public exhibition period, the Planning Proposal will be placed on public exhibition for a period of 28 days. During the exhibition period, a notice will be placed in the Western Advocate newspaper.

In addition, a letter will be sent to all landowners of the subject lands, those who directly adjoin the subject lands and the relevant information placed on Council's website.

Although the matters dealt with in this Planning Proposal are of a minor nature and do not result in any adverse impacts upon the region's heritage, the NSW Office of Environment and Heritage will be consulted during the exhibition period.

A Public Hearing is not expected to be conducted as part of this Planning Proposal.

Following the public exhibition period, this section will be altered to reflect the extent of consultation that was undertaken, including any issues which were raised as a result of the consultation.

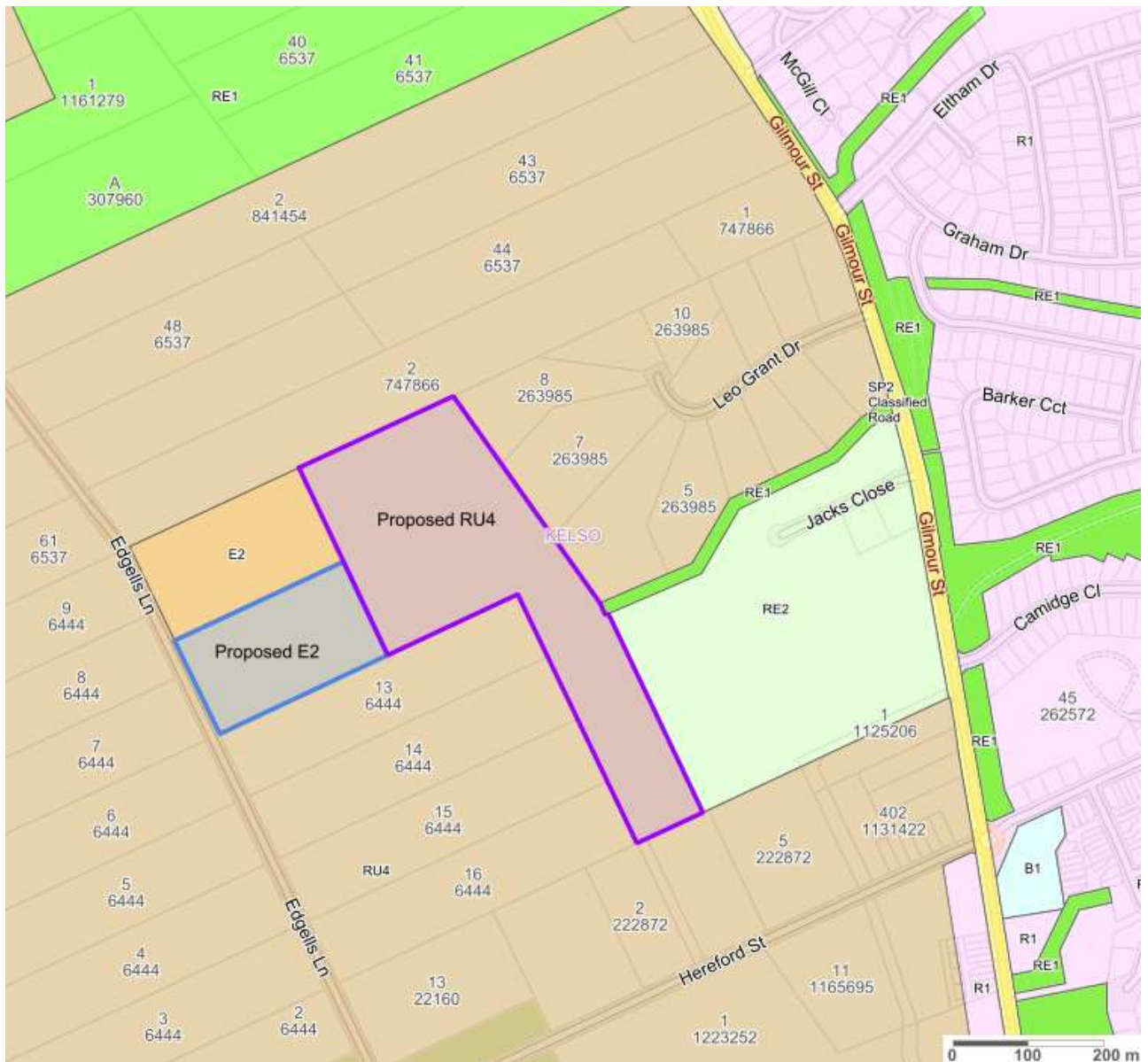
Part 6 Project timeframe

The following table outlines Council's anticipated timetable for the completion of the Planning Proposal. Council anticipates that the process will take approximately 8 months from the date of the Gateway Determination.

Step	Criteria	Project timeline
1	Anticipated commencement date (date of Gateway determination)	October 2018
2	Anticipated timeframe for the completion of required technical information	November 2018
3	Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	November 2018
4	Commencement and completion dates for public exhibition period	October 2018
5	Dates for public hearing (if required)	Not Required
6	Timeframe for consideration of submissions	December 2018
7	Timeframe for the consideration of a proposal post exhibition	January 2019
8	Date of submission to the department to finalise the LEP	Requested delegated authority
9	Anticipated date RPA will make the plan (if delegated)	April 2019
10	Anticipated date RPA will forward to the department for notification.	April 2019

Attachment 1 Location plans

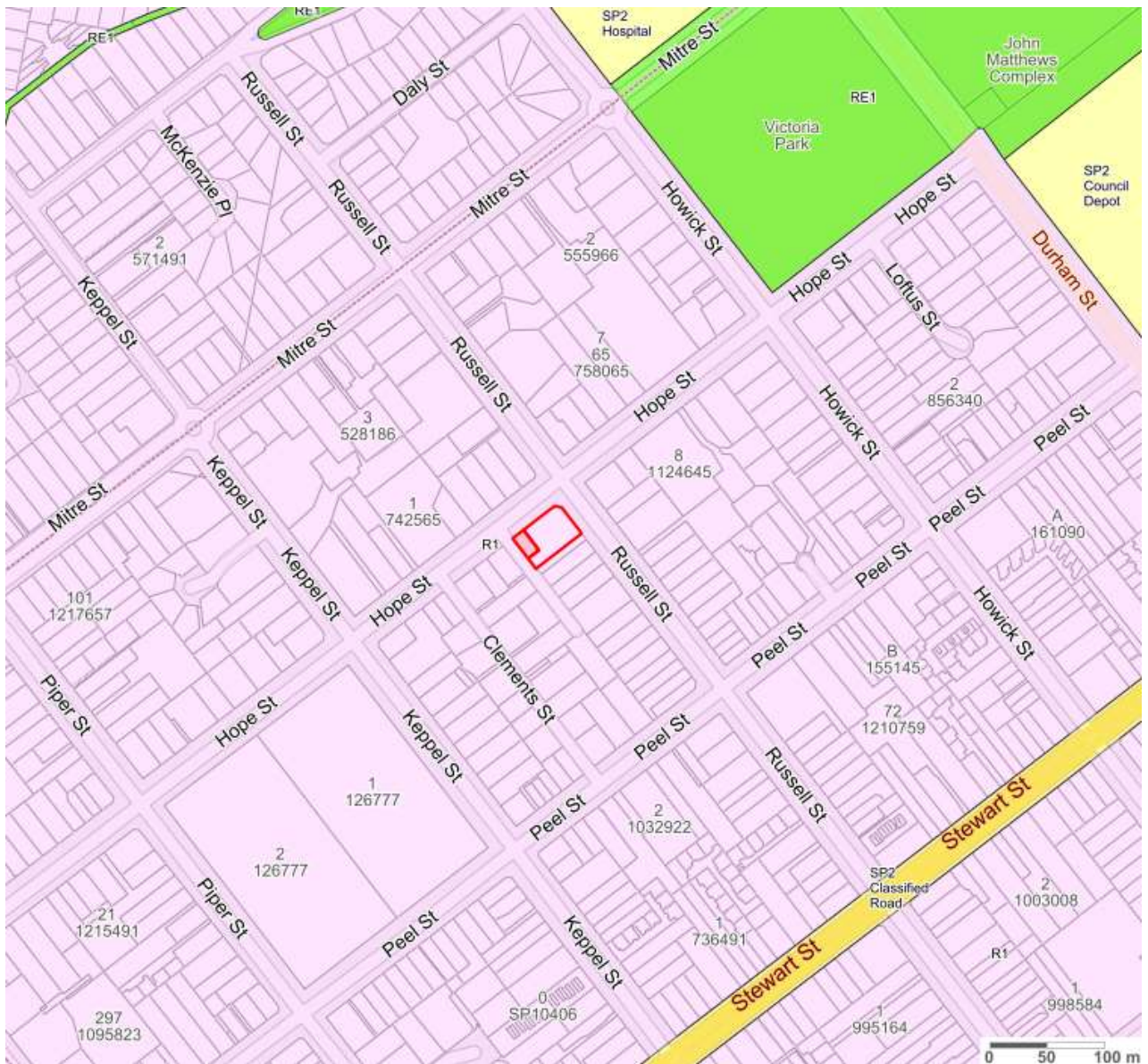
Map No. 1 – Lot 2 DP 1233088, Edgells Lane, Kelso



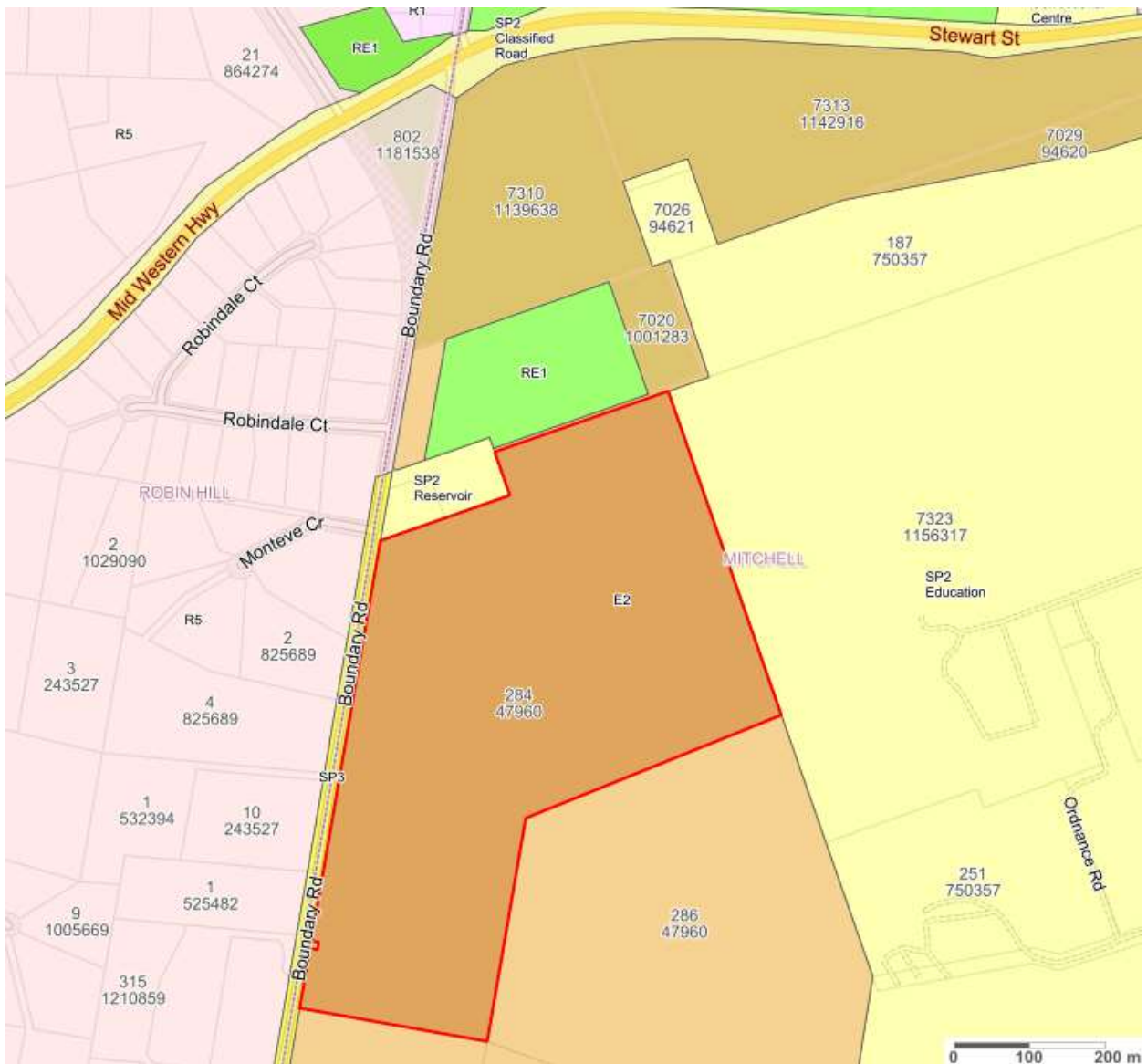
Map No. 2 - Part Lot 100 DP 864119, 221 Blacks Mill Lane, O'Connell



Map No. 3 - Lots 1 & 2 DP 1237902, 294 Russell Street and 10 Bishop Street, Bathurst



Map No. 4 - Part Lot 284, DP 47960, Boundary Road, Robin Hill



Attachment 2 Council report and minute

Bathurst Regional Council Ordinary Meeting 18 July 2018

14 BATHURST REGIONAL LEP 2014– 2018 HOUSEKEEPING AMENDMENT (20.00322)

Recommendation:

That Council:

- (a) prepare a Planning Proposal in accordance with the NSW Department of Planning and Environment Guidelines to amend the Bathurst Regional LEP 2014 as outlined in this report;
- (b) forward the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination;
- (c) accept any delegations from the Department of Planning and Environment in relation to this Planning Proposal;
- (d) place the draft LEP Amendment on public exhibition in accordance with the statutory requirements of the Environmental Planning and Assessment Act; and
- (e) call a division.

Report:

The Bathurst Regional Local Environmental Plan 2014 has been in force since November 2014. It is proposed to commence an amendment to the *Bathurst Regional Local Environmental Plan* which seeks to:

- Amend certain development types within Schedule 2 – Exempt Development provisions relating to:
 - Garages and carports – to limit the size of a combined carport/garage to 45sqm (in a heritage conservation area) or 60 sqm on all other land, and introducing a maximum total floor area of 60sqm (in a heritage conservation area) or 80 sqm on all other land for all carports, garages and garden sheds on the land.
 - farm buildings – to introduce larger setbacks from boundaries and dwellings on adjoining land and introducing a tiered maximum size of building dependant on the land size.
 - Balconies, decks, patios, patio covers, pergola, terrace and verandahs – permit these developments to be built forward of the front building line, whilst maintaining a minimum 4 metre setback.
 - Rainwater tanks – to remove tanks as exempt development on flood prone land.
 - Filming – removing filming and relying on State Environmental Planning Policy (Exempt and Complying Development Codes).
- Amend certain development types within Schedule 3 – Complying Development provisions relating to the location of driveways, sewer manhole clearance requirements and minimum soil coverage requirements for infrastructure services.
- Amend Schedule 5 – Heritage to:

Receive And Deal With General Manager's And Directors' Reports to the 18/07/2018 Released

GENERAL MANAGER

MAYOR

Page 1

- Include two additional local heritage items (21 Blacks Mill Lane, O'Connell and a survey tree at Boundary Road Reserve), and
 - Amend the curtilage of an existing heritage item (294 Russell Street) so that it does not relate to a recently constructed dwelling.
- Amend the zone of the land recently purchased by Council at Edgells Lane Kelso for the purposes of environmental conservation to E2 Environmental Conservation.

Detailed documentation will be prepared in accordance with the NSW Department of Planning and Environment's guidelines supporting the request for a Gateway Determination. Following the gateway determination, detailed public exhibition documentation will be prepared for each of the proposed amendments and then placed on public exhibition in accordance with Council's statutory obligations.

Financial Implications

Nil.

Bathurst Community Strategic Plan - Objectives and Strategies

- | | | |
|---|----------|----------|
| • Objective 1: Our sense of place and identity | Strategy | 1.2 |
| • Objective 3: Environmental stewardship | Strategy | 3.4 |
| • Objective 4: Enabling sustainable growth | Strategy | 4.6 |
| • Objective 6: Community leadership and collaboration | Strategy | 6.1, 6.5 |

Community Engagement

- Consult To obtain public feedback on alternatives and/or decisions

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GENERAL MANAGER
Page 2

MAYOR

Meeting type:	ORDINARY MEETING OF BATHURST REGIONAL COUNCIL		
Minute Section:	RECEIVE AND DEAL WITH GENERAL MANAGER'S AND DIRECTORS' REPORTS	Section Number	9
Minute Status:	Released		
Minute Security:	Standard		
SubSection:	Director Environmental Planning & Building Services' Report	SubSection Number:	9.02
Created By:	Sally Moore/BathurstCC	Division Required:	Yes
Subject:	BATHURST REGIONAL LEP 2014- 2018 HOUSEKEEPING AMENDMENT		
Item Number:	14		
File Number:	(20.00322)		
Minute Number:	22		
Moved By:	Cr M Morse	Seconded By:	Cr J Rudge

Resolution: **RESOLVED:** That Council:

- prepare a Planning Proposal in accordance with the NSW Department of Planning and Environment Guidelines to amend the Bathurst Regional LEP 2014 as outlined in this report;
- forward the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination;
- accept any delegations from the Department of Planning and Environment in relation to this Planning Proposal;
- place the draft LEP Amendment on public exhibition in accordance with the statutory requirements of the Environmental Planning and Assessment Act; and
- call a division.

On being **PUT** to the **VOTE** the **MOTION** was **CARRIED**

The result of the division was:

In favour of the motion - Cr W Aubin, Cr B Bourke, Cr A Christian, Cr J Fry, Cr G Hanger, Cr J Jennings, Cr M Morse, Cr J Rudge,

Against the motion - Nil

Absent - Cr I North,

Abstain - Nil

Precis:

MINUTE Planning Proposal

File 20.00322

Date 12 September 2018

Instruments to be amended Bathurst Regional Local Environmental Plan 2014

By this Minute, under authority delegated by the General Manager, I hereby resolve that Council:

- a) Support the Planning Proposal to include **artisan food and drink industry** as permissible with consent land uses within the RU1, RU2 and RU4 zones;
- b) prepare a Planning Proposal in accordance with the NSW Department of Planning and Environment Guidelines to amend the Bathurst Regional LEP 2014;
- c) forward the Planning Proposal to the NSW Department of Planning and Environment requesting a Gateway Determination;
- d) accept any delegations from the Department of Planning and Environment in relation to this Planning Proposal.

Report:

It is proposed to include **artisan food and drink industry** as a permissible land use within the RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lot zones in light of the recent amendments to the Standard Instrument – Principal Local Environmental Plan.

artisan food and drink industry means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following:

- (a) a retail area for the sale of the products,
- (b) a restaurant or cafe,
- (c) facilities for holding tastings, tours or workshops.

Artisan food and drink industries are a type of **light industry**—see the definition of that term in this Dictionary.

The Planning Proposal

The NSW Government have recently included a new definition for **artisan food and drink industry** a type of light industry. The Bathurst Regional LEP 2014 prohibits light industries in the RU1, RU2 and RU4 zones, and therefore artisan food and drink industries are also prohibited.

Council officers consider that these types of land uses should be permissible within the identified zones, in similar circumstances to cellar door premises are permissible with consent. This Planning Proposal seeks to amend the land use tables for the RU1 Primary Production, RU2 Rural Landscapes

and RU4 Primary Production Small Lot zones, including *artisan food and drink industry* as a permissible with consent land use.

It should be noted that the amendment to the land use tables, as identified in this report, will be included in the Housekeeping LEP Amendment, resolved by Council on 18 July 2018.

Conclusion:

It is proposed to include *artisan food and drink industry* as a permissible land use within the RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lot zones in light of the recent amendments to the Standard Instrument – Principal Local Environmental Plan.

Council officers consider that these types of land uses should be permissible within the identified zones, in similar circumstances to cellar door premises are permissible with consent.

It should be noted that the amendment to the land use tables, as identified in this report, will be included in the Housekeeping LEP Amendment, resolved by Council on 18 July 2018.

Recommendation

That Council commence a Planning Proposal as outlined in this minute.



Neil Southorn
**DIRECTOR,
ENVIRONMENTAL PLANNING AND BUILDING SERVICES**

Bathurst 2036 Community Strategic Plan – Objectives and Strategies

OBJECTIVE 2: A smart and vibrant economy	Strategy 2.1, 2.4
OBJECTIVE 4: Enabling sustainable growth	Strategy 4.1
OBJECTIVE 6: Community leadership and collaboration	Strategy 6.1

Community Engagement:

Consult	To obtain public feedback on alternatives and/or decisions
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Attachment 3

7.10 Signage

- (1) Development consent must not be granted to the erection of signage on any land, except land in Zone SP3 Tourist, unless:
 - (a) the signage relates to the approved use of the site and is located on the land on which that use is being conducted, and
 - (b) the dimensions and overall size of the signage is not larger than would reasonably be required so to inform the public.
- (2) Despite subclause (1), development consent may be granted to the erection of signage on any land for the specific purpose of directing the travelling public to **educational establishments**, tourist facilities **or** places of scientific, historic or scenic interest, if the consent authority is satisfied that:
 - (a) the signage relates to a specific building or place within Bathurst Regional local government area, and
 - (b) the principal purpose of the signage is to direct the travelling public to that building or place, and
 - (c) the dimensions and overall size of the signage are not larger than would reasonably be required so to direct the travelling public.
- (3) Despite subclause (1), development consent may be granted to a directory board sign on any land if the consent authority is satisfied that:
 - (a) the directory board sign relates to a business or industrial estate or park in the Bathurst Regional local government area and is located at the entrance to that estate or park, and
 - (b) the dimensions and overall size of the signage are not larger than would reasonably be required to direct the public to the business or industrial estate or park.
- (4) Despite subclause (1), development consent may be granted to signage of a temporary nature on any land if the consent authority is satisfied that:
 - (a) the signage relates to a local event within the Bathurst Regional local government area, and
 - (b) the signage will not be displayed for more than 28 days before the event or 7 days after the event.
- (5) Despite subclause (1), development consent may be granted to signage on any land for the specific purpose of advertising premises for sale or for lease.
- (6) Despite subclause (1), development consent may be granted to interpretive signage on any land for the specific purpose of interpreting the built or natural environment or an item of historic nature.
- (7) In this clause:

directory board sign means a sign that displays a business identification sign for 2 or more businesses.

interpretive signage means a sign that displays interpretive information for a building or place of a historic, environmental or scenic nature.

Attachment 4

Schedule 2 Exempt development

(Clause 3.1)

Division 4 Animal shelters (including aviaries, fowl and poultry houses, dog kennels, horse stables and yards)

4.1 Specified development

The construction or installation of an animal shelter is development specified for this Schedule.

4.2 Development standards

- (1) Must be on land within Zone RU1, Zone RU2, Zone RU4, Zone RU5, Zone R1, Zone R2, Zone R5, Zone B1, Zone B3 or Zone IN1.
- (2) Must not be used for commercial purposes (other than for agriculture).
- (3) Maximum wall height—3m.
- (4) Maximum overall height—4.5m.
- (5) If within Zone R1, Zone R2, Zone R5, Zone RU5, Zone B1, Zone B3 or Zone IN1, must:
 - (a) have a maximum building floor area of 30m², and
 - (b) be located behind the front building alignment.
- (6) If within Zone RU1, Zone RU2 or Zone RU4 must have a maximum building floor area of 60m².
- (7) **Must be constructed or installed so that any roofwater is disposed of into an existing stormwater drainage system or a legal point of discharge.**
- (8) Must be constructed of non-reflective materials or painted before use.
- (9) Horse stables must be a minimum 9m from any building used for the manufacture, production or storage of food or from land used for public purposes.
- (10) Must be located so that it does not cause nuisance (for example noise, odour or vermin) to neighbouring properties.
- (11) If proposed to be located over the existing house drainage pipelines—access to the inspection openings must be maintained at all times.
- (12) If constructed or installed on or in, or in relation to, a heritage item—must be located in the rear yard, unless it is located in Zone RU1, Zone RU2 or Zone RU4.
- (13) If located on bush fire prone land and the structure is attached to or shares a common roof space with the dwelling, must comply with AS 3959—2009, Construction of buildings in bushfire-prone areas.
- (14) Must be erected within the property boundary.
- (15) Must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main.
- (16) Must not be constructed over any easement.
- (17) Must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website.
- (18) Must not be within 40m of a perennial or intermittent named waterway.

- (19) If constructed in Zone R1 or Zone R2—must not be more than one development per dwelling on the lot (except for aviaries).
- (20) Must not be located on a lot located in the “Flood Planning Area” identified on the Flood Planning Map.

Division 7 Balconies, decks, patios, patio covers, pergolas, terraces and verandahs (including attached or detached to a dwelling, roofed and unroofed)

7.1 Specified development

The construction or installation of a balcony, deck, patio, patio cover, pergola, terrace and verandah (whether attached to or detached from a dwelling, or roofed or unroofed) is development specified for this Schedule.

7.2 Development standards

- (1) The development must:
 - not be enclosed.
 - not be constructed on land in Zone RU5 within the village of Hill End.
 - Not have a floor height exceeding 1.0 metre.
 - not be located on a lot identified as “Flood Planning Area” on the Flood Planning Map.
 - not be constructed or installed on, or in relation to, a heritage item or draft heritage item.
 - not be constructed over any easement.
 - be located behind the building line of any road frontage in a heritage conservation area or a draft heritage conservation area
 - must not exceed the highest point of the ridge line of the main building.
 - be constructed or installed so that any roofwater is disposed of into an existing stormwater drainage system or a legal point of discharge.
 - be 1.2m clear of any 150mm diameter sewer main or 2.0m clear of any 225mm (or greater) diameter sewer main.
 - be clear of the zone of influence of any sewer main in accordance with the Council’s Drawing No. EN7902 available on the Council’s website.
 - be constructed of non-reflective materials or painted before use.
- (2) Setbacks
 - From a boundary with a primary road: 4m
 - From a boundary with a secondary road: 2m
 - From side or rear boundary: 900mm
- (3) Maximum width of a deck, patio, patio cover, pergola, verandah forward of the front or side building line – 2m.
- (4) If located over the existing house drainage the house drainage is to be relaid clear of the proposed development.
- (5) Decks must not be located over gullies unless there is a minimum 2m clearance; alternatively the gully must be relocated so as to be clear of the deck.
- (6) ~~If the floor level is greater than 1m above the natural ground level, a~~

~~balustrade and handrail must be provided in accordance with Part 3.9.2 of the Building Code of Australia.~~

- ~~(7) if it is connected to a fascia—be connected in accordance with a professional engineer's specifications.~~
- ~~(8) If located on bush fire prone land and the structure is attached to the dwelling, the structure must comply with AS 3959, Construction of buildings in bush fire-prone areas.~~

Division 8 Barbecues and other outdoor cooking structures

8.1 Specified development

The construction or installation of a barbecue or other outdoor cooking structure is development specified for this Schedule.

8.2 Development standards

- (1) Must be located within the property boundary.
- (2) Any permanent gas or electricity supply must be connected by a licensed gas fitter or electrician.
- (3) Must be located so that it does not cause nuisance (for example noise, odour or smoke) to neighbouring properties.
- (4) Must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main.
- (5) Must not be constructed in any easement.
- (6) Must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website.
- (7) If located over the existing house drainage the house drainage is to be relaid clear of the proposed development.
- (8) Must not be located on a lot identified as "Flood Planning Area" on the [Flood Planning Map](#).

Division 11 Building alterations (internal and external) to dwellings, including recladding of roofs and walls (see also painting and rendering of buildings)

11.1 Specified development

Building alterations (internal and external) to dwellings, including recladding of roofs and walls, is development specified for this Schedule.

11.2 Development standards

- (1) Must not involve any alterations to structural components of the building.
- (2) The building must have been lawfully constructed to be used for the purpose of a dwelling.
- (3) Must involve materials that match the existing materials or match those originally used on the building.
- (4) Must not change the existing footprint of the building.

- (5) Must not change any part of the building from a non-habitable to a habitable use.
- (6) Where the work involves changes or additions to the house drainage and/or plumbing, it must be carried out by a licensed plumber, installed in accordance with the requirements of AS/NZ 3500 and the Plumbing Code of Australia and the work is inspected by Council.
- (7) Must not reduce the provision of light or ventilation to any room served by any window, glazed area or door.
- (8) Replacement materials used must comply with AS 1288—2006, Glass in buildings—Selection and installation and AS/NZS 2208:1996, Safety glazing materials in buildings for use in Buildings (Human Impact Considerations), where applicable.
- (9) Must not include a change to the fire resisting components of a building.
- (10) In the case of the installation of insulation material, it must be in accordance with Part 3.12.1 of the Building Code of Australia.
- (11) In the case of re-cladding, sub-floor ventilation must be retained for the building at the rate of not less than 21,000mm² per lineal metre of wall.
- (12) Must not be constructed or installed on, in or in relation to a heritage item or a draft heritage item.
- (13) Must not include the external painting or rendering of face brickwork not previously painted or rendered within a heritage conservation area or in relation to a heritage item.
- (14) Must not be located on a lot identified as “Flood Planning Area” on the Flood Planning Map.

Division 12 Building alterations (internal and external) to industrial premises and agricultural produce Industries, including recladding of roofs and walls

12.1 Specified development

Building alterations (internal and external), to industrial premises and agricultural produce industries, including recladding of roofs and walls, is development specified for this Schedule.

12.2 Development standards

- (1) Must be on land within Zone B1, Zone B3, Zone B5, Zone IN1, Zone RU5, Zone R1, Zone R2, Zone R5, Zone RU1, Zone RU2, Zone RU4 or Zone E4.
- (2) Maximum gross floor area—300m².
- (3) The building must have been lawfully constructed to be used for the purpose of an agricultural produce industry or industrial premises of a particular kind.
- (4) Must involve materials that match the existing materials or match those originally used on the building.
- (5) Must not affect the structural adequacy and stability of a building.
- (6) Must not involve the removal, re-positioning or increase the number of internal floor levels.
- (7) Must not reduce the existing level of fire safety and egress, the existing level of fire resistance, or the existing safeguards against the spread of fire to adjoining properties.
- (8) Must not alter the existing footprint of the building.

- (9) The premises must not be used for the preparation of food.
- (10) In the case of re-cladding, sub-floor ventilation must be retained for the building at a rate of not less than 21,000mm² per lineal metre of wall.
- (11) Must not be located on a lot identified as “Flood Planning Area” on the Flood Planning Map.
- (12) Must not be constructed or installed on, in or in relation to a heritage item or draft heritage item.
- (13) Where the work involves changes or additions to the house drainage and/or plumbing, it must be carried out by a licensed plumber, installed in accordance with the requirements of AS/NZ 3500 and the Plumbing Code of Australia and the work is inspected by Council.

Division 13 Building identification signs and business identification signs

13.1 Specified development

The installation of new or the alteration of existing building identification signs or business identification signs is development specified for this Schedule.

13.2 Development standards

- (1) ***Flush wall sign***—on land in Zone RU5, Zone R1, Zone R2, Zone R5, Zone B1 or Zone B3:
 - (a) must be attached to the wall of a building (other than the transom of a doorway or display window) and not project more than 0.3m from the wall, and
 - (b) maximum area—0.75m², and
 - (c) must be below awning level, and
 - (d) must be displayed on the same land as a lawfully approved development to which the sign relates, and
 - (e) must not be constructed or installed on or in, or in relation to, a heritage item or draft heritage item.
- (2) ***Flush wall sign***—on land in Zone B5 or Zone IN1:
 - (a) must be attached to the wall of a building (other than the transom of a doorway or display window) and not project more than 0.3m from the wall, and
 - (b) maximum area—6m², and
 - (c) must not be more than one sign per building, and
 - (d) must be displayed on the same land as a lawfully approved development to which the sign relates, and
 - (e) must not be visible from a classified road, and
 - (f) must not be constructed or installed on or in, or in relation to, a heritage item or draft heritage item.
- (3) ***Fascia sign***—on land in Zone B1, Zone B3, Zone B5 or Zone IN1:
 - (a) must be attached to the fascia or return end of an awning, and
 - (b) must not extend beyond the depth of the existing building fascia, and
 - (c) must be displayed on the same land as a lawfully approved development to which the sign relates, and
 - (d) must not be constructed or installed on or in, or in relation to, a heritage item or draft heritage item.
- (4) ***Pylon sign***—on land in Zone B5 or Zone IN1:

- (a) must be an advertisement erected on a pole or pylon which is independent of any building or structure, and
 - (b) maximum height—below the roof height of the building on the site, but not greater than 5m measured from natural ground level to the top of the structure), and
 - (c) maximum area (sign panel)—4.5m², and
 - (d) must not be visible from a classified road, and
 - (e) If located over the existing house drainage the house drainage is to be relaid clear of the proposed development.
 - (f) must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main, and
 - (g) must not be constructed over any easement, and
 - (h) must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website, and
 - (i) must not be more than one sign per property, and
 - (j) if illuminated—must only be internally illuminated and not up-lit, and
 - (k) must be displayed on the same land as a lawfully approved development to which the sign relates, and
 - (l) must not be constructed or installed on or in, or in relation to, a heritage item, or draft heritage item, within a heritage conservation area or a draft heritage conservation area, and
 - (m) must not be located on a lot identified as "Flood Planning Area" on the Flood Planning Map.
- (5) **Top hamper sign**—on land in Zone B1, Zone B3, Zone B5 or Zone IN1:
- (a) must be a sign attached to the transom of a doorway or display window of a building, and
 - (b) must be displayed on the same land as a lawfully approved development to which the sign relates.
- (6) **Under awning sign**—on land in Zone B1, Zone B3, Zone B5 or Zone IN1:
- (a) must be a sign attached to the underside of an awning (other than the fascia or return end), and
 - (b) must be displayed on the same land as a lawfully approved development to which the sign relates, and
 - (c) must not be constructed or installed on or in, or in relation to, a heritage item or draft heritage item.
- (7) Changes to wording or content of approved signs in any zone:
- (a) must be to a lawfully existing sign, and
 - (b) must relate to the lawfully approved use of the associated building or place, and
 - (c) must not be a flashing, illuminated or animated sign, and
 - (d) must not contain sexually explicit material, and
 - (e) must not interfere with or confuse interpretation or reading of traffic signals, and
 - (f) must not result in any additional signage or increase in signage area, and
 - (g) must not involve painting of the building other than an area previously painted for advertising purposes, and
 - (h) if within a heritage conservation area or on, in or in relation to a heritage item—must involve traditional colours (bright colours are not permitted).

Division 17 Carports, garages and garden sheds

17.1 Specified development

The construction or installation of a carport, garage, or garden shed is development specified for this Schedule.

17.2 Development standards

- (1) Must not be located on land within Zone RU5 in the village of Hill End.
- (2) Maximum building height
 - (a) Wall height – 3.3m
 - (b) Overall height – 4.5m
 - (c) For garden sheds, maximum overall height 2.4m
 - (d) if attached to an existing single storey dwelling, be not higher than the roof gutter line
- (3) Maximum gross floor area of all carports, garages and garden sheds on the site
 - (a) If the land is within a Heritage Conservation Area or draft Heritage Conservation Area – 60m²
 - (b) All other land – 80m²
- (4) Maximum gross floor area of any single carport, garage or garden shed development on the site
 - (a) If the land is within a Heritage Conservation Area or draft Heritage Conservation Area – 45m²
 - (b) All other land – 60m²
- (5) If the proposal is an addition to an existing garage, carport or garden shed, must not cause the gross floor area of the carport, garage or garden shed to exceed the standards established in subclauses (3 & 4) above.
- (6) For the purposes of subclause (3), garages which form part of any dwelling's footprint are excluded from the calculation.
- (7) Must not be more than 1 development with a floor area of greater than 10m².
- (8) Setbacks
 - (a) From a boundary with a primary road: Behind the front building alignment
 - (b) From a boundary with a secondary road: 900mm
 - (c) From side or rear boundary: 900mm
 - (d) for development carried out in Zone RU1 or RU4—20m from a property boundary
 - (e) for development carried out in Zone RU2—40m from a property boundary with the Mount Panorama Motor Racing Circuit
 - (f) for development carried out in Zone RU2—20m from a property boundary which does not adjoin the Mount Panorama Motor Racing Circuit
- (9) Must be located a minimum of 900mm from a side or rear boundary.
- (10) Carports must have 2 or more sides open and not more than one-third of its perimeter enclosed.
- (11) Must be constructed of low reflective materials or painted before use.
- (12) Must be constructed or installed so that any roofwater is disposed of into an existing stormwater drainage system or a legal point of discharge.
- (13) Any structure with a gross floor area exceeding 10m² located in a heritage conservation area must have the following characteristics,

- (a) the colouring of materials used must match those used on the main building.
 - (b) a 30o roof pitch, or a pitch that matches the pitch of the main dwelling,
 - (c) steel sheeting is of a traditional corrugated profile.
- (14) If located within a heritage conservation area, must not be a shipping container.
- (15) Must not be constructed or installed on or in, or in relation to, a heritage item, other than within Zone RU1 if the carport is not attached to the heritage item.
- (16) Must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main.
- (17) Must not be constructed over any easement.
- (18) Must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website.
- (19) If located over the existing house drainage the house drainage is to be relaid clear of the proposed development.
- (20) If works involve the installation of sanitary facilities:
 - (a) the plumbing and drainage must be installed in accordance with AS/NZS 3500 and the Plumbing Code of Australia, and
 - (b) the Notice of works and certificate of compliance must be submitted to the Council, and
 - (c) the works are to be inspected by the Council before the plumbing has been concealed.
 - (d) A plumbing final is to be completed by Council's Plumbing and Drainage Inspectors.
- (21) Must not be located on a lot identified as "Flood Planning Area" on the Flood Planning Map.

Division 20 Communication dishes (radio and satellite)

20.1 Specified development

The construction or installation of a radio or satellite communications dish is development specified for this Schedule if it is only for the purpose of receiving television or radio signals (or both).

20.2 Development standards

- (1) Must not be located on land within Zone RU5 in the village of Hill End.
- (2) Must not be greater than 1.8m in diameter.
- (3) Must not be greater than 1.8m above the highest point of the roof of the building.
- (4) If attached to a free standing structure, the structure must not be constructed within 1.2m of any 150mm diameter sewer main or 2m of any 225mm (or greater) diameter sewer main, or over any easement and must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website.
- (5) The roof must be capable of supporting the additional load.
- (6) If located over the existing house drainage the house drainage is to be relaid clear of the proposed development.

- (7) Must be located within the property boundary and not project over a public road.
- (8) The dish and supporting structure must be capable of supporting the dead and live (wind) loads which may be imposed upon them.
- (9) The dish, whether attached to a building or not, must not be visible from a road or other public place within a heritage conservation area.
- (10) Not more than one dish per building or tenancy.
- (11) Must not be constructed or installed on or in, or in relation to, a heritage item, unless it is free standing and located behind the front building line.

Division 21 Cubby houses, play equipment and shade structures of canvas, fabric, mesh or the like

21.1 Specified development

The construction or installation of a cubby house, play equipment or shade structures of canvas, fabric, mesh or the like is development specified for this Schedule.

21.2 Development standards

- (1) Maximum height—3m (measured from natural ground level to the top of the structure).
- (2) Setbacks
 - (a) From a boundary with a primary road: Behind the front building alignment
 - (b) From a boundary with a secondary road: 900mm
 - (c) From side or rear boundary: 900mm
 - (d) for development carried out in Zone RU1 or RU4—20m from a property boundary
 - (e) for development carried out in Zone RU2—40m from a property boundary with the Mount Panorama Motor Racing Circuit
 - (f) for development carried out in Zone RU2—20m from a property boundary which does not adjoin the Mount Panorama Motor Racing Circuit
- (3) if it is constructed or installed on or in a heritage item or a draft heritage item or in a heritage conservation area or a draft heritage conservation area—be located in the rear yard
- (4) If the floor level of any structure is more than 1m above the natural ground level, a balustrade and handrail must be provided in accordance with Part 3.9.2 of the Building Code of Australia.
- (5) Must be constructed or installed so that any roofwater is disposed of into an existing stormwater drainage system or a legal point of discharge.
- (6) Must not be used for habitable purposes.
- (7) Must be constructed of low reflective, factory pre-coloured materials or painted before use.
- (8) if it is connected to a fascia—be connected in accordance with a professional engineer's specifications
- (9) Must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main.
- (10) Must not be constructed over any easement.
- (11) Must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website.

- (12) If located over the existing house drainage the house drainage is to be relaid clear of the proposed development.
- (13) Must not be located on a lot identified as “Flood Planning Area” on the Flood Planning Map.

Division 22 Dams

22.1 Specified development

The construction of a dam is development specified for this Schedule.

22.2 Development standards

- (1) Must not be located on land in Zone R1, Zone R2, Zone B1 or Zone B3.
- (2) Must not:
 - Have a surface area exceeding 0.2ha;
 - Be located closer than 10 metres from a property boundary.
 - In zone RU2, be closer than 40 metres with a boundary with the Mount Panorama Motor Racing Circuit.
 - Be located within 40 metres of a natural waterbody, wetland or an environmentally sensitive area,
 - Be located in an area of high watertable, or acid sulfate, sodic or saline soils
 - be located on or across a perennial or intermittent named waterway, (including a wetland, stream, creek or river) without the approval of the NSW Office of Water.
 - be located on a lot identified as “Flood Planning Area” on the Flood Planning Map.
- (3) If on land within the vicinity of the Bathurst Airport, must be designed to reduce its attractiveness to bird life.
- (4) The structure must be designed and constructed in accordance with the specifications of, a professional engineer.
- (5) Note: Farm dams must comply with the NSW Farm Dams Policy (Harvestable Right Dams Policy), a copy of which can be obtained from the NSW Office of water or relevant State Government Authority.

Division 24 Driveways, paths and paving (including driveways, footway crossings, carparks, loading facilities, hard stand spaces and manoeuvring areas)

24.1 Specified development

The construction or installation of a driveway, path and paving (including driveways, footway crossings, carparks, loading facilities, hard stand spaces and manoeuvring areas) is development specified for this Schedule.

24.2 Development standards

- (1) Must be constructed in accordance with the Council's Guideline for Engineering Works.
- (2) Driveways and footway crossings must be constructed in accordance

- with access levels issued by the Council and must be inspected by the Council before pouring of the concrete.
- (3) If on land within Zone RU2 or Zone SP3, must not result in any alterations to an existing, or the creation of any new, access to the Mount Panorama Racing Circuit.
 - (4) If a driveway for a corner lot, must be located at least 6m from the corner of the intersection.
 - (5) Access to the Council's sewer manholes and property sewer connection points must be maintained at all times.
 - (6) Must achieve the minimum cover of all engineering services (e.g. sewer, stormwater, water mains) in accordance with Council's Engineering Guidelines.
 - (7) All vehicle manoeuvring and car parking areas must be paved and line marked in accordance with the Council's Guideline for Engineering Works.

Division 25 Earth works and retaining walls

25.1 Specified development

Earthworks and retaining walls are development specified for this Schedule.

25.2 Development standards

- (1) must not encroach onto or interfere with adjoining properties, including the Council road or drainage reserves,
- (2) must not be located on a lot identified as "Flood Planning Area" on the Flood Planning Map,
- (3) must not be constructed on, or in relation to, a heritage item or draft heritage item.
- (4) For earthworks:
 - (a) Must not be a cut or fill of more than 1 metre below or above ground level (existing),
 - (b) the development must not be constructed closer to the side and rear boundaries than the distance specified in the table below:

Cut or fill depth (measured from natural ground)	Minimum setback required (measured from natural ground)
100mm	100mm
200mm	200mm
300mm	300mm
400mm	400mm
500mm	500mm
600mm	600mm
700mm	700mm
800mm	800mm
900mm	900mm
1,000mm	1,000mm
 - (c) Note. The cut or fill depth is rounded up to the next closest measurement.
 - (d) Must achieve the minimum cover of all engineering services (e.g. sewer, stormwater, water mains) in accordance with Council's Engineering Guidelines.
 - (e) must use clean fill that is virgin excavated natural material (VENM),

- (f) must not cause nuisance to adjoining properties,
 - (g) must not obstruct the natural flow of surface water,
 - (h) if on land within Zone RU1, Zone RU2, Zone RU4 or Zone E4, must not be within 40m of a perennial or intermittent named waterway,
 - (i) must not be located on a lot identified as “Flood Planning Area” on the Flood Planning Map.
- (5) For retaining walls:
- (a) 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 or 1 metre, whichever is greater.
 - (b) Must not be timber where they support a structure(s).
 - (c) must be provided with drainage of sufficient design and capacity to prevent a build up of hydrostatic pressure behind the wall,
 - (d) if constructed parallel, or less than 45°, to any sewer main, it must be clear of:
 - i. any 150mm diameter sewer main by 1.2m, or
 - ii. any 225mm (or greater) diameter sewer main by 2m, or
 - iii. any the Council’s rising (pumped) main of any size by 2m, and
 - iv. the zone of influence of any sewer main in accordance with the Council’s Drawing No. EN7902 available on the Council’s website,
 - (e) if constructed perpendicular, or not less than 45°, to the sewer main:
 - i. must only be over any 150mm or 225mm diameter sewer main, and
 - ii. the support posts must be at least 500mm clear of the main sewer, and
 - iii. must be designed to provide a minimum vertical clearance of 600mm between the footing and the main, and
 - iv. if a reinforced concrete footing is proposed—must be designed as a bridging footing so that no loads are transferred to the sewer main,
 - (f) all water and seepage must be disposed of entirely on the land or to a legal point of discharge and must not cause damage or nuisance to adjoining properties,
 - (g) if of masonry construction:
 - i. must comply with AS 3700—2011, *Masonry structures*,
 - ii. must comply with AS 3600—2009, *Concrete structures*,
 - iii. must comply with AS/NZS 1170.0:2002, *Structural design actions—General principles*,

Division 27 Farm buildings, Farm sheds and structures

27.1 Specified development

The construction or installation of a farm building, farm shed or other structure used for the purpose of an agricultural activity is development specified for this Schedule.

27.2 Development standards

- (1) Must be on land within Zone RU1, Zone RU2 or Zone RU4, ~~Zone R5,~~

~~Zone E4 or Zone IN1.~~

- (2) Maximum building height
 - (a) If the land has an area greater than 4ha – 12m
 - (b) If the land has an area no more than 4ha – 7m
- (3) Maximum height of stockyard fencing – 4.5m
- (4) Maximum gross floor area
 - (a) If the land has an area greater than 4ha – 300m²
 - (b) If the land has an area no more than 4ha – 100m²
- (5) Setbacks
 - (a) From a road: 20m
 - (b) From a dwelling on adjoining lot: 50m
 - (c) From side or rear boundary: 30m
 - (d) From a waterbody: 100m
- (6) Setbacks for private stockholding yards
 - (a) From a road: 20m
 - (b) From a dwelling on adjoining lot: 200m
 - (c) From side or rear boundary: 50m
 - (d) From a waterbody: 100m
- (7) Must be constructed of non-reflective materials or painted before use, excluding silos.
- (8) If located on bush fire prone land and the structure is within 10m of a dwelling, the structure must comply with the requirements of AS 3959—2009, Construction of buildings in bushfire-prone areas.
- (9) Must not to be used for residential, industrial or commercial purposes.
- (10) Must not be constructed over any easement.
- (11) Must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main.
- (12) Must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website.
- (13) Must not be constructed over any drainage pipes or house drainage.
- (14) Must not be located on a lot identified as "Flood Planning Area" on the Flood Planning Map.
- (15) If stockholding yards, must not be used for the commercial sale of livestock.
- (16) The structure must be designed by, and constructed in accordance with the specifications of, a professional engineer,

Division 28 Fences

28.1 Specified development

The construction or installation of a fence within zone RU2, RU5, R1, R2, R5, B1, B3, B5, IN1, E2 or E4 is development specified for this Schedule.

28.2 Development standards

- (1) Despite subclause (8), any fence located along the boundary of a primary or secondary road, or forward of the front building line must:
 - (a) not be more than 1.2m above ground level (existing), and
 - (b) be an open mesh, slat or picket style fence.
- (2) If a lot has a frontage to a secondary road, subclause (1) only applies to that portion of the fence forward of the front building line.

- (3) Subclause (1) (b) does not apply to the part of the fence along the side boundary and forward of the building line where there is no secondary road frontage.
- (4) Despite subclauses (1) and (8), if the fence is erected on a sloping site and stepped to accommodate the fall in the land:
 - (a) a fence that is required to be not more than 1.2m above ground level (existing), must not be more than 1.5m above ground level (existing) at each step, and
 - (b) a fence that is required to be not more than 1.8m above ground level (existing), must not be more than 2.2m above ground level (existing) at each step.
- (5) If the site is within a heritage conservation area or draft heritage conservation area, must be constructed of timber, or other traditional materials appropriate to the site.
- (6) If the site is on a lot, or along a common boundary of a lot, that contains a heritage item or a draft heritage item, must be constructed of timber, or other traditional materials appropriate to the site.
- (7) if of masonry construction:
 - (a) not be greater than 1.0 m above ground level (existing), and
 - (b) must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main, and
 - (c) must not be constructed over any easement, and
 - (d) must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website,
- (8) The development must:
 - (a) not be located on a lot located in the "Flood Planning Area" identified on the Flood Planning Map, and
 - (b) not be higher than 1.8m above ground level (existing), and
 - (c) except within zone B5 and IN1 must not be higher than 2.1m above ground level (existing), and
 - (d) if it includes an entrance gate—not have a gate that opens outwards, and
 - (e) if it is located in a core koala habitat or potential koala habitat within the meaning of State Environmental Planning Policy No 44—Koala Habitat Protection or in a movement corridor used by koalas—be constructed or installed in accordance with any relevant council policy or guideline under that Policy, and
 - (f) if it is located on bush fire prone land—be constructed of non-combustible materials or hardwood, and
 - (g) if it is constructed of metal components—be of low reflective, factory pre-coloured materials, and
 - (h) if constructed of masonry materials:
 - (i) must comply with AS 3700—2011, Masonry structures,
 - (j) must comply with AS 3600—2009, Concrete structures,
 - (k) must comply with AS/NZS 1170.0:2002, Structural design actions—General principles
 - (l) not be an electrical fence, and
 - (m) except within zone B5 and IN1 not use barbed wire below 1.8 m, and
 - (n) Within zone RU5 (Hill End) fences must be timber, either of picket style, palisade, or rough timber paling, and
 - (o) Within zone RU2, RU5 (except Hill End), R5, E2 or E4 fences must be of traditional rural fencing materials, or of pipe, steel, timber, masonry or the like, and

- (p) Within Zone B5 and IN1 any fence located on the boundary of, or forward of the building line with a road must be open for at least 75% of the area of the fence that is more than 1.2m above ground level (existing).

Division 28—Fences

28.1 Specified development

~~The construction or installation of a fence is development specified for this Schedule.~~

28.2 Development standards

- ~~(1) For front fences (a fence built forward of the front building line and in the case of a corner lot, is a fence built forward of both the front and side building alignments):~~
 - ~~(a) must be located on land within Zone R1, Zone R2, Zone B1 or Zone B3, and~~
 - ~~(b) must be on or within the property boundary, and~~
 - ~~(c) must not be barbed wire, man-proof fencing or pre-coloured metal sheet, and~~
 - ~~(d) must not affect public safety or create danger to the public, and~~
 - ~~(e) must not obstruct the natural flow of surface water, and~~
 - ~~(f) if open or partially transparent (eg picket):~~
 - ~~i. maximum infill height 1.2m, and~~
 - ~~ii. maximum post height 1.5m, and~~
 - ~~(g) if of masonry construction:~~
 - ~~i. maximum height 1m, and~~
 - ~~ii. must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main, and~~
 - ~~iii. must not be constructed over any easement, and~~
 - ~~iv. must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website, and~~
 - ~~v. must not be constructed over drainage pipes or any house drainage, and~~
 - ~~vi. must comply with AS 3700—2011, Masonry structures, and~~
 - ~~vii. must comply with AS 3600—2009, Concrete structures, and~~
 - ~~viii. must comply with AS/NZS 1170.0:2002, Structural design actions—General principles, and~~
 - ~~ix. must not be constructed over any utility services unless those services are relocated,~~
 - ~~(h) the colouring and type of materials used must match those used on the main building or neighbouring fences, and~~
 - ~~(i) if the site contains a heritage item, draft heritage item or is within a heritage conservation area or draft heritage conservation area, must be constructed of timber, or other traditional materials appropriate to the site, and~~
 - ~~(j) if it includes a gate, the gate must not swing open over the Council's property, and~~
 - ~~(k) must not be located on a lot identified as "Flood Planning Area" on~~

- the Flood Planning Map.
- (2) ~~For side and rear fences (a fence not built forward of the front building line and in the case of a corner lot, is a fence not built forward of both the front and side building alignments):~~
- ~~(a) must be located on land within Zone RU5, Zone R1, Zone R2, Zone R5, Zone B1, Zone B3, Zone B5, Zone IN1, Zone SP2, Zone SP3, Zone RE1 or Zone RE2, and~~
 - ~~(b) if on land within Zone RU5, Zone R1, Zone R2 or Zone R5, maximum height 1.8m, and~~
 - ~~(c) if on land within Zone B1, Zone B3, Zone B5, Zone IN1, Zone SP2, Zone SP3, Zone RE1 or Zone RE2, maximum height 2.5m, and~~
 - ~~(d) must not affect public safety or create danger to the public, and~~
 - ~~(e) must be on or within the property boundary, and~~
 - ~~(f) must not obstruct the natural flow of surface water, and~~
 - ~~(g) if on land within Zone R1 or Zone R2:~~
 - ~~i. must be of traditional residential fencing materials or of pipe, steel, timber, pre-coloured metal sheeting, masonry or the like, and~~
 - ~~ii. must not include barbed wire or similar man-proofing materials,~~
 - ~~(h) if on land within Zone RU5 (excluding the village of Hill End) or Zone R5:~~
 - ~~i. must be timber, wire, timber and wire or post and rail, and~~
 - ~~ii. must not be pre-coloured metal sheet fences,~~
 - ~~(i) if on land within Zone RU5 in the village of Hill End:~~
 - ~~i. must be timber, either of picket style, palisade, or rough timber paling, and~~
 - ~~ii. must not be pre-coloured metal sheet fences,~~
 - ~~(j) if of masonry construction:~~
 - ~~i. maximum height 1.2m, and~~
 - ~~ii. must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main, and~~
 - ~~iii. must not be constructed over any easement, and~~
 - ~~iv. must be clear of the zone of influence of any sewer main in accordance with Council's Drawing No. EN7902 available on the Council's website or that section of any sewer affected by the zone of influence must have footings designed to be clear of the zone of influence, and~~
 - ~~v. must not be constructed over drainage pipes or house drainage, and~~
 - ~~vi. must comply with AS 3700—2011, *Masonry structures*, and~~
 - ~~vii. must comply with AS 3600—2009, *Concrete structures*, and~~
 - ~~viii. must comply with AS/NZS1170.0:2002, *Structural design actions—General principles*, and~~
 - ~~(k) if the site contains a heritage item, the fence must be made of timber or other traditional materials appropriate to the site, and~~
 - ~~(l) must not be located on a lot identified as "Flood Planning Area" on the Flood Planning Map.~~
- (3) ~~For front, side and rear fences in rural and environment protection zones (except Zone RU5):~~
- ~~(a) must be located on land within Zone RU1, Zone RU2, Zone RU4 or Zone E4, and~~
 - ~~(b) maximum height (erected on a boundary not adjoining a public road) 1.8m, and~~

- ~~(c) — maximum height (erected on a boundary adjoining a public road) — 1.2m, and~~
- ~~(d) — must be constructed of traditional rural fencing materials, or of pipe, steel, timber, masonry or the like, and~~
- ~~(e) — must not be pre-coloured sheet metal, and~~
- ~~(f) — must be on or within the property boundary, and~~
- ~~(g) — must not affect public safety or create danger to the public, and~~
- ~~(h) — must not obstruct the natural flow of surface water, and~~
- ~~(i) — if of masonry construction:

 - ~~i. — maximum height — 1.2m, and~~
 - ~~ii. — must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main, and~~
 - ~~iii. — must not be constructed over any easement, and~~
 - ~~iv. — must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website or that section of any sewer main in accordance with that drawing or that section of any sewer affected by the zone of influence must have footings designed to be clear of the zone of influence, and~~
 - ~~v. — must not be constructed over drainage pipes or house drainage, and~~
 - ~~vi. — must comply with AS 3700 — 2011, *Masonry structures*, and~~
 - ~~vii. — must comply with AS 3600 — 2009, *Concrete structures*, and~~
 - ~~viii. — must comply with AS/NZS 1170.0:2002, *Structural design actions — General principles*, and~~~~
- ~~(j) — must not be located on a lot identified as "Flood Planning Area" on the Flood Planning Map.~~

Division 29 — Filming

29.1 — Specified development

Filming is development specified for this Schedule.

29.2 — Development standards

The standards specified for that development are as follows:

- ~~(a) — the development may only be carried out on land:

 - ~~i. — on which there is a heritage item, or~~
 - ~~ii. — within a heritage conservation area, or~~
 - ~~iii. — identified as an environmentally sensitive area,~~~~
- ~~(b) — if the filming does not involve or result in any of the following:

 - ~~i. — any changes or additions that are not merely superficial and temporary to any part of a heritage item, a heritage conservation area or an environmentally sensitive area,~~
 - ~~ii. — the mounting or fixing of any object or article on any part of such an item or area (including any building or structure),~~
 - ~~iii. — the movement, parking or standing of any vehicle or equipment on or over any part of such an item or area that is not specifically designed for the movement, parking or standing of a vehicle or equipment on or over it,~~
 - ~~iv. — any changes to the vegetation on, or level of, such an item or area~~~~

- ~~or any changes to any other natural or physical feature of the item or area;~~
- ~~(c) the development must not create significant interference with the neighbourhood; and~~
- ~~(d) if the filming is carried out on private land, the filming must not be carried out for more than 30 days within a 12-month period at the particular location; and~~
- ~~(e) a filming management plan must be prepared and lodged with the consent authority for the location at least 5 days before filming commences at the location. The plan must contain the following information and be accompanied by the following documents (without limiting the information or documents that may be submitted):~~
 - ~~i. the name, address and telephone number of the person carrying out the filming (such as a production company) and of the producer for the filming;~~
 - ~~ii. a brief description of the filming to be carried out (for example, a television commercial, a television series, a feature film or a documentary);~~
 - ~~iii. the proposed location of the filming;~~
 - ~~iv. the proposed commencement and completion dates for the filming at the location;~~
 - ~~v. the proposed daily length of filming at the location;~~
 - ~~vi. the number of persons to be involved in the filming;~~
 - ~~vii. details of any temporary structures (for example, tents or marquees) to be erected or used at the location for the purposes of the filming;~~
 - ~~viii. the type of filming equipment to be used in the filming (such as a hand-held or mounted camera);~~
 - ~~ix. proposed arrangements for parking vehicles associated with the filming during the filming;~~
 - ~~x. whether there will be any disruption to the location of the filming or the surrounding area and the amenity of the neighbourhood (for example, by the discharge of firearms or explosives, the production of offensive noise, vibrations, disruption to traffic flow or the release of smells, fumes, vapour, steam, soot, ash, dust, waste water, grit or oil);~~
 - ~~xi. whether the filming will involve the use of outdoor lighting or any other special effects equipment;~~
 - ~~xii. a copy of the public liability insurance policy that covers the filming at the location;~~
 - ~~xiii. a copy of any approval given by a public or local authority to carry out an activity associated with the proposed filming at the location; such as the following:~~
 - ~~(A) an approval by the Roads and Maritime Services for the closure of a road;~~
 - ~~(B) an approval by the Council for the erection or use of a temporary structure, closure of a road or a public footpath, or a restriction in pedestrian access;~~
 - ~~(C) an approval by the Environment Protection Authority for an open fire;~~
 - ~~(D) an approval by the NSW Police Force for the discharge of firearms;~~
 - ~~(E) an approval by the Crown Land Division of Primary Industries before the use of Crown land;~~
 - ~~xiv. details of any temporary alteration or addition to any building or~~

- ~~work at the location for the purposes of the filming,~~
- ~~(f) the person carrying out the filming must, at least 5 days before filming commences at the particular location, give notice in writing (by way of a letter box drop) of the filming to residents within a 50m radius of the location. The notice must contain the following information:~~
- ~~i. the name and telephone number of the person carrying out the filming (such as a production company) and of a contact representative of that person;~~
 - ~~ii. a brief description of the filming to be carried out at the location, and any proposed disruptions to the location or the surrounding area or the amenity of the neighbourhood;~~
 - ~~iii. the proposed commencement and completion dates for the filming at the location;~~
 - ~~iv. the proposed daily length of filming at the location.~~

Division 32 Greenhouses, cabanas, gazebos, and ferneries

32.1 Specified development

The construction of a greenhouse, cabana, gazebo, or fernery is development specified for this Schedule.

32.2 Development standards

- (1) Must not be located on land within Zone RU5 in the village of Hill End.
- (2) Maximum building height
 - (a) Overall height – 2.4m
- (3) Maximum gross floor area – 20m²
- (4) Setbacks
 - (a) From a boundary with a primary road: Behind the front building alignment
 - (b) From a boundary with a secondary road: 900mm
 - (c) From side or rear boundary: 900mm
 - (d) for development carried out in Zone RU1 or RU4—20m from a property boundary
 - (e) for development carried out in Zone RU2—40m from a property boundary with the Mount Panorama Motor Racing Circuit
 - (f) for development carried out in Zone RU2—20m from a property boundary which does not adjoin the Mount Panorama Motor Racing Circuit
- (5) Must be constructed or installed so that any roofwater is disposed of into an existing stormwater drainage system or a legal point of discharge.
- (6) Must be constructed of non-reflective materials or painted before use.
- (7) If located in a heritage conservation area, the colouring of materials used must match those used on the main building.
- (8) Must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main.
- (9) Must not be constructed over any easement.
- (10) Must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website.
- (11) If located over the existing house drainage pipelines, access to the inspection openings must be maintained at all times.

- (12) Must not be located on a lot identified as “Flood Planning Area” on the Flood Planning Map.

Division 40 Painting and rendering of buildings

40.1 Specified development

The painting and rendering of buildings is development specified for this Schedule.

40.2 Development standards

- (1) Must not be a Heritage Item or draft Heritage Item
- (2) Must not be located on land within Zone B3.
- (3) For development that is painting, colours used must be representative of the period of the building or structure and must not adversely affect the heritage significance of the area or the streetscape.
- (4) Where in a Heritage Conservation Area, must not include the external painting or rendering of face brickwork not previously painted or rendered.

Division 42 Portable classrooms (not covered by State Environmental Planning Policy (Infrastructure) 2007)

42.1 Specified development

The installation of a portable classroom, other than those covered by State Environmental Planning Policy (Infrastructure) 2007, is development specified for this Schedule.

42.2 Development standards

- (1) Must be located within the grounds of an educational establishment.
- (2) Must be single storey.
- (3) Must be located within the property boundary.
- (4) Must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main.
- (5) Must not be constructed over any easement.
- (6) Must be clear of the zone of influence of any sewer main in accordance with the Council’s Drawing No. EN7902 available on the Council’s website.
- (7) If located over the existing house drainage the house drainage is to be relaid clear of the proposed development.
- (8) Must not be within 40m of a perennial or intermittent named waterway.
- (9) Must be constructed of non-reflective materials or painted before use.
- (10) Must provide access for people with disabilities in accordance with AS 1428.1—2009, Design for access and mobility—*General requirements for access—New building work*.
- (11) If the property is located within a heritage conservation area—must not be visible from a road or public place.
- (12) Must be constructed or installed so that any roofwater is disposed of into

- ~~an existing stormwater drainage system or a legal point of discharge.~~
- (13) Must not be located on bush fire prone land.
- (14) Must not be constructed or installed on or in, or in relation to, a heritage item or draft heritage item.
- (15) Must not be located on a lot identified as “Flood Planning Area” on the Flood Planning Map.

Division 43—Portable swimming pools and spas and child-resistant barriers

43.1—Specified development

~~The construction or installation of portable swimming pools, spas and child resistant barriers is development specified for this Schedule.~~

43.2—Development standards

- ~~(1) Must be located above ground.~~
- ~~(2) Must be located behind the front building line.~~
- ~~(3) Must be located at least 1m from each lot boundary.~~
- ~~(4) Must not exceed 2,000L in capacity.~~
- ~~(5) Must not require structural work for installation.~~
- ~~(6) Must not impact on the structural stability of any building.~~
- ~~(7) Spas must be installed by a licensed plumber in accordance with AS/NZS 3500 and Plumbing Code of Australia.~~
- ~~(8) If a spa, must be covered or secured by a child resistant structure (such as a door, lid, grille or mesh) that is:~~
 - ~~(a) of substantial construction and having no opening through which it is possible to pass a testing apparatus as detailed in AS 1926.1—2012, Swimming pool safety—Safety barriers for swimming pools, and~~
 - ~~(b) fastened to the spa pool by a device that is itself of substantial construction and having no opening through which it is possible to pass a testing apparatus as detailed in AS 1926.1—2012, Swimming pool safety—Safety barriers for swimming pools.~~
- ~~(9) Must be for domestic purposes only.~~
- ~~(10) Must not be more than 1 per dwelling on the lot.~~
- ~~(11) Must not be located on a lot identified as “Flood Planning Area” on the Flood Planning Map.~~

~~Note. Under the Swimming Pools Act 1992 a child restraint barrier is also required to be constructed or installed.~~

Division 45 Rainwater tanks (above or below ground)

45.1 Specified development

The construction or installation of rainwater tanks (above or below ground) is development specified for this Schedule.

45.2 Development standards

- (1) If on land, other than land within Zone RU1, Zone RU2, Zone RU3, Zone RU4, Zone R5, Zone E2 or Zone E4—must not have a capacity of more than 25,000L.
- (2) Setbacks
 - (a) From a boundary with a primary road: Behind the front building alignment
 - (b) From a boundary with a secondary road: 900mm
 - (c) From side or rear boundary: 900mm
 - (d) for development carried out in Zone RU1 or RU4—10m from a property boundary
 - (e) for development carried out in Zone RU2—40m from a property boundary with the Mount Panorama Motor Racing Circuit
 - (f) for development carried out in Zone RU2—20m from a property boundary which does not adjoin the Mount Panorama Motor Racing Circuit
- (3) Must not be within 40m of a perennial or intermittent named waterway.
- (4) Must not be located on a lot identified as “Flood Planning Area” on the Flood Planning Map.
- (5) If in a rural zone, must have its overflow connected to an existing stormwater drainage system or alternatively disposed of entirely on the land in such a manner that damage or nuisance is not caused to adjoining properties.
- (6) If in a zone other than a rural zone, must be constructed or installed so that any roofwater is disposed of into an existing stormwater drainage system or a legal point of discharge.
- (7) If the water in the tank is to be used for human consumption, must not be interconnected with a bore water supply.
- (8) Must have an appropriate back flow prevention device installed on any water service in accordance with AS/NZ 3500 and the *Plumbing Code of Australia*.
- (9) Must be installed in accordance with the requirements of AS/NZ 3500 and the *Plumbing Code of Australia*.
- (10) If reticulated water is provided to the lot—must not be interconnected with any system supplying drinking water to the lot unless it complies with the relevant water authority’s requirements.
- (11) Pumps attached to the development must be housed in a soundproof enclosure.
- (12) Must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main.
- (13) Must not be constructed over any easement.
- (14) Must be clear of the zone of influence of any sewer main in accordance with the Council’s Drawing No. EN7902 available on the Council’s website.
- (15) If located over the existing house drainage the house drainage is to be relaid clear of the proposed development.

Division 48 Screen enclosures (of balconies, decks, patios, pergolas, terraces and verandahs)

48.1 Specified development

The construction or installation of screen enclosures (of balconies, decks, patios, pergolas, terraces and verandahs) is development specified for this Schedule.

48.2 Development standards

- (1) Must not have a solid enclosing wall higher than 1.4m above the floor level of the structure it is enclosing.
- (2) Must be located behind the front building line.
- (3) Must be located 900mm from each lot boundary.
- (4) Must be constructed of non-reflective materials or painted before use.
- (5) If located over the existing house drainage the house drainage is to be relaid clear of the proposed development.
- (6) Must be constructed or installed so that any roofwater is disposed of into an existing stormwater drainage system or a legal point of discharge.
- (7) Must have at least two thirds of its perimeter comprising open screen mesh material.
- (8) If constructed or installed in a heritage conservation area—must not be attached to any balcony, deck, patio, pergola, terrace or verandah that faces any road.
- (9) Must not be constructed or installed on or in, or in relation to, a heritage item or draft heritage item.
- (10) Must not be located on a lot identified as “Flood Planning Area” on the Flood Planning Map.

Division 49A Shipping containers

49A.1 Specified development

The installation of a shipping container is development specified for this Schedule.

49A.2 Development standards

- (1) Must not be located on land within Zone RU5 in the village of Hill End or within a Heritage Conservation Area.
- (2) Maximum building dimensions
 - (a) Overall height – 3.0m
 - (b) Overall length – 12.5m
 - (c) Overall width – 2.5m
- (3) Setbacks
 - (a) From a boundary with a primary road: Behind the front building alignment
 - (b) From a boundary with a secondary road: 900mm
 - (c) From side or rear boundary: 900mm
 - (d) for development carried out in Zone RU1 or RU4—50m from a property boundary
 - (e) for development carried out in Zone RU2—40m from a property boundary with the Mount Panorama Motor Racing Circuit
 - (f) for development carried out in Zone RU2—20m from a property boundary which does not adjoin the Mount Panorama Motor Racing Circuit
- (4) Must not be more than 1 development.
- (5) Must be located a minimum of 900mm from a side or rear boundary.
- (6) Must be painted before use.
- (7) Any structure with a gross floor area exceeding 10m² located in a heritage conservation area must have the following characteristics,

- (a) the colouring of materials used must match those used on the main building.
- (b) a 30° roof pitch, or a pitch that matches the pitch of the main dwelling,
- (c) steel sheeting is of a traditional corrugated profile.
- (8) Must not be constructed or installed on or in, or in relation to, a heritage item, other than within Zone RU1 if the carport is not attached to the heritage item.
- (9) Must be 1.2m clear of any 150mm diameter sewer main or 2m clear of any 225mm (or greater) diameter sewer main.
- (10) Must not be constructed over any easement.
- (11) Must be clear of the zone of influence of any sewer main in accordance with the Council's Drawing No. EN7902 available on the Council's website.
- (12) If located over the existing house drainage pipelines, access to the inspection openings must be maintained at all times.
- (13) Must not be located on a lot identified as "Flood Planning Area" on the Flood Planning Map.

~~Division 55—Temporary structures (other than tents and marquees) and temporary alterations or additions to buildings or works, solely for filming purposes~~

~~55.1—Specified development~~

~~The construction or installation of a temporary structure (other than a tent or marquee) and temporary alterations or additions to a building or work solely for filming purposes is development specified for this Schedule.~~

~~55.2—Development standards~~

- ~~(1) May only be erected, used, altered or added to in connection with filming that is exempt development.~~
- ~~(2) Must not be at the location for more than 30 days within a 12-month period.~~
- ~~(3) Alteration or addition to the building or work must not remain in place for more than 30 days within a 12-month period.~~
- ~~(4) Must not, in its altered or added to form, be accessible to the public.~~

~~Division 57—Tents or marquees used solely for filming purposes~~

~~57.1—Specified development~~

~~The construction or installation of a tent or marquee used solely for filming purposes is development specified for this Schedule.~~

~~57.2—Development standards~~

- ~~(1) May only be used in connection with filming that is exempt development.~~
- ~~(2) Total floor area of all tents or marquees on location at the same time must not exceed 200m².~~

- ~~(3) Must be located at least 3m from any boundary adjoining a public road and at least 1m from any other boundary.~~
- ~~(4) Must have the following number of exits arranged so as to afford a ready means of egress from all parts of the tent or marquee to open space or a road:~~
 - ~~(a) if the floor area of the tent or marquee does not exceed 25m²—one exit,~~
 - ~~(b) in any other case—2 exits.~~
- ~~(5) Width of each exit must be at least:~~
 - ~~(a) if the floor area of the tent or marquee is less than 150m²—800mm, or~~
 - ~~(b) in any other case—1m.~~
- ~~(6) Height of the walls must not exceed:~~
 - ~~(a) if erected on private land—4m, or~~
 - ~~(b) in any other case—5m.~~
- ~~(7) Height as measured from the surface on which the tent or marquee is erected to the highest point of the tent or marquee must not exceed 6m.~~
- ~~(8) Must resist loads determined in accordance with the following Australian and New Zealand Standards:~~
 - ~~(a) AS/NZS 1170.0:2002, Structural design actions—General principles,~~
 - ~~(b) AS/NZS 1170.1, Structural design actions—Permanent, imposed and other actions,~~
 - ~~(c) AS/NZS 1170.2, Structural design actions—Wind actions.~~
- ~~(9) Must not remain at the location more than 2 days after the completion of the filming at the location.~~

Division 53 Temporary builders' structures

53.1 Specified development

The erection or installation of temporary builders' structures is development specified for this Schedule.

53.2 Development standards

- (1) The development in zones must:
 - (a) Must not be located on a lot located in the "Flood Planning Area" identified on the Flood Planning Map, and
 - (b) be located on the lot in relation to which development consent has been granted.
 - (c) not obstruct the sight line of vehicle or pedestrian traffic.
 - (d) not be used for residential purposes.
 - (e) be removed from the lot immediately after completion of the works for which the development consent was granted.
- (2) If it contains plumbing fixtures, must have those fixtures connected to an approved waste water treatment device or an approved connection to the sewer.
- (3) Access to the Council's sewer manholes and property sewer connection points must be maintained at all times.

Attachment 5

Schedule 3 Complying development

(Clause 3.2)

Note 1. *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies complying development and the complying development conditions for that development under that Policy. The Policy has State-wide application. This Schedule contains additional complying development not specified in that Policy.

Note 2. Despite Note 1, under clause 1.9 (3) of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* this Plan continues to apply to that development and under clause 1.9 (10) of that Policy that development may be carried out under this Plan or that Policy.

Part 1 Types of development

1 General requirements for all complying development

- (1) To be complying development, the development must:
 - (a) not involve an extension, enlargement, alteration, intensification or change of use to a building that is only lawful because of Division 10 of Part 4 of the Act, and
 - (b) not be integrated development under section 91 of the Act, and
 - (c) not be located on land subject to:
 - (i) State Environmental Planning Policy No 33—Hazardous and Offensive Development, or
 - (ii) State Environmental Planning Policy No 44—Koala Habitat Protection, or
 - (iii) State Environmental Planning Policy No 55—Remediation of Land, and
 - (d) not exceed the obstacle height limitation surface shown on the Obstacle Limitation Surface Map, and
 - (e) not be located on land that:
 - (i) adjoins the boundary or curtilage of a heritage item listed on the State Heritage Register, or
 - (ii) is subject to a notice, order or agreement under the Contaminated Land Management Act 1997, or

- (iii) is identified as “Flood Planning Area” on the Flood Planning Map, and
- (f) not involve the removal of a tree unless the relevant approval has been obtained from the Council.

2 Additions to dwelling houses

(1) Application and general

- (a) Must be within Zone RU1, Zone RU4, Zone RU5, Zone R1, Zone R2, Zone R5, Zone B1 or Zone B3.
- (b) Must be an addition to an existing approved dwelling and may be either a habitable or non-habitable addition.
- (c) Must not be capable of being used as a separate dwelling.
- (d) Must not be within a heritage conservation area.
- (e) Must not be located on land within the 20 dB(A) or more ANEF contour.
- (f) If reticulated water is not provided, must include the provision of an additional rural water supply of 15,000L per bedroom.
- (g) If a reticulated sewer is not provided, must include the provision of additional on-site effluent capacity as supported by geotechnical certification prepared for the site.
- (h) Must not involve the conversion of a non-habitable portion of the dwelling to a habitable portion of the dwelling.
- (i) Before the complying development certificate is issued, must have an approval, if required by the Local Government Act 1993, for an on-site effluent disposal system if the development is undertaken on unsewered land.
- (j) Before the complying development certificate is issued, must have a Bush Fire Attack Level (BAL) certificate, if required by section 79BA of the Act, issued by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements if the development is undertaken on bush fire prone land.
- (k) If the part of the lot on which the development is proposed is identified as BAL 29 or less (not BAL 40 or BAL FZ), the BAL certificate must be attached to the application.

(2) Bulk and scale

- (a) Must not be higher than two storeys. The construction of a

basement is not complying development.

- (b) The dwelling, together with any other buildings on the lot, must occupy no more than two-thirds of the area of the lot and there must be a single unoccupied area of at least 50m².
- (c) The overall building height above ground level (existing) must not be more than 8.5m measured to the eave of the dwelling.
- (d) If within Zone R5, the height of the addition must be consistent with the height of the existing dwelling.

(3) Setbacks and siting

- (a) If within Zones RU1 or Zone RU4—40m front, side and rear setbacks.
- (b) If within Zones RU5, Zone R1, Zone R2, Zone B1 or Zone B3:
 - (i) the development must not be constructed closer to the side and rear boundaries than the distance specified in the table below:

Wall height (measured to the eave of the dwelling from natural ground)	Minimum setback required (measured to the wall of the dwelling from the property boundary)
Less than or equal to 3500mm	900mm
4,000mm	1,025mm
4,500mm	1,150mm
5,000mm	1,275mm
5,500mm	1,400mm
6,000mm	1,525mm
6,500mm	1,650mm
7,000mm	1,725mm
7,500mm	1,900mm
8,000mm	2,025mm
8,500mm	2,150mm

Note. The wall height is rounded up to the next closest measurement. For example, a wall height of 4,100mm will be rounded to 4,500mm and therefore a setback of 1,150mm is required.

- (ii) Front setback must be a minimum 6m but not more than 10m, except for corner lots where the combined distance of the 2 front setbacks to the 2 roads must be not less than 8m, provided neither is less than 2m.

Note. The front setback for a battle-axe lot is taken to be the intersection of the axe handle and the block.

- (c) If within Zone R5:
 - (i) the dwelling additions must have a setback of at least 5m

from side and rear boundaries, and 10m from the front boundary, or if a building envelope is shown on the relevant Deposited Plan, consistent with that building envelope, and

- (ii) the maximum site coverage must be 25% of the area of the lot for all buildings and structures, and
- (iii) the dwelling additions must be attached to the existing dwelling.
- (d) Second storey windows (other than bedroom, bathroom or utility room windows), balconies, terraces and verandahs must have a minimum setback of at least 8m to side and rear boundaries unless the boundary adjoins a street or public place or the window consists of obscured glass or glass blocks.
- (e) Must be clear of:
 - (i) any 150mm diameter sewer main by 1.2m, or
 - (ii) any 225mm (or greater) diameter sewer main by 2.0m, or
 - (iii) a Council's rising (pumped) main of any size by 2.0m, and
 - (iv) the zone of influence of any sewer main in accordance with the Council's drawing No. EN7902 available on the Council's website.
- (f) A clearance from a sewer manhole of at least 1 metre (measured from the outer sewer manhole collar) is to be maintained in all directions.
- (g) Must not be located within any easements or restrictions registered on a deposited plan for the subject lot.
- (h) Within Zone RU5, Zone R1, Zone R2, Zone R5, Zone B1 or Zone B3, must not be closer to the nearest electricity conductor than a vertical line 3m measured horizontally from the conductor.
- (i) If within Zone RU1 or Zone RU4, must not be closer to the nearest electricity conductor than a vertical line 15m (measured horizontally) from the conductor.
- (j) Above ground rainwater tanks must be located behind the front building line.

(4) Design, finishes and streetscape

- (a) Building materials must be of similar type and colours used on surrounding buildings and the existing building.
- (b) All external materials must be non-reflective.

(5) Site works

- (a) Maximum cut—1m.
- (b) Maximum fill—1m.
- (c) Must achieve the minimum cover of all engineering services (e.g. sewer, stormwater, water mains) in accordance with Council's Engineering Guidelines.

(6) Access, parking and traffic

- (a) For corner lots—minimum 6m distance must be provided between a driveway and the tangent point (TP) of the kerb at the intersection in accordance with AS 2890.1
- (b) Must not have direct access to a classified road except for those lands that maintain an existing access.
- (c) Must have minimum 20m distance between the property entrance and an intersection with a classified road.
- (d) In Zone R1, Zone R2, Zone R5, Zone B1 and Zone B3, must have a minimum 3m wide access at the property boundary.
- (e) In Zone RU1, Zone RU4 and Zone RU5, must have an access that complies with Part 4.1.3 (2) of Planning for Bush Fire Protection (ISBN 0 9751033 2 6) issued by NSW Rural Fire Service in 2006.
- (f) Must maintain a minimum of 1 covered car parking space at or behind the building line.
- (g) In Zone R5, must not propose a new access point to a public road.

(7) Open space

Within Zone RU5, Zone R1, Zone R2, Zone B1 and Zone B3, must be a single unoccupied area of at least 50m² to serve as private open space and must have a width of not less than 4m and a gradient of less than 1:10.

Note. If any associated fences or retaining walls exceed the exemption criteria for such development under Schedule 2 they are not exempt development.

3 Conversion of a dwelling to tourist and visitor accommodation

(1) Application and general

- (a) Must be within Zone RU1, Zone RU4, Zone RU5, Zone R1, Zone R2, Zone R5, Zone B1 or Zone B3.
- (b) Must not be located on bush fire prone land.

- (c) Must involve the occupation of an existing residential building.
- (d) Must not involve external alterations except those that are exempt development under Schedule 2.
- (e) Must not be located on land within the 20 dB(A) or more ANEF.
- (f) The establishment must comply with the requirements of the Council's Operation of *Tourist and Visitor Accommodation Establishments Policy*.
- (g) Before the complying development certificate is issued, must have an approval to operate a sewerage management system, if required by the Local Government Act 1993, for an on-site effluent disposal system if the development is undertaken on unsewered land.
- (h) If reticulated water is not provided, household taps must be labelled: *"This water is not treated, NSW Health recommends that you hold the water at boiling point for at least one minute before drinking"*.

(2) Bulk and scale

- (a) Maximum floor area—300m².
- (b) Accommodation must not be provided to more than 12 guests.

(3) Access, parking and traffic

- (a) Parking must be provided at the rate of 1 parking space per visitor bedroom and 1 parking space for permanent residents.
- (b) Must have 3m access width at property boundary.
- (c) Must not have direct access to a classified road except for those lands that maintain an existing access.
- (d) Must have minimum 30m distance between the property entrance and an intersection with a classified road.

4 Dwelling houses (including exhibition homes and dwelling houses with attached and detached garages)

(1) Application and general

- (a) Must be within Zone R1 or Zone R2.
- (b) Must not be within a heritage conservation area.
- (c) Must not be located on land within the 20 dB(A) or more ANEF.

- (d) Must not be located on land within the 50 dBA Noise Contour as shown on the Mount Panorama Environs Map.

(2) Bulk and scale

- (a) Must achieve the minimum lot size as shown on the Lot Size Map.
- (b) Must not require the consolidation of lots to achieve the minimum lot size as shown on the Lot Size Map.
- (c) Must not be higher than two storeys. The erection of a basement as part of a new dwelling house is not complying development.
- (d) The dwelling, together with any other buildings on the lot, must not occupy more than two-thirds of the area of the lot and there must be a single unoccupied area of at least 50m².
- (e) The overall building height above ground level (existing) must not be more than 8.5m measured to the eave of the dwelling.

(3) Setbacks and siting

- (a) The front setback must be a minimum 6m but not more than 10m, except for corner lots where the combined distance of the 2 front setbacks to the 2 roads must be not less than 8m, provided neither is less than 2m.

Note. The front setback for a battle-axe lot is taken to be the intersection of the axe handle and the block.

- (b) The dwelling must not be constructed closer to the side and rear boundaries than the distance specified in the table below:

Wall height (measured to the eave of the dwelling from natural ground)	Minimum setback required (measured to the wall of the dwelling from the property boundary)
Less than or equal to 3500mm	900mm
4,000mm	1,025mm
4,500mm	1,150mm
5,000mm	1,275mm
5,500mm	1,400mm
6,000mm	1,525mm
6,500mm	1,650mm
7,000mm	1,725mm
7,500mm	1,900mm
8,000mm	2,025mm
8,500mm	2,150mm

Note. The wall height must be rounded up to the next closest measurement. For example, a wall height of 4,100mm will be rounded to 4,500mm and therefore a setback of 1,150mm is required.

- (c) Second storey windows (other than bedroom, bathroom and utility room windows), balconies, terraces and verandahs must have a minimum setback of at least 8m to side and rear boundaries, unless

the boundary adjoins a street or public place or the window is of obscured glass or of glass blocks.

- (d) Must be clear of:
 - (i) any 150mm diameter sewer main by 1.2m, or
 - (ii) any 225mm (or greater) diameter sewer main by 2m, or
 - (iii) a Council's rising (pumped) main of any size by 2m, and
 - (iv) the zone of influence of any sewer main in accordance with the Council's drawing No. EN7902 available on the Council's website.
- (e) A clearance from a sewer manhole of at least 1 metre (measured from the outer sewer manhole collar) is to be maintained in all directions.
- (f) Must not be located within any easements or restrictions registered on a deposited plan for the subject lot.
- (g) Must not be closer to the nearest electricity conductor than a vertical line 3m (measured horizontally) from the conductor.
- (h) Above ground rainwater tanks must be located behind the front building line.
- (i) The dwelling must be located wholly within the building envelope if illustrated on the deposited plan for the subject lot.

(4) Design, finishes and streetscape

A dwelling, other than a dwelling on a battle-axe lot, must have a front door and a window of a habitable room in the building wall that faces a primary road.

(5) Site works

- (a) Maximum cut—1m.
- (b) Maximum fill—1m.
- (c) Must achieve the minimum cover of all engineering services (e.g. sewer, stormwater, water mains) in accordance with Council's Engineering Guidelines.

(6) Access, parking and traffic

- (a) For corner lots—minimum 6m distance must be provided between a driveway and the tangent point (TP) of the kerb at the intersection in accordance with AS 2890.1
- (b) Must not have direct access to a classified road except for those

lands that maintain an existing access.

- (c) Must be able to provide a minimum of one covered car parking space at or behind the building line (whether or not the space forms part of the application).
- (d) Must have a minimum 3m wide access at property boundary.

(7) Landscaping and open space

Must be a single unoccupied area of at least 50m² to serve as private open space and must have a width of not less than 4m and a gradient of less than 1:10.

(8) Fences and retaining walls

Fences and retaining walls must not exceed the exemption criteria for such development under Schedule 2, as applicable.

5 Outdoor swimming pools and child resistant barriers

(1) Application and general

- (a) Must be within Zone RU1, Zone RU2, Zone RU4, Zone RU5, Zone R1, Zone R2, Zone R5, Zone B1, Zone B3, Zone SP2, Zone RE1, Zone RE2 or Zone E4.
- (b) Must not include the construction of a building enclosure over and around the pool.
- (c) Must be ancillary to a dwelling house.
- (d) Must not be located in the Bathurst heritage conservation area.

(2) Setbacks and siting

- (a) Must be clear of:
 - (i) any 150mm diameter sewer main by 1.2m, or
 - (ii) any 225mm (or greater) diameter sewer main by 2m, or
 - (iii) a Council's rising (pumped) main of any size by 2m, and
 - (iv) the zone of influence of any sewer main in accordance with the Council's drawing No. EN7902 available on the Council's website.
- (b) A clearance from a sewer manhole of at least 1 metre (measured from the outer sewer manhole collar) is to be maintained in all directions.

- (c) Must not be located within any easements or restrictions registered on a deposited plan for the subject lot.
- (d) Must not be closer to the nearest electricity conductor than a vertical line 3m (urban areas) or 15m (rural areas) (measured horizontally) from the conductor.
- (e) If a swimming pool, the water line must have a setback of at least 1m from the side or rear boundary.
- (f) If a swimming pool, decking must not be located within 2m of a side or rear boundary.
- (g) If within Zone R1, Zone R2, Zone RU5, Zone B1, Zone B3, Zone SP2, Zone RE1 or Zone RE2—must be behind the front building line.
- (h) If within Zone R5 and Zone RU5—the backwash disposal area must not be located within 50m of a waterway.
- (i) If within Zone R5 and located on land in Robin Hill—no backwash disposal area must be installed unless supporting geotechnical certification proves that land is suitable for wastewater disposal.
- (j) If within Zone RU1, Zone RU2, Zone RU4 or Zone E4:
 - (i) must be 20m from a side or rear boundary and 40m from any public road, and
 - (ii) no backwash disposal area must be located within 50m of a waterway.

(3) Site works

- (a) Maximum cut—1m.
- (b) Maximum fill—1m.

Note. Under the Swimming Pools Act 1992 a child restraint barrier is also required to be constructed or installed.

Part 2 Complying development certificate conditions

Note. Complying development must comply with the requirements of the Act, the regulations under the Act and this Plan.

General conditions

Any development specified in Part 1 is subject to the same conditions set out in Schedule 6 to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Note. Despite the Note above, under clause 1.9 (3) of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 this Plan continues to apply to that development and under clause 1.9 (10) of that Policy that development may be carried out under this Plan or that Policy. If under this Plan, the development specified in Part 1 is subject to the following conditions.

Division 1 Conditions that apply to additions to dwelling houses

1.1 Before commencing

- (1) The payment to the Council of:
 - (a) a bond for security deposit on the kerb and gutter and footpath, and
 - (b) fees for plumbing and drainage work, and
 - (c) fees for the issuing of access levels,

in accordance with the provisions of the Council's Management Plan for the year in which the amount owing is paid.

The fees and bond must be paid before any construction work commences.

Note. The bond held on the kerb and gutter and footpath is fully refundable upon completion of all works and upon inspection by the Council to ensure that any damage to the Council's infrastructure has been repaired. The bond will not be refunded until the damage done to the Council's infrastructure is repaired to its satisfaction.

- (2) Any development involving bonded asbestos removal work (of an area of more than 10m²) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence issued under Part 8.10 of the Work Health and Safety Regulation 2011.

The person having the benefit of the complying development certificate must provide the Council with a copy of a signed contract with such a person before any development under the consent commences.

Any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material must be delivered.

- (3) Before construction commences, arrangements, satisfactory to the relevant electricity authority and the relevant telecommunications authority, for the provision of electrical power and telephone lines, respectively, to fully serve the development, must be made.
- (4) All building rubbish and debris, including that which can be wind blown, must be contained on site in a suitable container at all times before disposal at the Council's waste management centre. The container must be erected or placed on the building site before work commences.

Materials, sheds or machinery to be used in association with the construction of the building must not be stored or stacked on the Council's footpath, nature strip, reserve or roadway.

Note. Building rubbish or debris must not be placed or be permitted to be placed on any adjoining public reserve, footway, road or private land.

- (5) Before plumbing and drainage works commence, the responsible plumbing contractor must submit to the Council a notice of works under the Plumbing and Drainage Act 2011.

1.2 During construction

- (1) The site must be protected from erosion and sediment loss during the construction works. This work must be carried out and maintained in accordance with the Council's Erosion and Sediment Control Guidelines for Building and Work Sites. Run-off and erosion controls must be effectively maintained until the site has been stabilised and landscaped.
- (2) Works must be carried out in accordance with the plans and specifications to which the complying development certificate relates.
- (3) The building must be designed and constructed so that all floor levels have sufficient height to enable the house drainage line to fall at a permissible gradient to the connection to the Council's sewer main, and the earthworks on the site must be such that there is the required minimum cover over the house drainage line, all in accordance with the Plumbing Code of Australia.
- (4) Toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:
 - (a) a standard flushing toilet connected to a public sewer, or
 - (b) if that is not practicable, an accredited sewage management facility approved by the Council, or

- (c) if that is not practicable, any other sewage management facility approved by the Council.

Note 1. The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

Note 2. Refer to the Council's guidelines for the provision of builders temporary closet accommodation.

- (5) The plumbing and drainage must be inspected by the Council at the times specified in Column 2.

Column 1

Internal house drainage

External house drainage

Stack work

Final

Column 2

When all internal plumbing work is installed and before concealment.

When all external plumbing work is installed and before concealment.

When all work is installed and before concealment.

Before occupation of the building.

- (6) All plumbing and drainage work must be carried out by a licensed plumber and drainer and to the requirements of the Plumbing Code of Australia.

Note. It will be necessary to install a temperature control valve (eg tempering valve) to ensure that hot water to all personal hygiene fixtures is delivered at a temperature not exceeding 50°C.

- (7) All existing house sewerage drainage pipelines affected by the proposed dwelling addition must be re-laid clear of the new building alignment. All redundant plumbing and drainage must be capped off in accordance with the Plumbing Code of Australia. All redundant plumbing must be inspected by the Council before concealment of the capped off works.

- (8) All roofed and paved areas must be drained and the water from those areas and from any other runoff must be drained off the site in accordance with the Plumbing Code of Australia.

Stormwater disposal drains must be connected to all roof gutter down pipes within 14 days of installation of the down pipes or the construction of hard standing areas, as may be appropriate, to discharge roofwater to the approved method of disposal.

If kerb and gutter is constructed, an approved PVC or galvanised steel kerb adaptor (either roll over kerb adaptor or upright kerb adaptor) must be installed in the kerb.

- (9) All stormwater runoff from the proposed development must be collected on site and conveyed to an appropriate stormwater disposal system in a manner consistent with the Council's Guidelines for Engineering Works.

- (10) If stormwater is being discharged into a table drain, open channel or

drainage line, an appropriately designed energy dissipating device must be installed at the point where the stormwater is discharged into the table drain, open channel or drainage line.

- (11) The overflow for the rainwater tank must be connected to a drainage line and conveyed to the street gutter, common drainage line or otherwise disposed of on site in accordance with the Plumbing Code of Australia.

Note 1. The rainwater tank should be maintained and protected against mosquito infestation.

Note 2. The Council does not recommend the use of tank rainwater for drinking, showering or washing eating utensils.

Note 3. If a pump is required it must be located and operated so as not to cause a noise nuisance to adjoining properties.

- (12) All earthworks, filling, building, driveways or other works, must be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
- (13) Site fill must be clean material, free from organic matter, and compacted in horizontal layers not more than 250mm thick to 95% of the standard maximum dry density of the soil and must comply with the Council's *Guidelines for Engineering Works*.
- (14) The ground surrounding the building must be graded and drained to ensure that all surface and seepage water is diverted clear of buildings on the site and clear of adjoining properties. Permanent surface or subsoil drains or a combination of both must be provided to all excavated areas, hard standing areas and depressions. The invert of such drains must be a minimum of 200mm below the finished floor level and must have a minimum gradient of 1:100 to the stormwater disposal location. This work must be carried out within 14 days of the installation of the roof gutter down pipes.
- (15) All excavation and backfilling associated with the erection or demolition of the building must:
 - (a) be executed safely and in accordance with appropriate professional standards, and
 - (b) be properly guarded and protected to prevent it from being dangerous to life or property.
- (16) If a vehicular crossing must be constructed over the footway, access levels must be obtained from the Council's Engineering Department. The vehicular crossing must be constructed in accordance with the Council's *Guidelines for Engineering Works*. Further, the applicant must obtain a compliance certificate under section 109C of the Act at the completion of construction of the footway crossing from the Council or an accredited certifying authority certifying that the works have been completed in accordance with those guidelines and that the levels are in accordance with those issued.

- (17) If a vehicular crossing must be constructed over the footway adjacent to the proposed ingress or egress points it must be designed and constructed in accordance with the Council's *Guidelines for Engineering Works*. Further, the applicant must obtain a compliance certificate under section 109C of the Act at the completion of construction of the footway crossing from the Council or an accredited certifying authority certifying that the works have been completed in accordance with those guidelines and that the levels are in accordance with those issued.
- (18) The design and construction of vehicular access must comply with:
- (a) access levels obtained from the Council, and
 - (b) the Council's *Guidelines for Engineering Works*.
- (19) The external building material (sheet metal cladding) proposed to be used on the walls and roof of the building must be non-reflective. White colorbond is not permitted.
- (20) Building work involving the use of electric or pneumatic tools or other noisy operations must be carried out only between 7.00 am and 8.00 pm on weekdays and 8.00 am and 8.00 pm on weekends and public holidays.
- (21) The developer must relocate, if necessary, at the developer's cost any utility services.
- (22) The vehicular access from the proposed dwelling to the property boundary must comply with Part 4.1.3 (2) of *Planning for Bush Fire Protection* (ISBN 0 9751033 2 6) issued by NSW Rural Fire Service in 2006.

Construction of the vehicular access must achieve the following minimum standards:

- (a) a minimum carriageway width of 4m,
- (b) passing bays every 200m that are 20m long by 2m wide making a minimum trafficable width of 6m at the passing bay,
- (c) minimum vertical clearance of 4m to any overhanging obstructions,
- (d) curves must have a minimum inner radius of 6m,
- (e) a cross fall not exceeding 10 degrees,
- (f) a maximum gradient of not more than 10 degrees.

Note. Operators are reminded that the tree preservation provisions of clause 5.9 of this Plan are also relevant during the construction phase.

1.3 Before occupation or the issue of subdivision certificate

Note. The applicant must obtain an occupation certificate under section 109C of the Act, from either the Council or an accredited certifying authority before the occupation of the building. The issuing of an occupation certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is still responsible for ensuring that all conditions of development consent have been complied with.

- (1) Additional water supply must be supplied in areas where reticulated water is unavailable of 15,000L per additional bedroom for domestic purposes.
- (2) At the commencement of building works, and in perpetuity, the property around the building must be managed, and Asset Protection Zones established, in accordance with section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection* (ISBN 0 9751033 2 6) issued by NSW Rural Fire Service in 2006 and *Standards for Asset Protection Zones*.

For asset protection zones (APZ) on slopes greater than 18 degrees, the property must be landscaped or managed (eg terracing) with suitable access being provided to the APZ to ensure the ongoing maintenance of the area. Details of landscaping plans must be submitted for approval to the Council or the principal certifier with the construction certificate.

- (3) The building must be constructed in accordance with AS 3959—2009, *Construction of buildings in bushfire-prone areas*.
- (4) Where reticulated water is unavailable, a dedicated water supply of at least 20,000L must be provided on site for fire fighting purposes. This is in addition to the water supply requirements for domestic purposes.

The water supply must achieve the following standards:

- (a) a suitable connection for fire fighting purposes is made available and located within the asset protection zone and away from the structure. A 65mm Storz outlet with a gate or ball valve is provided,
- (b) gate or ball valve and pipes are adequate for water flow and are metal rather than plastic,
- (c) underground tanks have an access hole of 200mm to allow tankers to refill direct from the tank. A hardened ground surface for truck access is supplied to within 4m of the access hole,
- (d) above ground tanks must be manufactured of concrete or metal and raised tanks must have their stands protected. Plastic tanks must not be used. Tanks on the hazard side of a building must be provided with adequate shielding for the protection of fire fighters,
- (e) all above ground water pipes external to the building are metal including and up to any taps. Pumps must be shielded.

Note 1. Any departure from the above standards will require written authorisation from the Council and the Rural Fire Service.

- (5) A building number must be displayed in a position clearly visible from the street in letters having a height of not less than 75mm. The number must

be in a contrasting colour to the background on which it is placed.

Note. The correct building number is stated on the notice of determination.

- (6) Before the issue of any occupation certificate the responsible plumbing contractor must submit to the Council a copy of the sewer service diagram for the works. The sewer service diagram must be in accordance with the requirements of NSW Fair Trading.
- (7) Before the issue of any occupation certificate the responsible plumbing contractor must submit to the Council a copy of the certificate of compliance issued for the works.

1.4 Use of site

All conditions contained in any previous consent issued under the Act or the *Local Government Act 1993* must continue to be complied with.

1.5 Prescribed conditions

Note 1. In addition to the following, clauses 136A, 136B, 136C and 136D of the *Environmental Planning and Assessment Regulation 2000* prescribes other matters that should be complied with.

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining lot, the person causing the excavation to be made:

- (a) must preserve and protect the building from damage, and
- (b) if necessary, must underpin and support the building in an approved method, and
- (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining lot, give notice of intention to do so to the owner of the adjoining lot and furnish particulars to the owner of the building being erected or demolished.

Note 2. The owner of the adjoining lot is not liable for any part of the cost of the work carried out for the purposes of this condition, whether carried out on the lot being excavated or on the adjoining lot.

Note 3. For the purposes of this condition lot includes a public road or any other public place.

Division 2 Conditions that apply to the conversion of a dwelling to tourist and visitor accommodation

2.1 Before occupation or issue of subdivision certificate

Note. The applicant must obtain an occupation certificate under section 109C of the Act, from either the Council or an accredited certifying authority before the occupation of the building. The issuing of an occupation certificate does not necessarily indicate

that all conditions of development consent have been complied with. The applicant is still responsible for ensuring that all conditions of development consent have been complied with.

- (1) Parking spaces must be provided at the rate of 1 parking space per visitor bedroom and 1 parking space for permanent residents.
- (2) Parking areas must be constructed of a hard standing, dust free and weather proof surface and be appropriately line marked.

2.2 Use of site

The development must be operated in accordance with the Council's *Operation of Tourist and Visitor Accommodation Establishments Policy* at all times.

Division 3 Conditions that apply to dwelling houses (including exhibition homes and dwelling houses with attached and detached garages)

3.1 Before commencement

Note. The applicant must obtain an occupation certificate under section 109C of the Act, from either the Council or an accredited certifying authority before the occupation of the building. The issuing of an occupation certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is still responsible for ensuring that all conditions of development consent have been complied with.

- (1) The payment to the Council of:
 - (a) a bond for security deposit on the kerb and gutter and footpath, and
 - (b) fees for plumbing and drainage work, and
 - (c) fees for the issuing of access levels,

in accordance with the Council's *Management Plan* for the year in which the amount owing is paid.

The fees and bond must be paid before any construction work commences.

Note. The bond held on the kerb and gutter and footpath is fully refundable upon completion of all works and upon inspection by the Council to ensure that any damage to the Council's infrastructure has been repaired. The bond will not be refunded in the event that damage done to the Council's infrastructure is not repaired to its satisfaction.

- (2) Any development involving bonded asbestos removal work (of an area of more than 10m²) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under Part 8.10 of the *Work Health and Safety Regulation 2011*.

The person having the benefit of the complying development certificate must provide the Council with a copy of a signed contract with such a person before any development under the consent commences.

Any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material must be delivered.

- (3) Before construction commences, arrangements, satisfactory to the relevant electricity authority and the relevant telecommunications authority, for the provision of electrical power and telephone lines, respectively, to fully serve the development, must be made.
- (4) All building rubbish and debris, including rubbish and debris that can be wind blown, must be contained on site in a suitable container at all times before disposal at the Council's waste management centre. The container must be erected or placed on the building site before work commences.

Materials, sheds or machinery to be used in association with the construction of the building must not be stored or stacked on the Council's footpath, nature strip, reserve or roadway.

Note. Building rubbish or debris must not be placed or be permitted to be placed on any adjoining public reserve, footway, road or private land.

- (5) Before plumbing and drainage works commence the responsible plumbing contractor must submit to the Council a notice of works under the *Plumbing and Drainage Act 2011*.

3.2 During construction

- (1) The site must be protected from erosion and sediment loss during the construction works. This work must be carried out and maintained in accordance with the Council's *Erosion and Sediment Control Guidelines for Building and Work Sites*. Run-off and erosion controls must be effectively maintained until the site has been stabilised and landscaped.
- (2) Works must be carried out in accordance with the plans and specifications to which the complying development certificate relates.
- (3) The building must be designed and constructed so that all floor levels have sufficient height to enable the house drainage line to fall at a permissible gradient to the connection to the Council's sewer main, and the earthworks on the site must be such that there is the required minimum cover over the house drainage line, all in accordance with the *Plumbing Code of Australia*.
- (4) Toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- (a) a standard flushing toilet connected to a public sewer, or
- (b) if that is not practicable, an accredited sewage management facility approved by the Council, or
- (c) if that is not practicable, any other sewage management facility approved by the Council.

Note 1. The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

Note 2. Refer to the Council's guidelines for the provision of builders temporary closet accommodation.

- (5) The plumbing and drainage must be inspected by the Council at the times specified in Column 2.

Column 1

Internal house drainage

External house drainage

Stack work

Final

Column 2

When all internal plumbing work is installed and before concealment.

When all external plumbing work is installed and before concealment.

When all work is installed and before concealment.

Before occupation of the building.

- (6) All plumbing and drainage work must be carried out by a licensed plumber and drainer and to the requirements of the Plumbing Code of Australia.

Note. It will be necessary to install a temperature control valve (eg tempering valve) to ensure that hot water to all personal hygiene fixtures is delivered at a temperature not exceeding 50°C.

- (7) All roofed and paved areas must be drained and the water from those areas and from any other runoff must be drained off the site in accordance with the *Plumbing Code of Australia*.

Stormwater disposal drains must be connected to all roof gutter down pipes within 14 days of installation of the down pipes or the construction of hard standing areas, as may be appropriate, to discharge roofwater to the approved method of disposal.

If kerb and gutter is constructed, an approved PVC or galvanised steel kerb adaptor (either roll over kerb adaptor or upright kerb adaptor) must be installed in the kerb.

- (8) All stormwater runoff from the proposed development must be collected on site and conveyed to an appropriate stormwater disposal system in a manner consistent with AS/NZS 3500 and the Council's Guidelines for Engineering Works.
- (9) If stormwater is being discharged into a table drain, open channel or

drainage line, an appropriately designed energy dissipating device must be installed at the point where the stormwater is discharged into the table drain, open channel or drainage line.

- (10) The overflow for the rainwater tank must be connected to a drainage line and conveyed to the street gutter, common drainage line or otherwise disposed of on site in accordance with the *Plumbing Code of Australia*.

Note 1. The rainwater tank must be maintained and protected against mosquito infestation.

Note 2. The Council does not recommend the use of tank rainwater for drinking, showering or washing eating utensils.

Note 3. If a pump is required it must be located and operated so as not to cause a noise nuisance to adjoining properties.

- (11) All earthworks, filling, building, driveways or other works, must be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
- (12) Site fill must be clean material, free from organic matter, and compacted in horizontal layers not more than 250mm thick to 95% of the standard maximum dry density of the soil and must comply with the Council's *Guidelines for Engineering Works*.
- (13) The ground surrounding the building must be graded and drained to ensure that all surface and seepage water is diverted clear of buildings on the site and clear of adjoining properties. Permanent surface or subsoil drains or a combination of both must be provided to all excavated areas, hard standing areas and depressions. The invert of such drains must be a minimum of 200mm below the finished floor level and must have a minimum gradient of 1:100 to the stormwater disposal location. This work must be carried out within 14 days of the installation of the roof gutter down pipes.
- (14) All excavation and backfilling associated with the erection or demolition of the building must:
 - (a) be executed safely and in accordance with appropriate professional standards, and
 - (b) be properly guarded and protected to prevent it from being dangerous to life or property.
- (15) If a vehicular crossing over the footway must be constructed, access levels must be obtained from the Council's Engineering Department. The vehicular crossing must be constructed in accordance with the Council's *Guidelines for Engineering Works*. Further, the applicant must obtain a compliance certificate under section 109C of the Act at the completion of construction of the footway crossing from the Council or an accredited certifying authority certifying that the works have been completed in accordance with those guidelines and that the levels are in accordance with those issued.

- (16) If a vehicular crossing must be constructed over the footway adjacent to the proposed ingress or egress points it must be designed and constructed in accordance with the Council's *Guidelines for Engineering Works*. Further, the applicant must obtain a compliance certificate under section 109C of the Act at the completion of construction of the footway crossing from the Council or an accredited certifying authority certifying that the works have been completed in accordance with those guidelines and that the levels are in accordance with those issued.
- (17) The design and construction of vehicular access must comply with:
- (a) access levels obtained from the Council, and
 - (b) the Council's *Guidelines for Engineering Works*.
- (18) The external building material (sheet metal cladding) proposed to be used on the walls and roof of the building must be non-reflective. White colorbond is not permitted.
- (19) Building work involving the use of electric or pneumatic tools or other noisy operations must be carried out only between 7.00 am and 8.00 pm on weekdays and 8.00 am and 8.00 pm on weekends and public holidays.
- (20) The developer must relocate, if necessary, at the developer's cost any utility services.

Note. Operators are reminded that the tree preservation provisions of clause 5.9 of this Plan are also relevant during the construction phase.

3.3 Before occupation or issue of subdivision certificate

Note. The applicant must obtain an occupation certificate under section 109C of the Act, from either the Council or an accredited certifying authority before the occupation of the building. The issuing of an occupation certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is still responsible for ensuring that all conditions of development consent have been complied with.

- (1) A building number must be displayed in a position clearly visible from the street in letters having a height of not less than 75mm. The number must be in a contrasting colour to the background on which it is placed.

Note. The correct building number is stated on the notice of determination.

- (2) Before the issue of any occupation certificate the responsible plumbing contractor must submit to the Council a copy of the sewer service diagram for the works. The sewer service diagram must be in accordance with the requirements of NSW Fair Trading.
- (3) Before the issue of any occupation certificate the responsible plumbing contractor must submit to the Council a copy of the certificate of compliance issued for the works.

3.4 Use of site

All conditions contained in any previous consent issued under the Act or the Local Government Act 1993 must continue to be complied with.

3.5 Prescribed conditions

Note 1. In addition to the following, clauses 136A, 136B, 136C and 136D of the Environmental Planning and Assessment Regulation 2000 prescribes other matters that should be complied with.

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining lot, the person causing the excavation to be made:

- (a) must preserve and protect the building from damage, and
- (b) if necessary, must underpin and support the building in an approved method, and
- (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining lot, give notice of intention to do so to the owner of the adjoining lot and furnish particulars to the owner of the building being erected or demolished.

Note 2. The owner of the adjoining lot is not liable for any part of the cost of the work carried out for the purposes of this condition, whether carried out on the lot being excavated or on the adjoining lot.

Note 3. For the purposes of this condition lot includes a public road or any other public place.

Division 4 Conditions that apply to outdoor swimming pools and child resistant barriers

4.1 Before commencement

Note. The applicant must obtain an occupation certificate under section 109C of the Act, from either the Council or an accredited certifying authority before the occupation of the building. The issuing of an occupation certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is still responsible for ensuring that all conditions of development consent have been complied with.

- (1) The payment to the Council of:
 - (a) a bond for security deposit on the kerb and gutter and footpath, and
 - (b) fees for plumbing and drainage work, and
 - (c) fees for the issuing of access levels,in accordance with the provisions of the Council's Management Plan for the year in which the amount owing is paid.

The fees and bond must be paid before any construction work commences.

Note. The bond held on the kerb and gutter and footpath is fully refundable upon completion of all works and upon inspection by the Council to ensure that any damage to the Council's infrastructure has been repaired. The bond will not be refunded in the event that damage done to the Council's infrastructure is not repaired to its satisfaction.

- (2) Any development involving bonded asbestos removal work (of an area of more than 10m², or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under Part 8.10 of the Work Health and Safety Regulation 2011.

The person having the benefit of the complying development certificate must provide the Council with a copy of a signed contract with such a person before any development under the consent commences.

Any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material must be delivered.

- (3) All building rubbish and debris, including that which can be wind blown, must be contained on site in a suitable container at all times before disposal at the Council's waste management centre. The container must be erected or placed on the building site before work commences.

Materials, sheds or machinery to be used in association with the construction of the building must not be stored or stacked on the Council's footpath, nature strip, reserve or roadway.

Note. Building rubbish or debris must not be placed or be permitted to be placed on any adjoining public reserve, footway, road or private land.

- (4) Before plumbing and drainage works commence the responsible plumbing contractor must submit to the Council a notice of works under the Plumbing and Drainage Act 2011.

4.2 During construction

- (1) The site must be protected from erosion and sediment loss during the construction works. This work must be carried out and maintained in accordance with the Council's *Erosion and Sediment Control Guidelines for Building and Work Sites*. Run-off and erosion controls must be effectively maintained until the site has been stabilised and landscaped.
- (2) Works must be carried out in accordance with the plans and specifications to which the complying development certificate relates.
- (3) Toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20

persons employed at the site. Each toilet provided must be:

- (a) a standard flushing toilet connected to a public sewer, or
- (b) if that is not practicable, an accredited sewage management facility approved by the Council, or
- (c) if that is not practicable, any other sewage management facility approved by the Council.

Note 1. The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

Note 2. Refer to the Council's Guidelines for the provision of builders' temporary closet accommodation attached for additional information.

Note 3. All work should be carried out so as to comply with the provisions of the Swimming Pools Act 1992.

- (4) In sewered areas, the swimming pool backwash pipe must be connected to the house drainage system in accordance with the *Plumbing Code of Australia*. This connection can be via a suitable existing gully or, alternatively, a gully can be cut into the house drainage line for this purpose.

If alterations to the existing house drainage lines are required, the works must be inspected by the Council at the times specified in Column 2.

Column 1

External drainage alterations

Final

Column 2

When all external plumbing work is installed and before concealment.

Before occupation of the pool.

- (5) In unsewered areas, the swimming pool backwash must be discharged and disposed of on site without affecting neighbouring properties or buildings located on the land on which the pool is located.
- (6) All roofed and paved areas must be drained and the water from those areas and from any other drainage conveyed to the existing inter-lot drains located on the land, in accordance with the *Plumbing Code of Australia*.

Stormwater disposal drains must be connected to all roof gutter down pipes within 14 days of installation of the down pipes or the construction of hard standing areas, as may be appropriate, to discharge roofwater to the approved method of disposal.

If kerb and gutter is constructed, an approved PVC or galvanised steel kerb adaptor (either roll over kerb adaptor or upright kerb adaptor) must be installed in the kerb.

- (7) The ground surrounding the building must be graded and drained to ensure that all surface and seepage water is diverted clear of buildings on the site and clear of adjoining properties. Permanent surface or subsoil drains or a combination of both must be provided to all excavated

areas, hard standing areas and depressions. The invert of such drains must be a minimum of 200mm below the finished floor level and must have a minimum gradient of 1:100 to the stormwater disposal location. This work must be carried out within 14 days of the installation of the roof gutter down pipes.

- (8) All earthworks, filling, building, driveways or other works, must be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
- (9) All stormwater runoff from the proposed development must be collected on site and conveyed to an appropriate stormwater disposal system in a manner consistent with the *Plumbing Code of Australia* and the Council's *Guidelines for Engineering Works*.
- (10) All excavation and backfilling associated with the erection or demolition of the building must:
 - (a) be executed safely and in accordance with appropriate professional standards, and
 - (b) be properly guarded and protected to prevent it from being dangerous to life or property.
- (11) The developer must relocate, if necessary, at the developer's cost any utility services.
- (12) Building work involving the use of electric or pneumatic tools or other noisy operations must be carried out only between 7.00 am and 8.00 pm on weekdays and 8.00 am and 8.00 pm on weekends and public holidays.

Note. The tree preservation provisions of clause 5.9 of this Plan are also relevant during the construction phase.

4.3 Before occupation or issue of subdivision certificate

Note. The applicant must obtain an occupation certificate under section 109C of the Act, from either the Council or an accredited certifying authority before the occupation of the building. The issuing of an occupation certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is still responsible for ensuring that all conditions of development consent have been complied with.

Before the issue of any occupation certificate the responsible plumbing contractor must submit to the Council a copy of the sewer service diagram for the works. The sewer service diagram must be in accordance with the requirements of NSW Fair Trading.

4.4 Use of site

- (1) All exterior lighting associated with the development must be designed and installed so that no light will be cast onto any adjoining property.

Note. Compliance with Australian Standard AS 4282—1997, *Control of the Obtrusive Effects of Outdoor Lighting* will satisfy this condition.

- (2) Any child resistant barrier provided must be maintained in a good state of repair and in place so long as the swimming pool exists.
- (3) All gates and doors providing access to the swimming pool must be kept securely closed at all times when they are not in actual use.
- (4) A warning sign bearing the prescribed notice must be erected in a prominent position and maintained at all times in accordance with the *Swimming Pools Regulations 2008*.
- (5) The proposed filter and pump are not to increase noise level of 5 dB(A) measured at the property boundary.
- (6) The proposed filter and pump must be operated in accordance with the *Protection of the Environment Operations (Noise Control) Regulation 2008* which restricts the times of operation. Restrictions apply between 8.00 pm and 7.00 am on weekdays and Saturdays and 8.00 pm to 8.00 am on Sundays and public holidays.
- (7) All conditions contained in any previous consent issued under the Act or the *Local Government Act 1993* must continue to be complied with.

4.5 Prescribed conditions

Note 1. In addition to the following, clauses 136A, 136B, 136C and 136D of the *Environmental Planning and Assessment Regulation 2000* prescribes other matters that should be complied with.

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining lot, the person causing the excavation to be made:

- (a) must preserve and protect the building from damage, and
- (b) if necessary, must underpin and support the building in an approved method, and
- (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining lot, give notice of intention to do so to the owner of the adjoining lot and furnish particulars to the owner of the building being erected or demolished.

Note 2. The owner of the adjoining lot is not liable for any part of the cost of the work carried out for the purposes of this condition, whether carried out on the lot being excavated or on the adjoining lot.

Note 3. For the purposes of this condition lot includes a public road or any other public place.