CESSNOCK

DEVELOPMENT CONTROL PLAN 2010

PART D
Specific Development

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PART D: SPECIFIC DEVELOPMENT

D.1 SUBDIVISION GUIDELINES

1.1 INTRODUCTION

The impacts of land subdivision, both environmental and socio-economic, are increasingly recognised and scrutinised. Not only is it considered that subdivision should occur with minimal environmental impact but, where practical, and particularly in the case of rural subdivision, some environmental benefit should result, through repair of environmental damage, revegetation of degraded areas, establishment of vegetation and wildlife corridors, buffers and the like.

This section provides comprehensive guidelines for the preparation and submission of development applications for the subdivision of land, where such a land use is permissible under the provisions of the Cessnock Local Environmental Plan (CLEP).

In particular, this section encourages applicants to prepare subdivision applications having regard to the range of matters likely to be considered in their assessment. This section requires a thorough Site Assessment as the first stage of any proposal, and requires evidence of such assessment to be submitted as the basis of the Statement of Environmental Effects (SOEE) required with every application. Checklists are provided to assist applicants in carrying out the investigations required for different types of subdivision proposals.

For detailed engineering and construction requirements for subdivision, reference should be made to Council's 'Engineering Requirements for Development'.

1.1.1 Application

This Chapter applies to all land within the Cessnock Local Government Area (LGA).

As a matter of Council Policy, this Chapter shall be taken into consideration when determining applications for consent under section 138 of the *Roads Act 1993*.

Under the *Roads Act 1993*, consent of the appropriate road authority is required for the following activities:

- erect a structure or carry out a work in on or over a public road; or
- dig up or disturb the surface of a public road; or
- remove or interfere with a structure, work or tree on a public road; or
- pump water into a public road from any land adjoining the road; or
- connect a road (whether public or private) to a classified road.

1.1.2 Purpose

To provide detailed guidance to applicants in relation to the preparation of development applications for subdivision.

1.1.3 Aims and Objectives

The principal objectives of this Chapter are to:

a) ensure that the potential impacts of all subdivisions and subsequent development take account of the principles of environmental sustainability;

b) to encourage solar efficient subdivision designs that will assist in ensuring that subsequent development is energy efficient;
c) encourage the implementation of environmental buffers and provide opportunities for repair and enhancement of natural systems, especially on land previously degraded;
d) ensure that rural subdivision reinforces the rural character;
e) facilitate subdivision forms which minimise environmental degradation, such as community title subdivisions;
f) ensure that rural subdivision and housing take account of physical constraints such as bush fire, flooding, landslip, etc;
g) further long term planning objectives contained in CLEP by the encouragement of lot creation consistent with those objectives;
h) ensure adequate vehicular access from the public road system to each new lot;
i) ensure all proposed lots are physically capable of development;
j) establish a consistent and coordinated approach to the creation of residential, rural and commercial / industrial lots;
k) adopt criteria for residential, rural, and commercial/industrial lots which ensures each lot is provided with an appropriate level of amenity, service and access;
l) facilitate the supply of residential lots of a wide range of sizes and shapes which reflect the objectives of CLEP, the availability of reticulated services and the need for frontage to public roads;
m) discourage the removal of prime agricultural land from agricultural production and to prevent adverse impacts upon the viability of established or potential agricultural activities; and
n) protect cultural resources (places of cultural and environmental heritage value) from land use or management practices which will lead to their degradation or destruction.

1.2 APPROVAL PROCESS

1.2.1 Consent Authority

Development consent may only be obtained by lodging a development application with the 'consent authority', in most instances this is the Council. Development applications cannot be lodged with accredited certifiers.

Development consent does not cover the detailed construction aspects of subdivision. You will need to obtain a construction certificate prior to commencing any construction work on site.

1.2.2 Principal Certifying Authority

If your subdivision requires development consent and involves construction works you will need to obtain a construction certificate.

Before you commence any construction works, you shall advise Council of the date you intend to commence construction works. You shall provide at least two days notice.

1.2.3 Certification of Works

a) Compliance certificates

You may be required to obtain a compliance certificate from Council as a condition of development consent. This is usually required in cases of subdivision involving road and drainage construction.

The compliance certificate is required to certify that:

- work has been completed and complies with the construction plans and specifications;
- conditions of development consent requiring construction works in accordance with Council's 'Engineering Requirements for Development' have been complied with.

b) Subdivision certificates

A subdivision certificate is a certificate issued by Council on the final plan of subdivision that authorises the registration of the plan with the Department of Lands, Land Titles Office. Council will issue this certificate upon provision of evidence demonstrating compliance with all conditions of development consent.

An accredited certifier acting as the Principal Certifying Authority (PCA) may also issue a subdivision certificate in respect of subdivision identified as complying development under CLEP.

c) Differences between final plan of survey and approved plan

When a plan of proposed subdivision is prepared, the applicant shall ensure that all detail contained on the plan reflects, as accurately as possible, the final intended subdivision.

Council, however, recognises that in some instances it is not possible to compile a plan of proposed subdivision to the exactness required on the final plan of survey that is ultimately lodged at the Land Titles Office, without undertaking extensive and costly work.

Upon preparation of the final plan of subdivision, should a discrepancy appear between the approved plan and final plan, Council may endorse the final plan subject to the following:

(i) the discrepancy is not greater than 2% of the measurements on the approved plan (boundary lengths or area);
(ii) the lot shape and layout is substantially the same as the approved plan;
(iii) the discrepancy will have negligible impact on the environment; and
(iv) Council did not receive significant objection as a result of the public notification process during the assessment process.

With regard to site area, the proposed lot/s shall not be less than the minimum area shown on the Lot Size Map, as per CLEP, Clause 4.1 – Minimum subdivision lot size.

Where in the opinion of Council, the discrepancy is significant or not consistent with the above criteria, Council may request an application under Section 96 Environmental Planning & Assessment Act, or in some cases, a new application.

Any variations below the development standard will be subject to the requirements of CLEP, Clause 4.6 – Exceptions to development standards.

1.2.4 Specific Areas

In some instances, structure plans or development principles plans have been prepared for specific areas. Subdivision applications shall conform with these adopted plans (see Schedules 3-6 for specific requirements), unless written justification for variation warrants Council's support.

1.3 GENERAL REQUIREMENTS FOR SUBDIVISION

1.3.1 Development Principles - CLEP

As well as the provisions in this Chapter, all applications are required to consider the general development principles in the design of the subdivision and address compliance, or otherwise, in the Statement of Environmental Effects.

General development principles with respect to subdivision:

(i) the ratio of depth to frontage of each allotment to be created by the subdivision shall be determined having regard to the purpose for which it is to be used and the need to minimise the creation of vehicular access points to any road and particularly to main or arterial roads;
(ii) the subdivision shall not to any material extent, create or increase the potential for ribbon development along any road, particularly a main or arterial road;
(iii) adequate all weather flood-free access shall be available to each allotment to be created by the subdivision and located so as to minimise the risk of soil erosion;
(iv) a subdivision shall be designed to maximise the retention of natural vegetation in any subsequent development, to ensure that any buildings likely to be erected on allotments created by the subdivision are able to be sufficiently separated and to minimise the potential for significant alterations to the natural land form in any subsequent development by way of construction of access driveways, excavations, filling and the like;
(v) each allotment to be created by the subdivision shall include flood-free land for building sites and in rural areas for the movement of stock during floods;
(vi) each allotment to be created by the subdivision shall provide potential building sites with minimum risk of damage by bushfires or soil instability;
(vii) adequate soil erosion control measures shall be incorporated in the subdivision, including measures to be carried out prior to the subdivision taking place; and
(viii) allotments intended for use for pastoral purposes shall be of sufficient size to ensure an adequate water supply for stock unless water can otherwise be provided.
(ix) the subdivision shall not create or increase the number of allotments having direct access to a watercourse.

Note: The ability to access water from watercourses, bore holes, or the like, requires the approval of the Department of Environment, Climate Change and Water (DECC&W).

1.3.2 Development Standards – CLEP

All zoned land has development standards for subdivision and may have dwelling entitlements as per CLEP, Clause 4.2A – Erection of dwellings in rural and environmental zones. These standards set the minimum lot size for subdivision and the corresponding dwelling entitlement. All applicants should refer to CLEP to establish what the development standard is.

CLEP, Clause 4.6 – Exceptions to development standards, incorporates the provisions of State Environmental Planning Policy (SEPP) No.1 – Development Standards. Any application of this type shall be referred to the Director-General for concurrence. Council will consider the development principles and the zone objectives (as well as any justification contained in the Statement of Environmental Effects and the objection under Clause 4.6) to determine whether any variation shall be supported.

1.3.3 Battle-axe or hatchet shaped allotment & 'right-of-carriageways'

When calculating the area of a battle-axe or hatchet shaped allotment, the area of the battle-axe handle shall be excluded. Similarly, the area of an allotment affected by a 'right-of-carriageway' or private road shall also be excluded from the lot area calculation.

1.4 SPECIFIC REQUIREMENTS FOR RU2 RURAL SUBDIVISION

Note: For subdivision in the RU4: Rural Smallholdings Zone, applicants shall also refer to the specific provisions in CLEP and Part E: Specific Development, Chapter 3: Vineyards District. The provisions relate to lot size, density of development, retention and enhancement of natural vegetation amongst other things.

1.4.1 Element 1: Lot Size and Shape

Performance Criteria

a) Lot sizes and dimensions shall enable dwelling houses to be sited to:
   - protect natural and cultural features;
   - acknowledge site constraints including soil erosion and bushfire risk; and
   - retain special features such as trees and views.

b) The design of the subdivision shall take into account any significant natural features on the site and these shall be retained.

c) Vegetation which adds to the visual amenity of the locality and / or which is environmentally significant shall be preserved in the design of the subdivision proposal.

Prescriptive Measures

a) The minimum lot size is the minimum area shown on the Lot Size Map, as per CLEP, Clause 4.1 – Minimum subdivision lot size.

b) Lots shall accommodate a building envelope of 3,000 m^2 with a minimum dimension of 20 metres. Building envelopes shall be located a minimum of 4.0 metres from significant trees and other significant vegetation or landscape features. Building envelopes shall include the area for the siting of the dwelling-house, outbuildings, landscaping and on-site effluent treatment and disposal areas (if required and permitted).

c) The width to depth ratio of allotments shall not exceed 1:4. If lots are too elongated, land uses in rural areas may be restricted (e.g. the shape of long lots may preclude the establishment of dams).

1.4.2 Element 2: Agriculture

Performance Criteria

a) Buffers shall be provided to existing development on adjoining agricultural properties.

b) The agricultural potential of the land shall not be diminished as a result of a subdivision proposal.

Prescriptive Measures

a) Compliance with *Part C: General Guidelines, Chapter 4: Land Use Conflict & Buffer Zones*.

b) Subdivision of land that is classified as 'prime agricultural land' (classes 1, 2 or 3) may require referral to and comment from NSW Industry and Investment (Agriculture). Any prime agricultural land occurring on the subject land is to be identified on the plans submitted.
c) Subdivision proposals are not to negatively impact upon sustainable agricultural activities.

1.4.3 Element 3: Effluent Disposal

Performance Criteria

a) Effluent and waste water shall be disposed of in a manner which is consistent with the land capability of the property.
b) Effluent and waste water shall be disposed of in a manner that will not cause unhealthy or unsanitary conditions.
c) Where sewer is not available, all effluent shall be retained and disposed of on-site. No pump-out systems will be permitted.
d) No adverse impact is to be caused to the environment generally.

Prescriptive Measures

a) An effluent disposal / geotechnical report may be required depending upon site requirements and constraints. Some assessment of the proposed lots will be required to be submitted with the application to identify basic site constraints and identify any areas considered suitable for effluent disposal. The NSW State Government's 'Environmental & Health Protection Guidelines – On-site Sewage Management for Single Households' (February 1998) should be used as a guide to this assessment.
b) Council may require submission of a geotechnical investigation report in certain cases, depending upon soil conditions, number of lots proposed, size of allotments and the like.
c) Disposal of effluent shall not create a health nuisance or pollution, particularly in relation to nutrients infiltrating into bushland and / or watercourses.
d) Where reticulated sewer is not available, effluent will be contained, treated and disposed of totally on the subject site. The disposal of effluent utilising pump-outs for new lots is unacceptable.
e) For subdivisions proposing to create 5 or more allotments where any boundary of the proposed subdivision is within 2.0 kilometres of an existing sewage reticulation system, Council may require the provision of a reticulated sewerage treatment system. The only circumstances where this standard should be varied is on sites already substantially cleared of native vegetation, where soils are highly suitable for effluent disposal and where they are not located near a watercourse, wetland or other environmentally sensitive area. In these cases, a detailed investigation into the disposal of effluent on-site, including any long-term and / or cumulative effects will be required. Such investigation shall be generally in accordance with the requirements of the NSW State Government's 'Environment & Health Protection Guidelines – On-site Sewage Management for Single Households' (February 1998).
f) Any disposal system within 40 metres of a watercourse is 'Integrated Development' under the provisions of the *Environmental Planning & Assessment Act, 1979*.

1.4.4 Element 4: Flora and Fauna

Performance Criteria

a) Vegetation cover shall be retained wherever practicable as it acts to stabilise soils, minimise runoff, acts as a pollutant trap along watercourses and is important as a habitat for native fauna.
b) Vegetation shall be retained where it forms a link to other bushland areas, buffer zones, wildlife corridors and the like.
c) Allowance for the movement of fauna species on sites shall be maximised to maintain biological diversity.
d) Subdivision proposals shall be designed to minimise disturbance to existing vegetation.
e) Vegetation which is scenically and environmentally significant shall be retained.
f) Vegetation which adds to the soil stability of the land shall be retained.
g) Subdivision proposals shall be designed so as to minimise fragmentation of bushland.
h) Opportunities for revegetation shall be pursued as part of the subdivision process as a trade off for site development and as a means of value adding to the environment. In particular, revegetation of any existing creeks, streams and drainage lines, or repair and revegetation of eroded or otherwise degraded areas shall be considered. Variations to density and lot size may be considered by Council in these instances, where significant environmental benefit can be demonstrated.

Prescriptive Measures

a) See *Part C: General Guidelines, Chapter 2: Flora and Fauna Survey Guidelines*.
b) Under-scrubbing is not to be undertaken without consent.
c) Degraded areas are to be rehabilitated as part of the subdivision.
d) Watercourses and drainage lines to be retained as part of the subdivision scheme are to be stabilised and revegetated with appropriate native species.
e) Environmentally sensitive areas are to be preserved and enhanced with appropriate native vegetation where necessary.

1.4.5 Element 5: Hazards

Performance Criteria

a) Subdivision proposals shall be designed so as to enable separation between future dwelling houses and potential bushfire fronts.
b) Subdivision of flood prone land shall not result in increased risk to life or property, on the subject land or adjoining lands.
c) Subdivision of land that has been identified as being prone to landslip shall not increase the risk to life or property, on the subject land or adjoining lands.
d) Subdivision proposals will be designed to take account of any known contamination of the site, and remediation works undertaken if required.
e) No adverse impacts on surrounding lands shall occur as a result of the subdivision proceeding.

Prescriptive Measures

a) Where a subdivision proposal is located on bushfire prone land the applicant shall comply with the NSW Rural Fire Services' document ‘Planning for Bushfire Protection 2006’ and Council’s Bushfire Management Plan. In general, Council will not favourably consider subdivision of heavily vegetated land in bushfire prone areas

where the subdivision will require subsequent clearing of vegetation to meet required radiation zones, access requirements and the like.

b) In accordance with the requirements of the abovementioned documents, details shall be provided regarding the dimensions of the asset protection zone and arrangements and maintenance for access for bushfire fighting vehicles. Two separate points of access may be required in some circumstances.

c) Where a subdivision proposal is on land identified as being potentially subject to landslip, the applicant shall engage a geotechnical consultant to prepare a report on the viability of subdividing the land and if viable, provide recommendations as to the siting and the type of buildings and waste water treatment systems which could be permitted on the subject land.

d) Compliance with *Part C: General Guidelines, Chapter 3: Contaminated Lands*.

1.4.6 Element 6: Heritage

Performance Criteria

a) Heritage items and their curtilage shall be retained.

b) Subdivision shall be sympathetically designed to minimise the impact on heritage items of the subject land or adjoining lands.

c) Subdivisions shall be sympathetically designed to ensure that the existing heritage value of the streetscape and character of the area is maintained.

d) Adequate curtilage is to be provided around heritage items to provide an appropriate buffer.

e) Where a heritage item is in a state of disrepair, Council may negotiate its restoration as part of the subdivision proposal, having regard to both the need for a viable subdivision, and the desirability of maintaining heritage items for future generations.

Prescriptive Measures

a) See CLEP, Clause 5.10 – Heritage conservation.

b) A subdivision proposal on land which contains, or is adjacent to, an item of environmental heritage as defined in CLEP, Schedule 5: Environmental heritage, shall illustrate the means proposed to preserve and protect such items. In this respect a conservation plan, detailing how the item would be restored, shall accompany the application.

1.4.7 Element 7: Roads and Access

Performance Criteria

a) Existing roads shall be upgraded where necessary to accommodate increased traffic arising from new subdivisions.

b) The impact of new road or accessway works on adjoining residents shall be minimised.

c) Road and accessway construction shall take account of existing topography and vegetation. Cut and fill shall be minimised and vegetation retained wherever practicable.

Prescriptive Measures

a) See Council's 'Engineering Standards for Development'. Access crossing requirements, pavement widths and depths and similar requirements are contained in this document.

b) Design details may be required during development application assessment.

c) A maximum of 2 rural lots may gain access from a 'right of carriage-way'.

1.4.8 Element 8: Soil and Water Management

Performance Criteria

a) Best management practices shall be implemented to control runoff and soil erosion and to trap sediment on the subject land to ensure there is no net impact on downstream water quality. The quality of runoff water from the subject land shall be the same or better than the quality of water prior to the subdivision taking place.
b) Where possible, incorporate natural features into a natural drainage system for the site.
c) Where possible, design multiple use drainage and treatment systems incorporating gross pollutant traps, constructed wetlands and detention basins.
d) The subdivision shall be designed so as to minimise disturbance of the subject land especially in circumstances where there are topographical constraints.
e) Drainage from proposed lots shall be consistent with the pre-development stormwater patterns.

Prescriptive Measures

a) Depending upon the scale, location and nature of the subdivision proposal, a Soil and Water Management Plan (SWMP) may be required to be prepared by suitably qualified persons. This is most likely where any construction works are required as part of the subdivision. Early consultation with Council officers will confirm whether a SWMP is required. The plan shall detail best management practices in regard to soil conservation and pollution control measures to be installed prior to clearing and earthworks, and be maintained until revegetation measures are complete. The contents of a SWMP are shown in Schedule 1.
b) In subdivision proposals where clearing is minimal and earthworks are limited, a SWMP may not be required. Compliance with Council's 'Engineering Standards for Development' will be required.

1.4.9 Element 9: Stormwater Management and Drainage

Performance Criteria

a) Stormwater runoff from construction of subdivisions and from development resulting from the subdivision is to be adequately detained on site.
b) Water quality in watercourses near subdivisions is to be protected by way of appropriate structures and / or filter mechanisms.

Prescriptive Measures

a) See Council's 'Engineering Requirements for Development'.

1.4.10 Element 10: Utility Services

Performance Criteria

a) All lots created shall have an adequate provision of utility services and not result in a detrimental impact on the environment.
b) The design and provision of public utilities shall conform to the cost effective criteria of the relevant servicing authority.

c) Compatible public utility services shall be located in common trenches so as to minimise the land required, soil erosion and the cost of providing the services.
d) Adequate buffers shall be maintained between utilities and houses to protect amenity and health.
e) The provision of utility services shall not detrimentally impact on the landscape character of an area, or detrimentally impact vegetation corridors.

Prescriptive Measures

a) Adequate water supplies for both domestic and fire fighting purposes shall be available.
b) Electricity shall be provided to all lots, except for those considered by Council to be 'remote', where the requirement may be waived and a covenant placed on the title of the land where possible.
c) Where available, reticulated sewage disposal systems will be required (see Element 3: Effluent Disposal).

1.4.11 Element 11: Visual Amenity

Performance Criteria

a) Subdivision proposals shall be designed so that subsequent development will have minimal impact on significant views and vistas.
b) Subdivisions shall be designed to compliment the landscape rather than altering the landscape to suit a subdivision layout.
c) A subdivision proposal shall be compatible with the cultural and landscape characteristics of the locality or region.

Prescriptive Measures

a) Building envelopes, accessways and roads shall avoid ridge tops and steep slopes.
b) Subdivision of escarpments, ridges, and other visually interesting places shall be managed in such a way that the visual impact rising from development on newly created allotments is minimal.
c) Subdivisions shall be designed so that, when subsequently developed, visually significant vegetation, such as that found on ridge tops and other visually prominent locations will be retained.
d) Proposals to subdivide visually sensitive or prominent areas will require the submission of a visual impact assessment report.

1.5 SPECIFIC REQUIREMENTS FOR RU5 VILLAGE SUBDIVISION

1.5.1 Element 1: Lot Size and Shape

Performance Criteria

a) Lots shall have an appropriate area and dimensions for the siting and construction of a dwelling house and ancillary outbuildings, the provision of private outdoor space and convenient vehicle access and parking.
b) To provide usable areas, lot sizes shall be increased where sites are steep or contain significant landscape features including watercourses and easements.
c) Lot sizes and dimensions shall enable dwelling-houses to be sited to:
    - protect natural and cultural features;
    - acknowledge site constraints including soil erosion and bushfire risk; and
    - retain special features such as trees and views.

d) Lot sizes shall meet with the projected requirements of people with different housing needs and provide housing diversity and choice.
e) Lot sizes and configurations shall be varied to provide a mix of allotment types which create pleasant streetscapes and encourage a variety of housing types.
f) Lots shall be configured to account for significant natural landscape elements or constraints and be designed to minimise environmental impact.

Prescriptive Measures

a) The minimum lot size is the minimum area shown on the Lot Size Map, as per CLEP, Clause 4.1 – Minimum subdivision lot size.
b) Allotments shall have a minimum width of 18 metres at the building line.
c) An allotment shall not be less than 20 metres in depth to ensure there is some flexibility in the choice of housing design and siting, as well as the availability of suitable space for other activities normally associated with a dwelling-house.
d) The dimensions for accessways (handles) for battle-axe shaped allotments are as follows:

Maximum Length	60 metres
Minimum Width	3.5 metres
Minimum width of shared access corridor	5.0 metres

e) No more than 5 allotments shall be served by an accessway.
f) Vegetation which adds significantly to the visual amenity of a locality and / or which is environmentally significant or of habitat value shall be conserved in the design of the subdivision proposal.
g) Lots shall be designed to allow the construction of a dwelling-house with a maximum cut or fill of 1.0 metre from the natural ground level (ie. the dwelling house shall be designed to conform to the existing topography).

1.5.2 Element 2: Accessway (handle) Design

Performance Criteria

a) Accessways (handles) shall provide safe and efficient entry / exit to individual lots.
b) Accessways (handles) shall be landscaped and treated so as to reduce the visual and environmental impact of hard paved areas.
c) Accessways (handles) shall minimise the impact on the amenity of the existing and future dwelling-houses.

Prescriptive Measures

a) Accessways (handles) shall have a minimum sealed width of 3.0 metres.
b) Accessways (handles) shall not serve more than 5 lots.
c) Accessways (handles) shall have a maximum grade of 25% (1:4) at any point.
d) The following standards apply to lots with battle-axe handles:

Allotments	**Minimum width of battle-axe handle (metres)**
1	3.5
2	5.0
3 - 5	2.0 per lot

e) Accessways (handles) shall be sited away from noise and visually sensitive components of existing and future dwelling houses.

f) Where possible, accessways (handles) shall be located on the south side of existing and future dwelling houses.
g) Accessways (handles) shall provide interest and variety and avoid lengthy straight sections.
h) Where the site is steep or fronts a local collector or higher order road (greater than 3,000 vehicles per day) or a highly pedestrianised area, accessways (handles) shall be designed so that vehicles can be driven both onto and off the property in a forward direction.
i) Where vehicles would otherwise have to reverse more than 50 metres, a turning area shall be provided to enable the vehicles to enter and leave the site in a forward direction and reduce the need to reverse over long distances.

1.5.3 Element 3: Effluent Disposal

Performance Criteria

a) Effluent and waste water shall be disposed of in a manner which is consistent with the land capability of the property.
b) Effluent and waste water shall be disposed of in a manner that will not cause unhealthy or unsanitary conditions.
c) Where sewer is not available, all effluent shall be retained and disposed of on-site. No pump-out systems will be permitted.
d) No adverse impact is to be caused to the environment generally.

Prescriptive Measures

a) An effluent disposal / geotechnical report may be required depending upon site requirements and constraints. Some assessment of the proposed lots will be required to be submitted with the application to identify basic site constraints and identify any areas considered suitable for effluent disposal. The NSW State Government's 'Environmental & Health Protection Guidelines – On-site Sewage Management for Single Households' (February 1998) should be used as a guide to this assessment.
b) Council may require submission of a geotechnical investigation report in certain cases, depending upon soil conditions, number of lots proposed, size of allotments and the like.
c) Disposal of effluent shall not create a health nuisance or pollution particularly in relation to nutrients infiltrating into bushland and / or watercourses.
d) Where reticulated sewer is not available, effluent will be contained, treated and disposed of totally on the subject site. The disposal of effluent utilising pump-outs for new lots is unacceptable.
e) For subdivisions proposing to create 5 or more allotments or where any boundary of the proposed subdivision is within 2.0 kilometres of an existing sewage reticulation system, Council may require the provision of a reticulated sewerage treatment system. The only circumstances where this standard should be varied is on sites already substantially cleared of native vegetation, where soils are highly suitable for effluent disposal and where they are not located near a watercourse, wetland or other environmentally sensitive area. In these cases, a detailed investigation into the disposal of effluent on-site, including any long-term and / or cumulative effects will be required. Such investigation shall be generally in accordance with the requirements of the NSW State Government's 'Environment & Health Protection Guidelines – On-site Sewage Management for Single Households' (February 1998).
f) Any disposal system within 40 metres of a watercourse is 'Integrated Development' under the provisions of the *Environmental Planning & Assessment Act 1979*.

1.5.4 Element 4: Heritage

Performance Criteria

a) Heritage items shall be retained.
b) Subdivision shall be sympathetically designed to minimise the impact on heritage items of the subject land or adjoining lands.
c) Subdivisions shall be sympathetically designed to ensure that the existing heritage value of the streetscape and character of the area is maintained.

Prescriptive Measures

a) See CLEP, Clause 5.10 – Heritage conservation.
b) A subdivision proposal on land which contains, or is adjacent to, an item listed in CLEP, Schedule 5: Environmental heritage, shall illustrate the means proposed to preserve and protect such items. In this respect a conservation plan, detailing how the item would be restored, shall accompany the application.

1.5.5 Element 5: Local Street Design

Performance Criteria

a) Street widths shall reflect the role and function of the street in the road hierarchy and traffic generation.
b) Junctions along streets shall be spaced to create safe and convenient vehicle movements.
c) The street network shall create a convenient route for residents between their home and higher order roads.
d) The street network shall facilitate walking and cycling within the neighbourhood and to local activity centres.
e) The street network shall be orientated where practical, to promote efficient solar access for dwelling-houses.
f) The street network shall take into account existing topography and existing open space systems and natural constraints.
g) Streets shall not operate as through traffic routes for externally generated traffic while at the same time limiting the length of time local drivers need to spend in a low speed environment.
h) Streets shall be designed to allow on-street car parking.
i) Streets and lots shall be located so that dwelling-houses are not subjected to unacceptable traffic noise.
j) Streets shall be designed to cater for service vehicles.

Prescriptive Measures

a) Design specifications for streets shall be as follows:

Allotments	Road reserve width (metres)	Minimum carriage way width (metres)	Parking provision	Kerb type
<10	13.0*	6.0	Verge	Rollover
10 - 200	18.0	8.0	Carriage way	Rollover / Upright
200 - 400	20.0	11.0	Carriage way	Upright
> 400	20.0	13.0	Carriage way	Upright

* *May be reduced to a minimum of 10 metres where access is required on only 1 side of the road.*

1. *Cul-de-sacs shall not exceed 200 metres in length unless topographic constraints render other options impracticable.*
2. *Streets shall be designed to provide interest and variety in the streetscape through kerbs (where appropriate), landscaping and paving treatments. The street design shall be compatible with the existing road pattern in the locality.*
3. *No more than 3 turning movements at intersections shall be required in order to travel from any home to the most convenient collector street or higher order road.*
4. *The minimum spacing of staggered junctions in a local street network shall be 20 metres.*
5. *Any subdivision proposal adjoining a rear lane shall be designed so as to provide both vehicular and pedestrian access to the front street. Conversely, Council will not require the upgrading of rear lanes where vehicular and pedestrian access has been provided to the front street.*
6. *Cul-de-sacs for residential roads shall have minimum seal radii of 8.5 metres and boundary radii of 12 metres.*

1.5.6 Element 6: Pedestrians and Cyclists

Performance Criteria

a) The location of footpaths or cycle paths shall be defined using the following parameters:
   - demand for footpaths and cycle paths;
   - opportunities to link open space networks and communities including public transport, local activity centres and schools;
   - topography; and
   - cyclist and pedestrian safety, including Crime Prevention Through Environmental Design (CPTED) guidelines.

b) The alignment of footpaths shall allow safe and convenient use by pedestrians and cyclists and shall be variable enough to accommodate trees and other significant features.

c) Paths shall be designed to enable widening at certain points to allow passing facilities for pedestrians / cyclists.

d) Pedestrian and cyclist paths shall be constructed to provide a stable and attractive surface for projected users which is easily maintained.

Prescriptive Measures

a) No footpaths are required on streets with a traffic volume less than 300 vehicles per day as pedestrians can share the road surface with vehicles in a low speed environment.

b) Footpaths shall be provided on one side of streets with traffic volumes between 300 vehicles per day and 2,000 vehicles per day and on both side of streets with traffic volumes over 2,000 vehicles per day.

1.5.7 Element 7: Solar Access and Lot Orientation

Performance Criteria

a) 80% of lots in a new subdivision shall have 5 star solar access, and the remainder either 4 or 3 star.

b) Lot sizes reflect reasonable consideration of the impact of topography and aspect to maximise solar access.

c) Lots are of a suitable shape to permit the location of a dwelling house with suitable solar access and private open space (see Schedule 2 - Figure 4).

d) Design and location of transport links and access facilitate pedestrian and cyclist activity, and the use of public transport.

Prescriptive Measures

a) See Schedule 2 – Solar Access and Energy Efficiency.

1.5.8 Element 8: Stormwater Management

Performance Criteria

a) Drainage from subdivision sites shall be consistent in both water quality and quantity terms with the pre-development stormwater patterns.
b) Drainage systems shall be designed so as to ensure safety and minimise the likelihood of stormwater inundation of existing and future dwelling houses.
c) Adequate provision shall be made for measures during construction to ensure that the landform is stabilised and erosion controlled.
d) Natural drainage systems shall be incorporated into designs where possible.

Prescriptive Measures

a) Where site topography prevents discharge of stormwater directly to the street gutter or a Council controlled pipe system, inter-allotment drainage shall be provided to accept runoff from existing or future impervious areas on the subject land. The design and construction of the inter-allotment drainage system shall be in accordance with the requirements of 'Australian Rainfall and Runoff (1987)'.
b) Stormwater shall drain by gravity to Council's system which may require inter-allotment drainage. Easements having a minimum width of 2.0 metres are to be identified on submitted plans.
c) Proposals may require the creation of easements over downstream properties for drainage purposes. In this circumstance, a letter of consent from the owner/s of the downstream properties shall be submitted with the Development Application.
d) For subdivision proposals comprising 5 lots or more or where Council deems it necessary, a soil and water management plan (SWMP) shall be prepared by a suitably qualified professional with the aim of minimising erosion and maximising the quality of any water leaving the site. The contents of a SWMP should be modelled on the information in Schedule 1.

1.5.9 Element 9: Utility Services

Performance Criteria

a) All lots created for residential purposes shall have an adequate provision of services and not result in a detrimental impact on the environment.
b) The design and provision of public utilities shall conform to the cost effective criteria of the relevant servicing authority.
c) Compatible public utility services shall be located in common trenches so as to minimise the land required, soil erosion and the cost of providing the services.
d) Adequate buffers should be maintained between utilities and houses to protect residential amenity and health.

Prescriptive Measures

a) Provision of written evidence of compliance with the requirements of all relevant service authorities prior to release of construction certificate or subdivision certificate, as may be appropriate.
b) Underground power to be provided to all lots.

1.6 SPECIFIC REQUIREMENTS FOR R5 LARGE LOT RESIDENTIAL SUBDIVISION

1.6.1 Element 1: Lot Size and Shape

Performance Criteria

a) Lots shall have an appropriate area and dimensions for the siting and construction of a dwelling house and ancillary outbuildings, the provision of private outdoor space and convenient vehicle access and parking.
b) To provide usable areas, lot sizes shall be increased where sites are steep or contain significant landscape features including watercourses and easements.
c) Lot sizes and dimensions shall enable dwelling houses to be sited to:
   - protect natural and cultural features;
   - acknowledge site constraints including soil erosion and bushfire risk; and
   - retain special features such as trees and views.
d) Lots shall be configured to account for significant natural landscape elements or constraints and be designed to minimise environmental impact.

Prescriptive Measures

a) The minimum lot size is the minimum area shown on the Lot Size Map, as per CLEP, Clause 4.1 – Minimum subdivision lot size.
b) Lots shall accommodate a suitable building envelope with a minimum dimension of 20 metres. Building envelopes shall be located a minimum of 4.0 metres from significant trees and other significant vegetation or landscape features. Building envelopes shall include the area for the siting of the dwelling-house, outbuildings, landscaping and on-site effluent treatment and disposal areas (if required and permitted).
c) The design of the subdivision shall take into account any significant natural features on the site and these shall be retained.
d) Vegetation which adds to the visual amenity of the locality and / or which is environmentally significant shall be preserved in the design of the subdivision proposal.
e) The width to depth ratio of allotments shall not exceed 1:4. If lots are too elongated, land uses may be restricted (e.g. the shape of long lots may preclude the establishment of dams).

1.6.2 Element 2: Agriculture

Performance Criteria

a) Buffers shall be provided to existing development on adjoining agricultural properties.
b) The agricultural potential of the land shall not be diminished as a result of a subdivision proposal.

Prescriptive Measures

a) Compliance with *Part C: General Guidelines, Chapter 4: Land Use Conflict & Buffer Zones*.
b) Subdivision of land that is classified as 'prime agricultural land' (classes 1, 2 or 3) may require referral to and comment from NSW Industry and Investment (Agriculture). Any prime agricultural land occurring on the subject land is to be identified on the plans submitted.
c) Subdivision proposals are not to negatively impact upon sustainable agricultural activities.

1.6.3 Element 3: Effluent Disposal

Performance Criteria

a) Effluent and waste water shall be disposed of in a manner which is consistent with the land capability of the property.
b) Effluent and waste water shall be disposed of in a manner that will not cause unhealthy or unsanitary conditions.
c) Where sewer is not available, all effluent shall be retained and disposed of on-site. No pump-out systems will be permitted.
d) No adverse impact is to be caused to the environment generally.

Prescriptive Measures

a) An effluent disposal / geotechnical report may be required depending upon site requirements and constraints. Some assessment of the proposed lots will be required to be submitted with the application to identify basic site constraints and identify any areas considered suitable for effluent disposal. The NSW State Government's 'Environmental & Health Protection Guidelines – On-site Sewage Management for Single Households' (February 1998) should be used as a guide to this assessment.
b) Council may require submission of a geotechnical investigation report in certain cases, depending upon soil conditions, number of lots proposed, size of allotments and the like.
c) Disposal of effluent shall not create a health nuisance or pollution particularly in relation to nutrients infiltrating into bushland and / or watercourses.
d) Where reticulated sewer is not available, effluent will be contained, treated and disposed of totally on the subject site. The disposal of effluent utilising pump-outs for new lots is unacceptable.
e) For subdivisions proposing to create 5 or more allotments of 2.0 hectares or below in size, or where any boundary of the proposed subdivision is within 2.0 kilometres of an existing sewage reticulation system, Council may require the provision of a reticulated sewerage treatment system. The only circumstances where this standard should be varied is on sites already substantially cleared of native vegetation, where soils are highly suitable for effluent disposal and where they are not located near a watercourse, wetland or other environmentally sensitive area. In these cases, a detailed investigation into the disposal of effluent on-site, including any long-term and / or cumulative effects will be required. Such investigation shall be generally in accordance with the requirements of the NSW State Government's 'Environment & Health Protection Guidelines – On-site Sewage Management for Single Households' (February 1998).
f) Any disposal system within 40 metres of a watercourse is 'Integrated Development' under the provisions of the *Environmental Planning & Assessment Act 1979*.

1.6.4 Element 4: Flora and Fauna

Performance Criteria

a) Vegetation cover shall be retained wherever practicable as it acts to stabilise soils, minimise runoff, acts as a pollutant trap along watercourses and is important as a habitat for native fauna.
b) Vegetation shall be retained where it forms a link to other bushland areas, buffer zones, wildlife corridors and the like.
c) Allowance for the movement of fauna species on sites shall be maximised to maintain biological diversity.

d) Subdivision proposals shall be designed to minimise disturbance to existing vegetation.
e) Vegetation which is scenically and environmentally significant shall be retained.
f) Vegetation which adds to the soil stability of the land shall be retained.
g) Subdivision proposals shall be designed so as to minimise fragmentation of bushland.
h) Opportunities for revegetation will be pursued as part of the subdivision process as a trade off for site development and as a means of value adding to the environment. In particular, revegetation of any existing creeks, streams and drainage lines, or repair and revegetation of eroded or otherwise degraded areas shall be considered. Variations to density and lot size may be considered by Council in these instances, where significant environmental benefit can be demonstrated.

Prescriptive Measures

a) See *Part C: General Guidelines, Chapter 2: Flora and Fauna Survey Guidelines*.
b) Under-scrubbing is not to be undertaken without consent from Council.
c) Degraded areas are to be rehabilitated as part of the subdivision.
d) Watercourses and drainage lines to be retained as part of the subdivision scheme are to be stabilised and revegetated with appropriate native species.
e) Environmentally sensitive areas are to be preserved and enhanced with appropriate native vegetation where necessary.

1.6.5 Element 5: Hazards

Performance Criteria

a) Subdivision proposals shall be designed so as to enable separation between future dwellings and potential bushfire fronts.
b) Subdivision of flood prone land shall not result in increased risk to life or property both on the subject land and adjoining lands.
c) Subdivision of land that has been identified as being prone to landslip shall not increase the risk to life or property on the subject land or adjoining lands.
d) Subdivision proposals will be designed to take account of any known contamination of the site, and remediation works undertaken if required.
e) No adverse impacts on surrounding lands shall occur as a result of the subdivision proceeding.

Prescriptive Measures

a) Where a subdivision proposal is located on bushfire prone land the applicant shall comply with the NSW Rural Fire Services' document ‘Planning for Bushfire Protection 2006’ and Council’s Bushfire Management Plan. In general, Council will not favourably consider subdivision of heavily vegetated land in bushfire prone areas where the subdivision will require subsequent clearing of vegetation to meet required radiation zones, access requirements and the like.
b) In accordance with the requirements of the abovementioned documents, details shall be provided regarding the dimensions of the fire protection zone and arrangements and maintenance for access for bushfire fighting vehicles. Two separate points of access may be required in some circumstances.
c) Where a subdivision proposal is on land identified as being potentially subject to landslip, the applicant shall engage a geotechnical consultant to prepare a report on the viability of subdividing the land and if viable, provide recommendations as to the siting and the type of buildings and waste water treatment systems which could be permitted on the subject land.
d) Compliance with *Part C: General Guidelines, Chapter 3: Contaminated Lands*.

1.6.6 Element 6: Heritage

Performance Criteria

a) Heritage items and their curtilage shall be retained.
b) Subdivision shall be sympathetically designed to minimise the impact on heritage items of the subject land or adjoining lands.
c) Subdivisions shall be sympathetically designed to ensure that the existing heritage value of the streetscape and character of the area is maintained.
d) Adequate curtilage is to be provided around heritage items to provide an appropriate buffer.
e) Where a heritage item is in a state of disrepair, Council may negotiate its restoration as part of the subdivision proposal, having regard to both the need for a viable subdivision, and the desirability of maintaining heritage items for future generations.

Prescriptive Measures

a) See CLEP, Clause 5.10 – Heritage conservation.
b) A subdivision proposal on land which contains, or is adjacent to, an item listed in CLEP, Schedule 5: Environmental Heritage, shall illustrate the means proposed to preserve and protect such items. In this respect a conservation plan, detailing how the item would be restored, shall accompany the application.

1.6.7 Element 7: Roads and Access

Performance Criteria

a) Existing roads shall be upgraded where necessary to accommodate increased traffic arising from new subdivisions.
b) The impact of new road or accessway works on adjoining residents shall be minimised.
c) Road and accessway construction shall take account of existing topography and vegetation. Cut and fill shall be minimised and vegetation retained wherever practicable.

Prescriptive Measures

a) See Council's 'Engineering Standards for Development'. Access crossing requirements, pavement widths and depths and similar requirements are contained in this document.
b) Design details may be required during development application assessment.
c) A maximum of two rural lots may gain access from a 'right of carriage-way'.

1.6.8 Element 8: Soil and Water Management

Performance Criteria

a) Best management practices shall be implemented to control runoff and soil erosion and to trap sediment on the subject land to ensure there is no net impact on downstream water quality. The quality of runoff water from the subject land shall be the same or better than the quality of water prior to the subdivision taking place.
b) Where possible, incorporate natural features into a natural drainage system for the site.
c) Where possible, design multiple use drainage and treatment systems incorporating gross pollutant traps, constructed wetlands and detention basins.

d) The subdivision shall be designed so as to minimise disturbance of the subject land especially in circumstances where there are topographical constraints.
e) Drainage from proposed lots shall be consistent with the pre-development stormwater patterns.

Prescriptive Measures

a) Depending upon the scale, location and nature of the subdivision proposal, a Soil and Water Management Plan (SWMP) may be required to be prepared by suitably qualified persons. This is most likely where any construction works are required as part of the subdivision. Early consultation with Council officers will confirm whether a SWMP is required. The plan shall detail best management practices in regard to soil conservation and pollution control measures to be installed prior to clearing and earthworks and maintained until revegetation measures are complete. The contents of a SWMP are shown in Schedule 1.
b) In subdivision proposals where clearing is minimal and earthworks are limited a SWMP may not be required. Compliance with Council's 'Engineering Standards for Development' will be required.

1.6.9 Element 9: Stormwater Management and Drainage

Performance Criteria

a) Stormwater runoff from construction of subdivisions and from development resulting from subdivision is to be adequately detained on site.
b) Water quality in watercourses near subdivisions is to be protected by way of appropriate structures and / or filter mechanisms.

Prescriptive Measures

a) See Council's 'Engineering Requirements for Development'.

1.6.10 Element 10: Utility Services

Performance Criteria

a) All lots created shall have an adequate provision of utility services and not result in a detrimental impact on the environment.
b) The design and provision of public utilities shall conform to the cost effective criteria of the relevant servicing authority.
c) Compatible public utility services shall be located in common trenches so as to minimise the land required, soil erosion and the cost of providing the services.
d) Adequate buffers shall be maintained between utilities and houses to protect amenity and health.
e) The provision of utility services shall not detrimentally impact on the landscape character of an area, or detrimentally impact vegetation corridors.

Prescriptive Measures

a) Adequate water supplies for both domestic and fire fighting purposes must be available.
b) Electricity shall be provided to all lots, except for those considered by Council to be 'remote', where the requirement may be waived and a covenant placed on the title of the land where possible.

c) Where available, reticulated sewage disposal systems will be required (see Element 3: Effluent Disposal).

1.6.11 Element 11: Visual Amenity

Performance Criteria

a) Subdivision proposals shall be designed so that subsequent development will have minimal impact on significant views and vistas.
b) Subdivisions shall be designed to compliment the landscape rather than altering the landscape to suit a subdivision layout.
c) A subdivision proposal shall be compatible with the cultural and landscape characteristics of the locality or region.

Prescriptive Measures

a) Building envelopes, accessways and roads shall avoid ridge tops and steep slopes.
b) Subdivision of escarpments, ridges, and other visually interesting places shall be managed in such a way that the visual impact rising from development on newly created allotments is minimal.
c) Subdivisions shall be designed so that, when subsequently developed, visually significant vegetation, such as that found on ridge tops and other visually prominent locations will be retained.
d) Proposals to subdivide visually sensitive or prominent areas will require the submission of a visual impact assessment report.

1.7 SPECIFIC REQUIREMENTS FOR R2 & R3 RESIDENTIAL SUBDIVISION

1.7.1 Element 1: Lot Size and Shape

Performance Criteria

a) Lots shall have an appropriate area and dimensions for the siting and construction of a dwelling-house and ancillary outbuildings, the provision of private outdoor space and convenient vehicle access and parking.
b) To provide usable areas, lot sizes shall be increased where sites are steep or contain significant landscape features including watercourses and easements.
c) Lot sizes and dimensions shall enable dwelling-houses to be sited to:
   - protect natural and cultural features;
   - acknowledge site constraints including soil erosion and bushfire risk; and
   - retain special features such as trees and views.
d) Lot sizes shall meet with the projected requirements of people with different housing needs and provide housing diversity and choice.
e) Lot sizes and configurations shall be varied to provide a mix of allotment types which create pleasant streetscapes and encourage a variety of housing types.
f) Lots shall be configured to account for significant natural landscape elements or constraints and be designed to minimise environmental impact.

Prescriptive Measures

a) The minimum lot size is the minimum area shown on the Lot Size Map, as per CLEP, Clause 4.1 – Minimum subdivision lot size.
b) Allotments shall have a minimum width of 18 metres at the building line.

c) An allotment shall not be less than 20 metres in depth to ensure there is some flexibility in the choice of housing design and siting as well as the availability of suitable space for other activities normally associated with a dwelling-house.
d) The dimensions for accessways (handles) for battle-axe shaped allotments are as follows:

Maximum Length	60 metres
Minimum Width	3.5 metres
Minimum width of shared access corridor	5.0 metres

e) No more than 5 allotments shall be served by an accessway.
f) Vegetation which adds significantly to the visual amenity of a locality and / or which is environmentally significant or of habitat value shall be conserved in the design of the subdivision proposal.
g) Lots shall be designed to allow the construction of a dwelling-house with a maximum cut or fill of 1.0 metre from the natural ground level (ie. the dwelling-house shall be designed to conform to the existing topography).

1.7.2 Element 2: Accessway (handle) Design

Performance Criteria

a) Accessways (handle) shall provide safe and efficient entry / exit to individual lots.
b) Accessways (handles) shall be landscaped and treated so as to reduce the visual and environmental impact of hard paved areas.
c) Accessways (handles) shall minimise the impact on the amenity of the existing and future dwelling-houses.

Prescriptive Measures

a) Accessways (handles) shall have a minimum sealed width of 3.0 metres.
b) Accessways (handles) shall not serve more than 5 lots.
c) Accessways (handles) shall have a maximum grade of 25% (1:4) at any point.
d) The following standards apply to lots with battle-axe handles:

Allotments	**Minimum width of battle-axe handle (metres)**
1	3.5
2	5.0
3 - 5	2.0 per lot

e) Accessways (handles) shall be sited away from noise and visually sensitive components of existing and future dwelling-houses.
f) Where possible accessways (handles) shall be located on the south side of existing and future dwelling-houses.
g) Accessways (handles) shall provide interest and variety and avoid lengthy straight sections.
h) Where the site is steep or fronts a local collector or higher order road (greater than 3,000 vehicles per day) or a highly pedestrianised area, accessways (handles) shall be designed so that vehicles can be driven both onto and off the property in a forward direction.
i) Where vehicles would otherwise have to reverse more than 50 metres, a turning area shall be provided to enable the vehicles to enter and leave the site in a forward direction and reduce the need to reverse over long distances.

1.7.3 Element 3: Heritage

Performance Criteria

a) Heritage items shall be retained.
b) Subdivision shall be sympathetically designed to minimise the impact on heritage items of the subject land or adjoining lands.
c) Subdivisions shall be sympathetically designed to ensure that the existing heritage value of the streetscape and character of the area is maintained.

Prescriptive Measures

a) See CLEP, Clause 5.10 – Heritage conservation.
b) A subdivision proposal on land which contains, or is adjacent to, an item listed in CLEP, Schedule 5: Environmental Heritage, shall illustrate the means proposed to preserve and protect such items. In this respect a conservation plan, detailing how the item would be restored, shall accompany the application.

1.7.4 Element 4: Local Street Design

Performance Criteria

a) Street widths shall reflect the role and function of the street in the road hierarchy and traffic generation.
b) Junctions along residential streets shall be spaced to create safe and convenient vehicle movements.
c) The street network shall create a convenient route for residents between their home and higher order roads.
d) The street network shall facilitate walking and cycling within the neighbourhood and to local activity centres.
e) The street network shall be orientated where practical, to promote efficient solar access for dwelling houses.
f) The street network shall take into account existing topography and existing open space systems and natural constraints.
g) Streets shall not operate as through traffic routes for externally generated traffic while at the same time limiting the length of time local drivers need to spend in a low speed environment.
h) Streets shall be designed to allow on-street car parking.
i) Streets and lots shall be located so that dwelling-houses are not subjected to unacceptable traffic noise.
j) Streets shall be designed to cater for service vehicles.

Prescriptive Measures

a) Design specifications for streets shall be as follows:

Allotments	Road reserve width (metres)	Minimum carriage way width (metres)	Parking provision	Kerb type
<10	13.0*	6.0	Verge	Rollover
10 - 200	18.0	8.0	Carriage way	Rollover / Upright
200 - 400	20.0	11.0	Carriage way	Upright
> 400	20.0	13.0	Carriage way	Upright

* *May be reduced to a minimum of 10 metres where access is required on only 1 side of the road.*

1. *Cul-de-sacs shall not exceed 200 metres in length unless topographic constraints render other options impracticable.*
2. *Streets shall be designed to provide interest and variety in the streetscape through kerbs (where appropriate), landscaping and paving treatments. The street design shall be compatible with the existing road pattern in the locality.*
3. *No more than 3 turning movements at intersections shall be required in order to travel from any home to the most convenient collector street or higher order road.*
4. *The minimum spacing of staggered junctions in a local street network shall be 20 metres.*
5. *Any subdivision proposal adjoining a rear lane shall be designed so as to provide both vehicular and pedestrian access to the front street. Conversely, Council will not require the upgrading of rear lanes where vehicular and pedestrian access has been provided to the front street.*
6. *Cul-de-sacs for residential roads shall have minimum seal radii of 8.5 metres and boundary radii of 12 metres.*

1.7.5 Element 5: Pedestrians and Cyclists

Performance Criteria

a) The location of footpaths or cycle paths shall be defined using the following parameters:
   - demand for footpaths and cycle paths;
   - opportunities to link open space networks and communities including public transport, local activity centres and schools;
   - topography;
   - cyclist and pedestrian safety, including Crime Prevention Through Environmental Design (CPTED) guidelines.

b) The alignment of footpaths shall allow safe and convenient use by pedestrians and cyclists and shall be variable enough to accommodate trees and other significant features.

c) Paths shall be designed to enable widening at certain points to allow passing facilities for pedestrians / cyclists.

d) Pedestrian and cyclist paths shall be constructed to provide a stable and attractive surface for projected users, which is easily maintained.

Prescriptive Measures

a) No footpaths are required on streets with a traffic volume less than 300 vehicles per day as pedestrians can share the road surface with vehicles in a low speed environment.

b) Footpaths shall be provided on one side of streets with traffic volumes between 300 vehicles per day and 2,000 vehicles per day and on both side of streets with traffic volumes over 2,000 vehicles per day.

1.7.6 Element 6: Solar Access and Lot Orientation

Performance Criteria

a) 80% of lots in a new subdivision shall have 5 star solar access, and the remainder either 4 or 3 star.

b) Lot sizes reflect reasonable consideration of the impact of topography and aspect to maximise solar access.

c) Lots are of a suitable shape to permit the location of a dwelling-house with suitable solar access and private open space (see Schedule 2 - Figure 4).

d) Design and location of transport links and access facilitate pedestrian and cyclist activity, and the use of public transport.

Prescriptive Measures

a) See Schedule 2 – Solar Access and Energy Efficiency.

1.7.7 Element 7: Stormwater Management

Performance Criteria

a) Drainage from subdivision sites shall be consistent in both water quality and quantity terms with the predevelopment stormwater patterns.
b) Drainage systems shall be designed so as to ensure safety and minimise the likelihood of stormwater inundation of existing and future dwelling houses.
c) Adequate provision shall be made for measures during construction to ensure that the landform is stabilised and erosion controlled.
d) Natural drainage systems shall be incorporated into designs where possible.

Prescriptive Measures

a) Where site topography prevents discharge of stormwater directly to the street gutter or a Council controlled pipe system, inter-allotment drainage shall be provided to accept runoff from existing or future impervious areas on the subject land. The design and construction of the inter-allotment drainage system shall be in accordance with the requirements of 'Australian Rainfall and Runoff (1987)'.
b) Stormwater shall drain by gravity to Council's system which may require inter-allotment drainage. Easements having a minimum width of 2.0 metres are to be identified on submitted plans.
c) Proposals may require the creation of easements over downstream properties for drainage purposes. In this circumstance, a letter of consent from the owner/s of the downstream properties shall be submitted with the Development Application.
d) For subdivision proposals comprising 5 lots or more or where Council deems it necessary, a soil and water management plan (SWMP) shall be prepared by a suitably qualified professional with the aim of minimising erosion and maximising the quality of any water leaving the site. The contents of a SWMP shall be modelled on the information in Schedule 1.

1.7.8 Element 8: Utility Services

Performance Criteria

a) All lots created for residential purposes shall have an adequate provision of services and not result in a detrimental impact on the environment.
b) The design and provision of public utilities shall conform to the cost effective criteria of the relevant servicing authority.
c) Compatible public utility services shall be located in common trenches so as to minimise the land required, soil erosion and the cost of providing the services.
d) Adequate buffers should be maintained between utilities and houses to protect residential amenity and health.

Prescriptive Measures

a) Provision of written evidence of compliance with the requirements of all relevant service authorities prior to release of construction certificate or subdivision certificate, as may be appropriate.
b) Underground power to be provided to all lots.

1.8 SPECIFIC REQUIREMENTS FOR IN2 & IN3 INDUSTRIAL SUBDIVISION

Note: For subdivision in the IN1: General Industrial zone, applicants shall refer to the specific provisions in Cessnock Local Environmental Plan and Part E: Specific Development, Chapter 6: Hunter Employment Zone.

1.8.1 Element 1: Lot Sizes and Shapes

Performance Criteria

a) Each proposed lot shall offer a maximum utility in terms of building space and accessibility bearing in mind the requirements of modern industrial activity.

b) Council recognises that lot sizes for the different types of industrial subdivision will vary according to functional purpose. No minimum lot sizes are specified as the land area required for a particular industrial activity or activities shall reflect the most efficient and beneficial utilisation of the land involved. In considering an application for subdivision, Council will have regard to the following factors:
   - if the subdivision involves the creation of a significant number of lots then provision shall be made for a variety of lot sizes;
   - the size of lots shall provide sufficient space to accommodate the industrial operations and buildings envisaged, make allowance for possible future expansion and allow the site to function properly and efficiently in terms of development requirements. These requirements may relate to factors such as: safe ingress and egress; vehicular movement within the curtilage of the site; parking; deliveries; storage and bin areas; boundary setback requirements; and landscaped areas; and
   - the overall pattern of lot sizes in the locality and the type of industrial activity characteristic of the locality in which the subdivision is located.

Prescriptive Measures

a) The minimum width of a lot in an industrial zone shall be 30 metres at the building line. Lot widths of less than 30 metres will be considered where lots are part of an integrated industrial development

b) Battle-axe shaped allotments shall comply with the minimum width at the building line stated above. Battle-axe handles shall have a minimum width of 8.0 metres.

c) The above standards have been imposed to ensure that lots shall have dimensions which permit the safe manoeuvring of trucks within the lot, so that trucks and cars can enter and leave the lot in a forward direction.

1.8.2 Element 2: Access and Road Layout

Performance Criteria

a) Road layouts and access points shall be designed to provide for the safe and efficient movement of traffic to and from each proposed lot within the industrial areas.

b) Access from individual lots to major roads shall be minimised. The use of minor roads for such access is desirable wherever practicable.

c) Battle-axe lots may be acceptable for light and service industries which are not serviced by larger vehicles. Details such as the shape of the effective lot area, the need for truncation in the lot and the width of the access handle will be determined on a merits basis.

Prescriptive Measures

a) The following design requirements apply to roads servicing industrial lots:

Road reserve width	Carriage way width (minimum)	Footway
20 metres	13 metres	3.5 metres

b) Cul-de-sacs for industrial roads should have minimum kerb radii of 13.5 metres and boundary radii of 17.0 metres.

1.8.3 Element 3: Adjoining Development

Performance Criteria

a) Industrial land uses should be compatible with adjacent commercial and or residential areas.

Prescriptive Measures

a) The applicant may be required to indicate how the industrial land could be developed and also show the location of landscaping, building and other site planning techniques with the aim of minimising impact on adjoining commercial and or residential uses.

1.8.4 Element 4: Utility Services

Performance Criteria

a) New industrial lots shall be provided with all services including water, sewer, power, telephone and gas where appropriate.

Prescriptive Measures

a) Connection to a reticulated sewerage system is a normal requirement of an industrial subdivision. However, where a reticulated sewerage connection is not available and is not likely to be available for some time, the Council may consider Development Applications on the basis that:

- it is satisfied that the development will be limited to 'dry industry'; and
- any application for industrial subdivision in unsewered areas is accompanied by an effluent disposal report.

b) All industrial subdivisions shall be connected to the power and water supply for the locality.

SCHEDULE 1 – SOIL AND WATER MANAGEMENT PLANS

The following matters may need to be addressed in the preparation of a Soil and Water Management Plan (SWMP).

The matters are general in nature and may not all be appropriate for different types and scales of subdivision.

- Construction of a perimeter or diversion bank to manage water movement.
- Construction of sediment traps and sediment basins and filter fences to collect sediment, nutrients and trash prior to site disturbance.
- Minimisation and prompt stabilisation of disturbed areas.
- Staggered site works (with progressive landscaping).
- Drainage control measures to control water movement and quality.
- The sowing of a cover crop on disturbed areas to minimise the time and period disturbances are exposed and to reduce erosion.
- The collection of silts and clays through flocculation where soils are known to be dispersable.
- Soil and water management measures should be designed for the 1 in 5 year storm event.
- Council shall be notified 48 hours prior to the commencement of site works so as to enable a site inspection of the control measures.
- Polluted and nutrient rich runoff from the site should not contaminate receiving waters or ground waters.
- Development of slopes greater than 20% should be avoided.
- Any development on land with slopes greater than 20% will require an evaluation of the site's stability by means of a geotechnical report. In such areas cut and fill should not exceed depths of 1.0 metre.
- A soil contamination assessment should accompany all Development Applications on properties where there is the likelihood of contamination due to past activities, such as; mining; agriculture; industry; tanneries; or where there is evidence of extensive introduced landfill. If any soil contamination is found a report shall be prepared detailing the extent and levels of contamination and any appropriate mediation measures, in accordance with Part C: General Guidelines, Chapter 3: Contaminated Lands.
- The discharge of water through adjoining lands should reflect the pre-development or natural situation. Concentration flows of unpolluted water, should be channelled to natural drainage systems or absorbed into the groundwater in an appropriate manner.
- Energy dissipaters should be used to reduce the velocity of stormwater into watercourses, foreshore areas and tidal zone.

SCHEDULE 2 – SOLAR ACCESS & ENERGY EFFICIENCY

1. LAND SUBDIVISION

This section applies to all applications for the subdivision of land with a site area of 1.0 hectare or greater, or the subdivision of land involving the development of 5 or more building allotments.

This section should also be taken into consideration when designing developments proposed for future subdivision of any kind.

1.1. Subdivision Design

Background Principles

Subdivision design is about manipulating the key variables of aspect, shape and density in combination with site characteristics such as topography and slope to achieve an optimum mix of lot sizes and energy efficiencies. It shall also promote and facilitate pedestrian activity, bicycle use and access to public transport to minimise transport energy use (see Figure 3).

A solar-efficient subdivision will ensure that the overall development is significantly more energy efficient than conventional development because once the lots are correctly aligned and proportioned, individual houses in general will perform better with comparatively less effort.

A subdivision design shall maximise and protect solar access for each dwelling-house. This is achieved by defining the lot size, shape, orientation, the solar setback line and possibly a building height envelope, which together determine the ideal location of the northern wall of a dwelling-house and the true solar north-facing windows, for any given lot. Together, these factors ensure that dwelling-houses are located on lots such that reasonable solar access is achievable.

Subdivision design: promoting and facilitating pedestrian activity, bicycle use, and access to public transport

Source: Amcord, 1995

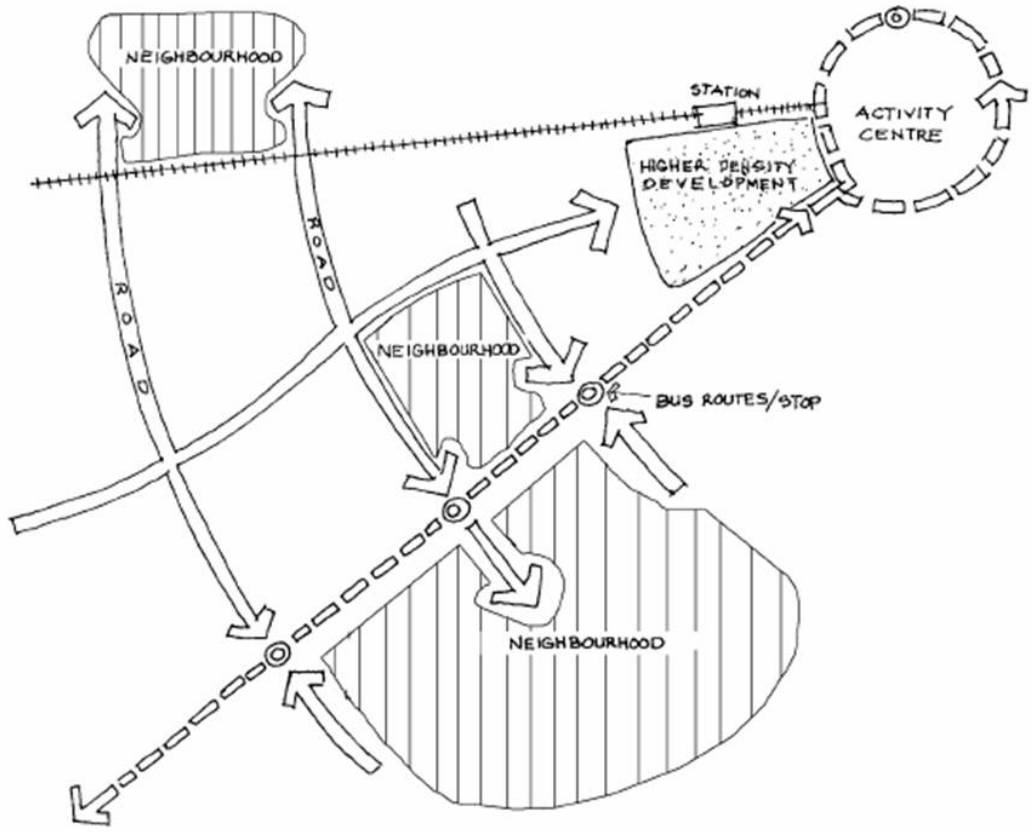


Figure 1

How to satisfy the submission requirements: Subdivision Design Intent

- To maximise the number of residential allotments which have good solar access and therefore which optimise the design performance of energy smart homes.
- To minimise reliance on private car use.

Performance criteria: The intent can be achieved where:

- 80% of lots in a new subdivision have 5 star solar access, and the remainder either 4 or 3 star.
- Lot sizes reflect reasonable consideration of the impact of topography and aspect to maximise solar access.
- Lots are of a suitable shape to permit the location of a dwelling-house with suitable solar access and private open space (see Figure 2).
- Design and location of transport links and access facilitate pedestrian and cyclist activity, and the use of public transport.

Lot shape and dwelling orientation
Source: Amcord, 1995

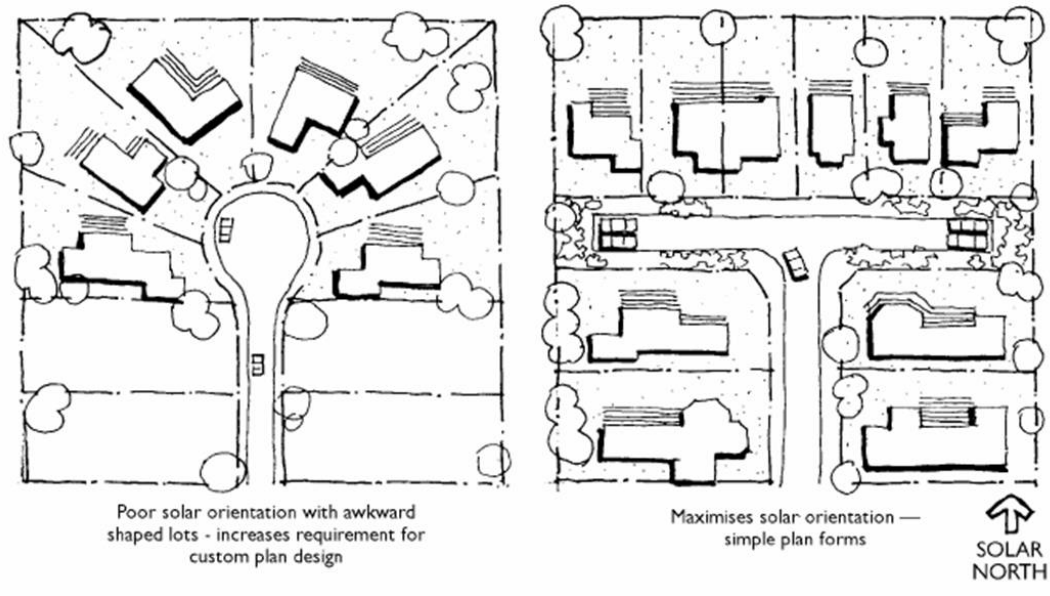


Figure 2

Possible design solutions

This section suggests possible solutions to meet the performance criteria. Adoption of any one or range of suggestions will not necessarily achieve compliance but may contribute.
Orientation and topography suitability

Lots should (ideally) be orientated so that one axis is within 30^0 east and 20^0 west of true solar north (see Figure 3).

North-facing slopes improve opportunities for solar access, with smaller lots best suited to north-facing slopes with gradients of less than 15% (less than 1:6). South-facing slopes impose a penalty on solar access and therefore larger lots / lowest densities are best suited to south-facing slopes (see Figure 4).

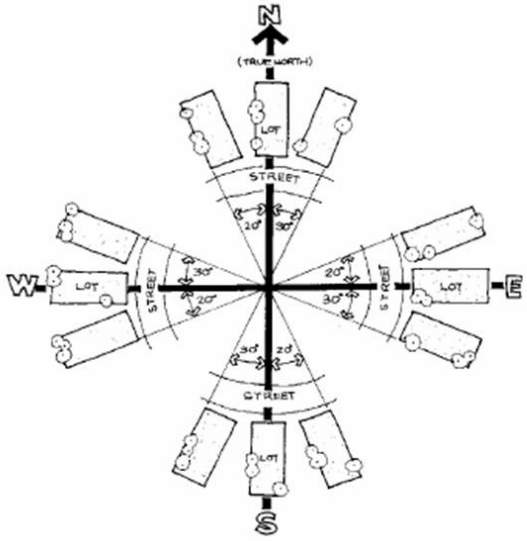
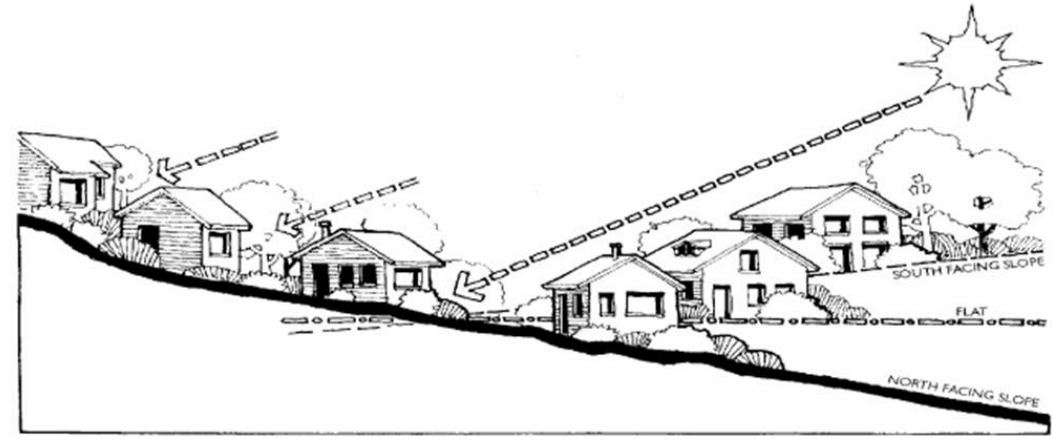


Figure 3
Preferred orientation of lots in an energy efficient subdivision.
Source: Amcord, 1995

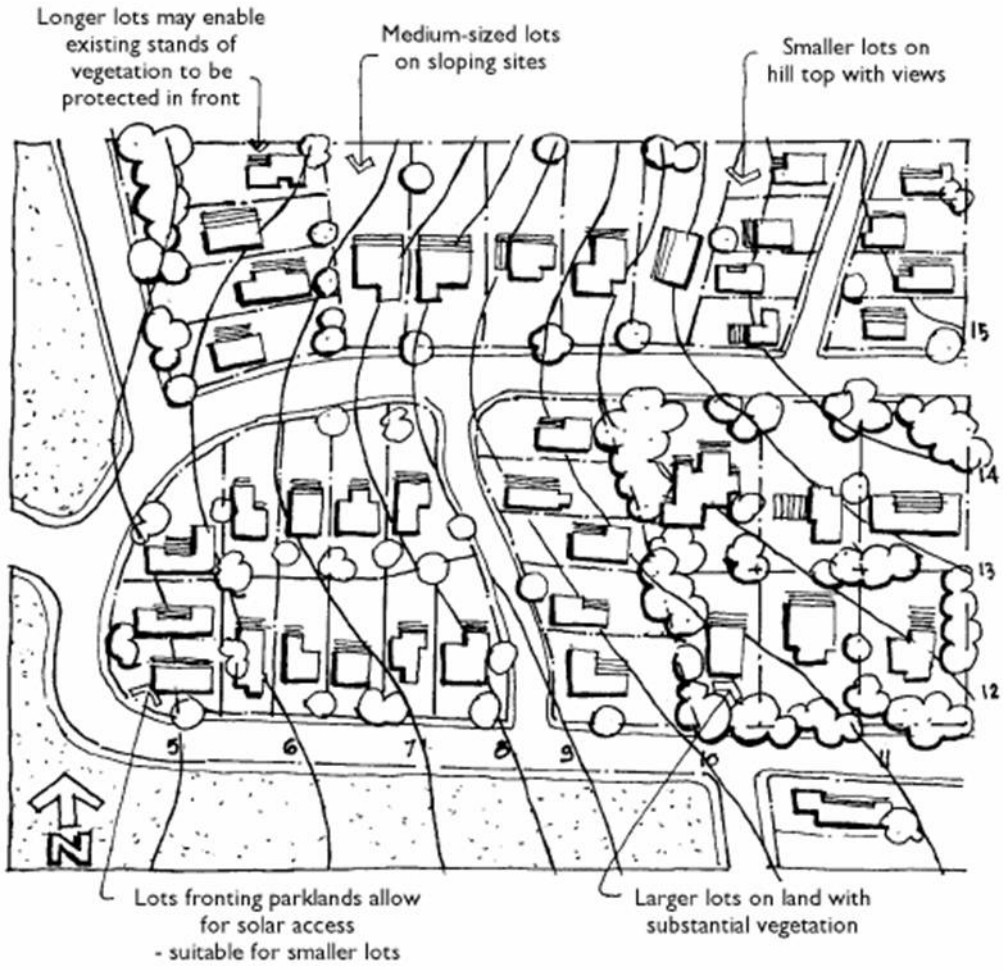
Figure 4
Slope and aspect: how the slope and aspect of a lot affects shadowing and dwelling density.
Source: Amcord 1995



Lot size and shape

- Sloping sites are suitable for medium to large lots only (see Figure 5).
- Lots < 350m² are located on land with less than 10% (1:10) slope across the frontage.
- Lots > 450m² are capable of containing a building platform rectangle measuring 10 metres x 15 metres (see Figure 5).
- Lots 300m² to 450m² are capable of holding a building platform of 9.0 metres x 15 metres where the major axis of the block is between 30^0 east and 20^0 west of true solar north.
- Lots of <300m^2 approximate square or rectangular shapes.
- Where lots do not comply with orientation, a building platform 9.0 metres x 15 metres is available with the orientation within 30^0 east and 20^0 west of true solar north.

Figure 5
Lot size, slope and aspect



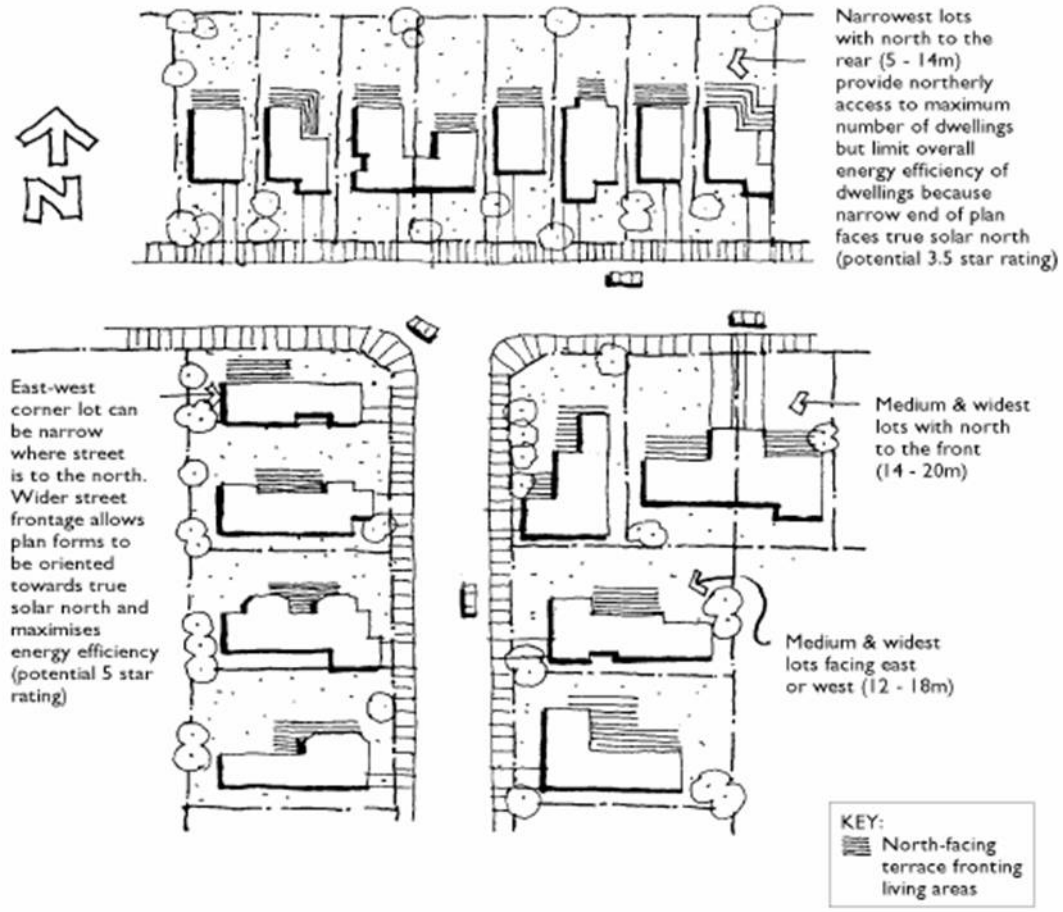
Access

- Footpaths are designed to access public transport routes.
- Subdivision design includes: clearly marked bicycle network; marked kerbside bike lanes; dedicated cycleways; and links to regional cycleways.
- Pedestrian and cyclist routes shall be designed in accordance with Crime Prevention through Environmental Design (CPTED) guidelines.

Setbacks

- Variable setbacks and zero lot lines are a means of maximising solar opportunity, especially with small or narrow lots. Setbacks are manipulated to maximise solar access for all lots (see Figures 6 & 8).

Figure 6
Lot width, orientation and street frontage



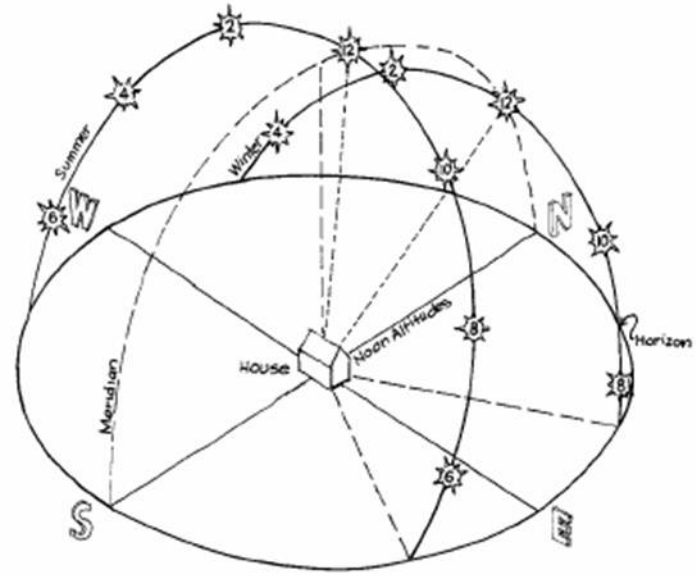
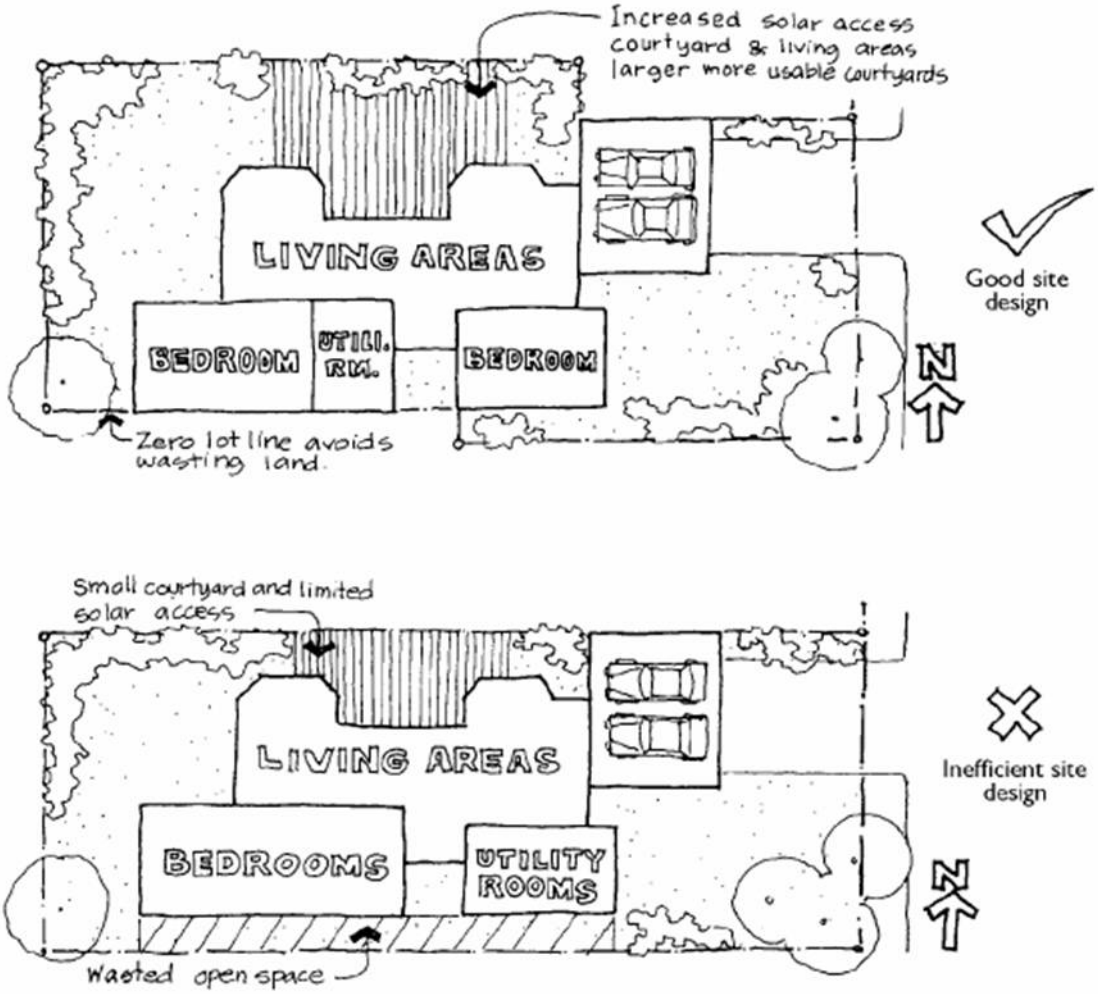


Figure 7
Variations in the suns path during the year

Figure 8
Variable setbacks and solar access



1.2 URBAN DESIGN AND LANDSCAPING

Background Principles

Streets and public spaces in a subdivision can be designed to contribute to solar efficiency, chiefly through the selection and location of trees.

In temperate climates such as most parts of New South Wales, deciduous trees can make the greatest shade in summer and allow sunlight to penetrate in winter.

Where evergreen indigenous trees would create unwanted shadows, deciduous trees will contribute towards pedestrian comfort, and avoid overshadowing. Trees can also be used as wind breaks, and many evergreen species are ideal for this purpose provided that the potential conflicts between evergreen species and solar access are properly managed.

Note: There are potential conflicts between the principles of ESD, biodiversity and the use of non-indigenous deciduous trees which also require managing of leaf drop issues.

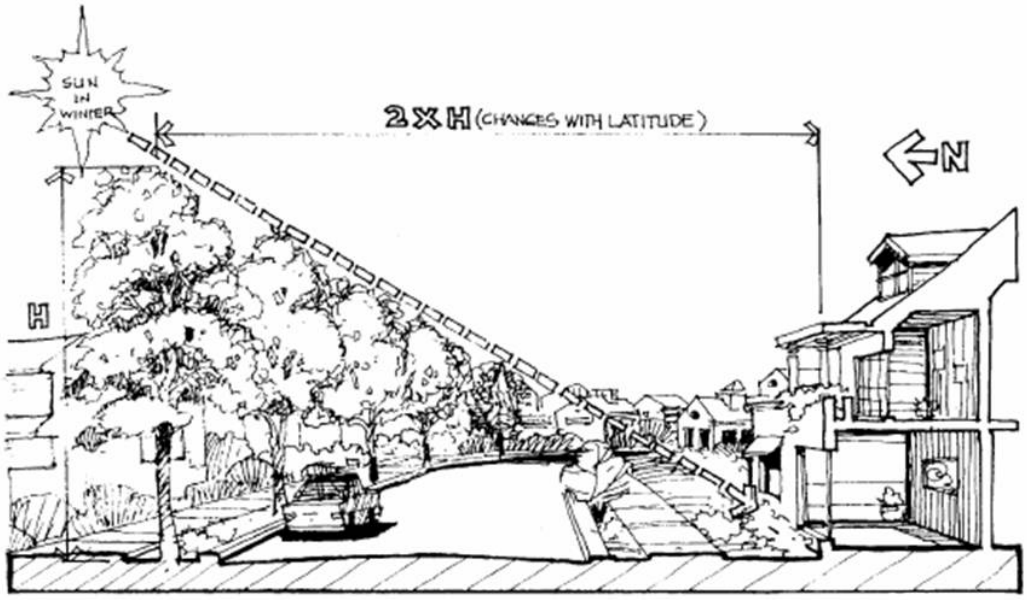
How to satisfy the submission requirements: Urban Design and landscaping Intent

- To ensure that streetscape components do not detrimentally affect solar access to individual dwelling-houses.

Performance criteria: The intent can be achieved where:

- Street tree species are selected to provide summer shading while not impeding solar access to dwelling-houses in winter.
- Trees are planted or retained so as not to impede solar access to dwelling-houses.
- Streetscapes contribute as winter windbreaks.

Figure 9
Streetscapes: basic principles for tree planting for selective shading, summer and winter
Source: Amcord 1995



Possible Design Solutions

This section suggests possible solutions to meet the performance criteria. Adoption of any one or range of suggestions will not necessarily achieve compliance, but may contribute.

- Select deciduous trees for solar efficiency where shadows may impact on housing.
- Plant taller tree species on the northern side of east-west aligned streets and shorter species on the southern side.
- Select plantings with low maintenance and low water consumption. (Consider leaf drop as a maintenance item from an ESD point-of-view).
- Retain existing vegetation in the master plan to minimise solar obstruction to dwelling-houses.
- Select evergreen species for windbreaks and plant them along the southern or western side of the area being protected against the wind.
- Ideally, select indigenous species that preserve the solar access of adjoining properties.

SCHEDULE 3 – GRETA (ILLALONG), MULBRING (SOUTH) & ABERMAIN (NORTH)

This schedule applies to land zoned R5: Large Lot Residential under the Cessnock Local Environmental Plan at Greta (Illalong) (Figure 1), Mulbring (South) (Figure 2) and Abermain (North) (Figure 3).

1. SUBDIVISION DESIGN

Lot Configuration

Lot configuration shall be consistent with the Development Principles Plan (Figures 1 - 3). In the case where there is justification for variation from this plan, such a variation will be considered where the principles of the Control Plan are followed and adjoining landowners are not disadvantaged.

Planning Principle:

Development, particularly subdivision design, shall provide a mix of lot sizes where possible in order to avoid monotonous layouts and to provide a range of housing opportunities.

General Standards:

(a) Varied sizes and dimensions of lots shall be designed, particularly in subdivisions creating more than 2 lots.
(b) New lots and vehicular access points shall be designed to ensure that the siting of dwelling houses (or other traffic generating development) does not create:

- multiple access points to a through road;
- the visual appearance of multiple buildings fronting a through road; and,
- a hazard to traffic or pedestrian safety.

Access

Planning Principle:

Road and accessways within the development site shall be sited and designed to be efficient and practical with regard to expected traffic volumes while maintaining the rural character and minimising any environmental impact.

Road Hierarchy:

Greta (Illalong):

Access into Illalong is via Tuckers Lane to the east, which connects directly to Main Road 220, Camp Road to the south and Mansfield Street into Greta in the north. Mansfield Street is the main through link and primary distributor. The other roads form a relatively tight grid on both sides of Mansfield Street. Figure 1 shows the determined internal road layout and lot configuration for the R5: Large Lot Residential area.

Mulbring (South):

The land in Figure 2 fronts Main Road 220, giving quick access to both Cessnock and Kurri Kurri. The primary distributors for the area are Palmer Street and Child Street. Main Road 597 runs from the north east corner of Figure 2 to Buchanan. Figure 2 shows the determined internal road layout and lot configuration for the R5: Large Lot Residential zone.

Abermain (North):

The main through distributor road is Frame Drive and it should be considered the primary road of the area. This road bisects the area covered directly by this plan and links the area directly with the more built-up part of Abermain. From here, Frame Drive connects with Main Road 218 (Maitland Road), the arterial road linking Cessnock and Kurri Kurri. The area is bounded by Bathurst Street on the west, Church Street on the east and Gingers Lane on the north. Lismore Street links Frame Drive to Bathurst Street on the south. Figure 3 shows the determined internal road layout and lot configuration for the R5: Large Lot Residential area.

Temporary Road Access

All allotments shall have permanent public road access constructed to Council's standards. Council may, however, permit temporary road access to a land locked parcel where no other public road access is available at the time of approval. This temporary access shall be constructed in accordance with Council's requirements with standards depending on the level of traffic generation.

The creation of a temporary road will be in accordance with Section 9 *Roads Act 1993*. In the case of the Illalong area it is unlikely temporary road access will be required given the existing road network.

General Standards:

For subdivisions involving the construction of new roads or accessways, a plan shall be developed to illustrate a circulation system which:

(a) relates to the number of lots and expected number of dwelling-houses to be serviced;
(b) minimises impact on the rural landscape and environment through clearing, civil engineering works, or disturbance to natural features;
(c) identifies the role of any accessways in terms of the road hierarchy and the existing grid layout;
(d) employs construction specifications that are sympathetic to the natural site features;
(e) permits flood-free access to each lot; and
(f) permits pedestrian, equestrian and cycle access with minimal conflict with vehicles.

In determining the standard for road construction reference should be made to Council's 'Engineering Requirements for Development' which covers matters of road standards and drainage, and erosion control measures relating to roadworks.

2. SITING OF BUILDINGS

Views

Planning Principles:

a) development shall retain distant, local and internal views; and
b) dwelling houses shall be screened from the noise and visual intrusion of main roads.

General Standards:

Development shall be sited to enhance rural outlooks by:

a) siting buildings to maximise distant and local rural views from both indoor and outdoor living areas; and
b) siting buildings to limit views into adjoining lots or adjoining unattractive or restricted views.

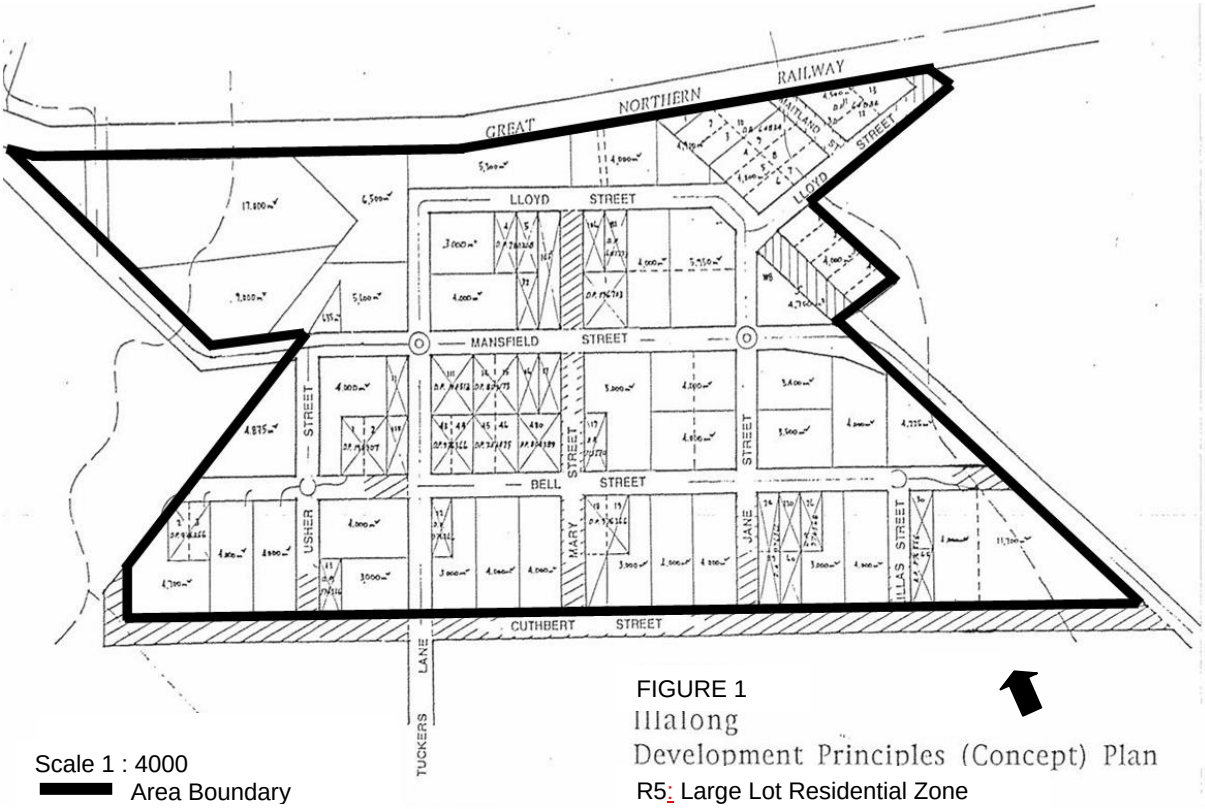


FIGURE 1
Illalong
Development Principles (Concept) Plan
R5: Large Lot Residential Zone

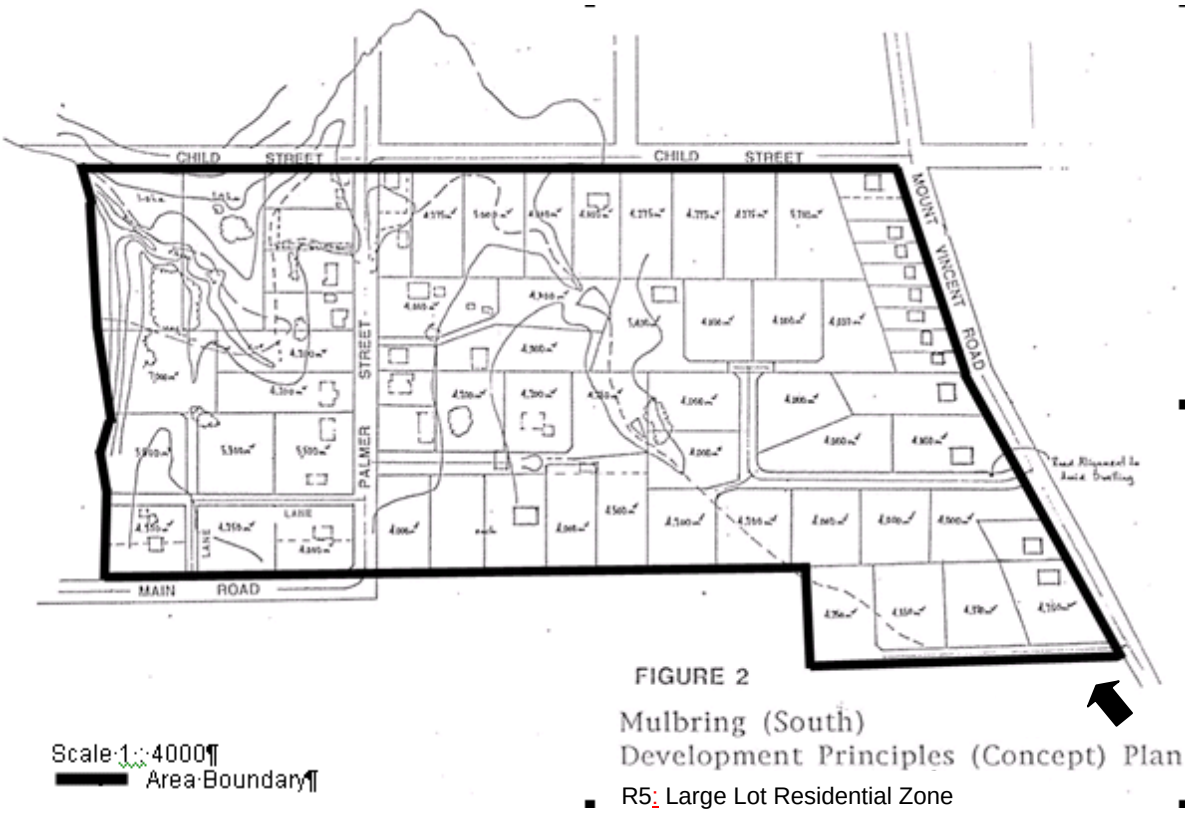
Slope

The land in Figure 1 is classified as having a 1%-5% slope in the Land Resources Study of the City of Greater Cessnock (Hunt, 1982). The major portion is categorised as footslope (B3) with a minor area of drainage plain (B5) in the south-east along the creek line. The land does not have a significant mass movement hazard. It has no significant limitations to residential development.

Soil

The land in Figure 1 is classified as being composed of Greta Red Podzolic soil (RPga). This soil type is of low to moderate erosion hazard and has no significant limitations to residential development.

Most of the land is defined as having moderate sheet erosion of 10% to 20% of bare ground (Class 22). Along the creek line in the south-east portion of the subject land, there is minor gully erosion of less than 1.5 metres in depth (Class 51). Consequently, in some locations erosion and sediment control measures will be necessary.



Slope

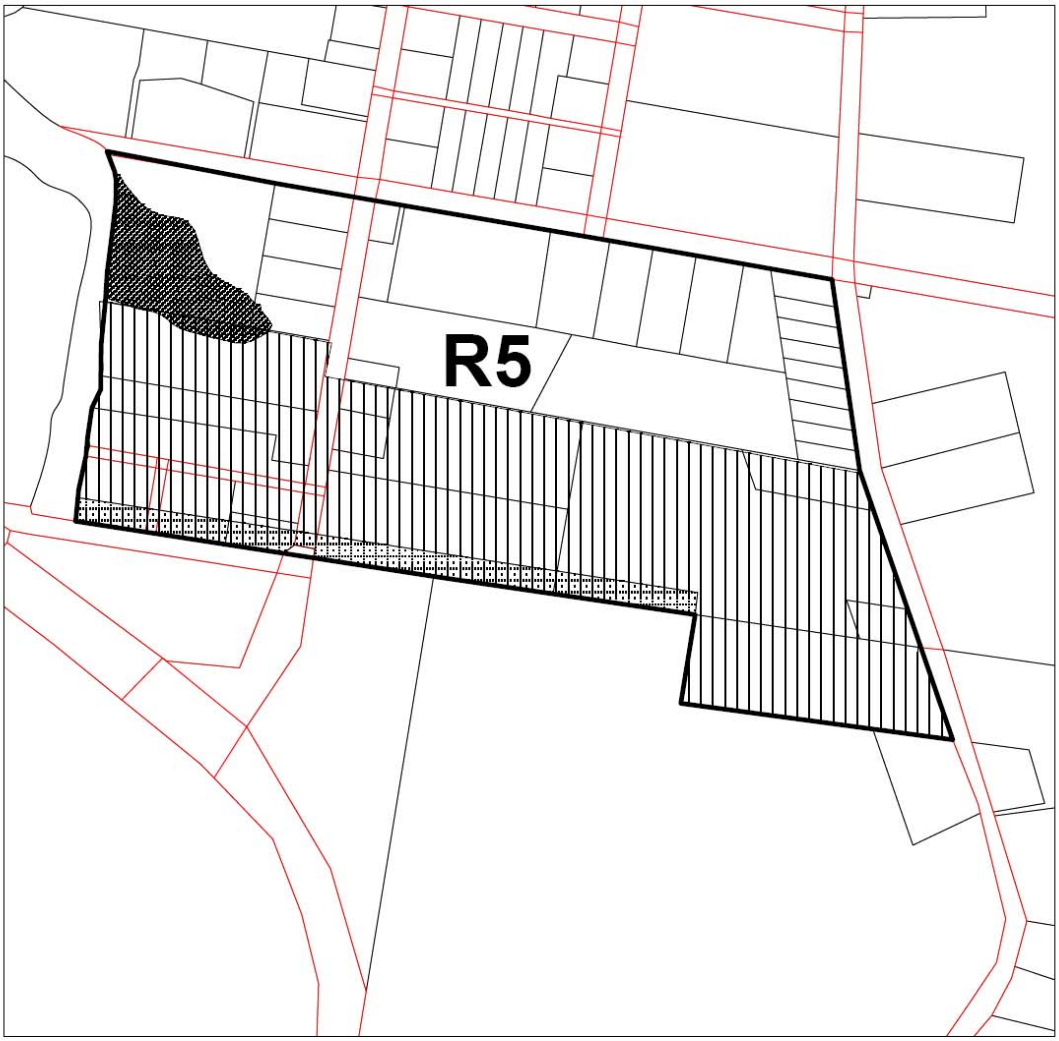
The land in Figure 2 ranges in slope from 0% - 1% floodplain (A4) to 10% - 15% sideslope (D2). The major part of the land has a 1% - 5% sideslope (B1) in the Land Resources Study of the City of Greater Cessnock (Hunt, 1982). The land does not have a significant mass movement hazard.

Soil

The major part of the land in Figure 2 is classified as being composed of Fairhill yellow Podzolic soil (YPfl) which has a moderate to extreme erosion hazard. There is a small amount of Wallis Creek Yellow Podzolic Soil (YPwk) to the south of the subject area. This soil has a low erosion hazard.

Most of the land has minor gully erosion of less than 1.5 metres depth (Class 51) and moderate streambank erosion along Wallis Creek (Class 64). Thus, some locations will require sediment and erosion control measures.

View Sensative Zone
Mulbring South Smallholding Area



Land affected by 1 in 100 year floods.
No buildings shall be located in the flood prone area.

View Sensitive Zone

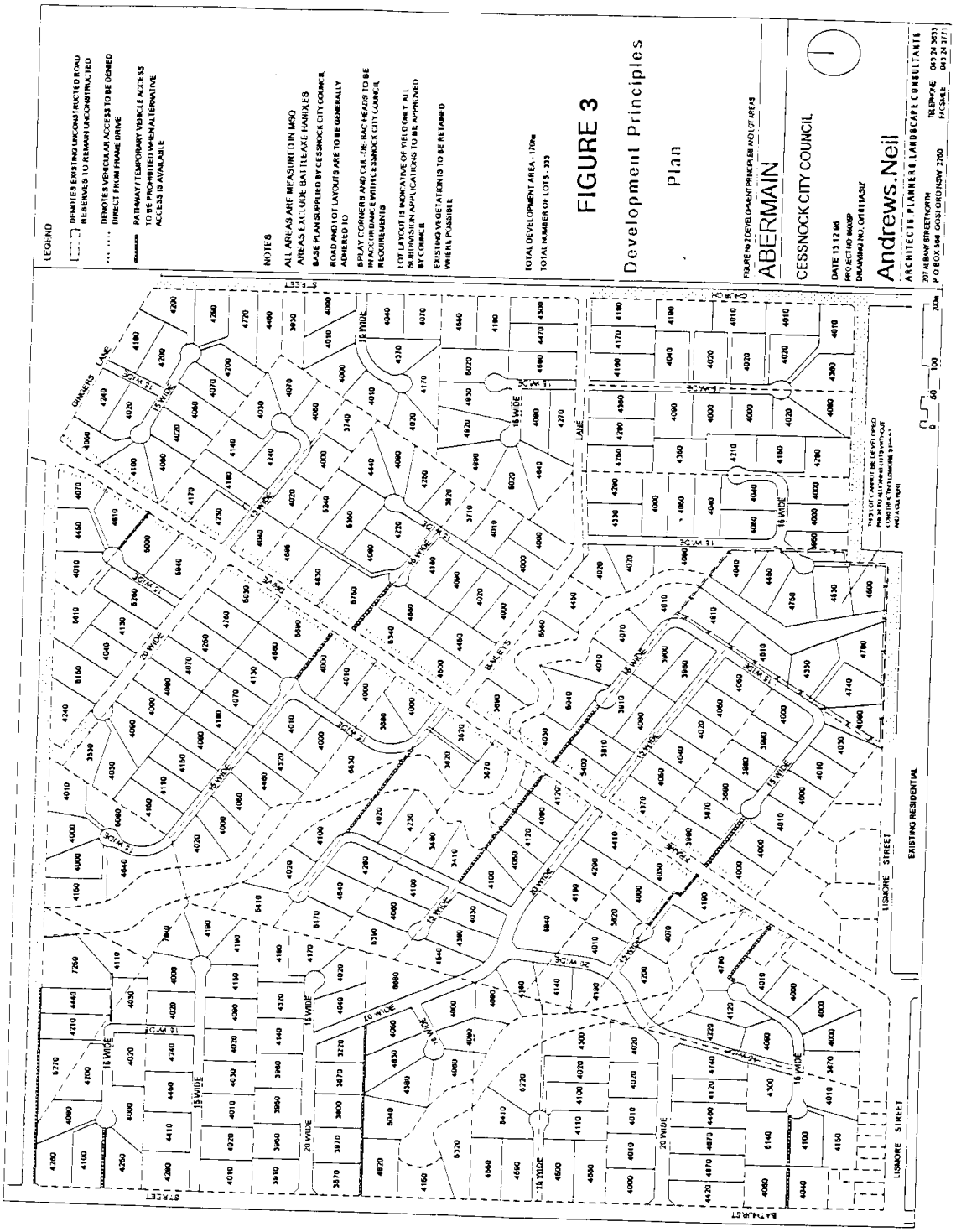
Landscape Buffer Zone

Planning Principles:

Views

Specific Controls:

(a) Development envelopes shall be sited on proposed lots in the View Sensitive Zone (Figure 2A) to enhance rural outlooks and to limit the visual intrusion of Main Road 220.
(b) A landscape buffer shall be planted on lots closest to Main Road 220 in the location shown. This landscape buffer is to screen the house from the road and the road from the house. It is also intended to promote the rural atmosphere of the area by maintaining and enhancing rural outlooks from within these properties.
(c) Selected trees shall be tall growth and long-lived (over 60 years). Those nearest the Main Road need to be tolerant of pollution and require little maintenance by being mechanically strong and insect and disease resistant.
(d) The selected trees should preferably be native in origin to enhance the rural character of the area.



Slope

The land in Figure 3 (ABERMAIN (NORTH)) is classified as having a 1%-5% slope in the Land Resources Study of the City of Greater Cessnock (Hunt, 1982). The majority of the land is in the category of sideslope (B2) as defined by Emery 1981. A very limited area along Deep Creek is classified as floodplain (B4) or drainage (B5). The land does not have a significant mass movement hazard.

Soil

The land in Figure 3 is classified as being composed of Kutlung Yellow Podzolic soil (Ypkg). This soil can have a low to extreme erosion hazard. Soils are generally shallow and stony and can have poor drainage properties.

The land to the west of Deep Creek is categorised as having minor gully erosion of less than 1.5 metres deep (Class 51). The land to the east of Deep Creek is categorised as having minor sheet erosion of 1% to 10% of bare ground (Class 21). The creek itself has minor streambank erosion (Class 54) or minor rill erosion (Class 41). Consequently, residential development on the land in Figure 3 may cause some erosion problems. Therefore, soil erosion or sedimentation measures will be necessary.

SCHEDULE 4 - SAWYERS GULLY, ROTHBURY & NORTH ROTHBURY and MULBRING (NORTH)

This schedule applies to land zoned R5: Large Lot Residential under the Cessnock Local Environmental Plan at Sawyers Gully (Figure 1), Rothbury & North Rothbury (Figure 2) and Mulbring (North) (Figure 3).

1. SUBDIVISION DESIGN

Site Considerations

Planning Principles

(i) To ensure that the amenity of the area is maintained.
(ii) To ensure that subdivision takes account of on-site constraints and opportunities.

Site Considerations

A number of site constraints and opportunities will influence subdivision design and several fundamental principles should be followed in the design phase:

- location of roads to minimise land cut / fill and avoid natural drainage lines;
- maximise the number of dwelling sites with favourable aspects, eg. reduced wind exposure and maximum solar access;
- avoid unnecessary impacts on vegetation and fauna;
- adequate separation of dwelling sites from adjoining land uses and future dwelling sites;
- selection of development envelopes to minimise exposure to bushfire in high risk areas and the need to clear vegetation around development sites;
- provide for building sites with suitable slope, soils and levels of erosion risk;
- protection of remnant stands of vegetation particularly along streams and watercourses;
- avoid multiple access from major feeder roads;
- provide dwelling sites with areas suitable for effluent disposal; and
- provide dwelling sites that are adequately drained and free of flooding.

Specific Constraints

i) Established remnant vegetation stands and corridors.
ii) Poor soil permeability, structure, low fertility and high erosion risk in many areas.
iii) Existing water courses with fragile soil strata and vegetation.
iv) Visibility of areas from public roads.
v) Relative uniform slope with significant cleared land that provides little opportunity for topographical or vegetation barriers between incompatible uses.
vi) Some localised flooding. Flooding along Wallis Creek and tributaries (Mulbring North).
vii) Specific areas with excessive slope (North Rothbury). Sites with considerable slope, particularly along the south-western extreme of Mulbring North.
viii) Existing stone fruit orchard on Portions 36, 37 and 38 located along the northern most section of Wallis Creek, Mulbring North.

Principle Plan Layout

The preferred Principle Plan Layout shown in Figures 1, 2 & 3 follows several basic principles. The road layout is such that lots are serviced mainly from internal roads with the majority of points of access along lower order internal roads. Given the multiple ownership arrangements, however, there is a need to form some points of access with these major roads in order to service internal allotments. The co-operation of landholders in co-ordinating the development of multiple holdings is essential in producing an optimum subdivision layout.

Sawyers Gully: where possible, access is to be minimised along Frame Drive and Main Road 558.

Rothbury & North Rothbury: where possible, access is to be minimised along Main Road 220.

Mulbring (North): where possible, access is to be minimised along Main Road 195.

Council will consider a variation from this conceptual layout where the alternative meets the objectives of this plan and is based on sound planning principles and does not disadvantage adjoining landowners.

Road Design

The applicant shall provide a subdivision plan which incorporates a road layout that complies in general with the relevant Development Principles Plan and has regard to the following principles:

(i) road standards that reflect expected traffic volumes. Reference should be made to Council's 'Engineering Requirements for Development' which covers matters of road standards, drainage and erosion control measures relating to roadworks;

(ii) a logical hierarchy that provides direct individual property access from the lowest order of road possible;

(iii) minimisation of the overall length and straight alignment of access roads;

(iv) avoidance of battle-axe allotments where possible. This configuration may, however, be advantageous where it facilitates temporary road access, reduces the length of dedicated road serving a small number of allotments and does not create large wasted areas;

(v) roads shall be located to avoid on-site constraints and retain landscape features including rock outcrops, vegetation and drainage lines;

(vi) roads shall be located along contours to avoid the need for land cut and fill; and

(vii) for Rothbury and North Rothbury, changes in road alignment along Main Road 220, particularly along the southern section of the site, to increase restricted sight distances at a number of points of access. The applicant shall ensure that sight distances meet acceptable standards which take into account the design speed of the Main Road.

Temporary Road Access

All allotments shall have permanent public road access constructed to Council's standards. Council may, however, permit temporary road access to land locked parcels where no other public road access is available at the time of approval. This temporary access shall be constructed in accordance with Council's requirements with standards depending on the level of traffic generation.

The creation of a temporary road will be in accordance with Section 9 *Roads Act 1993*.

2. SITING OF BUILDINGS

Development / Building Envelopes

Applicants shall indicate building envelopes on the proposed plan of subdivision that are relatively constraint free. Development or building envelopes are areas designated for the erection of dwelling houses, outbuildings and waste water disposal.

Development / building envelopes are to be identified on plans submitted with a development application for subdivision and should be based on a detailed site assessment. The area will need to be free of substantial vegetation, well drained, of low bushfire risk and erosion hazard.

As a guide a development / building envelope will:

a) have a minimum area of 1,500m^2, however this may be reduced depending on effluent disposal requirements;
b) have a natural slope of not greater than 15% (1 in 7) except for those areas which show extreme erosion risk were acceptable grades shall be reduced;
c) be outside of natural drainage lines: and
d) respect the view of residents of adjoining allotments.

Setbacks

Planning Principle

Buildings shall be setback from roads and boundaries to enable future road re-alignment and to ensure a level of privacy appropriate to the zone.

General Standards

Minimum setback of dwelling houses from the road shall be 30 metres.
Minimum setback of dwelling houses from side boundaries shall be 20 metres.

The setbacks are considered appropriate minimums for the areas where the rural character is to be maintained. Variations from these setbacks will be permitted only where reasonable justification can be given.

3. FLOODING (MULBRING NORTH)

The Wallis Creek catchment is excessive and begins in the Sugarloaf Range to the south, Heaton State Forest to the east and Brokenback Range to the west. The size and nature of this catchment has resulted in substantial flooding along Wallis Creek and its tributaries in the past.

Specific controls

Applicants proposing the subdivision of land likely to be affected by flooding of Wallis Creek are required to undertake investigations to determine the extent of flood affectation. Investigations shall be carried out by a suitably qualified professional. The study shall identify the 1 in 100 year flood line below which building construction will be prohibited.

All development / building envelopes and dwelling house sites are to be outside of the flood affected areas. Identified 1 in 100 floodlines are to be placed on the plan of subdivision and a Section 88B restriction ‘as to user’ created to prohibit buildings within the flood affected area.

FIGURE 1

Sawyers Gully 1(C2) area (land within Figure 1) is generally undulating to flat with slope varying between 1-10%.

Slope

Substantial watercourses drain the majority of the area. The northern most part of the area drains north-west to an unnamed creek. The north-eastern and eastern sections of the land drains to Black Waterholes Creek. While the southern section drains to Deep Creek. The site is within the Swamp Creek Catchment and flows from this area will directly influence water quality within this Creek system. Significant sections of watercourses contain established stands of vegetation along banks which provide habitat for fauna, provide corridors for fauna movement and play an important role in soil (creek bank) stabilization.

Soils

At a broad scale the area is composed of land having two soil types. The northern three quarters of the site contains brown Podzolic soils and the southern most on quarter Yellow Podzolics. The following table shows the typical soil characteristics and limitations of the two dominant soil types.

Mapping Soil Unit	***Erosion Hazard***	***Mass Movement Hazard***	***Limitations to Urban Development***	***Limitations to Rural Development***	***Other Features***
Kuttung Yellow Podzolic Soils (Ypkg)	*Low to extreme. Mostly high to very high.*	*Areas of mass movement occur within this unit associated with slopes > 20%*	*Mass movement shallow soils, some poorly drained areas, erodibility.*	*Low inherent fertility, shallow stony soils, erodibility.*	*Acid poorly structured topsoil, often shallow and stony, variable permeability.*
Bishops Bridge Brown Podzolic Soils (BPbe).	*High at surface and low in subsoil*	*Not significant*	*Erodibility.*	*Low fertility, erodible surface soils*	*Low permeability, low fertility, acid, poorly structured topsoil.*

LEGEND

DENOTES VEHICULAR ACCESS TO BE DENIED

DENOTES EXISTING UNCONSTRUCTED ROAD

DENOTES EXISTING SMALLER SIZED LOT

NOTES

BASE PLAN SUPPLIED BY CESSNOCK CITY COUNCIL

LOT LAYOUT IS INDICATIVE ONLY

SIZE OF LOTS IS SUBJECT TO DETAILED SURVEY

AREAS EXCLUDE BATTLEAXE HANDLES

SIZE OF LOTS ARE IN HECTARES

MAINTAIN CREEK VEGETATION

TOTAL STUDY AREA - 3,487 HA

TOTAL EXISTING LOTS - 22

TOTAL NEW LOTS - 74

FIGURE 2

Development Principles

for Rothbury and North Rothbury

Cessnock City Council

0 50 100 200 300m

Scale

Project No: 9612pP

Drawing No: DP1212

Date: 12 December 1996

Andrews.Neil

ARCHITECTS.PLANNERS.LANDSCAPE CONSULTANTS

207 ALBANY STREET NORTH
P O BOX 566 GOSFORD NSW 2250

TELEPHONE: 043 24 3633
FACSIMILE: 043 24 3771

Slope

The North Rothbury South area is generally undulating to flat with slope varying between 1-10%. Mid-slope areas contain grades between 1-15% with some central east parts and north east parts of the site having slopes between 20^{o} and 30^{o}.

The whole site drains via several water courses into Black creek and flows from this area directly influence water quality within this Creek system which has known water quality problems. Significant sections of watercourses contain established stands of vegetation along banks which provide habitat for fauna, provide corridors for fauna movement and play an important role in soil (creek bank) stabilisation.

Soils

Rothbury & North Rothbury

At a broad scale the area is composed to land having two soil types. The area contains predominantly Rosebrook Brown Podzolic soils with a small area in the north eastern corner of the zone consisting of Rothbury Brown Podzolics. The following table shows the typical soil characteristics and limitations of the two dominant soil types.

Mapping Soil Unit	*Erosion Hazard*	*Mass Movement Hazard*	*Limitations to Urban Development*	*Limitations to Rural Development*	*Other Features*
Rosebrook Brown Podzolic Soils (Bprk)	*Erodibility very high at surface, low in subsoil. Hazard generally moderate to high depending on terrain.*	*May be significant on slopes > 30%*	*Strong textural contrast between soil horizons causes lateral flow of infiltrated water, erodibility.*	*Low inherent fertility, erodible surface soils.*	*Permeability low to moderate.*
Rothbury Brown Podzolic Soils (BprY)	*Erodibility moderate at surface, low in subsoil. Hazard generally moderate to high depending upon terrain.*	*May be significant on slopes > 30%*	*Strong textural contrast between soil horizons causes lateral flow of infiltrated water, erodibility.*	*Low inherent fertility, erodible surface soils.*	*Permeability low.*

FIGURE 3
Mulbring (North)
Development Principles (Concept) Plan

Slope

The Mulbring (North) area (see Figure 3) is generally undulating to flat with slope varing between 1 – 10%. The south-western corner of the site (in particular), contain slopes in excess of 10%.

Substantial watercourses drain the majority of the area. The north-eastern corner of the area drains in a north-easterly direction to John Brown Lagoon. The remainder of the land drains into Wallis Creek. The site is within the Wallis Creek Catchment, and flows from this area directly influence water quality within this Creek system. Significant sections of watercourses contain established stands of vegetation along banks which provide habitat for fauna, provide corridors for fauna movement and play an important role in soil (creek bank) stabilisation.

Soils

Minor sheet and gully erosion exists across much of the area with moderate gully erosion evident along watercourses.

At a broad scale the area is composed of land having four soil types. The majority of the site east of New Street consists of Brunkerville Yellow Podzolic soils. On the western side of New Street much of the northern sector contains Kuttung Yellow Podzolic soils with the remaining southern area consisting of Fairhill Yellow Podzolics. Congewai Alluvial soils occur in a narrow band along Wallis Creek. The following table shows the typical soil characteristics and limitations of the four dominant soil types.

Mapping Soil Unit	***Erosion Hazard***	***Mass Movement Hazard***	***Limitations to Urban Development***	***Limitations to Rural Development***	***Other Features***
Kuttung Yellow Podzolic Soils (Ypkg)	*Low to extreme. Mostly high to very high.*	*Areas of mass movement occur within this unity associated with slopes > 20%.*	*Mass movement shallow soils, some poorly drained areas erodibility.*	*Low inherent fertility, shallow stony soils, erodibility.*	*Acid poorly structured topsoil, often shallow and stony, variable permeability.*
Brunkerville Yellow Podzolic soils (Ypbe)	*Low to moderate very high at urface, low in subsoil*	*Not significant.*	*Poor drainage, erodibility.*	*Low inherent fertility, erodibility of surface soil.*	*Nil.*
Fairhill Yellow Podzolic soils (Ypfl)	*Moderate to extreme, very high at surface.*	*Areas of mass movement occur within this unit.*	*Erodicility, mass movement.*	*Low inherent fertility, erodibility of*	*Stony B horizon.*

SCHEDULE 5 - VILLAGE OF GRETA (NORTH)

This schedule applies to the land at Greta (North) zoned RU2: Rural Landscape and R5: Large Lot Residential under Cessnock Local Environmental Plan as shown on Map 1.

1. SUBDIVISION DESIGN

Lot Configuration

Planning Principles

The carrying out of development shall not create or increase ribbon development or adversely affect road safety. Development, particularly subdivision design, shall provide a mix of lot sizes where possible in order to avoid monotonous layouts and to provide a range of housing opportunities.

General Standards

(a) Varied sizes and dimensions of lots shall be designed, particularly in subdivisions creating more than 2 lots.

(b) New lots and vehicular access points shall be designed to ensure that the siting of dwelling houses (or other traffic generating development) does not create:

- multiple access points to a through road;
- the visual appearance of multiple buildings fronting a through road; and
- a hazard to traffic or pedestrian safety.

Access

Planning Principles

Road and accessways within the development site shall be sited and designed to be efficient and practical with regard to expected traffic volumes while maintaining the rural character and minimising any environmental impact.

Road Hierarchy

Greta (North) has no through roads. The road system is basically an extension of the grid pattern that forms the existing built-up area of Greta. Wyndham Street should be considered the primary distributor road as it is the central street of the area and the most trafficked.

General Standards

For subdivisions involving the construction of new roads or accessways, a concept plan shall be developed to illustrate a circulation system which:

(a) relates to the number of lots and expected number of dwelling houses to be serviced;

(b) minimises impact on the rural landscape and environment through clearing, civil engineering works, or disturbance to natural features;

(c) demonstrates that the role of any accessways are unambiguous in terms of the road hierarchy;

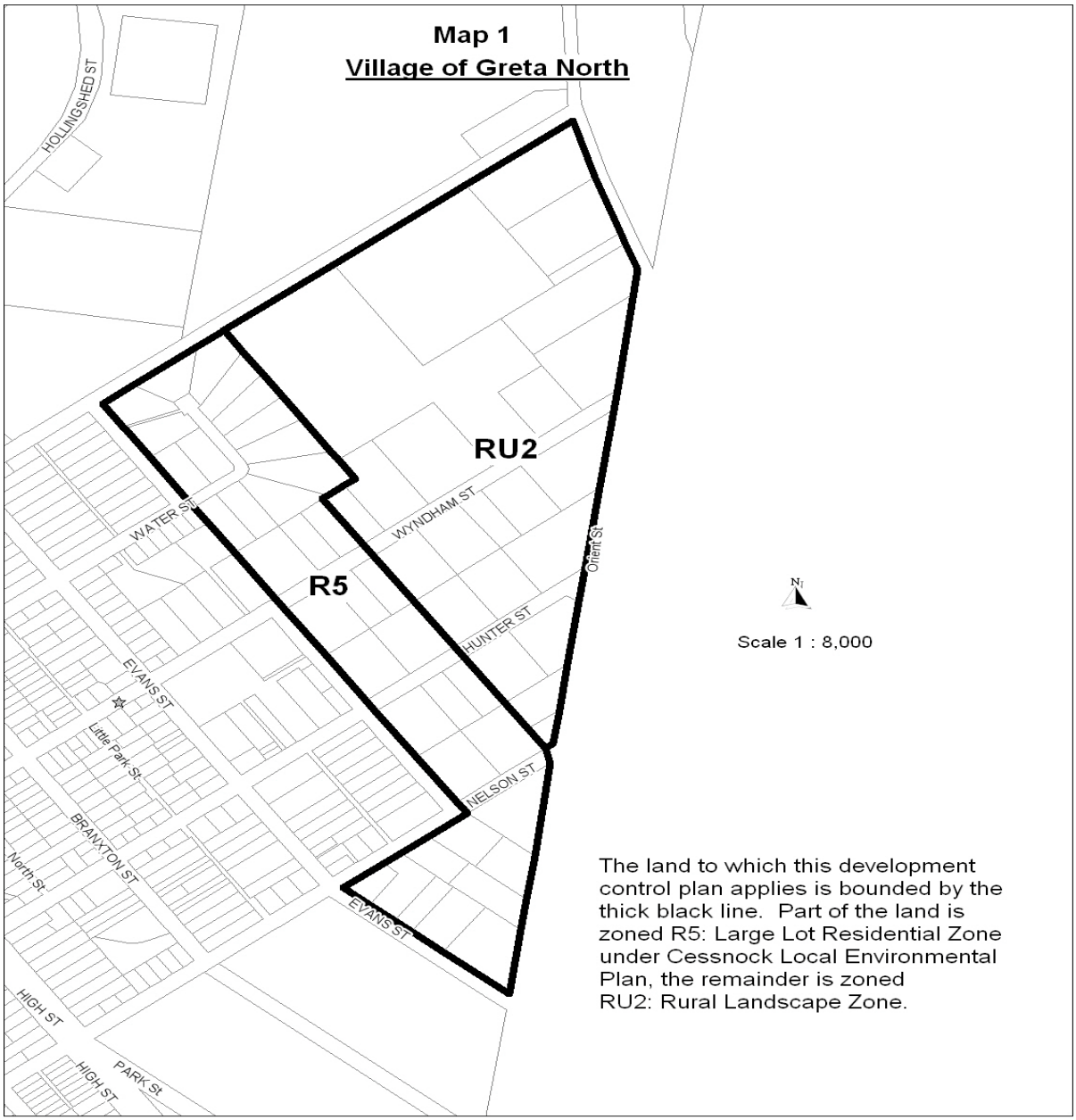
(d) employs construction specifications that are sympathetic to the natural site features;

(e) permits flood-free access to each lot; and

(f) permits pedestrian, equestrian and cycle access with minimal conflict with vehicles.

Connection to the Sewer System

The Hunter Water Corporation (HWC) requires developments in the vicinity of Orient Street to connect to a Corporation sewermain. Consult with the HWC in this regard.



Slope

The land subject of this plan is undefined in the Land Resources Study of the City of Greater Cessnock (Hunt, 1982). Mass movement hazards are not significant.

Soils

Erosion and sediment control

The land the subject of this plan is classified as being composed of Greta Red Poszolic soil (RPga). This soil type is of low to moderate erosion hazard and has no significant limitations to residential development.

As with slopes, most of the subject land is undefined in terms of erosion hazard in the Land Resources Study of the City of Greater Cessnock (Hunt, 1982). However, a small pocket of minor sheet erosion, Class 21 (1% to 10%) of bare ground), is identified in the extreme north west of the area subject of this plan.

Consequently, individual assessment should be made as to the erosion hazards of specific properties.

SCHEDULE 6 - NULKABA VILLAGE AND SURROUNDING AREA

This schedule applies to the land at Nulkaba shown in Map 1.

1.2 SUBDIVISION DESIGN – RU2 RURAL LANDSCAPE ONLY

Lot Configuration

Lot configuration shall be consistent with the Development Principles Plan (Map 2). In the case where there is justification for variation from this plan, such a variation will be considered where the principles of this Control Plan are followed and adjoining landowners are not disadvantaged.

Planning Principles:

The carrying out of development shall not create or increase ribbon development or adversely affect road safety. Development, particularly subdivision design, shall provide a mix of lot sizes where possible in order to avoid monotonous layouts and to provide a range of housing opportunities.

General Standards:

(a) Varied sizes and dimensions of lots should be designed, particularly in subdivisions creating more than 2 lots.

(b) New lots and vehicular access points shall be designed to ensure that the siting of dwelling-houses (or other traffic generating development) does not create:

- multiple access points to a through road;
- the visual appearance of multiple buildings fronting a through road; and
- a hazard to traffic or pedestrian safety.

Future Urban Subdivision

Planning Principles:

The carrying out of development shall not prejudice future urban subdivision in cases where Council is of the opinion that the land has long term urban development potential.

General Standards:

The configuration of lots and the siting of buildings should facilitate the land's possible future re-subdivision.

Access

Planning Principles:

Road and accessways within the development site shall be sited and designed to be efficient and practical with regard to expected traffic volumes while maintaining the rural character and minimising any environmental impact.

Road Hierarchy

Main Road 220 (Orient Street) is the major arterial road that abuts the eastern margins of the plan area. This road provides quick access to both Cessnock and Branxton. The main through distributor road is O'Connors Road (Pokolbin Street). This provides access to Pokolbin and an alternative less direct route to Cessnock via Mount View Road. Both Kerlew Street and Austral Street do not continue far beyond Pinchen Street. These latter 3 streets together with Fletcher Street, Occident Street and Boreas Street are the local roads giving direct access to properties in the area. Map 2 shows the determined internal road layout and lot configuration.

Temporary Road Access

All allotments shall have permanent public road access constructed to Council's standards. Council may, however, permit temporary road access to a land locked parcel where no other public road access is available at the time of approval. This temporary access shall be constructed in accordance with Council's requirements with standards depending on the level of traffic generation.

The creation of a temporary road will be in accordance with Section 9 *Roads Act 1993*.

General Standards:

For subdivisions involving the construction of new roads or accessways, a plan shall be developed to illustrate a circulation system which:

(a) relates to the number of lots and expected number of dwelling houses to be serviced;
(b) minimises impact on the rural landscape and environment through clearing, civil engineering works, or disturbance to natural features;
(c) identifies the role of any accessways in terms of the road hierarchy and the existing grid layout;
(d) employs construction specifications that are sympathetic to the natural site features;
(e) permits flood-free access to each lot; and
(f) permits pedestrian, equestrian and cycle access with minimal conflict with vehicles.

In determining the standard or road construction reference should be made to Council's 'Engineering Requirements for Development' which covers matters of road standards, drainage and erosion control measures relating to roadworks.

Connection to the Sewer System

Planning Principles:

Development should be connected to the town sewer system wherever possible.

Specific Controls:

The Hunter Water Corporation Limited requires developments in the vicinity of the following areas to connect to a Corporation sewer-main:

(a) Pokolbin Street;
(b) Austral Street; and
(c) Kerlew Street.

Consultation:

The Hunter Water Corporation should be consulted regarding sewer connection availability.

2. SPECIAL CONSIDERATIONS

Drainage and Flooding Issues

The Nulkaba Flood Study (Willing and Partners 1993) has indicated that, in the event of a 1 in 100 year flood, flood levels could be increased by 20mm to 50mm with the new development in the western and northern area of Nulkaba (see Map 1).

Planning Principles

Development should be carried out so as to make provision for the drainage corridors identified in the above study and minimise damage resulting from flood events.

General Standards

In the area designated on Map 1, on-site detention (OSD) storage systems shall be constructed to serve all new lots before any dwelling houses or impervious surface is constructed. OSD storage systems shall be designed so that existing flow rates are not exceeded. The applicant should consult Council's Works Department in regard to the design of the OSD storage system.

Affected Area

Map 1 shows the area subject to a 1 in 100 year flood and the specific controls outlined in this clause apply to the Nulkaba Village & Surrounding Area.

Specific Controls:

(a) in the Flood Control Area shown on Map 1 (hatched), no buildings or structures shall be permitted;

(b) the minimum floor level of habitable buildings (outside the hatched area) shall be at least 0.5 m above the relevant 1 in 100 year flood level contour;

(c) all subdivision applications shall show development / building envelopes. These shall be sited outside the flood prone area shown (hatched) on Map 1; and

(d) development applications shall be accompanied by a survey from a Registered Surveyor to determine the contours of the land at an interval of 0.5 metres and a vertical datum of Australian Height Datum.

Cessnock Airport - Height Limitations

The western portion of the land the subject of this plan is within the flight path for Cessnock Airport. Therefore, Clause 6.3 of the Cessnock Local Environmental Plan applies. This Clause relates to obtaining Council consent to construct buildings above the obstacle height limitation surface for the airport.

Planning Principles

No buildings or other structures shall be constructed that would constitute a hazard to aircraft.

Specific Controls:

(a) in the area marked 'A' on Map 3, no building or structures over 10 metres high shall be permitted;
(b) in the area marked 'B' on Map 3, no building or structures over 7.0 metres high shall be permitted; and
(c) tall growth trees shall not be planted in flight path affected areas 'A' or 'B' shown on Map 3.

Cessnock Airport - Noise Constraints

Planning Principles

The extreme western portion of the area of this plan is on the border of the 20 ANEF (Australian Noise Exposure Forecast) noise contour (see Map 3). Locations over 25 ANEF are generally considered unsuitable for residential development. Locations between 20 and 25 ANEF are regarded as 'conditionally acceptable' in terms of residential development, depending on the level of interior noise. This is shown specifically in Map 3.

The rest of the area is below 20 ANEF. It may be concluded that residential development in the area not shaded is not adversely affected by aircraft noise.

General Standards

Interior noise levels in residential development shall conform to the Australian Standard ***Acoustics*** - *Aircraft Noise Intrusion - Building Siting and Construction,* AS 2021 -1985.

Specific Controls:

a) wherever possible, buildings should be sited away from the 20-25 ANEF affected area;

b) Clause 6.4 of Cessnock Local Environmental Plan applies to all land within the 20-25 ANEF affected area. No building for the purposes of human habitation may be erected in the affected area unless interior noise levels comply with AS 2021.

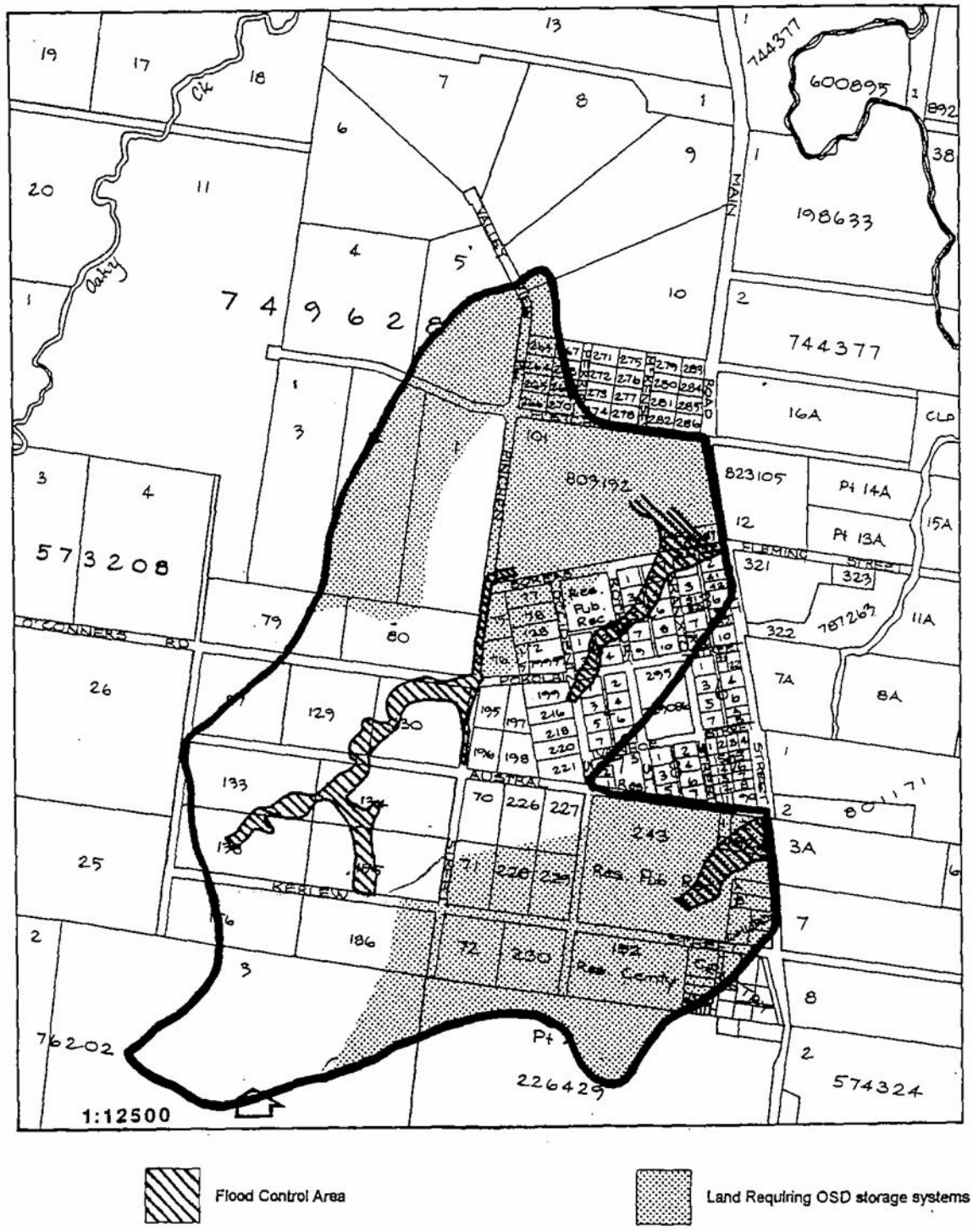
c) for residential building and development in the 20-25 ANEF affected area, development applications (for subdivision or dwelling-houses, where lots are existing) shall be accompanied by a report from a qualified acoustical engineer. This report shall state the anticipated level of interior noise in normal domestic areas and in relaxing / sleeping areas of the dwelling-house.

Advice

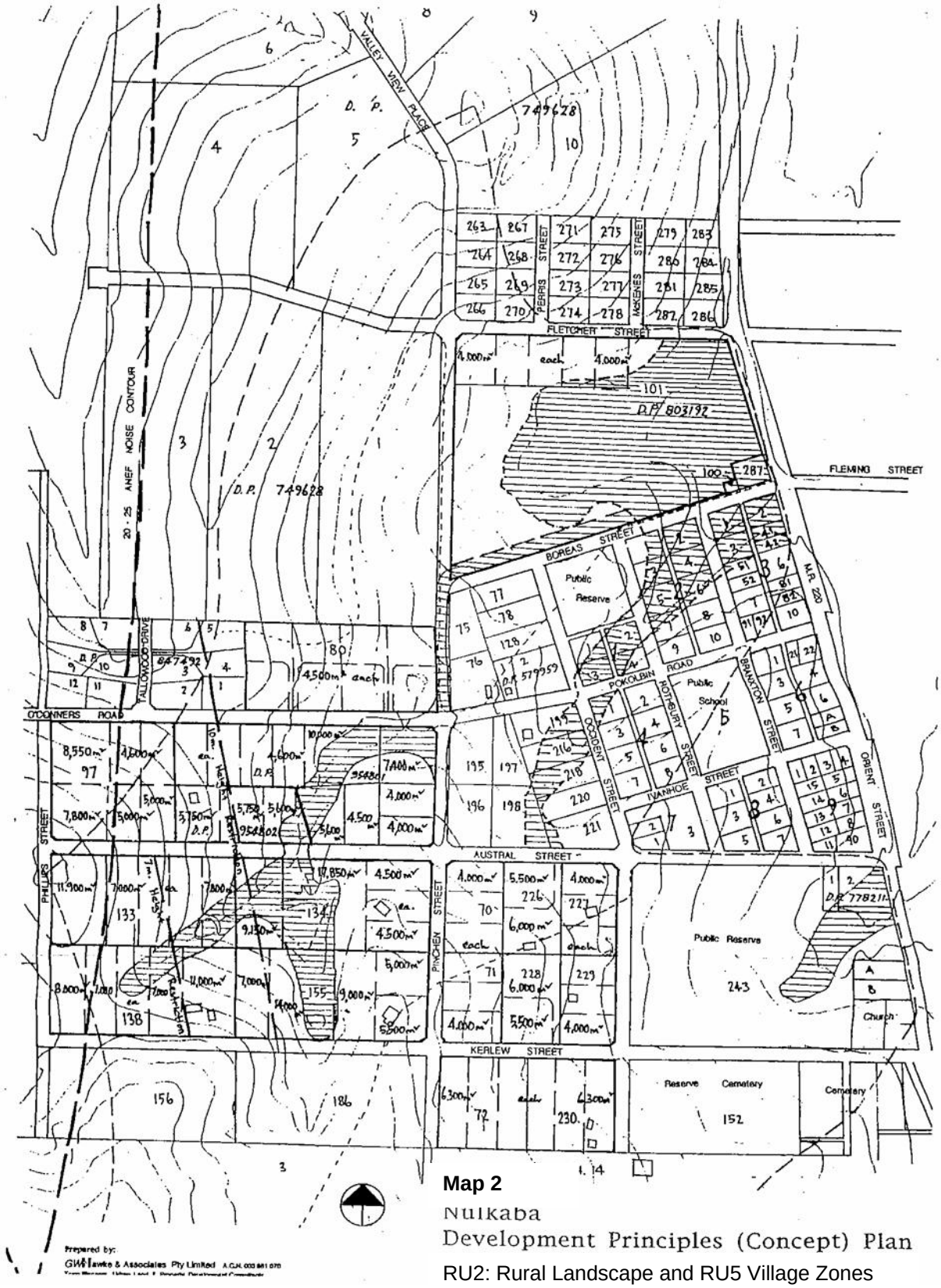
Section 3 of AS 2021 relates to building construction against aircraft noise intrusions. This section, together with the associated sound transmission data for building components, should be consulted when preparing a development application for land within the 20-25 ANEF contours.

Map 1

Designated Flood Control Area
Nulkaba Village and Smallholdings Area



Note: The land to which this schedule applies is bounded by the thick black line.



Map 2

Nulkaba

Development Principles (Concept) Plan

RU2: Rural Landscape and RU5 Village Zones

Slope

The land the subject of this plan is classified as having a 1% - 5% slope and being in the category of sideslope (B2) as classified in the Land Resources Study of the City of Greater Cessnock (Hunt 1982). The land does no have a significant mass movement hazard. It has no significant limitations to residential development.

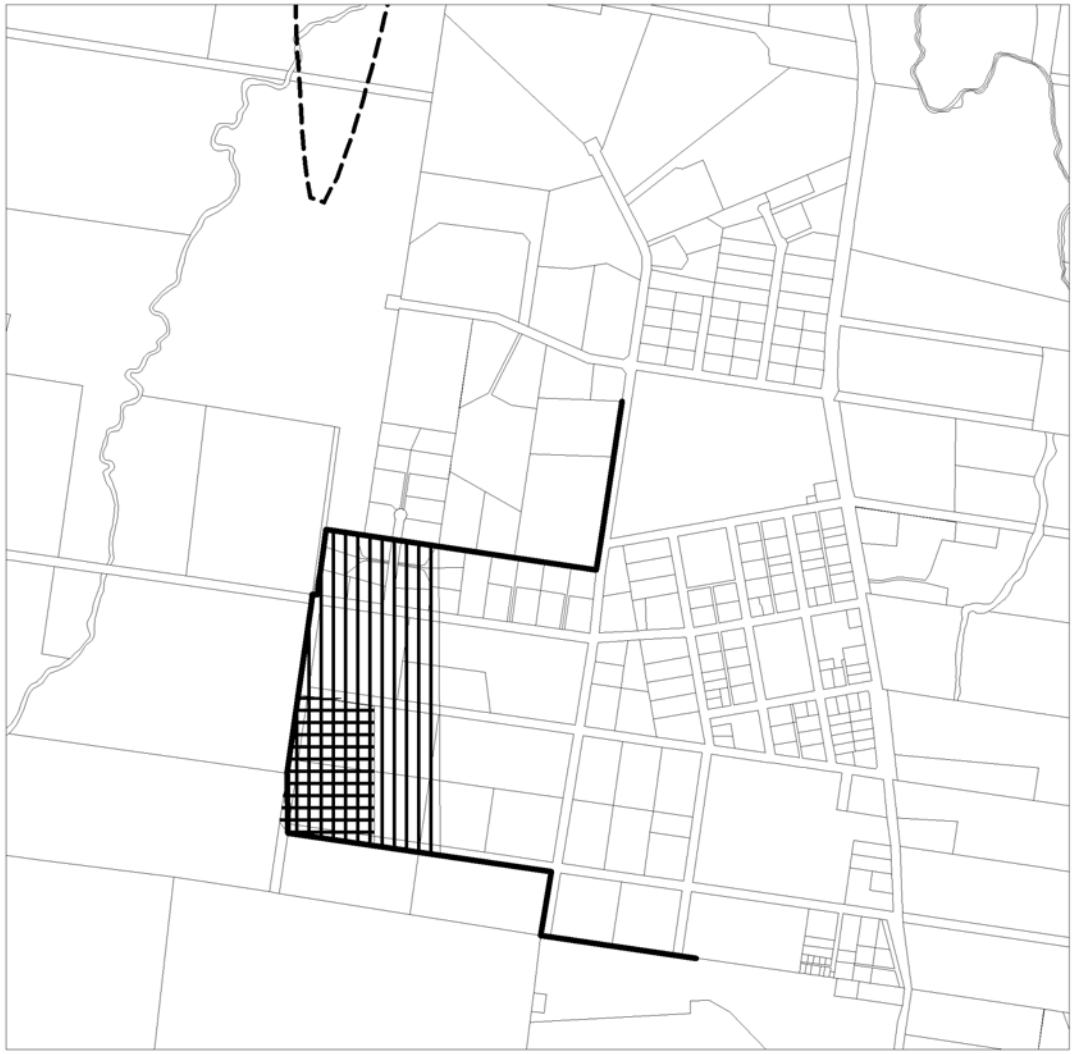
Soil: Erosion and Sediment Control

Soils

The land the subject of this plan is classified as being composed of Cessnock Lateritic Podzolic soil (LPck). This soil type is of low erosion hazard. The undeveloped land the subject of this plan is classified as being susceptible to minor sheet erosion (Class 21). Consequently, the land has no significant limitations to residential development in terms of erosion or sedimentation issues.

MAP 3

Airport Affected Areas
Nulkaba Village and Smallholdings Area



Height Restriction Area "A"

Height Restriction Area "B"

20 - 25 ANEF Noise Contour Area

D.2 URBAN HOUSING

2.1 INTRODUCTION

This chapter is designed to reflect the needs of individuals, families, extended families and community groups by encouraging a range of affordable housing types whilst protecting and enhancing the amenity of existing neighbourhoods.

The role of the development industry is crucial to public acceptance of new forms of housing and the future environment of the Lower Hunter. Designers and developers should recognise that good design and high standards of development will increase public acceptance of housing variety.

2.1.1 Application

This Chapter applies to all land where residential development is permissible under the provisions of the Cessnock Local Environmental Plan (CLEP).

It covers a wide variety of housing forms such as boarding houses dual occupancies, and multi dwelling housing.

At this stage the Chapter does not address residential flat buildings or shop top housing and applicants are referred to SEPP 65 - Design Quality of Residential Flat Development and have regard to the publication Residential Flat Design Code *(DoP September 2002)*

Applicants are referred to SEPP – Seniors Living with regard to Seniors Housing.

It does not apply to single dwellings.

2.1.2 Purpose

To encourage high quality urban housing.

2.1.3 Aims and Objectives

The objectives of the Chapter are to:

(a) provide a user friendly document with flexible performance-based criteria to guide development;
(b) encourage high quality urban design and residential amenity in urban housing development;
(c) support the efficient use of residential land and expand the variety of housing options available;
(d) set appropriate environmental criteria for solar access, privacy, noise, vehicular access, parking and open space;
(e) ensure that the impact of urban housing proposals on the amenity of adjoining properties is a prime and initial consideration of applicants when preparing their development proposals;
(f) encourage an increased community acceptance of urban housing in its various forms and to minimise associated conflict; and
(g) encourage ecologically sustainable development.

2.2 HOW THIS SECTION WORKS

2.2.1 How it works for persons interested in development potential only

Section 2.6 contains a 'Yield Table' which enables a relatively quick determination of development potential. This may form the basis of a feasibility assessment.

2.2.2 How it works for applicants & designers

The 'Performance Approach' means addressing each Design Element by consideration of objectives, performance criteria and provisions. Variations of provisions are achievable if it can be clearly demonstrated that the Design Element objectives will be satisfied.

Designers do not need to refer to the 'Yield Table' in section 2.6.

2.2.3 How it works for Council assessment staff

Council staff is expected to take a flexible approach with the assistance of the comprehensive range of matters examined in Sections 2.3, 2.4 and 2.5.

2.2.4 Should I just use the 'yield table' and the provisions?

No. Using a purely numeric approach to design will give a partial result and not satisfy the assessment requirements Councils are responsible for.

2.2.5 Why has this format been selected?

This format has been selected to achieve a higher standard of urban housing through encouraging use of the 'Performance Approach' to design and assess projects, whilst still enabling a quick though conservative estimate of development potential using the 'Yield Table'.

2.2.6 Should design elements be separated?

No. The design elements have been divided into three distinct sections, although it is recognised that the design process incorporates an integrated consideration of each of the design elements.

2.2.7 What is the benefit of the performance approach?

The distinct benefit of the 'Performance Approach' rather than 'design by numbers' is that the end product is likely to incorporate a higher standard of urban design and the development may also achieve additional dwellings on the site.

2.3 DESIGN ELEMENTS – SITE ANALYSIS, PLANNING & LAYOUT

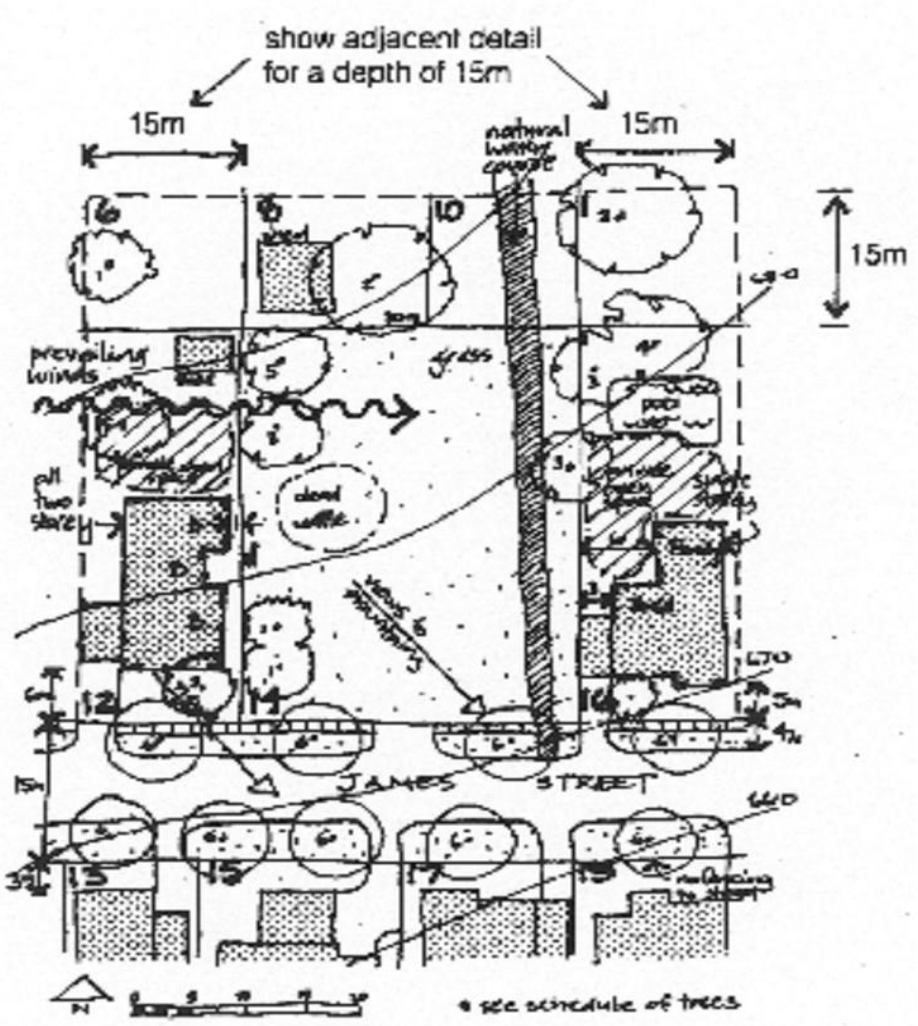
2.3.1 Where does the design process begin?

The initial step in the design process is site analysis. This allows the designer to gain a full appreciation of the opportunities and constraints that relate to the site. These include a consideration of the various natural and man-made environmental features on or around the site. Following the completion of this analysis, the next step is site planning and layout. This incorporates the location of buildings, streets and open space and an indication of where buildings might be set back or where zero lot lines might be permitted.

2.3.2 Site Analysis

Objectives

1. To encourage development that shows 'good manners' to surrounding development by considering the characteristics of adjacent sites at the outset of the design process.
2. To ensure that site attributes and constraints are carefully considered.



Site analysis can improve design responses. This is an example of site analysis information for a small infill site

Performance Criteria

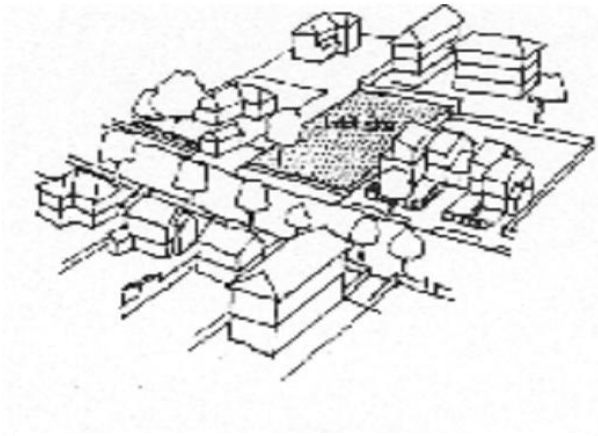
1 When assessing the suitability of overall site planning, Council will have regard to the extent that the attributes and constraints of the site have been considered, with particular regard to:

- the likely impact on surrounding development, particularly with regard to overshadowing, privacy and obstruction of views;
- topographical features such as slope, existing natural vegetation and opportunities for the creation of views and vistas;
- opportunities to maximise northerly aspect for buildings and private open spaces;
- the character of surrounding development, particularly setbacks and subdivision layout;

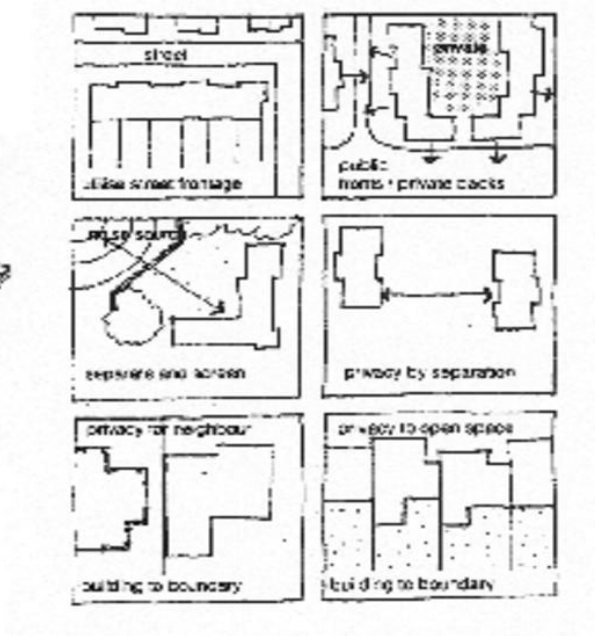
- opportunities to link into existing open space, pedestrian and cycle networks;
- the extent to which driveways and/or parking areas are likely to dominate the appearance of the development;
- the visibility, width and design speed of proposed roads and/or driveways; and
- pedestrian access which is visible and safe.

Provisions

There are no Provisions for this section.



Small site development should be designed to respond to size constraints

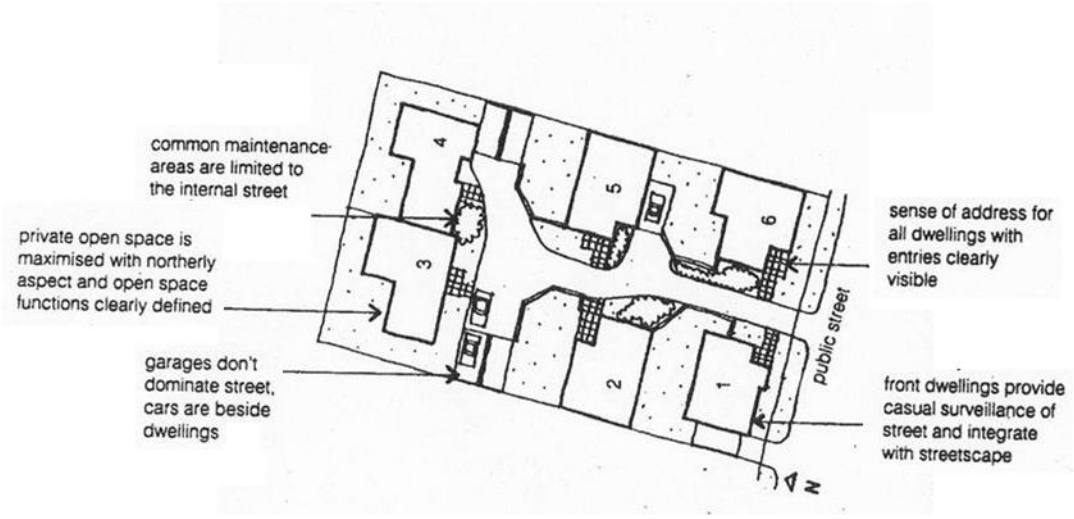


Privacy is a key consideration at the site analysis stage

2.3.3 Site Planning and Layout

Objectives

1. To achieve a coherent site layout that provides a pleasant, attractive, manageable and resource efficient living environment.
2. To ensure that streetscape, amenity and energy-efficiency are considered at the outset of the design process.
3. To encourage the concurrent planning of subdivision layout with dwelling siting and design.
4. To encourage site planning and building design that optimises solar access to land and buildings.
5. To ensure that urban areas are not fragmented by minor multi dwelling housing development.



Consider image of development, amenity and ongoing management at the site layout stage.

Performance Criteria

Applicants are to demonstrate that the following site planning issues have been considered;

- appropriateness of built form and landscape in relation to the site context, topography and urban character;
- building arrangement and their relationship to streets and open spaces;
- accessways within and beyond the site;
- location, function and opportunities for casual surveillance of open space;
- ongoing site management considerations;
- personal privacy and security;
- parking arrangements and reducing the predominance of driveways;
- energy efficiency in building design and siting;
- heritage and conservation opportunities and constraints;
- opportunity for future subdivision into individual lots and communal spaces, including servicing arrangements.

All applicants are required to provide a site plan which annotates the manner in which site attributes and constraints have been considered.

Provisions

There are no Provisions for this section of the Chapter.

2.3.4 Streetscape & Front Setbacks

Objectives

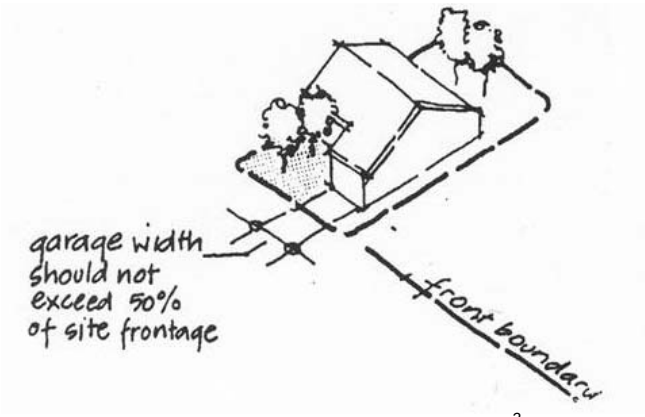
1. In developed areas, to ensure that new development enhances and makes a positive contribution to the character of existing streetscapes.
2. In new areas, to ensure that new development establishes appropriate and attractive streetscapes which reinforces the function of the street and is sensitive to the landscape and environmental conditions of the locality.

Positive contribution to streetscape

Negative contribution to streetscape

Performance Criteria

1. The scale and appearance of new development is compatible and sympathetic to existing development in the locality, particularly on the perimeter of the development site and where that locality or development site has some heritage significance or distinctive character.
2. The streetscape reflects the functions and characteristics of the street type in the traffic movement network and is designed to encourage pedestrian access and to support or establish a sense of place and street identity.



Garage on allotment less than 600m^2

3. Front setbacks are generally consistent with those of adjoining development, though not necessarily identical. Some variations to minimum setbacks can be considered particularly where such variations are used to create streetscape variety and interest.
4. The setbacks of buildings is related to their height and to the width of the street, in such a way to ensure pedestrians do not feel buildings are overbearing.
5. Setbacks provide space for residents to feel an adequate sense of visual and acoustic privacy when using rooms fronting the street.
6. Parking and garages do not dominate the frontage of the development (refer to section 2.4.8 for greater detail).

Provisions:

1. In new areas, setbacks from the boundary with the road reserve should be as specified in Table 1.

Table 1: Street Setbacks in New Area	
Street Type	Minimum Frontage Setback
Access Place & Access Street (carriageway width 3.5 - 5.0 metres)	4.0 metres
Other Street (carriageway Width >5.0 metres)	6.0 metres

2. The garage width on allotments of less than 600m^2 should not exceed 50% of the site frontage, the remainder of which shall be landscaped.

2.3.5 Private Open Space

Private open space does not include public open space. The provision of public open space is dealt with in the relevant S.94 Contributions Plan.

To be included in private open space calculations, open space at ground level shall have a minimum dimension of 3.0 metres (and above ground level a minimum dimension of 2.0 metres).

Roof gardens, terraces, balconies and verandahs can count as usable open space provided they are not enclosed and if it can be demonstrated that the bulk of the building is satisfactory and no undue lack of privacy results.

Objectives

1. To ensure that private open space provided for a dwelling-house is usable and meets user requirements for privacy, safety, access direct sunlight, outdoor activities and landscaping.
2. To locate any private open space to take account of outlook, natural features of the site and neighbouring buildings or public open space.

Private Open Space

Performance Criteria

1. Private open space is clearly defined to distinguish it from communal open space.
2. Private open space areas are of dimensions to suit the projected requirements of the dwelling occupants, and to accommodate some outdoor recreational needs as well as providing space for service functions.

3. Part of the private open space is capable of serving as an extension of the function of the dwelling for relaxation, dining, entertainment, recreation and children's play, and of being accessed from a main living area of the dwelling.
4. Orientation of the private open space enables solar access and helps to achieve comfortable year round use.

Provisions

1. If the objectives and performance criteria of this section are achieved, private open space can be a minimum of $50m^2$ per 1 or 2 bedroom dwelling or $70m^2$ per 3+ bedroom dwellings provided:
   - the 'principal area' of private open space, where the dwelling is located at or near ground level, is not less than 4.0 metres x 4.0 metres and is directly accessible from the living area;
   - screening is provided to maintain privacy;
   - where the dwelling is located above ground level, a balcony is provided having a minimum area of $8m^2$, and a minimum dimension of 2.0 metres with direct access from the main living area of the dwelling.

2.4 DESIGN ELEMENTS – BUILDING DESIGN & APPEARANCE

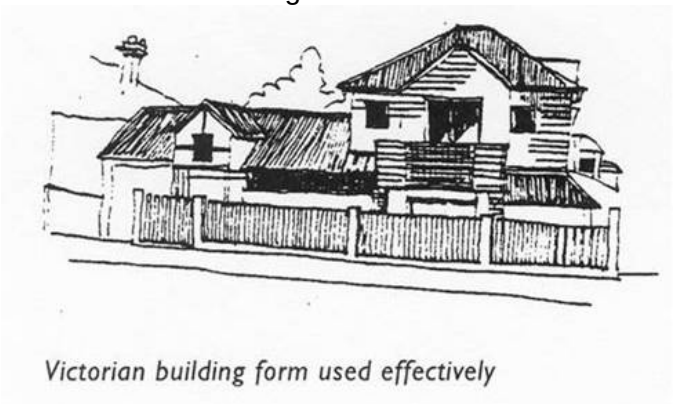
2.4.1 General

This section addresses the various elements involved in building design. Emphasis is placed on the appearance, height and scale of buildings, together with measures for energy conservation. Good neighbour measures are also included, particularly for maintenance of views and privacy. Other important elements include the provision of car parking and heritage considerations.

2.4.2 External Appearance

Objectives

1. To encourage the creation of attractive, well designed residential development.
2. To allow flexibility in design and use of materials while encouraging high architectural standards.
3. The provision of good design which provides continuity of character between the local building forms and new development by using a selection and/or combination of characteristic elements and massing.



Victorian building form used effectively

Performance Criteria

1. The building design and the Statement of Environmental Effects that accompanies the proposal shall demonstrate that the following matters have been addressed:

- consideration of the existing scale, character and massing of development in the immediate area;
- finishes which are 'textured' rather than bland, through the use of light and shade, diversity in materials and finishes and appropriate decorative treatments;
- consideration of both typical and rare fenestration (door and window) patterns and the relationship between glazed and solid wall areas;
- traditional relationship of roof mass to wall ratio, roof pitch and design, length of unbroken ridgelines, parapets, eaves and roofwater guttering detailing.

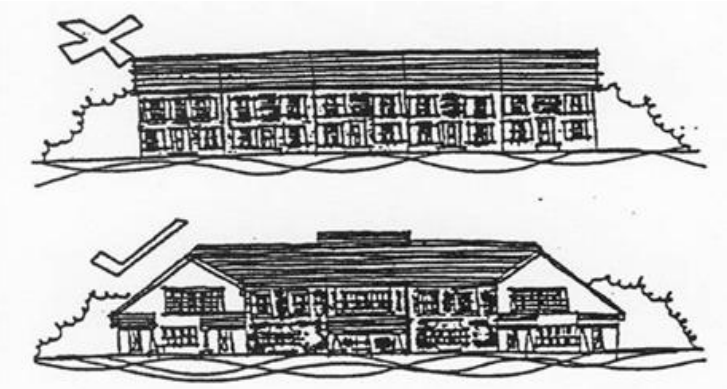
2. The provision of a variety of experiences for the users achieved in the design through attention to silhouette, pattern, texture and colour. The amount and length of unbroken roof ridge lines, unpunctuated facades, fencing and repetitive form should be minimised.

3. Design diversity within and between developments should be sought by maximising the advantages of orientation, landforms, views and natural vegetation.

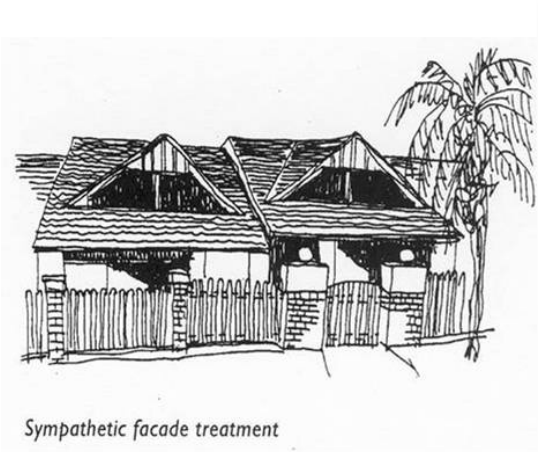
4. The following features of existing areas should be considered and integrated into new development proposals where possible:
   - traditional street and lane patterns;
   - street setbacks;
   - groupings of buildings;
   - corner feature sites;
   - pedestrian walkways;
   - promenades, squares and courtyards;
   - characteristic kerb and gutter treatment; and
   - pavement design, materials and finishes.

Provisions

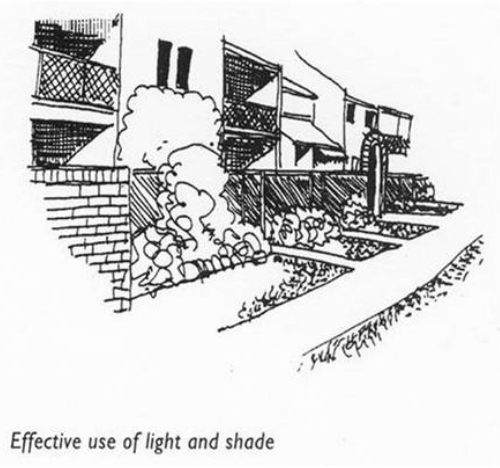
There are no provisions for this section.



Varying ridge and eaves lines can reduce the perceived scale and add interest to buildings



Sympathetic facade treatment

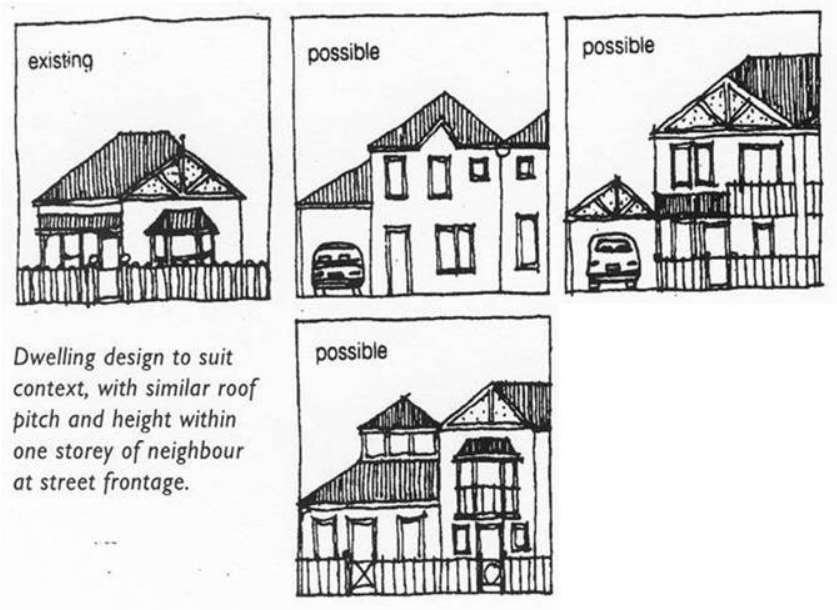


Effective use of light and shade

2.4.3 Building Height and Scale

Objectives

1. To ensure that the height, scale and length of new development is not excessive and relates well to the local context.
2. To encourage design which creates desirable living conditions and ensures that the amenity of surrounding properties is properly considered.



Dwelling design to suit context, with similar roof pitch and height within one storey of neighbour at street frontage.

Performance Criteria

1. Walls are sited and are of such length and height that there is no significant loss of amenity to adjacent dwellings and land. This can be achieved through:
   - setbacks that are progressively increased as wall heights increase to reduce bulk and overbearing;
   - building siting and height that are related to land form, with minimal cut and fill;
   - building forms that enable a sharing of views with neighbours;
   - building bulk, that is generally distributed to reduce impact on neighbours and on the public street;
   - building heights similar to those in the public streetscape;

- building to the boundary, which maximises privacy for neighbouring dwellings and their private open space;
- boundary walls, limited in length and height, to minimise the impact on neighbours; and
- adequate separation between facing dwellings for privacy.

Provisions

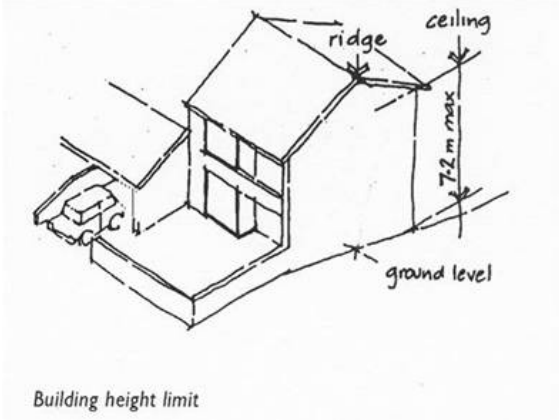
Interpretation

- Height is measured vertically from existing ground level prior to the commencement of any works to the underside of the ceiling in the uppermost habitable room:
- Loft spaces will not be included in the height measurement where they do not significantly alter the roof design or building bulk:
- Cathedral ceilings are permitted and will not be penalised:
- The maximum height for boarding houses, dual occupancies, dwelling-houses, group homes, multi dwelling housing and seniors housing is 7.2m (to the underside of the ceiling in the uppermost habitable room – excluding lofts).

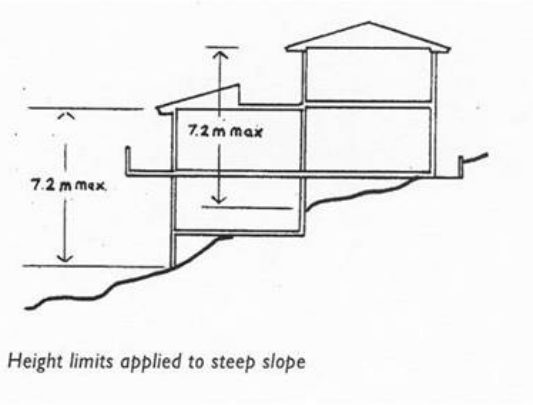
Variation

Variation of this height limit may be permitted where it can be shown that:

1. the height of the proposed building is equivalent or less than the height of a building on an adjacent site; or
2. the variation is minor and would satisfy the objectives and performance criteria of this section; and
3. other requirements of this chapter relating to streetscape, daylight, sunlight and privacy are satisfied.



Building height limit

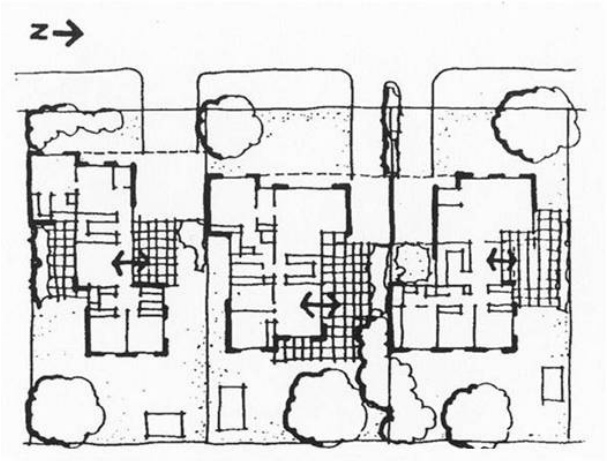


Height limits applied to steep slope

2.4.4 Side and Rear Setbacks

Objectives

1. To allow flexibility in the siting of buildings and the provision of side and rear setbacks.
2. To allow adequate natural light and ventilation between dwelling-houses.

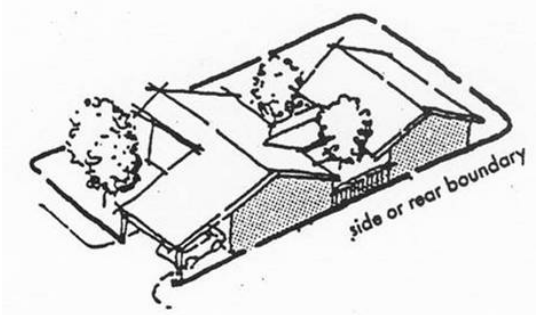


Innovative use of narrow lots with plan designs that link the outside to the inside of the house, can make good use of building to a boundary techniques.

Performance Criteria

Walls are sited and are of such length and height that there is no significant loss of amenity to adjacent dwellings and land. This can be achieved through:

- setbacks that are progressively increased as wall heights increase to reduce bulk and overbearing;
- building siting and height that are related to land form with minimal cut and fill;
- building forms that enable a sharing of views with neighbours;
- building bulk, that is generally distributed to reduce impact on neighbours and on the public street;
- building heights similar to those in the public streetscape;
- building to the boundary, which maximises privacy for neighbouring dwellings and their private open space;
- boundary walls, limited in length and height, to minimise the impact on neighbours; and
- adequate separation between facing dwellings for privacy.

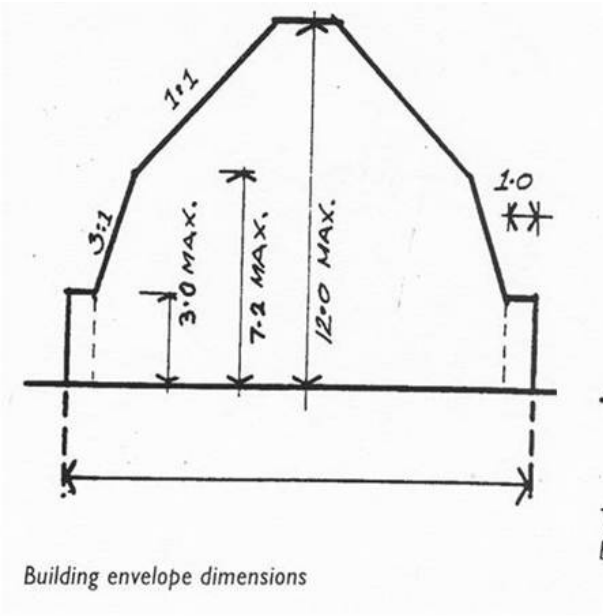


Building to boundary can maximise privacy and usable open space

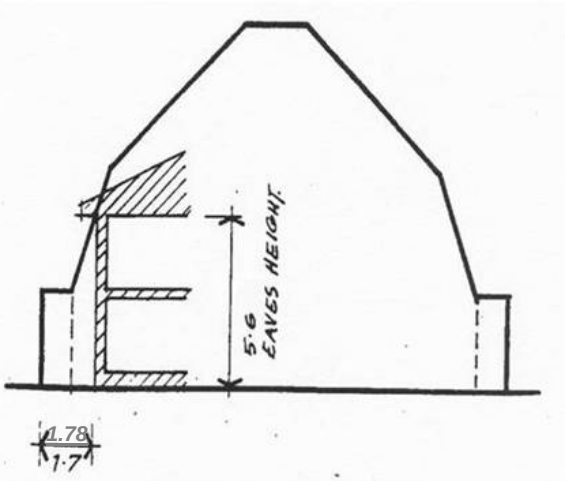
Provisions

1. A minimum side or rear boundary setback of 1.0 metre shall be provided for walls up to 3.0 metres in height unless the wall is built to the boundary.
2. For that part of the wall over 3.0 metres and less than 7.2 metres in height the minimum setback shall be 1.0 metres plus 300 mm for every metre of height over 3.0 metres.

3. For that part of a wall over 7.2 metres in height the minimum setback shall be increased by 1.0 metre for every metre of height over 7.2 metre.
4. Walls may be built to the side and rear boundaries where:
   - they do not contain any openings unless such openings comply with the fire resistance levels of the Building Code of Australia and are infilled with translucent or opaque materials; and
   - the wall height and length match an existing or similarly constructed wall on the adjoining site; or
   - the maximum wall height is 3.0 metres and there will be minimal impact on privacy, use of private open space and solar access to adjoining properties.



Building envelope dimensions

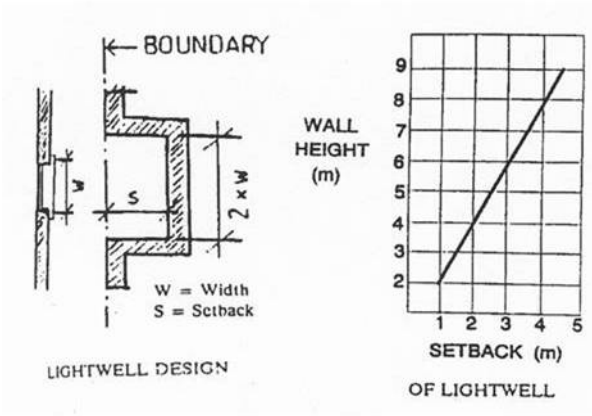


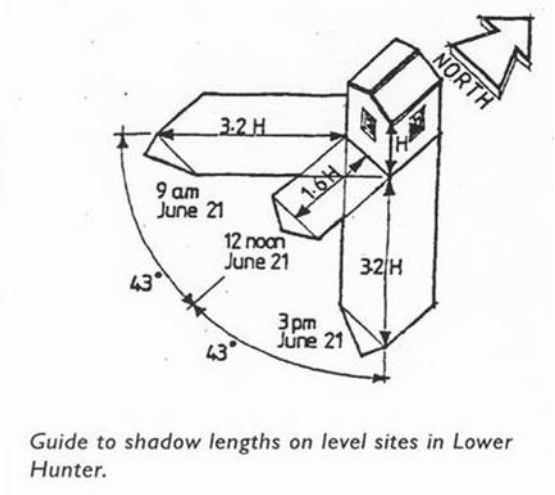
Typical two storey urban housing constructed within building enevelope.

2.4.5 Energy Conservation

Objectives

1. To provide dwellings with adequate daylight and natural ventilation to habitable rooms and adequate sunlight to private open spaces.
2. To avoid the potential for significant overshadowing of habitable rooms and private open spaces.
3. To reduce total energy use in residential buildings by reducing heat loss and energy consumption for heating and cooling.
4. To encourage the use of building materials that are energy efficient, non harmful and environmentally sound.





Guide to shadow lengths on level sites in Lower Hunter.

Performance Criteria:

1. Buildings shall be orientated with the main indoor and outdoor living spaces and major window areas facing towards the north and east.
2. To the fullest extent possible, buildings shall be insulated.
3. When a wall is likely to obstruct light to the window of a habitable room, it may be necessary to construct a lightwell based upon the table above.
4. Buildings shall include adequate thermal mass and windows located, sized and shaded to facilitate thermal performance.
5. West facing walls shall be designed with windows fitted with appropriate shade structures, and/or landscape screens.
6. The building materials that are selected shall have low energy inputs in their production and cause minimal damage to the environment.
7. Buildings shall be designed, wherever possible to include a north facing roof upon which a solar hot water system or collector could be installed. The building's internal plumbing shall be designed to facilitate the installation of such a system.
8. The design of the building shall maximise the cooling potential of natural ventilation by seasonal prevailing winds.
9. Solar access to adjoining properties shall be protected.

Provisions

1. Dwellings shall be sited to comply with the ventilation requirements of the Building Code of Australia by locating windows not less than a horizontal distance of 1.0 metre from any facing building.

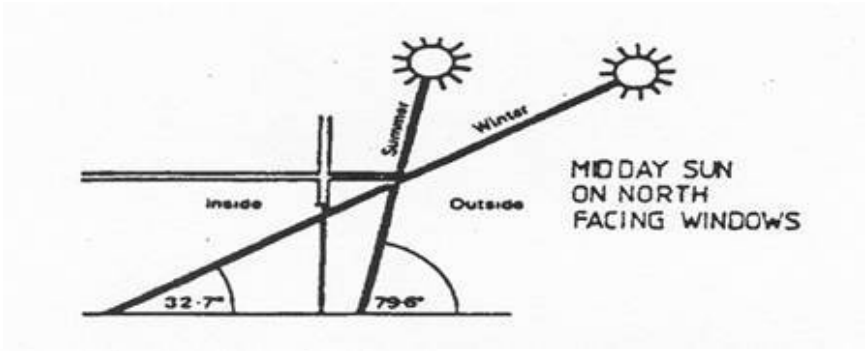
2. The windows of living areas facing north should receive not less than three hours of sunlight between 9:00am and 3:00pm on June 21. Buildings shall not reduce the sunlight available to the windows of living areas that face north in existing adjacent dwellings to less than the above specification.

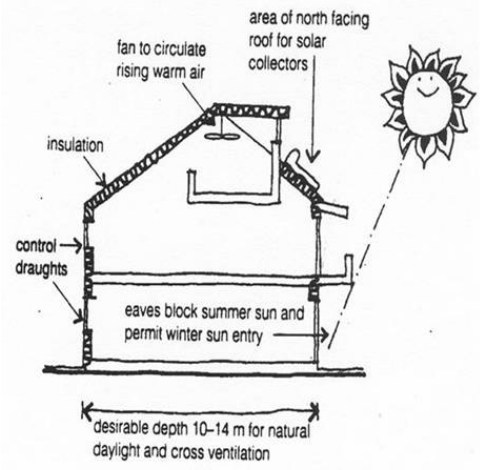
   Sunlight to the principal area (4.0 metres x 4.0 metres) of ground-level private open space of adjacent properties shall not be reduced to less than 2 hours between 9:00am and 3:00pm on June 21. Where existing overshadowing by buildings and fences is greater than this, sunlight shall not be reduced by more than 20%.

   For designers proposing development where lot size, orientation, degree of slope, scale and / or setbacks of buildings create a potential for loss of solar access of adjacent properties, Council may require an applicant to prepare shadow diagrams.

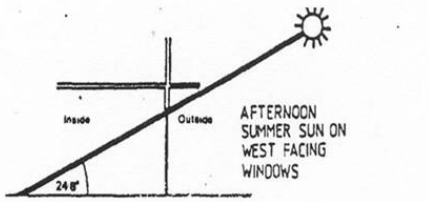
The following measures may be required to reduce overshadowing:

- the building re-sited or setbacks increased;
- heights reduced; and/or
- the roof design amended.

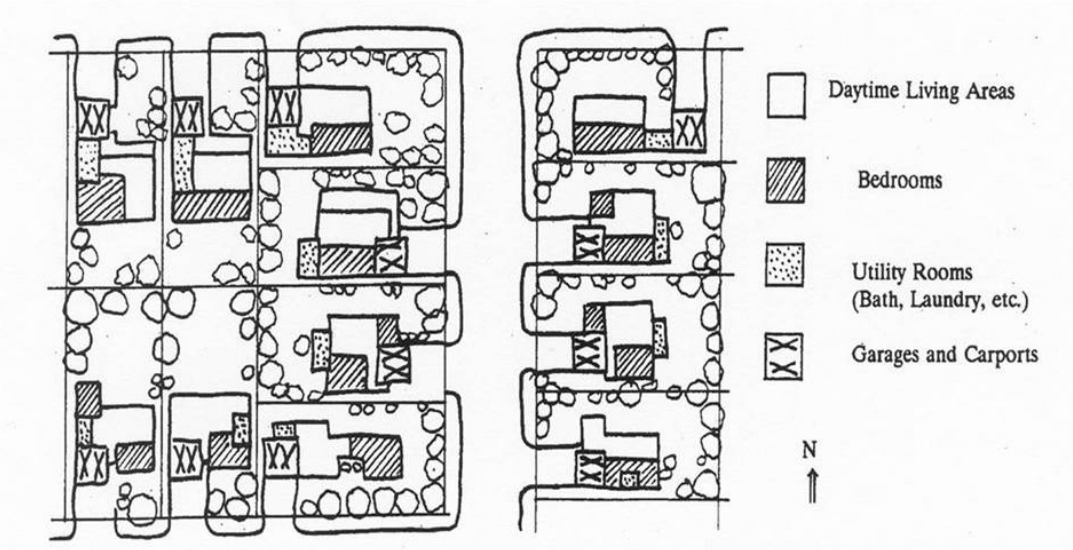




Some considerations for solar effeciency housing



Exclude hot afternoon Summer sun by shading west facing windows

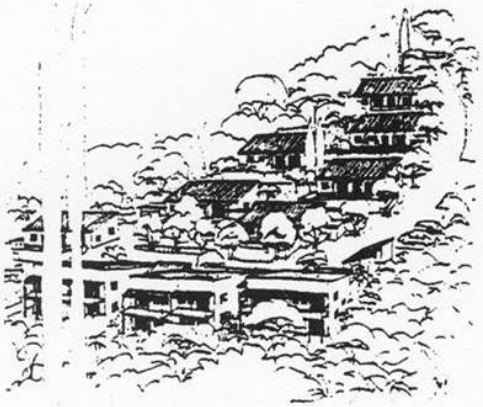


Good solar access can be achieved with appropriate design regardless of allotment orientation

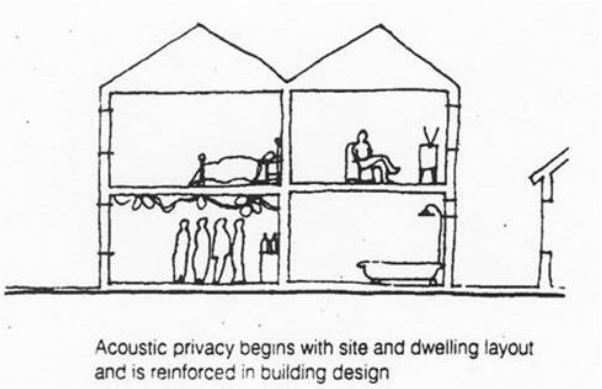
2.4.6 Views and Privacy

Objectives

1. To encourage the sharing of views whilst not restricting the reasonable development potential of a site.
2. To site and design buildings to meet projected user requirements for visual and acoustic privacy.
3. To protect the visual and acoustic privacy of nearby buildings and private open space.



Varied height and orientation of dwellings on a sloping site allows maximisation of view sharing



Acoustic privacy by design

Performance Criteria

View Sharing

1. All property owners are able to develop their property within the established planning guidelines, however, existing views should not be substantially affected where it is possible to design for the sharing of views.
2. Grand vistas and views which are recognised and valued by the community should not be obscured by new development.
3. Heritage or familiar dominant landmarks should be retained and not obscured.

Privacy

4. Development is designed so that the privacy of individual dwelling-houses and adjacent dwelling-houses is protected, with particular regard to private open spaces and the windows of habitable rooms.

   Measures utilised to ensure that this standard is satisfied may include:
   - proper consideration of privacy outcomes at the site planning stage;
   - screening, including lattice or mature planting;
   - offset windows;
   - innovative balcony design; or
   - separation by distance.

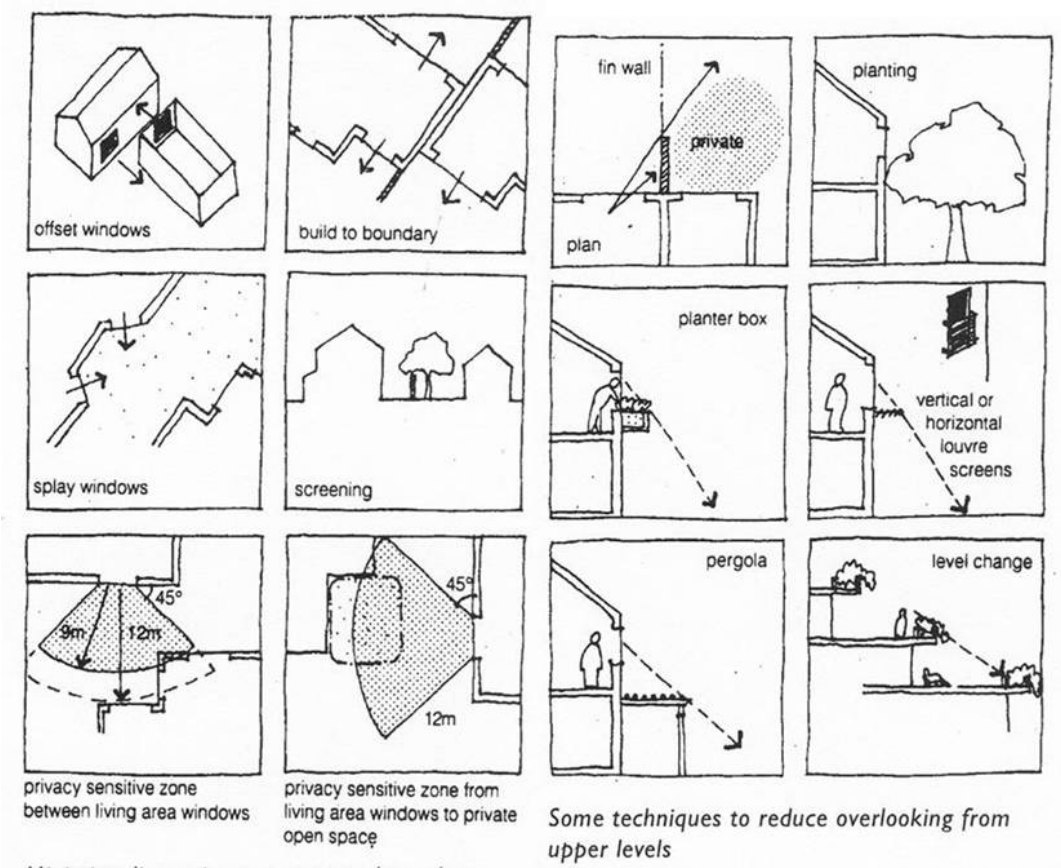
Provisions

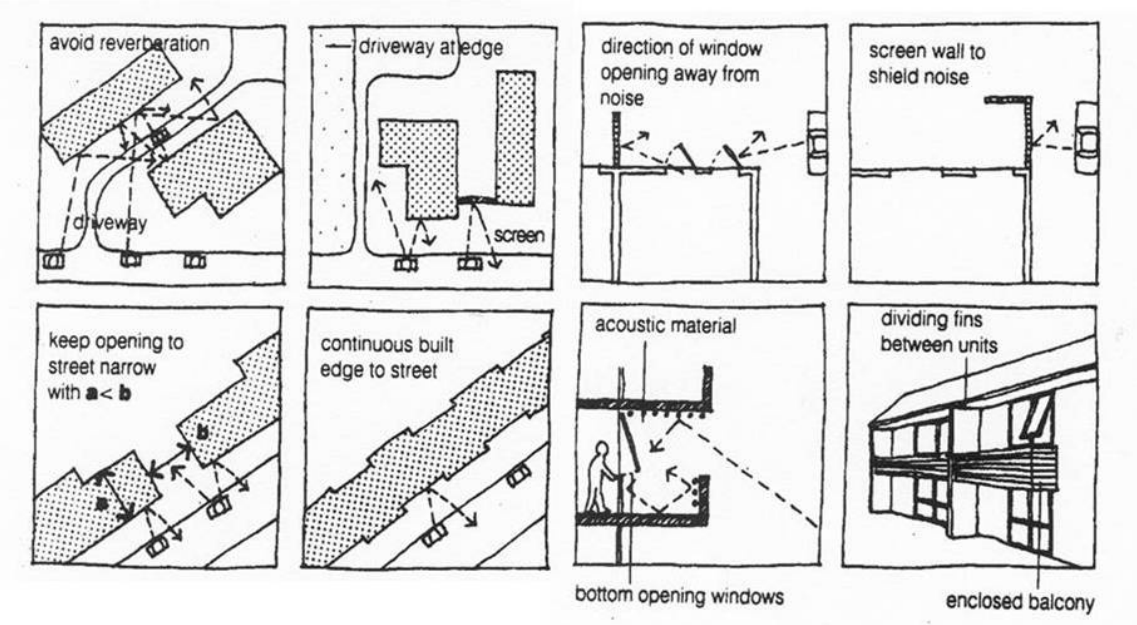
Visual Privacy

1. A minimum 9.0 metre separation shall be provided between the windows of habitable rooms of facing dwellings that abut a public or communal street.

   This distance shall be increased to 12.0 metres for windows above first floor level.

2. Direct views between living area windows of adjacent dwellings shall be screened or obscured where:
   - ground and first floor windows are within an area described by taking a 9.0 metre radius from any part of the window of the adjacent dwelling. An area so defined is described as a 'privacy sensitive zone';
   - other floor windows are within a 'privacy sensitive zone' described by a 12.0 metre radius.
3. Direct views from living rooms of dwellings into the 'principal area' of private open space of other dwellings shall be screened or obscured within a 'privacy sensitive zone' described by a 12.0 metre radius.
4. Direct views described in 2 and 3 may be obscured by one of the following measures:
   - 1.8 metre high solid fences or walls between ground-floor level windows or between a dwelling and open space where the slope is below 10%;
   - screening that has a maximum area of 25% openings, is permanently fixed and is made of durable materials; or
   - landscape screening either by existing dense vegetation or new planting that can achieve a 75% screening effectiveness within three years.





Some ideas for achieving acoustic privacy.

Acoustic Privacy

5 Site layouts shall ensure parking areas, streets and shared driveways have a line of sight separation of at least 3.0 metres from bedroom windows.

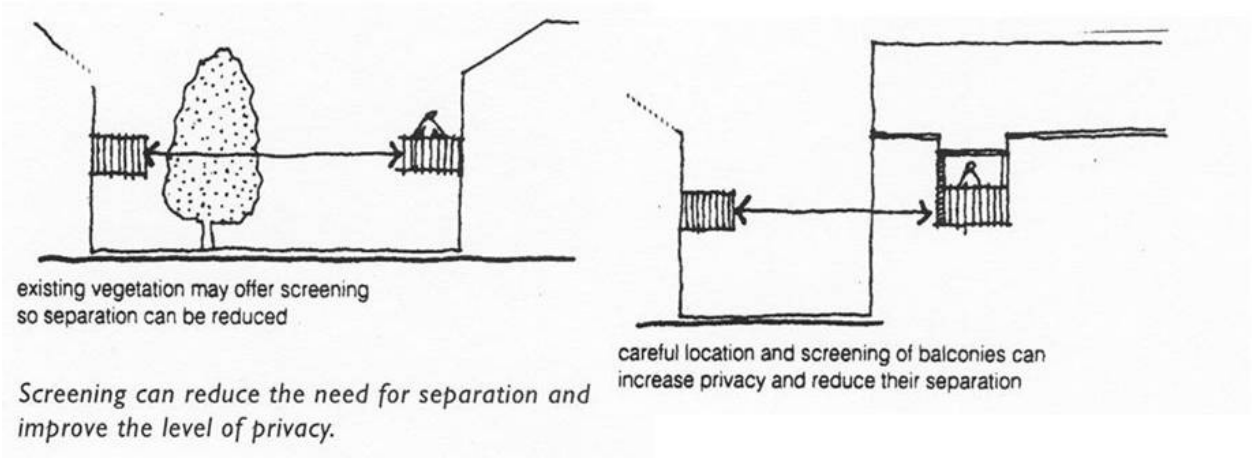
6 Openings of adjacent dwellings shall be separated by a distance of at least 3.0 metres.

7 Shared walls and floors between dwellings shall be constructed to limit noise transmission.

8 Dwellings adjacent to high levels of uncontrollable external noise shall be designed to minimise the entry of that noise.

9 Site layout shall separate active recreational areas, parking areas, vehicle accessways, and service equipment areas from bedroom areas of dwellings.

10 Mechanical plant or equipment shall be designed and located to minimise noise nuisance.

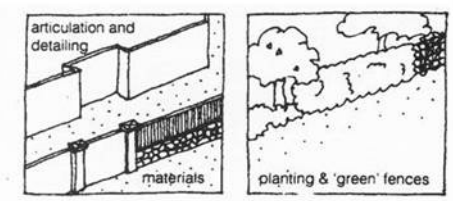


Screening can reduce the need for separation and improve the level of privacy.

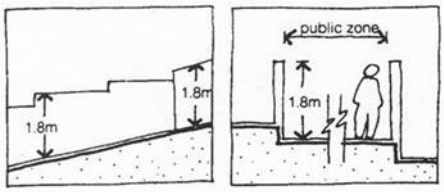
2.4.7 Fencing and Walls

Objective

1. To ensure that front and side fences and walls provide privacy, security and noise attenuation without having a detrimental impact upon the streetscape and adjacent buildings.



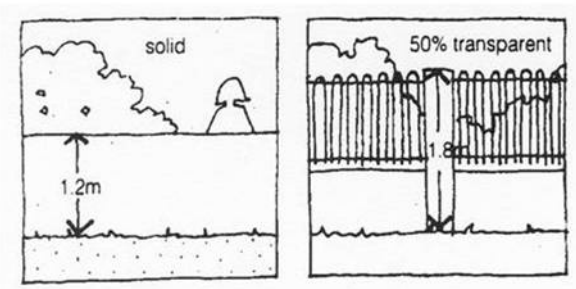
Fences should provide visual interest and integrate with landscape



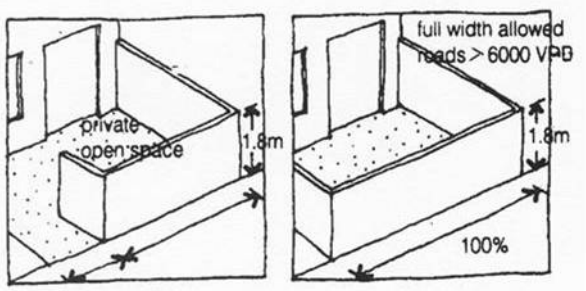
Fence height determined in relation to pedestrian in public zone.

Performance Criteria

1. The design sets out the role of proposed front fences and walls where they are a component of the streetscape of a public street.
2. Front fences and walls:
   - enable some outlook from buildings to the street for safety and surveillance;
   - assist (if used) in highlighting entrances and in creating a sense of communal identity within the streetscape;
   - are designed and detailed to provide visual interest to the streetscape;
   - are constructed of materials compatible with proposed housing, and with attractive visible examples of fences and walls in the streetscape to offer a sense of continuity; and
   - are compatible with facilities in the street frontage area, such as mail boxes and garbage collection areas.
3. The use and/or design of fences and walls in streetscapes of significance is appropriate to the heritage or environmental context of the site.



Low walls and semi-transparent fences are encouraged in preference to high solid walls



High front fences permitted under certain traffic or design considerations

Provisions

1. Front fences and walls should be no more than 1.2 metres if solid. This height may be increase to 1.8 metres if:
   - the main private open space is in the front of the dwelling-house (not encouraged); and

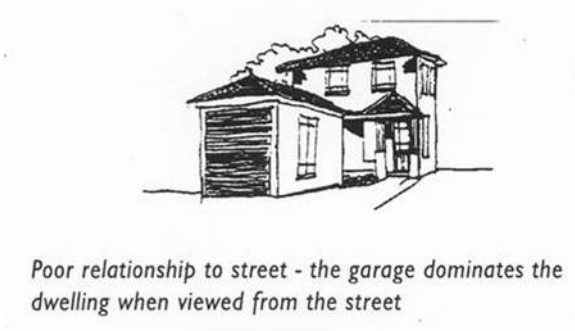
- the fence has openings which make it not less than 50% transparent; or
- traffic volumes and/or noise exceed 6000 vehicles per day and/or 60 dB(A) and
- the development site is not located in a heritage conservation area.

2. Front fences and walls shall be designed to use similar or compatible materials to that used in attractive buildings in the locality.
3. The use of sheet-metal fencing shall be avoided adjacent to public places, unless the visual impact is to be softened by landscaping.

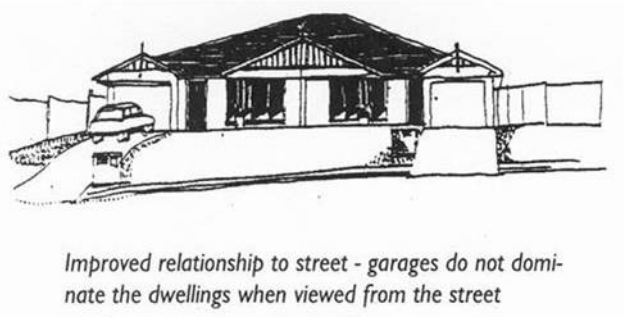
2.4.8 Car Parking

Objectives

1. To provide convenient, accessible and safe parking to meet the needs of residents and visitors.
2. To encourage the design of access and parking as part of the overall landscape design.
3. To allow service vehicles access where necessary.



Poor relationship to street - the garage dominates the dwelling when viewed from the street



Improved relationship to street - garages do not dominate the dwellings when viewed from the street

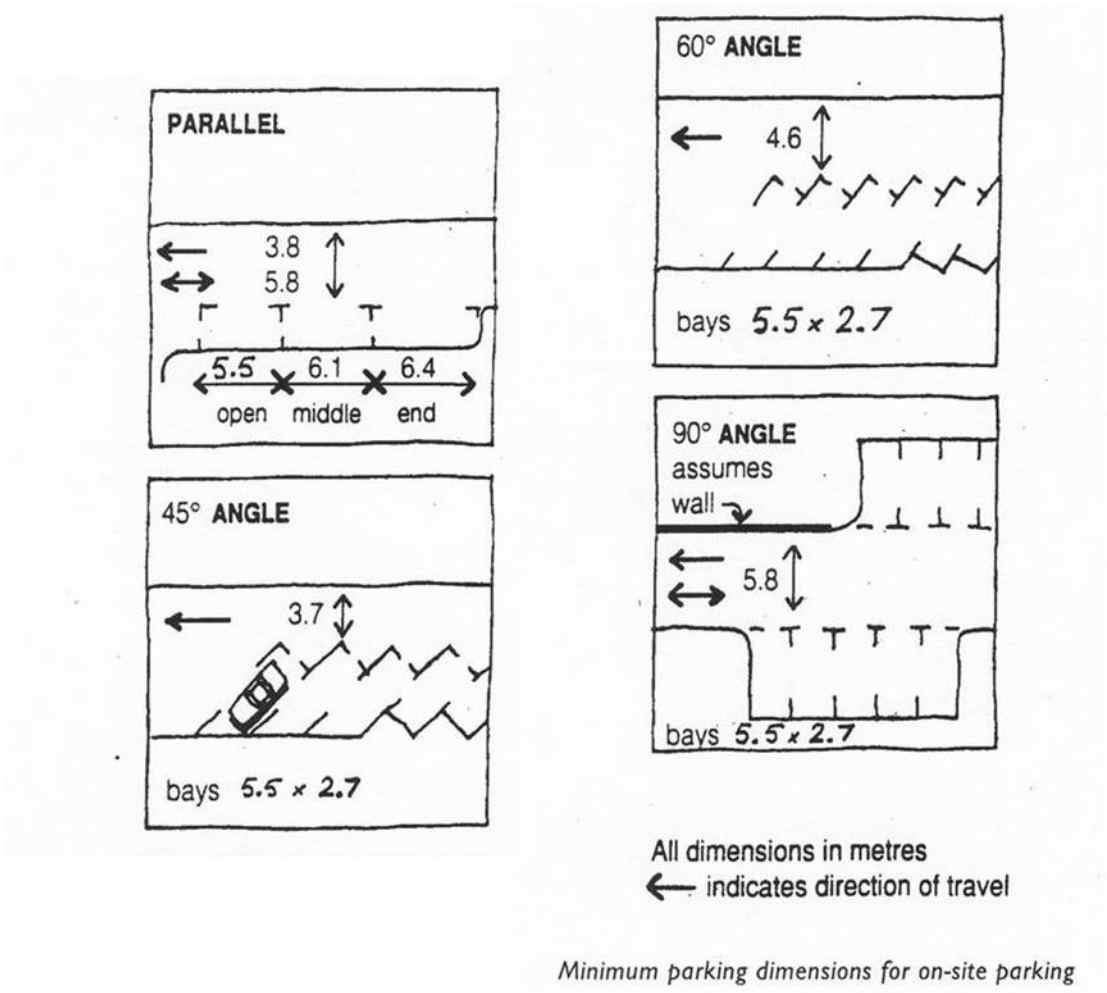
Well integrated parking provision in Urban Housing development.

Performance Criteria

1. Parking requirements for any development shall have regard to:
   - proximity and frequency of public transport; and
   - street width, traffic volume and on-street parking capacity.
2. The design of driveways and parking areas shall have regard to the safety of pedestrians, cyclists and vehicles.
3. Vehicles shall be able to enter and exit the site in a forward direction except where it can be demonstrated that the scale of development and the local conditions make this unnecessary.
4. The visual dominance of driveways and garages/carports shall be minimised by:
   - the use of irregular driveway alignment;
   - minimising the width of driveways;
   - the selection of paving materials e.g. decorative paving and brick banding;

- breaking up the appearance of driveways with landscaping;
- the use of screen planting; and/or
- car parking structure designs that add interest to the development.

5. The area of driveways shall be minimised to reduce the volume of runoff and increase the area available for landscaping.
6. All car parking spaces shall be adequately drained, marked and designated on the site.
7. Encourage the environmentally friendly disposal of car wash waste water.



Minimum parking dimensions for on-site parking

Provisions

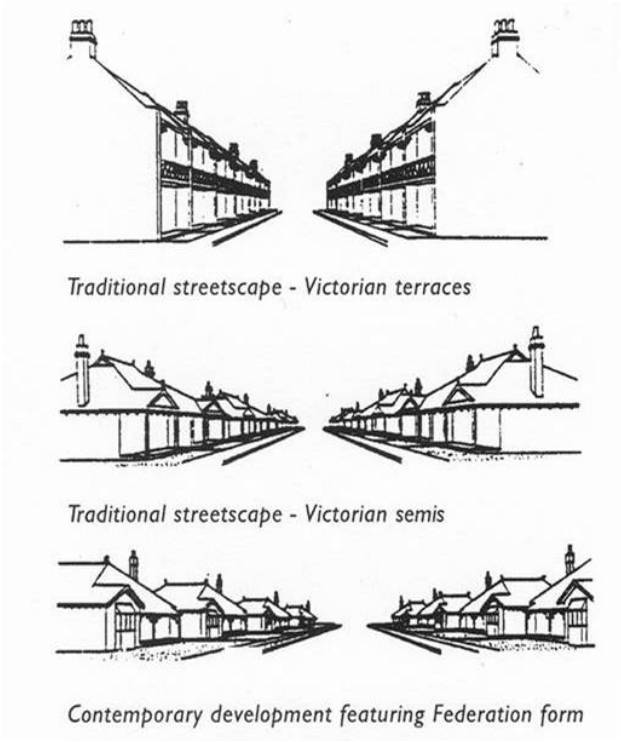
1. Parking shall be provided as per Part C: General Guidelines, Chapter 1: Parking and Access, and the minimum number of off-street car spaces will be as follows:
   - one space for each one or two bedroom dwelling; or
   - two spaces for each dwelling containing more than two bedrooms; and
   - one visitor space for the first three dwellings and one space for every five thereafter or part thereof for multi dwelling housing; or
   - 0.5 visitor spaces for each unit in residential flat buildings and shop top housing developments.
2. The minimum dimension of a car parking space is 5.5 metres by 2.5 metres (parallel parking) or 2.7 metres (angle parking).
3. The minimum dimension of an entrance-way is 3.0 metres with the driveway itself not being less than 2.5 metres wide with adequate turning areas provided.

4. The preferred dimensions of parking bays and driveways for common parking layouts are shown above.
5. Where parking is provided in separate garages the turning area shall be increased to 6.5 metres with a minimum garage entrance width of 2.4 metres.
6. The provision of stacked parking will be considered on merit.
7. The grade of a driveway shall not exceed 1 in 5, except where it can be demonstrated that steeper driveways provide safe access on particular sites.

2.4.9 Heritage Considerations

Objectives

1. To ensure preservation of the distinctive character of an area which is identified for heritage significance or is valued by the community.

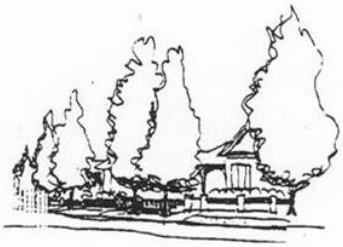


Traditional streetscape - Victorian terraces

Traditional streetscape - Victorian semis

Contemporary development featuring Federation form

Traditional streetscape - Suburban Federation



Retain heritage trees and avenue planting

Performance Criteria

1. The retention, preservation and recycling of existing buildings which make a positive contribution to the heritage character of the locality.
2. Good contextual design which reinforces the aesthetic qualities of the heritage streetscape. The dominant design features which contribute to the historic character of a streetscape shall be reflected in the proposed development.
3. Existing remnants of heritage tree or avenue planting shall be retained and strengthened by additional planting.

Provisions

There are no Provisions for this Section.

2.5 DESIGN ELEMENTS – LANDSCAPE, DESIGN, SECURITY, SERVICES & SITE FACILITIES

2.5.1 General

This section addresses a number of important elements that are frequently forgotten in the design process. They include: landscape design; site facilities; security; and servicing. Although not contained in section 2.4 'Building Design and Appearance', they form an integral part of the process.

2.5.2 Landscape Design

Objectives

1. To enhance the appearance, amenity and energy – efficiency of new development for the users and for the community in general.
2. To encourage the integration of building and landscape elements.
3. To enhance developments for acoustic and visual privacy and shade.
4. To blend new development into an established streetscape and neighbourhood.
5. To encourage the use of water efficient landscape systems.

Sensitive landscape design

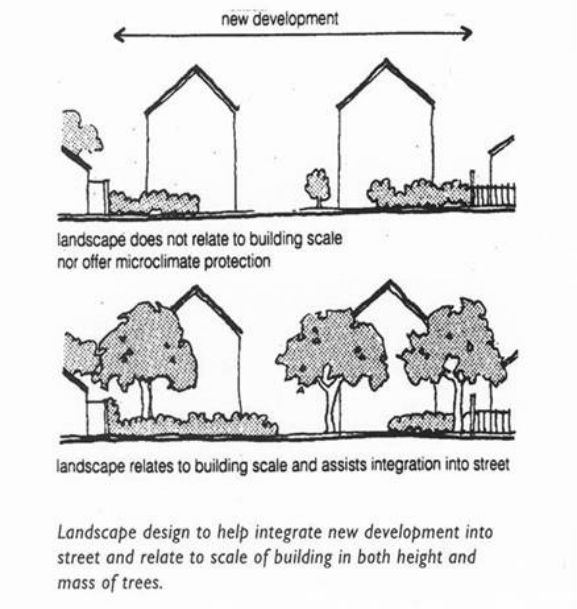
Performance Criteria

1. Site design minimises site disturbance and preserves existing landscape elements such as rock formations, trees, significant vegetation and water courses where possible.
2. In established areas, landscaping relates to the scale of other elements of the streetscape and the landscape of adjoining development.
3. Landscaping shall be geared towards user requirements, taking into account maintenance, exercise opportunities, shade provision and aesthetic quality.
4. To the fullest extent possible, appropriate vegetation shall be used to provide shade to the northerly and westerly elevations of buildings in summer, while allowing sunlight in winter.
5. The provision of landscaping to the street frontage of new development shall be substantial and shall attempt to enhance the appearance of the development and assist with streetscape integration.
6. The design of the landscape shall, as appropriate:
   - define a theme for new streets, or complement existing streetscapes;

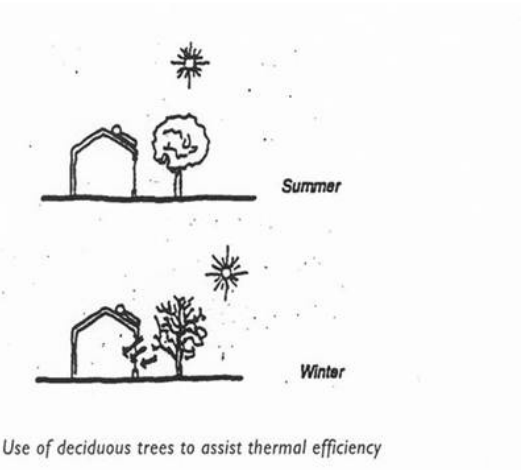
- complement the functions of the street and reinforce desired traffic speed and behaviour;
- be of an appropriate scale relative to both the street reserve width and the building bulk;
- improve privacy and minimise overlooking between dwellings;
- appropriately account for streetscapes and landscapes of heritage significance;
- provide adequate lighting for pedestrian and vehicular safety;
- be tolerant of the site conditions and adequately mulched.

Provision

There are no Provisions for this section.



Landscape design to help integrate new development into street and relate to scale of building in both height and mass of trees.

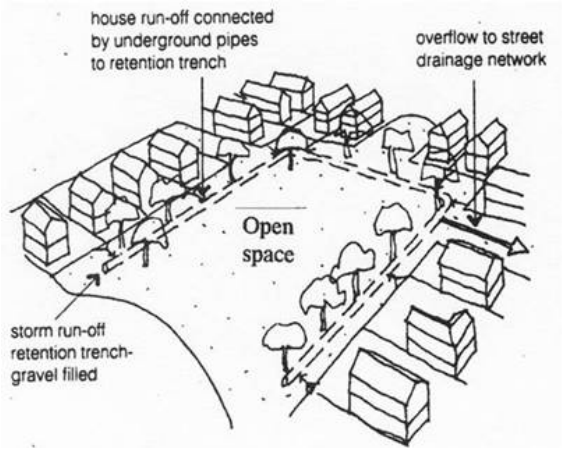


Use of deciduous trees to assist thermal efficiency

2.5.3 Stormwater Management

Objectives

1. To provide an effective stormwater management system which is sustainable and requires minimal maintenance.
2. To maintain existing site discharge rates.
3. To maintain existing or control flowpaths in excess of design requirements (i.e. spillways).



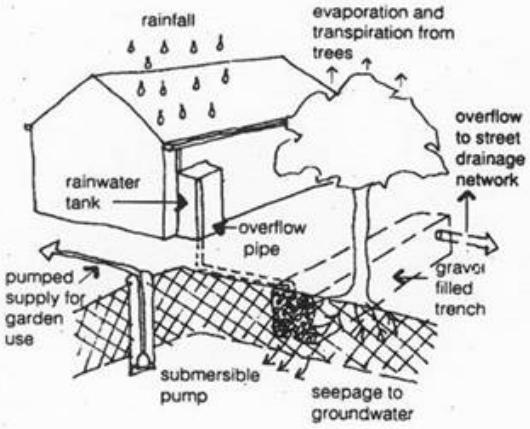
Performance Criteria

1. The following criteria shall be considered in the design of on-site stormwater management systems:
   - the downstream capacity and need for on-site stormwater detention and re-use;
   - the scope for on-site infiltration of water;
   - the minimisation of detrimental impacts on existing water table and quality;
   - the sustainability and maintenance needs of the stormwater system;
   - the safety of pedestrians and vehicles;
   - emergency spillways and/or overland flowpaths; and
   - potential impact on adjacent properties.

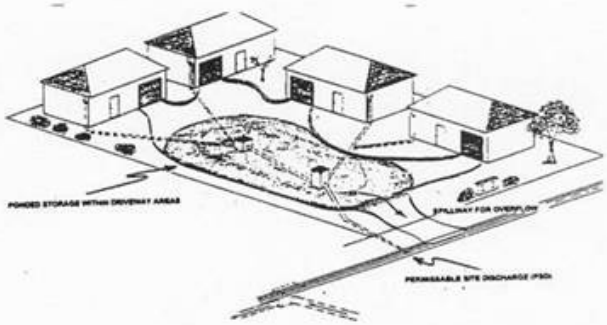
Provisions

There are no Provisions for this Section.

On-site stormwater retention principles



Detail of storm run-off retention system

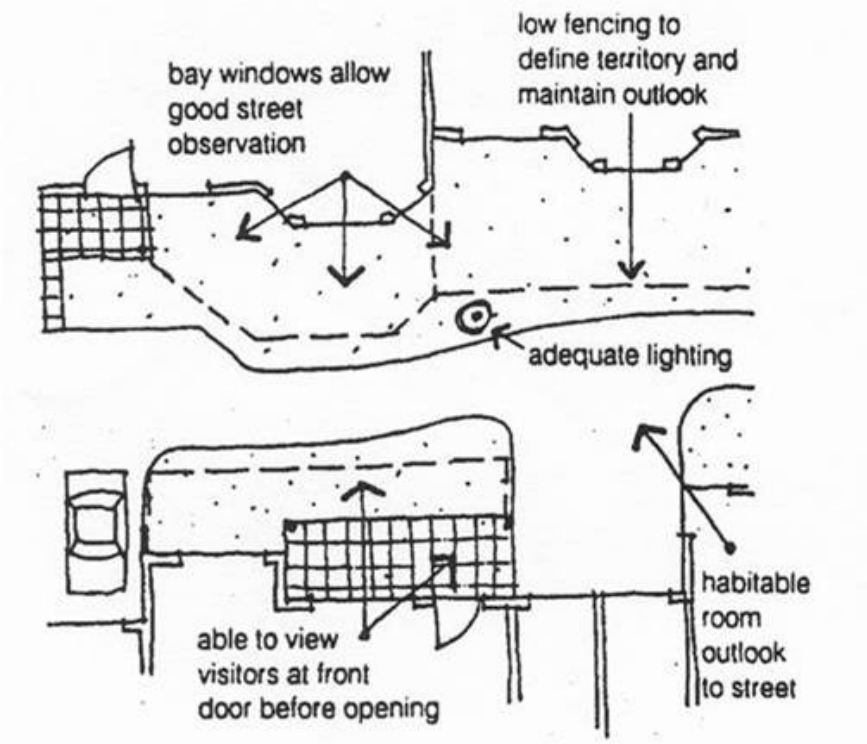


An on-site stormwater detention system using driveway for storage

2.5.4 Security, Site Facilities and Services

Objectives

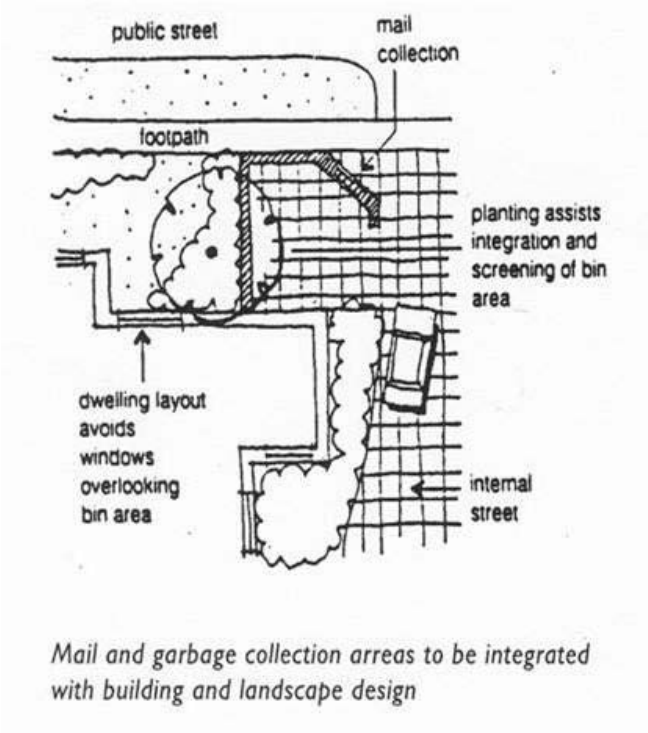
1. To provide adequate personal and property security for residents.
2. To ensure site facilities, such as garbage and recycling bin enclosures, recycling bins, mail boxes, clothes drying areas, external storage facilities, exterior lighting and signage are designed to be conveniently reached and require minimal maintenance.
3. To ensure facilities are visually attractive and blend in with the streetscape.
4. To ensure residential areas are adequately serviced with essential services in a timely, cost effective and efficient manner.



Security by design

Performance Criteria

1. Buildings adjacent to streets or public space are designed to allow casual surveillance and shall have at least one habitable room's window facing that area.
2. Adequate light is provided to all pedestrian paths, shared areas, parking areas and building entries.
3. Open air clothes drying facilities that are provided for communal use, are easily accessible to all residents and are visually screened from the street.
4. Garbage or recycling bin areas, mail boxes and external storage facilities are sited and designed for attractive visual appearance and for efficient and convenient use.
5. Dwellings are provided with adequate storage areas and clothes drying facilities.
6. Adequate numbering system and signage is provided.
7. The design and provision of public utilities, including: sewerage; water; electricity; street lighting; telephone and gas services to conform to the cost-effective performance measures of the relevant servicing authority.
8. Compatible public utility services to be co-ordinated in common trenching in order to minimise construction costs for underground services.
9. Development to be within locations where reticulated water supply services, complying with the requirements for domestic and fire fighting purposes, is available.
10. Each dwelling to be provided with direct and convenient pedestrian access to a public road.



Mail and garbage collection arreas to be integrated with building and landscape design

Consider ease of use of facilities

Provisions

1. Shared entries shall serve a maximum of twelve dwellings.
2. If a bin storage area is provided within the site area, it shall be roofed and designed so as to conceal its contents from view of an adjacent public place and/or other properties. It shall be provided with a water-tap for wash down purposes and drained to connect to the sewer. The storage area shall be as close as practicable to the pick-up location.
3. Individual mail boxes shall be located close to each ground floor dwelling entry, or a mail box structure located close to the major pedestrian entry to the site and complying with the requirements of Australia Post.

2.6 ESTIMATING DEVELOPMENT POTENTIAL

2.6.1 Yield Table

The provisions set out in Table 2 are intended to be used to estimate the number of dwellings a site could accommodate. These standards are relatively conservative and particular sites may be able to accommodate more dwellings when consideration is given to the various performance based design elements contained in Sections 2.3, 2.4 and 2.5.

Table 2: Yield Table

Development Standard	Urban Housing Type		
	Dual Occupancy	Urban Housing Up to two storeys	Urban Housing with more than 2 storeys
Floor Space Ratio (FSR)	0.5:1	0.4:1	0.6:1
Minimum Site Area	450m^2	NA	NA
Height	7.2 metres	7.2 metres	12 metres
Street Setbacks	6.0 metres to main frontage – if corner allotment 3.0 metres to secondary frontage	6.0 metres to main frontage – if corner allotment 3.0 metres to secondary frontage	9.0 metres
Side/Rear Setbacks	1.0 metres	3.0 metres	6.0 metres
Car Parking	1 bedroom: 1 space 2 bedroom: 1 space 3 bedroom+: 2 spaces	1 bedroom: 1 space 2 bedroom: 1 space 3 bedroom+: 2 spaces + 1 visitor space for first 3 dwellings and 1 space for every 5 thereafter or part thereof	1 bedroom: 1 space 2 bedroom: 1 space 3 bedroom: 2 spaces + 1 visitor space for first 3 dwellings & 1 space for every 5 thereafter or part thereof
Private Open Space	1 bedroom: 50m^2 2 bedroom: 50m^2 3 bedroom +: 70m^2	1 bedroom: 50m^2 2 bedroom: 50m^2 3 bedroom+: 70m^2	1 bedroom: 50m2 2 bedroom: 70m2 3 bedroom: 100m2
Minimum separation between habitable room windows of facing dwellings	Ground and 1st floor level – 9.0 metres Above 1st floor level 12.0 metres	Ground and 1st floor level – 9.0 metres Above 1st floor level – 12 metres	Ground and 1st floor level – 9.0 metres Above 1st floor level – 12 metres

2.7 CASE STUDY – DEMONSTRATING THE BENEFITS OF THE PERFORMANCE APPROACH

2.7.1 General

To illustrate the opportunities that are available to developers to design by pursuing the 'Performance Approach' an actual development has been taken and compared to the alternative that would have been possible under the 'Performance Approach' of this document.

Under the 'Performance Approach', significantly more thought and effort needs to be put into the design process and each development site needs to be analysed independently, as opposed to the traditional approach which encouraged 'off the shelf' designs. However, as the case study illustrates, the rewards to all parties are substantial and include:

- greater dwelling yield and/or larger dwellings;
- an improved living environment for occupiers;
- more energy efficient development;
- greater acceptance by the community of medium-density development;
- more attractive living environments and streetscapes.

Table 3 compares the two development proposals and Diagrams 2-3 show the site plans and street elevations.

2.7.2 Proposal One - Actual Development Not Complying with the Lower Hunter Urban Housing DCP

This is an actual development of 4 x 2 bedroom townhouses which was taken from one of the Lower Hunter local government areas.

The design was determined by the setbacks required (11m, 3m, and 2m respectively for front, side and rear) with a central driveway and the dwellings occupying the leftover spaces.

All private open space is located in side and rear setbacks, having a maximum dimension of 3m and little regard to site orientation. Communal open space is located with visitor parking in the front setback.

The appearance of the development is dominated by the central driveway and bland front elevations which make little attempt to relate to surrounding development or create any architectural interest. Each townhouse is identical in appearance.

2.7.3 Proposal Two - Alternative Development Complying with the DCP

This represents the type of development that would be possible if the Performance Approach was followed. A central feature of this approach is that dwelling yield is not pre-determined, but rather, is a function of site opportunities and constraints and the quality of design.

The yield achieved in this instance is 2 x 2br and 3 x 3br dwellings. In fact, three standard floorplans have been utilised, in each case having two bedrooms as loft accommodation. Dwellings 1 and 2 are two bedrooms and would have a floorspace of 80m^2, dwellings 3 and 5 are each three bedrooms with a floorspace of 90m^2 each, while dwelling 4 is also three bedrooms, but has more generous living areas and a floorspace of 100m^2. These floorspace figures do not include the generous verandah areas that have been provided.

The front setback is 3.0 metres and in this instance, the setback forms part of the usable open space for dwellings 1 and 2. Both of these dwellings are oriented towards the street and would appear as typical freestanding cottages. Their design integrates with the streetscape via articulated facades, front verandahs and picket fencing.

Side setbacks vary and in the case of dwellings 2 and 3 form part of the usable open space. Dwellings 4 and 5 enjoy particularly generous garden areas as illustrated on the accompanying plan. Dwelling 4, in particular, has a large courtyard and garden areas on its northern side. In all cases, the open space had been located near living areas.

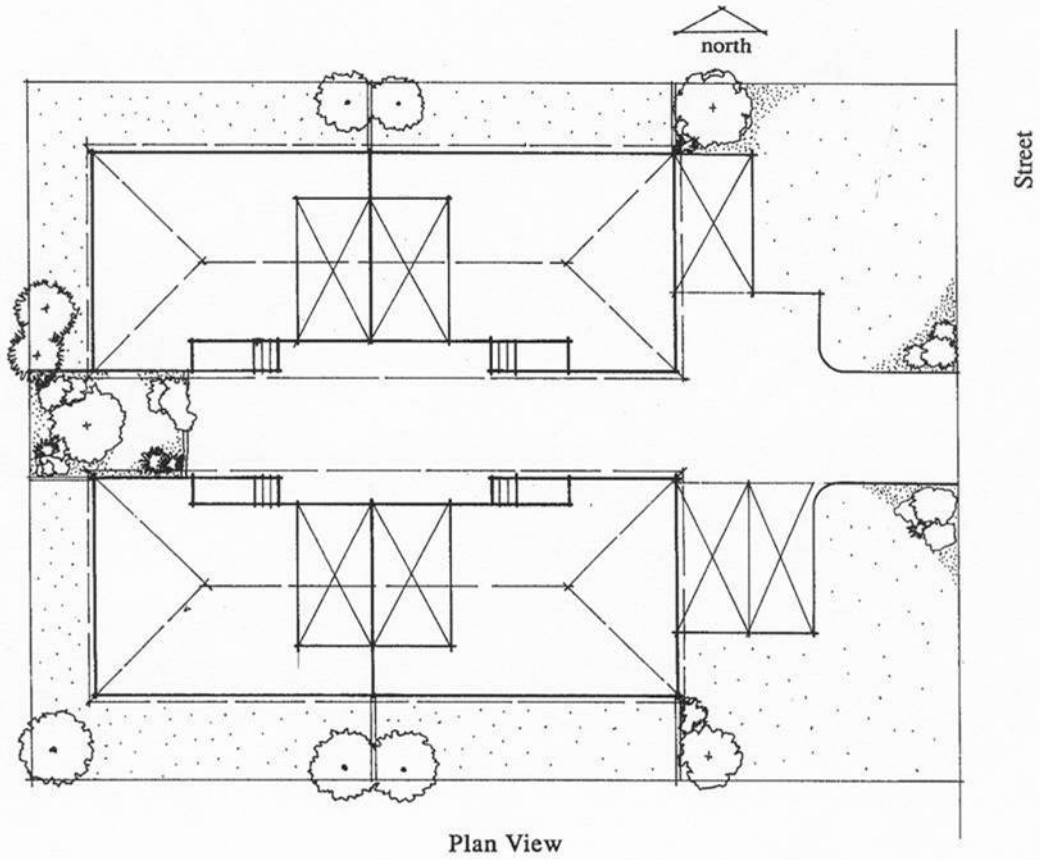
Although each of the dwellings is single storey plus loft, the overall height is only 1.0 metre greater than the typical design and there would be little additional shadow cast. The privacy of adjoining sites would be maintained by the careful location of dormer windows.

Each dwelling would have a single garage with a stacked second parking space. The central driveway would be paved and interrupted by landscape features, providing space for on-site turning whilst ensuring the vehicular speed is minimised and pedestrians have priority.

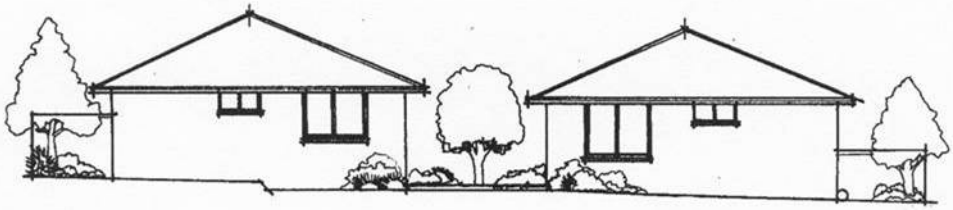
Table 3: Case Study Comparison

CONSIDERATIONS	- PROPOSAL ONE - ACTUAL DEVELOPMENT	- PROPOSAL TWO - ALTERNATIVE DEVELOPMENT
Dwelling Yield	4 x 2br townhouses	2 x 2br 3 x 3br townhouses
Total Floorspace	274m^2	440m^2
Floorspace Ratio	0.31:1	0.49:1
Total Private Open Space	178m^2	240m^2
Total Communal Open Space	192m^2	117m^2
Parking Spaces	7	8
Setbacks: Front Side Rear	 11 metres 2.0 metres 1.0 metres (in part)	 3.0 metres 2.0 metres Nil (in part)
Overall Height	4.5 metres	5.5 metres

CASE STUDY - DEMONSTRATING THE BENEFITS OF THE PERFORMANCE APPROACH



Plan View



Elevation from the Street

DIAGRAM 2 : CASE STUDY 1
ACTUAL DEVELOPMENT NUMERIC PROVISION METHOD

D.3: INDUSTRIAL DEVELOPMENT

3.1 INTRODUCTION

3.1.1 Application

This Chapter applies to all land to which this DCP applies that is zoned, or developed, for industrial purposes.

Note: For the IN1: General Industrial zone, applicants shall refer to the specific provisions in Cessnock Local Environmental Plan and Part E: Specific Development, Chapter 6: Hunter Employment Zone.

3.1.2 Purpose

To provide more detailed guidelines than those contained in the Cessnock Local Environmental Plan (CLEP).

3.1.3 Aims and Objectives

a) To encourage industrial development without creating detrimental environmental impacts or adversely affecting existing services and infrastructure.
b) To ensure that adequate environmental safeguards are implemented by industry through careful site planning.

3.2 GUIDELINES FOR DEVELOPMENT

3.2.1 Landscaping

Principle

To improve the visual quality and amenity of industrial development through implementing effective low maintenance landscaping of industrial sites.

Controls

Those areas of the site to be landscaped include:

a) the front setback area to a minimum depth of 6.0 metres;
b) the side and rear setbacks if visible from a public place;
c) large vehicular parking areas may be required to be landscaped to provide shade and to soften the visual impact of parking facilities.

3.2.2 Vehicular Parking

Principle

To provide adequate on-site vehicular parking for employees and customers which is located in close proximity to building entrances.

Controls

a) Compliance with *Part C: General Guidelines, Chapter 1: Parking and Access*.
b) All car parking facilities shall be located behind the front 6.0 metre landscaped area.

c) Where it is proposed to locate parking facilities behind an industrial building or to the rear of an industrial site, separate provision for visitor parking shall be made in front of the building, but behind the front 6.0 metre landscaped area.
d) Vehicular parking areas shall generally have a minimum construction standard of a two coat bitumen seal and be clearly delineated.

3.2.3 Vehicular Movements and Access

Principles

1) To prevent delay or obstruction to traffic by vehicles waiting to gain access to the site.

2) To accommodate the movement of employee and visitor traffic to and from the site in a forward direction.

Controls

a) Access drives to be designed to have a width which reflects the nature and needs of the particular land use.
b) Access drives shall not be located in close proximity to an intersection.
c) Loading and unloading facilities appropriate to the particular development are to be provided on-site, such that service vehicles are located wholly within the site and generally do not impede traffic movements.

Note: Should developers require more detailed technical information regarding vehicular movements to, from and within the site, their attention is drawn to the various publications available from the Roads & Traffic Authority (www.rta.nsw.gov.au).

3.2.4 Building Design

Principle

To provide industrial buildings which are both functional and attractive in the context of their local environment.

Controls

a) The external walls of industrial buildings shall be of profiled colour treated cladding or masonry materials, or a combination of both.
b) Consideration shall be given to the design and use of the above materials in the street elevation of industrial buildings, particularly where such buildings are in close proximity to residential or commercial neighbourhoods or front main roads.

3.2.5 Building Setbacks

1. Front building setbacks shall be determined on the following criteria:

    a) provision of landscaped area to a minimum depth of 6.0 metres (refer to 3.2.1);
    b) provision of car parking facilities (refer to 3.2.2);
    c) building height, bulk and layout;
    d) the nature and needs of the industrial activity; and
    e) the general streetscape.

2. Side and rear setbacks as specified by the Building Code of Australia.

3.2.6 Outside Storage and Work Areas

External storage and work areas are to be located behind the building and screened from public view by means of fencing.

3.2.7 Security Fencing

Security fencing shall be located behind the front landscaped area.

3.2.8 Drainage

Principles

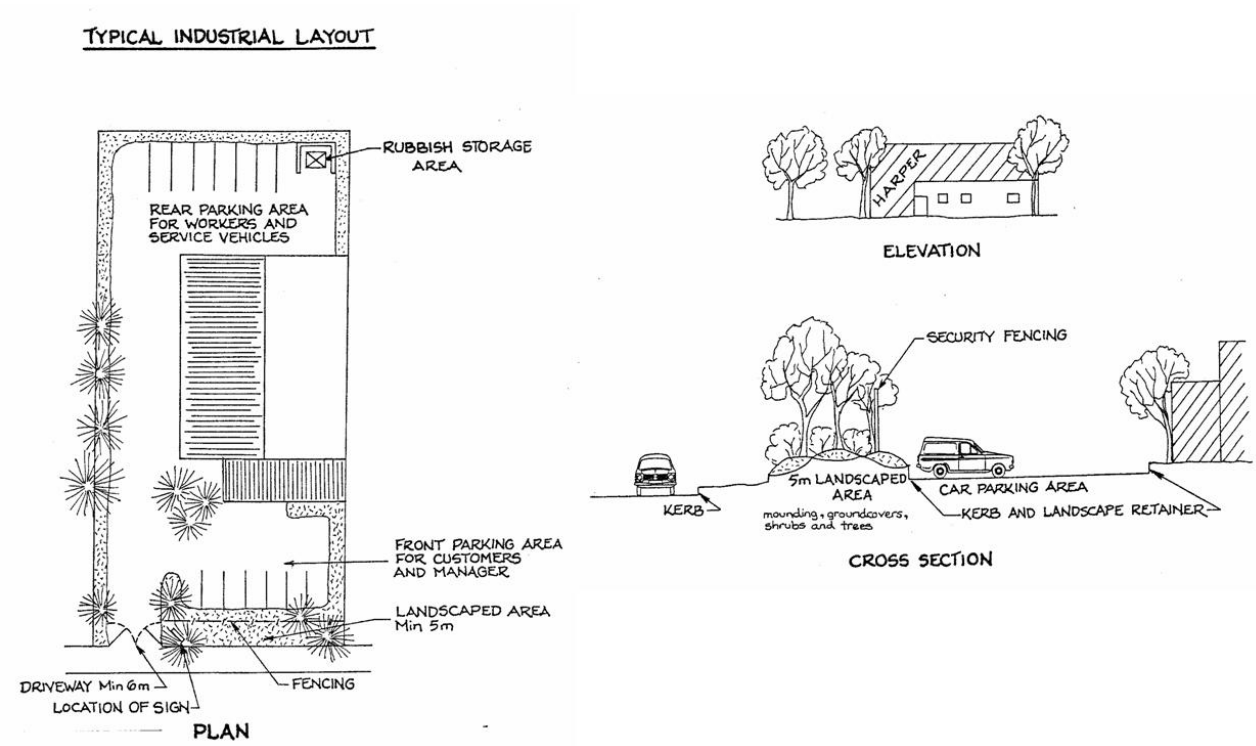
1. To ensure adequate drainage facilities are provided within the site to collect and carry stormwater to external drainage systems.

2. To prevent the hazard of flooding and diversion or concentration of water onto adjoining properties or public areas.

3. To ensure that the public drainage systems can adequately accept additional runoff generated by developments.

Controls

a) Stormwater run-off from roofs and paved areas is to be collected on-site and disposed of to the street drainage system, drainage easement, natural drainage course or infiltration trench or other means as determined by Council.



D.4: PURPOSE BUILT RURAL TOURIST ACCOMMODATION

4.1 INTRODUCTION

Vacations and short breaks which provide a 'country holiday experience' are increasing in demand. This demand comes from both domestic and international holiday makers as well as business and educational concerns. Many regional communities have benefited from this increasing tourism interest.

The economic spin-offs of rural tourism, can be expected to continue to provide much valued diversification to the traditional agricultural income base of those country areas with tourism potential.

New tourist accommodation proposals can have many hurdles to cross before a viable and sustainable business can be set in place.

4.1.1 Application

This Chapter applies to all land to which, 'tourist and visitor accommodation' is a permissible use with consent under the provisions of Cessnock Local Environmental Plan (CLEP).

Applicants are advised that other chapters in the DDCP may be required to be referenced in plan preparation, with the following of particular importance:

1. Part C Chapter C.4 Land Use Conflict and Buffer Zones in relation to land use conflict and the application of buffer zones; and,
2. Part E Chapter E.3 Vineyards District in relation to issues and requirements applicable to the Vineyard District, including viticulture or permitted uses adjoining viticulture located outside the Vineyards District.

4.1.2 Purpose

To provide detailed guidelines for the establishment and on-going maintenance of purpose built rural tourist accommodation.

The guidelines are aimed at purpose built development for rural tourist accommodation. 'Cabins' as part of a 'tourist and visitor accommodation' development is a commonly used term for the type of development for which these guidelines have been prepared.

This purpose built form of rural tourist accommodation can be distinguished from lower key proposals to accommodate guests in the family home, referred to as 'Bed and Breakfast accommodation'. (Council provides a separate policy in regard to this type of development).

4.1.3 Definitions

In this Chapter and with specific regard to 4.5.13 Density & Scale of Development, the following terms are defined as follows:

- *'tourist accommodation building'* means a building or part of a building containing one or more tourist accommodation units.
- *'tourist accommodation unit'* means premises used for the temporary accommodation of up to 4 tourists in a maximum of 2 bedrooms for up to 42 consecutive days or, in aggregate, 150 days in any 12-month period, but does not include bed and breakfast accommodation.

4.1.4 Aims and Objectives

Aims:

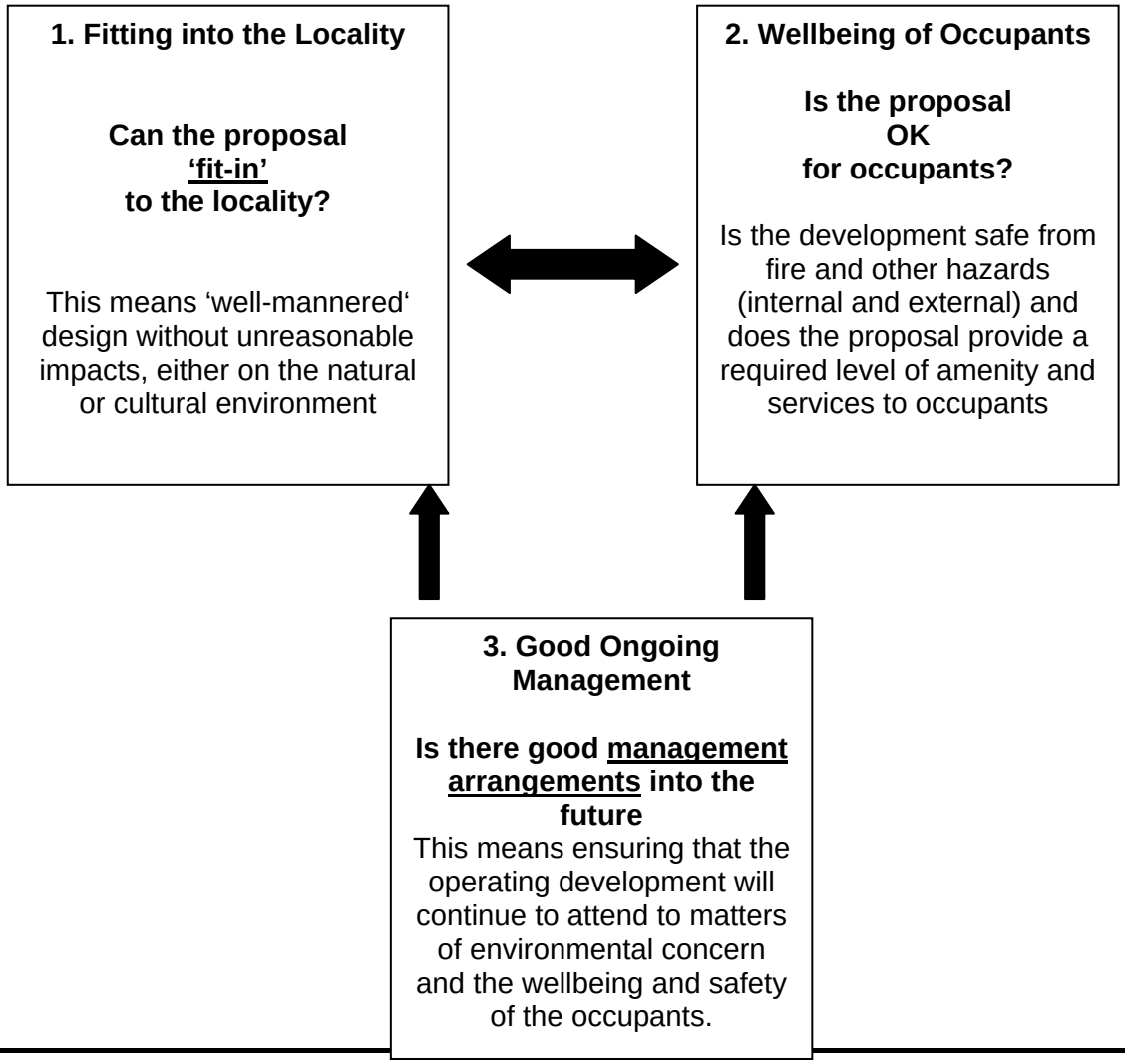
- to assist applicants in understanding the purpose of Council's requirements, the various approvals that may be required and the processes involved;
- to provide information and options to promote best practice in planning, approving and operating rural tourist accommodation establishments.
- to encourage rural tourist accommodation that is compatible in its design with its surroundings and adjoining land uses.

Objectives:

- to provide more detail to the planning provisions contained in CLEP;
- to identify important issues that shall be addressed prior to the carrying out of development in the area; and
- to ensure that development is carried out in a manner that recognises site opportunities/constraints and reduces land use conflict between adjoining/adjacent land uses.

4.2 UNDERSTANDING THE ASSESSMENT PROCESS

From the viewpoint of Council there are three major, and interrelated tests for a rural tourist accommodation proposal. These are indicated graphically below.



4.3 WHAT APPROVALS ARE REQUIRED?

A range of government authorities and pieces of legislation can be called up in the regulation of a rural tourist accommodation proposal.

A detailed listing is provided at Schedule 1 at the end of these guidelines. This list may appear daunting to some. But please note that depending on the circumstances, many applications will simply need to go through the approvals process administered by the Council.

4.3.1 Council – The First Stop

Where more than one authority is involved, Council is able to assist in co-ordinating input and approval of other authorities. The body of these guidelines point to the key requirements for approvals or licenses from State authorities.

Council is the best starting point to find out whether there is a need to make contact with other authorities to seek further approvals and advice on how to obtain these can be obtained at Council.

4.4 PREPARING AN APPLICATION

4.4.1 Good Planning & Effective Documentation

Apart from the actual plans of the proposed building works, there are three key documents which can be prepared in the early stages of your application. These can help ensure you're as well positioned as possible to deal with the requirements of Council and other government authorities.

(a) Site analysis document

- Helps you and others understand the site constraints and opportunities on the site and also take into consideration neighbouring land uses.
- An example of a simple site analysis drawing is provided over page. More complex proposals may need to provide written documents.

(b) Statement of Environmental Effects

- Written statement responding to each of the key development issues in accordance with Council's requirements.
- The major portion of these guidelines work through the range of issues which can be involved in a rural tourist accommodation proposal.

(c) Management Plan or Statement

- An outline of operational procedures to minimise the potential problems of interest to regulators, into the future.
- An approach to these matters is suggested in the next section.

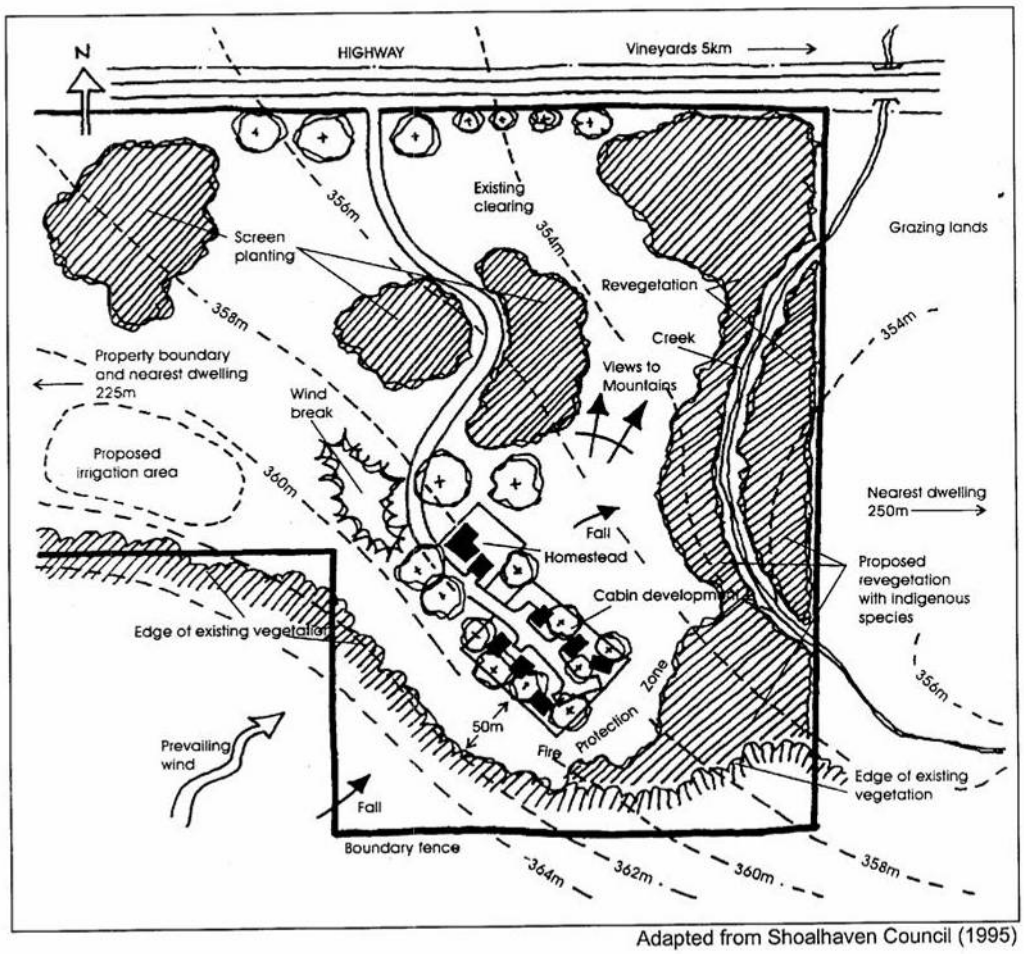
It can be expected that applications for new purpose-built rural tourist accommodation will require input from suitably qualified professionals, familiar with the issues covered in these guidelines (*Assessment Criteria*).

The Council or professional and industry associations can assist with directing you to suitable experts in the field to meet the needs of your proposal.

Sound initial planning and analysis work can lead to a well conceived development in terms of environmental sustainability. It can also prepare you well for any questions which arise during the approvals process.

4.4.2 Site Analysis Plan

The site analysis plan should clearly identify the proposed development site in relation to important existing features both on the subject land and on adjoining parcels of land. The site analysis plan will help demonstrate that the development concept can 'fit in' to the existing setting. A simplified example of a site analysis plan is provided below:



Adapted from Shoalhaven Council (1995)

That the following information shall be included (as relevant) on a site analysis plan:

- north point;
- property boundaries and key dimensions;
- contours and major physical features;
- existing vegetation;
- creeklines or wetlands;
- distances and any sightlines to adjoining dwelling-houses;
- relevant details on any adjoining farm or other rural activities;
- views; and
- location of existing services.

4.5 FITTING INTO THE LOCALITY

4.5.1 Impact on Adjoining & Nearby Properties

PERFORMANCE OBJECTIVE

Tourist accommodation on rural properties shall not bring with it any potential to prejudice the operational aspects of working farms or other rural activities on adjoining or nearby properties.

CONTEXT

- There can be conflict between farm activities and tourist accommodation. Aerial spraying for intensive crops, early morning bird sot, dust from cultivation, noise from pump irrigation and the odours from intensive livestock are examples of typical and legitimate farm activities which can all cause disturbance to visitors.
- There is a danger that, over time, tourist accommodation near working farms, or other rural activities, may raise complaints about the effects of legitimate farm activities on the enjoyment of visitors.
- It is particularly important to protect operating farms. Generally, priority should be given to the on-going viability of traditional rural industry over rural tourist accommodation. In certain localities and sites these factors may well suggest tourism activities are fundamentally inappropriate.

GUIDELINES

- Show distance from the property boundary to the tourist accommodation on Site Analysis Plan.
- While dependent on local circumstances, if the setback is greater than about 200 metres then the proposal would be likely to satisfy the requirements for this point (for example, aerial spraying of pesticides is not allowed within 150 metres of dwelling houses).
- If the adjoining farms have potential to disturb or annoy guests, the following actions shall be initiated:
    - put in place tree planting to filter / screen views of the adjoining farm;
    - display appropriate signage within the main reception area that reads as follows:
      "This accommodation is located in an agricultural area. Farm activities may cause nuisance or inconvenience from time to time, but such activities are essential to the maintenance of the prosperity and character of our local area."

4.5.2 Site Location

PERFORMANCE OBJECTIVE

Ensure that the site chosen for the proposed development is fundamentally suitable for rural tourist accommodation purposes.

CONTEXT

- The capacity to manage potential impacts on the natural and / or cultural environment should be high priority considerations in the site section process.

- At the same time the natural and / or cultural environment is likely to be a key factor in providing appeal as a rural tourism destination.
- Where risks of problems in areas of environmental management are low, likewise, the need for safeguards will be low, reducing development costs and the potential for delays in the approvals process.
- The proposed site, and development concept, will need to have legitimate potential to attract visitors seeking the 'country holiday experience' in its different forms.

GUIDELINES

Give careful consideration to whether a proposed site, and proposed concept, has:

- inherent natural or cultural appeal as a rural tourism destination;
- readily available water supply;
- slopes, soil types and land areas suitable for building works and wastewater disposal (consider potential for subsidence and / or slip);
- potential for problems with bushfires, flooding, land degradation, groundwater recharge, and other natural hazards;
- potential for land contamination (eg. cattle tick dip sites);
- potential to adversely affect sensitive wetlands, drinking water catchments or other water bodies;
- potential to disturb or destroy native flora or fauna;
- potential to destroy Aboriginal relics or sites or other heritage items;
- suitable site accessibility (consider potential road upgrading requirements);
- existing visual screening or potential for planting of vegetation buffers in areas of high scenic value;
- potential to prejudice agricultural activities, or other legitimate rural uses such as extractive industries, logging, etc, on site or on adjoining lands; and
- potential to prejudice the privacy and other amenity considerations which may be enjoyed on neighbouring properties.

4.5.3 Water Supply

PERFORMANCE OBJECTIVES

- Adequate arrangements for water supply for residents and guests.
- Water supply arrangements to minimise any adverse effects on-site or downstream.
- Water usage schemes to promote water reuse and the minimisation of water wastage.

CONTEXT

- Proposals will generally not have access to town water. Sufficient supply of safe drinking water, which meets user needs, without unreasonable adverse environmental consequences, is a basic requirement.
- Any extraction of water from streams or from groundwater sources requires a licence from Department of Environment, Climate Change and Water (DECC&W). DECC&W regional offices can give general advice on potential water sourcing issues, including vulnerability to contamination. Specialist hydro-geologists can assist in determining groundwater availability to a particular site.

Quality of Drinking Water

- Rainwater tanks are encouraged as a source of drinking water supply. Specific procedures and controls are necessary to ensure appropriate quality. Water drawn from streams or groundwater can be affected by pollutants or minerals, and may need to be tested for key health characteristics before being accepted as suitable for drinking purposes.
- Common sources of pollutants in streams can include: animal carcasses or excrement; leakage or seepage from landfill sites; effluent treatment systems; and/or chemical runoff from farm activities.
- Drinking water standards are a function of the raw water quality and any treatment system which may be proposed.
- A comprehensive guideline on drinking water quality standards has been prepared by NHMRC (1996). The publication notes that the documented health related guidelines as 'very conservative' and based on safety for life long consumption. The publication suggests a practical strategy for monitoring 'small water supplies serving transient consumers'.

Water quantities

- A water management plan will normally be required indicating: demand profile for different water types (drinking, other domestic, garden use, rural activities, fire protection), sources of supply, storage arrangements and drainage facilities. Demand profiles should be based on site specific circumstances, however as a guide, drinking water supply of around 30 kilolitres per annum per suite, and around 80 kilolitres per annum for larger dwellings is suggested as an indicative standard.
- Water conservation devices (dual flush toilets, aerated shower roses and bathroom taps etc.,) can help in reducing demand while improving the efficiency of effluent management.

SPECIAL APPROVALS

Approval from the DECC&W is also required when it is intended to dam a watercourse. Contact DECC&W for details.

GUIDELINES

- Professional assessment and detailed advice from relevant experts is required to address the issues of water management. Contact Council and / or DECC&W for guidance on points of contact for expert advice
- Contact DECC&W for advice on licence requirements if water is to be extracted from a stream or groundwater source.
- Contact DECC&W if proposing to create a dam.
- Submit a 'water management plan' for proposed development including details on:
    - water budget for development concept;
    - sourcing and treatment details;
    - hydrologic design of water control, storage, and supply works;
    - analysis of downstream effects; and
    - arrangements for ongoing maintenance.

Note: Drinking water supply of around 30 kilolitres per annum per suite, and around 80 kilolitres per annum for larger dwellings suggested as an indicative standard.

4.5.4 Effluent Management

PERFORMANCE OBJECTIVES

- Effluent management systems to minimise any adverse effects on site or downstream.
- Beneficial reuse of treated effluent.
- Management arrangements to protect against failure of effluent management systems.

CONTEXT

- There is an increasing level of concern from government regulators and the broader community on the potential for inappropriate effluent management systems to contaminate streams and groundwater resources.
- Problems can arise if any treatment system does not have careful regard for, among other things: effluent loading characteristics; local rainfall patterns; local flooding and groundwater conditions; the slope of proposed irrigation areas; the absorption capabilities of soil; and proximity to watercourses.

Approvals

- *Local Government Act 1993* requires that all effluent treatment and disposal systems receive approval from Council prior to their installation. A number of matters are taken into consideration as part of this assessment and are outlined in the Environmental and Health Guidelines 'On Site Sewage Management for Single Households'. This document is available from the NSW Department of Local Government.
- If on-site treatment systems are proposed to be located in more sensitive areas it may be necessary to work through the more lengthy process of an 'Environmental Impact Statement'. See Schedule 3 of the *Environmental Planning & Assessment Regulation 2000* for details.

Treatment Systems

- It is a requirement of the *Local Government Act 1993* that all systems installed on land have had the accreditation of the Director General of the NSW Health.
- There are increasing concerns about conventional septic tank systems which rely on underground absorption trenches. Concerns relate to the heavy reliance of such systems on suitable soil characteristics. Soil 'clogging' and infiltration characteristics will often simply not be able to provide an environmentally sustainable system. Separation of 'black' (toilet) and 'grey' (sink, laundry, etc.,) water is suggested as a key requirement.
- With appropriate maintenance, an aerated wastewater treatment system (AWTS) can be more suitable. An AWTS provides for 'secondary' level effluent treatment, after which spray irrigation of the treated effluent can occur safely if suitable design and maintenance arrangements are in place.
- Appropriately designed composting toilets may also be considered.
- The best treatment scheme for a particular proposal is a site specific consideration.
- Council is able to provide the correct procedure for making an application to install an effluent treatment system and detailed advice relating to effluent irrigation systems in particular:
    - site selection and assessment;
    - determining water balance arrangements;
    - establishing irrigation land and disposal area requirements;

  - calculating wet weather storage capacities; and
  - operational and management processes.
- It is important to recognise that sound maintenance is essential for satisfactory performance of on-site effluent management.
- It is also important that regular inspection and servicing of facilities be undertaken.

GUIDELINES

- Professional assessment and detailed advice from relevant experts is required to address the issues of effluent management. Contact Council for guidance on points of contact for expert advice.
- Contact DECC&W (Department of Environment, Climate Change and Water) to determine whether scale of activities will require a pollution control licence.
- Provide details on:
  - local characteristics including: climate; soil and groundwater characteristics; slopes; proximity to dwelling houses; streams; and flood levels;
  - design flow rates, effluent characteristics and treatment details, tank capacities and layout;
  - effluent transport;
  - storage ponds and evapo-transpirational details, irrigation areas, fencing, distances to living areas; and
  - management plan for on-going maintenance and monitoring

AVOID a design scheme which releases effluent:

- within 100 metres of a natural waterbody or environmentally sensitive area;
- on areas with high water tables, or problem soils;
- on land sloping more that 6^0;
- within a drinking water catchment;
- floodplain; or
- within 250 metres of a dwelling house not associated with the development.

4.5.5 Land Management & Flooding

PERFORMANCE OBJECTIVES

- Buildings shall be designed to minimise earthworks and the potential for major erosion and landslip.
- Works shall be setback from watercourse banks to minimise potential for instability. Buildings shall be clear of local flood levels.

CONTEXT

- Land clearing, building activities and the intensive use of farm properties by visitors, especially near watercourse or on steep lands, can all be the source of land degradation.
- These problems, which can turn into serious matters for operators, are preventable with sound initial analysis and design, and on-going maintenance. For larger scale development in particular this may require:
  - tree planting;
  - development of defined gravel walkways; and / or
  - use of low key (suitably designed) retaining walls and steps in steeper erosion prone areas.

Special Approvals

Permits from DECC&W are required for any excavation works within 40 metres of the bank of a stream, for access across a stream or for tree clearing within 20 metres of the bank. DECC&W also provide professional advice on land management strategies to protect against erosion.

Where land has been identified by Council as flood affected, in some cases it may be necessary for the applicant to undertake a flood study to identify appropriate levels for any structures.

GUIDELINES

- ***AVOID*** a design scheme which requires:
    - significant tree clearing;
    - building works with significant earthworks (eg. cut and fill as opposed to split level or pole frame construction which responds to the terrain);
    - any works on slopes greater than 20%; and / or
    - development within 40 metres, or any tree clearing within 20 metres, of a stream bank.
- If any of the above are necessary, submit details on the need for these works and why a lower impact alternative is not possible (ie. development in cleared area, less steep land, alternative construction methods)
- In such circumstances you should also submit a soil management strategy. DECC&W can provide professional advice
- On steep slopes, where slip problems can occur, check with Council on whether a specialist geotechnical study is required.

4.5.6 Bushfire

PERFORMANCE OBJECTIVE

Development siting design, mitigation works, maintenance activities and management response planning, should maximise protection to lives and property from bushfire.

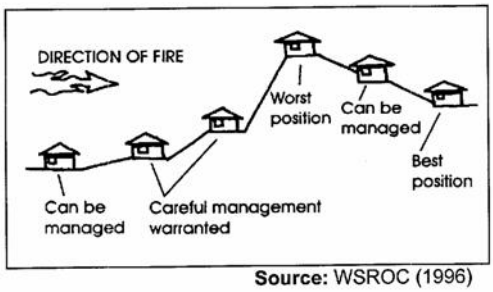
CONTEXT

- Bushfire prone land can endanger both occupants and property.
- These problems are serious matters, which can be addressed by sensible analysis, design, construction and on-going maintenance in the majority of cases.
- *Rural Fires Act 1997*, requires a formal referral with a appropriately prepared report to NSW Rural Fire Services, as an essential part of the assessment.

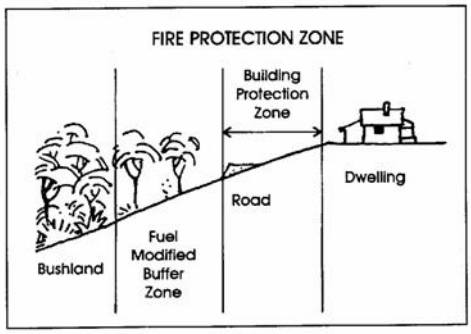
GUIDELINES

- Any rural tourist accommodation located on bushfire prone land is classified as a ‘special fire protection purpose’ under Section 100B(6)(d) of the *Rural Fires Act 1997*.
- The application is therefore ‘Integrated Development’ under Section 91 of the *Environmental Planning and Assessment Act 1979* and a formal referral with accompanying report shall be forwarded to the NSW Rural Fire Service.
- The report shall be prepared having regard to the NSW Rural Fire Service publication ‘Planning for Bush Fire Protection 2006’.

- The NSW Rural Fire Service are required to provide Council with 'general terms of approval', without which the application cannot be approved.
- For rural tourist accommodation not located on bushfire prone land, the threat of bushfire still needs to be considered and appropriate analysis, design, construction and on-going maintenance shall be undertaken and forwarded to Council with an application.



Source: WSROC (1996)



4.5.7 Flora & Fauna Ecosystems

PERFORMANCE OBJECTIVE

Development shall not unreasonably impact on native flora and fauna, and in particular, threatened species.

GUIDELINES

Compliance with Cessnock DCP, *Part C: General Guidelines, Chapter 2: Flora and Fauna Survey Guidelines.*

4.5.8 Cultural Heritage

PERFORMANCE OBJECTIVE

Development shall not unreasonably impact on our cultural heritage.

CONTEXT

- In any development proposal, consideration should be given to the conservation of any items of cultural significance, including Aboriginal and post European settlement heritage.

- The *National Parks and Wildlife Act 1974* and *Heritage Act 1977* bring forward requirements regarding the conservation of items of heritage value. This can relate to issues of historic, scientific, archaeological, architectural, natural or aesthetic significance.
- Tourism can benefit from an association with heritage of a local area, with tourists seeking to experience a sense of the history and story of the locality.
- Tourism interest in Australia's indigenous culture is increasing.
- In consultation with representatives of Aboriginal communities, Tourism New South Wales has developed guidelines to assist, where it is intended to incorporate aspects of Australia's indigenous culture into tourist activities or products. The guidelines emphasise the need to develop such matters in line with the values of affected Aboriginal communities.

GUIDELINES

- Initially contact Council for advice on the potential for your site to have cultural significance.
- Depending on local conditions, it may also be necessary to contact the DECC&W, DoP, the local Aboriginal Land Council, or an appropriate specialist to gain advice on potential implications, and the need for specialist analysis.
- It may well be possible to develop tourism accommodation in the vicinity of items of cultural significance following careful design and management arrangements.

4.5.9 Scenic Character (including signs)

PERFORMANCE OBJECTIVES

- Development proposals and associated signage, to fit in to the rural or natural setting without adversely affecting the local visual character.
- Recognise the legitimate role of identification, advertising and directional signage for rural tourist accommodation.

CONTEXT

- It is important for rural tourist accommodation development to be unobtrusive and sympathetic to the local visual setting. This raises questions as to the siting, landscaping and materials used for the development.
- Signage for rural accommodation development can provide important identification, advertising and directional information, meeting commercial needs, and the needs of unfamiliar visitor traffic. None of these forms of signage need be unreasonably obtrusive.
- In certain circumstances, establishments may be able to gain approval from the RTA for a 'White on Blue' tourist accommodation signposting on RTA roads.
- Council staff can give advice on policies for directional signs for local roads, and are recommended as initial points of contact for proposed signs on RTA roads.
- Advertising, identification and directional signs on the site shall be considered based on the merits of individual cases.

GUIDELINES

- Compliance with Cessnock DCP, *Part D: Specific Development, Chapter 5: Outdoor Signage*.
- If the proposed development can be viewed from adjoining properties and / or roads, screen planting shall be provided to filter views into the site.
- Colours and materials for a proposed development shall suit the character of the site and of dark natural colours and of low reflective quality.
- Development shall be sited such that it is not located on prominent knolls or ridge lines, and is well set back from property boundaries.
- Especially on rural properties where there is a significant distance from the road boundary to the accommodation destination, appropriate reinforcement signage along the internal access road can be provided.
- Design and lighting of proposed developments shall take into consideration any design guideline and codes Council have in relation to outdoor lighting in rural areas.

4.5.10 Access & Parking

PERFORMANCE OBJECTIVES

- Safe and practical access from the public road system for visitors, service vehicles and emergency vehicles.
- Reasonable and appropriate quality of parking to meet visitor and operational needs.
- Development shall contribute on a reasonable basis to the demand it imposes on public roads.

CONTEXT

- Rural gravel roads provide part of the fabric of the country holiday experience. Similarly, parking standards shall not unreasonably exceed that which might be expected in rural holiday circumstances.
- However, it is generally appropriate that access roads be suitable for two wheel drive vehicles, and parking be to all weather standards.
- If creek crossings can become flooded, then applicants shall demonstrate suitable management response arrangements, included four wheel drive access in the case of the need for site departures, especially in emergency circumstances.
- In steeper lands, road alignments should attempt to follow contour lines, and be located to ensure road gradients are manageable for two wheel drive vehicles. Particular consideration should be given to the visual impact any proposed road may have on the scenic character of the locality.
- Some rural roads and access tracks are not maintained by Council and as such it is the responsibility of 'users' to upgrade and maintain such tracks.

GUIDELINES

- Internal accessways shall be constructed in accordance with Council's standards.
- Lesser standards may be appropriate for low intensity development, or one way accesses.
- Accessway gradients shall not generally exceed 12%. Accessways in excess of this grade may need to incorporate sealing.
- In bushfire prone land additional standards including provision for emergency vehicle access and turnaround areas may be required.
- All weather parking to provide enough area for one space per unit and one space per two employees.
- Where 'day trippers' or coach transport are anticipated additional parking and / or access provisions may be necessary.
- Upgrading of intersection with public road system may be required dependent on sight distances and road geometry at intersection and scale of development.
- Roadworks developer contributions in accordance with the local Section 94 Contributions Plan.

4.5.11 Social & Economic Effect

PERFORMANCE OBJECTIVE

Recognise social and economic factors associated with rural tourist accommodation development.

CONTEXT

- While it is important not to fall into the trap of considering tourism the 'universal panacea' for rural communities, tourist accommodation on rural properties can provide social and economic benefits for local communities and land owners.
- These benefits can include:
  - increased job opportunities;
  - diversification of the income base of farms and rural towns; and / or
  - a broader base for the establishment, maintenance and / or expansion of local services.
- Social and economic benefits are important considerations and shall be taken into account when balancing up an assessment of the appropriateness of a proposed development.
- Proponents are encouraged to make clear the social and economic effects of a proposal at the application stage. Local council economic development or tourism officers can be useful contact point in gaining an appreciation of the strategic implications of tourism development in a local area.

GUIDELINES

Applicants are encouraged to provide details on the likely effects of the proposed development in terms of direct local employment opportunities and demands on local services.

4.5.12 Waste Management

PERFORMANCE OBJECTIVE

The environmentally sustainable management of waste generated by rural tourist accommodation development.

GUIDELINES

Compliance with *Part C: General Guidelines, Chapter 5: Waste Management & Minimisation*.

4.5.13 Density & Scale of Development

PERFORMANCE OBJECTIVES

- Ensure the scale of development does not unreasonably affect the surrounding rural character.
- Ensure the scale of development does not unreasonably affect the surrounding natural environment.

CONTEXT

- Particularly in those localities most attractive to tourism activities, concern has been raised that the density and frequency of rural tourist accommodation development is causing a change to the local rural character, which has provided one of the attractions in the first place.
- In some areas it has been necessary to put in place controls on the density of rural tourist accommodation to protect the character of an area.

- More generally, it is emphasised that proposed sites must have the required carrying capacity ensuring the development proposals can 'fit in' without adverse environmental or cultural effects. All of the preceding elements of these guidelines give assistance in this regard.

GUIDELINES

RU2: Rural Landscape Zone

- Council shall not grant consent to development for the purposes of *tourist & visitor accommodation* on land within the RU2 Zone, unless the lot on which the development is to be carried out has an area of not less than 10 hectares and has a dwelling entitlement pursuant to clause 4.2A CLEP.
- Council shall not grant consent to *tourist & visitor accommodation* development within the RU2 Zone, which exceeds a density of one *tourist accommodation unit* per hectare of land.
- However, Council may consent to *tourist & visitor accommodation* development within the RU2 Zone to a maximum density of 1.5 *tourist accommodation units* per hectare, where a proposal seeks to fully comply with the requirements for the establishment and maintenance of native vegetation corridors for the full length of property boundaries or creeklines, as relevant, or where a proposal seeks to establish and maintain a minimum of 6,000 m² of native vegetation.
- Council shall not grant consent to *tourist & visitor accommodation* development within the RU2 Zone which exceeds a floor space ratio of 0.1:1.
- Council shall not grant consent to *tourist & visitor accommodation* development within the RU2 Zone which exceeds the maximum number of permissible *tourist accommodation buildings* specified in the following table:

Lot size (hectares)	Maximum permissible number of tourist accommodation buildings at 1 tourist accommodation unit / hectare	Maximum permissible number of tourist accommodation buildings at 1.5 tourist accommodation units / hectare
Up to 10	Not applicable	Not applicable
Exceeding 10 but not exceeding 20	6	8
Exceeding 20 but not exceeding 30	9	12
Exceeding 30 but not exceeding 40	12	16
Exceeding 40	15	20

- Council shall not consent to the erection of *tourist accommodation units*, as staged development pursuant to Section 80(5) of the Act, unless it is satisfied that at least 2 *tourist accommodation units* will be erected in the first stage of the development.

RU4: Rural Small Holdings Zone

- Council shall not grant consent to development for the purposes of *tourist & visitor accommodation* on land within the RU4 Zone, unless the lot on which the development is to be carried out has an area of not less than 10 hectares.
- Council shall not grant consent to *tourist & visitor accommodation* development within the RU4 Zone, which exceeds a density of one *tourist accommodation unit* per hectare of land.
- However, Council may consent to *tourist & visitor accommodation* development within the RU4 Zone to a maximum density of 1.5 *tourist accommodation units* per hectare, where a proposal seeks to fully comply with the requirements for the establishment and maintenance of native vegetation corridors for the full length of property boundaries or creeklines, as relevant, or where a proposal seeks to establish and maintain a minimum of 6,000m² of native vegetation on land not affected by native vegetation corridor locations, in accordance with the provisions of *Cessnock DCP, Part E: Specific Areas, Chapter 3: Vineyards District.*
- Council shall not grant consent to *tourist & visitor accommodation* development within the RU4 Zone which exceeds a floor space ratio of 0.1:1.
- Council shall not grant consent to *tourist & visitor accommodation* development within the RU4 Zone which exceeds the maximum number of permissible *tourist accommodation buildings* specified in the following table:

Lot size (hectares)	Maximum permissible no. of tourist accommodation buildings at 1 tourist accommodation unit / hectare	Maximum permissible no. of tourist accommodation buildings at 1.5 tourist accommodation units / hectare
Up to 10	Not applicable	Not applicable
Exceeding 10 but not exceeding 20	6	8
Exceeding 20 but not exceeding 30	9	12
Exceeding 30 but not exceeding 40	12	16
Exceeding 40	15	20

- Council shall not consent to the erection of *tourist accommodation units*, as staged development pursuant to Section 80(5) of the Act, unless it is satisfied that at least 2 *tourist accommodation units* will be erected in the first stage of the development.

E2: Environmental Conservation Zone

- Council shall not grant consent to development for the purposes of *tourist & visitor accommodation* on land within the E2 Zone, unless the lot on which the development is to be carried out has an area of not less than 10 hectares and has a dwelling entitlement pursuant to clause 4.2A CLEP.

- Council may grant consent to *tourist & visitor accommodation* development within the E2 Zone provided the maximum number of *tourist accommodation units* or *tourist accommodation buildings* on any lot does not exceed 2.
- Council may consent to *tourist & visitor accommodation* development within the E2 Zone if it is satisfied that:
  (i) the development fully complies with the requirements for the maintenance of existing habitat corridors as per *Cessnock DCP, Part E: Specific Areas, Chapter 8: Bow Wow Creek Gorge*; or
  (ii) a minimum of 900 native trees or shrubs per *tourist accommodation unit* will be established and maintained in accordance with *Cessnock DCP 2009, Part E: Specific Areas, Chapter 8: Bow Wow Creek Gorge*.
- Council shall not grant consent to *tourist & visitor accommodation* development within the E2 Zone which exceeds the maximum number of permissible *tourist accommodation units* or *tourist accommodation buildings* specified in the following table:

Lot size (hectares)	Maximum permissible number of tourist accommodation units with habitat enhancement	Maximum permissible number of tourist accommodation buildings with habitat enhancement
10 and greater, but less than 40	4	4
40 and greater	8	6

- Council shall not consent to the erection of *tourist accommodation units*, as staged development pursuant to Section 80(5) of the Act, unless it is satisfied that at least 2 *tourist accommodation units* will be erected in the first stage of the development.

4.6 WELLBEING OF OCCUPANTS

4.6.1 Building Structures

PERFORMANCE OBJECTIVE

Building design, material and construction to be capable of sustaining an acceptable level of safety and serviceability.

CONTEXT

- The most significant factors relevant to satisfactory building works include:
  - the structural integrity of the design, in particular, its capacity to withstand a combination of loads to which the building could reasonably be subjected; and
  - the use of satisfactory construction materials and methods.
- The provisions of the BCA provide fundamental direction on all new building works. Proponents should refer to the BCA, or their building specialist, for details.
- In areas of risk associated with the stability and load bearing capabilities of soil, it may be necessary to engage specialist geotechnical as well as structural engineering advice in the design of building structures.

GUIDELINES

The BCA nominates detailed provisions relating to building structures relevant to rural tourist accommodation.

Loads

The loading requirements are satisfied if the building or structure can resist loads determined in accordance with nominated standards for: dead and live loads and load combinations; wind loads; snow loads; and earthquake loads as applicable to the local circumstances.

Construction

Specific Australian Standards, with any limitations, are recognised in the BCA for the following forms of construction: masonry; concrete; steel; composite steel and concrete; aluminium; timber; footings; piling; glass installations; protection from termites; roofs; particle board structural flooring; earthwall construction; domestic metal framings.

4.6.2 Fire Safety & Buildings

PERFORMANCE OBJECTIVES

- Adequate protection of occupants and fire fighters.
- Adequate fire containment and protection of buildings.

CONTEXT

The BCA provides detailed provisions relating to fire safety. The BCA provisions differentiate between larger and smaller buildings accommodating tourists. If the total number of occupants of a building exceeds 12 persons, or the floor area exceeds 300m^2, then the higher 'Class 3' standards apply.

For Class 3 buildings, in particular, it will be necessary to engage building specialists familiar with detailed fire safety construction standards.

Certification of Fire & Other Safety Measures ('Essential Services')

'Essential Services' include: fire and smoke alarms; fire doors; hydrants; portable extinguishers; emergency lighting; and other fire safety equipment; or safety measures; required for a development. The BCA provides details on required 'essential services'. For Class 3 buildings, each of the required 'essential services' needs to be assessed and certified annually by a 'competent person'. This annual certification is to be provided to Council.

Bushfire Prone Areas

Building considerations relevant to bushfire risk are discussed at 4.5.5.

GUIDELINES

The BCA provides detailed requirements relating to fire safety applicable to rural tourist accommodation buildings. Both performance based provisions and acceptable standards of construction are provided, focused on the following matters:

- fire resistance and stability;

- compartmentation;
- separation of buildings from boundaries or other buildings;
- protection of openings;
- provision for escape;
- fire fighting equipment;
- smoke hazard management;
- emergency lighting, exit signs and warning systems;
- heating appliances.

For Class 3 buildings, annual certification of 'essential services' by a 'competent testing person' is required. Evidence shall be provided to Council (see LG Act / Regulations).

4.6.3 Toilets & Showers

PERFORMANCE OBJECTIVES

- To provide an adequate number of toilet and shower facilities to cater for the requirements of the occupants.
- All facilities to be of an acceptable standard and designed to facilitate ease of maintenance and cleaning.

CONTEXT

- The provision of adequate numbers of toilets and showers is a basic requirement for the health and wellbeing of occupants. In many instances guest units will be serviced by ensuites, in other cases share facilities will be provided.
- The construction and location of facilities should be convenient to the location of the bedrooms for which the facilities are provided.
- Council encourages the use of water saving devices such as dual flush toilets, restricted flow shower heads etc

4.6.4 Sleeping Rooms

PERFORMANCE OBJECTIVE

Provide a safe, healthy, clean and functional area to cater for the sleeping, storage and amenity needs of visitors.

CONTEXT

Sleeping room considerations can become most prominent in the case of shared sleeping rooms such as bunkhouse arrangements.

In these circumstances sleeping rooms should be designed to:

- provide adequate space and facilities for occupants to store clothes and travel gear or alternatively have locker facilities provided in another area;
- allow adequate natural light and ventilation into the room either via natural or mechanical;
- provide bedding and flooring which are easily cleaned and maintained so as not to provide harbourage for vermin of any description;
- allow the occupants to exit the room quickly and easily in emergencies consider location beds to each other, height of beds, no keyed exit doors;

- ensure appropriate sound insulation from noise generating sources (eg. kitchens, bathrooms, laundries); and
- protect the occupants from external entry and theft.

Density

In an appropriate room layout and with good design, it is suggested that double bunk arrangements can meet a density of about 2.5m^2 per bunk.

A density of this figure is very much dependent on the room configuration and proportions of dimensions within rooms. A slightly larger room may only achieve a density of 3.0m^2 per bunk.

Cleanliness

Clean bedding is a major consideration for high turnover (eg. backpacker accommodation) and special hygiene management practices may be necessary to protect against problems with lice and other pests in these circumstances.

Councils have powers under the Local Government Act / Orders / Regulation to ensure appropriate standards are maintained.

GUIDELINES

As a general, guide, clear floor space (excluding beds and furniture) should be provided of at least 60% of total floor area.

Sound transmission class (STC) rating of 50 for separating walls and floors between sleeping rooms and toilets, bathrooms, laundries and kitchens. STC rating of 45 for walls and separating floors in all other cases.

In general, it is suggested that each sleeping room be provided with the following:
- a waste container;
- appropriate window coverings;
- a non-key operated latching device on the door;
- a night light or other satisfactory illumination sufficient coat hooks, hanging space and secure storage for each person's possessions;
- a flyscreen to at least one openable window;
- a mirror; and
- all mattresses and pillows provided with washable coverings, with impermeable coverings on mattresses recommended to keep mattresses clean.

For bunk arrangement the following are suggested:
- the distance between the top surface of the mattress on a bunk and the bottom surface of a bunk or ceiling above is to be not less than about 850mm;
- not less than about 900mm between bunks in plan;
- safety rails fitted to the upper bunks;
- a suitable ladder is to be provided for access to the upper bunks.

4.6.5 Kitchens and Food Handling

PERFORMANCE OBJECTIVE

Ensure that food storage and meal preparation areas and processes are conducive to the preparation and consumption of food which is safe for guests.

CONTEXT

- In general, health regulators perceive a higher risk to consumers when food is prepared on the premises of, and by, a third party, compared to food prepared in one's own home. This is reflected in regulatory practices and it is important to ensure those involved in food preparation have the appropriate skills, and that appropriate food storage and hygiene infrastructure and programs are in place.
- Public health can be compromised in the food preparation process by such factors as:
  - incorrect storage of food, including storage at incorrect temperatures, or for too long;
  - meal preparation and / or consumption in unclean areas or with unhygienic utensils;
  - food handling without regular washing during meal preparation; and
  - unhealthy contamination of food through carriers such as cockroaches, rats, mice, flies, dust, dirt and even domestic pets.
- Proponents need to provide food handling areas, facilities and practices which comply with the NSW *Food Act 2003* and *Food Regulation 2004*. They also need to demonstrate a capacity to manage the hazards which come with the food handling components in the establishment. This capacity would include:
  - appropriately trained staff;
  - appropriate cleaning and other hazard management arrangements; and
  - an effective monitoring system.
- The National Code for the Construction and Fitout of Food Premises (Australian Institute of Environmental Health 1995) provides useful and detailed guidelines on construction, equipment and washing facilities for food premises.

GUIDELINES

- Those preparing meals must have demonstrated skills and competencies in food hygiene matters – for new operations this will generally require the completion of an agreed course of study in food hygiene.
- Benches used for food preparation should be finished in a material that is smooth and durable, impervious to moisture and easily cleaned. Stainless steel is preferred. Walls above should be tiled to a minimum height of 450mm.
- Adequate provision for hygienic cleaning of utensils and foods – double bowl sinks preferred.
- Handy wall-mounted liquid soap dispenser and hand towels to encourage hand washing and drying by food handlers.
- Refrigerators with a capacity to maintain food at required temperatures, and thermometers in easily apparent positions to facilitate systemic check of temperatures.
- Clear, documented and displayed management arrangements outlining practices on:
  - daily, weekly and monthly cleaning and hygiene standards;
  - check systems for food storage; and
  - program for approved pest control treatment.
- Garbage should not be kept in or around the kitchen.

Refer to the National Code for the Construction and Fitout of Food Premises (Australian Institute of Environmental Health 1995) for detailed guidance on the above matters.

MAY BE APPROPRIATE

Food safety management plan, based on Hazard Risk Analysis, (see 4.7 below).

4.6.6 Access for People with Disabilities

PERFORMANCE OBJECTIVE

Make suitable provision for access and circulation by people with disabilities.

GUIDELINES

Compliance with *Cessnock DCP, Part C: General Guidelines, Chapter 6: Access & Mobility*.

4.7 GOOD ON-GOING MANAGEMENT

PERFORMANCE OBJECTIVE

Ensure management, staff and operational processes and resources are equipped to sustain sound environmental management practices for the operating life of the development.

CONTEXT

- Success in ensuring continuing environmental sustainability, happy guests and good neighbourly relations requires continuing commitment on the part of the operation's management and staff.

- Gaining operational approval from Council and / or the relevant authority is really only the start. Many of the matters considered in these guidelines, requires a commitment to detailed maintenance and management procedures.

- It is noted that industry accreditation programs have already acknowledged that a commitment to good management is a key to successful tourist accommodation businesses. This is further discussed below.

- A few of the workings of a rural tourism accommodation development which, without good management and maintenance can have serious implications for the natural environment the well being of visitors, staff or property itself, are outlined in the table.

- An Emergency Action Plan shall be included in the Management Plan submitted to Council with the application. It is important that guests (who may not be familiar with the locality) are aware of emergency action plans in the event of a bushfire, flood or other natural disasters. The plan should address the following:
  - a map clearly identifying access routes and alternate routes in the event of an emergency;
  - contact numbers for local bushfire control, local police and ambulance, plumber and electrician, W.I.R.E.S, etc.

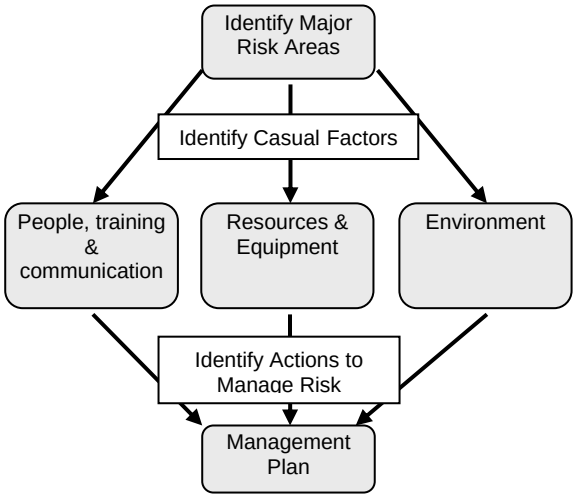
Example of potential problems which can arise without sound management.

Item	Some Risk Examples
Water supply	⇒ Contamination of supply point and consequent risk to guests and staff.

Effluent Management	⇒ Failure or primary or secondary treatment could result in downstream pollution.
Land management	⇒ Erosion problems may result from horse riding or other guest activities near creek line.
Bushfires	⇒ Heightened risks due to non attention to designated fuel management zones.
Ecosystems	⇒ Damage to habitat through high visitation levels.
Waste management	⇒ Litter and pollution of surrounds and downstream.
Fire safety within buildings	⇒ Alarms or fire protection devices not working due to inadequate servicing.
Kitchens and food handling	⇒ Risk to guests from inappropriate food storage or unhygienic handling.

- Inspections from State and local authorities are one component of encouraging satisfactory on-going maintenance procedures. However, a key to sustainable, successful business (and avoidance of statutory orders and fines, or even business closure) is a systemic commitment to good on-going management. Documented plans of management can demonstrate this commitment. These plans can nominate daily, weekly and monthly actions focused on key risk areas, nominating the resources which will be put to work for these purposes.

- Well run operations will have management plans in place as a matter of course. Where there is a 'public interest' consequence if a procedure fails. Council may also require details on management procedures, and on occasions submission of regular reports as a means of monitoring operational practices. The simple graphic below indicates the generic system used for management planning like this.



INDUSTY ACCREDITATION PROGRAMS

- Increasingly, industry associations are initiating accreditation programs aimed at improving and maintaining accommodation and other service standards for tourism

businesses. Industry sees this work as important for ongoing sustainability of tourism in the highly competitive global market place.

- One such program is the 'Tourism Accreditation Program' run by the Australian Tourism Operators Associations. Accreditation with this program requires demonstration of a commitment to on-going management practices, training and staff development in areas including: food safety and handling, and environmental risks (ATOA, 1996). The Tourism Council of Australia is also developing a national quality standard. Local authorities would welcome evidence of accreditation in relevant programs as a demonstration of an understanding of the need for on-going commitment.

DEVELOPING MANAGEMENT PLANS – EXAMPLES OF MATTERS FOR CONSIDERATION

- It is emphasised that any management plan requirements for a particular development are site specific considerations. However to assist potential operators in gaining an appreciation, a series of matters which may come under consideration for environmental and public health aspects of a rural tourist accommodation development are outlined below. Where appropriate, references are cited where further details may be obtained.

Water Supply
• Water conservation measures (dual flush toilets, restrictions of water pressure eg. 150kPa, devices to Australian Water Conservation Rating AA or better). • Regular microbiological monitoring, and monitoring of any other key health related characteristic identified as a local concern. • Maintenance of plant and equipment. • Inspection of raw water sources for potential contamination (eg. dead bird, animal carcases, drainage inflows). • Maintenance of any barrier systems in place. • Compliance with any Water Management Plan. (see NHMRC, 1996)

Effluent Treatment Systems Matters

Matters for consideration can be extensive, and include:

Septic Systems
• Water conservation measures. • Use of readily biodegradable washing powders and detergents (bleach avoidance). • Arrangements for desludging of septic tanks. • Any arrangements for rotation of trenches (to prevent clogging). • Regular removal of greases and oils from grey water preclarification pit. • Arrangements for application of gympsum or replacement of ineffective trenches.

Aerated Wastewater Treatment Systems
• Water conservation measures. • Use of readily biodegradable washing powders and detergents. • Details on daily, weekly and monthly monitoring and servicing arrangements, including expect servicing for: ⇒ all mechanical, electrical and other equipment (eg. chlorinator, disinfectant replenishment, pumps, fans, alarm system, slime growth on filter media, sludge

return system operation, sludge accumulation in primary treatment tank);
- ⇒ sample testing from irrigation chamber and final aeration chamber;
- ⇒ irrigation system and area (eg check for runoff escape, irrigation failure, application of gypsum, rotation of irrigation areas).

Erosion Management

- Compliance with any submitted soil management plan, especially where construction requires significant levels of cut/fill.
- Maintenance of tracks especially in steep lands with erodible soils.

Bushfire Protection

- Details on fuel management programs, especially in any designated fire protection zone.
- Programs of activity to reduce litter around buildings and sealing of areas for protection against ember build-up.
- Safety of location of flammable materials.
- Maintenance schedule for fire protection equipment and any 'active' fire protection elements (eg. any bushfire sprayer system).

Natural or Cultural Heritage

- Compliance with any conservation plans or management strategies agreed at the approval stage.

Waste Management

- Compliance with any plans of management or waste minimisation strategies agreed at the approval stage.

Fire Protection Systems (other than Bushfire)

- Guest information sheets explain actions in the case of fire alarm and personal communication of arrangements at reception.
- Regular monitoring and maintenance programs for smoke detector alarms and other 'active' fire protection elements.
- Annual essential services certificates' from competent person, in accordance with LG Act requirements.

Kitchens and Food Handling

- Hazard identification and schedule of actions to avert for:
  - ⇒ food procurement (quality control);
  - ⇒ food storage (time, temperature, cross contamination control);
  - ⇒ preparation (protection from contamination and cross contamination;
  - ⇒ cooking (time temperature control);
  - ⇒ post cooking and reheating (time, temperature and contamination control).
- Cleaning plan including: daily, weekly and monthly cleaning schedule.
- Appropriate competencies and qualifications of relevant staff (Tourism Training New South Wales can provide details on course and resources available to rural and regional operators).

SCHEDULE 1 - APPROVALS WHICH MAY RELATE TO RURAL TOURIST ACCOMMODATION DEVELOPMENT

Item	Legislation	Responsible Authority	Comment
Development Application	Environmental Planning & Assessment (EP & A) Act 1979	Council	EP&A Act requires council to consider a range of criteria prior to determining an application. May be referred to other authorities for comments or concurrence in some circumstances (eg 'prime agricultural land' or 'integrated development')
Construction Certificate (Building Approval)	EP & A Act 1979	Council	Approval under Section 81A (5) EP&A Act. Demolition may be exempt development, see CLEP 2009, Clause 2.6A.
Change of Use of Existing Building to Use Inconsistent with Current Classification	EP & A Act 1997	Council	For example change from Class 1a to Class 1b, or Class 1 to Class 3 under provisions of the BCA.
Subdivision Application	EP & A Act 1979	Council	Main focus in any subdivision work (release of linen contingent on adequate completion of road, drainage works, infrastructure contributions etc).
Approval for any Waste Treatment Device	Local Government Regulation 2005	Council, Director General of Department of Health EPA	Guidelines issued by Department of Health
Bores and Ground Water Extraction	Water Management Act, 2000	DNR	
Stormwater Pollution Control Works	Pollution Control Act, 1970 and Clean_Waters 1970	Environment Protection Authority	Section 17K approval issued for significant___pollution control structures usually after DA.
Excavation / fill within 40m of watercourses	Water Management Act, 2000	DNR	Part 3A permit
'Dam' over 7 megalitres in capacity"	Water Management Act, 2000	DNR	Can apply to larger dams constructed on properties.

Approvals Which May Relate to Rural Tourist Accommodation (continued)

Item	Legislation	Responsible Authority	Comment
Removal of vegetation within 20m of prescribed streams	Native Vegetation Act 2003	Department of Environment & Climate Change (DECC)	Section permit required. Concerned with stability of river channels.
Clearing of Vegetation	Native Vegetation Act 2003	Department of Primary Industries (DPI), Department of Energy & Water (DEW), Central Management Authority (CMA) – Hunter – Central Rivers & DECC	Reference should be made to CLEP 2009, Clause 5.9.
Development Affecting Koala habitat	SEPP 44: Koala Habitat Protection and National Parks and Wildlife Act, 1974	NPWS	
Activities within National Parks	National Parks and Wildlife Act, 1974	NPWS	Licences from NPWS may be required for touring or other commercial activities within National Parks
Operate a Caravan Park or Camping ground	Local Government Act, 1993 and relevant Regulation	Council	May be camping areas associated with other accommodation
Driver's License and Accredited Operator for 4WD Tour Vehicles	Passenger Transport Act 1990	Department of Transport	
Liquor On-License (Restaurant)	Liquor Act, 2007	Licensing Court of NSW	
License to Sell Tobacco	Business Franchise Licenses (Repeal) Act 1997	NSW Treasury	Not required for vending machines where machine owner licensed
Gazettal of Local Environment Plan (LEP)	EP & A Act, 1979	Minister for Planning Department of Planning Council	Some applications may not be permissible in zone. LEP can be prepared to make development permissible. LEP can also provide standards for development.
Development Control Plan (DCPs)	EP & A Act, 1979	Council	Provides higher level of detail in controlling development, perhaps related to a concept plan prepared by applicant.

D.5: OUTDOOR SIGNAGE

5.1 INTRODUCTION

Signage is an integral part of the streetscape in the urban and rural environments, providing information to people on business locations, products and services. Well designed and located signs can be useful and can complement the local character of an area. Poorly designed and inappropriate signs can detract from the overall quality of an area and the environment.

Guidelines for signage are required to maintain the characteristics of buildings, streetscape, and the overall design of a particular area. Without reasonable and fairly applied criteria, signs may distract and dominate the setting by way of height, shape, size, number, lighting and movement. In addition, sign standards will ensure that a business is protected against undesirable and overpowering signage from other competitors and / or adjacent premises in the area.

5.1.1 Application

This Chapter applies to all the land to which this DCP applies, except land to which *Part E: Specific Areas, Chapter 3: Vineyards District* and *Chapter 6: HEZ* apply.

This Chapter applies to the construction, erection, placement, alteration, illumination, relocation, attachment, painting or repainting of all existing and proposed signage that is visible or likely to be visible from any public place, public road or adjoining property, whether fixed or mobile. Specific provisions for signage on land that buffers the Vineyard District are included (see Map 1 for affected areas).

5.1.2 Purpose

The purpose of this Chapter is to provide a policy that balances the need for signage without adverse environmental impact. The Chapter seeks to clarify legal requirements and also provides design guidelines to assist developers, advertisers and sign manufacturers in the preparation of proposals.

This Chapter has been prepared in accordance with *SEPP 64: Advertising and Signage* and *Cessnock Local Environmental Plan (CLEP)*.

5.1.3 Definitions

For the purposes of this Chapter, *signage* has the same definition as that stated in the Dictionary of *CLEP* and found in *Schedule 2: Exempt development*.

Signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes:

(a) building identification signs, and

(b) business identification signs, and

(c) advertisements,

but does not include traffic signs or traffic control facilities.

5.1.4 Aims and Objectives

The aim of this Chapter is to provide guidelines for the construction and display of signage in the City of Cessnock.

The specific objectives of this Chapter are to:

(a) provide a consistent approach to the control, location and design of signage;
(b) ensure that signs complement the architecture of the buildings to which they are attached and their surroundings;
(c) reduce visual complexity of the streetscape by providing fewer, more effective signs;
(d) prevent excessive signage and visual clutter and to encourage the rationalisation of existing and proposed signs;
(e) achieve a gradual replacement of existing unwanted signs with new, good quality, well maintained signs;
(f) ensure that changes to existing signs are consistent with the requirements that apply to new signs;
(g) outline circumstances in which signs may be erected with or without Council consent;
(h) promote effective and visually interesting advertising of goods and services and ensure that signage is of a high quality design and finish;
(i) ensure that signage does not adversely affect the safety of motorists and pedestrians;
(j) ensure that signs do not affect the amenity of residents by way of shadow or illumination effects;
(k) facilitate the placement of signs that promote businesses in a manner appropriate to the scale and design of the existing built environment;
(l) promote a high standard of commercial advertising which will enhance the appearance of the city's commercial areas;
(m) permit adequate business advertising and identification;
(n) maintain a balance between the established built form and character of the streetscape and the needs of commercial enterprises to advertise their products, services and facilities;
(o) encourage signage in the Central Business District which will contribute to the status and viability of the Centre;
(p) ensure that signage is compatible with the intensity of use in each land zone;
(q) ensure that content of signage will not interfere with the amenity of the locality or cause offence to the general public;
(r) maintain a degree of uniformity and equity in the extent of signage permitted; and
(s) encourage signage that does not contain excessive information that is ineffective.

Specific objectives of the Chapter in relation to land identified on Map 1 are to:

(a) provide off-site directional signage at the appropriate locations to effectively guide visitors to businesses associated with the Vineyards District with an emphasis on visitor information needs rather than advertising opportunity or exposure for individual businesses;
(b) co-ordinate the style of public signage through the use of common materials, components and design features aimed towards achieving a strong district identity that complements the rural and viticultural character of the area;
(c) to ensure that signage does not detract from the amenity of the area;
(d) to provide opportunity for the promotion of tourism both in the region and local businesses;
(e) set out requirements for tourist direction signs to the Vineyards District;
(f) set out requirements for commercial signs within this area;
(g) reduce visual clutter, driver confusion, landscape detraction and traffic hazards caused by inappropriate use of signage within this area;
(h) outline procedures for business funding of directory fingerboard signs and
(i) ensure that signs placed on or near heritage buildings do not detract from the heritage significance of the building or place.

5.2 WHERE ARE SIGNS ALLOWED?

5.2.1 Types of signs and their allowable locations

The type of sign permitted depends on the zoning of the property. The following table is a summary of signage that is:

- **Exempt from obtaining development consent** if in accordance with *CLEP, Schedule 2: Exempt Development* (marked ✓);
- **Permitted with development consent** (marked **DC**); or
- **Prohibited** (marked **X**).

Signage type	*RU2 – Rural Landscape*	*RU4 Rural Small Holdings*	*RU5 - Village*	*R2, R3 & R5 - Residential*	*B1, B2, B3, B4 & B7 - Business*	*IN1 - Industrial*	*IN2, IN3 - Industrial & SP2 - Infrastructure*	*RE1 & RE2 - Recreation*	*E2 Environmental*
Above awning	X	X	X	X	X	X	X	X	X
A-frame (on-site)	✓	✓	✓	✓	✓	X	✓	DC	DC
Banners	✓	✓	✓	✓	✓	✓	✓	✓	✓
Below awning	✓	✓	✓	✓	✓	X	✓	DC	DC
Business directory	DC	DC	✓	DC	✓	X	✓	DC	DC
Business identification	DC	DC	✓	✓	✓	X	✓	X	DC
Fascia	✓	✓	✓	✓	✓	X	✓	X	DC
Fin	X	X	X	X	X	X	X	X	X
Flagpole	✓	✓	✓	✓	✓	X	✓	✓	✓
Flashing	X	X	X	X	X	X	X	X	X
Flush wall	✓ & X	✓ & X	X	X	X	X	X	X	X
Gateway	✓ & DC	✓ & DC	X	X	X	X	X	X	DC
Hoardings	X	X	X	X	DC	X	DC	X	X
Inflatable signs or structures	X	X	X	X	X	X	X	X	X
Internal	✓	✓	✓	✓	✓	X	✓	✓	✓
Moving / Rotating	X	X	X	X	X	X	X	X	X
Special event (temporary)	✓	✓	✓	✓	✓	X	✓	✓	✓
Permanently anchored airborne signs	X	X	X	X	X	X	X	X	X
Political (temporary)	✓	✓	✓	✓	✓	X	✓	✓	✓
Projecting wall	✓	✓	✓	✓	✓	X	✓	✓	✓
Real Estate (temporary)	✓	✓	✓	✓	✓	✓	✓	✓	✓
Roof or sky	X	X	X	X	X	X	X	X	X
Special event	✓	✓	✓	✓	✓	✓	✓	X	✓
Trailer/Vehicle	X	X	X	X	X	X	X	X	X
Window	✓	✓	✓	✓	✓	X	✓	✓	✓
Wine barrel	✓ & DC	✓ & DC	X	X	X	X	X	X	X

Note: For businesses operating under existing use rights, development applications will be considered on merit.

Signs shall be located on the actual property that contains the business or activity identified or promoted on the sign itself. Signs are not permitted on Council land or within the road reserve (with the exception of A-Frame / Sandwich Board signs – see Clause 5.3.11).

In exceptional circumstances, Council may consider the erection of an off-site sign, provided that the consent of the road authority or the private landowner has been obtained. Written justification shall be provided with any application for an off-site sign.

5.2.2 Prohibited Locations

All signs are strictly prohibited in the following locations, unless provided for in *CLEP, Schedule 2: Exempt Development.*

a. Any sign which would adversely affect traffic lights or authorised road signs by obscuring from the view of pedestrians and or road users.
b. Signs attached to trees, electricity or telephone poles or any other inappropriate structures.
c. Signs obscuring any significant architectural features of a building.
d. Any sign not on land to which it refers or relates.
e. Signs on bridges.
f. Illuminated signage within residential zones.
g. Signs that impact on the visual character of a building or an area with environmental heritage values.
h. Signs on public property or footpaths.

5.2.3 Maximum Number of Signs

Each property shall be permitted a maximum number of signs as follows:

Zone	Sign type	Maximum number of signs
Commercial or industrial	Post-supported	2
	Wall	2
	Entrance	2
	Fascia	No limit
	Below awning	1
	Projecting wall	1
	A-frame	1 (2 for corner blocks)
	Business directory	1
	Window	No limit
Rural	Post-supported	2
	Entrance	2
Residential	Business identification	1
	Window	1
	Fascia	On merit
	Below awning	1
Open space & other unspecified zones	Business identification	1
	Business directory	1
	Post-supported	2
	Wall	2

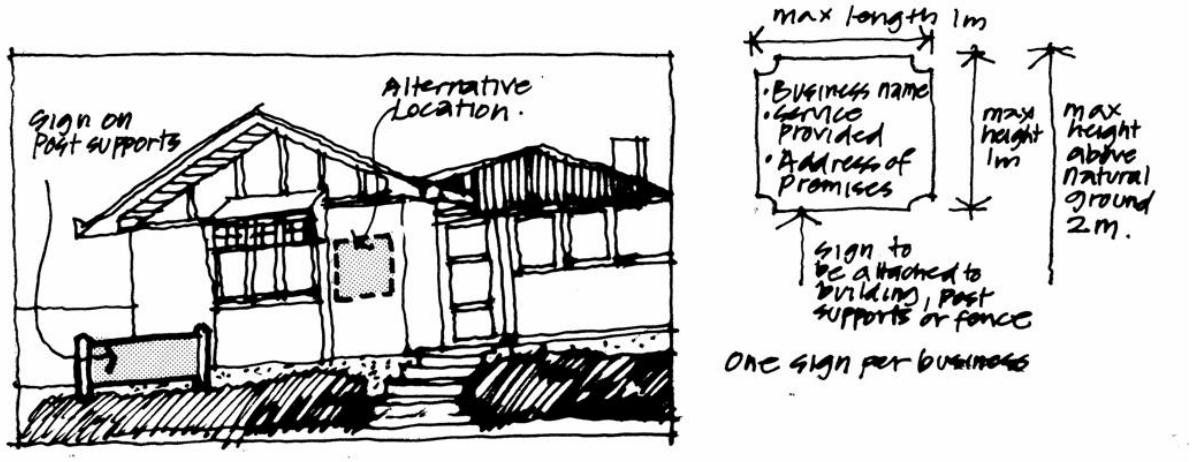
5.3 DESIGN CRITERIA

This section defines types of signs and sets criteria for their size and construction. This criteria will be taken into account when Council assesses an application for signage.

5.3.1 Business Identification Signs

Criteria - Business identification signs may only be erected where an approved business operates and shall be attached to the building or post supports as outlined below. Below awning, window and fascia signs can also be classified as 'business identification signs'. The signs shall comply with the following:

a. a maximum of one sign is permitted per approved business;
b. shall not exceed a maximum area of 1.0 m²;
c. shall only contain directions or cautions as is usual or necessary relating to the premises or any occupation carried on at the place or premises;
d. may contain particulars or notification required or permitted to be displayed by or under any Act of the Parliament of the Commonwealth;
e. may include the address of the premises and a logo or symbol identifying the business;
f. shall be no higher than 2000mm above natural ground level;
g. shall be securely fixed to a fence, building or post-supports where it does not constitute a danger to any person or vehicles;
h. shall be wholly contained within the site or premises;
i. shall not advertise a specific product, trade or brand names; and
j. the Assessment Criteria at 5.6.



5.3.2 Business Directory Signs

Criteria – Business directory signs may only be erected where approved businesses operates and shall be attached to the building or post supports as outlined below. They should be used where they are more practical than other types of signs (eg. in place of a number of business identification signs) and shall comply with the following:

a. a maximum of one sign is permitted per approved building or site. The sign may identify as many individual businesses within the building or site as required;
b. shall not exceed a maximum advertising area of 0.5m² per individual business;
c. shall only contain the name and address of each individual business and a logo or symbol identifying each business;
d. shall be no higher than 2000mm above natural ground level;
e. shall be securely fixed to a fence, building or post-supports where it does not constitute a danger to any person or vehicles;
f. shall be wholly contained within the site or premises;
g. shall not advertise a specific product, trade or brand names; and
h. the Assessment Criteria at 5.6.

5.3.3 Window Signs

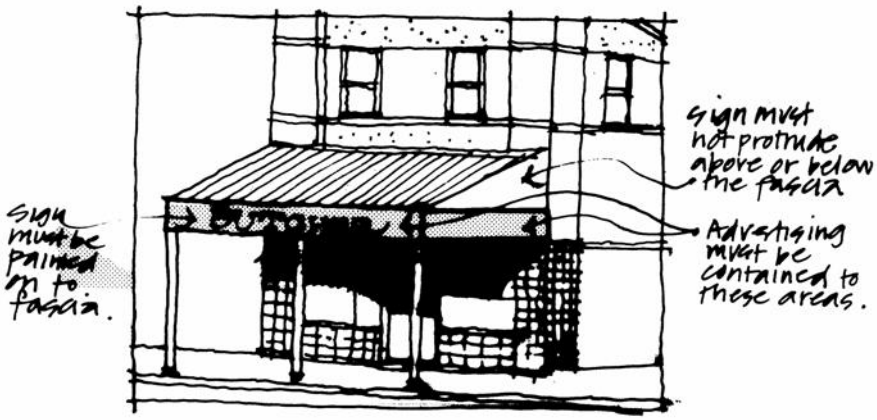
Criteria – The sign shall comply with the following:

a. shall be of high quality design and completed in a professional manner;
b. may be internally illuminated or floodlit; and
c. the Assessment Criteria at 5.6.

5.3.4 Fascia Signs

Criteria – the sign shall comply with the following:

a. shall be attached flush to the fascia;
b. shall not extend beyond the dimensions of the fascia;
c. shall not extend above or below the fascia of the building;
d. shall not be internally illuminated;
e. the information on the sign may only relate to the business name, services or goods provided; and
f. the Assessment Criteria at 5.6.



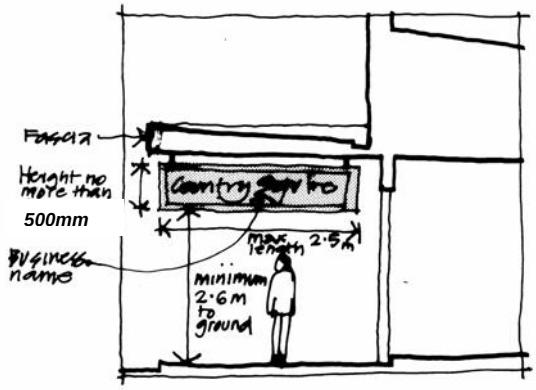
5.3.5 Below Awning Signs

Criteria – The sign shall comply with the following:

a. shall not exceed 2500mm in length or 500mm in height;
b. shall be erected horizontal to the ground at least 2600mm above ground level;
c. shall be erected at right angles to the building to which the awning is attached;
d. shall not project beyond the awning;
e. shall be securely fixed;
f. a maximum of:

- one sign per business or shop; or
- two signs per business or shop if it fronts two roads (one sign per frontage);

g. the minimum distance between under awning signs shall be 3000mm and 1500mm from the shop / business side boundary; and
h. the Assessment Criteria at 5.6.

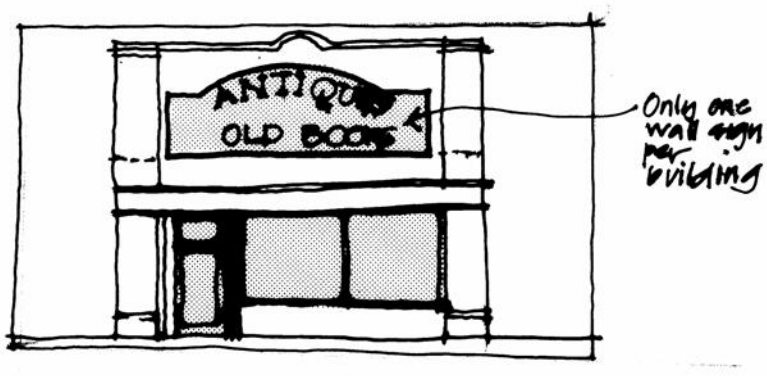


5.3.6 Flush Wall Signs

Criteria – The sign shall comply with the following:

a. shall not project above or below the wall to which it is attached;
b. only one wall sign permitted per building elevation;
c. shall not project more than 300mm from the wall;
d. shall not extend over windows or other openings;
e. shall not obscure significant architectural elements of the building;
f. for a building having:
   - an above ground elevation of 200m² or more – the sign shall not exceed 10% of the above ground elevation; or
   - an above ground elevation of more than 100m², but less than 200m² – the sign shall not exceed 20m², or
   - an above ground elevation of 100m² or less – the sign shall not exceed 20% of the above ground elevation;

g. the Assessment Criteria at 5.6.



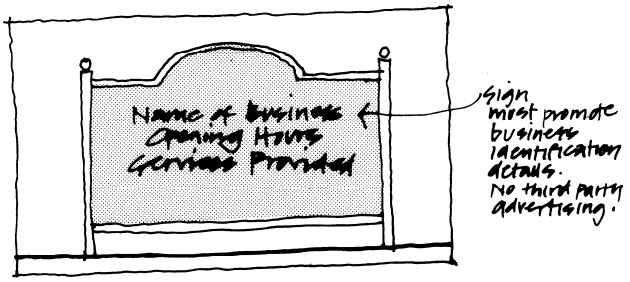
5.3.7 Post, Pole or Pylon Signs (including banners and flags)

Criteria – The sign shall comply with the following:

a. shall not project beyond the boundary of a property;
b. where two signs are proposed the second sign shall have the same setback and be of uniform design and spacing;
c. maximum signage area and maximum height shall not exceed:

- 3.0m² and 2000mm high in rural areas;
- 8.0m² and 8000mm high in business areas; and
- 10.0m² and 8000mm high in industrial areas;

d. signs for businesses operating in residential areas under existing use rights will be assessed on their merits. Maximum signage area is 2.0m² and maximum height above ground is 2000mm;
e. notwithstanding the above, the height of the structure shall not protrude above the dominant skyline (including any buildings, structures or tree canopies) when viewed from ground level within a visual catchment of 1.0 kilometre; and
f. the Assessment Criteria at 5.6.



5.3.8 Internal Signs

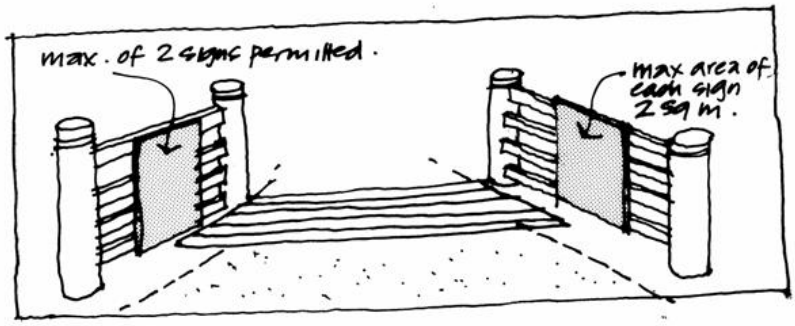
Criteria - Sign shall be wholly within the walls of the premises / building:

a. for internal directional signs such as signs directing: vehicle entry and exit points; visitors to parking areas; toilet facilities; and the like, the signs shall be positioned to ensure that safety of pedestrians and drivers is not compromised;
b. shall not cover mechanical ventilation inlet or outlet vents; and
c. shall not be illuminated or use flashing lights or similar devices for illumination.

5.3.9 Entrance Signs

Criteria – The sign shall comply with the following:

a. shall be designed as an integral part of the visitor entrance/s point to a property;
b. a maximum of two signs are permitted. One sign is to be located either side of the property entrance or both signs are to be erected in a central landscaped position;
c. if the property has two entrance points accessed at different locations at least 30 metres apart or from different road frontages, two signs will be permitted per property entrance;
d. maximum signage area is 2.0m² and maximum height is 2000mm;
e. shall be securely attached flush to the gateway or alternatively erected on post supports in a set back landscaped position;
f. multiple signs shall have the same setback and be of uniform design and spacing;
g. the Assessment Criteria at 5.6.



5.3.10 Projecting Wall Signs

Criteria – The sign shall comply with the following:

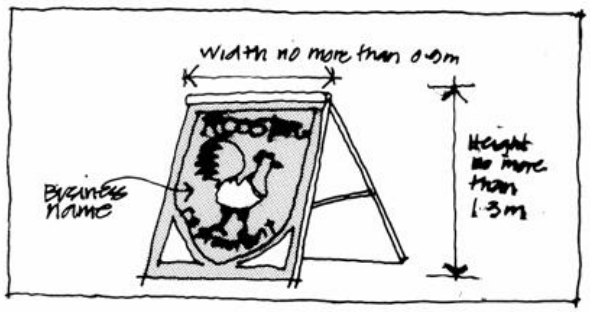
a. projecting wall signs shall be of an architectural style that is particularly suited to the building and to the design theme of adjoining buildings;
b. projecting wall signs shall have a maximum signage area of 2.0m²;
c. maximum projection shall not exceed 2500mm from the edge of the building;
d. shall be located at least 2600mm above natural ground level;
e. shall be at least 600mm from the vertical projection of any kerb alignment;
f. shall not be located above the awning of a building;
g. shall not project above the top of the wall to which it is attached;
h. shall be spaced at least 3.0 metres apart to provide adequate visibility for other signs;
i. maximum of one sign per street frontage;
j. shall be securely fixed and maintained in a structurally adequate and safe manner; and
k. the Assessment Criteria at 5.6.

5.3.11 A-Frame / Sandwich Board / Moveable Signs

Criteria - Development consent is required for signage within the road reserve (footpath) and the sign shall comply with the following:

a. one double-sided A-frame sign is permitted per property street frontage regardless of the number of businesses operating from the site. Two signs are permitted if the property fronts two roads (one sign per frontage);
b. shall not exceed 1300mm in height and 900mm in width;
c. a chalkboard area is permitted provided that the sign has a professionally presented header displaying the business name. The text of the sign displayed shall only relate to the business conducted or goods sold at the premises;
d. all signs shall be located immediately outside the premises to which they relate and shall be positioned:
    - flush against the outer wall, extending no further than 1100mm on the footpath, ensuring maximum practical pedestrian movement across the footpath; or
    - adjacent to the kerb without being an obstruction to the opening of car doors.
e. shall not be located within 5.0 metres of another moveable A-frame sign and no closer than 2.0 metres to any other obstruction (eg. street furniture);
f. shall be suitably weighted so as to be free from any movement and structurally sound, or prevent injury to people or damage to property;
g. shall be removed outside business trading hours and can be repositioned easily;
h. shall not be fixed or secured to any Council property (ie. street signs, seating, etc.,);
i. shall not have any moving or revolving parts, attention seeking devices or flashing lights;
j. Council as landowner, may at any time revoke its consent allowing the sign to be erected in the road reserve; and

k. the Assessment Criteria at 5.6.



For initial approval a development application fee will be applicable.

Each A-frame sign shall be covered by a public liability insurance of not less than $10,000,000 in the joint names of the advertiser and Council. This indemnifies both Council and the business owner against any actions, claims and proceedings in respect of the structure and the signage thereon. Evidence of such insurance is to be provided on an annual basis.

5.3.12 Temporary Signs

Real Estate Signs (for sale)

Criteria – General real estate signs shall conform to the following:

a. no sign shall be erected on any property by an estate agent unless they have been authorised by the owner of the property to act on their behalf;
b. shall be wholly contained within the property;
c. shall be in good clean order and condition and shall not be erected in a manner where they may cause public danger, offence or inconvenience;
d. shall be removed within 10 days after the letting or completion of sale;
e. shall be limited to one sign per agent per property road frontage;
f. may not be internally or externally illuminated;
g. shall not be attached to telegraph poles, trees, sign posts, road traffic facilities or the like;
h. shall be removed at the request of the vendor, purchaser, owner or tenant;
i. shall reflect the current position of the property regarding sale or lease and be a true reflection of the property's availability or otherwise from the viewpoint of the public;
j. are permitted as a temporary sign for a maximum period of 12 months. Following expiration of this period a development application is required to be submitted;
k. signage area and height shall not exceed:
   - 5.0m² and 3.0 metres high in rural zones; and
   - 4.5m² and 3.0 metres high in business and industrial zones; and
   - 3.0m² and 1700mm high in residential zones;
l. the Assessment Criteria at 5.6.

Real Estate Signs (auction)

Criteria –Auction real estate signs shall conform with the following:

a. shall be erected in accordance with Real Estate Signs (for sale) as above;
b. shall be displayed no earlier than 42 days before the day on which the auction is to take place and shall be removed within 7 days after the auction;

c. signage area and height shall not exceed:
   - 5.0m² and 3.0 metres high in rural zones; and
   - 4.5m² and 3.0 metres high in business and industrial; and
   - 3.0m² and 1700mm high in residential zones;

d. the Assessment Criteria at 5.6; and

e. a Frame / Sandwich Board signs may be erected / displayed 24 hours prior to an auction and shall be removed immediately after the auction. Such signs are permitted within the property boundaries and on any footpath / road reserve, provided they do not interfere with traffic or pedestrian movements or safety.

Real Estate Signs (land release)

Criteria – Land release real estate signs shall conform with the following:

a. shall be erected in accordance with Real Estate Signs (for sale) as above;

b. signage area and height shall not exceed:
   - 5.0m² and 3.0 metres high in rural zones; and
   - 4.5m² and 3.0 metres high in business and industrial zones; and
   - 3.0m² and 2000mm high in residential zones;

c. the Assessment Criteria at 5.6.

Special Event Signs

Criteria - Special events signs shall conform with the following:

a. may only be displayed for a period of not more than 2 months prior to the event and shall be removed within 48 hours after the event;

b. maximum of 6 off-site temporary signs is permitted without Council development consent;

c. maximum of 2 on-site temporary signs are permitted per event;

d. shall be erected on private property. Development consent is required to erect a special event sign on public land;

e. shall be securely attached to an approved signage structure, fence or post supports;

f. shall not exceed 5.0m² in area;

g. shall not be higher than 3.0 metres from ground level;

h. shall be completed in a professional manner. The design and finish of the sign shall be in character with the amenity of the area;

i. shall not overhang a public road or footway;

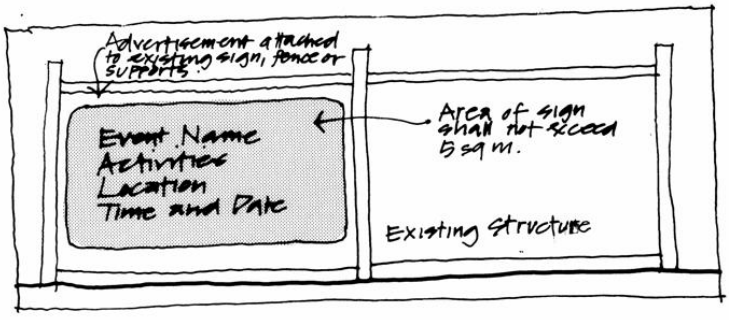
j. the position of the sign shall not obstruct a driver's line of sight;

k. product or corporate branding may occupy no more than 5% of the sign display area;

l. the consent shall be obtained from the property owner prior to the erection of any signage;

m. shall not be fixed or secured to any Council property (ie. street signs, seating, etc.,);

n. the Assessment Criteria at 5.6.



5.4 ROADSIDE DIRECTIONAL SIGNAGE

5.4.1 Roadside directional signage system

Roadside directional signage within the Vineyards District is administered by Council. The aim of this system is not to advertise local businesses but to ensure that visitors are able to find their way around the vineyards with the least amount of difficulty. The various components of the roadside directional signage system comprise the same materials and design character to ensure consistent communication to the public and a strong affinity with the character of the rural landscape. The roadside directional signage system is divided into the following components:

a) **Visitor Information Maps** - these have been provided at key decision points both within and at the perimeter of the Vineyards District. These maps are located in information bays, which provide opportunity for drivers to pull off the road to read them and therefore avoid becoming a hazard to moving traffic.

b) **Vineyards district entry signs** which identify and direct visitors to various precincts within the Vineyards District (eg. Pokolbin, Mount View, Lovedale, Rothbury and Brokenback).

c) **Fingerboard Signs** - these have been provided by Council at intersections of lesser importance than those provided with information maps. The fingerboard signs show the road name, the business name, an arrow specifying the direction of the business and a distance measurement.

d) **Visitor Information Guide** containing a **foldout map** can be obtained from the Cessnock Visitor Information Centre or most wineries, businesses or tourist facilities operating within the Vineyards District.

5.4.2 How do I place my business onto the roadside directional signage system?

System users shall complete a registration form and pay a one-off fee for inclusion of a business on the system. This fee covers inclusion on all roadside maps as well as permitting placement on the fingerboard signs as permitted under this Chapter.

5.4.3 On how many fingerboard signs will my business feature?

A business is permitted to feature on those roadside fingerboards located at the intersections to the road to which the business has its frontage. For example, a winery located on a road which intersects with two other roads will be permitted to display 2 fingerboard signs, 1 at each of the intersections.

5.4.4 Are there limitations to the information I can have included on the fingerboard signs?

Past experience has shown that fingerboard signs will work more effectively if there is minimal clutter on each fingerboard. The signs are intended to be easily read by *moving* vehicles as they pass through an intersection and therefore it is important that the minimum number of letters are used to provide maximum clarity. Good fingerboard content will use only one or two key words to identify a facility. For example:

'SMITHTON ESTATE WINERY' is undesirable.

SMITHTON ESTATE WINERY

A preferable option is '**SMITHTON ESTATE'**

SMITHTON ESTATE

An even better option is **'SMITHTON'**

S M I T H T O N

The fingerboards do not display individual corporate fonts or logos. The standard font used is Times New Roman with the font size being determined by the number of letters on the fingerboard panel.

5.5 ASSESSMENT CRITERIA

When assessing an application for the erection of a 'merits' sign(s) the Council will take into account all relevant matters listed under section 79C of the EP&A Act including the following:

- impact of the sign on the environment in terms of external lighting intensity, duration of illumination and light scatter as well as any noise emitted from electrical equipment in a quiet rural area;
- impact of the sign on the landscape or scenic quality of the area. Integration of the sign(s) with buildings or other landscape elements. Visibility of the sign above the horizon or with landscape as a backdrop;
- impact of the sign on any heritage item or conservation area. This assessment will have reference to any 'heritage studies' where available. The sign shall relate to the character, style, colour, design and materials of the Heritage Item or to the architecture of the Conservation Area;
- character of the area (eg. settled, commercial, wild etc.,). Sign materials compatible with a district of early settlement, rural character and high scenic value;
- the effect of the nature and intensity of the business identification and promotional signage in the locality and the potential for clutter;
- sign construction, bulk and scale to reflect turn-of-the-century technology;
- scale of the sign relevant to nearby buildings and to viewing distance;
- style of the sign relative to the style of development within the visual catchment area of the proposed sign. Impact of the sign on adjoining development or on the use or enjoyment of nearby buildings or land;

- impact on vehicle and pedestrian movement and safety. Horizontal and vertical alignments of the road(s) addressed by the sign and the traffic speeds and volumes specific to the road(s);

- the effect of the proposal on the natural and man-made landscape;

- the existing and likely future amenity of the area;

- the structural integrity of the sign with particular emphasis on the ability of the sign structure to withstand wind forces, including means of attachment;

- the wording and / or graphics applied to the sign;

- effect of illumination and light spill (where appropriate);

- current approved signs on the property and on any adjoining properties; and

- impact of the sign on any heritage item or conservation area (see Schedule 1).

5.5.1 Location of Signs

a. Signs shall be located within the boundaries of the land / property to which they relate.
b. Consideration shall be given to surrounding vegetation and whether the trees or plant species will grow to obscure the sign from view.
c. Signs shall have adequate clearance around poles and electricity wires.
d. Signs shall be placed where they will not impact on visibility for motorists or pedestrians.
e. All signs shall form an integral part of the development and its design.
f. Signs shall, where practical, be located at least 1000mm behind the property boundary.

5.5.2 Illumination

Council will generally not favour applications for high intensity illuminated signs. Lighting details shall be submitted to Council with the development application for the signs. Applications need to demonstrate that illuminated signs will not adversely impact on surrounding land uses. Council may require illuminated signs to be fitted with an automatic timing device to extinguish the illumination during specified hours to avoid light spill into surrounding areas.

Illumination of signs is to be concealed or integral to the sign. Uplighting of signs is prohibited. Any external lighting of signs is to be downward pointing and focused directly on the sign to prevent or minimise the escape of light beyond the sign. Moving, flashing and running light signs project glare and light spillage and are prohibited under this Chapter. Illumination of signs shall generally only be permitted in business and industrial zones.

5.5.3 Quality & Maintenance

Signs are to be of a high visual quality. Signs shall be designed for low maintenance and minimum chance of vandalism. Any sign that is considered as being unsafe or unsightly will need to be repaired, renovated, removed or replaced as appropriate in the circumstances. A sign shall not be altered in any way (except for removal) after approval has been granted.
Council may require a maintenance plan to be submitted with a signage application indicating the proposed methods of cleaning, replacement of defective lighting and a detailed maintenance schedule to ensure the ongoing upkeep of the sign.

5.5.4 Duration of Approval

Development approval will last for 15 years as per the requirements outlined in *SEPP 64: Advertising and Signage*. On expiration of this period a new development application will need to be submitted.

5.6 SPECIAL PROVISIONS (area adjoining RU4 Zone: Map 1)

5.6.1 Sign Categories

Signs are divided into the following 3 categories:

(a) Permissible without consent

Reference is made to *CLEP, Schedule 2: Exempt Development* (signage). A Construction Certificate may be necessary before erection of a sign/s.

Banners

Sandwich Board

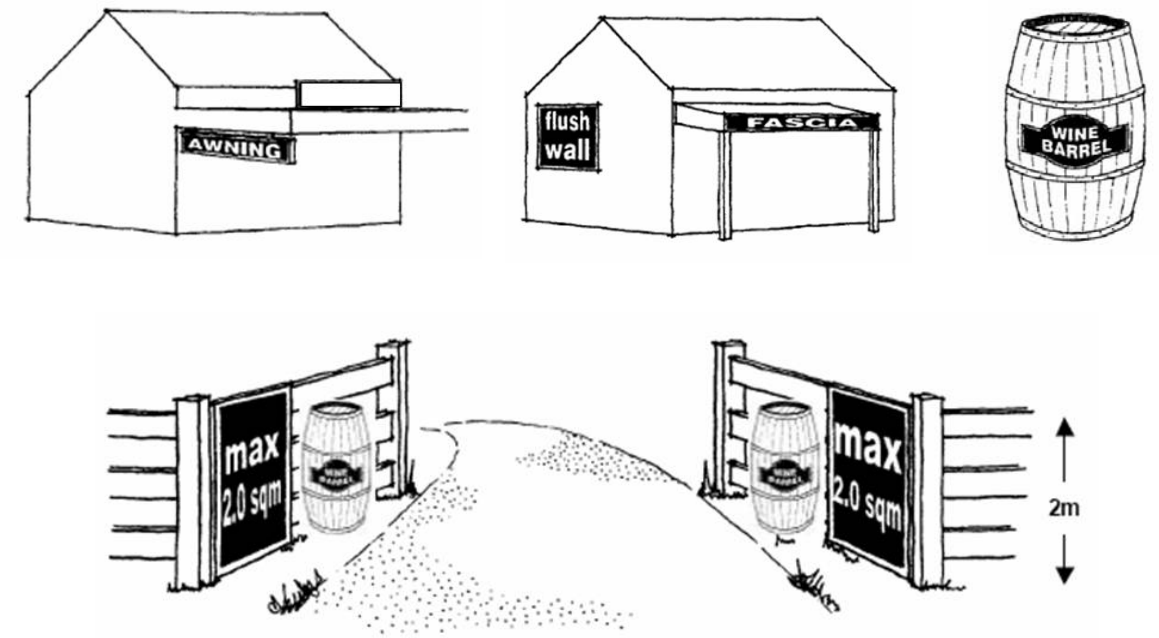
Standard Real Estate

Political Advertising Sign

(b) Considered 'on merit'

The following signs will be considered on merit. A development application is required to be submitted to Council and the application will be assessed with regard to the impact of the sign on the area and whether the sign complies with the aims and objectives of this section.

Below awning signs	Shall not project beyond the edge of the awning and shall have a maximum depth of 500mm. The bottom edge of the sign shall be at least 2600mm above ground level.
Fascia signs	Shall be fully contained within the fascia area.
Flag pole structures	Will be assessed on merits. The size, location and number of flags will be considered.
Flush wall signs	Shall not extend beyond the area of the wall on which the sign is to be located. The sign shall occupy an area no greater than 25% of the wall area on which the sign is to be located.
Gateway signage	Shall be designed as an integral part of the principal visitor entrance point to the facility. Two signs are permitted with a maximum area not exceeding 2.0m^2. The signs shall be located either side of the driveway entrance or in a central landscaped position. Two wine barrels may also be incorporated into the entrance and shall be located wholly within the property boundary within a recessed gateway. Wine barrels shall be positioned so as not to obstruct vehicular or pedestrian sight lines or access.
Large real estate signs	Are those signs in excess of 1.5m^2 used for the express purpose of promoting land for sale or auction. The sign shall be located on the actual land being offered for sale. These signs shall not exceed a maximum area of 3.0m^2.
Post supported sign	Shall have a signage area not exceeding 3.0m^2. These signs shall be of either square or rectangular configuration. Properties with a number of businesses shall be allowed to increase the signage area of the sign/s to 4.0m^2.
Projecting wall signs	Shall be either square or horizontally proportioned rectangular configuration with the bottom edge of the sign being at least 2600mm above ground level. The sign shall not project beyond the top of the wall on which the sign is fixed, or beyond the footpath (where applicable).
Vineyard identification signs	Can be erected where the vineyard name has been used on a wine bottle label. These signs are to comprise a square or rectangular format with an area not exceeding 0.8m^2. They shall contain only the company and vineyard name. The maximum height of the structure is not to exceed 1.2 metres..
Wine barrel sign	Shall be complete and intact rather than halved or sculpted and shall be safely and attractively mounted to prevent it being pushed over or rolled away. Painting of the barrels shall be subdued colour tones. The visitor information shall be professionally sign-written onto the barrel.



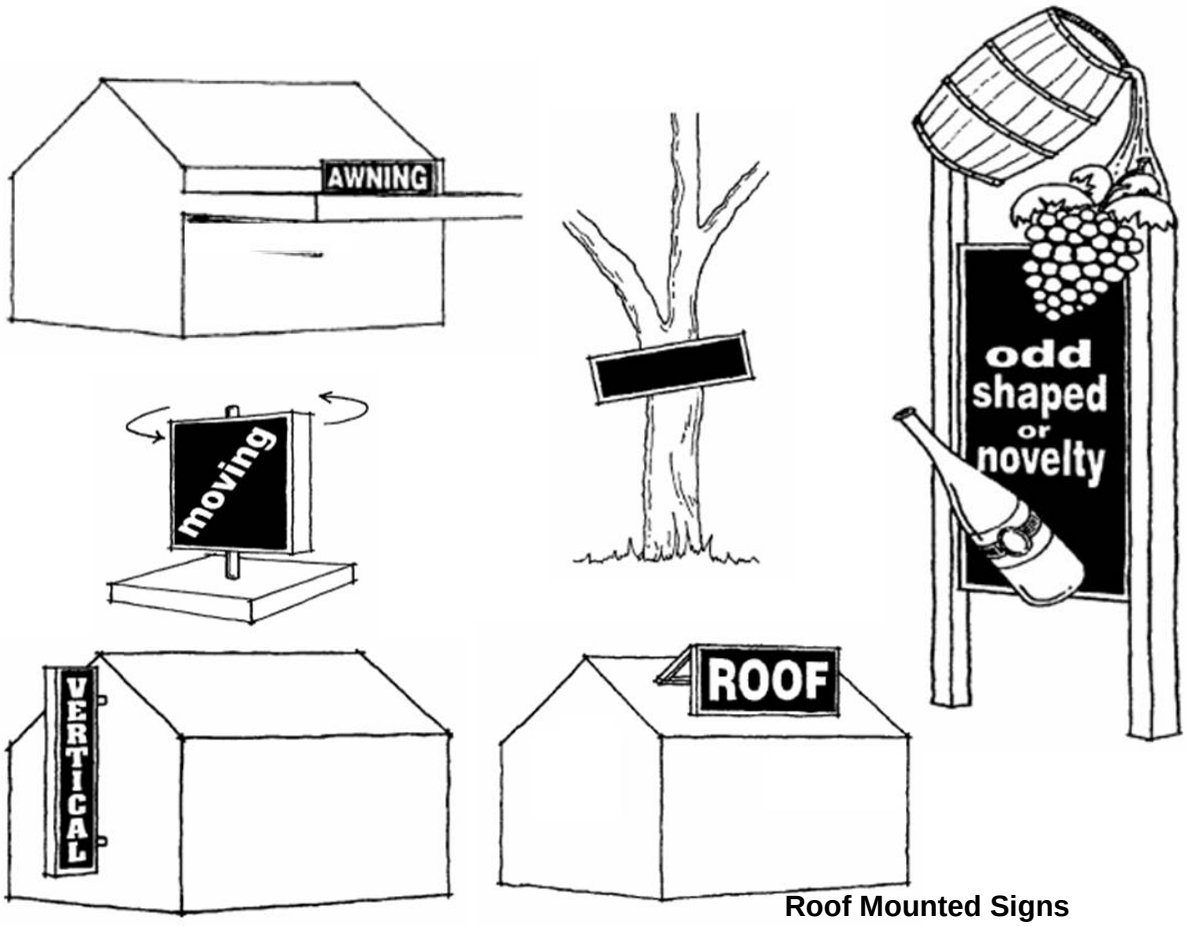
Gateway Signs

Post Supported Signs

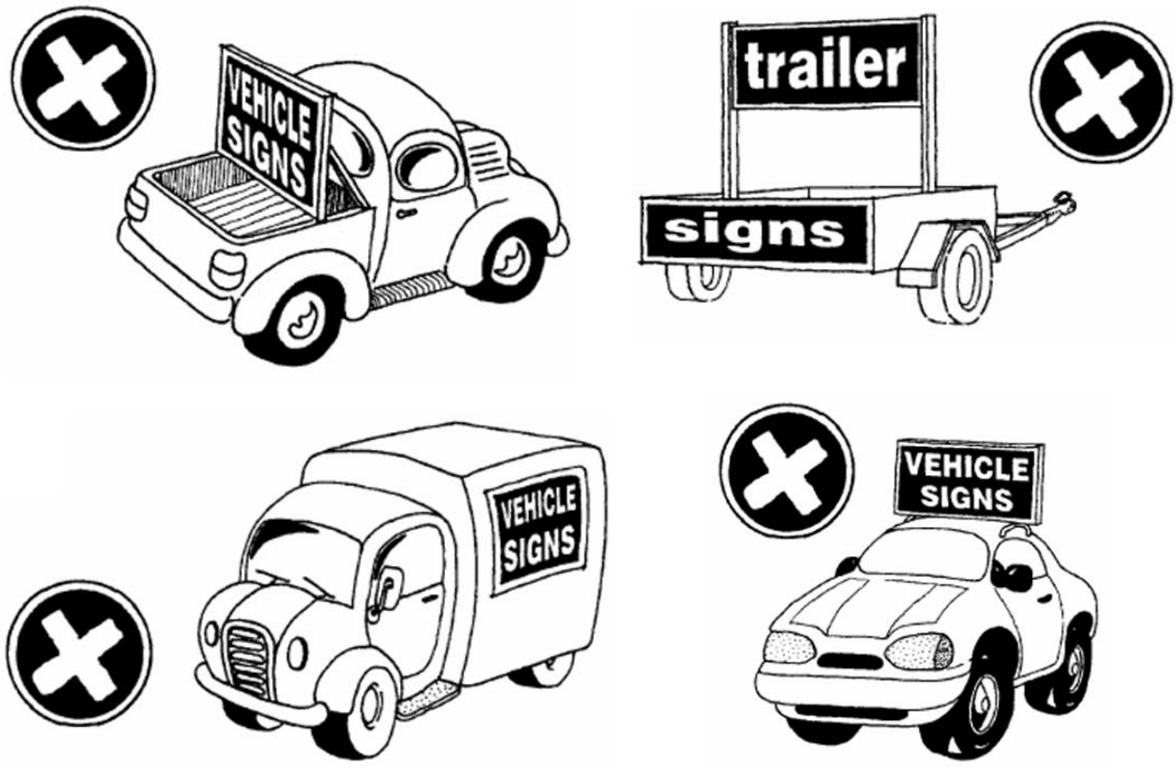
(c) Prohibited

These signs are not considered to be of a suitable form of signage for the Vineyards District, characteristic of the Vineyards District or make a positive contribution to the visual character of the Vineyards District and are not permissible:

- above awning signs;
- signage fixed to trees, telegraph poles and the like;
- internally illuminated, backlit, neon, reflective or scintillating signs;
- moving signs;
- odd shaped or novelty signs;
- pole or pylon signs;
- roof mounted signs;
- signs on trailers, vehicles or equipment; and
- vertically proportioned projecting wall signs.



Roof Mounted Signs



5.6.2 Private Signs

Sign Categories

Signs on private land shall relate to businesses contained on the subject site and are divided into the following categories:

(a) Frontage Signs

Signs positioned at the frontage of a site for the express purpose of presenting the facility or business to the travelling public. Signs within this category are post-supported signs or wall structures (with or without the provision for banner advertising). Post-supported structures shall not exceed a height of 3.0 metres above natural ground level or a signage area of more than 3.0m². Frontage signs are only allowed on properties where an approved business operates. Signage may be provided on either side of the structure. Where the sign is supported by three posts and has signage on either side of the structure, the internal angle shall not exceed 65 degrees. Frontage signs require Council consent.

(b) Internal Directory Signs

Signs internal to a site and which direct visitors to various facilities on the site (eg. signs which identify vehicular entry and exit points or provide direction to amenities or other areas of the site with a specific function such as a car park, wine sales area, restaurant, accommodation, golf course or the like). Wine barrel signs may be used as on-site directional signs. These signs require Council approval if they can be viewed from an adjoining property, public place or a road.

(c) Internal Promotional

Signs designed and located so as to promote various functions, businesses or uses within a site and which cannot be read from a public road, other public place or adjoining property. Wine barrel signs and / or sandwich board signs may be used for promotional purposes within a site. These signs require Council approval if they can be viewed from an adjoining property, public place or a road.

(d) Gateway Signs

Gateway signage is described in section 5.6.1(b) of this Chapter and may include wine barrels, provided they are integrated into the overall design. These signs require Council approval.

(e) Vineyard Identification Signs

Vineyard Identification signs are described in section 5.6.1(b) of this Chapter. These signs shall not be greater than 3.0 m² in area or have a height greater than 3.0 metres above the natural ground level. These signs can only be erected where the vineyard has produced a minimum of two vintages. Vineyard Identification signs require development consent.

(f) Large Scale Tourist Developments

Large scale tourist developments shall be permitted broader designs that whilst not meeting dimensional and numeric requirements of this Chapter, still meet the objectives. Large scale developments shall lodge a development application that details a signage theme for the property as part of the overall landscape design. The development application will have a merits based assessment. Issues taken into consideration include, but are not limited to:

- surrounding landscape;
- objectives of this section;
- impact on the rural character of the area; and
- integration of the signage with buildings and other landscape elements.

5.6.3 Number of signs per property

a) Each property shall be allowed a maximum of 2 frontage signs visible from the property frontage or public place.

b) Properties that have frontage to more than one road may have a total of 3 frontage signs provided that:

   i) 2 of the signs are located either side of the nominated principal entrance;
   ii) only 1 sign is located on the road not used as the principal entrance; and
   iii) the road that is not used as the main access point has a frontage of more than 250 metres.

c) Properties with a number of businesses operating from the one site may be allowed to increase the signage area of the frontage sign/s to 4m².

d) Existing post supported signs may be modified to accommodate banner signage as identified within 5.4.1(a) of the Chapter, only where the existing post supported sign has been previously approved by the Council.

e) There is no maximum limit to the number of internal directory signs or internal promotion signs able to be placed on a property so long as they are not visible or directed towards public places or adjoining roadways. A development application accompanied by a 'site signage plan' will be required to be lodged. The plan shall demonstrate the need for the signs based on the range and distribution of facilities and uses on the property with regard to the objectives of this Chapter. Council will require that the signs erected on the site comply with the approved site signage plan.

f) 1 vineyard identification sign is permitted for each separate vineyard (see 5.6.9).

g) Not more than 2 gateway signs shall be permitted at the entrance to a property.

5.6.4 Positioning of signs

a) Signs shall be located on and within the boundaries of the land / property to which they relate and the onus is on the operator to position these to achieve the best effect consistent with other objectives of this Chapter.

b) Where signs are introduced to a bushland setting consideration shall be given to the age of the surrounding trees and whether the trees will grow to obscure the sign from view. Similarly, where signs form part of a new landscape treatment care should be taken in the selection of plant species to ensure long term visibility of the signs.

c) Signs shall have adequate clearance around power poles and electricity wires.

d) Signs shall not be placed where they may cause obstruction to visibility for motorists and / or pedestrians. Signs considered by the Council to be a potential risk to traffic in what is largely a 80 kph speed zone shall be referred to the NSW Roads and Traffic Authority or to the Cessnock Local Traffic Committee for advice.

e) All signs, regardless of their type, shall form an integral part of the landscape treatment of the development.

5.6.5 Exceptions to the general locational requirements for business identification signs

Council may, in exceptional circumstances, consider the erection or placement of a business identification sign/s on the public road reserve or on an adjoining property. In this regard, Council will take into account the following:

a) the business or facility is located on land which does not have sufficient road frontage (eg. a battleaxe drive access or right-of-way) to enable the erection of a sign. If more than one property gains access from such access arrangements, only 1 common sign shall be used so as to avoid a clutter;

b) the configuration of the road reserve in front of the land means that there is a substantial distance from the vehicle carriageway to the property boundary which would make visibility of the sign difficult;

c) the property boundary is screened by existing vegetation which has conservation significance and which would obstruct views to the sign; and

d) the property or business has some other unique or unusual circumstance which does not allow the property direct visual access from a public road, or has been disadvantaged in someway by an action outside the control of the owner.

Where signs are located outside the boundaries of the land, the consent of the road authority or the private landowner (whichever is relevant in the case) shall be obtained.

Where signs are located outside the boundaries of the land, they shall not physically obstruct a vehicle carriageway or road shoulder and shall, where appropriate, enable pedestrian access along a footpath area.

5.6.6 Exceptions to the size requirements for signs

Council may consider the erection of a sign/s which has an area greater than the maximum area prescribed under this section only where:

a) the configuration of the road reserve in front of the land means that there is a substantial distance from the vehicle carriageway to the property boundary which would make visibility of the sign difficult; or

b) where the sign is a wall structure incorporated into a feature landscaping treatment of high visual quality. In such circumstances, Council shall be satisfied that the wall and landscape treatment are in scale with the size of the development and the property on which it is located; or

c) where there is only 1 frontage sign proposed and / or the site has a narrow frontage, larger signs will be considered on their merits, provided they are in scale with the built and natural environment. Such signs shall have an area not exceeding 4.0m². In this respect no other signage is allowed to be erected that is directed towards a public place (ie. frontage signs, gateway signs etc.).

5.6.7 Colours on signs

The use of colour shall reflect the character of the Vineyards District as a place of early settlement and a rural, viticultural landscape with heritage places. While there is no limitation to the range of colours that may be used for signs, the colour tones shall be subdued. For example, bright or fluorescent colours will not be considered favourably.

5.6.8 Sign illumination

a) Internally illuminated, backlit, highly reflective, scintillating or neon signs are prohibited within the Vineyards District. Moderate intensity external lighting of frontage signs and gateway signs only, will be permitted.

b) Lighting details shall be submitted to Council in conjunction with the development application for the sign.

c) Lighting of signage internal to a site is discouraged. However, where lighting is essential, it shall be of low intensity. Lighting details shall be provided with the development application.

5.6.9 Vineyard Identification Signs

Vineyard identification signs shall comply with the design and size criteria specified in this Chapter.

a) 1 vineyard identification sign is permitted for each individual vineyard on a property.

b) A vineyard identification sign can only be erected on land where produce from that vineyard, has been marketed with the vineyard name. The design of the sign face should reflect the design of the relevant wine bottle label/s.

5.6.10 Off-Site Directional Signage

Signs that identify or promote businesses or activities within the vineyards district ***shall*** be located on the actual land / property which contains the business or activity identified or promoted on the sign itself.

Off-site directional or promotional signs are ***strictly prohibited*** under this Chapter.

5.6.11 A-Frame / Sandwich Board Signs

a) Sandwich board signs shall comply with the specified size criteria and shall be securely weighted or anchored to prevent them being blown over.

b) Not more than 2 sandwich board signs are permitted for each business operating from a site.

c) The sandwich board signs are not to be located in close proximity to, or orientated towards any public road or public place external to the property for the purposes of advertising to the general public.

d) Sandwich board signs shall be wholly contained within the property boundary and shall be located to ensure that internal roadways are not obstructed and that visibility is maintained for pedestrians and drivers.

e) Chalkboard areas are permitted provided they are professionally presented.

f) Sandwich boards are only to be displayed during the normal trading hours of the business.

5.6.12 Signs and Heritage Items or Conservation Areas

A person/s proposing to erect a business identification / promotion sign which is visible from a heritage item or conservation area should obtain appropriate heritage advice from Council prior to design work commencing. Applications for such signs will be assessed with regard to the impact of the proposal on the significance of the heritage item or place.

5.6.13 Unauthorised Signs

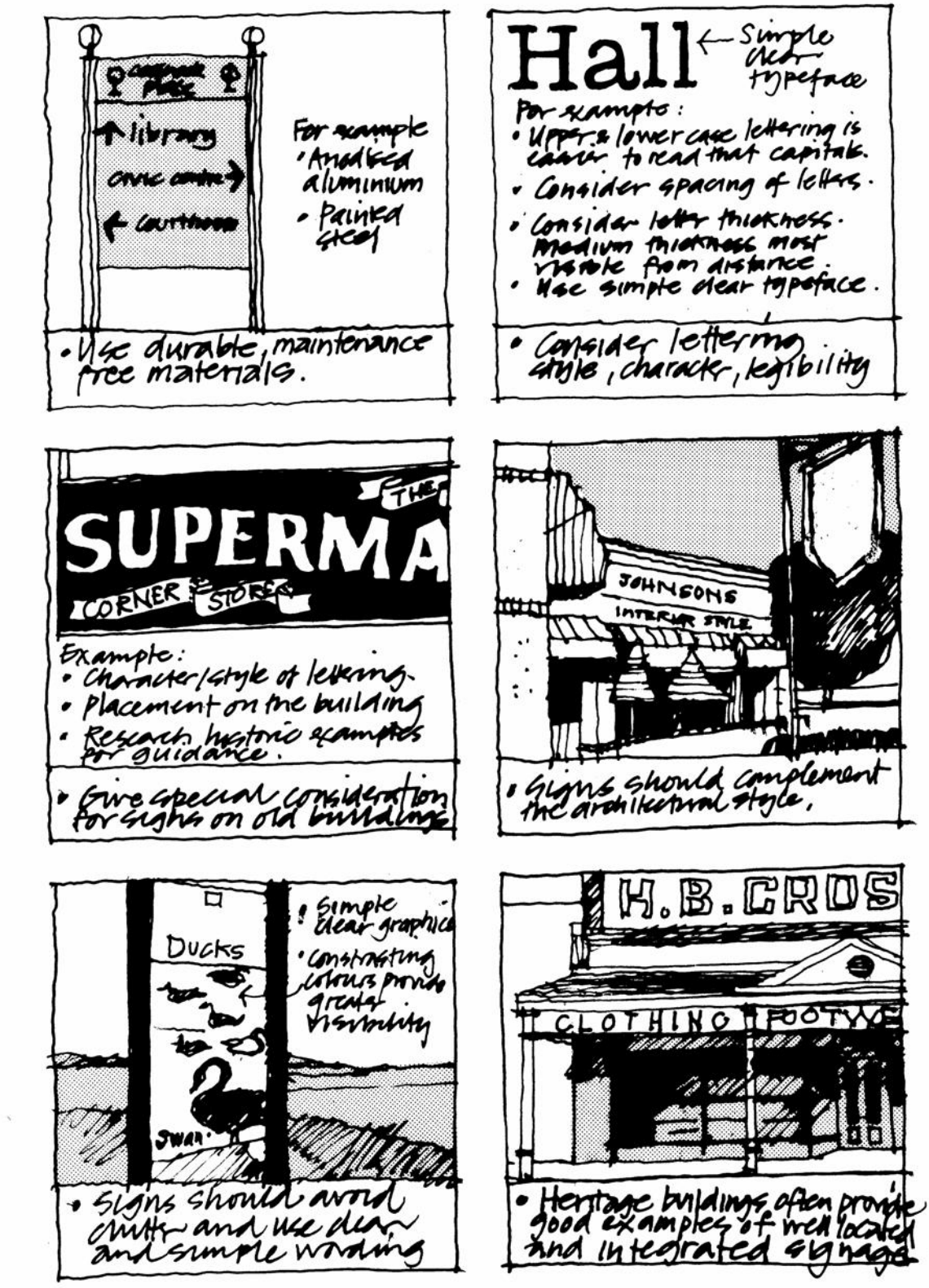
Landowners who have erected signage on private land which do not have development approval and are not deemed to be 'exempt development', will be requested in writing to remove the relevant signs. Following the expiration of a reasonable period for compliance, formal legal action may be instituted where requests have not been complied with.

Where unauthorised signs are erected on a public road or on public land they will be impounded by the Council without notice and an administration fee levied for their release. After a reasonable period materials will be sold to offset Council's costs.

SCHEDULE 1 – Guidelines for Good Signage

Effective Signage

The following diagrams suggest ways in which effective signage can be achieved.



Signage for Heritage Buildings

The following information suggests appropriate approaches to signage on heritage items or in the vicinity of heritage items.

Heritage advice from Council should be sought before commencing design work of such signs.

Signs traditionally used on older or heritage buildings tend to follow different patterns than those used on contemporary buildings, for example:

- generally under awning signs were not used in early commercial / shopping areas;
- signs were generally located on and within defined architectural elements such as parapets, horizontal fascia boards, frieze panels, etc. These were usually symmetrical when located on gables or parapets and related to the geometry of the element which they were placed on (eg. curved lettering on a curved fascia or parapet panel);
- the character of the signage should relate to the era of a building where possible in terms of typeface, colour, material, layout etc.;
- often simple, bold, capital lettering styles were utilised;
- the surface of the signs would generally be defined by a painted border or edge moulding so that the arch of the sign would be clearly differentiated from the rest of the building; and
- often external signs were painted directly on to the building.

Signage in Rural Areas

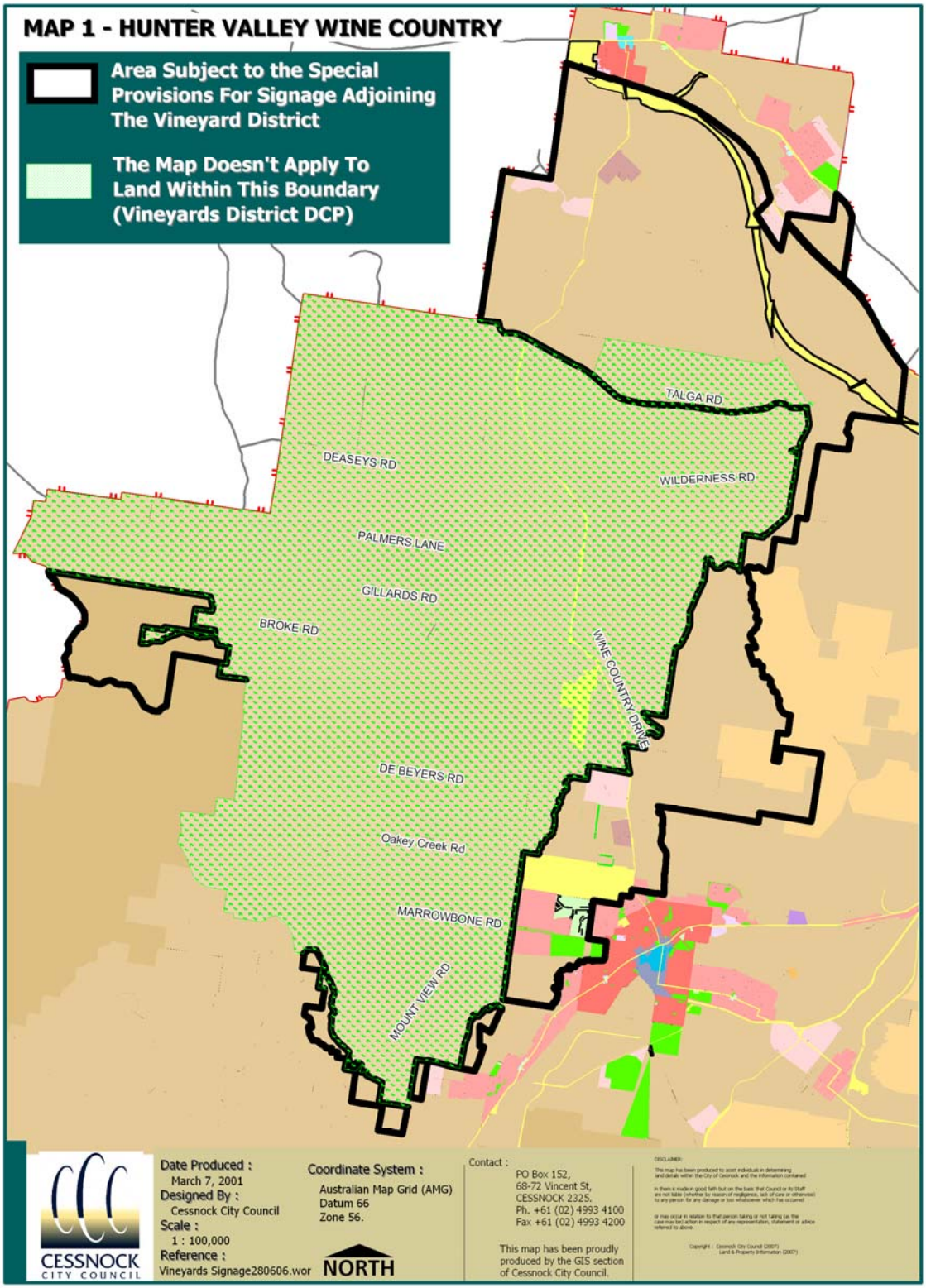
The following information suggests appropriate approaches to signage in rural areas:

- the design, size, finish and colours of signs shall be in keeping with rural amenity. Consider colours and designs that do not dominate views in rural areas;
- the position of signs shall not obstruct a driver's line of sight along rural roads.

Signage in Residential Areas

The following information suggests appropriate approaches to signage in residential areas:

- the design, size, finish and colours of signs shall be in keeping with the residential amenity;
- shall not be prominent in the streetscape of residential areas; and
- shall not be placed within the view from living areas of nearby homes.


MAP 1 - HUNTER VALLEY WINE COUNTRY
Area Subject to the Special Provisions For Signage Adjoining The Vineyard District
The Map Doesn't Apply To Land Within This Boundary (Vineyards District DCP)
TALGA RD
DEASEYS RD
WILDERNESS RD
PALMERS LANE
GILLARDS RD
BROKE RD
WINE COUNTRY DRIVE
DE BEYERS RD
Oakey Creek Rd
MARROWBONE RD
MOUNT VIEW RD
CESSNOCK CITY COUNCIL
Date Produced : March 7, 2001
Designed By : Cessnock City Council
Scale : 1 : 100,000
Reference : Vineyards Signage280606.wor
Coordinate System : Australian Map Grid (AMG) Datum 66 Zone 56.
NORTH
Contact : PO Box 152, 68-72 Vincent St, CESSNOCK 2325. Ph. +61 (02) 4993 4100 Fax +61 (02) 4993 4200
This map has been proudly produced by the GIS section of Cessnock City Council.

D.6: POULTRY FARMS – NEIGHBOURING LAND USES

6.1 INTRODUCTION

Poultry meat production is an important agricultural enterprise in the Hunter Valley. In 1997, poultry meat produced in the Cessnock Local Government Area (LGA) was valued at over $10.1 million. In 2001, the value to the Cessnock LGA had decreased to over $4.4 million.

Poultry eggs are also of significant economic importance to the Cessnock economy. In 1997, poultry egg production was valued at $6.9 million within the LGA. In 2001, the value of egg production had decreased to over $6.5 million. The poultry industry is an important agricultural enterprise within the Cessnock LGA and the Hunter Valley generally, but is in decline due to urban development and new legislation within the industry.

From a planning perspective, a major threat to agriculture in the Hunter comes from urban development. The poultry industry is extremely sensitive to urban encroachment. Indeed, NSW Industry and Investment (Agriculture) estimates that approximately 90% of poultry farms in the region are under some form of pressure from this type of activity.

Complaints made against poultry farms centre particularly on odour, noise, night lights and the visitation of heavy vehicles. In Cessnock, complaints regarding poultry farming have resulted in conflict between farmers and residents. Such conflict can cause the affected residents much discomfort and distress while farmers may be put to greater capital expenditure and personal stress. In addition, the resources of Council are often employed for long periods in an attempt to resolve these conflicts. In some areas of the State, the level of complaints raised against poultry farms have contributed to the closure of such enterprises.

If the agricultural and economic importance of the poultry industry of the Cessnock LGA and the Hunter is to be realised, and neighbouring land uses kept free from the potential adverse impact of such an industry, controls shall be introduced to avoid conflict between the poultry enterprises and surrounding land uses.

6.1.1 Application

This Chapter applies to all land to which this DCP applies, for the following development scenarios:

- the development of land for the purposes of a poultry farm including the extension or expansion of existing poultry operations and encompassing related ancillary development; and
- the subdivision and / or development of land within the 'Zone of Affectation' of existing poultry farms.

6.1.2 Purpose

To provide detailed guidelines for the poultry industry in relation to site selection and management of poultry farms, and controls on development of land affected by existing operations.

6.1.3 Aims and Objectives

(a) To ensure sites selected for poultry farms are appropriate for long term operation.
(b) To provide guidelines for the establishment and expansion of poultry farming enterprises within the Cessnock Local Government Area, with particular consideration of the potential effects on existing neighbouring development.

(c) To assist poultry producers in the management and operation of their farms through consideration of environmental, product quality and human and animal health and welfare objectives.

(d) To discourage further subdivision/development in proximity to existing poultry farms to minimise potential conflict between landuses.

(e) To encourage the proper consideration of the effects of proposed new development on existing poultry farms.

6.2 PRE-APPLICATION PROCESS

6.2.1 Planning checklist – new and existing Poultry Farms

(a) Research the initial idea thoroughly including the physical and technical requirements, market structure, basic budgets and feasibility of the idea. You may need to seek assistance from NSW Industry and Investment (Agriculture), other agencies or consultants.
(b) Determine the basic requirements for a site identified by this background research.
(c) After reading the site selection component, develop a more detailed list of site requirements for the proposed development.
(d) Identify the availability and costs of potential sites in consultation with real estate agents and compile a short list of sites with high potential. Rework initial budget in light of current land prices.
(e) If possible, discuss potential sites with Council's Development Control Planners.
(f) Consider design and site interaction of the potential sites and make a selection which provides the most cost-effective and practical alternative.
(g) Prepare basic sketch plans of the proposed development and organise a meeting with one of Council's Development Control Planners to discuss Council requirements.

6.2.2 Consultation

The NSW Industry and Investment (Agriculture) has available guidelines for the establishment of poultry farms and the creation of residential development (subdivision and building) adjoining established poultry farming areas. These guidelines contain consideration of matters relating to farm management, waste management, poultry house design, amelioration of environmental impacts, transportation, pest control and animal welfare.

Consultation with the Department of Environment, Climate Change and Water (DECC&W) or Council's Environmental Services Department regarding concerns with noise, air or water pollution is advisable. The DECC&W or Council staff will be able to advise on measures to prevent or minimise such impacts.

Council should also be consulted prior to lodgement of the application to assist in identification of issues and to determine the need for specific additional information. It may in some circumstance, be beneficial to discuss the proposal in its preliminary form with members of Council's Development Assessment Unit (DAU) prior to lodgement of the development application.

For large or contentious poultry farms, the proponent may wish to host a **Planning Focus Meeting.** Planning focus meetings are a forum normally hosted by the proponent of a major development to brief relevant agencies of their proposal and to identify issues of concern prior to submission of a formal development application. The benefits gained from conducting such a meeting are that the development proposal is able to receive scrutiny before a formal application is lodged. An extensive range of factors can be considered such as the suitability

of the site, infrastructure provision, neighbourhood amenity and environmental management. A Planning Focus Meeting will enable the preparation of a more comprehensive Statement of Environmental Effects (SOEE) or Environmental Impact Statement (EIS) if required. NSW Department Industry and Investment (Agriculture) may be able to assist in the co-ordination of this meeting.

Early consultation with the respective authority will result in the timely identification and reduction or eliminations of potential land use conflict and environmental impacts. Awareness of these matters will reduce delays in the development application process.

6.2.3 Submission Requirements

New Poultry Farm

A Statement of Environmental Effects specifying:

(a) details of the number and type of birds to be housed and whether the birds are for meat or egg production;
(b) hours of operation and number of employees;
(c) shed clean out frequency and method;
(d) heating and cooling requirements;
(e) rodent and pest control measures;
(f) full details of any chemical usage;
(g) numbers and types of vehicles used for feed delivery, bird pick-up, product transport etc;
(h) approximate times of all truck movements;
(i) location and transport route to processing facilities;
(j) waste removal and disposal methods, including disposal of dead birds;
(k) the topography and local climate of the site and its relationship with surrounding lands (including diagrams);
(l) method of dust and soil erosion control, particularly during construction;
(m) details of any proposed landscaping;
(n) details of any known natural hazards relating to the land;
(o) water supply; and
(p) electricity supply.

Plans shall show adjoining land use and identify all buildings within proximity to the proposed farm site.

Expanding Farms

Development consent is required for the expansion of existing poultry farms.

In submitting a development application for an expanding farm, Council will require a similar level of detail as discussed for a new poultry farm.

Development / Subdivision within the ‘Zone of Affectation’

With regard to proposed development or subdivision within the ‘zone of affection’, Council will require sufficient details of the development and site to determine the extent of conflict between the proposed development and poultry farm. Necessary information shall include:

- site plans drawn to scale showing all proposed buildings and boundaries in relation to established poultry farms;
- topography of the development site and poultry farm site;

- activities and management practices of the farm and identification of activities which may result in conflict;
- measures proposed to reduce potential impacts; and
- any other details determined following consultation with Council's Planning staff.

6.3 NEW POULTRY FARMS AND EXPANSION OF EXISTING FARMS

6.3.1 Site Selection

The selection of a suitable site for poultry development is vital to ensure a profitable, long term operation with minimum impact on the natural and social environment. The location will be determined after an objective analysis of the physical characteristics of the site and surrounding land use. Consideration shall also be given to the proximity of markets and farm supplies and the availability of utility services.

6.3.2 Physical Considerations

The location or physical characteristics of a site may represent limitations to potential development. For example, it is inappropriate to consider a site immediately adjoining a residential land use, or, designing a land based waste management system on a site without a suitable area of land.

Zoning

The zoning of any proposed development site should be one of the first considerations of the site selection process. Under the Cessnock Local Environmental Plan, poultry farms and associated facilities are permissible with consent in the RU2 Rural Landscape zone. Proposals shall also be consistent with the objectives of the zone.

Site Area

The major factors determining the minimum site area required for a poultry farm are size of the enterprise, types of neighbouring development, production system, distance between on-site buildings and the distance to adjacent land uses.

As a general rule, total roof area of poultry houses should not exceed more than 8% of the site area. This minimum requirement does not take into account the area needed for land application of wastes or free range production systems. The minimum required areas for these types of farms will be determined by the physical limitations of the environment.

Topography

Poultry kept in open-sided sheds benefit from an elevated site which allows free air movement and catches cooling breezes in hot weather. Whilst this is a distinct advantage, such a location may increase the farms visual impact and potential odour problems associated with air movement downslope and subsequently down valley. Appropriate landscaping is to be employed to reduce visual impact whilst maintaining cooling breezes.

Investigation of the potential visual impact and local meteorological conditions (prevailing wind directions and cold air drainage patterns in particular) are to be undertaken during the site selection phase of the development.

Existing Vegetation

Where possible, existing native and planted vegetation shall be retained. Vegetation provides

a natural screen for the operation, reducing the potential visual impact and protects against airborne spread of disease.

Clearing of vegetation in the rural areas of the Cessnock Local Government Area (LGA) is controlled by the Hunter – Central Rivers Catchment Management Authority and the clearing of native vegetation may also require approval under the *Native Vegetation Act 2003*.

Natural Hazards

Investigation into the frequency and intensity of natural hazards such as floods, storms, high winds and bushfires are an important consideration in the siting of any development.

Organisations such as the DECC&W, State Emergency Services and local bushfire brigades are able to supply relevant information.

6.3.3 Socio – Economic Considerations

The satisfactory location of poultry developments is dependent on economic factors, location of support infrastructure and availability of services.

Economic Factors

Access and distance to markets should be considered in site selection. Most poultry growers in the Cessnock area are contracted to Australian Poultry Limited, located at Beresfield. Australian Poultry Limited supplies day old chickens, turkey poults, feed and processing facilities to growers. It is generally considered that growers should be within one to one and a half hours of their market, therefore, the Cessnock LGA is well placed to service the Beresfield plant.

Support Infrastructure

Support infrastructure such as: poultry processing plants; breeder farms; hatcheries; feed mills; egg packing and processing facilities; waste utilisation facilities; labour; veterinary; and advisory services, need to be within reasonable distance of proposed developments. Egg packing and processing is generally carried out on the farm and spent litter and dead birds are generally handled by contractors.

Advisory services such as NSW Industry and Investment (Agriculture), Chicken Growers Association representatives and industry service representatives are readily available to the Cessnock area.

Availability of Services

Reliable provision of services such as: power; fuel; water; telephone; domestic; and farm supplies and suitable road access, are required for the successful operation of a poultry farm. Cessnock City provides all these services. The City has several commercial centres: Cessnock; Kurri Kurri; and Branxton / Greta, and is near other major service centres: Newcastle; Maitland; and Singleton. An extensive road network already exists throughout the City and most domestic services are available throughout.

6.4 FARM MANAGEMENT

6.4.1 Waste Management

Effective waste management is a crucial element in the successful operation of any poultry enterprise. The waste issues of greatest concern to poultry operators and to Council are the management of dead birds, manure and spent litter.

Dead Birds

Three methods of dead bird disposal are generally available.

(a) Composting, is the favoured method of management for routine bird mortality. Once composted, the material must either be taken off-site with the spent litter or incorporated into a suitable land application strategy.
(b) Off-site disposal, either to a rendering plant or suitable area for burial, is required for high mortality events. If the burial option is taken, it is important to ensure that the burial site meets appropriate environmental requirements to the satisfaction of the Council.
(c) On-site disposal, such as burial, is considered the least desirable of the three options. If this method is to be employed, the pit/s shall be located away from environmentally sensitive sites (eg. dwelling-houses, water courses and public utilities), constructed to ensure no leaching of nutrient into ground or surface water occurs, ensure no access to other animals, be permanently marked and a record kept of the location and number of carcasses buried. All details of such disposal are to be forwarded to Council.

Manure & Litter

Poultry manure and litter are a valuable fertiliser. It is superior to conventional fertilizers under certain conditions as it has a: high nutrient value; high organic matter aiding physical soil structure; and a slow release of nutrient, aiding in plant uptake and reducing the potential for nutrient leaching. Therefore, its management should reflect its value.

(a) Off-site removal

A common method of management is off-site removal to commercial re-utilisers such as: composting / pelleting operations; graziers; the nursery industry; and market gardens. Where the poultry establishment is on limited area this method is Council's preferred option, however, direct land application may well be acceptable in many situations.

(b) Direct land application

Direct land application is another option. If organic by-products, manure, spent litter and composted dead birds are to be utilised as part of a land application strategy, the applicant shall demonstrate how the management system will meet the following objectives:

- effective utilisation of both the nutrient and organic matter components of the organic byproducts, manure, spent litter and composted dead birds;
- protection of the land resource from degradation, such as soil structural decline and salinisation;
- protection of groundwater resources from nutrient pollution;
- protection of surface waters from nutrient and particulate pollution; and
- maintenance of community amenity (ie. human health risk, odour, noise and visual

impact minimisation).

In order to meet these objectives the proponent will need to supply Council, with at least the following information.

Site Plan - an accurate map of the site showing the location of:

(a) the area intended for the application of wastes;
(b) any areas of land degradation;
(c) manure and litter collection, treatment, and storage facilities;
(d) areas of existing vegetation and land use;
(e) any dwelling-houses, sheds or structures in proximity to application areas, including those on neighbouring properties; and
(f) any watercourses.

Soil Description - an assessment of the soil's suitability for the proposal, including any structural works required. The soil description should identify the physical and chemical properties of the soil and assess its suitability for waste application. A general soil description (eg. sandy loam, grey cracking clay), some profile description (eg. duplex, gradational, uniform profile), and basic chemical characteristics (eg. pH, phosphorous sorption capacity), will usually be adequate. Your local Soil Conservationist or District Agronomist can assist.

Waste Description - an assessment of the volume and characteristics of the manure and litter to be applied. The most important information is the relative nutrient level in the waste. Nutrients such as nitrogen, phosphorous and potassium are vital for healthy plant growth, however, excessive application of these elements can result in contamination of ground and surface waters. For small scale proposals the waste information contained in Agfact AC.20 Organic Fertilisers – An Introduction, 1992, (included in Schedule 1 to this Chapter) may suffice while larger proposals should have an analysis of the wastes undertaken.

Nutrient Budget - the budget should estimate the levels of applied nutrients, mainly nitrogen, phosphorous and potassium, and show to what extent they are removed in crops and pastures or by grazing animals. Cropping would normally remove greater quantities of nutrient compared with grazing since nutrients will not be recycled as animal manure. It is important that nutrients applied are not greatly in excess of nutrients removed to ensure sustained crop / pasture health and avoid environmental degradation. Information on the nutrients used by various crops and pastures are available from NSW Industry and Investment (Agriculture).

Application Methods - this should describe the method of application, how the application area is separated from sensitive areas and proposed rates of manure and litter. The most common application method is topdressing with a bulk spreader.

Areas for waste application are to be separated from waterways and areas of native vegetation by a 20 metre wide vegetated filter strip. This will reduce nutrient losses after heavy rain. Nutrient pollution of waterways can cause eutrophication and algal growth while native vegetation suffers from increased competition from exotic species and general decline when subjected to high nitrogen and phosphorous fertilisers.

As the soil fertility in the Cessnock area is generally low to moderate, initial rates of fertiliser use may be higher than that required for general maintenance of soil nutrient and sustained production of crops and pasture. To determine initial application rates, a soil test may be useful. As a guide, maintenance applications are likely to be in the order of 4 t/ha/yr for high yielding harvested crops and pastures and 0.5 t/ha/yr for grazed pastures. Your local NSW Industry and Investment (Agriculture) District Agronomist can provide site specific advice on suitable application rates.

There may need to be a withholding period between application of wastes and grazing by livestock for animal health reasons. Your local Rural Lands Protection Board (Maitland) or NSW Industry and Investment (Agriculture) Veterinary Officer can assist.

Environmental Monitoring - monitoring of the application site and immediate environs is essential to ensure sustainable use of the site. The monitoring program should outline:

(a) the indicators to be monitored - typically these indicators include the changes in nutrient status of surface and sub-surface soils;
(b) when and how these indicators will be monitored - surface soils should be monitored on an annual basis while sub-surface soils need only be monitored on a three yearly basis (if surface soil conditions are acceptable); and
(c) proposed management response to the results - it is vital that farm management respond to the results of monitoring, for example, if the soils are accumulating nutrients, application rates may need to be reduced;
(d) the monitoring results are to be supplied to Council's Environmental Health Manager every year within one month of receipt by the farmer.

If any manure or litter is to be stored on site, for either commercial or domestic scale land application, it is essential that it is stored in such a way as to maintain the nutrient quality of the product and avoid any adverse environmental impacts. In general, such storage facilities would keep the material dry, avoid the potential for leaching of nutrients and restrict the potential for odour generation.

For further information on the land application of organic wastes contact your local office of NSW Industry and Investment (Agriculture).

Other Wastes, By-Products

Other wastes and by-products, such as used packaging, scratch trays, chick boxes and feed bags are to be recycled where possible, either in the existing form (after decontamination) or reconstituted for other purposes. Where this is not possible, prompt and safe disposal is to be arranged. Refuse SHALL not be allowed to accumulate around the farm as it provides ideal harbours for pests and vermin.

6.4.2 Transport

The timing and manner of transport activities relate directly to the likely impacts of the farm on other properties. Deliveries of feed, transport of eggs and pick-up of grown birds constitute the majority of heavy transport movements around the poultry farm site. Transport movements may be a source of problems with noise, dust and lights. Legislation such as the *Protection of the Environment Operations Act* may have a direct influence on acceptable practices.

Transport issues include:

- timing and frequency of operations and the effects on nearby properties;
- the use of transport routes through built-up or residential areas;
- method of movement, size of vehicle and equipment used for loading, transfer, etc.;
- speed of operation and operator behaviour;
- public safety;
- hygiene and poultry health;
- poultry welfare;

- operator and worker safety;
- spillage, loss of load or escaping birds from loads; and
- feathers from loads of birds.

Where a farm is to be located in a potentially sensitive area from a transport viewpoint, the use of noise reduction technologies are to be considered. Mufflers fitted to trucks, fork-lifts and other noisy equipment can reduce noise significantly.

The behaviour and practices of vehicle drivers are of importance. The following suggestions are made to reduce noise, dust and light problems:

- drive at moderate speeds, particularly on narrow, local, or unsealed roads;
- secure loads carefully to prevent the loss of birds;
- use covers on loads such as litter, manure, and feed to prevent dust and feathers blowing from the load;
- avoid prolonged idling or parking in proximity to residences;
- avoid the use of exhaust brakes or noisy gear changes close to residences;
- avoid directing powerful driving lights towards dwelling-houses; and
- consider methods of minimising feather loss from live birds during transport.

6.4.3 Pest Control

Pests and vermin control strategies need to be designed and conducted efficiently and regularly. Starlings, sparrows, rats, mice, flies, mosquitoes, lice, mites, and ticks all have implications in the transmission of poultry diseases and product quality, with some having additional human health considerations. Free range farms have the additional problem of foxes, hawks, crows, cats and dogs to contend with.

The control of pests shall be integrated with other site management operations. A four part management strategy is recommended, which is to be submitted to Council for approval as part of the development application:

- eliminate breeding sites and harbours;
- exclude access to poultry houses, food and water;
- maintain control programs; and
- encourage natural predators.

6.4.4 Disease Control

Poultry diseases are a constant threat to the intensive poultry farm. Management programs should include strategies including:

- isolation from other poultry farms;
- separation distance from boundaries;
- property quarantine;
- source and introduction of stock; and
- vaccination and medication programs.

Maintenance of quarantine facilities and procedures is vital in the prevention of disease on the farm. Quarantine, hygiene and vaccination should be the first choices in disease control and a failure in any of these primary areas will inevitably result in increased disease control costs. For further information contact your local office of NSW Industry and Investment (Agriculture).

6.4.5 Poultry House Environmental Control

An important issue in the welfare and productivity of the poultry on the farm is the maintenance of the environment in which the birds live. Under intensive production systems, the poultry house design features to control the internal environment include: insulation; fans; foggers; reflective paints; brooders; blinds; and curtains. Given the dependence of many environmental control mechanisms on electricity, and in the interests of animal welfare, intensive poultry farm operations should possess an alternate power supply in case of an emergency. This may be by way of power generating equipment or tractor operated pumps. At modern shed stocking densities the lives and welfare of poultry livestock do depend on a backup source of power supply.

6.4.6 Maintenance

Even the best designed and located poultry facility has the potential for significant conflict with surrounding land uses in the absence of a basic level of farm maintenance. Roadways, landscaping, waste systems, farm plant and machinery, buildings, and drainage systems are among the major elements which require maintenance in order to avoid adverse off-site impacts.

The advantages of a well maintained farm include:

- improved public perception of the cleanliness and professional nature of the farm;
- reduced visual impact;
- improved farm security in relation to disease control, predator control and maintenance of quarantine; and
- product quality control.

6.5 POTENTIAL IMPACTS ON SURROUNDING LAND USES, MINIMISATION OF IMPACTS – PLANNING ISSUES

6.5.1 Potential impacts on surrounding land uses

Intensive poultry industries can result in conflict with nearby land uses, particularly residential activities, as a result of: odour; noise; dust; lights; and declining visual amenity.

The development application process addresses the potential conflicts apparent at the time of application lodgement. Development approval does not guarantee a right to continue to operate, even if the most advanced technology and management practices are employed. Relevant pollution control legislation such as the *Protection of the Environment Operations Act* shall be complied with at all times.

For these reasons it is recommended that poultry operations locate in isolated areas and that operators be aware of proposed developments in proximity to their boundaries.

6.5.2 Impact Minimisation

Poultry sheds and facilities require isolation from other land uses to reduce potential adverse impacts on community amenity and to ensure poultry health.

Community Amenity

In order to prevent conflict between the poultry farm and surrounding land uses, separation distances shall be carefully considered.

The separation distance between the source of the impact (odour, dust, noise or lights), and each receptor will be a function of:

- the source and strength of the impacts;
- the number of receptors;
- receptor proximity to the development
- the prevailing local meteorological conditions; and
- the nature of the intervening terrain and vegetation.

Therefore, proposals for poultry farms require evaluation on individual merits due to the complexity of the determination of a separation distance. A merit based system will need to identify the sources of potential conflict, methods of impact amelioration and make an assessment of the suitability of these methods. **Table 1,** below, identifies the types of impacts and the sources of these impacts, while **Table 2** identifies the general amelioration principles by which these proposals shall be assessed. It should be noted that this list is not exhaustive and depending on the location and type of farm proposed the relevance of these factors will change.

Recommended separation distances for proposed adjoining land uses and poultry developments are provided in Part C: General Guidelines, Chapter 4: Land Use Conflict & Buffer Zones. These figures are a guideline only, and effective distances will depend on the nature of the site and surrounding land uses and the methods proposed to reduce impact.

Table 1: Impacts & their sources: Assessment of Poultry Development Proposals.

Impacts	Sources
Lights	Laying sheds; vehicles and machinery.
Noise	Vehicles; plant and machinery; stock; feed mills.
Odour	Wet manure, birds and feed; burning of waste; bird odour; dead birds; chemicals and feed; manure/litter stockpiles; waste utilisation areas.
Dust	Feed deliveries; vehicles; manure stockpiles; site operations; feed mills.
Visual	Untidy site; obtrusive structures, such as plain metal feed hoppers.

Source: NSW Agriculture, 1993.

Table 2: General principles for the amelioration of adverse impacts.

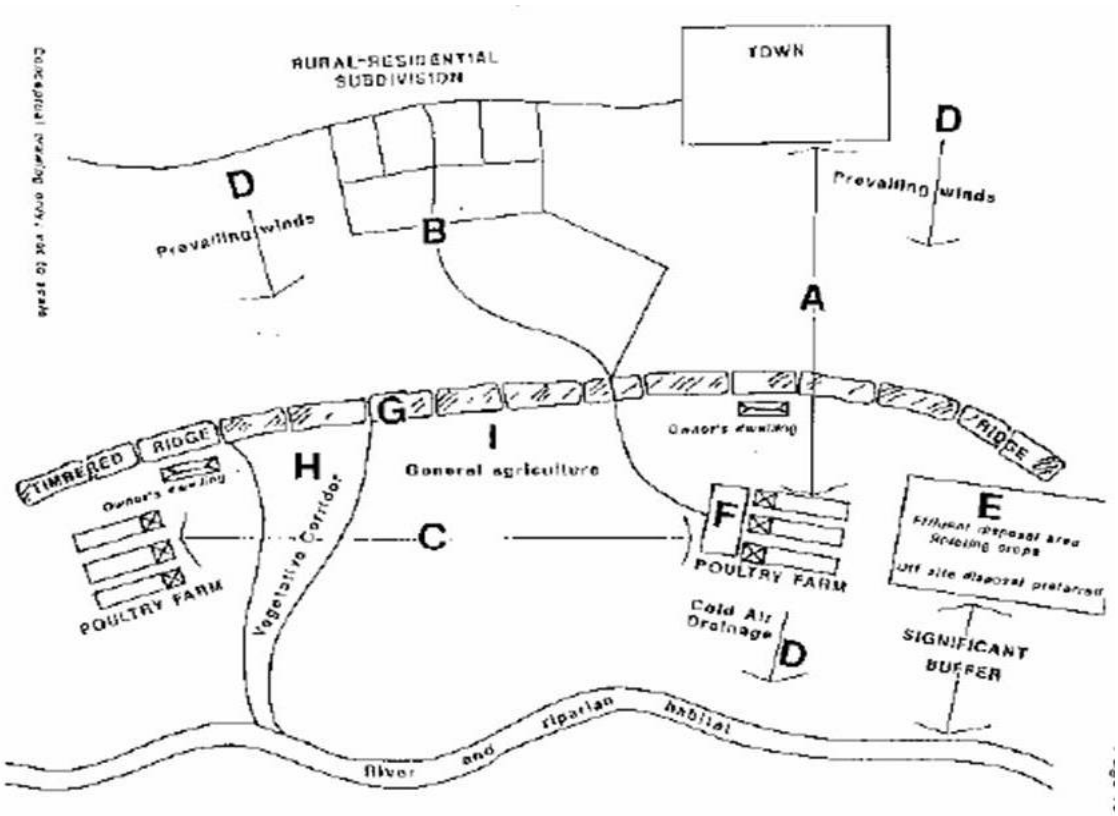
- Separation from points of perception.
- Site management.
- Farm design.
- Conditions.
- On-site shed and facility location.
- Vegetative screens.
- Bund walls.
- Landscaping.
- Construction materials.
- Check local weather conditions.

Source: NSW Agriculture, 1993.

Figure 1 (below) demonstrates the practical application of many of these principles.

While the selection of a site with one or more unfavourable environmental parameters is not encouraged, some site disadvantages can be overcome or reduced by appropriate engineering works or superior management practices. Where such a site is chosen, design features will need to clearly demonstrate how the site disadvantages will be overcome. Performance of these sites will require close monitoring.

Figure 1: General Principles for the amelioration of adverse impacts



Explanatory Notes

A Large separation distance to established residential areas is required.

B Urban development, increasing allotment size close to poultry development and maintenance of suitable setback is required.

C Suitable separation distance between poultry houses.

D Prevailing winds away from established residential areas. Cold air drainage away from established residential areas.

E On-site effluent disposal areas (if adopted), to:

- be located on suitable land;
- have adequate area for rotations;
- have adequate nutrient harvesting;
- be separated from sensitive sites (eg. waterways); and
- be monitored.

F Vehicle parking, turning and loading area screened to avoid headlights disturbing poultry and neighbours and to reduce noise nuisance.

G Visual screening by trees and topography.

H Native vegetation to be linked to allow for movement of fauna.

I General agricultural activity is compatible with poultry development and is a suitable surrounding land use.

Poultry Health

Poultry health can be affected by surrounding land uses and the size of the farm tends to determine the required separation distance from roads, property boundaries and other poultry farms. Farm sizes are defined in **Table 3** while recommended separation distances are given in **Table 4**. The issues facing large farms are more complex and therefore, suitable separation distances should be assessed on individual merits.

Managers of established farms should be aware of proposed poultry developments in proximity to their operation and should raise any concerns over the encroachment of other farms during the development application process.

Table 3: Sizes of Poultry Farms.

	Small	**Typical**	**Large**
Broilers			
Sheds	1 - 2	3 - 5	> 5
Birds	< 45,000	45,000 – 75,000	> 75,000
Floor area (m²)	< 4,000	4,000 – 6,500	> 6,500
Layers			
Birds	< 10,000	10,000 – 30,000	> 30,000
Floor area (m²)	< 600	600 – 1,800	> 1,800
Breeding farms			
Birds	< 15,000	15,000 – 25,000	> 25,000
Floor area (m²)	< 4,000	4,000 – 7,000	> 7,000

Source: Draft NSW Poultry Farming Guidelines, NSW Agriculture, 1993.

Table 4: Recommended external separation distances for small and typical poultry farms for the purposes only of poultry health.

Situation	**Small Farm**	**Typical Farm**
Property boundary	50 metres	50 metres
Well trafficked public road	100 metres	100 metres
Other poultry farms	500 metres	1000 metres

As with all separation distances, the physical environment, design and management features will affect the suitability of the distance, therefore, the distances provided in Table 4 are given as a guide only.

Source: Draft NSW Poultry Farming Guidelines, NSW Agriculture, 1993.

6.6 GUIDELINES FOR DEVELOPING LAND AROUND POULTRY FARMS

6.6.1 The impact of further Development or Subdivision around Poultry Farms

As poultry farms have the potential to adversely affect surrounding land uses, increased development / subdivision in proximity to existing poultry farms, also has the potential to significantly impact upon their operation.

Further development and subdivision around poultry farms increases the number of land users around the farm. Any increase in the number of land users in proximity to an existing poultry farm will increase the potential for conflict because of an increase in the number of

odour, dust, noise, and light receptors, an increase in the number of people viewing the site and the potential for collective action by those people.

In considering an application for further development / subdivision around existing poultry farms, the applicant will be required to make a detailed assessment of the following:

- proximity of the proposed development / subdivision to the existing farm;
- existing and proposed development densities around the poultry farm;
- the need for building envelopes to restrict the location of dwelling-houses within the subdivision;
- topographic relationship between the proposed development / subdivision and the existing poultry farm;
- local climatic relationship between the proposed development / subdivision and existing poultry farm (eg. wind pattern, cold air drainage);
- visual relationship between the proposed development / subdivision and existing poultry farm;
- the impact of any clearing associated with the subdivision and details of any proposed landscaping.

6.7 POULTRY PRECINCTS WITHIN THE CESSNOCK LOCAL GOVERNMENT AREA

There are two important poultry precincts within the Cessnock Local Government Area:

(1) Sawyers Gully; and
(2) Branxton – Greta.

In order to protect the economic viability of these important poultry precincts, specific controls shall determine the continued development of land adjoining and in proximity to existing poultry farms as detailed in Figures 3 & 4. Applications will be required to conform to specific precinct plans as well as the requirements of this Chapter.

6.8 IMPACTS OF SURROUNDING LAND USES ON POULTRY FARMS

Surrounding land uses have the potential to impact upon the management, productivity and animal welfare of existing poultry farms.

Examples of incompatible surrounding land uses include:

- residential development;
- hospitals; and
- industrial.

NOTE: indicates that the activity can indirectly impact on an existing poultry farm by increasing the number of receptors around the farm which may result in increased conflict.

- recreation facilities;
- other poultry farms; and
- animal boarding or training establishments.

NOTE: indicates that the activity can directly impact on an existing poultry farm (eg. by way of noise, disease carrying, animal intrusion etc).

Incompatible land uses will be discouraged in proximity to existing poultry farms.

6.9 CONFLICT MINIMISATION

The development of land around existing poultry farms requires careful consideration to reduce the potential for conflict between land uses.

Table 5 demonstrates practical applications which are to be used to ensure that development on land in proximity to existing poultry operations is acceptable and which at the same time promotes a desirable environment for the new development.

Minimum recommended separation distances for developments not listed in Part C: General Guidelines, Chapter 4: Land Use Conflict & Buffer Zones, will be merit based and dependent upon the nature of the development and site.

Figure 3 *- Precinct 1 - Sawyers Gully*

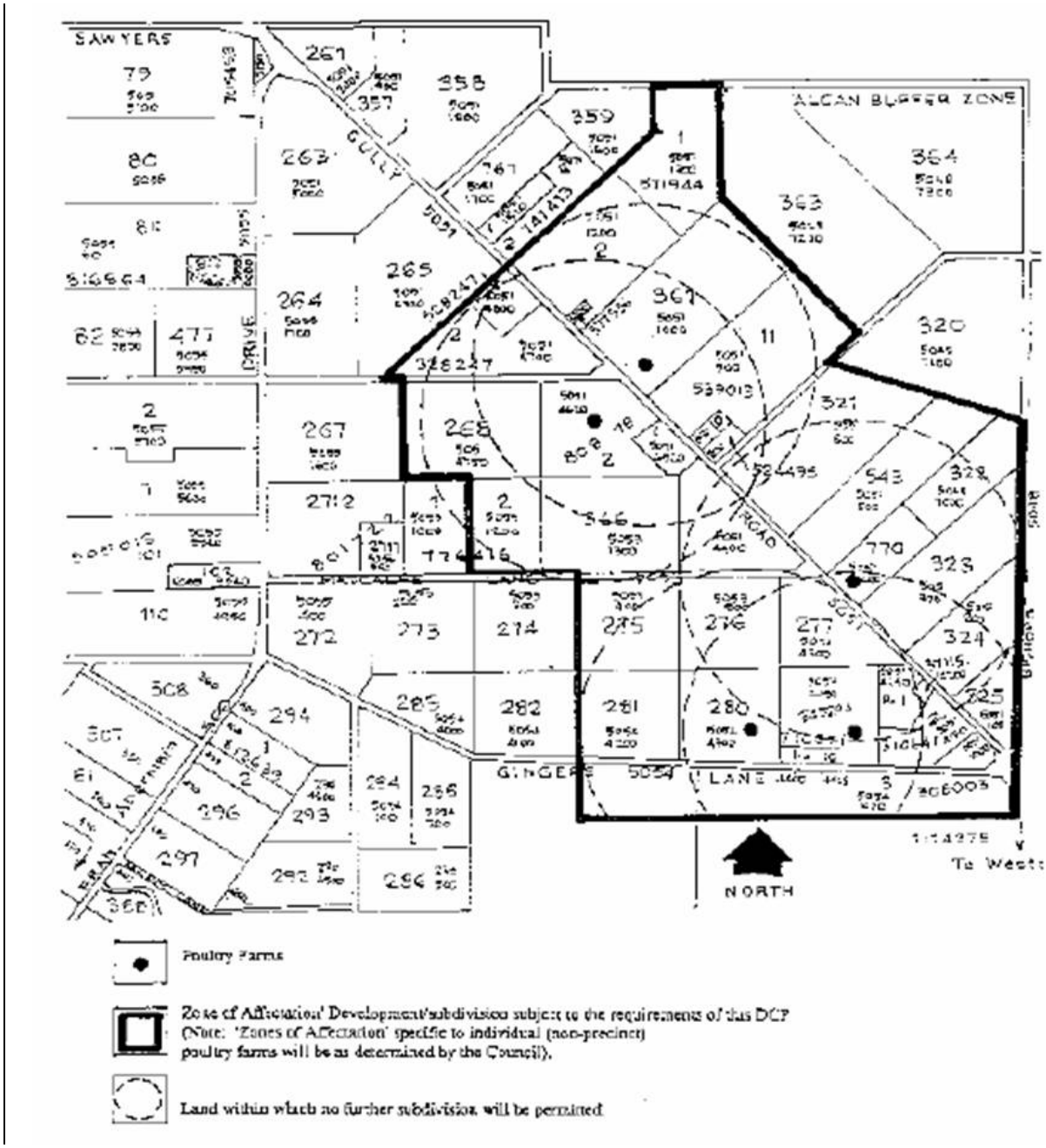


Figure 4 *- Precinct 2 - Branxton - Greta.*

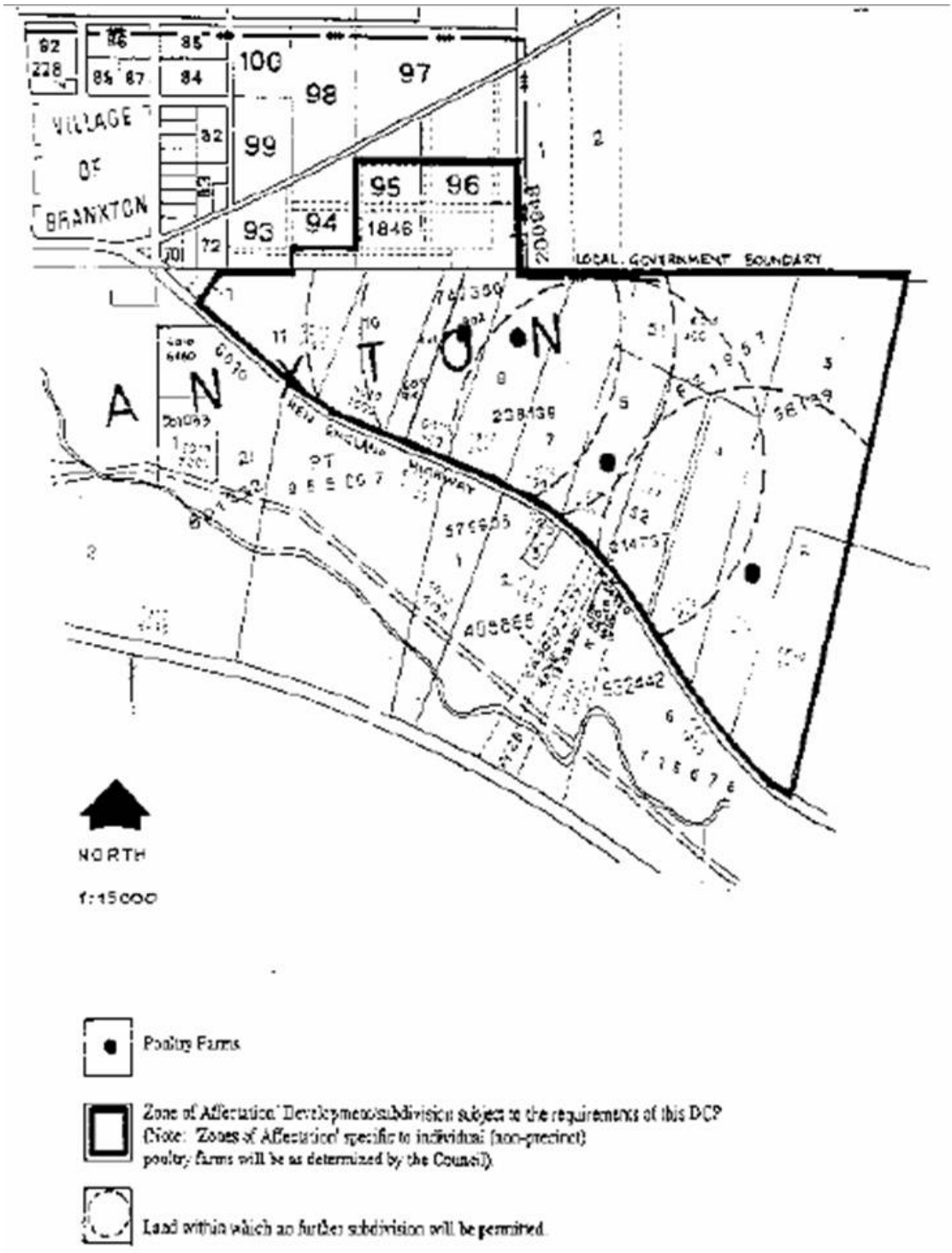


Table 5: Potential Impacts - Conflict Reduction

Potential Impact	*Adjoining land uses can reduce conflict with existing poultry operations and promote a desirable environment for themselves.*
Visual	* Where possible, site development out of the line of visual impact (eg. where topography / distance can prevent visual impact from occurring). * Provide vegetative screening between the sight line of the development and poultry operation. Existing vegetation can be utilised where suitable. * Design the building so that windows of frequently used areas (eg. dining, living and kitchen areas) do not face the poultry operation.
Noise	* Site the development at a reasonable distance from the poultry operation. * Use vegetative screening as an acoustic buffer to divert and filter direct noises. * Design the building so that any bedrooms, studies etc. do not face direct noise sources. * Locate site operations to reduce potential noise generation (eg. noisy machinery may need to be housed).
Lights	* Site the development at a reasonable distance from the poultry operation. * Use vegetative screening to soften the impact of lights. * Design the building so that any bedrooms do not directly face obtrusive lights, including on-coming vehicle lights. * Design site lighting to ensure lights do not affect existing farms (ie. by frightening poultry).
Odour	* Pay particular attention to lands in relation to the topography and microclimate of the area and ensure that the development is not sited in areas where concentrated odours can occur, such as: (1) downhill of a poultry farm where cold air drainage promotes channelling of strong odours; or (2) areas directly down wind of the poultry farm, particularly in summer. * Use vegetation to divert and diffuse pungent odours.
Dust	* Site the development at a reasonable distance from the poultry operation. * Pay particular attention to the relationship between lands in respect of the topography and microclimate (especially wind strength and direction) of the area and ensure that the development is not sited in areas where dust problems will occur. * Use vegetation to divert and diffuse any dust.

When locating a new development in proximity to an existing poultry farm, consideration shall also be given to the potential impacts on the farmer. Greater personal stress, reduced quality of life and requirements for greater capital expenditure may all result from encroaching unsympathetic development. These impacts may contribute significantly to operation closure or relocation.

SCHEDULE 1

Typical NPK levels (dry weight basis) of some wholly organic materials.			
	Nitrogen (N) %	***Phosphorus (P)***	***Potassium (K) %***
Poultry manure (litter)	2.6	1.8	1.0
Poultry manure (cage)	3.1	2.5	1.6
Cow Manure	1.5	0.5	1.2
Sheep Manure	1.7	0.5	1.2
Blood and Bone	5.3	5.2	-
Seaweed (kelp)	0.2	0.1	0.5
Fish Meal	10.4	2.5	-
Rat Guano	13.0	2.3	-
Sewage Sludge	2.0	1.0	-
Dried blood	14.0	-	-
Hoof and horn meal	13.0	-	-

Source: Agfact AC.20 Organic Fertilisers - An Introduction, 1992.

D. 7: CONSTRUCTION OF DAMS

7.1 INTRODUCTION

7.1.1 Application

This Chapter applies to all land to which this DCP applies, except:

(a) land reserved as national parks or historic sites or dedicated as nature reserves or declared as wilderness under the *National Parks and Wildlife Act 1974*; or
(b) land reserved or dedicated within the meaning of the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes; or
(c) land declared as wilderness under the *Wilderness Act 1987*.

This Chapter applies to the following types of development:

1. the construction of a dam or an extension to an existing dam; and

2. the rehabilitation and or reinstatement of sites where a dam and associated works have been constructed in the past.

This Chapter will apply both to applications solely for the construction of a dam and for applications where the dam is part of the proposed development.

Note: *References to the definitions 'artificial waterbody', 'aquaculture' or any other definition under the Environmental Planning and Assessment Act, 1979, Schedule 3: Designated Development, may require that applications be dealt with as 'designated development'.*

The Chapter does not apply to the cleaning out of dams where the cleaning process does not exceed the original capacity of the dam.

7.1.2 Purpose

To provide detailed controls and guidance to land owners and Council, for the construction of dams and the removal or rehabilitation of dam sites.

7.1.3 Definition

From the Dictionary of Cessnock Local Environmental Plan (CLEP).

Waterbody (artificial) *means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.*

7.1.4 Aims and Objectives

The specific **objectives** of this Chapter are to:

(a) ensure that any dam proposed is compatible with the existing natural and rural character of the site and the area generally;

(b) ensure that basic landholder rights, as defined in the *Water Management Act 2000*, are taken into account by the construction and use of the dam;

(c) ensure that no adverse impact results on local drainage or floodway characteristics in a catchment from dam construction;

(d) ensure that dam construction is satisfactory to mitigate against potential problems such as dam failure, landslip, soil erodability, sedimentation or siltation of natural watercourses or drainage lines;

(e) ensure that appropriate environmental measures are applied to dam construction sites in order to conserve the landscape and protect the surrounding environment;

(f) establish, maintain and promote appropriate site rehabilitation or revegetation techniques for dam construction in order to ensure properties are not sterilised for future land uses and to protect the surrounding environment;

(g) maintain and enhance the visual and scenic quality of the locality by controlling form, bulk and scale of dams;

(h) ensure that works do not adversely impact on surrounding properties in terms of drainage, structure, stability, safety and fences;

(i) ensure that all dams and earthworks are appropriately and safely constructed and maintained;

(j) protect the health and safety of human life;

(k) protect water quality within catchment waterways;

(l) ensure that degradation of the environment does not occur from acid sulphate soils, sodic soil, saline soils or dry land salinity;

(m) encourage best practice in the management and use of water;

(n) protect items of Aboriginal significance; and

(o) ensure that the removal or rehabilitation of dam sites is done in an environmentally sound manner.

7.2 HOW TO USE THIS SECTION

7.2.1 Consent authorities

Council's development approval is required before the construction of most types of dams, noting CLEP, Schedule 2: Exempt Development, for exemptions.

You will need to apply to Council for development consent for a dam where the dam (or an extension to an existing dam) is:

1. one of the types of dams listed below that require a Department of Environment, Climate Change and Water (DECC&W) approval; or
2. to be located on a 1st or 2nd order watercourse (this includes off-stream structures within the catchment of 1st or 2nd order watercourses) over 0.5 megalitres (500m^3); or
3. an off-stream structure licenced under the Water Management Act 2000, to hold water extracted from a river or groundwater; or
4. an off-stream structure in the Pokolbin Private Irrigation District; or
5. any structure licensed under the *Protection of the Environment Operations Act, 1997*.

Examples:

1. A roughly circular dam approximately 2 metres deep, 25 metres wide and 30 metres long is just below 1200 litres in size.
2. A square dam approximately 2 metres deep, 25 metres wide and long is 1250 litres in size.

If the dam falls into one of these categories, you shall use this section to prepare your development application to submit to Council. You may also apply to Council for a Construction Certificate for the dam at the same time as making the development application.

Additionally, an approval from DECC&W may be required.

You will need to apply to DECC&W for an approval (under the *Water Management Act 2000*) where the dam (or an extension to an existing dam):

1. exceeds the total Maximum Harvestable Right Dam Capacity (MHRDC) for your property*[1]; or
2. is located on 3rd order watercourse, 4th order watercourse or greater order watercourse*[2]; or
3. is located on 1st or 2nd order watercourse*[2] that has a permanent flow; or
4. is an off-stream structure that is neither a harvestable rights dam nor a special exempt dam under the DECC&W Farm Dams Policy *[3]; or
5. intercepts groundwater; or
6. is fed from a spring with a permanent flow.

*1: See 7.3 to calculate your MHRDC.
*2: See 7.2.4 for information on watercourse / stream order definitions or see maps at Council.
*3: See DECC&W Farm Dams Policy for full list of exemptions.

If your dam falls into one of the categories above, you will need to apply for an 'integrated development application', where the application you submit to Council will also be referred to DECC&W for their assessment.

Note: If the dam is within 40 metres of a 3rd order watercourse or greater (even if it is to be constructed on a 1st or 2nd order watercourse) then an approval may also be required under the water Management Act 2000.

Note: Documents from DECC&W will be required to complete your application for this approval. This Chapter does not outline the considerations that DECC&W uses in assessing approval applications.

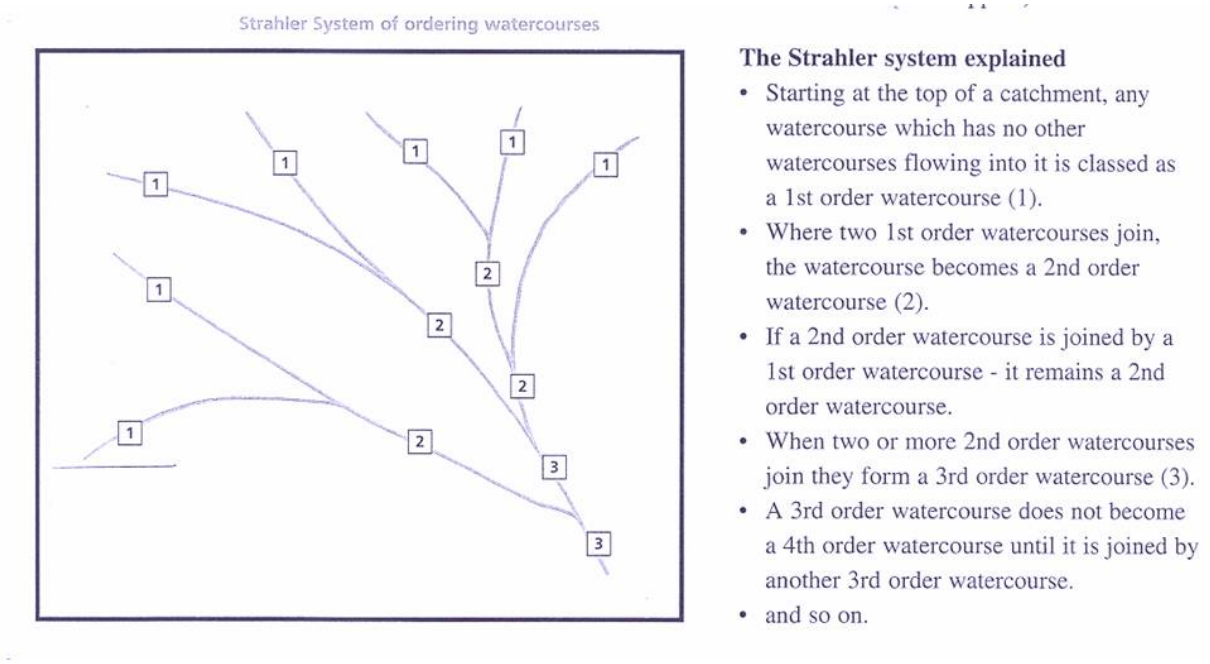
7.2.2 Circumstances where a dam cannot be constructed

A dam shall not be constructed in the following areas:

a. areas of mass movement, as defined in Cessnock Land Resources Study;
b. areas of acid sulfate or potential acid sulfate soils;
c. endangered ecological communities;
d. areas of high salinity hazard; and / or
e. immediately below a sewer / septic outlet that cannot be moved or relocated.

7.2.3 Stream Order

The following diagram and text describes the definitions of 'stream orders'. Note that the stream orders in the Cessnock City Council area can be viewed at Council.



The Strahler system explained

- Starting at the top of a catchment, any watercourse which has no other watercourses flowing into it is classed as a 1st order watercourse (1).
- Where two 1st order watercourses join, the watercourse becomes a 2nd order watercourse (2).
- If a 2nd order watercourse is joined by a 1st order watercourse - it remains a 2nd order watercourse.
- When two or more 2nd order watercourses join they form a 3rd order watercourse (3).
- A 3rd order watercourse does not become a 4th order watercourse until it is joined by another 3rd order watercourse.
- and so on.

(Source: Department of Land and Water Conservation 'Farm Dams Assessment Guide')

7.2.5 Other legislation or policy which may apply to your application

The following table outlines other legislation or policy that may affect your application. Matters should be discussed with Council if you consider that any of these may affect your application. Please note that this list was current at the time of writing of this Chapter and that you should check if there are any extra requirements.

Issue	Legislation / policy that may apply	What action do I need to take?
Dam is on Crown Land.	Crown Lands Act 1989	Dept of Water & Energy consent, as owner is required to lodge the development application.
Dam will impact on threatened species, endangered populations or endangered ecological communities.	Threatened Species Conservation Act 1995 and / or Environmental Planning and Assessment Act 1979	See Council regarding Threatened Species requirements / considerations.
Dam will involve clearing of riparian vegetation. Dam will impact on threatened species listed under the Fisheries Management Act.	Fisheries Management Act 1994, Native Vegetation Act 2003, & Environmental Planning and Assessment Act 1979	See Catchment Management Authority (CMA) regarding clearing. See Council regarding Fisheries requirements.
Dam may have significant effect on matters of national environmental significance (eg. listed threatened species, migration species and World Heritage Areas such as Yengo National Park).	Commonwealth Environmental Protection and Biodiversity Conservation Act 1999	Commonwealth legislation – see Council if consultation with Environment Australia is needed. Approval under EPBC Act may be required.
Dam will involve clearing of native vegetation.	Native Vegetation Act 2003	Contact DECC&W and CMA - may need separate consent under Native Vegetation Act.
Dam will involve disturbance to koala habitat.	State Environment Planning Policy 44: Koala Habitat Protection.	Contact Council regarding requirements.

Issue	Legislation / policy that may apply	What action do I need to take?
Dam is for pollution control purposes	Protection of the Environment Operations Act 1997	Contact Council & contact with the Environment Protection Agency may be required.
If dam is an 'artificial waterbody' as defined by Schedule 3 of the Environmental Planning and Assessment Regulation 2000	Environmental Planning and Assessment Act 1979 and Regulation 2000	Development may be 'designated development' – if so, an Environmental Impact Statement shall be prepared. See Council for details.
If dam involves fill being imported into the site and is therefore a 'waste management facility' as defined by Schedule 3 of the Environmental Planning and Assessment Regulation 2000	Environmental Planning and Assessment Act 1979 and Regulation 2000	Development may be 'designated development' – if so, an Environmental Impact Statement shall be prepared. See Council for details.
If dam is an 'extractive industry' as defined as defined by Schedule 3 of the Environmental Planning and Assessment Regulation 2000	Environmental Planning and Assessment Act 1979 and Regulation 2000	Development may be 'designated development' – if so, an Environmental Impact Statement shall be prepared. See Council for details.
If dam has potential to disturb Aboriginal archaeology	National Parks and Wildlife Act 1974	Licence required to disturb relics.
If unauthorised development and works have been undertaken.	Environmental Planning and Assessment Act, 1979	Action may be initiated in situations where individuals or corporations have breached the Act.

7.3 MAXIMUM HARVESTABLE RIGHT DAM CAPACITY (MHRDC)

The 'NSW Farm Dams Policy', prepared by the former NSW Department of Land and Water Conservation (now DECC&W) gives landholders the right to capture and use for any purpose 10% of the average regional yearly rainfall runoff for their property. This is known as the 'Harvestable Right' and for management purposes is implemented as a corresponding total dam capacity for your property.

The policy has applied from 1 January 1999. The 'Harvestable Right' is a basic right tied to the land. It is intended to satisfy essential farm needs such as for stock watering, house and gardens and may be used for any purpose, including irrigation.

7.4 CALCULATE THE MAXIMUM HARVESTABLE RIGHT DAM CAPACITY (MHRDC)

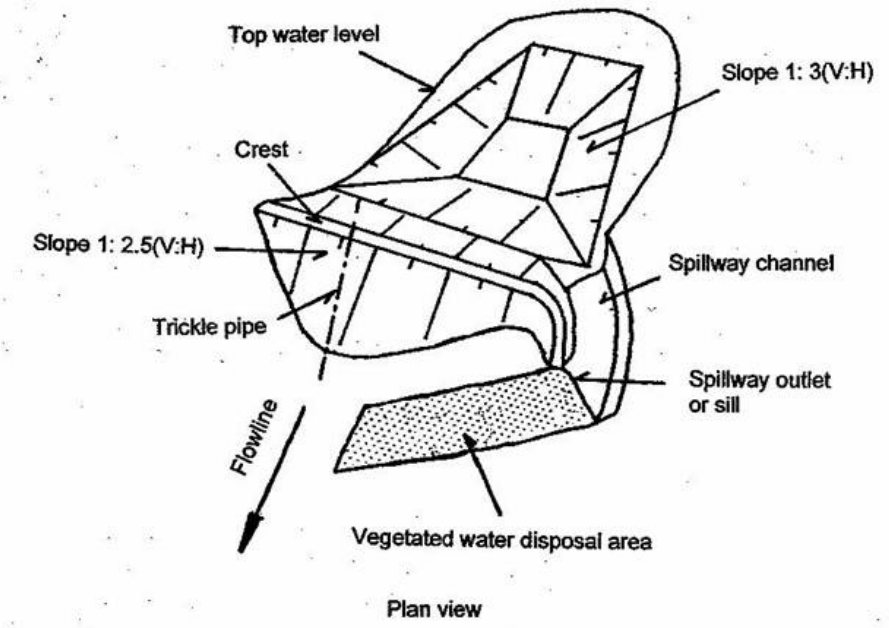
Determining your MHRDC is just a matter of multiplying your property area by the factor shown for the locality of your property on the maps included with the Farm Dams Assessment Guide (the Cessnock area is reproduced at Map 1). The result of this calculation is the MHRDC for your property.

For example, a 200-hectare property at Wollombi will have a MHRDC of 17 megalitres. This is found by referring to the map, reading off (approximating) the multiplier (.085 megalitres per hectare) and multiplying this by the property area (200 ha). The property assessment guide in the 'Farm Dams Assessment Guide' brochure describes this calculation in more detail.

Note: The MHRDC applies to the total number of dams on a property – for example, one dam alone may not exceed the MHRDC, but the total number of dams on a property may together exceed the MHRDC.

Figure 1: Illustrative view of a dam

Note that although this plan is not required with a development application, it illustrates the typical components of a dam.



Source: Department of Land and Water Conservation, 2002

7.5 PERFORMANCE STANDARDS

7.5.1 Location Requirements

The dam shall:

a. ideally be built in a depression, as this is generally the most favoured location due to its better storage to excavation ratio; and
b. not be constructed on slopes greater than 15% slope, because there is not usually enough suitable soil material to build a satisfactory wall.

(see 7.2.2 for locations where dams shall not be constructed)

7.5.2 Construction Requirements

Dam construction should generally follow the construction principles outlined in the Earthmovers Training Course - Unit 10 Construction of Farm Dams.

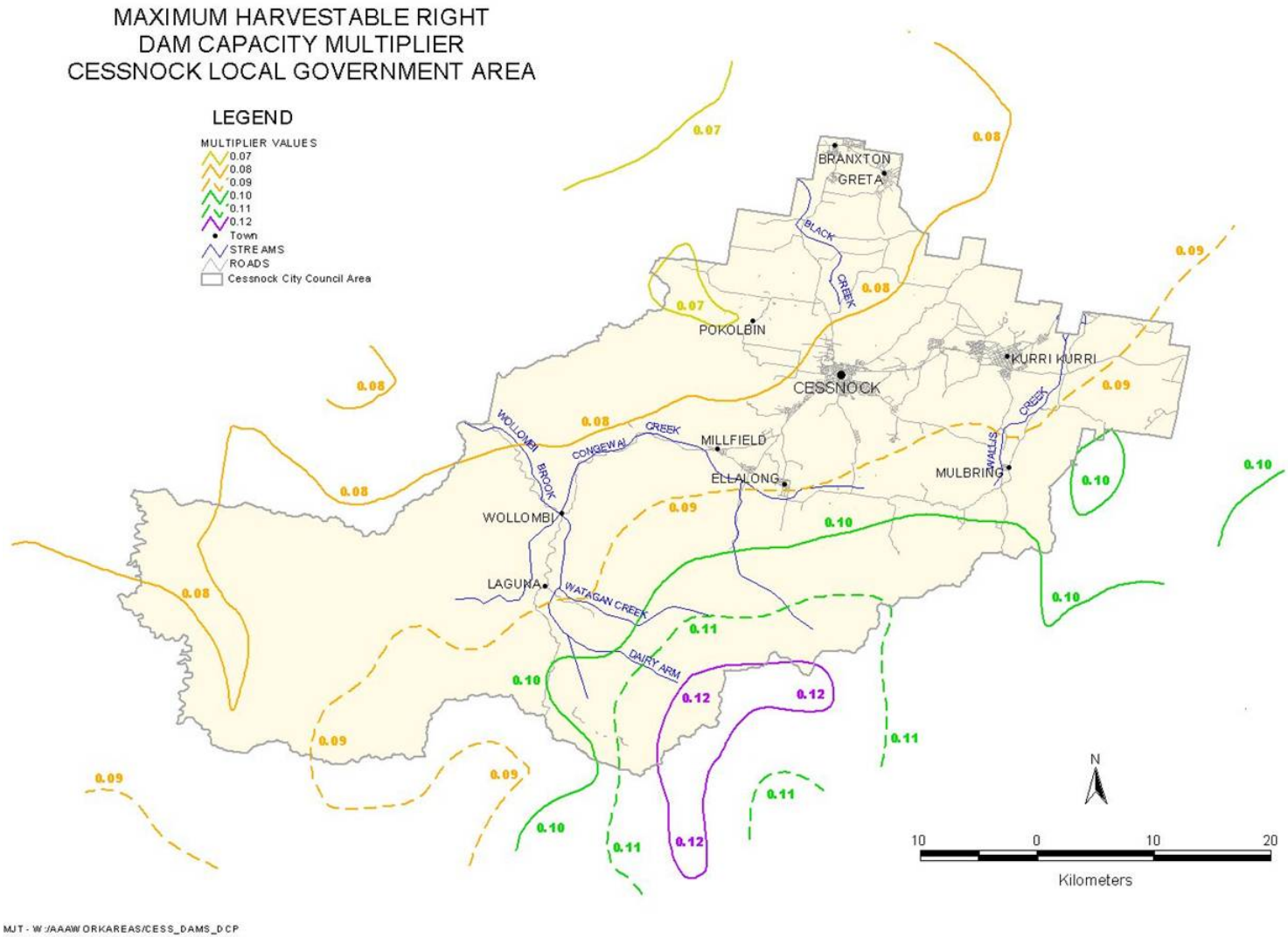
(a) Crest

The width of the dam crest is to be a minimum of 3.0 metres for a 3.0 metre high dam wall. The crest should increase in width 0.5m for every metre above a 3.0 metre high dam.

(b) Freeboard

A minimum of 1.0 metre is to be established for freeboard. This should increase by 10% for every metre over a 3.0 metre high wall.

MAP 1


MAXIMUM HARVESTABLE RIGHT
DAM CAPACITY MULTIPLIER
CESSNOCK LOCAL GOVERNMENT AREA
LEGEND
MULTIPLIER VALUES
0.07
0.08
0.09
0.10
0.11
0.12
Town
STREAMS
ROADS
Cessnock City Council Area
BRANXTON
GRETA
POKOLBIN
KURRI KURRI
CESSNOCK
MILLFIELD
ELLALONG
MULBRING
WOLLOMBI
LAGUNA
BLACK CREEK
WOLLOMBI BROOK
CONGEWAI CREEK
WALLIS CREEK
WATAGAN CREEK
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(c) Embankments

The material used to construct an embankment shall be sufficiently impervious to keep seepage low and to be stable. A soil with 25% clay content is in most cases suitable to form an impervious barrier.

a. The following soil types shall not be used for dam construction: sand; gravels; organic soils; peat; or highly erodible soils.

b. For dams over 5 megalitres in size, sufficient suitable soil material shall be available for wall construction. Sampling and evaluation of the subsoil at the proposed dam site, or of imported fill material, shall be undertaken to determine the quality and quantity of soil material.

c. Topsoil shall be stripped and stockpiled from the excavation and wall areas before the dam wall is constructed, with the stockpile located clear of any natural watercourse. All soil excavated above high water mark and the embankment is to be covered with a minimum of 100mm of top soil. During construction, a sediment fence shall be installed immediately below the area of soil disturbance and around stockpile of soil.

d. If the embankment is to be trafficked, it shall be certified by a geotechnical engineer. The embankment shall have suitable width, guideposts and barriers.

e. The embankment shall be completed with at least 100mm of topsoil. It shall be planted with a good holding grass such as couch. Trees or shrubs are not to be planted on or within 10 metres of the embankment as roots may provide seepage paths for water.

f. The slope of the upstream embankment batters shall be no steeper than the ratio of 2.5 horizontal to 1.0 vertical, while the downstream batter shall be no steeper than 3.0 horizontal to 1.0 vertical. However, if the dam is within 100 metres of a dwelling-house and is not fenced, then the upstream batter shall be no steeper that 6.0 horizontal to 1.0 vertical.

g. The dam wall is to be adequately compacted at optimum soil moisture content by a sheep's foot roller or similar in layers no greater than 150mm.

(d) Spillway

a. A spillway is required on all dams in order to pass surplus runoff around the dam which would otherwise pass over the embankment. The spillway shall be a minimum of 3.0 metres in width increasing in size dependent on the size of the dam and catchment. Generally, spillways are to be designed so as not to overflow more than half the depth of the freeboard.

b. The width of the outlet is not to be less than the inlet width to the dam. The spillway also is not to direct flows onto the downstream toe of the embankment.

c. The spillway area shall be turfed, stable and able to accept runoff flow. Other treatments may also be acceptable, for example concrete lining. The spillway cut batter should have a maximum steepness of 2.5 horizontal :1.0 vertical.

d. A small diameter (100mm) pipe is required to be installed through the embankment where spring flows or small flows of long duration occur to ensure that the spillway does not erode. Design details shall be provided if this is the case.

e. When surplus water flows through the dam spillway, there shall be a suitable place to return it to its normal flow line without causing erosion. If it is near a property boundary, flows shall leave the property in the same place that they did before the dam was built.

(e) Cut-off Trench

All dams are required to have a cut-off trench. The cut-off trench is to be constructed along the entire length of the base of the embankment at a minimum width of 2.0 metres or 1.5 times the height of the dam, whichever is the largest. The trench shall be excavated at least 1.0 metre into impervious soil and backfilled and compacted with impervious material.

(f) Vegetation Filters, Tree Planting and Aquatic Plants

a. Water running into the dam shall be passed through a fenced and well-grassed filter zone. The vegetation in this area will filter out much of the unwanted material like silt, fertiliser, manure, dead vegetation and litter and rubbish. Farm dams, where cultivating exists, shall include a silt trap.

These simple vegetation filters operate all year round and are especially effective when storm runoff would otherwise carry debris into the dam.

b. A gate shall be provided in the fence so that the filter area can be renovated by light grazing during rapid growth seasons. Prolonged grazing in dam catchments has potential to cause algal and weed growth in the dam due to the introduction of nutrients from manure.

c. Where silting of the dam is a problem, vegetation filters of stiff long-stemmed grasses can be used with silt traps to reduce water velocity and cause more silt to be trapped before it enters the dam. A typical silt trap is about one-tenth the size of the dam.

d. A fence around the dam wall and spillway can improve water quality downstream of the dam.

e. Trees around the dam can help reduce evaporation and reduce the growth of undesirable water weeds and algae. However, they shall be at least 10 metres from the embankment.

f. Dams located in flow lines or 1st order watercourses can result in movement of nutrients to downstream waterways. Dams in these locations shall incorporate a constructed wetland to reduce nutrient loads to receiving waterways.

(g) Hydrological Aspects

a. To minimise the threat of contamination to groundwater, the dam shall be clay lined and dam construction shall be above the watertable.

One of the main hydrological concerns with dam construction is the potential for the excavation to intercept the groundwater causing direct hydraulic interaction with surface waters. Potential concerns include impacts on the groundwater resource through evaporation losses and contamination.

Contaminants can enter the groundwater with little or no attenuation via the dam. As runoff would be directed towards the dam any animal wastes, fertilisers, or other agricultural chemicals could contaminate the groundwater.

b. All excavations which intercept the groundwater are required to be licensed by DWE under the *Water Management Act, 2000*.

7.5.3 Erosion and Sediment Control

a. The development's construction shall comply with:

- Council's 'Engineering Requirements for Developments';
- Conservation and Land Management's 'Urban Erosion and Sediment Control';
- Landcom's 'Soil and Water Management for Urban Development; and 'Managing Urban Stormwater, Soils and Construction'.

b. Care shall be exercised during the construction of dams involving excavations and leading to exposed areas which may be sources of sediment and associated nutrient mobilisation by strong winds or heavy rain. These areas need to be stabilised and planted down with a vegetative cover or regularly wetted to prevent erosion. Spillway areas also need to be carefully constructed and vegetated, preferably to spread water spilling from the dam rather than having a focused single point release that any lead to erosion below the spillway.

c. Erosion and sediment control devices are to be installed prior to construction and maintained to ensure that there is no increase in downstream levels of nutrients, litter, vegetation debris or other water borne pollutants.

7.5.4 Vegetation Impacts

See *Part C: General Guidelines, Chapter 2: Flora and Fauna Survey Guidelines*.

7.5.5 Salinity Impacts

a. Identified discharge sites are not to be cleared of existing remnant vegetation.

b. Unsealed dams shall not be constructed in designated recharge areas. Information about sealing of dams shall be obtained from DECC&W.

c. In areas showing signs of saline water logging and / or areas with shallow saline groundwater (depth to groundwater less than 2.0 metres), salt tolerance limits shall be investigated in relation to the proposed use before the dam is constructed.

7.5.6 Dam safety

Proximity to dwelling houses

Where dams are to be within 100 metres of a dwelling-house, the dam shall have a maximum upstream batter slope of 6.0 horizontal to 1.0 vertical.

Dam Safety Committee

The requirements of the NSW Dams Safety Committee shall be met.

The Committee's main objective is 'to ensure that all prescribed dams in NSW are in such a condition as to not pose an unacceptable danger to downstream residents and property, nor to adversely affect the public welfare and environment.' The Committee advises that *"… the ultimate responsibility for the safety of a dam lies with the dam owner".*

Source: Dams Safety Committee Information Sheet No.5 'Advice on Legal Matters for Dam Owners'

Further information on the NSW Dams Safety Committee can be found at www.damsafety.nsw.gov.au.

7.5.7 Visual Impacts

A consideration of the visual impacts of the dam shall be made. The visual impacts on and from the following shall be considered:

- neighbouring and adjoining properties;
- items of the environmental heritage and other buildings or places with heritage significance; and
- visual impact from roads and other public spaces.

7.5.8 Pokolbin (Hunter Wine Country) Private Irrigation District

Dams within the Pokolbin (Hunter Wine Country) Private Irrigation District (PID) shall comply with the Property Management Plan prepared as part of the District's Strategic Irrigation Management Plan.

7.5.9 Compliance with other legislation and policies

The application shall comply with all requirements of other relevant legislation and policies. A list of other legislation and policies that may affect your dam construction (see 7.2.4).

7.5.10 Impacts on neighbouring properties

The potential impacts of the dam on neighbouring properties during construction and post construction shall be considered. These impacts are:

1. *Visual impacts* (see section 7.5.7 above);
2. *Runoff* – the potential for runoff from the spillway onto neighbouring properties shall be satisfactorily addressed. Release of polluted waters (eg. salt, sediment or pollutants) shall be avoided;
3. *Stability* – the impacts on neighbouring properties and nearby buildings if the dam should fail shall be considered;
4. *Fences* – the construction and siting of the dam shall not interfere with the siting of boundary fences and their reasonable access for maintenance.
5. *Flows* - shall leave the property in the same place that they did before the dam was built. Also, flow shall not be concentrated onto adjoining properties unless it occurred prior to the construction of the dam. Dams shall not be located so that any impounded water backs up across property boundaries.

7.5.11 Areas affected by underground mine workings

Applications for dams proposed to be constructed in areas affected by underground mine workings will be referred to the Mine Subsidence Board for their comment.

7.5.12 Reinstatement / rehabilitation of dams and dam sites

Any threat proposed by the previous dam shall be removed. Details of the decommissioning of the dam and the rehabilitation of the site shall be submitted to Council.

7.5.13 Cumulative Impacts

The cumulative impacts of dam construction on catchments shall be considered. These include:

- the cumulative impact of a decreasing flow to the Hunter River and other sub-catchments to maintain a suitable environmental flow;
- cumulative visual impacts; and
- the cumulative impact of loss of riparian vegetation.

7.5.14 Additional information regarding dam maintenance

While these are not performance standards that will be assessed by Council, the following information will assist in managing your dam:

1. maintain grass on all areas of the dam, especially the inlet and outlet;
2. check trickle pipe for blockages;
3. avoid driving through or damaging spillway;
4. spillways shall be kept well-grassed and free from debris. A build-up of debris in the spillway could reduce its capacity and cause the dam to be overtopped;
5. do not allow trees or shrubs to grow on or near the wall. When trees growing on the wall die, the decomposing roots can form tunnels which lead to seepage and leaks and possibly to a piping failure of the structure. Shrubs also provide cover for rabbits which can damage the wall by burrowing.

D.8: TEMPORARY EVENTS

8.1 INTRODUCTION

Major events referred to in this section are typically one-off temporary entertainment events attracting a large number of people (e.g. concerts and music festivals). These events are characterised by increased vehicle and pedestrian traffic, increased parking demand and noise levels. Catering for a large number of people requires provision of adequate toilets, recycling and waste management, security, food facilities and much more. Additional facilities are often required to complement existing facilities.

Organising a major event is a complex task and it is strongly recommended that the services of a professional event organiser be employed. The NSW Festivals and Events Association (phone / fax: 9269-0337) email: nswfea@ozemail.com.au, may be able to assist with referrals or other information.

This Chapter does not require the lodgement of development applications for regular use of approved entertainment venues. In most instances the policy will apply to the use of existing indoor or outdoor facilities where the approved use of the premises is not primarily for public entertainment purposes. A common example of an event requiring development consent is an outdoor music concert at a vineyard.

8.1.1 Application

This Chapter applies to all land to which this DCP applies.

8.1.2 Purpose

To provide guidelines for the appropriate planning assessment, location and management of temporary events.

8.1.3 Aims and objectives

Aim:

- to provide guidelines and information on the major requirements in order for the events to be professionally run in suitable locations which are safe for participants and spectators and do not unduly impact on the neighbouring properties or environment.

Objectives:

- to provide applicants with adequate information to submit a detailed submission with a development application;
- to provide guidelines to provide best practice for the appropriate location and management of events;
- to maximise public health and safety; and
- to ensure that an unacceptable impact does not occur to the community or to the local environment.

8.2 WHAT APPROVALS ARE REQUIRED

Temporary events are a form of 'development' and as such require a development application to be submitted in accordance with the *Environmental Planning & Assessment Act, 1979*, and Cessnock Local Environmental Plan (CLEP), Clause 2.6B – Temporary use of land.

The focus of this Chapter is on major temporary events (ie. where the number of participants and spectators is or is expected to exceed 500 people). In most instances this Chapter will apply to the use of existing indoor / outdoor facilities and land where the existing approved use of the premises is not primarily or ancillary to the proposed temporary event use. A common example of an event requiring Temporary Development Consent is a music concert at a vineyard.

Minor events, where the number of participants and spectators is less than 500 people, generally do not require development consent.

Minor events held on Environmentally Sensitive Land is categorised as exempt development under the Cessnock Local Environmental Plan (CLEP).

Whilst minor events do not require development consent, under certain situations other forms of approval from Council may still be required. For example, if a temporary road closure or activity on a public road is proposed or if an event on Council land is proposed (wedding, fun day, etc). Flow Charts A & B outline the approval process for minor events with or without a temporary road closure.

Events that do not require development consent shall still conform to all relevant Council or legislative requirements (eg. the sale of food must comply with the Food Act and Food Safety Standards).

Division 5, Subdivision 5: Amusement devices of the *Local Government (General) Regulation, 2005* details devices that have standards to be met, which may be applicable to a proposed temporary event. Approval for temporary road closures is also legislated under Section 116 of the *Roads Act, 1993.*

The relevant forms can be obtained from Council. Consent from the landowner shall be obtained and Schedule 1, shows an example of a Site Plan.

8.3 MATTERS TO CONSIDER IN PREPARING AN APPLICATION

8.3.1 Preparation Time

It is important to plan for a temporary event well in advance so that there is sufficient time for the application to be adequately processed.

An application should be lodged with Council at least three (3) months before the event is due. Council requires this time period as the application is required to be publicly notified and (for more major events) advertised (as per *Part B: General Information, Chapter 2: Public Notification and Advertising*) and any submissions considered. Some applications may need full Council approval and would be submitted to a fortnightly meeting. Other permits are also often required, such as the R.T.A., Police, and WorkCover Authority.

The application should have as much information as possible about the event. A well detailed initial application will assist in a timely assessment.

8.3.2 Consultation with Key Stakeholders

It is essential that events are developed and reviewed in consultation with identified key stakeholders.

Stakeholders need to be identified for the event well in advance in order to allow sufficient time for organisations to provide advice and process applications.

Stakeholders include: Council; Police; Roads and& Traffic Authority; and Emergency Services. Other groups which could be considered stakeholders include: security personnel; bus companies; taxi; and hire car companies, and, advanced notice of upcoming events will allow for adequate staffing. Other key people who may be affected by the event, either positively or negatively (e.g. adjoining property owners and occupiers) will appreciate contact with event organisers during the initial planning stages of the event.

It is recommended for inaugural major temporary events that the Event Co-Ordinator or applicant consult with Council's Development Assessment Panel (DAP) prior to the submission of a formal application. An Information Brochure and Consultation Form can be obtained from Council offices or downloaded from Council's website at www.cessnock.nsw.gov.au – go to 'Council Services', then to 'Forms and Guides', then to 'Development Application Forms', then to 'Pre DA Consultation Service Application'.

Depending on the scale and complexity of the proposed Temporary Event, Council may as a condition of consent, request a follow-up debriefing session at the conclusion of a Major Temporary Event.

8.3.3 Selection of a Venue

The selection and design of the venue will have a significant impact on all components of event planning and on the overall safety and success of the event. In the selection of a venue the following should be considered:

- services and facilities available on site;
- movement of people within the site;
- crowd control;
- access to and egress from the site for participants and spectators;
- access to site for emergency services vehicles;
- hazards in and around the area;
- potential impact on the environment (eg. noise);
- traffic flows / parking;
- availability of public transport;
- wet weather impact;
- provision for disabled people;
- agreement by key stakeholders on selection of site / venue.

8.3.4 Police Service Approvals

The role of the NSW Police Service is to protect life and property. The Event Co-Ordinator should contact the Local Police Commander as early as possible in the planning process of a major event. The provision of Police resources is subject to charges where it is deemed the services are specifically for the benefit of those organising and / or attending the event and not for the benefit of the public at large.

The Event Co-Ordinator will need to make contact with the Local Area Traffic Supervisor. The Event Co-Ordinator will also need to apply to conduct the event (public assembly) under the *Summary Offences Act, 1988* by completing a 'Notice of Intention to Hold a Public Assembly'.

It is recommended that the Event Co-Ordinator contact Police at the Police Station closest to the proposed venue site as early as possible in the planning process to discuss details of the event. The Event Co-Ordinator should also provide the local police station with a copy of the Council approval and conditions for the event.

Early discussions with the Police about the proposed event can help identify and minimise potential problems.

8.3.5 Roads and Traffic Authority

The Roads and& Traffic Authority (RTA) approval is necessary where an event is held on a State Road, in an area that affects state roads or on a road that provides access to a state road.

For major events requiring RTA approval a Traffic Management Plan would need to be prepared by the Event Co-Ordinator in conjunction with the RTA or Council's Transportation and Roads Safety Section. The RTA have a Traffic Management Plan Template which is in the document 'Traffic Management for Special Events' available on the web site www.rta.nsw.gov.au.

Note: There is no formal RTA involvement with events conducted on a local road. However, Council's Traffic Committee requires completion of a Traffic Management Plan for their consideration prior to final approval by Council determination.

8.3.6 Workcover Authority

Event Co-Ordinator's should give consideration to any undue risk to event participants, employees, volunteers, traffic marshals and spectators may experience during the course of an event. Consideration should be given to:-

- traffic control systems that ensure the health and safety of persons;
- appropriate safety equipment and clothing such as reflective jackets;
- adequate refreshment / toilet facilities;
- protection from excessive exposure to sunlight, heat, dust and noise;
- fireworks see 8.6.11 for additional detail; and
- 'Event Name' registration necessary to protect 'your' ownership of 'your' event.

For further information contact the WorkCover Information Centre Ph: 131-050 or contact WorkCover's web site at www.workcover.nsw.gov.au.

8.4 PLANNING FOR THE EVENT

8.4.1 Event Promotion

Event promotion can set the expected tone of the event. A clear and well sequenced promotion and media strategy can significantly influence the expectations of participants and spectators.

Pre-event messages should clarify the focus of the event, any restrictions on the provision of alcohol, availability of food, entertainment and transport.

Note: Applicants and Event Co-Ordinators promoting or advertising the event before receiving a written consent from Council or other authorities, do so at their own risk.

8.4.2 Event Ticketing

The ticketing process is particularly important as it enables an accurate method to predict attendance numbers and therefore a more managed approach to crowd control and provision of facilities.

Tickets are also an important means to disseminate quality information to participants. A separate brochure could also be distributed with the tickets.

Brochure information could include: maps; restrictions on alcohol consumption (ie. no BYO); transport arrangements; food provisions; gate opening and closing times; and personal health and safety warnings (e.g. drinking water, sunscreen and hats).

8.5 DETERMINATION OF APPLICATION

8.5.1 Issues raised during public participation process

Should neighbours or residents raise any substantial concerns in regard to the event during the public participation process, Council's Officers will notify the Event Co-Ordinator or applicant to discuss and determine a resolution to issues raised.

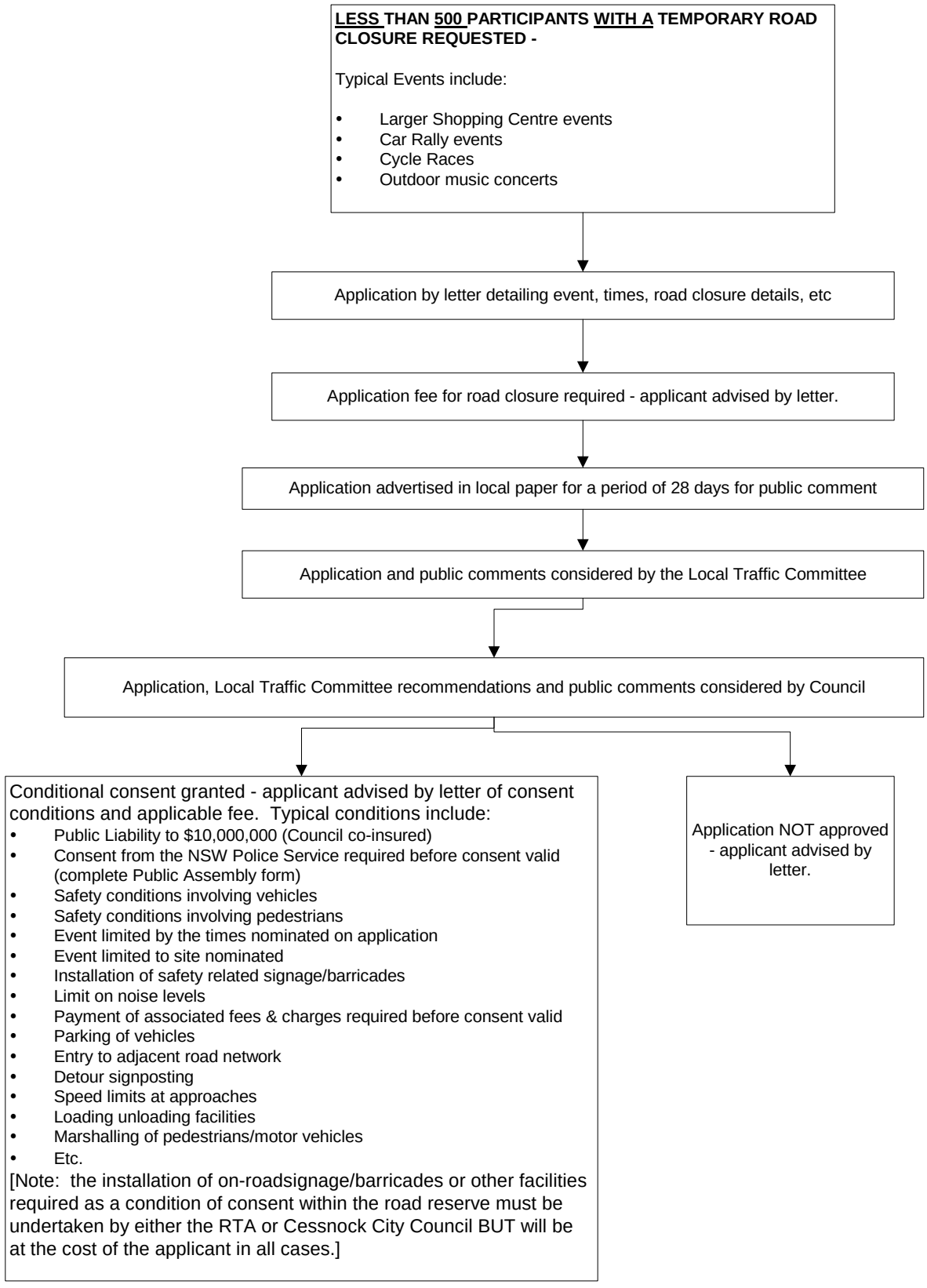
8.5.2 Conditions of Approval

Generally an approval granted for a particular event is subject to a number of conditions. Council is likely to impose conditions relating to parking, traffic, waste disposal, security, food facilities and toilet facilities. The conditions will vary depending on the nature of the event.

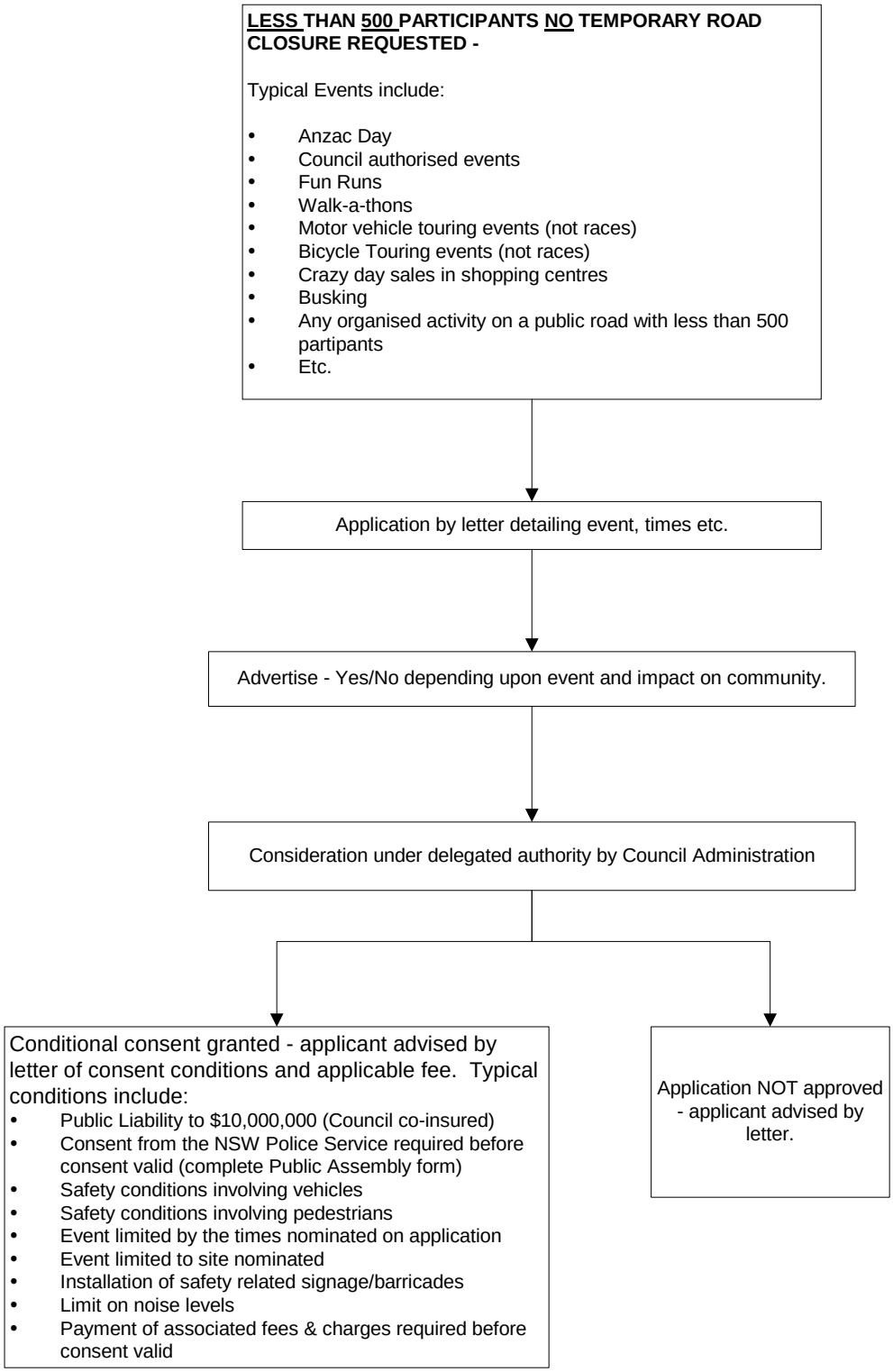
8.5.3 Duration of Approval

A Temporary Event application will seek permission to conduct a particular event upon particular dates. The duration of any such approval will be restricted to those dates. A temporary event consent relates specifically to one year. However, with written justification the applicant can request an extended consent for consideration.

MINOR EVENTS WITH A TEMPORARY ROAD CLOSURE FLOW CHART (A)



MINOR EVENTS AND NO ROAD CLOSURE FLOW CHART (B)



8.6 PERFORMANCE STANDARDS

Council's booklet on Temporary Events includes the relevant Development Application form and a comprehensive list of submission requirements website (www.cessnock.nsw.gov.au) provides an application form and guide with regard to temporary events. Go to > 'Online', then to 'Application Forms', then to 'Building and Development Forms', then to 'Temporary Event Application Form'. Note, use of the Development Application Guides portal will allow access to the 'Temporary Event Guidelines' general guide.

In addition, the following matters shall be considered and addressed.

8.6.1 Hours of operation

As a general rule, minor and major events shall not commence prior to 8.00am or continue after 11.00pm. Variation to these hours may be permitted in special circumstances (eg. New Year's Eve).

8.6.2 Noise

Performance Objective

Ensure the enjoyment of neighbouring properties is not unduly affected by noise associated with the event.

Noise from amplified music, motors, refrigeration equipment, generators and participants can significantly reduce the enjoyment of local residents and businesses.

The noise level (L10)* from the entertainment (measured for a period of not less than 30 minutes) shall not exceed the normal background noise level (L90)** for the area, by more than 5dB(A)*** when measured at the nearest residential boundary.

Sound amplification equipment used during the event shall be installed and maintained to minimise the noise impact on any residential premises or businesses.

The applicant shall ensure that in the case of a music concert the stage and main speakers face away from any residences and all main speakers are directed downwards, if there are any potentially affected properties / residences nearby.

Should the event venue be what Council deems to be near a 'noise sensitive' area, the applicant may be required to engage an accredited acoustic consultant to measure the area during the event.

If during the event the emission of noise is considered offensive, the Police or Council Officers may issue a Noise Abatement Direction.

* L10 The noise level which is exceeded for 10 per cent of the time.
** L90 The level exceeded for 90% of the time, often referred to as the "'background'" noise level.
*** dB(A) Noise level measurement units are decibels (dB). The 'A' weighting scale is used to describe human response to noise.

8.6.3 Traffic Management

Performance Objective

Ensure the safe movement of people and vehicles.
Traffic Management Plan (TMP)

A Traffic Management Plan (TMP) shall be prepared for all major events. The TMP can be as simple or as complex as the event requires. The TMP provides detailed description of the various traffic management elements needed to make the event a success.

The Roads and Traffic Authority (RTA) have a Traffic Management Plan Template which is contained in the document 'Traffic Management for Special Events' which is available electronically on www.rta.nsw.gov.au. Not all of the components listed below are mandatory but are issues to consider in preparing a TMP.

(a)	Proposed route	-	easy safe access to site.
		-	no traffic delay for payment into event.
		-	access to other facilities may be blocked.
		-	additional road signage.
(b)	Traffic Control Plan	-	this plan details how the route is to be protected with signs barriers cones etc., shall conform to the RTA Traffic Control at Worksites Manual. Demonstrate areas where temporary bunting or bollards are to be installed (i.e. along roadside, in the road reserve etc.,) to prevent parking and stopping (subject to approval).
(c)	Contingency Plan	-	for wet weather?
		-	greater than anticipated attendance?
		-	accident?
(d)	Advertise Traffic Changes	-	For a minimum period of seven (7) days prior to the event.
(e)	Volunteers, Traffic Marshalls	-	detail location of traffic marshalls and traffic controllers (eg. at temporary pedestrian road crossing location). ***Note:*** *– traffic controllers directing traffic or managing traffic on a public road shall be suitably qualified (eg. RTA Accredited Traffic Controllers Certificate).*
(f)	Transport	-	promoting public transport or group private transport (eg. coach or vehicle sharing.).
(g)	Access for local residents and for Emergency Vehicles & local residents	-	must be maintained at all times.
(h)	Parking	-	easy, safe access, set out in accordance with AS1742.11.

(i) Heavy vehicle alternate route - for arrival and departure of coaches and equipment trucks.

(j) Special Conditions.

(k) Pedestrian access and safety.

(l) Loading zones.

If a temporary road closure or activity on the street is proposed then a letter requesting the road closure and or street activity shall be submitted to Council and relevant fees paid in accordance with Council's 'Fees and Charges Plan', in addition to the Temporary Event Development Application. The letter shall be submitted to Council at least three (3) months prior to the event to allow sufficient time for assessment and referral (where necessary) to Council's Traffic Transport & Road Safety Manager, the Local Traffic Committee, the Council and public advertisement.

Assessment, referral and determination of the application will depend on the timing and nature of the activity and the road closure details. Events that include a temporary road closure shall under the *Roads Act 1993* be approved by Council. This would require Council staff submitting a report to the Council fortnightly meeting for consideration.

8.6.4 Parking

Performance Objective

Provide adequate and safe parking.

Where possible, the temporary event shall have on-site parking provided to reduce demand in nearby streets and roads. Off-site parking areas where necessary shall be suitably located ensuring the safety of participants and spectators on arrival and departure from the site. On-street / roadside parking is generally not acceptable in the Vineyard district. However, each application and site will be individually assessed on adequacy and safety merits.

Traffic Marshalls in safety apparel are required in the parking areas and at the entrance and exit locations to ensure safe and efficient parking and movement of vehicles and safety of participants.

An area is to be identified for bus parking and set down for bus passengers, which is away from the traffic stream, is safe and minimises queuing.

As a minimum, the carparking areas are to be set out with star picket posts with caps and durable tape. The parking areas generally laid out in accordance with AS2890.1-2004 *Parking Facilities Part 1: Off-street car parking*. Durable and adequate signage shall be in positions to assist participants and spectators to park, enter and exit in an orderly manner.

An area of parking in the closest proximity to the venue should be set aside for disabled parking and appropriately reserved by temporary signage.

8.6.5 Emergency Procedures

Performance Objective

Make reasonable provisions to cater for emergency situations.

Consideration shall be given to what procedures would need to be implemented in the case of an emergency at an event. Emergency concerns of the event shall be examined in terms of 'what could happen?' and 'what if ?' in the context that different events have different requirements.

In particular, permanent access for emergency vehicles to and from the premises shall be provided.

Emergency Services including local Police, Fire, Ambulance and Bushfire Services shall be advised of the event no less than 24 hours prior to the event. The Event Coordinator should shall also ensure that appropriate staff have the local emergency service providers phone numbers handy in case of an emergency.

Emergency procedures shall include consideration of people with disabilities who may have special needs and the actions of potentially intoxicated people.

All staff, in particular security staff shall be familiar with emergency procedures.

8.6.6 Disabled Access

Performance Objective

Make reasonable provision for access and circulation by people with disabilities.

An increasing proportion of our population is facing problems due to disabilities. Australian population surveys have shown that around 13% of people have disabilities with some 9% having a handicap of some kind.

The Commonwealth *Disability Discrimination Act, 1992* makes it an offence to discriminate against persons with disabilities in relation to access to or use of premises.

The Temporary Event development application shall demonstrate consideration of the needs of people with disabilities attending the event. The following issues are to be addressed:-

- appropriate and easily accessible parking areas;
- easily identified and accessible seating and / or viewing areas;
- reasonable unobstructed paths of travel; and
- disabled toilet facilities.

Documented provisions detailing disabled access and facilities requirements are provided in the Australian Standards AS1428 *Design for Access and Mobility*. The Commonwealth Human Rights and Equal Opportunity Commission has detailed guidelines on compliance with the *Disability Discrimination Act, 1992*. (see *Part C: .General Guidelines, Chapter 6: Access & Mobility*, for any additional information).

8.6.7 Lighting

Performance Objective

Ensure that an adequate level of lighting is provided to enable the safe movement of people in, around and out of the site.

Lighting can be used to control crowd movement. As many concerts are performed with only stage lighting, access to facilities (ie. toilets, food and drink outlets etc.,) need to be adequately lit to enable safe access.

Location and direction of existing and additional lighting shall be considered with consideration of minimising impact on the:

- nearby residents and businesses; and.
- adjoining roads causing a traffic hazard.

Use of the site plan will assist in determining dark and isolated areas which could raise possible safety concerns for participants and spectators.

The participants and spectators safety shall be considered when determining locations for power extension leads.

Indoor entertainment venues shall also provide a safe and comfortable environment, (see Australian Standard AS1680 for additional detail). All rooms that may be occupied by the public, corridors, internal stairways and other circulation spaces and paths of exit shall be properly lit. It should also be noted that Council has an 'Outdoor Lighting Code' which may be relevant for some outside major events.

8.6.8 Toilet Facilities

Performance Objective

To provide adequate, clean facilities for the duration of the event.

Details of existing and additional toilet facilities are to be provided with the development application. The number of toilets required is determined by the maximum number of people likely to be attending the event and the type of event.

In non-sewered locations, measures need to be taken to avoid excessive hydraulic loads being placed on the existing effluent disposal system. For example, access to the existing toilet facilities should be restricted to staff and disabled persons use only and signposted accordingly.

At an event where alcohol is permissible the number of toilets to people ratio is 1:75. All other events a ratio of 1:150 is permissible.

As the nature and type of events vary considerably (ie. some events may attract more male patrons then female and vice versa) the Event Co-Ordinator will determine the male v's female toilet numbers. Concessions are also made for the provision of urinals.

The following issues are to be considered when installing and managing temporary toilet facilities:

(a) supplied and serviced (if required) by a hiring contractor;
(b) removed immediately after the event;
(c) provided with adequate lighting and suitably signposted;
(d) secured to avoid tipping;
(e) hand washing facilities with soap and paper towels to be provided in or immediately near the toilets;
(f) events longer than four (4) hours duration, toilets to be periodically cleaned and resupplied with toilet paper;
(g) disabled toilet facilities to be provided in a suitably accessible location; and
(h) highly visible directional signposting located in appropriate locations (ie. at the entrance, near food / drink outlets).

8.6.9 Alcohol

Performance Objective

Ensure the legal service and consumption of alcohol whilst minimising any harm connected with the consumption of alcohol.

If it is proposed to serve alcohol at an event then the licence requirements pertaining to the venue or event shall be complied with.

For further information and detail about on-licence (function) licence, or about hoteliers supplying liquor away from their licensed premises, contact the Licensing Court of NSW – Court Registry (02) 9995-0894. Other information in regard to Liquor Licenses and Registered Clubs can be obtained from the NSW Office of Liquor, Gaming and Racing (02) 9995-0300.

The following issues shall be considered when providing alcohol at an event:

- Glass washing / disposal v's disposable receptacle;
- To prevent dehydration and over consumption of alcohol, make available tap water or alternatively sell bottled water;
- Ensure staff serving alcohol have attended the 'Responsible Service of Alcohol' training program;
- No service of alcohol to under age patrons;
- Ensure the venue does not incorporate any declared 'Alcohol Free Zones'. To suspend or vary a designated 'Alcohol Free Zone' requires a specific resolution of Council.

8.6.10 First Aid

Performance Objective

To ensure the health and safety of the event participants.

The provision of First Aid personnel is applicable to major events. An adequately stocked Australian Standard Complying First Aid Kit would be appropriate for a minor event.

When large numbers of people get together, qualified first aid personnel shall be provided. Personnel supplied by St. John Ambulance Australia or other agencies such as Red Cross should be available. The number of first aiders and first aid posts will vary with the type of event. The numbers below have been suggested by St. John Ambulance Australia as a guide.

PATRONS	FIRST AIDERS	FIRST AID POSTS
500	2	1
1000	4	1
2000	6	1
5000	8	2
10000	12	2

* *Preferably provided with water and power, and easily identified by public.*

Note: *Regardless of first aid provisions on- site, the Ambulance Service of NSW shall be advised of major events.*

8.6.11 Fireworks

Performance Objective

To ensure the safe use and limit public nuisance of fireworks.

In order to use fireworks for a display or other purposes, a permit from WorkCover Authority shall be obtained.

(a) **One Day Display Fireworks Permit:** This permit covers one particular display on a given date. A separate application (see 'Application for One Day Display Fireworks Permit') is required for each display date. Information required by WorkCover includes: the reason for the display; neighbours written agreement; property owner's written permission; and a statement that safety separation distances are met. See Council's Booklet.

(b) **General Permit to Use Display Fireworks:** May be issued to persons who put on displays on a regular / professional basis and is valid for one year or more. An applicant is required to lodge an 'Application for General Permit to Use Display Fireworks' and shall comply with certain conditions before being considered for such a permit.

Event Coordinators if intending to have a fireworks display, rather than obtain a permit, Event Coordinators themselves could engage a 'General Permit Holder' to organise the fireworks or a pyrotechnician could also undertake this role. The 'general permit holder' is authorised to purchase and set off fireworks and can make all the arrangements needed with WorkCover N.S.W Authority.

For all enquiries regarding Fireworks Displays and Permits, enquiries contact the WorkCover Authority NSW Fireworks Hotline on Ph: (02) 4321-5000.

8.6.12 Food

Performance Objective

That the venues for temporary events and the manner in which they are conducted, should be acceptable in terms of public health, safety and amenity.

Council adopted 15 March 2006 the Hunter & Central Coast Food Surveillance Group*, Temporary Event Guidelines*. The Guidelines detail the minimum requirements necessary for temporary food premises.

Council anticipates that those guidelines will be beneficial in providing information about legislative responsibilities and food handling requirements to those who wish to operate a food stall at a temporary event.

There are a number of legislative requirements and policies that govern the safe storage, handling and sale of food. They include: the *Food Act 2003*; the *Food Regulation 2004;* the Australian Standard 4674-2004 Design, Construction and Fit-out of Food Premises and the Hunter & Central Coast Food Surveillance Group*, Temporary Event Guidelines* and the Australia & New Zealand Food Standards Code.

The Event Coordinator shall ensure that the proprietor(s) of any food business associated with the event, fully complies with the relevant sections of the above listed food safety requirements.

The specific nature of a temporary event will vary considerably. The food available at any event is likely to be:

(a) BYO - attendees provide their own food;
(b) food prepared and packed off-site (eg. hamper);
(c) food prepared on-site;
(d) a combination of any (a), (b) or (c). See Council's Booklet for appropriate forms.

Food Stall Approval

Where food is to be served from a temporary food stall, the stall operator is to obtain a separate approval to operate as a temporary food business available from Council's Environmental Health Team. An application form is available from the Cessnock Council website, www.cessnock.nsw.gov.au.

Food Transport Vehicles

(1) Vehicles used for the transport of food shall be designed and constructed to protect food if there is a likelihood of food being contaminated during transport.

(2) Parts of vehicles used to transport food shall be designed and constructed so that they are able to be easily cleaned.

Food Handling Practices

It is recommended that those involved in the food and beverage preparation and handling, have the appropriate skills and training to do so in a safe manner.

Public health history reflects the importance for all practices not to be compromised by factors such as:

- the incorrect storage of both dry and perishable food, and beverages at other than recommended temperatures;
- preparation and / or consumption with unclean utensils or equipment;
- unhygienic handling without regular hand washing by all staff; and
- contamination of glasses or utensils by carriers such as: cockroaches; mice; dust; flies; dirt; etc.

Food Preparation On-Site

Where food is stored, prepared and served on-site at the event a 'Notification Form' shall be completed and submitted with the Temporary Event Development Application. Information required on the 'Notification Form' includes:

- name, phone number and address of food business / stall holder;
- description of food stall / van; and
- description of types of food to be sold or sample menu.

Any specific enquiries or additional information concerning Food Management for a Temporary Event should be directed to Council's Environmental Health Officers in the City Planning Department.

8.6.13 Waste Management

Performance Objective

To ensure that waste generated by a Temporary Event is minimised, adequately managed and reused where practical.

Research shows that 87% of event participants support the introduction of recycling and waste reduction programs at public events. 95% of event goers believe that event caterers shall be at the very least, encouraged to use environmentally friendly packaging.

A Waste Management Plan (WMP) shall be submitted to Council with the Temporary Event Development Application for all major Temporary Events. The Waste Management Plan shall meet the minimum standards for events waste management.

It is the responsibility of the Event Coordinator to select equipment which assists the public in separating their waste into recyclable groups and reducing contamination. The bin system shall divide materials into the following categories:-

(i) bottles (plastic and glass), cans;
(ii) cardboard and paper products and/or organic materials which can be composted; and
(iii) rubbish (materials which can not be recycled, eg. plastic bags, polystyrene).

Bins shall be provided in the following areas:

(i) at food and drink stalls;
(ii) near toilets;
(iii) in designated eating areas / drinking areas; and
(iv) public entrances and exits.

Additional information and graphics are available from www.resourceenvironment.nsw.gov.au or by contacting NSW Department of Environment, Climate Change and Water (DECC&W).

8.6.14 Amusement Devices

Performance Objective

To ensure the safe operation and use of amusement devices.

If a temporary event involves the use of amusement devices, then an additional application 'Application to Install or Operate Amusement Devices' shall be submitted to Council in conjunction with the Temporary Event Development application. Division 5, Subdivision 5 of the *Local Government (General) Regulation 2005*, Section 71-75 details compliance conditions, insurance provisions and circumstances for exemption from approval of amusement devices.

An Amusement Device as defined in the Local Government Act 1993, as follows:

> ***amusement device*** *means an amusement device that are plant affecting public safety within the meaning of section 135 of the Occupational Health and Safety Act 2000, and includes any other device that is declared by the regulations to be an amusement device for the purposes of this Act.*

135 Plant affecting public safety—extension of Act

(1) In this section:

plant affecting public safety means any plant (including but not limited to plant of the following kinds) that is prescribed by the regulations as plant affecting public safety, whether or not the plant is at a place of work or for use at work:

(a) boilers and pressure vessels,

(b) escalators, lifts and moving walks,

(c) scaffolding.

(2) The following provisions of this Act extend to plant affecting public safety even though the plant is not at a place of work or is not for use at work:

(a) Division 4 of Part 2 (Ancillary provisions),

(b) Part 3 (Regulations) and Part 4 (Industry codes of practice),

(c) Divisions 1, 2 and 4 of Part 5 (Investigations) and Part 6 (Investigation, improvement and prohibition notices).

(3) For the purposes of the application of those provisions:

(a) a reference to work includes a reference to operating any plant affecting public safety, and

(b) a reference to a place of work includes a reference to any plant affecting public safety and the premises at or in which the plant is situated or used, and

(c) a reference to occupational health and safety includes a reference to public health and safety.

(4) This section does not affect the application of this Act to plant affecting public safety apart from the operation of this section.

8.6.15 Temporary Structures (ie. stage & marquees)

Performance Objective

The structure, design and erection to be capable of sustaining an acceptable level of safety and serviceability.

The *Local Government (General) Regulation 2005*, requires that particular matters be taken into consideration for the installation of temporary structures and the use of a building or temporary structure as a 'Place of Public Entertainment' (see Council's Booklet).

Installation of Temporary Structures

Details of proposed use, location, physical dimensions, construction materials of all temporary structures proposed for an event (ie. marquees, tents, stage, tier seating) are to be provided with the Temporary Event Development Application.

Any constructed stage with a floor area in excess of $50m^2$ will require Engineer Design Certification to be submitted with the Development Application.

Under *SEPP: Temporary Structures and Places of Public Entertainment*, there are exemptions to the need for a development application.

Use of a Building or Temporary Structure as a Place of Public Entertainment

Should a building or temporary structure be proposed to be used at an event as a 'Place of Public Entertainment', then Council will require (if not exempt) the applicant to demonstrate the following in regard to the building:

(a) will the building be structurally sound and capable of withstanding the loadings likely to arise from the use,; and

(b) will the building contain reasonable provision for the safety of persons proposed to be accommodated in the building, in the event of fire, particularly in relation to egress; and

(c) will the building contain reasonable provision for the prevention or suppression of fire and the prevention of the spread of fire.

8.6.16 Temporary Event Signs

Performance Objective

To ensure suitable signs are located in safe and appropriate locations.

(see *CLEP, Schedule B: Exempt Development* and *Part D: Specific Development, Chapter 5: Outdoor Signage*).

8.6.17 Insurance

Performance Objective

To ensure adequate public liability insurance coverage for the staging of the event.

The applicant shall hold public liability insurance for the event to a minimum sum of $10,000,000. Large scale events or what is deemed to be higher risk events due to the nature of the proposed activities may require greater cover (ie. $20,000,000). It is the applicant's responsibility to ensure that a current policy is in place prior to the commencement of the event.

Note: *If the event is to be held on Council owned land, the applicant's insurance policy shall include a provision indemnifying Council. Evidence of the current insurance policy shall be submitted with a letter requesting permission to use Council land. (see 'Events Held on Council Land').*

8.7 EVENTS HELD ON COUNCIL LAND

Events held on Council land (eg. sports events, weddings, fun days etc.,) are often minor events and generally do not require development consent, but require Council's written permission in the form of a letter.

Such events may attract a fee for the use of the land and shall comply with any usage conditions and 'Plan of Management' pertaining to the land.

To obtain permission for the usage of Council land, a letter outlining the specific location of the event, the proposed date and times, the applicant, insurance details and a full summary of proposed activities are to be submitted four months prior to the event.

For information on using Council land for an event or function contact Council on Ph: (02) 4993- 4100.

8.8 OTHER APPROVALS / LEGISLATION / POLICIES WHICH MAY RELATE TO HOLDING A TEMPORARY EVENT

8.8.1 Outdoor Dining on Footpaths

(See *Part D: Specific Development, Chapter 9: Outdoor Dining*).

8.8.2 Mass Release of Balloons

The *Protection of the Environment Operations Amendment (Balloons) Act, 2000* contains provisions that it is an offence to release 20 or more balloons. Council is concerned that balloons if the balloons are inflated with a gas that causes them to rise in the open air, can be harmful to both fauna and flora.

8.8.3 Street Stalls and Door Knock Appeals

A Council policy exists which details consent requirements for door-knock appeals and also details conditions for the conduct of street stalls and games of chance. Copies of the policy are available from Council's General Manager's Secretary on Ph: (02) 4993-4208.

8.8.4 Filming

Filming is listed as an 'exempt development' within Cessnock Local Environmental Plan, Schedule 2: Exempt development.

For proposals not meeting the 'exempt development' criteria, the Local Government Filming Protocol will be utilised by Council when processing an application to undertake filming in the Cessnock Local Government Area. Copies of the Protocol are available from Council's Customer Service Counter, Ph: (02) 4993-4100.

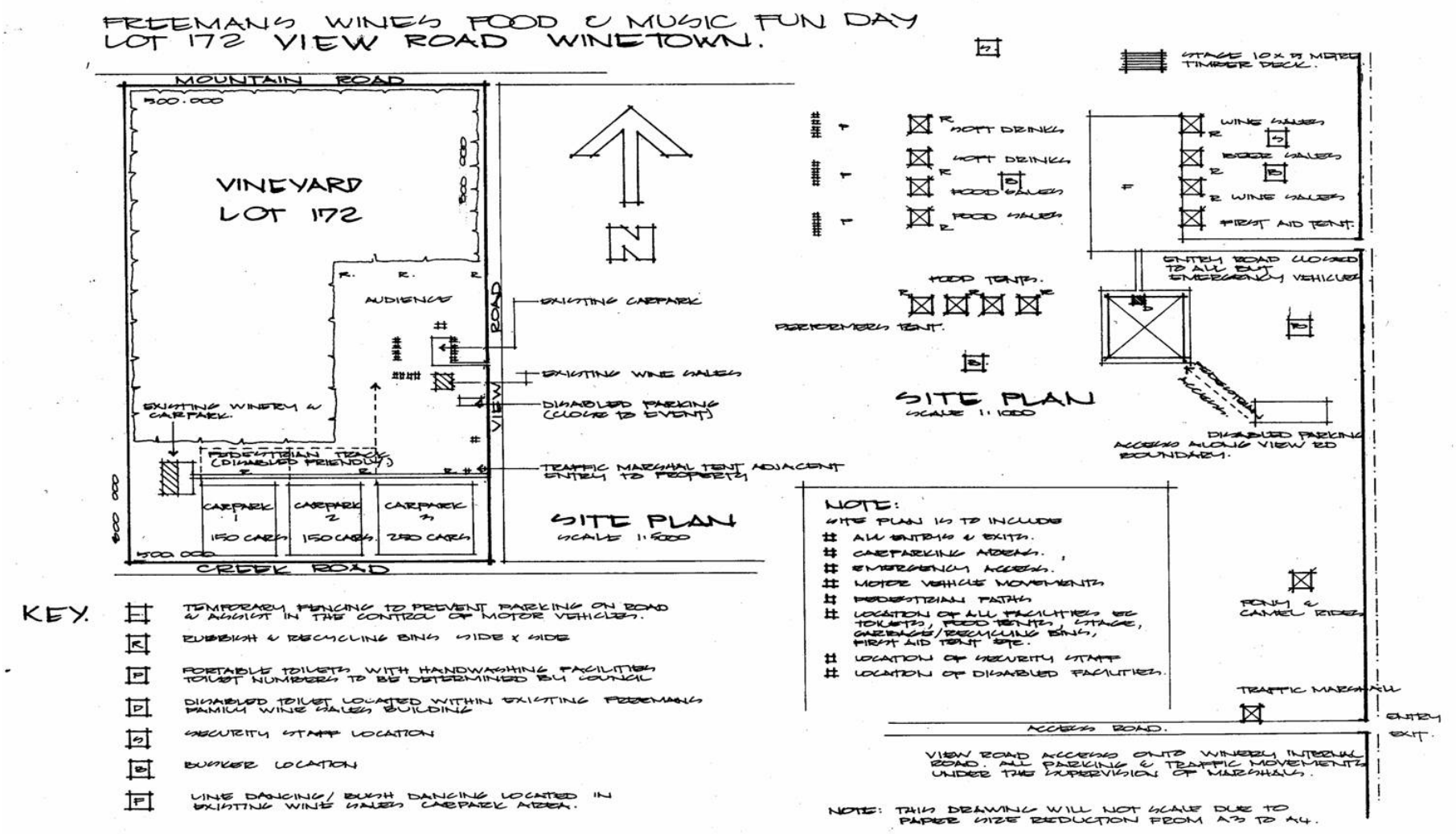
8.8.5 Sun Smart – Guidelines for Outdoor Events

Organisations involved in conducting outdoor events have a responsibility to provide a safe environment for participants, event staff, volunteers and spectators. Not only to avoid injuries (including skin damage) but also to meet legal duties of care.

The Cancer Council has produced a 'Sunsmart Policy Guidelines for Outdoor Events' which offers simple methods of reducing ultraviolet radiation at outdoor events.

Copies of the 'Sunsmart Guidelines for Outdoor Events' can be contacted at obtained from the NSW Cancer Council, 22 Lambton Road, Broadmeadow, 2292 or contact them on Ph: (02) 4961-0988.

Schedule 1 – Example Site Plan



D.9: OUTDOOR DINING

9.1 INTRODUCTION

This Chapter provides location requirements and design criteria for outdoor dining facilities.

9.1.1 Application

This Chapter applies to all land to which this DCP applies that is zoned:

- RU5: Village;
- B1: Neighbourhood Centre;
- B2: Local Centre;
- B3: Commercial Core; and
- B4: Mixed Use Zone;

under the provisions of the Cessnock Local Environmental Plan (CLEP).

9.1.2 Purpose

To identify where outdoor dining will be permitted on footpaths, footways and other public areas and under what circumstances.

9.1.3 Aims and objectives

- to create a cosmopolitan cafe atmosphere in appropriate areas, thereby increasing its attractiveness to residents and tourists;
- to allow outdoor dining in association with a new or existing food business subject to certain criteria;
- to provide clear guidelines to developers wishing to provide outdoor dining areas in association with a new or existing food business;
- to describe when development consent is required in addition to approval under the *Roads Act, 1993* and when proposals can be considered as 'exempt development';
- to provide criteria for the various categories of development which shall be met by development proponents; and
- to put into place appropriate controls to ensure that adequate pedestrian access and safety is maintained.

9.2 REQUIREMENTS FOR OUTDOOR DINING

No development application will be required for an outdoor dining area if it complies with the criteria below and does not fall within any of the criteria where no exemption applies as listed in *CLEP, Schedule 2: Exempt Development*:

(a) have a clear footpath width of 1.5 metres, to ensure the free and unobstructed flow of pedestrians. A greater width may be required where ground levels, pavement surface or other conditions restrict access for disabled persons, or in the vicinity of pedestrian crossings and traffic lights, or where there is an existing high volume of pedestrian traffic;

(b) have a minimum distance of 1.0 metre between the boundary of the seating area and the kerb of the road or any other area where vehicles may park and require door swing space;
(c) not increase the overall seating capacity of the restaurant, such that additional toilet facilities or other essential services are required;
(d) not extend beyond the frontage of the premises it is related to, without the written consent of the adjoining business and property owners;
(e) have all outdoor furniture and other equipment as temporary (ie. not fixed or fastened in any way to the footpath or building);
*(f) have all outdoor furniture and other equipment such as: umbrellas; umbrella stands; pot plants; and barriers, used to define the seating area, being removed from the **approved area** upon completion of each days trading;*
(g) have no outdoor furniture, barrier or structure permanently fastened to the footway unless prior approval is obtained from Council;
(h) permit access (not inhibit) to public utilities such as: fire hydrants; access holes; inspection chambers; telephone and electricity cables; water service pipes; and the like;
(i) be located on a footpath area which is sealed or paved for its full width. The applicant / proponent may be required to pave, seal or repair the footway at its own expense prior to the use being approved;
(j) maintain the footpath area in a clean and tidy condition at all times;
(k) where the existing premises is licensed, serve liquor in the outdoor dining area with the approval of the Licensing Court; and
(l) where the food business is located in a declared 'Alcohol Free Zone', not serve liquor on the footpath or public place.

Notes: *The location of outdoor dining, being within the road reserve, requires an application to Council is required under Section 125 of the Roads Act 1993.*

Refer to Cessnock DCP, Part D: Specific Development, Chapter 9: Outdoor Dining, for additional information.

Not exempt where any internal or external work required to the existing building as a result of the outdoor dining proposal, is work other than work which is exempt under this Schedule.

Not exempt where the existing food premises consent, contains a condition requiring the provision of parking spaces or payment of a contribution, in lieu of such provision.

Development applications for food businesses shall also comply with the guidelines contained in this section. Regardless of whether development consent is required or not, all proposals for outdoor dining require an approval under Section 125 of the *Roads Act 1993*.

9.2.1 Proposals to use existing or install Council owned street furniture

Where the proponent proposes to use existing Council street furniture for outdoor dining by its patrons, or seeks Council agreement to place new street furniture outside a food business, this shall be negotiated and agreed with Council prior to lodging an application under this Chapter.

Use of existing furniture and Council provision of new furniture may be permitted in some circumstances, but may require licensing and / or leasing, and in the case of new furniture will be subject to budget constraints.

9.3 DURATION OF APPROVALS

Approvals under the Roads Act will remain in force from July 1 to June 30 the following year, unless revoked earlier. Approvals under the Roads Act may be revoked at any time where conditions or exemptions are not complied with to Council's satisfaction. Approvals are transferable to a new proprietor upon submission of satisfactory insurance documentation.

Development approvals will remain in force as set out in the *Environmental Planning and Assessment Act, 1979*.

D.10: BROTHELS / SEX SERVICE PREMISES

10.1 INTRODUCTION

As a result of various legislation, it is no longer illegal to operate a brothel / sex service premises or for the owner of a brothel / sex service premises to live on the earnings of prostitution.

10.1.1 Application

This section applies to all land to which this DCP applies that is zoned:

- IN2: Light Industrial; and
- IN3: Heavy Industrial;

under the provisions of the Cessnock Local Environmental Plan (CLEP).

10.1.2 Purpose

To give detailed controls and guidance for the location and operation of brothels / sex service premises, so that they minimise the effects on the community and do not result in any loss of amenity.

10.1.3 Definitions

From the Dictionary of CLEP:

> ***brothel*** *has the same meaning as in the Act.*

From the *Environmental Planning & Assessment Act 1979*:

> ***brothel*** *means a brothel within the meaning of the Restricted Premises Act 1943, other than premises used or likely to be used for the purposes of prostitution by no more than one prostitute.*

From the *Restricted Premises Act 1943*:

> ***brothel*** *means premises:*
> *(a) habitually used for the purposes of prostitution, or*
> *(b) that have been used for the purposes of prostitution and are likely to be used again for that purpose, or*
> *(c) that have been expressly or implicitly:*
> *(i) advertised (whether by advertisements in or on the premises, newspapers, directories or the internet or by other means), or*
> *(ii) represented,*
> *as being used for the purposes of prostitution, and that are likely to be used for the purposes of prostitution.*
> *Premises may constitute a brothel even though used by only one prostitute for the purposes of prostitution.*

From the Dictionary of CLEP:

> ***Sex services*** *means sexual acts or sexual services in exchange for payment.*

From the Dictionary of CLEP:

> ***Sex services premises*** *means a brothel, but does not include home occupation (sex services).*

10.1.4 Aims and Objectives

Aims:

(a) provide guidelines and set out requirements for brothels / sex service premises; and

(b) ensure that the operation of brothels / sex service premises meets community standards and does not adversely affect the amenity of land used for educational, recreational, residential, cultural, religious, community or neighbourhood business purposes.

Objectives:

(a) to ensure that brothels / sex service premises are appropriately located so that they minimise offence to the community and any adverse social impacts;

(b) to ensure that the access to brothels / sex service premises is discreet and safe for patrons and staff;

(c) to ensure that brothels / sex service premises are designed so as to minimise the impact and presence of the development in the locality;

(d) to ensure that there is adequate provision for off-street car parking;

(e) to ensure that the signage of brothels / sex service premises is discreet and does not cause offence to the general public;

(f) to promote the safe and healthy operation of brothels / sex service premises;

(g) to ensure that brothels / sex service premises operate at times where they will have least impact on the community and surrounding neighbourhood; and

(h) to allow Council to monitor the operation of approved brothels / sex service premises in terms of compliance with conditions of consent and complaints from the general public.

10.2 PERFORMANCE CRITERIA

10.2.1 Location

(a) Brothels / sex service premises shall not be located within a 100 metre radius of a dwelling-house and a 150 metre radius of any existing churches, schools, hospitals and child care centres.

(b) Brothels / sex service premises shall not adjoin a residential flat building, an activity operated by a religious institution, restaurant, supermarkets, video shop or amusement centre.

(c) Access to, or exit from a brothel / sex service premises shall not be near or within view from a church, hospital, bus stop, school or any place regularly frequented by children for recreational or cultural activities.

(d) Access to, or exit from a brothel / sex service premises shall not be provided within 100 metres of the entry to any other brothels / sex service premises.

Note: *All distances referred to are measured along the most direct established pedestrian route between the respective access points.*

10.2.2 Access

(a) Access to brothels / sex service premises is to be discreet.

(b) Access to brothels / sex service premises shall be discreetly illuminated so that people visiting the brothel / sex service premises do not loiter outside.

(c) If access is via a side lane or rear entrance, the accessway is to be clearly lit to avoid safety problems for patrons.

(d) Access for disabled persons will be required to be provided where appropriate, under the Building Code of Australia or the *Environmental Planning and Assessment Act, 1979*.

10.2.3 Design and Layout

(a) Brothels / sex service premises shall not contain more than 4 separate rooms for the purposes of prostitution.

(b) Brothels / sex service premises shall be provided with a waiting room of at least 20m², so as to provide patrons with adequate room so as to avoid loitering outside.

(c) All brothels / sex service premises shall be fitted with the necessary facilities and services for class 6 buildings under the Building Code of Australia.

(d) All windows shall be covered with blinds or curtains at all times, with the covering material blending with the external colours of the building.

(e) Brothels / sex service premises shall be designed to be compatible with the built form of adjoining premises.

10.2.4 Hours of Operation

(a) Hours of operation will be determined at Council's discretion taking into consideration other land uses within the neighbourhood and to avoid times of peak community activity.

10.2.5 Signage

(a) No chain bulb or flashing sign on the premises is permitted.

(b) The only signage which is permitted, is a sign located either on the entrance door or wall adjacent to the entrance to the brothel / sex service premises. The sign is to have an area not in excess of 0.9m².

(c) The sign is to detail the name of the brothel / sex service premises, street address and telephone number only. No lewd, sexually suggestive or offensive writing will be permitted.

10.2.6 Cleanliness

Brothels / sex service premises are to be kept in a clean condition at all times. The regular use of a contract cleaning service is recommended. Spot cleaning is to be carried out by staff. Particular attention shall be paid to the following areas:

(a) Showers, baths and toilets

These fixtures are subject to mould growth and have the potential to harbour and spread fungi, particular tinea. Adequate ventilation is to be provided.

Regular cleaning and the use of 'hospital grade' disinfectants are required to control mould problems. The proprietor shall ensure baths and showers are cleaned and disinfected after each use, preferably with a hypochlorite based disinfectant.

Liquid soap and single use towels shall be provided to all hand basins required in the premises.

(b) Linen

The proprietor shall provide, for the use of each client:

- clean linen or a clean cover; and
- clean towels.

All linen, including towelling which comes into contact with clients, shall be changed immediately after each use.

Receptacles shall be provided for the separate storage of clean linen and used linen.

10.2.7 Adequate Sanitary Facilities

Sanitary facilities shall be provided in accordance with the requirements of Building Code of Australia, Part F.

Separate toilet facilities are to be provided for staff.

10.2.8 Storage and Handling of Contaminated Waste

Contaminated waste shall be disposed of by approved waste collectors. Used condoms shall be double bagged in plastic and placed in an approved waste receptacle on the premises.

10.2.9 Cleaning of Linen and Laundry Facilities

It is recommended that proprietors use private contractors to launder towels, sheets, etc. When laundering is carried out on-site, commercial / industrial equipment shall be used.

The following steps will assist in minimising health risks associates with linen:

(i) receptacles shall be provided for the separate storage of clean linen and used linen;

(ii) wash linen by category in a hot water wash that is a water temperature of 70^{o}C using laundry detergent; and

(iii) thoroughly dry all items of linen.

10.2.10 Disinfection of Swimming and Spa Pool

Definitions

From the Dictionary of CLEP:

> ***spa pool*** *has the same meaning as in the Swimming Pools Act 1992.*

From the *Swimming Pools Act 1992*:

> ***spa pool*** *includes any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.*

Spa baths shall be drained after each use, so they can be cleaned and refilled with fresh water.

Where a spa pool is in operation, officers of Council and the NSW Health Department, will carry out periodic tests to ensure the pool water is suitable for bathing purposes.

The proprietor shall keep on the premises, an accurate kit used for testing of pool water. The kit shall be able to determine the concentration of:

- free chlorine, total chlorine, and combined chlorine;
- total bromine;
- baquacli;
- pH; and
- reserve alkalinity.

Swimming and spa pools shall comply with the N.S.W. Health Department 'Guidelines for Disinfecting Public Swimming Pools and Spa Pools'.

All swimming or spa pools shall be disinfected by a method approved by the N.S.W. Health Department. An approved method includes:

- chlorine;
- bromine;
- salt water chlorination; and
- ozone.

Spa pools shall be drained each day for cleaning and then refilled with fresh water. The temperature of the water in the bathing area of the spa pool shall not be allowed to exceed 40^{o}C. Spa pools shall be provided with a system of automatic analysis and dosage control equipment that will maintain the level of disinfectant.

Tests shall be carried out on every swimming or spa pool before the pool or spa is opened each day, and every 4 hours when the pool or spa is in use.

A log book of the pool or spa water quality shall be kept by the proprietor and shall be available for inspection by Council's officers.

10.2.11 Ventilation and Lighting

Brothels / sex service premises shall be ventilated in accordance with the requirements of the Building Code of Australia and shall be provided with adequate lighting in accordance with Australian Standard AS 1680.

10.2.12 Noise

The use of the premises shall not give rise to:

- transmission of vibration to any place of different occupancy;
- a sound level at any point on the boundary of a site greater than the background levels specified in Australian Standard 1055, 'Acoustic - Description and Measurement of Environmental Noise', or
- an 'offensive noise' as defined in the *Protection of the Environment Operations Act, 1997.*

10.2.13 Bars and Food Preparation Areas

All bar and food preparation areas shall be constructed, fitted out and finished in compliance with *Food Regulation 2004* and the National Code for the 'Construction and Fitout of Food Premises'.

10.2.14 Authorisation to Enter the Premises

In addition to emergency service providers, brothel / sex service premises shall allow entry to authorised persons from Cessnock City Council or the N.S.W. Department of Health.

No person under the age of 18 years is allowed in the brothel / sex service premises for any purpose, at any time.

10.3 PERFORMANCE CONDITIONS

10.3.1 Initial Limits on Development Consents

All applications to operate a brothel / sex service premises will be limited to an initial period of approval of 2 years. Should the applicant wish to continue operating past this time period, then an application to amend the condition of consent shall be lodged with Council (in enough time to allow the application to be determined) before the consent lapses.

Council may then decide to:

(a) allow the brothel / sex service premises to operate indefinitely;
(b) refuse to allow the brothel / sex service premises to continue operating; or
(c) grant a further extension.

In making this decision, the Council will take into account compliance with conditions of consent and complaints from the general public.

D.11: RESTRICTED PREMISES

11.1 INTRODUCTION

This Chapter outlines Council's requirements in relation to the use of premises for the sale, display or exhibition of restricted publications, objects and articles.

11.1.1 Application

This section applies to all land to which this DCP applies that is zoned:

- B2: Local Centre;
- B3: Commercial Core; and
- B4: Mixed Use;

under the provisions of the Cessnock Local Environmental Plan (CLEP).

11.1.2 Definitions

From the Dictionary of CLEP 2009:

> ***Restricted premises*** *means business premises or retail premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises but does not include hotel accommodation, a pub, home occupation (sex services) or sex services premises.*

From the *Classification (Publications, Films and Computer Games) Enforcement Act, 1995.*

> ***Restricted publications area*** *means any premises, or part of any premises, constructed and managed in accordance with the requirements set out in section 49.*

Section 49 sets out requirements relating to construction and management criteria for *restricted publications areas* as quoted below:

> *In order for any premises (or part of any premises) to be a restricted publications area, the following requirements must be complied with:*
>
> *(a) the premises must be so constructed that no part of the interior of the premises is visible to any person outside the premises,*
>
> *(b) each entrance to the premises must be fitted with a gate or door capable of excluding persons from the interior of the premises, and the premises must be kept closed by means of any such gate or door at all times while the premises are closed to the public,*
>
> *(c) the proprietor of the premises, or some other adult person appointed by the proprietor for that purpose, must remain on or near the premises, and must be in charge of the premises at all times, while the premises are open to the public,*
>
> *(d) at each entrance to the premises there must be prominently displayed, so as to be able to be read from outside the premises, a notice, printed in clearly legible letters at least 15 mm in height, containing the following words:*

RESTRICTED PUBLICATIONS AREA - PERSONS UNDER 18 MAY NOT ENTER. MEMBERS OF THE PUBLIC ARE WARNED THAT SOME MATERIAL DISPLAYED IN THIS AREA MAY CAUSE OFFENCE.

11.1.3 Aims and Objectives

- To acknowledge that *restricted premises* have a place within the commercial / retailing environment.

- To identify locations where *restricted premises* are not appropriate.

11.2 RELEVANT LEGISLATION

The *Classification (Publications, Films and Computer Games) Enforcement Act 1995.*

11.3 LOCATION

Restricted premises including 'adult bookshops' and the like, shall be located as per the following criteria:

(i) restricted premises shall not be located within a 100 metre radius of a dwelling house and 150 metre radius of any existing churches, schools, hospitals, and child care centres;

(ii) access to, or exit from, *restricted premises*, shall not be provided within 100 metres of the entry to any other approved restricted premises;

(iii) access to, or exit from, *restricted premises*, shall not be near or within view of a church, hospital, bus stop, school or community centre;

(iv) a 'restricted publications area' does not include a newsagency or pharmacy.

11.4 SIGNAGE

Signage shall comply with the requirements of Section 49(d) *Classification (Publications, Films and Computer Games) Enforcement Act, 1995* and *Part D: Specific Development, Chapter 5: Outdoor Signage.*

In addition, no lewd, sexually suggestive or offensive signage will be permitted.

11.5 WASTE DISPOSAL

In addition to the waste management requirements in *Part C: General Guidelines, Chapter 5: Waste Management and Minimisation*, all restricted publications shall be shredded prior to disposal.

D.12 HERITAGE CONSERVATION AND DESIGN GUIDELINES

12.1 INTRODUCTION

Cessnock's environment has value to us all as links to the past. Heritage items, conservation Areas, archaeological sites and historic artefacts individually and collectively have profound importance. They provide a source of community identity, evidence of the evolution of society's values, the impetus and inspiration for new ideas or the revival of the old. They also provide a wonderful source of aesthetic satisfaction and are an increasingly important economic resource.

Like many local government areas, Cessnock's heritage is a mixture of public buildings, courthouses, hotels, railways, post offices, churches, schools, cemeteries, major commercial pursuits, coal mining, agriculture and remnant residential buildings.

These guidelines are intended to assist in understanding the built environment of Cessnock, and provide advice on how to manage and care for heritage buildings.

12.1.1 Application

This Chapter applies to all land within the Cessnock Local Government Area (LGA) to provide additional information to those requirements in Cessnock Local Environmental Plan (CLEP), Clause 5.10: Heritage Conservation and the Heritage Act 1977.

12.1.2 Purpose

To give controls and guidance for development involving heritage items and buildings in a conservation area, so that the heritage character of the building and / or the surrounding area is enhanced.

12.1.3 Objectives

The principal objectives of this Chapter are:
(a) to conserve the environmental heritage of the Cessnock Local Government Area;
(b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views;
(c) to conserve archaeological sites; and
(d) to conserve places of Aboriginal heritage significance.

12.2 BACKGROUND

12.2.1 *European Settlement in Cessnock*

The built environment of Cessnock, renowned for its historical character and value, began to grow in the early 1800's.

12.2.2 Heritage Items and Conservation Areas

Retaining heritage items enables the community to experience in perpetuity the pleasures and interest they offer. Once lost, they are gone forever. No record or photograph can ever substitute for an actual place.

Before deciding how to care for a heritage building, group of buildings or area, it is important to understand what makes it special.

The conservation areas of Wollombi and the Great North Road have their own unique characteristics. The collective existence of buildings, individual heritage items, trees, open spaces, views and landmarks, and smaller details such as sandstone kerb and gutters all contribute to our appreciation of the area's historic value.

The loss or damage of any one attribute will erode the special character of the Conservation Area as a whole.
On-going care and maintenance of all elements in these conservation areas is considered to be an essential part of achieving their conservation.

The whole community has a role to play to ensure that individual buildings, gardens, and public areas are maintained, and not left to decay.

The large range of building types and styles spanning Cessnock's history provide an excellent source of studying building techniques and history

The following information describes some of the building types found throughout Cessnock dating from the 1820's through to the 20th century.

New buildings should not try to mimic or replicate these buildings styles, as this can detract from the authentic value of original buildings which create the areas of interest we enjoy today, and tends to confuse the old with the new.

Slab Houses 1820's – 1850's

Slab houses are now very rare throughout NSW making those which remain in the Cessnock LGA of great value and worthy of retention. Often, the slab buildings are only recognisable on careful inspection.

The typical slab house was constructed from vertical boards set in a base plate with rough hewn logs for rafters and roofed in shingles. These buildings ranged from two roomed cottages to larger dwellings of four rooms and buildings of two or three cottages joined together.

Slab building at Ashman's Winery & Vineyard, Broke Road, Pokolbin, c.1858.

To weatherproof the building, narrow tin strips were placed over the joints and later horizontal weatherboards were added. On the inside, slabs were often lined with successive layers of calico, plaster and then wallpaper.

Some of the slab houses might have originally had simple shutters over window openings. Most houses would have originally had ledge and brace doors but these have mostly been replaced by four or six panelled doors.

Small Brick and Stucco or Timber Cottages 1830's – 1850's

These cottages are recognisable by their low ceilings, simple fenestration and proximity to the street.

They are characterised by a hip or gable roof, central six panel door and twelve pane windows on either side of the doorway. Many of the cottages were built without verandahs, although many now have them.

Despite modernisation such as additions to incorporate kitchens and bathrooms within the house, many of these early cottages retain their shape and form. In many instances, the cottage had a second part similar in size and shape at the rear.

Originally some of the cottages would have been whitewashed, or plain brick, but extra weatherproofing was added particularly due to flooding, so that most masonry cottages now have a cement render finish.

The construction method used for the cottage is of scientific interest as it is an example of a cheap house erected during the early development of a rural New South Wales town during the 1830's. It is known as Caroline Chisholm Cottage, No.3 Mill Street, East Maitland.

Early Georgian Two-Storey Buildings 1830's – 1850's

A number of substantial fine two-storey buildings dating from this period can be found in the Cessnock LGA.

They are characterised by a symmetrical elevation including a central door, and 12 pane windows either side and to the upper floor.

Where verandahs were used they were narrow cantilevered type to the upper floor, or narrow two storey type on simple turned timber columns.

Victorian Georgian house built in 1841 by convict labour, with the verandah added in 1927.

Two-Storey Brick Houses 1850's – 1860's

Two-storey brick houses were usually built by local merchants and business people. They had hipped roofs with shingles, flat iron or occasionally slates, six panel doors, twelve pane windows and / or french doors.

A two-storey verandah at the front of the house was generally supported by simple tapered timber columns, often with cast iron columns on the first floor verandah.

There was generally a servant's wing at the rear, separate kitchen and outbuildings including stables.

The houses were generally built on large allotments and set well back from the road. Some houses have been stuccoed, or painted at a later date. Most of the front facades have fine tuck pointed brickwork in flemish bond.

Victorian Georgian building built by the local licensee (John Kenny) and used for various purposes over the years, c.1850's.

Single-Storey Victorian Houses Late 1870's – 1880's

This type of house is the most common surviving in Cessnock. It is single-storey with hipped roof, central four panel door with sidelights and one or two pane windows on either side which frequently had wooden shutters.

The front verandah is supported by cast iron columns with capitals, cast iron brackets and cast iron trim. The cast iron detail is the most notable characteristic of this building type, with three patterns predominating in Maitland, one of which was designed by local architect J.W. Pender.

Single-storey Victorian House

These houses were built of either brick or timber and set on medium sized allotments. The brickwork was generally unpainted and unrendered, and sometimes had tuck pointing.

Steps leading to the front door were rendered and moulded, most houses being elevated half a metre from the ground level.

Two-Storey Victorian Houses 1880's – 1905

The details of two-storey houses from this period were similar to those of the single-storey, and were built in either brick or weatherboard.

The two-storey house generally had a projecting bay at one side of the front. Later versions had a verandah continuing around the corner, and the projecting bay was balanced by a similar projecting bay around the side.

High Victorian non-residential buildings to the 1890's

This period is principally marked by the Victorian love of decoration and is best shown in the development of the parapet and the verandah.

The verandah over the footpath became universally adopted with shops on the ground floor and residences over. The parapet was the most important design element becoming a major streetscape feature.

'Dunoon' two-storey Victorian House, Buchanan Road, Buchanan, built in 1883.

Two-Storey Single Fronted House 1880's – 1900's

The two-storey single fronted house with full height verandah / balcony built in brick or timber is a special feature of Cessnock.

It is distinct from other areas in NSW in that it occurs in greater numbers and in groups. The popularity of this house type in the late 19th century was probably due to the occurrence of flooding and availability of timber.

It can be seen with a variety of different styles of detailing from the Victorian to Federation periods.

Federation Style House Late 1890's – 1900

Federation style houses in the Cessnock area are generally single-storey bungalow forms.

They are characterised by an asymmetrical form with fairly complicated roofs including dormer and gable elements. Terracotta tiles or corrugated iron painted tile red was a common roof treatment. The use of red brown tuck pointed brick was common for external walls. Most houses had a verandah, often on two sides. Walls were rarely square with bay windows common, leadlight windows were also popular.

Timber detailing tended to replace the cast iron decoration of previous styles. Full length turned timber verandah posts with timber balustrades, brackets or valance were popular.

Common landscape features included timber picket fences, tiled or brick pathways and brick edged gardens.

Modern Brick Bungalow 1930's – 1940's

Buildings of this period often replaced houses of an earlier date. They were usually triple fronted, with Marseille tiled roof. Gable ends were often a combination of timber shingles, white painted asbestos cement and wide timber battens.

Verandah columns often sat paired on squat masonry columns with brick balustrading and rendered capping and base moulding. Diamond patterned leadlights were sometimes used on front windows.

12.3 GENERAL CONSERVATION GUIDELINES

The following guidelines apply to projects which involve work to conserve an existing heritage item.

12.3.1 Research

A key principle in heritage conservation is the need to understand the heritage importance or significance of an item before making decisions about how to manage it. A major part of understanding what makes an item special is to understand its history: why it was built; how it was used; and how it has changed.

Documentary research can reveal useful information including old photographs and early records such as title deeds to indicate successive owners.

Other types of documentary research might involve searching collections of libraries, sourcing maps and plans, photographic and picture collections or books and articles.

This information can be found at the Land Titles Office (Department of Lands), libraries – including Cessnock Library and the Mitchell Library in Sydney, Local Council records, local museums and possibly galleries. Former owners of the building may also be of assistance.

Establishing the construction date of early buildings is difficult, as there is often little documentary evidence. It is usually necessary, therefore, to rely on observation of the building style, and research of land titles in the Land Titles Office which provide a sequence of owner names and dealings.

12.3.2 Getting to know the Building

A close examination of the *fabric* will usually be very important. The '*fabric*' of a building or place refers to the physical material of which it is comprised.

Careful inspection can reveal evidence of original detailing. Painting might reveal the shape of a former iron roof over a verandah, nail holes on verandah posts might show the former location of brackets.

Systematic inspection of the *fabric*, informed by a knowledge of the history of the place, will help to understand its significance. A conservation specialist may be required to evaluate whether the building is significant and to identify the most significant elements.

Looking at other similar buildings in the locality can also indicate how missing parts of a building may have appeared, or how things were done.

When you have determined what is significant about a place, this information should help to guide maintenance, repair and conservation work. Wherever possible, original features, materials and finishes should be retained.

12.3.3 Sound Advice

It is advisable, and often necessary to obtain professional advice from experienced people such as heritage architects when working on a major project.

Where there is considerable expenditure involved, it is important not to rely on guesswork which may lead to problems later on.

The Heritage Branch (in NSW Planning) maintains a list of Consultants who specialise in heritage work which can be obtained from Council.

12.3.4 Keeping Records

When working on conserving or altering a place, it is important to make careful records of the state of the place before it is changed.

This will provide an accurate reference to how the repaired or new material should be constructed and / or appear. It will also provide good reference material for people who will look after the place in the future.

12.3.5 Conservation Processes

Work on a heritage item or conservation area, can involve a variety of conservation processes as defined by the Burra Charter.

The Burra Charter establishes the nationally accepted standard for the conservation of places of cultural significance. The Charter advocates a cautionary approach to changing an item or area, doing as much work as necessary to repair, secure and to make it function, but as little as possible – so the history of the place can continue to be recognised in its physical presence.

The following are Burra Charter definitions of common conservation processes:

Restoration means returning the existing fabric of an item or area to a known earlier state by removing, adding on or re-assembling existing components without the introduction of new material.

Reconstruction involves introducing material to replace missing elements returning an item or area as nearly as possible to a known earlier state. Complete rebuilding on the same or another site is unacceptable except as an absolute last resort.

Adaptation means modifying an item or area to suit the existing use or proposed compatible uses. A compatible use means a use which involves no change to the culturally significant fabric, or changes which require minimal impact.

Adaptation is acceptable where the conservation of the item or area cannot otherwise be achieved, and where the adaptation does not substantially detract from its cultural significance.

Preservation means maintaining the fabric of an item or area in its existing state and preventing deterioration.

Maintenance means the continuous protective care of the fabric and the setting of an item or area, and is to be distinguished from repair. Repair involves restoration or reconstruction.

Relocation

An item or work should remain in its historical location. Moving a part or all of a building is unacceptable unless this is the sole means of ensuring its survival.

Changes which remove building fabric or introduce new fabric should as far as possible be reversible in order that the earlier appearance may be recovered at a later date.

12.4 MAINTAINING OLD BUILDINGS

Old buildings benefit from routine maintenance. It should be remembered, however that old buildings have unique characteristics, and it is generally undesirable and sometimes very damaging to try and reverse the effects of age on materials.

While some maintenance can be undertaken by property owners, some types of work such as addressing damp problems or the repointing of masonry requires the expertise of trades people experienced in conservation work.

Regular maintenance is one of the most important parts of conservation work.

12.4.1 Maintenance

Maintenance is one of the most important parts of conservation work. Regular maintenance shall be a regular part of any property management. This means that problems such as water penetration, termite infestation or vandalism do not get out of hand requiring substantial costs to repair.

12.4.2 Repairing and Maintaining Roofs

- Roofs may contain a number of different elements including: sheeting or covering chimneys; cappings; roof vents; eaves; pediments; guttering; barge boards; and fascia boards.

- Original roof material shall be repaired rather than replaced wherever possible. However, if it is necessary to replace it, materials shall generally match in size, shape, colour and texture.

- Original chimneys, original cornices, eaves details, brackets and pediments shall be preserved as an important part of the composition of older buildings.

- When repairing or replacing corrugated iron roofing, small details shall be retained or matched to the original. Such details include, cutting of ridge and hip cappings to match the iron flutes which also make the roof more weatherproof.

- Traditional stepped flashings, roof vents, gutter moulds, and rainwater heads shall be preserved and restored wherever possible during re-roofing.

- Appropriate profiles for new guttering are important, such as ogee, half-round or quad styles.

- Round downpipes common until the early 20th century shall be used as appropriate.

- The retention of existing slate roofs will generally be required as this roof type is now rare in the area and complete replacement is likely to be very expensive. The repair of slate roofs will often require skilled tradespeople.

An example of a Victorian brick cottage with galvanised iron roof and bull-nosed verandah roof.

12.4.3 Repairing and Maintaining Rendered Walls

Render or stucco was often applied to external walls to protect them from the elements. This type of surface should not be removed, as softer porous bricks underneath the render will quickly deteriorate without their protective barrier.

External render was usually lime based, and was therefore absorbent. Modern strong cement renders, however can cause dramatic decay. Once in the wall, moisture becomes trapped and underlying soft brick and stone can severely breakdown.

Cement render and its attempted removal can cause major damage to brickwork. Cracked or damaged traditional render shall be repaired with a similar compatible render, not cemented and painted over.

12.4.4 Repairing and Maintaining Face Brick or Stonework

Face brick or stone shall not be painted over. Buildings with this treatment were designed specifically, often using brick patterns, or tuck-pointing.

Paint systems also tend to prevent the evaporation of moisture from the surface. Unless moisture can evaporate from the inside of the wall surface, the moisture content of the wall will increase.

In hot weather moisture behind the paint film will increase, and cause blistering. As the surface layer of paint begins to break down, further water penetration can lead to increased dampness.

12.4.5 External Cleaning and Paint Removal

Cleaning paint from stone or brick shall not be undertaken without expert advice. Sandblasting or abrasive cleaning of masonry may remove the outer masonry surface and increase deterioration of the exposed surface.

This can ruin the appearance and de-value the building. Other less severe methods of cleaning are required.

12.4.6 Waterproof Stone and Brick Coatings

The application of waterproof coatings or varnishes shall be avoided as they can accelerate the deterioration of the masonry by trapping moisture. Damage can occur when water cannot escape and layers of salt build up below the surface.

Often the best solution for water penetration is repointing.

12.4.7 Mortar and Repointing

Repointing of masonry is often a key part of conservation work. It is very important to ensure that repointing is carried out properly using appropriate materials and techniques.

Mortar was originally intended to encourage the evaporation of moisture from the joints rather than the masonry units. A soft lime mortar with a rough texture and lower strength than the surrounding masonry shall be used for pointing work.

Grey cement shall not be used in buildings where lime mortars are present. This is particularly important in old buildings where no damp proof course exists

Grey Portland cement is invariably stronger and of a different absorbency level from the brick or stonework. This causes evaporation to occur in the stone or brick more easily than the replaced mortar joint. Deterioration and cracking of masonry may therefore occur quickly after repointing in hard cement.

12.4.8 Rising and Falling Damp

Some masonry buildings suffer from rising and / or falling damp. It can cause crumbling of exterior masonry, staining of internal finishes, and cause musty smells in poorly ventilated rooms.

Rising damp and salt attack can lead to serious deterioration of masonry

Rising damp can have a number of simple or complex causes. Gutters and drains or sprinklers may be soaking and pooling on ground near a wall, concrete floors might be forcing water up a wall.

Before deciding how to fix the problem a number of alternatives may be suitable including improved subfloor ventilation, eliminating the water source and improving site drainage, or as a last resort inserting a damp proof course for severe cases.

Specialist advice is recommended to avoid large financial outlays which may not fix the problem.

12.5 CONSERVING BUILDING ELEMENTS

When a building is designed, there is generally a consistent approach to details such as window frames, sills, skirting boards, verandah posts and brackets. These existing original features shall be retained and maintained.

New work, or repair of the existing details shall be in keeping with the original design. The imitation of something from another place, such as introducing aluminium lace or shutters is not appropriate as it can detract from the appearance and authenticity of the property.

Missing components such as verandah brackets, fences and chimneys shall be copied carefully and reinstated in their original style.

Internal details such as door and window handles were often special decorative features of a house, and shall be retained. Reproduction details can be expensive, so it is preferable to use originals where possible.

The retention and repair of original building elements and details such as verandah posts, fencing, windows and doors is an important part of maintaining the significance of the building and character of an area or street.

12.5.1 Doors and Windows

Original external building features such as timber windows and doors shall be retained in their original configuration and dimensions.

Timber was generally painted externally, not varnished. Priming undercoat and top coat provides the optimum protection against weathering.

Original window details shall be retained.

12.5.2 Shopfronts

Early photos of Cessnock's buildings show a wealth of variety and richness in its early shopfront details. They are characterised by deep timber mouldings and colour.

Original examples which remain today have value and shall be preserved. Later shopfronts while not original to the building, may also contribute positively to the streetscape and shall also be preserved.

Original shopfronts add variety and richness to the streetscape and shall be preserved.

Early shopfronts are characterised by recessed entries, display areas and the use of tiles, stained glass and colour.

12.5.3 Internal Alterations

The removal of internal walls is generally not recommended as this can impact on the structural stability of the building in addition to its integrity and character.

The majority of walls in older buildings are load bearing. The structural stability of the outer shell is dependent on the internal existence of walls, stairways and chimneys. It is therefore important to avoid:

- radical intervention in the interiors of older buildings;
- subdivision of rooms.

Original details such as panelling, ceilings, skirtings, architraves or remaining door and window furniture, shall be retained.

Where fire safety upgrading of buildings is required this shall be achieved in as sensitive a way as possible. The Heritage Branch has published a manual titled ‘Heritage on Fire’ which provides practical solutions to fire safety issues.

12.5.4 Lath and Plaster

Where lath and plaster remains in listed heritage items, the comprehensive replacement of walls and ceilings shall be avoided. It is possible to re-adhere lath and plaster finishes where plaster is cracked or drummy.

Specialists in this field are available to provide advice and expertise.

12.5.5 Timber

Keeping timber dry is very important to reduce the risk of wood deterioration as a result of fungal rot, attack by borers and termites, and swelling and shrinkage cracking.

It is essential, therefore, that roof drainage, guttering and stormwater drains are operating properly, and that surface water is drained away from walls.

Coatings such as paints, varnishes, waxes and oils are the principle means of controlling swelling as well as protecting and enhancing timbers.

Wooden items need regular maintenance and shall be inspected every six months. Subfloor spaces shall be inspected for signs of rot and termites, and roof spaces for evidence of leaks which may lead to fungal growth.

12.5.6 Timber Repair

Sometimes wood is so badly deteriorated that it needs to be replaced. It is good conservation practice to replace the minimum necessary, and to use the skills of a carpenter or joiner.

The aim shall be to reconstruct the original form of the damaged section so that the repair does not detract from the appearance of the original work.

Wooden items need regular maintenance and should be inspected every six months.

12.5.7 Landscaping and Fences

Early plantings are important elements of an item or area. They can often be landmarks and contribute to the setting of a building. The maintenance or restoration of gardens can add to the authentic conservation of a building.

Original fences also contribute to the significance of an item or area and shall be retained and maintained. These may be very modest in scale, but everyday fences play an important role in establishing and maintaining the heritage significance of an area.

Federation gardens typically used curved beds and paths with a mix of introduced and native plants.

Gardens have changed in fashion, like buildings over time. Gardens in Victorian times were influenced by English designs which used introduced plantings in symmetrical patterns. Later Federation gardens in the 1900's used curved beds and paths combined with a mix of introduced and native plants.

The planting of certain tree species near the footings of load bearing buildings shall be avoided as they can lead to the drying out of subsoils and may result in the structural failure of the building. When gardens are placed too close to buildings, problems may also occur due to changed moisture or ventilation conditions.

Decorative timber picket fencing contributes to the buildings character and surrounding area.

Some fences may be very modest, but everyday fences contribute significantly to the character of the building and the area.

12.5.8 Colour Schemes

Repainting of buildings shall occur as part of general maintenance. Colour schemes which are in keeping with the period of the building will enhance its character and the surrounding area.

Painting in a colour scheme suited to the age of a building can be well researched using a number of resources. They include:

- paint scrapes in areas which have not been overly exposed to reveal previous colours used;
- old black and white photographs which show shades on different elements of the building;
- an understanding of traditional colour schemes, which can be obtained by referring to books written about the subject.

It is not usually necessary to repeat the use of original colours, but research is often helpful to understand how different areas were treated.

Paint manufacturers have developed heritage colour ranges which are useful when deciding on suitable period colours.

The Caledonia Hotel, Aberdare. Colour schemes which compliment the style of the building will enhance the character of the surrounding area.

The dominant use of bright corporate colours on building facades is generally inconsistent with maintaining the heritage character and significance of an item and / or area. Well placed and proportioned signage can provide the clear information needed for effective street presence of a business.

12.6 CHANGES OF USE

Each new use will inevitably bring change to the fabric of the place. When considering new uses it is important to try and ascertain what the likely impact of a proposed use will be.

Will the changes affect the significance of the place? Will they be minor or reversible?

If the original use of a place becomes redundant, finding another similar use may help in retaining the place's significance.

Sometimes a continuing historical use is the reason why a place is considered important, and continuing that use is essential.

There is a danger that gradual cumulative changes will reduce the ability to interpret significant aspects of the building.

Very different uses (such as commercial uses in a former dwelling) may require significant changes to the building fabric, because of the need for amenities, or perhaps fire-rating of walls and ceilings. It is important to alter as few original features and / or materials as possible when changing the use of a building.

12.7 GENERAL REQUIREMENTS for ALTERATIONS and ADDITIONS

The objective of the following guidelines is to ensure that new development involving heritage items and buildings in a Conservation Area will respect and enhance the heritage character of the building and their surrounding area. The following requirements will generally apply to all development covered by this Plan.

12.7.1 Sympathetic Design

Aims

To ensure that new alterations and additions respect the architectural character and style of the building and area concerned.

To maintain and enhance the existing character of the street and the surrounding locality.

To enhance the public appreciation of the area.

Requirements

- An alteration or addition shall consider the characteristics of the existing building, and buildings in the surrounding area, and sit comfortably in this context.
- New work shall generally not precisely mimic the design and materials of the building, but be recognisable as new work on close inspection.
- Mock historical details shall not be applied as they will not be of any heritage value themselves, and can confuse our understanding between the ‘new’ and the ‘old’.
- Alterations and additions shall blend and harmonise with the existing building in terms of scale, proportion and materials.
- Alterations and additions shall not require the destruction of important elements such as chimneys, windows and gables.

12.7.2 Siting, Setback and Orientation

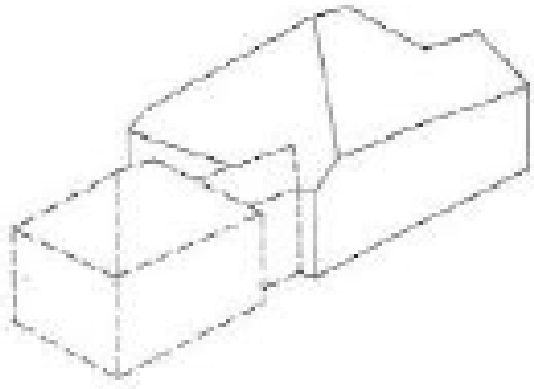
Aims

To maintain and enhance the existing character of the street and the surrounding area.

To ensure that new alterations or additions respect established patterns of settlement (ie. pattern of subdivision and allotment layout, landscaped settings, car parking and fencing.)

To provide an appropriate visual setting for heritage items and heritage conservation areas.

To ensure that the relationship between buildings and their sites which contribute to the character of the area are not disturbed or devalued.



Rear extension which minimises impact on the original building. Side extension should not limit the ability for driveway access to the rear of the property.

Requirements

- Generally, alterations or additions shall occur at the rear of the existing building to minimise visual impact on the street frontage of the building, particularly where the additions and alterations involve a listed heritage item, or a building which contributes to the heritage character of the Conservation Area.
- Side additions shall not comprise the ability for driveway access to the rear of the block
- No new structures shall be built forward of an established building line.
- An adequate curtilage including landscaping, fencing, and any significant trees shall be retained.
- Larger additions can be successful when treated as a separate entity to retain the character of the original building in its own right.
- Front and side setbacks shall be typical of the spacing between buildings located in the vicinity of the new development.
- The orientation pattern of buildings existing in the area shall be maintained.
- Rear additions are generally best stepped back from side building lines.
- Extensions to the side elevation will not be appropriate if they alter established patterns of building and garden.
- Additions to the side of a building shall not remove or sever car access to the rear, where it is not sympathetically provided elsewhere.
- Archaeological evidence shall not be disturbed without Council approval.
- Where there has been known building sections which have been removed, and the building fabric has been substantially altered such that only its position on the site maintains its original context, further alterations which remove footprint evidence may not be appropriate.

12.7.3 Size and Scale

Aim

To ensure that new alterations and additions respect the character of the building and surrounding area.

Requirements

- An alteration or addition shall not be of a size or scale which overwhelms or dominates the existing building, substantially changes or destroys its identity or changes its contribution and importance in its surrounds.

- New uses shall be chosen which suit the size of the building, not requiring overwhelming changes.

- Unless it can be demonstrated that greater scale would be appropriate in the individual circumstances, additions shall be of the same scale as surrounding development.

12.7.4 Roof form and shapes

Aim

To retain characteristic scale and massing of roof forms within conservation areas and on heritage items when designing alterations and additions.

Requirements

- Roofs of extensions shall be carefully designed so that they relate to the existing roof in pitch, eaves and ridge height.

- Additional rooms can be added to heritage buildings, where roof forms have been carefully integrated into the existing building.

- If it is important that the roof form remains unaltered, additional rooms can be added in a detached pavilion form placed at the rear or possibly the side. Roof pitch, ridge height, height of parapet and eaves on additions shall relate to the original building.

- Providing the roof space is large enough, attic rooms shall be contained in roof forms for non–habitable uses such as a study or a library. The volume required for habitable uses such as bedrooms may mean unacceptable alteration to roof form.

- New roof elements such as dormer windows and skylights shall not be located where they are visually prominent.

- Chimneys shall be retained.

- Service utilities such as water heaters, air conditioning units, antennae and satellite dishes, shall not be located on the principle elevations of buildings.

- Use of roof materials shall be the same as materials on the existing heritage building and those typically used in the conservation area.

12.7.5 Shopfronts

The quality and style of shopfronts is of great importance as they reflect the quality and style of significant architectural buildings, and enhance the character and interest of footways for pedestrians.

Early shopfronts not only provide a great sense of quality to the shop through their distinctiveness, they also enhance display areas for merchandise.

Retaining original shopfronts is particularly important as they are usually complimentary to the other architectural features of the building where ones appreciation of the street is primarily at eye level.

New shopfronts were reinstated based on historical photographs.

The reinstatement of shopfronts in keeping with the original building design is encouraged.

Modern shopfronts of large glazing set in an aluminium frame are considered to contribute little to the architectural character of the street front.

The modern tendency to build along the front wall finish without recessed entries also produces a uniform and uninteresting footpath space and does not highlight the entrance to the shop.

Original shopfronts add interest to the pedestrian footway

Aims

To retain shopfronts which contribute to the heritage significance of the building and surrounding area.

To ensure that new shopfronts complement the significance and character of the existing building and surrounding area.

Requirements

- Original shopfronts shall be retained.
- Where the original shopfront has been removed and replaced by an unsympathetic alteration, the reinstatement of earlier styles of shopfront in harmony with the overall building character is desirable.

12.7.6 Accessibility

Providing access for people with disabilities is required under the Disability Discrimination Act. Heritage buildings are no exception, however, there is also a need to conserve these places and not alter them in a way which will impact on their heritage significance.

Historic buildings will generally require solutions specific to that site, however, there are a number of principles which can assist in developing effective solutions.

“Improving Access to Heritage Buildings, A Practical Guide to Meeting the Needs of People with Disabilities” is a useful and practical booklet, regarding accessibility issues, published by the Australian Heritage Commission and the NSW National Trust.

Access principles and solutions for effective accessibility follow.

A thorough approach to improving access to heritage buildings includes the following steps:

1. Identify the heritage value or significance of the place, specifically those parts which have the greatest significance. This can be determined through developing a Conservation Plan, obtaining details on the property from Council, the Heritage Branch or National Trust of NSW, or seeking advice from a conservation professional.

2. Undertake an access audit to determine existing and required levels of accessibility.

Modifications should generally incorporate the following:

- making the main or principle public entrance and public spaces accessible including a path to the entrance;
- providing accessible toilets;
- providing access to goods, services and programmes; and
- creating access to other amenities and secondary spaces.

Solutions shall:

- be sympathetic and, where possible, reversible;
- new work shall be evident on close inspection;
- in considering what is sympathetic, matters such as general form, materials, finish, compatibility with architectural details of the original design are guiding principles; and
- comply with Australian Standards – particularly AS 1428.1.

Some suggested approaches to accessibility / heritage issues are outlined below.

Access to the Principle Entry

The principle entry needs to be defined, it may not always be the 'front door', but the entry which most people will use.

It can be acceptable to develop a second entry which may be more convenient for some people while maintaining the building's significance.

Entries shall be located to minimise loss of original elements such as railing, steps and windows.

The parking area or public drop off point shall be conveniently located to the principle entry. Access paths shall have a firm surface. Concrete is best, but well compacted gravel, cement stabilised or consolidated gravel or dirt are also suitable.

Ramps

There is often a level difference between the path and the main floor level. The solutions to these differences are many and might include:

- temporary or permanent ramps;
- levels of footpath can be raised in some circumstances (requiring council approval);
- shifting steps out from the face of the building and incorporating a ramp behind them;
- locating a ramp in a location of low heritage significance;
- lifting devices.

Doors

Entry doors shall have handles at less than 1100mm high.

A clear width of at least 800mm is necessary. If doors are not wide enough, it might be possible to increase effective opening size by joining two leaves together or using offset hinges.

12.7.7 Materials and Colours

Aim

To ensure that materials and colours used in alterations and additions respect the significance and character of the existing building and surrounding area.

Requirements

General

- Traditional combinations of materials used in heritage buildings shall be considered when designing additions.

- It may not be appropriate or necessary to replicate the original combination of materials used in the original work. The use of a complementary material might make the increase in scale less noticeable and also enhance later understanding of the changes.

For instance, timber weatherboard extensions to brick houses was a common practice which is still appropriate today, as was the use of corrugated iron roofs at the rear of houses behind main roofs constructed with tile or slate.

- The use of highly reflective materials shall be avoided.

Doors and Windows

- Timber windows shall be retained in existing buildings. New doors and windows shall be of materials characteristic to the existing building, locality or an approved alternative.

Roofing

- Original roof material shall be matched in any addition in material and colour. If, however original roofing is expensive such as slate, corrugated iron is a suitable alternative to the rear.

- Traditional stepped flashings, roof vents, gutter moulds, and rainwater heads shall be used**.**

Brickwork

- New face brickwork shall match the existing brick in colour and texture, and type of jointing and mortar colour.

- Existing facebrick or stone on heritage items or heritage buildings in a conservation area shall remain unpainted and unrendered.

Imitation Cladding

- Timber board imitations are not acceptable for additions to heritage items or work visible from the street in Conservation Areas.

Colour Schemes

- Additions shall employ colour schemes which do not detract from traditional colour schemes in the area.
- Colour schemes suitable to the period of the building shall be used.
- Unpainted brick or stone shall remain unpainted.

Paving and Driveways

- Preferred materials for driveways include wheelstrips and gravel. Plain or stamped concrete shall be avoided.
- Paired wheelstrips over public footway areas are preferable to solid driveways.

Solid driveways over grass public footways detract from the character of a streets informal edges and the setting of houses

12.7.8 Design of new detail and openings

Aim

To ensure that the character and pattern of new door and window openings in alterations or additions is compatible with the appearance of the original building and the area as a whole.

Requirements

- Alterations shall avoid arbitrary changes to openings or other features which do not fit in with the symmetry or character of the original design.

- If the street front of the original building is symmetrical, the addition shall avoid simply extending the original design across the addition.

- New detail and openings shall be simple in character using colour and materials which complement the original fabric.

12.7.9 Evidence for Authentic Reconstruction

Aims

To ensure that reconstruction reveals the known significance of the place (ie. from physical and / or documentary evidence.)

The building itself may offer clues as to items previously removed such as: evidence of handrails in posts; or marks in the footpath where verandah posts were removed.

As stated in the Burra Charter, *'reconstruction is limited to the completion of a depleted entity and should not constitute the majority of the fabric of the place'.*

Requirements

- The reinstatement of a lost feature shall faithfully replicate or copy the original in design, materials, arrangement and position.

- Reconstruction shall be identifiable as new work without at the same time making it intrusive.

12.7.10 Removal of Unsympathetic Alterations and Additions

Aim

To ensure that contributions of all periods to a place are respected.

To ensure that removal of any fabric only occurs when it is of slight significance, and the fabric which is to be revealed is of much greater significance.

Requirements

- Additions which are obviously out of character with the original design may be removed, whereas it may be preferable to retain well integrated additions or substantial alterations to the existing building.

12.7.11 Services and New Technologies

Aim

To minimise any obtrusive effect of new building services and technical equipment in conservation areas and on heritage items.

Requirements

- Exhaust vents, skylights, air conditioning ducts and units, solar panels, TV antennae and satellite dishes shall not be visible on the main elevation of the building or attached to chimneys where they will be obvious.

- In heritage areas they shall be hidden from view as much as possible.

- Essential changes to cater for electrical wiring, plumbing or other services shall be limited to what is essential to permit the new use to proceed.

12.7.12 Landscaping

Aims

To maintain the rhythm of gardens, open spaces and tree planting in a heritage streetscape

To ensure that planting does not compromise important views into or out of conservation areas

To maintain the landscape character of the locality in any new development.

The hedge in front of this Victorian cottages complements its period style.

Requirements

- When designing new gardens, reference shall be made to surviving plants which indicate the basic garden structure, and can be worked into new designs.
- When selecting suitable trees, the following shall be considered:
    - the varieties that already exist in the area;
    - the size of the tree when mature; and
    - the potential of the chosen species to interfere with services, retaining walls and other structures.
- Hard surfaces shall be kept to a minimum.
- Screening of hard surfaced areas is encouraged.
- Garden structures shall be appropriate to main buildings in terms of scale, style and materials.
- Original surfaces such as close jointed brick paving or stone flagging common to Victorian and Federation sites, and pebble aggregate, quarry tile or mosaic tile aprons common to later Californian Bungalow styles shall be retained.

12.7.13 Fences

Fences form an integral, yet fragile part of heritage areas. The majority of historic fences have disappeared, so it is very important that those authentic fences which remain are preserved.

When repairing an original fence, determine:

- what is significant about the fence?;
- is it unusual or typical of its time?;
- its style; and
- its physical condition.

Timber picket fence.

It is important to retain as much of the old material as possible.

When constructing a new fence and there is insufficient evidence to reproduce the original, it is important to build the fence so that it is in harmony with the existing fences and houses of the street. Ensure that the height matches that of (sympathetic) neighbouring fences, and that the colour scheme is compatible with the house.

Solid high front fences detract from the value and streetscape character

Aim

To retain original existing fencing and provide for new fencing that is consistent with established patterns

Requirements

- Original fences shall be retained.
- Fences shall be located on building line
- Fences shall be simple with a level of detail comparable with the house.
- Fencing shall generally be open or transparent, or backed with a hedge, not solid.
- Fences shall be of a scale comparable with the street.
- Front fences shall be made of materials characteristic to the surrounding area, particular to the street and suitable to the era of the house. Examples include: timber picket; low masonry; and hedges.

- Plain or colour treated metal fences are not considered to be appropriate for conservation areas or heritage items on any street frontage or side boundary.

The colorbond fence used along the side boundary of this house detracts from the character of the building and street.

12.7.14 Garages, carports and sheds

Aim

To ensure that garages, carports and sheds do not detract from the character of the area and / or heritage item due to inappropriate location, design and materials.

Requirements

- Garages shall preferably be located at the rear or set well back at the side of a building behind the rear building line.
- Garages and carports shall make reference to any established historic patterns in the street.
- The use of landscaping such as screening or planting and front fences may be useful tools in integrating the structure with its site.
- Double garages shall be detached buildings set behind the rear main building line.
- Colours and materials shall blend into the surrounding landscape. Custom orb iron roof profile and timber board profile cladding wall are common materials used.
- Garages shall have simple hipped, gable or skillion roofs depending on the design of the existing main building.

- Gable or hipped roof with skillion roofed attachment is the most appropriate double garage roof form.

- Existing outbuildings shall be maintained and reused wherever possible.

- Simple open light construction carports are preferable to solid heavily detailed buildings.

- Tennis courts shall not be sited so as to intrude on the setting of the main building. They will almost always be best located to the rear of the main building.

- The pitch of a single garage roof shall, in most cases, be comparable or slightly lower than that of the main building, generally $25 – 30^0$.

- The pitch of a double garage roof shall be lower than that of the main building.

12.8 GENERAL REQUIREMENTS for NEW BUILDINGS in CONSERVATION AREAS

This section suggests ways in which new buildings can be designed and located in harmony with existing development in historic areas. It aims to encourage an appreciation of the special character, features and setting of an area, then to reflect this understanding in the design of the new building.

This section relates to wholly new development on the site of a heritage item, on vacant land in a conservation area, or land which is in the vicinity of heritage items or conservation areas.

12.8.1 Introduction

It is essential that the scale and siting of new development does not detract from the scale, form, unity, and character of the surrounding area.

New development shall therefore respect the character of its surrounds. However, respect does not mean copying. While architectural replicas may appear visually compatible with their surroundings, they can confuse the original buildings in the area and give a false impression of historical development.

New development can be contemporary in design when it is well integrated with and related harmoniously to its older neighbours.

Character of an Area

It is important to understand the characteristics and features of an area before deciding on the form and style of a new building.

12.8.2 Siting a New Building

Aim

To ensure that siting of the new building respects the significance and character of the surrounding area.

Requirements

- New development shall have regard to the established patterns of the locality with regard to the typical location and orientation of buildings on an allotment.
- The siting of a new residential building allowing for a generously sized front garden will usually assist in its successful integration.
- New development shall be sited behind the building line of any adjoining heritage item.

12.8.3 Scale

Aim

To ensure that the scale of the new building respects the significance and character of the surrounding area, nor detrimentally impacts upon an established pattern of development in the vicinity.

This means that particular attention shall be given to approach views and internal views of existing landmarks which shall not be jeopardized.

Large unbroken roof spans may be obtrusive in flat areas of low scale buildings. Articulation of the floor plan can be a useful way to break up large spans.

To ascertain the appropriate scale of new buildings, the following design aspects are of particular importance:

- reference to the main ridge line heights of original surrounding buildings;
- natural ground or street levels;
- ensuring different parts of the building are in scale with the whole; and
- ensuring the scale of verandahs relate to the scale of those in adjacent buildings.

Requirements

- The scale of a new dwelling house shall be related to the size of the allotments laid out in the historical subdivision pattern of the area. This does not apply to consolidated lots. New buildings shall be in scale of surrounding dwelling houses. Large houses on small allotments will tend to look awkward and dominate the surrounding area.

- Large dwelling houses may be better located on large allotments in less sensitive areas.

- New dwelling houses shall generally be single-storey in areas where the majority of buildings are single-storey.

- Landmark buildings in conservation areas which may be heritage items, mansions or public buildings will generally be surrounded by single-storey buildings, or those of a lesser scale. These landmark buildings shall not be used as a precedent for increasing the scale of new buildings. New buildings shall rather relate to the scale of existing development around the landmark and respect its prominence.

12.8.4 Proportions

The composition and proportion of building facades often form a pattern or rhythm which give the streetscape its distinctive character.

Traditionally, older buildings up to the 1930's used vertical proportions, reflecting the construction technology of the day. Modern technology allows for much greater spans and often leads to a horizontal emphasis.

The shape, proportion and placement of openings in walls are important elements in the appearance of a building.

Aim

To ensure that the proportions of the new building respects the significance and character of the surrounding area.

Requirements

- Openings in visible frontages shall retain a similar ratio of solid to void as to that established by the original older buildings.
- New buildings shall incorporate the typical proportions of surrounding development, even when using modern materials.
- New buildings shall establish a neighbourly connection with nearby buildings by way of reference to important design elements such as verandahs, chimneys or patterns of openings.

12.8.5 Setback

Aim

To ensure that the setback of the new building respects the significance and character of the surrounding area.

Requirements

- Where there is a uniform historically based setback, it is generally advisable to maintain this setback in a new building. Where the new building will be obtrusive it shall be set well back and heavily screened.
- If the setback varies, the new building shall not be set closer to the street than an adjoining historic building (even if it is not an identified heritage item).
- Setback from side boundaries shall be consistent with typical buildings in the immediate vicinity.

12.8.6 Form and Massing

The form and massing of a building is its overall shape and the arrangement of its parts. Important elements of mass in buildings include: roofs; facades; and verandahs.

Residential plan and roof forms differ greatly depending on the era of the building.

Plan forms characteristic of typical 1800's houses were simple, often with a straight frontage, or where there walls were at different lines, a verandah was placed to produce a plan form of a basic square or rectangular shape.

Most buildings constructed up to the 1900's were characterised by small roof forms with a roof.

Hips and gables generally did not span greater than 6.5 metres. If a house was to be wider or longer, another hip or gable or skillion was added.

The basic plan and roof form were often extended at the rear or sides by a skillion roof with a typical 25^0 pitch.

The roof is usually the most influential aspect of the design of new building in a conservation area. The shape of a roof and pattern it makes against the sky is generally distinctive in a conservation area and shall be a primary consideration in the design of new development.

Aim

To ensure that the form and massing of the new building respects the significance and character of the surrounding area.

Requirements

- New buildings shall be designed in sympathy with the predominant form and massing characteristics of the area.

- Houses generally had ridges of the same height. It is therefore important in new buildings to ensure that the width of wings can maintain a consistent ridge and roof height.

12.8.7 Landscaping

Aim

To ensure that new landscaping respects the significant characteristics and elements of the surrounding area.

Requirements

- Generous green landscaped areas shall be provided in the front of new residential buildings where ever possible. This will almost always assist in maintaining the character of the streets and conservation areas.

- New landscaping shall not interfere with the appreciation of significant building aspects such as shopfronts or contributory building facades.

- Important contributory landscape characteristics such as canopy cover or boundary plantings shall be retained in new development.

12.8.8 Detailing

Aim

To ensure that detailing on new buildings respects, but does not imitate original detailing on older surrounding buildings.

Requirements

- Avoid fake or synthetic materials and detailing. These tend to give an impression of superficial historic detail.

- Avoid slavishly following past styles in new development. Simple, sympathetic but contemporary detailing is more appropriate. Original materials and details on older buildings need not be copied, but can be used as a reference point.

12.8.9 Building Elements and Materials

Materials and their colours will influence how a new building will blend or intrude with the character of its surrounds.

Aim

To ensure that the use of materials and colours of the new building respect the significance and character of the surrounding area.

Requirements

Doors and windows

- New doors and windows shall proportionally relate to typical openings in the locality.

- Simply detailed four panel doors or those with recessed panels are generally appropriate.

- Mock paneling, applied mouldings and bright varnished finishes shall be avoided.

- Older houses have windows which are of vertical orientation and this approach shall be used in new buildings.

- Standard windows often come in modules of 900mm wide. Their use shall be limited to single or double format only. The most suitable windows are generally double hung, casement, awning or fixed type.

- If a large area of glass is required, vertical mullions shall be used to suggest vertical orientation. A large window could also be set out from the wall to form a simple square bay window making it a contributory design element rather than a void.

- Coloured glazing, imitation glazing bars and arched tops are not encouraged.

Roofs

- Corrugated galvanized iron (or zincalume finish) is a most appropriate roofing material for new buildings in historic areas. It is also economical and durable. Pre-finished iron in grey or other shades in some circumstances may also be suitable.

- Tiles may be appropriate in areas with buildings dating to the 1900's – 1930's. Unglazed terracotta tiles are the most appropriate. The colour and glazing of many terra cotta tiles make them inappropriate.

- Other materials to avoid include modern profile steel deck.

- Ogee profile guttering is preferable to modern quad profile. Plastic downpipes shall be avoided in prominent positions.

Paving and Driveways

- Preferred materials for driveways include wheelstrips and gravel.

- It is important that the amount of hard driveway material does not dominate the front garden area.

Walls (imitation cladding)

- Cladding materials which set out to imitate materials such as: brick; stone; and weatherboard, shall be avoided as they tend to detract from the authentic character of the surrounding original buildings.

Walls (weatherboard)

- 150mm weatherboards are generally appropriate for historic areas. They shall be square-edged profile unless the surrounding buildings are post 1920's.

Walls (brick)

- Plain, non-mottled bricks are preferable with naturally coloured mortar struck flush with the brickwork, not deeply raked.

- Bricks of mixed colours (mottled) shall be avoided, as shall textured 'sandstock' bricks.

12.8.10 New Commercial Buildings in Conservation Areas

In addition to the above, new development in commercial precincts within conservation areas, or that adjacent to a heritage item shall take into account the following issues.

Requirements

Building Heights and Setbacks

- The height of buildings shall reinforce the desired scale and character of the area.

Services

- Service structures, plant and equipment within a site are an integral part of the development and shall be suitably screened, buildings shall not be built out.

On–site loading and unloading

- Facilities for the loading and unloading of service vehicles shall be suitably screened from public view.

Design of Car Parking areas

Car parking areas shall be located and designed to:

- provide landscaping where practicable to shade parked vehicles and screen them from public view; and

- provide for access off minor streets, and for the screening from public view of such car parking areas from surrounding public spaces and areas.

Car park structures shall:

- incorporate a façade, designed to complement adjoining buildings in an urban context; and

- be setback from the street frontage and out of view where possible.

Roof Form, Parapet and Silhouettes

In Commercial areas, it is the consistency of parapets which make a significant contribution to the architectural character of an area.

- Where the prevailing pattern of roof forms assists in establishing the character of a townscape, new roof forms shall seek to be compatible with the shape, pitch, and materials of adjacent buildings.

- Parapet heights and articulation shall be compatible with earlier surrounding buildings.

- Lightweight materials such as ribbed coloured metals shall not be used on vertical wall or parapet surfaces.

- New verandahs shall be based on design principles of traditional verandahs with sloping roofs galvanised iron and regularly spaced columns.

12.8.11 New Development in the vicinity of Heritage Items

In addition to the matters raised previously, the following principles shall be given particular attention when considering new development in the vicinity of heritage items.

Aim

To ensure that new buildings provide a setting for the adjoining heritage item, so that its historical context and heritage significance are maintained.

Requirements

- Development in the vicinity of listed heritage items shall respect and complement the built form character of those items in terms of scale, setback, siting, external materials, finishes and colour.

- New development shall have regard to the established siting patterns of the locality.

- New development shall generally be set back from the building line of the adjoining or adjacent heritage item.

- The sensitive selection of materials, colours and finishes is important in terms of achieving compatibility with the heritage items.

- Height and scale of new buildings shall not obscure or dominate an adjoining or adjacent heritage item.

- Development in the vicinity of a heritage item may be contemporary in design.

12.8.12 Signage

Aim

To ensure that signage respects and enhances the amenity of the area.

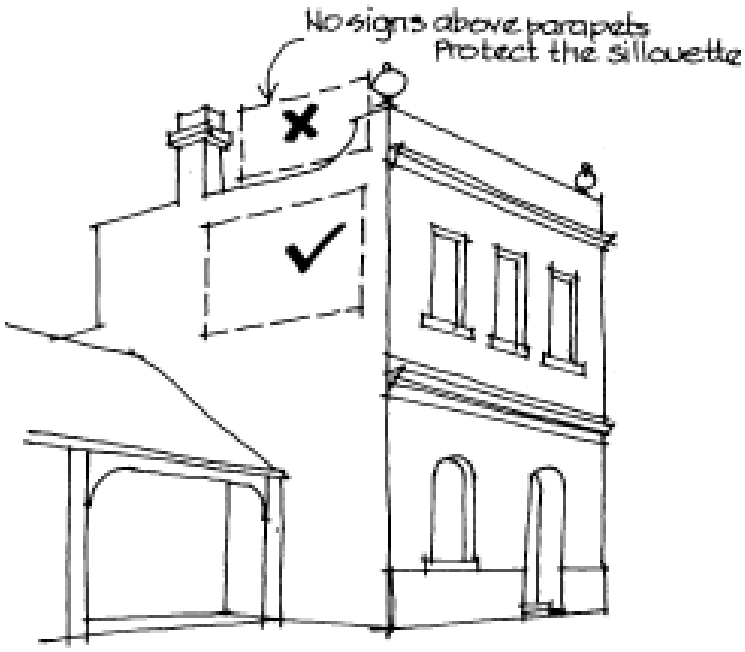
Architectural research can reveal old and original signage through historic photo collections and Cessnock Library.

Requirements

New Signage

- The scale, type, design, location, materials, colour, style and illumination of any sign shall be compatible with the design and character of the buildings and shall not intrude on the visual qualities of the townscape.

- The architectural characteristics of the building shall always dominate.



Signage should be located within architectural elements of the building using appropriate lettering style, size and colouring.

Above Awning Signs

- Shall be simple in design and avoid a proliferation of advertising which can be confusing and detract from the building and conservation area.
- Shall be positioned flush with the wall surface.
- Shall not be fluorescent or internally illuminated.
- Signs adjacent to heritage items or older buildings in conservation areas shall be designed and located sympathetically.

Appropriate signs above verandah level include:

- signwriting in the parapet panel with a simple clear lettering style.

Appropriate signs on verandahs include:

- signwriting on the verandah fascia board;
- sign suspended below fascia (sympathetically sized, shaped and coloured).

Original Signs

- Early signage has cultural value and shall be retained.

Colour

- Colours shall be sympathetic to the surrounding area and be related to the colours of the building.
- The use of entire glazed shopfronts for temporary notices is not considered appropriate, nor is the use of temporary fluorescent signwriting.
- The use of bright corporate colours and sign designs which are not related to the architecture or character of the area and building are not considered appropriate.

Lettering styles

- Traditional styles of lettering can be interpreted for modern buildings such as the use of raised lettering or traditional styles such as: Clarendon; Ionic; Tuscan; Modern; and Fat.

12.9 REQUIREMENTS for DEVELOPMENT APPLICATIONS

12.9.1 When is a Development Application Required?

Council should be consulted before carrying out any changes to buildings or sites which:

(i) are listed as heritage items;
(ii) are in a conservation area; or
(iii) are in the vicinity of heritage items or conservation areas.

Development applications will generally be required for proposals which:

(i) potentially impact upon the heritage significance of a heritage item; or
(ii) involve development or use in a conservation area which has the potential, in the opinion of Council, to adversely affect the character of the conservation area.

Cessnock Local Environmental Plan (CLEP), Clause 5.10: Heritage conservation, specifies the circumstances in which a development application is required.

More detailed information regarding development applications is provided for the following categories of development:

- subdivision;
- minor additions and alterations;
- major additions and alterations;
- development in the vicinity of a heritage item, conservation area, archaeological site
- and places of Aboriginal heritage significance;
- change of use;
- development of a site containing archaeological relics or with known archaeological potential;
- demolition;
- new development in a conservation area; and
- new or replacement signage.

Applicants shall refer to the more detailed information provided for these development categories (set out below) to determine whether or not a particular proposal requires development consent or some other form of approval from Council.

Requirements are different for listed heritage items, and for components of a conservation area which are not listed heritage items.

The requirements for each development category refer to supporting information and documentation which may be required with a development application. One or more of these requirements may apply to your application, and it is therefore necessary that you discuss the requirements and reports relevant to your proposal with Council before they are prepared or commissioned.

The content and range of issues to be addressed in the various documents will depend on the heritage significance of the site and the impact the proposed development is likely to have.

Sections 12.9.2 to 12.9.10.2 contain details about the range of matters that the documents may contain. Pre-application consultation with Council staff will establish what is a reasonable level of supporting information for individual cases.

As a general rule, the greater the significance of the item or the potential impacts of the proposal, the more detail shall be provided.

NB: In some cases, Council may require additional information to that listed for the relevant category of development, depending on the circumstances of the case. Again, it is suggested that you consult with Council staff early in the process, so that relevant requirements can be determined.

Consultants

For simple development proposals documentation can be prepared by the building owner or manager. Assistance can be sought from Council staff, including Council's Heritage Officer and / or the Heritage Branch (in NSW Planning) where necessary. Statements of Heritage Impact for heritage items and / or preparation of development applications for complex proposals, or those which are likely to have a major impact on the heritage significance of an item or a conservation area, will usually require the assistance of a suitably qualified consultant who has experience in heritage conservation matters.

The use of specialist consultants who are suitably qualified and experienced in heritage matters can significantly reduce the amount of time taken in both the preparation of the development application and its assessment by Council. These time savings can far outweigh the initial cost of their services.

Council and the Heritage Branch can provide a list of consultants practicing in heritage related fields.

12.9.2 Subdivision

The appearance of a locality, and the nature of development that has traditionally occurred in it, is often linked to the subdivision pattern, to the size and shape of the lots, the width of streets and footpaths, and the building and landscaping opportunities that these patterns have allowed or encouraged.

The subdivision pattern itself can be a reflection of the history of the area, of what sort of people lived there, what kind of community it was, whether it was poor or affluent, rural or urban.

To retain these physical indicators of the history of a locality, therefore, subdivision proposals in conservation areas, or on land in the vicinity of or on which a heritage item is situated, require careful consideration. It should be noted that, the definition of subdivision includes amalgamation or consolidation of lots.

Development applications are required for the matters listed below, and applications shall be accompanied by the information specified.

Conservation Areas

A development application is required for any subdivision of land in a conservation area.

Development Application Requirements

Development applications for subdivision in a conservation area will generally require the following information to be submitted:

- adequate plans, showing the building envelopes, siting and setbacks of proposed buildings on the lots to be created, that demonstrate that:
- the proposal will not substantially alter the density of development such that the character and heritage significance of the conservation area is adversely affected;
- the allotment and building spacing (ie. frontage widths, side and front boundary setbacks), are typical of surrounding development such that:
    - the rhythm of buildings in the conservation area is maintained;
    - so that vistas and views to and of any heritage items in the vicinity, especially the principal elevations of buildings, are not interrupted or obscured;
    - so that the landscape quality of the conservation area streetscape is retained;
- the scale and form of proposed new development will not detract from the significant and dominant heritage elements of the conservation area's streetscape;
- the details of required works and services, such as design and materials for kerbing and guttering, access crossings and the like are consistent with original elements of the conservation area;
- the subdivision will not require demolition of existing building stock or re-arranged vehicular access or car parking (on or off the site of the proposal) that would adversely affect the streetscape of the conservation area;
- other specialist reports, where relevant (eg. archaeologist, historian).

Council staff can advise whether or not this information is required with particular applications.

12.9.3 Heritage items and land in the vicinity of heritage items

Development Application Requirements

Development applications for subdivision in the vicinity of a heritage item, or on land on which a heritage item is situated will generally require the following information to be submitted:

- Heritage Impact Assessment (HIA) accompanied by adequate plans, showing the building envelopes, siting and setbacks of proposed buildings on the lots to be created, and demonstrating that:
    - the significance of the item will not be compromised by the subdivision or future development that may occur as a result of the subdivision proceeding;
    - the allotment and building spacing, (ie. frontage widths, side and front and rear boundary setbacks) will preserve vistas and views to and of the item, especially the principal elevations of the building/s;
    - that the setting of the heritage item and a satisfactory curtilage, including important garden and landscape elements, is retained;
    - the scale and form of proposed new construction or buildings on the lots to be created will be compatible with and will not detract from the significant and dominant heritage elements of the item;
    - the subdivision will not require re-arranged vehicular access or car parking (on or off the site of the proposal) that would adversely affect the heritage significance of the time, particularly the principal elevations;

- character assessment: for minor proposals which, in the opinion of Council, will have only minimal or no impact on the heritage significance of an item or component of a conservation area, a full HIA may not be necessary. However, a Character Assessment, which may be prepared by the owner / applicant, addressing the questions set out in Section 12.9.12.2 will be required;

- an archival and photographic record of the setting of the item may be required if its context is substantially altered by the proposed subdivision and likely future development;
- a conservation management plan may be required for extensive and complex proposals;
- an archaeological assessment may be required if the site contains archaeological relics or has known archaeological potential;
- other specialist reports, where relevant (eg. archaeologist, historian).

Council staff can advise on whether or not this information is required with particular applications.

12.9.4 Minor Additions and Alterations Not Requiring Consent

The following matters are usually considered to be of a minor nature and unlikely to adversely affect heritage significance. A development application will usually not be required.

Cessnock Local Environmental Plan (CLEP), Schedule 2: Exempt development, lists what type of development, known as 'Exempt' development, is considered to have minor environmental impact and will not require local planning approval.

Reference should also be made to SEPP (Exempt and Complying Development Codes) 2008.

CLEP, Clause 5.10: Heritage conservation reads as follows:

(3) When consent not required

However, consent under this clause is not required if:

(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:

(i) is of a minor nature, or is for the maintenance of the heritage item, archaeological site, or a building, work, relic, tree or place within a heritage conservation area, and

(ii) would not adversely affect the significance of the heritage item, archaeological site or heritage conservation area, or

(b) the development is in a cemetery or burial ground and the proposed development:

(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and

(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to a place of Aboriginal heritage significance, or

(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or

(d) the development is exempt development.

'Exempt' Development listed in subclause (d) relates to minor works, such as: avaries; barbeques; clothes hoists; cubby houses; garden sheds, letter boxes; and shade structures, which subject to subclause (a) are deemed to have negligible environmental impact.

12.9.4.1 Essential Maintenance

Council may waive the requirements for a development application where works can be demonstrated to be maintenance only. For the purposes of this Chapter:

- *maintenance* includes, works required to be undertaken because of structural inadequacy or concerns about public safety, but not extending to major or extensive change or to the total demolition of any structure;

- reconstruction approved as part of *maintenance* shall be limited to the form of the existing structure or to a known earlier form in accordance with the definition of 'reconstruction' contained in this Chapter.

12.9.5 Major Additions and Alterations

Major additions and alterations are those proposals which have the potential to significantly affect the heritage significance of an item or the character of a conservation area. These changes therefore require the submission of a development application with sufficient supporting information to allow full and proper assessment of potential impacts.

12.9.5.1 Conservation Areas

Major additions and alterations to a building or work in a conservation area which may require development consent include, but are not limited to:

- verandah enclosures visible from the street or other public vantage point;

- additional windows and doors and changes to existing windows and doors;

- re-instatement of verandahs and chimneys;

- extensions to buildings which are visible from the street or other public vantage point;

- raising of existing buildings to reduce the impact of flooding;

- erection of new carports and garages, including those with access from a side or rear lane;

- removal of features or decorative elements contributing to the significance of the building or work, or the conservation area;

- roof and wall re-cladding involving a change of materials;

- rendering of brickwork or painting of previously unpainted surfaces;

- skylights or other structures, such as solar panels, ventilators, satellite dishes and the like, attached to the exterior or roof and visible from the street or public vantage points adjoining the site;

- any non-structural external alterations (including painting, rendering, cladding, sand blasting and the like).

Development Application Requirements

Major additions or alterations to a component of a conservation area will generally require the following to be submitted with a development application.

- Statement of Heritage Impact:
  - details the heritage significance of the component and its contribution to the conservation area;
  - explains the extent and nature of the work and describing the context of the component (ie. what is around it, what and where are the neighbouring buildings or other features of the locality, and how the component to be altered relates to them). The statement shall describe the impact of the proposed alteration on the streetscape and neighbouring properties;
  - details the measures taken to minimise impact on the heritage significance of the conservation area;
  - provides the reasons for the proposed alterations or additions (ie. extensions for redevelopment of the site, or for restoration of the component to its former or original state);
  - explains why the proposal cannot be located within an existing structure;
  - details the proposed future use of the site if the use is changing.

- Character Assessment
  - for minor proposals which, in the opinion of Council, will have only minimal or no impact on the heritage significance of an item or component of a conservation area, a full Statement of Heritage Impact as described above will not necessarily be required. However, a Character Assessment, which may be prepared by the owner / applicant, addressing the questions set out in Section 12.9.12.2 will be required.

- Site Plan
  - drawn to scale and showing the location of the building or work to be altered and adjoining buildings.

- Plans, sections and elevations.
  - drawn to scale, showing the extent of the proposed works by colouring or hatching. These drawings shall show how the alterations or additions will affect existing buildings, structures and features, and shall include a schedule of external finishes, materials and colours.

- Other specialist reports.
  - where relevant (eg. archaeologist, historian).

Council staff can advise whether or not all of this information is required with particular applications.

12.9.5.2 Heritage Items

Major additions and alterations to a heritage item which require development consent include, but are not limited to, all of the matters listed in 'conservation areas' above, and the following additional matters:

- all extensions, whether visible from the street or not;
- roof re-cladding;
- front fences;
- swimming pools and tennis courts;
- pergolas and garden structures requiring a construction certificate or activity application;
- demolition of any existing subsidiary structures such as garages, carports, original
- garden sheds and the like;
- replacement of existing garages and carports;
- all structural and non-structural alterations to the outside of the item (this includes painting, rendering, cladding, sand blasting and the like);
- major alterations to gardens which require removal of significant vegetation, introduction of new structures, changes of level, retaining walls and the like;
- internal alterations to an item of State or regional significance.

Development Application Requirements

Major alterations and additions to a heritage item will generally require the following to be submitted with a development application.

- Statement of Heritage Impact
    - details the heritage significance of the item;
    - explains the extent and nature of the work and describing how the impact of the additions or alterations on the heritage significance of the item is to be minimised;
    - describes what measures have been taken to ensure that the additions or alterations are sympathetic to the item in terms of design;
    - describes what measures have been taken to ensure that the additions or alterations will not visually dominate the item;
    - provides the reasons for the proposed alterations or additions (eg. extensions for redevelopment of the site, or for restoration of the component to its former or original state);
    - explains why the proposal / additional area cannot be located within an existing structure;
    - details the proposed future use of the site if the use is changing.

- Engineering Assessment
    - where it is asserted that the alterations and additions are required because part or all of the item is beyond repair or unstable.
- Schedule of Work
    - lists the proposed work to the item and cross-referenced to appropriate drawings, including a schedule of external finishes, materials and colours. In the case of an item of State or regional significance, the Schedule of Works shall detail all internal alterations.
- Archival and Photographic Record
    - may be required for the part or parts of the item to be altered.
- Early photographs or drawings
    - where available, particularly where the intention of the alterations or additions is to return the item to its former or original state.
- Conservation Management Plan
    - may be required for extensive and complex proposals.
- Archaeological Assessment
    - may be required if the site contains archaeological relics or has known archaeological potential.
- specialist reports
    - where relevant (eg. historian).

Council staff can advise whether or not all of this information is required with particular applications.

12.9.6 Development in the Vicinity of a Heritage Item or Conservation Area

Cessnock Local Environmental Plan, Clause 5.10: Heritage conservation, requires that Council take into consideration the likely effect of proposed developments on the heritage significance of a heritage item or conservation area, when determining a development application on land in its vicinity.

Development Application Requirements

Applications for development in the vicinity of a heritage item or conservation area, will generally require submission of the following additional information to allow Council to properly assess potential impacts.

- Statement of Heritage Impact

  - accompanied by adequate plans, specifications and drawings to demonstrate:
  - that the application has been prepared having regard to the heritage significance of the item or conservation area;
  - the likely impact on heritage significance of the item or conservation area and the measures taken to minimise impact on that significance;
  - the necessity for the particular proposal to occur in the vicinity of the item or conservation area;
  - the measures taken to protect the setting and context of the item or conservation area (eg. a natural or rural setting which defines the edge of a conservation area and / or contributes to its significance or helps describe its growth and development);
  - the impact on views to and from the item or conservation area, and measures taken to minimise negative effects;
  - the likely impact on historic subdivision patterns, density, rhythm or other detail important to the curtilage or setting of the item or conservation area.

- Character Assessment

  - for minor proposals which, in the opinion of Council, will have only minimal or no impact on the heritage significance of an item or component of a conservation area, a full Statement of Heritage Impact as described above will not necessarily be required. However, a Character Assessment, which may be prepared by the owner / applicant, addressing the questions set out in Section 12.9.12.2 will be required.

- Specialist Reports

  - where necessary (eg. archaeologist, historian).

Council staff can advise if this information is required with particular applications.

12.9.7 Development of a Site Containing Archaeological Relics or with known Archaeological Potential

Heritage Items and Conservation Areas

Any proposal which will disturb the surface of an archaeological site or 'potential' archaeological site will generally require submission of a development application. Disturbance of a site can include clearing of vegetation, resurfacing or paving, construction of pathways and the like if such work involves disturbance of surface and / or below ground deposits.

Council shall consult with the Heritage Branch when considering development applications for archaeological sites and the local Aboriginal communities for sites having Aboriginal heritage significance (see CLEP, Clause 5.10(7): Archaeological sites & (8): Places of Aboriginal heritage significance.

Consents and permits may be required from the Department of Environment, Climate Change and Water (DECC&W) and the Heritage Branch in addition to or in conjunction with any development consent granted by Council.

Development Application Requirements

Development applications for work affecting an archaeological site or 'potential' archaeological site will generally require the following information to be submitted.

- Archaeological Assessment
    - evaluates the probable extent, nature and integrity of the archaeological resource at the site;
    - determines the significance of the resource;
    - describes appropriate management solutions for the resource having regard to statutory requirements, the significance of the resource, the particular development proposal and its likely impact on the resource;
    - defines the necessity for other permits or approvals required under the *Heritage Act 1977, National Parks and Wildlife Act, 1974*, or other relevant legislation.
- Archival and Photographic Record
    - may be required in some cases.
- Conservation Management Plan
    - may be required for extensive and complex proposals.
- specialist reports
    - where relevant (eg. historian).

N.B. Archaeological Assessments will differ significantly in terms of level of investigation, amount of information required and management solutions recommended, depending upon the circumstances and nature of particular sites. Council staff, DECC&W and the Heritage Branch (in NSW Planning) can provide assistance in this regard.

12.9.8 Change of Use

Conservation Areas and Heritage Items

Any change of use of a building or place which is a heritage item or is in a conservation area requires submission of a development application.

Change of building use means change of one class of building to another as recognised by the Building Code of Australia.

The existing use of a building may contribute to its significance. This will be taken into account by Council when considering applications.

It is important, particularly where the building is a listed heritage item, that proposed uses / functions are sympathetic and appropriate having regard to the design of the building, its original use and purpose. The nature of any physical changes to the fabric required as a result of the change of use shall be taken into consideration.

Changes to the curtilage of the building, such as for required parking areas, loading areas, signs, security fences and the like, can also have an impact on the significance of a heritage item or a conservation area.

Development Application Requirements

A development application for the change of use of a building will generally require submission of the following information.

- Statement of Heritage Impact
    - describing the current use of the building and including a statement as to whether this use contributes to the to the significance of the item or conservation area;
    - explaining the need for the change of use;
    - describing any changes to the fabric of the item or component of a conservation area required as a result of the change of use;
    - describing any changes to the site (ie. parking, access or the like) required as a result of the change of use.
- Character Assessment
    - for minor proposals which, in the opinion of Council, will have only minimal or no impact on the heritage significance of an item or component of a conservation area, a full Statement of Heritage Impact as described above will not necessarily be required. However, a Character Assessment, which may be prepared by the owner / applicant, addressing the questions set out in Section 12.9.12.2 will be required.

Where a proposal involves changes to building fabric or the site, additional information listed in *Major Additions and Alterations* may also be required.

12.9.9 Demolition

12.9.9.1 Conservation Areas

Demolition of components of conservation areas can significantly affect the appearance of local streets and, over time, change those attributes which give each area its own special character. Components of a conservation area, while not individually listed items, can have a collective significance. Loss of any one of them can erode the significance of the conservation area as a whole.

A development application is generally required for partial or total demolition of any building or work in a conservation area.

However, the following matters are usually considered to be of a minor nature and are unlikely to adversely affect heritage significance. Development Applications may not be necessary for:

- Demolition of modern garden sheds and other modern ancillary structures.

Development Application Requirements

Partial or total demolition of a component of a conservation area may require the following to be submitted with a development application.

- Statement of Heritage Impact
    - details the heritage significance of the component and its contribution to the conservation area;
    - provides evidence that all options for retention and adaptive re-use have been explored;
    - explains the extent and nature of the demolition and describing the context of the component (ie. what is around it, what and where are the neighbouring buildings or other features of the locality, and how the component to be demolished relates to them). The statement shall describe the impact of the proposed demolition on the streetscape and neighbouring properties;
    - provides the reasons for the proposed demolition (ie. to allow for extensions, for redevelopment of the site or for restoration of the component to its former or original state);
    - explains why the demolition is necessary to achieve the long term plans for the site;
    - details the proposed future use of the site if the use is changing.
- Character Assessment
    - for minor proposals which, in the opinion of Council, will have only minimal or no impact on the heritage significance of an item or component of a conservation area, a full Statement of Heritage Impact as described above will not necessarily be required. However, a Character Assessment, which may be prepared by the owner / applicant, addressing the questions set out in Section 12.9.12.2 will be required.
- Development Consent
    - for the future use and development of the site, this may be required prior to approval of an application for total demolition of a component of conservation area.
- Archival and Photographic Record
    - where total demolition is proposed, preparation of a full archival and photographic record of the existing building and grounds may be required.
- Site plan
    - drawn to scale and showing the location of the building or work to be demolished, or the part to be demolished, and any adjoining buildings.
- Engineering Assessment
    - prepared by a Structural Engineer specialising in heritage related work, where it is asserted that the structural condition of the building or work to be demolished, or the part to be demolished, is beyond repair or unstable.

- Plans, Sections and Elevations

    - if partial demolition is proposed, the plans, sections and elevations, drawn to scale, showing the extent of demolition by colouring or hatching in accordance with standard architectural and technical drawing practice. These drawings shall show how the partial demolition will affect existing buildings, structures and features. A partial Archival and Photographic Record may also be required.

- Consultant's Reports

    - where necessary (eg. historian, archaeologist).

Council staff can advise if this information is required with particular applications.

12.9.9.2 Heritage Items

A development application is required for demolition, in whole or in part, of any buildings, works or horticultural features of a heritage item.

Development Application Requirements

Proposals for demolition of listed heritage items require a detailed investigation based on a full understanding of the significance of the item and the impact that the partial or total demolition will have. More detailed information shall therefore accompany such development applications. Depending upon the nature of the item, the extent of the demolition and the reason for the demolition, the required information may include:

Statement of Heritage Impact

- details the heritage significance of the item;
- provides evidence that all options for retention and adaptive re-use have been explored;
- explains the extent and nature of the demolition and its impact on the heritage significance of the item;
- where partial demolition, explains why this is necessary for the heritage item to function;
- explains why all of the significant elements of the item cannot be kept and any new development located elsewhere on the site;
- describes the context of the item (ie. what is around it, what and where are the neighbouring buildings or other features of the locality, and how the item to be demolished relates to them);
- provides the reasons for the proposed demolition (ie. to allow for extensions, for redevelopment of the site or for restoration of the item to its former or original state);
- explains why the demolition is necessary to achieve the long term plans for the site. Can demolition be postponed in case future circumstances make retention and conservation more feasible?
- if it is proposed to change the use of the item, or if the item is to be totally demolished, a detailed description of the proposed future use / development of the site will be required.

Development Consent

For the future use and development of the site, this may be required prior to approval of an application for total demolition.

Engineering Assessment

-prepared by a Structural Engineer specialising in heritage related work, where it is asserted that the structural condition of the building or work to be demolished, or the part to be demolished, is beyond repair or unstable.

- Plans, Sections and Elevations

  - if partial demolition is proposed, the plans, sections and elevations, drawn to scale, showing the extent of demolition by colouring or hatching in accordance with standard architectural and technical drawing practice. These drawings shall show how the partial demolition will affect existing buildings, structures and features.

- Archival and Photographic Record

  - where demolition (including partial) is proposed, preparation of a full archival and photographic record of the existing item may be required.

- Early Photographs or Drawings

- - where available, particularly where it is asserted that the item has been significantly altered previously, such that its significance is diminished, or where total demolition is proposed.

- Conservation Management Plan

  - may be required for extensive and complex proposals.

- Archaeological Assessment

  - may be required if the site contains archaeological relics or has known archaeological potential.

All applications for demolition of heritage items of State or Regional significance shall be referred to the Heritage Branch and any comments received within 28 days of being notified, shall be taken into account in the determination of the application.

12.9.10 New Development in a Conservation Area

A development application will generally be required for all new development in a conservation area.

Proposals shall be based on an understanding of the area involved and its heritage significance, and demonstrate how that significance is being respected, or impacts upon it are to be minimised.

This Chapter provide guidelines for conservation and issues to be considered in the conservation areas, these shall be taken into consideration in preparing proposals.
Development Application Requirements

Development applications for new development in a conservation area will generally require the following information to be submitted.

Statement of Heritage Impact

- shall comprise adequate plans, specifications and drawings to demonstrate:
- the impact that the proposed development would have on the heritage significance of the conservation area;
- the measures proposed to conserve the significance of the conservation area and its setting;
- why the development needs to occur in the conservation area;
- the compatibility of the proposed development with nearby original buildings and the character of the conservation area, including consideration of the size, form, scale, orientation, setbacks, materials and detailing of the proposed development;
- a description of the impact of the new development on any heritage items in the vicinity, including impact on curtilage of an item, and views to or from an item;
- which design elements characteristic of the particular conservation area have been incorporated in the design, if any.

Site Plan

- drawn to scale and showing the location of the building or work to be altered and adjoining buildings.

Plans, Sections and Elevations

- drawn to scale, showing the relationship between the new development and surrounding developments in terms of the design guidelines (eg. size and scale, roof forms and shapes). These drawings shall include a schedule of external finishes, materials and colours.

Archaeological Assessment

- may be required if the site contains archaeological relics or has known archaeological potential.

Specialist Reports

- where necessary (eg. archaeologist, historian).

Council staff can advise on whether this information is required with particular applications.

12.9.11 New or Replacement Signage

12.9.11.1 Conservation Areas

A development application will be required for all new and replacement signage in a conservation area, other than temporary signs such as those relating to the sale or lease of the place or premises to which they are affixed. Signage in conservation areas shall not

detract from the character or heritage significance of the area. Part 12.8.12 of this Chapter provides guidelines for appropriate signage. Signage shall be considered as part of the buildings and streetscapes on which they are found.

Development Application Requirements

Applications for new or replacement signage in a conservation area will generally require submission of the following information.

Documentation

- adequate plans, specifications, drawings and supporting documentation to demonstrate that:
- the impact of the signage on the heritage significance of the conservation area and its streetscape has been considered and minimised;
- alternatives have been considered, and that the proposal is generally in accordance with the guidelines;
- the signage is necessary for the proper functioning of the particular premises and its approved uses;
- any unnecessary, redundant or inappropriate signage will be removed;
- the need for illumination has been carefully considered and justified, and where possible signs are to be remotely rather than internally illuminated.

12.9.11.2 Heritage Items

All new or replacement signage on a heritage item or its curtilage, other than real estate signs relating to the sale or lease of the place or premises to which they are affixed, will require submission of a development application.

Original / existing signage shall not be removed, repainted or covered without a development approval or prior consultation and approval in writing from Council staff. This signage may themselves have a connection with an important use of the item and therefore be part of the significance of the item. Existing signage may have a heritage value of their own which should be retained.

Signage shall be considered as part of the buildings and streetscapes on which they are found.

Development Application Requirements

Statement of Heritage Impact

- accompanied by adequate plans, specifications and drawings to demonstrate that:
- the impact of the signage on the heritage significance of the item has been considered and minimised;
- the signage will not visually dominate the item;
- the proposal is generally in accordance with the guidelines for signage contained in Part 1 of this DCP;
- if the proposal is not in accordance with the guidelines;
- the signage is necessary for the proper functioning of the particular premises and its approved uses;
- any unnecessary, redundant or inappropriate signage will be removed;
- the need for illumination has been carefully considered and justified, and where possible signs are to be remotely rather than internally illuminated.

Conservation Management Plan

- signage may form part of a conservation management plan for large or complex proposals, such as multiple commercial use of an item.

Early photographs or drawings

- where available, particularly where it is proposed to replicate original signage.

Council staff can advise on whether or not this information is required with particular applications.

12.9.12 Conservation Incentives

Cessnock Local Environmental Plan, Clause 5.10(10): Conservation incentives, provides incentives for use and development of a building that is a heritage item. Council recognises that sympathetic development and on-going maintenance of heritage properties can be expensive, and can sometimes impose an unreasonable cost burden on property owners. The incentive reads as follows:

> *The consent authority may grant consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by this Plan if the consent authority is satisfied that:*
>
> *(a) the conservation of the heritage item is facilitated by the granting of consent, and*
> *(b) the proposed development is in accordance with a heritage conservation management plan that has been approved by the consent authority, and*
> *(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage conservation management plan is carried out, and*
> *(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, and*
> *(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.*

When considering an application for consent to erect a building on land on which there is situated a building which is a heritage item, the Council may:

(a) for the purpose of determining the floor space ratio; and
(b) for the purpose of determining the number of parking spaces to be provided on the site;

exclude from its calculation of the floor space of the buildings erected on the land, the floor space of the item, but only if the Council is satisfied that the conservation of the building depends upon the Council making that exclusion.

12.9.13 Willful neglect or other damage to a Heritage Item or building in a Conservation Area

State Government Provisions

The *Heritage Regulation 2005*, Part 3: Minimum standards of maintenance and repair, list the statutory requirement to maintain heritage significance.

The provisions relate only to a building, work or relic that is listed or within a precinct that is listed on the State Heritage Register and relate to:

- weather proofing;
- fire protection;
- security; and
- essential maintenance.

They do not require owners to undertake restoration works, but where works are needed, owners may apply for financial assistance through the Heritage 2001 funding program.

Where the maintenance and repair standards are not met and the heritage significance of the item is in jeopardy, the Heritage Council has the power to order repairs after consultation with the owner. These orders can be enforced if necessary, and owners prosecuted for failure to comply with an order.

Local Provisions

As discussed in various sections of this Chapter, all components of a conservation area, including but not limited to listed heritage items, contribute to its character, regardless of whether they are individually significant. It is for this reason that the controls relating to demolition are quite stringent, and will be applied consistently.

Applications for demolition of buildings where there is evidence of intentional neglect or damage are unlikely to be considered favourably.

Where Council is of the opinion that a building, work or relic is unsafe or unhealthy, or poses some other risk to the public, the relevant provisions of the Local Government Act 1993 will be enforced to their fullest extent to ensure that adequate work is undertaken to remove such risk, and to avoid the necessity for demolition of the building, work or relic.

Where additional work is required in relation to:

- weather proofing;
- fire protection;
- security; and
- essential maintenance,

Council will request the owner of the building, work or relic to undertake such work to ensure the on-going stability and preservation of significant fabric of the item or component. If such work is not undertaken, and particularly where the building work or relic is a listed heritage item and its significance is deemed by Council to be deteriorating due to wilful neglect or damage, documentary and photographic evidence will be collected by Council, and used in future assessment of applications relating to the site.

Demolition of a listed heritage item or component of a conservation area is considered by Council to be a last resort action, and as stated above, will not be approved where wilful neglect or damage can be established.