

Bathurst Regional Council

Bathurst Regional Development Control Plan 2014

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1 PRELIMINARY

This Plan provides details and criteria for assessing Development Applications in the Bathurst Region. The Development Control Plan (DCP) should be read in conjunction with the Bathurst Regional Local Environmental Plan 2014 (LEP).

1.1 NAME OF PLAN

This Plan is called the Bathurst Regional Development Control Plan (DCP) 2014.

1.2 EFFECTIVE DATE

This Plan shall take effect on 19 November 2014 by adoption of the Resolution of Council dated 16 December 2013.

This Plan has been amended as outlined in section 1.8.

1.3 LAND TO WHICH THIS PLAN APPLIES

This Plan applies to all land in the Bathurst Regional Local Government Area (LGA).

1.4 RELATIONSHIP TO OTHER ENVIRONMENTAL PLANNING INSTRUMENTS

This Plan controls development under the Bathurst Regional Local Environmental Plan 2014 (LEP).

1.5 AIMS/OBJECTIVES OF THIS PLAN

The aim of this Plan is to allow detailed provisions to be made to control and guide development and subdivision within the Bathurst Regional LGA. The objectives of this Plan relating to different types of development are included in the relevant sections of this Plan.

1.6 DEFINITIONS

This Plan adopts the definitions under the Bathurst Regional Local Environmental Plan 2014, those definitions listed in the various sections of this Plan and the definitions listed below.

Development Control Plan (DCP) Map means the series of maps listed in the table to section 1.10.1 of this Plan, held in the office of Council.

1.7 DEPARTURES

Council may give consideration to an application which departs from one or more requirements of this Plan.

Consent must not be granted unless Council has considered a written request from the applicant that seeks to justify the departure by demonstrating:

- a) that compliance with the requirement(s) of this Plan is unreasonable or unnecessary in the circumstances of the case, and
- b) that there are sufficient environmental planning grounds to justify the departure from this Plan.

Consent must not be granted unless Council is satisfied that:

- a) the applicants written request has adequately addressed the matters outlined above, and
- b) the proposed development will be in the public interest because it is consistent with the relevant objectives of this Plan and the objectives for development within the zone under the LEP.

1.8 SAVINGS PROVISION RELATING TO DEVELOPMENT APPLICATIONS

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had been exhibited but had not commenced.

A reference to an application in the paragraph above is a reference to a development application, an application to modify a development consent or an application to review a determination of a development application or to review an application to modify a development consent.

1.9 AMENDMENTS TO THIS PLAN

This Plan has been amended as outlined in the table below.

Amend No.	Date of Resolution of Council:	Effective Date:	Part to which the Amendment Relates:	Effect of Amendment:
1	17 September 2014	19 November 2014	Section 3.4.6 and Map No. 4	Identification of collector road network from the Kelso Traffic Access Study.
2	17 July 2015	18 July 2015	Section 2	Alterations to the advertising and notification of Development Applications.
3	18 March 2015	21 March 2015	Section 10.9 and Map No. 35	1. New section 10.9.2 Bathurst Early Government Settlement (1815-1840) Sensitive Lands 2. New Map No 35 Bathurst Early Government Settlement (1815-1840) Sensitive Lands Map. 3. Update and renumber Section 10.9 Archaeological permits.
4	18 March 2015	21 March 2015	Map No. 4 - Kelso	Removing the 'School' special use from Lot 45 DP 1172067
5				Alec Lamberton Field – Not adopted
6	20 April 2016	30 April 2016	Map No. 8 – Gateway Enterprise Park	Reducing the Riparian Corridor width from 30 metres to 20 metres along Raglan Creek.
7	21 September 2016	1 October 2016	Map No. 5 – Windradyne, Llanarth & Abercrombie	The amendment of the open space corridor on the eastern side of Sawpit Creek to match the new zone boundaries and to amend the

Bathurst Regional Development Control Plan 2014

Amend No.	Date of Resolution of Council:	Effective Date:	Part to which the Amendment Relates:	Effect of Amendment:
			Schedule 6 – Residential Precincts	Residential Precinct boundary to match the new residential zone boundary.
8	20 July 2016	1 October 2016	Map No. 3 – Eglinton Schedule 6 – Residential Precincts	The amendment of the open space corridor to match the new zone boundaries and to amend the Residential Precinct boundary to match the new residential zone boundary.
9	19 October 2016	2 December 2016	Section 3.5 Section 6.9 Section 6.14 Schedule 1 Map 14	Include development control provisions for the extended Blue Ridge Estate in terms of buffers, road access, building heights, access to services and protection of a heritage item.
10	14 December 2016	17 December 2016	Chapter 15 Crime Prevention	Update the CPTED referrals as requested by the NSW Police.
11	14 December 2016	17 December 2016	Chapter 4 Section 4.4.1 Section 4.4.2	Garages - dual occupancy and multi unit developments, include provisions to improve the streetscape presence of dual occupancy developments, particularly in new suburban locations.
12	15 March 2017	15 March 2017	Chapter 4 Section 4.5 Chapter 10 Section 10.11 Chapter 12 Section 12.2 Map No. 35 – Bathurst Early Government Settlement Map	Update applicable precincts in Chapter 4. Include provisions to link Councils Main Street Studies to the DCP. Reflect the waiving of application fees for signage. Update Map 35 to include No. 20 George Street Bathurst.
13	27 September 2017	30 September 2017	Map No. 22 – Hill End Archaeology	Update Map No. 22 to include the findings of the Archaeological Management Plan for privately owned land in Hill End.
14	15 November 2017	18 November 2017	Section 5.11 Chapter 13 Map No. 8 – Gateway Enterprise Park & Adrienne Street Industrial Area	Update Map No. 8 to include additional land to the East. Introduce provisions relating to development and subdivision of the land. Include landscaping provisions relating to the additional land covered by the amended DCP Map.

Bathurst Regional Development Control Plan 2014

Amend No.	Date of Resolution of Council:	Effective Date:	Part to which the Amendment Relates:	Effect of Amendment:
15	21 March 2018	13 April 2018	Map No. 3 – Eglinton Map No. 4 – Kelso Map No. 5 – Windradyne, Llanarth & Abercrombie Map No. 15 – Robin Hill	The amendment of open space, residential and rural areas on the DCP Maps to ensure the LEP and DCP maps are consistent with each other.
16	19 September 2018	22 September 2018	Chapter 3 Section 3.3.1 Chapter 4 Section 4.4.2 Chapter 4 Section 4.10.2 Chapter 10 Chapter 11 Section 11.3.1	Subdivision of land requiring new street lighting to be LED lights. Overshadowing from two-storey dwelling houses not associated with a dual occupancy or multi unit developments. Fire hydrants for developments where there is more than one dwelling on the site. Insert a new provision after 10.1 Preliminary, as 10.1A – Pre-development application meetings – Heritage. New lighting in public areas to be LED light.
17	21 November 2018	18 January 2019	Map No. 4 – Kelso	To amend the zone boundary changes of the LEP affecting 240 Limekilns Road Kelso
18	17 April 2019	27 April 2019	Chapter 10 Map 35 Map 37	Update Chapter 10 to include provisions for the Wattle Flat Mining Areas and the former Milltown Cemetery. Update Map 35 to include the Milltown Cemetery area. New Map 37 for the Wattle Flat Mining Areas.
19	19 June 2019	1 July 2019	Chapter 9 Map 38	Insert Chapter 9.10 which specifies the vegetation which is to be protected in non-rural zones and heritage conservation zones and provides protection to trees listed as heritage items. New Map 38 for the Urban Grassy Box Woodland area

Bathurst Regional Development Control Plan 2014

Amend No.	Date of Resolution of Council:	Effective Date:	Part to which the Amendment Relates:	Effect of Amendment:
20	4 September 2019	9 September 2019	Chapter 2	Delete Chapter 2 and refer instead to Council's Community Participation Plan.
21	5 February 2020	17 February 2020	Map 3	Remove part of the 'School' special use restriction.
22	3 February 2021	15 February 2021	Sections 1.10.2, 3.3.1 and 3.3.4, Chapter 13 Map No. 5 Windradyne, Llanarth and Abercrombie	<p>Updates to table 1.10 with respect to the relevant LEP references. Remove references to Clauses 5.9 and 5.9AA of the Bathurst Regional Local Environmental Plan 2014 within Chapter 13.</p> <p>The table within Chapter 13 has been amended to provide clarity with respect to landscaping requirements for open space, land use buffers, vegetation screens and to ensure the correct DCP maps are referenced. Map No 5 has been amended by identifying a public pathway upon subdivision and extension of Davidson Street, Abercrombie in relation to 230 Eglinton Road.</p> <p>Inserting two notes in Section 3.3.4 requiring new water connections to be designed and installed to cater for 'smart' water meters, and well as providing clarification that a 25mm water service is to be provided to all public reserves.</p> <p>Amend Section 3.3.1 to provide alternative arrangements in zones RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots, RU5 Village, R5 Large Lot Residential (rural lifestyle locations of The Lagoon, Mt Rankin, Wattle Flat, Trunkey Creek) or E4 Environmental Living for the provision of electricity services.</p>
23				Not adopted – Currently on exhibition
24	18 August 2021	30 August 2021	Sections, 1.11, 3.4.6, 4.7, 5.7.2, 5.11.4, 6.3.2, 9.2.3, 9.7.3, 9.8.4,	<ul style="list-style-type: none"> Section 1.11 – updating abbreviations used in the Development Control Plan; Section 3.4.6 & 14.3 - Removing references to Section 94

Bathurst Regional Development Control Plan 2014

Amend No.	Date of Resolution of Council:	Effective Date:	Part to which the Amendment Relates:	Effect of Amendment:
			13, 14.3.	<p>contributions plans and replacing it with Developer Contributions Plans;</p> <ul style="list-style-type: none"> • Section 4.7 – Amending the application of the private open space section so that it applies to all residential development; establishing a minimum width for a balcony of 2m; and introducing a standard that the Private Open Space is to be vertically open to the sky; • Section 5.7.2 – Updating the reference to the Noise Policy for Industry (2017); • Section 5.11.4 – Correcting the reference to Chapter 12 for advertising signage standards; • Section 6.3.2 – Updating the reference to the roads authority for Classified Roads; • Section 9.2.3 (e)(ii)(b) – Update the reference to the “the land and soil capability assessment scheme (second approximation)” reference document; • Section 9.7.3 – Updating references to the Rural Fire Service’s Protection for Bush Fire Protection (PBP) Guidelines 2019, updates to the table in the section to reference the current requirements, and insert a flowchart from PBP with respect to development on bush fire prone land, • Section 9.8.4 – Update the reference documents to SEPP (Koala Habitat Protection) 2021; • Chapter 13 - Removing references to Clauses 5.9 and 5.9AA of the Bathurst Regional LEP 2014 which have been repealed and include additional items to be shown on landscape plans.
25	22 September 2021	2 October 2021	Chapter 9.6 Map 39	<ul style="list-style-type: none"> • Insert new Map No 39 Flood Planning Area (Sheets 1-9). • Update the references to the LEP Clause and DCP Maps.

Amend No.	Date of Resolution of Council:	Effective Date:	Part to which the Amendment Relates:	Effect of Amendment:
				<ul style="list-style-type: none"> • Insert four objectives in Chapter 9.6. • Insert additional definitions to define certain terms. • Include a new section, 9.6.12 - Matters for Consideration, which establishes a framework for the assessment of applications for development. • Include a new section, 9.6.13 - Submission requirements, which establishes the minimum level of documentation to support an application on land in a Flood Planning Area.

The final lot layouts shown on any DCP Map under this Plan are indicative only and may change as part of a Development Application.

1.10 HOW TO USE THIS DEVELOPMENT CONTROL PLAN

This Plan provides a layered approach – some parts are relevant to all development, some to specific types of development and some to specific land.

The following table provides a summary of each section of this Plan.

Section No.	Section Heading	What That Section Does?	Land to which Section applies
1	Preliminary	Sets out the administrative details and setting of the Plan.	All land.
2	Exhibition and Notification of Development Applications	Sets out the procedures for the exhibition and notification of Development Applications.	All land.
3	Subdivision of land	Sets out the objectives and development standards for the subdivision of land.	All land.

Section No.	Section Heading	What That Section Does?	Land to which Section applies
4	Residential Development	Sets out the objectives and development standards for different types of residential development.	Land within zones: R1 - General Residential R2 – Low Density Residential B1 – Neighbourhood Centre B3 - Commercial Core RU5 - Village
5	Business and Industrial Development	Sets out the objectives and development standards for business and industrial developments.	Land within zones: B1 – Neighbourhood Centre B3 – Commercial Core B5 – Business Development IN1 – General Industrial R1 – General Residential R2 – Low Density Residential RU5 – Village
6	Rural and Rural Lifestyle Development	Sets out the objectives and development standards for rural and rural lifestyle developments.	Land within zones: RU1 – Primary Production RU2 - Rural Landscape RU4 – Primary Production Small Lots R5 – Large Lot Residential E4 – Environmental Living
7	Rural Village Development	Sets out the objectives and development standards for rural village development.	Land within zones: RU5 – Village

Section No.	Section Heading	What That Section Does?	Land to which Section applies
8	Mount Panorama and Environs	Sets out the development standards and requirements for land in the Mount Panorama Precinct.	Mount Panorama – see DCP Map No. 28
9	Environmental Considerations	Sets out the objectives and environmental considerations for development, including standards and design principles relating to environmentally sensitive lands, flooding, bushfire prone land, sustainable building design, contaminated land and energy efficiency.	All land.
10	Urban Design and Heritage	Sets out the urban design principles and heritage considerations for development.	All land, particularly lands within a heritage conservation area or land which contains a heritage item.
11	Outdoor Lighting	Sets out the objectives and development standards for outdoor lighting for different types of developments.	All land.
12	Signage and Colour Schemes	Sets out the objectives and development standards for advertising signage and colour schemes.	All land.
13	Landscaping and Greening	Sets out landscaping and greening requirements for different types of development.	All land.
14	Parking	Sets out the car and bicycle parking objectives and development standards for different types of developments.	All land.
15	Crime Prevention	Sets out design principles to minimise the potential for crime for certain types of developments.	All land.

Section No.	Section Heading	What That Section Does?	Land to which Section applies
16	Earthworks	Sets out standards relating to cut or fill of land.	All land.

1.10.1 DCP Maps

This Plan also includes the series of DCP Maps listed in the table below which illustrate controlled land use areas and land management areas as they relate to this Plan. The table below summarizes the name of each Map and the section of this Plan to which that Map applies.

Name of DCP Map	Section of DCP Where Referenced
Map No. 1 - Raglan	4. Residential Development
Map No. 2 – Perthville	4. Residential Development
Map No. 3 - Eglinton	4. Residential Development
Map No. 4 – Kelso	4. Residential Development
Map No. 5 – Windradyne, Llanarth and Abercrombie	4. Residential Development
Map No. 6 - Neighbourhood Shopping Centres	5. Business and Industrial Development
Map No. 7 – Section 10	5. Business and Industrial Development
Map No. 8 – Gateway Enterprise Park	5. Business and Industrial Development
Map No. 9 – Service Trade Centre	5. Business and Industrial Development
Map No. 10 – Stockland Drive	5. Business and Industrial Development
Map No. 11 – Sydney Road Precinct (North)	5. Business and Industrial Development
Map No. 12 – Hampden Park Road (East)	5. Business and Industrial Development
Map No. 13 – Esrom Street	5. Business and Industrial Development
Map No. 14 – White Rock	6. Rural and Rural Lifestyle Development
Map No. 15 – Robin Hill	6. Rural and Rural Lifestyle Development
Map No. 16 – Trunkey Creek	6. Rural and Rural Lifestyle Development 7. Rural Village Development

Name of DCP Map	Section of DCP Where Referenced
Map No. 17 – The Lagoon	6. Rural and Rural Lifestyle Development
Map No. 18 – Wattle Flat	6. Rural and Rural Lifestyle Development 7. Rural Village Development
Map No. 19 – Mount Rankin	6. Rural and Rural Lifestyle Development
Map No. 20 – Mount Haven Estate	6. Rural and Rural Lifestyle Development
Map No. 21 – Hill End	7. Rural Village Development
Map No. 22 – Hill End Archaeology	7. Rural Village Development
Map No. 23 – Sofala	7. Rural Village Development
Map No. 24 – Rockley	7. Rural Village Development
Map No. 25 – Georges Plains	7. Rural Village Development
Map No. 26 – Peel	7. Rural Village Development
Map No. 27 – Yetholme	7. Rural Village Development
Map No. 28 – Mount Panorama	8. Mount Panorama and Environs
Map No. 29 – Land Resources	9. Environmental Considerations
Map No. 30 – Riparian land and Waterways	9. Environmental Considerations
Map No. 31 – Biodiversity	9. Environmental Considerations
Map No. 32A – Havannah Street Area	9. Environmental Considerations
Map No. 32B – Morrisett Street Area	9. Environmental Considerations
Map No. 32C – Kelso Industrial Area	9. Environmental Considerations
Map No. 32D – Stockland Drive Area	9. Environmental Considerations
Map No. 32E – Upfold Street Area	9. Environmental Considerations
Map No. 32F – Gilmour Street Area	9. Environmental Considerations
Map No. 32G – Carlingford Street Area	9. Environmental Considerations
Map No. 33 – Chifley Memorial Housing Estate – West Bathurst	10. Urban Design and Heritage
Map No. 34 – Central Business District (CBD)	14. Parking
Map No. 35 – Archaeological Sensitive Lands	10. Urban Design and Heritage
Map No. 36 – Not Adopted	
Map No. 37 – Wattle Flat Mining Areas Archaeological Sensitive Lands	10. Urban Design and Heritage
Map No. 38 – Urban Grassy Box Woodland	9. Environmental Considerations

1.10.2 LEP Provisions

Reference should also be made to the LEP. In particular the following Clauses and associated LEP Maps may be relevant to a development proposal.

Clause No.	Clause Heading	What That Clause Does?
2.1	Land use zones	Sets out the different types of development that are permissible and prohibited in different zones.
2.6	Subdivision – consent requirements	Sets out consent provisions for subdivision.
2.7	Demolition Requires consent	Requires consent for the demolition of a building or work.
3.1	Exempt Development	Sets out, in conjunction with Schedule 2 of the LEP, when development may be considered exempt from the need to obtain development consent.
3.2	Complying Development	Sets out, in conjunction with Schedule 3 of the LEP, when development may be considered as complying development.
4.1	Minimum Subdivision Lot Size	Sets out the minimum lot size for the subdivision of land for the purposes of a dwelling house for various zones and localities. <u>Note:</u> This clause should be read in conjunction with the Lot Size Map.
4.1AA	Minimum subdivision lot size for community title schemes	Sets out the minimum lot size requirements for zones RU1, RU2, RU4 and R5 involving a community title subdivision.
4.1A	Minimum subdivision lot size for strata schemes in certain rural and residential zones	Sets out the minimum lot size requirements for zones RU1, RU2, RU4 and R5 involving a strata scheme subdivision.
4.1B	Minimum lot sizes for dual occupancy, multi dwelling houses and residential flat buildings	Sets out the minimum lot size requirements for dual occupancy, multi dwelling housing and residential flat buildings within zones R1 & R2.
4.2	Lot size exceptions for certain rural subdivisions	Provides flexibility in the application of standards for rural subdivision to allow land to be subdivided for the purposes of primary production.
4.2A	Rural subdivision for purposes other than agriculture or a dwelling house	Permits subdivision of land in the rural zones for uses (other than dwellings) permitted by a development consent.

Clause No.	Clause Heading	What That Clause Does?
4.2B	Erection of dwelling houses on land in certain rural zones	Sets out minimum lot size standards for the erection of dwelling houses in zones RU1, RU2 and RU4. <u>Note:</u> This clause should be read in conjunction with the Lot Size Map.
4.2C	Erection of rural workers' dwellings on land in Zone RU1	Sets out certain requirements for the erection of rural workers' dwellings in zone RU1.
4.2D	Boundary changes between certain rural and environmental protection zones	Sets out circumstances whereby exceptions to development standards can be considered.
4.3	Height of Buildings	Sets out the maximum height limits for buildings on certain locations. <u>Note:</u> This clause should be read in conjunction with the Height of Buildings Map.
4.4	Floor Space Ratio	Sets out the maximum floor space ratios for business and industrial development. <u>Note:</u> This clause should be read in conjunction with the Floor Space Ratio Map.
4.5	Calculation of floor space ratio and site area	Sets out the method for calculating the floor space ratios for business and industrial development.
4.6	Exceptions to development standards	Sets out circumstances whereby exceptions to development standards can be considered.
5.4	Controls relating to miscellaneous permissible uses	Sets out provisions relating to miscellaneous permissible uses, including the following uses: <ul style="list-style-type: none"> • Bed and Breakfast Accommodation • Home Businesses • Home Industries • Industrial Retail Outlets • Farm Stay Accommodation • Kiosks • Neighbourhood Shops • Roadside Stalls • Secondary Dwellings
5.9	Repealed	
5.9AA	Repealed	

Clause No.	Clause Heading	What That Clause Does?
5.10	Heritage conservation	Sets out the provisions for heritage conservation on certain lands and types of development, including heritage incentives and demolition of buildings. <u>Note:</u> This clause should be read in conjunction with the Heritage Map.
5.13	Eco-tourist facilities	Sets out the provisions for eco-tourist facilities on certain land.
5.16	Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones	Sets out the provisions to minimise potential land use conflict between existing and proposed development on land in the rural, residential or environment protection zones concerned.
5.18	Intensive livestock agriculture	Sets out the provisions for certain capacity thresholds below which development consent is not required for that development subject to certain restrictions as to location.
5.19	Pond-based, tank-based and oyster aquaculture	Sets out the minimum site location and operational requirements for permissible pond-based and tank-based aquaculture development.
7.1	Flood Planning	Sets out provisions in relation to land within the flood planning area. <u>Note:</u> This clause should be read in conjunction with the Flood Planning Map.
7.2	Repealed	
7.3	Airspace operations	Sets out provisions in relation to the height of buildings/structures on land in proximity to the Bathurst Airport. <u>Note:</u> This clause should be read in conjunction with the Obstacle Limitation Surface (OLS) and Procedures for Air Navigation Systems Operations Surfaces (PANS-OPS) Maps.
7.4	Development in areas subject to aircraft noise	Sets out provisions in relation to building requirements and airport noise. <u>Note:</u> This clause should be read in conjunction with the Noise Exposure Forecast Map.
7.5	Essential services	Sets out provisions for providing adequate water, electricity, sewage, storm water and road access on any land.

Clause No.	Clause Heading	What That Clause Does?
7.6	Mount Panorama Environs	Sets out provisions to ensure that new development at Mount Panorama accounts for potential noise and land use conflict with motor racing. <u>Note:</u> This clause should be read in conjunction with the Mount Panorama Environs Map.
7.7	Mount Panorama – Tourist and Visitor accommodation and Eco-tourist facilities	Sets out provisions for the permissibility of tourist and visitor accommodation and eco-tourist facilities in the form of a dwelling house in the Mount Panorama Precinct within zone RU2.
7.8	Mount Panorama – Commercial Motor Race Hosting	Defines and prohibits commercial motor race hosting except on land zoned SP3 Tourist.
7.9	Conservation Incentives – Heritage Conservation Areas	Sets out the provisions for heritage incentives in heritage conservation areas. <u>Note:</u> This clause should be read in conjunction with the Heritage Map.
7.10	Signage	Sets out the provisions for the placement and use of certain signage.
7.11	Subdivision of land in DP 270159, Mount Haven Estate, Meadow Flat	Sets out provisions for subdivision at the Mount Haven Estate.
7.12	Former Bathurst Gasworks Site	Sets out special provisions relating to the former Bathurst Gasworks site, being part Lot 8, Section 104, DP 758065 .
7.13	Location of sex services premises	Sets out the siting limitations for Sex Services Premises to areas where children do not congregate.
7.14	Drinking water catchments	Sets out the provisions to protect drinking water catchments by minimising the adverse impacts of development on the quality and quantity of water entering drinking water storages.

1.11 ENQUIRES AND ADDITIONAL INFORMATION

There is a duty Town Planner and Health and Building Surveyor available at the Environmental Planning and Building Services Department of Council (in person and via telephone) between 8.30 am and 4.45 pm weekdays (public holidays excluded) for enquiries.

ABBREVIATIONS

CC	Construction Certificate
CMP	Conservation Management Plan
CWCMA	Central West Catchment Management Authority
DA	Development Application
DCP	Bathurst Regional Development Control Plan 2014
EEC	Endangered Ecological Community
EP&A Act	Environmental Planning and Assessment Act 1979
FIA	Flood Impact Assessment
LEP	Bathurst Regional Local Environmental Plan 2014
LGA	Local Government Area
MHRDC	Maximum Harvestable Right Dam Capacity
NCC	National Construction Code (formerly the Building Code of Australia (BCA))
OEH	Office of Environment and Heritage
RMS	Roads and Maritime Service (formerly the Roads and Traffic Authority)
SEPP	State Environmental Planning Policy
SHR	State Heritage Register
SoHI	Statement of Heritage Impact
TfNSW	Transport for NSW
TSC Act	Threatened Species Conservation Act 1995

2 EXHIBITION AND NOTIFICATION OF DEVELOPMENT APPLICATIONS

Council is required to implement a Community Participation Plan (CPP) under the Environmental Planning and Assessment Act. The Community Participation Plan deals with community participation matters associated with Council's planning functions, including the exhibition and notification of development applications. To determine the minimum exhibition and notification periods for development applications, please refer to the Community Participation Plan.

The Bathurst Regional Community Participation Plan was adopted by Council on 17 July 2019.

3 SUBDIVISION OF LAND

3.1 PRELIMINARY

3.1.1 Land to which this Section applies

This section applies to **all land** in the Bathurst Regional Local Government Area (LGA).

3.1.2 Objectives

- a) To ensure that all essential services are provided to new allotments.
- b) To achieve a standard of control that results in minimal impact on both on-site and off-site soil resources and surface water quality.
- c) To ensure safe and efficient road and footpath environments are provided for motorists, public transport, cyclists and pedestrians.
- d) To minimise disturbance to the natural environment and to minimise damage from natural hazards.
- e) To ensure that lots created are environmentally sustainable.
- f) To provide specific development standards for different types of subdivision.

3.1.3 Definitions

This section adopts the definitions under the LEP and those definitions listed hereunder.

<i>Medium Density Housing</i>	<p>Means development for the purpose of any of the following as defined in the LEP:</p> <ul style="list-style-type: none"> • Dual occupancy, • Semi detached dwelling, • Attached dwelling, • Multi dwelling housing, or • Residential flat building. <p>Medium density housing does not include development for the purpose of a dwelling house or a secondary dwelling (granny flat).</p>
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3.2 MINIMUM LOT SIZE – SUBDIVISION OF LAND FOR THE ERECTION OF A DWELLING HOUSE

3.2.1 Bathurst Regional Local Environmental Plan 2014

Clauses **4.1 Minimum Subdivision Lot Size** and **4.2 Rural Subdivision** of the LEP and the associated Lot Size Maps establish the minimum lot sizes for the purposes of a dwelling house on lands (but not necessarily all lands) within the following Zones:

- **RU1** - Primary Production
- **RU2** - Rural Landscape
- **RU4** – Primary Production Small Lots
- **R1** - General Residential
- **R2** – Low Density Residential
- **R5** - Large Lot Residential
- **E4** – Environmental Living

Clause **7.11 - Subdivision of land in DP 270159, Mount Haven Estate, Meadow Flat** of the LEP sets out requirements for subdivision and the associated erection of dwelling houses at the Mt Haven Estate – DP270159 (within zone **E4** – Environmental Living).

For lands within Zone **RU5** – Village not identified in Clause **4.1 Minimum Subdivision Lot Size** of the LEP, minimum lot size requirements for the subdivision of land for the purposes of a dwelling house are identified in section **3.2.2** of this Plan below.

Notwithstanding the minimum lot size requirements of the LEP and this Plan, land management areas identified on the relevant DCP Maps must also be complied with in regard to the subdivision of all lands and may impact on the subdivision and development potential of land.

3.2.2 Land in Zone RU5 – Village

Development Standard

- Council shall not consent to the subdivision of land for the purposes of a dwelling house within Zone **RU5** - Village where reticulated water and sewer services are **not** available unless the area of the allotment is no less than the total allotment size required by the table below.
- Council shall not consent to the subdivision of land for the purposes of a dwelling house within Zone **RU5** Village at the Village of Yetholme other than that permitted in Section **3.6** of this Plan.

Components of the minimum lot size required	Land Area Required
(1) On-site effluent treatment system and disposal area.	(1) The area of land determined by a geotechnical report prepared by a suitably qualified engineer x 2.5 . This area must not include land shown on any relevant DCP map as an Environmental Protection Area (EPA).
(2) Buffer areas (e.g. to drainage lines and property boundaries).	(2) In accordance with the most current version of the Environmental Health Protection Guidelines (see below).
(3) House and Associated Activities	(3) 1000 square metres per dwelling. This area must not include land shown on any relevant DCP map as an Environmental Protection Area (EPA).

Components of the minimum lot size required	Land Area Required
Total Allotment Size Required	
Zone RU5 - Village	Minimum lot size required = (1) + (2) + (3) above.
Village of Hill End (Zone RU5 – Village)	Minimum lot size required = (1) + (2) + (3) above, OR 800m ² , if written advice is provided to Council from the NSW Office of Environment and Heritage that the proposed lot is to be connected to the Hill End common effluent system. Note: No subdivision of land is permitted within Development Area A shown on DCP Map No. 21 – Hill End.

Note: Land management areas identified on the relevant DCP Maps must also be complied with and may impact on the subdivision potential of land.

Minimum Buffer Distances for On-site Systems (source: Environmental Health Protection Guidelines On-Site Management Per Single Households)

System	Recommended Buffer Distances
All land application systems	<ul style="list-style-type: none"> • 100m to permanent surface waters (e.g. river, streams, lakes etc). • 250m to a domestic groundwater well. • 40m to other waters (e.g. farm dams, intermittent waterways and drainage channels, etc).
Surface spray irrigation	<ul style="list-style-type: none"> • 6m if area up-gradient and 3m if area down-gradient of driveways and property boundaries. • 15m to dwellings. • 3m to paths and walkways. • 6m to swimming pools.
Surface drip and trickle irrigation and subsurface irrigation	<ul style="list-style-type: none"> • 6m if area up-gradient and 3m if area down-gradient of swimming pools, property boundaries, driveways and buildings.
Absorption system	<ul style="list-style-type: none"> • 12m if area up-gradient and 6m if area down-gradient of property boundary. • 6m if area up-gradient and 3m if area down-gradient of swimming pools, driveways and buildings.

3.3 SUBDIVISION REQUIREMENTS: ALL ZONES

3.3.1 Electricity and telephone services

Development Standards

- a) Underground electricity and telephone services are to be provided to all new allotments in the City of Bathurst and the urban villages of Eglinton, Raglan and Perthville to the satisfaction of the relevant electricity authority and the appropriate telecommunications authority. Aboveground servicing can be provided for infill lots in established areas where services are already established aboveground.
- b) Aboveground electricity and telephone services are to be provided to all new allotments in rural areas, the rural villages (within Zone **RU5** - Village) and rural lifestyle locations (within Zone **R5** – Large Lot Residential) to the satisfaction of the appropriate electricity and telecommunications authorities. Where land is zoned **R5** Large Lot Residential, and the development is (or is proposed to be) serviced by reticulated water and/or sewer systems, underground electricity and telephone services are to be provided to all allotments.
- c) Lighting for streets and public domain spaces provided as part of a development must be energy efficient lighting (LED or equivalent) as approved by Council. Street lighting is to be provided or upgraded in accordance with:
 - AS/NZS 1158 Series (Parts 0-5) - Lighting for Roads and Public Spaces
 - SA/SNZ Technical Specification 1158.6 Lighting for roads and public spaces - Luminaires
 - Council's Engineering Guidelines, and
 - Any requirements of the appropriate electricity authority.

(Refer also to **Section 11 – Outdoor Lighting** of this Plan which outlines standards for street lighting in respect of the protection of the Dark Night Sky).
- d) Documentary evidence is to be provided to Council from the relevant authority that satisfactory arrangements have been made in respect of electricity and telephone services prior to the release of the subdivision certificate.
- e) If in zone RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots, RU5 Village, R5 Large Lot Residential (rural lifestyle locations of The Lagoon, Mt Rankin, Wattle Flat, Trunk Creek) or E4 Environmental Living, prior to the release of a subdivision linen plan, the following documentary evidence is to be provided to Council:
 - i) Provisioning letter from the electricity supplier that electricity services are constructed and available on the land and, if applicable, evidence that an easement for electricity has been registered over any burdened property and in favour of the subject land in accordance with the electricity supplier's specification; or
 - ii) A restriction to user pursuant to s88E of the conveyancing Act stating that the property is not connected to the electricity grid and

that an alternative power source is required prior to the erection of any building on the site.

3.3.2 Roads

Roadwork Hierarchy, Classifications and Standards

- a) The following classes of road have been adopted for use in areas administered by Bathurst Regional Council.

Class of Road	Max. No. of Dwellings Served	Equivalent Standard Axles	Frontage Access	Design Speed Environment (km/h)
Residential				
Local Distributor	500-700	1.0×10^7	Limited	60 - 80
Collector	300	6.0×10^5	Yes	60
Local Access	100	2.0×10^5	Yes	50
Local Access (Open Space)	20	2.0×10^5	Yes	50
Minor Cul-de-sac	15	5.0×10^4	Yes	30
Industrial	n/a	1.0×10^7	Yes	40 - 60
Rural	n/a	1.0×10^7	Yes	80 - 100
Rural Residential and Rural Village	n/a	1.0×10^7	Yes	60

(* Not applicable to the RMS controlled road network).

Note: The table above acts as a summary of basic road standards only. For further information refer to Council's *Guideline to Engineering Works*. Where the DCP and the Guideline to Engineering Works differ, the Guidelines to Engineering Works take precedence.

- b) The following table outlines the requirement for the different classes of road edge treatments (kerb and gutter) as shown on Council's *Standard Drawing No. EN 7876*.

Road Edge Treatment	Used For:
1.0m wide sealed shoulder	<ul style="list-style-type: none"> Rural residential/rural village roads Rural roads
150mm high integral kerb and gutter	<ul style="list-style-type: none"> Local distributor roads Collector roads Adjacent to public reserves
Rollover kerb and gutter	<ul style="list-style-type: none"> Local access roads
Semi-mountable kerb	<ul style="list-style-type: none"> Adjacent to medians, traffic islands and roundabouts

(* Not applicable to the RMS controlled road network).

Note: The table above acts as a summary of basic road standards only. For further information refer to Council's *Guideline to Engineering Works*. Where the DCP and the Guideline to Engineering Works differ, the Guidelines to Engineering Works take precedence.

- c) The following table outlines standard road widths for different types of developments.

Class of Road	Width of Road Reserve	Footway Width	C'way Width	Traffic Lanes	Parking Lanes	Seal Width	Formation Width	Shoulder Width
Residential								
Local Distributor/ Industrial	22m	2/4.5m	13.0m	2/3.5m	2/3.0m			
Collector	20m	2/4.5m	11.0m	2/3.0m	2/2.5m			
Local Access (including cul-de-sac)	17m	2/4.5m	8.0m	2/3.0m	1/2.0m			
Local Access (Open Space)	10.5m	1/4.5m	6m	2/3.0m	-			
Rural Residential/Rural Village	20m		6.5m			8.5m	10.5m	2/2m
Rural*	20m		7.0m			9.0m	10.5m	2/2m
Pedestrian Facilities								
Pathway	4m		1.2m					
Cycleway	4m		2.5m					

(* Not applicable to the RMS controlled road network).

Note: The table above acts as a summary of basic road standards only. For further information refer to Council's *Guideline to Engineering Works*. Where the DCP and the Guideline to Engineering Works differ, the Guidelines to Engineering Works take precedence.

Development Standards

- a) A road system shall comply with the road hierarchy and classification and standards set out in tables (a), (b) and (c) above.
- b) The design and construction of roads and drainage shall be in accordance with Council's *Guideline to Engineering Works*.

3.3.3 Drainage

Development Standards

- a) The design and construction of all drainage works shall be in accordance with Council's *Guideline to Engineering Works*.
- b) Council shall only grant consent to the subdivision of land where drainage facilities required by that subdivision are immediately available to the land.

Note: In new release areas this may preclude the development of certain lands in the short to medium term. Enquires should be made to Council's Engineering Department for specific information.

3.3.4 Reticulated water and sewer

Development Standards

- a) All allotments created in the urban areas of Bathurst and the urban villages of Eglinton, Raglan and Perthville shall have a separate and distinct connection to Council's reticulated water and sewerage systems.

Note: The provision of the individual water connections are to be designed and located to be capable of the installation of a 'smart' water meter in accordance with Council's Guidelines for Engineering Works.

Note: A water connection is to be provided to each public reserve. The developer is to liaise with Council's Parks and Recreation section to determine the appropriate size.

- b) Council shall only grant consent to the subdivision of land in the urban areas of Bathurst and the urban villages of Eglinton, Raglan and Perthville where reticulated water and sewer services required by that subdivision are immediately available to the land.

Note: In new release areas this may preclude the development of certain lands in the short to medium term. Enquiries should be made to Council's Engineering Department for specific information.

3.3.5 Rural water supply

This section is only relevant where a reticulated water service is **not** available to land.

Development Standards

- a) An on-site water supply is required to be provided for all dwellings and dwelling additions/alterations **not** connected to a reticulated water system as specified below.

Domestic Dwellings

The number of bedrooms will determine the quantity of water supply storage requirements for domestic purposes. Rooms such as study's, sewing rooms, studio's etc of similar size to a bedroom, will be included in the calculation of the number of bedrooms.

Alternative A: Potable Water – an additional storage of 3,000 litres per bedroom of drinking quality water shall be provided where connected to the kitchen supply only, and

Household Water – an additional 12,000 litres per bedroom (or continuous supply) of water where connected to all other fittings i.e. bath, WC, laundry tub etc., or

Alternative B: Potable and Household Water – an additional 15,000 litres per bedroom of drinking quality water shall be provided connected to all fittings.

Domestic Dwellings – Additions/Alterations

The number of additional bedrooms will determine the additional quantity of water supply storage requirements for domestic purposes. Rooms such as studies, sewing rooms, studio's etc., of similar size to a bedroom, will be included in the calculation of the number of bedrooms.

Alternative A: Potable Water – an additional storage of 3,000 litres per bedroom of drinking quality water shall be provided where connected to the kitchen supply only, and

Household Water – an additional 12,000 litres per bedroom (or continuous supply) of water where connected to all other fittings i.e. both, WC laundry tub etc., or

Alternative B: Potable and Household Water – an additional 15,000 litres per bedroom of drinking quality water shall be provided connected to all fittings.

Fire Fighting – Dwellings and Dwelling Additions/Alterations

In addition to the above, a water supply is to be available for fire fighting purposes. The following standards apply to all new residential development inclusive of new dwellings and additions and alterations to existing dwellings. See section 4.1.3 of the Planning for Bush Fire Protection Guidelines (2006).

Development type	Water requirement
Residential lots (<1,000m ²)	5,000 l/lot
Rural-residential lots (1,000 - 10,000m ²)	10,000 l/lot
Large Rural/Lifestyle lots (>10,000m ²)	20,000 l/lot
Dual Occupancy	2,500 l/lot
Townhouse/Unit Style (e.g. Flats)	5,000 l/unit up to 20,000 l maximum

Only static water storage within the Asset Protection Zone will be considered as storage for fire fighting purposes. The following provisions apply to all water storage supplies for fire fighting purposes:

- A suitable connection for firefighting purposes is to be made available and located within the Inner Protection Area (IPA) and away from the structure. A 65mm Storz outlet with a gate or ball valve is to be provided.
- Gate or ball valve and pipes are to be adequate for water flow and are to be metal rather than plastic.
- Underground tanks must have an access hole of 200mm to allow tankers to refill direct from the tank. A hardened ground surface for truck access is to be supplied within 4 metres of the access hole.
- Aboveground tanks are to be manufactured of concrete or metal and raised tanks are to have their stands protected. Plastic tanks are not to be used.

Tanks on the hazard side of a building are to be provided with adequate shielding for the protection of fire fighters.

- All aboveground water pipes external to the building are to be metal including and up to any taps. Pumps are to be shielded.
- Bores and creeks are not to be used as a substitute for a dedicated static water supply.

Note: Where a water source contrary to the provisions above is proposed to be used, the application must be accompanied by a letter from the NSW Rural Fire Service that supports the alternative water source.

3.3.6 Soil and Water Management (including erosion and sediment control measures)

Development Standards

- a) For subdivisions with a disturbance area of less than 2500m², development must comply with Council's *Erosion and Sediment Control Guidelines for Building and Work Sites*.
- b) For subdivisions with a disturbance area of greater than 2500m², development must comply with the requirements of the document: *Managing Urban Stormwater: Soils and Construction 2004*, produced by Landcom. Due consideration is to be given to potential impacts on off-site streams in terms of channel stability under modified flow regimes resulting from development.
- c) As a condition of consent for sites with a disturbance area of greater than 2500m², Council will require the submission of a soil and water management plan prior to the commencement of any subdivision or civil construction works on site. A Soil and Water Management Plan must be lodged with Council prior to the issue of **any** construction certificate.
- d) Following approval of the soil and water management plan, erosion and sediment control works must be installed prior to work commencing on the site. Such control measures are to be maintained during the construction period. All work is to be undertaken to the satisfaction of Council.
- e) Erosion and sediment control measures are to be maintained in accordance with the recommendations in Council's *Erosion and Sediment Control Guidelines for Building and Work Sites* or *Managing Urban Stormwater: Soils and Construction 2004* **and** remain in place while earthworks are being completed, and until such time that the site is revegetated.

3.3.7 Natural environment

Development Standards

- a) Where land is within Zone **RU1** Primary Production and is identified as:
 - i) a **sensitive land area** on DCP Map No. **29** - Land Resources, and/or
 - ii) **sensitive waterways** on DCP Map No. **30** - Riparian Land and Waterways, and/or

- iii) **high or moderate biodiversity sensitivity** on DCP Map No. 31 - Biodiversity of this Plan,

an environmental assessment is to be provided in accordance with section 9 – **Environmental Considerations** of this Plan. For all other lands, the development standards listed in (b) to (g) below apply.

- b) A development application for subdivision is to locate and show as a minimum, (where applicable), key existing natural environmental features such as:

- i) all existing tree and landscape features,
- ii) existing natural drainage lines,
- iii) existing farm dams, and
- iv) environmentally sensitive land features (e.g. rocky outcrops, steep slopes, ridge or hilltops).

- Note:
- (i) Land should not be cleared of trees before any development application has been determined.
 - (ii) The natural level of the land should not be altered before the development application for subdivision has been determined.

- c) In urban and village locations, lots are to be designed to allow for the erection of buildings on the site with minimal or no disturbance to existing trees and landscape features.

- d) In rural and rural lifestyle locations, lots are to be designed to allow for the erection of buildings on the site with minimal or no disturbance to existing native trees and landscape features, existing natural drainage lines, existing farm dams and environmentally sensitive land features.

- e) Where land to be subdivided has been filled, or is to be filled, the subdivider is to meet any additional engineering requirements as may be determined by Council's Engineering Department.

3.3.8 Landscaping

Development Standards

- a) Council may only grant consent to the subdivision of land in the following circumstances, where it has considered a landscape plan in accordance with section 13 – **Landscaping and Greening** of this Plan:
 - i) Subdivision of land which incorporates Agricultural Interfaces, Land Use Buffers, Major Road Buffers, Open Space, Vegetation Restriction and Environmental Protection Areas as identified on any relevant DCP map.
 - ii) Subdivision of land which creates or adjoins an arterial or sub-arterial road for which direct access to private properties will not be granted. A landscape plan is required for the road reserve adjacent to the arterial or sub-arterial road.

- iii) Subdivision of land which may negatively impact upon the natural environment or protected or threatened flora and fauna species in the area.
- b) Council will not release the subdivision certificate until vegetation in accordance with the approved landscape plan is planted and fenced (if required) to the satisfaction of Council.

3.3.9 Land contamination

General Development Standards

- a) Where land to be subdivided is identified as being potentially contaminated from previous uses, the subdivider will be required to carry out an investigation in accordance with any relevant guidelines made under the Contaminated Land Management Act 1997 (CLM Act).
- b) The investigation is to consider the previous land use history of the site and identify any land that may be contaminated. Soil testing may be required as part of the site investigations.
- c) If the land is identified as contaminated, Council shall not consent to the subdivision of land unless remediation works can be and are carried out, at full cost to the subdivider. Remediation is required to an acceptable level to allow the land to be used to the satisfaction of Council and the NSW Office of Environment and Heritage (OEH). Council will generally require the engagement of a site auditor accredited by the OEH to oversee the remediation works and certify that the site is suitable for the intended development.

Development Standards for specific lands

The following development standards relate to land identified in **Schedule 1** of this Plan. (Note: **Schedule 1** should not be taken to imply that the land listed in that schedule is contaminated from previous land uses, only that investigations required by this section should be undertaken prior to Council considering approval of the land for residential purposes. Land in Schedule 1 includes lands at Mount Rankin and Kelso (east).

- a) An application for subdivision of land identified in **Schedule 1** is to be accompanied by a Site Investigation Report from a suitably qualified professional providing soil testing results for the property based on the NSW OEH Guidelines.
- b) Where the report required by (a) above identifies land contamination on the property, the application for subdivision is to be accompanied by a Remediation Action Plan prepared by a suitably qualified professional, based on the NSW OEH guidelines.
- c) Where (b) applies, Council must not issue a subdivision certificate in relation to the subject land until it has received a Site Validation Report and Site Audit Statement which validates that the site can be used for the applicable land uses for the new zone.

Notes:

Site Investigation Report

The detailed site investigation is to provide comprehensive information on:

- a) The soil testing results; and
- b) The type, extent and level of contamination (if identified) and assess:
 - i) contaminant dispersal in air, surface water, groundwater, soil and dust,
 - ii) the potential effects of contaminants on public health, the environment and building structures,
 - iii) off site impacts on soil, sediment and biota (where applicable), and
 - iv) the adequacy and completeness of all information available to be used in making decisions on remediation.

Remediation Action Plan (RAP)

The RAP is to:

- a) Set remediation goals that ensure the remediated site will be suitable for the proposed use and will pose no unacceptable risk to human health or the environment,
- b) Document in detail all procedures and plans to be implemented to reduce risks to acceptable levels for the proposed site use,
- c) Establish the environmental safeguards required to complete the remediation in an environmentally acceptable manner, and
- d) Identify and include proof of the necessary approvals and licences required by regulatory authorities.

Site Validation Report

The site validation report details the validation results of the remedial action undertaken on the site. Validation is required to confirm that the remediated site complies with the clean-up criteria set for the site as stated in the RAP. Confirmation that all NSW OEH and other regulatory authorities' license conditions and approvals have been met is to be included in the validation report, i.e. documentary evidence confirming that the off-site disposal is done in accordance with the RAP. Where targets have not been achieved, reasons must be stated and additional site work proposed to achieve the objectives stated in the RAP.

Site Audit Statement

A site audit statement is an independent review of any or all stages of the site investigation process, conducted in accordance with the *Contaminated Land Management Act 1997* (CLM Act). A site audit statement may review a preliminary site investigation, a detailed site investigation, a remedial action plan, or a validation

report. A site audit statement will lead to the provision of certification called a Site Audit Statement, stating for what use the land is suitable. Only site auditors accredited by OEH can issue a site audit statement.

3.3.10 Access via Crown Roads

Development Standards

- a) Where it is intended to upgrade or construct a Crown road all costs and maintenance relating to that road will be the responsibility of the applicant or owner of the land the subject of the Development Application and the road will be constructed and maintained in accordance with Council's *Guideline to Engineering Works*.
- b) Where the NSW Department of Lands advises that dedication of a road is required, any costs or applications associated with such dedication will be the responsibility of the applicant or owner of the land of the subject Development Application.
- c) Where the road reserve is to be fenced, all such work, gates and grids will be erected at the expense of the applicant or owner of the land of the subject development application.
- d) The applicant is to provide the written consent of the NSW Department of Lands relating to the construction of the Crown Road prior to the commencement of Crown Road works.

3.4 SUBDIVISION REQUIREMENTS: ZONE R1 – GENERAL RESIDENTIAL AND R2 – LOW DENSITY RESIDENTIAL

In addition to the provisions outlined in sections 3.1, 3.2 and 3.3 above, the following additional development standards apply to the subdivision of land within Zone R1 - General Residential and R2 – Low Density Residential.

3.4.1 Objectives

- a) To ensure that sufficient site area is available to provide a reasonable standard of amenity and functionality for housing developments.
- b) To provide requirements for the subdivision of medium density housing.

3.4.2 Allotment dimensions

Development Standards

- a) The minimum standards in the table below, apply for the subdivision of residential land for the purposes of a dwelling house.

Location	Normal Lot	Battle-axe Lot
	Minimum frontage	Minimum width of access handle
Bathurst, Kelso, Llanarth and Windradyne	16.5 metres	3 – 4m
Urban villages of Eglinton, Raglan and Perthville	20 metres	3 – 4m

Location	Normal Lot	Battle-axe Lot
	Minimum frontage	Minimum width of access handle
Bathurst and Kelso Heritage Conservation Areas.	Consistent with the frontage of adjoining properties.	3 - 4m

3.4.3 Road works

Development Standards

- a) Road layouts are to generally be a traditional or modified grid pattern. Cul-de-sac roads should be limited in use and should generally serve not more than 15 dwellings.
- b) Road layouts are to be designed to ensure that maximum access to public open space areas is achieved. Where a subdivision incorporates public open space areas/corridors (including drainage lines which also have an access function), these areas/corridors are to immediately adjoin a public road to ensure maximum visibility and safety of the public open space area/corridor is achieved.
- c) Council will only accept residential allotments or other land uses adjoining public open space areas/corridors (including drainage lines which also have an access function) where it is satisfied that an appropriate standard of visibility and safety of those areas is achieved.
- d) Council will accept a road standard identified in table (c) of section 3.3.2 as local access (open space) for local roads adjoining open space areas/corridors, excluding local distributor or collector roads that adjoin open space areas/corridors.
- e) In respect of local access (open space) roads, a two vehicle parallel parking bay shall be provided for every three dwellings. The construction of parking bays within the open space corridor shall be permitted.
- f) Road layouts are to integrate closely with surrounding existing and planned future residential subdivisions.

3.4.4 Subdivision of dual occupancy, multi dwelling houses, residential flat buildings and shop top housing.

The standards below **also** apply to the subdivision of these development types within Zones **B1** – Neighbourhood Centre and **B3** - Commercial Core.

Development Standards

Pursuant to Clause **4.1B Minimum Lot Sizes for dual occupancy, multi dwelling houses and residential flat buildings** of the LEP, medium density housing can be subdivided as follows:

- a) Multi dwelling housing, residential flat buildings, attached dwellings and shop top housing may be subdivided, with the consent of Council, as follows:

- i) conventional subdivision - creation of 3 or more lots (2 or more lots for shop top housing);
- ii) strata subdivision - creation of 3 or more lots with common property (2 or more lots for shop top housing); or
- iii) community title subdivision - creation of 3 or more lots and 1 or more shared lots (communal property) (2 or more lots for shop top housing);

but only where the multi-dwelling housing, residential flat building, attached dwelling or shop top housing already exists, or the application for subdivision is lodged in conjunction with the application for the development consent to erect the buildings.

- b) Dual occupancies and semi-detached dwelling developments may be subdivided, with the consent of Council as follows:

- i) conventional subdivision - creation of 2 lots;
- ii) strata subdivision - creation of 2 lots with common property; or
- iii) community title subdivision - creation of 2 lots and 1 shared lot (communal property);

but only where the dual occupancy or semi-detached dwelling already exists, or the application for subdivision is lodged in conjunction with the application for the development consent to erect the buildings.

- c) Council must not release the subdivision certificate for a subdivision referred to in (a) or (b) above unless the construction of each dwelling within the development has been physically commenced (i.e. the floor slab/footings have been poured).
- d) An allotment of land created because of the subdivision of a dual occupancy, semi detached dwelling or multi dwelling housing under this Plan or a building erected on any such allotment may not be subdivided again.
- e) Council will NOT consent to a conventional, strata title or community title subdivision which results in a secondary dwelling (granny flat) having a land title separate from that of the larger (principle) dwelling.

3.4.5 Subdivision of land in the village of Eglinton

- a) Council may only grant consent to development on the land identified in the table below where the development complies with the requirements listed in the table for that land.

Lot / DP	Address	Development Standard
Lot 1 DP 1047811	18 Hobson Close	The asbestos and concrete is to be removed to an approved landfill site. The applicant is to provide a validation report to Council proving that the land is suitable for the intended use prior to Council issuing a subdivision certificate.
Lot 11 DP 115828	546 Eleven Mile Drive	An application for subdivision or dwelling is to be accompanied by a Remediation Action Plan prepared by a suitably qualified professional, based on the Office of Environment and Heritage's guidelines. Prior to the release of a subdivision certificate or construction certificate, the land is to be remediated in accordance with the Remediation Action Plan and certification provided to Council that the land is suitable for the intended use.
Lot 12 DP 1067214 and Lot 2 DP 759012	128 Duramana Road	An application for subdivision or dwelling is to be accompanied by a Remediation Action Plan prepared by a suitably qualified professional, based on the Office of Environment and Heritage's guidelines. Prior to the release of a subdivision certificate or construction certificate, the land is to be remediated in accordance with the Remediation Action Plan and certification provided to Council that the land is suitable for the intended use.

3.4.6 Subdivision of the land in Kelso

The standards below **also** apply to the subdivision of the land identified on DCP Map No. 4 – Kelso.

Development Standards

- a) The roads coloured purple on the DCP Map are to be designed and constructed as collector roads (refer section 3.3.2). The location of the purple collector roads should be generally in accordance with that shown on the DCP Map. It will be the developer's responsibility for the construction of the collector roads.

- b) The intersections marked purple on the DCP Map are to be designed and constructed to cater for the collector and local road network in accordance with Council's Engineering Works and Civil Engineering Construction Guidelines. The location of the purple intersections should be generally in accordance with that shown on the DCP Map. It will be the developer's responsibility for the construction of these intersection works.
- c) The roads and intersections coloured orange on the DCP Map have been separately identified in a Developer Contribution Plan. Council will coordinate the construction of these roads and intersections under that Plan.
- d) Council encourages residential allotments or other land uses to front the identified collector roads.

3.5 SUBDIVISION REQUIREMENTS: RURAL AND RURAL LIFESTYLE DEVELOPMENT

In addition to the provisions outlined in sections **3.1**, **3.2** and **3.3** above, the following additional standards apply to the subdivision of land within Zones **RU1** - Primary Production, **RU2** - Rural Landscape, **RU4** - Primary Production Small Lots and **R5** - Large Lot Residential.

3.5.1 Driveway access

Development Standards

- a) Vehicular access locations shall be sited to take into account the following factors:
 - i) Existing natural surface levels at the property boundary,
 - ii) Sight distances as required by the Roads and Maritime Service (RMS) *Road Design Guide*,
 - iii) Preventing ingress of road water into the property, and
 - iv) Location of existing utilities and services.
- b) The property access location/gate or stock grid shall be installed with a setback of 10m from the boundary of the land with the public road. The minimum width of the crossing shall be 4m and shall be two coat bitumen sealed from the edge of the road wearing surface to the entrance gate or stock grid where the road is sealed. The crossing can be gravel where the road is gravel.

Note: The bitumen seal shall conform to the RTA *Sprayed Sealing Guide*. Pavement design is to be in accordance with Section 2.4 "Pavement Design" of Council's *Guideline to Engineering Works*.
- c) Based upon site conditions, either a 150mm thick, 6m wide dish drain, or a 450mm dia. (min) reinforced concrete pipe culvert with headwalls shall be constructed. See Drawing No *EN7881b* of Council's *Guideline to Engineering Works* for further details.

- d) Rural driveways that will be used for commercial purposes will be required to have the gateway setback 20m from the boundary of the land. The minimum width of the driveway shall be determined by taking into consideration the manoeuvring area required for a 19m semi-trailer.

3.5.2 Fencing

Development Standards

- a) Fencing is to be of a rural nature using traditional rural fencing materials, or of pipe, steel, timber, masonry or the like. Pre-coloured metal sheet fences are generally not permitted.
- b) Fencing is to be constructed so that it does not prevent the natural flow of storm water drainage.
- c) Fencing is to be constructed so to consider the movement of fauna through the property.

3.5.3 Bushfire prone lands

Development Standards

- a) Council must not grant consent to the subdivision of land on land that is bushfire prone (refer to the Bushfire Prone Land Map held in the offices of Council) or other land which may be subject to bushfires unless the subdivision complies with the Rural Fire Service's *Planning for Bushfire Protection 2006*. For further information refer to section **9.7 – Bushfire Prone Land** of this Plan.

3.5.4 White Rock

3.5.4.1 Land to which this Section applies

This Section applies to the following lots:

- Lot 14 DP 1050220, 3991 O'Connell Road, KELSO
- Lot 1 DP 867504, 4031 O'Connell Road, KELSO

Development Standards

- a) Council must not grant consent to the subdivision of land unless appropriate building envelopes have been shown to be at or below the 708m AHD.
- b) Any application for subdivision is to indicate a building envelope at or below 708m AHD.
- c) A maximum of 1m cut is permitted to a maximum 709m AHD.

3.6 SUBDIVISION REQUIREMENTS: RURAL VILLAGE DEVELOPMENT

Development Standards

In addition to the provisions outlined in sections **3.1**, **3.2** and **3.3** above, the following additional standards apply to the subdivision of land within Zone **RU5** - Village.

- a) Within the villages of Hill End, Peel, Rockley, Sofala, Trunkey Creek and Wattle Flat a new subdivision is to be in a traditional or modified grid pattern.
- b) Within the village of Yetholme no further subdivision is permitted other than:
 - i) a minor realignment of boundaries that does not create additional lots or the opportunity for additional dwellings, or
 - ii) where an existing lot is divided by a formed road, Council may consider an application to subdivide the lot into 2 lots provided the size of each resultant lot meets the requirements of Section 3.2.2. of this Plan.
- c) Within the village of Wattle Flat, no further subdivision of land is permitted other than a minor realignment of boundaries that does not create additional lots or the opportunity for additional dwellings on certain lands identified as “subdivision restriction” on DCP Map No **18** – Wattle Flat.
- d) Within the village of Hill End, subdivision within the Development Area A shown on DCP Map No. **21** – Hill End is not permitted.

3.7 SUBDIVISION REQUIREMENTS – HERITAGE CONSERVATION AREAS AND HERITAGE ITEMS

In addition to the provisions outlined in sections **3.1**, **3.2** and **3.3** above, the following additional standards apply to the subdivision of land within a heritage conservation area or that contains a heritage item.

Development Standards

- a) Development Application plans are to identify:
 - i) an appropriate curtilage for any existing buildings affected by the subdivision, and
 - ii) existing landscape features, particularly significant trees, and
 - iii) a building envelope for each new lot to be created that considers (i) and (ii) above.
- b) Council shall not consent to the subdivision of land unless it has determined that each new lot created is of a sufficient size to ensure that:
 - i) a new building on that lot can achieve an appropriate bulk, scale and massing in relation to existing neighbouring buildings, and
 - ii) an appropriate curtilage around a new building is available to provide opportunities for new landscaping consistent with that of the locality.

In this regard a Statement of Heritage Impact (see section **10.2.3**) may be required to be submitted to Council with the application where Council is of the opinion that the proposed subdivision may impact upon the significance of the building or site or its streetscape or setting.

3.8 DEVELOPMENT CONTROL PLAN MAPS

Development Standards

- a) Notwithstanding any other provision of this Plan, Council may only consent to an application to subdivide land to which this Plan applies where the proposed subdivision is consistent with the provisions of the relevant DCP Map for that locality, where applicable.
- b) Where shown on any relevant DCP map, Council may grant consent to the subdivision of land where proposed roads and allotment boundaries are generally in accordance with those shown on the DCP Map.

4 RESIDENTIAL DEVELOPMENT

4.1 PRELIMINARY

4.1.1 Land to which this Section applies

Unless otherwise stated, this section applies to the land and residential activity outlined in the table below.

Land	Activity
Zone R1 - General Residential	Medium density housing Residential accommodation Shop top housing
Zone R2 – Low Density Residential	Residential accommodation
Zone B1 – Neighbourhood Centre	Medium density housing Shop top housing
Zone B3 - Commercial Core	Medium density housing Shop top housing
Zone B5 – Business Development	Shop top housing
Zone RU5 - Village	Shop top housing

Within Zones **B1** Neighbourhood Centre and **B3** Commercial Core, medium density housing is to comply with the relevant standards which apply to such development as if it were located within Zone **R1** General Residential and located in precinct 1 (see schedule 6).

Within all zones other than Zone **R1** - General Residential and Zone **R2** – Low Density Residential, secondary dwellings (granny flats) are to comply with any relevant standard which applies to such development, other than minimum lot size standards.

4.1.2 Strategic Priorities and Objectives

The Bathurst Region Urban Strategy 2007 establishes the following key priorities and objectives for residential development and growth for the Bathurst Region.

Strategic Priorities:

- a) To determine the best locations for residential growth areas to cater for expected population growth.
- b) To determine the best means to provide housing choice and affordability through the provision of medium density housing.
- c) To determine the best way to protect and enhance residential amenity.
- d) To protect the low density character of the outer fringe areas.

Strategic Objectives:

- a) To provide adequate residential land (residential growth areas) to cater for current demand and cater for residential growth in the most appropriate locations to ensure protection from competing land uses and physical constraints to development.
- b) To provide additional opportunities for medium density housing within the City. This will ensure there is appropriate housing choice and affordability as the population ages.
- c) To provide development control provisions that seek to ensure appropriate form, building design, lot sizes, site density and siting of medium density development in order to better deal with community concerns associated with medium density development.
- d) To enhance and protect residential amenity particularly in relation to medium density forms of housing and competing land uses.
- e) To minimise the potential for landuse conflicts with rural lands and improve the rural/urban interface.

4.1.3 Definitions

This section adopts the definitions under the LEP and those definitions listed hereunder.

Medium Density Housing

Means development defined under the LEP for the purpose of any of the following:

- i) Dual occupancy (e.g. two dwellings - attached or detached);
- ii) Semi detached dwelling (e.g. two dwellings attached);
- iii) Attached dwelling (e.g. three or more dwellings attached);
- iv) Multi dwelling housing (e.g. three or more dwellings - attached or detached with ground floor access); or
- v) Residential flat building (e.g. three or more dwellings usually with 2 or more storeys).

Medium density housing **does not** include development for the purpose of a **dwelling house** or a **secondary dwelling (granny flat)**.

Residential Units

Means development defined under the LEP as attached dwellings, multi-dwelling housing or residential flat buildings (i.e. 3 or more dwellings).

Dual Occupancy

Means development defined under the LEP as dual occupancy or semi-detached dwellings (i.e. 2 dwellings), whether attached or detached.

4.2 RESIDENTIAL DENSITY

4.2.1 Objectives

Clause **4.1 Minimum subdivision lot size** of the LEP establishes the minimum lot size for the purposes of a dwelling house in zones **R1** General Residential and **R2** Low Density Residential. Clause **4.1B Minimum lot sizes for dual occupancy, multi dwelling houses and residential flat buildings** of the LEP establishes the minimum lot size for the purposes of medium density housing developments in Zone **R1** General Residential. The relevant lot size varies throughout the zones so as to achieve the following objectives for different localities. For ease of reference these localities are shown as residential precincts on the figure to **Schedule 6** of this Plan.

Precinct 1 – Medium Density

- a) To provide for a mixed residential character, with an emphasis on medium density housing.
- b) To enable a greater proportion of the population to live closer to the Bathurst CBD and the services and facilities located in the central area of the City.

Precinct 2 – Low to Medium Density

- a) To provide appropriate forms of low and medium density housing that encourages housing choice and caters for an ageing population.
- b) To permit forms of medium density housing which are compatible with the single dwelling character of the suburbs and whose impact on the existing amenity of neighbourhoods is minimised.

Precinct 3 – Urban Villages (Eglinton, Perthville & Raglan)

- a) To provide a village precinct that maintains a larger minimum lot size than the city locations to enhance the low density village character.
- b) To permit forms of medium density housing which are compatible with the single dwelling character of the villages and whose impact on the existing amenity of neighbourhoods is minimised.

Precinct 4 – Low Density

- a) To minimise the effect of odour problems associated with the Bathurst Sewerage Treatment Plant by permitting low density residential housing only within 400 metres of the Bathurst Sewerage Treatment Plant.
- b) To minimise the effect of noise associated with the 50dBa Noise Contour – Mount Panorama by permitting low density residential housing only within the noise contour.

4.2.2 Development standards

Classes of Housing

- a) The classes of housing which may be approved by Council in accordance with the objectives of the Zone **R1** - General Residential or Zone **R2** – Low Density Residential and pursuant to the LEP are shown in the table below. For ease of reference these localities are shown as precincts on the figure to **Schedule 6** of this Plan.

	Zone R1			Zone R2
Class of Housing	Precinct			
	1	2	3	4
Attached dwellings	✓	✓	✓	✗
Boarding houses	✓	✓	✓	✓
Dual occupancy	✓	✓ *	✓ *	✗
Dwelling house	✓	✓	✓	✓
Group homes	✓	✓	✓	✓
Hostels	✓	✓	✓	✓
Multi dwelling housing	✓	✓ *	✓ *	✗
Residential Flat building	✓	✓ *	✓ *	✗
Rural worker's dwellings	✓	✓	✓	✗
Secondary dwelling (granny flat)	✓	✓	✓	✓
Semi-detached dwelling	✓	✓	✓	✗
Seniors housing	✓	✓	✓	✗
Shop top housing	✓	✓	✓	✗

Notes:

- ✓ Permissible
- ✗ Prohibited
- ✓ *Permissible on normal lots only (i.e. not battle-axe allotments)

Population density

For the purposes of establishing population densities, occupancy rates will be as follows:

One (1) bedroom dwelling	=	1.5 persons
Two (2) bedroom dwelling	=	2.2 persons
Three (3) bedroom dwelling	=	3.3 persons
Four (4) or more bedroom dwelling	=	3.6 persons

Residential Units in Precinct 1

- a) The residential density is to be no greater than 88 persons per site hectare on lots less than 4000 square metres.

- b) The residential density is to be no greater than 93.5 persons per site hectare on lots greater than 4000 square metres.

Note: Density controls are maximums only, the actual density achievable will be dependent upon site constraints and subsequent building design.

The following formulas will aid in the determination of the site density		
88 persons per site hectare	$\frac{\text{Area of land}}{10,000} \times 88 =$	Number of persons permissible on a site.
93.5 persons per site hectare	$\frac{\text{Area of land}}{10,000} \times 93.5 =$	Number of persons permissible on a site.

Residential Units in Precinct 2

- a) The residential density is to be no greater than 60 persons per site hectare.

Note: Density controls are maximums only, the actual density achievable will be dependent upon site constraints and subsequent building design.

The following formula will aid in the determination of the site density		
60 persons per site hectare	$\frac{\text{Area of land}}{10,000} \times 60 =$	Number of persons permissible on a site.

Residential units in Precinct 3

- a) The residential density is to be no greater than 50 persons per site hectare.

Note: Density controls are maximums only, the actual density achievable will be dependent upon site constraints and subsequent building design.

The following formula will aid in the determination of the site density		
50 persons per site hectare	$\frac{\text{Area of land}}{10,000} \times 50 =$	Number of persons permissible on a site.

Dual Occupancy development Zone R1 General Residential

- a) The total site coverage of both dwellings is not to exceed 50% of the site area.

Note: Site coverage means the total area of the footprint of each dwelling and includes the garages and/or carports of each dwelling, whether attached or detached.

4.3 MINIMUM LOT SIZE

4.3.1 Objectives

- a) To ensure that sufficient site area is available to provide a reasonable standard of amenity and functionality for housing developments.

- b) To facilitate the provision of a variety of housing types in all residential areas throughout the City.

4.3.2 Development standards

- a) Council shall not grant consent to development for the purpose of a dwelling house unless the area of the allotment is no less than the minimum set in Clause **4.1 Minimum subdivision lot size** and on the Lot Size Map (LSZ), or Clause 4.1(3F) and 4.1(3G) of the LEP in the case of a battleaxe allotment, within the Bathurst Regional Local Environmental Plan 2014.
- b) Council shall not grant consent to development for the purpose of a dual occupancy unless the area of the allotment is no less than the minimum set in Clause **4.1B Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings** and on the Minimum Lot Size – Dual Occupancy Map (LSD) within the Bathurst Regional Local Environmental Plan 2014.
- c) Council shall not grant consent to development for multi dwelling housing and residential flat buildings unless the area of the allotment is no less than the minimum set in Clause **4.1B Minimum lot size for dual occupancies, multi dwelling housing and residential flat buildings** and on the Minimum Lot Size – Multi Dwelling Housing and Residential Flat Building Map (LSM) within the Bathurst Regional Local Environmental Plan 2014.
- d) Notwithstanding the minimum lot sizes established for the subdivision of land under Clause **4.1** of the LEP, medium density housing developments that have been approved by Council and physically commenced can be further subdivided (see section **3.4.4**) to any size in accordance with Clause **4.1B(4)** of the LEP.

Note: For the purpose of this Plan, physically commenced is when the floor slab has been inspected and approved by Council and poured.

Notes:

- i) Minimum lot sizes are absolute minimums only and all developments must also comply with all other development standards identified by this section.
- ii) For ease of reference, the following minimum lot sizes are relevant for each precinct locality shown on the figure in **Schedule 6** of this Plan. Please check the relevant LEP maps.

Class of housing	Normal Lots				Battle-axe lots			
	Zone R1 General Residential			Zone R2 Low Density Residential	Zone R1 General Residential			Zone R2 Low Density Residential
Precinct	1	2	3	4	1	2	3	4
Dwelling house	550	550	900	550	750	750	900	750
Secondary dwelling (granny flat)	550	550	900	550	750	750	900	750
Dual occupancy	600	850	900	X	800	X	X	X
Residential units	900	1300	2000	X	1100	X	X	X

4.4 GENERAL SITING CONSIDERATIONS – ALL RESIDENTIAL DEVELOPMENT

4.4.1 Objectives

- To enhance and/or maintain residential streetscape and character and to provide for landscaping in front of buildings.
- To provide access and fire protection, to maximise solar access and privacy, to minimise possible adverse impacts on adjoining properties, and to facilitate flexible site planning.

To reduce the visual dominance of garages, vehicle access, carports and parking spaces in the streetscape.

4.4.2 Development standards

General

- Where cut and/or fill in excess of 1 metre is proposed, a cross section plan is to be provided demonstrating compliance with AS 2890 with respect to the driveway and the cut and fill provisions outlined in **Chapter 16** of this DCP.

Front Building Line Setback

- Any part of the building must comply with the building line setbacks specified in the table below.

Location	Minimum Building Line
Within the Bathurst Heritage Conservation Area.	<ul style="list-style-type: none"> Must complement the existing setbacks of surrounding buildings in the vicinity and within the streetscape. Visibility must be maintained on corner allotments.
Outside the Bathurst Heritage Conservation Area	
Normal Allotments	<ul style="list-style-type: none"> 6 metres, unless the existing streetscape is already established at 8 metres.
Corner Allotments	<ul style="list-style-type: none"> The combined distance of the 2 building line setbacks to the 2 roads is to be not less than 8 metres, provided that neither is less than 2 metres.

Note: Council may consider a variation to reduce the building lines but must consider the existing setbacks in the street.

Garages for Dual Occupancy and Multi Unit Dwelling developments

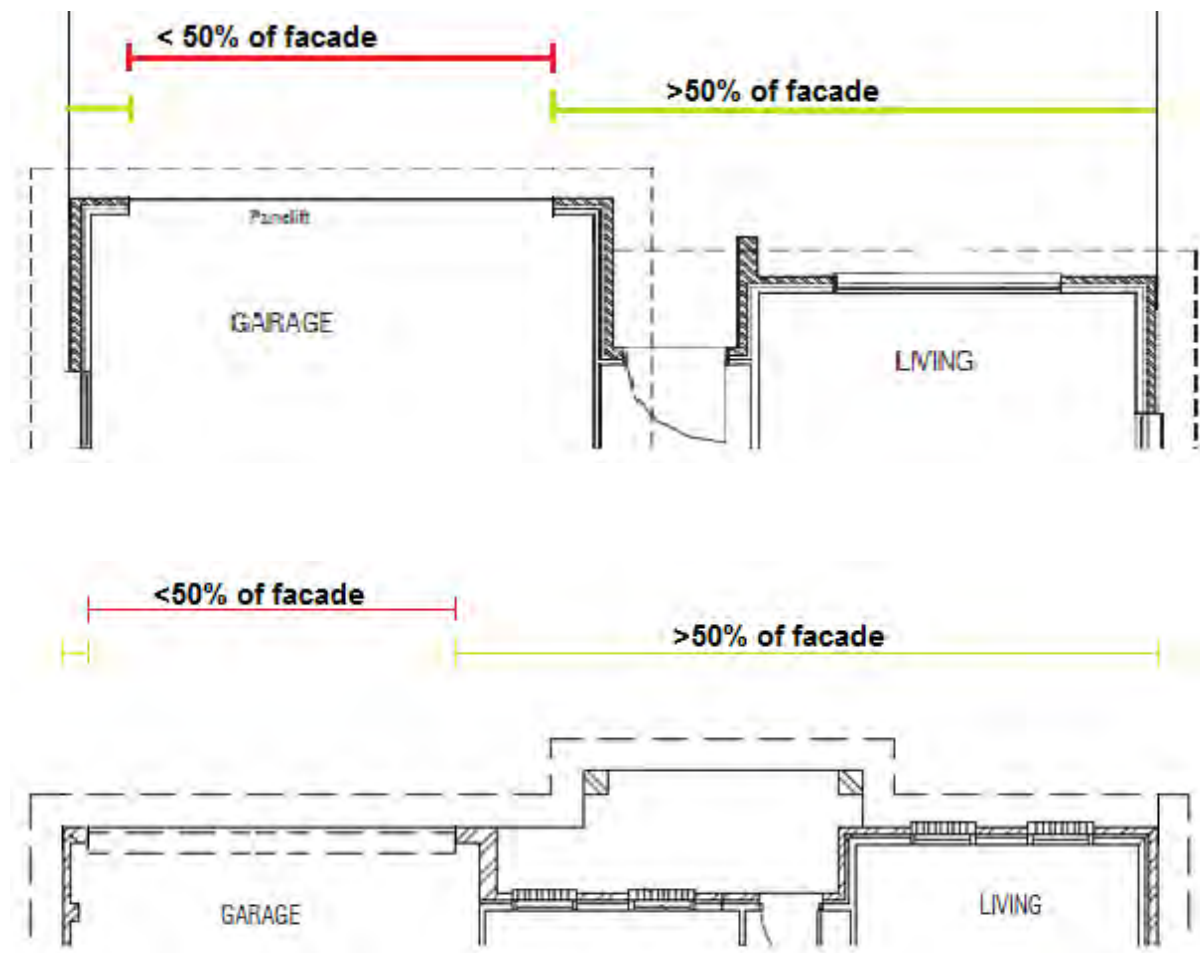
- a) Any part of the building must comply with the building line setbacks specified in the table below.

Location	Garage/Carport Location - Dual Occupancy and Multi Unit Dwellings
Garage doors forming part of the building line, or within 1 metre of the building line	<ul style="list-style-type: none"> Garage door openings are to make up less than 50% of the dwelling's lineal façade fronting a public road.
Garage doors located greater than 1 metre behind the entry/living façade, or not orientated towards the street	<ul style="list-style-type: none"> Garage door openings are to make up less than 70% of the dwelling's lineal façade fronting a public road.

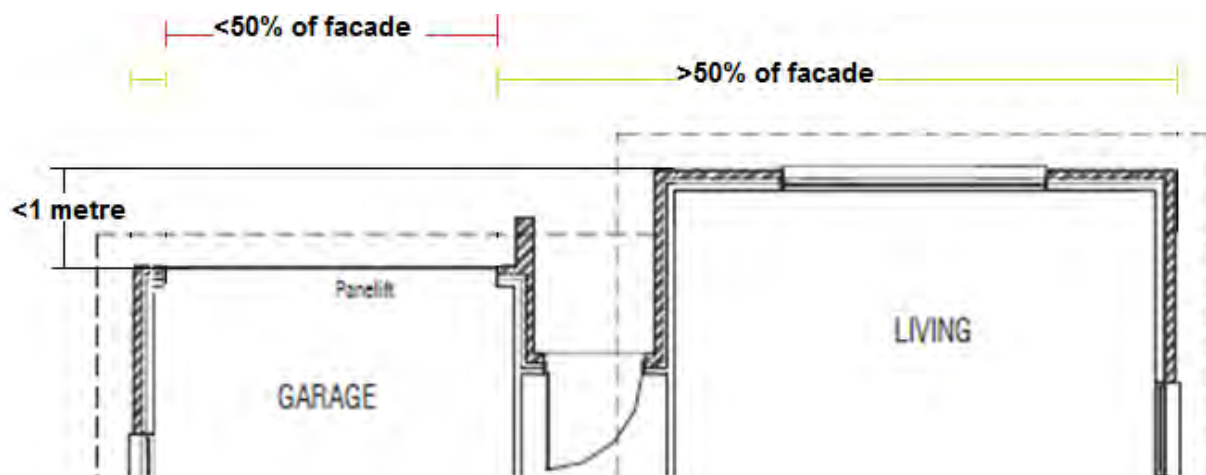
Note: In the case of a corner allotment, this standard applies to both primary and secondary street frontages.

Note: Council may consider a variation to reduce the building lines but must consider the existing setbacks in the street.

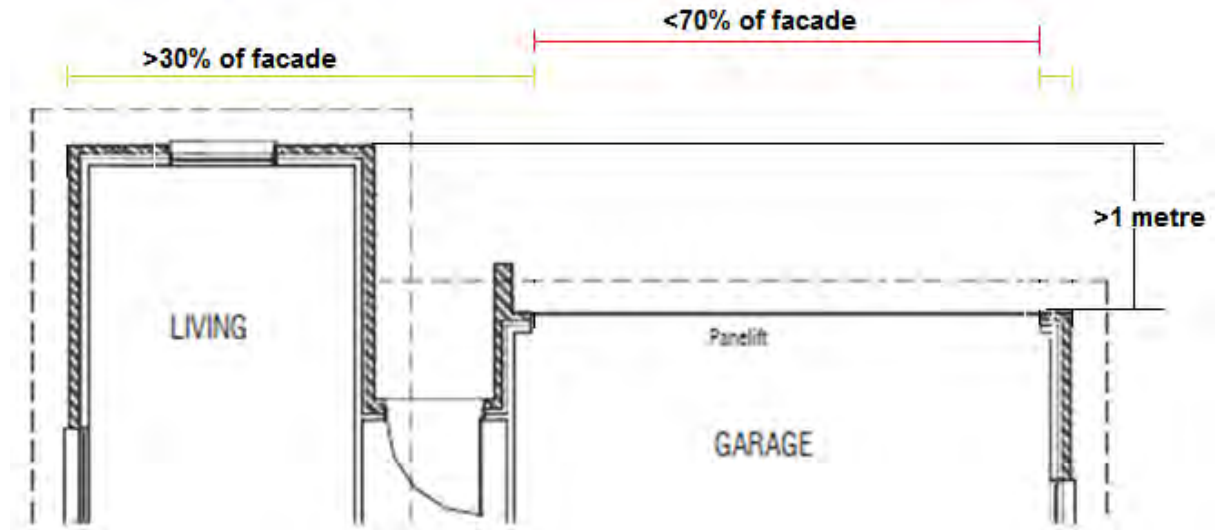
Garage at the building line



Garage located just behind the building line



Garage located well behind the building line



Side and Rear Building Line Setbacks

- a) Any part of the building must comply with the side and rear building line setbacks specified in the table below.

Development Type and Wall Height	Continuous walls of less than 10 metres and non-continuous walls of any length	Continuous walls of more than 10 metres
Residential Units, boarding houses, seniors housing - Single storey	In accordance with the National Construction Code (NCC).	Staggered to include setbacks exceeding the minimum set by the NCC or broken into lengths of 10 metres or less and interspersed with open space.
Residential Units, boarding houses, seniors housing – Two storey	1.5m	Staggered to include setbacks exceeding 1.5 metres, or broken into lengths of 10 metres and interspersed with open space.
Dual occupancy, dwelling houses and secondary dwellings (granny flats), semi-detached dwellings – Single or two storey	In accordance with the NCC.	In accordance with the NCC.

- b) Notwithstanding the table above, where Council is of the opinion that such a setback will:
 - i) significantly overshadow neighbouring properties and/or,
 - ii) adversely impact upon the privacy of neighbouring properties,
 then such a setback must be increased to the extent necessary to reduce the overshadowing or maintain the privacy of adjoining owners.
- c) All applications for development (except single storey dwelling houses) must show the location of neighbouring buildings, neighbouring windows, balconies and outdoor living areas in relation to the proposed development.
- d) Applications for two storey development (including 2 storey additions) are to provide an assessment of overshadowing to all adjoining properties on the winter solstice in June.

External Appearance – Dual Occupancies and Residential Units

All dual occupancy and residential unit developments

- a) All dual occupancy or residential unit developments that directly front a public road must be orientated toward that street by way of openings, verandah, awning and/or other similar articulation and detail. If a dwelling is proposed on a corner allotment, articulation, openings and detail in the building façade must also be provided for both street frontages.
- b) Any proposed dual occupancy must display relief in the roof form and articulation of the walls and front façade. For detached dual occupancies or residential units, there is to be variation in the detailing of the front façade between each dwelling of the dual occupancy or residential unit development. The change in detail is to be illustrated on the plans.

Privacy– Residential Units and Dual Occupancy Developments

- a) Windows of habitable rooms facing side or rear boundaries are generally to be offset by at least 1.0m from the centre point of any opposite facing window.
- b) Where a proposed window will face directly onto adjoining *principle private open space*, the window should be screened or have obscure glazing.
- c) Windows and balconies at first floor level are generally to:
 - i) be screened by boundary landscaping that can be effective within 3 years, or
 - ii) be screened by permanently fixed structures made of durable materials.
- d) Long narrow windows, high level windows or roof lights should be used to provide natural light whilst maximising privacy along walls close to neighbouring dwellings/open space.

Overshadowing – Residential Units and Dual Occupancy Developments

- a) New development should not significantly affect access to sunlight of existing or likely future development on other property between 9.00am and 3.00pm, particularly living areas and usable open space. At least two hours sunlight to indoor and outdoor living areas of adjoining properties is to be maintained between 9.00am and 3.00pm on June 21.
- b) The overshadowing diagrams should be provided in 1 hour intervals for the period 9.00am and 3.00pm on 21 June.

Overshadowing – Dwelling Houses

- a) This section applies to new two-storey dwelling houses, or alterations or additions to an existing dwelling that contains a two-storey component.
- b) New two-storey development should not significantly affect access to sunlight of existing or likely future development on other property between 9.00am and 3.00pm, particularly living areas and usable open space. At least two hours sunlight to indoor and outdoor living areas of adjoining properties is to be maintained between 9.00am and 3.00pm on June 21.
- c) Overshadowing diagrams should be provided in 1 hour intervals for the period 9.00am and 3.00pm on 21 June.

Construction of footpaths – Residential Units and Dual Occupancy Developments

- a) A footpath is to be constructed for the full frontage of the allotment in accordance with the DCP maps, the Bathurst Community Access and Cycling Plan 2011 and Council's *Guidelines for Engineering Works*.

4.5 SITING CONSIDERATIONS – RESIDENTIAL UNITS – PRECINCT 2 AND 3

Note: For ease of reference, Precinct locality 2 is shown on the figure to **Schedule 6** of this Plan.

4.5.1 Objectives

- a) To ensure residential units (i.e. attached dwellings, multi dwelling housing and residential flat building developments) generally within the suburban area are located so as to minimise their impact on the existing amenity of the area.

4.5.2 Development standards

- a) Not permitted on battle-axe allotments.
- b) Must be within a straight line distance of 500 metres of an open space area/corridor (note: drainage lines less than 50m wide are not considered an open space corridor).
- c) Must not be within a cul-de-sac, excluding corner allotments.
- d) Must have a lot frontage at the 6 metre building line of not less than 20 metres wide.

- e) Notwithstanding (c) and (d) above, Council may consent to developments on a road within a cul-de-sac and/or on a lot with a smaller frontage if the development is immediately adjacent to, adjoining or opposite an open space area/corridor (note: drainage lines less than 50m wide are not considered an open space corridor).
- f) Notwithstanding (b), (c) and (d) above, Council may consent to development on a road within a cul-de-sac, and/or on a lot with a smaller frontage, and/or on land that is not within 400m of an open space area/corridor if the development is located within 400m of a neighbourhood shopping centre (refer DCP map No. 6 – Neighbourhood Shopping Centres).

4.6 SITING CONSIDERATIONS – DUAL OCCUPANCY – PRECINCT 2 & 3

Note: For ease of reference, Precinct locality 2 is shown on the figure to **Schedule 6** of this Plan.

4.6.1 Objectives

- a) To ensure dual occupancy developments (i.e. dual occupancy and semi-detached dwelling developments) within Eglinton, Kelso, Llanarth, Perthville, Raglan and Windradyne are located so as to minimise their impact on the existing amenity of the area.

4.6.2 Development standards

- a) Not permitted on battle-axe allotments.
- b) Must have a lot frontage at the 6 metre building line of not less than 20 metres wide.
- c) Must be located either:
 - i) On a corner allotment; or
 - ii) No closer than 40 metres on the same side of the street to another dual occupancy (excluding a dual occupancy development located or approved on a corner allotment).

4.7 PRIVATE OPEN SPACE AND LANDSCAPING

4.7.1 Development to which this Section applies

This section applies to all residential development, including dwellings, secondary dwellings, dual occupancy and multi-unit dwellings.

4.7.2 Objectives

- a) To provide residents with an adequate and attractive outdoor living area.
- b) To provide residents with a functional private open space area.

4.7.3 Development standards

- a) Private open space is to be provided per dwelling in accordance with the following table.

Dwelling Size	Minimum Private Open Space Required
1 Bedroom	20m ²
2 Bedrooms	30m ²
3 Bedrooms	40m ²
4 or more Bedrooms	50m ²

Note: Rooms, such as a study, sewing room, studio or the like of a similar size to a bedroom, will be included as a bedroom for the purposes of calculating the open space required.

- b) Private open space required by the above table is to be located behind the front building line.
- c) Private open space required by the above table is to be vertically open to the sky.
- d) Land less than 4 metres in width or steeper than 1:10 gradient does not qualify as private open space.
- e) At least 20m² of the private open space required by the table above is to be located so as to adjoin a habitable living room at ground level.
- f) Where a dwelling is located on a second storey and does not have direct access to ground level, a 10m² balcony, with a minimum width of 2m, is to be provided that adjoins a habitable living area. The remaining private open space requirement per dwelling (as outlined in the table above) is to be provided as usable/functional communal open space (e.g. BBQ area), that is screened from public view.
- g) Private open space areas should generally be north facing.
- h) All parts of a site not built upon or used for private open space, driveways, etc. shall be provided as landscaped areas/communal open space. Communal open space is to be sited to enable passive and active recreation around buildings rather than just as remnants of space on a site.
- i) Private open space is to be clearly defined by walls, fencing or landscaping so as to provide a self contained space adjacent to each dwelling.
- j) For residential unit developments, Council will require a landscape plan to be submitted in accordance with section **13 – Landscaping and Greening** of this Plan at the time of lodgment of the Development Application.
- k) The Private Open Space for each dwelling should generally not be overshadowed by the development to which it serves.

4.8 HEIGHT OF BUILDINGS

4.8.1 Objective

- a) To ensure that new housing development is built at a height compatible with existing residential development in the city.

4.8.2 Development standards

Note: The Height of Buildings Map under clause **4.3 Height of Buildings** of the LEP limits the height of buildings within the **R1** - General Residential and **R2** Low Density Residential Zones to 9m, except in those circumstances outlined in (d) below.

- a) A building containing more than 2 floors shall not be erected on land within Zone **R1** - General Residential or Zone **R2** Low Density Residential.
- b) Notwithstanding (a), allowance can be made for rooms within the roof line (e.g. attic rooms) or rooms/garages within a basement area generally below ground level where Council is satisfied that the privacy of adjoining properties is not adversely affected.
- c) Notwithstanding (a), allowance can be made for a building of more than 2 floors on heavily sloping land where Council is satisfied that the dwelling height is consistent with the slope of the land and that the privacy of adjoining owners is not adversely affected.
- d) Notwithstanding (a), (b) and (c) above, a person may, with the consent of Council, rebuild or extend a building within the Bathurst Heritage Conservation Area to a height not exceeding the height of that building at 27 March 1987.
- e) Notwithstanding (a), (b), (c) and (d), where Council is of the opinion that such a height will:
 - i) significantly overshadow neighbouring properties and/or
 - ii) adversely impact upon the privacy of neighbouring properties,

then such building height must be reduced to the extent necessary to reduce the overshadowing or maintain the privacy of neighbouring properties.

4.9 PARKING, ACCESS AND MANOEUVRING AREAS

4.9.1 Objectives

- a) To provide for the safe and sufficient provision of car and bicycle parking on-site to meet the parking demands generated by residents and visitors of the development.
- b) To ensure that safe and functional vehicular access is provided within new developments for manoeuvring purposes.

4.9.2 Development Standards

- a) Car and bicycle parking is to be provided on site in accordance with section **14 – Parking** of this Plan, and as repeated below.

Note: The precinct localities referred to in the table below are shown on the figure to **Schedule 6** of this Plan.

Dwelling Type	Minimum Car Parking Required	Minimum Bicycle Parking Required (Visitor)
Single dwelling house	1 covered car parking space.	Nil
Secondary dwelling (granny flat)	1 car parking space (additional to the principle dwelling).	Nil
Medium density housing (Precinct 1)	Minimum car parking required: a) For 1 or 2 bedroom dwellings – 1 covered car parking space per dwelling and 1 visitors space per 4 dwellings (or part thereof) b) For 3 or more bedroom dwellings – 1 covered car parking space per dwelling and 1 visitors space per 2 dwellings (or part thereof)	1 bicycle parking space per 10 dwellings or part thereof.
Medium density housing (Precinct 2 or 3)	Minimum car parking required: a) For 1 or 2 bedroom dwellings – 1 covered car parking space per dwelling and 1 visitors space per 4 dwellings (or part thereof). b) For 3 or more bedroom dwellings – 1 covered car parking space per dwelling and 1 visitor's space per dwelling. <u>Note:</u> The visitors car parking space can be located or attached to each dwelling rather than being provided as a communal space, where appropriate to the overall design of the development.	1 bicycle parking space per 10 dwellings or part thereof.

- b) Parking spaces shall not form part of the vehicle manoeuvring areas.
- c) All car parking areas are to be at or behind the building line. Any visitor parking (other than stack parking) should be adequately screened by landscaping to reduce the effect of the development on the streetscape.

- d) Parking spaces must be sited as close as possible to the dwelling they are going to serve.
- e) Parking spaces, must comply with the minimum sizes outlined in the Australian Standard and **Schedule 2** of this Plan.
- f) Visitor's parking spaces must be clearly designated and readily accessible.
- g) Within a heritage conservation area, roller doors should generally not be visible from the road. Where this is not possible, Council may consider accepting a roller door facing the street if it is located behind the front building line and is of a paneled design.
- h) Parking areas are to be paved, and where required, line marked.
- i) Where an allotment of land immediately adjoins a classified road, access to the land must be in accordance with any criteria specified by the NSW Roads and Maritime Service.
- j) For medium density development, manoeuvring area is to be provided within the site to enable all vehicles serving the development to enter and leave the site in a forward direction, in accordance with Austroads Design Standards (see **Schedule 3** of this Plan).
- k) Adequate manoeuvring area is to be provided for vehicles entering and exiting car parking spaces in accordance with Austroad Design Standards (see **Schedule 3** of this Plan).
- l) Access and driveway widths are to be provided for medium density development in accordance with the following table.

No. of dwellings	Driveway Type (Minimum Standard)	Access and Driveway Width (Minimum Standard)
Two dwellings	One lane	3m
Three to 5 dwellings	One lane with passing bays or continuous two lanes.	3 – 6m
6 or more dwellings	One lane with passing bays or continuous two lanes.	6m x 6m - driveway entrance. 3 – 6m - driveway

- m) Vehicular crossings and laybacks must be provided for satisfactory ingress/egress to the subject property.
- n) For developments servicing 6 or more dwellings and developments involving an elongated access way, manoeuvring areas must allow larger vehicles, such as delivery vans and emergency vehicles, to safely enter and exit the site.
- o) Where possible access ways should be provided on the southern side of the site (i.e. using the shaded area of the lot).

4.10 SERVICES AND FACILITIES

4.10.1 Objectives

- a) To ensure that all essential services and facilities are provided to new developments.

4.10.2 Development standards

Fire Hydrants

Where the development involves the construction of more than one dwelling on a site, the provisions of the NSW Fire Brigades' Fire Safety Guideline "*Fire hydrants for minor residential development*" Version 02, issued 1 September 2016 applies to all dual occupancy, multi dwelling house and residential flat building developments.

Electricity and Telephone Services

- a) Underground electricity and telephone services are to be provided to new developments to the satisfaction of the electricity authority and an appropriate telecommunications authority respectively. Where required by Council, street lighting is also to be provided/upgraded to the satisfaction of the electricity authority.
- b) Any public lighting located within common property of a development is to be separately metered to the satisfaction of the electricity authority. All lighting associated with a development is to be designed and positioned so that at no time will any light be cast upward or cast upon any adjoining property.
- c) In most instances, Council will require documentary evidence from the relevant authority that satisfactory arrangements have been made in respect of electricity and telephone services.

Water and Sewer

- a) All new development shall be connected to Council's reticulated water and sewer systems. Consideration should be given to any likely future subdivision of the development as separate services will be required for each allotment created under a conventional subdivision.

Note: Specific requirements for construction works affecting water and sewer mains, including any necessary easements, should be discussed with Council's Engineering Department.

Roof and Surface Water Disposal

- a) All roofed and paved areas shall be drained to the street, piped drainage system, or other approved drainage system to the satisfaction of Council.
- b) All storm water drainage lines are to be discharged to a legal point of discharge.
- c) Pump-out storm water drainage systems are **not** permitted as the sole method for storm water disposal.

- d) Developments with more than 50% impervious site area are to submit detailed engineering design plans of the proposed storm water drainage layout, including locations of grade inlet pits, size of pipes and modeling results for certain storm events.
- e) At no time, during or after construction, is any ponding of storm water to occur on adjoining land as a result of the new development.

Footpath/kerbing & guttering

- a) The construction of the following works may be required:
 - i) a 1.2 metre wide concrete footpath along the frontage of the subject land;
 - ii) kerb and guttering along the front and side (if corner lot) of the subject land; and
 - iii) the full half width road shoulder where, for example, there is no road shoulder or where the road is currently unsealed.

Garbage Disposal

- a) For medium density developments, a suitable area is to be provided (paved and screened from the street) to accommodate two x 240 litre mobile garbage bins per dwelling. A cold water tap and associated drainage system is to be provided adjacent to this area to facilitate cleaning of the bins.

Clothes Drying Facilities

- a) Provision shall be made for external clothes drying areas for each dwelling. A minimum of 4.5m² per dwelling is to be provided.
- b) Areas must be screened from street view and located in a secure and sunny position.

4.11 SOIL AND WATER MANAGEMENT

4.11.1 Objectives

- a) To achieve a standard of control that results in minimal impact on both on-site and off-site soil resources and surface water quality.

4.11.2 Development standards

- a) For developments with a disturbance area of less than 2500m², development must comply with Council's *Erosion and Sediment Control Guidelines for Building and Work Sites*.
- b) For developments with a disturbance area of greater than 2500m², development must comply with the requirements of the document: *Managing Urban Stormwater: Soils and Construction 2004*, produced by Landcom. Due consideration is to be given to potential impacts on off-site streams in terms of channel stability under modified flow regimes resulting from development.
- c) As a condition of consent for sites with a disturbance area of greater than 2500m², Council will require the submission of a soil and water management

plan prior to the commencement of any building construction or civil construction works on site. A Soil and Water Management Plan must be lodged with Council prior to the issue of **any** construction certificate.

- d) Following approval of the soil and water management plan, erosion and sediment control works will be required to be installed prior to work commencing on the site. Such control measures are to be maintained during the construction period. All work is to be undertaken to the satisfaction of Council.
- e) Erosion and sediment control measures are to be maintained in accordance with the recommendations in Council's *Erosion and Sediment Control Guidelines for Building and Work Sites* or *Managing Urban Stormwater: Soils and Construction 2004* **and** remain in place while ever earthworks are being completed, and until such time that the site is revegetated.

4.12 LAND ADJOINING A CLASSIFIED ROAD OR STATE HIGHWAY

4.12.1 Objectives

- a) To provide noise mitigation measures to new residential development which adjoin a classified road or highway.

4.12.2 Development Standards

- a) Developments are to be designed and sited so as to reduce the likely existing traffic noise impacts by:
 - i) separating noisy activities and noise-sensitive areas through locating less noise-sensitive land uses (such as access ways or recreation areas) in high noise areas,
 - ii) incorporating intervening structures such as walls or fences to act as barriers to noise,
 - iii) designing buildings to locate less noise sensitive areas (such as kitchens and laundries) towards the noise source and minimizing the number and size of windows oriented towards the noise source, and
 - iv) incorporating construction techniques such as thicker window glass or double glazing and solid core doors.

Note: Further noise mitigating treatments are available with reference to NSW OEH's *NSW Road Noise Policy* and the RMS's *Environmental Noise Management Manual*.

4.13 SHOP TOP HOUSING

4.13.1 Land to which this Section applies

This section applies to land within Zones **B1** – Neighbourhood Centre, **B3** - Commercial Core, **B5** – Business Development, **R1** - General Residential, and **RU5** - Village.

4.13.2 Objectives

- a) To enable and promote residential activity to occur in a manner which is compatible with, and supports business and retail development in the Central Business District (CBD) and at neighbourhood shopping centres.
- b) To enable residential activity to occur in conjunction with business and retail activities that might be permitted in Zone **R1** - General Residential and Zone **RU5** - Village.

4.13.3 Development standards

Notwithstanding the previous sections, the following development standards apply to shop top housing or housing attached to shops.

- a) The dwelling and the shop must be located on the same lot, whether physically attached or not.

Building Setbacks

- a) Any part of the building must comply with the building line setbacks specified in the table below:

Location	Minimum Building Line
Front building line setback	Must complement the existing setbacks of surrounding buildings in the vicinity.
Side and Rear building line setback	As specified by the National Construction Code (NCC)

Notwithstanding the table above, where Council is of the opinion that such a setback will:

- i) significantly overshadow neighbouring properties, and/or
- ii) adversely impact upon the privacy of neighbouring properties,

then such a setback must be increased to the extent necessary to reduce the overshadowing or maintain the privacy of adjoining owners.

Private Open Space

- a) At least 10m² of private open space is to be located so as to adjoin a habitable living room at ground level.
- b) Where a dwelling is located above ground level and does not have direct access to the ground level, a 10m² balcony is to be provided that adjoins a habitable living room. This may take the form of a verandah or balcony over the existing footpath and/or incorporate a stepped façade in keeping with the adjacent streetscape.

Car parking, Access and Manoeuvring Areas

- a) One (1) car parking space is to be provided per dwelling in addition to any spaces required for the commercial purpose.

- b) On-site car parking spaces shall not form part of the vehicle manoeuvring or loading/unloading areas.
- c) Car parking spaces are to be sited as close as possible to the dwelling they are going to serve.
- d) All parking areas are to be paved and line marked.
- e) Manoeuvring area is to be provided within the site to enable all vehicles serving the development to enter and leave the site in a forward direction, in accordance with Austroad Design Standards (see **Schedule 3** of this Plan).
- f) Vehicular crossings and laybacks must be provided for satisfactory ingress/egress to the subject property.

Garbage Disposal

- a) A suitable area is to be provided to accommodate two x 240 litre mobile garbage bins per dwelling.

4.14 DEVELOPMENT CONTROL PLAN MAPS

4.14.1 Land to which this Section applies

This section applies to those lands as shown on the following DCP Maps.

- DCP Map No. 1 – Raglan,
- DCP Map No. 2 – Perthville,
- DCP Map No. 3 – Eglinton,
- DCP Map No. 4 – Kelso, and
- DCP Map No. 5 – Windradyne, Llanarth and Abercrombie.

4.14.2 Objectives

- a) To control the subdivision of certain lands and the siting of development on those lands.
- b) To ensure that the natural features and environmentally sensitive areas of the land are not adversely affected by future development.
- c) To provide appropriate vegetated buffers between residential and agricultural areas to prevent land use conflict.

4.14.3 Use of land

- a) Council may grant consent only to those developments listed in the table below within the Land Use Areas specified by the table and shown on the relevant DCP Maps.

Land Use Area	Development to which Council may grant consent.
Housing	The purposes permissible within Zone R1 - General Residential or R2 – Low Density Residential pursuant to the LEP.
Business	The purposes permissible within Zone B1 - Neighbourhood Centres pursuant to the LEP.
Special Uses	The purposes implied by or associated with the use specified on the LEP or DCP Map.
Open Space	Drainage, roads, environmental protection works and cycleway or footpaths.
Industry	The purposes permissible within Zone IN1 - General Industrial pursuant to the LEP.
Rural	The purposes permissible within Zone RU1 Primary Production or Zone RU4 Primary Production Small Lots, whichever applies pursuant to the LEP.
Rural Housing	The purposes permissible within Zone R5 Large Lot Residential pursuant to the LEP.

4.14.4 Management of land

- a) Council may only grant consent to development within the Land Management Areas listed in the table below and identified on the DCP maps where the development complies with the requirements listed for that area.

Land Management Area	Effect on Development
Land Use Buffer	No dwellings may be erected. Landscaping pursuant to section 13 – Landscaping and Greening of this Plan is required.
Access Restriction	A vehicular access shall not be constructed, created or used to give access across the boundary of the road along which this restriction is shown.
Road Closure	The road or part of the road is to be closed and used for the purpose shown.
Flood Planning Area	Development must be consistent with the requirements of section 9.6 – Flooding of this Plan and Clause 7.1 – Flood Planning of the LEP.

Land Management Area	Effect on Development
Strategic Access Route and/or Cycle Path	The access route or path, if off-road, is to be constructed, or if on-road is to be line marked.
Road Widening	The land shown on the DCP Map is to be dedicated to Council as public road.
Transmission Tower Buffer Zone	No development or subdivision of the land is to occur until such time that Council is satisfied that either: <ul style="list-style-type: none"> a) the transmission towers have been removed, or b) the landowner(s) can demonstrate that the RF EME levels comply with the current ARPANSA Radiation Protection Standard “Maximum Exposure Levels to Radiofrequency Fields – 3 kHz to 300 GHz”
Major Road Buffer	Roads, drainage, environmental protection works. No buildings may be erected. No works may be constructed other than post and wire fencing. Landscaping pursuant to section 13 – Landscaping and Greening of this Plan is required.

4.14.5 Staging

- a) Council may only grant consent to development located on land identified as “Stage 2” on the relevant DCP Map if all necessary services, particularly water, sewerage and drainage services, that will be required for use of the land after that subdivision will be available to the land immediately after the subdivision.

5 BUSINESS AND INDUSTRIAL DEVELOPMENT

5.1 PRELIMINARY

5.1.1 Land to which this Section applies

Unless otherwise stated, this section applies to land within the following Zones under the Bathurst Regional Local Environmental Plan 2014 (LEP):

- Zone **B1** – Neighbourhood Centre,
- Zone **B3** - Commercial Core,
- Zone **B5** - Business Development,
- Zone **IN1** – General Industrial and
- Zone **R1** - General Residential, **R2** – Low Density Residential and Zone **RU5** - Village for the purposes of business premises, office premises and child care centres.

Note: Business or industrial development proposed within any other Zone under the LEP is to comply with the relevant standards which apply to such development as if it were located within Zone **B3** - Commercial Core (Business Development) or Zone **IN1** – General Industrial (Industrial Development) respectively.

5.1.2 Strategic priority and objectives

The Bathurst Region Urban Strategy 2007 establishes the following key priority and strategic objectives for business and industrial development and growth for the Bathurst Region.

Strategic Priority

- a) To determine the best locations for future retail/business and industrial growth and the most appropriate means to protect and enhance retail/business and industrial amenity.

Strategic Objectives

- a) To protect the CBD as the primary retail precinct within the City.
- b) To provide adequate business (service business and bulky goods) land to cater for current demand in the most appropriate locations that encourages consolidation of like businesses away from competing land uses.
- c) To provide adequate strategic industrial land to cater for industrial growth (job growth), as required in the most appropriate locations to ensure protection of competing land uses and physical constraints to development.
- d) To implement development controls and protect and enhance retail/business and industrial amenity.
- e) To provide local centres and convenience stores to serve residential areas.
- f) To limit the bulk and scale of business premises development within the residential zones.

- g) To reduce the visual dominance of business and industrial estates/sites on the City's gateways through the provision of adequate buffers, landscaping and appropriate building form and design.
- h) To plan for clean business and industry.

5.1.3 Definitions

This section adopts the definitions under the LEP and those definitions listed in the table below.

Definition	Description
Highway	Includes the Great Western Highway, Mitchell Highway and the Mid-Western Highway.
Major Road	Bradwardine Road, Corporation Avenue, Stockland Drive, Littlebourne Street, McDiarmid Street or Vale Road. Any new road on land within DCP Map No. 8 – Gateway Enterprise Park with a road reserve of 22 metres or more.
Minor Road	All other roads.

5.2 SITING CONSIDERATIONS

5.2.1 Objectives

- a) To enhance streetscape qualities, provide opportunities for landscape screening and to restrict the spread of fire between buildings.

5.2.2 Development standards

Building Setbacks

- a) Any part of the building must comply with the building line setbacks specified in the table below.

Location	Minimum Building Line
Zone B1 Neighbourhood Centre and Zone B3 Commercial Core.	<p><u>Front Building Line Setback</u> Must complement the existing setbacks of surrounding buildings in the vicinity and within the streetscape.</p> <p><u>Side and Rear Building Line Setback</u> As specified by the National Construction Code (NCC).</p>

Location	Minimum Building Line
Zone B5 Business Development	<p><u>Front Building Line Setback</u></p> <ul style="list-style-type: none"> • 10m– to a highway or major road. (unless otherwise specified on a DCP map) • 5m to a minor road. <p><u>Side and Rear Building Line Setback</u></p> <ul style="list-style-type: none"> • For corner lots, 5m (unless otherwise specified on a DCP Map) to a side street (major road). • 3m to a side street (minor road). • As specified by the NCC to an adjoining property.
Zone IN1 General Industrial	<p><u>Front Building Line Setback</u></p> <ul style="list-style-type: none"> • 10m <p><u>Side and Rear Building Line Setback</u></p> <ul style="list-style-type: none"> • 5m (unless otherwise specified on a DCP Map) to a side street. • As specified by the NCC to an adjoining property.

Notwithstanding the table above, development must comply with any relevant setback requirement (or buffer restrictions) that may apply to land as shown on any relevant DCP Map for that locality, where applicable.

5.3 SOIL AND WATER MANAGEMENT

5.3.1 Objectives

- a) To achieve a standard of control that results in minimal impact on both on-site and off-site soil resources and surface water quality.

5.3.2 Development standards

- a) For developments with a disturbance area of less than 2500m², development must comply with Council's *Erosion and Sediment Control Guidelines for Building and Work Sites*.
- b) For developments with a disturbance area of greater than 2500m², development must comply with the requirements of the document: *Managing Urban Stormwater: Soils and Construction 2004*, produced by Landcom. Due consideration is to be given to potential impacts on off-site streams in terms of channel stability under modified flow regimes resulting from development.
- c) As a condition of consent for sites with a disturbance area of greater than 2500m², Council will require the submission of a soil and water management plan prior to the commencement of any building construction or civil construction works on site. A Soil and Water Management Plan must be lodged with Council prior to the issue of **any** construction certificate.
- d) Following approval of the soil and water management plan, erosion and sediment control works will be required to be installed prior to work commencing on the site. Such control measures are to be maintained during

the construction period. All work is to be undertaken to the satisfaction of Council.

- e) Erosion and sediment control measures are to be maintained in accordance with the recommendations in Council's *Erosion and Sediment Control Guidelines for Building and Work Sites* or *Managing Urban Stormwater: Soils and Construction 2004* **and** remain in place while ever earthworks are being completed, and until such time that the site is revegetated.

5.4 BUILDING DESIGN STANDARDS – ZONE B5 BUSINESS DEVELOPMENT

5.4.1 Objectives

- a) To encourage appropriate building design.

5.4.2 Development standards

- a) Exterior walls visible to a street, including the visible return facades to at least 6 metres along the visible side walls, are to be masonry, concrete block or tilt up concrete. If concrete blocks or tilt up concrete are used, it is to be appropriately painted or rendered and include decorative detail and elements.
- b) Sheet metal exterior walls are only to be used on non-visible exterior walls, or as a design feature on facades visible to the street. High contrast, bright and reflective surfaces are not acceptable.
- c) All roofing materials are to be of a non-reflective material. Samples of materials, or technical brochures must be submitted to Council and approval obtained prior to the commencement of construction.

5.5 HEIGHT OF BUILDINGS – BATHURST CONSERVATION AREA – ZONE B3 – COMMERCIAL CORE

5.5.1 Objectives

- a) To maintain the streetscape qualities of the CBD within the Bathurst Heritage Conservation Area.

5.5.2 Development standards

Note: The Height of Buildings Map under clause **4.3 Height of Buildings** of the LEP limits the height of buildings within Zone **B3 – Commercial Core** (Bathurst Heritage Conservation Area) to 12m, except in those circumstances outlined in (a) below.

- a) A building containing more than 3 floors shall not be erected on land within Zone B3 – Commercial Core and located within the Bathurst Heritage Conservation Area unless, in the opinion of Council, the building:
 - i) does not detract from the existing streetscape and landscape, or
 - ii) is located behind the existing buildings within the streetscape such that its height does not detract from that streetscape or landscape, or
 - iii) is an extension of or constitutes the rebuilding of a building to a height not exceeding the height of the building at 27 March 1987.

5.6 PARKING, ACCESS AND MANOEUVRING AREAS

5.6.1 Objectives

- a) To provide for the safe and sufficient provision of on-site vehicular and bicycle parking.
- b) To ensure that safe and functional vehicular access is provided to and within developments.

5.6.2 Development standards

- a) The number of car parking spaces and bicycle parking spaces and facilities are to be provided on-site in accordance with section **14 - Parking** of this Plan.
- b) On site car parking spaces and loading/unloading areas shall not form part of the vehicle manoeuvring areas.
- c) All car parking areas are to be located behind the building line or a minimum 3 metres from the front property boundary. Adequate landscape screening is to be provided within the 3 metre setback and Council must be satisfied that the proposed landscaping/screening will adequately reduce the effect of the parking area on the streetscape.
- d) All vehicular parking areas are to be paved and line marked.
- e) Car parking spaces must comply with the minimum sizes outlined in **Schedule 2** of this Plan.
- f) Where an allotment of land immediately adjoins a classified road, access to the land must be in accordance with any criteria specified by the NSW Road and Maritime Service.
- g) Manoeuvring area is to be provided within the site to enable all vehicles serving the development to enter and leave the site in a forward direction, in accordance with **Schedule 3** of this Plan. All manoeuvring areas are to be adequate for a truck 12.5 metres long.
- h) A minimum 6 metres access width is to be provided at the property boundary. Major traffic generating developments may require a greater access width, divided at the property boundary. Council may consider a lesser access width within Zone **B3** - Commercial Core.
- i) The entrance to a site shall not be located in close proximity to an intersection. Generally a minimum distance of 30 metres should be provided between an entrance and an intersection with a highway or major road.
- j) Loading and unloading facilities should be in the form of a loading dock and are to be provided on-site such that service vehicles are located wholly within the site and do not create conflicts with parking areas or manoeuvring areas.
- k) Vehicular crossings and laybacks must be provided for satisfactory ingress/egress.

5.7 CLEAN BUSINESS AND INDUSTRY

5.7.1 Objectives

- a) To minimise the potential for pollution and soil erosion.

5.7.2 Development standards

Drainage and Stormwater Quality

- a) Development must comply with the requirements of the document: *Managing Urban Stormwater: Soils and Construction 2004*, produced by Landcom. Due consideration is to be given to potential impacts on off-site streams in terms of channel stability under modified flow regimes resulting from development.
- b) Council may require the submission of a soil and water management plan prior to the commencement of any new building work on-site and the erection and maintenance of control measures during the period of construction.

Trade Waste

Trade Waste means liquid trade or factory wastes or chemical or other impurities from any business, trade or manufacturing premises, other than domestic sewage, storm water or unpolluted water.

Trade Waste will fall into one of two categories.

Category A Includes all industries which produce large quantities of industrial waste, usually with discharges in excess of 2,000 kilolitres per year.

Category B Includes all businesses/developments such as service stations, restaurants, fast food outlets, laboratories, plant/truck/car washes, mechanical repair workshops, schools, universities, hospitals, stables, bakeries, dairies, market places or other polluted premises where it is required to install pre-treatment apparatus such as grease arrestors, oil arrestors, neutralisers, dilution pits/tanks, etc. where the flow is usually less than 2,000 kilolitres per year.

- a) Any development that falls within one of the above categories, will be required to enter into a Trade Waste Agreement with Council by the submission of an Application to Discharge Liquid Trade Waste into Council's Sewer. The applicant should liaise with Council's Trade Waste Officer in relation to the fees and charges involved and the trade waste equipment required to be installed.

Air Quality

- a) An air quality impact assessment report must be prepared and submitted with a Development Application for any development which Council considers may have the potential for significant adverse impact on air quality, including odour.

Noise

- a) A noise impact assessment report must be prepared and submitted with a Development Application for any development which Council considers may have the potential to increase existing noise levels in a locality.
- b) The noise impact assessment must be prepared in accordance with the EPA's Noise Policy for Industry 2017.

5.8 OPEN AREAS AND FENCING

5.8.1 Land to which this Section applies

This section applies to all lands within Zones **B5** - Business Development and **IN1** - General Industrial. However, where determined by Council, any one or more of the standards listed below may be required for new development of land within Zones **B1** – Neighbourhood Centre and **B3** - Commercial Core.

5.8.2 Objectives

- a) To minimise the visual impact of business and industrial development on the locality.

5.8.3 Development standards

- a) All loading/unloading, storage, garbage or open work areas are to be located behind the building alignment and are to be fully screened from the view of a public road.
- b) Fences/screen walls (including security fencing) are not to be located within 5 metres of the front property boundary and 3 metres of a property boundary adjoining a side or rear street, unless adequate landscape screening is provided.
- c) Details of proposed materials and the type of construction for (a) and (b) above should be included with the Development Application.

5.9 NEIGHBOURHOOD SHOPPING CENTRES

5.9.1 Land to which this Section Applies

This section applies to the neighbourhood shopping centres shown on DCP Map No. 6 – Neighbourhood Shopping Centres.

5.9.2 Objectives

- a) To accommodate the establishment of retail, commercial and professional services in convenient locations within residential areas where the scale and type of development does not detract from the status and viability of the Central Business District (CBD) as the retail, commercial and administrative centre of the City of Bathurst.

5.9.3 Development standards

- a) Development is to be compatible with the amenity of the surrounding residential area, in terms of bulk, scale and building materials.
- b) Development is not to detract from the status and viability of the CBD as the retail, commercial and administrative centre of the City of Bathurst.

- c) Council shall not grant consent to individual shops within a neighbourhood shopping centre having a floor area exceeding 700m², except as follows:
 - i) Council may consent to a supermarket within the Trinity Heights, Westpoint and Laffing Waters Neighborhood Shopping Centres, as shown on DCP Map No. 6, having a floor area not exceeding 2500m².
 - ii) Council may consent to a supermarket within the Eglinton Neighborhood Shopping Centres, as shown on DCP Map No. 6, having a floor area not exceeding 1200m².
- d) Neighbourhood Centres are to be generally designed as follows:
 - i) a strip development (linear or L-shaped) with all facilities facing a common external verandah which should focus on a common or small recreation/park area.
 - ii) Shops and facilities should be incorporated into the neighbourhood centre precinct and linked with a walkway and verandah system grouped around a common or small recreation/park area.
 - iii) The internal walkway should create a link to the existing or future pedestrian and cycle networks that extend to local residential areas.

5.10 SECTION 10 (BOUNDED BY BENTINCK , RUSSELL, SEYMOUR AND KEPPEL STREETS)

5.10.1 Land to which this Section applies

This section applies to that land shown on DCP Map No. 7 - Section 10. Notwithstanding any other provision of this Plan, development at this locality must comply with the standards listed below.

5.10.2 Objectives

- a) To provide for public car parking areas within the CBD.

5.10.3 Development standards

- a) Council may grant consent only to those developments listed in the table below within the land use areas specified by the table and shown on DCP Map No. 7 - Section 10.

Land Use Area	Development to which Council may grant consent
Car Parking & Access	Car Parking and vehicle or pedestrian access.
Business	The purposes permissible within Zone B3 – Commercial Core pursuant to the LEP.

5.11 GATEWAY ENTERPRISE PARK – ZONE B5 BUSINESS DEVELOPMENT

5.11.1 Land to which this Section applies

This section applies to that land shown on DCP Map No. **8** – Gateway Enterprise Park. Notwithstanding any other provision of this Plan, development at this locality must comply with the standards below.

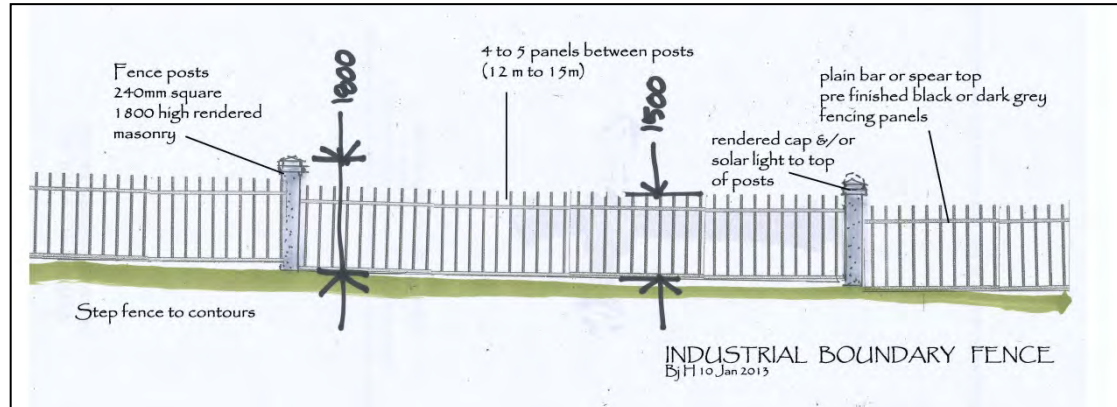
5.11.2 Objectives

- a) To control the subdivision layout and the use of certain lands at the Gateway Enterprise Park.
- b) To encourage high quality, interesting, modern building design, facades, external finishes and the like.
- c) To ensure sufficient visual relief is achieved on facades significantly exposed to view from major roads and adjoining sites.
- d) To ensure development addresses the road frontage that provides vehicular access where dual road frontage exists.
- e) To provide for the extension of Adrienne Street to service the industrial growth in the area and to ensure connectivity between the Gateway Enterprise Park and the Adrienne Street Industrial Area.
- f) To plan for the protection and enhancement of the Raglan Creek corridor and the City entrance gateways by requiring their rehabilitation and enhancement with appropriate landscaping.

5.11.3 Subdivision standards

- a) Road layouts are to integrate closely, and make provision for a connected road network, with the surrounding existing and future subdivisions on the adjoining lot being Lot 32 DP 870672. The road connection should generally be in the location shown on the DCP Map No **8** – Gateway Enterprise Park. The road and service connections are to be constructed to the lot boundary.
- b) No direct vehicular access is permitted to the State Highway Network, other than the roundabout at the Ashworth Drive/Sydney Road intersection, the proposed intersection of a eastern access road to the Great Western Highway and the proposed intersection of a western access road to the Great Western Highway as shown on DCP Map No. **8** – Gateway Enterprise Park.

- c) A fence is to be constructed and maintained at subdivision stage along the northern extent of the Major Road Buffer fronting Sydney Road as shown on the DCP Map No 8 – Gateway Enterprise Park. The fence is to be a consistent style and height, generally in accordance with the sketch below. Pre-coloured metal sheet fences are not permitted.



Designed by Barbara Hickson

- d) The Raglan Creek Open Space Corridor (shown blue and green on DCP Map 8 – Gateway Enterprise Park) is to:
- i) be dedicated to Council as part of the subdivision/development of land,
 - ii) be established (in terms of landscape planting and cycle way construction) prior to the issue of a subdivision certificate or occupation certificate or dedication to Council,
 - iii) be a variable width, at least the width shown on the DCP map,
 - iv) include a 2.5 metre wide cycleway, and
 - v) include landscaping in accordance with an approved landscape plan.
- e) A detailed landscape plan is to be submitted to Council with the Development Application for subdivision/development outlining all landscape and cycleway works proposed within the Raglan Creek Corridor.
- f) Water Sensitive Urban Design (WSUD) principles must be incorporated into the site development. Raingardens should be integrated into the carpark areas to protect and improve the receiving waters of Raglan Creek. The Statement of Environmental Effects is to detail the level of implementation of WSUD principles at the subdivision stage.
- g) Landscaping of the vegetation screen, major road buffer and landuse buffer is to be completed prior to the release of a subdivision certificate.
- h) A detailed landscape plan is to be submitted to Council in accordance with Section 13.3 of this Plan, for the vegetation screen, major road buffer and landuse buffer prior to any works commencing on the site.
- i) Landscaping maintenance requirements (see Section 13.3.4) will apply to all of the landscaping required under this plan.

- j) Landscaping should be designed in accordance with Section **13.3.7** of this Plan.

5.11.4 Development standards

Land Use Areas

- a) Council may grant consent only to those developments listed in the table below within the Land Use Areas specified by the table and shown on DCP Map No. **8** – Gateway Enterprise Park.

Land Use Area	Development to which Council may grant consent
Service Business	The purposes permissible within Zone B5 Business Development under the LEP.
Open Space	Roads, drainage, environmental protection works. Landscaping pursuant to the controls of this section is required.
Additional Uses	The purposes permissible within Zone B5 Business Development and Schedule 1 – Additional Permitted Uses of the LEP.

Land Management Areas

- a) Council may only grant consent to development within the Land Management Areas listed in the table below and identified on the DCP Map No. **8** – Gateway Enterprise Park where the development complies with the requirements listed for that area.

Land Management Area	Effect on Development
Access corridor	No buildings may be erected. Roads, drainage, cycleway, landscaping and environmental protection works permitted.
Access Restriction	No vehicular access shall be constructed, created or used to give access across the boundary of the road along which this restriction is shown.
Development Restriction	A building may not be located or constructed within the area shown on the DCP map.
Major Road Buffer (5 & 15 metres wide shown on the DCP map)	Roads, drainage, landscaping and environmental protection works permitted. No buildings may be erected. No works may be constructed other than fencing, roadways, footpaths or cycleways, or one directory board sign or structure Landscaping pursuant to the controls of Section 13 – Landscaping and Greening of this Plan is required to be planted and maintained.

Land Management Area	Effect on Development
Outer Riparian Corridor (15 metres wide)	No works may be carried out other than post and wire fencing or works allowed pursuant to the NSW Office of Water's Guidelines for Riparian Corridors on Waterfront Land.
Proposed roads (22m wide corridor)	The proposed roads are to be located generally in accordance with the alignment shown on DCP Map 8 – Gateway Enterprise Park and Adrienne Street Industrial Area to ensure that the land is integrated with future subdivisions.
RMS Land Acquisition	No buildings may be erected. No works may be carried out other than post and wire fencing or works authorised by the RMS.
Strategic Access Route and/or Cycle Path	The access route or path is to be located generally in accordance with the alignment shown on DCP map 8 – Gateway Enterprise Park.
Top of Raglan Creek Bank	Identifies the top of the bank of Raglan Creek in accordance with the NSW Office of Water's Guidelines for Riparian Corridors on Waterfront Land.
Vegetation Screen (20 metres wide)	Roads, drainage, landscaping and environmental protection works permitted. No buildings may be erected. No works may be constructed other than post and wire fencing, roadways, footpaths or cycleways. Existing vegetation is to be protected and enhanced. Landscaping pursuant to the controls of Section 13 – Landscaping and Greening of this Plan is required to be planted and maintained.
Road Closure	Adrienne Street is to be closed generally in accordance with the road closure shown on DCP Map No 8 - Gateway Enterprise Park and Adrienne Street Industrial Area

Urban design

- a) Buildings are to be designed to incorporate different textures, materials and distinctive architectural features that add visual interest to any façade which is visible from any road.
- b) Buildings are to be designed to add scale and interest to the building facade by articulated massing to any façade which is visible from any road.
- c) Buildings with blank walls fronting Sydney Road are discouraged. Architectural features, enhanced materials, fenestration, planting, lighting, and signage may contribute to a more pedestrian friendly streetscape.
- d) Buildings should be designed so that they contribute to neighborhood safety by providing windows at the street level.

- e) Buildings, other than those used for warehousing or distribution centres or industrial purposes and located in the 'Additional Uses' land management area (as shown on DCP Map 8 – Gateway Enterprise Park) are to be designed so that the exterior walls visible to the street, including the visible return facades to at least 6 metres along the visible side walls, are:
 - i) Constructed predominately of masonry, concrete blocks or tilt-up concrete panels. Sheet metal is permitted as a building feature only provided masonry, concrete blocks or tilt-up concrete panels is the dominant building material.
 - ii) Concrete blocks or tilt-up concrete panels shall be painted, clad or painted with a material and colour appropriate to the nature of the site.
- f) Any sheet metal building materials used on the exterior walls and roof of the building are to be of a non-reflective material. Samples of materials, or technical brochures must be submitted to Council and approval obtained prior to the commencement of construction. High contrast, white, bright and reflective surfaces are not acceptable due to the proximity of the site to the Bathurst Regional Airport.
- g) Buildings with more than one street frontage shall address each road/street frontage with an interesting architecturally designed façade.
- h) Buildings which have frontage to Sydney Road shall have a frontage designed to address Sydney Road, notwithstanding that direct access to Sydney Road will not be permitted. The maximum continuous wall frontage to Sydney Road is 50 metres.
- i) Site services, mechanical plant equipment including visually exposed air conditioning equipment, condenser units and cooling towers shall not be visible from Sydney Road or internal access roads.
- j) Rainwater tanks shall be integrated into the building design and screened from public view.

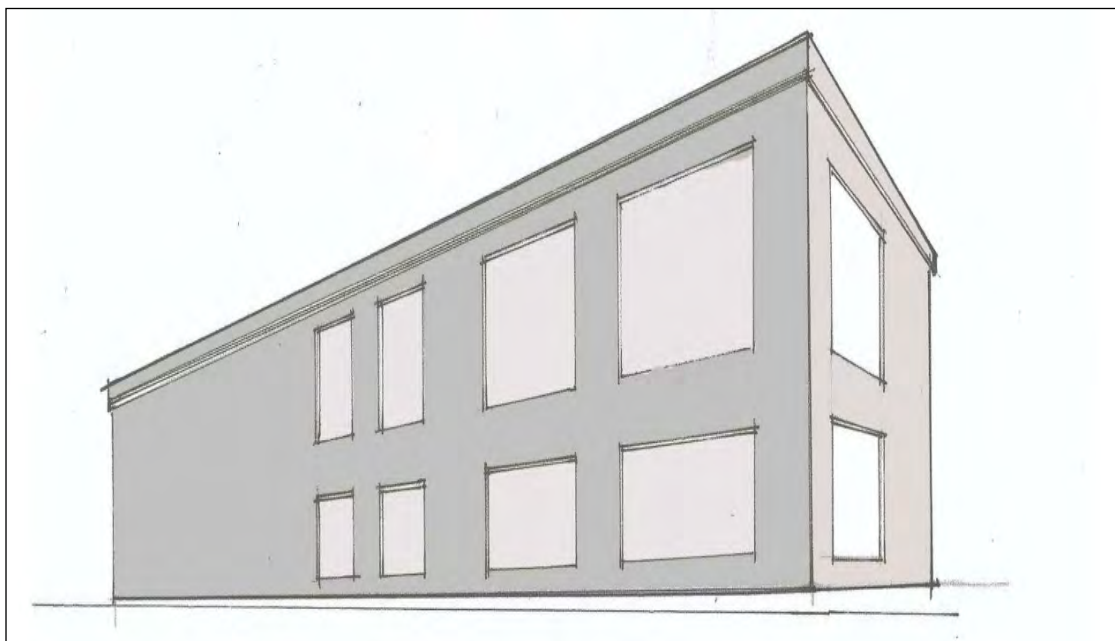
Examples of acceptable building design

Recommended two storey building



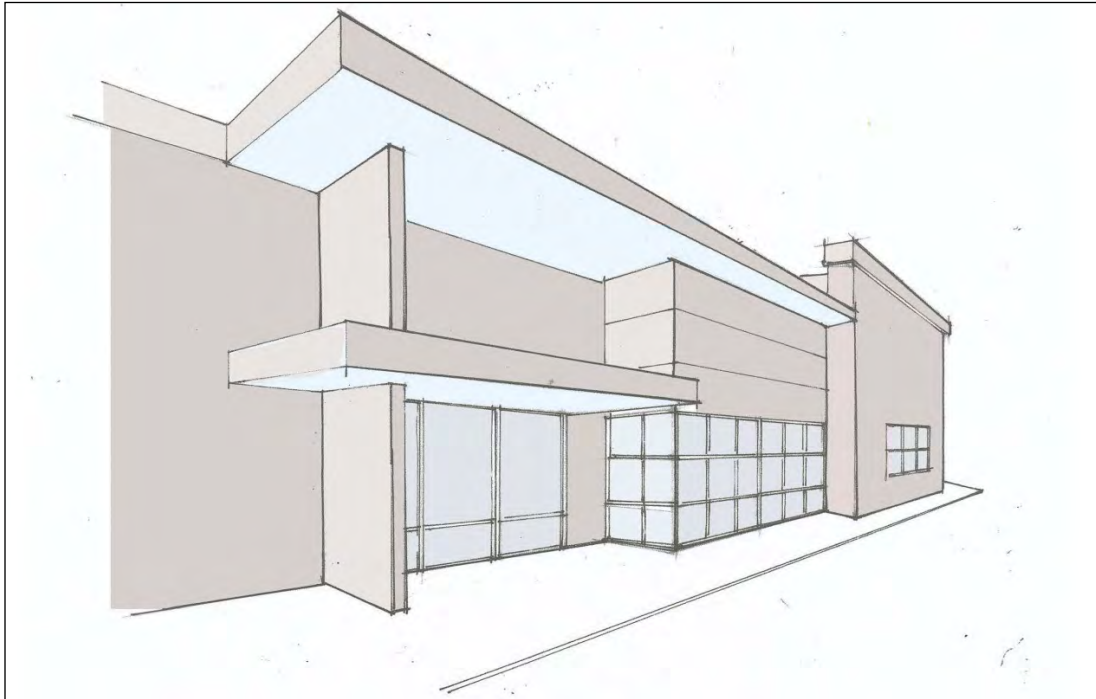
Designed by Barbara Hickson

Not recommended two storey building



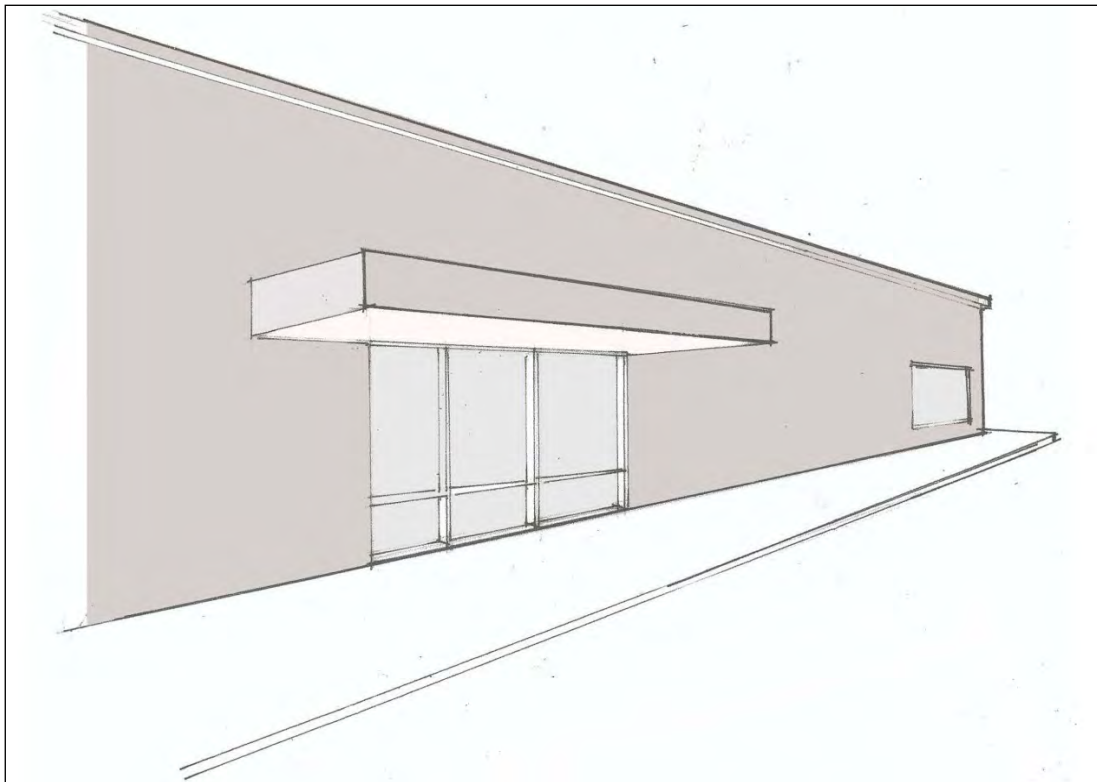
Designed by Barbara Hickson

Recommended single storey building



Designed by Barbara Hickson

Not recommended single storey building



Designed by Barbara Hickson

Urban Design – IN1 General Industrial zoned land

- a) Exterior walls visible to a street, including the visible return facades to at least 6 metres along the visible side walls, are to be masonry, concrete block or tilt up concrete. If concrete blocks or tilt up concrete are used, it is to be appropriately painted or rendered and include decorative detail and elements.
- b) Sheet metal exterior walls are only to be used on non-visible exterior walls, or as a design feature on facades visible to the street. High contrast, bright and reflective surfaces are not acceptable.
- c) All roofing materials are to be of a non-reflective material. Samples of materials, or technical brochures must be submitted to Council and approval obtained prior to the commencement of construction.

Advertising signage

- a) Advertising signage shall be consistent with **Chapter 12** of this Plan and corporate colour schemes should not dominate the streetscape of either Sydney Road or internal access roads.
- b) No signs are to be located on or above roof level.
- c) One projecting wall sign per tenant is permitted.
- d) One pylon sign per building may be erected between the building line and Sydney Road (not within the major road buffer as shown on DCP Map No 8 – Gateway Enterprise Park and Adrienne Street Industrial Area) that is consistent with **Chapter 12** of this Plan.
- e) One directory board sign or structure may be erected within the Major Road Buffer (as shown on DCP Map No 8 – Gateway Enterprise Park and Adrienne Street Industrial Area) advertising the tenants of the Gateway Enterprise Park.

Access to the State Highway Network (Sydney Road)

- a) All access is to be via the future internal road network. Vehicular access directly from Sydney Road is prohibited other than as shown on the DCP Map No 8 – Gateway Enterprise Park.

Landscaping

- a) A detailed landscape plan is to be submitted with a Development Application for developments listed in Section **13.3.2** of this Plan.
- b) Landscaping maintenance requirements (see Section **13.3.4**) will apply to all landscaping required under this plan.
- c) Landscaping design should be generally in accordance with Sections **13.3.5** and **13.3.7** of this Plan.
- d) Landscape plans for the warehousing or distribution centres or industrial purposes and located in the ‘Additional Uses’ land management area (as shown on DCP Map 8 – Gateway Enterprise Park) are to incorporate trees

with a mature height of between 20 to 30 metres to provide maximum screening of buildings and containers associated with the freight transport terminal.

Note that proposed landscape treatments, including plant species, locations and number of plants, are to be submitted for Council approval prior to the commencement of works on the site.

5.12 SERVICE TRADE CENTRE

5.12.1 Land to which this Section applies

This section applies to that land shown on DCP Map No. **9** - Service Trade Centre. Notwithstanding any other provision of this Plan, development at this locality must comply with the standards below.

5.12.2 Objectives

- a) To control the subdivision layout and the use of certain lands at the Service Trade Centre.

5.12.3 Development standards

Subdivision of Land

- a) Council may grant consent to the subdivision of land only in accordance with the subdivision layout shown on DCP Map No. **9** - Service Trade Centre or where a subdivision proposal does not conflict with the aim of the layout shown on that Map.

Land Use Areas

- a) Council may grant consent only to those developments listed in the table below within the Land Use Areas specified by the table and shown on DCP Map No. **9** – Service Trade Centre.

Land Use Area	Development to which Council may grant consent
Business Development	The purposes permissible within Zone B5 - Business Development under the LEP.
Open Space	Roads, drainage, environmental protection works. Landscaping pursuant to section 13 – Landscaping and Greening of this Plan is required.

Management of Land

- a) Council may only grant consent to development within the Land Management Areas listed in the table below and identified on the DCP Map No. **9** – Service Trade Centre where the development complies with the requirements listed for that area.

Land Management Area	Effect on Development
Building Restrictions	Car parking and manoeuvring permitted. No buildings shall be erected on this land.

Land Management Area	Effect on Development
Road Widening	Land may be subject to road widening.
Strategic Access Route, Cycleway or Footpath	The access route or path, if off-road, is to be constructed, or if on-road is to be marked in accordance with the Bathurst Community Access and Cycle Plan 2011.
Land Use Buffer	Roads, drainage, environmental protection works permitted. No buildings shall be erected on this land. Landscaping pursuant to section 13 – Landscaping and Greening of this Plan is required.
Proposed roads	The proposed road is to be located generally in accordance with the alignment shown on DCP map 9 – Service Trade Centre to ensure that the land is integrated with future subdivisions.
Access Restriction	No vehicular access shall be constructed, created or used to give access across the boundary of the road along which this restriction is shown.

Fencing

- a) Fences on land adjoining the future alignment of McDiarmid Street (as shown on DCP Map No. **9 – Service Trade Centre**) are to be timber, masonry or wire fencing with associated hedge screening. Pre-coloured metal sheet fences are not permitted.

5.13 STOCKLAND DRIVE

5.13.1 Land to which this Section applies

This section applies to that land shown on DCP Map No. **10 – Stockland Drive**.

5.13.2 Objectives

- a) To ensure a high standard of visual amenity, to maintain the historic character of the area and manage traffic flows.

5.13.3 Development standards

Building Height

- a) Notwithstanding any other provision of this Plan, the height of a building within each “Area” shown on DCP Map No. **10 – Stockland Drive** shall generally be in accordance with the table below.

Area	Height of Buildings
1	1 storey.
2	1 storey (for buildings facing the Great Western Highway). 2 storeys (for buildings at the rear of the site where separated from and located behind another building).

Area	Height of Buildings
3	1 storey (for buildings facing the Great Western Highway). 2 storeys (for buildings at the rear of the site where separated from and located behind another building).
4	1 storey (for buildings facing Lee Street) 2 storeys (for buildings at the rear of the site where separated from and located behind another building or for buildings facing Stockland Drive).

Building Setbacks

- a) The building setback to the street frontage for each “Area” shown on DCP Map No. **10** – Stockland Drive shall generally be in accordance with the table below.

Area	Setback
1	0 – 3 metres
2	6 – 8 metres
3	8 – 10 metres (from the Great Western Highway). 10 metres (from Stockland Drive).
4	Consistent with the setback of neighbouring properties.

Access

- a) Access for each “Area” shown on DCP Map No. **10** – Stockland Drive shall generally be in accordance with the table below.

Area	Access
1	Ingress only will be permitted from the Great Western Highway at a maximum access width of 4 metres located at the western extremity of the site. Egress is to be from Lee Street.
2	Ingress only will be permitted from the Great Western Highway. Egress is to be from the service road at the rear.
3	All access is to be via Stockland Drive.
4	All access is to be via Lee Street or Stockland Drive.

- b) No vehicular access either to or from the Great Western Highway will be permitted in the area shown as "access restriction" on DCP Map No. **10** – Stockland Drive.

Building Design

- a) The built form is to be sympathetic with the historic character of the area.
- b) The design of new buildings facing Lee Street and the Great Western Highway are to relate to the existing buildings and are to be of a domestic

scale and character (see section **10.4 – Infill Development** relating to infill development). They should generally incorporate:

- i) roofs with a pitch of greater than 28 degrees;
- ii) vertically proportioned windows;
- iii) building materials generally in keeping with surrounding historic buildings (face brickwork is to be included in buildings facing Lee Street);
- iv) verandahs and post supports, where practical; and
- v) walls with windows facing the highway.

Land Use Areas

- a) Council may grant consent only to those developments listed in the table below within the Land Use Areas specified by the table and shown on DCP Map No. **10** – Stockland Drive.

Land Use Area	Development to which Council may grant consent
Business Development	The purposes permissible within Zone B5 – Business Development under the LEP.
Open Space	Roads, drainage, environmental protection works. Landscaping pursuant to section 13 – Landscaping and Greening of this Plan is required.
Land Use Buffer	Roads, drainage, environmental protection works permitted. No buildings shall be erected on this land. Landscaping pursuant to section 13 – Landscaping and Greening of this Plan is required.

Management of Land

- a) Council may only grant consent to development within the Land Management Areas listed in the table below and identified on the DCP Map No. **10** – Stockland Drive where the development complies with the requirements listed for that area.

Land Management Area	Effect on Development
Access Restriction	No vehicular access shall be constructed, created or used to give access across the boundary of the road along which this restriction is shown.
Road Widening	Land may be subject to road widening.

Land Management Area	Effect on Development
Strategic Access Route, Cycleway or Footpath	The access route or path, if off-road, is to be constructed, or if on-road is to be marked in accordance with the Bathurst Community Access and Cycle Plan 2011.

5.14 SYDNEY ROAD PRECINCT (NORTH)

5.14.1 Land to which this Section applies

This section applies to that land shown on DCP Map No. 11 – Sydney Road Precinct (North).

Notwithstanding any other provision of this Plan, development at this locality must comply with the standards listed below.

5.14.2 Objectives

- a) To control the use of certain lands shown on DCP Map No. 11 – Sydney Road Precinct (North).

5.14.3 Development standards

Land Use Areas

- a) Council may grant consent only to those developments listed in the table below within the Land Use Areas specified by the table and shown on DCP Map No. 11 – Sydney Road Precinct (North).

Land use areas	Development to which Council may grant consent
Business Development	The purposes permissible within Zone B5 - Business Development under the LEP.
Open Space	Drainage, recreation and environmental protection works
Land Use Buffer	Roads, drainage, environmental protection works permitted. No buildings shall be erected on this land. Landscaping pursuant to section 13 – Landscaping and Greening of this Plan is required.

Management of Land

- a) Council may only grant consent to development within the Land Management Areas listed in the table below and identified on the DCP Map No. 11 – Sydney Road Precinct (North) where the development complies with the requirements listed for that area.

Land Management Area	Effect on Development
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Land Management Area	Effect on Development
Waterway Area	No development other than environmental protection works.

5.15 HAMPDEN PARK ROAD (EAST)

5.15.1 Land to which this Section applies

This section applies to that land shown on DCP Map No. **12** – Hampden Park Road (East). Notwithstanding any other provision of this Plan, development at this locality must comply with the standards listed below.

5.15.2 Objectives

- To limit the area of land to be used for industrial purposes;
- To provide for a visual buffer from adjoining lands; and
- To maintain the visual gateway to the City.

5.15.3 Development standards

Land Use Areas

- Council may grant consent only to those developments listed in the table below within the Land Use Areas specified by the table and shown on DCP Map No. **12** – Hampden Park Road (East).

Land Use Area	Development to which Council may grant consent
Rural	The purposes permissible within Zone RU1 - Primary Production under the LEP.
Industry	The purposes permissible within Zone IN1 - General Industrial under the LEP.
Open Space	Landscaping and associated works to create a visual buffer, environmental protection works.

Management of Land

- Council may grant consent only to development within the Land Management Areas listed in the table below and identified on the DCP Map No. **12** – Hampden Park Road (East) where the development complies with the requirements listed for that area.

Land Management Area	Effect on Development
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Land Management Area	Effect on Development
Land Use Buffer	<p>Roads, drainage, environmental protection works permitted.</p> <p>No buildings shall be erected on this land.</p> <p>Landscaping pursuant to section 13 – Landscaping and Greening of this Plan is required.</p>
Strategic Access Route, Cycleway or Footpath	The access route or path, if off-road, is to be constructed, or if on-road is to be marked in accordance with the Bathurst Community Access and Cycle Plan 2011.

Noise

- a) A noise impact assessment report must be prepared and submitted with a Development Application for any development which the Council considers may have the potential for significant adverse noise impact at the Scots School.
- b) For the purpose of a noise impact assessment report:
 - i) the Scots School is to be considered a residential land use in a rural land use area;
 - ii) the existing background noise levels to be used are to be those measured at the Scots School immediately prior to the first development on the land to which this section applies; and,
 - iii) the acceptable background noise levels to be used are the Office of Environment and Heritage's (OEH's) acceptable background noise levels of 45dB(A) daytime and 35dB(A) night time.

Height and Form of Buildings

- a) Buildings generally should not exceed a height of 8 metres.
- b) Buildings may exceed a height of 8 metres only where the actual tree height of trees within the tree screen buffer (open space) exceed the building height and adequately screen the building when viewed from the front of the Scots School Administration Office (at elevation 682m).
- c) Wherever possible, buildings should be broken down into smaller units that step down to acknowledge the slope. This is particularly critical for buildings adjoining the southern edge of the Industrial Area, next to the "open space" shown on DCP Map No. **12** – Hampden Park Road (East).

5.16 ESROM STREET

5.16.1 Land to which this Section applies

This section applies to that land shown on DCP Map No. **13** – Esrom Street. Notwithstanding any other provision of this Plan, development at this locality must comply with the standards listed below.

5.16.2 Objectives

- a) To control the use of land for certain industrial purposes; and
- b) To provide for a visual buffer from adjoining lands.

5.16.3 Development standards

Land Use Areas

- a) Council may grant consent only to those developments listed in the table below within the Land Use Areas specified by the table and shown on DCP Map No. **13** – Esrom Street.

Land Use Area	Development to which Council may grant consent
Industry Type 1	Warehouse and Distribution Centres and Storage Premises.
Industry Type 2	Extension to existing factory operations.

Management of Land

- a) Council may only grant consent to development within the Land Management Areas listed in the table below and identified on DCP Map No. **13** – Esrom Street where the development complies with the requirements listed for that area.

Land Management Area	Effect on Development
Land Use Buffer	Drainage, recreation, environmental protection works permitted. Landscaping pursuant to section 13 – <i>Landscaping and Greening</i> of this Plan is required.

Height of Buildings

- a) No part of the main structure of any building is to protrude above the plane projected from any point 3 metres above ground level on the southern alignment of West Street between the points A-B on DCP Map No. **13** – Esrom Street and the highest points of the existing factory marked X-Y on DCP Map No. **13** – Esrom Street.

5.17 BUSINESS PREMISES AND OFFICE PREMISES WITHIN ZONES R1 – RESIDENTIAL; R2 - LOW DENSITY RESIDENTIAL; AND RU5 - VILLAGE

5.17.1 Objectives

- a) To control the bulk and scale of business premises and office premises within Zones **R1** General Residential, **R2** Low Density Residential and **RU5** Village.

5.17.2 Development standards

Floor size

- a) Buildings used or constructed for business or office premises must not exceed a gross floor area of 250m² per lot. Only one (1) building per lot may be used for business or office premises (Note: separate buildings may be erected on the lot for garaging and storage purposes).

Height

- a) Buildings constructed for business or office premises must not exceed 2 storeys in height.

Building Form

- a) Buildings constructed for business or office premises are to relate in scale and form with surrounding residential buildings (see section **10.4 – Infill development**).

5.18 CHILD CARE CENTRES

5.18.1 Objectives

- a) To ensure child care centres do not have a direct frontage to a classified road or highway in commercial, industrial, residential and village zones.

5.18.2 Development standards

- a) Council must not grant consent to a child care centre which has its primary entrance fronting a classified road or highway.

5.19 ACTIVE STREET FRONTAGES – KEPPEL STREET

5.19.1 Land to which this Section applies

This section applies to ground floor street frontages in Keppel Street (between Seymour and William streets).

5.19.2 Objectives

- a) To promote uses that attracts pedestrian traffic along ground floor street frontages in Keppel Street (between Seymour and William Streets).

5.19.3 Development standards

- a) Development consent must not be granted to the erection of a building, or a change of use of a building, on land unless Council is satisfied that the building will have an active street frontage after its erection or change of use.
- b) An active street frontage is not required for any part of a building that is used for any of the following:
 - i) entrances and lobbies,
 - ii) access to fire services,

- iii) vehicle access.
- c) In respect of (a) and (b) above, a building has an active street frontage if all premises on the ground floor of the building facing the street:
 - i) are used for the purposes of commercial premises, community facilities, medical centres, or the like, and
 - ii) include windows and openings to the street to enhance the visibility of the premises to the footpath.

6 RURAL AND RURAL LIFESTYLE DEVELOPMENT

6.1 PRELIMINARY

6.1.1 Land to which this Section applies

Unless otherwise stated, this section applies to lands within the following Zones under the Bathurst Regional Local Environmental Plan 2014 (LEP):

- Zone **RU1** - Primary Production
- Zone **RU2** - Rural Landscape
- Zone **RU4** - Primary Production Small Lots
- Zone **R5** - Large Lot Residential and
- Zone **E4** - Environmental Living.

6.1.2 Strategic priority and objectives

- a) The Bathurst Region Rural Strategy 2008 establishes the following key priorities and objectives for rural land and rural lifestyle development and growth for the Bathurst Region.

Strategic Priorities

- a) To determine the best way to protect and enhance agricultural lands, the forestry industry and mining activities.
- b) To determine the best way to provide for rural lifestyle living opportunities that does not alienate primary industry activities.

Strategic Objectives

- a) To minimise the fragmentation of agricultural lands, protect highly valued agricultural lands and encourage the consolidation of small holdings.
- b) To minimise the alienation of rural lands from competing and conflicting land uses.
- c) To minimise the alienation of forestry and mining activities from competing and conflicting land uses and maximise opportunities to expand and access land resources for forestry and mining activities.
- d) To adopt a settlement strategy that includes the provision of rural lifestyle living at a level that meets the projected levels of demand.
- e) To supply rural lifestyle living in an appropriate form that will minimise its impacts on agriculture and maximise the concentration of population at existing village and settlement locations.
- f) To supply rural lifestyle living in appropriate locations that consider relevant planning constraints and constraints identified in the recommendations of the Bathurst Region Rural Strategy 2008.
- g) To provide an appropriate level of amenity for rural lifestyle living areas through the preparation and adoption of relevant development standards, particularly minimum lot sizes.

- h) To provide for low-impact residential development in areas of special ecological, scientific or aesthetic value.

6.1.3 Definitions

This section adopts the definitions under the LEP and those definitions listed in the table below.

	Description
Highway	Includes the Great Western Highway, Mitchell Highway and the Mid-Western Highway.
Major Road	Any road with a road reserve width of 22m or more. A classified road, other than highways.
Minor Road	Any road with a road reserve width of less than 22m.
Crown Road	Any road owned by the Crown, other than a highway or a classified road.

6.1.4 The Rural Living Handbook (Advisory only)

Council has developed The Rural Living Handbook which is intended to be a tool for new or existing land owners. There is a range of information about weed and pest management, water conservation, salinity and erosion control, native vegetation and wildlife, chemical use, farm safety and local planning information. Copies of the handbook are available from Council offices or from its website.

6.2 SITING

6.2.1 Objectives

- a) To prevent conflict between residential activities and primary industry.
- b) To ensure that development will not significantly adversely affect the use of adjoining land.
- c) To ensure that building sites do not impact on existing drainage patterns and water supplies.
- d) To protect the environmental qualities of the land.

6.2.2 General considerations

Development Standards:

- a) Where land is within Zone **RU1** Primary Production and is identified as:
 - i) a **sensitive land area** on DCP Map No. **29** - Land Resources or
 - ii) a **sensitive waterways** on DCP Map No. **30** - Riparian Land and Waterways and/or
 - iii) a **high or moderate biodiversity sensitivity** on DCP Map No. **31** - Biodiversity of this Plan

an environmental assessment is to be provided in accordance with section 9 – ***Environmental Considerations*** of this Plan. For all other lands, the development standards listed in points (b) to (d) below apply to the siting of buildings.

- b) A Development Application for new buildings is to locate and show as a minimum (where applicable) key existing natural environmental features including:
 - i) existing natural drainage lines,
 - ii) existing farm dams,
 - iii) all existing tree and landscape features, and
 - iv) environmentally sensitive land features (e.g. rocky outcrops, steep slopes, ridges and hilltops).
- c) Buildings are to be sited so as to have minimal disturbance to the existing native habitat and in particular to the existing tree cover. Development Applications are to show the location of trees and identify any trees proposed to be removed.
- d) Where applicable, dwellings and other buildings are to be sited within a designated building envelope if shown on the relevant deposited plan and outside any 'Land Management Areas' identified on a relevant DCP map.

6.2.3 Setbacks – Zones RU1 – Primary Production, RU2 – Rural Landscape and RU4 – Primary Production Small Lots

Development Standards

- a) Council must only grant consent to development listed in the table below where the front, side and rear setbacks comply with the standards outlined in the table below.

Note: For the purposes of the table below adjoining land includes land that would otherwise adjoin a property boundary except for the fact that a road or river is located along that property boundary. In these circumstances the setback requirement can be reduced by the width of the road or river.

Development Type	Front, Side and Rear Setback
Dwellings Tourist and Visitor Accommodation Caravan Parks Farm buildings	<ul style="list-style-type: none"> ○ 20m for lots less than 20ha or 50m for lots greater than 20ha, or ○ 150m to adjoining land that contains an existing extractive industry, sawmills, road transport facility, an existing forestry operation or land owned by Forests NSW, or ○ 250m to adjoining land that contains an existing intensive animal husbandry activity, an abattoir or stock and sale yards, or ○ 250m to adjoining land that contains an existing mine.
Rural Industry	○ 50m
Extractive Industries Sawmills Road Transport Facility Forestry (excluding existing plantations authorised under the Plantations and Reafforestation Act 1999 or activities carried out under the Forestry Act 1916).	○ 150m
Intensive Animal Husbandry Stock and Sale Yards Abattoirs Mines	○ 250m

6.2.4 Minimum setbacks – Zone R5 – Large Lot Residential and Zone E4 Environmental Living

Development Standards:

- a) Council must only grant consent to the erection of buildings within the building envelope, if shown on the Deposited Plan for the lot, or
- b) Where no building envelope is shown on the Deposited Plan for the lot, Council must only grant consent to the erection of buildings where the front, side and rear setbacks comply with the standards outlined in the table below.

Minimum Front Side and Rear Setbacks
<ul style="list-style-type: none"> • 8m to minor road or adjoining property boundary, or • 40m to major road or highway.

6.3 ACCESS, ENTRANCES AND FENCING

6.3.1 Objectives

- a) To maintain a standard of fencing and entrances compatible with the rural landscape.
- b) To minimise the visual impact of rural lifestyle developments on major and minor roads including the gateway approaches to the City.
- c) To provide adequate access for Rural Fire Service resources.

6.3.2 Development standards

Access

- a) A vehicular access shall not be created or used to give access directly onto a classified road or highway, without the consent of the roads authority.
- b) A vehicular access shall not be created or used to give access onto a minor road closer than 20 metres to any intersection of that minor road with a major road or highway.
- c) A vehicular access shall not be created or used to give access onto a road specified by a relevant DCP Map as “access restriction”.

Entrances

- a) Entrances are to be setback a minimum of 10m from the boundary of the subject land with the public road, in accordance with Council's *Guideline to Engineering Works*. Entrance setbacks to a highway or classified road must meet RMS standards.
- b) Entrances required to accommodate semi-trailers and heavy vehicles (e.g. to mines and intensive livestock activities etc.) are to be set back a minimum of 20m from the boundary of the subject land with the public road, in accordance with Council's *Guideline to Engineering Works*.
- c) Entrances are to have a 2 coat bitumen seal if the public road is sealed. Driveways are to otherwise be constructed to an all weather surface.
- d) Entrances are to be a minimum 4m wide to enable access by Rural Fire Service resources.

Fencing

- a) Fencing is to be of a rural nature using traditional rural fencing materials, or of pipe, wire, timber, masonry or the like. Pre-coloured metal sheet fencing is not permitted.
- b) Fencing is to be constructed so that it does not prevent the natural flow of storm water drainage.

Driveways and property access roads

- a) Driveways and property access roads are to be constructed of an all weather surface.
- b) Driveways and property access roads are to be constructed to comply with Section 4.1.3 (2) of the Planning for Bushfire Protection Guidelines (2006).

6.4 ON SITE EFFLUENT DISPOSAL

6.4.1 Objectives

- a) To ensure that adequate site area is provided to enable appropriate on-site sewerage management in rural and rural lifestyle locations that are not connected to a reticulated sewerage system.

6.4.2 Development standards

- a) The location and proposed method of waste water disposal must be shown on the Development Application and accompanied by supporting geotechnical certification for on-site waste water disposal, from a suitably qualified Geotechnical Engineer.
- b) The proposed method of effluent disposal and the associated waste water disposal area must comply with *AS/NZS1547:2000 – On-Site Domestic Wastewater Management* and the most current version of the *Environmental Health Protection Guidelines On-site Sewage Management for Single Households*.
- c) The effluent disposal system and associated disposal area is to be sited within the designated effluent disposal envelope if shown on the relevant deposited plan.
- d) Effluent disposal systems and associated disposal areas (including irrigation areas) are to be located so as to meet the buffer requirements in the most current version of the *Environmental Health Protection Guidelines On-site Sewage Management for Single Households* (refer section **3.2.2**).
- e) Council cannot consent to the installation of an on-site effluent disposal system on land identified wholly or partially as having a high or moderately high groundwater vulnerability on DCP Map No. **30** - Riparian Land and Waterways (excluding those lands shown on DCP Map No.'s **14** – White Rock and **15** – Robin Hill) unless it has considered a report prepared in accordance with section **9.5 - Groundwater** of this Plan that considers the impact of on-site effluent disposal systems on groundwater.

6.5 WATER SUPPLY REQUIREMENTS

6.5.1 Objectives

- a) To ensure that adequate water resources are supplied to new developments for domestic and fire fighting purposes in those locations where a reticulated water supply is not available.

6.5.2 Development standards

- a) An on-site water supply is required to be provided for all dwellings and dwelling additions/alterations **not** connected to a reticulated water system as specified below.

Domestic Dwellings

The number of bedrooms will determine the quantity of water supply storage requirements for domestic purposes. Rooms such as study's, sewing rooms, studio's etc of similar size to a bedroom, will be included in the calculation of the number of bedrooms.

Alternative A: Potable Water – an additional storage of 3,000 litres per bedroom of drinking quality water shall be provided where connected to the kitchen supply only, and

Household Water – an additional 12,000 litres per bedroom (or continuous supply) of water where connected to all other fittings i.e. bath, WC, laundry tub etc., or

Alternative B: Potable and Household Water – an additional 15,000 litres per bedroom of drinking quality water shall be provided connected to all fittings.

Domestic Dwellings – Additions/Alterations

The number of additional bedrooms will determine the additional quantity of water supply storage requirements for domestic purposes. Rooms such as studies, sewing rooms, studio's etc., of similar size to a bedroom, will be included in the calculation of the number of bedrooms.

Alternative A: Potable Water – an additional storage of 3,000 litres per bedroom of drinking quality water shall be provided where connected to the kitchen supply only, and

Household Water – an additional 12,000 litres per bedroom (or continuous supply) of water where connected to all other fittings i.e. both, WC laundry tub etc., or

Alternative B: Potable and Household Water – an additional 15,000 litres per bedroom of drinking quality water shall be provided connected to all fittings.

Fire Fighting – Dwellings and Dwelling Additions/Alterations

In addition to the above a water supply is to be available for fire fighting purposes. The following standards apply to all new residential development inclusive of new dwellings and additions and alterations to existing dwellings. See section 4.1.3 of the Planning for Bush Fire Protection Guidelines (2006).

Development type	Water requirement
Residential lots (<1,000m ²)	5,000 l/lot
Rural-residential lots (1,000 - 10,000m ²)	10,000 l/lot
Large Rural/Lifestyle lots (>10,000m ²)	20,000 l/lot
Dual Occupancy	2,500 l/lot
Townhouse/Unit Style (e.g. Flats)	5,000 l/unit up to 20,000 l maximum

Only static water storage within the Asset Protection Zone will be considered as storage for fire fighting purposes. The following provisions apply to all water storage supplies for fire fighting purposes:

- A suitable connection for firefighting purposes is to be made available and located within the Inner Protection Area (IPA) and away from the structure. A 65mm Storz outlet with a gate or Ball valve is to be provided.
- Gate or ball valve and pipes are to be adequate for water flow and are to be metal rather than plastic.
- Underground tanks must have an access hole of 200mm to allow tankers to refill direct from the tank. A hardened ground surface for truck access is to be supplied within 4 metres of the access hole.
- Aboveground tanks are to be manufactured of concrete or metal and raised tanks are to have their stands protected. Plastic tanks are not to be used. Tanks on the hazard side of a building are to be provided with adequate shielding for the protection of fire fighters.
- All aboveground water pipes external to the building are to be metal including and up to any taps. Pumps are to be shielded.
- Bores and creeks are not to be used as a substitute for a dedicated static water supply.

Note: where a water source contrary to the provisions above is proposed to be used, the application must be accompanied by a letter from the NSW Rural Fire Service that supports the alternative water source.

6.6 BUILDING FORM AND DESIGN

6.6.1 Objectives

- To ensure that the design of buildings and other structures are in keeping with and sympathetic to the rural character of the area.

6.6.2 Development standards

- The materials used must be naturally textured and coloured, sympathetic to the natural environment and must be non-reflective.
- The bulk and scale of the building must not adversely impact on the visual amenity from neighbouring properties or the visual amenity from other significant locations in the City or the Region.

- c) The height of the building must relate to the topography of the land so that on steeper sites at least part of the roof plane is parallel to the slope and the overall building height sits below any ridgeline/s.
- d) The design of the building must be in keeping with the rural character of the area.
- e) Rural structures such as outbuildings must be adequately screened with vegetation and setback from any road (refer to section 6.2.4).

6.7 SOIL AND WATER MANAGEMENT

6.7.1 Objectives

- a) To achieve a standard of control that results in minimal impact on both on-site and off-site soil resources and surface water quality.

6.7.2 Development standards

- a) For developments with a disturbance area of less than 2500m², development must comply with Council's *Erosion and Sediment Control Guidelines for Building and Work Sites*.
- b) For developments with a disturbance area of greater than 2500m², development must comply with the requirements of the document: *Managing Urban Stormwater: Soils and Construction 2004*, produced by Landcom. Due consideration is to be given to potential impacts on off-site streams in terms of channel stability under modified flow regimes resulting from development.
- c) As a condition of consent for sites with a disturbance area of greater than 2500m², Council will require the submission of a soil and water management plan prior to the commencement of any building construction or civil construction works on site. A Soil and Water Management Plan must be lodged with Council prior to the issue of **any** construction certificate.
- d) Following approval of the soil and water management plan, erosion and sediment control works will be required to be installed prior to work commencing on the site. Such control measures are to be maintained during the construction period. All work is to be undertaken to the satisfaction of Council.
- e) Erosion and sediment control measures are to be maintained in accordance with the recommendations in Council's *Erosion and Sediment Control Guidelines for Building and Work Sites* or *Managing Urban Stormwater: Soils and Construction 2004* **and** remain in place while ever earthworks are being completed, and until such time that the site is revegetated.

6.8 TEMPORARY ACCOMMODATION AND SECONDHAND DWELLINGS

Note: Temporary Accommodation and Second Hand Dwellings proposed in any other zones are to comply with the relevant standards and requirements listed hereunder.

6.8.1 Objectives

- a) To provide opportunities for temporary accommodation and the use of secondhand dwellings within rural and rural lifestyle localities.

6.8.2 Development standards

Temporary accommodation

- a) Council may consider applications for temporary accommodation (including a shed or caravan) during construction of a permanent dwelling for 24 months only. Toilet facilities, a potable water supply, bathing and clothes washing facilities and waste water disposal are required for all temporary dwellings.

Note: BASIX need not apply to temporary accommodation.

Secondhand Dwellings

- a) Applications for the relocation of second hand dwellings are to be accompanied by:
 - i) photographs of all elevations of the buildings;
 - ii) a letter from the relevant Local Authority verifying that the photographs are representative of the current condition of the building(s);
 - iii) a scaled floor plan;
 - iv) a “schedule of works” to be undertaken to refurbish the dwelling, including the materials that are proposed to be used to ensure compliance with the National Construction Code; and
 - v) elevations of the building as proposed following re-siting.

6.9 RURAL LIFESTYLE DEVELOPMENT – USE OF LAND

6.9.1 Land to which this Section applies

This section applies to land within Zone **R5** - Large Lot Residential under the LEP, as shown on the following DCP Maps:

- DCP Map No. **14** - White Rock,
- DCP Map No. **15** - Robin Hill;
- DCP Map No. **16** - Trunkey Creek;
- DCP Map No. **17** – The Lagoon;
- DCP Map No. **18** - Wattle Flat; and
- DCP Map No. **19** - Mount Rankin.

6.9.2 Objectives

- a) To control the subdivision of certain lands and the siting of dwellings on those lands.
- b) To ensure that the natural features and the environmentally sensitive areas of the land are not adversely affected by future development.
- c) To ensure protection and conservation of the scenic value and rural amenity of rural lifestyle land.

- d) To provide appropriate vegetated buffers between rural lifestyle areas and agricultural areas to prevent land use conflict.

6.9.3 Use of land

- a) Council may grant consent only to those developments listed in the table below within the Land Use Areas specified by the table and shown on the relevant DCP Maps.

Land Use Area	Development to which Council may grant consent
Housing (single or double storey)	Single storey or double storey housing and other ancillary buildings.
Housing (single storey)	Single storey housing and other ancillary buildings.
Open space	Drainage, recreation, environmental protection works, footpaths and cycleways.

6.9.4 Management of land

- a) Council may only grant consent to development within the Land Management Areas listed in the table below and identified on the DCP maps where the development complies with the requirements listed for that area.

Land Management Area	Effect on Development
Agricultural Interface	No dwellings may be erected. Outbuildings and ancillary structures will be considered on merit. Landscaping pursuant to section 13 – Landscaping and Greening of this Plan is required.
Environmental Protection Area (See Map legend for type)	Roads, drainage, environmental protection works permitted. No buildings may be erected. No works may be constructed other than post and wire fencing. Existing vegetation is to be protected and enhanced. Landscaping pursuant to section 13 – Landscaping and Greening of this Plan is required.
Subdivision Restriction	Other than a minor realignment of boundaries that does not create additional lots or the opportunity for additional dwellings, no further subdivision is permitted.
Major Road Buffer	Roads, drainage, environmental protection works permitted. No buildings may be erected. No works may be constructed other than post and wire fencing. Landscaping pursuant to section 13 – Landscaping and Greening of this Plan is required.
Density Restriction	Refer to Clause 4.1 of the LEP.
Utility Supply Easements and Infrastructure	No buildings may be erected. No works may be constructed other than post and wire fencing. Construction of new vehicular access over any portion of land must be to the satisfaction of Council.

Land Management Area	Effect on Development
Access Restriction	A vehicular access shall not be constructed, created or used to give access across the boundary of the road along which this restriction is shown.
Strategic Access Route, Cycleway or Footpath	The access route or path, if off-road, is to be constructed, or if on-road is to be marked in accordance with the Bathurst Community Access and Cycle Plan 2011.
Cultural Heritage	No subdivision or building work may occur until an assessment under section 10.10 – Aboriginal Heritage of this Plan has been completed and Council is satisfied that the development will not adversely impact on any identified cultural heritage.
Access permitted to Trunk Road 54	Access to the land is permitted to Trunk Road 54.
Proposed roads	The proposed road is to be located generally in accordance with the alignment shown on the relevant DCP map to ensure that the land is integrated with future subdivisions.
European Heritage Buffer	No dwellings or buildings may be erected. No works may be constructed other than driveways, drainage and fencing.

6.10 MOUNT HAVEN ESTATE – USE OF LAND

6.10.1 Land to which this Section applies

This section applies to land within Deposited Plan No. 270159 as shown on DCP Map No. **20** – Mount Haven Estate.

6.10.2 Objectives

- a) To protect the environmental qualities of the Mount Haven Estate.

6.10.3 Use of the land

Council may grant consent only in accordance with Clause **7.11** of the LEP.

6.10.4 Management of land

- a) Council may only grant consent to development within the Land Management Areas listed in the table below and identified on DCP Map No. **20** - Mount Haven Estate where the development complies with the requirements listed for that area.

Land Management Area	Effect on Development
Environmental Protection Areas - Waterways	Drainage, environmental protection works permitted. No buildings may be erected. No works may be constructed other than post and wire fencing. Existing vegetation is to be protected and enhanced. Landscaping pursuant to section 13 – Landscaping and Greening of this Plan is required.

6.10.5 Development standards

Development Standards:

- a) Council must only grant consent to the erection of buildings within the building envelope, if shown on the Deposited Plan for the lot, or
- b) Where no building envelope is shown on the Deposited Plan for the lot, Council must only grant consent to the erection of buildings where the buildings are located at least 30 metres from all boundaries.

6.10.6 Development standards

- a) No building shall have any roof greater than 8m above the natural surface of the building site.
- b) Buildings are to be located where there will be minimal disturbance to the existing native fauna and flora. All Development Applications are to identify the number of trees to be removed and the extent of clearing to be undertaken.
- c) Alternative dwelling designs and materials compatible with the landscape and the environment are encouraged.
- d) No vegetation (except for exotic species or with the consent of Council) is to be cleared within 50 metres of Eusdale and Diamond Swamp Creeks.
- e) All domestic effluent is to be connected to the common effluent disposal system, unless an on-site system is approved by Council.
- f) A common effluent disposal system is to be constructed to service all allotments within the estate, unless Council has approved the use of an on-site system.
- g) The effluent from each dwelling is to pass into a septic tank then into a common dam (minimum capacity of 30 days retention), from which it will be spray irrigated onto the Brookfield farm, unless an on-site system is approved by Council.
- h) All common effluent disposal dams, pipes and irrigation areas are to be located on community/neighbourhood land or covered by easements, with an adequate area for access and maintenance purposes.
- i) No irrigation area is to be located within 50 metres of any waterway.
- j) The domestic garbage storage areas and recycling collection areas are to be fenced to ensure that garbage is not blown away from the site and animals are kept out of the area. The garbage storage areas are to be screened with appropriate landscaping.
- k) A perimeter fire trail is to be located around the north, west and southern side of the estate, with a minimum cleared width of 4 metres. The trail is to be physically connected to the community road system.
- l) A tank with a minimum raw water capacity of 20,000 litres, and continually maintained at that volume, with a suitable opening for fire fighting hoses, is

to be located in a central position to the overall development on community land and is to be accessible to fire fighting vehicles at all times.

- m) A fire fighting tanker is to be provided to the Local Fire Fighting brigade when the number of dwellings in the subdivision reaches 40.

6.11 DEVELOPMENT ON LAND ADJOINING LAND OWNED OR OPERATED BY FORESTS NSW – SPECIAL PROVISIONS

6.11.1 Objectives

- a) To minimise the alienation of forestry activities from competing and conflicting land uses.
- b) To maximise opportunities to expand and access land resources for forestry activities.

6.11.2 Development standards

- a) New dwellings will be permitted only where safe all weather access can be provided that does not incorporate the use of forestry roads.
- b) Development Applications for dwellings and buildings located on land adjoining land owned or operated by Forests NSW are to be accompanied by electrical infrastructure plans to enable adequate assessment to be made to ensure such infrastructure will not impact on existing forestry operations.

6.12 PURPLE COPPER BUTTERFLY HABITAT – SPECIAL PROVISIONS

6.12.1 Objectives

- a) To protect and enhance the Purple Copper Butterfly habitat in the Yetholme locality.

6.12.2 Development standards

- a) New development is to be located away from areas of potential habitat of the Purple Copper Butterfly so that the extent and quality of that habitat is not affected by the development or by bushfire related asset protection zone requirements.
- b) Revegetation associated with development shall be implemented to comprise species and to achieve vegetation structure and densities as defined by the most current Office of Environment and Heritage advice for Purple Copper Butterfly habitat enhancement.

6.13 RESIDENTIAL ACCOMMODATION AND MINIMUM LOT SIZE – ZONE R5 LARGE LOT RESIDENTIAL

6.13.1 Objectives

- a) To ensure adequate site area is available for the erection of dwelling houses, secondary dwellings (granny flats) in zone R5 Large Lot Residential.

6.13.2 Development standards

- a) Council shall not consent to development for the purposes of a dwelling house or secondary dwelling (granny flat) unless Council is satisfied that on-

site effluent disposal can be provided for each dwelling in accordance with Section 7.3 – **Onsite Effluent Disposal** of this Plan.

6.14 WHITE ROCK

6.14.1 Land to which this Section applies

This Section applies to the land shown on DCP Map 14 – White Rock.

6.14.2 Objectives

To protect the heritage qualities of the property known as ‘Littlebourne’ and to ensure adequate water services are available to all new lots.

6.14.3 Development Standards – Water Reticulation

- a) The finished floor level of any new dwelling is to be no greater than 708m AHD.
- b) The finished floor level of any new dwelling is to be shown on any plans submitted to Council for approval.

6.14.4 Development Standards - Littlebourne

This section applies to Lot 1 DP 867504, known as Littlebourne.

- a) All buildings should have a height no higher than 713m AHD or the height of the ridge of Littlebourne Homestead as measured from the finished ground level.
- b) Where visible from the street or adjoining Littlebourne Homestead, roof pitches are to be at least 30 degrees.
- c) Roofing materials are to generally be steel sheeting of a traditional corrugated profile and are to be galvanized iron, zincalume, or pre-coloured metal sheet (provided the colour is sympathetic to the historic character of the Littlebourne Homestead). The proposed colour is to be nominated on any plans submitted to Council for approval.
- d) Where visible from the street, new windows should be vertical in proportion or have regard to traditional or historic window proportions.
- e) Fencing material is to be brick, timber and/or wire. Pre-coloured metal sheet fencing is not permitted.
- f) Fencing is to be constructed so that it does not prevent the natural flow of storm water drainage.
- g) Outbuildings are to be constructed of brick, timber or steel sheet metal of a traditional corrugated profile and are to include a roof pitch and colouring that complements the roof pitch and colouring of the surrounding dwellings. American barn style outbuildings will generally not be permitted.

7 RURAL VILLAGE DEVELOPMENT

7.1 PRELIMINARY

7.1.1 Land to which this Section applies

Unless otherwise stated, this section applies to land within Zone **RU5** - Village under the Bathurst Regional Local Environmental Plan 2014 (LEP).

7.1.2 Strategic priority and objectives

- a) The Bathurst Region Rural Strategy 2008 establishes the following key priority and objectives for rural village development and growth for the Bathurst Region.

Strategic Priority

To determine the best way to maintain and enhance the viability of the villages and key historic settlement areas.

Strategic Objectives

- a) To adopt a settlement strategy that includes the concentration of new living opportunities within and close to the existing villages, so as to improve the viability of these centres, minimise impacts on agricultural lands and enable concentrated service provision.
- b) To provide an appropriate level of village amenity through the preparation and adoption of development standards for each village location.
- c) To provide a strong and viable village system that includes housing choice, viable business and tourism opportunities, adequate transport systems and a concentration of community services.

7.2 RESIDENTIAL ACCOMMODATION AND MINIMUM LOT SIZE

7.2.1 Objectives

- a) To ensure adequate site area is available for the erection of dwelling houses, secondary dwellings (granny flats), dual occupancies, semi-detached dwellings and seniors housing.

7.2.2 Development standards

- a) Council shall not consent to development for the purposes of a dwelling house or secondary dwelling (granny flat) unless:
 - i) the allotment is an allotment created for the purpose of a dwelling before gazettal of the Bathurst Regional Local Environmental Plan 2014 and Council is satisfied that on-site effluent disposal can be provided in accordance with section **7.3 – On-site Effluent Disposal** of this Plan, or
 - ii) the allotment meets the minimum lot size standards established for the **RU5** - Village zone as set out in section **3.2.2** of this Plan, or

- iii) The allotment is an allotment to which Clause 29 of the Bathurst Regional (Interim) LEP 2005 applied and on which a dwelling house could have been lawfully erected in accordance with that Clause.
- b) Council shall not consent to development for the purposes of a dual occupancy, semi-detached dwelling or seniors housing development unless:
 - i) the allotment meets the minimum lot size standards established for the **RU5 - Village** zone as set out in section **3.2.2** of this Plan for a single dwelling house, and
 - ii) Council is satisfied that on-site effluent disposal can be provided for each dwelling in accordance with section **7.3 – On-site Effluent Disposal** of this Plan.

7.3 ON SITE EFFLUENT DISPOSAL

7.3.1 Objectives

- a) To ensure that adequate site area is provided to enable appropriate on-site sewerage management in rural village locations that are not connected to a reticulated sewerage system.

7.3.2 Development standards

- a) The proposed method of effluent disposal and the associated waste water disposal area for a dwelling must comply with *AS/NZS1547 – On-Site Domestic Wastewater Management* and the most current version of the *Environmental Health Protection Guidelines On-site Sewage Management for Single Households*.

Note: Pump out systems are not considered appropriate.

- b) The location and proposed method of waste water disposal must be shown on the Development Application and accompanied by supporting geotechnical certification for on-site waste water disposal, from a suitably qualified Geotechnical Engineer.
- c) The effluent disposal system and associated disposal area is to be sited within the designated effluent disposal envelope if shown on the relevant deposited plan.
- d) Effluent disposal systems and associated disposal areas are to be located so as to meet the buffer requirements set out in the most current version of the *Environmental Health Protection Guidelines On-site Sewage Management for Single Households*. (refer section **3.2.2**).
- e) Council cannot consent to the installation of an on-site effluent disposal system on land identified wholly or partially as having a high or moderately high groundwater vulnerability on DCP Map No. **30 – Riparian Land and Waterways**, unless it has considered a report prepared in accordance with section **9.5 - Groundwater** of this Plan, that considers the impact of on-site effluent disposal systems on groundwater.
- f) In the Village of Hill End where the development is proposed to be connected to the Office of Environment and Heritage (OEH)'s sewerage system, the applicant is to furnish Council with evidence that OEH has

agreed that the proposal can be connected and that the system can cater with the additional demand.

7.4 WATER SUPPLY REQUIREMENTS

7.4.1 Objectives

- a) To ensure that adequate water resources are supplied to new developments for domestic and fire fighting purposes in those locations where a reticulated water supply is not available.

7.4.2 Development standards

- a) Water Supply is required to be provided for all dwellings, dwelling additions or alterations **not** connected to Council's reticulated water system or the Hill End water supply provided by OEH as specified below.

Note: The fire fighting water supply requirements still need to be met if the proposed development will be connected to the OEH's Hill End water supply for domestic purposes.

Domestic Dwellings

The number of bedrooms will determine the quantity of water supply storage requirements for domestic purposes. Rooms such as studies, sewing rooms, studio's etc of similar size to a bedroom, will be included in the calculation of the number of bedrooms.

Alternative A: Potable Water – an additional storage of 3,000 litres per bedroom of drinking quality water shall be provided where connected to the kitchen supply only, and

Household Water – an additional 12,000 litres per bedroom (or continuous supply) of water where connected to all other fittings i.e. both, WC laundry tub etc., or

Alternative B: Potable and Household Water – an additional 15,000 litres per bedroom of drinking quality water shall be provided connected to all fittings.

Domestic Dwellings – Additions/Alterations

The number of additional bedrooms will determine the additional quantity of water supply storage requirements for domestic purposes. Rooms such as studies, sewing rooms, studio's etc., of similar size to a bedroom, will be included in the calculation of the number of bedrooms.

Alternative A: Potable Water – an additional storage of 3,000 litres per bedroom of drinking quality water shall be provided where connected to the kitchen supply only, and

Household Water – an additional 12,000 litres per bedroom (or continuous supply) of water where connected to all other fittings i.e. both, WC laundry tub etc., or

Alternative B: Potable and Household Water – an additional 15,000 litres per bedroom of drinking quality water shall be provided connected to all fittings.

Fire Fighting – Dwellings and Dwelling Additions/Alterations

In addition to the above a water supply is to be available for fire fighting purposes. The following standards apply to all new residential development inclusive of new dwellings and additions and alterations to existing dwellings:

Development type	Water requirement
Residential lots (<1,000m ²)	5,000 l/lot
Rural-residential lots (1,000 - 10,000m ²)	10,000 l/lot
Large Rural/Lifestyle lots (>10,000m ²)	20,000 l/lot
Dual Occupancy	2,500 l/lot
Townhouse/Unit Style (e.g. Flats)	5,000 l/unit up to 20,000 l maximum

Only water within the Asset Protection Zone will be considered as storage for fire fighting purposes. The following provisions apply to all water storage supplies for fire fighting purposes:

- A suitable connection for firefighting purposes is to be made available and located within the IPA and away from the structure. A 65mm Storz outlet with a gate or Ball valve is to be provided.
- Gate or Ball valve and pipes are to be adequate for water flow and are to be metal rather than plastic.
- Underground tanks must have an access hole of 200mm to allow tankers to refill direct from the tank. A hardened ground surface for truck access is to be supplied within 4 metres of the access hole.
- Aboveground tanks are to be manufactured of concrete or metal and raised tanks are to have their stands protected. Plastic tanks are not to be used. Tanks on the hazard side of a building are to be provided with adequate shielding for the protection of fire fighters.
- All aboveground water pipes external to the building are to be metal including and up to any taps. Pumps are to be shielded.
- Bores and creeks are not to be used as a substitute for a dedicated static water supply.

Note: where a water source contrary to the provisions above is proposed to be used, the application must be accompanied by a letter from the NSW Rural Fire Service that supports the alternative water source.

7.5 YETHOLME – PURPLE COPPER BUTTERFLY**7.5.1 Objectives**

- a) To protect and enhance Purple Copper Butterfly Habitat.

7.5.2 Development standards

- a) New development is to be located away from areas of potential habitat of the Purple Copper Butterfly so that the extent and quality of that habitat is not affected by the development or by bushfire related asset protection zone requirements.
- b) Revegetation associated with development shall be implemented to comprise species and to achieve vegetation structure and densities as defined by the most current Office of Environment and Heritage's advice for Purple Copper Butterfly habitat enhancement.

7.6 SOIL AND WATER MANAGEMENT

7.6.1 Objectives

- a) To achieve a standard of control that results in minimal impact on both on-site and off-site soil resources and surface water quality.

7.6.2 Development standards

- a) For developments with a disturbance area of less than 2500m², development must comply with Council's *Erosion and Sediment Control Guidelines for Building and Work Sites*.
- b) For developments with a disturbance area of greater than 2500m², development must comply with the requirements of the document: *Managing Urban Stormwater: Soils and Construction 2004*, produced by Landcom. Due consideration is to be given to potential impacts on off-site streams in terms of channel stability under modified flow regimes resulting from development.
- c) As a condition of consent for sites with a disturbance area of greater than 2500m², Council will require the submission of a soil and water management plan prior to the commencement of any building construction or civil construction works on site. A Soil and Water Management Plan must be lodged with Council prior to the issue of **any** construction certificate.
- d) Following approval of the soil and water management plan, erosion and sediment control works will be required to be installed prior to work commencing on the site. Such control measures are to be maintained during the construction period. All work is to be undertaken to the satisfaction of Council.
- e) Erosion and sediment control measures are to be maintained in accordance with the recommendations in Council's *Erosion and Sediment Control Guidelines for Building and Work Sites* or *Managing Urban Stormwater: Soils and Construction 2004* **and** remain in place while ever earthworks are being completed, and until such time that the site is revegetated.

7.7 HILL END – CONSENT AUTHORITY

- a) The following table sets out the details of the consent authority responsible for the different areas of the Hill End Village listed hereunder and illustrated on DCP Map No. 21 - Hill End.

Area	Description
Hill End Historic Site	<p>This area is listed on the NSW State Heritage Register pursuant to the NSW Heritage Act 1977.</p> <p>This listing requires Council or OEH to refer any Development Application to the NSW Heritage Branch for approval under Section 60 of the Heritage Act 1977, where required.</p>
Development Area A - Land under the control of the NSW Office of Environment and Heritage (OEH)	<p>The OEH is the Consent Authority</p> <p>This area is owned/controlled by the OEH and subject to the provisions of the <i>National Parks and Wildlife Act 1974</i>.</p> <p>This development area includes properties which are located within the historic site area that were owned by the National Parks and Wildlife Service on 2 April 1999.</p> <p><u>Note:</u> Development which is prohibited within Zone RU5 - Village pursuant to the LEP or development identified as <i>prescribed development</i> in this area would be referred to Council for comment by the OEH as part of their assessment.</p> <p><u>Note:</u> No subdivision of land is permitted within Development Area A.</p>
Development Area B - Other	<p>Council is the Consent Authority</p> <p>All land is subject to the development standards set out in this Plan.</p> <p>This development area includes properties which are located within the historic site area and that were freehold on 2 April 1999.</p>

Note: Should the OEH request comments from Council in relation to an application for development within Development Area A, Council will provide comment consistent with the development standards as set out in this Plan.

7.8 ARCHAEOLOGY

7.8.1 Hill End

- a) Council must not grant consent to any building or subdivision work on land identified as being of either high or moderate, or unknown archaeological significance on DCP Map No. **22 - Hill End Archaeology**, unless it has considered an archaeological report which examines the likelihood of archaeological remains being located on the site.
- b) Council must not grant consent to any building or subdivision works within the **Hill End Historic Site** or on land identified as “archaeologically unknown” on DCP Map No 22 – Hill End Archaeology unless it imposes a condition of consent that requires the applicant to stop works immediately and notify the NSW Heritage Branch and Council if any archaeological remains or relics are discovered. If relics are discovered a Section 140 permit under the NSW Heritage Act will need to be obtained from the Heritage Branch (see also section **10.9 – Archaeological Permits**) of this Plan.

7.8.2 Other villages

- a) If archaeological remains or relics are likely to be located on a site, Council will impose the condition outlined in 7.8.1(b) above in relation to any building or subdivision work (see also section **10.9 – Archaeological Permits** of this Plan).

7.9 DEVELOPMENT CONTROL PLAN MAPS

7.9.1 Land to which this Section applies

This section applies to land within Zone **RU5** - Village as shown on the following DCP Maps.

- DCP Map No. **16** - Trunkey Creek
- DCP Map No. **18** - Wattle Flat
- DCP Map No. **21** - Hill End
- DCP Map No. **23** - Sofala
- DCP Map No. **24** - Rockley
- DCP Map No. **25** - Georges Plains
- DCP Map No. **26** - Peel
- DCP Map No. **27** – Yetholme

7.9.2 Objectives

- a) To ensure that the natural features and the environmentally sensitive areas of the land are not adversely affected by future development.
- b) To ensure protection and conservation of the scenic value, rural amenity and heritage qualities of rural villages.
- c) To provide appropriate vegetated buffers between village areas and agricultural areas to prevent land use conflict.

7.9.3 Use of land

Development Standards

- a) Council may grant consent only to those developments listed in the table below within the Land Use Areas specified by the table and shown on the relevant DCP Maps.

Land Use Area	Development to which Council may grant consent
Housing (single or double storey)	Single storey or double storey housing and other ancillary buildings.
Housing (single storey)	Single storey housing and other ancillary buildings.
Traditional Village Centre	Commercial development is restricted to this area only.

7.9.4 Management of land

- a) Council may only grant consent to development within the Land Management Areas listed in the table below and identified on the DCP maps where the development complies with the requirements listed for that area.

Land Management Area	Effect on Development
Agricultural Interface	No dwellings may be erected. Outbuildings and ancillary structures will be considered on merit. Landscaping pursuant to Section 13 – Landscaping and Greening of this Plan is required.
Major Road Buffer	No buildings may be erected. No works may be constructed other than post and wire fencing and environmental protection works. Landscaping pursuant to Section 13 – Landscaping and Greening of this Plan is required.
Access Restriction	A vehicular access shall not be constructed, created or used to give access across the boundary of the road along which this restriction is shown.
Development Restriction	A dwelling or effluent disposal area may not be located or constructed within the area shown on the DCP map.
Environmental Protection Area (See Map legend for type)	No buildings may be erected. No works may be constructed other than post and wire fencing, roads, drainage, environmental protection works. Existing vegetation is to be protected and enhanced. Landscaping pursuant to Section 13 – Landscaping and Greening of this Plan is required.
Flood Planning Area	Development must be consistent with the requirements of Section 9.6 - Flooding of this Plan and Clause 7.1 Flood Planning of the LEP.
Subdivision restriction	Other than a minor realignment of boundaries that does not create additional lots or the opportunity for additional dwellings, no further subdivision is permitted.
Access permitted to Trunk Road 54	Access to the land is permitted to Trunk Road 54.
Vegetation restriction	Existing trees are to be protected and enhanced.
Strategic Access Route, Cycleway or Footpath	The access route or path, if off-road, is to be constructed, or if on-road is to be marked in accordance with the Bathurst Community Access and Cycle Plan 2011.
Road Closure	The road or part of the road is to be closed and used for the purpose shown.

7.10 BUILT ENVIRONMENT

7.10.1 Objectives

All Villages

- a) To retain the present building forms and layout of the villages.
- b) To maintain and conserve the historic character of local streets and buildings.
- c) To control the form of new buildings to minimise the impact of development on the historic character of the villages.
- d) To control the type of building materials to minimise the impact of new development on rural vistas and on the historic character of the villages, and on the adjacent rural and natural areas.
- e) To ensure new development is compatible with the environmental qualities of the locality.

Hill End

In addition to the objectives listed above, the following additional objectives apply to the village of Hill End.

- a) To retain the present building forms and layout of the village of Hill End which provide evidence of its history and evolution. This includes its planned and unplanned roads and subdivisions, its character and sense of remoteness, its peaceful isolation, and its ability to clearly convey a sense of the passage of time.
- b) To retain the sense of place established by the existing landscape of the approach roads and to ensure any built item or activity is appropriate for the village and will not detrimentally affect the street/landscape or aesthetics of the place, or the approaches to the village.
- c) To conserve pre 1940 timber, earth, stone, brick and iron buildings and their settings.
- d) As evidence of the past pattern of the town and its long history of struggle and economic decline, keep vacant allotments between the buildings, which have been caused by the gradual loss of early structures on the site.
- e) To preserve archaeological remains and relics, both above and below ground, including building foundation remains, kerbs and gutters, roads and retaining walls, fences and posts.
- f) To conserve the natural and man-made setting of Hill End – its surrounding landscape of wooded hills; its nearer landscape of the Common; its mining landscape of eroded gullies; settling ponds; mullock heaps, mine shafts; and its man-made landscape of street plantings, fruit trees, gardens and fences.
- g) To control the form of new buildings to minimise the impact of development on the historical character of the village.

7.10.2 Statements of Significance

In determining a development application within the villages, Council is to give consideration to the Statement of Significance for that village as outlined in the table below.

Village	Statement of Significance
Hill End	<p>Hill End is a place of national cultural significance due to its aesthetic, historic, scientific and social value to past, present and future generations of Australians. From the period of its settlement and principal development in the early 1870s, Hill End retains a unique collection of buildings, relics, artefacts, structures, archaeological sites and landscape elements which are, individually and collectively, of outstanding architectural, aesthetic and research value.</p> <p>The village is set along a gold bearing quartz seam within a tablelands landscape of rolling hills, accentuating the feelings of peaceful isolation. From the hectic gold rush era and subsequent years of decline, to the period of NPWS intervention, the village, buildings, vacant sites and gardens continue to reflect the social and economic forces which continue its survival.</p> <p>Many surviving cottages, small commercial buildings and their settings form part of the landscape of Hill End and are representative of the ongoing development of the town as a gold boom settlement and a subsistence mining area. They are also representative of the resilience of the community of Hill End, with its culturally diverse population, and of the life and works of prominent former Hill End residents such as Mayor Hugo Louis Beyers.</p>
Sofala	<p>Sofala began as a tent or canvas town in 1851. The site of the town, where the Mudgee-Bathurst road crossed the Turon River, was strategic and the town quickly became better equipped with more permanent buildings, although in 1855 it could still be described as 'a narrow street, lined on each side with shabby wooden and calico huts'.</p> <p>Sofala is one of Australia's best examples of a former gold-mining town. It is rich in history and probably retains more of its original character than any other early mining settlement. The layout is linear with buildings concentrated along the narrow main street, the charm of which is enhanced by the irregularity of setbacks and undefined road edges. The village enjoys a magnificent river and hillside setting. The main street runs beside the river and has a special visual and historic relationship with it.</p>

Village	Statement of Significance
Rockley	<p>Rockley was created primarily by pastoral and grazing needs and only secondarily by mining. The landowners around Campbell's River and Pepper's Creek saw the need for a township to supply services for the rural community. A village reserve had already been marked out at the present Rockley by Surveyor Richards in 1833. In 1850, before gold was discovered, the landed proprietors petitioned the government to establish a township there. Rockley was gazetted in 1851. Rockley reached a population of around 3,000 and then declined but retained a stable population of some 200 into the present century.</p> <p>Rockley retains much of its historic character. It also enjoys a particularly fine hillside setting with Pepper's Creek running right next to the main street. It remains relatively unspoilt by modern development, with many outstanding historic buildings. The special relationship with the topography and the riverside parkland gives the town a special visual appeal.</p>
Trunkey Creek	<p>Trunkey Creek was established during the gold rush in 1851 and was proclaimed a village in February 1873 (although it was known as "Arthur" until 1988 when it was changed to "Trunkey"). In 2004 it was renamed "Trunkey Creek" as this is what it was known as from the earliest days.</p> <p>In January 1939 a massive bushfire devastated the village. Many buildings were destroyed including the school.</p> <p>There are several places of historic significance in Trunkey Creek. The places identified in the Bathurst Region Heritage Study 2007 include several dwellings (c 1870 to 1900), Anglican Church's (c1924), General Store (c1879), Church (c1920, c1895), Police Station and Courthouse (c1880), former Post Office (c1875), Hotel ('Black Stump' c1908), sawmill (c1910) and former Hotel ('Golden Age' c1858).</p>
Georges Plains	<p>Georges Plains is a small settlement that was established on the Georges Plains Creek to service the surrounding rural areas. There are several places of historic significance in Georges Plains. The places identified in the Bathurst Region Heritage Study 2007 include several dwellings (c1875 to 1895), the former school (c1870), and especially St John Anglican Church and Cemetery (c1868) and Railway Station (c1877).</p>
Wattle Flat	<p>Wattle Flat is historically known as one of the first Gold Towns of Australia. However it was not recognised in the 1861 census as an independent settlement, even though it had seven 'dens of iniquity' and its own racecourse by 1858. It developed as both a gold mining settlement and as a transport service area for those travelers on their way to Sofala. It was at Wattle Flat in 1855 that a 'party of coloured Americans' set up the first horse-works to puddle alluvium in a pug-mill arrangement which became very common on the Tambaroora-Hill End field.</p>

Village	Statement of Significance
Peel	Peel village is unique in that unlike other gold mining towns within the region, it saw both gold rushes of the 1850's and 1870's. The village had a cricket ground and two race courses. The original part of Peel was located to the east of the old remaining part, near where the Sofala Road crosses Clear Creek. Many of the original buildings in this section have been demolished. Peel also has a number of prominent people associated with its history including the Suttor family of Brucedale and Dr. Kerr.
Yetholme	Yetholme was first known as Frying Pan, a name that is believed to have originated during the early 1800's when a frying pan was left hanging on a wall of a hut for use by anyone walking the road. The Parish of Yetholme was proclaimed on 27 th July 1896 and the area was a popular tourist resort during the 1800's and 1900's. Significant structures remaining in the village include Brookland Park (formerly Frying Pan Hut Inn), Macabee Cottage, St. Pauls Church and Cemetery and the old schoolhouse.

7.10.3 Siting

Objectives

- a) To enhance and/or maintain village streetscapes and character and to provide for landscaping in front of buildings.
- b) To provide access and fire protection, to maximise solar access and privacy, to minimise possible adverse impacts on adjoining properties, and to facilitate flexible site planning.

Development Standards

- a) A Development Application for new buildings is to locate and show as a minimum (where applicable) key existing natural environmental features including:
 - i) existing natural drainage lines
 - ii) existing farm dams
 - iii) all existing tree and landscape features
 - iv) environmentally sensitive land features (e.g. rocky outcrops, steep slopes, ridges and hilltops).
- b) Buildings are to be sited so as to have minimal disturbance to the existing native habitat and in particular to the existing tree cover. Development Applications are to show the location of trees and the identification of any trees proposed to be removed. Development Applications are to show the location of any other relevant environmental constraints located near the proposed building works.
- c) Where applicable dwellings and other buildings are to be sited:

- i) within a designated building envelope if shown on the relevant deposited plan.
 - ii) outside any land management areas identified on a DCP map.
- d) Any part of the building must comply with the front building line setbacks specified in the table below.

Location	Minimum Front Setback	Garage/Carport Location
<u>Within a Heritage Conservation Area</u>		
Normal Allotments	Must complement the existing setbacks of surrounding buildings in the vicinity and within the streetscape. For corner lots, sight distance must be maintained.	Behind the building facing the street or, if unable to be located behind the building, must complement the surrounding setbacks of garages/carport locations in the vicinity. For corner lots, sight distance must be maintained.
<u>Outside a Heritage Conservation Area</u>		
Normal Allotments	Must complement the existing setbacks of buildings located in the Village. For corner lots, sight distance must be maintained.	At or behind the building line.
<u>Frontage to a highway or major road</u>	10 metres	At or behind the building line.

- e) Any part of the building must comply with the side and rear building line setbacks specified in the table below.

Development Type and Wall Height	Continuous walls of less than 10 metres	Continuous walls of more than 10 metres
Seniors housing and tourist and visitor accommodation (other than bed and breakfast accommodation) - Single Storey	In accordance with the National Construction Code (NCC).	Staggered to include setbacks exceeding the minimum set by the National Construction Code or broken into lengths of 10 metres or less and interspersed with open space.

Development Type and Wall Height	Continuous walls of less than 10 metres	Continuous walls of more than 10 metres
Seniors housing and tourist and visitor accommodation (other than bed and breakfast accommodation) - Two Storey	1.5m	Staggered to include setbacks exceeding 1.5 metres, or broken into lengths of 10 metres and interspersed with open space.
Dual occupancy, dwelling houses and secondary dwellings (granny flats) – Single or two storey	In accordance with the BCA.	In accordance with the BCA.

- f) Notwithstanding the tables above, where Council is of the opinion that such a setback will significantly overshadow neighbouring properties and/or adversely impact upon the privacy of neighbouring properties, then such a setback must be increased to the extent necessary to reduce the overshadowing or maintain the privacy of adjoining owners.
- g) Notwithstanding (d) above, Council can approve a variation to the standards listed in that table where an alternate setback can be shown to better fit within the traditional building pattern of the village.
- h) All applications for seniors housing and tourist and visitor accommodation must show the location of neighbouring buildings, neighbouring windows and verandahs in relation to the proposed development.
- i) Applications for two storey development are to provide an assessment of overshadowing to all adjoining properties on 21 June.

7.10.4 Height of buildings

Development Standards

Note: The Height of Buildings Map under Clause **4.3 Height of Buildings** of the LEP limits the height of buildings within the **RU5 – Village** zone to 9m.

- a) A building containing more than 2 floors shall not be erected on land within Zone **RU5 – Village** (see also section **7.9.5** of this Plan in relation to Hill End and Sofala).
- b) Notwithstanding (a), allowance can be made for rooms within the roof line (e.g. attic rooms) or rooms/garages within a basement area (excluding Hill End and Sofala) generally below ground level where Council is satisfied that the privacy of adjoining properties is not adversely affected.

7.10.5 Building design

Development Standards

- a) New infill buildings must meet the requirements of section **10.4 – Infill Development** of this Plan.
- b) The table below outlines the development standards for building design that apply in each village.

		Applies (✓) to the following villages							
BUILT FORM	Development Standards	Georges Plains	Hill End	Peel	Rockley	Sofala	Trunkey Creek	Wattle Flat	Yetholme
New Buildings	New buildings are not to visually dominate or be larger in form or scale than existing buildings in their vicinity.	✓	✓	✓	✓	✓	✓	✓	✓
	New buildings should have a similar floor-to-ground and upper wallplate-to-floor (and ground) heights of that of existing neighbouring buildings.		✓			✓			
	New building design and siting is to give consideration to: <ul style="list-style-type: none"> • The informal variation in street setback. • The dominance of pitched iron roofs, in hipped or gabled forms, combined with skillion verandahs. • The closeness of buildings to their neighbours. • The rough timber construction and simple posted verandahs with their floors at street level. • The general absence of decorative detail. 		✓						
	New building design and siting is to give consideration to:					✓			

		Applies (✓) to the following villages							
BUILT FORM	Development Standards	Georges Plains	Hill End	Peel	Rockley	Sofala	Trunk Creek	Wattle Flat	Yetholme
	<ul style="list-style-type: none"> The closeness of buildings to their neighbours. The rough timber construction and simple posted verandahs with their floors at street level. The general absence of decorative detail. 								
	Large houses and buildings must be segmental and include multiplication of small room elements, each under its own roof.		✓			✓	✓	✓	
	<p>New buildings are to be single storey only.</p> <p>Two storey developments will only be considered where adjacent or nearby buildings are of two or more storeys and where the ridge line of the proposed building is consistent with that of adjoining development.</p>		✓			✓			
	New houses are not to be elevated with basement areas or garages beneath the main living area, but should be stepped segmentally with the land form.		✓			✓		✓	
	New windows must be tall and upright (not squat and broad) if visible from the street.		✓			✓			
	New windows should be vertical in proportion or have regard to traditional or historical window proportions in the village where visible from a street.			✓	✓		✓	✓	
Extensions,	Extensions and additions to existing buildings must	✓	✓	✓	✓	✓	✓	✓	✓

		Applies (✓) to the following villages							
BUILT FORM	Development Standards	Georges Plains	Hill End	Peel	Rockley	Sofala	Trunkey Creek	Wattle Flat	Yetholme
additions and alterations	complement the original form and scale of the existing building.								
	The shape and proportions of the existing building should be altered as little as possible.		✓	✓	✓	✓	✓	✓	
	Attic levels are not to be introduced into existing houses where these would require alteration to the existing roof form.		✓			✓		✓	
	Alterations are to have minimal disturbance to original walls, materials, windows, doors and verandahs.		✓	✓	✓	✓	✓	✓	
Garages/Carports	Roller doors are not to be visible from the street frontage. Parking areas are to be located behind the building line.		✓			✓			
	One roller door may be visible from the street frontage only where it is set back 1m from the front building line. All other parking areas are to be located behind the building line.			✓	✓		✓	✓	
Outbuildings	<p>Outbuildings are to have the following characteristics:</p> <ul style="list-style-type: none"> • Located at the rear of the site. • Small scale or include multiplication of small room elements, each under its own roof. • Constructed of vernacular methods and materials and contribute to the built heritage of the village. • Freestanding with their own roof lines of a suitable pitch 		✓						

		Applies (✓) to the following villages							
BUILT FORM	Development Standards	Georges Plains	Hill End	Peel	Rockley	Sofala	Trunkey Creek	Wattle Flat	Yetholme
	<p>and scale.</p> <ul style="list-style-type: none"> • May be linked to the dwelling or other buildings by a covered walkway. • Constructed of new or good quality second hand materials compatible with the materials used in the main building or nearby buildings. • Any steel sheeting is to be of a traditional corrugated profile and is to be galvanized iron, zincalume or colourbond (provided the colour is sympathetic to the historical character of the area). 								
	<p>Outbuildings are to have the following characteristics:</p> <ul style="list-style-type: none"> • Located behind the building line. • Constructed of new or good quality second hand materials compatible with the materials used in the main building or nearby buildings. • Any steel sheeting is to be of a traditional corrugated profile and is to be galvanized iron, zincalume or colourbond (provided the colour is sympathetic to the area). 	✓		✓	✓	✓	✓	✓	✓
	Large sheds in excess of 60m ² are not permitted in areas of predominately residential development.		✓			✓		✓	

		Applies (✓) to the following villages							
ROOFS AND VERANDAHS	Development Standards	Georges Plains	Hill End	Peel	Rockley	Sofala	Trunk Creek	Wattle Flat	Yetholme
Roofs	New buildings shall have roofs that reflect the size, shape, pitch, eaves and ridge heights of existing roofs in the locality.	✓		✓	✓	✓	✓	✓	✓
	Roof pitches are to be between 30-50 degrees.		✓						
	Roof materials should be of steel sheeting in a traditional corrugated profile of either galvanized iron, zincalume or colourbond (provided the colour is sympathetic to the area).		✓			✓		✓	
	Roof materials should be of either steel sheeting in a traditional corrugated profile of either galvanized iron, zincalume or colourbond (provided the colour is sympathetic to the historical character of the area) or concrete or terracotta roofing tiles.	✓		✓	✓		✓		✓
	Roof plumbing should use traditional details of fixing, flashing and elements such as guttering in half round, quad and ogee profiles.		✓	✓	✓	✓	✓	✓	
	Larger roofs must be hipped, gables are acceptable for smaller roofs.		✓	✓	✓	✓	✓	✓	
	American 'barn' style roof profiles are not permitted.		✓	✓	✓	✓		✓	✓
	Flat roofs are only to be used for rear skillion or short sections.		✓			✓			

		Applies (✓) to the following villages							
ROOFS AND VERANDAHS	Development Standards	Georges Plains	Hill End	Peel	Rockley	Sofala	Trunk Creek	Wattle Flat	Yetholme
	Chimneys and/or metal fireplace flues are to be single profile only. Obstructive caps, pots or extractor tops are not permitted.		✓						
	Skylight openings are only permitted on non-principle roofs and are to be of clear glass. Doomed-glazed and opaque glass is not permitted.		✓			✓			
Verandahs	New verandahs should have regard to the scale, materials, details of construction and positioning usually employed on structures of their type.		✓	✓	✓	✓	✓	✓	
	Verandahs and awnings are encouraged.	✓	✓	✓	✓	✓	✓	✓	✓
	Profiled verandah sheeting, including bullnose, reverse curve, or double curved profiles are not permitted. Straight profile iron is encouraged.		✓						

		Applies (✓) to the following villages							
MATERIALS AND COLOURS	Development Standards	Georges Plains	Hill End	Peel	Rockley	Sofala	Trunkey Creek	Wattle Flat	Yetholme
	Window frames must be timber. Modern materials (including aluminium) will be permitted only where appropriately coloured and consistent with the design themes of the new building involved.		✓			✓			
	Plastic, fibrous-cement or metal wall cladding systems (other than galvanized iron) are not permitted.		✓						
	Good quality second hand materials and local and vernacular materials are encouraged.		✓	✓	✓	✓	✓	✓	✓
	The colour of materials should be of muted tones and consistent with dominant streetscape colours and materials. Acrylic paint in a matt finish is best.		✓			✓			
	Colours and materials should be consistent with dominant streetscape colours and materials.	✓		✓	✓		✓	✓	✓
	Smooth faced bricks are to be chosen to blend with surrounding developments. Textured or brick blends are not permitted.		✓	✓	✓	✓	✓	✓	
	Where there are a variety of styles, sizes and materials used in the locality, new developments shall maintain the style of nearby older buildings and not necessarily adjoining developments.		✓			✓			
	Timber framed and clad buildings are encouraged.					✓	✓	✓	

		Applies (✓) to the following villages							
FENCING	Development Standards	Georges Plains	Hill End	Peel	Rockley	Sofala	Trunk Creek	Wattle Flat	Yetholme
	Fences must be timber, either picket style, pallisade or rough timber paling. Colours must be either a natural timber finish or painted to match the general colour palette of the locality. Pre-coloured metal sheet fences and ranch style fences are not permitted. Existing historic picket style, pallisade or rough timber paling fences are not to be removed.		✓						
	Fences must be timber, either picket or paling types, timber and wire, or post and rail. Pre-coloured metal sheet fences are not permitted.			✓	✓	✓	✓	✓	✓
	Fences should generally be timber, either picket or paling types, timber and wire, or post and rail. Pre-coloured metal sheet fences are only permitted behind the front building line.	✓							
	Fencing in all areas is to be constructed so that it does not prevent the natural flow of storm water drainage.	✓	✓	✓	✓	✓	✓	✓	✓
	Fencing in flood liable areas should be designed and constructed so as not to impede or misdirect flood waters.	✓	✓	✓	✓	✓	✓	✓	✓

		Applies (✓) to the following villages							
MOVEABLE DWELLINGS	Development Standards	Georges Plains	Hill End	Peel	Rockley	Sofala	Trunkey Creek	Wattle Flat	Yetholme
	Caravans are not permitted unless located in camping grounds or caravan parks.		✓						
	Demountable buildings (either permanent or temporary) are to comply with all development standards that apply to the village in which it is to be located.	✓	✓	✓	✓	✓	✓	✓	✓

		Applies (✓) to the following villages							
UTILITY SERVICES	Development Standards	Georges Plains	Hill End	Peel	Rockley	Sofala	Trunkey Creek	Wattle Flat	Yetholme
	Rain water tanks must be of an appropriate scale and of corrugated iron material. Multiple rain water tanks rather than larger tanks are preferred. Where more than two tanks are required, additional tanks should be adequately screened from view from the street. Colourbond tanks are not permitted.		✓			✓			
	Rain water tanks should be of an appropriate scale, if a plastic or colourbond tank is proposed the colour is to be sympathetic to the area. Multiple rain water tanks rather	✓		✓	✓		✓	✓	✓

		Applies (✓) to the following villages							
UTILITY SERVICES	Development Standards	Georges Plains	Hill End	Peel	Rockley	Sofala	Trunkay Creek	Wattle Flat	Yetholme
	than larger tanks are preferred.								
	Utility services should generally not be visible from the street. Exemption may be granted to rain water tanks and solar collector panels.	✓	✓	✓	✓	✓	✓	✓	✓

8 MOUNT PANORAMA AND ENVIRONS

8.1 PRELIMINARY

8.1.1 Land to which this Section applies

This section applies to that land shown on Development Control Plan (DCP) Map No. **28** – Mount Panorama.

8.1.2 Strategic objectives

- a) The Bathurst Region Urban Strategy 2007 and the Bathurst Region Rural Strategy 2008 establish the following key strategic objectives for the Mount Panorama precinct.

Objectives

- a) To provide regional open space and recreation opportunities.
- b) To minimise the fragmentation of agricultural lands, protect highly valued agricultural lands and encourage the consolidation of small holdings.
- c) To minimise the alienation of rural lands from competing and conflicting land uses.

8.2 USE OF LAND

8.2.1 Objectives

- a) To encourage and promote development in the vicinity of Mount Panorama that is compatible with motor racing activities, and complementary to existing rural activities and the environmental characteristics of the locality.
- b) To discourage development that may prejudice Mount Panorama as an international motor racing circuit.
- c) To maintain the rural landscape character of the land.
- d) To provide for a range of compatible uses, including extensive agriculture.

8.2.2 Development standards

- a) Council may grant consent only to those developments listed in the table below within the Land Use Areas specified by the table and shown on DCP Map No. **28** - Mount Panorama.

Land Use Areas	Development to which Council may grant consent
Recreation Special Purpose	Developments implied by or associated with the use specified on DCP Map No. 28 - Mount Panorama.
Motor Racing and Associated Activities	Advertising structures, agriculture (other than grazing, cropping), camping areas, caravan parks, clubs, educational establishments, helipads (used in association with motor speed contests), home occupations, hotels, motels, motor repair stations (used in association with motor speed contests), museums, open space, recreational establishments, recreational facilities, refreshment rooms, taverns, tourist facilities, utility installations (other than gas or generating works).

Land Use Areas	Development to which Council may grant consent
Rural	The purposes permissible within Zones RU1 - Primary Production or RU2 - Rural Landscape pursuant to the LEP, whichever applies.
Open Space	Signage, drainage, helipads (used in association with motor speed contests), developments necessary for safety improvements to the motor racing circuit, spectator facilities.
Other Uses	Developments implied by or associated with the use specified on DCP Map No. 28 - Mount Panorama.

8.2.3 Management of land

- a) Council may only grant consent to development within the Land Management Areas listed in the table below and identified on the DCP maps where the development complies with the requirements listed for that area.

Land Management Area	Effect on Development
Strategic Access Route, Cycleway or Footpath	The access route or path, if off-road, is to be constructed, or if on-road is to be marked in accordance with the Bathurst Community Access and Cycle Plan 2011.

8.3 SUBDIVISION OF LAND

8.3.1 Objectives

- a) To enable minor subdivisions which do not detrimentally affect Mount Panorama and its environs or conflict with the objectives and development controls of this section.

8.3.2 Development standards

- a) Council may only grant consent to the subdivision of land in accordance with the table below and shown on DCP No. **28** - Mount Panorama.

The provisions of this clause are not to be construed as imposing any restrictions on minor subdivisions which do not conflict with the aim of this Plan.

Type of Subdivisions	Effect on Plan of Subdivision
Major Roads	A Public Road is to be created generally in accordance with this alignment.
Minor Roads	A Public Road is to be created generally in accordance with this alignment.

8.4 NOISE REFERENCE CONTOUR

8.4.1 Objectives

- a) To prohibit permanent residential development in areas of high noise frequency.

8.4.2 Development standards

- a) Council must not grant consent to the erection of a dwelling within the Noise Reference Contour shown on DCP Map No. **28** - Mount Panorama.

8.5 SPECIAL PROVISIONS

8.5.1 Objectives

- a) To ensure development does not have a detrimental effect on the viability of Mount Panorama as an international Motor Racing Circuit.

8.5.2 Development standards

Notwithstanding any other provisions of this Plan Council, when considering Development Applications on any land to which DCP Map No. **28** – Mount Panorama applies, must have consideration for the following matters:

- a) the effect the development may have on the use of Mount Panorama as a regional recreational facility; and
- b) whether the development will place at risk the safety of any person/s when the circuit is being used for motor speed contests.

9 ENVIRONMENTAL CONSIDERATIONS

9.1 PRELIMINARY

9.1.1 Land to which this Section applies

This section applies to **all land** in the Bathurst Regional Local Government Area (LGA).

9.1.2 Strategic priorities and objectives

The Bathurst Region Urban Strategy 2007 and the Bathurst Region Rural Strategy 2008 establish the following key priorities and objectives with respect to key environmental issues dealt with in this section.

Strategic Priorities

- a) To protect and enhance biodiversity and encourage revegetation and better biodiversity management.
- b) To protect water quality, particularly the drinking water catchments.
- c) To minimise the impacts of flooding on human settlement patterns.
- d) To manage bushfire prone land.
- e) To minimise pollution hazards that may arise from the use of on-site effluent disposal systems.
- f) To identify opportunities to improve the environmental sustainability of building design.
- g) To minimise the impacts of climate change.

Strategic Objectives

- a) To protect, enhance and manage areas of high biodiversity conservation values and scenic quality.
- b) To manage areas of vegetation as a means to improve biodiversity connectivity and water quality, reduce erosion and sedimentation, nutrient flows and salinity.
- c) To promote the restoration of lost biodiversity.
- d) To minimise the impact of fire protection measures on the regions biodiversity.
- e) To minimise the impacts of flooding on human settlement patterns.
- f) To minimise the risk to property and the community from bushfire and ensure adequate bushfire protection is afforded to new lots.
- g) To make provision to minimise the impacts of climate change.
- h) To protect, maintain and improve the diversity and stability of landscapes, waterways and biodiversity.
- i) To protect vulnerable groundwater resources from contamination.
- j) To provide development opportunities and appropriate development controls for flood protected lands.

- k) To ensure bushfire protection can be afforded to existing settlement areas in a manner that does not limit future growth.
- l) To encourage environmentally sustainable building design and green power.

9.2 LAND RESOURCES

9.2.1 Land to which this Section applies

This section applies to land within Zone **RU1** Primary Production and identified wholly or partially as **Sensitive Land Areas** on DCP Map No. **29** – Land Resources.

9.2.2 Objectives

- a) To improve and maintain the diversity and stability of landscapes including:
 - i) restricting development on land that is unsuitable for development due to steep slopes or shallow soils or both,
 - ii) restricting development on land that is subject to soil salinity,
 - iii) restricting the removal of native vegetation,
 - iv) restricting development on land that is subject to permanent inundation, and
 - v) restricting development on land with a high proportion of rock outcropping.

9.2.3 Development standards

- a) Consent should generally not be granted to development on land identified as Land Capability Class 8 on DCP Map No. **29** – Land Resources.
- b) Consent should generally not be granted to development on land identified as Karst Extent on DCP Map No. **29** – Land Resources.
- c) Consent should generally not be granted to development on land identified as land subject to salting on DCP Map No. **29** – Land Resources.
- d) Consent must not be granted to any development including any building, subdivision or work on land identified as **Sensitive Land Areas** on DCP Map No. **29** – Land Resources unless the consent authority has considered an environmental assessment that indicates how the development will achieve the following outcome:
 - i) *To improve and maintain the diversity and stability of the landscape.*
- e) A Development Application lodged for any development on any lands identified in (d) above must be accompanied by the following environmental assessment:
 - i) **Site Plan (preferably using an aerial photograph)**
 The site plan must detail the following:
 - The proposed development site including where all works and buildings are to be located.
 - Extent of land proposed to be disturbed (including buildings, access, land clearing and effluent disposal, as applicable).

- Any land identified as land capability class 7 or 8 on DCP Map No. **29** – Land Resources.
- Any land identified as Karst Extent on DCP Map No. **29** – Land Resources.
- Any land identified as subject to salting on DCP Map No. **29** – Land Resources.
- Any land identified as subject to severe or extreme rill or sheet erosion on DCP Map No. **29** – Land Resources.
- Any land subject to high rock content (greater than 50% of the surface area).
- Any land regularly inundated (including drainage lines).
- Steep or awkward slopes (gradient exceeding 18 degrees).
- Any other environmental constraints, including drainage lines and vegetation cover.

In regards to any **Sensitive Land Areas** identified on DCP Map No. **29** – Land Resources, the extent of that sensitivity is to be ground truthed and accurately mapped on the site plan.

ii) **Assessment**

The assessment must consist of a written statement which explains how the proposed development achieves the outcome identified in (d) above, and should include the following information.

a) Impact of the development on the site's land resources

A summary of the proposed development and how it will impact on existing constraints identified on the site plan. For example, amount of soil to be removed, cut and fill and vegetation removal.

Note: NSW OEH's *The land and soil capability assessment scheme (second approximation) (2012)* may be a useful reference.

b) Proposed mitigation measures

This section should include details of proposed mitigation measures. For example, extent of erosion and sediment controls that will be used during and after construction, revegetation proposed and how soil disturbance will be minimised.

Note: The Central West Catchment Management Authority's *Best Management Guide – Land and Soil Capability*, may provide a useful reference.

c) Summary

This section should summarise how the proposed development achieves the required outcome:

- *that the diversity and stability of the landscape is maintained and improved.*

9.3 RIPARIAN LAND AND WATERWAYS

9.3.1 Land to which this Section applies

This section applies to land within Zone **RU1** – Primary Production and identified wholly or partially as **Sensitive Waterways** on DCP Map No. **30** – Riparian Land and Waterways.

9.3.2 Objectives

- To improve or maintain the integrity of identified riparian land and waterways.

9.3.3 Development standards

- Consent must not be granted to any development including any building, subdivision or work on land identified wholly or partially as **Sensitive Waterways** on DCP Map No. **30** – Riparian Land and Waterways unless the consent authority has considered an environmental assessment that indicates how the development will achieve the following outcomes:
 - Protect natural water flows.*
 - Protect water quality within waterways.*
 - Protect the stability of the bed and banks of waterways.*
 - Protect the hydrological and ecological functions of riparian lands and wetlands.*

Note: For the purposes of this Plan, **Sensitive Waterways** includes land 40 metres either side of a waterway identified on DCP Map No. **30** – Riparian Land and Waterways.

Note: Certain development types and activities may be referred to the NSW Office of Water, and/or NSW Fisheries as an Integrated Development Application. Works within the waterway or riparian corridor may also require a Controlled Activity Permit to be issued. To determine whether further permits are required, please discuss your proposal with the NSW Office of Water or NSW Fisheries.

- A Development Application lodged for any development on any lands identified above must be accompanied by the following environmental assessment:

- Site Plan (preferably using an aerial photograph)**

The site plan must detail the following:

- The proposed development site including where all works and buildings are to be located (including any water crossings or bridges).
- Extent of land proposed to be disturbed (including buildings, access, crossings/bridges, land clearing and effluent disposal).
- Any existing visible stream or bank erosion.
- Any areas of significant habitat.

- Extent of existing vegetation (including riparian vegetation) and that vegetation proposed to be removed as part of the development.
- Any other environmental constraints, as applicable.

ii) **Assessment**

The assessment must consist of a written statement which explains how the proposed development achieves the required outcomes listed in (a) above, and should include the following information.

a) Impact of development on sensitive waterway

This section should summarise the impact of the proposed development on the sensitive waterway. This should include how the development might impact on:

- i) The quality of natural water flows to receiving waters.
- ii) The water quality of receiving waters, including aquifers.
- iii) The waterways natural flow paths.
- iv) The stability of the waterway's bed, shore and/or bank.
- v) The hydrological and biological function of the waterway, riparian zone or wetland.

Note: Council may require additional information to be provided if it is possible that Threatened Species and Endangered Ecologically Communities (EEC) have previously been identified on or near the site. For further information contact Council's Environmental Section.

Note: Where the site plan demonstrates no disruption to the sensitive waterway area (i.e. the proposed development is wholly located more than 40 metres from the waterway and no bridges or water crossings are proposed) all that is required is a statement that the proposed development achieves the required outcomes.

b) Proposed mitigation measures

This section should include details of proposed mitigation measures. For example: extent of erosion and sediment controls proposed to be used during and after construction and/or proposed revegetation (including maintenance details to ensure survival rate is maximised).

The design of the storm water discharge points to prevent erosion should be provided as part of the Development Application.

Note: The Salinity and Water Quality Alliance's *Stormwater to Smartwater Policy* may provide a useful reference particularly with respect to water sensitive urban design principles.

c) Summary

This section should summarise how the proposed development achieves the required outcomes to:

- *Protect natural water flows.*
- *Protect water quality within waterways.*
- *Protect the stability of the bed and banks of waterways.*
- *Protect the hydrological and ecological functions of riparian lands and wetlands.*

For example: Soil disturbance is minimised and no connectivity of habitat lost due to replanting.

9.4 BIODIVERSITY

9.4.1 Land to which this Section applies

This section applies to land within Zone **RU1** Primary Production and identified wholly or partially as **High or Moderate Biodiversity Sensitivity** on DCP Map No. **31** - Biodiversity.

9.4.2 Objectives

- a) To improve or maintain the integrity of areas of biodiversity significance.

9.4.3 Development standards

- a) Consent must not be granted to any development including any building, subdivision or work on land identified as **High or Moderate Biodiversity Sensitivity** on DCP Map No. **31** - Biodiversity unless the consent authority has considered an environmental assessment that indicates how the development will achieve the following outcomes:
 - i) *Protect biological diversity, native flora and fauna and their habitat.*
 - ii) *Protect the ecological processes necessary for ecosystem health.*
 - iii) *Encourage the recovery of threatened species, communities, populations and their habitats.*

Note: Biodiversity includes plant and animal life.

Note: Council may require additional information to be provided if it is possible that Threatened Species and Endangered Ecologically Communities (EEC) have previously been identified on or near the site. For further information contact Council's Environmental Section. See also section **9.8 - Flora and Fauna Surveys** of this Plan.

- b) A Development Application lodged for any development on any lands identified above must be accompanied by the following environmental assessment.

- i) **Site Plan (preferably using an aerial photograph)**

The site plan must detail the following:

- The proposed development site including where all works (including fencing) and buildings are to be located.
- The extent of land proposed to be disturbed (including buildings, access, land clearing, fence lines and effluent disposal, as applicable).

- The extent and type of existing vegetation (including ground vegetation) and details of the vegetation proposed to be removed as part of the development.
- Any other environmental constraints, as applicable.

ii) **Assessment**

The assessment must consist of a written statement which explains how the proposed development achieves the required outcomes. In this regard it should include the following information, as a minimum.

a) Impact of development on biodiversity

This section should summarise how the proposed development will impact on existing biodiversity. This should include how the development might impact on:

- i) native terrestrial flora and fauna, their habitat, and their interrelationship with the environment,
- ii) native aquatic flora and fauna, their habitat, and their interrelationship with the environment, and
- iii) the physical and biological function of the ecosystem.

Note: Where the site plan demonstrates no disruption to existing vegetation or function of the ecosystem all that is required is a statement that the proposed development achieves the required outcome.

b) Proposed mitigation measures

Impacts may also come in other ways eg through additional fencing, removal of dead and fallen timber or domestic pets.

This section should include details of how biodiversity loss will be mitigated, e.g. proposed re-vegetation (on or off the site) including maintenance details to ensure survival rate is maximised.

c) Summary

This section should summarise how the proposed development achieves the required outcomes to:

- i) *Protect biological diversity, native flora and fauna and their habitat.*
- ii) *Protect the ecological processes necessary for ecosystem health.*
- iii) *Encourage the recovery of threatened species, communities, populations and their habitats.*

9.5 GROUNDWATER

9.5.1 Land and development to which this Section applies

This section applies to land identified wholly or partially as having a **High or Moderately High Groundwater Vulnerability** on DCP Map No. **30** – Riparian Land and Waterways for the following development types:

- a) intensive livestock agriculture,
- b) liquid fuel depots,
- c) mines,
- d) livestock processing industries,
- e) service stations,
- f) sewerage systems,
- g) turf farming,
- h) waste disposal and resource recovery facilities,
- i) water supply systems, and
- j) on-site effluent disposal systems (excluding those relating to a single dwelling house – see sections 3.3.2 and 6.4).

9.5.2 Objectives

- a) To protect and preserve groundwater sources.

9.5.3 Development standards

- a) Consent must not be granted to development listed in section **9.5.1** above on land identified on DCP Map No. **30** – Riparian Land and Waterways as having a **high or moderately high groundwater vulnerability** unless the consent authority has considered an environmental/geotechnical assessment that indicates how the development will achieve the following outcomes:
 - i) *Protect existing groundwater sources.*
 - ii) *Protect the future extraction of groundwater sources for domestic and stock water supplies.*
 - iii) *Prevent adverse environmental impacts, including the risk of contamination of groundwater sources from on-site storage or disposal facilities.*
- b) A Development Application lodged for development on lands identified in section **9.5.1** above must be accompanied by the following environmental assessment.
 - i) **Site Plan (preferably using an aerial photograph).**

The site plan must detail the following:
 - The proposed development, including where all works and buildings are to be located.

- Any proposed effluent disposal site.
- Extent of land proposed to be disturbed.
- Extent and type of existing vegetation (including ground vegetation) and details of the vegetation proposed to be removed as part of the development.
- Location of bores within 250 metres of the site.
- Any other environmental constraints, as applicable.

ii) **Assessment**

The assessment must consist of a written statement which explains how the proposed development achieves the required outcomes, and should include the following information.

a) Impact of development on groundwater sources

- Proposed method of effluent disposal.
- Soil and hydrological investigation. This section should investigate the soil and hydrological conditions of the area through on-site drilling to ascertain:
 - Soil lithology.
 - The depth of the shallowest groundwater aquifer.
 - The flow gradient of the aquifer.
 - The location of transmissive alluvial aquifers.
 - Water quality of the aquifer.
 - Potential interaction with the deeper aquifers.

b) Proposed mitigation measures

This section should include details of proposed mitigation measures including:

- The type of on-site effluent disposal system proposed that addresses matters raised by soil and hydrological investigations.
- Installation of groundwater monitoring systems.
- Proposed remedial actions should contamination be detected.
- Understandings of groundwater recharge areas and potential impacts.

c) Summary

This section should summarise how the proposed development achieves the required outcomes to:

- *Protect existing groundwater sources.*
- *Protect the future extraction of groundwater sources for domestic and stock water supplies.*
- *Prevent adverse environmental impacts, including the risk of contamination of groundwater sources from on-site storage or disposal facilities.*

9.6 FLOODING

9.6.1 Land to which this Section applies

This section applies to all land:

- in the Bathurst Regional LGA identified in a Flood Planning Area on **Map No 39** (Sheets 1 to 9) of this DCP and
- to which Clause **5.21 Flood Planning** of the LEP applies; and
- any land identified or known by Council as having the possibility of flooding.

9.6.2 Objectives

- a) to minimise the flood risk to life and property associated with the use of land;
- b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change;
- c) To maintain the existing flood regime and flow conveyance capacity and avoid significant adverse impacts on flood behaviour;
- d) To deal equitably and consistently (where possible) with applications for development on land affected by potential floods, in accordance with the principles contained in the Floodplain Development Manual, issued by the NSW Government.

9.6.3 Definitions

Note: A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.

For the purposes of **Clause 5.21** of the *Bathurst Regional Local Environmental Plan 2014*:

flood planning area means the land identified in the *flood planning area* on Map 39 - Flood Planning Map – Sheets 1 to 9 in the Bathurst Regional Development Control Plan 2014.

This section adopts the definitions under the LEP and those definitions listed hereunder:

Designated Flood: means the flood planning area as defined by the following designated floods:

- a) 1% AEP flood level plus a free board of 0.5 metres as determined by the *Bathurst Computer Based Flood Model*, as amended, for the Macquarie River and the Queen Charlotte's Vale Creek.

- b) 1% AEP flood level plus a freeboard of 0.5 metres as determined by the *Sofala Floodplain Risk Management Study 2007* for the Turon River.
- c) 1% AEP flood Level plus a freeboard of 0.5 metres as determined by the *Georges Plains Floodplain Risk Management Study 2007* for the Georges Plains Creek.
- d) For areas beyond the flood model or studies, including natural creeks and drainage channels, the 1% AEP flood is as calculated by accepted engineering methods, or the highest known flood mark as stated on a statutory declaration by a resident of the immediate area for greater than 30 years, or the flood of August 1986.

Note: The criteria outlined in Appendix B of the *NSW Government Floodplain Development Manual* shall be used for the assessment of flood hazard of those properties which are affected by flooding from the Macquarie River and Queen Charlotte's Vale Creek, and are included in the study area of the computer based flood model, utilising the depth and velocity calculations generated by the Model.

flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

High Hazard Flood Areas: means lands as defined by the *Bathurst Floodplain Management Plan as amended*, the *Sofala Floodplain Risk Management Study 2007* and the *Georges Plains Floodplain Risk Management Study 2007*.

Low Hazard Flood Areas: means lands as defined by the *Bathurst Floodplain Management Plan as amended*, the *Sofala Floodplain Risk Management Study 2007* and the *Georges Plains Floodplain Risk Management Study 2007*. For watercourses not included in the *Bathurst Computer Based Flood Model*, Council has resolved that low hazard flood areas are those areas affected by 0.5 metres of flood water or less.

Development within areas to be protected by future levees: means areas identified and described within the *Bathurst Floodplain Management Plan as amended* as benefiting from future levee protection, including:

- i) Perthville

Flood Protected Land: means land shown to be protected by levees from the 1% AEP flood on the following DCP Maps:

- i) Map No. 32A - Havannah Street Area
- ii) Map No. 32B - Morrisett Street Area
- iii) Map No. 32C - Kelso Industrial Area
- iv) Map No. 32D - Stockland Drive Area
- v) Map No. 32E - Upfold Street Area (partial)
- vi) Map No. 32F – Gilmour Street Area
- vii) Map No 32G – Carlingford Street Area

Lands affected by a Natural Watercourse: means areas beyond the flood model or studies, including natural creeks and drainage channels, where the 1% AEP flood is as calculated by accepted engineering methods, or the highest known flood mark as stated on a statutory

declaration by a resident of the immediate area for greater than 30 years, or the flood of August 1986.

9.6.4 Development within the designated flood area

Development Standards

- a) All development within the designated flood area requires the consent of Council.
- b) All developments shall be generally assessed in accordance with the latest edition of the *NSW Floodplain Development Manual* as issued by the NSW Government.
- c) Development will not be permitted unless Council is satisfied that the proposed development will not increase the flood hazard rating or likely flood damage to any other property.

9.6.5 Development within high hazard flood areas

Development Standards

- a) No alteration in ground levels will be permitted, whether by excavation or filling, without the submission of a hydraulic study and prior development consent.
- b) The carrying out of any work or the erection of any structure, including fences, on land within the High Hazard Designated Flood Area will only be permitted if the land is outside the floodway, subject to low velocities, and is supported by a Flood Impact Assessment (FIA) showing that the works will have no adverse flooding affect on any other property.

9.6.6 Development within low hazard flood areas

Development Standards

Low Hazard – Floodway

- a) No alteration in ground levels, whether by excavation or filling, will be permitted without the submission of a hydraulic study and prior development consent. Neither the carrying out of any work, nor the erection of any structure, including fences, will be permitted in Low Hazard Floodway areas.

Low Hazard – Flood Storage and Flood Fringe

- a) Development consent is required to be obtained prior to any activity, work or building being carried out within the designated flood area. A hydraulic study may be required to be submitted with any Development Application.

New Development – not protected by a Levee Bank

- a) The floor level of any structure is to be 0.5 metres above the designated flood level, supplied by Council.

Existing Development – Non-Residential

- a) Extensions to existing non-residential buildings may be constructed at the same floor level as the existing building. The complete building is to be flood proofed to 0.5 metres above the designated flood level.

Existing Development – Residential

- a) Extensions to existing residential buildings will be determined by Council on the application's merits, having regard to the following matters:
 - i) Where the area of the extension is less than 50% of the existing floor area and the floor level of the existing house is above the designated flood level, the floor level of the extension may be constructed to the same level. The extension is to be flood proofed to 0.5 metres above the designated flood level.
 - ii) Floor levels are to be a minimum 0.5 metres above the 1% AEP flood.

Carports and Open Sheds

- a) Carports and open sheds must be constructed from flood compatible materials and may be constructed at existing floor levels.

All lands contiguous to the designated flood area less than 0.5 metres above the designated flood level

- a) All development is to comply with the standards outlined for Low Hazard – Flood Storage and Flood Fringe as outlined above.

9.6.7 Development within areas to be protected by future levees

Development Standards

- a) Council may consent to the development of land provided that as a result of the development there is:
 - i) No encroachment on the possible alignment of the levees.
 - ii) No increased potential flood damage, prior to levee protection.
 - iii) No adverse effects on other properties.
 - iv) Floor levels are a minimum 0.5 metres above the 1% AEP flood.

9.6.8 Flood protected land

Development Standards

- a) All development shall be considered in accordance with the Bathurst Regional LEP 2014.

DCP Map No. 32C - Kelso Industrial Area

- a) New building lots protected by the levee shall have a finished ground level not less than either the 1% AEP Flood Level (as identified by the 1987 Flood Study report), or the 2% AEP Flood Level (as determined by the Computer Based Floodplain Model), whichever is the greater.
- b) The floor level of any building shall be above the ground level specified above.

9.6.9 Development of lands affected by a natural watercourse

Development Standards

- a) Council may only grant consent to development if it is satisfied that the proposed development will not increase the flood hazard rating or likely flood damage to any property.

- b) Council may only grant consent to development if it is satisfied that the development is not within:
 - i) the high hazard flood area, or
 - ii) the low hazard floodway.
- c) The floor level of any habitable structure is to be 0.5 metres above the designated flood.
- d) The development must not increase the rate of storm water run-off into the watercourse.

9.6.10 Flood mitigation works

Flood mitigation works do not need to comply with the standards outlined in this Plan provided that:

- a) The works are identified in the *Bathurst Floodplain Management Plan as amended*, the *Sofala Floodplain Risk Management Study 2007* or the *Georges Plains Floodplain Risk Management Study 2007*.
- b) The works have fulfilled all the criteria established in the *Bathurst Floodplain Management Plan as amended*, the *Sofala Floodplain Risk Management Study 2007* or the *Georges Plains Floodplain Risk Management Study 2007*.
- c) The works comprise the adopted actions to implement the *Bathurst Floodplain Management Plan as amended*, the *Sofala Floodplain Risk Management Study 2007* or the *Georges Plains Floodplain Risk Management Study 2007*.

Notwithstanding that the works do not need to comply with the standards in this section, an approval from the NSW Office of Water may also be required.

9.6.11 Development Application requirements

A Development Application lodged for development within the designated flood is to be accompanied by:

- a) A report from an accredited Consulting Engineer detailing any adverse effects of the proposed development on flood hazard rating and potential flood damage to the subject property and any other property. For land within the Computer Based Flood Model Study, such report can be undertaken by Council at full cost to the developer.
- b) An evacuation plan for the development accompanied by evidence that the local division of the State Emergency Service has been consulted in the formulation of the plan.
- c) Existing ground levels of the subject site certified by a registered surveyor.
- d) Flood levels, where available. Where Council holds records for flood levels, they can be obtained from Council at full cost to the developer.

9.6.12 Matters for consideration

Development consent must not be granted to development on land to which this section applies unless the consent authority has considered the matters outlined in Clause 5.21 of the LEP and is satisfied that the development:

- a) is compatible with the flood hazard of the land, and
- b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
- c) incorporates appropriate measures to manage risk to life from flood, and
- d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
- e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.
- f) No residential, commercial or industrial allotments are to be located at a level lower than the 1% Annual Exceedance Probability (AEP) flood level plus a freeboard of 500mm (i.e. within the 'flood planning area'). Pedestrian and cycle pathways and open space may extend within the 1% AEP flood level, provided that the safe access criteria contained in the NSW Floodplain Manual are met.

9.6.13 Submission requirements

- a) Where relevant, a comprehensive flood analysis prepared by appropriate person, incorporating:
 - i. a survey of the main watercourse;
 - ii. a survey of the site; and
 - iii. a detailed flood and drainage investigation which establishes the estimated 1% AEP (100 year ARI) flood level.
 - iv. the impact on flood levels, threat to life and accessibility from a public road.
- b) A contour survey plan prepared by a registered surveyor showing:
 - i. Ground levels;
 - ii. Location of existing and proposed buildings, including the finished floor level relative to the AHD.

is to be submitted with any development application on land identified as fully or partially flood affected. The levels on the survey are required to be verified during construction by a survey certificate.
- c) The applicant shall be required to demonstrate to the satisfaction of Council (on the basis of a qualified consultant report) that:
 - i. The development will not increase the flood hazard or risk to other properties;
 - ii. The structure of the proposed building works shall be adequate to deal with flooding situations;
 - iii. The proposed building materials are suitable;
 - iv. The buildings are sited in the optimum position to avoid flood waters and allow safe flood access for evacuation;

- v. The proposed redevelopment will not expose any resident to unacceptable levels of risk or any property to unreasonable damage; and
- vi. Compliance of any existing buildings with the ABCB Standard: Construction of buildings in flood hazard areas (2019) and the accompanying handbook developed by the Australian Building Codes Board (2012).

9.7 BUSHFIRE PRONE LAND

9.7.1 Land to which this Section applies

This section applies to all land identified wholly or partly as Bushfire Prone on the Bushfire Prone Land Map held in the offices of Council.

9.7.2 Objectives

- a) To minimise the risk to property and the community from bushfire.
- b) To minimise the impact of fire protection measures on the region's biodiversity.
- c) To ensure bushfire protection is afforded to all new allotments and to minimise the impact of bushfires.
- d) To ensure bushfire protection can be afforded to existing settlement areas in a manner that does not limit future growth.

9.7.3 Development standards

- a) All development is to comply with the provisions of the Rural Fire Service's *Planning for Bushfire Protection*. This document is available at www.rfs.nsw.gov.au
- b) The following provides a summary of the information required to be lodged with applications for development on bush fire prone lands within the Bathurst region.

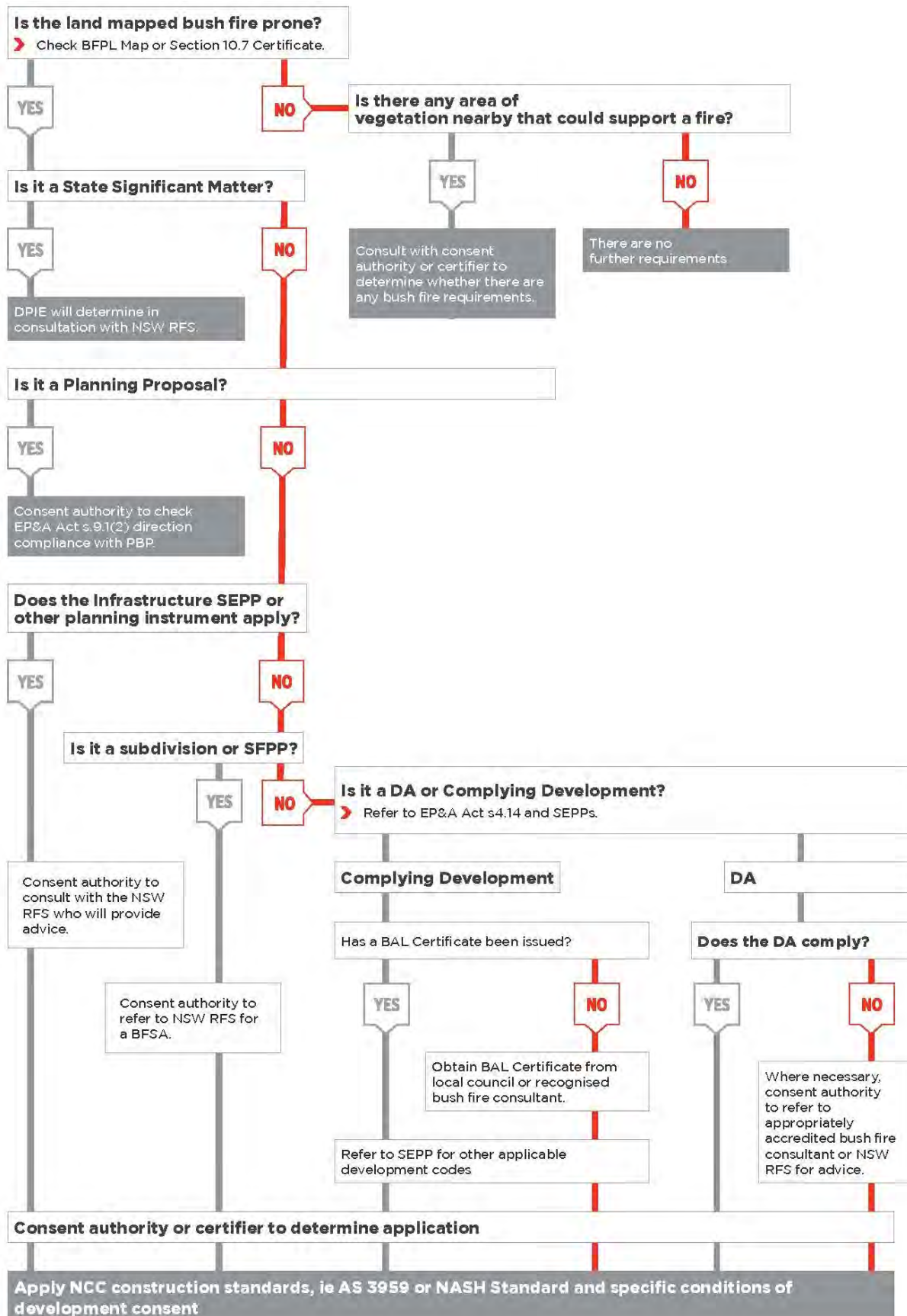
Note: For the Bathurst region, the FDI rating is FDI 80.

Development Type	Information required to be lodged at Development Application Stage
<p><u>Integrated Development</u> as identified by Section 100B of the Rural Fires Act, and specifically:</p> <p>(1) A subdivision of bushfire prone land that could lawfully be used for residential or rural residential purposes, or</p> <p>Development of bushfire prone land for a special fire protection purpose. The specific development types which are considered as SFPP development are listed within the Rural Fires Act 1997. The Rural Fires Regulation 2013 also details specific development types which are either excluded from the requirement for a Bush Fire Safety Authority or are considered as additional Special Fire Protection Purpose developments for which a Bush Fire Safety Authority is required.</p>	<p>A Bushfire Assessment Report that meets the requirements of the current version of <i>Planning for Bushfire Protection</i>.</p> <p>Development Applications for integrated development will be referred to the Rural Fire Service to issue a Bush Fire Safety Authority. Any requirements of the Bush Fire Safety Authority will be incorporated into Council's assessment.</p>

Development Type	Information required to be lodged at Development Application Stage
<p><u>Infill development</u></p> <p>New dwellings and additions to dwellings. Development that does not comply with the current version of <i>Planning for Bushfire Guidelines</i> will be referred to the NSW Rural Fire Service.</p> <p>Refer to the current version of <i>Planning for Bushfire Protection Guidelines</i> and Council's guidelines for new dwellings on bushfire prone land.</p>	<p>(1) A Bushfire Assessment using the NSW RFS Single Dwelling Application Kit that meets the requirements of the current version of <i>Planning for Bushfire Protection</i>. The Single Dwelling Application Kit, or specific bushfire report is to address the following matters at a minimum:</p> <ul style="list-style-type: none"> a. A classification of vegetation on and surrounding the property (out to a distance of at least 140 metres from the proposed location of the dwelling) in accordance with the system described in the current version of <i>Planning for Bushfire Protection</i>. b. An assessment of the slope of the land on and surrounding the property in relation to the proposed location of the dwelling (out to a distance of at least 100 metres from the proposed location of the dwelling) in accordance with the system described in the current version of <i>Planning for Bushfire Protection</i>. c. Identification of any significant environmental features on the property (eg watercourses, steep land). d. Identification of any threatened species, population or ecological community under the Threatened Species Conservation Act, 1995. e. An assessment of the likely impact of clearing that may be required to establish the Asset Protection Zones. f. An assessment of the quality of the access routes from the proposed dwelling to the property boundary.

9.7.4 Assessment Process for developments in bush fire prone areas

The below flowchart outlines the process that applies to developments in bush fire prone areas.



(Source: NSW Rural Fire Service, Figure 2.4, Planning for Bush Fire Protection 2019)

9.8 FLORA AND FAUNA SURVEYS

9.8.1 Objectives

- a) To establish minimum scientifically accepted standards for the quality, collection and reporting of biodiversity data.
- b) To promote planning decisions that reflect and incorporate the findings and recommendations of scientifically based flora and fauna surveys.
- c) To minimise the impact from development on the Region's biodiversity.
- d) To ensure compliance with the Office of Environment and Heritage's (OEH's) Threatened Species Assessment Guidelines.

9.8.2 What is a flora and fauna survey?

A flora and fauna survey is an ecological study of a specific area of land that:

- a) Documents the components of biodiversity confirmed to be present within the study area.
- b) Documents the components of biodiversity not confirmed, but likely to be present within the study area.
- c) Assesses the extent and nature of likely impacts of planning, land management or development proposals on the components of biodiversity referred to above, and specifically, any likely impacts on:
 - i) matters of national environmental significance;
 - ii) matters of state significance;
 - iii) matters of regional significance;
 - iv) matters of local significance.
- d) Makes recommendations as to how any planning, land management or development proposals relating to the study area and /or subject site should be dealt with or modified so as to avoid unacceptable impacts on biodiversity.

Components of biodiversity include species, habitats, ecological communities, genes, ecosystems and ecological processes.

9.8.3 When is a flora and fauna survey required?

A flora and fauna survey is to be undertaken prior to the lodgement of a Development Application where the following circumstances apply:

- a) the proposed development is likely to have an impact on matters of National environmental significance under the (Commonwealth) Environment Protection and Biodiversity Conservation Act 1999; or
- b) the proposed development is likely to have an impact on threatened species, populations or ecological communities listed under the Threatened Species Conservation Act 1995 or Part 7A of the Fisheries Management Act 1994, or their habitats; or

- c) the Council requests the applicant to provide supporting information to enable a determination as to whether the proposed development will have impacts referred to above; or
- d) the proposed development involves clearing of native vegetation, including wetlands and riparian vegetation; or
- e) the proposed development involves clearing of native vegetation for bushfire hazard reduction purposes; or
- f) ecological assessment of the proposed development is required under State Environmental Planning Policy No. 44 - Koala Habitat Protection; or
- g) a proposal may affect, either directly or indirectly, certain vegetation or habitat communities subject to special planning controls, including coastal wetlands, urban bushland, littoral rainforest and koala habitat.

The flora and fauna survey may be incorporated in the statement of environmental effects, biodiversity assessment, species impact statement or environmental impact statement accompanying the Development Application.

9.8.4 Minimum requirements of a flora and fauna survey

Development Standards

- a) A Flora and Fauna Survey must be prepared in accordance with industry best practice and in particular (where appropriate) in accordance with the following guidelines:
 - i) Bathurst Regional Council's Guidelines for Flora and Fauna Assessments.
 - ii) OEH's Threatened Species Assessment Guidelines.
 - iii) SEPP (Koala Habitat Protection) 2021.
- b) The study area is to include all of the site area the subject of the Development Application. It is also to include land beyond the site where this is necessary to assess off-site impacts, the extent of any adjoining habitat or population of threatened species or the role of the site as a habitat corridor.
- c) The survey must include as a minimum the following key tasks:
 - i) Research of known information and data prior to the on-site survey (e.g. Council's Threatened Species Database).
 - ii) Detailed survey design.
 - iii) Completion of an on-site survey and associated data collection.
 - iv) Analysis and interpretation of data.
 - v) Report preparation and recommendations.
- d) A digital copy of the completed Flora and Fauna Survey is to be lodged with the Development Application.

9.8.5 Conditions of consent

- a) When Flora or Fauna habitat is identified through a report, a specific condition of consent will be imposed relating to the management, protection, or otherwise of the area or site.

9.9 SUSTAINABLE BUILDING DESIGN AND ENERGY EFFICIENCY

9.9.1 Objectives

- a) To encourage environmentally sustainable building design and energy efficient housing opportunities.
- b) To encourage planning for climate change and reductions in CO₂ emissions.

9.9.2 Development standards

- a) All new residential development is to comply with BASIX requirements as required by the NSW Department of Planning and Infrastructure, where applicable.
- b) All new commercial development is to comply with Section J – Energy Efficiency of the National Construction Code.
- c) If in the opinion of Council the proposed development should address sustainable building design principles, the statement of environmental effects lodged with Development Applications for buildings is to include a section which addresses how the sustainable building design principles (outlined in section **9.8.3** below) have been incorporated into the development.

9.9.3 Sustainable building design principles

The construction of buildings using good design principles can save energy, water and money, while creating a more enjoyable and comfortable place to live and work. The following design principles encourage sustainable building design.

Council will give consideration to the following principles in the assessment of development applications.

Solar Passive Design

Site Analysis

- a) A solar site analysis should be used to site buildings to achieve maximum solar access in winter. Site analysis should consider:
 - i) Site dimensions.
 - ii) True north point.
 - iii) Spot levels or contours.
 - iv) Shadows cast by trees and surrounding structures.

Building Orientation

- a) Building orientation should seek to maximise winter solar access and minimise summer heat, in particular:

- i) The long axis of the building should face up to 30 degrees east and 20 degrees west of true north.
- ii) Living spaces should face north, sleeping areas to the east or south and utility areas to the west and south.

Passive Solar Access

- a) Solar access should be maximised through the consideration of the following matters in the design process:
 - i) Existing winter shadows of trees/structures to the north, NE and NW of the site.
 - ii) Possible future developments to the north, NE and NW of the site.
 - iii) Appropriately placed windows, shading devices and roof overhangs.
 - iv) Pergolas should face north.
 - v) Use of sun porches or greenhouses.
- b) Solar access to medium density housing developments should be enhanced through:
 - i) Increased spacing between buildings.
 - ii) High level windows to the north in the case of attached dwellings.
 - iii) The use of skylights.

Shading Devices and Windows

- a) Main windows should be shaded in summer between 9am and 4pm.
- b) Shading elements should be integrated into the overall elevation design.
- c) Where winter solar access is not optimum, double-glazing or high performance glass should be used.
- d) Horizontal shading devices (including eaves, verandahs, pergolas, awnings and external horizontal blinds) allow low winter sun into the window whilst providing shade from high summer sun.
- e) Minimise the size of east and west facing windows due to the hot, low summer sun, or provide suitable shading or other solar control which avoids summer overheating. External vertical shading devices include vertical blinds, blade walls and thick vegetation.

Insulation

- a) Insulation should be incorporated into buildings to moderate temperature swings in both summer and winter.
- b) Insulation options include:

- i) Bulk insulation: important for ceilings, walls and floors and includes insulation batts of fiberglass, sheep wool, cellulose etc. and straw bale and rammed earth construction.
 - ii) Reflective insulation: effective particularly in summer and includes reflective foil laminate.
 - iii) Insulation to windows: including double glazing, heavy curtains, and insulated panels.
- c) Insulate walls between living areas and garages.

Maximise ventilation in summer

- a) Place windows to allow for cross ventilation. Windows to the south are good for cross-ventilation however their size is best restricted.
- b) Fans, roof vents and high level windows should be installed.
- c) Consider evaporative cooling and/or wind stacks.
- d) Windows should be lockable in a partly open position.
- e) Exhaust fans to wet areas should be ducted outside.
- f) For medium density housing:
 - i) Ventilation should be considered early in the design stage.
 - ii) Consider prevailing breezes in relation to building orientation, window design and internal circulation as well as adjoining buildings.
 - iii) Consider spacing between buildings.
 - iv) Provide security screen doors at unit entries and windows.

Minimise air leakage

Infiltration is the filtering of cold or warm air through gaps in the construction of a dwelling. It is especially important to minimise draughts in winter.

- a) Consider air locks at entries and minimise air gaps.
- b) For medium density housing:
 - i) Incorporate door and window seals.
 - ii) Provide self-closing doors at unit entries at the main entry.
 - iii) Provide built in shutters to exhaust fans in wet areas.

Landscaping

- a) Tree species and height should be chosen and placed to maximise:
 - i) solar access in winter (to windows, solar collectors, drying areas etc.),
 - ii) shading in summer (to the building and to outdoor recreation areas), and

- iii) solar access to neighbouring properties to the south, south-east and south-west.
- b) Evergreen trees are good shade trees to the east and west (especially thicker species) and good to the north if low enough to allow winter solar access.

Note: most Australian native trees are evergreen which usually require less maintenance.
- c) Use internal courtyards (with landscaping and/or water elements). Consider using a porous paving to increase the infiltration of rainfall and irrigation.
- d) Include deciduous vines on pergolas to the north.
- e) Water elements and rainforest gardens assist in cooling the surrounding air.
- f) Thick shrubs can protect against prevailing winter winds or channel summer breezes.
- g) Mulch garden beds to reduce watering needs.

Colours

- a) Light coloured surfaces should be used internally and externally.

Notes:

The advantages of reflecting unwanted heat gain in summer usually override the advantages of absorbing heat with dark colours in winter.

Light colours reflect heat around a room in winter whilst simultaneously providing higher levels of natural light.

Take note of the type of paints used to reduce the use of chemicals in the living areas.

Lighting

- a) Maximise the use of natural lighting.
- b) Design lighting fixtures to suit the purpose of specific rooms (e.g. task or effect lighting in study, general spread of lighting in the family room).
- c) Provide separate switches for special purpose lights.
- d) Incorporate energy-efficient lamps (light emitting diode (LED) and compact fluorescent lighting (CFL)), fittings (reflectors) and switches (dimmers, automatic, timed and sensor operated).
- e) Locate switches at exits to rooms/lobbies etc. to encourage switching off.
- f) Incorporate dimmers, motion detectors, and automatic turn off switches where appropriate.
- g) Take note of what is appropriate lighting type (halogen versus CFL) for each area to reduce energy requirements.
- h) Install exterior lighting only as needed for security and accessibility needs to reduce energy requirements.

- i) Install skylights to increase natural light and reduce lighting needs.
- j) For medium density housing:
 - i) Light switches in common areas are to be time switched.
 - ii) Incorporate fittings with high efficiency reflectors suitable for compact fluorescent lamps and fluorescent tubes.
 - iii) Motion detectors are to be used for unit entries, lobbies and outdoor security.
 - iv) Provide automatic turn-off or sunset timed switches for outdoor purposes.

Water Saving

- a) Fit water efficient shower heads (at least 4 Star WELS rated).
- b) Install appropriate taps with aerators to reduce water needs. Mixer taps in showers can reduce the potential for scalding and save large quantities of hot water. Single lever flick mixer models of mixer taps over basins and sinks can waste hot water because they tend to be left in the middle position. Mixer taps with separate controls for hot and cold water are preferable in these locations.
- c) Install water efficient toilets (at least 4 Star WELS rated).
- d) Install water efficient washing machines (at least 4 Star WELS rated).

Rainwater Tanks

- a) Rainwater tanks may be connected to individual pipework to supply the toilet and/or washing machine and outside taps for garden irrigation.
- b) Any plumbing works must be undertaken by a licensed plumber in accordance with AS/NZS3500.
- c) All plumbing works connected to internal systems are subject to inspection by a Council Officer.
- d) All external taps supplied by the rainwater tank must be clearly labelled “not for drinking”.
- e) Top-up from the reticulated supply will be limited to a trickle top up system which has a maximum flow rate of 2 litres per minute.

Grey Water Reuse

- a) Grey water diversion does not require Council approval if the requirements of the *Plumbing code of Australia* and certain performance criteria are satisfied.
- b) Grey water treatment systems can receive an ‘approval to operate’ subject to inspection by Council Officers.
- c) All grey water use must be done in accordance with Council’s *Greywater Reuse (Residential Households) Policy*.

Renewable Energy and Energy Efficient Systems

Electricity accounts for around 50% of household energy use and around 80% of household greenhouse gas emissions because most electricity comes from non-renewable sources.

Renewable sources include water, wind and solar, with the latter two types available to be installed on most households.

Photovoltaic Cells (PV Cells or Solar Modules)

- a) The installation of Solar Modules require approval from Council unless exempt under any relevant SEPP or Council's LEP.

Notes:

Siting, angle and location are important and therefore expertise should be sought through accredited manufacturers and installers.

Wind Turbines

- a) The erection of wind turbines may require approval from Council and may not be suitable for some land zones.

Notes:

There are several types of wind generators available. The most common type is the 'propeller' type on the horizontal plane, though new quieter designs that can take advantage of turbulent wind around buildings have the turbine on the vertical or upright plane.

Most turbines are set up as a stand-alone system and connected to a battery bank. Domestic systems range in size from 500W to 5kW but may be as large as 10-20kW.

It is important to take into account the surrounding infrastructure and vegetation, the height of the unit and the household requirements when purchasing a wind turbine.

Due to the varying nature of wind across building sites, it is important to consult with experienced installers and manufacturers before choosing a particular turbine for your location.

Hot Water Systems**Solar Hot Water Systems**

- a) Installation of solar hot water systems require approval from Council unless they are exempt under any relevant SEPP or Council's LEP.

Notes:

Heating water accounts for 25% of household energy use and around 20% of household greenhouse gas emissions. Using solar systems to boost your water heating can dramatically reduce household reliance on fossil fuels and provide up to 90% of hot water needs.

The two main types are flat-plate solar collectors and evacuated tube solar collectors.

Flat-plate systems can either have the water tank on the roof or a separate tank on the ground. These systems are most efficient in summer and on clear days.

Evacuated tube systems are ideal for cooler climates, and when maintained properly, will outlast the storage tank.

Siting, angle and location are important and therefore expertise should be sought through accredited manufacturers and installers.

Solar hot water systems are often operated in conjunction with gas or electric instant hot water systems to ensure that the house has continual supply.

Heat Pump Hot Water Systems

Heat pump systems operate by extracting the heat from the surrounding environment to heat water. They work in the opposite way as a fridge does to cool items.

Natural Gas Water Systems

Natural Gas systems can be either stored or instant and are more efficient than electric systems.

Natural Gas systems can reheat water more quickly than electric allowing for smaller tanks, making it easier for internal installation.

Electric Storage Hot Water Systems

These systems use an element inside a tank much like a kettle. They are the most inefficient system to use and are responsible for the most greenhouse gas emissions and are therefore not recommended.

Smaller units usually operate all the time and are expensive to run. Larger units usually run at off peak times but are overheated to maintain the heat during the day.

These systems are cheaper to buy but are more expensive to run.

Waste

The construction of dwellings results in a great deal of waste produced during the construction stage. The design of smaller houses and more effective use of resources will help to reduce the creation of waste. Talk to your designer and builder about maximising the use of materials, reducing building waste (which you pay for) and designing for end of life and reuse of building materials.

9.10 VEGETATION MANAGEMENT AND BIODIVERSITY

9.10.1 Objectives

- a) To protect and enhance vegetation, habitat for native fauna and biodiversity within the Bathurst Region.
- b) To protect trees that are heritage items, located on the site of a heritage item or that are within heritage conservation areas.
- c) To protect, maintain and improve the diversity and stability of landscapes and waterways, minimise urban heat and other climate change impacts, reduce stormwater runoff and improve the visual amenity of streetscapes and landscapes contributing to community well-being.

9.10.2 Land to which this Section applies

This section applies as follows:

- a) To the clearing of vegetation in all areas that is proposed in association with a development application.
- b) To the clearing of specified vegetation in non-rural areas being land in zones E2 Environmental Conservation, E4 Environmental Living, SP2 Infrastructure, SP3 Tourist, RE1 Public Recreation, R5 Large Lot Residential, RU5 Village & W2 Recreational Waterways.

- c) To the clearing of specified vegetation that is a heritage item, or is within the curtilage of a heritage item, or is within a heritage conservation area.

This section does not apply to the clearing of exempt vegetation as identified in subsection 9.10.5.

9.10.3 What approvals are required under this Section?

- a) If clearing is in association with a development application or in preparation for a development application, development consent is required from Council.
- b) If clearing specified vegetation in non-rural areas (see section 9.10.5(a)), either an approval from the NSW Native Vegetation Panel or a clearing permit from Council may be required.
- c) If clearing specified vegetation that is a heritage item, or is within the curtilage of a heritage item or is within a heritage conservation area (see section 9.10.5(b)):
 - i) development consent for clearing of a heritage item or clearing within the curtilage of a heritage item may be required from Council; or
 - ii) a clearing permit for clearing within a heritage conservation area may be required from Council.

Refer to Council's Tree Preservation and Management Policy.

Notes:

1. Clause 9.10.5 of this DCP defines what is "specified vegetation" for the purposes of this DCP Chapter.
2. Clause 9.10.6 outlines activities that are exempt from requiring development consent or a clearing permit.
3. The clearing of native vegetation in non-rural areas (i.e. all zones except RU1 Primary Production, RU2 Rural Landscapes and RU4 Primary Production Small Lots) above the Biodiversity Offsets Scheme area clearing threshold or identified on the Biodiversity Values Map requires approval of the Native Vegetation Panel. For more information: <https://www.planning.nsw.gov.au/Policy-and-Legislation/Environment-and-Heritage/Vegetation-SEPP>
4. The clearing of native vegetation in rural areas (zones RU1 Primary Production, RU2 Rural Landscapes and RU4 Primary Production Small Lots), where not associated with a development application, is regulated under the NSW Local Land Services Act 2013. For more information: <https://www.lls.nsw.gov.au/sustainable-land-management/land-management>
5. The clearing of vegetation exempted or not otherwise specified by this DCP or that does not require approval of the Native Vegetation Panel is permitted without development consent or a clearing permit.
6. Notwithstanding any element of this section, if the clearing of vegetation will cause damage to habitat of a threatened species or ecological community or cause harm to an animal that is threatened, part of a threatened ecological community or a protected plant or animal, a Biodiversity Conservation Licence is required under the Biodiversity Conservation Act 2016. However, a

Biodiversity Conservation Licence is not required if a clearing permit or development consent is issued by Council, an approval is granted from the Native Vegetation Panel or the clearing is otherwise authorised under other legislation, such as the Local Land Services Act 2013 (refer to Part 2 of Biodiversity Conservation Act 2016).

7. This section does not constitute legal advice as to responsibilities under the NSW Local Land Services Act 2013 or NSW Biodiversity Conservation Act 2016.
8. Native vegetation has the same meaning in section 60B of NSW Local Land Services Act 2013

9.10.4 Explanation of terms

- a) What is clearing?

Clearing means any one or more of the following:

- i) Cutting down, felling, thinning, logging or removing vegetation;
- ii) Killing, destroying, poisoning, ring-barking, uprooting or burning vegetation;
- iii) Severing, topping or lopping branches, limbs, stems or trunks of vegetation;
- iv) Substantially damaging or injuring vegetation in any other way (see definition for injury).

- b) What is injury

Injury means damage to a tree or vegetation and includes:

- i) Lopping and topping;
- ii) Poisoning, including applying herbicides and other toxic chemicals to a tree or spilling (including washing off or directing water contaminated by) oil, petroleum, paint, cement, mortar and the like onto the root zone;
- iii) Cutting, snapping off and tearing of branches and roots that is not carried out in accordance with accepted arboricultural practices;
- iv) Ring-barking, scarring the bark when operating machinery (e.g., lawn mowers), fixing objects (e.g., signs) by nails, staples or wire, using tree climbing spikes in healthy trees marked for retention (except for access to an injured tree worker) or fastening materials that circle and significantly restrict the normal vascular function of the trunk or branches;
- v) Damaging a tree's root zone by compaction or excavation, asphyxiation (including unauthorised filling or stockpiling of materials);
- vi) Under scrubbing, unless carried out by hand tools, such as brush cutters and the like.

9.10.5 Specified Vegetation

- a) What is specified vegetation in non-rural areas (clause 9.10.2(b) of this DCP chapter)?

- i) All native trees and native vegetation on land in zone E2 Environmental Conservation, E4 Environmental Living, SP2 Infrastructure, SP3 Tourist, RE1 Public Recreation, R5 Large Lot Residential, RU5 Village & W2 Recreational Waterways under the Bathurst Regional Council Local Environmental Plan 2014.
- ii) Native trees in non-rural areas which are verified and mapped by Council as supporting a threatened ecological community (Refer to DCP Map No. 38 – Urban Grassy Box Woodland).
- iii) Vegetation within areas identified on a DCP Map as an environmental protection area.

The above specified vegetation is declared to be vegetation to which Part 3 of the Vegetation SEPP applies.

- b) What is specified vegetation for heritage conservation purposes (clause 9.10.2(c) of this DCP Chapter)?

- i) Trees and other vegetation that are a heritage item (ie individually listed) or within the curtilage of a Heritage Item;
- ii) Trees located within the Bathurst, Kelso or West Bathurst heritage conservation areas that are greater than 9 metres tall.

Note: Trees within a Heritage Conservation Area and within Zone RU5 Village are to use the approval pathway described in 9.10.2 (a) or (b).

9.10.6 What is the Biodiversity Offsets Scheme (BOS) threshold

The Biodiversity Offsets Scheme Threshold is a test used to determine when is necessary to engage an accredited assessor to apply the Biodiversity Assessment Method (the BAM) to assess the impacts of a proposal. The Biodiversity Conservation Regulation 2017 sets out threshold levels for when the Biodiversity Offsets Scheme will be triggered. The threshold has two elements:

- i) whether the amount of native vegetation being cleared exceeds a threshold area set out in the table below

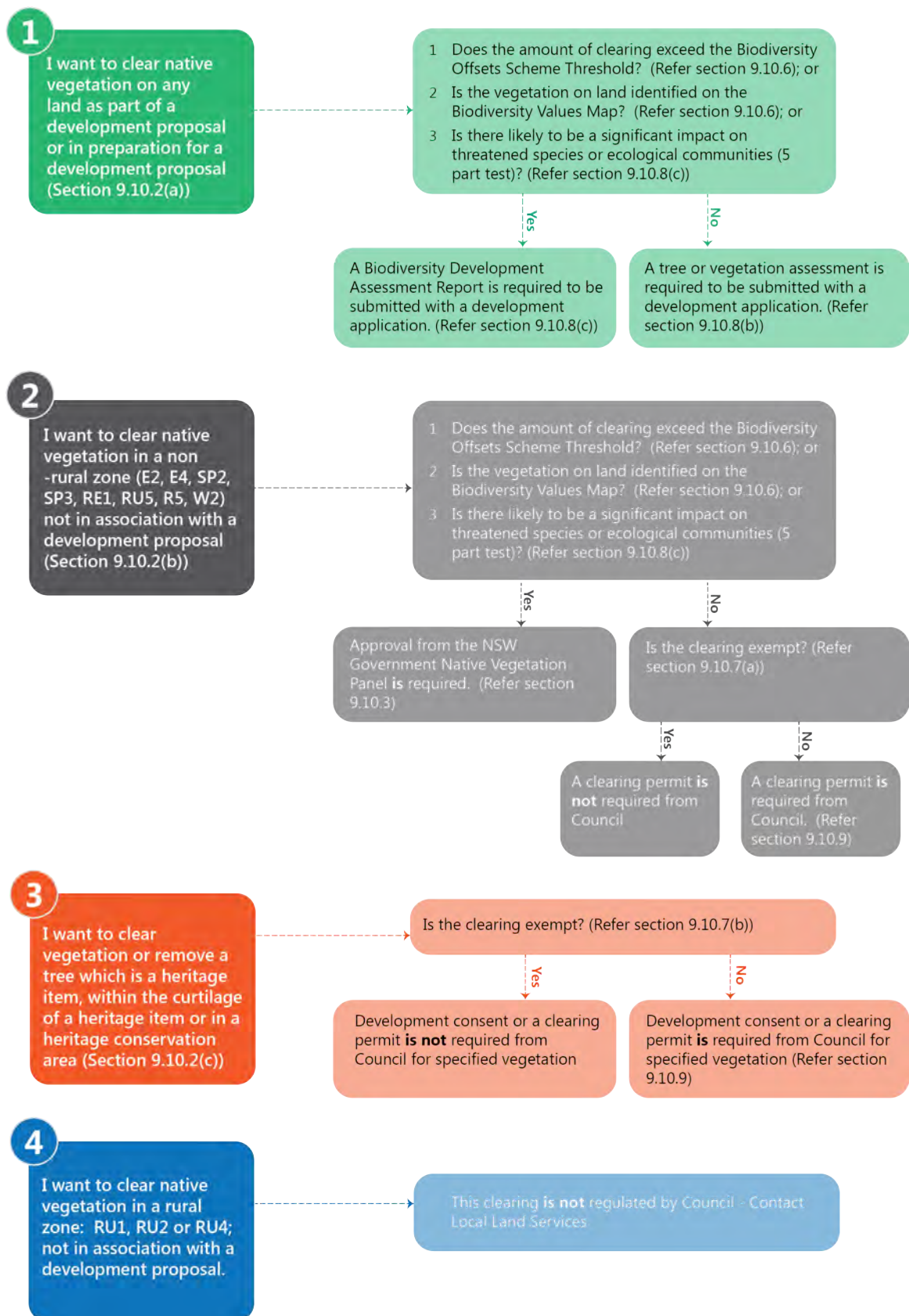
Minimum lot size associated with the property	Threshold for clearing, above which the BOS applies
Less than 1 ha	0.25 ha or more
1 ha to less than 40 ha	0.5 ha or more
40 ha to less than 1000 ha	1 ha or more
1000 ha or more	2 ha or more

- ii) whether the clearing of native vegetation occurs on an area mapped on the Biodiversity Values map published under clause 7.3 of the Biodiversity Conservation Regulation 2017

Further information about the Biodiversity Offsets Scheme can be accessed from: <https://www.environment.nsw.gov.au/biodiversity/entryrequirements.htm>

The Biodiversity Values map can be accessed from:

<https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BOSETMap>



9.10.7 Exemptions:

- a) For the purposes of clause 9.10.3 (b) of this DCP, the following activities are exempt from requiring a permit from Council:
- i) Clearing of State and regional priority weeds under the Biosecurity Act 2015.
 - ii) Clearing of vegetation that Council is satisfied is dead or dying and is not required as the habitat of native animals.
 - iii) Clearing of vegetation that Council is satisfied is a risk to human life or property
 - iv) Any works to a specified tree carried out by, or on behalf of, Bathurst Regional Council.
 - v) Clearing on the site of the Bathurst Regional Airport.
 - vi) Clearing that is authorised under other legislation (eg. Electricity Supply Act 1995, Rural Fires Act 1997, Local Land Services Act 2003)
 - vii) Clearing within 3m of a lawful dwelling
 - viii) Clearing that is in accordance with a property vegetation plan or other conservation agreement
 - ix) Pruning that does not exceed 10% of the canopy every three years and complies with Australian Standard 4373 – Pruning of Amenity Trees.
- b) For the purposes of clause 9.10.3 (a) and (c) of this DCP, (in relation to vegetation that is a heritage item or is within the curtilage of a heritage item or in a heritage conservation area), the following activities are exempt from requiring development consent or a clearing permit from Council:
- i) Clearing of any of the following species within a heritage conservation area (excluding a tree that is a heritage item or within the curtilage of a heritage item):

Exempt tree list	
Botanical name	Common name
Eucalyptus nicholii	Narrow-leaved Black Peppermint
Acacia spp.	Wattles
Cupressocyparis leylandii	Leylandii Pines (all varieties)
Salix spp.	Willow
Ligustrum lucidum	Privet
Robinia pseudoacacia	Robinia
Gleditsia triacanthus	Locust
Populus spp.	Poplars

- ii) Clearing of trees less than nine (9) metres in height; and have a trunk circumference of less than one (1) metre when measured at a height of one

(1) metres from the ground; and has a branch spread of fifteen (15) metres or less.

- iii) Clearing that Council agrees is of a minor nature or is required for the maintenance of the heritage item or heritage conservation area and that would not adversely affect the heritage item or heritage conservation area, is exempt from requiring development consent (in accordance with clause 5.10 of the Bathurst Regional Local Environmental Plan 2014).
- iv) Any works to a specified tree carried out by, or on behalf of, Bathurst Regional Council.
- v) Clearing of State and regional priority weeds under the Biosecurity Act 2015.
- vi) Clearing of vegetation that Council is satisfied is dead or dying and is not required as the habitat of native animals.
- vii) Clearing that is authorised under other legislation (eg. Electricity Supply Act 1995, Rural Fires Act 1997, Local Land Services Act 2013)
- viii) Any works to make safe a specified tree where there is an immediate threat of injury to persons or damage to property provided that contact has been made with Council's Authorised Officer and verbal approval has been provided, or to comply with a direction from an Emergency Services agency. Evidence must be provided by an Arborist at the earliest possible time following the elimination of the threat.

Note: This does not negate the need for an application to be submitted at the earliest opportunity upon the elimination of the threat of injury or damage.

- ix) Pruning that does not exceed 10% of the canopy every three years and complies with Australian Standard 4373 – Pruning of Amenity Trees.

c) Exclusions

The following vegetation is excluded from the exemptions outlined above:

- i) Any vegetation required to be retained as a condition of a development consent.
- ii) Any vegetation that is identified on Section 88B instruments under the Conveyancing Act 1919 as vegetation to be retained.
- iii) Any vegetation that is identified on a property vegetation plan or other conservation agreement as vegetation to be retained.
- iv) Any vegetation that is habitat for threatened species.
- v) Any vegetation within a designated buffer area on a DCP Map.

9.10.8 Development Standards

This subsection applies when a development application is required.

- a) A development application that includes the clearing of vegetation must be accompanied by a site plan showing the location of vegetation to be cleared. A survey of the property and the location of trees on the property may be required by Council. The site plan (preferably using an aerial photograph) must detail the following:
- i) The proposed development, including where all works and buildings are to be located.
 - ii) Existing buildings and other structures on the land.
 - iii) Any existing or proposed effluent disposal site.
 - iv) Extent of land proposed to be disturbed.
 - v) Extent and type of existing vegetation (including ground vegetation) and details of the vegetation proposed to be removed as part of the development.
 - vi) Location of bores within 250 metres of the site.
 - vii) Any other environmental constraints, as applicable.
- b) A Statement of Environmental Effects submitted with the development application must include a description of the vegetation to be cleared (type and condition of vegetation), photographs of the vegetation and a statement addressing the biodiversity impact of the proposed development. Council may require the submission of a report from a suitably qualified professional (e.g. ecologist) to provide evidence of the species of vegetation to be cleared and the condition of that vegetation.
- c) Where development on any land involves clearing of vegetation and:
- i) the extent of clearing exceeds the Biodiversity Offsets Scheme Threshold, or
 - ii) the vegetation to be cleared is identified on the Biodiversity Values Map, or
 - iii) the development is likely to have a significant impact on listed threatened species or threatened ecological community;
- a Biodiversity Development Assessment Report (prepared in accordance with the NSW Office of Environment and Heritage's Biodiversity Assessment Method) must be submitted with the development application.
- d) For developments that do not exceed the Biodiversity Offsets Scheme Threshold, applicants are to provide evidence that the BOS threshold is not exceeded. Applicants are also required to carry out a 'test of significance' to consider impacts on threatened species, ecological communities, and their habitats, as a result of the local development proposal. The NSW Office of Environment and Heritage's Threatened Species Test of Significance Guidelines can be found at: <https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Threatened-species/threatened-species-test-significance-guidelines-170634.pdf>

- e) In relation to clearing of a heritage item or clearing within the curtilage of a heritage item, a Statement of Heritage Impact may be required if, in the opinion of Council, the clearing is likely to have a significant impact on the heritage item or the heritage conservation area. Refer to Chapter 10 of this Plan.
- f) Consent must not be granted to any development including any building, subdivision or work on land identified as High or Moderate Biodiversity Sensitivity on DCP Map No. 31 - Biodiversity unless the consent authority has considered an environmental assessment that indicates how the development will achieve the following outcomes:
 - i) Protect biological diversity, native flora and fauna and their habitat.
 - ii) Protect the ecological processes necessary for ecosystem health.
 - iii) Encourage the recovery of threatened species, communities, populations and their habitats.

The assessment must consist of a written statement which explains how the proposed development achieves the required outcomes. In this regard it should include the following information, as a minimum.

Impact of development on biodiversity

This section should summarise how the proposed development will impact on existing biodiversity. This should include how the development might impact on:

- i) native terrestrial flora and fauna, their habitat, and their interrelationship with the environment,
- ii) native aquatic flora and fauna, their habitat, and their interrelationship with the environment, and
- iii) the physical and biological function of the ecosystem.

Note: Where the site plan demonstrates no disruption to existing vegetation or function of the ecosystem all that is required is a statement that the proposed development achieves the required outcome.

Proposed mitigation measures

Impacts may also come in other ways e.g. through additional fencing, removal of dead and fallen timber or domestic pets.

This section should include details of how biodiversity loss will be mitigated, e.g. proposed re-vegetation including maintenance details to ensure survival rate is maximised.

Summary

This section should summarise how the proposed development achieves the required outcomes to:

- i) Protect biological diversity, native flora and fauna and their habitat.

- ii) Protect the ecological processes necessary for ecosystem health.
- iii) Encourage the recovery of threatened species, communities, populations and their habitats.

9.10.9 Requirements for clearing permit applications

This subsection applies when a clearing permit application or an exempt tree notification form is required.

- a) A clearing permit application form must be lodged with Council to undertake clearing of specified vegetation, prior to undertaking any clearing, unless the clearing is exempt (see clause 9.10.7).
- b) Applications must be accompanied by a site plan showing the location of vegetation to be cleared. A survey of the property and the location of trees on the property may be required by Council. The site plan (preferably using an aerial photograph) must detail the following:
 - i) Existing buildings and other structures on the land
 - ii) Extent of land proposed to be disturbed.
 - iii) Extent and type of existing vegetation (including ground vegetation) and details of the vegetation proposed to be removed as part of the development.
 - iv) Any other environmental constraints, as applicable.
- c) Applications must be accompanied by a statement that describes the vegetation to be cleared (type and condition of vegetation), photographs of the vegetation and an assessment of the biodiversity impact of the proposed development. Council may require the submission of a report from a suitably qualified professional (e.g. ecologist) to provide evidence of the species of vegetation to be cleared and the condition of that vegetation.
- d) If, in the opinion of Council, the clearing, or other activity is likely to have a significant impact on threatened species or threatened ecological communities, Council may require the submission of a test of significance to be completed. The NSW Office of Environment and Heritage's Threatened Species Test of Significance Guidelines can be found at: <https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Threatened-species/threatened-species-test-significance-guidelines-170634.pdf>
- e) In relation to the clearing of exempt trees (see clause 9.10.7 (b).), an exempt tree notification form must be lodged with Council prior to undertaking clearing.

It is the responsibility of the owner of the land to ensure that the vegetation proposed to be removed is the species identified in the exempt tree list. Evidence (such as the advice of a suitably qualified professional (e.g. ecologist)) is to be provided with the application along with photographs of the vegetation to be removed.

9.10.10 Assessment Criteria

Council may take into consideration any or all of the following criteria when assessing an application for clearing (being a clearing permit application, an exempt tree notification or a development application):

- a) Potential life of the tree - whether the tree is senescing or declining.
- b) Whether the tree is causing structural damage to a building, structure, pipe or sewer.

Note: A report may be required by a suitably qualified and experienced consultant where the damage is not visually evident.

- c) Whether the tree is severely stressed, diseased or is suffering insect damage and without the opportunity for mitigation.
- d) Whether the growth habit or mature size of a tree is undesirable in a given situation (e.g. power lines, root interference with service, infrastructure or building).
- e) Whether the tree shows poor form, shape and/or vigour typical to the species.
- f) Where the branches are dangerous and overhanging a building or an adjoining property. In this case, the assessing Council officer will determine the amount of pruning permitted to address any public nuisance issue.
- g) Whether the tree species is appropriate in terms of its proximity to dwellings, adjoining dwellings or other buildings.
- h) Whether the clearing or removal of the tree or other vegetation has the potential to directly or indirectly affect a threatened species, population, ecological community or their habitats, or other protected fauna/flora (e.g. whether the tree(s) involves are habitat trees for any threatened fauna species, or whether the tree(s) involved are part of an endangered population, endangered ecological community or is critical habitat for any threatened fauna species).
- i) Whether the tree species is of regional significance (i.e. identified regionally as a rare species due to heavily cleared or under-represented vegetation community).
- j) Whether the tree is of local significance and is considered relatively rare or has limited distribution or is a critical indigenous species.
- k) Whether the removal of the tree(s) will pose any adverse impact upon the amenity or scenic environmental quality of the locality.
- l) Whether the removal of the tree(s) is necessary as part of any bushfire hazard reduction work under the Rural Fires Act 1997.
- m) Whether the removal of the tree(s) will cause any potential adverse slope instability or geotechnical impacts upon the site or the locality.
- n) Whether the applicant has provided a medical certificate from a clinical immunologist/ allergy specialist which states that the pruning or removal of a tree is necessary for maintaining quality of life.

- o) Whether any previous condition of development consent required the retention of the tree(s).
- p) Whether the proposal involves the planting of replacement vegetation.

9.10.11 Reasons not considered as justification for clearing

These are common requests for tree removal/works which generally provide insufficient reason for a permit or approval to be issued:

- a) Shedding of flowers, leaves, bark, twigs, fruit, and sap causing nuisance.
- b) Animals (insect, bird, bat, possum etc.) that inhabit trees causing nuisance.
- c) To enhance amenity views.
- d) Damage to underground services (such as sewer lines, water services and the like), where there are alternatives to mitigate and retain the tree.
- e) Construction of fences.
- f) Minor heave (lifting) of paths, paving, fences and minor structures where mitigation is not appropriate.
- g) Tree does not suit the existing or proposed landscape.
- h) Unsubstantiated fear of tree failure.
- i) Tree removal for fire hazard reduction, where the property is not within a bushfire prone area as defined by the Rural Fire Service.
- j) Tree is considered to be too large or high.
- k) Pruning to reduce height.
- l) To increase solar access unless sufficient evidence is provided.
- m) To allow for a proposed development where alternative locations are available.

10 URBAN DESIGN & HERITAGE CONSERVATION

10.1 PRELIMINARY

10.1.1 Land to which this Section applies

This section applies to all land within the Bathurst Regional Local Government Area (LGA), and in particular all urban zones and lands within a heritage conservation area or which contain a heritage item.

10.1.2 Strategic priorities and objectives

- a) The Bathurst Region Urban Strategy 2007 and the Bathurst Region Heritage Study 2007 establish the following key priorities and objectives relevant to urban design and heritage conservation.

Strategic Priorities

- a) To determine the best ways to protect and enhance the Bathurst Region's built, natural and indigenous heritage and history.
- b) To determine the best way to protect and enhance residential amenity.
- c) To determine the best way to manage and conserve heritage items and places and conserve their significance to support the community's sense of place.

Strategic Objectives

- a) To protect the Bathurst Region's built heritage and history.
- b) To protect the Bathurst Region's Indigenous heritage and history and significant streetscape and landscape features.
- c) To protect and enhance the community's sense of identity and place.
- d) To protect and manage heritage items and places.

10.1A PRE-DEVELOPMENT APPLICATION MEETING - HERITAGE

10.1A.1 Objectives

- a) To ensure adequate information is submitted with a Development Application (DA), within a heritage conservation area or on land containing, or within the vicinity of, a heritage item, to determine the heritage impact of development.
- b) To provide heritage design advice to the applicant prior to the lodgment of a development application.

10.1A.2 Pre Development Application Meeting

Council requires a Pre Development Application Meeting be held between Council officers, the applicant and/or landowner and the designer, draftsman, architect, planning consultant prior to the lodgment of an application for:

- Demolition of a building to which section 10.3 of this DCP applies, including buildings within a heritage conservation area, listed as a heritage item under the

LEP, included in the Bathurst Region Heritage Study, or over 50 years of age for which demolition is not exempt development.

- Two or more storey construction in a Heritage Conservation Area.
- Modification to a Heritage Item.
- Development within 50m of a boundary of a Heritage Item.
- Development that seeks to depart from one or more requirements of this Plan under section 1.7.
- Development of a 'Landmark Site' as defined by section 10.5.4 of the DCP, including buildings in the DCP that are corner sites, buildings listed as a heritage item in the LEP, or other buildings or sites which, in the opinion of Council, contribute to the heritage significance and special character of the Heritage Conservation Area.

Minutes of the meeting will be taken, given due regard and form part of Council's assessment report and/or report to a Council meeting.

Within 10 business days, Council will provide the applicant:

- A copy of the minutes of the meeting
- Written advice in relation to additional information, amendment(s) to plans or the like for the applicant's consideration.

10.2 HERITAGE IMPACT

10.2.1 Objectives

To ensure adequate information is submitted with a Development Application (DA) to determine the heritage impact of development by means of either a:

- Conservation Management Plan (CMP)
- Statement of Heritage Impact (SoHI)

10.2.2 Conservation Management Plans

Under Clause **5.10(5) Heritage Assessment**, Clause **5.10(6) Heritage Conservation Management Plans** and Clause **7.9 Conservation Incentives Heritage Conservation Areas** of the LEP, Council may require a Conservation Management Plan (CMP) to be lodged with a DA.

What is a Conservation Management Plan?

A Conservation Management Plan (CMP) is a document prepared in accordance with the guidelines prepared by the NSW Heritage Branch which documents the heritage significance of an item, place or conservation area and identifies the conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

When is a Conservation Management Plan Required?

A CMP may be required to accompany an application for a development associated with a building:

- a) Listed on the State Heritage Register, (SHR), under the Heritage Act 1977.
- b) Listed on **Schedule 5 – Heritage Items** of the LEP, where:
 - i) The proposal consists of a major redevelopment involving land which contains a heritage item.
 - ii) The proposal will significantly impact upon the Statement of Significance of a heritage item.
 - iii) The proposal will impact upon the curtilage and/or elevations of a heritage item.
 - iv) The proposal will significantly materially affect a heritage item.
- c) Where development is proposed under **Clause 5.10(10) Conservation Incentives and/or Clause 7.9 Conservation Incentives Heritage Conservation Areas** of the LEP.

A CMP may also be useful to support an application for site specific exemptions from Heritage Act approvals for items listed on the State Heritage Register. Site specific exemptions can be developed in addition to the standard exemptions automatically granted to all State listed heritage items.

A CMP may be useful as a framework for an agreed management approach to a heritage item, particularly where the item is managed by several different managers or there are complex relationships between elements of various degrees of significance.

What needs to be included in a Conservation Management Plan?

The CMP should provide information to help assess the application, including a statement of significance for the item, identification of the constraints and opportunities that affect the item (including the owner's needs), and policies as to which fabric, or elements, of the item need to be conserved. It should also outline what can be changed, if and where any new development occurs, and the parameters for such development or the degree of change that is permissible.

A CMP consists of three main parts:

- a) Investigation,
- b) Assessment, and
- c) Management policies.

The preparation of a CMP needs to be guided by the model brief, available on the Heritage Branch website, www.environment.nsw.gov.au/heritage

10.2.3 Statement of Heritage Impact

Under Clause **5.10(5) Heritage Assessment** of the LEP, Council may require a Statement of Heritage Impact (SoHI) to be lodged with a Development Application.

What is a Statement of Heritage Impact?

A SoHI is a document that contains:

- a) A statement demonstrating the heritage significance of a heritage item, or a place or site within a heritage conservation area.
- b) An assessment of the impact that the proposed development will have on that significance.
- c) Proposals for measures to minimise that impact.

The process aims to assist identify the significant heritage matters that need to be addressed and inform the design of the development proposal. The preparation of the statement should be an integral part of the design stage in the development of a site, not completed after a design has been settled upon.

When is a Statement of Heritage Impact Required?

A SoHI is required for changes proposed to:

- a) a heritage item listed on the Local Environmental Plan (LEP);
- b) places located within a heritage conservation area;
- c) places nearby to a heritage item or older buildings in a heritage conservation area;
- d) unlisted properties that are over 50 years of age and considered to be of heritage significance; or
- e) demolish a building which contributes to the heritage significance of the Bathurst Region,

where Council is of the opinion that the proposal may impact upon the significance of that building or site or its streetscape or setting.

The SoHI will be required to assess the extent to which the carrying out of the proposal would affect the heritage significance of the property concerned.

What needs to be included in a Statement of Heritage Impact?

By 'impact' the report covers any effect that may alter the historic significance of a place. It can be a visual or physical effect. It can be a small or large effect. Having an 'impact' does not mean that such a proposal cannot proceed. The description of the impact enables council staff to determine whether the impact is acceptable and/or has been sufficiently mitigated.

In the assessment of impact the statement must demonstrate that alternatives have been considered and why there were discounted. Both positive and negative impacts must be described as well as the steps that have been taken to minimise the negative impacts. The statement must demonstrate why the development as proposed is the only viable solution and explain why other alternatives are not appropriate.

Refer to Council's website (www.bathurst.nsw.gov.au) for a template guide for the preparation of a Statement of Heritage Impact. Refer also to the NSW Heritage Branch website for guidelines for the preparation of Statement of Heritage Impacts (www.environment.nsw.gov.au/heritage).

10.3 DEMOLITION OF BUILDINGS

10.3.1 Land to which this Section applies

This section applies to buildings that are:

- a) within a heritage conservation area,
- b) listed as a heritage item under the LEP,
- c) included in the Bathurst Region Heritage Study, or
- d) over 50 years of age for which demolition is not exempt development.

10.3.2 Objectives

- a) To ensure that the structural integrity and social history of a building are considered in determining a DA for the demolition of a building.
- b) To ensure the heritage significance and heritage contribution of a building are considered in determining a Development Application for the demolition of a building.

10.3.3 Statement of Heritage Impact

A Development Application proposing the demolition of a building which, in the opinion of Council, contributes to the heritage significance of the Bathurst Region must be accompanied by a Statement of Heritage Impact (SoHI), refer section **10.2.3** of this Plan.

A SoHI involving the demolition of a building which contributes to the heritage significance of the Bathurst Region must be prepared in accordance with section **10.2.3** of this Plan and specifically include the following components:

- a) Structural Engineers Assessment – the preparation of a structural assessment to determine the structural soundness of the building and an estimated schedule of costs to render the building structurally safe.

- b) Historical assessment – a thorough research of historical material to identify the heritage significance of the subject building and its site,
- c) An examination of development options that includes as a minimum:
 - i) Retaining the contributory building(s) into the development of the site (no demolition);
 - ii) Retaining key elements of the contributory building(s) into the development of the site (partial demolition);
 - iii) Full demolition of the contributory building(s), if proposed.

The SoHI must clearly demonstrate why retention or partial demolition is not viable solutions if full demolition is proposed.
- d) An infill development form where demolition and a new infill building to the street is proposed. The SoHI is to include a thorough assessment as to how the replacement building is of such quality and design that it will fit into the streetscape and its setting within the heritage conservation area.

The statement must demonstrate why the development as proposed is the only viable solution and explain why other alternatives are not appropriate. The preparation of the statement must, therefore, be an integral part of the design of the development of a site, not completed after a design has been settled upon.

What is a Historical Assessment?

A Historical Assessment will include the following areas of research in relation to the building and its site:

- a) Address
- b) Main purpose / use (past and current)
- c) Construction date / evidence of this date
- d) Builder, designer and architect
- e) Original drawings, plans or records
- f) Historical photographs
- g) Extracts from books or other printed references relevant to the building
- h) Alterations /additions
- i) Association with notable people or events
- j) Examples of similar styles within the Bathurst region
- k) Heritage listings

The Bathurst District Historical Society holds Council's old rates books and provides a very good source of information to assist in the historical assessment of a building and its site, particularly within the Bathurst City area.

In addition to the Bathurst District Historical Society, the following organisations may be able to assist with historical information:

- a) Environmental, Planning and Building Services Department, Bathurst Regional Council
- b) Bathurst City Library
- c) Family History Group of Bathurst Inc
- d) National Trust (Bathurst)

References for additional sources can also be found under the Heritage Organisations and Websites within NSW and Australia section of Council's Heritage Trades, Services and Supplies Directory.

What is a Structural Assessment?

A structural assessment must be included in the SoHI to ascertain the structural and constructional integrity of the building with a view to determining the extent and cost of remedial work that is considered either essential or desirable if the building is retained.

Essential means any work required to make the building structurally sound and safe and reverse any adverse deterioration. **Desirable** means other work required to make the structure more habitable and comfortable.

The following basic elements of the fabric of the building, as a minimum, are to be considered:

- a) footings and substructure, including sub-floor ventilation,
- b) walls and cladding,
- c) openings in the structure including windows and doors,
- d) storm water disposal and collection, and
- e) roof structure and cladding.

The assessment is to be objective and must avoid subjective or judgmental language. It is to clearly state the extent of any problems and is not to generalise a problem. For example, if only one window requires immediate attention the assessment is not to state that all windows require replacement.

The assessment is to include an estimate of the "Order of Cost" of the remedial work required on the building, again dividing between **essential** and **desirable** components.

Photographic images are to be included as well as any other supporting evidence. The assessment is to indicate the source of any facts, e.g. date of construction of the building, which can not be corroborated by the images or inspection.

The assessment should also indicate who attended the inspection and when the site visit occurred.

A structural engineer will need to undertake the assessment. A list of structural engineers can be found in Council's Heritage Trades, Services and Supplies Directory.

Infill Development of a Demolished Site

A Development Application for the demolition of a building to enable new infill development is to include plans for the new infill development (refer section **10.4** of this Plan). The SoHI is to include an assessment of the impact of the Infill Development on the heritage significance of the existing streetscape and its setting within a Heritage Conservation Area. In this regard Council's Infill Development form must also be submitted with the DA (refer Schedule **4** of this Plan).

The SoHI and the accompanying infill form must address the following matters:

- a) Character - All built environments have their own special character. The proposal is to ensure that the harmony and unity of the area is maintained.
- b) Scale - The scale of a building is its size in relation to surrounding buildings or landscape. Infill design should recognise the predominant scale (height and bulk) of the setting.
- c) Form – The form of a building is its overall shape and volume and the arrangement of its parts. Infill design should be sympathetic to the predominant form of its neighbours.
- d) Siting – New buildings should contribute sympathetically to the local streetscape. Infill design should conform to existing front and side setbacks and be oriented on site in a manner consistent with the established streetscape pattern.
- e) Material and Colours – Infill design should recognise characteristic materials, textures and colours used locally and in adjacent buildings.
- f) Detailing – Common details within an area establish neighbourly resemblance and contribute to its special character, eg, verandahs, chimneys, decorative mouldings etc. Modern details can reinterpret traditional details and provide levels of visual interest that contribute to the character of a place.

Street photographs of the site and adjoining buildings to each side including the following dimensions of both the proposed building and its immediate neighbours:

- a) building height (ground level to under eaves)
- b) building width,
- c) height of roof,

must be included in the SoHI.

A photomontage of the streetscape is also to be included to demonstrate how the proposal will relate to the adjoining buildings.

10.3.4 Bathurst Conservation Area Management StrategyDevelopment Standard

- a) Council must determine (where not already completed) and consider the Bathurst Conservation Area Management Strategy (BCAMS) rating of a building in any proposal for demolition of a building facing a street within the Bathurst Heritage Conservation Area.

Explanation

The principle objective of BCAMS is to provide clear and concise information on the overall value of every building to a streetscape within the Bathurst Heritage Conservation Area. The rating ranges from 10, being the most significant buildings, down to 0, being the least significant buildings. The rating is based on the buildings integrity, its streetscape rating and its heritage significance. The rating system is summarised in the table below.

CATEGORY	RATING
Integrity	
Substantially intact	3
Altered sympathetically	2
Altered unsympathetically - reversible	1
Altered unsympathetically – non-reversible	0
Building is intrusive under streetscape rating	0
Streetscape Rating	
Contributory	3
Neutral	1
Intrusive	0
Heritage Significance	
Historically significant in a regional context	4
Historically significant in a local context	3
Significant in a local context	2
Not significant	0

10.4 INFILL DEVELOPMENT**10.4.1 Objectives**

- a) To ensure new development is designed to respect neighbouring buildings and the character of the area or streetscape.
- b) To ensure new development enhances and complements the existing urban character.
- c) To ensure that the form and external appearance of the new development improves the quality and amenity of the public domain and contributes positively to the historic character of the area and streetscape.

10.4.2 What is infill development?

Infill development is development proposed for vacant land which has direct street frontage. Such development also includes the development of land which has been subdivided from existing properties or where a proposal includes demolition of an existing building and replacement with a new building.

Council requires applicants to consider the scale, massing, setbacks, colours and materials for proposed infill development in respect to neighbouring buildings.

10.4.3 When is an infill form required?

An Infill form is required to be lodged with a DA where a proposal includes new infill development on vacant land or replacement buildings within all Heritage Conservation Areas under the LEP.

Schedule 4 of this Plan provides the relevant form.

10.4.4 What needs to be included in an infill form?

- a) The infill form needs to be completed including an explanation of the following matters.
 - i) Character - All built environments have their own special character. The proposal is to ensure that the harmony and unity of the area is maintained.
 - ii) Scale - The scale of a building is its size in relation to surrounding buildings or landscape. Infill design should recognise the predominant scale (height and bulk) of the setting.
 - iii) Form – The form of a building is its overall shape and volume and the arrangement of its parts. Infill design should be sympathetic to the predominant form of its neighbours.
 - iv) Siting – New buildings should contribute sympathetically to the local streetscape. Infill design should conform to existing front and side setbacks and be oriented on site in a manner consistent with the established streetscape pattern.
 - v) Material and Colours – Infill design should recognise characteristic materials, textures and colours used locally and in adjacent buildings.
 - vi) Detailing – Common details within an area establish neighbourly resemblance and contribute to its special character, eg, verandahs, chimneys, decorative mouldings etc. Modern details can reinterpret traditional details and provide levels of visual interest that contribute to the character of a place.
- b) Street photographs of the proposed site and adjoining buildings to each side including the following dimensions of both the proposed building and its immediate neighbours:
 - i) building height (ground level to under eaves),
 - ii) building width,

- iii) height of roof,
must be provided.

A photomontage of the streetscape is also to be included to demonstrate how the proposal will relate to the adjoining buildings.

10.5 DEVELOPMENT WITHIN THE BATHURST AND KELSO HERITAGE CONSERVATION AREAS

10.5.1 Objectives

- a) To ensure new development is designed to respect the heritage character of the area or streetscape.
- b) To ensure new development enhances and complements the historic precinct and special character of existing buildings.

10.5.2 Statements of Significance

- a) In determining a Development Application (DA) within the Bathurst and Kelso Heritage Conservation Areas, Council is to give consideration to the Statement of Significance for that area as outlined in the table below.

Heritage Conservation Area	Statement of Significance
Bathurst	<p>The conservation area of Bathurst City is historically significant because it includes the commercial and civic heart of Bathurst and reflects the nineteenth century development of this important NSW provincial centre. Bathurst was the first town founded west of the Blue Mountains, and it was a place that developed a high level of prosperity during the latter half of the nineteenth century, particularly as a consequence of the gold rushes of the central west region as well as the pastoral and other industries of the Bathurst district. Additionally, much of the conservation area is of integral social importance for the community because of its lengthy association with various themes in Bathurst's history.</p> <p>Incorporating a wide range of building forms, types and styles, the area has a richness of cultural features. It includes a number of excellent examples of particular architectural styles from the Victorian and Federation eras, and these include Classical, Gothic and Romanesque styles among others.</p> <p>With its historic character, the cohesiveness created by the red brick used in many of the buildings, the landmark qualities of the spires, domes, massing and other attributes of a number of the buildings, the inherent qualities of the architectural styles represented, and the fine parks and streets, the conservation area is a part of Bathurst that has strong streetscape and other aesthetic qualities.</p>

Heritage Conservation Area	Statement of Significance
Kelso	The conservation area of Kelso is historically significant because it reflects the nineteenth century development of this important NSW provincial centre. Bathurst was the first town founded west of the Blue Mountains and Kelso was the first 'free' settlement section of that town. It was a place that developed a high level of prosperity during the latter half of the nineteenth century, particularly as a consequence of the gold rushes of the central west region as well as the pastoral and other industries of the Bathurst district.

10.5.3 Residential development

Building Design

Development Standards

- a) New infill buildings must meet the requirements of section **10.4 – Infill Development** of this Plan.
- b) Where visible from the street, roof pitches are to generally be at least 30 degrees or complement adjoining roof pitches.
- c) Where visible from the street, new windows should be vertical in proportion or have regard to traditional or historic window proportions in the street. New or replaced windows visible from the street should generally be timber.
- d) Extensions and alterations must complement the original form and scale of the existing building. The shape and proportions of the existing building should be altered as little as possible.
- e) Where an addition is proposed to the rear of an existing building and will be visible from the street, brick parapet walls for the addition, running parallel to the side wall of the building are encouraged. Hound's tooth brickwork is encouraged within the parapet component of the wall. Skillion roofs are to be hidden behind the parapet wall and are to run across the back of the existing building wall, instead of sloping away from the wall.
- f) Alterations are to have minimal disturbance to original walls, materials, windows, doors and verandahs.
- g) Roof plumbing should use traditional details of fixing, flashing and elements such as guttering in half round, quad and ogee profiles.
- h) Verandahs and awnings are encouraged and should have regard to the scale, materials, details of construction and positioning usually employed on structures of their type.
- i) Good quality second hand materials and local and vernacular materials are encouraged.
- j) Bricks are to be chosen to blend with surrounding developments. Textured or brick blends are generally not acceptable.

- k) Any building services are to be integrated into the design of the roof so that they do not negatively impact on the existing streetscape.

Garages and Outbuildings

Development Standards

- a) Garages and parking areas should generally be located behind the building line. Council may give consideration to locating one roller door (panel design) visible from the street frontage but only where it is located a minimum 1 metre behind the front building line.
- b) Garages and outbuildings are to complement the design and character of the main buildings on the site and other garages/outbuildings within the street.
- c) Where visible from the street, roof pitches are to generally be at least 30 degrees or complement adjoining roof pitches.
- d) Any steel sheeting is to be of a traditional corrugated profile and is to be galvanized iron, zincalume, or pre-coloured metal sheet (provided the colour is sympathetic to the historic character of the area).

Front Fences

Development Standards

- a) Fencing material is to be brick, timber and/or wire. Pre-coloured metal sheet fencing is not permitted in front of the building line or where it is visible from the street.
- b) Fence heights are to generally be in accordance with the following table.

Type of Fence	Maximum Fence Height
Solid masonry	900 mm
Open or partially transparent styles (eg, palisade or picket fences)	1200 mm with posts/piers no higher than 1500mm
Side and rear fences in front of building line/visible from street	1800 mm

- c) Council may give consideration to a solid fence exceeding the heights shown in the table above where:
- it can be shown that the fence is required to reduce street noise to a residence, and
 - sufficient decorative detail has been incorporated within the fence design to minimise its impact of the streetscape.
- d) Front fences are to follow the front boundary and be of a design that is appropriate to the style and architectural period of the building. The table below provides some guidance on the type of fence that may be suitable.

Era	Fence Type
1930s to 1950s	Low brick walls and piers and pipe rails.
Federation, Victorian and Georgian	Timber and metal pickets palisade and Victorian wire, brick walls within featured panels and piers.

Utility Services

Development Standards

- a) Utility services should generally not be visible from the street. Exemption may be granted to solar collection panels.
- b) Rainwater tanks should be of an appropriate scale. If a plastic or coloured tank is proposed the colour is to be sympathetic to the area. Multiple rain water tanks rather than larger tanks are preferred.

10.5.4 Commercial/Industrial development

Building Design

Development Standards

- a) New infill buildings must meet the requirements of section **10.4 – Infill Development** of this Plan. Buildings should make their own contemporary architectural statement rather than mimic buildings around it.
- b) New or upgraded shop fronts should be based on the characteristic elements of traditional shop fronts located within the vicinity including:
 - i) awning or verandah height,
 - ii) fascia lines,
 - iii) window proportions,
 - iv) common horizontal lines (eg, ridges, gutters, window heads), and
 - v) architectural features/decorations (eg, mouldings, parapets).
- c) Part of the front façade of new buildings, including the visible return facades to at least 6 metres along the visible side walls, are to include smooth faced unpainted and unrendered brickwork. Concrete can be used on other areas of the building façade (including the visible returns) where it is appropriately painted or rendered and includes decorative detail and elements.
- d) Extensions and alterations must complement the original form and scale of the existing building. The shape and proportions of the existing building should be altered as little as possible.
- e) Alterations are to have minimal disturbance to original wall materials, windows, doors and verandahs.
- f) Monotonous facades with little relief or detail must be avoided.

- g) Weather protection of the footpath is to be provided. Verandahs and balconies are encouraged.
- h) Under awning lighting (whiteway lighting) is to be provided.
- i) Buildings should be designed to provide passive surveillance to streets or public spaces.
- j) Any steel sheeting is to be of a traditional corrugated profile and is to be used generally only behind the front building façade or for outbuildings.
- k) Any building services are to be integrated into the design of the roof so that they do not negatively impact on the existing streetscape.
- l) Development Application Plans submitted to Council are to include accurately detailed and appropriate coloured impressions or images of all building facades of the proposed development with particular regard to the building features, detailing, colouring and materials used.

Landmark Sites within the CBD

Landmark sites within the CBD include:

- a) corner sites,
- b) buildings listed as a heritage item in the LEP, and
- c) other buildings or sites which, in the opinion of Council, contribute to the heritage significance and special character of the Heritage Conservation Area.

In addition to the standards listed above, the development of landmark sites must also meet the following standards.

- a) Provide a positive contribution to the City's architectural landscape.
- b) Preserve identified significant heritage features.
- c) Provide reference points for users of the CBD.
- d) Incorporate a landmark "feature(s)" that is appropriate to create interest and provide the building with a recognizable identity.
- e) In respect of corner sites, include design feature(s) that address the corner.

Utility Services

- a) Utility services should generally not be visible from the street. Council may consider utility services on roof tops or awnings only where adequate and complementary screening can be provided (refer to section **10.5.4(k)** above).

10.6 DEVELOPMENT WITHIN THE PERTHVILLE HERITAGE CONSERVATION AREA

10.6.1 Objectives

- a) To ensure new development enhances and complements the historic character of the Perthville Heritage Conservation Area.

10.6.2 Statement of Significance

- a) Council is to consider the following Statement of Significance in the assessment of applications in the Perthville Heritage Conservation Area.

Perthville is a small settlement that grew up along the Queen Charlottes Creek originally known as Vale. With Georges Plains it serviced the surrounding rural areas and became an important place of settlement for religious persons. The Village retains some of its rural village ambience. Among the built items, there are a number of significant blue stone houses, a blue stone hotel, two churches, a convent and a significant bridge.

10.6.3 Development standards

- a) New infill buildings must meet the requirements of section **10.4 – Infill Development** of this Plan.
- b) New buildings are not to visually dominate or be larger in form or scale than existing buildings in their vicinity.
- c) New windows should be vertical in proportion or have regard to traditional or historical window proportions in the village where visible from a passing street. New or replaced windows visible from the street should generally be timber.
- d) Alterations are to have minimal disturbance to original walls, materials, windows, doors and verandahs.
- e) Extensions and additions to existing buildings must complement the original form and scale of the existing building. The shape and proportions of the existing building should be altered as little as possible.
- f) One roller door may be visible from the street frontage only where it is set back 1 metre from the front building line. All other parking areas are to be located behind the building line.
- g) Roof plumbing should use traditional details of fixing, flashing and elements such as guttering in half round, quad and ogee profiles.
- h) Larger roofs must be hipped; gables are acceptable for smaller roofs. American 'barn' style roof profiles are generally not acceptable.
- i) Verandahs and awnings are encouraged. New verandahs should have regard to the scale, materials, details of construction and positioning usually employed on structures of their type.
- j) Good quality second hand materials and local and vernacular materials are encouraged. Smooth faced bricks are to be chosen to blend with surrounding developments. Textured or brick blends are not permitted.
- k) Colours and materials should be consistent with dominant streetscape colours and materials.
- l) Demountable buildings (either permanent or temporary) are to comply with all development standards that apply to the village in which it is to be located.

- m) Rain water tanks should be of an appropriate scale, if a plastic or colourbond tank is proposed the colour is to be sympathetic to the area. Multiple rain water tanks rather than larger tanks are preferred.
- n) Utility services should generally not be visible from the street. Exemption may be granted to rain water tanks and solar collection panels.
- o) Outbuildings constructed of steel sheeting are to be of a traditional corrugated profile.

10.7 CHIFLEY MEMORIAL HOUSING ESTATE (BATHURST HERITAGE CONSERVATION AREA)

10.7.1 Land to which this Section applies

This section applies to that land shown on Map No. **33** – Chifley Memorial Housing Estate - West Bathurst.

10.7.2 Objectives

- a) To ensure new infill development complements the style and materials used in the existing housing stock in the Chifley Memorial Housing Estate.

10.7.4 Building design

Development Standards

- a) New infill buildings must meet the requirements of section **10.4** – Infill Development of this Plan.
- b) New housing development should adopt the following characteristics:
 - i) simple floor plans with double or triple front return and front porch,
 - ii) red smooth faced bricks in stretcher bond with small features in stack or header bond for sites facing Howick St, Kelly Crescent or Commonwealth Street,
 - iii) fibre cement or timber cladding or the like for sites facing McKenzie Place, Russell Street or Daly Street,
 - iv) expressed face brick chimney,
 - v) hipped roof shape,
 - vi) tiled roof cladding with 25° or greater roof pitch, and
 - vii) timber framed double hung windows in the 'golden mean' proportion, usually in pairs across the front façade.

10.8 WEST BATHURST HERITAGE CONSERVATION AREA

10.8.1 Land to which this Section applies

This section applies to that land within the West Bathurst Heritage Conservation Area.

10.8.2 Objectives

- a) To ensure new infill development complements the small scale housing of the former duration cottages.

10.8.3 Statement of Significance

- b) Council is to consider the following Statement of Significance in the assessment of applications in the West Bathurst Heritage Conservation Area.

The West Bathurst Heritage Conservation Area is historically significant because this area was developed on the edge of the city during WWII primarily to provide housing for munitions factory workers that worked in the Australian Defence Industry (ADI) munitions factory located on Stewart St. Approximately 100 cottages were constructed within this area to cater for the influx of workers in 1942-43. They were constructed as temporary accommodation for the duration of the war hence the name 'duration cottages'. The houses are modest, single storey, square houses constructed mostly of light weight materials including FC sheet and weatherboard cladding with a mix of concrete tiles or sheet corrugated iron roofs. The houses are located close to the street with small and few front fences.

The simple, unpretentious design and built form of the houses in this area provide an excellent example of housing stock constructed to meet the housing aspirations of a wartime workforce. They have special social significance for their association with Ben Chifley and for the period of growth and investment that was brought to Bathurst and the region during the war, by the establishment of new industries and new employment opportunities outside of the agricultural industry.

10.8.4 Building design

Development Standards

- a) New infill buildings must meet the requirements of section **10.4 – Infill Development** of this Plan.
- b) New development should adopt the following characteristics:
 - i) houses built close to front boundaries,
 - ii) small unpretentious houses,
 - iii) light weight wall materials, timber stud framing, FC sheet cladding and weatherboard cladding (sometimes colourful finishes),
 - iv) simple plan shapes of single return fronts or rectangular shape,
 - v) hipped and gabled roof, simple in form with a mix of concrete tiles or sheet corrugated iron, and
 - vi) minimal fencing.

10.9 ARCHAEOLOGICAL PERMITS

10.9.1 General

If the applicant or Council knows of former historical uses on a site, such as former mining sites, buildings which have been demolished or former uses, then it may be likely that relics will be on the site.

A **relic** is any deposit, artifact, object or material evidence that:

- a) relates to the settlement of the area of the Bathurst Regional LGA, not being Aboriginal settlement, and
- b) is of State or local heritage significance.

Development Standards

- a) If Council is of the opinion that a site is highly likely to contain archaeological relics, it must not grant consent to any building or subdivision work on land unless it has considered an archaeological report which examines the likelihood of archaeological remains being located on the site. In granting consent Council may require an excavation permit be obtained from the NSW Heritage Division, Office of Environment and Heritage.

- b) If Council is of the opinion that it is likely that a site might contain archaeological relics, it must include a condition of the consent as follows:

- i) *During the development, if any archaeological remains are discovered, the developer is to stop works immediately and notify the NSW Heritage Division and Council. Any such find is to be dealt with appropriately, in accordance with the Heritage Act 1977, and recorded, and details given to Council prior to the continuing of works.*

Note: A Section 140 permit will need to be obtained to disturb archaeological relics. This permit is to be obtained from the NSW Heritage Division, Office of Environment and Heritage, prior to the disturbance of the archaeological relics.

- ii) The applicant is to lodge, prior to the issue of a construction certificate, a Construction Heritage Management Plan to Council which addresses the following:
 - 1. Mitigation measures in relation to the likely archaeology onsite;
 - 2. The proposed monitoring that will be in place for any archaeological relics uncovered;
 - 3. Training, resources and consultation for staff on the site during excavation;
 - 4. Incident management protocol; and
 - 5. Methods dealing with unexpected finds during works.

10.9.2 Bathurst Early Government Settlement (1815-1840) Sensitive Lands

Land to which this Section applies

This section applies to the land identified as the Bathurst Early Government Settlement (1815-1840) within the Bathurst Heritage Conservation Area on Map 35 - Archaeological Sensitive Lands Map.

Objectives

- b) to identify the potential for archaeological remains from the Bathurst Early Government Settlement period (1815 to 1840), and
- c) to minimise the potential for the disturbance of archaeological relics likely to be located on the site.

Statement of significance

The history of the Government Settlement at Bathurst (1815-1840) and associated sites incorporates three significant elements in the course, or pattern, of NSW's cultural history, particularly in the context of inland settlement: a) Town settlements; b) Penal settlements; and c) Provision of law and order.

a) Town settlements

The settlement precinct provides unique evidence of Governor Macquarie's policy of establishing new planned townships separate from the colony's penal settlements, as exemplified by better known Macquarie towns such as Windsor and Richmond. The significant site of Bathurst town's proclamation in May 1815, the Flag Staff, lies within the precinct, as do the sites of the buildings erected, under Macquarie's direction, in support of his proposed new town. The surviving 1815 town plan (SR Map 1293 & Map 1294) shows a further direct connection with the Government Settlement. Although unforeseen events prevented the fulfilment of Macquarie's plans for Bathurst, the precinct offers archaeological evidence of those plans, allowing for comparison with other Macquarie-era towns. Further, the archaeological evidence provides support of the acknowledged claim that Bathurst is Australia's oldest inland European settlement.

b) Penal settlements

Although not established as such, the Bathurst Settlement came to be recognised and administered as a penal settlement in the final years of Macquarie's tenure and more exactly so under Governor Brisbane from the early 1820s. Until 1827, the Bathurst Penal Settlement functioned primarily as an Agricultural Establishment, with the additional purpose of providing a suitable place of servitude for "Gentlemen Convicts". After 1827, although no longer a penal settlement, a convict presence continued, which included the Female Factory (1833- 1844), the only one established in inland Australia.

c) Provision of Law and order

An important pattern in inland NSW history is the progressive development of law and order in support of pastoral settlement, particularly in the suppression of bushranging and, in early years, the policing of convict behaviour. Bathurst played

an essential part in this development, with all of the key institutions involved being located initially within the Government Settlement.

Although none of the buildings in the settlement survives above ground, the archaeological sites of all the important structures are likely to survive with partial disturbance. The site is also likely to be of significance to the Wiradjuri people for its documented links with their history, which include some of the earliest interactions between Aborigines and Europeans and, later, important events in the life of Windradyne.

Development standards

- A development application for works on the sites identified on Map 35 - Bathurst Early Government Settlement (1815-1840) Sensitive Lands Map of the DCP is to be accompanied by a Heritage Impact Statement prepared by a suitably qualified heritage consultant which outlines the likelihood of relics being onsite, the likelihood of development disturbing the relics and how the disturbance of the relics is to be minimised.

Note: It is recommended that where appropriate, sites should be filled rather than excavated in order to minimise the potential disturbance of any archaeological relics on the site.

- Where land is identified as having moderate archaeological potential on DCP Map 35, Council must not grant consent unless it imposes the following conditions of consent:
 - a) The applicant is to lodge, prior to the issue of a construction certificate, a Construction Heritage Management Plan to Council which addresses the following:
 - i) Mitigation measures in relation to the likely archaeology onsite;
 - ii) The proposed monitoring that will be in place for any archaeological relics uncovered;
 - iii) Training, resources and consultation for staff on the site during excavation;
 - iv) Incident management protocol; and
 - v) Methods dealing with unexpected finds during works.
 - b) During the development, if any archaeological remains are discovered, the developer is to stop works immediately and notify the NSW Heritage Division and Council. Any such find is to be dealt with appropriately, in accordance with the Heritage Act 1977, and recorded, and details given to Council prior to the continuing of works.
 - c) Where land is identified as having high archaeological potential on DCP Map 35, Council must not grant consent unless it imposes the following conditions of consent:
 - i) An excavation permit must be obtained from the NSW Heritage Division, Office of Environment and Heritage. The excavation

permit is to be supported by a site specific Archaeological Assessment Report prepared by a specialist heritage archaeologist. A copy of the Archaeological Assessment Report and the excavation permit are to be provided to Council prior to the issue of a Construction Certificate.

- ii) The applicant is to lodge, prior to the issue of a construction certificate, a Construction Heritage Management Plan which addresses the following:
 - 1. The recommendations of the Archaeological Assessment Report and any requirements of the excavation permit;
 - 2. Mitigation measures that will be in relation to the likely archaeology onsite;
 - 3. The proposed monitoring in place for any archaeological relics uncovered;
 - 4. Training, resources and consultation for staff on the site during excavation;
 - 5. Incident management protocol; and
 - 6. Methods dealing with unexpected finds during works.
- iii) During the development, if any archaeological remains are discovered, the developer is to stop works immediately and notify the NSW Heritage Division and Council. Any such find is to be dealt with appropriately, in accordance with the Heritage Act 1977, and recorded, and details given to Council prior to the continuing of works.

Note: Refer to the following research completed by Council

- Edward Higginbotham and Associates, 2013, The Government Settlement at Bathurst, NSW (1815-1840), Archaeological Management Plan
- Dr Robin McLachlan, 2013, A Delightful Spot, A brief history of the Government settlement at Bathurst, NSW (1815-1840)
- Edward Higginbotham and Associates, 2011, Bathurst Regional Council Archaeological Management Plan

10.9.3 MillTown Cemetery Sensitive Lands

Land to which this Section Applies

This section applies to land identified as Milltown Cemetery Area on Map No. 35 Archaeological Sensitive Lands Map.

Objectives

To minimise the potential for the disturbance of archeological relics likely to be located on the site.

Statement of Significance

The Milltown cemetery, also known as the “Old Bathurst Cemetery” and the “South Bathurst Cemetery”, dates back to 1839, when two adjoining “burial grounds”, each of one acre, were granted to the Wesleyan Church and the Roman Catholic Church. The cemetery was used by the two churches only for a couple of decades and then abandoned, first by the Wesleyans and then by the Roman Catholics, when cemetery land was provided to them in the new Bathurst Cemetery (on the Orange Road). By the turn of the 20th Century the cemetery fell into the control of the City Council and was in such a poor state. Exhumation and reburial was an arrangement already associated with the cemetery. Over the years, bodies had been exhumed for reburial, in some cases leaving open graves contributing to the desolation of the site. In 1881, half of the Wesleyan cemetery had already been resumed for construction of Havannah Street. The 1927 Town Plan indicates the land had been rezoned to residential land subsequently subdivided.

Milltown Cemetery is a significant part of Bathurst’s history and heritage. It is unclear if both human remains and cemetery rubble still lie buried on the site.

Development Standards

- A development application for works on any site within the area identified as Milltown Cemetery Area on Map 35 - Archaeological Sensitive Lands of the DCP is to be accompanied by a Heritage Impact Statement prepared by a suitably qualified heritage consultant which outlines the likelihood of archaeological relics and/or remains being onsite, the likelihood of development disturbing the relics and/or remains and how the disturbance of the relics and/or remains is to be minimised.

Note: It is recommended that where appropriate, sites should be filled rather than excavated in order to minimise the potential disturbance of any archaeological relics on the site.

- Where land is identified within the area identified as Milltown Cemetery Area on Map 35 - Archaeological Sensitive Lands of the DCP, Council must not grant consent unless it imposes the following conditions of consent:
 - a) The applicant is to lodge, prior to the issue of a construction certificate, a Construction Heritage Management Plan to Council which addresses the following:
 - b)
 - i) Mitigation measures in relation to the likely archaeology onsite;
 - ii) The proposed monitoring that will be in place for any archaeological relics uncovered;
 - iii) Training, resources and consultation for staff on the site during excavation;
 - iv) Incident management protocol; and
 - v) Methods dealing with unexpected finds during works.
 - b) During the development, if any archaeological remains are discovered, the developer is to stop works immediately and notify the NSW Heritage Division and Council. Any such find is to be dealt with appropriately, in accordance with the

Heritage Act 1977, and recorded, and details given to Council prior to the continuing of works.

Note: Refer to the following research completed by Council:

- McLachlan. R, 2018, Report on Brief History of Milltown Cemetery

10.9.4 WATTLE FLAT MINING AREAS SENSITIVE LANDS

Land to which this Section Applies

This section applies to land identified on Map No. 37 Wattle Flat Mining Areas Archaeological Sensitive Lands.

Objectives

To minimise the potential for the disturbance of archeological relics likely to be located on the site.

Statement of Significance

Gold was first found at Wattle Flat in September 1853. Two phases of mining are discernible at Wattle Flat: an early period of alluvial mining in rich gold bearing shallow soils, and reef mining, to extract the gold contained in underground quartz veins wedged between the region's rock formations. By 1855, Wattle Flat had a population of several hundred, a permanent main store (still standing today), two hotels, a police barracks and lock-up, a National School (opened in mid-1858), and an Anglican Church. By 1859, the gold mining industry at Wattle Flat was in full swing with alluvial and reef mining, but change was under way. Alluvial gold was becoming more difficult to find so miners began joining together to form companies with increased capital that could cover the costs of exploiting the quartz veins.

The historical items associated with the mining in Wattle Flat range in condition from good to poor, but are still noteworthy representations of these types of historical features in the NSW rural landscape. The remains within the area are considered to span the entire archaeological potential spectrum, from low to high, depending on the actual relic. The gold mining sites at Wattle Flat are important for understanding NSW settlement, the Wattle Flat region, lifestyle, industry and commerce in a way that historical documents cannot convey.

Development Standards

- A development application for works on sites identified on Map No. 37 Wattle Flat Mining Areas Archaeological Sensitive Lands of the DCP is to be accompanied by a Heritage Impact Statement prepared by a suitably qualified heritage consultant which outlines the likelihood of archaeological relics and/or remains being onsite, the likelihood of development disturbing the relics and/or remains and how the disturbance of the relics and/or remains is to be minimised.

Note: It is recommended that where appropriate, development is to be located away from any relics in order to minimise the potential disturbance of any archaeological relics on the site.

- Where land is identified on Map No. 37 Wattle Flat Mining Areas Archaeological Sensitive Lands of the DCP, Council must not grant consent unless it imposes the following conditions of consent:
 - a) The applicant is to lodge, prior to the issue of a construction certificate, a Construction Heritage Management Plan to Council which addresses the following:
 - i) Mitigation measures in relation to the likely archaeology onsite;
 - ii) The proposed monitoring that will be in place for any archaeological relics uncovered;
 - iii) Training, resources and consultation for staff on the site during excavation;
 - iv) Incident management protocol; and
 - iv) Methods dealing with unexpected finds during works.
 - b) During the development, if any archaeological remains are discovered, the developer is to stop works immediately and notify the NSW Heritage Division and Council. Any such find is to be dealt with appropriately, in accordance with the Heritage Act 1977, and recorded, and details given to Council prior to the continuing of works.
- Note: Refer to the following research completed by Council:
- Bowen Heritage Management, 2017, Archeological Management Plan for Mining Areas at Wattle Flat

10.10 ABORIGINAL HERITAGE

An Aboriginal object means any deposit, object or other material evidence (not being handicraft made for sale) relating to the Aboriginal habitation of the Bathurst Regional LGA, being habitation before or concurrent with (or both) the occupation of the area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

If Council is of the opinion that it is likely that a site will contain an Aboriginal place or object, Council will request the applicant to prepare an Aboriginal Site and Foot Survey to determine whether the proposal will have any affect upon the significance of the site and how the site should be protected.

The survey must:

- a) be prepared by a qualified and approved professional (advice can be sought from the Bathurst Aboriginal Land Council and the Office of Environment and Heritage),
- b) include historical research, field survey, Aboriginal community endorsement, documentation of the site and recommendations including whether an application for an Aboriginal Heritage Impact permit is required,
- c) be prepared in accordance with the Office of Environment and Heritage Guidelines, Preparation of Aboriginal Heritage Reports by Aboriginal Consultants and,
- d) be prepared in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW.

The survey will be referred to the Office of Environment and Heritage for comment.

10.11 BATHURST CBD MAIN STREET STUDIES

10.11.1 Land to which this Section Applies

This section applies to land zoned B3 Commercial Core and identified in the William and George Street Study (1994), Keppel Street Main Street Study (1993) and the Bathurst CBD Main Street Study Review (2016), to be known as the Bathurst Main Street Studies.

10.11.2 Objectives

To improve, maintain, update and conserve the external appearance of building facades, streetscapes and historical features as identified by the Bathurst Main Street Studies.

10.11.3 Development Controls

In determining a development application for any external works such as signage, painting or the upgrading of buildings within land to which this section applies, Council is to give conservation to the Statement of Significance and Building Recommendations identified in the Bathurst Main Street Studies.

11 OUTDOOR LIGHTING

11.1 PRELIMINARY

11.1.1 Land to which this Section applies

This section applies to all land in the Bathurst Regional Local Government Area (LGA).

11.1.2 Strategic objectives

- a) The Bathurst Region Urban Strategy 2007 and the Bathurst Region Rural Strategy 2008 establishes the following key priority and objectives to protect the Dark night sky within the Bathurst Region for the purposes of tourism, education and research.

Strategic Priority

To determine the best way to protect the dark night sky.

Strategic Objectives:

- a) To minimise the loss of the dark night sky by ensuring that light is not emitted above the horizontal plane.
- b) To promote the upgrading of existing outdoor lighting to meet the requirements of Australian Standard (AS) 4282 *Control of the Obtrusive Effects of Outdoor Lighting*.
- c) To protect the dark night sky of the Bathurst Region by ensuring that all external lighting is installed in a manner that:
 - i) uses the right amount of light to ensure adequate safety and security,
 - ii) directs the light where it is needed and avoids upwards spill,
 - iii) does not create glare, and
 - iv) does not waste energy.

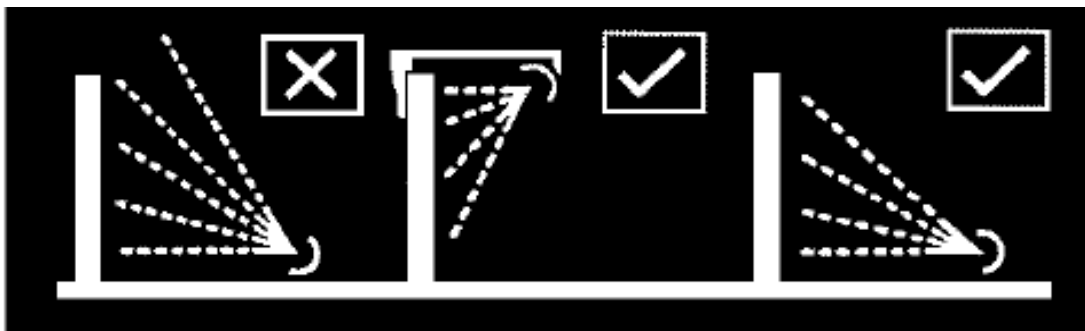
11.2 GOOD AND BAD LIGHTING

Poorly designed lighting leads to sky glow (the cumulative impact of poorly directed upwards shining lights), light spillage (the illumination of neighbouring properties from poorly directed and wasted lighting) and direct glare (lighting that disturbs the vision of pedestrians, motorists and so on). Poor lighting also is a significant waste of non-renewable energy and detracts from the City environment and its rural hinterland.

Australian Standard (AS) 4282 *Control of the Obtrusive Effects of Outdoor Lighting* provides best practice standards to protect the dark night sky through the installation of properly shielded fixtures so that no light is emitted above the horizontal plane. Such fixtures produce more focused illumination in the area required to be lit and mean that less powerful globes are required to be lit as less light is lost.

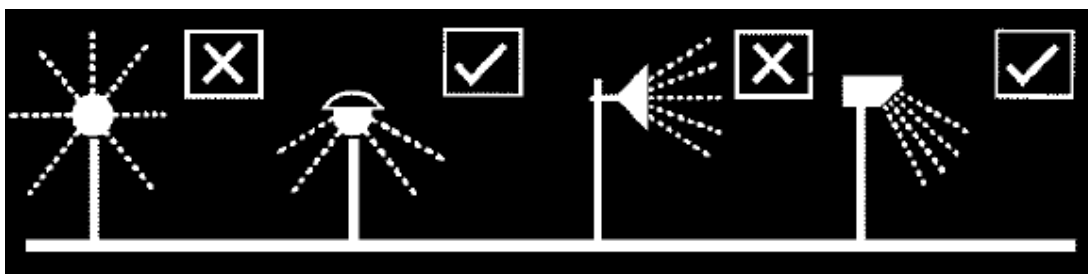
11.2.1 Development standards

- a) Light is to be directed downwards, not upwards, to illuminate the target area. If there is no alternative to up-lighting, then shields and baffles must be used to reduce spill light to a minimum.



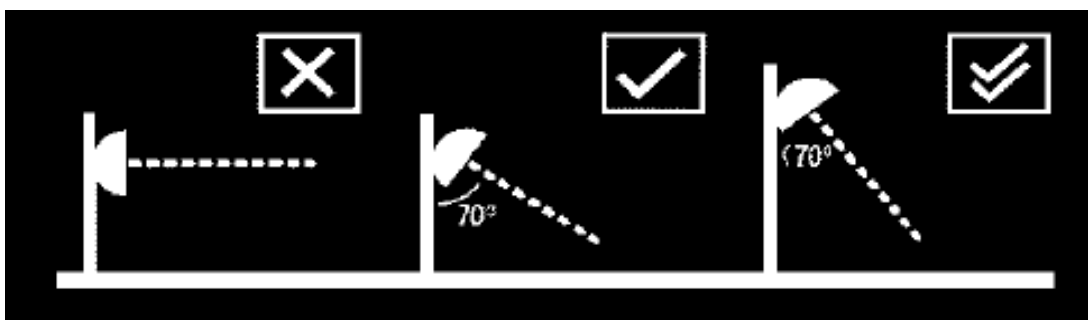
Source: Australian Standard (AS) 4282 *Control of the Obtrusive Effects of Outdoor Lighting* Appendix A.

- b) Specifically designed lighting equipment is to be used that, once installed, minimises the spread of light near to, or above, the horizontal.



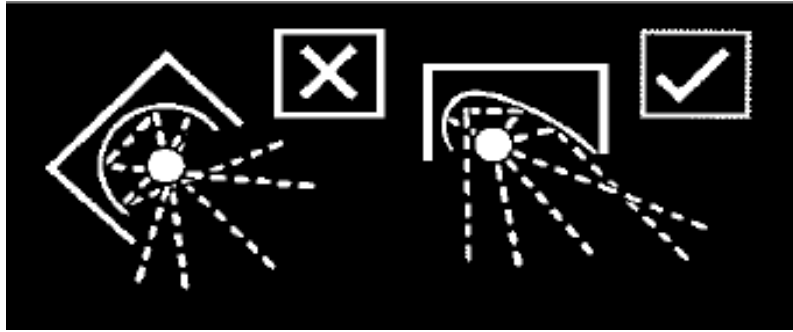
Source: Australian Standard (AS) 4282 *Control of the Obtrusive Effects of Outdoor Lighting* Appendix A.

- c) Do not 'over' light. Provide adequate lighting to achieve the desired effect. To keep glare to a minimum, the main beam angle of all lights directed towards any potential observer is to be kept below 70 degrees. It should be noted that the higher the mounting height, the lower can be the main beam angle. In places with low ambient light, glare can be very obtrusive and extra care should be taken in positioning and aiming light.



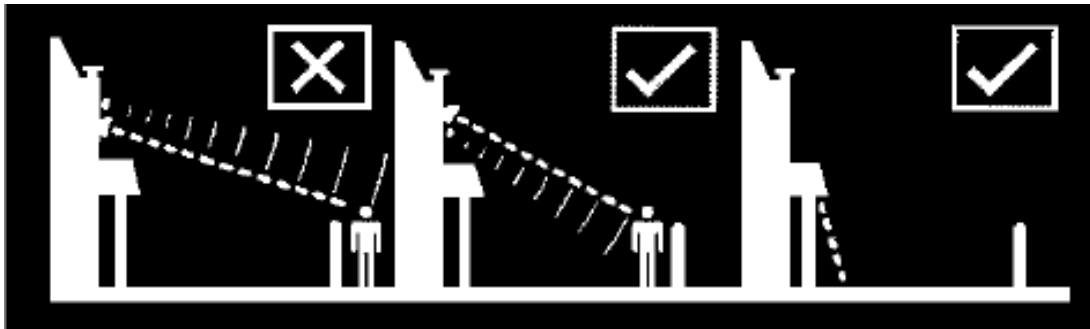
Source: Australian Standard (AS) 4282 *Control of the Obtrusive Effects of Outdoor Lighting* Appendix A.

- d) Floodlights with asymmetric beams are to be used that permit the front glazing to be kept at or near parallel to the surface being lit.



Source: Australian Standard (AS) 4282 *Control of the Obtrusive Effects of Outdoor Lighting* Appendix A.

- e) For domestic and small scale security lighting of business premises, the following solutions should be applied:
 - i) Passive infra-red detectors can be used to good effect, if correctly aligned and installed. A 150W (2000 lm) tungsten halogen lamp is more than adequate. Lamps of 300W/500 W create too much light, more glare and darker shadows.
 - ii) All-night lighting at low brightness, is equally acceptable. For an entry light, a 9 W (600 lm) compact fluorescent lamp is more than adequate in most locations.



Source: Australian Standard (AS) 4282 *Control of the Obtrusive Effects of Outdoor Lighting* Appendix A.

11.3 LIGHTING REQUIREMENTS

11.3.1 Development standards

General Standards

- a) All fittings must have fully shielded fittings to reduce light spill onto adjoining properties.
- b) For the purposes of Table 2 of Australian Standard (AS) 4282 *Control of the Obtrusive Effects of Outdoor Lighting*, “curfewed hours” are taken to be those hours between 10pm and 7am on the following day.

Street Lighting

- a) All new streetlights must be energy efficient lighting (LED or equivalent) as approved by Council. Street lighting is to be provided or upgraded in accordance with:
- AS/NZS 1158 Series (Parts 0-5) - Lighting for Roads and Public Spaces
 - SA/SNZ Technical Specification 1158.6 Lighting for roads and public spaces – Luminaires,
 - Council's Engineering Guidelines, and
 - Any requirements of the appropriate electricity authority.
- b) A Crime Risk Assessment must also be undertaken.

Other Public Lighting (including Parks, Gardens and Car Parks)

- a) All new streetlights must be energy efficient lighting (LED or equivalent) as approved by Council. Street lighting is to be provided or upgraded in accordance with:
- AS/NZS 1158 Series (Parts 0-5) - Lighting for Roads and Public Spaces
 - SA/SNZ Technical Specification 1158.6 Lighting for roads and public spaces – Luminaires,
 - Council's Engineering Guidelines, and
 - Any requirements of the appropriate electricity authority.
- b) A Crime Risk Assessment must also be undertaken.

Recreation Areas (including Sports Fields and Tennis Courts)

- a) The lighting is to be designed to the principles and guidelines of the Australian Standard "Sports Lighting" AS 2560, and any specific parts of the Standard.
- b) There must be no light spill to adjacent properties.

Security Lighting

- a) Security lighting of unattended premises must use a motion detector sensor switch.

Business and Industrial Developments

- a) Under awning (whiteway) lighting must be recessed or integrated with the awning.
- b) Building façade lighting must aim downwards.

Advertising Signage

- a) Up-lighting of advertising signage is not permitted.

Other Development (including major developments in rural areas)

- a) Artificial lighting associated with the operation of the development is directed and shielded in such a manner as not to exceed the "recommended maximum values of light technical parameters for the control of obtrusive light" given in Table 2.1 of Australian Standard AS 4282 Control of Obtrusive Effects of Outdoor Lighting.
- b) There must be no light spill to adjacent properties.

Residential Unit Development

- a) All lights in common areas must be less than 200W.

Lighting in the vicinity of Aerodromes

- a) All lights must be shielded above the horizontal to reduce distraction or glare for pilots using the Bathurst Regional Airport.

12 SIGNAGE AND COLOUR SCHEMES

12.1 PRELIMINARY

12.1.1 Land to which this Section applies

This section applies to all land in the Bathurst Regional Local Government Area (LGA).

12.1.2 Strategic priority and objectives

- a) Council acknowledges the commercial and visual importance of the contribution of signage and directional signage to the life of the City and Region. Equally, Council recognises that signs individually or collectively, can have detrimental effects. The priority of this section is to provide a mechanism for Council to encourage good outdoor advertisements, directional signs and use of appropriate colours, whilst avoiding bad and inappropriate signs and colour schemes. This section adopts the following key priority and objectives for outdoor advertising for the Bathurst Region.

Strategic Priority

To control the type and location of signage and the colour of buildings to ensure that they contribute in a positive way to the City and the Region.

Strategic Objectives

- a) To balance the need of commercial enterprises to advertise their products, services and facilities.
- b) To ensure advertising makes a positive contribution to the general environment of the City, villages and to the streetscapes.
- c) To acknowledge that outdoor advertising, as a means of visual communication will be subject to different, and sometimes competing, aesthetic values.
- d) To avoid the proliferation of advertising and directional signs, which will compete for driver's attention within road reserves.
- e) To encourage advertising that contributes to the viability of a business centre.
- f) To permit signage and colour schemes of a type, scale and location that will enhance the heritage elements of an historic setting, without detracting from its significance, particularly with respect to the Bathurst CBD and within heritage conservation areas.
- g) To treat Mount Panorama and its associated activities as a special precinct. Applications for signage on Mount Panorama will be considered in terms of the economic benefits to motor racing, scenic impact and tourism.
- h) To treat Sofala and Hill End as special precincts. Applications for signage in these villages will be considered in terms of the heritage significance of each location.

12.2 ADVERTISING SIGNAGE

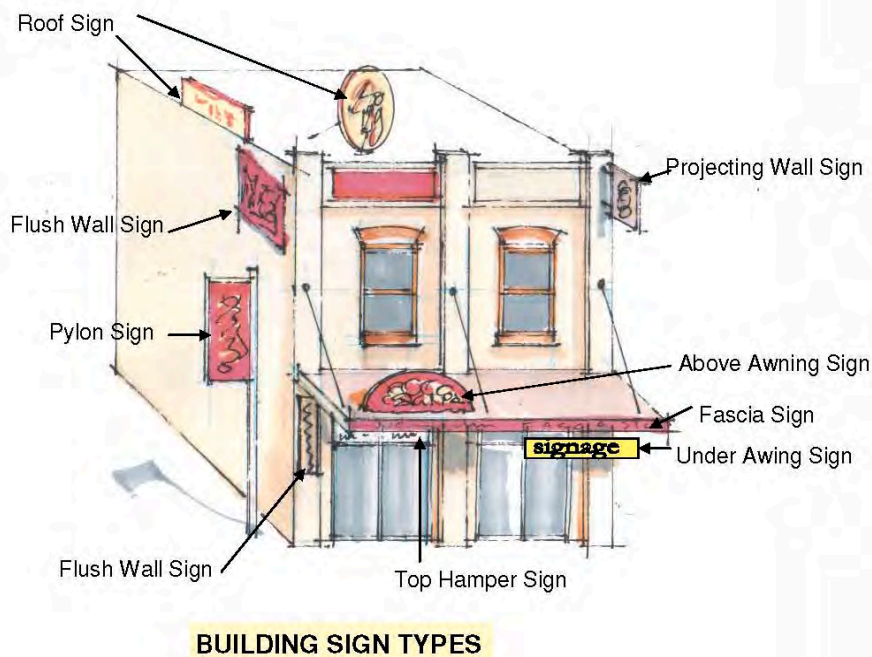
12.2.1 Definitions

This Plan adopts the definitions under the LEP and those definitions for different types of signage as outlined in the table below and illustrated in the following figure.

Sign Type	Definition
Above awning sign	Means a sign attached to the topside of an awning (other than the fascia, return end or under the awning).
Blade sign	Means a freestanding advertising structure with moulded advertising face panels which is independent of any building or other structure.
Building identification sign	Means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol, but that does not include general advertising of products, goods or services.
Business identification sign	Means a sign: <ul style="list-style-type: none"> • that indicates the name of the person or business, and the nature of the business carried on by the person at the premises or place at which the sign is displayed, and • that may include the address of the premises or place and a logo or other symbol that identifies the business, but that does not include any advertising relating to a person who does not carry on business at the premises or place.
Directional sign	Means a sign erected within or adjacent to a road reserve to provide drivers with directions to specified establishments or locations.
Directory board sign	Means a sign that displays a business identification sign for 2 or more businesses.
Electronic Sign	Means a sign which is able to produce static or moving words or images.
Fascia sign	Means a sign attached to the fascia or return end of an awning.
Floodlit sign	Means a sign illuminated by an external source of artificial light.
Flush wall sign	Means a sign attached to the wall of a building (other than the transom of a doorway or display window) and not projecting more than 0.3m from the wall.
Illuminated sign	Means a sign illuminated by an internal source of artificial light.
Projecting wall sign	Means a sign that is attached to the wall of a building (other than the transom of a doorway or display window) and projecting horizontally more than 0.3m from the wall.
Public notice sign	Means a sign displayed by a public authority and giving information or directions about the services provided by the public authority.
Pole or Pylon sign	Means an advertisement erected on a pole or pylon which is independent of any building or structure.

Sign Type	Definition
Real estate sign	Means a sign which advertises premises or land for sale or lease and that is not displayed for more than 14 days after letting or completion of the sale.
Roof sign	Means a sign erected on or above the roof, parapet or eaves of a building.
Temporary sign	Means a sign of a temporary nature that: <ul style="list-style-type: none"> • announces any local event of a religious, educational, cultural, political, social, sporting or recreational character or relates to any temporary matter in connection with such an event, and • does not include advertising of a commercial nature (except for the name of an event's sponsor), and • is not displayed for more than 28 days before or 7 days after the event.
Top hamper sign	Means a sign attached to the transom of a doorway or display window of a building.
Under awning sign	Means a sign attached to the underside of an awning (other than the fascia or return end).

A proposed sign may fit into one or more definitions listed in the table above. In such circumstances the sign must meet all relevant development criteria for each definition category.



12.2.2 Exempt Development

- a) **Schedule 2 – Exempt Development** of the LEP outlines those circumstances where building and business identification signs, real estate signs and temporary signs may be considered exempt development.

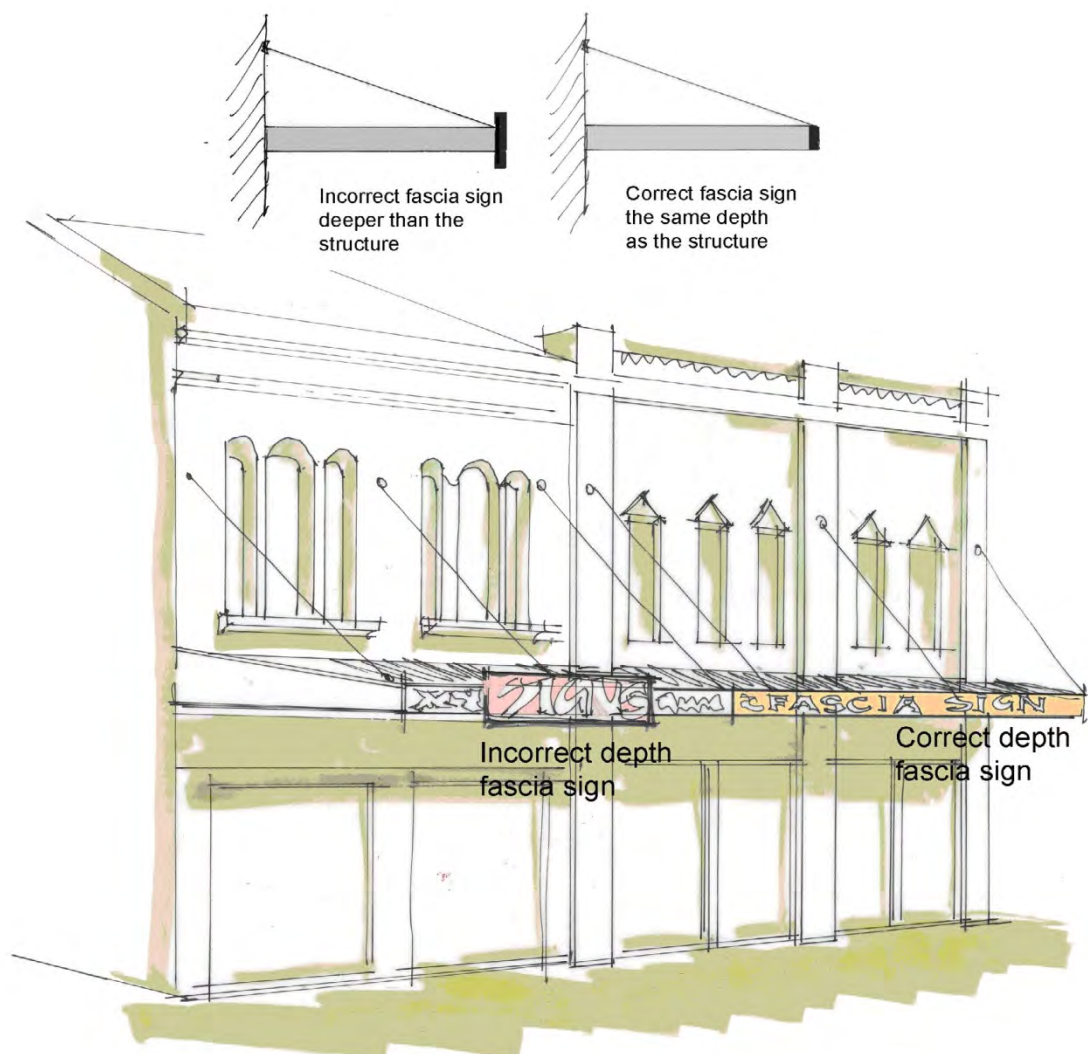
Note: State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 may also contain exemptions for signage.

12.2.3 Fascia signs

A fascia sign means an advertising structure attached to the fascia or return of an awning. Fascia signs must not extend beyond the depth of the existing fascia on the awning of the building.

Development consent is not required if the fascia sign:

- ◇ Is erected in zones B3 Commercial Core, B5 Business Development or IN1 Industrial; and
- ◇ Does not extend beyond the depth of the existing fascia on the awning of the building.



12.2.4 Locational requirements

This section applies to the erection of signage within the Bathurst Regional local government area except for land within Zone **SP3** - Tourist at Mount Panorama and land within Zone **RU5** - Village at Hill End and Sofala.

- a) Council must not grant consent to the erection of signage in those locations outlined in the table below.

Sign Type	Locational requirements where Council must <u>not</u> grant consent to the erection of signage.
Above awning sign	<ul style="list-style-type: none"> • Within a heritage conservation area. • On a heritage item.
Blade, Pole or Pylon sign	<ul style="list-style-type: none"> • Within Zone R1 - General Residential, Zone R2 Low Density Residential or RU5 - Village and another pylon sign is already located on the land. • On land that contains a heritage item and another pylon sign is already located on the land. • Where the sign is visible from a State Highway or major road and another pylon sign/projecting wall sign is already located on the land and is visible from a State Highway or major road.
Electronic Sign	<ul style="list-style-type: none"> • Within Zones R1 - General Residential or R2 Low Density Residential. • Attached to a Heritage Item or located above awning level. • Within a Heritage Conservation Area, where located above awning level.
Floodlit sign	<ul style="list-style-type: none"> • Where the sign is to be up- lit. • Within Zones R1 - General Residential or R2 Low Density Residential.
Illuminated sign	<ul style="list-style-type: none"> • Within Zones R1 -General Residential or R2 Low Density Residential. • On a heritage item.
Projecting wall sign	<ul style="list-style-type: none"> • Within a heritage conservation area, where located above awning level. • On a heritage item, where located above awning level. • Where the sign is visible from a State Highway or major road and another projecting wall sign/pylon sign is already located on the land and is visible from a State Highway or major road.
Real estate sign	<ul style="list-style-type: none"> • Where the sign is to be located on or above the roof, parapet or eaves of a building. • Where the sign is located above awning level and projects outwards from a wall.
Roof sign	<ul style="list-style-type: none"> • Where the sign is located on the ridge of the building's roof.

12.2.5 General development standards

Council must not grant consent to the erection of signage (excluding land located within Zone **SP3** - Tourist at Mount Panorama) unless the signage complies with the development standards listed below.

- a) Council may only grant consent to signage (other than directional signs and directory board signs) where they are used in conjunction with a permissible use and situated on the land on which that use is conducted. (refer to Clause **7.10** Signage of the LEP for exceptions to this requirement).
- b) The size of the sign and its contents/design (letters, number and symbols) must complement the scale of the building to which they relate and its streetscape. A scale drawing of the building elevation is to be submitted with the development application showing that the sign and its contents/design are in proportion to the building.
- c) Signs must not visually dominate the area of building walls. No more than 5% of the front and return elevations of a building, or any other building elevation that is visible to a public place, is to be covered by signage (excluding the fascia signage). The total number of signs must not detract from the overall aesthetic character of the building.
- d) Council must not grant consent to the erection of signage outlined in the table below unless the signage complies with the development standards listed in the table below.

NOTE: Development Application fees for the erection of signage within Zone B3 – Commercial Core are waived pursuant to Council Policy

Sign Type	Development Standards
Above awning sign	<ul style="list-style-type: none"> The height of the sign must not exceed the eave height of the building to which it relates. The size of the sign panel must not exceed 4 square metres. The sign must not obscure windows and architectural features of the building.
Blade sign	<ul style="list-style-type: none"> The height of the sign must not exceed the roof height of the building to which it relates. The size of each face of the blade sign must not exceed 10 square metres. The width of the sign must not exceed 2.4 metres. The sign must be constructed so that it is structurally adequate to withstand the dead and live (wind) loads that may be imposed on it.

Sign Type	Development Standards
Building identification sign	<ul style="list-style-type: none"> Signs must be placed in an appropriately or purposely designed space on new buildings or within the original historic signage space on an existing building. If backing boards are used, their shape and size must be of the right proportions for the allocated space on the building so that signage does not cover the architectural features of a building.
Business identification sign	<ul style="list-style-type: none"> Signs are to be placed in an appropriately or purposely designed space on new buildings or within the original historic signage space on an existing building. If backing boards are used, their shape and size must be of the right proportions for the allocated space on the building so that signage does not cover the architectural features of a building.
Directional sign	<ul style="list-style-type: none"> The sign must not interfere with sight lines for drivers.
Directory Board sign	<ul style="list-style-type: none"> The height of the sign must not exceed 5 metres, or the roof heights of the building to which the directory board relates, whichever is the lesser. The sign must not interfere with sight lines for drivers.
Electronic Sign	<ul style="list-style-type: none"> The sign must not obscure windows and architectural features of the building. The speed limit of the road must not be greater than 70 kilometres per hour. The time to change the display must not be greater than 1 second. The display must be completely static from its first appearance to the commencement of a change to another display. The level of illumination must adjust according to ambient light levels. The sign must not contain any scrolling messages (i.e. displayed text or graphics which moves up, down or across the screen so that a line of text or graphics appears at one edge of the screen for each line that moves off the opposite edge).
Fascia sign	<ul style="list-style-type: none"> The size of the sign must not extend beyond the depth of the existing fascia.
Floodlit sign	<ul style="list-style-type: none"> Floodlights must point downwards.

Sign Type	Development Standards
Flush wall sign	<ul style="list-style-type: none"> Signs must be placed in an appropriately or purposely designed space on new buildings or within the original historic signage space on an existing building. If backing boards are used, their shape and size must be of the right proportions for the allocated space on the building so that signage does not cover the architectural features of a building. Signs must not exceed 6 square metres in area or 5% of the elevation of the building on which the sign is fixed whichever is the lesser.
Public notice sign	<ul style="list-style-type: none"> The sign must not interfere with sight lines for drivers.
Projecting wall sign	<ul style="list-style-type: none"> Signs must not exceed 4 square metres in area. The sign must be constructed so that it is structurally adequate to withstand the dead and live (wind) loads that may be imposed on it.
Pole or Pylon sign	<ul style="list-style-type: none"> The height of the sign must not exceed the roof height of the building to which it relates. The size of the sign panel must not exceed 5 square metres. The sign must be constructed so that it is structurally adequate to withstand the dead and live (wind) loads that may be imposed on it.
Real estate sign	<ul style="list-style-type: none"> The sign must be located wholly within private property.
Roof sign	<ul style="list-style-type: none"> The height of the sign must be below the ridge height of the building.
Temporary sign	<ul style="list-style-type: none"> The sign must not interfere with sight lines for drivers.

12.2.6 Signage in Heritage Conservation Areas

Notwithstanding section 12.2.5 of this Plan, Council must not grant consent to the erection of signage in a Heritage Conservation Area or on a building which is a Heritage Item unless the signage also complies with the development standards listed below.

- a) Signs must not visually dominate the area of building walls. The total number of signs must not detract from the overall aesthetic character of the building.
- b) Signs must be placed in an appropriately or purposely designed space on new buildings or within the original historic signage space on an existing building.
- c) If backing boards are used, their shape and size is to be of the right proportions for the allocated space on the building so that signage does not cover the architectural features or obscure windows of a building. In this regard signs painted directly on the building fabric are preferred (except on fabric that has not been previously painted).
- d) Signs must take into account the shape and proportion of the space they will fill and be in sympathy with that space.

- e) The size of the sign and its contents/design (letters, number and symbols) must complement the scale of the building to which they relate and its streetscape. A scale drawing of the building elevation is to be submitted with the development application showing that the sign and its contents are in proportion to the building.
- f) Colours used on signs are to include those outlined in section **12.3.3** below. Corporate colours should be modified to match the traditional colour range or be used only as trim on the sign.
- g) The lettering/numbers/symbols used on the sign should generally reflect the designs that would have been historically used during the era when the building was constructed (refer to historical photos for design guidance – those photos should be lodged with the Development Application).

12.2.7 Signage at Hill End and Sofala

Notwithstanding sections **12.2.5** and **12.2.6** of this Plan, Council must not grant consent to the erection of signage in the Villages of Hill End and Sofala (within Zone **RU5** Village) unless the signage also complies with the development standards listed below.

- a) Signage must relate to the historical location of signage on the building and within the streetscape (refer to historical photos for design guidance – these photos should be lodged with the Development Application).
- b) Signs must be placed within the original historic signage space on an existing building. If the building has no such locations, signage will not be permitted.
- c) The size of the sign and its contents/design (letters, number and symbols) must be discreet and complement the scale of the building to which they relate and its streetscape. A scale drawing of the building elevation is to be submitted with the development application showing that the sign and its contents are in proportion to the building.
- d) The lettering/numbers/symbols used on the sign must reflect the designs that would have been historically used during the era when the building was constructed (refer to historical photos for design guidance – these photos should be lodged with the Development Application).
- e) Signage must include perimeter borders of a dark tone appropriate to the colour scheme of the building.
- f) The use of corporate colour schemes on a building or within signage that contains primary colours or colours that are not within an acceptable colour spectrum will not be permitted.
- g) Permanent signs on shop windows must not cover more than 25% of the window area. Lettering should be dark coloured on the glass with a white translucent stipple background (gold and silver edging is optional).
- h) Fascia signs must have a maximum height of 175mm. Lettering is to be to a maximum height of 150mm.
- i) Painted wall signs (except on fabric previously not painted) are encouraged where they reinstate an historic sign on the same location on a building.

- j) Signs must not be illuminated, except for small neon signs inside of shop windows.
- k) Under awning signs and pylon signs are generally not permitted.

12.2.8 Signage at Mount Panorama (Zone SP3 – Tourist)

Council may grant consent to signage at Mount Panorama which:

- a) Supports the economic benefits of motor racing.
- b) Complements the existing scenic quality of the area, both rural and motor racing.
- c) Encourages and promotes the development of Mount Panorama as a regional recreation facility and as an international motor racing circuit.

12.3 COLOUR SCHEMES FOR BUILDINGS

12.3.1 Land to which this Section applies

This section applies to land within a Heritage Conservation Area or land that contains a heritage item.

12.3.2 Development standards

- a) The consent of Council is required for the rendering and/or painting of buildings within a Heritage Conservation Area or which are listed as a heritage item under **Schedule 5 – Environmental Heritage** of the LEP.

Note: Development Application fees for the painting of buildings within Zone **B3** - Commercial Core are waived pursuant to Council policy.

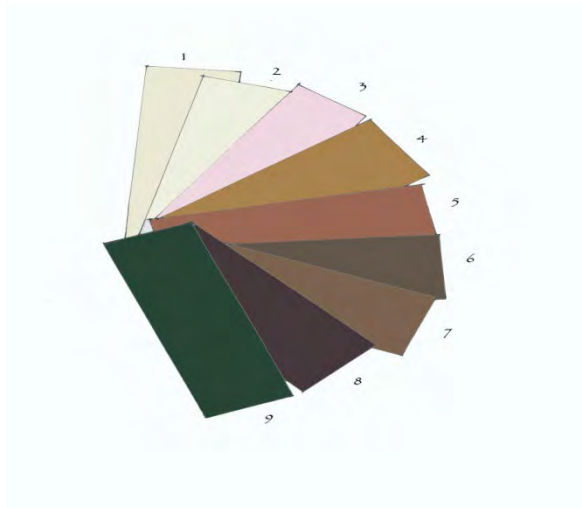
Note: Under certain circumstances the repainting of buildings in residential areas is exempt development under the LEP.

- b) Council must not grant consent to the painting, repainting or rendering of a building or structure within a heritage conservation area or on a building or structure which is a heritage item unless the colour scheme complies with the following standards.
 - i) Painting or rendering of face brickwork not previously painted or rendered is not permitted unless Council is of the opinion that the painting or rendering will not adversely impact on the aesthetic appearance and physical health of the building.
 - ii) Painting of buildings is to be within those colour ranges on traditional colour charts, and generally in accordance with those listed in section **12.3.3** below.
 - iii) Corporate colours are to be modified to match the traditional colour range and so be less restricted in the extent used. For example, 'Indian Red' can be supplemented for Primary Red and 'Gull Grey' or 'Teal' for Primary Blue.
 - iv) Corporate colours that contain primary colours or colours that are not within an acceptable colour spectrum will not be permitted. Council may only consider the use of corporate colours for the building trim where they complement the traditional colours used on the rest of the building.

12.3.3 Colour palettes

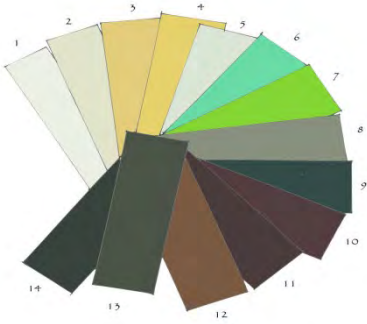
The painting of buildings is generally to be in accordance with the colour ranges outlined in the tables below.

Colonial to Early Victorian 1840-1860

Colour	Dulux Master Colour Palette Reference no.	Example
1. Pale (Light) stone	40YY 64/152	
2. Cream	18YY 67/243	
3. Pink	13YR 52/153	
4. Buff	10YY 24/317	
5. Terracotta	64YR 19/246	
6. Middle Brown	76YY 07/298	
7. Earth	07YY 19/137	
8. Purple Brown	96RR 02/196	
9. Deep Brunswick Green	80GY 03/153	

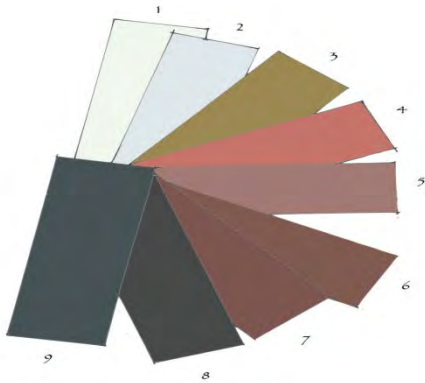
Mid Victorian 1860-1890

To the colonial colours many half tones were added to make 'light' versions. New colours added to the pallet included the following.

Colour	Dulux Master Colour Palette Reference no.	Example
1. Regency White	20YY 65/124	
2. Warm Grey	45YY 47/116	
3. Beige	18YY 40/207	
4. Sandstone	28YY 39/299	
5. Grey Green	98YY 47/09	
6. Eau-de-nil	94/GY 38/179	
7. Pea Green	22GY 35/344	
8. Naval Grey	60YY 26/064	
9. Mid Brunswick Green	89GY 04/238	
10. Indian Red	18YR 03/312	
11. Dark Crimson	08YR 02/246	
12. Leaf Brown	76YR 16/379	
13. Dark Drab	99YY 08/124	
14. Deep Bronze Green	41GY 03/103	

Late Victorian 1890s

Again, keeping the previous colours but adding the following to the pallet.

Colour	Dulux Master Colour Palette Reference no.	Example
1. Lime White	35YY 82/073	
2. Ice (Pale) Blue	00BB 65/036	
3. Golden Bronze	42YY 21/354	
4. Egyptian Red	28YR 20/300	
5. Pale Purple	13YR 19/169	
6. Sienna	05YY 19/375	
7. Red Oxide	37YR 07/284	
8. Bungalow or Brown	61YR 02/097	
9. Lead	37GG 11/010	

Federation and the Twenties 1900-1930

In the Federation years houses were often face brick with tiled roofs, and paint colours limited to trims. Two predominant colour schemes in that period were shades of cream to buff, or shades of green. Again many shades were already in use, and some were toned down or made darker.

However as time passed more variety was added to the colours including the following.

Colour	Dulux Master Colour Palette Reference no.	Example
1. Pale Pink	72YR 66/121	
2. Mauve Pink	75RR 55/098	
3. Straw	14YY 61/477	
4. Pale Vellum	96YY 59/091	
5. Light Straw	47YY 58/243	
6. Sea Green	38GG 62/155	
7. Mauve Grey	18BB 41/075	
8. Sapphire Blue	32BB 32/171	
9. Violet	61BB 36/179	
10. Bath Stone	43YY 41/161	
11. Olive Drab	44YY 22/191	
12. Apple Green	04GY 17/308	

The colours above are not exhaustive. Light or pale versions can be made by reducing the colours strength to half tones etc. Most propriety paint companies offer their own colour templates for heritage periods.

SOURCE: *Dulux Master Palette and Evans, Lucus and Stapleton 'Colour Schemes for Old Australian Houses'. 1993.*

Refer also to: www.heritage.vic.gov.au/Heritage-places-objects/What-house-is-that/index_over.html

For the Dulux Master Colour Palette reference visit:

<http://www.dulux.com.au/specifier/colour/colour-atlas>

13 LANDSCAPING AND GREENING

13.1 PRELIMINARY

13.1.1 Land to which this Section applies

This section applies to all land in the Bathurst Regional Local Government Area (LGA).

13.1.2 Strategic priorities and objectives

- a) The Bathurst Region Urban Strategy 2007 and the Bathurst Region Rural Strategy 2008 establish the following key priorities and objectives that relate to biodiversity and to the 'greening' of the Bathurst region.

Strategic Priorities

- a) To determine the best way to protect and enhance biodiversity and encourage revegetation and better biodiversity management.
- b) To determine the best way to encourage ecologically sustainable development and the protection of urban biodiversity and vegetation resources.

Strategic Objectives

- a) To protect, enhance and adequately manage areas of high terrestrial and aquatic biodiversity conservation value.
- b) To promote the restoration of lost biodiversity.
- c) To plan for the protection and enhancement of the Sawpit Creek and Raglan Creek corridors by requiring their rehabilitation and enhancement.

13.2 REMOVAL OF TREES

This section outlines those lands and trees to which **Clause 5.10 Heritage Conservation** of the LEP apply. Council's LEP and DCP provide the legislative tools for the protection of trees within Heritage Conservation Areas or Heritage Items within the Bathurst region.

13.2.1 Land/Trees to which this Section applies

This section applies to the following lands:

- a) Any land within a Heritage Conservation Area identified by Schedule 5 – Environmental Heritage of the LEP.
- b) Any land identified as a Heritage Item by Schedule 5 – Environmental Heritage of the LEP.

This section applies to trees located on lands identified above to which the Bathurst Regional Council Tree Preservation and Management Policy applies.

13.2.2 Objectives

The objectives of the protection, preservation and management of trees or vegetation forms are to:

- a) Protect trees and other vegetation within the Heritage Conservation Areas contained within the Bathurst Regional LGA or on land which contains a Heritage Item.
- b) Protect and enhance native vegetation, habitat for native fauna and biodiversity.
- c) Conserve trees and other vegetation of ecological, heritage, aesthetic and cultural significance.
- d) Define Council's responsibilities and requirements with respect to the protection, retention and enhancement of trees and native vegetation.
- e) Ensure that consideration is given to trees and native vegetation in planning, designing and constructing development.
- f) Identify trees and other vegetation that may be pruned or removed without a permit or development consent.

13.2.3 Development standards

- a) A person must not ringbark, cut down, remove, injure or wilfully destroy any tree referred to in section **13.2.1** above without first making application to Council on the prescribed Application form or under a development application in accordance with Council's Tree Preservation and Management Policy.

13.3 LANDSCAPE PLANS

13.3.1 Objectives

- a) To improve the visual amenity and to ensure that developments do not dominate their surroundings.
- b) To provide an environment which enhances the streetscape and the surrounding neighbourhood.
- c) To provide an attractive outdoor living area.
- d) To provide landscaped buffers to reduce the potential for conflict between land uses.
- e) To provide general design principles to ensure that appropriate landscaping is provided to complement the type of development proposed.

13.3.2 When is a landscape plan required to be lodged with Council?

- a) A Landscape Plan is required to be lodged with a Development Application for the following types of development:
 - i) Medium Density Housing.
 - ii) Business Development (excluding land zoned **B3** Commercial Core).
 - iii) Industrial Development.
 - iv) Subdivision of land which incorporates Agricultural Interfaces, Land Use buffers, Major Road buffers, Open Space, Environmental Protection Areas and/or Vegetation Screens as identified on any relevant DCP Map.

- v) Subdivision of land which creates or adjoins an arterial or sub-arterial road for which direct access to private properties will not be granted. (Note: the landscape plan is to relate to the land between the lots created and the arterial or sub-arterial road/s – see section **13.3.9**).
- vi) Subdivision of land which adjoins or encloses a designated waterway or water body.
- vii) Subdivision of land which may impact upon the natural movements of protected or threatened flora and fauna species in the area.
- viii) Any other development that, in the opinion of Council, should be accompanied by a Landscape Plan.

13.3.3 Requirements of a landscape plan

- a) The following information must be shown on a Landscape Plan.
 - i) Plans are to be drawn to a suitable scale (preferably 1:100 – 1:200).
 - ii) North point.
 - iii) Position of existing and proposed main structures on the site (including buildings, car parks, fencing, paths, retaining walls and surface materials).
 - iv) Position, height, width and species name of existing trees (including those proposed to be removed) and other natural features. All plantings are to be drawn to scale.
 - v) The provision of a table identifying botanical and common plant names, the number of proposed plants to be planted, their mature growing height for Bathurst, the pot size of plants to be installed, and a key that identifies the location of each plant species to be planted.
 - vi) The number of proposed plants and their mature height for Bathurst.
 - vii) Planting details (staking, mulching, soil depths, drainage, etc).
 - viii) Locations, functions and dimensions of physical landscape structures such as paving, fencing, walls, screens, street furniture and grassed areas.
 - ix) Irrigation details.
 - x) Edging details to planting beds.
- b) For examples of the type of landscape plans required by Council refer to **Schedule 5** of this Plan.

13.3.4 Landscape maintenance

Maintenance Principles

The following maintenance principles are to be incorporated into all landscape plans.

- a) Tree and lawn species should be chosen to suit variations in soil, climate and insect attack.

- b) Garden beds are to incorporate weed control mats, mowing edges and are to be mulched to a minimum depth of 80mm.
- c) An automated drip or trickle irrigation system is to be installed in preference to manual or spray watering systems. The watering system must be installed at sufficient intervals to maintain the landscaping.
- d) The use of advanced trees and shrubs, as well as the use of turf rather than grass seed is recommended.
- e) Maintenance of landscaping to ensure survival of plants will be a continuing requirement of any development consent.

Maintenance Conditions of Consent

- a) This section applies to the following types of development:
 - i) Residential Units, involving more than 10 dwellings.
 - ii) Business Development for sites which adjoin a major road or highway.
 - iii) Industrial Development for sites which adjoin a major road or highway.
 - iv) Subdivision of land which incorporates any of the following land management areas: Agricultural Interface Areas, Land Use buffers, Major Road buffers, Open space, Environmental Protection Areas, Outer riparian corridor, Top of Raglan Creek bank and Vegetation Screens as identified on any relevant DCP map.
 - v) Subdivision of land which creates or adjoins an arterial or sub-arterial road for which direct access to private properties will not be granted.
 - vi) Subdivision of land which adjoins or encloses a designated waterway or water body.
 - vii) Subdivision of land which may impact upon the natural movements of protected or threatened flora and fauna species in the area.
 - viii) Any other development that in the opinion of Council requires specific ongoing monitoring of landscape maintenance.
- b) Council must not issue a development consent under this section unless it imposes conditions of consent to ensure landscape plans are implemented and maintained. This should include, as a minimum, conditions relating to the following matters.
 - i) The approved/certified landscape plan is to be implemented and landscaping maintained for the life of the development.
 - ii) The requirements necessary to ensure protection of any existing vegetation during and after construction.
 - iii) The submission of a report from a suitably qualified landscape architect 2 years after the issue of the occupation or subdivision certificate that certifies that the landscaping implemented under the landscape plan has

been adequately retained and maintained. Where vegetation has died or been significantly damaged, it is to be replaced.

13.3.5 Design principles

The following general design principles are to be incorporated into all landscape plans.

- a) Designs should be simple, yet effective and easy to maintain.
- b) Landscaped areas shall have a minimum width of 2 metres.
- c) Trees should be the major element in the landscape, followed by shrubs and supplemented by ground cover plants and grasses.
- d) Tree species selection must be in scale with the size of the proposed building (e.g. 2 storey buildings must include trees with an achievable mature height of 8 metres).
- e) Hard elements, such as paving, walls, fencing etc. should not be considered as substitutes for soft elements such as trees, shrubs, ground cover and grasses.
- f) The Bathurst Vegetation Management Plan is to be considered in relation to landscape design and plant species, particularly where land adjoins or is adjacent to public lands.
- g) Existing trees, shrubs, groundcovers and grasses should be retained as far as possible and incorporated into new development.
- h) Massed groups of a few species are more effective than large numbers of different species.
- i) Group planting should be in accordance with their shape and particular function.
- j) Noxious plants or invasive species are not to be used.
- k) Plantings should be located sufficiently distant from buildings and services to minimise disturbance and future maintenance.
- l) Plant species are to suit the Bathurst Region Climate and should minimise the need for ongoing regular watering beyond establishment.
- m) The landscape design must incorporate sufficient planting densities to achieve the intent of the design (i.e. mass ground cover, screening, hedging and specimen planting). In addition, planting densities are to be commensurate with the extent of area of the development.
- n) Landscaping should optimize the use of permeable surfaces; storm water treatment and onsite water reuse where appropriate (refer to the Salinity and Water Quality Alliance Stormwater to Smartwater (S₂S) Policy).

13.3.6 Design principles – Residential units

The following additional design principles are to be incorporated into a Landscape Plan for residential unit developments.

- a) Low maintenance gardens are to be provided in communal open space areas.

- b) Mature trees and shrubs should be retained as shade and character where practicable.
- c) Tree plantings can be used to provide privacy between different open space areas.
- d) When siting trees consider the possible damage that might be caused by falling trees or branches and root penetration into foundations and/or drains.
- e) The front setback areas are to be landscaped with trees and shrubs in scale with the building and which complement the streetscape.
- f) All landscaped areas are to be separated from vehicular areas by the use of a 150mm high kerb or similar physical barrier.
- g) At a minimum, the following vegetation is to be provided **per dwelling**.

Development Standard per Dwelling/Unit	Minimum Mature Height
1 medium tree, and	6 metres for single storey buildings or 8 metres for multi storey buildings.
2 small trees, and	4 metres.
6 shrubs per dwelling/unit.	1 metre.

13.3.7 Design principles – Business and industrial development

The following additional design principles are to be incorporated into a Landscape Plan for business and industrial developments.

General

- a) Landscaping is to be provided between the property boundaries and the buildings, screen walls, fences, open work areas and vehicular movement areas.
- b) Landscaping must consist of:
 - i) suitable sized trees for shade or as a visual barrier,
 - ii) shrubs and ground cover,
 - iii) earth shaping and mounding, where appropriate, and
 - iv) special features (e.g. rockeries), where appropriate.
- c) Screen planting, to a height of at least 4 metres, is to be included in the landscape treatment of developments facing a highway, a major road, the Scots school or a nearby residential area.
- d) All landscaped and grassed areas are to be separated from all vehicle manoeuvring and parking areas by the use of a 150 mm high fixed barrier or kerb.
- e) All cut scars, fill barriers and retaining walls are to be fully vegetated with shrubs, trees and ground covers.

- f) Adequate fixed underground watering equipment is to be installed in all landscaped areas.

Parking Areas

- a) Parking areas shall contain tree planting to provide shade for vehicles and to soften the visual impact of parking facilities.
- b) For every sixth car parking space, landscaping bays (2.0m x 5.5m in area) are to be provided and appropriately sited trees planted within each bay.
- c) Where parking areas are provided in front of the building line, a landscape screen is to be provided along the front and side property boundaries to soften the visual impact of the parking area on the streetscape.

13.3.8 Design principles – Development Control Plan Maps

The following additional design principles are to be incorporated into a Landscape Plan for land areas shown on the relevant DCP Maps listed in the table below.

Council must not issue a subdivision certificate for the subdivision of land or a final occupation certificate for the occupation of a building (whichever applies) unless vegetation and other works required by a landscape plan as outlined in the table below is planted and fenced to the satisfaction of Council.

Bathurst Regional Development Control Plan 2014

Landuse Control shown on the DCP Map	Applicable Development Control Plan Map	Dimensions and characteristics	Species Type/ Planting Characteristics	Planting Density	Timing of Planting
Landuse Buffer	<ul style="list-style-type: none"> Map No. 4 - Kelso. Map No. 9 - Service Trade Centre. Map No. 11 – Sydney Road (North). Map No. 12 - Hampden Park Road (East). Map No. 13 - Esrom Street. 	<ul style="list-style-type: none"> Buffer width: various (refer DCP Map legend). Width of plantings: to extend for full width of buffer. 1 metre high, centrally located, mounded buffer is encouraged. Landscape plan required to be submitted with an application for subdivision. 	<ul style="list-style-type: none"> Native trees and shrubs. Mature height of trees is to exceed the height of buildings on site. The mature buffer is to contain a shrubby understorey. The buffer is to contain randomly placed plantings of tree, shrub and groundcover species with different growth habits and a maximum spacing of 5 metres. 	<ul style="list-style-type: none"> Trees are to be planted at a density which will effectively screen buildings from neighbouring properties. 	<ul style="list-style-type: none"> Prior to issue of occupation certificate.

Bathurst Regional Development Control Plan 2014

Landuse Control shown on the DCP Map	Applicable Development Control Plan Map	Dimensions and characteristics	Species Type/ Planting Characteristics	Planting Density	Timing of Planting
Major Road Buffer	<ul style="list-style-type: none"> Map No. 4 - Kelso. Map No. 15 - Robin Hill. Map No. 24 - Rockley. Map No. 26 - Peel. 	<ul style="list-style-type: none"> Buffer width: <ul style="list-style-type: none"> oKelso – 5 metres oRobin Hill – 40 metres oRockley – 7 metres oPeel – 40 metres 1 metre high, centrally located, mounded buffer is encouraged. Width of tree plantings: minimum 50% of buffer width. Landscape plan required to be submitted with an application for subdivision. 	<ul style="list-style-type: none"> Native trees and shrubs. Mature height of trees is to exceed 10m. The mature buffer is to contain a shrubby understorey. The buffer is to contain randomly placed plantings of tree, shrub and groundcover species with different growth habits and a maximum spacing of 5 metres. 	<ul style="list-style-type: none"> Trees to be planted in minimum of 3 rows. Trees to be placed 4 - 5m apart. 	<ul style="list-style-type: none"> Prior to issue of subdivision certificate.

Bathurst Regional Development Control Plan 2014

Landuse Control shown on the DCP Map	Applicable Development Control Plan Map	Dimensions and characteristics	Species Type/ Planting Characteristics	Planting Density	Timing of Planting
Agricultural Interface	<ul style="list-style-type: none"> Map No. 14 - White Rock. Map No. 16 – Trunkey Creek. Map No. 17 – The Lagoon. Map No. 18 – Wattle Flat. Map No. 19 – Mount Rankin. Map No. 21 – Hill End. Map No. 23 - Sofala. Map No. 24 - Rockley. Map No. 25 - Georges Plains. Map No. 26 - Peel. Map No. 27 - Yetholme. 	<ul style="list-style-type: none"> Buffer width: various (refer to the DCP map) 1 metre high, centrally located, mounded buffer is encouraged. Width of tree/shrub plantings: minimum of 50% of the buffer width. Area of 5m either side of plantings to remain unvegetated. Landscape plan required to be submitted with an application for subdivision. 	<ul style="list-style-type: none"> Native trees and shrubs. Species with long and thin rough foliage. Species that are fast growing and hardy. Species indigenous to the area, at natural densities. The mature buffer is to contain a shrubby understorey. The buffer is to contain randomly placed plantings of tree, shrub and groundcover species with different growth habits and a maximum spacing of 5 metres. 	<ul style="list-style-type: none"> Areas of planting should contain random plantings of a variety of tree and shrub species of differing growth habits. Trees to be placed 4 - 5m apart. 	<ul style="list-style-type: none"> Prior to issue of subdivision certificate.

Bathurst Regional Development Control Plan 2014

Landuse Control shown on the DCP Map	Applicable Development Control Plan Map	Dimensions and characteristics	Species Type/ Planting Characteristics	Planting Density	Timing of Planting
Open Space	<ul style="list-style-type: none"> • Map No. 1 - Raglan. • Map No. 2 - Perthville. • Map No. 3 - Eglinton. • Map No. 4 - Kelso. • Map No. - 5 Windradyne, Llanarth and Abercrombie. • Map No. 9 - Service Trade Centre. • Map No. 11 - Sydney Road Precinct (North). • Map No. 12 - Hampden Park Road (East). • Map No. 15 – Robin Hill. • Map No. 28 - Mt Panorama. 	<ul style="list-style-type: none"> • Dimensions: various (refer DCP Maps) • Sawpit Creek Corridor (DCP Map No. 5) , minimum width: 50m 	<ul style="list-style-type: none"> • Retain existing native trees and shrubs. • Re-vegetate where appropriate with same species and/or in accordance with the requirements of the Bathurst Vegetation Management Plan where relevant. 	<ul style="list-style-type: none"> • Areas of plantings should contain random plantings of appropriate species. 	<ul style="list-style-type: none"> • Prior to issue of subdivision certificate.

Bathurst Regional Development Control Plan 2014

Landuse Control shown on the DCP Map	Applicable Development Control Plan Map	Dimensions and characteristics	Species Type/ Planting Characteristics	Planting Density	Timing of Planting
Environmental Protection Areas	<ul style="list-style-type: none"> • Map No. 14 - White Rock. • Map No. 15 - Robin Hill. • Map No. 16 – Trunkey Creek. • Map No. 17 – The Lagoon. • Map No. 18 – Wattle Flat. • Map No. 19 – Mount Rankin. • Map No. 20 - Mt Haven Estate. • Map No. 21 – Hill End. • Map No. 23 – Sofala. • Map No. 24 – Rockley. • Map No. 26 - Peel. • Map No. 27 - Yetholme. 	<ul style="list-style-type: none"> • Dimensions - various (refer DCP Maps) 	<ul style="list-style-type: none"> • Retain existing native trees and shrubs. • Re-vegetate where appropriate with same species. 	<ul style="list-style-type: none"> • Areas of plantings should contain random plantings of appropriate species. 	<ul style="list-style-type: none"> • Prior to issue of subdivision certificate.
Major Road Buffer	<ul style="list-style-type: none"> • Map No. 8 – Gateway Enterprise Park. 	<ul style="list-style-type: none"> • Buffer width: minimum 5 to 15 metres. • Width of tree plantings: minimum 5 to 10m. 	<ul style="list-style-type: none"> • Plant a mix of Native and Exotic trees. • Shrubs and multi-stemmed trees are not permitted. 	<ul style="list-style-type: none"> • Species should be planted in groups rather than in formal avenues. 	<ul style="list-style-type: none"> • Prior to issue of subdivision certificate.

Bathurst Regional Development Control Plan 2014

Landuse Control shown on the DCP Map	Applicable Development Control Plan Map	Dimensions and characteristics	Species Type/ Planting Characteristics	Planting Density	Timing of Planting
Open Space and Outer Riparian Corridor	<ul style="list-style-type: none"> Map No. 8 – Gateway Enterprise Park. 	<ul style="list-style-type: none"> Raglan Creek Corridor (DCP Map No. 8) 	<ul style="list-style-type: none"> Re-vegetate where appropriate with same species and/or in accordance with the requirements of the Bathurst Vegetation Management Plan where relevant. The mature buffer is to contain a shrubby understory. The buffer is to contain randomly placed plantings of tree, shrub and groundcover species with different growth habits and a maximum spacing of 5 metres. 	<ul style="list-style-type: none"> Areas of plantings should contain random plantings of appropriate species. 	<ul style="list-style-type: none"> Prior to issue of subdivision certificate.

Bathurst Regional Development Control Plan 2014

Landuse Control shown on the DCP Map	Applicable Development Control Plan Map	Dimensions and characteristics	Species Type/ Planting Characteristics	Planting Density	Timing of Planting
Vegetation screen	<ul style="list-style-type: none"> Map No. 8 – Gateway Enterprise Park. 	<ul style="list-style-type: none"> Screen width: minimum 20 metres. Width of plantings: minimum 15m. 	<ul style="list-style-type: none"> Native trees. Mature height of trees is to exceed 15m. Existing mature trees to be retained where possible. Planting is within the Vegetation Screen should include a mix of shrubs, medium and large trees. The vegetation screen is to contain randomly placed plantings of tree, shrub and groundcover species with different growth habits and a maximum spacing of 5 metres. 	<ul style="list-style-type: none"> Trees to be planted in minimum of 3 rows. Trees to be placed 4 - 5m apart. 	<ul style="list-style-type: none"> Prior to issue of subdivision certificate.

13.3.9 Design principles – Arterial or sub-arterial roads

The following additional design principles are to be incorporated into a landscape plan for the subdivision of land that creates an arterial or sub-arterial road for which direct access will not be provided to individual lots.

- a) The road reserve is to include landscaping and associated mounding so that fencing is generally screened from view. Landscaping is to include low level ground covers and dense shrubs to a minimum height of 2 metres. Trees to a mature height of at least 8m are to be incorporated into the road reserve.
- b) Council must not issue a subdivision certificate for the subdivision of land unless vegetation and other works required by a Landscape Plan are planted and fenced to the satisfaction of Council.

13.4 STREET TREES

13.4.1 Objectives

- a) To improve the visual quality and amenity of new subdivisions.

13.4.2 Development standards

- a) A developer is required to make a contribution for street tree planting, or plant the required number of advanced trees of reasonable size (ie minimum of 45 litre pot with a minimum height of 1.8 – 2.0m).
- b) Council will not issue a subdivision certificate until vegetation in accordance with the approved Landscape Plan is planted and fenced.
- c) The removal of existing street trees is to be avoided wherever possible. In circumstances where Council approves an existing street tree to be removed, the developer is to make a contribution for street tree planting or plant the required number of replacement advanced trees of the approved size (minimum of 45 litre pot with a minimum height of 1.8 – 2.0m).

14 PARKING

14.1 PRELIMINARY

14.1.1 Land to which this Section applies

This section applies to all land in the Bathurst Regional Local Government Area (LGA).

14.1.2 Strategic priority and objectives

The Bathurst Region Urban Strategy 2007 establishes the following key priorities and objectives for car and bicycle parking within the Bathurst Region.

Strategic Priorities

- a) To ensure adequate car parking areas are available to service new development and the community in general.
- b) To encourage a comprehensive cycling environment.

Strategic Objectives

- a) To provide for the safe and sufficient provision of parking on-site to meet the parking demands generated by development.
- b) To ensure that safe and functional vehicular access is provided within new developments for manoeuvring purposes.
- c) To provide bicycle parking facilities.

14.2 DEFINITIONS

This section adopts the definitions under the LEP and those definitions listed hereunder. The definition for Gross Floor Area is repeated from the LEP.

Gross Floor Area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- a) the area of a mezzanine; and
- b) habitable rooms in a basement or an attic; and
- c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes:

- a) any area for common vertical circulation, such as lifts and stairs, and
- b) any basement:
 - i) storage; and
 - ii) vehicular access, loading areas, garbage and services; and

- c) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting; and
- d) car parking to meet any requirements of the consent authority (including access to that car parking); and
- e) any space used for the loading or unloading of goods (including access to it); and
- f) terraces and balconies with outer walls less than 1.4 metres high; and
- g) voids above a floor at the level of a storey or storey above.

Medium Density Housing means development for the purpose of any of the following:

- a) Dual occupancy,
- b) Semi detached dwelling,
- c) Attached dwelling,
- d) Multi dwelling housing, or
- e) Residential flat building.

Medium Density Housing does not include development for the purpose of a dwelling house or a secondary dwelling (granny flat).

CBD means that land within Zone **B3** - Commercial Core and shown on DCP Map No. **34** - Central Business District (CBD).

14.3 CAR PARKING

Development standards

- a) Consent will generally not be given to alter, enlarge, convert or increase the capacity of any existing buildings, to erect new buildings, or to use any land unless off-street car parking is provided in accordance with this section.
- b) With respect to extensions or alterations to existing buildings, the off-street car parking requirement will be calculated on the additional or altered floor space provided.
- c) All car parking spaces, ramps, aisles and driveways, shall be provided in accordance with the Guidelines issued by the Roads and Maritime Service.
- d) Council reserves the right to determine off-street car parking requirements for any development in the light of representations made to the Council by relevant traffic committees/authorities.
- e) Car parking required to be provided on-site in accordance with this Plan is to be freely available to the users of the building which it serves.
- f) Disability parking spaces, if required, are determined by the National Construction Code (see section D3.5) and are to be provided in accordance with that Code.

Contributions in lieu

- a) Council may consider a cash contribution, in lieu of on-site parking provision where:
 - i) as many car parking spaces as possible have been provided on-site, and
 - ii) the subject land is located within the area subject to Council's relevant Developer Contributions Plan for car parking spaces, and
 - iii) the subject land is located in an area where, in the opinion of Council, public car parking under the Developer Contributions Plan can be provided within reasonable proximity to the development.

Engineering and building standards

- a) On site car parking spaces shall not form part of vehicle manoeuvring areas or loading/unloading areas.
- b) All car parking areas are to be located behind the building line or should be adequately screened by landscaping to reduce the effect of the development on the streetscape (see section **13 – Landscaping and Greening** of this Plan).
- c) Car parking spaces and manoeuvring areas must comply with the minimum sizes outlined in **Schedules 1 and 2** of this Plan.
- d) Visitors parking and disability parking spaces must be clearly designated and readily accessible.
- e) All parking areas are to be paved and line marked in accordance with Council's Engineering Standards.
- f) Vehicular crossings and laybacks must be provided for satisfactory ingress/egress to the subject property.
- g) For residential development, where possible, access ways and parking areas should be provided on the southern side of the site (i.e. using the shaded area of the lot).
- h) Where car parking is provided at the rear of the site, the building is to provide a secondary entrance to integrate access between the building and the car park.
- i) Sufficient manoeuvring area shall be provided for vehicles to be parked on the site in a manner which ensures that they can enter and exit the site in a forward direction.

Lighting

- a) Car parking areas are to be lit. All lights must have fully shielded fittings and security lighting of unattended premises must use a motion detector sensor switch.

Number of car parking spaces

- a) Car parking spaces are to be provided for development in accordance with the following table. Any development not specified in the table will be considered and determined by Council on merit.

Note: For development comprising multiple uses parking requirements should be calculated on the area of each of those uses.

Development	Minimum Standard
Single dwelling house	1 covered car parking space.
Granny flat	1 car parking space (additional to the principle dwelling).
Medium density housing – Precinct 1 (refer to Schedule 6 of this Plan)	For 1 or 2 bedroom units: 1 covered car parking space per dwelling and 1 visitors space per 4 dwellings or part thereof. For 3 or more bedroom units: 1 covered car parking space per dwelling and 1 visitors car space per 2 dwellings or part thereof.
Medium density housing – Precinct 2 & 3 (refer to Schedule 6 of this Plan)	For 1 or 2 bedroom units: 1 covered car parking space per dwelling and 1 visitors space per 4 dwellings or part thereof. For 3 or more bedroom units: 1 covered car parking space per dwelling and 1 visitor's space per dwelling. <u>Note:</u> The visitors car parking space can be located or attached to each dwelling rather than being provided as a "communal space", where appropriate to the overall design of the development.
Backpackers accommodation Boarding house Hostel	1 space per 3 beds and 1 space per 3 employees.
Bed and breakfast accommodation Farm stay accommodation	1 space per bedroom and 1 space for residents.
Amusement centres Business premises Office premises Industrial retail outlets Restricted premises Public administration buildings Community facilities Public facility or building	1 space per 50m ² . <u>Note:</u> Council may consider stack parking for development within a residential zone.

Development	Minimum Standard	
Landscape materials Rural supplies Timber yards Plant nurseries Garden centres	1 space per 100m ² . <u>Note:</u> Council may consider 1 space per 50 m ² for plant nurseries and garden centres.	
Caravan park	1 space per site, plus 1 space per 10 sites for visitors.	
Cellar door premises	1 space per 50m ² plus 1 bus parking space.	
Child Care Centre	1 space per 10 children with an additional dedicated drop-off/pick-up point.	
Entertainment facility Place of public worship Funeral chapel Crematorium Funeral home Function centre	1 space per 10 seats or 1 space per 10m ² , whichever is greater.	
Educational establishment	1 space per 2 employees plus 1 space per 30 students in years 11 and 12 for high schools and 1 space per 5 students for tertiary institutions.	
Restaurant or cafe	<u>Outside CBD</u> 1 space per 10m ² or 1 space per 3 seats whichever is greater.	<u>Inside CBD or within neighbourhood centre (DCP Map No. 6)</u> 1 space per 35m ² .
Group home	1 space per employee.	
Highway service centre Service station	6 spaces per work bay plus, 5 spaces per 100m ² of shop plus, 15 spaces per 100m ² of restaurant OR 1 space per 3 seats, whichever is greater.	
Home business Home industry	1 space per employee and 1 space for customers in addition to dwelling requirement.	
Hospital	1 space per 4 beds, plus 1 space per 2 employees.	
Hotel or motel accommodation Serviced apartments	1 space per unit plus 1 space per 2 employees.	
Industry	1 space per 100m ² or 1 space per 2 employees whichever is greater.	
Market	2.5 spaces per stall.	

Development	Minimum Standard		
Medical centre Veterinary hospital Health consulting rooms	1 space per 50m ² .		
Shops (except supermarkets)	1 space per 35m ² .		
Housing attached to shops	1 space per dwelling.		
Supermarket	1 space per 20m ² .		
Small bars Pubs Nightclubs Registered club Note: see also restaurant and cafes and hotel/motel accommodation where applicable	<u>Outside CBD</u> 1 space per 10m ² of licensed floor area.	<u>Within a neighbourhood centre</u> (DCP Map No. 6) 1 space per 35m ² of licensed floor area.	<u>Inside CBD</u> 1 space per 30m ² of licensed floor area.
Recreation facility or area (Indoor)	7.5 spaces per 100m ² .		
Residential care facilities	1 space per 10 beds, plus 1 space per employee, plus 1 ambulance bay.		
Self contained seniors housing	1 space per dwelling, plus 1 visitor's space per 5 dwellings.		
Roadside Stall	4 spaces.		
Takeaway food and drink premises: No seating or drive-through Seating but no drive-through Seating and drive-through	<p>12 spaces per 100m².</p> <p>Whichever is the greater:</p> <ul style="list-style-type: none"> • 12 spaces per 100m², or • 1 space per 5 seats (internal and external) or • 1 space per 2 seats (internal) <p>Whichever is the greater:</p> <ul style="list-style-type: none"> • 1 space per 2 seats (internal seats only) or • 1 space per 3 seats (internal and external seats). <p>In addition to this an exclusive area for queuing of cars for a drive through facility is required in accordance with the RMS <i>Guide to Traffic Generating Developments</i>.</p>		

Development	Minimum Standard
Transport depot Truck depot Depot	1 space per employee plus truck parking as required.
Vehicle body repair workshops Vehicle repair stations Vehicle sales or hire premises Boat building or repair facilities	1 space per 95m ² of display area, plus 1 space per employee, plus 6 spaces per work bay.
Warehouse or distribution centre Wholesale supplies	1 space per 300m ² .

14.4 BICYCLE PARKING

Development Standards

- Consent will generally not be given to alter, enlarge, convert or increase the capacity of any existing buildings, to erect new buildings, or to use any land unless bicycle parking is provided in accordance with this section.
- Bicycle parking is to be provided in a manner where cyclists are able to secure the frame and two wheels of a bicycle to a fixed, secure stand, with the cyclists own lock and chain.
- Bicycle parking is to be provided on-site, in a secure location with adequate surveillance. The siting of facilities is to consider the likely principle user (e.g. employees or customers; residents or visitors). Council may approve the provision of bike parking on the street where considered appropriate.

Number of Bicycle Parking Spaces

- Bicycle parking spaces are to be provided for development in accordance with the following table. Any development not specified in the table will be considered and determined by Council on merit.

Development	Employee/Resident Standard	Customer/Visitor/Student Standard
Amusement centres	None.	2 plus 1 per 50m ² .
Educational establishment other than those specified elsewhere in this table	1 per 20 employees.	1 per 20 full-time students.
Hospital	1 per 15 beds.	1 per 30 beds.
Registered clubs Small bars Pubs	1 per 25m ² of bar area available to the public, plus 1 per 100m ² of lounge area available to the public.	1 per 25m ² of bar area available to the public, plus 1 per 100m ² of lounge area available to the public.

Development	Employee/Resident Standard	Customer/Visitor/Student Standard
Industry Bulky goods premises Landscape materials supplies Rural supplies Timber yards Hardware and building supplies Plant nurseries Garden centres	1 per 1000m ² .	None.
Community building	1 per 500m ² .	4 plus 2 per 200m ² .
Recreation facilities (Major)	1 per 1500 spectator places.	1 per 250 spectator places.
Market	1 per 50 stalls.	1 per 10 stalls.
Medical centre	1 per 8 practitioners.	1 per 4 practitioners.
Recreation facility or area (Indoor and Outdoor)	1 per 4 employees.	1 per 200m ² .
Hotel or motel accommodation Serviced apartments Backpackers accommodation Boarding house	1 per 40 rooms.	None.
Residential care facilities	1 per 7 beds.	1 per 60 beds.
Business premises Office premises Public facility or building Public administration buildings Community facilities Industrial retail outlets	1 per 300m ² if the floor area exceeds 1000m ² .	1 per 1000m ² if the floor area exceeds 1000m ² .
Entertainment facilities Places of public worship	1 per 1500m ² .	2 plus 1 per 1500m ² .
Primary schools	1 per 20 employees.	1 per 5 pupils over year 4.
Restaurants or cafes	1 per 100m ² .	2 plus 1 per 200m ² of area available to the public.
Shops	1 per 600m ² if the floor area exceeds 1000m ² .	1 per 500m ² if the floor area exceeds 1000 square metres.
Takeaway food and drink premises Neighbourhood shops	1 per 100m ² .	1 per 50m ² .

Additional Facilities Required

- a) In addition to the above the following facilities are also to be provided for development in accordance with the following table.

Shower Facilities
If 5 or more employee bicycle spaces are required, 1 shower facility for the first 5 employee bicycle spaces is to be provided, plus 1 for each 10 employee bicycle spaces thereafter.
Change Rooms
1 change room or direct access to a communal change room is to be provided for each shower. The change room may be a combined shower and change room.

15 CRIME PREVENTION

15.1 PRELIMINARY

15.1.1 Land to which this Section applies

This section applies to **all land** in the Bathurst Regional Local Government Area (LGA).

15.1.2 Strategic priorities and objectives

- a) The Bathurst Region Urban Strategy 2007 establishes the following key priority and objectives for crime prevention within the Bathurst Region.

Strategic Priority

- a) To determine the best way to protect and enhance residential amenity.

Strategic Objectives

- a) To identify management options and development control provisions which protect and enhance residential amenity.
- b) To ensure new housing development is constructed in ways that minimise opportunities that promote crime.

15.2 DEFINITIONS

This section adopts the definitions under the LEP.

15.3 OBJECTIVES

- a) To ensure major building developments are designed and constructed to minimise opportunities for crime through appropriate environmental design.

15.4 DEVELOPMENT STANDARDS

- a) The following development types will be referred to the NSW Police Service under Council's *Crime Prevention Through Environmental Design (CPTED)* protocol.

Land use	Referral standard
Educational establishments	
<ul style="list-style-type: none"> School TAFE/universities 	<ol style="list-style-type: none"> All new educational establishments, or New buildings, or Alterations to educational establishments
Health Services Facility	
<ul style="list-style-type: none"> Hospitals Medical centres Health consulting rooms 	<ol style="list-style-type: none"> All new health service facilities.

Land use	Referral standard
Infrastructure	
<ul style="list-style-type: none"> • Transport depots • Passenger transport facilities • Car park 	<ol style="list-style-type: none"> 1. New facilities/depots including but not limited to new railway stations, bus stops, transport interchanges, taxi rank or 2. External alterations to facilities, or 3. Public car parks not fronting a public road, or 4. Public car parks containing 50 or more spaces.
Recreational facilities	
<ul style="list-style-type: none"> • Indoor recreational facilities • Outdoor recreational facilities • Major recreational facilities 	<ol style="list-style-type: none"> 1. All new recreational facilities, or 2. Significant alterations and additions to recreational facilities.
Residential development	
<ul style="list-style-type: none"> • Attached dwellings • Boarding houses • Group homes • Multi dwelling units • Residential flat buildings • Seniors housing • Shop top housing 	<ol style="list-style-type: none"> 1. Residential accommodation with 8 or more dwellings, or 2. Alterations to accommodation development that will increase the capacity of the development to 8 or more rooms, or 3. All new seniors housing, or 4. Group homes for more than 8 people, or
Tourist and Visitor Accommodation	
<ul style="list-style-type: none"> • Backpacker accommodation • Hotel or motel accommodation • Serviced apartments • Campgrounds or caravan parks 	<ol style="list-style-type: none"> 1. Accommodation with 8 or more separate rooms, or 2. Alterations to accommodation facilities that will increase the capacity of the business to 8 or more rooms, or 3. All new campground and caravan parks (excluding those located within the Mount Panorama Environs being that land shown on Development Control Plan Map No. 28- Mount Panorama)

Land use	Referral standard
Retail premises	
<ul style="list-style-type: none"> Bulky goods premises Cellar door premises Shops Neighbourhood shops 	<ol style="list-style-type: none"> New retail premises with a floor space of 1000m² or greater, or Alterations to retail premises which will create a floor space of 1000m², or greater.
Food and drink premises	
<ul style="list-style-type: none"> Hotels and clubs 	<ol style="list-style-type: none"> New clubs and hotels or, Change of use or alterations to clubs or hotels, or Change of hours of operation to hotels or clubs.
Other premises	
<ul style="list-style-type: none"> Amusement centres Entertainment facilities Function centres Highway service centres Home occupation (sex services) Restricted premises Service stations Sex service premises/ brothels Tattoo parlours 	<ol style="list-style-type: none"> New premises, or Alterations and additions to premises.

- b) For development types listed in (a) above, and in the opinion of Council, a Crime Risk Assessment is to be prepared addressing the matters listed in (c) below.
- c) The development types referred to in (a) above are to demonstrate in design, layout and configuration, the incorporation of the principles of crime prevention outlined in the table below.

Element of Crime Prevention	Principles of Design
Surveillance	<ul style="list-style-type: none"> • Clear, unobtrusive line of sight between public and private places. • Avoidance of dark corners, alcoves, hidden recesses and narrow pedestrian walkways. • Effective lighting of public places. • Landscaping that does not provide offenders with a place to hide or entrap victims. • Landscaping along fence lines to prevent graffiti. • Use of materials that enable observation to public areas (e.g. open wrought iron fencing, glass paneling to building foyers).
Access Control	<ul style="list-style-type: none"> • Avoid numerous entry points to multi-occupancy buildings. • Prevent short cuts across lands designated for other uses. • Ensure security grills can be opened from the inside.
Territorial Reinforcement (Community ownership of Public Space)	<ul style="list-style-type: none"> • Maintain building setback to maximise perception of semi-private areas. • Ensure site entrances are clearly marked. • Avoid flat or porous wall finishes in public areas to minimise graffiti.
Activity and Space Management	<ul style="list-style-type: none"> • Design opportunities for people to use public spaces. • Incorporating opportunities for casual surveillance or activating the space through activities will discourage the proliferation of crime. • Closely linked to territorial reinforcement
Areas requiring additional consideration	<ul style="list-style-type: none"> • Overall, are there any areas of the building or space which may require specific attention or treatments to limit crime opportunities.

15.5 WHAT INFORMATION IS TO BE INCLUDED IN A CRIME RISK ASSESSMENT

15.5.1 Introduction

What is the proposed development?

15.5.2 Site analysis

Describe the physical surrounds of the proposed development (eg what is to the north – residential houses, industrial area etc – the east, west, south). Is it enclosed by bush, on the side of a steep embankment, open fields etc?

15.5.3 Crime opportunity

Is the proposed development susceptible to certain crimes?

Is there existing evidence of crimes or anti-social behaviour (eg vandalism, graffiti, litter – beer bottles)?

15.5.4 Crime Prevention Through Environmental Design (CPTED)

CPTED reduces crime opportunities by increasing the risk to offenders, increasing the effort required to commit crime, reducing opportunities for excuse making (eg spatial ambiguity is commonly used by burglars to justify trespassing) and reducing the likely rewards of criminal behaviour.

There are four broad principles of CPTED. The Crime Risk Assessment needs to address each of these principles, providing information as to how the aspects of the design or proposed management practices will help to reduce the risk of crime. The principles are:

a) Surveillance

- People feel safe in areas when they can see and interact with others. There are three types of surveillance. Natural surveillance focuses on the orientation of buildings and the strategic use of windows and entrances, street design, landscaping, building layout, optical permeable fencing and natural lighting. Organised surveillance is often used to enhance the capability of on-site or nearby guardians (eg security guards). Technical surveillance is achieved through mechanical/electrical measures such as CCTV, mirrored building panels and lighting.
- Are there natural surveillance opportunities (eg from houses across the street, from passing traffic etc)?
- What strategies have you employed to aid surveillance?
- What opportunities are there for surveillance into and around the centre?
- How does the landscaping aid or inhibit the surveillance? What strategies are in place to address this?
- Is there any organised surveillance planned?
- Are you using any technical surveillance strategies (eg lighting around the building, car park) – will this enable surveillance from the street and surrounding areas?

b) Access Control

Access control uses physical and symbolic barriers to restrict, encourage, and channel pedestrian and vehicle movements. They minimise the opportunities for crime and increase the effort required to commit crime. By making it clear where people can and cannot go, it becomes difficult for criminals to reach potential victims and targets (reduces excuse-making opportunities eg "I was just trying to find the entry to the building") Access control measures include garden strips, ground markings, fences, walls, boom-gates, and target hardening measures such as locks and alarms.

- What measures are in place to make it obvious as to what areas are "out-of-bounds"?
- Are the building entries obvious and clearly identifiable?

- Are the access routes to the entrances obvious (eg from the car park to the building)?
- What measures are in place to discourage access to the building after hours (locks, alarms, security patrols, window grills)?

c) Territorial Reinforcement

Community ownership of public space sends positive signals to the community. Places that feel owned and cared for are likely to be used, enjoyed, and revisited. People are more likely to be protective of places with which they feel some connection or affinity.

- Highlight why locating your service will increase territorial reinforcement of this site.

d) Activity and space management

Space management is linked to the principle of territorial reinforcement. It ensures that space is well used and maintained, and involves the formal supervision, control, and care of urban space. Space management strategies are an important means of generating and maintaining activity, surveillance, and natural community control. Strategies include activity coordination, site cleanliness, rapid repair of vandalism and graffiti, and the refurbishment of decayed physical elements.

- What management practices will be put into place to ensure that the site is maintained?
- How will vandalism and graffiti be addressed?

e) Areas requiring additional consideration

Some areas of the proposed development may be particularly susceptible to crime eg entrances, car park, behind the building etc. In considering these areas, particular attention should be made to any crimes that the development may be particularly susceptible to.

- Are there any areas that will require special consideration (eg entry areas, car parks)?
- What design elements or management practices are to be employed to address crime concerns in these areas?
- How will the proposal address the particular crimes.

f) Conclusion

Briefly outline whether the proposed development will have an impact on crime (negative or positive) and reasons as to why.

16 EARTHWORKS

16.1 PRELIMINARY

16.1.1 Land to which this Section applies

This section applies to all land within the Bathurst Regional Local Government Area (LGA).

16.2 CHANGING THE LEVEL OF LAND DURING SUBDIVISION

16.2.1 Objectives

- a) To ensure adequate information is submitted with a Development Application (DA) to determine the impact of future development by means of changes in levels of land.
- b) To ensure that inappropriate filling or cutting of land is reduced.

16.2.2 Development standards

- a) The developer is to ensure that there is no more than 1 metre change in level (either by filling or cutting) within a 45° angle to the boundary.

16.3 CHANGING THE LEVEL OF LAND (PREPARING TO BUILD, DURING OR POST CONSTRUCTION)

16.3.1 Objectives

- a) To ensure adequate information is submitted with a Development Application (DA) to determine the impact of future development by means of changes in levels of land.
- b) To reduce streetscapes dominated by retaining walls and fences.

16.3.2 Development standards

- a) The developer is to ensure that there is no more than 1 metre change in level at the boundary (either by filling or cutting).
- b) Where cut and/or fill in excess of 1 metre is proposed, any change in level (in excess of 1 metre) is to be stepped away from the boundary at a minimum of 45°.
- c) Where cut and/or fill in excess of 1 metre is proposed, a cross section plan is to be provided demonstrating compliance with AS 2890 with respect to the driveway and the cut and fill provisions outlined in **Chapter 16** of this DCP.
- d) Outside of the building footprint cut and fill to 1.0m is permissible to achieve flatter backyards, outdoor living areas, BBQ areas, clothes drying areas and the like. Consideration will be given to greater cut and fill thresholds subject to:
 - i) Justification of the proposal and design intent through a site analysis including consideration of the likely streetscape impacts and compatibility with existing streetscape character.
 - ii) Demonstration of a structural system of the house appropriate to the site and slope.

- iii) Justification and documentation of full site sections showing all existing and proposed levels and proposed retaining walls and batters.
- iv) Consideration of the likely amenity impacts including overlooking, overshadowing, drainage and structural issues.
- v) Limiting multiple retaining walls to 1.0m encouraging terracing rather than one large wall.
- vi) Suitable storm water and drainage management.
- e) Excavations and fill in excess of 1 metre may be permitted to allow for compliant driveways and basement garages providing the excavations are adequately retained and drained in accordance with engineering requirements.
- f) Where a property is burdened by storm water or water and sewerage mains then Council will generally preclude any excavation or filling within that easement.
- g) Where more than one retaining wall is required, this should be in the form of terracing with landscaped areas between level changes to soften the visual impact of the retaining wall.
- h) Retaining walls, unless constructed for the sole purpose of landscaping, should be constructed of a material such as concrete, masonry, rock or other permanent type material. Timber retaining walls are not acceptable for walls that support side boundaries or structures.
- i) Cut and fill batters shall not:
 - i) exceed a slope of 1:4 (v:h) unless geotechnical reports result in Council being satisfied with the site stability. All batters are to be provided with both short term and long term stabilization to prevent soil erosion.
 - ii) be located where they will impact on the privacy of neighbours.
 - iii) shall not extend onto Council's road reserve.

DCP MAPS

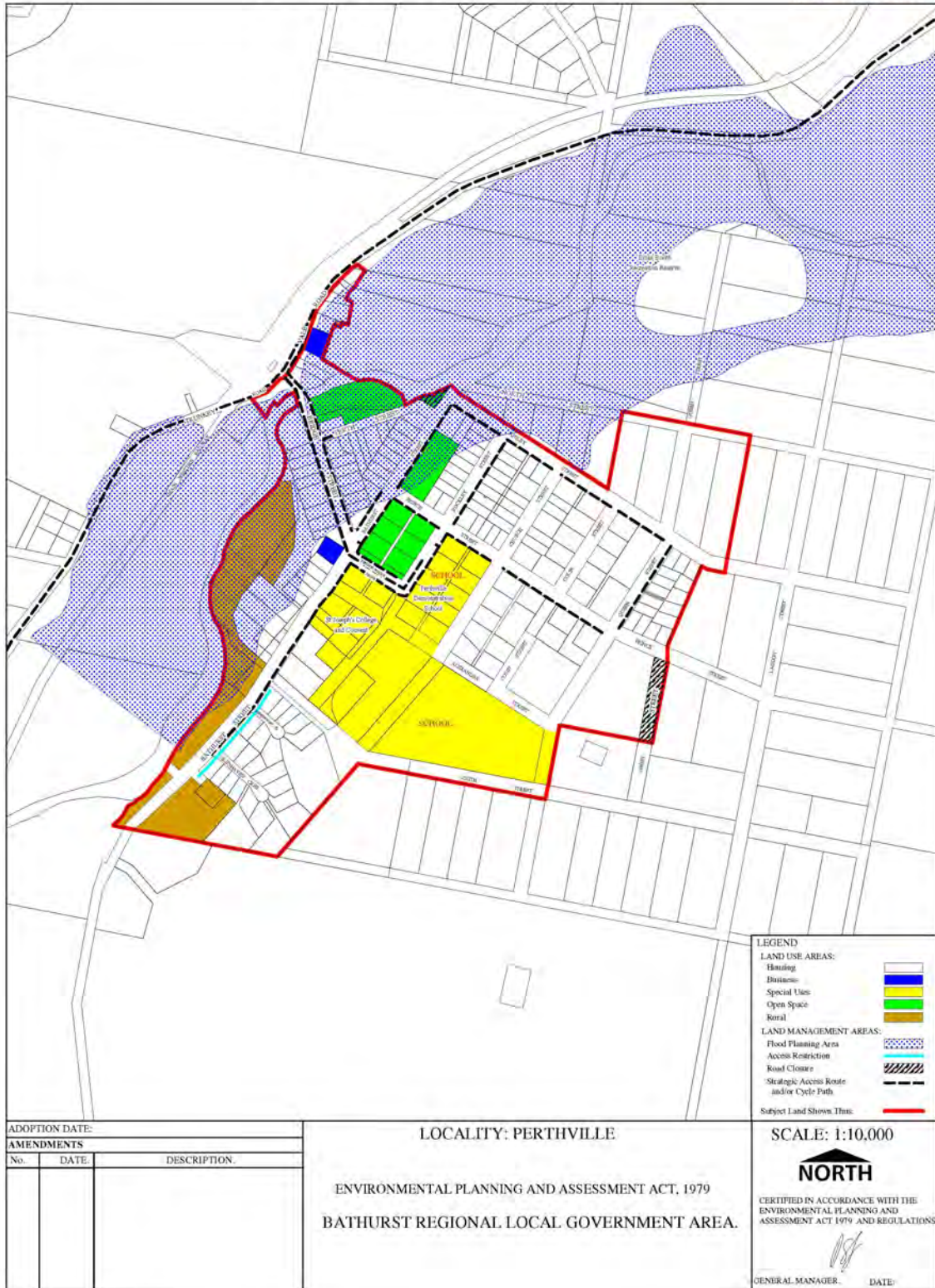
MAP No 1 – RAGLAN

BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014
MAP No. 1 - RAGLAN



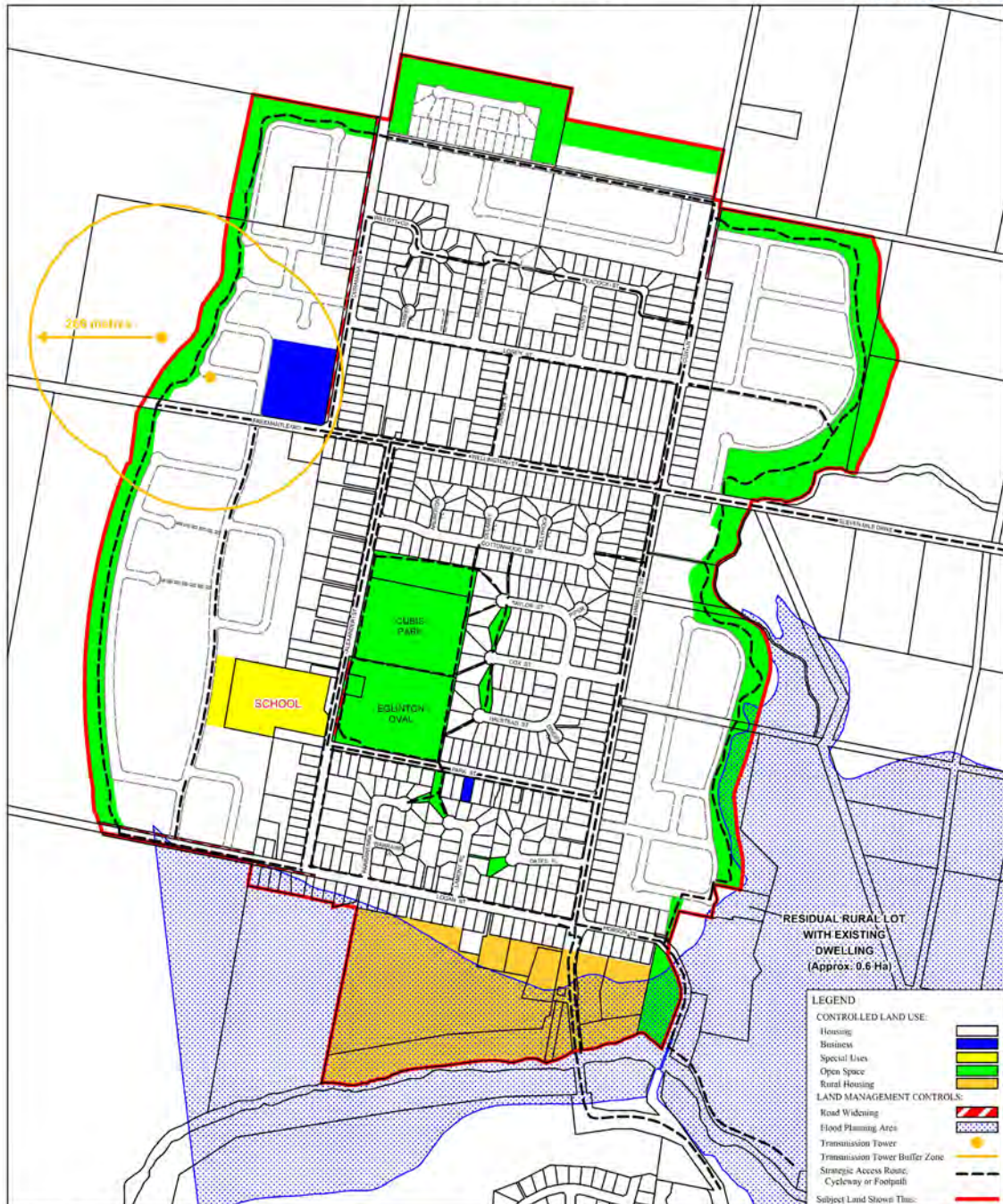
MAP No 2 – PERTHVILLE

BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014
MAP No. 2 - PERTHVILLE



MAP No 3 – EGLINTON

BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014
MAP No. 3 - EGLINTON



ADOPTION DATE:		
AMENDMENTS		
No.	DATE	DESCRIPTION
8.	28/10/2016	Modifications resulting from rezoning of land per LEP Amendment No 8 (20.00295)
11.	18/10/2017	Open Space on eastern side of subject area modified to match Land Zoning
21.	05/02/2020	Modify Special Uses (School) land use area

LOCALITY: EGLINTON

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979
BATHURST REGIONAL LOCAL GOVERNMENT AREA.

SCALE: 1:10,000

NORTH

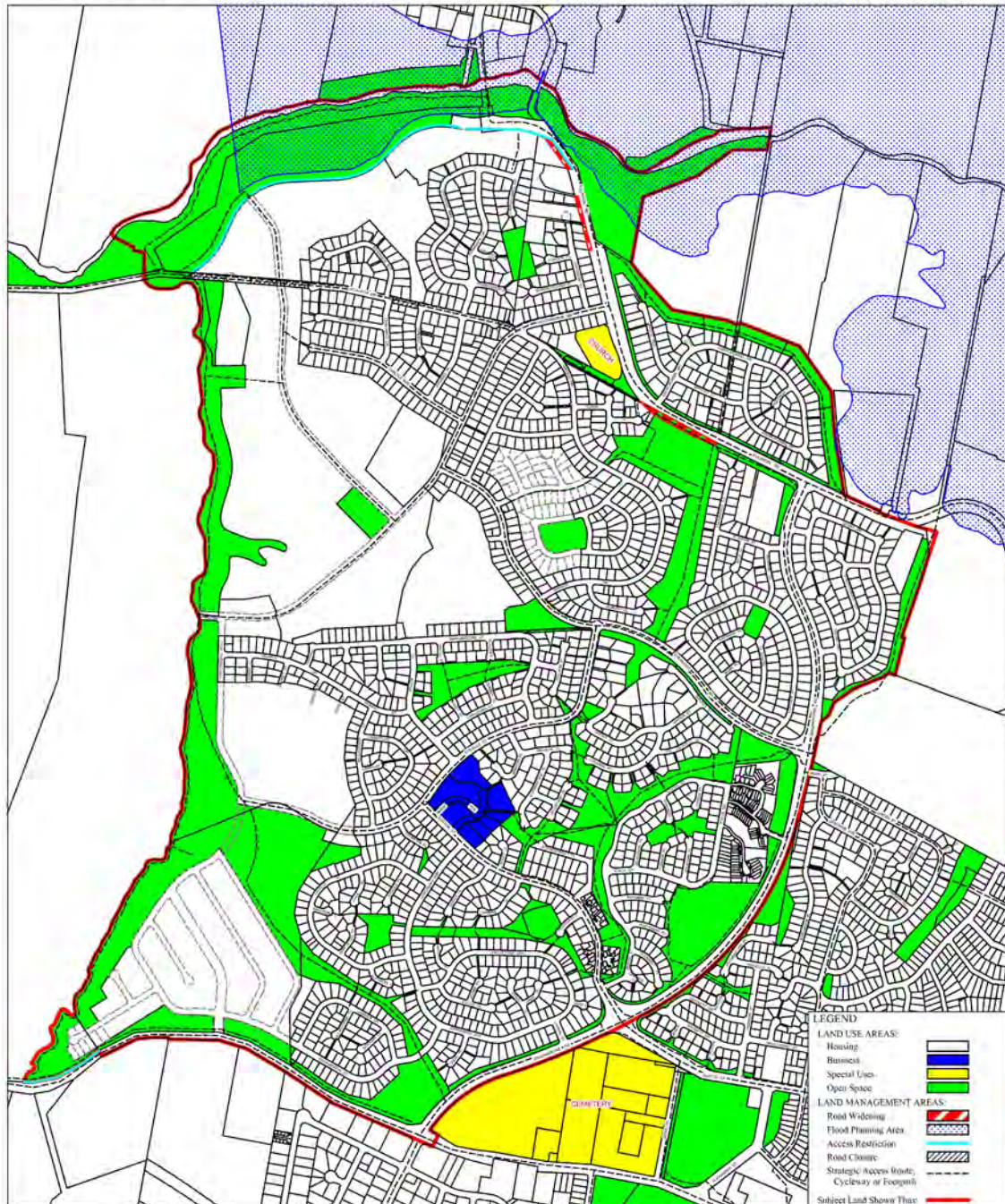
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GENERAL MANAGER. DATE:

11-Planning-Strat-DCP-2014-01-01-01-01-01

MAP No 5 – WINDRADYNE, LLANARTH AND ABERCROMBIE

**BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014
MAP No. 5 - WINDRADYNE, LLANARTH & ABERCROMBIE**



LEGEND

LAND USE AREAS:	
Housing	[White box]
Business	[Yellow box]
Special Uses	[Blue box]
Open Space	[Green box]
LAND MANAGEMENT AREAS:	
Road Widening	[Red hatched box]
Flood Planning Area	[Blue hatched box]
Access Restriction	[Red dashed line]
Road Closure	[Red solid line]
Strategic Access Route, Cycleway or Footpath	[Red dashed line]
Subject Land Shown There	

ADOPTION DATE:

AMENDMENTS		
No.	DATE	DESCRIPTION
-	19/07/2017	Removed School Special Use at Westbourne Drive
11	18/10/2017	Alteration of Open Space boundary along Sawpit Creek
22	03/02/2021	Add Open Space Access within Lot 1 DP 815037

LOCALITY: WINDRADYNE, LLANARTH,
ABERCROMBIE

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

BATHURST REGIONAL LOCAL GOVERNMENT AREA.

SCALE: 1:16,000



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ASSESSMENT ACT 1979 AND REGULATIONS

GENERAL MANAGER: [Signature]
DATE: [Blank]

1:20 Planning Unit OK 2014 03/02/2021

MAP No 6 – NEIGHBOURHOOD SHOPPING CENTRES



MAP No 7 – SECTION 10

BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014
MAP No. 7 - SECTION 10



ADOPTION DATE:		
AMENDMENTS		
No.	DATE	DESCRIPTION

LOCALITY: BATHURST

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

BATHURST REGIONAL LOCAL GOVERNMENT AREA.

LEGEND	
LAND USE AREAS:	
Business	
Car Parking & Access	
Subject Land Shown Thus	

SCALE: 1:2,000

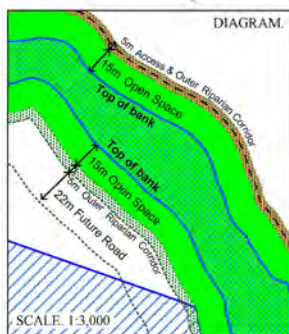
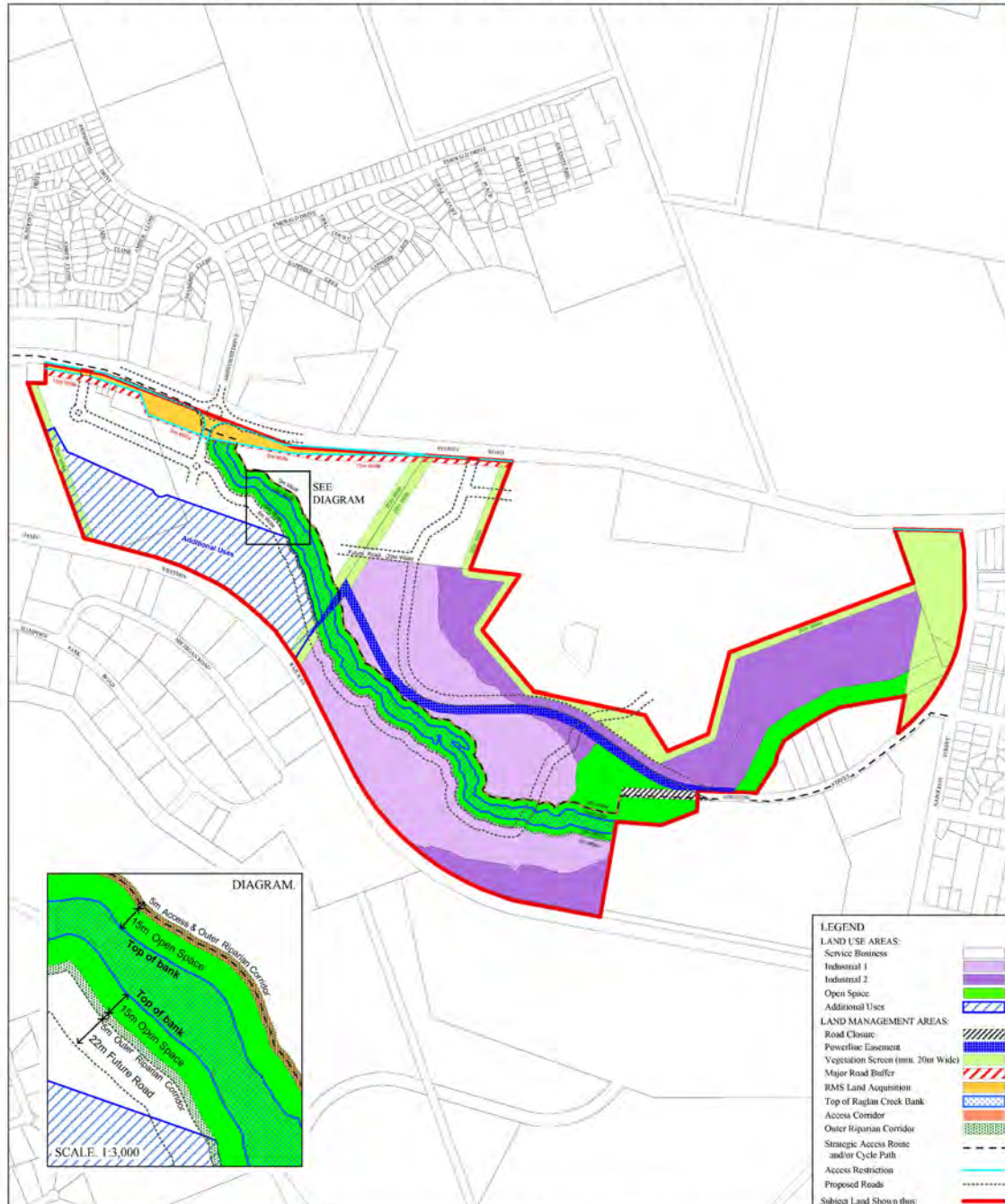
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ASSESSMENT ACT 1979 AND REGULATIONS

GENERAL MANAGER DATE

MAP No 8 – GATEWAY ENTERPRISE PARK

BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 MAP No. 8 - GATEWAY ENTERPRISE PARK & ADRIENNE ST INDUSTRIAL AREA



ADOPTION DATE:		
AMENDMENTS		
No.	DATE	DESCRIPTION
6	20/04/2016	Edge of 'Outer Riparian Corridor' set to 20m distance from 'Top of Raglan Creek Bank'.
14	18/11/2017	Plan expanded to include Adrienne St Industrial Estate

LOCALITY: KELSO, RAGLAN

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

BATHURST REGIONAL LOCAL GOVERNMENT AREA.

SCALE: 1:12,000

NORTH

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GENERAL MANAGER DATE:

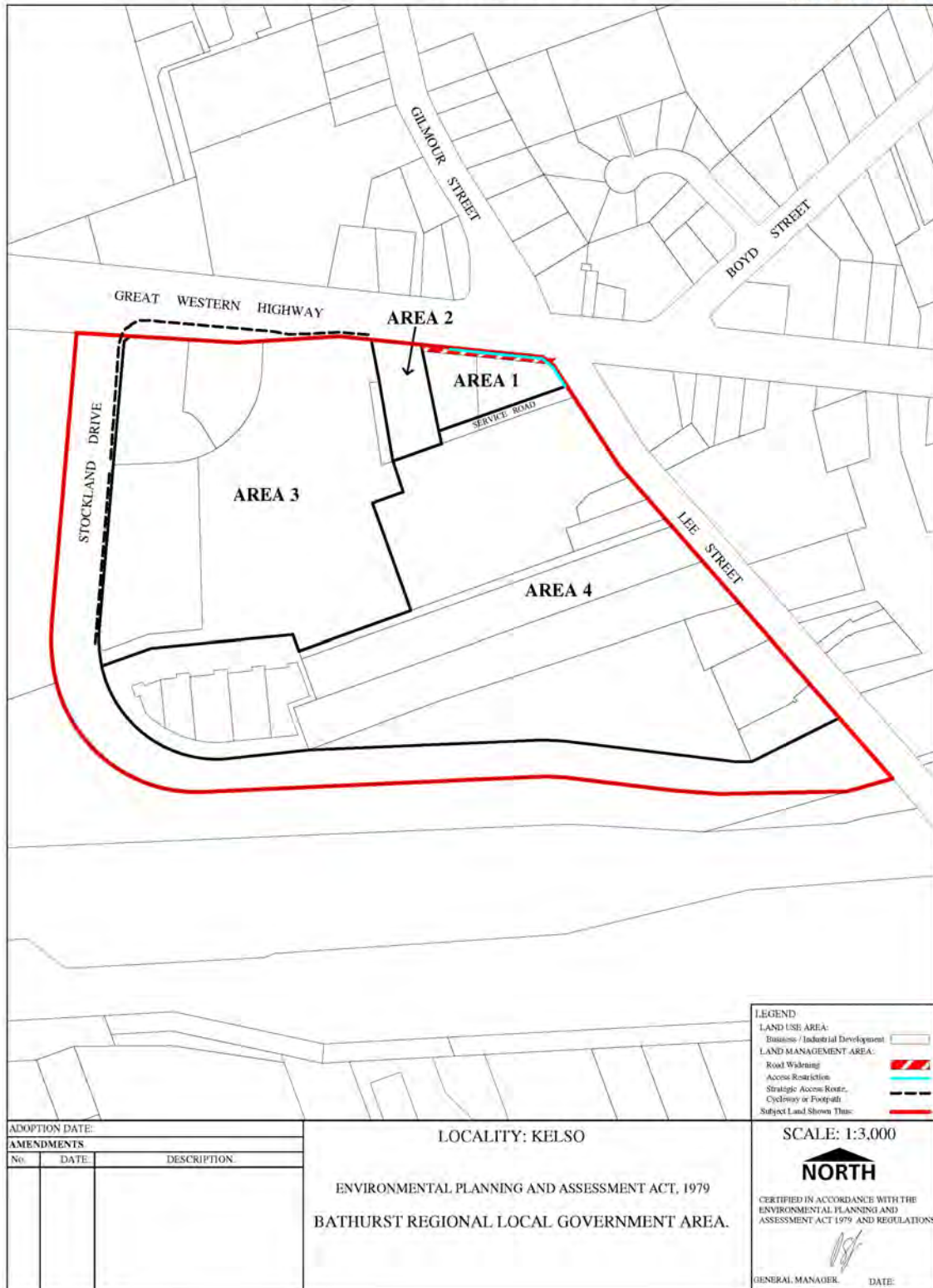
MAP No 9 – SERVICE TRADE CENTRE

BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014
MAP No. 9 - SERVICE TRADE CENTRE



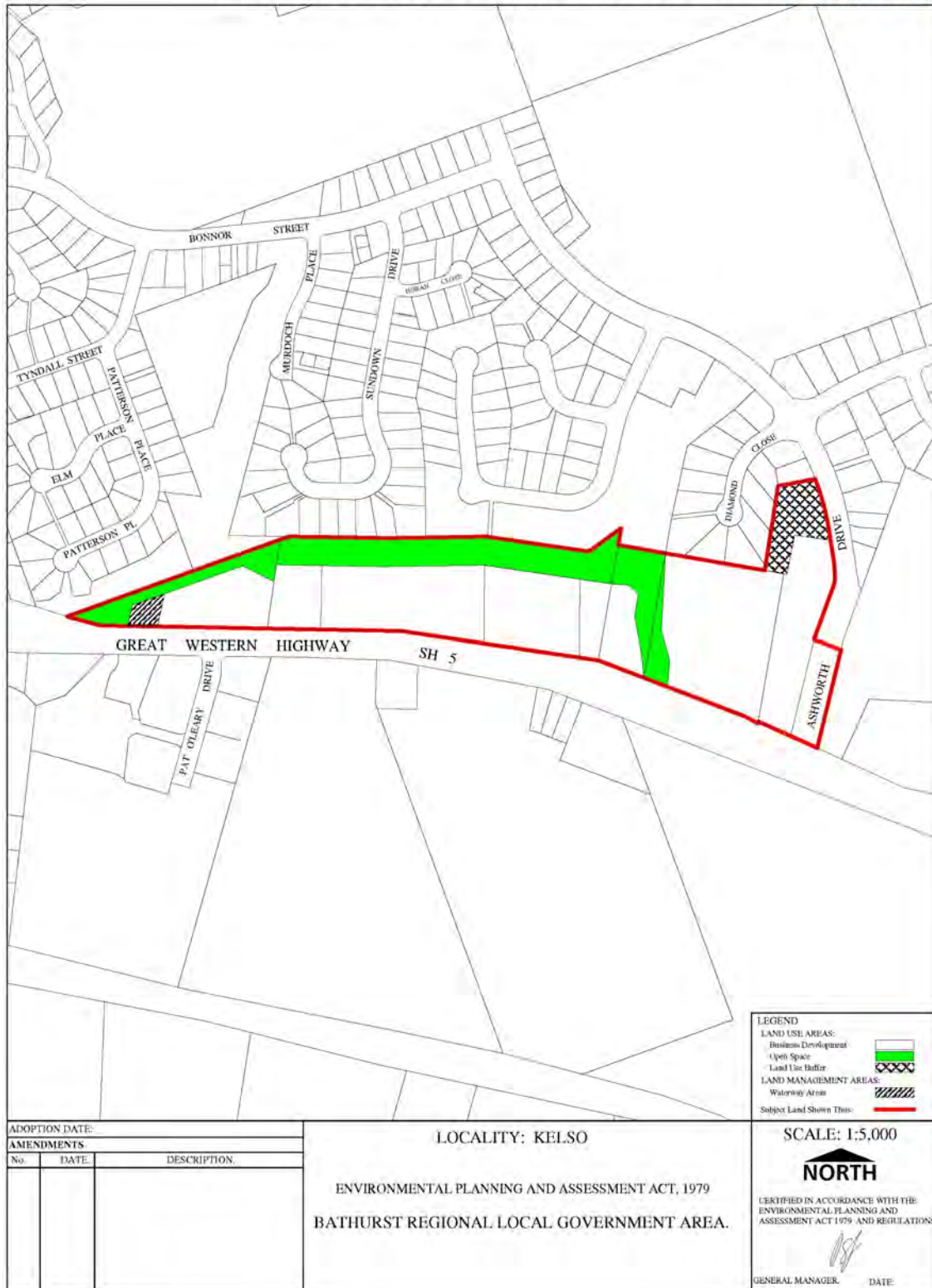
MAP No 10 – STOCKLAND DRIVE

**BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014
MAP No. 10 - STOCKLAND DRIVE**



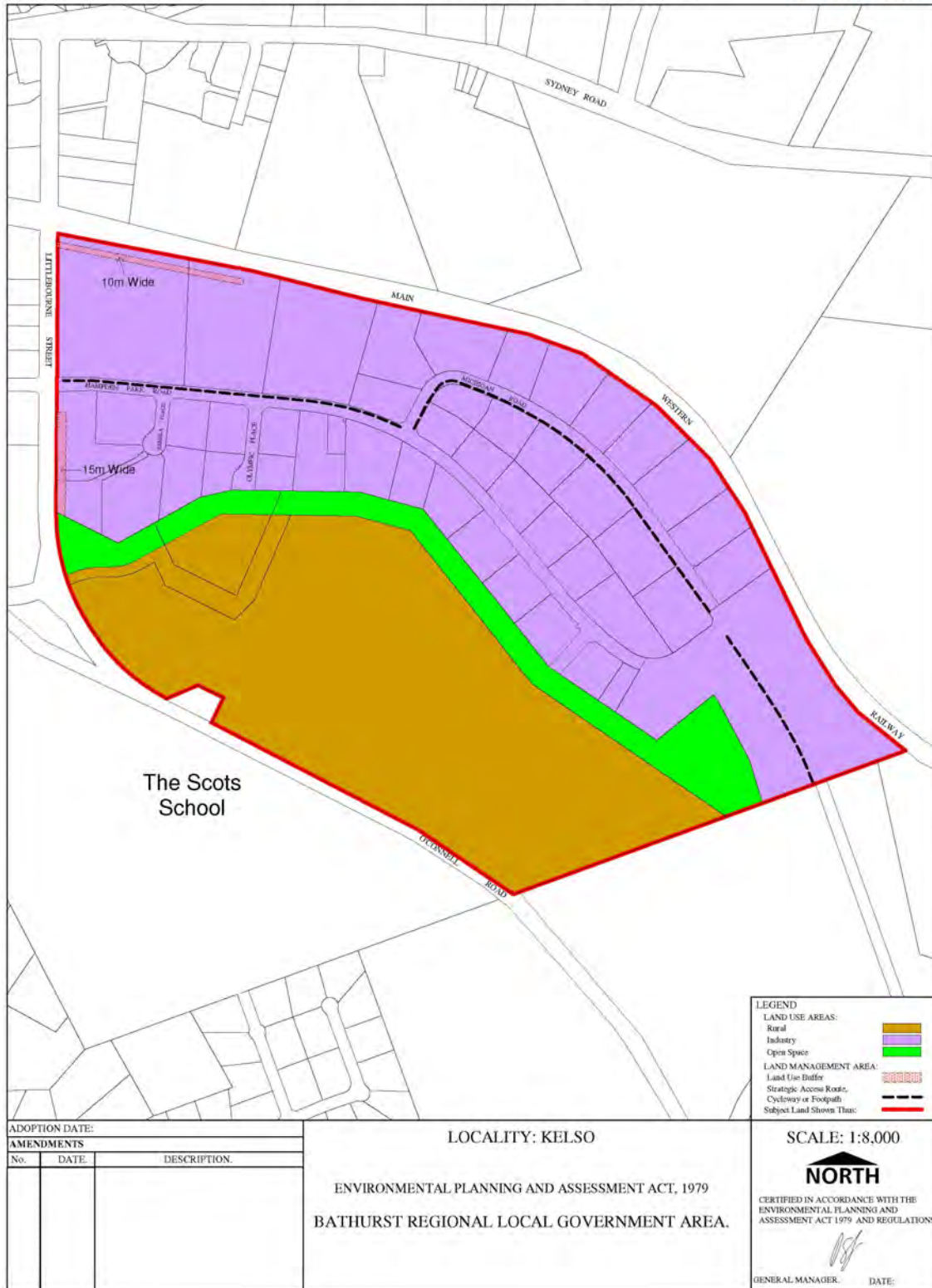
MAP No 11 – SYDNEY ROAD PRECINCT (NORTH)

**BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014
MAP No. 11 - SYDNEY ROAD PRECINCT (NORTH)**



MAP No 12 – HAMPDEN PARK ROAD (EAST)

BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014
MAP No. 12 - HAMPDEN PARK ROAD (EAST)



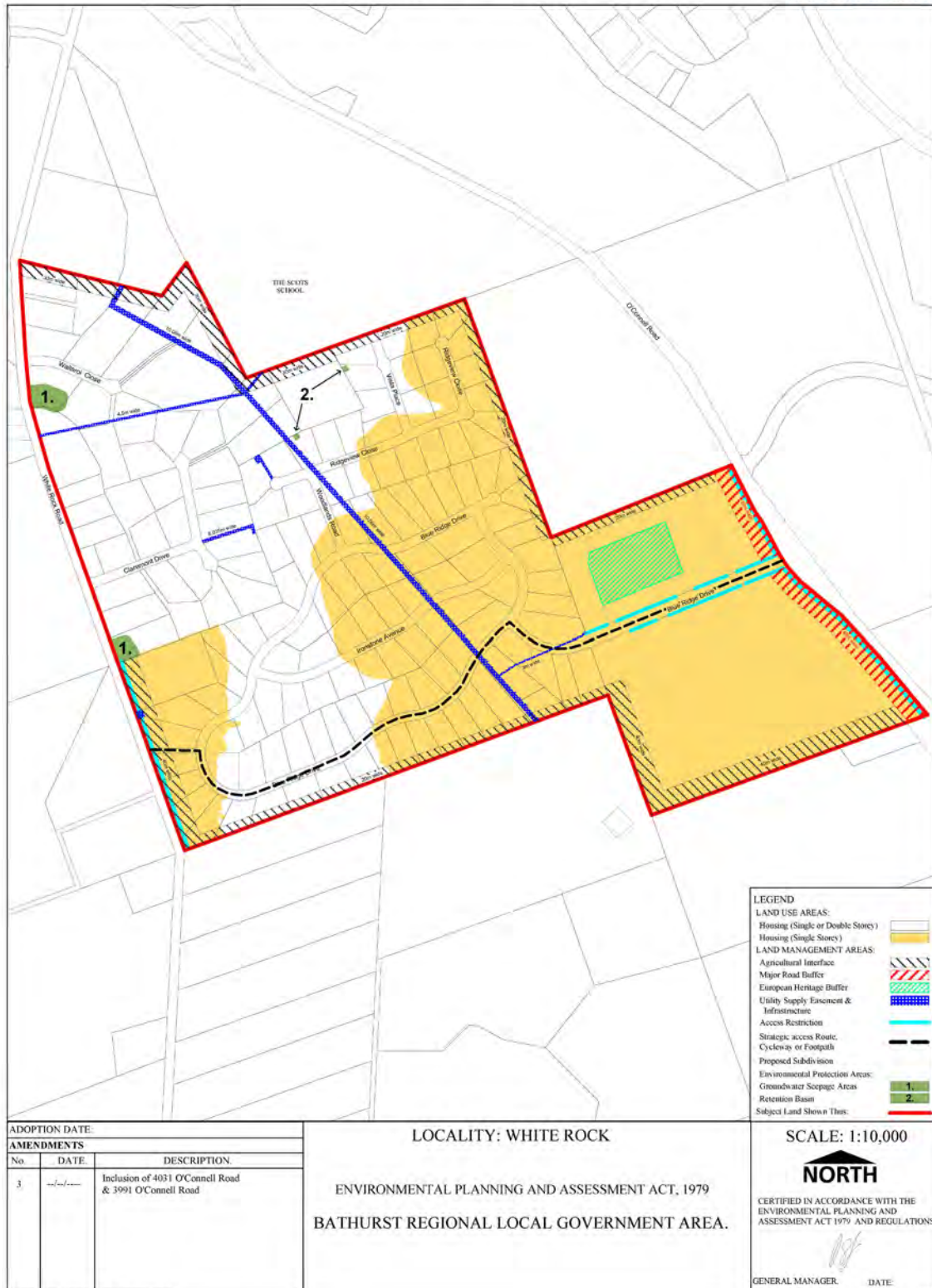
MAP No 13 – ESROM STREET

**BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014
MAP No. 13 - ESROM STREET**



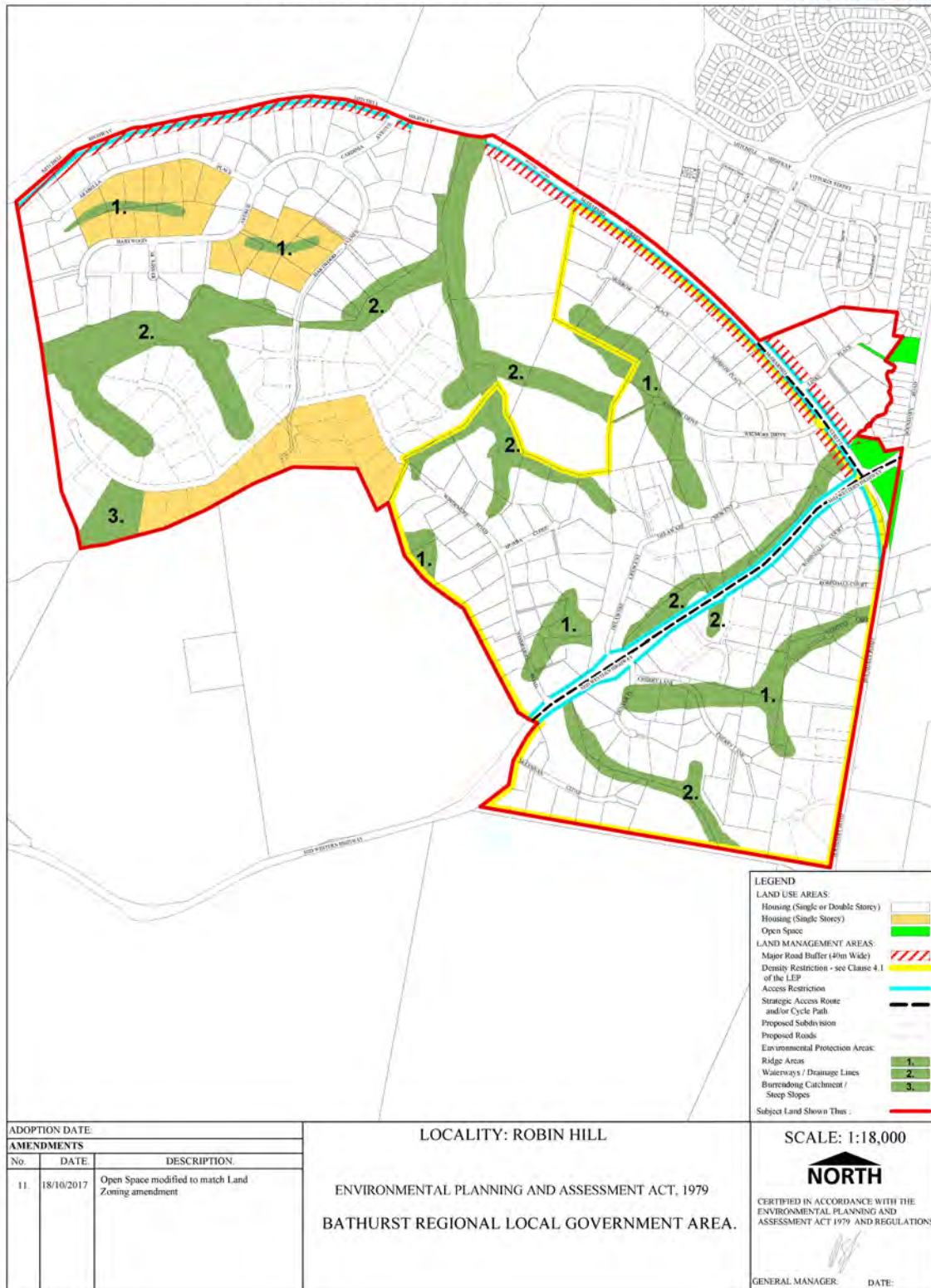
MAP No 14 – WHITE ROCK

BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014
MAP No. 14 - WHITE ROCK



MAP No 15 – ROBIN HILL

BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014
MAP No. 15 - ROBIN HILL



MAP No 16 – TRUNKEY CREEK

BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014
MAP No. 16 - TRUNKEY CREEK



LEGEND	
LAND USE AREAS:	
Housing (Single or Double Storey)	[Yellow Box]
Housing (Single Storey)	[Yellow Box]
LAND MANAGEMENT AREAS:	
Agricultural Interface (10m Wide)	[Green Box]
Access Restriction	[Blue Box]
Strategic Access Route, Cycleway or Footpath	[Black Box]
Environmental Protection Areas:	
Vegetation	[Green Box]
Waterway	[Blue Box]
Subject Land Shown This:	[Red Box]

ADOPTION DATE:		
AMENDMENTS		
No.	DATE	DESCRIPTION

LOCALITY: TRUNKEY

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

BATHURST REGIONAL LOCAL GOVERNMENT AREA.

SCALE: 1:7,500



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GENERAL MANAGER: [Signature] DATE: [Blank]

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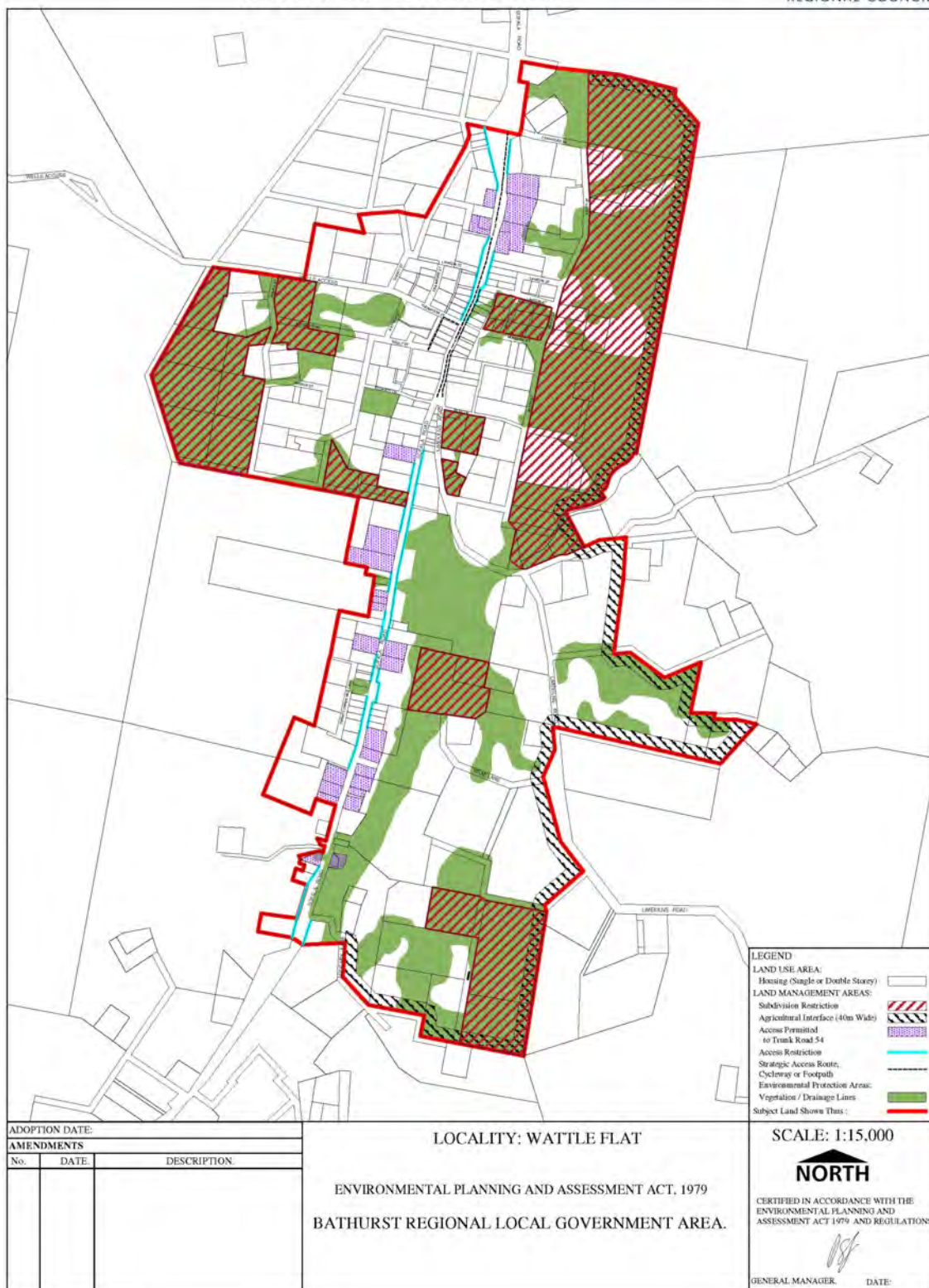
MAP No 17 – THE LAGOON

BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014
MAP No. 17 - THE LAGOON



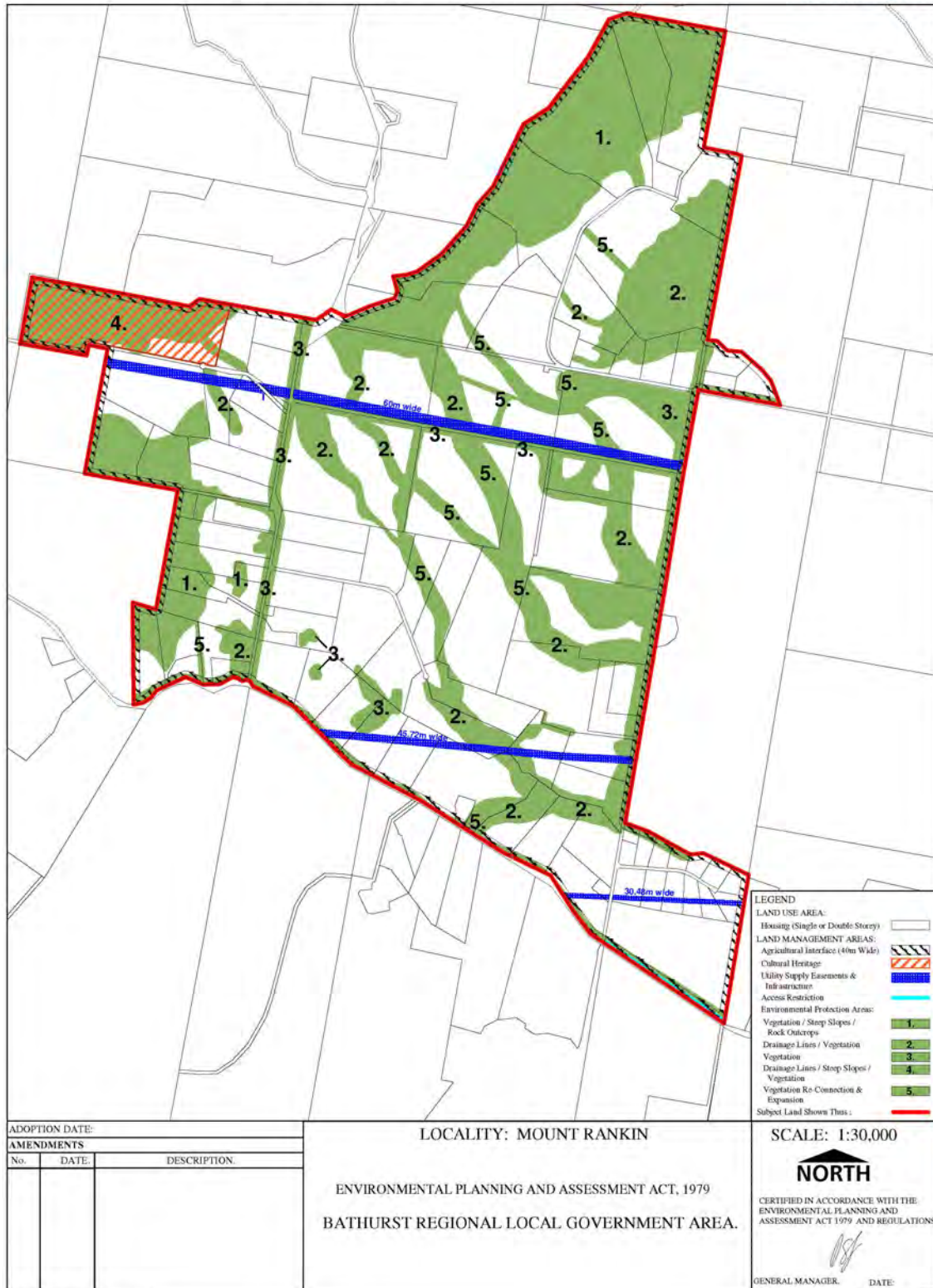
MAP No 18 – WATTLE FLAT

BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014
MAP No. 18 - WATTLE FLAT



MAP No 19 – MOUNT RANKIN

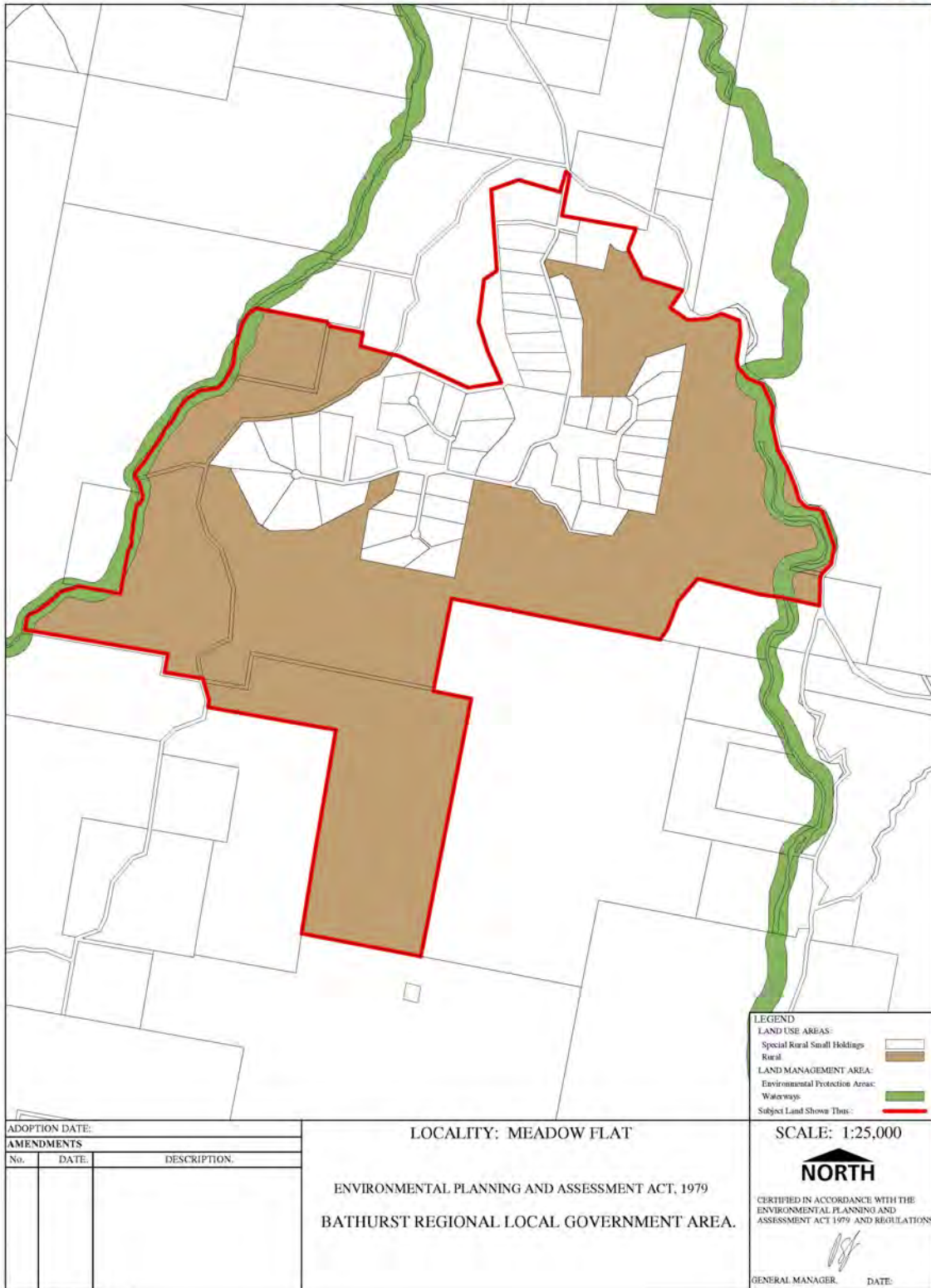
BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014
MAP No. 19 - MOUNT RANKIN



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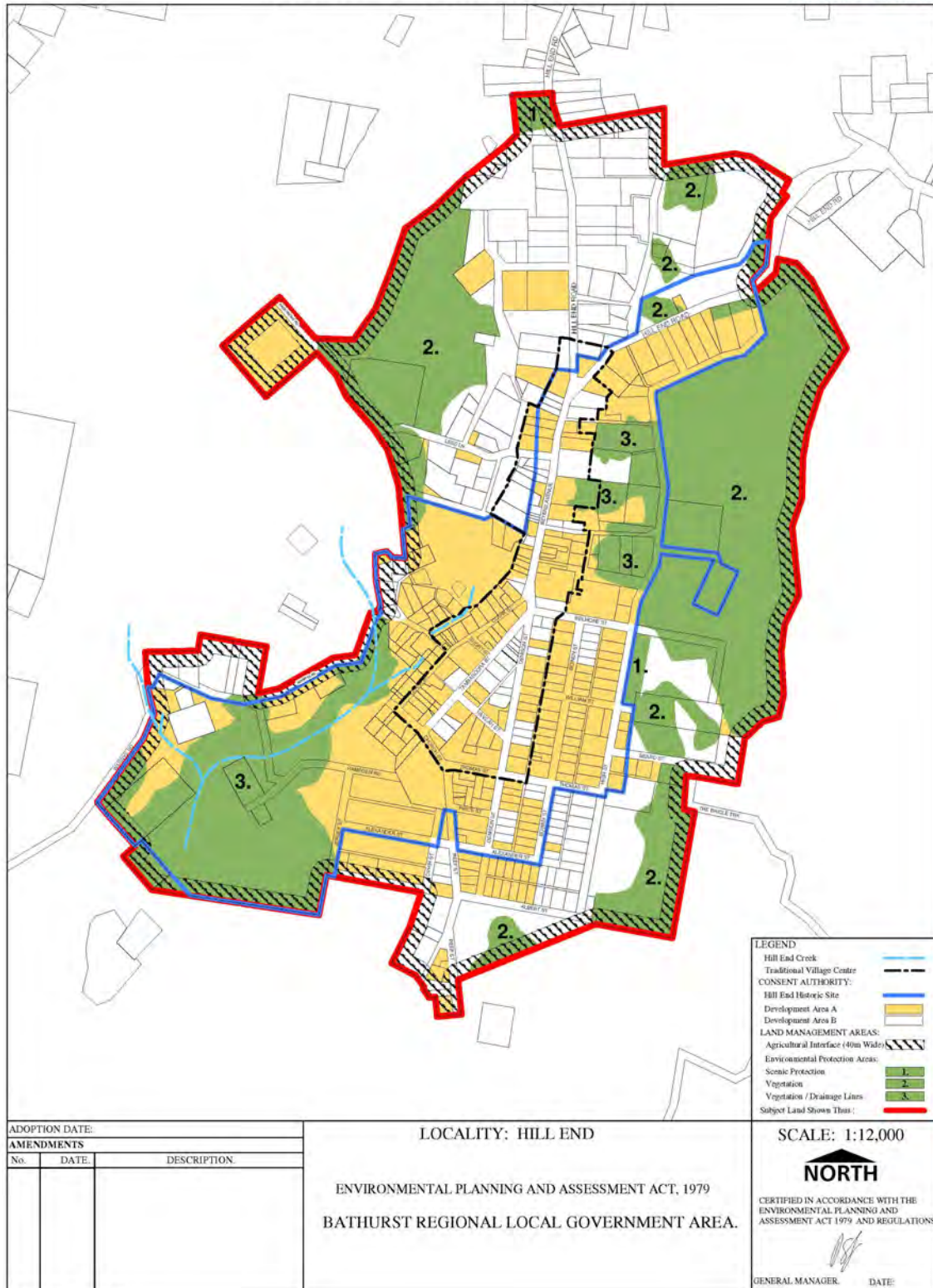
MAP No 20 – MOUNT HAVEN ESTATE

**BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014
MAP No. 20 - MOUNT HAVEN ESTATE**



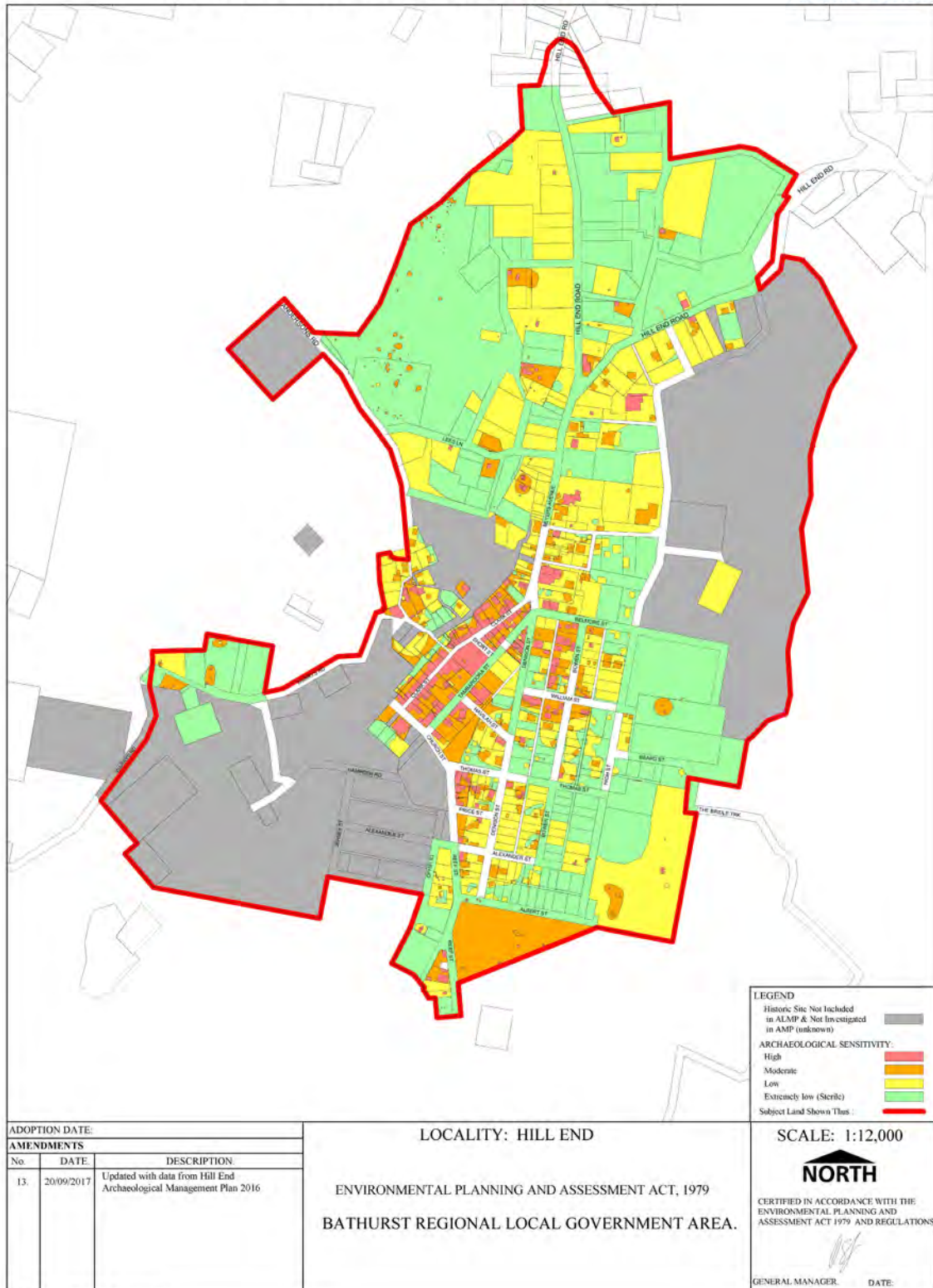
MAP No 21 – HILL END

BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014
MAP No. 21 - HILL END



MAP No 22 – HILL END ARCHAEOLOGY

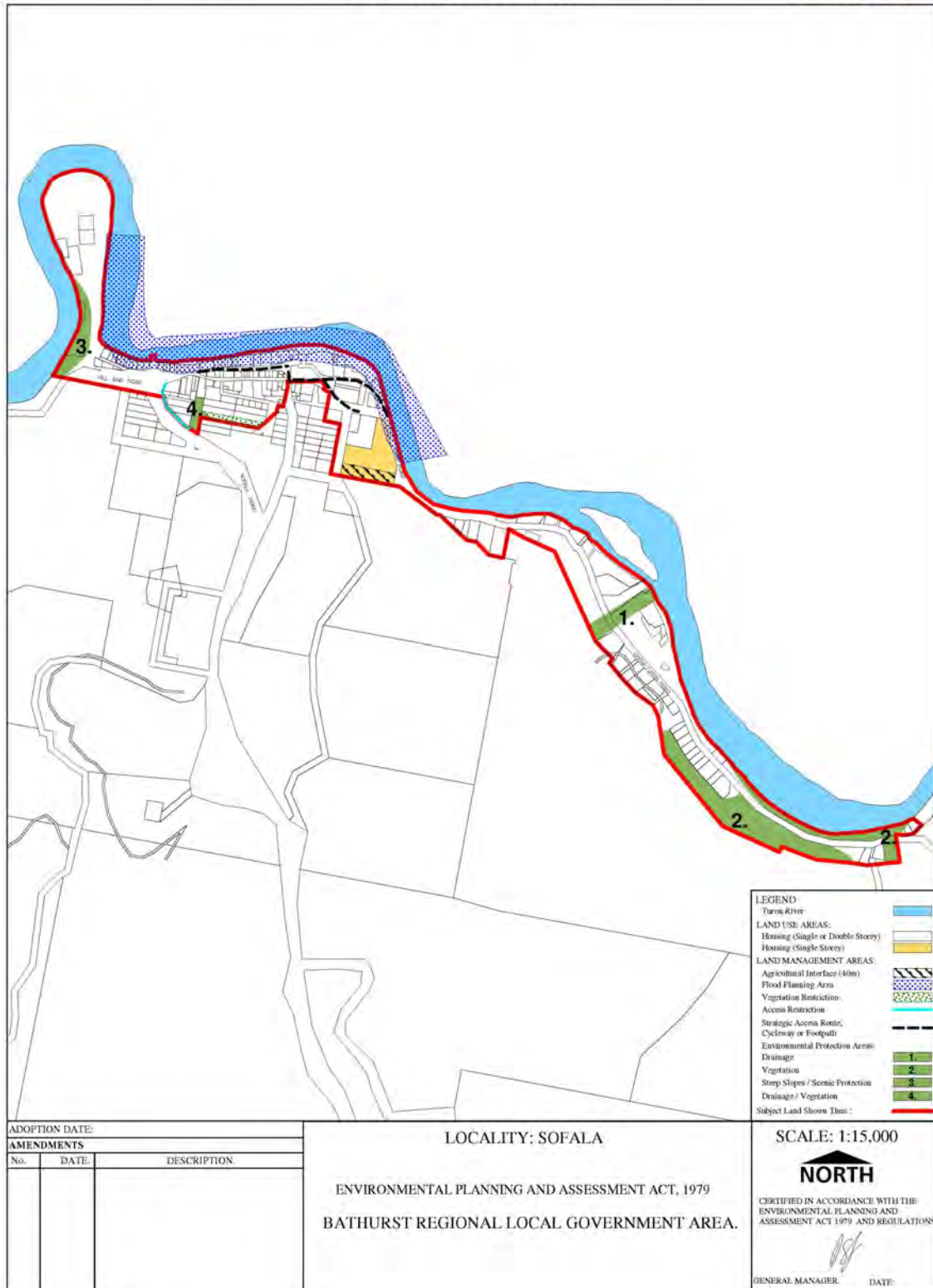
BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014
MAP No. 22 - HILL END ARCHAEOLOGY



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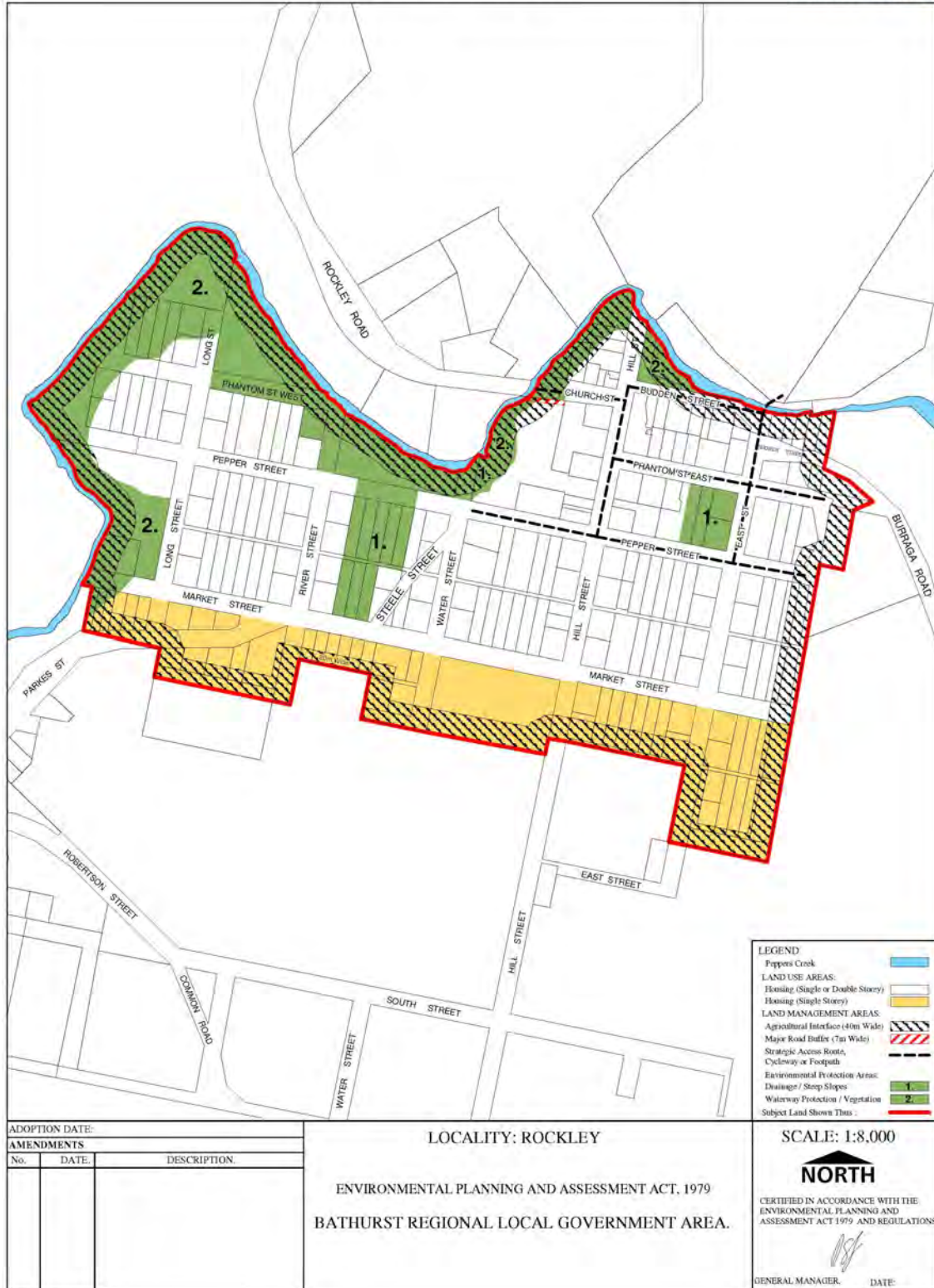
MAP No 23 – SOFALA

BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014
MAP No. 23 - SOFALA



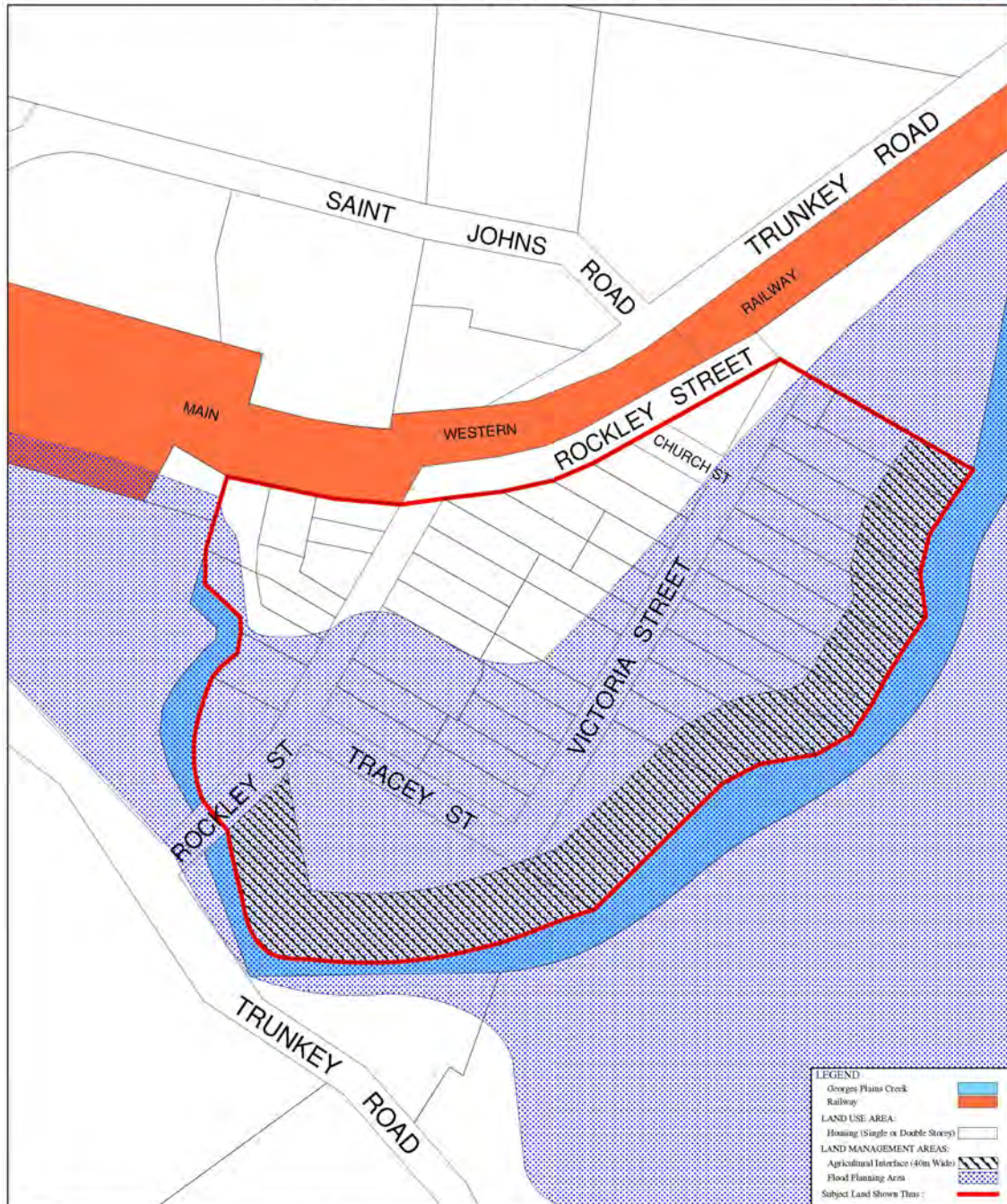
MAP No 24 – ROCKLEY

BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014
MAP No. 24 - ROCKLEY



MAP No 25 – GEORGES PLAINS

BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014
MAP No. 25 - GEORGES PLAINS



LEGEND	
Georges Plains Creek	
Railway	
LAND USE AREA:	
Housing (Single or Double Storey)	
LAND MANAGEMENT AREAS:	
Agricultural Interface (40m Wide)	
Flood Planning Area	
Subject Land Shown This:	

ADOPTION DATE:		
AMENDMENTS		
No.	DATE	DESCRIPTION

LOCALITY: GEORGES PLAINS

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

BATHURST REGIONAL LOCAL GOVERNMENT AREA.

SCALE: 1:3,000

NORTH

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GENERAL MANAGER DATE:

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MAP No 26 – PEEL

BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014
MAP No. 26 - PEEL



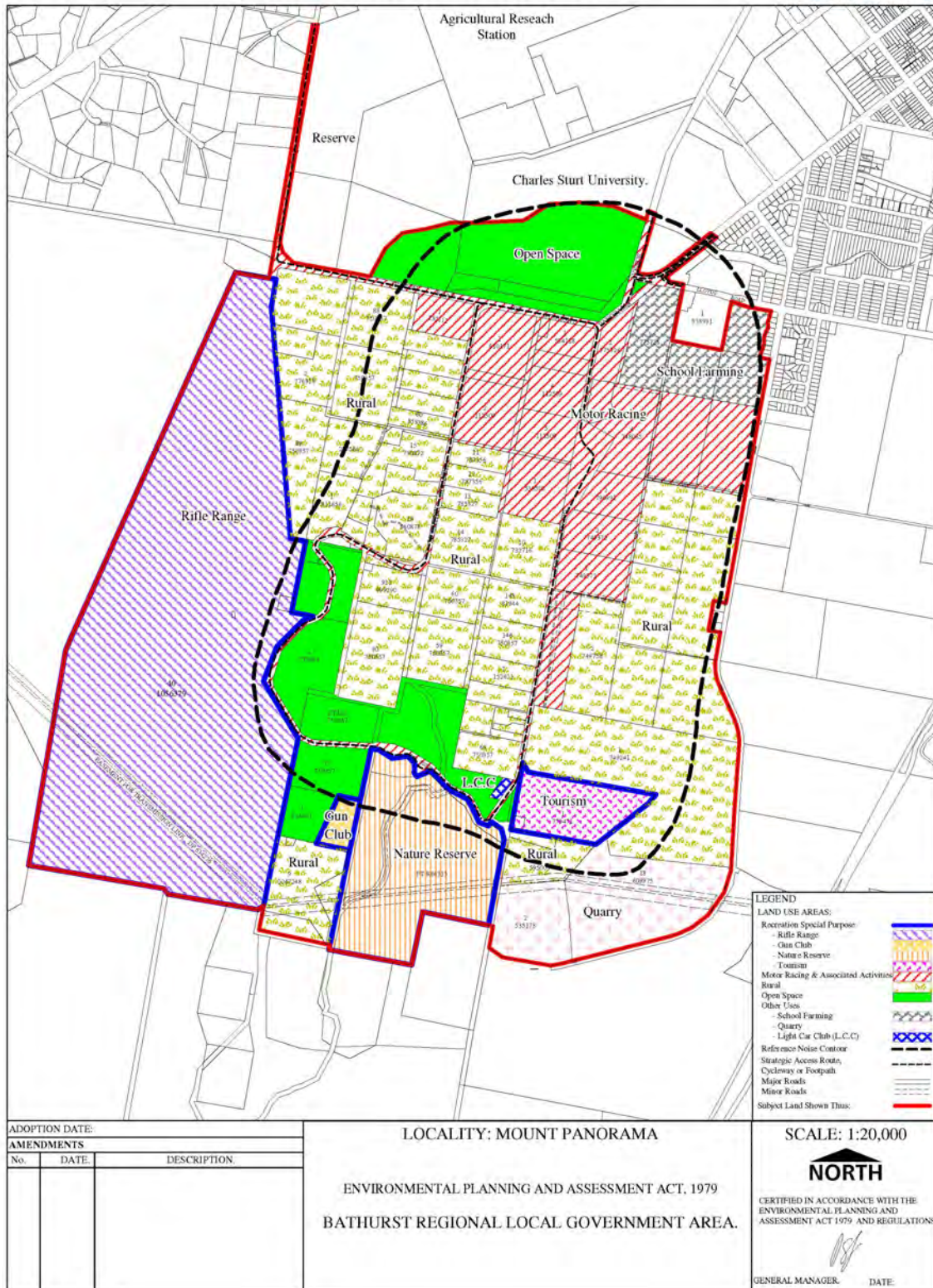
MAP No 27 – YETHOLME

BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014
MAP No. 27 - YETHOLME



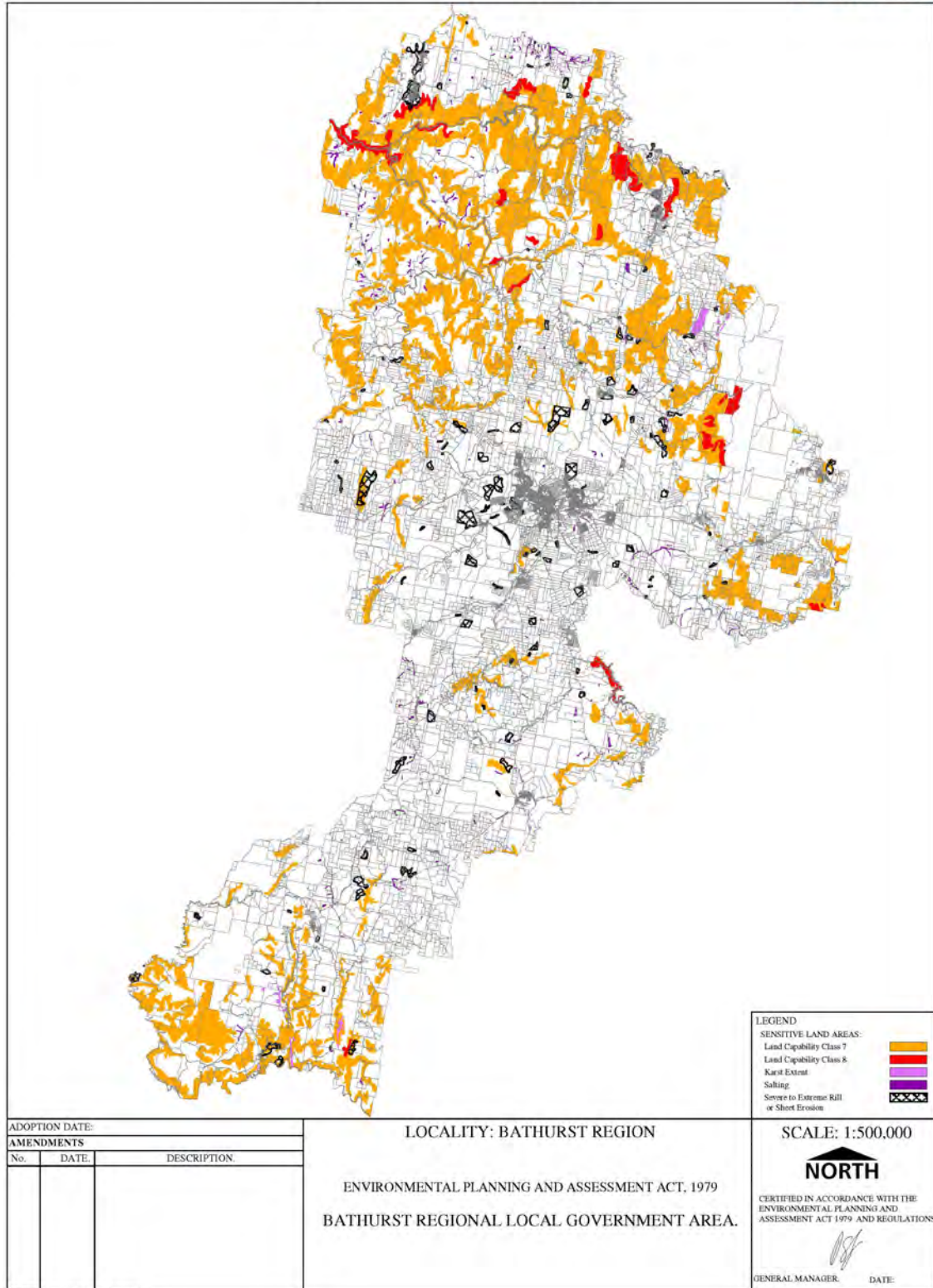
MAP No 28 – MOUNT PANORAMA

BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014
MAP No. 28 - MOUNT PANORAMA



MAP No 29 – LAND RESOURCES

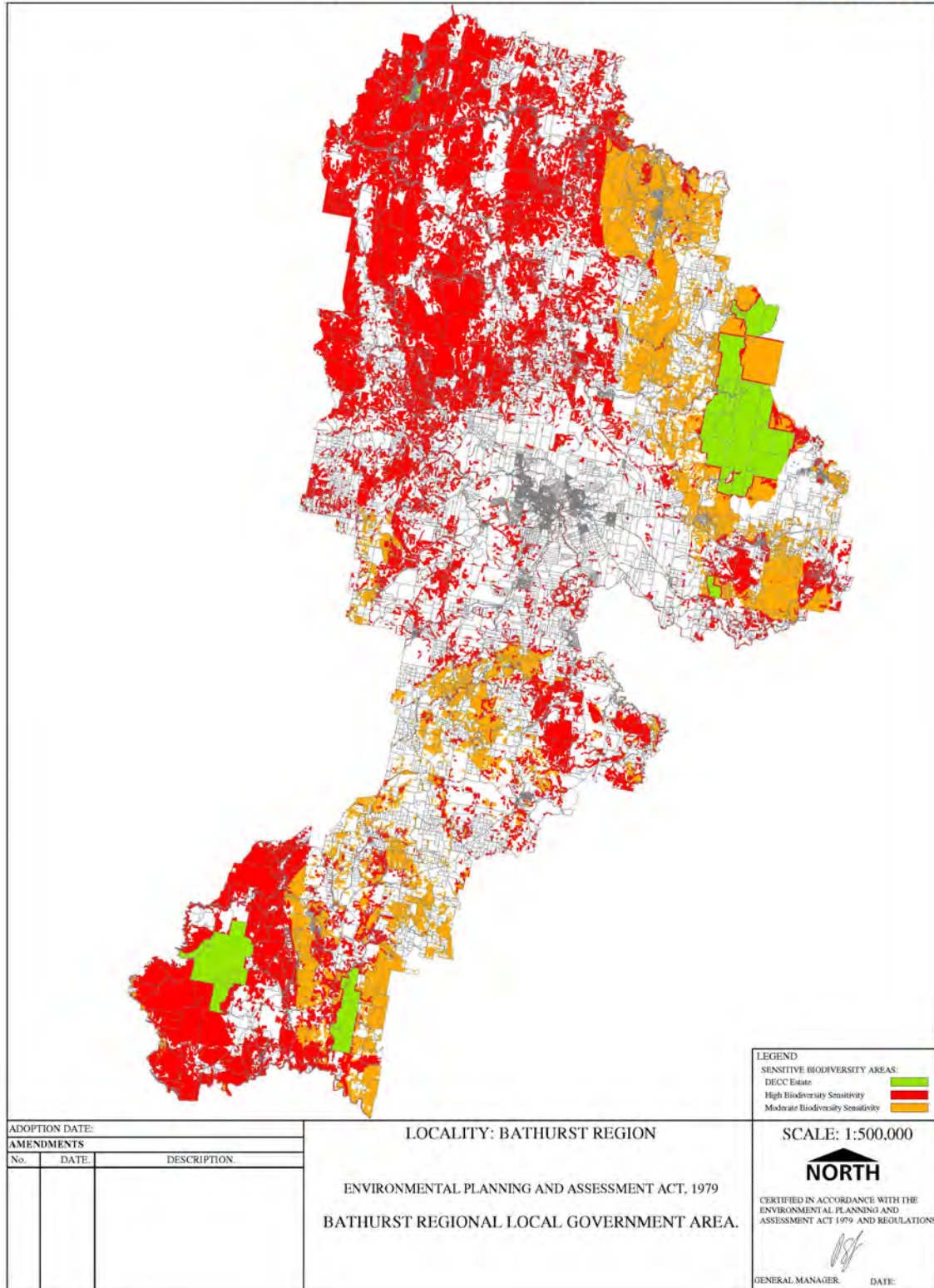
BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014 MAP No. 29 - LAND RESOURCES



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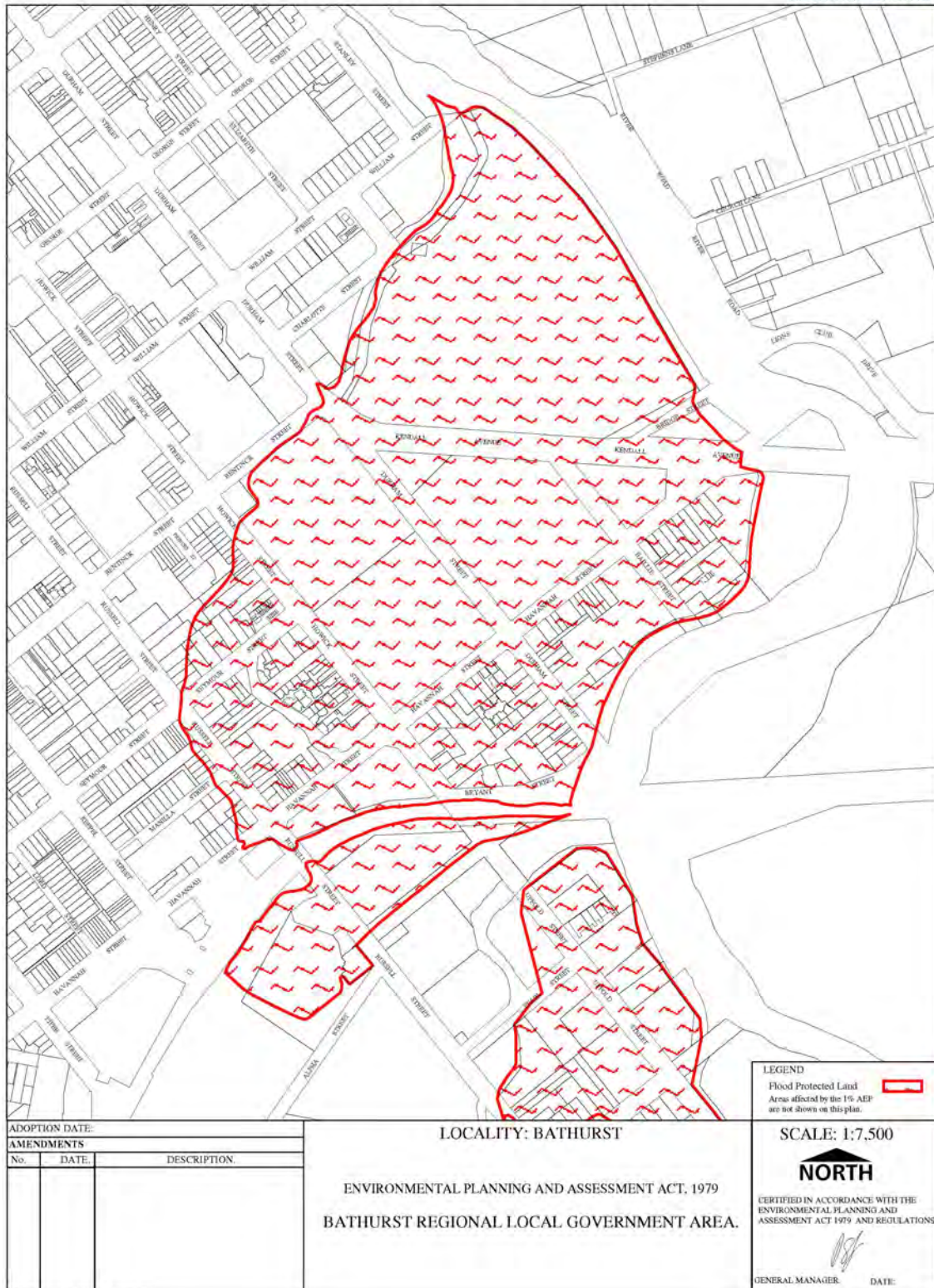
MAP No 31 – BIODIVERSITY

**BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014
MAP No. 31 - BIODIVERSITY**



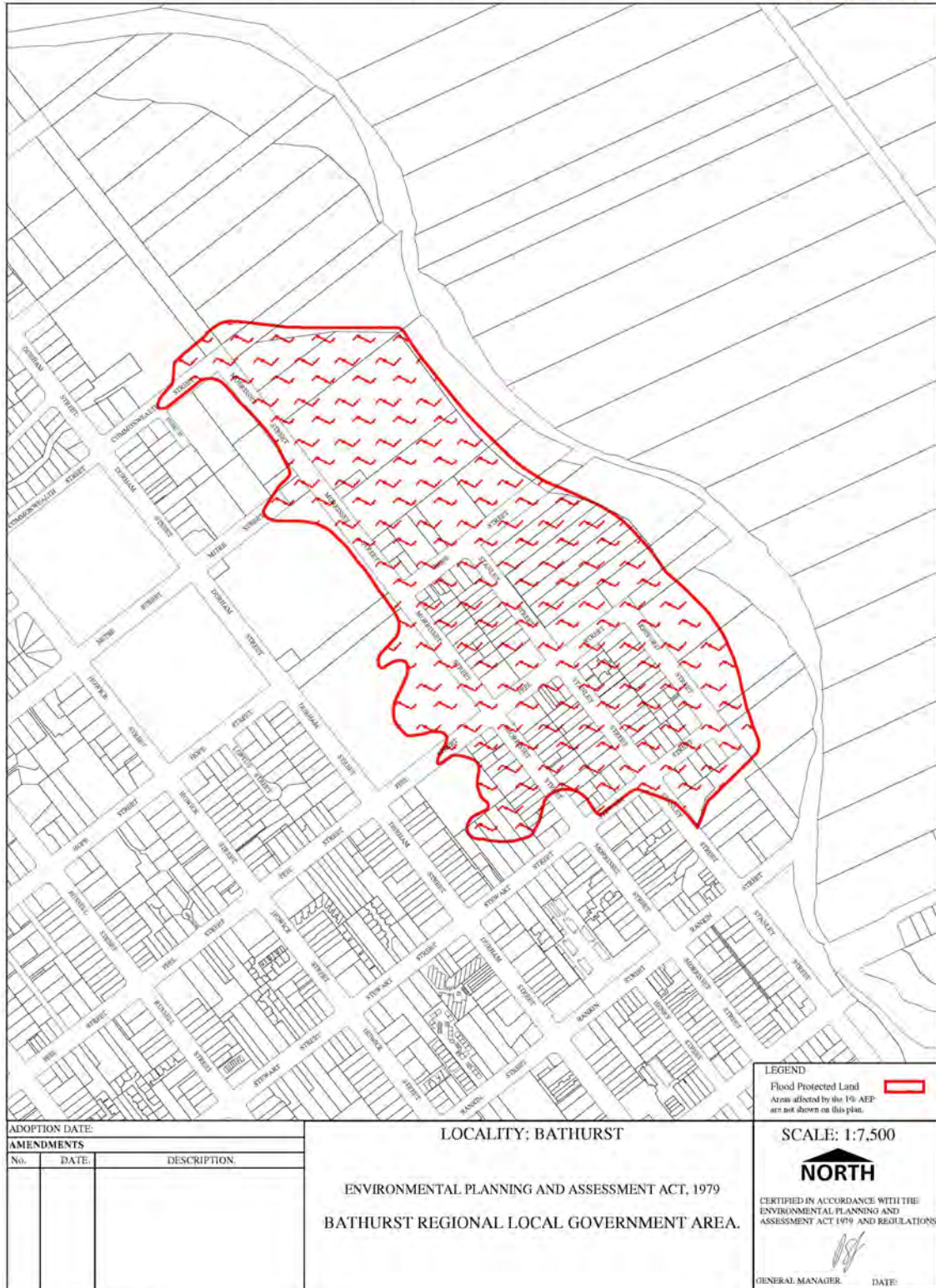
MAP No 32A – HAVANNAH STREET AREA

**BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014
MAP No. 32A - HAVANNAH STREET AREA**



MAP No 32B – MORRISSETT STREET AREA

**BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014
MAP No. 32B - MORRISSETT STREET AREA**



MAP No 32C – KELSO INDUSTRIAL AREA

**BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014
MAP No. 32C - KELSO INDUSTRIAL AREA**



ADOPTION DATE:		
AMENDMENTS		
No.	DATE	DESCRIPTION

LOCALITY: KELSO

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

BATHURST REGIONAL LOCAL GOVERNMENT AREA.

LEGEND

Flood Protected Land
Areas affected by the 1% AEP
are not shown on this plan.

SCALE: 1:6,000

NORTH

CERTIFIED IN ACCORDANCE WITH THE
ENVIRONMENTAL PLANNING AND
ASSESSMENT ACT 1979 AND REGULATIONS.

GENERAL MANAGER: DATE:

C:\Planning\Dev&DCP_2014\PLD_Kelso\corkenw19736

MAP No 32D – STOCKLAND DRIVE AREA



MAP No 32E – UPFOLD STREET AREA

**BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014
MAP No. 32E - UPFOLD STREET AREA**



ADOPTION DATE:		
AMENDMENTS		
No.	DATE	DESCRIPTION

LOCALITY: BATHURST, GORMANS HILL

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

BATHURST REGIONAL LOCAL GOVERNMENT AREA.

LEGEND

Flood Protected Land

Areas affected by the 1% AEP are not shown on this plan.

SCALE: 1:5,000

NORTH

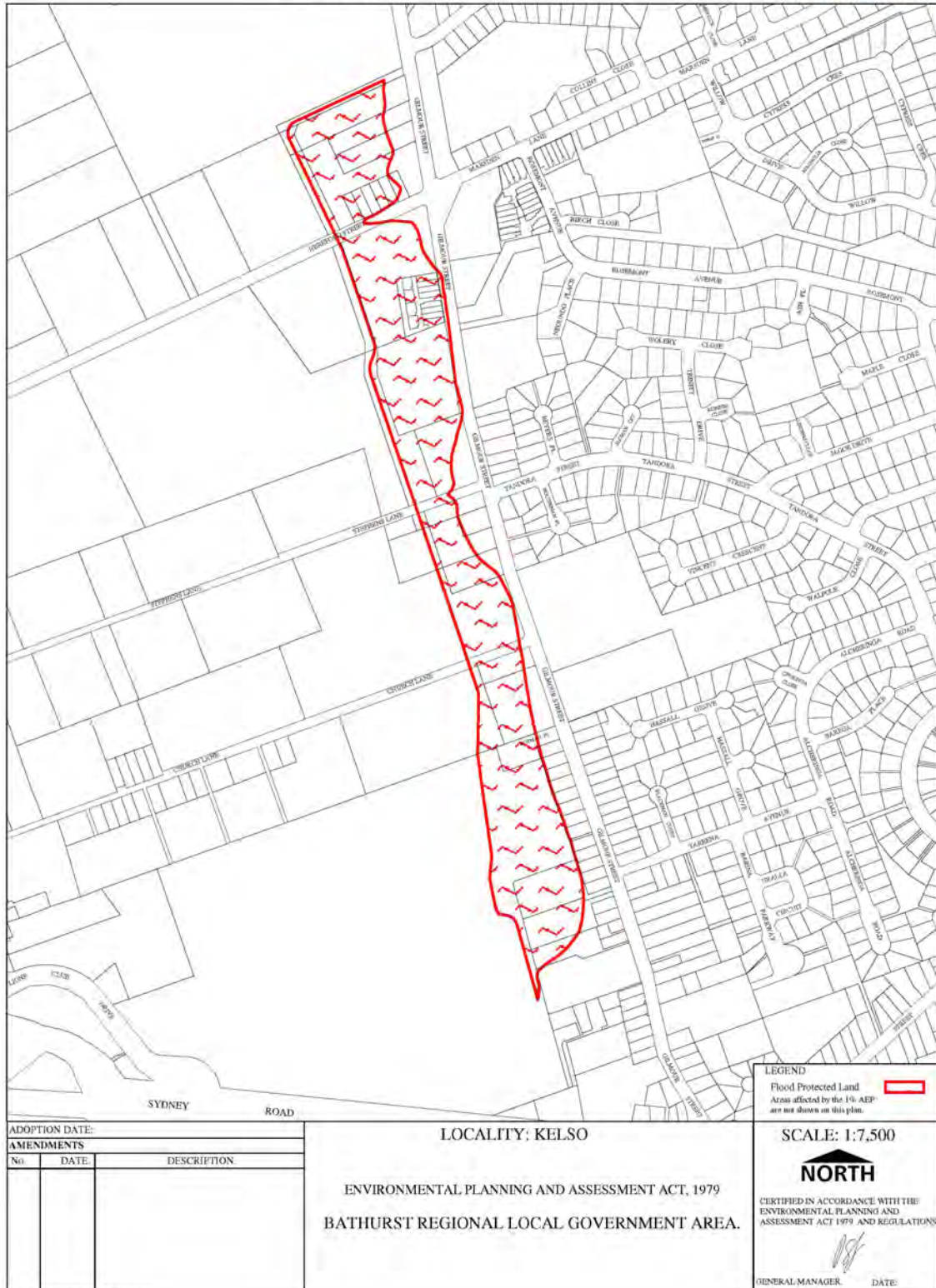
CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATIONS

GENERAL MANAGER. DATE:

Q:\Planning\DCP\DCP_2014\FLEL_1\Map32E.mxd

MAP No 32F – GILMOUR STREET

BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014
MAP No. 32F - GILMOUR STREET AREA



MAP No 32G – CARLINGFORD STREET AREA

**BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014
MAP No. 32G - CARLINGFORD STREET AREA**



ADOPTION DATE:		
AMENDMENTS		
No.	DATE	DESCRIPTION

LOCALITY: BATHURST, SOUTH BATHURST

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

BATHURST REGIONAL LOCAL GOVERNMENT AREA.

LEGEND

Flood Protected Land

Areas affected by the 1% AEP are not shown on this plan.

SCALE: 1:5,000

NORTH

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATIONS

GENERAL MANAGER. DATE:

MAP No 33 – CHIFLEY MEMORIAL HOUSING ESTATE – WEST BATHURST

BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014
MAP No. 33 - CHIFLEY MEMORIAL HOUSING ESTATE - WEST BATHURST



ADOPTION DATE:		
AMENDMENTS		
No.	DATE	DESCRIPTION

LOCALITY: WEST BATHURST

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

BATHURST REGIONAL LOCAL GOVERNMENT AREA.

LEGEND:

LAND USE AREAS:

Chifley Memorial Housing Estate

LAND MANAGEMENT AREAS:

Cyclways or Footpaths

Subject Land Shown Thus: —

SCALE: 1:2,500

NORTH

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATIONS

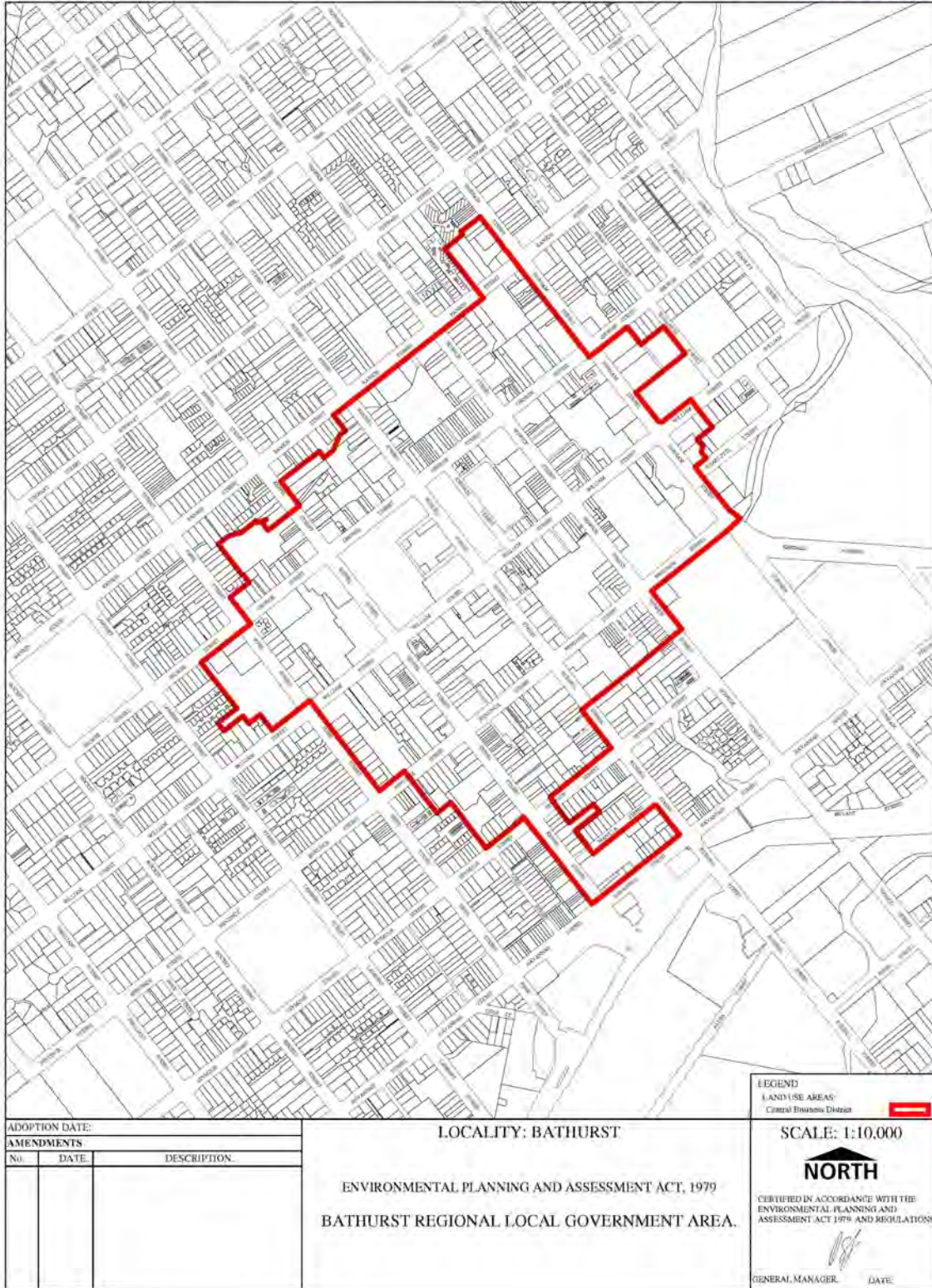
[Signature]

GENERAL MANAGER. DATE:

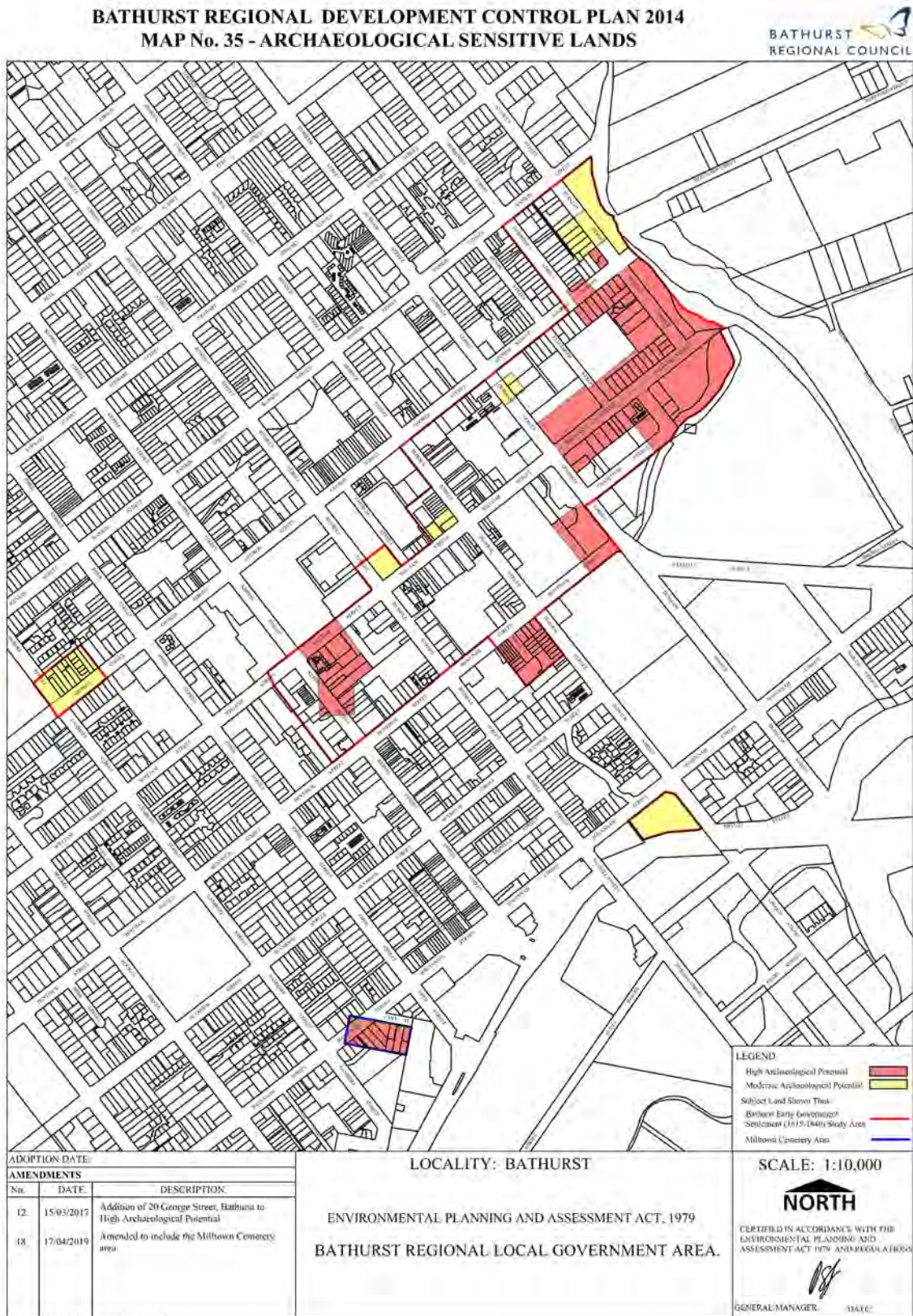
11 of Planning LDR 60227_2014-02-2017, Bathurst W 116

MAP No 34 – CENTRAL BUSINESS DISTRICT (CBD)

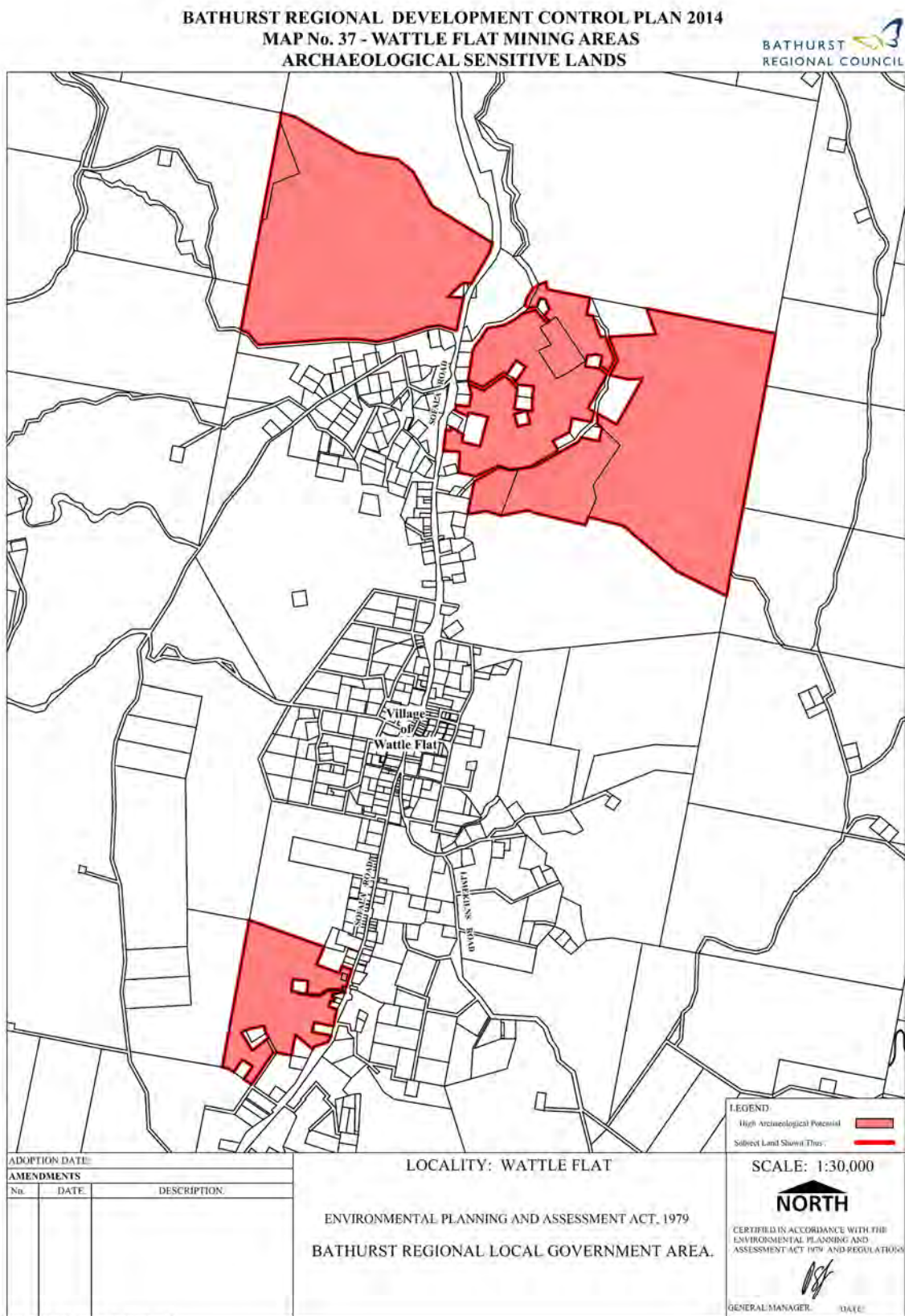
**BATHURST REGIONAL DEVELOPMENT CONTROL PLAN 2014
MAP No. 34 - CENTRAL BUSINESS DISTRICT (CBD)**



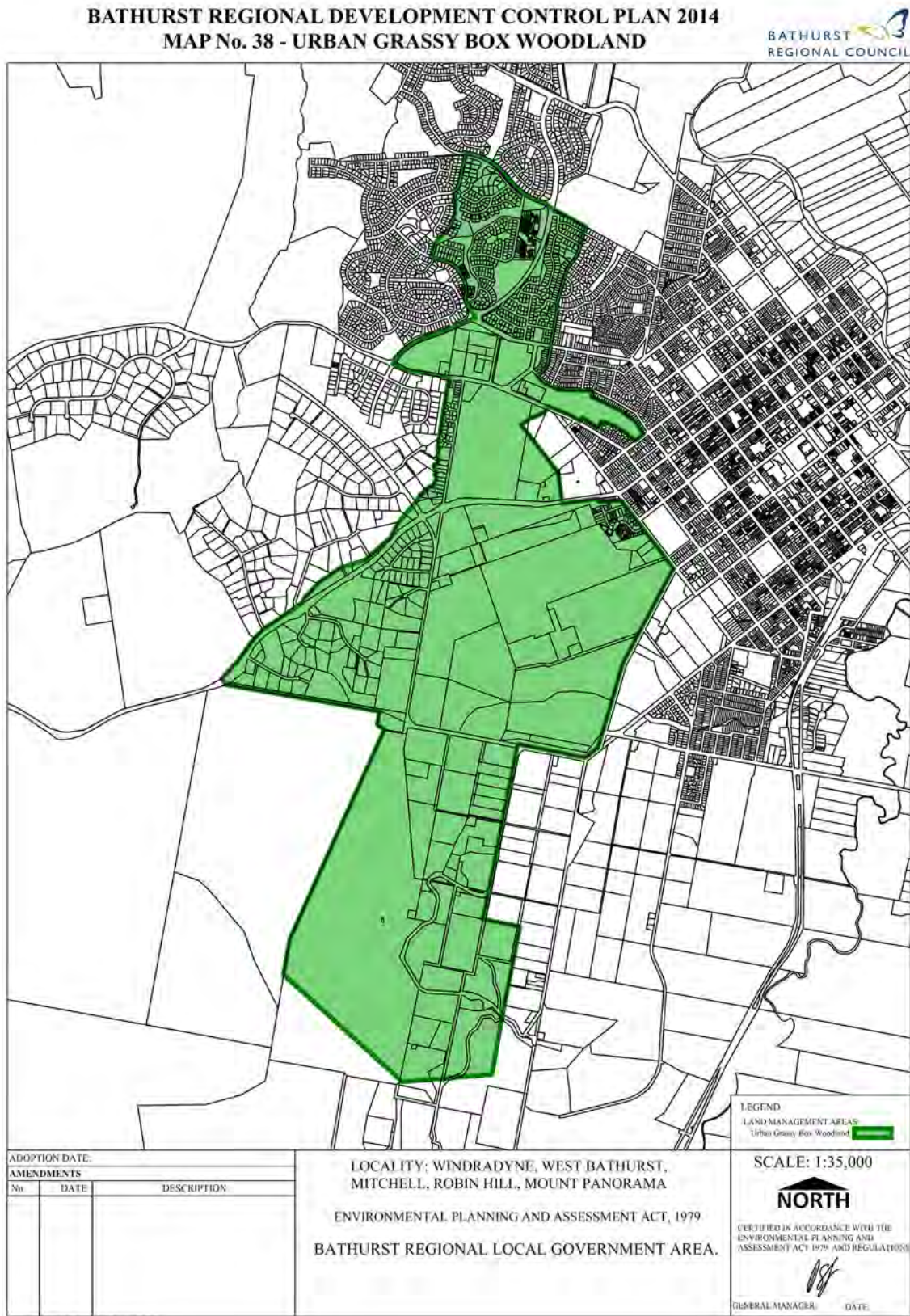
MAP No 35 – ARCHAEOLOGICAL SENSITIVE LANDS



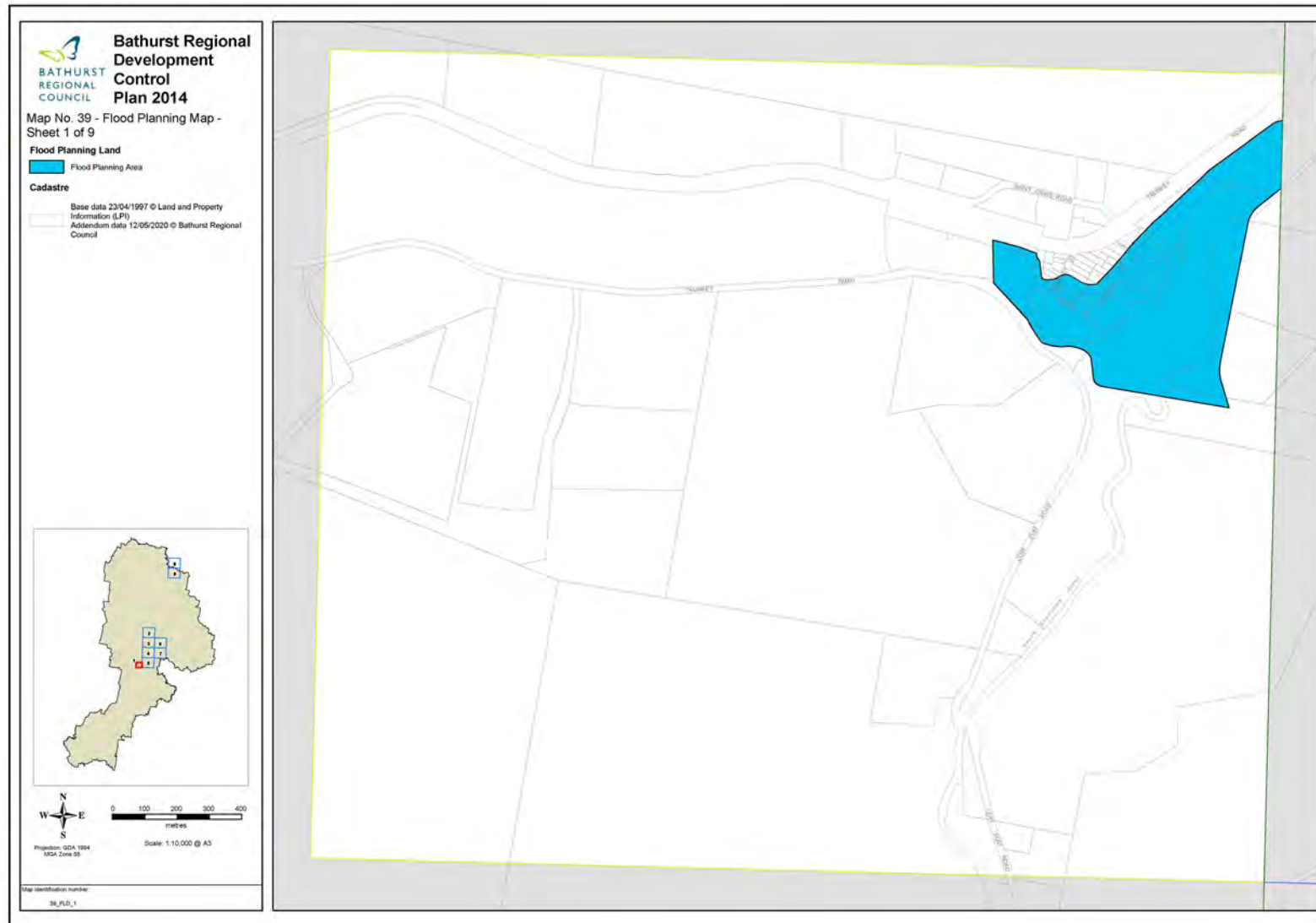
MAP No 37 – WATTLE FLAT MINING AREAS ARCHAEOLOGICAL SENSITIVE LANDS

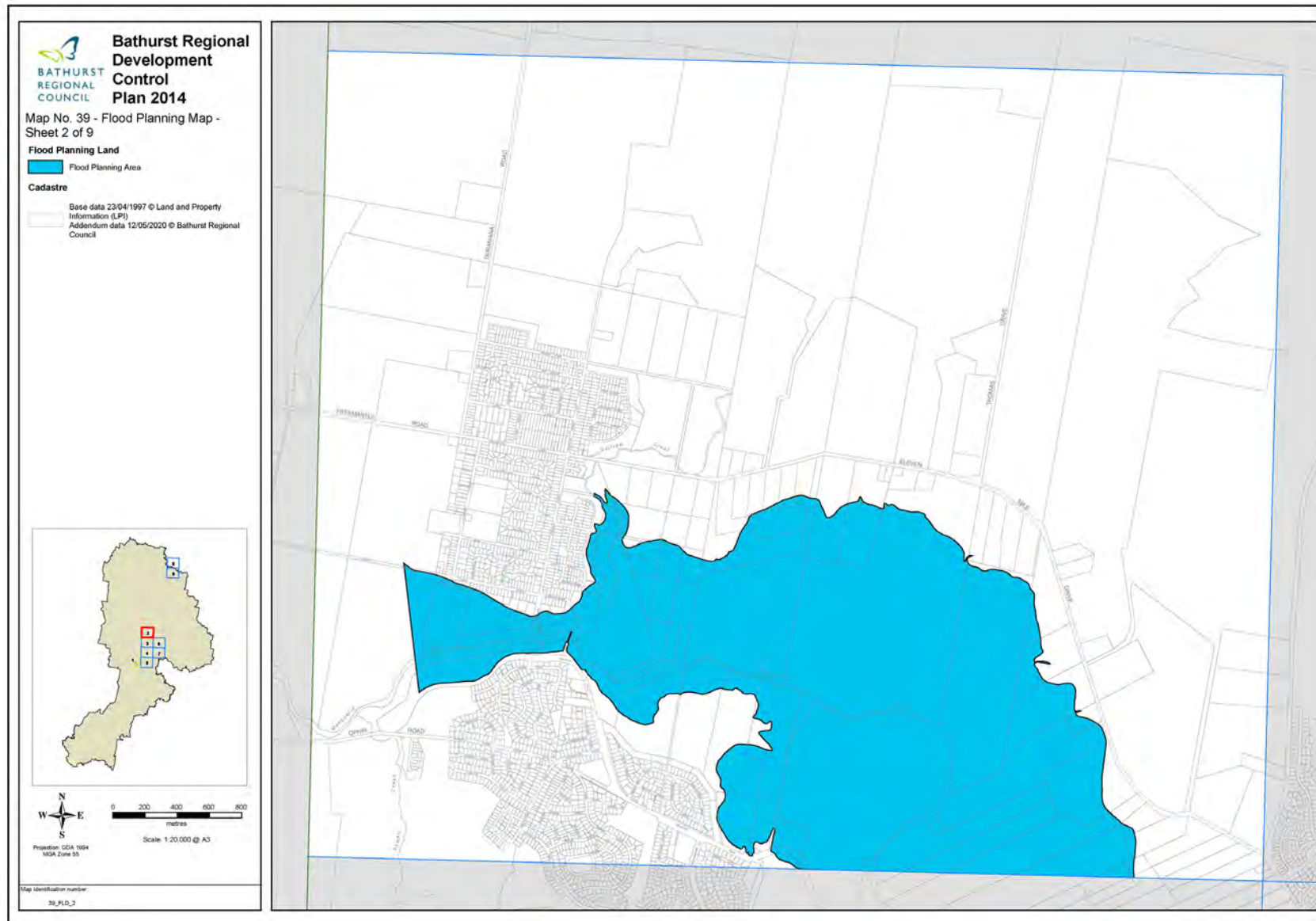


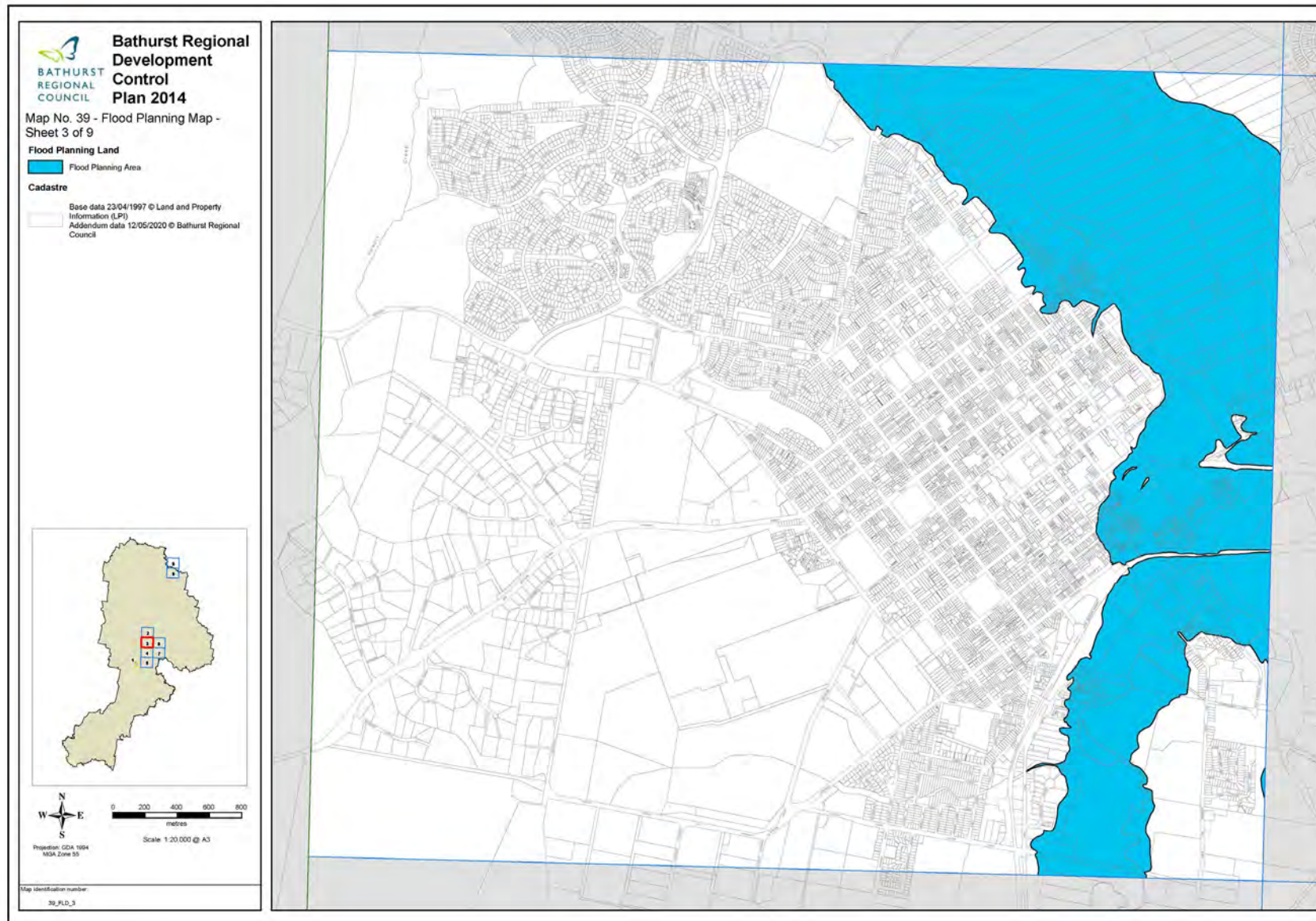
MAP No 38 – URBAN GRASSY BOX WOODLAND

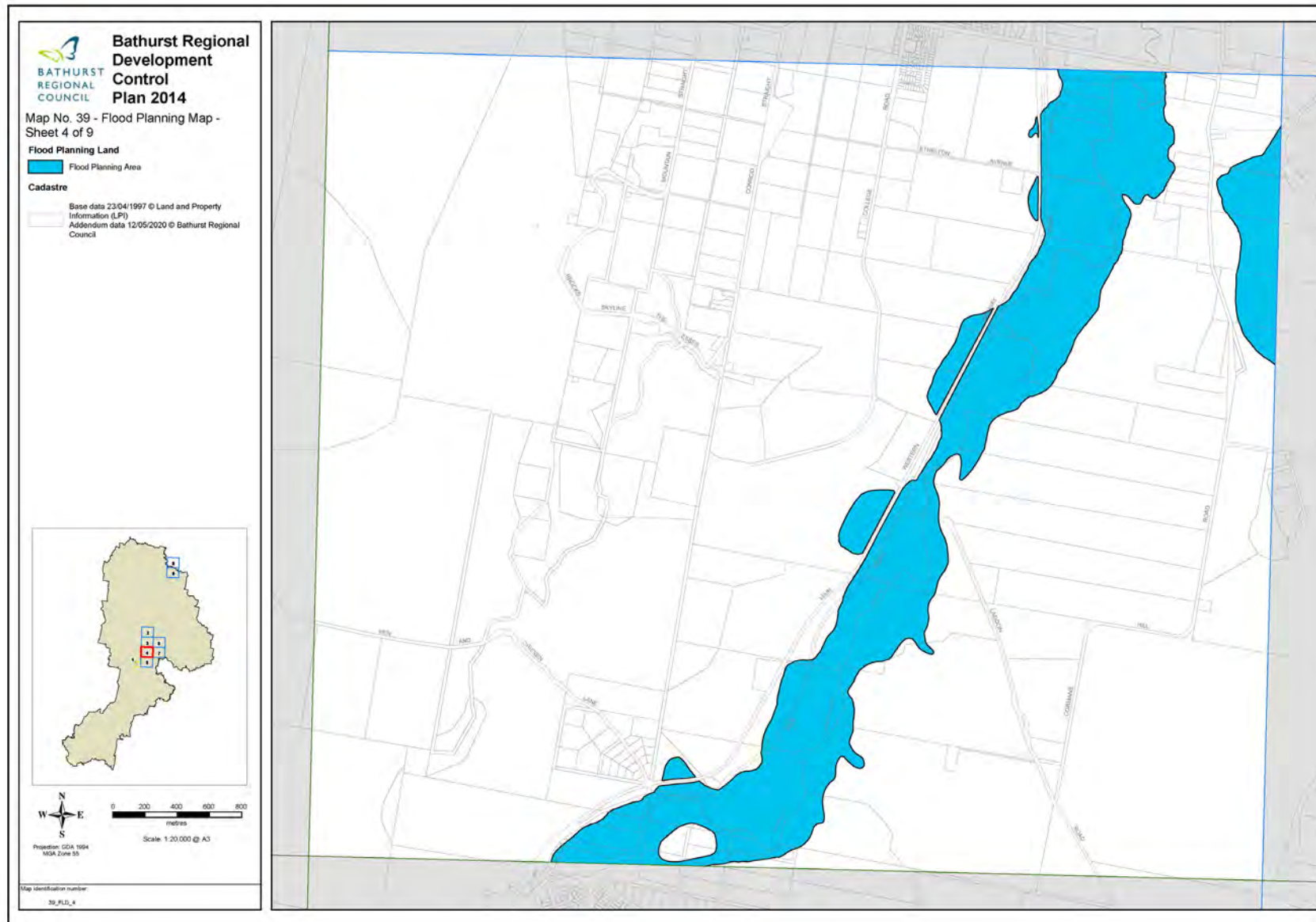


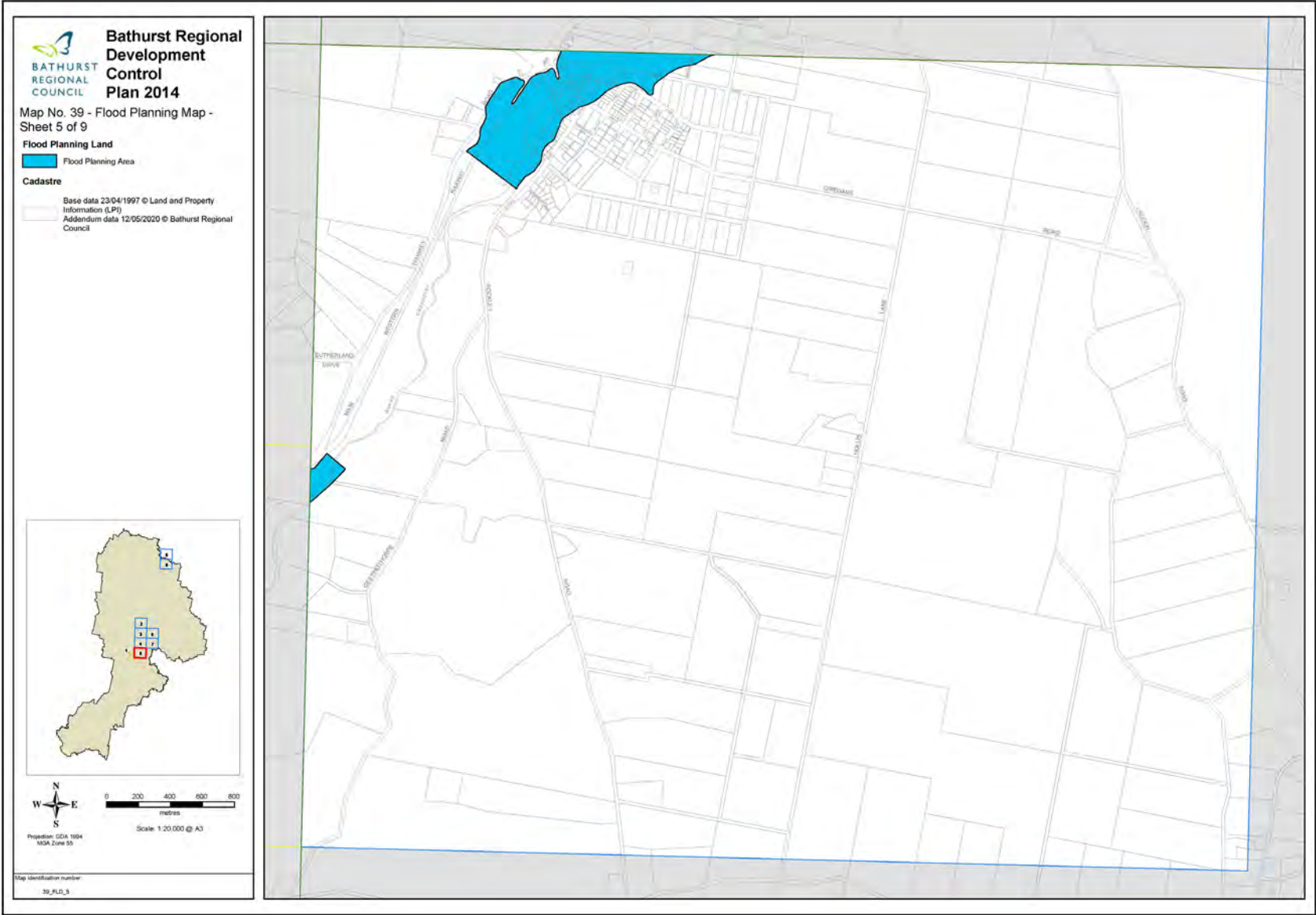
MAP NO. 39 – FLOOD PLANNING AREA (SHEETS 1 – 9)

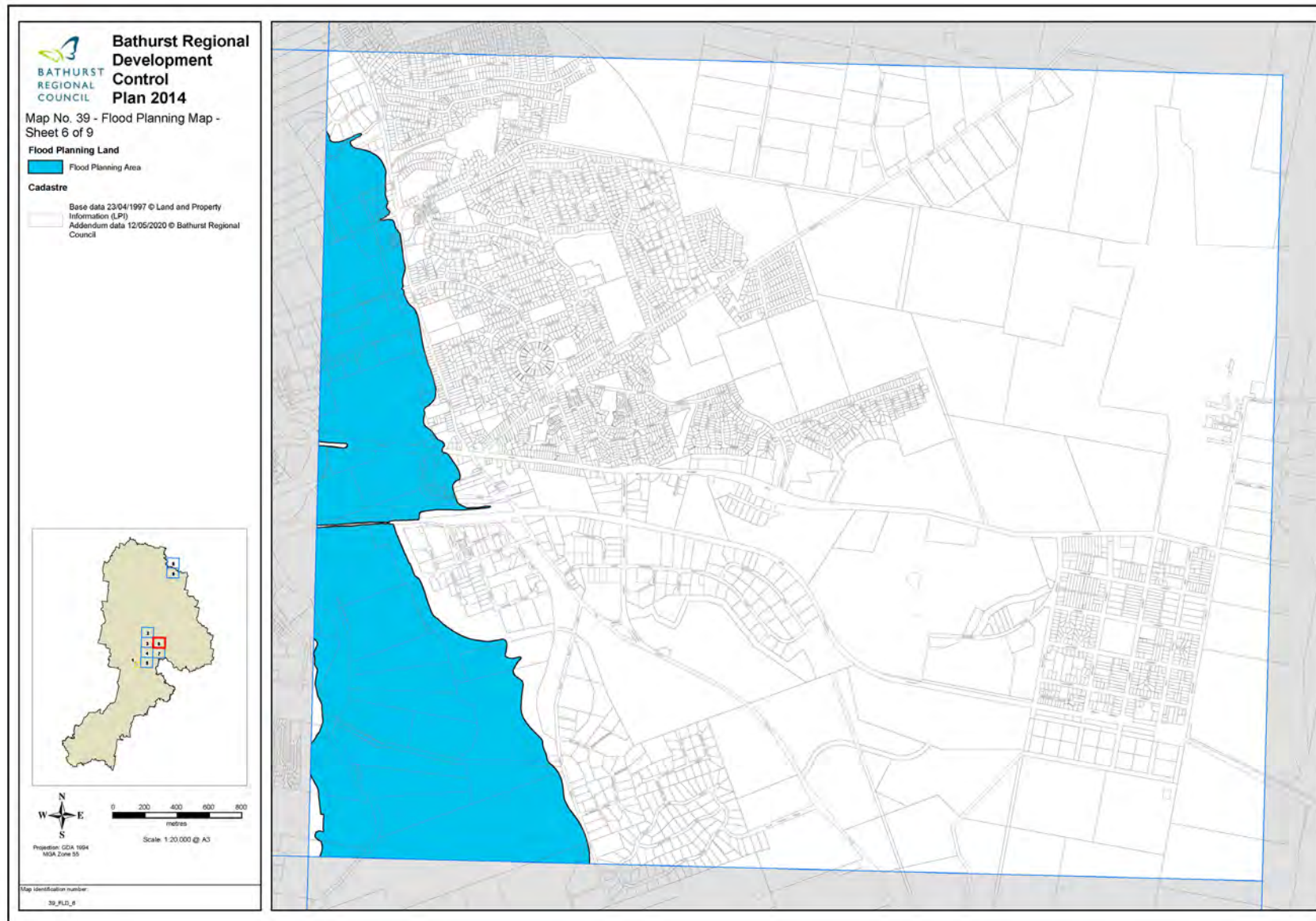


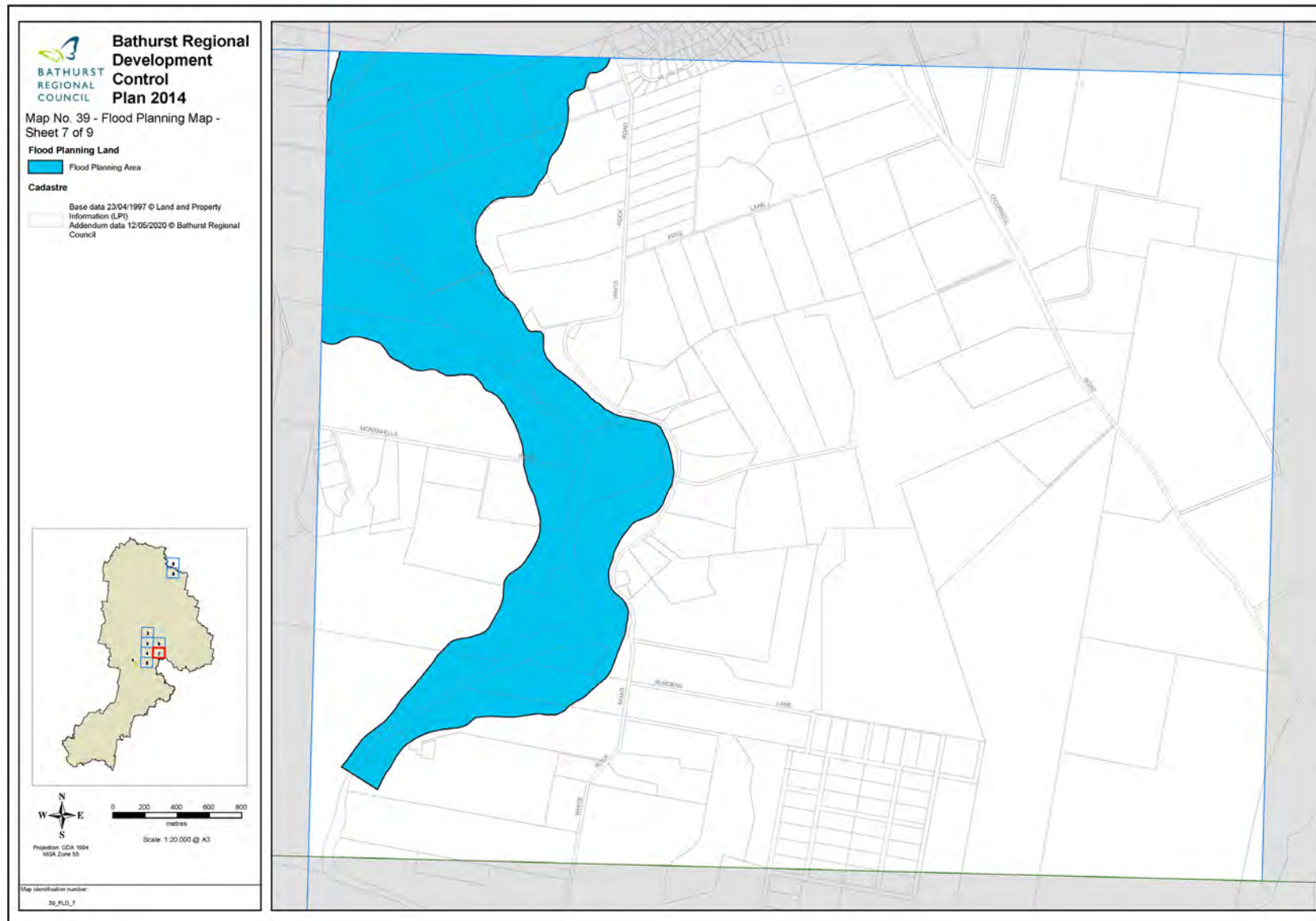


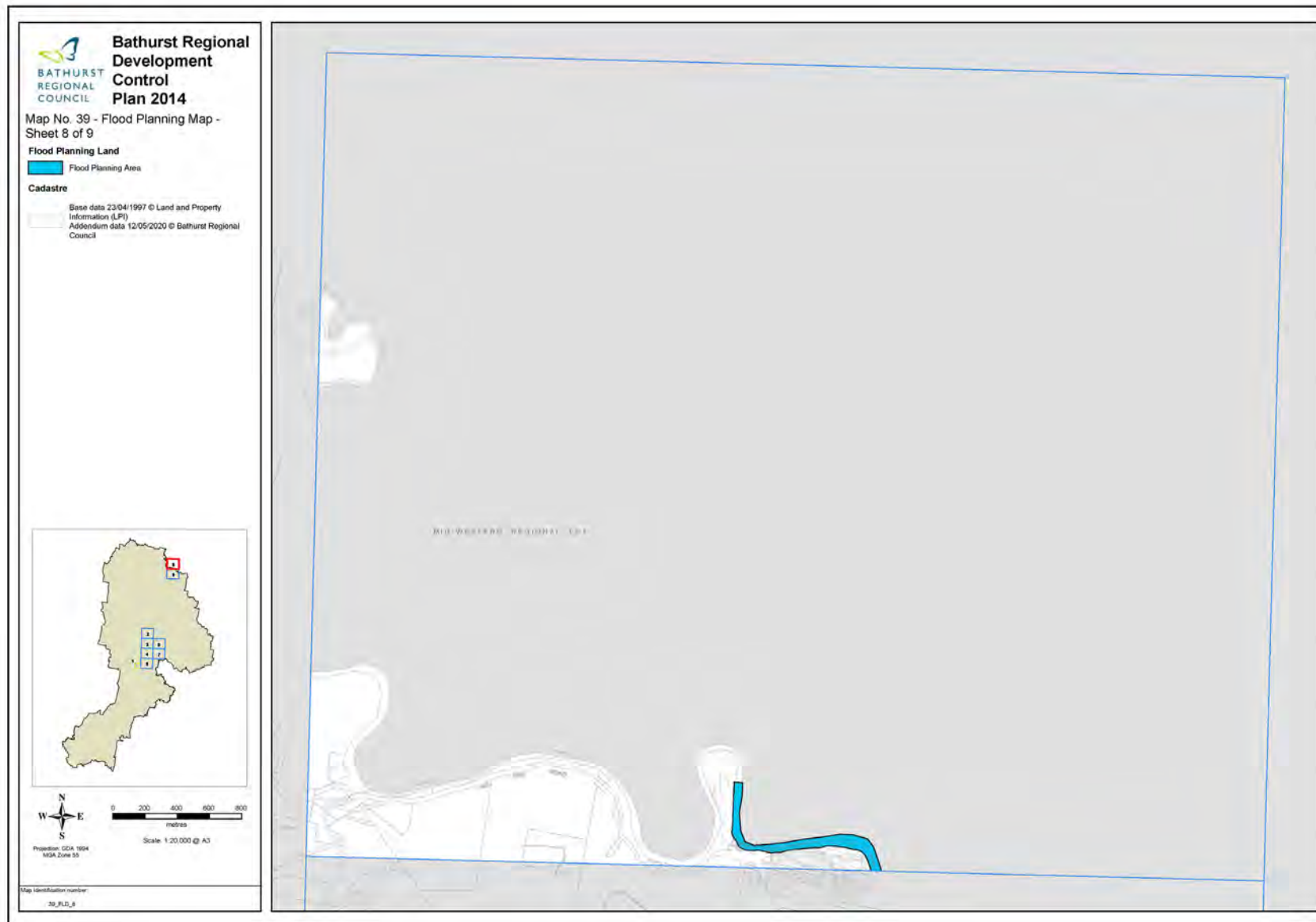


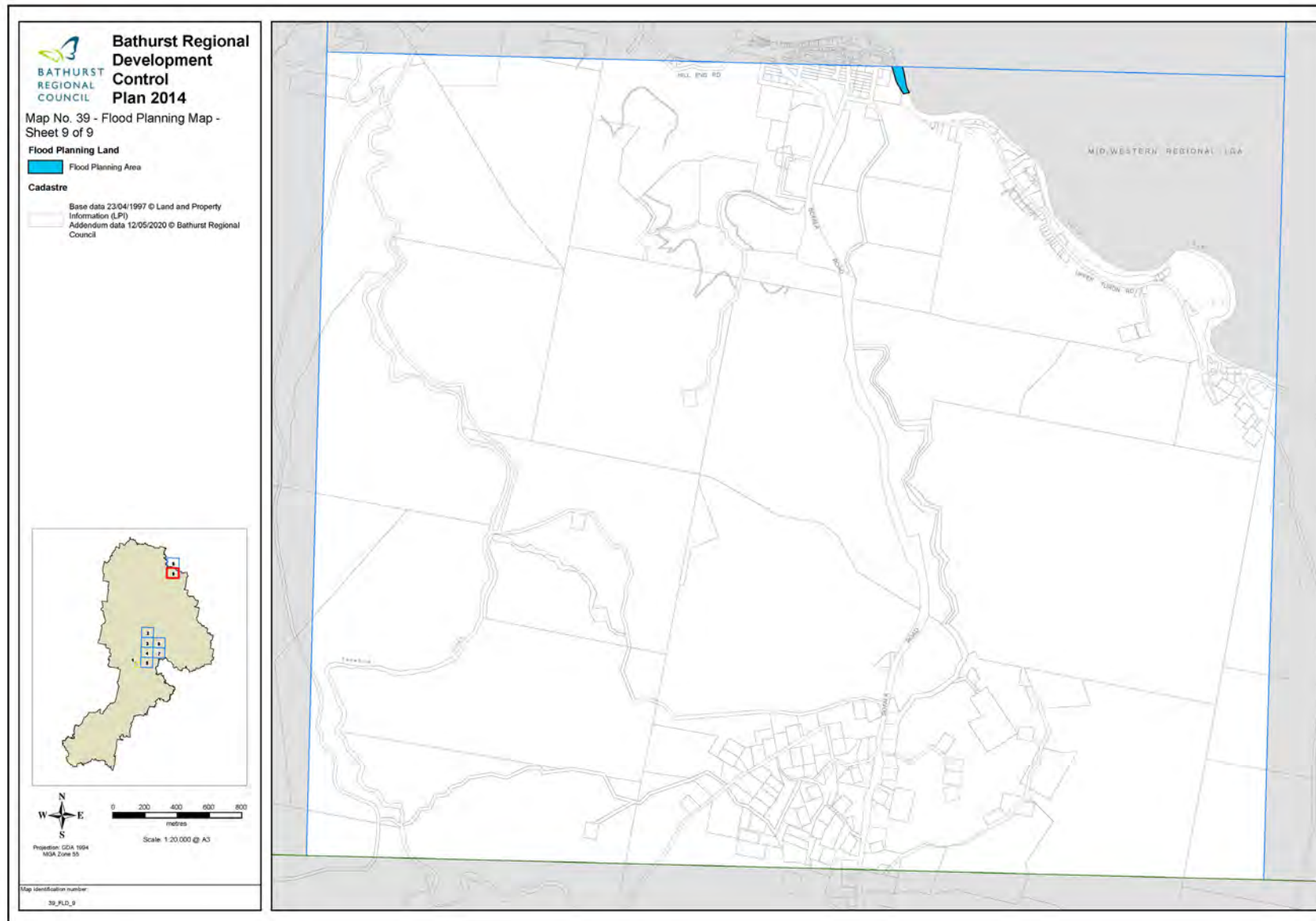












SCHEDULES

SCHEDULE 1

List of land subject to further investigation prior to subdivision.

Locality	Lot	DP	Property Address
East of Kelso	Lot 1	DP 176203	240 Limekilns Road, KELSO
	Lot 1	DP 224395	Sydney Road, KELSO
	Lot 2	DP 224395	Bonnor Street, KELSO
	Lot 351	DP 1104676	270 Marsden Lane, KELSO
	Lot 1	DP 1126786	240 Limekilns Road, KELSO
	Lot 2	DP 772047	Limekilns Road, KELSO
	Lot 9	DP 785332	330 Laffing Waters Lane, LAFFING WATERS
	Lot 6	DP 788492	Laffing Waters Lane, LAFFING WATERS
	Lot 5	DP 847225	197 Limekilns Road, KELSO
	Lot 12	DP 857116	183 Laffing Waters Lane, LAFFING WATERS

Locality	Lot	DP	Property Address
Morrisset Street	Lot 14	DP 789511 Section 49	81 Stanley Street, Bathurst

Locality	Lot	DP	Property Address
Mount Rankin	Lot 12	DP 249032	98 Spring Close, MOUNT RANKIN
	Lot 22	DP 1037768	115 Willow Tree Lane, MOUNT RANKIN
	Lot 100	DP 1033819	297 Howards Drive, MOUNT RANKIN
	Lot 5	DP 1066379	268 Howards Drive, MOUNT RANKIN
	Lot 4	DP 1078828	151 Willow Tree Lane, MOUNT RANKIN
	Lot 7	DP 1078828	54 Wylchris Lane, MOUNT RANKIN
	Lot 8	DP 1078828	61 Wylchris Lane, MOUNT RANKIN
	Lot 1	DP 1092262	105 Willow Tree Lane, MOUNT RANKIN
	Lot 2	DP 1092262	97 Willow Tree Lane, MOUNT RANKIN
	Lot 3	DP 1080388	95 Willow Tree Lane, MOUNT RANKIN
	Lot 2	DP 243813	87 Willow Tree Lane, MOUNT RANKIN
	Lot 8	DP 249032	458 Freemantle Road, MOUNT RANKIN
	Lot 3	DP 249032	16 Spring Close, MOUNT RANKIN

Bathurst Regional Development Control Plan 2014

Locality	Lot	DP	Property Address
	Lots 31 & 32	DP 838545	75 Willow Tree Lane, MOUNT RANKIN
	Lots 1, 2 & 3	DP 833452	46 Willow Tree Lane, MOUNT RANKIN
	Lot 18	DP 258387	189 Mount Rankin Road, MOUNT RANKIN
	Lot 17	DP 249032	133 Spring Close, MOUNT RANKIN
	Lot 13	DP 755779	357 Mount Rankin Road, MOUNT RANKIN
	Lot 3	DP 263393	34 Woodside Drive, MOUNT RANKIN
	Lot 21	DP 852712	141 Mount Rankin Road, MOUNT RANKIN

Locality	Lot	DP	Property Address
Peel	Lot 1	DP 818375	40 Dempsey Street, PEEL
	Lot 1	DP 734018	20 Dempsey Street, PEEL
	Lot 2	DP 195398	1610 Sofala Road, PEEL
	Lot 2	DP 879402	29 Wellington Street, PEEL

Locality	Lot	DP	Property Address
Rockley	Lots 1, 2, 3, 4 & 20	DP 758884 Section 20	Market Street, ROCKLEY

Locality	Lot	DP	Property Address
Sydney Road	Lot 1	DP 530650	5475 Great Western Highway, Raglan
	Lot 1	DP 536591	5415 Great Western Highway, Raglan
	Lot 32	DP 870672	Great Western Highway, Raglan
	Lot 2	DP 1079829	207-213 Sydney Road, Kelso
	Lots 21 & 22	DP 137352	
	Pt 29	DP 755781	
	Lot 1	DP 1079829	193 Sydney Road, Kelso

Locality	Lot	DP	Property Address
The Lagoon	Lot 16	DP 1100726	14 George Thomas Close, THE LAGOON

Bathurst Regional Development Control Plan 2014

Locality	Lot	DP	Property Address
	Lot 3	DP 1046017	52 Samuel Way, THE LOGOON
	Lot 8	DP 1058252	78 Samuel Way, THE LAGOON

Locality	Lot	DP	Property Address
Trunkey Creek	Lot 142	DP 753049	15 Hobby Yards Road, TRUNKEY CREEK
	Lot 10	DP 758998 Section 10	
	Lot 2	DP 758998 Section 10	1 Hobby Yards Road, TRUNKEY CREEK
	Lot 144	DP 753049	
	Lot 143	DP 753049	7 Hobby Yards Road, TRUNKEY CREEK
	Lot 7	DP 758998 Section 10	
	Lot 116	DP 753049	9 Chard Street, TRUNKEY CREEK

Locality	Lot	DP	Property Address
Wattle Flat	Lot 137	DP 755803	Solitary Lane, WATTLE FLAT
	Lot 125	DP 755790	21 Short Street, WATTLE FLAT
	Lot 5	DP 759061 Section 1	20 Thompson Street, WATTLE FLAT
	Lot 8	DP 820934	20 Thompson Street, WATTLE FLAT
	Lot 186	DP 755790	Short Street, WATTLE FLAT
	Part Lot 181	DP 755790	Short Street, WATTLE FLAT
	Lot 141 Lot 161 Lot 163 Lot 406 Lot 407	DP 755790	Limekilns Road, WATTLE FLAT
	Lot 329	DP 755803	35 Brae Lane, WATTLE FLAT
	Lot 142 Lot 173 Lot 228 Lot 235 Lot 472 Lot 473 Lot 84 Lot 88	DP 755790	Batterham Lane, WATTLE FLAT

Bathurst Regional Development Control Plan 2014

Locality	Lot	DP	Property Address
	Lot 549	DP 755790 Crown Lease 165559	Batterham Lane, WATTLE FLAT
	Lot 351 Lot 352	DP 823407	3649 Sofala Road, WATTLE FLAT
	Lot 52 Lot 53 Lot 54	DP 755803	3649 Sofala Road, WATTLE FLAT
	Lot 464 Lot 465 Lot 466 Lot 83	DP 755790	23 Riley Lane, WATTLE FLAT
	Lot 165 Lot 345 Lot 167 Lot 233 Lot 244 Lot 297 Lot 339 Lot 344	DP 755803	54 Kneale Street, WATTLE FLAT
	Lot 129	DP 755803 Special Lease 105608	
	Lot 166 Lot 168	DP 755803 Special Lease 1970/7	
	Lot 507	DP 755790	24 Crawford Lane, WATTLE FLAT
	Lot 165	DP 755790	3788 Limekilns Road, WATTLE FLAT
	Lot 338 Lot 63 Lot 64 Lot 65	DP 755803	3730 Limekilns Road, WATTLE FLAT
	Lot 40 Lot 41	DP 755790	Short Street, WATTLE FLAT

Bathurst Regional Development Control Plan 2014

Locality	Lot	DP	Property Address
	Lot 139 Lot 148 Lot 307 Lot 40 Lot 41 Lot 42	DP 755803	3715 Sofala Road, WATTLE FLAT
	Lot 236, Lot 237	DP 755803 Crown Licence 191661	
	Lot 126	DP 755803	79 Thompson Street, WATTLE FLAT

Locality	Lot	DP	Property Address
White Rock	Lot 21	DP 264145	3941 O'Connell Road, KELSO
	Lot 1	DP 592193	45 Frys Lane, WHITE ROCK
	Lot 111	DP 755781	199 White Rock Road, WHITE ROCK
	Lot 112	DP 755781	205 White Rock Road, WHITE ROCK
	Lot 113	DP 755781	221 White Rock Road, WHITE ROCK
	Lot 116	DP 755781	245 White Rock Road, WHITE ROCK
	Lot 118	DP 755781	White Rock Road, WHITE ROCK
	Lot 128 Lot 132	DP 755781	47 Frys Lane, WHITE ROCK
	Lot 201	DP 791124	289 White Rock Road, WHITE ROCK
	Lot 202	DP 791124	39 Frys Lane, WHITE ROCK
	Lot 6	DP 846870	97 Frys Lane, WHITE ROCK
	Lot 7	DP 846870	51 Frys Lane, WHITE ROCK
	Lot 1	DP 862788	4095 O'Connell Road, KELSO
	Lot 1	DP 867504	4031 O'Connell Road, KELSO
	Lot 14	DP 1050220	3991 O'Connell Road, KELSO
	Lot 114	DP 1123746	223 White Rock Road, WHITE ROCK
	Lot 115	DP 1123746	237 White Rock Road, WHITE ROCK

Locality	Lot	DP	Property Address
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Locality	Lot	DP	Property Address
Yetholme	Lot 1	DP 1044470	343 Yetholme Drive, YETHOLME
	Lot 20	DP 1118252	
	Lot 21		
	Lot 1	DP 1124105	10 Macabees Road, YETHOLME
	Lot 241	DP 755805	318 Yetholme Drive, YETHOLME
	Lot 242		
	Lot 2	DP 1040687	345 Yetholme Drive, YETHOLME
	Lot 235	DP 755805	4 Porters Lane, YETHOLME
	Lot 4		
	Lot 2		
Lot 21	DP 555967		
Lot 33	DP 633270	380 Yetholme Drive, YETHOLME	
Lot 32			
Kelso	14	1050220	3991 O'Connell Road, KELSO
	1	867504	4031 O'Connell Road, KELSO

SCHEDULE 2

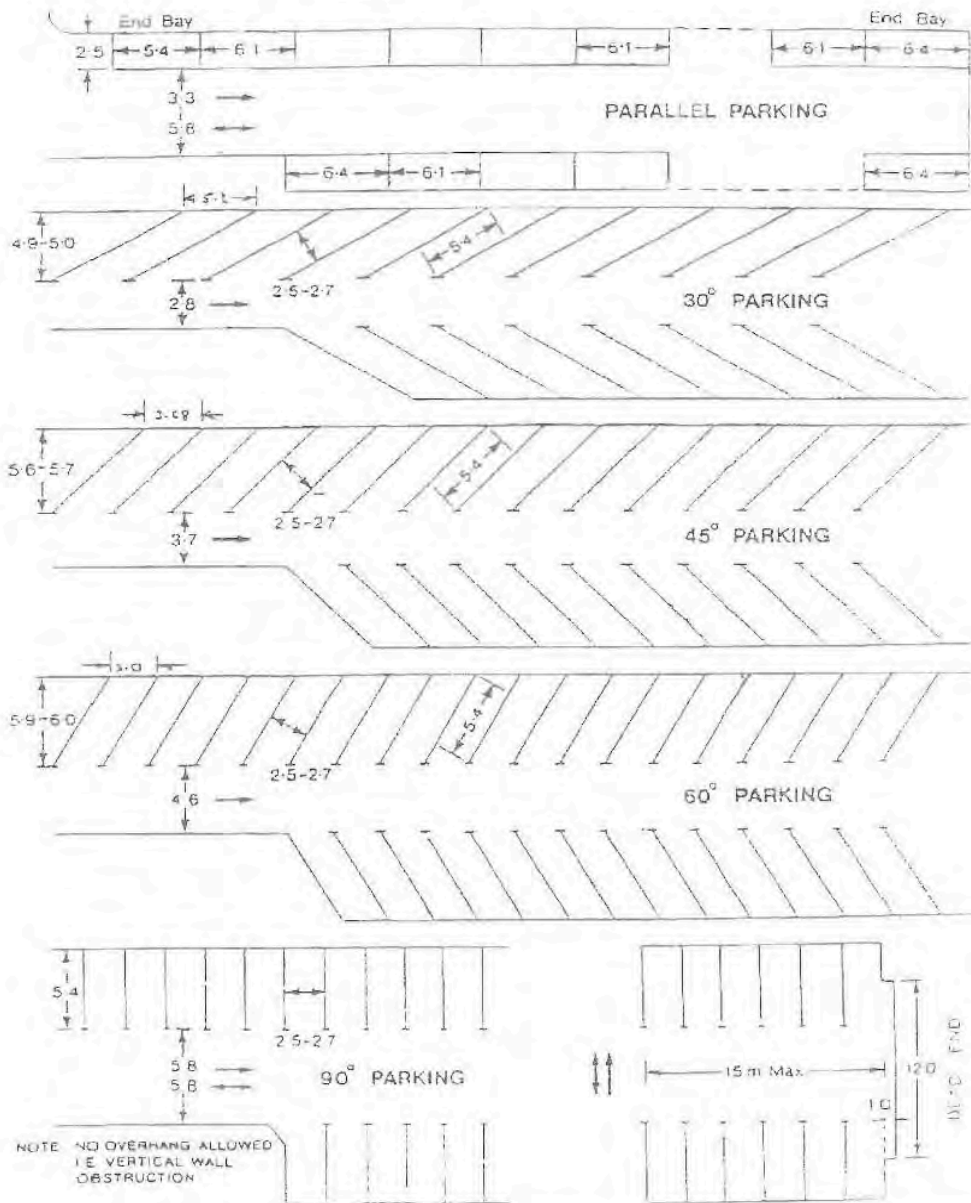
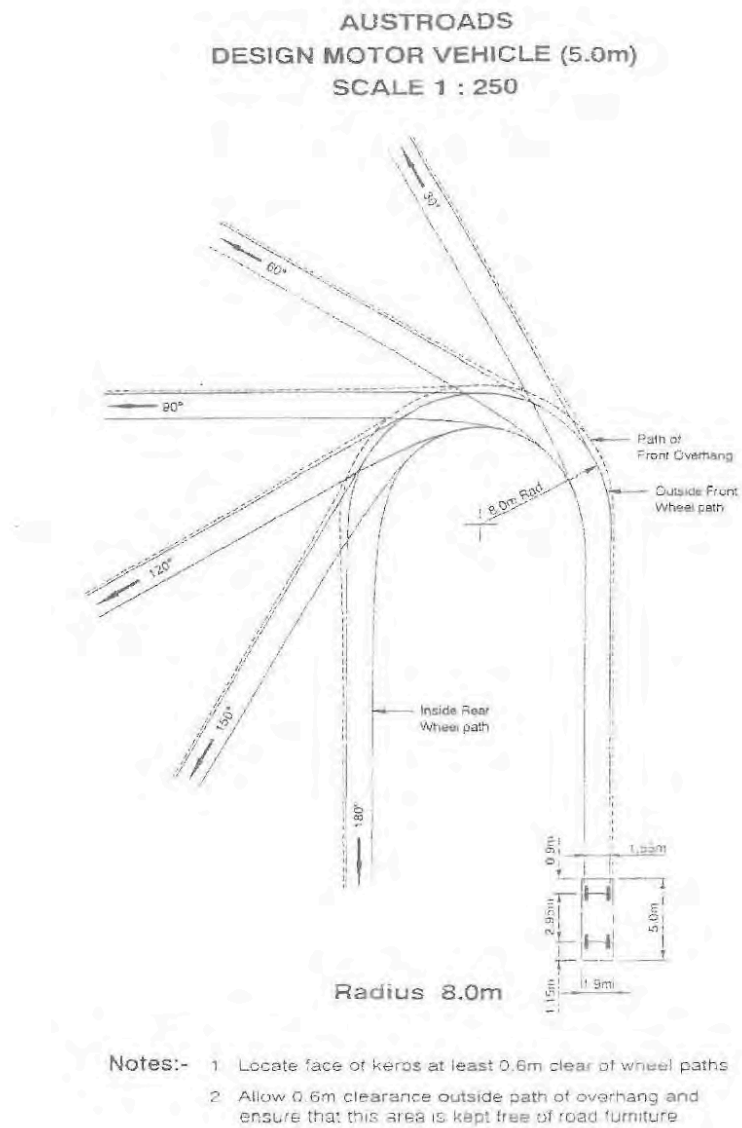


Figure B.1 Recommended Minimum Parking Dimensions for non-critical manoeuvring areas.

SCHEDULE 3



SCHEDULE 4

Residential and Commercial Infill Applications



Civic Centre
158 Russell Street
BATHURST NSW 2795

Telephone 02 6333 6111
Facsimile 02 6331 7211
council@bathurst.nsw.gov.au
www.bathurst.nsw.gov.au
www.bathurstregion.com.au

Correspondence to:
Private Mail Bag 17
BATHURST NSW 2795

COMMERCIAL INFILL APPLICATION

DA No:

Section 1 Applicant details			
Contact Name:			
Contact Nos:	Mobile:	Work:	Home:

Section 2 Property details		
No:	Street:	Suburb:

Section 3 Infill details			
	Nearest left hand side building	Nearest right hand side building	How does your proposal relate to its neighbours?
Scale (the height and width, or size of the building)			
Number of storeys	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	
Approx. overall height – A	metres	metres	
Approx. width of building – B	metres	metres	
Approx. height to awning – C	metres	metres	
Massing (The arrangement of the parts. The proportions of the parts within the whole, and the spacing between items)			
Roof pitch	<input type="checkbox"/> Low <input type="checkbox"/> Medium <input type="checkbox"/> High <input type="checkbox"/> Unseen	<input type="checkbox"/> Low <input type="checkbox"/> Medium <input type="checkbox"/> High <input type="checkbox"/> Unseen	
Roof style	<input type="checkbox"/> Hip <input type="checkbox"/> Parapet <input type="checkbox"/> Skillion <input type="checkbox"/> Gable	<input type="checkbox"/> Hip <input type="checkbox"/> Parapet <input type="checkbox"/> Skillion <input type="checkbox"/> Gable	
Window shape & type	<input type="checkbox"/> Vertical <input type="checkbox"/> Horizontal	<input type="checkbox"/> Vertical <input type="checkbox"/> Horizontal	
Verandah or awning	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Other elements (such as parapet details etc)			
Setback (from front boundary/s)			
	metres	metres	
Materials			
Walls			
Roof			
Other			
Colours			
Walls			
Roof			
Other			

The information on this form is being collected to allow Council to process your application and/or carry out its statutory obligations. All information collected will be held by Council and will only be used for the purpose for which it was collected. An individual may view their personal information and may correct any errors.

COMMERCIAL INFILL POLICY

This form is to be filled out and submitted with a Development Application where the proposal includes new infill development on vacant land, or is a proposed replacement commercial building within any of the conservation areas within the Bathurst Regional Council Local Government Area.

Within the Conservation Areas of Bathurst, Kelso and within the historic villages of the region, infill development must complement and enhance the local character by relating to the predominant:

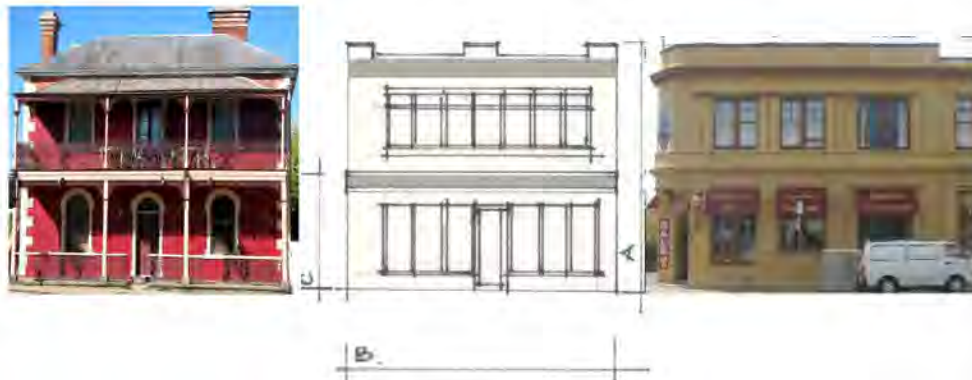
SCALE, MASSING, SETBACKS, COLOURS AND MATERIALS

of the area. This does not mean a developer must mimic the buildings nearby. It is acceptable to relate to the above factors, yet produce a contemporary design. To demonstrate that this Policy has been complied with, an application for commercial 'infill' must be accompanied by the following:

1. Street photographs showing the proposed site and adjoining developments to each side, and include the dimensions A, B, C and roof pitch as indicated in the illustration below.
2. A completed commercial infill application form containing an explanation of your selection of scale, massing, setbacks, colours and materials.

It is recommended that intending infill designers or builders should discuss their proposal at an early stage with Council's planning staff. Assistance will be given, if required, with completing the infill application.

Example of dimensions and context photos required as below.



Bathurst Regional Development Control Plan 2014



Civic Centre
158 Russell Street
BATHURST NSW 2795

Telephone 02 6333 6111
Facsimile 02 6331 7211
council@bathurst.nsw.gov.au
www.bathurst.nsw.gov.au
www.bathurstregion.com.au

Correspondence to:
Private Mail Bag 17
BATHURST NSW 2795

RESIDENTIAL INFILL APPLICATION

DA No:

Section 1 Applicant details			
Contact Name:			
Contact Nos:	Mobile:	Work:	Home:

Section 2 Property details		
No:	Street:	Suburb:

Section 3 Infill details			
	Nearest left hand side residence	Nearest right hand side residence	How does your proposal relate to its neighbours?
Scale (the height and width, or size of the building)			
Number of storeys	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3	
Approx. height to eaves – A	metres	metres	
Approx. width of building – B	metres	metres	
Approx. height or roof – C	metres	metres	
Massing (The arrangement of the parts. The proportions of the parts within the whole, and the spacing between items)			
Roof pitch	<input type="checkbox"/> Flat <input type="checkbox"/> Low <input type="checkbox"/> Medium <input type="checkbox"/> High	<input type="checkbox"/> Flat <input type="checkbox"/> Low <input type="checkbox"/> Medium <input type="checkbox"/> High	
Roof style	<input type="checkbox"/> Hip <input type="checkbox"/> Gable <input type="checkbox"/> Skillion	<input type="checkbox"/> Hip <input type="checkbox"/> Gable <input type="checkbox"/> Skillion	
Window shape & type	<input type="checkbox"/> Vertical <input type="checkbox"/> Horizontal	<input type="checkbox"/> Vertical <input type="checkbox"/> Horizontal	
Verandah or awning	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Other elements (e.g. chimney, balustrade etc)			
Setback (from front boundary/s)			
	metres	metres	
Materials			
Walls			
Roof			
Other			
Colours			
Walls			
Roof			
Other			

The information on this form is being collected to allow Council to process your application and/or carry out its statutory obligations. All information collected will be held by Council and will only be used for the purpose for which it was collected. An individual may view their personal information and may correct any errors.

Ref: 02.08.03.055	Issue Date: 1 July 2013	Review Date: As required	Page: 1 of 2
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RESIDENTIAL INFILL POLICY

This form is to be filled out and submitted with a Development Application where the proposal includes new infill development on vacant land, or is a proposed replacement residential building within any of the conservation areas within the Bathurst Regional Council Local Government Area.

Within the Conservation Areas of Bathurst, Kelso and within the historic villages of the region, infill development must complement and enhance the local character by relating to the predominant:

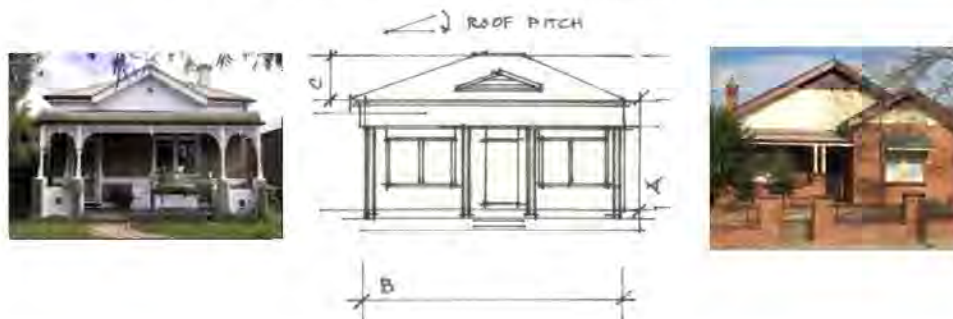
SCALE, MASSING, SETBACKS, COLOURS AND MATERIALS

of the area. This does not mean a developer must mimic the buildings nearby. It is acceptable to relate to the above factors, yet produce a contemporary design. To demonstrate that this Policy has been complied with, an application for residential 'infill' must be accompanied by the following:

1. Street photographs showing the proposed site and adjoining developments to each side, and include the dimensions A, B, C and roof pitch as indicated in the illustration below.
2. A completed infill application form containing an explanation of your selection of scale, massing, setbacks, colours and materials.

It is recommended that intending infill designers or builders should discuss their proposal at an early stage with Council's planning staff. Assistance will be given, if required, with completing the infill application.

Example of dimensions and context photos required as below.



SCHEDULE 6

