



# Part A

## INTRODUCTION



This part provides introductory information relating to the Leeton Council Comprehensive Development Control Plan 2022



LEETON COUNCIL  
**COMPREHENSIVE DCP**  
**2022**

## Structure of DCP

### **A** INTRODUCTION

This part provides introductory information relating to the Leeton Comprehensive Development Control Plan 2022.

### **B** DESIGN GUIDELINES

This part applies design guidelines that should be considered as part of the preparation of a Development Application for land in the Leeton Shire Local Government Area.

### **C** SUBDIVISION DEVELOPMENT

This part applies controls relating to all types of subdivision development in the Leeton Shire Council Local Government Area

### **D** RESIDENTIAL DEVELOPMENT

This part applies controls relating to all types of housing (and ancillary) development in the Leeton Shire Council Local Government Area

### **E** RURAL DEVELOPMENT

This part applies controls relating to certain rural building types and land-use activities within the Leeton Shire Council Local Government Area

### **F** COMMERCIAL DEVELOPMENT

This part applies controls relating to all types of commercial development in the Leeton Shire Council Local Government Area

### **G** INDUSTRIAL DEVELOPMENT

This part applies controls relating to all types of industrial development in the Leeton Shire Council Local Government Area

### **H** SPECIAL PLACE PRECINCTS

This part applies standard and controls relating to nominated special precincts within the Leeton Shire Local Government Area

### **I** HERITAGE GUIDELINES

This part applies controls relating to development scenarios involving heritage items or conservation areas in the Leeton Shire Council Local Government Area

### **J** CAR PARKING AND ACCESS

This part applies controls relating to parking and access to new development in the Leeton Shire Council Local Government Area

### **K** FLOOD RISK MANAGEMENT

This part applies controls to any development in the Leeton Shire Council Local Government Area that is proposed on land that is flood prone

### **L** BIODIVERSITY MANAGEMENT

This part applies to all development in the Leeton Shire Council Local Government Area that might impact biodiversity.



## Part A

# Plan Introduction

### A.1 Name of plan

This plan is called the Leeton Shire Council Development Control Plan 2021 ('the plan'). The plan has been prepared in accordance with Section 3.43 of the Environmental Planning and Assessment Act 1979.

### A.2 Purpose of plan

The purpose of the plan is to:

- a. Give effect to the aims and objectives of the Leeton Local Environmental Plan 2014.
- b. Guide development that is permissible under the Leeton Local Environmental Plan 2014.
- c. Achieve the objectives of land-use zones prescribed under the Leeton Local Environmental Plan 2014.
- d. Outline Council's policies and standards for new development.
- e. Highlight the main requirements for detailed design of new development, including the Leeton Shire Council Engineering Guidelines.

The Leeton Local Environmental Plan 2014 and the Leeton Shire Council Development Control Plan 2022 are the principal documents guiding the preparation of a Development Application (DA) for new development in the Leeton Shire. The Leeton Shire Council Engineering Guidelines (latest version) is the main document guiding detailed design, construction and completion stages.

### A.3 Aims and objectives

The broad aims of the plan are:

- a. To provide guidance at the Development Application (DA) stage of new development.
- b. To promote growth and development in the Leeton Local Government Area.
- c. To ensure growth and development occurs in a consistent, orderly and environmentally sustainable manner.
- d. To ensure positive planning outcomes at individual sites are maximised for the benefit of the broader community.

### A.4 Date of commencement

The plan was adopted by Leeton Shire Council on the 27 October 2022.

A notice of Council's decision to adopt the Leeton Comprehensive Development Control Plan 2022 was published on the Leeton Shire Council website on 3 November 2022 and the plan commenced on this day.

## Plan introduction (cont.)

### A.5 Application of plan

The plan applies to all land with the Leeton Shire Local Government Area as identified on the Leeton Local Environmental Plan 2014 Land Application Map.

For ease of references purposes, the map to the right of page also shows the land within the Leeton Shire Local Government Area.





Leeton Council Community Participation Plan

## A.6 Relationship to other plans

The plan is to be read in conjunction with other environmental planning instruments, standards, policies and specifications that are relevant to specific aspects of a development proposal.

Go to [www.planningportal.nsw.gov.au](http://www.planningportal.nsw.gov.au) to obtain relevant information, or navigate to the website using the QR code below.

In the event of an inconsistency between the plan and any other environmental planning instrument applying to the same land, the provisions of the other environmental planning instrument will prevail to the extent of the identified inconsistency.



NSW Planning Portal

## A.7 References in plan

References to specific legislation, standards, policies and or government agency names are current at the date of commencement of this plan and are to be referenced as including any updates and changes made post commencement of the plan.

## A.8 Using the plan

The plan has been prepared based on a framework that consists of objectives and standards. There may be instances where a number of standards need to be met in order to achieve an objective.

In order to assist users understand which parts of the plan may need to be considered for particular development types, a matrix has been prepared and included in Appendix A.

Applications are still encouraged to consult with Council for clarification as to which parts of the DCP apply.

## A.9 Variation to standards

Council accepts that it is not possible to plan for all development scenarios and there will inevitably be situations where a development is not able to demonstrate compliance with one, or a number of standards in this plan.

Where the plan sets a standard in relation to an aspect of a development, and a Development Application cannot demonstrate compliance with that standard, Council may still grant approval subject to a statement being submitted to Council that:

- Clearly identifies the standard(s) that cannot be complied with, and
- Clearly identifies why the standard(s) cannot be complied with, and
- Clearly explains why non-compliance with the standard(s) is warranted by special circumstances or to achieve a superior standard.

The requirements of Council's Community Participation Plan will prevail in terms of the advertisement / notification / consultation requirements for applications involving variations to the DCP.

A copy of the Community Participation Plan can be downloaded from the QR Code above.

## Plan introduction (cont.)

Development Applications will be reported to a Council meeting for determination where significant variations to standards are proposed (i.e. more than 20% variation to standards). The process of reporting a Development Application to Council can lead to an increase in the time taken to finalise the determination of the Development Application. No guarantee of approval can be given for a Development Application proposing a variation to a planning standard.

### **A.10 Pre-Development Applications**

Council's Pre-Development Application service provides future applicants who have already prepared conceptual development plans with an opportunity to receive feedback from Council regarding key aspects of their proposal. The purpose of the Pre-Development Application service is to identify any issues or concerns with a development proposal that should be addressed prior to the Development Application being lodged with Council via the NSW Planning Portal. This includes potential inconsistencies with any relevant development controls.

Pre-Development Application meetings are recommended for larger / more complex development proposals. They are not recommended for simple proposals such as new single dwellings, or dwelling additions. Most questions regarding these types of developments can generally be answered by making enquiries with Leeton Shire Council.



Leeton Shire Council DA Guide

### **A.11 Development Application Guide**

All types of development, whether building, subdivision or demolition require the submission of a Development Application with Council for assessment and determination unless the development is identified as Exempt Development or Complying Development or is State Significant Development.

Council has prepared a DA Guide to assist prospective applicants to understand the Development Application process. The DA Guide can be collected from Leeton Council's Administration Building or downloaded from [www.leeton.nsw.gov.au](http://www.leeton.nsw.gov.au), or or navigate to the document directly using the QR code above.

Any person wishing to carry out building, subdivision or demolition work is invited to consult with Council's Planning and Development staff prior to lodging a Development Application. This will allow Council staff to provide project specific advice in relation to any development controls that may apply to the land and any other issues that might affect the use of the land.



NSW Planning Portal - Online DA Application

### **A.12 NSW Planning Portal**

As from 1 July 2021 all Development Applications (and most other applications to Council related to development) are required to be lodged via the NSW Planning Portal. To access the NSW Planning Portal, applicants must register. Register for a NSW Planning Portal account and then Log in to complete the online application form. Navigate to the website directly from the QR Code above.

For local development in the Leeton Shire, you will need to submit DA Plans, Statement of Environmental Effects, Owner's consent and a Cost estimate report. You may also be required to submit further documents to support your proposal as detailed in Council's DA Guide.

## Plan introduction (cont.)

### A.13 Further information

If you have any enquiries or wish to clarify any aspect of this plan, please contact Leeton Shire Council on the following:

Phone (02) 69530911  
 Email [council@leeton.nsw.gov.au](mailto:council@leeton.nsw.gov.au)  
 Web [www.leeton.nsw.gov.au](http://www.leeton.nsw.gov.au)  
 Address 23-25 Chelmsford Place, Leeton NSW 2705

### A.14 Disclaimer

The plan is for use by Council and the general public.

Council provides the information contained in the plan in good faith. In some cases the plan only provides a summary of legislative provisions and technical codes.

Compliance with the requirements of the plan will not mean that a Development Application will be approved. Council must assess the proposed development against all of the relevant requirements of the Environmental Planning and Assessment Act 1979.

### A.15 Table of amendments

It is intended that Council will review the provisions of this plan every four years following the review of the Leeton Community Strategy Plan, or on an as needed basis to ensure that all standards remain relevant and continue to provide positive planning outcomes for the community. Amendment of the plan is subject to the plan making requirements of the Environmental Planning and Assessment Act 1979.

Table 1 below details the list of amendments made to this DCP since it was originally commenced.

*Table 1 - Table of Amendments*

Amendment No.	Description	Council resolution date	Effective date

# A

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## **Appendix** **Land-use Matrix**

## Appendix A

### Land-use Matrix

- RELEVANT PART FOR CONSIDERATION
- CONSIDER PART IF NECESSARY

LAND_USE	A	B	C	D	E	F	G	H	I	J	K	L
advertisement	●	●	ONLY WHERE THERE IS A SUBDIVISION INVOLVED		●	●	●	●	●		●	ONLY WHERE NATIVE VEGETATION IS PROPOSED TO BE IMPACTED
affordable housing	●	●		●		●		●	●	●	●	
agricultural produce industry	●	●			●	●		●	●	●	●	
agriculture	●	●			●			●	●		●	
air transport facility	●	●			●		●	●	●	●	●	
airstrip	●	●			●		●	●	●	●	●	
amusement centre	●	●				●	●	●	●	●	●	
animal boarding or training establishment	●	●			●	●	●	●	●	●	●	
artisan food and drink industry	●	●				●	●	●	●	●	●	
attached dwelling	●	●		●		●		●	●	●	●	
backpackers' accommodation	●	●		●		●	●	●	●	●	●	
bed and breakfast accommodation	●	●			●	●	●	●	●	●	●	
bee keeping	●	●			●			●	●		●	
biosolids treatment facility	●	●			●	●	●	●	●	●	●	
boarding house	●	●		●		●		●	●	●	●	
boat building and repair facility	●	●			●	●	●	●	●	●	●	
boat shed	●	●			●	●	●	●	●	●	●	
brothel	●	●				●	●	●	●	●	●	

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- RELEVANT PART FOR CONSIDERATION
- CONSIDER PART IF NECESSARY

LAND_USE	A	B	C	D	E	F	G	H	I	J	K	L
building identification sign	●	●	ONLY WHERE THERE IS A SUBDIVISION INVOLVED		●	●	●	●	●		●	ONLY WHERE NATIVE VEGETATION IS PROPOSED TO BE IMPACTED
business identification sign	●	●			●	●	●	●	●		●	
business premises	●	●				●	●	●	●	●	●	
camping ground	●	●			●	●		●	●	●	●	
canal estate development	●	●			●			●	●	●	●	
car park	●	●			●	●	●	●	●	●	●	
caravan park	●	●			●	●		●	●	●	●	
cellar door premises	●	●			●	●	●	●	●	●	●	
centre-based child care facility	●	●				●	●	●	●	●	●	
charter and tourism boating facility	●	●				●	●	●	●	●	●	
commercial premises	●	●				●	●	●	●	●	●	
community facility	●	●			●	●	●	●	●	●	●	
correctional centre	●	●			●	●	●	●	●	●	●	
crematorium	●	●			●	●	●	●	●	●	●	
dairy (pasture-based)	●	●			●			●	●		●	
dairy (restricted)	●	●			●			●	●		●	
depot	●	●			●	●	●	●	●	●	●	
dual occupancy	●	●		●	●	●		●	●	●	●	



## Appendix A Land-use Matrix

- RELEVANT PART FOR CONSIDERATION  
● CONSIDER PART IF NECESSARY

LAND_USE	A	B	C	D	E	F	G	H	I	J	K	L
Dual occupancy (attached)	●	●	ONLY WHERE THERE IS A SUBDIVISION INVOLVED	●	●	●		●	●	●	●	
dual occupancy (detached)	●	●		●	●	●		●	●	●	●	
dwelling	●	●		●	●	●		●	●	●	●	
early education and care facility	●	●				●	●	●	●	●	●	
eco-tourist facility	●	●			●	●	●	●	●	●	●	
educational establishment	●	●			●	●	●	●	●	●	●	
electricity generating works	●	●			●		●	●	●	●	●	
emergency services facility	●	●			●	●	●	●	●	●	●	
entertainment facility	●	●				●	●	●	●	●	●	
environmental facility	●	●			●	●	●	●	●	●	●	
exhibition home	●	●		●		●		●	●	●	●	
exhibition village	●	●		●		●		●	●	●	●	
extractive industry	●	●			●	●	●	●	●	●	●	
farm building	●	●			●			●	●		●	
farm stay accommodation	●	●			●			●	●	●	●	
feedlot	●	●			●			●	●		●	
food and drink premises	●	●				●	●	●	●	●	●	
freight transport facility	●	●				●	●	●	●	●	●	

## Appendix A

### Land-use Matrix

- RELEVANT PART FOR CONSIDERATION  
● CONSIDER PART IF NECESSARY

LAND_USE	A	B	C	D	E	F	G	H	I	J	K	L
function centre	●	●	ONLY WHERE THERE IS A SUBDIVISION INVOLVED		●	●	●	●	●	●	●	
funeral home	●	●				●	●	●	●	●	●	
garden centre	●	●				●	●	●	●	●	●	
general industry	●	●					●	●	●	●	●	
group home	●	●		●		●		●	●	●	●	
hardware and building supplies	●	●				●	●	●	●	●	●	
hazardous industry	●	●					●	●	●	●	●	
hazardous storage establishment	●	●					●	●	●	●	●	
health consulting rooms	●	●				●		●	●	●	●	
health services facility	●	●				●	●	●	●	●	●	
heavy industrial storage establishment	●	●					●	●	●	●	●	
heavy industry	●	●					●	●	●	●	●	
helipad	●	●				●	●	●	●	●	●	
heliport	●	●				●	●	●	●	●	●	
high technology industry	●	●				●	●	●	●	●	●	
highway service centre	●	●				●	●	●	●	●	●	
home-based child care	●	●				●		●	●	●	●	
home business	●	●				●		●	●	●	●	

## Appendix A

### Land-use Matrix

- RELEVANT PART FOR CONSIDERATION
- CONSIDER PART IF NECESSARY

LAND_USE	A	B	C	D	E	F	G	H	I	J	K	L
home industry	●	●	ONLY WHERE THERE IS A SUBDIVISION INVOLVED			●		●	●	●	●	
home occupation	●	●				●		●	●	●	●	
home occupation (sex services)	●	●				●		●	●	●	●	
horticulture	●	●			●			●	●		●	
hospital	●	●				●	●	●	●	●	●	
hostel	●	●				●	●	●	●	●	●	
hotel or motel accommodation	●	●				●	●	●	●	●	●	
industrial retail outlet	●	●					●	●	●	●	●	
industrial training facility	●	●					●	●	●	●	●	
industry	●	●					●	●	●	●	●	
information and education facility	●	●				●	●	●	●	●	●	
intensive livestock agriculture	●	●			●			●	●		●	
intensive plant agriculture	●	●			●			●	●		●	
kiosk	●	●				●	●	●	●	●	●	
landscaping material supplies	●	●				●	●	●	●	●	●	
Light industry	●	●					●	●	●	●	●	
liquid fuel depot	●	●				●	●	●	●	●	●	
livestock processing industry	●	●			●		●	●	●	●	●	

## Appendix A

### Land-use Matrix

- RELEVANT PART FOR CONSIDERATION
- CONSIDER PART IF NECESSARY

LAND_USE	A	B	C	D	E	F	G	H	I	J	K	L
local distribution premises	●	●	ONLY WHERE THERE IS A SUBDIVISION INVOLVED			●	●	●	●	●	●	
marina	●	●				●	●	●	●	●	●	
market	●	●				●	●	●	●	●	●	
medical centre	●	●				●	●	●	●	●	●	
mine	●	●			●	●	●	●	●	●	●	
mixed use development	●	●		●		●	●	●	●	●	●	
mortuary	●	●				●	●	●	●	●	●	
multi dwelling housing	●	●		●		●		●	●	●	●	
neighbourhood shop	●	●				●	●	●	●	●	●	
neighbourhood supermarket	●	●				●	●	●	●	●	●	
offensive industry	●	●			●		●	●	●	●	●	
offensive storage establishment	●	●					●	●	●	●	●	
office premises	●	●				●	●	●	●	●	●	
pig farm	●	●			●		●	●	●	●	●	
place of public worship	●	●				●	●	●	●	●	●	
plant nursery	●	●				●	●	●	●	●	●	
pond-based aquaculture	●	●			●	●	●	●	●	●	●	
port facilities	●	●				●	●	●	●	●	●	

ONLY WHERE NATIVE VEGETATION IS PROPOSED TO BE IMPACTED

## Appendix A

### Land-use Matrix

- RELEVANT PART FOR CONSIDERATION
- CONSIDER PART IF NECESSARY

LAND_USE	A	B	C	D	E	F	G	H	I	J	K	L
poultry farm	●	●	ONLY WHERE THERE IS A SUBDIVISION INVOLVED		●		●	●	●	●	●	ONLY WHERE NATIVE VEGETATION IS PROPOSED TO BE IMPACTED
pub	●	●				●	●	●	●	●	●	
public administration building	●	●				●	●	●	●	●	●	
public utility infrastructure,	●	●			●	●	●	●	●	●	●	
recreation facility (indoor)	●	●				●	●	●	●	●	●	
recreation facility (major)	●	●				●	●	●	●	●	●	
recreation facility (outdoor)	●	●				●	●	●	●	●	●	
registered club	●	●				●	●	●	●	●	●	
research station	●	●				●	●	●	●	●	●	
residential care facility	●	●				●		●	●	●	●	
residential flat building	●	●		●		●	●	●	●	●	●	
resource recovery facility	●	●				●	●	●	●	●	●	
respite day care centre	●	●				●	●	●	●	●	●	
restaurant or cafe	●	●				●	●	●	●	●	●	
restricted premises	●	●				●	●	●	●	●	●	
restriction facilities	●	●				●	●	●	●	●	●	
retail premises	●	●				●		●	●	●	●	
roadside stall	●	●			●	●	●	●	●	●	●	

## Appendix A Land-use Matrix

- RELEVANT PART FOR CONSIDERATION
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LAND_USE	A	B	C	D	E	F	G	H	I	J	K	L
rural industry	●	●	ONLY WHERE THERE IS A SUBDIVISION INVOLVED		●		●	●	●	●	●	ONLY WHERE NATIVE VEGETATION IS PROPOSED TO BE IMPACTED
rural supplies	●	●			●	●	●	●	●	●	●	
rural worker's dwelling	●	●			●		●	●	●	●	●	
sawmill or log processing works	●	●			●	●	●	●	●	●	●	
school	●	●				●	●	●	●	●	●	
school-based child care	●	●				●	●	●	●	●	●	
secondary dwelling	●	●		●	●	●		●	●	●	●	
self-storage units	●	●				●	●	●	●	●	●	
semi-detached dwelling	●	●		●		●		●	●	●	●	
seniors housing	●	●		●		●		●	●	●	●	
service station	●	●				●	●	●	●	●	●	
serviced apartment	●	●		●		●		●	●	●	●	
sex services premises	●	●				●	●	●	●	●	●	
shop	●	●				●	●	●	●	●	●	
shop top housing	●	●		●		●		●	●	●	●	
signage	●	●			●	●	●	●	●		●	
small bar	●	●				●	●	●	●	●	●	
specialised retail premises	●	●				●	●	●	●	●	●	

## Appendix A Land-use Matrix

- RELEVANT PART FOR CONSIDERATION  
● CONSIDER PART IF NECESSARY

LAND_USE	A	B	C	D	E	F	G	H	I	J	K	L
stock and sale yard	●	●	ONLY WHERE THERE IS A SUBDIVISION INVOLVED		●	●	●	●	●	●	●	
storage premises	●	●				●	●	●	●	●	●	
take away food and drink premises	●	●				●	●	●	●	●	●	
tank-based aquaculture	●	●			●	●	●	●	●	●	●	
timber yard	●	●				●	●	●	●	●	●	
tourist and visitor accommodation	●	●				●	●	●	●	●	●	
transport depot	●	●				●	●	●	●	●	●	
truck depot	●	●				●	●	●	●	●	●	
vehicle body repair workshop	●	●				●	●	●	●	●	●	
vehicle repair station	●	●				●	●	●	●	●	●	
vehicle sales or hire premises	●	●				●	●	●	●	●	●	
veterinary hospital	●	●				●	●	●	●	●	●	
viticulture	●	●			●				●		●	
warehouse or distribution centre	●	●				●	●	●	●	●	●	
waste disposal facility	●	●			●	●	●	●	●	●	●	
waste or resource management facility	●	●			●	●	●	●	●	●	●	
waste or resource transfer station	●	●			●	●	●	●	●	●	●	
water recreation structure	●	●			●	●	●	●	●	●	●	
												ONLY WHERE NATIVE VEGETATION IS PROPOSED TO BE IMPACTED

## Appendix A Land-use Matrix

- RELEVANT PART FOR CONSIDERATION
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LAND_USE	A	B	C	D	E	F	G	H	I	J	K	L
water recycling facility	<span style="color: green;">●</span>	<span style="color: green;">●</span>	SEE PREVIOUS PAGE		<span style="color: blue;">●</span>	<span style="color: blue;">●</span>	<span style="color: blue;">●</span>	<span style="color: blue;">●</span>	<span style="color: blue;">●</span>	<span style="color: blue;">●</span>	<span style="color: blue;">●</span>	SEE PREVIOUS PAGE
water storage facility	<span style="color: green;">●</span>	<span style="color: green;">●</span>			<span style="color: blue;">●</span>	<span style="color: blue;">●</span>	<span style="color: blue;">●</span>	<span style="color: blue;">●</span>	<span style="color: blue;">●</span>	<span style="color: blue;">●</span>	<span style="color: blue;">●</span>	
water treatment facility	<span style="color: green;">●</span>	<span style="color: green;">●</span>			<span style="color: blue;">●</span>	<span style="color: blue;">●</span>	<span style="color: blue;">●</span>	<span style="color: blue;">●</span>	<span style="color: blue;">●</span>	<span style="color: blue;">●</span>	<span style="color: blue;">●</span>	
wharf or boating facilities	<span style="color: green;">●</span>	<span style="color: green;">●</span>			<span style="color: blue;">●</span>	<span style="color: blue;">●</span>	<span style="color: blue;">●</span>	<span style="color: blue;">●</span>	<span style="color: blue;">●</span>	<span style="color: blue;">●</span>	<span style="color: blue;">●</span>	





# Part B

## DESIGN GUIDELINES

This part applies design guidelines that should be considered as part of the preparation of a Development Application for land in the Leeton Shire Local Government Area.



LEETON COUNCIL  
**2022**  
**COMPREHENSIVE DCP**



## Table of Contents

<b>B1</b>	<b>Design Guidelines</b>	<b>3</b>
B1.1	Site selection and analysis guidelines	4
B1.2	Development design guidelines	5

# B1

## Design Guidelines

Part B1 applies to all land within the Leeton Local Government Area.

B1.1	Site selection and analysis guidelines	4
B1.2	Development design guidelines	5

## Part B1 Design Guidelines

### B1.1 Site selection and analysis guidelines

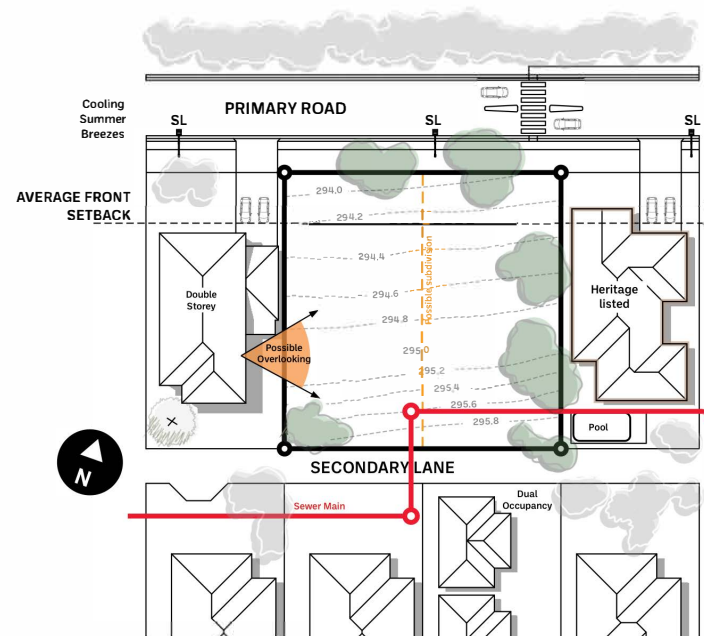
#### Objective

To provide guidance to businesses and developers seeking sites in the Leeton Local Government Area for development and use.

#### Standards

- a. The following factors should be considered when determining whether a site is suitable for development:
  - i. Physical constraints (e.g. flooding, bushfire, landslip, heritage, environmentally sensitive land).
  - ii. Topography and drainage.
  - iii. Adjoining land-uses, particularly important for intensive agriculture and industrial type uses which require separation from sensitive land-uses such as dwellings and schools.
  - iv. The standard of access available for the intended development and its estimated traffic generation.
  - v. The availability of electricity supply and the capacity of the electricity grid (single or 3 phase, transformer size and capacity) to meet the intended development / use.
  - vi. The availability of reticulated water supply and the capacity of water supply (size of mains, location of hydrants, pressure and flow) to meet the requirements of any development for potable water supply and firefighting purposes.
  - vii. The availability of reticulated sewerage and the capacity of the system to meet the requirements of any development, including sewer main size, depth and location of manholes.
  - viii. Restrictions on use of land (e.g. zoning, easements and other restrictions on the Land Title).
  - ix. Lot configuration to accommodate the intended development in compliance with building setback rules and the like.
  - x. Solar efficiency, particularly for land-uses requiring submission of a BASIX Certificate.

An example of a site analysis exercise is shown in the diagram to the right.



Consider bushfire hazard on opposite side of road

Existing pedestrian crossing limits opportunities for new access construction

Existing mature street trees contribute positively to streetscape. Retain if possible

Adjoining residence is heritage listed. Consider as part of the building design process

Existing site trees and shrubs provide protection to adjoining dwelling from western sun. Consider retaining

Neighbouring dwelling has an existing swimming pool. Consider privacy requirements

Double storey house to west creates a potential overlooking issue. A design response may be required

Site survey confirms property has approximately 2m of fall from the rear to the front. A design response may be required to minimise cut and fill.

Street lighting on primary road. Rear lane is not well lit. Consider safety implications if access is proposed to rear

A site survey has confirmed that the land freely drains to the primary road

The land contains an existing sewer main which needs to be considered as part of the site design process

The land is large enough to be subdivided. Consider possible boundary location as part of site design

## Part B1 Design Guidelines

### B1.2 Development design guidelines

The following design guidelines should be considered when planning a site for development:

#### Context

Good design responds and contributes to its context through promoting its 'best fit' in line with the existing and desired future character of a locality.

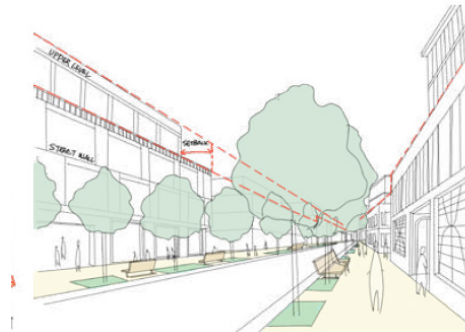
For example, Leeton's urban areas are strongly influenced by the early 1900's and inter-war period, including Walter Burley Griffin's town plan and early architecture relating to the inter-war and art deco periods.

New development in Leeton should aim to respond to and complement the local area.



#### Scale

Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and surrounding development. Establishing an appropriate scale requires a considered response to the size, height, location and setback of existing structures in the street. In areas undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.



#### Built Form

Good design achieves an appropriate built form for a site given the building's purpose, in terms of building alignments, proportions, building type and building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and open space including their views and vistas, and provides amenity and outlook.



#### Density

Good design has a density appropriate for a site and its context, in terms of floorspace and the extent of previous to impervious areas. Appropriate densities are sustainable and consistent with the existing density in an area and community expectations. In areas undergoing a transition, they are consistent with the stated desired future density. In some cases, a sustainable density may mean a development will not achieve the maximum floor space ratio or density if it is to provide an environmental quality appropriate to the site.



*Source: All sketches on the page have been sources from the Draft Urban Design Guideline, prepared by NSW Department of Planning and Environment*

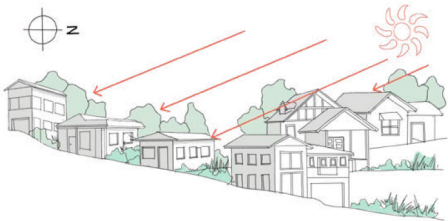
#### Objective

To provide general design guidance to businesses and developers seeking to plan sites in the Leeton Local Government Area for development and use.

## Development design guidelines (cont.)

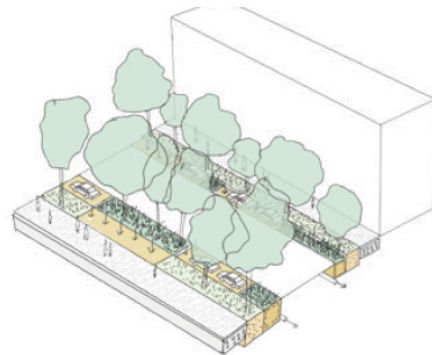
### Resource, energy and water efficiency

Good design makes efficient use of natural resources, energy and water throughout its full life cycle and reduces its carbon footprint. Sustainability is integral to the design process. Aspects include selection of appropriate and sustainable materials, layouts and built form, passive solar design principles and water sensitive urban design to encourage conservation and reuse of resources and the selection of appropriate vegetation given the local climate.



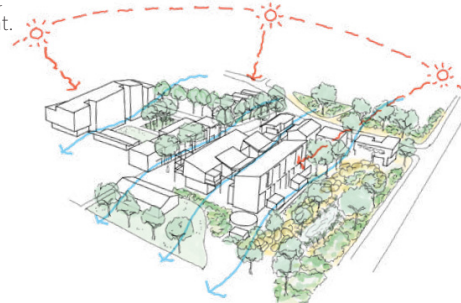
### Landscape

Good design recognises the integration of landscape and buildings results in greater aesthetic quality and amenity for both occupants and the adjoining public domain. Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances micro-climate, tree canopy and habitat values, positive image to the streetscape and neighbourhood character, privacy, and respect for neighbours' amenity. More than ever it is important that trees and shrubs are established in our urban neighbourhoods to create shade and a cool environment during sustained periods of heat. In general, the selection of species needs to be suitable to the local climate where low water use and drought tolerant native species are more resilient in a semi-arid environment.



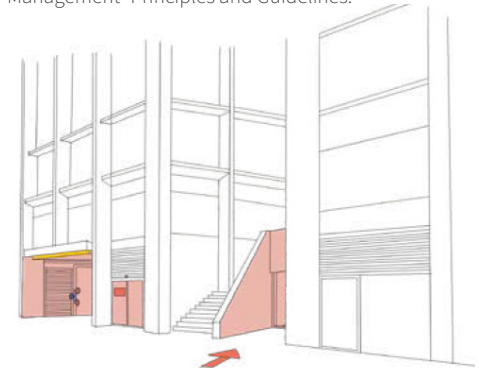
### Amenity

Good design provides amenity through the physical, spatial and environmental quality of a development. Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts, outlook and ease of access for all age groups and degree of mobility.



### Safety and Security

Good design optimises safety and security, both internal to the development and for the public domain. This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces. Crime prevention through environmental design (CPTED) focuses on four areas. These are territorial reinforcement, surveillance, access control and space/activity management. Safer By Design Evaluation is based upon AS/NZS ISO 31000: Risk Management- Principles and Guidelines.

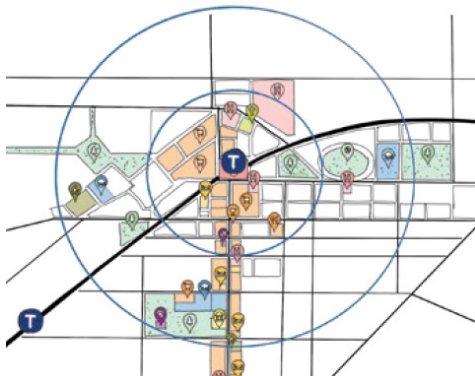




## Development design guidelines(cont.)

### Social Dimensions

Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities. New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of areas undergoing transition, provide for the desired future community.



### Aesthetics

Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should also relate to the environment and context, particularly responding to Leeton's built heritage and desirable elements of the existing streetscape or, in areas undergoing transition, contribute to the desired future character of the area.





# Part C

## SUBDIVISION DEVELOPMENT

This part applies standard and controls relating to all types of subdivision development in the Leeton Shire Council Local Government Area



LEETON COUNCIL  
**2022**  
**COMPREHENSIVE DCP**



# Table of Contents

<b>C1</b>	<b>Residential Subdivision Controls</b>	<b>3</b>
C1.1	Topography, Landform conservation, cut and fill	4
C1.2	Subdivision lot design	5
C1.3	Subdivision road design	10
C1.4	Stormwater Design and Management	17
C1.5	Public open space provision	18
C1.6	Landscape design and management	19
C1.7	Naming of new public roads	20
C1.8	Utility and service provisions	21
<b>C2</b>	<b>Village Subdivision Controls</b>	<b>22</b>
C2.1	Topography, Landform conservation, cut and fill	23
C2.2	Subdivision lot design	24
C2.3	Subdivision road design	26
C2.4	Stormwater Design and Management	33
C2.5	Sewerage design or on-site management	34
C2.6	Naming of new public roads	35
C2.7	Utility and service provisions	36
<b>C3</b>	<b>Large Lot Residential Subdivision Controls</b>	<b>37</b>
C3.1	Earthworks, Retaining Walls, Structural Support and Site Drainage	38
C3.2	Subdivision lot design	39
C3.3	Subdivision road design	40
C3.4	Stormwater Design and Management	41
C3.5	Sewerage design or on-site management	42
C3.6	Landscape design and management	43
C3.7	Naming of new public roads	44
C3.8	Fencing requirements	45
C3.9	Bushfire risk management	46
C3.10	Utility and service provisions	47

<b>C4</b>	<b>Rural Subdivision Controls</b>	<b>48</b>
C4.1	Earthworks, Retaining Walls, Structural Support and Site Drainage	49
C4.2	Subdivision lot design	50
C4.3	Subdivision road design	51
C4.4	Stormwater Design and Management	52
C4.5	Sewerage design or on-site management	53
C4.6	Naming of new public roads	54
C4.7	Fencing requirements	55
C4.8	Bushfire risk management	56
C4.9	Utility and service provisions	57
<b>C5</b>	<b>Industrial Subdivision Controls</b>	<b>58</b>
C5.1	Earthworks, Retaining Walls, Structural Support and Site Drainage	59
C5.2	Subdivision lot design	60
C5.3	Subdivision road design	61
C5.4	Stormwater Design and Management	62
C5.5	Landscape design and management	63
C5.6	Naming of new public roads	64
C5.7	Utility and service provisions	65
<b>C6</b>	<b>Strata + Community Title Subdivision Controls</b>	<b>66</b>
C6.1	General Controls	67

# C1

## Residential (Urban + Village) Subdivision controls

Part C.1 applies to the following development types:

1. Greenfield Residential Subdivisions
2. Infill Residential Subdivisions
3. Lane way Residential Subdivisions

Part C.1 applies to land in the following zones under Leeton Local Environmental Plan 2014:

1. R1 General Residential
2. R2 Low Density Residential
3. R3 Medium Density Residential
4. RU5 Village

C1.1	Topography, Landform conservation, cut and fill	4
C1.2	Subdivision lot design	5
C1.3	Subdivision road design	10
C1.4	Stormwater Design and Management	17
C1.5	Public open space provision	18
C1.6	Landscape design and management	19
C1.7	Naming of new public roads	20
C1.8	Utility and service provisions	21

## Objective

To ensure earthworks associated with residential subdivisions does not negatively impact on the natural environment, surrounding streetscapes, adjoining properties, drainage infrastructure and other public assets.

## Part C1 Residential Subdivision Controls

### C1.1 Topography, Landform conservation, cut and fill

#### Standards

- The topography and landform of the site must be taken into consideration as part of the design of the subdivision layout, to optimise solar access opportunities and maximise views to key natural features.
- The topography and landform of a locality are important to place-making elements. Roads should be designed to respond to such topographical features of the landscape and work to minimise cut and fill.
- Where the land slopes at a grade of 6% of greater, the predominant road alignment should be perpendicular to the contours of the site, wherever practicable.
- New roads should be constructed at the natural ground level of the site wherever practical, taking into account the constraints of the site and road design requirements.
- Where natural landform is sloping prior to subdivisions works, lots shall be designed to reflect inherited slopes. Acceptable grades are shown in the Diagram 1.
- Finished lots are to have a minimum 2% fall towards the proposed stormwater drainage system (roadside drainage infrastructure or drainage reserve / easement), in order to allow for suitable stormwater run-off from the site.
- Earthworks shall be suitably protected from soil erosion, soil movement and sedimentation as per Landcom Managing Urban Stormwater Soils and Construction (Blue Book).
- Imported fill must be certified Virgin Excavated Natural Material (VENM).
- Retaining walls or other structural supports, including footings and drainage, must be located wholly within private property boundaries and not within proposed public road reservations.
- Stormwater from excavation areas shall be properly drained to a legal point of discharge (e.g. inter-allotment drainage pipes, street gutter system or drainage reserve).

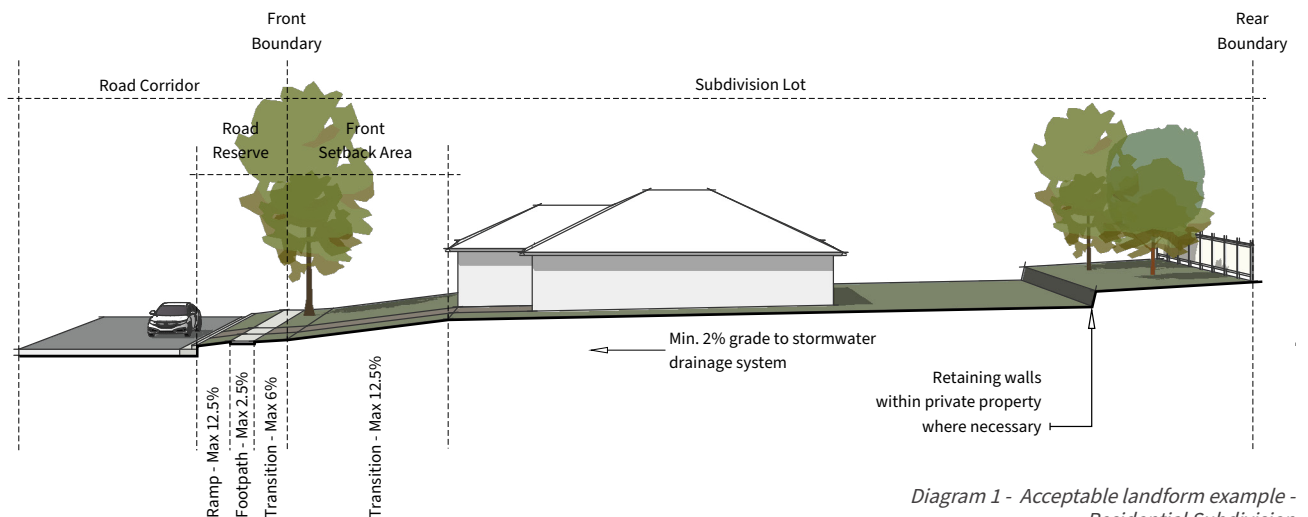


Diagram 1 - Acceptable landform example - Residential Subdivision

## Part C1 Residential Subdivision Controls

### C1.2 Subdivision lot design

#### Objective

To ensure residential subdivision design provides housing choice and is practical, efficient and consistent with the dominant street patterns in the surrounding neighbourhood.

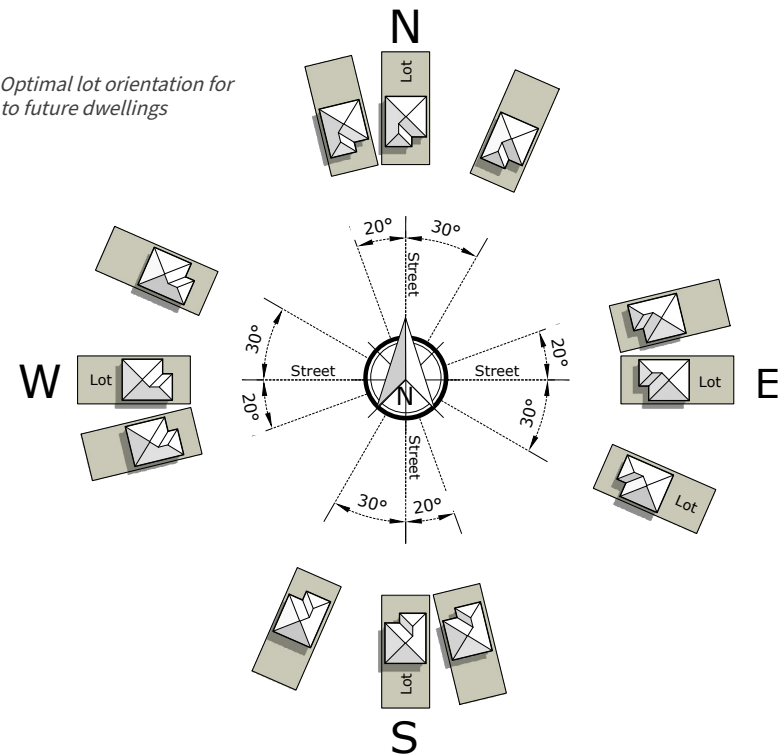
#### Standards ( all subdivisions)

- The subdivision design appropriately responds to the relevant provisions of Leeton Local Environmental Plan 2014 in relation to land mapped as flood planning area, groundwater vulnerable, riparian area, watercourse, wetland area, heritage or an area containing terrestrial biodiversity from inappropriate development. Refer Diagram 2 for example.
- The subdivision design is consistent with the dominant lot size configuration along the street servicing the development site, or within the immediate vicinity of the development site.
- The subdivision design should, where possible, incorporate a lot design that provides for a mix of sizes to provide for a range of housing choice and diversity.
- Lot size , shape and configuration enables the construction of a future dwelling and likely outbuildings, private open space, vehicle access and parking areas.
- Allotments should be orientated and configured to maximise opportunities for solar access and solar power generation. Diagram 3 shows optimum lot orientation for solar access to future dwellings.

*Diagram 2 - Land use and built form avoids land that is environmentally constrained. Image Source: Draft Urban Design Guideline - NSW DPE*



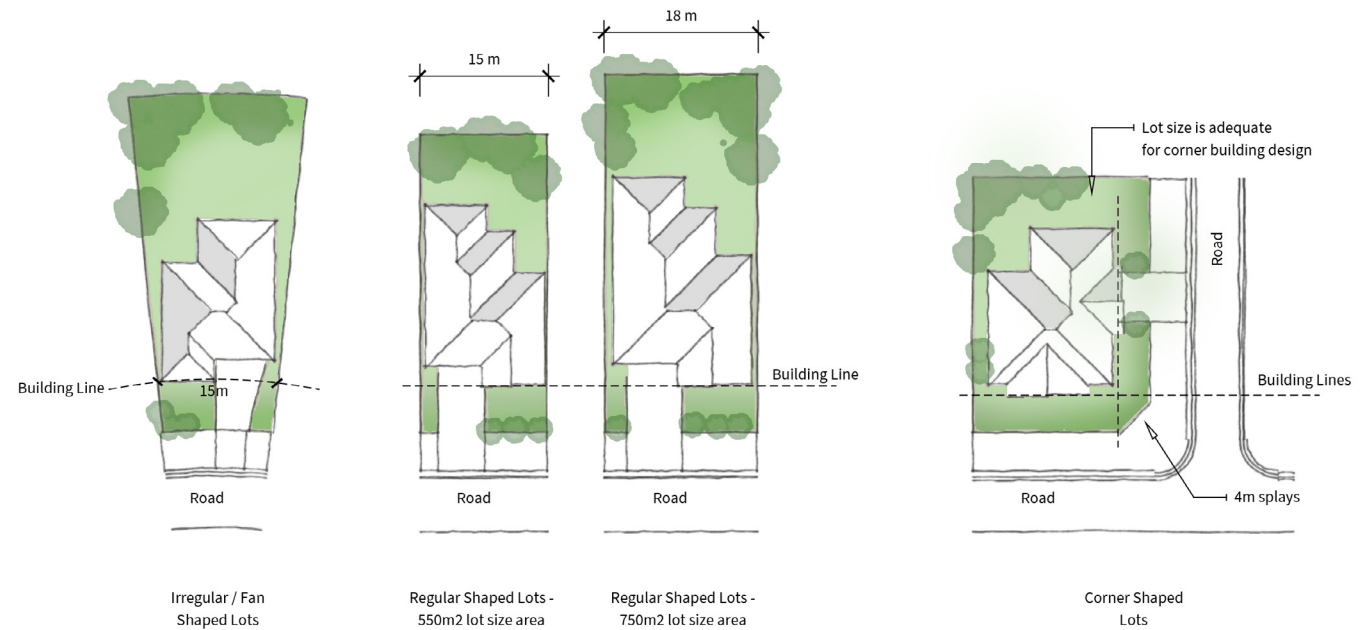
*Diagram 3 - Optimal lot orientation for solar access to future dwellings*



## Subdivision lot design (cont.)

- f. For subdivisions mapped in the 750m<sup>2</sup> Minimum Lot Size under the Leeton Local Environmental Plan 2014, new lots have a minimum frontage of 18 metres, measured at the building line. Refer Diagram 4 for example.
- g. For subdivisions mapped in the 500m<sup>2</sup> Minimum Lot Size under the Leeton Local Environmental Plan 2014, new lots have a minimum frontage of 15 metres, measured at the building line. Refer Diagram 4 for example.
- h. Lot design on corner blocks incorporates 3 metre splays parallel to front and side boundaries of the corner allotment and enables the construction of a future dwelling that can comply with the setback standards in Part D for both street frontages.
- i. In addition to controls (f)-(h), lot design should allow for the following:
  - i. adequate width for the construction of a 6m wide access driveway, and
  - ii. adequate width for roadside parking of at least 1 x standard length vehicle.

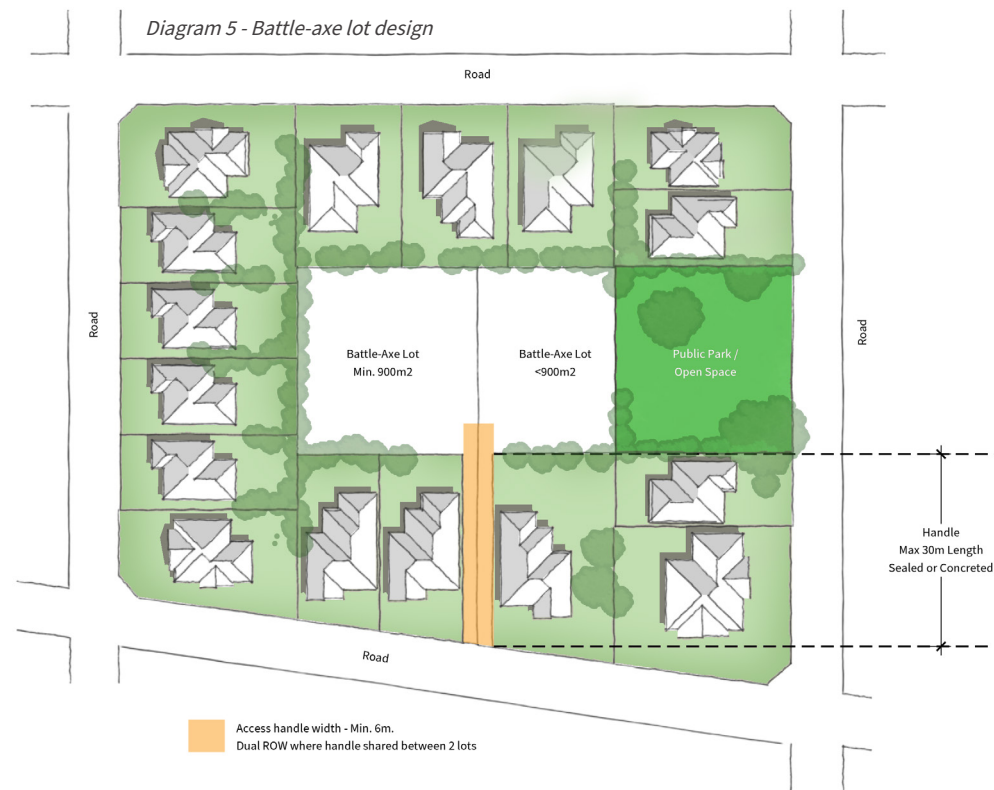
Diagram 4 - Lot Frontage Standards



## Subdivision lot design (cont.)

- j. Battle-axe shaped lots are avoided where possible and are only permitted where there is no other means of gaining access to a public road, and compliance with the following is achieved:
  - i. The lot meets the minimum lot size for the zone in Leeton LEP 2014, exclusive of the access handle. The minimum area is increased to not less than 900m<sup>2</sup> for lots without any street or park frontage.
  - ii. Single access handles are not less than 6m in width, not more than 30m long, and are constructed with a sealed, paved or concreted driveway that is not less than 3m in width.
  - iii. Dual access handles created with a reciprocal R.O.W) are not less than 10m in width, not more than 30m long, and are constructed with a sealed, paved or concreted driveway that is not less than 5.5m in width.
  - iv. Adequate provision is made for the collection of kerbside garbage.
  - v. Adequate provision is made for the manoeuvring of vehicles.

Diagram 5 - Battle-axe lot design



## Subdivision lot design (cont.)

- k. The street network:
- is uncomplicated and fosters walking, cycling and use of public transport for access to daily activities.
  - enables new housing to front streets, urban parks and natural areas.
  - makes provision for connections to be made to adjacent future urban areas.
  - enable travel from any address to the most convenient collector street or higher order road in less than three turning movements.
  - Promotes active transport movement between local and higher order streets and roads.

Refer Diagram 6. Source: Draft Urban Design Guide 2021.

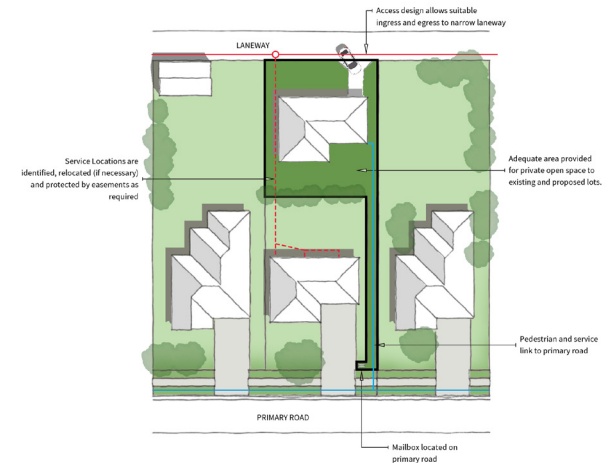
*Diagram 6 - Walking, cycling and transport network connectivity in subdivision design*



### Additional standards (lane way subdivision)

- Development Applications for subdivision proposals involving the creation of a new lot that only has access to an existing rear lane way are accompanied by full development plans showing how the new subdivision lot can accommodate a future dwelling design that complies in full with Part D.2 - Medium Density Housing.
- Lots that only have access via an existing rear lane way incorporate a minimum 1.5m wide frontage linking to the primary road for pedestrian access, bin collection, mailbox delivery and provision of all utility services (if necessary). Refer Diagram 7.
- The subdivision proposal considers the location of existing essential service and utility installations. Where relocations of services are required, this is undertaken at no cost to Council. Refer Diagram 7.

*Diagram 7 - Design principles - lane way subdivision lots*



## Subdivision lot design (cont.)

### **Additional standards (greenfield subdivision)** *Diagram 8 - Residential Masterplan*

- o. The subdivision design is consistent with the relevant Greenfield Masterplan, as listed below:

#### *Insert examples*

- p. Variations to the relevant Greenfield Masterplan referred to in a) above may be considered by Council, subject to the submission of an alternate design and a variation statement demonstrating the proposed subdivision complies with the standards in 2.3.2.



## Part C1 Residential Subdivision Controls

### C1.3 Subdivision road design

#### Objective

To ensure residential subdivision design provides housing choice and is practical, efficient and consistent with the dominant street patterns in the surrounding neighbourhood.

#### All subdivisions

- a. Practical, legal and safe access is provided to each lot.
- b. The road system that is required to service the proposed subdivision is appropriately designed to respond to geotechnical, topographical and specific site features in accordance with Leeton Shire Council Engineering Guidelines (latest version).
- c. The road system that is required to service the proposed subdivision is designed to the appropriate speed zone limit(s), including any local area traffic management devices, in accordance with AS 1742.13: 2009 Manual of uniform traffic control devices Part 13: Local area traffic management and Leeton Shire Council Engineering Guidelines (latest version).
- d. Roads / vehicle access to each lot is gained onto the local road network in accordance with the Austroads Guide to Road Design Part 4 - Intersections and crossings and Part 4a – Unsignalised and signalised intersections, and not directly onto a classified road, unless there are no other practical means of access available to the lot(s) and access / intersections comply with TfNSW requirements.
- e. Existing public road infrastructure abutting the subdivision, including roads, intersections, kerb and gutter and pedestrian and cycling facilities are upgraded / replaced where they do not meet the requirements of Leeton Shire Council Engineering Guidelines (latest version).
- f. The road system that is required to service the proposed subdivision is designed to respond to the appropriate road hierarchy (e.g. arterial, collector, local road or minor access road) in accordance with the Table 1 (below) and Leeton Shire Council Engineering Guidelines (latest version).
- g. Pedestrian and cycling facilities that are shown in an Active Transport Plan adopted by Council and that apply to the site are undertaken as part of the subdivision works.
- h. Kerb and gutter is provided to all classes of roads having speed limits of 50km/hr or less in accordance with Leeton Shire Council Engineering Guidelines (latest version).
- i. Street furniture (e.g. lights, trees, signs) is provided in accordance with Leeton Shire Council Engineering Guidelines (latest version), unless otherwise specified in this Part.
- j. Public roads, pedestrian and cycling facilities, streetlights, street trees, street signs and road furniture are accommodated within existing / proposed road reserves in accordance with Leeton Shire Council Engineering Guidelines (latest version).
- k. Driveway locations do not require removal of established street trees.

#### Greenfield subdivision (additional standards)

- l. Roads, driveways and pedestrian and cycling facilities comply with the relevant Greenfield Masterplan.
- m. Variations to the relevant Greenfield Masterplan referred to in a) above may be considered by Council, subject to the submission of a variation statement demonstrating the proposed subdivision complies with the standards in 2.4.2.

## Subdivision road design (cont.)

**Table 1 - Road Design Requirements - Residential Subdivisions**

Classification of Road	Local Distributor	Collector	Local Access	Local Access (Minor)	Cul-De-Sac & Minor Access
Maximum traffic volume (vehicles/ day)	5000-7000	3000	1000	500	100
Number of dwellings	500-750	300	100	50	10
Carriageway width (m)	13	11	8	7	6
Footway width (m)	2 x 5.5	2 x 5.5	2 x 5.5	2 x 4.0	2 x 3.5
Road Reserve - total width (m)	24	22	19	15	13
Lane provision	2 moving / parking	2 moving / intermittent parking	2 moving / intermittent parking	2 moving / intermittent parking	2 moving / intermittent parking
Maximum desirable speed (km /h)	40-60	30-50	20-30	20-30	15-25
Maximum design speed (km/h) for sight distance calculations	60	50	40	40	30
Footpath	Both sides / shared with cycleway	Both sides	One Side	One side	Not required, unless identified in Active Transport Plan
Cycle Way	2.5m wide shared cycleway	Marked on road	On road shared	On road shared	On road shared
Kerb and gutter	Barrier	Barrier	Barrier	Rollover	Rollover
Street lighting	P2	P3	P4	P4	P5
Reference Diagram	Diagram 9	Diagram 10	Diagram 11	Diagram 12	Diagram 13

## Subdivision road design (cont.)

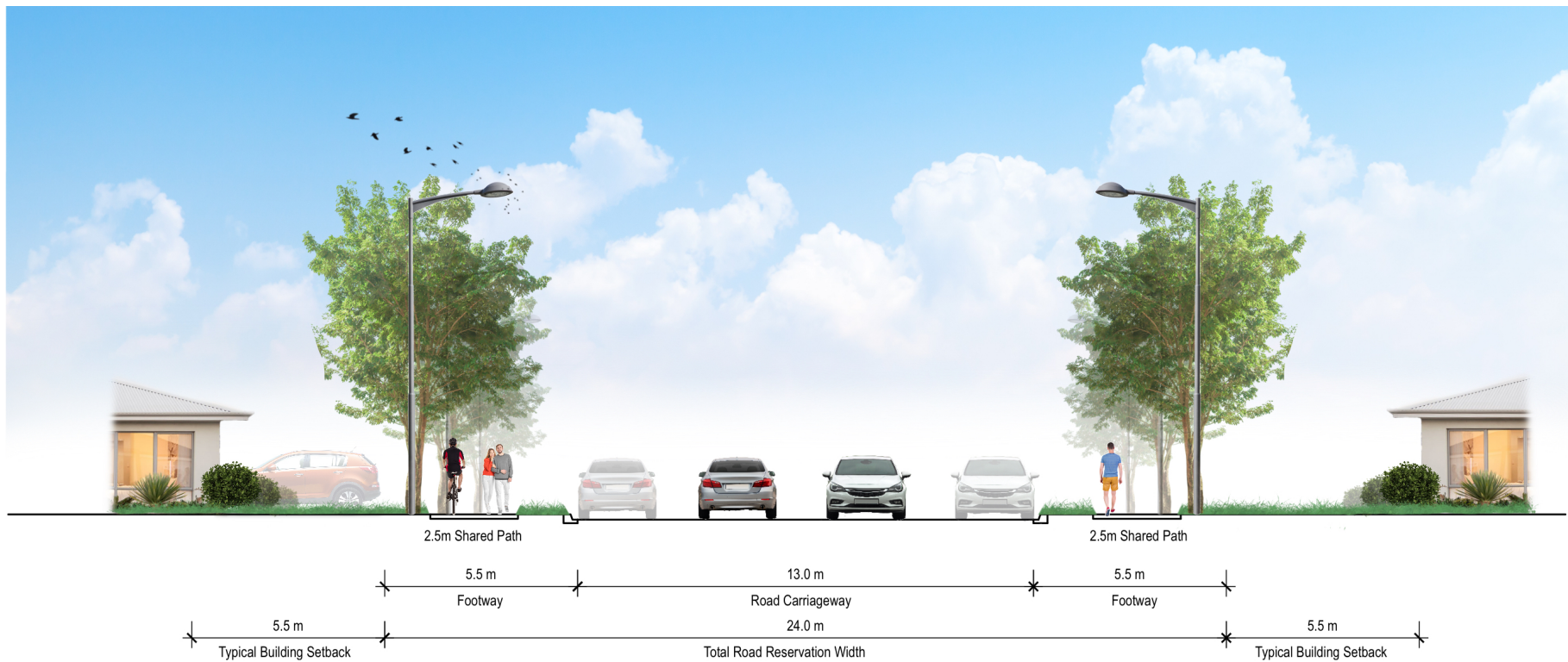


Diagram 9 - Road Standards - Local Distributor Roads

## Subdivision road design (cont.)

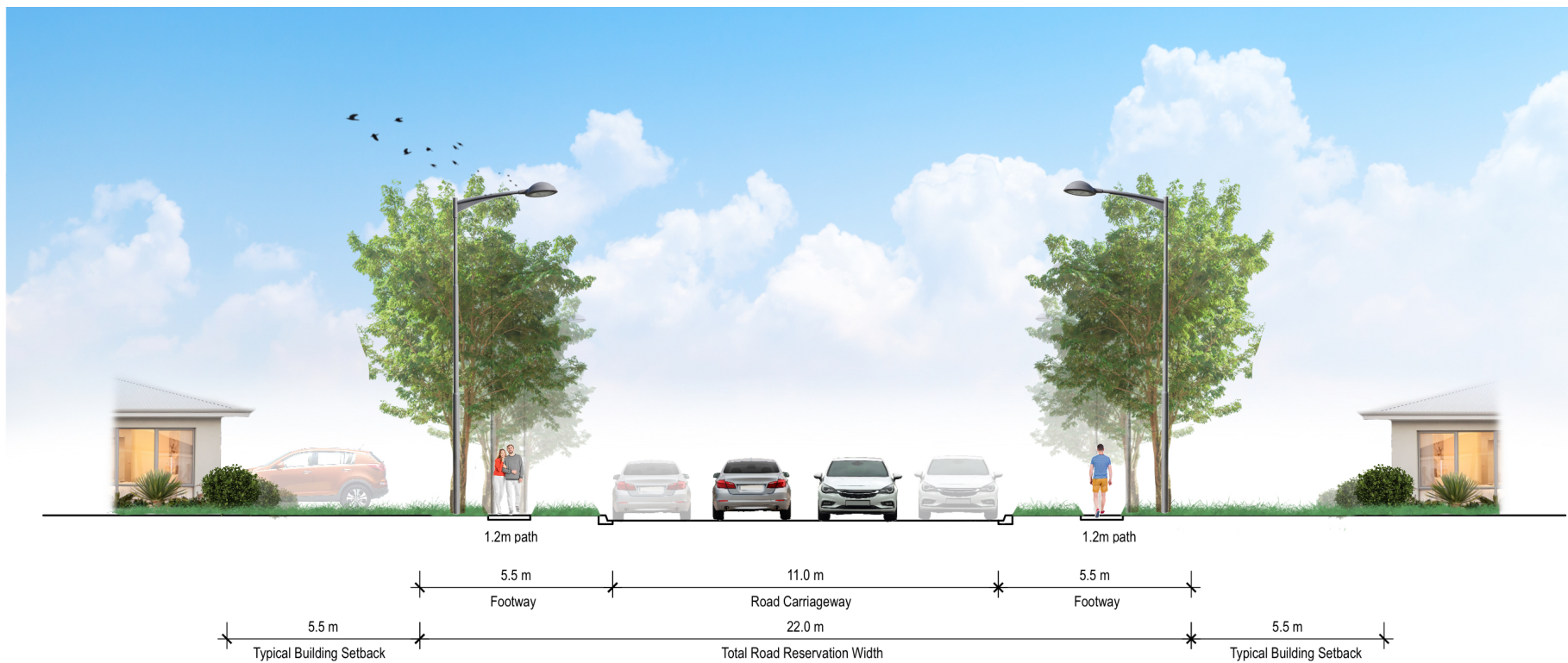


Diagram 10 - Road Standards - Collector Roads



## Subdivision road design (cont.)

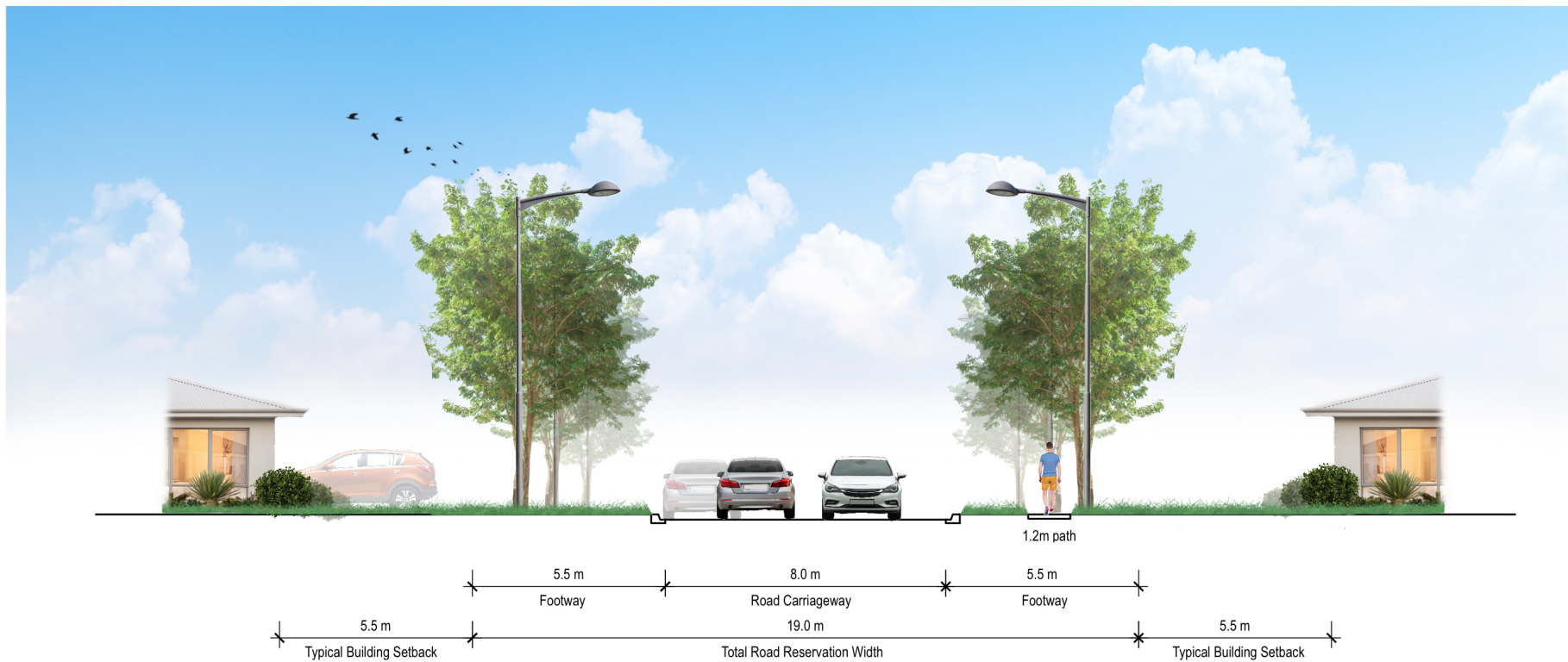


Diagram 11 - Road Standards - Local Access Roads

## Subdivision road design (cont.)

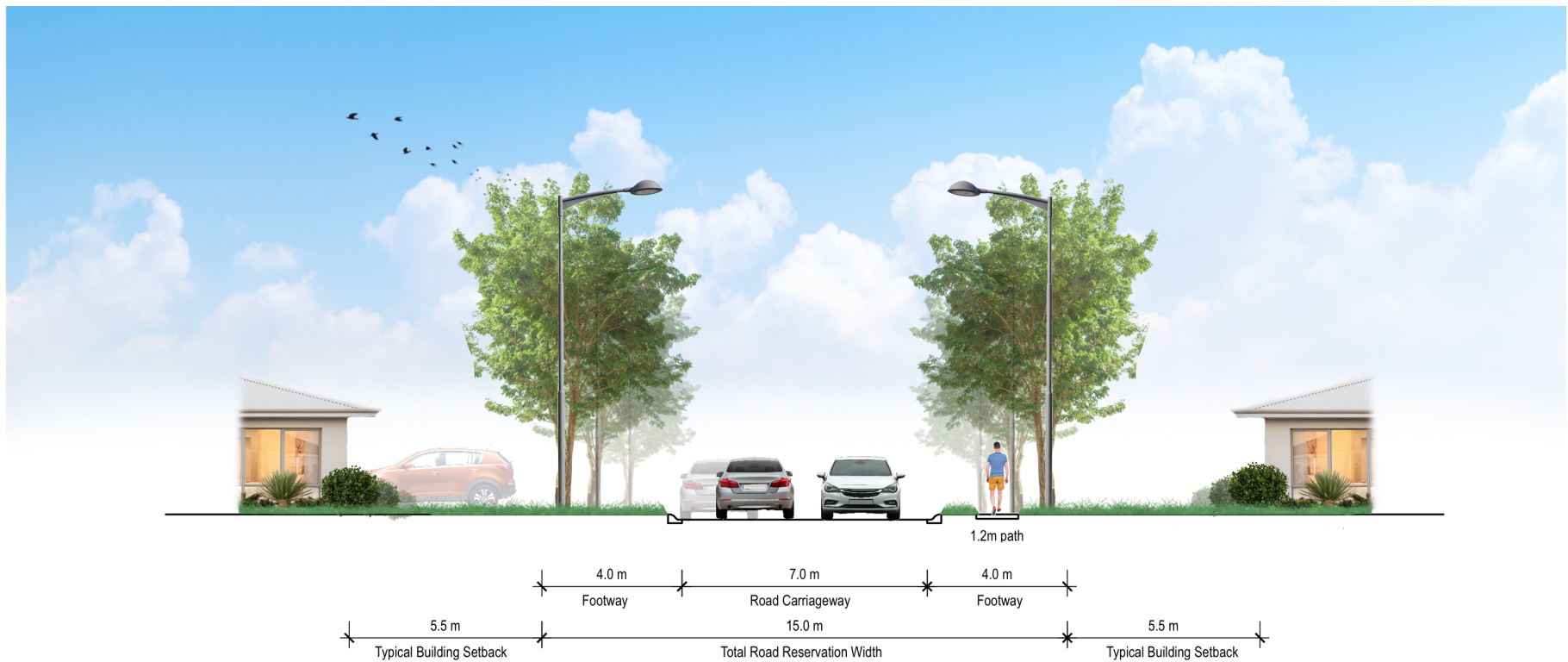


Diagram 12 - Road Standards - Local Access Roads (Minor)

## Subdivision road design (cont.)

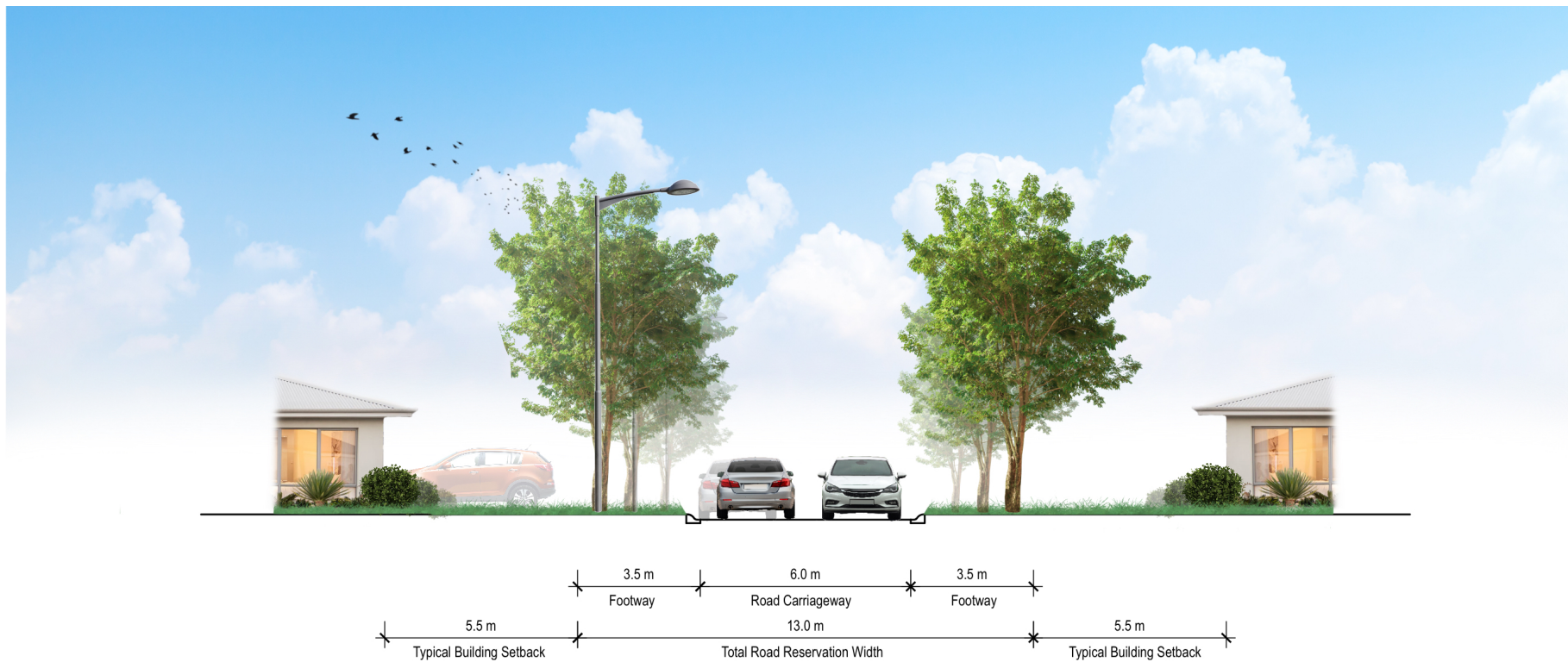


Diagram 13 - Road Standards - Cul-De-Sac & Minor Access Place



## Part C1 Residential Subdivision Controls

### C1.4 Stormwater Design and Management

#### Objective

To ensure stormwater from residential subdivisions is properly drained to a legal point of discharge without causing adverse impacts on public drainage infrastructure, downslope properties or the quality of receiving waters.

#### All subdivisions

- a. All stormwater generated by any subdivision development must be drained to a legal point of discharge.
- b. Stormwater drainage systems are designed using the Australian Rainfall and Runoff 2019 major and minor event philosophy, where the minor system shall be capable of carrying the controlling flows from frequent runoff events, while the major system shall provide safe, well-defined overland flow paths for rare and extreme storm runoff events.
- c. Stormwater volumes and characteristics are estimated in accordance with Australian Rainfall and Runoff 2019 by a suitably qualified engineer.
- d. Subdivision development takes into account any riverine flooding conditions and the stormwater management requirements of the whole site / stormwater drainage system, including stormwater from upslope areas in the catchment that is based on a fully developed scenario.
- e. Existing stormwater management infrastructure abutting the subdivision development, including road drainage and drainage reserves are upgraded / replaced where they do not meet the requirements of the Leeton Shire Council Engineering Guidelines (latest version).
- f. Subdivisions that are shown as requiring onsite stormwater detention under a Leeton Urban Area Stormwater Management Plan adopted by Council are designed so that post-development runoff rates from the new subdivision are equal to or less than pre-development runoff rates for the 100 year ARI.
- g. Subdivisions are designed to accommodate all stormwater in the 10 year ARI via underground drainage infrastructure.
- h. Subdivisions are designed to accommodate all stormwater above the 10 year ARI up to the 100 year ARI via roads and / or drainage reserves.
- i. All residential lots in subdivisions are designed to allow future dwellings to achieve compliance with the flood planning requirements of Leeton LEP 2014 and the Leeton Shire Floodplain Risk Management Plan.
- j. Subdivisions are provided with all necessary stormwater management infrastructure required to address a) to i) above, and in accordance with Leeton Shire Council Engineering Guidelines (latest version).
- k. Easements to drain stormwater are provided over all pipelines, sumps, overland flow paths and channels (other than natural water courses).
- l. Subdivisions that cannot drain stormwater to a legal point of discharge via gravity must be supported by a site-specific stormwater management system that is designed by a suitably qualified engineer.

#### Lane way subdivision (additional standards)

- m. Stormwater from lots discharge to an existing rear lane way is only permitted where kerb and gutter or underground stormwater infrastructure exists, or provided as part of the development where is demonstrated capacity for this infrastructure to handle estimated stormwater runoff.



## Part C1 Residential Subdivision Controls

### C1.5 Public open space provision

#### All subdivisions

- a. The physical provision of dedicated public open space is required for greenfield subdivisions (i.e. where the lot design is not constrained by existing urban form). Public open space is calculated as part of the subdivision design, based on the following calculation:
  - i. A minimum of 2.83 hectares per 1,000 head of estimated population, calculated at a rate of 4 persons per residential allotment (the calculation formula is  $2.83/1,000 \times (4 \times \text{No. of lots}) \times 10,000\text{m}^2$ ), or
  - ii. 15% of the net developable land area.
- b. Where required, public open space must be provided in a manner that:
  - i. Is highly accessible to surrounding residential neighbourhoods.
  - ii. Has a minimum of two frontages to a public street.
  - iii. Has been designed to incorporate any natural or cultural features of the land.
  - iv. Integrates with pedestrian and cycle links, community facilities and other recreational precincts.
  - v. Integrates with major drainage networks and water quality facilities, where these are compatible and do not pose a public safety risk.
  - vi. Complies with CPTED principles contained in Crime Prevention and the Assessment of Development Applications.
  - vii. Can be enjoyed and used for activities by people in a range of different age groups.
  - viii. Can be maintained efficiently.
- c. Where required, public open space must be maintained by the subdivider under a Deed of Agreement with Council for a minimum period of 12 months.

Refer Diagram 14 (Source: Draft Urban Design Guideline)

#### Infill subdivision (additional standards)

- d. The physical provision of dedicated public open space as part of infill residential subdivision proposals is generally not required. A monetary contribution may be applicable in accordance with any Contributions Plan adopted by Council.

#### Lane way subdivision (additional standards)

- e. The physical provision of dedicated public open space as part of lane way subdivision proposals is generally not required. A monetary contribution may be applicable in accordance with any Contributions Plan adopted by Council.

#### Objective

To ensure subdivisions (where required) provide accessible, safe, functional and attractive open space that meets the needs of existing and future residents.

Diagram 14 - Public Open Space Provision in Urban Subdivisions.



## Part C1 Residential Subdivision Controls

### C1.6 Landscape design and management

#### Objective

To ensure public reserves in residential subdivisions are properly landscaped and maintained for a reasonable period of establishment time so as to improve the function and appearance of these spaces.

#### All subdivisions

- a. A landscape plan is to be provided in accordance with Leeton Shire Council Engineering Guidelines (latest version).
- b. Street trees are provided in accordance with Leeton Shire Council Tree Management Policy.
- c. Landscaping of public open spaces required under Part C1.5 is provided in accordance with a site-specific landscape plan prepared by a suitably qualified Landscape Architect and in accordance with Leeton Shire Council Engineering Guidelines (latest version).
- d. Ground surfaces of public open space must be suitably graded, irrigated, turfed and drained to a legal point of discharge in accordance with Leeton Shire Council Engineering Guidelines (latest version).
- e. Ground surfaces of the footpath within the public road reserve must be suitably graded towards the top of concrete kerb at a minimum grade of 2% in accordance with Leeton Shire Council Engineering Guidelines (latest version).
- f. Ground surfaces of public drainage reserves must be suitably graded away from buildings and fence lines and drained to a legal point of discharge in accordance with Leeton Shire Council Engineering Guidelines (latest version).
- g. Public reserves / open space must be maintained by the subdivider under a Deed of Agreement with Council for a minimum period of 12 months (commencing after completion to the satisfaction of Council).

## Part C1 Residential Subdivision Controls

### Objective

To enable the legislative process required for the naming of public roads in NSW.

### C1.7 Naming of new public roads

#### All subdivisions

- a. Development Applications for subdivisions involving dedication of a public road are accompanied by a statement from the applicant suggesting names for the new road.
- b. Suggested road names are to be consistent with the NSW Geographical Names Board Guidelines for the Naming of Roads.
- c. Council reserves the right to not accept a suggested road name / change a road name where deemed appropriate.
- d. The subdivider is responsible for the installation of street signs in accordance with the approved street name.

## Part C1 Residential Subdivision Controls

### C1.8 Utility and service provisions

#### Objective

To ensure residential lots are provided with essential services and infrastructure that are engineered to minimum design standards.

#### All subdivisions

- a. All residential lots in new subdivisions are connected to the centralised electricity supply network in accordance with the Essential Energy Connecting to the network information pack 2018.
- b. Subdivisions are provided with street lighting in accordance with AS/NZS 1158: 2010 Lighting for roads and public spaces and Leeton Shire Council Engineering Guidelines (latest version).
- c. All residential lots in subdivisions are connected to telecommunications in accordance with the Australian Government's Telecommunications Infrastructure in New Developments (TIND) policy.
- d. All residential lots in subdivisions are connected to natural gas (where available) in accordance with the Jemena Residential Connections Guide and Gas Connections FAQs.
- e. All residential lots in subdivisions, and any land dedicated for open space, are connected to a reticulated water main via a minimum 20mm service and meter in accordance with Leeton Shire Council Engineering Guidelines (latest version).
- f. All lots are connected to a reticulated sewage main in accordance with Leeton Shire Council Engineering Guidelines (latest version).
- g. Common trenching is used for compatible services and infrastructure, generally in accordance with the NSW Streets Opening Coordination Council (SOCC) Model Agreement for Local Councils and utility/service providers 2018 and the SOCC Guide to Codes and Practices for Streets Opening.

# C2

## Village Subdivision controls

Part C.2 applies to subdivisions on land zoned RU5 Village under Leeton Local Environmental Plan 2014, which generally includes the following towns:

1. Murrumbidgee
2. Wambo
3. Whitton

C2.1	Topography, Landform conservation, cut and fill	23
C2.2	Subdivision lot design	24
C2.3	Subdivision road design	26
C2.4	Stormwater Design and Management	33
C2.5	Sewerage design or on-site management	34
C2.6	Naming of new public roads	35
C2.7	Utility and service provisions	36

## Part C2 Village Subdivision Controls

### C2.1 Topography, Landform conservation, cut and fill

#### Objective

To ensure earthworks associated with village subdivisions does not negatively impact on the natural environment, surrounding streetscapes and adjoining properties, roads, drainage infrastructure and other public assets.

#### Standards

- The topography and landform of the site must be taken into consideration as part of the design of the subdivision layout, to optimise solar access opportunities and maximise views to key natural features.
- The topography and landform of a locality are important to place-making elements. Roads should be designed to respond to such topographical features of the landscape and work to minimise cut and fill.
- Where the land slopes at a grade of 6% of greater, the predominant road alignment should be perpendicular to the contours of the site, wherever practicable.
- New roads should be constructed at the natural ground level of the site wherever practical, taking into account the constraints of the site and road design requirements.
- Where natural landform is sloping prior to subdivisions works, lots shall be designed to reflect inherited slopes. Acceptable grades are shown in the Diagram 15
- Finished lots are to have a minimum 2% fall towards the proposed stormwater drainage system (roadside drainage infrastructure or drainage reserve / easement), in order to allow for suitable stormwater run-off from the site.
- Earthworks shall be suitably protected from soil erosion, soil movement and sedimentation as per Landcom Managing Urban Stormwater Soils and Construction (Blue Book).
- Imported fill must be certified Virgin Excavated Natural Material (VENM).
- Retaining walls or other structural supports, including footings and drainage, must be located wholly within private property boundaries and not within proposed public road reservations.
- Stormwater from excavation areas shall be properly drained to a legal point of discharge (e.g. inter-allotment drainage pipes, street gutter system or drainage reserve).

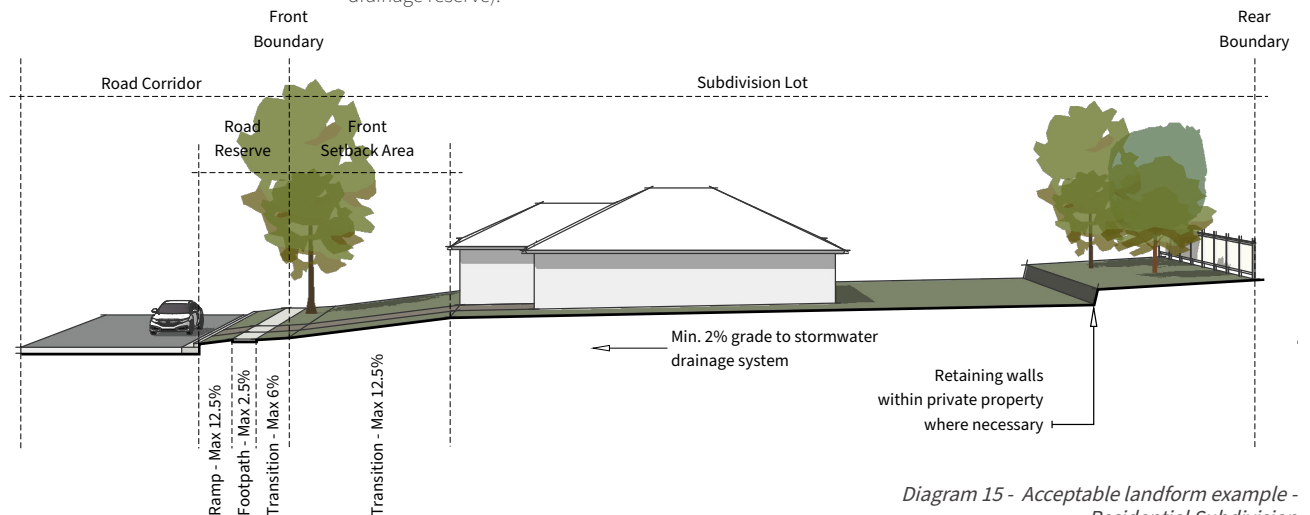


Diagram 15 - Acceptable landform example - Residential Subdivision

## Objective

To ensure village subdivision design provides housing choice and is practical, efficient and consistent with the dominant street patterns in the town.

## Part C2 Village Subdivision Controls

### C2.2 Subdivision lot design

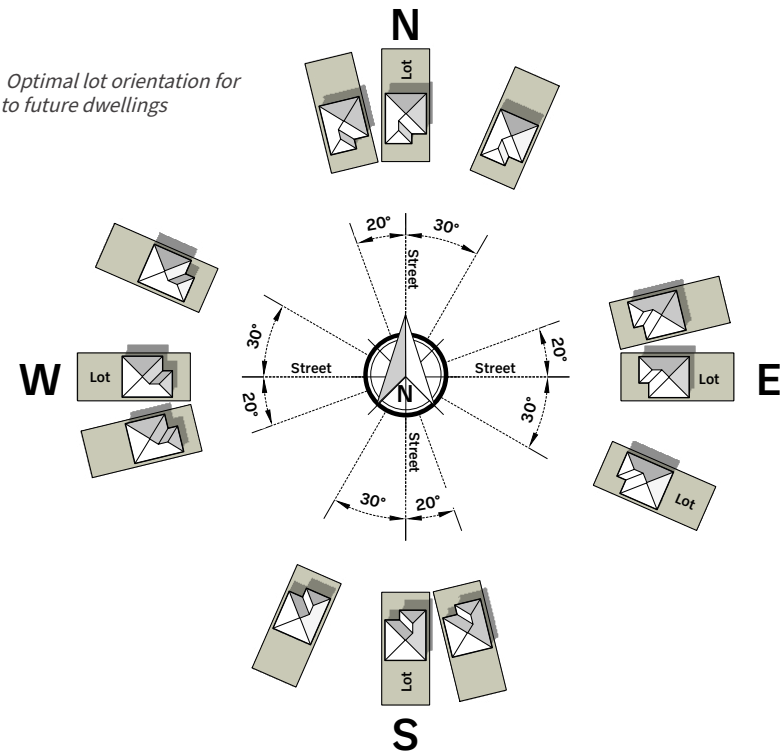
#### Standards

- The subdivision design appropriately responds to the relevant provisions of Leeton Local Environmental Plan 2014 in relation to land mapped as flood planning area, groundwater vulnerable, riparian area, watercourse, wetland area, heritage or an area containing terrestrial biodiversity from inappropriate development. Refer Diagram 16 for example.
- The subdivision design is consistent with the dominant lot size configuration along the street servicing the development site, or within the immediate vicinity of the development site.
- Lot size, shape and configuration enables the construction of a future dwelling and likely outbuildings, private open space, vehicle access and parking areas.
- Allotments should be orientated and configured to maximise opportunities for solar access and solar power generation. Diagram 17 shows optimum lot orientation for solar access to future dwellings.

Diagram 16 - Land use and built form avoids land that is environmentally constrained. Image Source: Draft Urban Design Guideline - NSW DPE



Diagram 17- Optimal lot orientation for solar access to future dwellings



## Subdivision lot design (cont.)

- e. Lots have a minimum frontage that is consistent with the existing dominant subdivision pattern within 100 metres of the subject land.
- f. Corner allotments are designed to enable the construction of a dwelling that can comply with the prevailing setback requirements along both frontages.
- g. Corner lot design incorporates 3 metre splays parallel to front and side boundaries of the corner allotment and enables the construction of a future dwelling that can comply with the setback standards in Part D for both street frontages.
- h. Subdivision proposals involving the creation of battle-axe shaped lots are not created.
- i. Subdivision proposals involving the creation of a lot that only has access to an existing rear lane way are not created.



## Part C2 Village Subdivision Controls

### Objective

To ensure village subdivisions are provided with roads and vehicle accesses that are safe and efficient and engineered to minimum design standards.

### C2.3 Subdivision road design

#### All subdivisions

- a. Practical, legal and safe access is provided to each lot.
- b. The road system that is required to service the proposed subdivision is appropriately designed to respond to geotechnical, topographical and specific site features in accordance with Leeton Shire Council Engineering Guidelines (latest version).
- c. The road system that is required to service the proposed subdivision is designed to the appropriate speed zone limit(s), including any local area traffic management devices, in accordance with AS 1742.13: 2009 Manual of uniform traffic control devices Part 13: Local area traffic management and Leeton Shire Council Engineering Guidelines (latest version).
- d. Roads / vehicle access to each lot is gained onto the local road network in accordance with the Austroads Guide to Road Design Part 4 - Intersections and crossings and Part 4a – Unsignalised and signalised intersections, and not directly onto a classified road, unless there are no other practical means of access available to the lot(s) and access / intersections comply with TfNSW requirements.
- e. Existing public road infrastructure abutting the subdivision, including roads, intersections, kerb and gutter and pedestrian and cycling facilities are upgraded / replaced where they do not meet the requirements of Leeton Shire Council Engineering Guidelines (latest version).
- f. The road system that is required to service the proposed subdivision is designed to respond to the appropriate road hierarchy (e.g. arterial, collector, local road or minor access road) in accordance with the Table 1 (below) and Leeton Shire Council Engineering Guidelines (latest version).
- g. Pedestrian and cycling facilities that are shown in an Active Transport Plan adopted by Council and that apply to the site are undertaken as part of the subdivision works.
- h. Kerb and gutter is provided to all classes of roads having speed limits of 80km/hr or less in accordance with Leeton Shire Council Engineering Guidelines (latest version).
- i. Street furniture (e.g. lights, trees, signs) is provided in accordance with Leeton Shire Council Engineering Guidelines (latest version), unless otherwise specified in this Part.
- j. Public roads, pedestrian and cycling facilities, streetlights, street trees, street signs and road furniture are accommodated within existing / proposed road reserves in accordance with Leeton Shire Council Engineering Guidelines (latest version).
- k. Driveway locations do not require removal of established street trees.

## Subdivision road design (cont.)

**Table 2 - Road Design Requirements - Village Subdivisions**

Classification of Road	Local Distributor	Collector	Local Access	Local Access (Minor)	Cul-De-Sac & Minor Access
Maximum traffic volume (vehicles/day)	5000-7000	3000	1000	500	100
Number of dwellings	500-750	300	100	50	10
Carriageway width (m)	13	11	8	7	6
Footway width (m)	2 x 5.5	2 x 5.5	2 x 5.5	2 x 4.0	2 x 3.5
Road Reserve - total width (m)	24	22	19	15	13
Lane provision	2 moving / parking	2 moving / intermittent parking	2 moving / intermittent parking	2 moving / intermittent parking	2 moving / intermittent parking
Maximum desirable speed (km/h)	40-60	30-50	20-30	20-30	15-25
Maximum design speed (km/h) for sight distance calculations	60	50	40	40	30
Footpath	Both sides / shared with cycleway	Both sides	One Side	Not required, unless identified in Active Transport Plan	Not required, unless identified in Active Transport Plan
Cycle Way	2.5m wide shared cycleway	Marked on road	On road shared	On road shared	On road shared
Kerb and gutter	Barrier	Barrier	Barrier	Rollover	Rollover
Street lighting	P2	P3	P4	P4	P5
Reference Diagram	Diagram 9	Diagram 10	Diagram 11	Diagram 12	Diagram 13

## Subdivision road design (cont.)

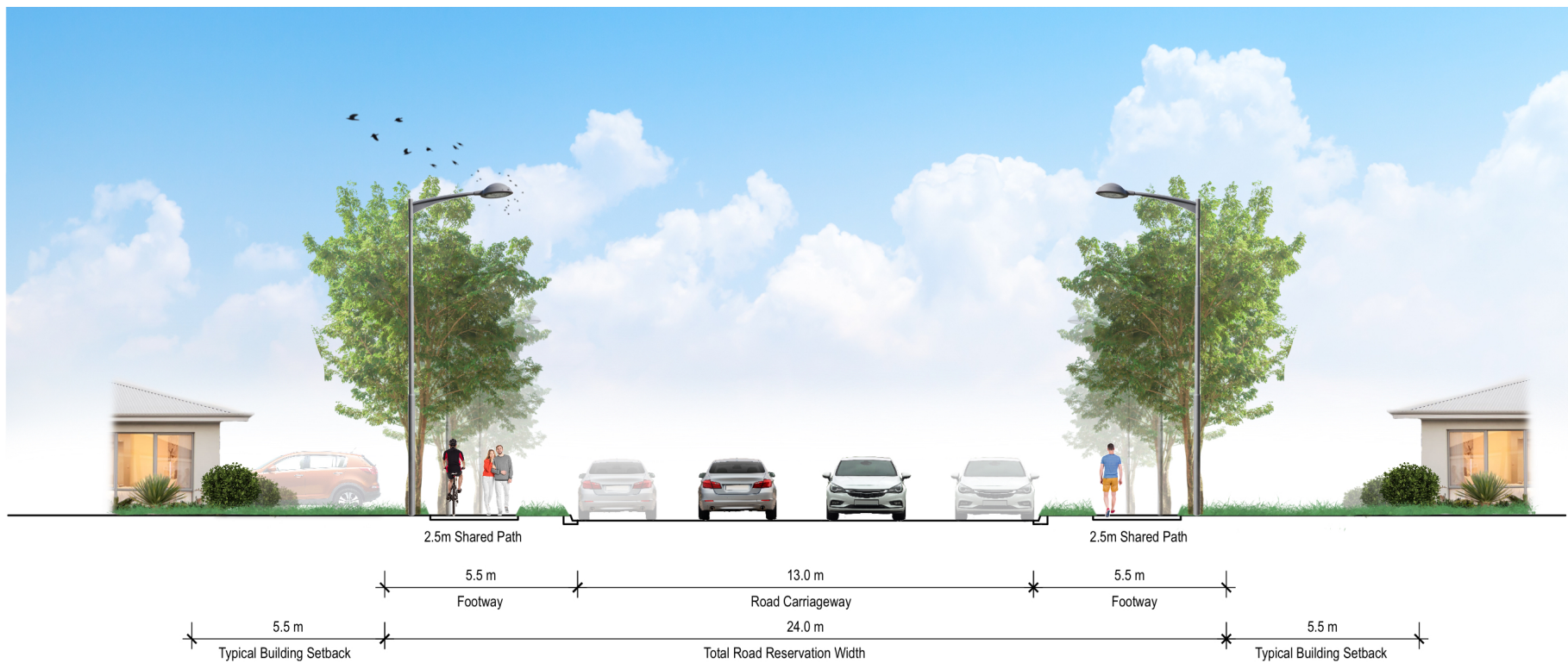


Diagram 19 - Road Standards - Local Distributor Roads

## Subdivision road design (cont.)

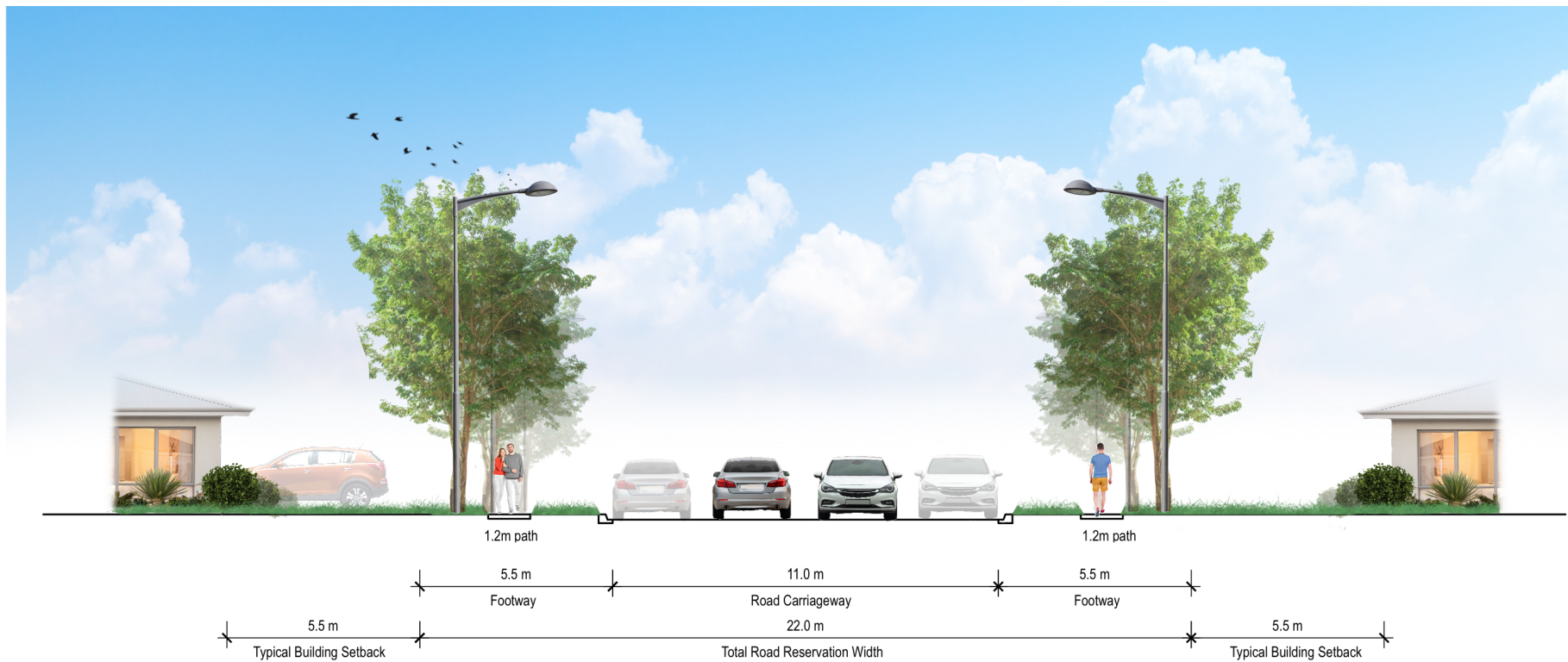


Diagram 20 - Road Standards - Collector Roads



## Subdivision road design (cont.)

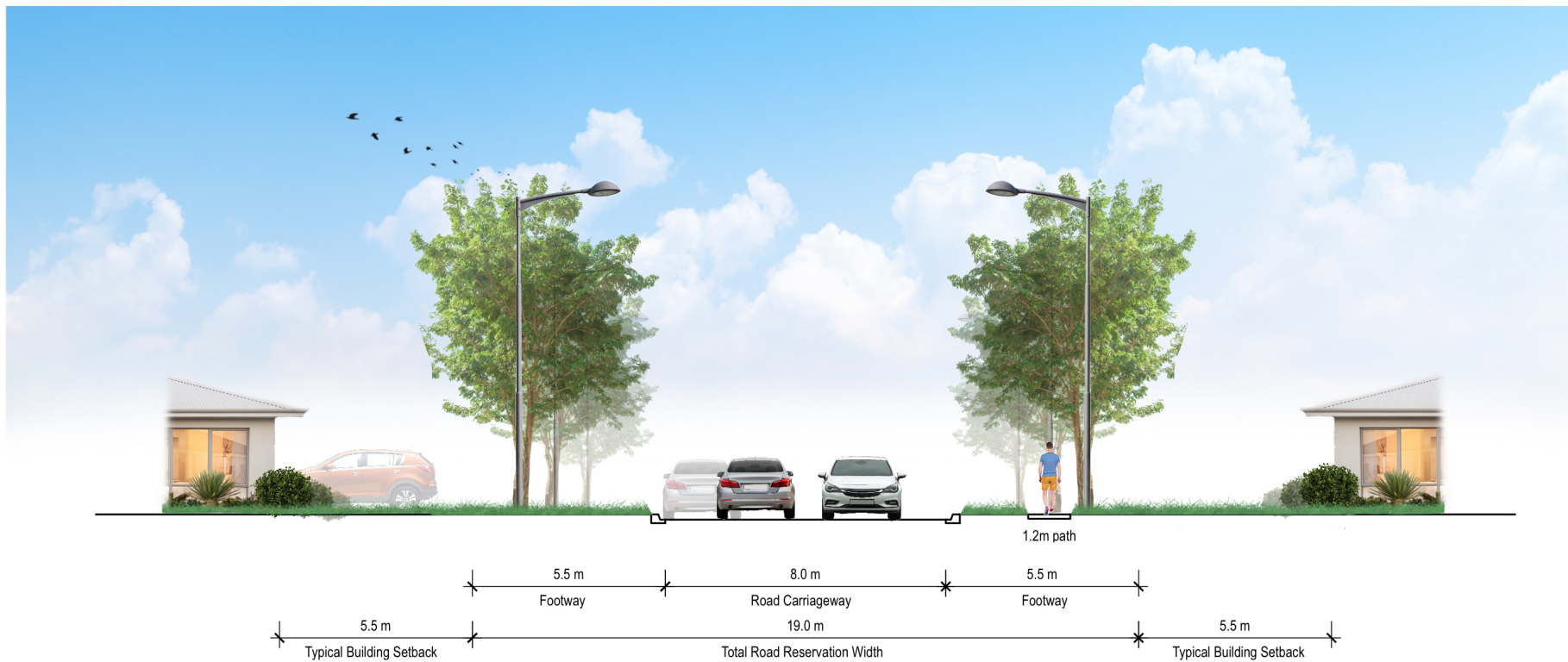


Diagram 21 - Road Standards - Local Access Roads

## Subdivision road design (cont.)

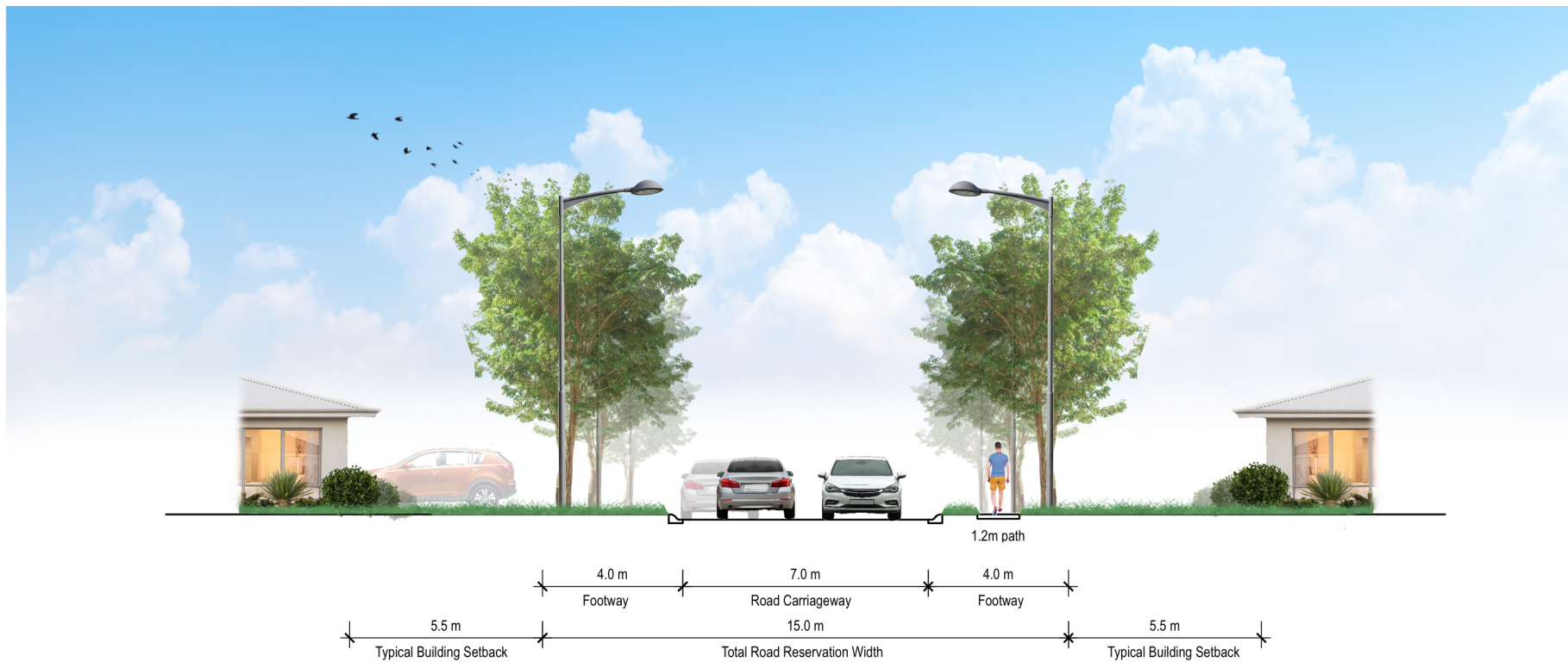


Diagram 22 - Road Standards - Local Access Roads (Minor)

## Subdivision road design (cont.)

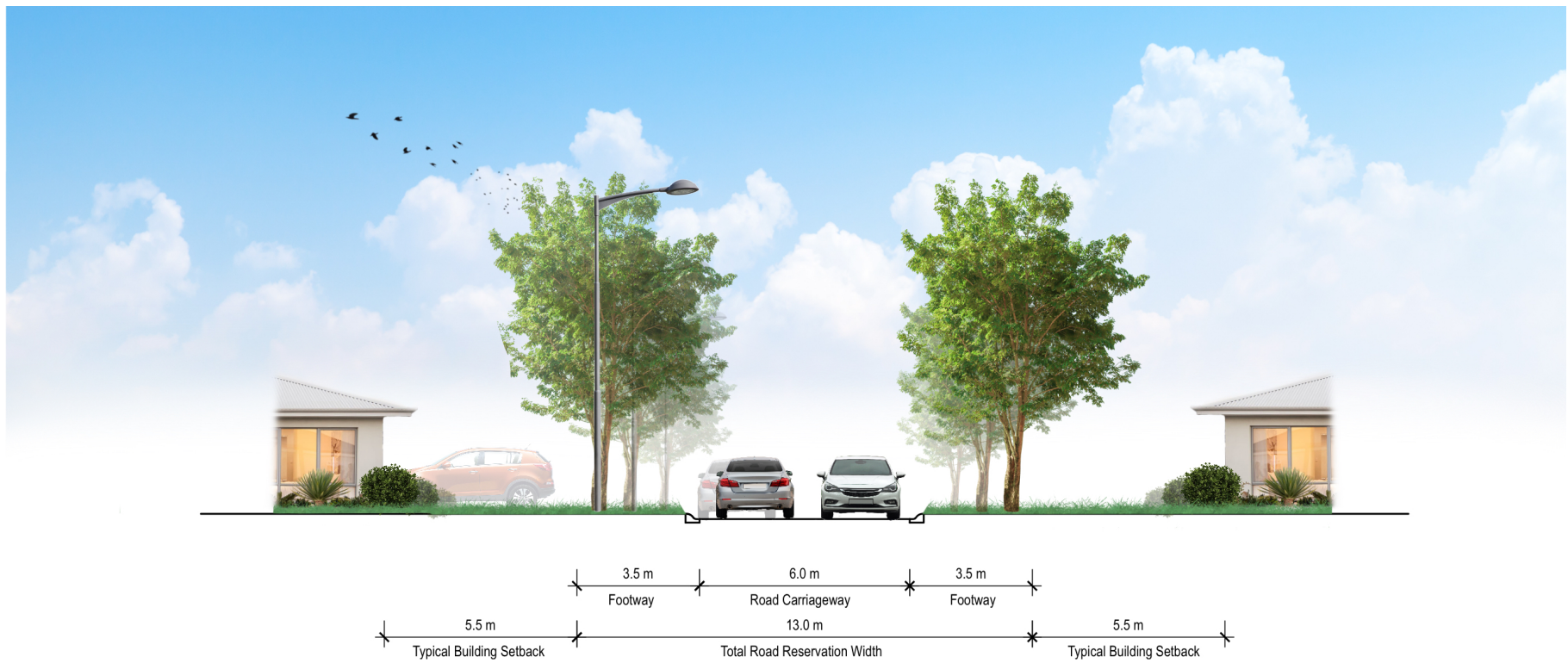


Diagram 23 - Road Standards - Cul-De-Sac & Minor Access Place



## Part C2 Village Subdivision Controls

### C2.4 Stormwater Design and Management

#### Objective

To ensure stormwater from village subdivisions is properly drained to a legal point of discharge without causing adverse impacts on public drainage infrastructure, downslope properties or the quality of receiving waters.

#### Standards

- a. All stormwater generated by a subdivision development must be drained to a legal point of discharge.
- b. Stormwater drainage systems are designed using the Australian Rainfall and Runoff 2019 major and minor event philosophy, where the minor system shall be capable of carrying the controlling flows from frequent runoff events, while the major system shall provide safe, well-defined overland flow paths for rare and extreme storm runoff events.
- c. Stormwater volumes and characteristics are estimated in accordance with Australian Rainfall and Runoff 2019 by a suitably qualified engineer.
- d. Subdivision development takes into account the stormwater management requirements of the whole site / stormwater drainage system, including stormwater from upslope areas in the catchment that is based on a fully developed scenario.
- e. Existing stormwater management infrastructure abutting the subdivision development, including road drainage and drainage reserves, are upgraded / replaced where they do not meet the requirements of the Leeton Shire Council Engineering Guidelines (latest version).
- f. Subdivisions are designed to accommodate all stormwater in the 10 year ARI via underground drainage infrastructure.
- g. Subdivisions are designed to accommodate all stormwater above the 10 year ARI up to the 100 year ARI via roads and drainage reserves.
- h. All residential lots in subdivisions are design to allow future dwellings to achieve compliance with the flood planning requirements of Leeton LEP 2014 and the Leeton Shire Floodplain Risk Management Plan.
- i. Subdivisions are provided with all necessary stormwater management infrastructure required to address a) to h) above, and in accordance with Leeton Shire Council Engineering Guidelines (latest version).
- j. Easements to drain stormwater are provided over all pipelines, sumps, overland flow paths and channels (other than natural water courses).
- k. Subdivisions that cannot drain stormwater to a legal point of discharge via gravity must be supported by a site-specific stormwater management system that is designed by a suitably qualified engineer.
- l. Stormwater from lots discharge to an existing rear lane way only where kerb and gutter or underground stormwater infrastructure exists, or will be provided as part of the development, and there is capacity for this infrastructure to handle estimated stormwater runoff.



## Part C2 Village Subdivision Controls

### C2.5 Sewerage design or on-site management

#### Objective

To ensure all village subdivision lots are provided with adequate facilities for the disposal of domestic sewage, either by connection to a reticulated sewerage system or by designing lots to allow for an appropriately designed onsite waste management system in the future.

#### Standards

- a. All lots are connected to a reticulated sewage main (where available) in accordance with Leeton Shire Council Engineering Guidelines (latest version).
- b. Where a reticulated sewage supply is not available, a geotechnical report prepared by a suitably qualified engineer is provided, which demonstrates proposed lots are of sufficient land area to accommodate a dwelling, likely outbuildings and an effluent disposal system that complies with the necessary buffer requirements of the Environmental Health Protection Guidelines On-site Sewage Management for Single Households (latest version).
- c. In a circumstance where a geotechnical report is required in accordance with standard (b) and the land is also mapped in Leeton Local Environmental Plan 2014 as being affected by vulnerable groundwater, the Geotechnical Report includes an assessment of the potential impacts of the development on the groundwater aquifer system.

## Part C2 Village Subdivision Controls

### C2.6 Naming of new public roads

#### Objective

To enable the legislative process required for the naming of public roads in NSW.

#### Standards

- a. Development Applications for subdivisions involving dedication of a public road are accompanied by a statement from the applicant suggesting names for the new road.
- b. Suggested road names are to be consistent with the NSW Geographical Names Board Guidelines for the Naming of Roads.
- c. Council reserves the right to not accept a suggested road name / change a road name where deemed appropriate.
- d. The subdivider is responsible for the installation of street signs in accordance with the approved street name.

## Part C2 Village Subdivision Controls

### C2.7 Utility and service provisions

#### Objective

To ensure village lots are provided with essential services and infrastructure that are engineered to minimum design standards.

#### Standards

- a. All village lots in subdivisions are connected to the centralised electricity supply network in accordance with the Essential Energy Connecting to the network information pack 2018.
- b. Subdivisions are provided with street lighting in accordance with AS/NZS 1158: 2010 Lighting for roads and public spaces and Leeton Shire Council Engineering Guidelines (latest version).
- c. All village lots in subdivisions are connected to telecommunications in accordance with the Australian Government's Telecommunications Infrastructure in New Developments (TIND) policy.
- d. All village lots in subdivisions are connected to natural gas (where available) in accordance with the Jemena Residential Connections Guide and Gas Connections FAQs.
- e. All village lots in subdivisions are connected to a reticulated water main via a minimum 20mm service and meter in accordance with Leeton Shire Council Engineering Guidelines (latest version).
- f. All village lots in subdivisions are connected to reticulated sewerage (where available) or provision made for onsite waste disposal in accordance with Part C4.6 of this DCP.
- g. Common trenching is used for compatible services and infrastructure, generally in accordance with the NSW Streets Opening Coordination Council (SOCC) Model Agreement for Local Councils and utility/service providers 2018 and the SOCC Guide to Codes and Practices for Streets Opening.

# C3

## Large Lot Residential Subdivision controls

Part C.3 applies to subdivisions on land zoned R5 Large Lot Residential under Leeton Local Environmental Plan 2014.

C3.1	Earthworks, Retaining Walls, Structural Support and Site Drainage	38
C3.2	Subdivision lot design	39
C3.3	Subdivision road design	40
C3.4	Stormwater Design and Management	41
C3.5	Sewerage design or on-site management	42
C3.6	Landscape design and management	43
C3.7	Naming of new public roads	44
C3.8	Fencing requirements	45
C3.9	Bushfire risk management	46
C3.10	Utility and service provisions	47

## Part C3 Large Lot Residential Subdivision Controls

### C3.1 Earthworks, Retaining Walls, Structural Support and Site Drainage

#### Objective

To ensure earthworks associated with large lot residential subdivisions does not negatively impact on the natural environment, surrounding streetscapes and adjoining properties, roads, drainage infrastructure and other public assets.

#### Standards

- a. Earthworks shall be suitably protected from soil erosion, soil movement and sedimentation as per Landcom Managing Urban Stormwater Soils and Construction (Blue Book).
- b. Earthworks shall not exceed a maximum height / depth, measured from existing ground level of 3 metres.
- c. Despite b) above, earthworks must not exceed 1 metre in depth within 1 metre from any boundary.
- d. Imported fill must be certified Virgin Excavated Natural Material (VENM).
- e. Earthworks more than 600mm above or below existing ground level must have finished ground surface levels of not less than 1:2 or take the form of a retaining wall or other structural support that is certified as structurally sound by a suitably qualified engineer.
- f. Retaining walls or other structural supports, including footings and drainage, must be located wholly within the property boundary.
- g. Stormwater from excavation areas shall be properly drained to a legal point of discharge (e.g. inter-allotment drainage pipes, street gutter system or drainage reserve).
- h. Finished ground levels must drain to roadside drainage infrastructure or a drainage reserve at a minimum grade of 2%.

## Part C3

### Large Lot Residential Subdivision Controls

#### C3.2 Subdivision lot design

#### Objective

To ensure large lot residential subdivision design provides housing choice and is practical, efficient and consistent with the dominant street patterns in the locality.

#### Standards

- a. The subdivision design appropriately responds to the relevant provisions of Leeton Local Environmental Plan 2014 in relation to land mapped as flood planning area, groundwater vulnerable, riparian area, watercourse, wetland area, heritage or an area containing terrestrial biodiversity from inappropriate development.
- b. Lots have a minimum frontage and square width that is consistent with the dominant lot size and configuration along the street, or within the immediate vicinity of the development site.
- c. Lot size enables the construction of a future dwelling and likely outbuildings, private open space, vehicle access and parking areas.
- d. Lot design maximises opportunities for solar access to future dwellings.
- e. Corner allotments are designed to enable the construction of a dwelling that can comply with the prevailing setback requirements along both frontages.
- f. Corner lot design incorporates 3 metre splays parallel to front and side boundaries of the corner allotment and enables the construction of a future dwelling that can comply with the setback standards in Part D of this DCP for both street frontages.
- g. Subdivision proposals involving the creation of battle-axe shaped lots are not permitted.
- h. Subdivision proposals involving the creation of a new lot that only has access to an existing rear lane way are not permitted.

## Part C3

### Large Lot Residential Subdivision Controls

#### Objective

To ensure large lot residential subdivisions are provided with roads and vehicle accesses that are safe and efficient and engineered to minimum design standards.

### C3.3 Subdivision road design

#### Standards

- Practical, legal and safe access is provided to each lot.
- The road system that is required to service the proposed subdivision is appropriately designed to respond to geotechnical, topographical and specific site features in accordance with Leeton Shire Council Engineering Guidelines (latest version).
- The road system that is required to service the proposed subdivision is designed to the appropriate speed limit for the area (e.g. 50km/hr, 60km/hr, 80km/hr, 100km/hr) in accordance with Leeton Shire Council Engineering Guidelines (latest version).
- Roads / vehicle access to each lot is gained onto the local road network in accordance with Part 4 - Intersections and crossings and Part 4a – Unsignalised and signalised intersections of the Austroads Guide to Road Design, and not directly onto a classified road, unless there are no other practical means of access available to the lot(s) and access / intersections comply with TFNSW requirements.
- Existing public roads abutting the subdivision are upgraded / replaced where they do not meet the requirements of the Leeton Shire Council Engineering Guidelines (latest version).
- Subdivisions involving the creation of new public roads, or the extension of an existing public road, comply with Table 3 and Leeton Shire Council Engineering Guidelines (latest version).
- Public roads, street lights, street trees, street signs and other road furniture are accommodated within existing / proposed road reserves in accordance with Leeton Shire Council Engineering Guidelines (latest version).
- Driveway locations do not require removal of established street trees.

**Table 3 - Road Design Requirements - Large Lot Residential Subdivisions**

Average Annual Daily Traffic	Dwelling Equivalent	Road Reserve	Road Shoulder	Width	Street Lighting	Street lighting standard
< 100	Up to 14	20m	1.2m	6m seal	Yes	P5
100-500	14 - 70	30m	1.2m	7m seal	Yes	P5
500-1000	70-140	30m	1.2m	7m seal	Yes	P4
>2000	>285	30m	1.8m	8m seal	Yes	P4

## Part C3 Large Lot Residential Subdivision Controls

### C3.4 Stormwater Design and Management

#### Objective

To ensure stormwater from large lot residential subdivisions is properly managed so as not to impact on public infrastructure, downslope properties or the quality of receiving waters.

#### Standards

- a. Subdivisions take into account the stormwater management requirements of the whole site / stormwater drainage system, including stormwater from upslope areas in the catchment.
- b. Subdivisions are designed to accommodate all stormwater up to the 100 year ARI via roads and drainage reserves.
- c. Subdivisions are provided with all necessary stormwater management infrastructure required to address a) and b) above, and in accordance with Leeton Shire Council Engineering Guidelines (latest version).
- d. Easements to drain stormwater are provided over all pipelines, sumps, overland flow paths and channels (other than natural water courses).
- e. Subdivisions that cannot drain stormwater to a legal point of discharge via gravity must be supported by a site-specific stormwater management system that is designed by a suitably qualified engineer.
- f. Stormwater from lots discharge to an existing rear lane way only where there is capacity for this infrastructure to handle estimated stormwater runoff.



## Part C3

### Large Lot Residential Subdivision Controls

#### C3.5 Sewerage design or on-site management

#### Objective

To ensure all large lot residential lots are provided with adequate facilities for the disposal of domestic sewage, either by connection to a reticulated sewerage system or by designing lots to allow for an onsite waste management system in the future.

#### Standards

- a. All lots are connected to a reticulated sewage main (where available) in accordance with Leeton Shire Council Engineering Guidelines (latest version).
- b. Where a reticulated sewage supply is not available, each lot is designed to comply with the requirements of (c) below.
- c. Development Applications are accompanied by a geotechnical report, prepared by a suitably qualified engineer, which demonstrates proposed lots are of sufficient land area to accommodate a dwelling, likely outbuildings and an effluent disposal system that complies with the necessary buffer requirements of the Environmental Health Protection Guidelines On-site Sewage Management for Single Households (latest version).
- d. In a circumstance where a geotechnical report is required in accordance with standard (c) and the land is also mapped in Leeton Local Environmental Plan 2014 as being affected by vulnerable groundwater, the Geotechnical Report includes an assessment of the potential impacts of the development on the groundwater aquifer system.

## Part C3 Large Lot Residential Subdivision Controls

### C3.6 Landscape design and management

#### Objective

To ensure public roads and reserves in large lot residential subdivisions are properly landscaped so as to improve the function and appearance of these spaces.

#### Standards

- a. Street trees are provided in accordance with Leeton Shire Council Tree Management Policy.
- b. Ground surfaces of the footpath within the public road reserve must be suitably graded towards the top of concrete kerb at a minimum grade of 2% in accordance with Leeton Shire Council Engineering Guidelines (latest version).
- c. Ground surfaces of public drainage reserves must be suitably graded away from buildings and fence lines and drained to a legal point of discharge in accordance with Leeton Shire Council Engineering Guidelines (latest version).

## Part C3 Large Lot Residential Subdivision Controls

### C3.7 Naming of new public roads

#### Objective

To enable the legislative process required for the naming of public roads in NSW.

#### Standards

- a. Development Applications for subdivisions involving dedication of a public road are accompanied by a statement from the applicant suggesting names for the new road.
- b. Suggested road names are to be consistent with the NSW Geographical Names Board Guidelines for the Naming of Roads.
- c. Council reserves the right to not accept a suggested road name / change a road name where deemed appropriate.
- d. The subdivider is responsible for the installation of street signs in accordance with the approved street name.

## Part C3 Large Lot Residential Subdivision Controls

### Objective

To delineate boundaries and minimise potential land-use conflict through proper fencing and management of livestock on large lot residential lots.

### C3.8 Fencing requirements

#### Standards

- a. Lots are fenced along their boundaries with fencing that is consistent with the following minimum standards:
  - i. 1.2 metres high.
  - ii. Steel posts at a maximum of five metre intervals.
  - iii. One barbed wire and 75cm high ring lock or hinge joint attached with three plain wires (top middle and bottom), or 90cm high ring lock or hinge joint attached with three plain wires (top, middle and bottom).
  - iv. Strainer posts at the end of lines and change of direction points.

## Part C3 Large Lot Residential Subdivision Controls

### C3.9 Bushfire risk management

#### Objective

To ensure that risks associated with the subdivision of bushfire prone land for large lot residential purposes is managed in accordance with Planning for Bushfire Protection 2018.

#### Standards

- a. Subdivisions on land classified as bushfire prone on the Rural Fire Service (RFS) Bushfire Prone Land Map complies with the RFS Planning for Bushfire Protection 2019.
- b. A Bushfire Risk Assessment Report is lodged with the Statement of Environmental Effects in support of the Development Application. The Bushfire Risk Assessment Report is prepared by a suitably qualified and experienced bushfire consultant and addresses the proposed development's consistency with Planning for Bushfire Protection 2019.
- c. The subdivision is designed so that any bushfire protection measures necessary in accordance with Planning for Bushfire Protection 2019 are able to be implemented / placed wholly within the development site, and not on neighbouring property (including Council reserves).
- d. Any clearing of native vegetation is kept to minimum levels in accordance with the recommendations of the Bushfire Risk Assessment Report and the requirements of Planning for Bushfire Protection 2019.

## Part C3 Large Lot Residential Subdivision Controls

### C3.10 Utility and service provisions

#### Objective

To ensure large lot residential subdivision lots are provided with essential services and infrastructure that are engineered to minimum design standards.

#### Standards

- a. Lots are provided with a rural address number in accordance with the Leeton Shire Council Rural Addressing Scheme.
- b. All lots in large lot residential subdivisions are connected to the centralised electricity supply network in accordance with the Essential Energy Connecting to the network information pack 2018.
- c. Subdivisions are provided with street lighting in accordance with AS/NZS 1158: 2010 Lighting for roads and public spaces and Leeton Shire Council Engineering Guidelines (latest version).
- d. All large large residential lots in subdivisions are connected to telecommunications in accordance with the Australian Government's Telecommunications Infrastructure in New Developments (TIND) policy.
- e. All large lot residential lots in subdivisions are connected to natural gas (where available) in accordance with the Jemena Residential Connections Guide and Gas Connections FAQs.
- f. All large lot residential lots in subdivisions are connected to a reticulated water main via a minimum 20mm service and metre in accordance with Leeton Shire Council Engineering Guidelines (latest version).
- g. All large lot residential lots in subdivisions are connected to reticulated sewerage (where available) or provision made for onsite waste disposal in accordance with Part C4.6 of this DCP.
- h. Common trenching is used for compatible services and infrastructure, generally in accordance with the NSW Streets Opening Coordination Council (SOCC) Model Agreement for Local Councils and utility/service providers 2018 and the SOCC Guide to Codes and Practices for Streets Opening.
- i.

# C4

## Rural Subdivision controls

Part C.4 applies to subdivisions on land zoned RU1 Primary Production under Leeton Local Environmental Plan 2014.

C4.1	Earthworks, Retaining Walls, Structural Support and Site Drainage	49
C4.2	Subdivision lot design	50
C4.3	Subdivision road design	51
C4.4	Stormwater Design and Management	52
C4.5	Sewerage design or on-site management	53
C4.6	Naming of new public roads	54
C4.7	Fencing requirements	55
C4.8	Bushfire risk management	56
C4.9	Utility and service provisions	57

## Part C4 Rural Subdivision Controls

### C4.1 Earthworks, Retaining Walls, Structural Support and Site Drainage

#### Objective

To ensure earthworks associated with rural subdivisions do not negatively impact on the natural environment, surrounding streetscapes and adjoining properties, roads, drainage infrastructure and other public assets.

#### Standards

- a. Earthworks shall be suitably protected from soil erosion, soil movement and sedimentation as per Landcom Managing Urban Stormwater Soils and Construction (Blue Book).
- b. Earthworks shall not exceed a maximum height / depth, measured from existing ground level of 3 metres.
- c. Despite b) above, earthworks must not exceed 1 metre in depth within 1 metre from any boundary.
- d. Imported fill must be certified Virgin Excavated Natural Material (VENM).
- e. Earthworks more than 600mm above or below existing ground level must have finished ground surface levels of not less than 1:3 or take the form of a retaining wall or other structural support that is certified as structurally sound by a suitably qualified engineer.
- f. Retaining walls or other structural supports, including footings and drainage, must be located wholly within the property boundary.
- g. Stormwater from excavation areas shall be properly drained to a legal point of discharge (e.g. inter-allotment drainage pipes, street gutter system or drainage reserve).
- h. Finished ground levels must drain to roadside drainage infrastructure or a drainage reserve at a minimum grade of 2%.



## Part C4 Rural Subdivision Controls

### C4.2 Subdivision lot design

#### Objective

To ensure rural subdivisions provide for a range of land-use opportunities permitted in the primary production zone without causing impacts on agricultural sustainability and environmentally sensitive lands.

#### Standards

- a. The subdivision design appropriately responds to the relevant provisions of Leeton Local Environmental Plan 2014 in relation to land mapped as flood planning area, groundwater vulnerable, riparian area, watercourse, wetland area, heritage or an area containing terrestrial biodiversity from inappropriate development.
- b. Subdivisions do not lead to fragmentation / alienation of Important Agricultural Land (IAL) identified in the DPI Agricultural Land Use Mapping Resources in NSW - User Guide 2017 and State Environmental Planning Policy (Primary Production and Rural Development) 2021.
- c. Subdivision design minimises disturbance to the natural environment.

## Part C4 Rural Subdivision Controls

### Objective

To ensure rural subdivisions are provided with roads and vehicle accesses that are safe and efficient and engineered to minimum design standards.

### C4.3 Subdivision road design

#### Standards

- a. Practical, legal and safe access is provided to each lot.
- b. The road system that is required to service the proposed subdivision is appropriately designed to respond to geotechnical, topographical and specific site features in accordance with Leeton Shire Council Engineering Guidelines (latest version).
- c. The road system that is required to service the proposed subdivision is designed to the appropriate speed limit for the area (e.g. 60km/hr, 80km/hr, 100km/hr) in accordance with Leeton Shire Council Engineering Guidelines (latest version).
- d. Vehicle access points are grouped at existing or limited access points whenever practical.
- e. Roads / vehicle access to each lot is gained onto the local road network in accordance with Part 4 - Intersections and crossings and Part 4a – Unsignalised and signalised intersections of the Austroads Guide to Road Design, and not directly onto a classified road, unless there are no other practical means of access available to the lot(s) and access / intersections comply with TFNSW requirements.
- f. Existing public road infrastructure abutting the subdivision, including roads, intersections, kerb and gutter and pedestrian and cycling facilities are upgraded / replaced where they do not meet the requirements of the Leeton Shire Council Engineering Guidelines (latest version).
- g. Subdivisions involving the creation of new public roads, or the extension of an existing public road, comply with Table 4 and Leeton Shire Council Engineering Guidelines (latest version).
- h. Public roads, streetlights, street trees, street signs and other road furniture are accommodated within existing / proposed road reserves in accordance with Leeton Shire Council Engineering Guidelines (latest version).
- i. Driveway locations do not require removal of established street trees.

**Table 4 - Road Design Requirements - Rural Subdivisions**

Average Annual Daily Traffic	Dwelling Equivalent	Road Reserve	Road Shoulder	Width	Street Lighting
< 100	Up to 14	20m	1.2m	6m seal	Yes, at intersections only
100-500	14 - 70	30m	1.2m	7m seal	Yes, at intersections only
500-1000	70-140	30m	1.2m	7m seal	Yes, at intersections only
>2000	>285	30m	1.8m	8m seal	Yes, at intersections only

## Part C4 Rural Subdivision Controls

### C4.4 Stormwater Design and Management

#### Objective

To ensure stormwater from rural lots is properly managed so as not to impact on public infrastructure, downslope properties or the quality of receiving waters.

#### Standards

- a. Subdivision development takes into account the stormwater management requirements of the whole site / stormwater drainage system, including stormwater from upslope areas in the catchment.
- b. Subdivisions are designed to accommodate all stormwater up to the 100 year ARI via roads and drainage reserves.
- c. Subdivisions are provided with all necessary stormwater management infrastructure required to address a) to c) above, and in accordance with Leeton Shire Council Engineering Guidelines (latest version).
- d. Easements to drain stormwater are provided over all pipelines, sumps, overland flow paths and channels (other than natural water courses).
- e. Subdivisions that cannot drain stormwater to a legal point of discharge via gravity must be supported by a site-specific stormwater management system that is designed by a suitably qualified engineer.

## Part C4 Rural Subdivision Controls

### C4.5 Sewerage design or on-site management

#### Objective

To ensure all rural lots are provided with adequate facilities for the disposal of domestic sewage, either by connection to a reticulated sewerage system or by designing lots to allow for an appropriately designed onsite waste management system in the future.

#### Standards

- a. All lots are connected to a reticulated sewage main (where available) in accordance with Leeton Shire Council Engineering Guidelines (latest version).
- b. Where a reticulated sewage supply is not available, each lot is designed to comply with the requirements of (c) below.
- c. Development Applications are accompanied by a geotechnical report, prepared by a suitably qualified engineer, which demonstrates proposed lots are of sufficient land area to accommodate a dwelling, likely outbuildings and an effluent disposal system that complies with the necessary buffer requirements in the most current version of the Environmental Health Protection Guidelines On-site Sewage Management for Single Households (latest version).
- d. In a circumstance where a geotechnical report is required in accordance with standard (c) and the land is also mapped in Leeton Local Environmental Plan 2014 as being affected by vulnerable groundwater, the Geotechnical Report includes an assessment of the potential impacts of the development on the groundwater aquifer system.

## Part C4 Rural Subdivision Controls

### C4.6 Naming of new public roads

#### Objective

To enable the legislative process required for the naming of public roads in NSW.

#### Standards

- a. Development Applications for subdivisions involving dedication of a public road are accompanied by a statement from the applicant suggesting names for the new road.
- b. Suggested road names are to be consistent with the NSW Geographical Names Board Guidelines for the Naming of Roads.
- c. Council reserves the right to not accept a suggested road name / change a road name where deemed appropriate.
- d. The subdivider is responsible for the installation of street signs in accordance with the approved street name.

## Part C4 Rural Subdivision Controls

### Objective

To delineate boundaries and minimise potential land-use conflict through proper fencing and management of livestock on new rural lots.

### C4.7 Fencing requirements

#### Standards

- a. Lots are fenced along their boundaries with fencing that is consistent with the following minimum standards:
  - i. 1.2 metres high.
  - ii. Steel posts at a maximum of five metre intervals.
  - iii. One barbed wire and 75cm high ring lock or hinge joint attached with three plain wires (top middle and bottom), or 90cm high ring lock or hinge joint attached with three plain wires (top, middle and bottom).
  - iv. Strainer posts at the end of lines and change of direction points.

## Part C4 Rural Subdivision Controls

### C4.8 Bushfire risk management

#### Objective

To ensure that risks associated with the subdivision of bushfire prone land for primary production purposes are managed in accordance with Planning for Bushfire Protection 2019.

#### Standards

- a. Subdivisions on land classified as bushfire prone on the Rural Fire Service (RFS) Bushfire Prone Land Map complies with the RFS Planning for Bushfire Protection 2019.
- b. A Bushfire Risk Assessment Report is lodged with the Statement of Environmental Effects in support of the Development Application for a subdivision that relates to an existing or proposed dwelling purpose. The Bushfire Risk Assessment Report is prepared by a suitably qualified and experienced bushfire consultant and addresses the proposed development's consistency with Planning for Bushfire Protection 2018.
- c. The subdivision is designed so that any bushfire protection measures necessary in accordance with Planning for Bushfire Protection 2019 are able to be implemented / placed wholly within the development site, and not on neighbouring property (including Council reserves).
- d. Any clearing of native vegetation is kept to minimum levels in accordance with the recommendations of the Bushfire Risk Assessment Report and the requirements of Planning for Bushfire Protection 2019.

## Part C4 Rural Subdivision Controls

### C4.9 Utility and service provisions

#### Objective

To ensure rural subdivision lots are provided with essential services and infrastructure that are engineered to minimum design standards.

#### Standards

- a. Lots are provided with a rural address number in accordance with the Leeton Shire Council Rural Addressing Scheme.
- b. Lots are connected to centralised electricity supply network in accordance with the Essential Energy Connecting to the network information pack 2018.
- c. Lots in subdivisions are connected to telecommunications in accordance with the Australian Government's Telecommunications Infrastructure in New Developments (TIND) policy



# C5

## Industrial Subdivision controls

Part C.5 applies to subdivisions on land zoned IN1 Industrial under Leeton Local Environmental Plan 2014.

C5.1	Earthworks, Retaining Walls, Structural Support and Site Drainage	59
C5.2	Subdivision lot design	60
C5.3	Subdivision road design	61
C5.4	Stormwater Design and Management	62
C5.5	Landscape design and management	63
C5.6	Naming of new public roads	64
C5.7	Utility and service provisions	65

## Part C5 Industrial Subdivision Controls

### C5.1 Earthworks, Retaining Walls, Structural Support and Site Drainage

#### Objective

To ensure earthworks associated with industrial subdivisions does not negatively impact on the natural environment, surrounding streetscapes and adjoining properties, roads, drainage infrastructure and other public assets.

#### Standards

- a. Earthworks shall be suitably protected from soil erosion, soil movement and sedimentation as per Landcom Managing Urban Stormwater Soils and Construction (Blue Book).
- b. Earthworks shall not exceed a maximum height / depth, measured from existing ground level of 3 metres.
- c. Despite b) above, earthworks must not exceed 1 metre in depth within 1 metre from any boundary.
- d. Imported fill must be certified Virgin Excavated Natural Material (VENM).
- e. Earthworks more than 600mm above or below existing ground level must have finished ground surface levels of not less than 1:3 or take the form of a retaining wall or other structural support that is certified as structurally sound by a suitably qualified engineer.
- f. Retaining walls or other structural supports, including footings and drainage, must be located wholly within the property boundary.
- g. Stormwater from excavation areas shall be properly drained to a legal point of discharge (e.g. inter-allotment drainage pipes, street gutter system or drainage reserve).
- h. Finished ground levels must drain to roadside drainage infrastructure or a drainage reserve at a minimum grade of 2%.
- i. Earthworks, retaining walls and other similar structures are designed to accommodate overland stormwater flow.

## Part C5 Industrial Subdivision Controls

### C5.2 Subdivision lot design

#### Objective

To ensure that industrial subdivision lots have a size, layout and dimension that is suitable for industrial use.

#### Standards

- a. The subdivision design is consistent with the dominant lot size configuration along the street, or within the immediate vicinity of the development site.
- b. The subdivision design creates lots that are regular in shape and are of sufficient size and shape to enable the siting of future industrial buildings and ancillary structures, acceptable vehicle access and on-site parking.
- c. Lots are to have a minimum width of 40 metres, except where compliance with d) can be demonstrated the minimum width may be reduced.
- d. The subdivision design creates lots that are sized and dimensioned to accommodate the industrial operations, allowing for possible future expansion and the proper and efficient functioning of the site, taking into account:
  - i. The need for provision of safe ingress for staff / visitors.
  - ii. The need for the provision of safe ingress and egress for heavy vehicles.
  - iii. The need for efficient vehicular movement within the new industrial lots (i.e. delivery vehicles, service vehicles and customers), based on the largest type of heavy vehicle anticipated for the subdivision.
  - iv. The need to accommodation on-site car parking.
  - v. The need to provide storage and bin areas.
  - vi. The provision of landscaped areas.
  - vii. The provision of buffer areas between future industrial activities and adjacent or nearby sensitive land-uses.
  - viii. The need to accommodate building setback requirements.
- e. Corner lot design incorporates 3 metre splays parallel to front and side boundaries of the corner allotment, and enables the construction of future buildings that can comply with the setback standards in Part G of this DCP for both street frontages.
- f. The subdivision design avoids cul-de-sacs and battle-axe shaped lots which do not easily facilitate the movement of large vehicles.

## Part C5 Industrial Subdivision Controls

### C5.3 Subdivision road design

#### Objective

To ensure industrial subdivisions are provided with roads and vehicle accesses that are safe and efficient and engineered to minimum design standards.

#### Standards

- a. Practical, legal and safe access is provided to each lot.
- b. The road system that is required to service the proposed subdivision is appropriately designed to respond to geotechnical, topographical and specific site features in accordance with Leeton Shire Council Engineering Guidelines (latest version).
- c. The road system that is required to service the proposed subdivision is designed to the appropriate speed limit for the area (e.g. 40km/hr, 50km/hr or 60km/hr) in accordance with Leeton Shire Council Engineering Guidelines (latest version).
- d. Roads / vehicle access to each lot is gained onto the local road network in accordance with Part 4 - Intersections and crossings and Part 4a – Unsignalised and signalised intersections of the Austroads Guide to Road Design, and not directly onto a classified road, unless there are no other practical means of access available to the lot(s) and access / intersections comply with TFNSW requirements.
- e. The subdivision minimises the amount of new access points to the public road system by combining entrances where possible.
- f. Existing roads, kerb and gutter and concrete footpaths abutting the subdivision are to be upgraded / replaced where they are assessed to be in poor condition, or do not meet Leeton Shire Council Engineering Guidelines (latest version).
- g. The road system that is required to service the proposed subdivision is designed to respond to the appropriate road hierarchy (e.g. arterial, collector, local road or minor access road) in accordance with Table 5 and Leeton Shire Council Engineering Guidelines (latest version). The street network has been designed to facilitate the safe movement of all road users, particularly heavy vehicle traffic.
- h. Subdivisions involving the creation of new public roads, or the extension of an existing public road, comply with the table below and Leeton Shire Council Engineering Guidelines (latest version).
- i. Kerb and gutter is provided to all classes of roads having speed limits of 80km/hr or less.
- j. Public roads, street lights, street trees, street signs and other road furniture are accommodated within existing / proposed road reserves in accordance with Leeton Shire Council Engineering Guidelines (latest version).
- k. Driveway locations do not require removal of established street trees.

*Table 5 - Road Design Requirements - Industrial Subdivisions*

Road Reserve	Traffic Lanes	Parking Lane	Footpath	Street Lighting	Street Lighting Standard
30m	2 x 3.5m	2 x 3.5m	2 x 8m	Yes	P3

## Part C5 Industrial Subdivision Controls

### C5.4 Stormwater Design and Management

#### Objective

To ensure stormwater from industrial subdivisions is properly drained to a legal point of discharge without causing adverse impacts on public drainage infrastructure, downslope properties or the quality of receiving waters.

#### Standards

- a. All stormwater generated by a subdivision development must be drained to a legal point of discharge.
- b. Stormwater drainage systems are designed using the Australian Rainfall and Runoff 2019 major and minor event philosophy, where the minor system shall be capable of carrying the controlling flows from frequent runoff events, while the major system shall provide safe, well-defined overland flow paths for rare and extreme storm runoff events.
- c. Stormwater volumes and characteristics are estimated in accordance with Australian Rainfall and Runoff 2019 by a suitably qualified engineer.
- d. Subdivision development takes into account the stormwater management requirements of the whole site / stormwater drainage system, including stormwater from upslope areas in the catchment that is based on a fully developed scenario.
- e. Existing stormwater management infrastructure abutting the subdivision development, including road drainage and drainage reserves are upgraded / replaced where they do not meet the requirements of the Leeton Shire Council Engineering Guidelines (latest version).
- f. Subdivisions that are shown as requiring onsite stormwater detention under a Leeton Urban Area Stormwater Management Plan adopted by Council are designed so that post-development runoff rates from the new subdivision are equal to or less than pre-development runoff rates for the 100 year ARI.
- g. Subdivisions are designed to accommodate all stormwater in the 10 year ARI via underground drainage infrastructure.
- h. Subdivisions are designed to accommodate all stormwater above the 10 year ARI up to the 100 year ARI via roads and drainage reserves.
- i. All industrial lots in subdivisions must be free of flooding in the 100 ARI.
- j. Subdivisions are provided with all necessary stormwater management infrastructure required to address a) to i) above, and in accordance with Leeton Shire Council Engineering Guidelines (latest version).
- k. Easements to drain stormwater are provided over all pipelines, sumps, overland flow paths and channels (other than natural water courses).
- l. Subdivisions that cannot drain stormwater to a legal point of discharge via gravity must be supported by a site-specific stormwater management system that is designed by a suitably qualified engineer.

## Part C5 Industrial Subdivision Controls

### C5.5 Landscape design and management

#### Objective

To ensure public roads and reserves in industrial subdivisions are properly landscaped and maintained for a reasonable period of establishment time so as to improve the function and appearance of these spaces.

#### Standards

- a. Street trees are provided in accordance with Leeton Shire Council Tree Management Policy.
- b. Ground surfaces of the footpath within the public road reserve must be suitably graded towards the top of concrete kerb at a minimum grade of 2% in accordance with Leeton Shire Council Engineering Guidelines (latest version).
- c. Ground surfaces of public drainage reserves must be suitably graded away from buildings and fence lines and drained to a legal point of discharge in accordance with Leeton Shire Council Engineering Guidelines (latest version).
- d. Public reserves / open space must be maintained by the subdivider under a Deed of Agreement with Council for a minimum period of 12 months.

## Part C5 Industrial Subdivision Controls

### C5.6 Naming of new public roads

#### Objective

To enable the legislative process required for the naming of public roads in NSW.

#### Standards

- a. Development Applications for subdivisions involving dedication of a public road are accompanied by a statement from the applicant suggesting names for the new road.
- b. Suggested road names are to be consistent with the NSW Geographical Names Board Guidelines for the Naming of Roads.
- c. Council reserves the right to not accept a suggested road name / change a road name where deemed appropriate.
- d. The subdivider is responsible for the installation of street signs in accordance with the approved street name.

## Part C5 Industrial Subdivision Controls

### C5.7 Utility and service provisions

#### Objective

To ensure industrial lots are provided with essential services and infrastructure that are engineered to minimum design standards.

#### Standards

- a. All industrial lots in subdivisions are connected to the centralised electricity supply network in accordance with the Essential Energy Connecting to the network information pack 2018.
- b. Subdivisions are provided with street lighting in accordance with AS/NZS 1158: 2010 Lighting for roads and public spaces and Leeton Shire Council Engineering Guidelines (latest version).
- c. All industrial lots in subdivisions are connected to telecommunications in accordance with the 2020 Telecommunications in new developments policy (or latest version).
- d. All industrial lots in subdivisions are connected to natural gas (where available) in accordance with the Jemena Residential Connections Guide and Gas Connections FAQs.
- e. All industrial lots in subdivisions, and any land dedicated for open space, are connected to a reticulated water main via a minimum 20mm service and meter in accordance with Leeton Shire Council Engineering Guidelines (latest version).
- f. All lots are connected to a reticulated sewage main in accordance with Leeton Shire Council Engineering Guidelines (latest version).
- g. Common trenching is used for compatible services and infrastructure, generally in accordance with the NSW Streets Opening Coordination Council (SOCC) Model Agreement for Local Councils and utility/service providers 2018 and the SOCC Guide to Codes and Practices for Streets Opening.



# C6

## **Strata + Community Title Subdivision controls**

Part C.6 applies to subdivisions on any land in the Leeton Shire for strata or community title purposes.

To ensure strata and community title subdivisions comply with relevant building codes.

## Part C6 Strata + Community Title Subdivision Controls

### C6.1 General Controls

#### Lot Design

- a. The strata or community title subdivision will not result in an existing building contravening the provisions of the Building Code of Australia.
- b. Practical, legal and safe access is provided to each strata or community title lot in accordance with Leeton Shire Council Engineering Guidelines (latest version).
- c. All lots are connected to natural gas (where available) in accordance with the Jemena Residential Connections Guide and Gas Connections FAQs.
- d. All lots are provided with a separate connection to a reticulated water main in accordance with Leeton Shire Council Engineering Guidelines (latest version). A single master meter is to be provided to the common property allotment.
- e. All lots are connected to a reticulated sewage main in accordance with Leeton Shire Council Engineering Guidelines (latest version).
- f. Common trenching is used for compatible services and infrastructure, generally in accordance with the NSW Streets Opening Coordination Council (SOCC) Model Agreement for Local Councils and utility/service providers 2018 and the SOCC Guide to Codes and Practices for Streets Opening.

#### Utilities and service provisions

- a. All lots are connected to the centralised electricity supply network in accordance with the Essential Energy Connecting to the network information pack 2018.
- b. Subdivisions are provided with street lighting in accordance with AS/NZS 1158: 2010 Lighting for roads and public spaces and Leeton Shire Council Engineering Guidelines (latest version).
- c. All lots are connected to telecommunications in accordance with the Telstra New Developments Policy 2015.



# Part D

## HOUSING AND ANCILLARY DEVELOPMENT

This part applies standard and controls relating to all types of residential development in the Leeton Shire Council Local Government Area



LEETON COUNCIL  
**2022**  
**COMPREHENSIVE DCP**

# Table of Contents

<b>D1</b>	<b>Urban Dwellings</b>	<b>3</b>
D1.1	Earthworks, Retaining Walls, Structural Support and Site Drainage	9
D1.2	Streetscape Character and Built Form	10
D1.3	Building setbacks	11
D1.4	Building Design	16
D1.5	Privacy and amenity	18
D1.6	Landscaped Area	19
D1.7	Livable Housing Design	20
D1.8	Stormwater Management	21
D1.9	Utility and service provisions	22
<b>D2</b>	<b>Medium Density Housing</b>	<b>23</b>
D2.1	Characterising medium density housing forms	29
D2.2	Site area and frontage	33
D2.3	Earthworks, retaining walls, structural support and drainage	34
D2.4	Streetscape character and built form	35
D2.5	Building setbacks	36
D2.6	Building Design	41
D2.7	Privacy and amenity	42
D2.8	Private open space	44
D2.9	Livable Housing Design	45
D2.10	Stormwater management	47
D2.11	Utility and service provision	48
D2.12	Medium density housing adjoining lane ways	50

<b>D3</b>	<b>Shop Top Housing</b>	<b>51</b>
D3.1	General Controls	53
<b>D4</b>	<b>Large Lot Housing</b>	<b>54</b>
D4.1	Earthworks, Retaining Walls, Structural Support and Site Drainage	56
D4.2	Streetscape and setting	57
D4.3	Building setbacks	58
D4.4	Stormwater management	60
D4.5	Utilities and service provision	61
<b>D5</b>	<b>Rural Housing</b>	<b>63</b>
D5.1	Earthworks, Retaining Walls, Structural Support and Site Drainage	64
D5.2	Building setbacks	65
D5.3	Building Design	66
D5.4	Stormwater management	67
D5.5	Utility and service provision	68
<b>D6</b>	<b>Ancillary Development</b>	<b>69</b>
D6.1	Ancillary Buildings - Attached	70
D6.2	Ancillary Buildings - Detached	74
D6.3	Swimming Pools	78
D6.4	Fencing	79

# D1

## Urban + Village Dwellings

Part D.1 applies to:

1. Single dwellings
2. Alterations and additions to existing dwellings

Part D.1 applies to any of the following zones under Leeton Local Environmental Plan 2014:

1. RU5 Village
2. R1 General Residential
3. R3 Medium Density Residential
4. B3 Commercial Core

Land application maps are included at the beginning of this Part for reference purposes.

D1.1	Earthworks, Retaining Walls, Structural Support and Site Drainage	9
D1.2	Streetscape Character and Built Form	10
D1.3	Building setbacks	11
D1.4	Building Design	16
D1.5	Privacy and amenity	18
D1.6	Landscaped Area	19
D1.7	Livable Housing Design	20
D1.8	Stormwater Management	21
D1.9	Utility and service provisions	22

## Part D1 Urban + Village Dwellings

### Application Maps

Part D.1 applies to any of the following zones under Leeton Local Environmental Plan 2014:

RU5 Village

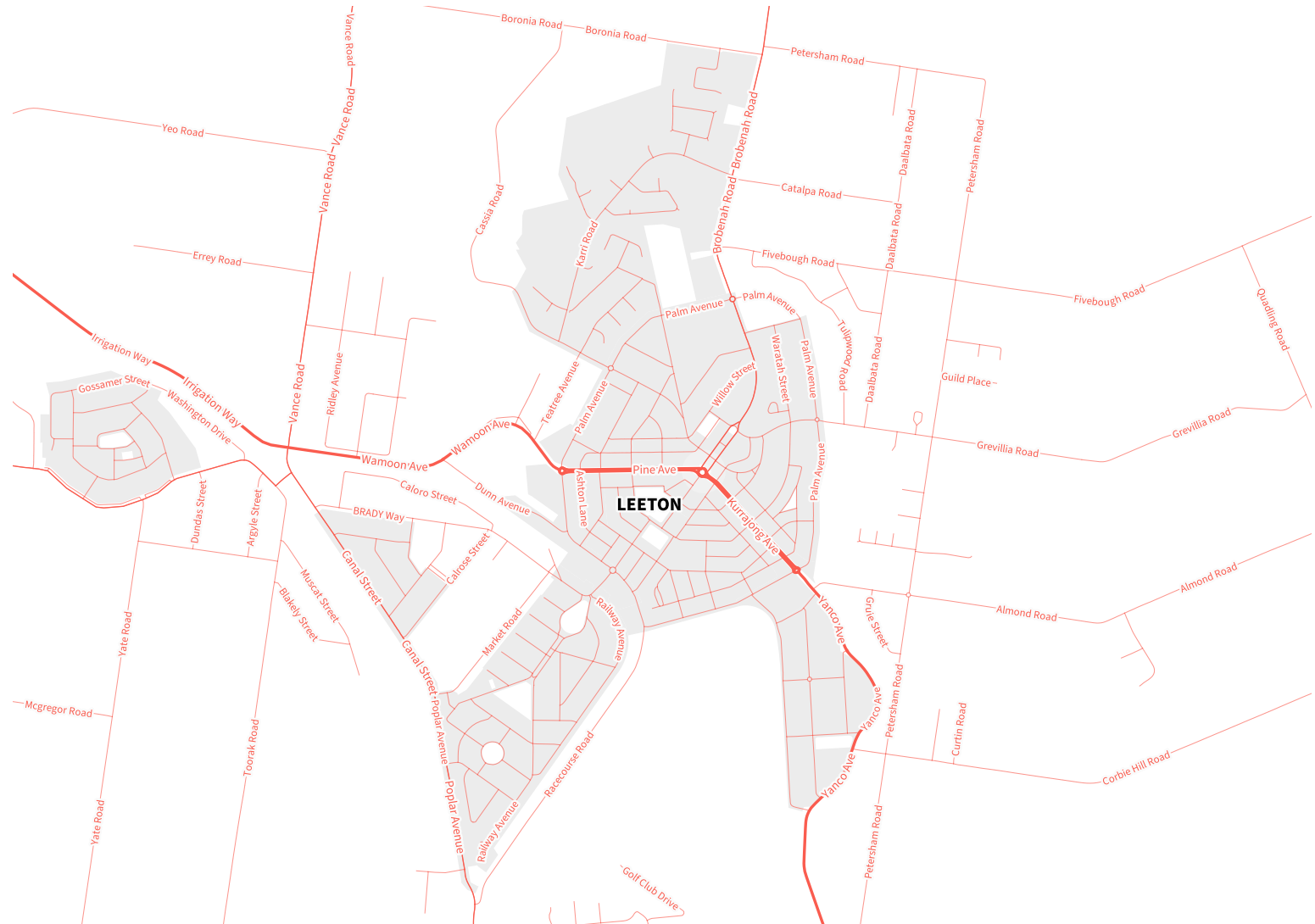
R1 General Residential

R3 Medium Density Residential.

For ease of reference, this land is shown in Maps 1 to 5.



**Map 1 - Leeton Township**

- R1 + R3 Zones
- Road Network



## Application maps (cont.)



### Map 2 - Wamoon Village

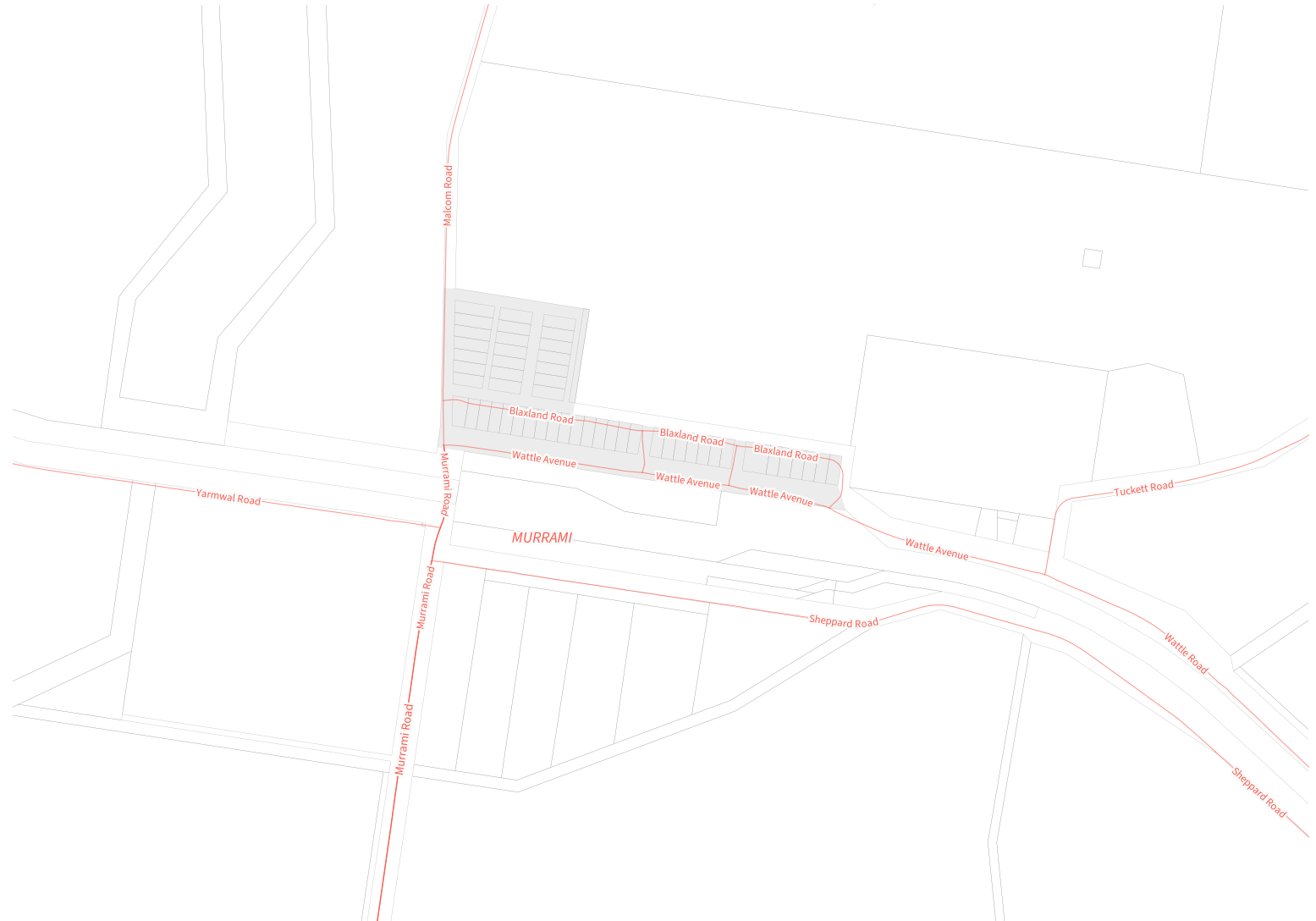
-  RU5 Zone
-  Road Network



## Application maps (cont.)

**Map 3 - Murrumbidgee Village**



-  RU5 Zone
-  Road Network





## Application maps (cont.)



**Map 4 - Whitton Village**

-  RU5 Zone
-  Road Network



## Application maps (cont.)

**Map 5 - Yanco Township**

-  R2 Zone
-  Road Network



## Objective

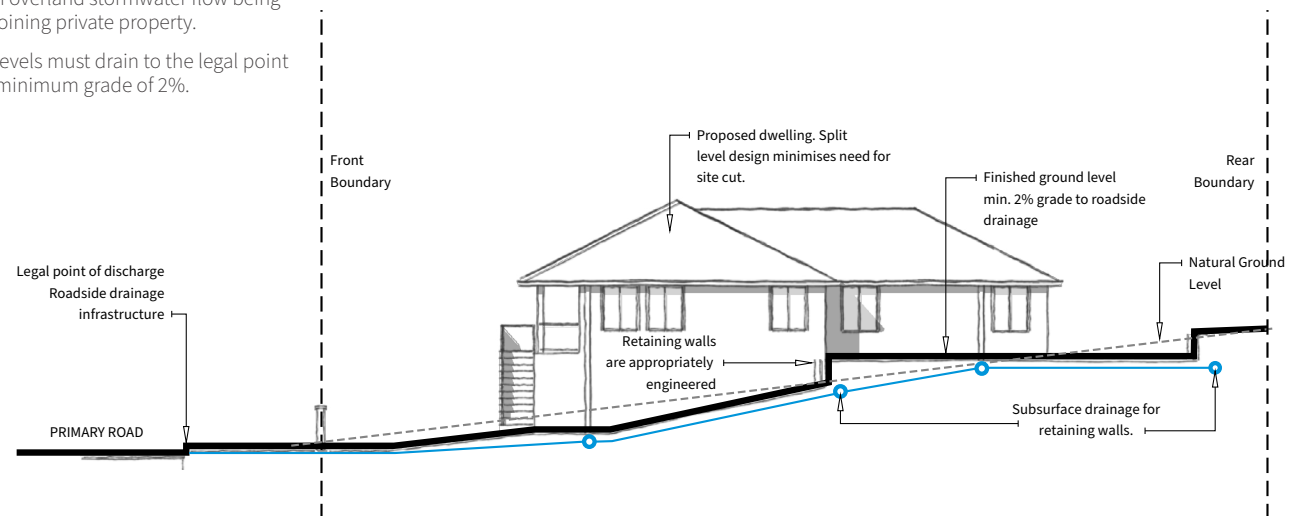
To provide guidance on the cut and fill to ensure earthworks associated with urban dwellings does not negatively impact on drainage patterns, soil stability, neighbouring properties and streetscape features.

## Part D1 Urban + Village Dwellings

### D1.1 Earthworks, Retaining Walls, Structural Support and Site Drainage

#### Standards

- Earthworks shall be suitably protected from soil erosion, soil movement and sedimentation as per Landcom Managing Urban Stormwater Soils and Construction (Blue Book) by way of sediment fences, hay bales and the like.
- Proposals requiring significant moving and filling of earth will only be considered if they contribute to the overall quality of the development.
- Earthworks shall not exceed a maximum height/depth, measured from existing ground level of 3 metres.
- Despite c) above, earthworks must not exceed 1 metre in depth within 1 metre from any boundary.
- Imported fill must be certified Virgin Excavated Natural Material (VENM).
- Earthworks more than 600mm above or below existing ground level must have finished ground surface levels of not less than 1:1 or take the form of a retaining wall or other structural support that is certified as structurally sound by a suitably qualified engineer.
- All earthworks including batters, retaining walls or other structural supports, including footings and drainage, must be located wholly within the property boundary.
- Excavated areas must be properly engineered with subsurface drainage that is directed to a legal point of discharge (e.g. interallotment drainage pipes, street drainage, or public drainage reserves).
- Earthworks, retaining walls and other similar structures must not be designed or installed in a way that results in overland stormwater flow being directed onto adjoining private property.
- Finished ground levels must drain to the legal point of discharge at a minimum grade of 2%.



## Objective

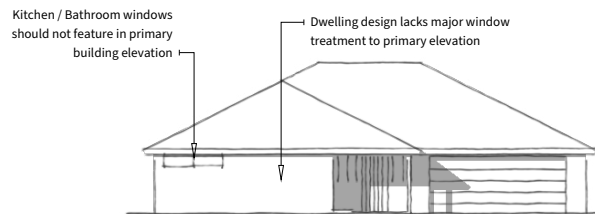
To ensure urban dwellings, and alterations and additions to existing dwellings do not negatively impact on the surrounding streetscape.

## Part D1 Urban + Village Dwellings

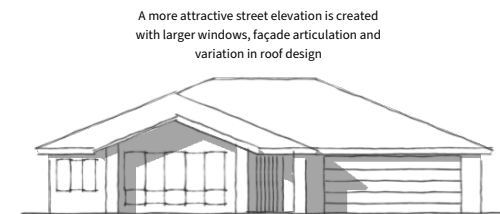
### D1.2 Streetscape Character and Built Form

#### Standards

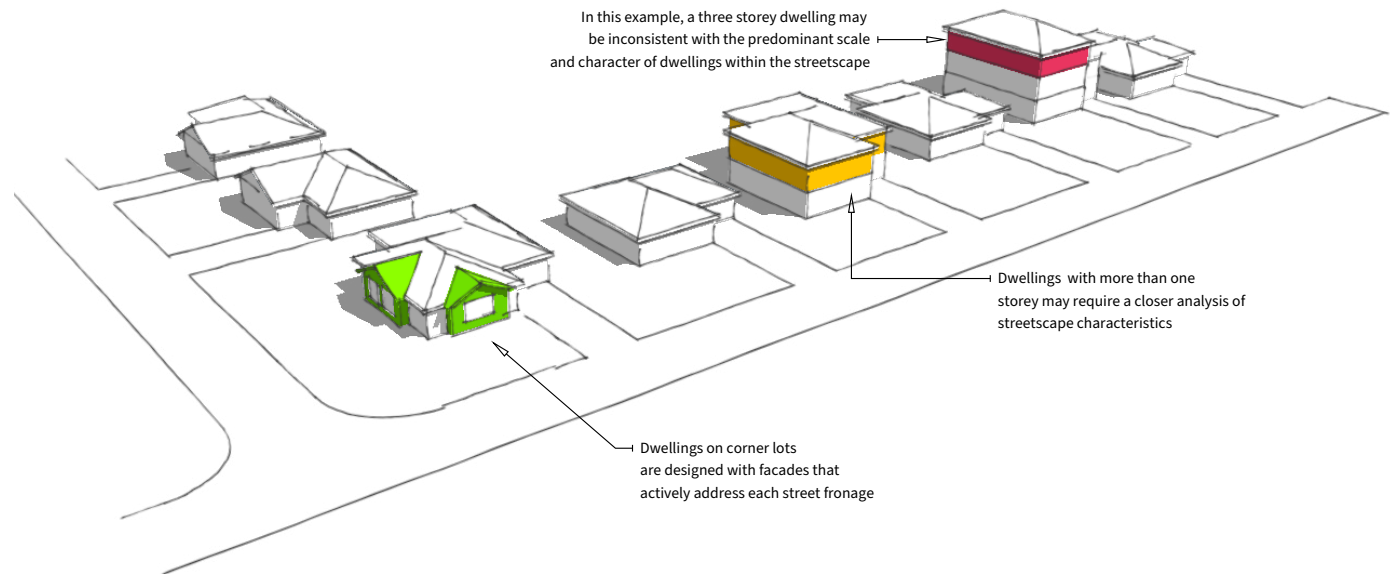
- Development complies with the relevant building line setbacks specified in Section D1.3 of this Part.
- Dwellings are designed with attractive street elevations that
  - Feature at least 1 main entry door and 1 major window to a living area or bedroom.
  - Avoid the placement of kitchen, laundry or bathroom windows as dominant features.
  - Contain no more than 2 garage doors (or a combined door accommodating two car parking spaces).
- Development is designed so that attached garages are setback a minimum 5.5 metres from the property boundary (primary street or secondary street), unless a greater setback is specified in Section D1.3
- On corner lots, developments are designed to address both streets by complying with a), b) and c) above.
- The scale of new development is consistent with predominant building form and scale within the existing streetscape.
- Development does not necessitate the removal of existing street trees that significantly contribute to streetscape appeal and character.
- Development involving heritage items or conservation areas is consistent with the requirements of Part I of this DCP (Heritage Guidelines).



POOR DESIGN



ACCEPTABLE DESIGN



## Part D1 Urban + Village Dwellings

### D1.3 Building setbacks

#### Objective

To ensure urban dwellings are setback at consistent distances to minimise impacts related to streetscape, overshadowing and privacy and to provide adequate space for landscaping and private recreation.

#### Key Definition

'Articulation Zone' means an area of a lot forward of the building line within which building elements are permitted to be located

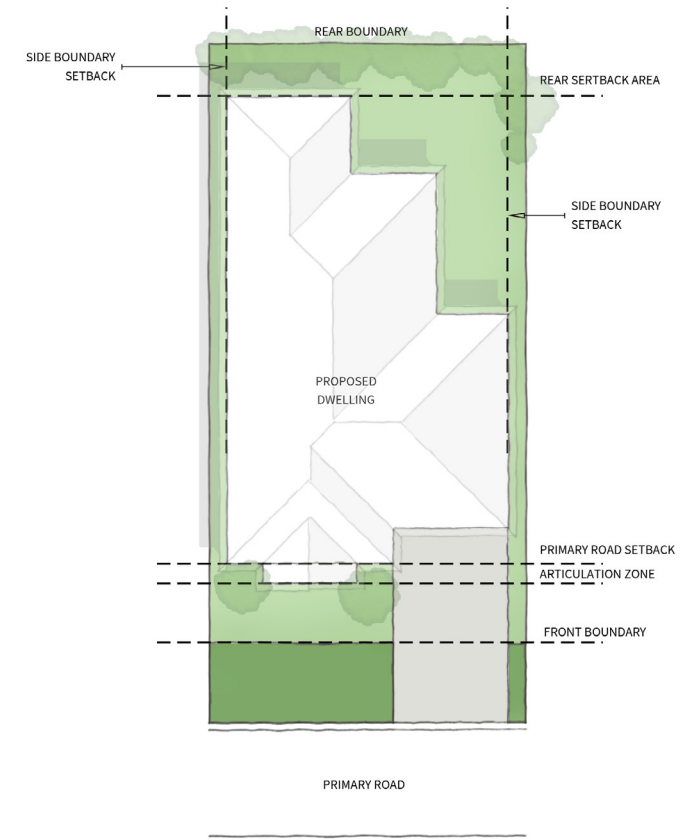
#### Standard Lots (includes fan shaped lots)

- Dwellings on standard lots comply with the minimum setback requirements prescribed in Table 1.
- Articulation features do not encroach beyond the articulation zone, or any property boundaries, and do not occupy more than 25% of the total building width.

Table 1 - Dwelling setbacks on standard lots

Boundary	Scenario	<750m <sup>2</sup>	>750m <sup>2</sup>
Primary Road	Single Storey	Average building line or 4.5m	Average building line or 6m
	> Single Storey	Average building line or 4.5m	Average building line or 6m
Side Boundary	Single Storey	0.9m or BCA	0.9m or BCA
	>Single Storey	0.9m or BCA for single storey building elements	0.9m or BCA for single storey building elements
		2m for second storey building elements	2m for second storey building elements
Rear Boundary	Single Storey	3m	5m
	>Single Storey	3m for single storey building elements	5m for single storey building elements
		5m for second storey building elements	6m for second storey building elements

Note: Nominated setback distances are the minimum subject to the demonstrated compliance with relevant provisions of the BCA.



## Building setbacks (cont.)

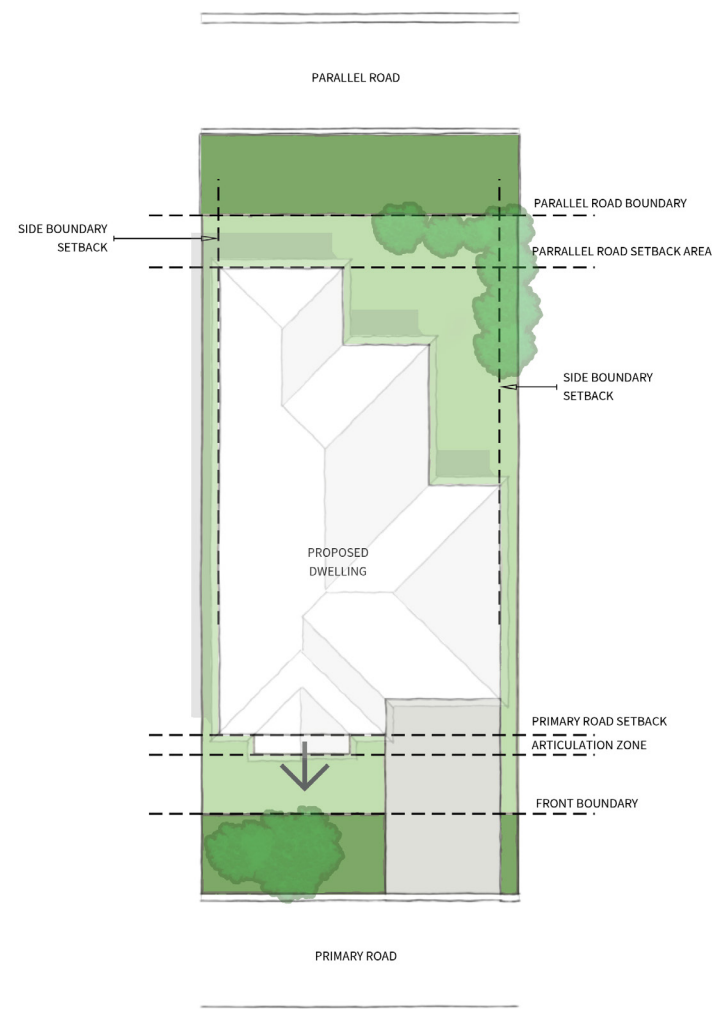
### Parallel Road Lots

- c. Dwellings on parallel road lots comply with the minimum setback requirements prescribed in Table 2.
- d. Articulation features do not encroach beyond the articulation zone, or any property boundaries, and do not occupy more than 25% of the total building width.

Table 2- Dwelling setbacks on parallel road lots

Boundary	Scenario	<750m <sup>2</sup>	>750m <sup>2</sup>
Primary Road	Single Storey	Average building line or 4.5m	Average building line or 6m
	> Single Storey	Average building line or 4.5m	Average building line or 6m
Side Boundary	Single Storey	0.9m or BCA	0.9m or BCA
	>Single Storey	0.9m or BCA for single storey building elements	0.9m or BCA for single storey building elements
		2m for second storey building elements	2m for second storey building elements
Parallel Road	Single Storey	Average building line or 4.5m	Average building line or 6m
	>Single Storey	Average building line or 4.5m for single storey elements	Average building line or 6m for single storey elements
		6m for second storey building elements	8m for second storey building elements

Note: Nominated setback distances are the minimum subject to the demonstrated compliance with relevant provisions of the BCA.



## Building setbacks (cont.)

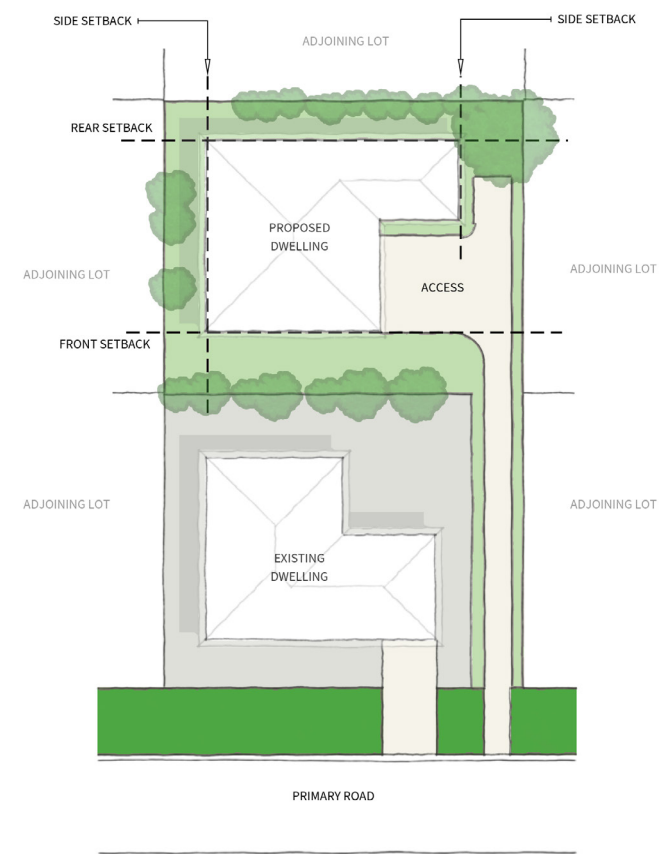
### Battle-axe Lots

- e. Dwellings on battle-axe lots comply with the minimum setback requirements prescribed in Table 3.
- f. Articulation features are permissible components of building design for development on battle-axe lots, but must remain within the building setbacks specified in Table 3.
- g. Where the battle-axe allotment adjoins a parallel road the development is to comply with the relevant building line setbacks specified in controls (c) and (d).

**Table 3 - Dwelling setbacks on battle-axe lots**

Boundary	Scenario	Setback requirement
Front boundary	Single Storey Dwelling	3m
	> Single Storey Dwelling	3m for single storey building elements
		5m for second storey building elements
Side boundary	Single Storey Dwelling	0.9m or BCA for single storey building elements
	> Single Storey Dwelling	2m for second storey building elements
Rear boundary	Single Storey Dwelling	5m
	> Single Storey Dwelling	5m for single storey building elements
		6m for second storey building elements

Note: Nominated setback distances are the minimum subject to the demonstrated compliance with relevant provisions of the BCA.



## Building setbacks (cont.)

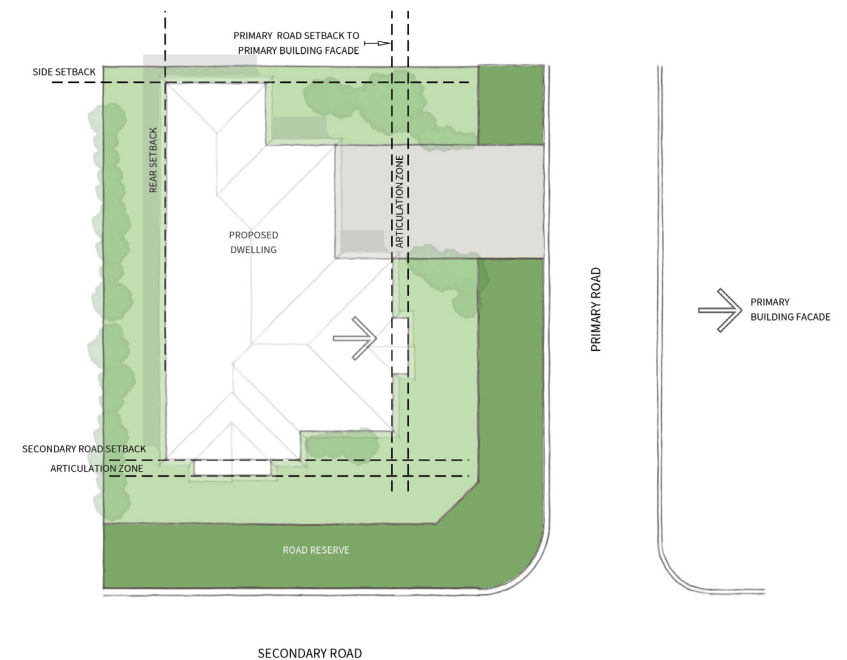
### Corner Lots

- h. Dwellings on corner lots comply with the minimum setback requirements prescribed in Table 4.
- i. Articulation features do not encroach beyond the articulation zone, or any property boundaries, and do not occupy more than 25% of the total building width.

Table 4 - Dwelling setbacks on corner lots

Boundary	Scenario	<750m <sup>2</sup>	>750m <sup>2</sup>
Primary Road	Single Storey	Average building line or 4.5m	Average building line or 6m
	> Single Storey	Average building line or 4.5m	Average building line or 6m
Secondary Road	Single Storey	3m for single storey building elements	4.5m for single storey building elements
	> Single Storey	5m for second storey building elements	6.5m for second storey building elements
Side Boundary	Single Storey	0.9m or BCA	0.9m or BCA
	>Single Storey	0.9m or BCA for single storey building elements	0.9m or BCA for single storey building elements
		2m for second storey building elements	2m for second storey building elements
Rear Boundary	Single Storey	3m	5m
	>Single Storey	3m for single storey building elements	5m for single storey building elements
		5m for second storey building elements	6m for second storey building elements

Note: Nominated setback distances are the minimum subject to the demonstrated compliance with relevant provisions of the BCA.





## Building setbacks (cont.)

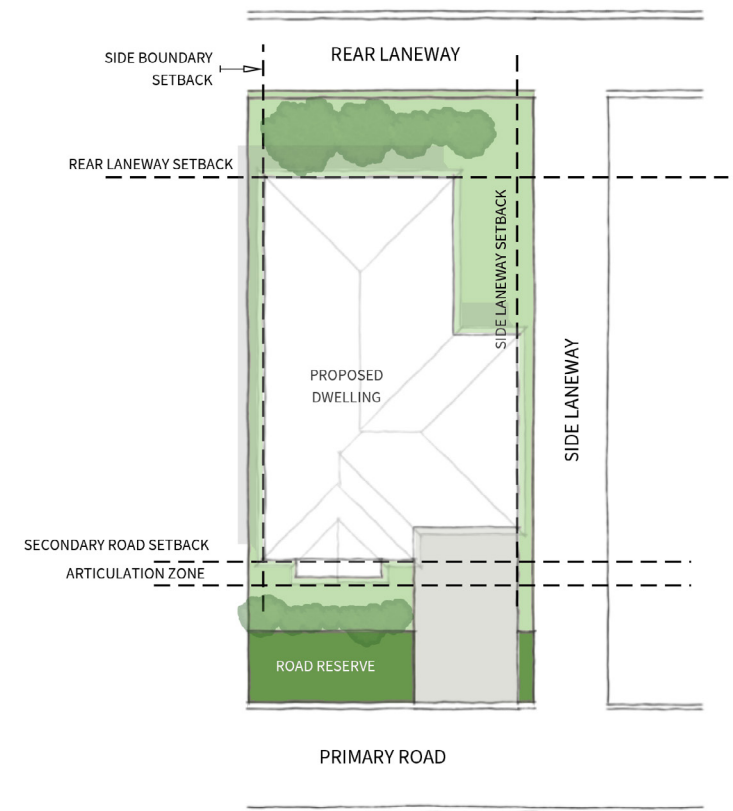
### Lane way Lots

- j. Dwellings on lane way lots comply with the minimum setback requirements prescribed in Table 5.
- k. Articulation features do not encroach beyond the articulation zone, or any property boundaries, and do not occupy more than 25% of the total building width.

Table 5 - Dwelling setbacks on lane way lots

Boundary	Scenario	<750m <sup>2</sup>	>750m <sup>2</sup>
Primary Road	Single Storey	Average building line or 4.5m	Average building line or 6m
	> Single Storey	Average building line or 4.5m	Average building line or 6m
Side Laneway	Single Storey	0.9m or BCA	0.9m or BCA
	> Single Storey	3m for second storey building elements	3m for second storey building elements
Rear Laneway	Single Storey	3m	5m
	>Single Storey	3m for single storey building elements	5m for single storey building elements
		5m for second storey building elements	6m for second storey building elements

Note: Nominated setback distances are the minimum subject to the demonstrated compliance with relevant provisions of the BCA.



## Objective

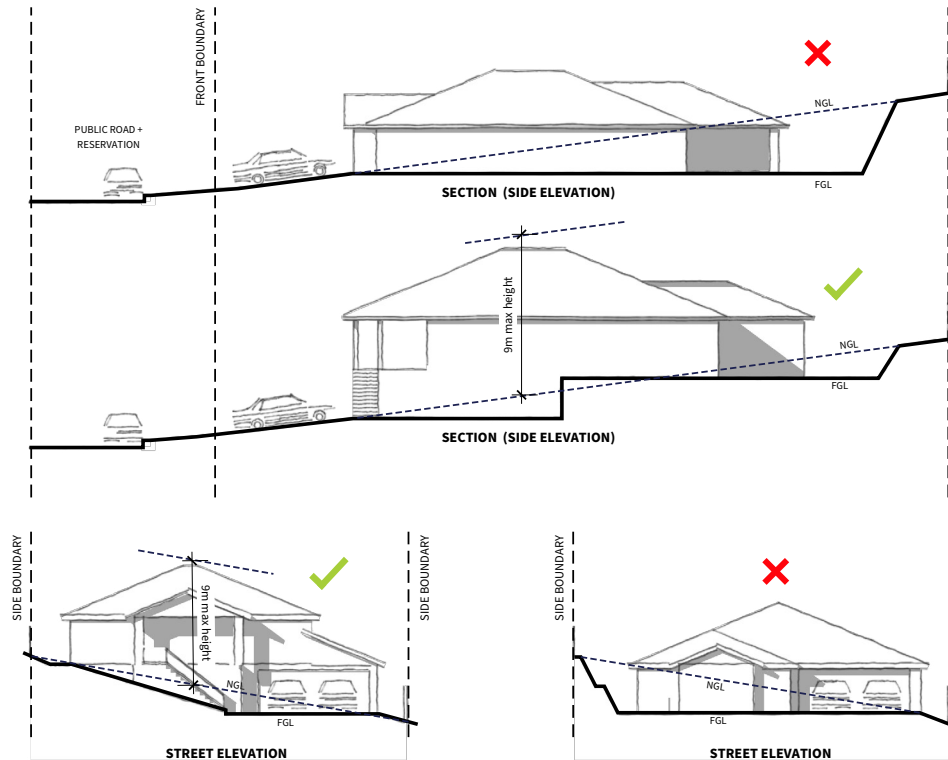
To ensure urban dwellings do not cause adverse impacts related to streetscape, overshadowing and privacy.

## Part D1 Urban + Village Dwellings

### D1.4 Building Design

#### Standards

- The maximum height to the ridge of the roof of new dwelling development should not exceed 8.5 metres above the natural ground level vertically below that point.
- Mass excavation is not a permitted design response for sloping sites. Building forms should be designed to be staggered or stepped into the natural slope of the land. Refer diagram.
- Building design achieves at least 3 hours of solar access to key living spaces / private open spaces of the adjoining dwellings at the winter solstice (21 June) between 9am and 3pm. Stepped building form on sloping sites is encouraged as a way of achieving compliance with this control.
- Wall mounted air-conditioning units are
  - Adequately screened and landscaped.
  - Not located higher than 1.8 metres above existing ground level.
  - Setback a minimum of 450mm from each property boundary.
- Roof mounted air-conditioning units are not located on the roof facing a primary or secondary road.
- Roof mounted solar energy systems are not located on the roof facing a primary or secondary road unless required by a BASIX Certificate.



## Building design (cont.)

Building design for new residential dwellings considers the following principles:

- g. Living areas are oriented with a northerly aspect or as close as possible, to take advantage of passive solar gains during colder months.
- h. Windows to primary living spaces are sized and designed to minimise the amount of artificial lighting required during daylight hours. Highlight or roof windows are used to increase lighting levels where possible.
- i. Dwellings are designed (and oriented) to minimise the potential impacts of overshadowing from neighbouring buildings, particularly where the overshadowing is likely to affect the windows to primary living spaces.

## Part D1 Urban + Village Dwellings

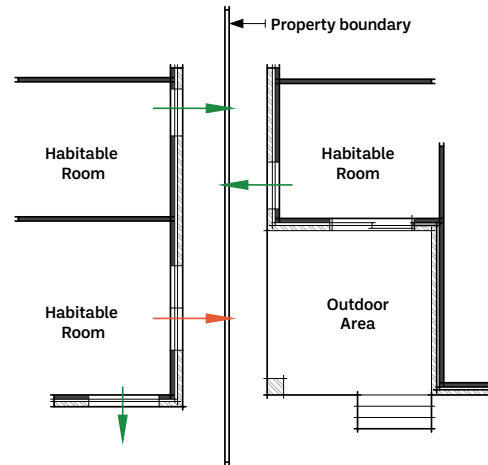
### D1.5 Privacy and amenity

#### Standards

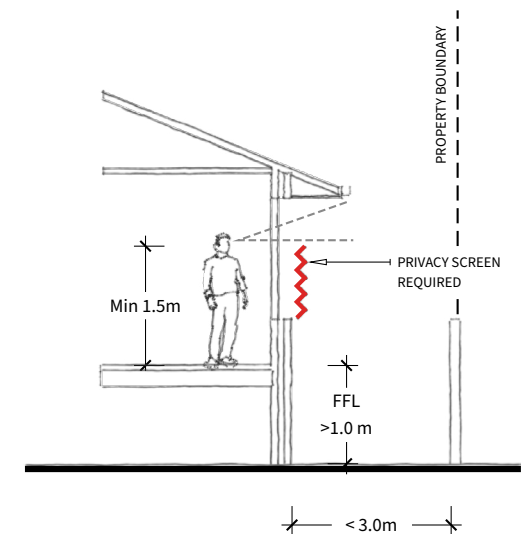
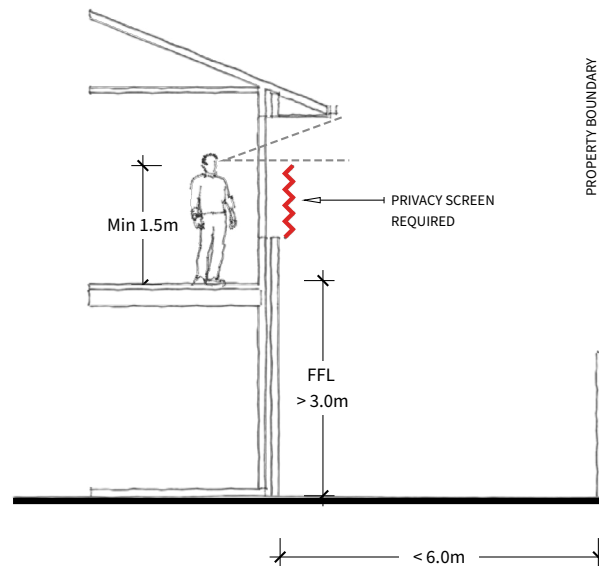
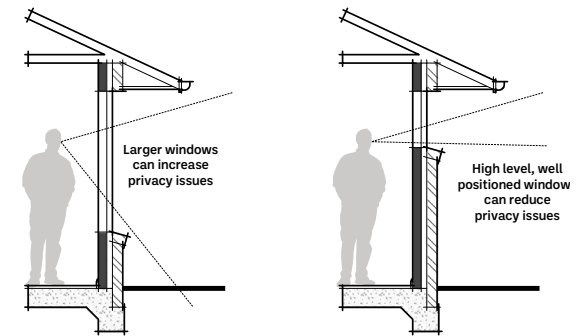
- New dwellings are carefully designed to minimise the placement of windows, balconies and decks directly opposite the windows of primary living rooms in dwellings on adjoining properties, particularly for dwellings exceeding one storey.
- Building elements such as balconies and decks are designed to minimise overlooking of living areas and private open space areas of adjoining dwellings.
- Visual privacy of existing neighbouring dwellings is achieved by using narrow, translucent or obscured finishes for windows that are in elevated positions.
- A privacy screen is required for any unobscured glass window that is:
  - On a storey that has a finished floor level that is  $>3.0\text{m}$  above natural ground level and the window is  $<6.0\text{m}$  from a boundary to an adjoining property.
  - On a storey that has a finished floor level that is  $>1.0\text{m}$  above natural ground level and the window is  $<3.0\text{m}$  from a boundary to an adjoining property.
  - Where required under controls i) and ii) above, the privacy screen must be fitted to any part of the window that is less than  $1.5\text{m}$  above the finished floor level of the storey to which the window is fitted
- Development adjoining a State road or railway line is consistent with the guidelines contained within the NSW Department of Planning Development near Rail Corridors and Busy Roads – Interim Guideline 2008 (or latest version).

#### Objective

To ensure urban dwellings provide good levels of visual and acoustic privacy.



Well positioned window  
Poorly positioned window

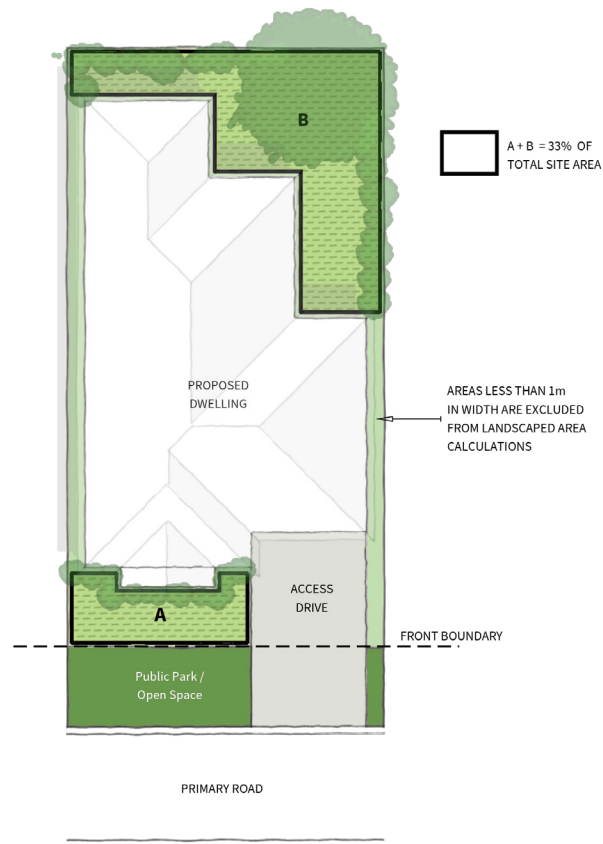


## Part D1 Urban + Village Dwellings

### D1.6 Landscaped Area

#### Standards

- Single dwelling proposals are not required to submit a Landscape Plan for approval with the Development Application, however a minimum 33% (one-third) of the total site area should be comprised of landscaped area.
- Development plans submitted to Council for approval should include calculations demonstrating compliance with control (a).
- For the purposes of control (a), landscaped area includes any of the following surfaces:
  - Turfed areas
  - Garden areas
  - Any other impervious surface that is not a driveway and is at least 1m in total width.



#### Objective

To ensure that new dwelling development is provided with minimum landscape area to assist in managing urban stormwater and enhancing areas of the private and public domain.

## Part D1 Urban + Village Dwellings

### D1.7 Livable Housing Design

In 2012 Livable Housing Australia produced the Livable Housing Design Guidelines (the Guidelines), which encourages homes to be designed and built to meet the changing needs of occupants across their lifetime.

Livable design recommends the inclusion of key easy living features that aim to make homes easier and safer for all occupants including: people with disability, ageing Australians, people with temporary injuries, and families with young children.

Livable Housing Design is largely based on the notion that it is more cost-effective to make simple design choices when building a new home than it is to try and retrofit a building when life's events require the occupants of a dwelling to change. A livable home is designed and built to meet the changing needs of occupants across their lifetime.

The Leeton LGA has an ageing population and therefore it will become increasingly important to ensure that housing stock in the LGA will be able to meet the needs of the local housing market in years to come.

The Guidelines identify seven core design features that should be incorporated, as a minimum, into new dwelling design. These include:

- a. A safe continuous and step free path of travel from the street entrance and / or parking area to a dwelling entrance that is level.
- b. At least one, level (step-free) entrance into the dwelling.
- c. Internal doors and corridors that facilitate comfortable and unimpeded movement between spaces.

- d. A toilet on the ground (or entry) level that provides easy access.
- e. A bathroom that contains a hobless (step-free) shower recess.
- f. Reinforced walls around the toilet, shower and bath to support the safe installation of grab-rails at a later date.
- g. A continuous handrail on one side of any stairway where there is a rise of more than 1 metre.

If a dwelling design incorporates the seven core design features, then it achieves a silver performance level under the Guidelines.

Gold level performance can be achieved by adopting the seven core design features, plus additional features recommended by the Guidelines.

Platinum level performance can be achieved by adopting all 16 design features recommended by the Guidelines.

#### Controls

- a. As a minimum, the design of new dwellings should achieve a silver performance level in accordance with the Livable Housing Guidelines.

*A copy of the Livable Housing Design Guidelines can be downloaded from the following QR Code*



## Part D1 Urban + Village Dwellings

### D1.8 Stormwater Management

#### Objective

To ensure stormwater from urban dwellings is properly drained to a legal point of discharge without causing adverse impacts on public drainage infrastructure or downslope properties.

#### Standards

- a. For new dwelling proposals, stormwater from the building(s), driveway(s) and other hardstand areas must be managed in accordance with the following requirements:
  - i. Post-development runoff to be equal to or less than pre-development runoff rates for the whole development site in all rainfall events.
  - ii. All stormwater to be discharged to a legal point of discharge (i.e. street drainage system or inter-allotment drainage easement / system).
  - iii. Stormwater is discharged at a rate of 1 x 90mm diameter PVC drainage pipe for every 190m<sup>2</sup> of roofed, driveway or other hardstand area.
  - iv. Where stormwater is discharged to a roadside kerb and gutter, the number of kerb outlets is to be limited to 3 outlets, constructed in accordance with the relevant requirements of the (latest version) of the Leeton Shire Council Engineering Guidelines.
  - v. Where stormwater is discharged to a roadside table drain, a single discharge point only is provided via a concrete surround that is finished flush to the profile of the table drain in accordance with the relevant requirements of the (latest version) of the Leeton Shire Council Engineering Guidelines.
  - vi. Where stormwater is discharged to an inter-allotment drainage system or public drainage reserve, a single discharge point only is provided via an existing or new pit sized in accordance with the relevant requirements of the (latest version) of the Leeton Shire Council Engineering Guidelines.
- b. Development that cannot drain stormwater to a legal point of discharge via gravity must be supported by a site-specific stormwater management system that is designed by a suitably qualified engineer.

To ensure urban dwellings are provided with adequate utilities and services.

## Part D1 Urban + Village Dwellings

### D1.9 Utility and service provisions

#### Standards

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>a. Development is provided with a letter box in accordance with Australian Standard - AS-NZ 4253-2019 and the following minimum requirements:                             <ul style="list-style-type: none"> <li>i. Minimum dimensions - 230 wide (left to right) x 330mm deep (front to back) x 160mm (top bottom).</li> <li>ii. Full width slot, but not large enough for a persons hand to fit through, elevated between 0.9 metres and 1.2 metres above ground.</li> <li>iii. Clearly displayed street address (as advised by Leeton Shire Council).</li> <li>iv. Located in a position that is easy to access, clearly in view and next to the driveway (or a similarly accessible location).</li> </ul> </li> <li>b. Development is provided with telecommunications in accordance with the Australian Government's Telecommunications Infrastructure in New Developments (TIND) policy.</li> <li>c. Development is provided with suitable waste bin storages behind the building line and screened where they are readily visible from public / roads.</li> <li>d. Development is connected to the centralised electricity supply network in accordance with the requirements of the relevant electricity authority.</li> </ul> | <ul style="list-style-type: none"> <li>e. Development is connected to a reticulated water supply service in accordance with the engineering requirements of Leeton Shire Council.</li> <li>f. Where rainwater tanks are proposed as part of the water supply system servicing new development, the following controls apply:                             <ul style="list-style-type: none"> <li>i. Tank installation / maintenance in accordance with the NSW Health Guidelines.</li> <li>ii. Tank storage capacity is no greater than 20,000 litres, except where specified otherwise by BASIX.</li> <li>iii. Tanks must not exceed 3 metres in height above ground level (including any tank stand).</li> <li>iv. Tanks must be setback behind the building line.</li> <li>v. Tanks must not collect water from a source other than roof gutters or down pipes on a building or a water supply service pipe.</li> <li>vi. Tanks must be structurally sound and installed in accordance with manufacturer's specifications.</li> <li>vii. Tanks must not rest on a footing of any building or other structure on the property including a retaining wall.</li> </ul> </li> <li>viii. Tanks must utilise prefabricated materials or be constructed from prefabricated elements designed and manufactured for the purpose of rainwater tank construction.</li> <li>ix. Tanks must be enclosed and inlets screened or filtered to prevent the entry of foreign matter or creatures.</li> <li>x. Tanks must utilise a non-reflective finish where they are readily visible from public roads.</li> <li>g. Development is connected to a reticulated sewer main where available. If unsewered, an on-site effluent management system is installed that complies with the following:                             <ul style="list-style-type: none"> <li>i. AS/NZS1547:2000 – On-site Domestic Wastewater Management.</li> <li>ii. NSW Environment and Health Protection Guidelines On-site Sewage Management for Single Households (latest version).</li> </ul> </li> <li>h. Buildings and structures should be designed and located so that they:                             <ul style="list-style-type: none"> <li>i. Do not encroach any easement protecting an existing service main or utility.</li> <li>ii. Do not impact on the structural integrity of any existing service main or utility.</li> </ul> </li> <li>iii. Comply with the Leeton Shire Council Engineering Guidelines (latest version) for building near (or over) sewer mains and other utility infrastructure.</li> <li>iv. Comply with any requirements of the relevant service authority for building near (or over) any utility infrastructure that is not owned by Leeton Shire Council.</li> </ul> |
|---|--|



# D2

## Medium density Housing

Part D.2 applies to:

1. Secondary dwellings
2. Dual occupancies
3. Semi-detached dwellings
4. Attached dwellings
5. Multi-dwelling housing
6. Residential flat buildings
7. Serviced Apartments
8. Alterations and additions to any of the above

on any land that permits such developments under Leeton Local Environmental Plan 2014.

D2.1	Characterising medium density housing forms	29
D2.2	Site area and frontage	33
D2.3	Earthworks, retaining walls, structural support and drainage	34
D2.4	Streetscape character and built form	35
D2.5	Building setbacks	36
D2.6	Building Design	41
D2.7	Privacy and amenity	42
D2.8	Private open space	44
D2.9	Livable Housing Design	45
D2.10	Stormwater management	47
D2.11	Utility and service provision	48
D2.12	Medium density housing adjoining lane ways	50

## Part D2 Medium Density Housing

### Application Maps

Part D.2 applies to any of the following zones under Leeton Local Environmental Plan 2014:

RU5 Village

R1 General Residential

R3 Medium Density Residential.

For ease of reference, this land is shown in Maps 6 to 11

**Map 6 - Leeton Township**



- R1 + R3 Zones
- Road Network



## Part D2 Medium Density Housing

### Application maps (cont.)

**Map 7 - Wamoon Village**



-  RU5 Zone
-  Road Network

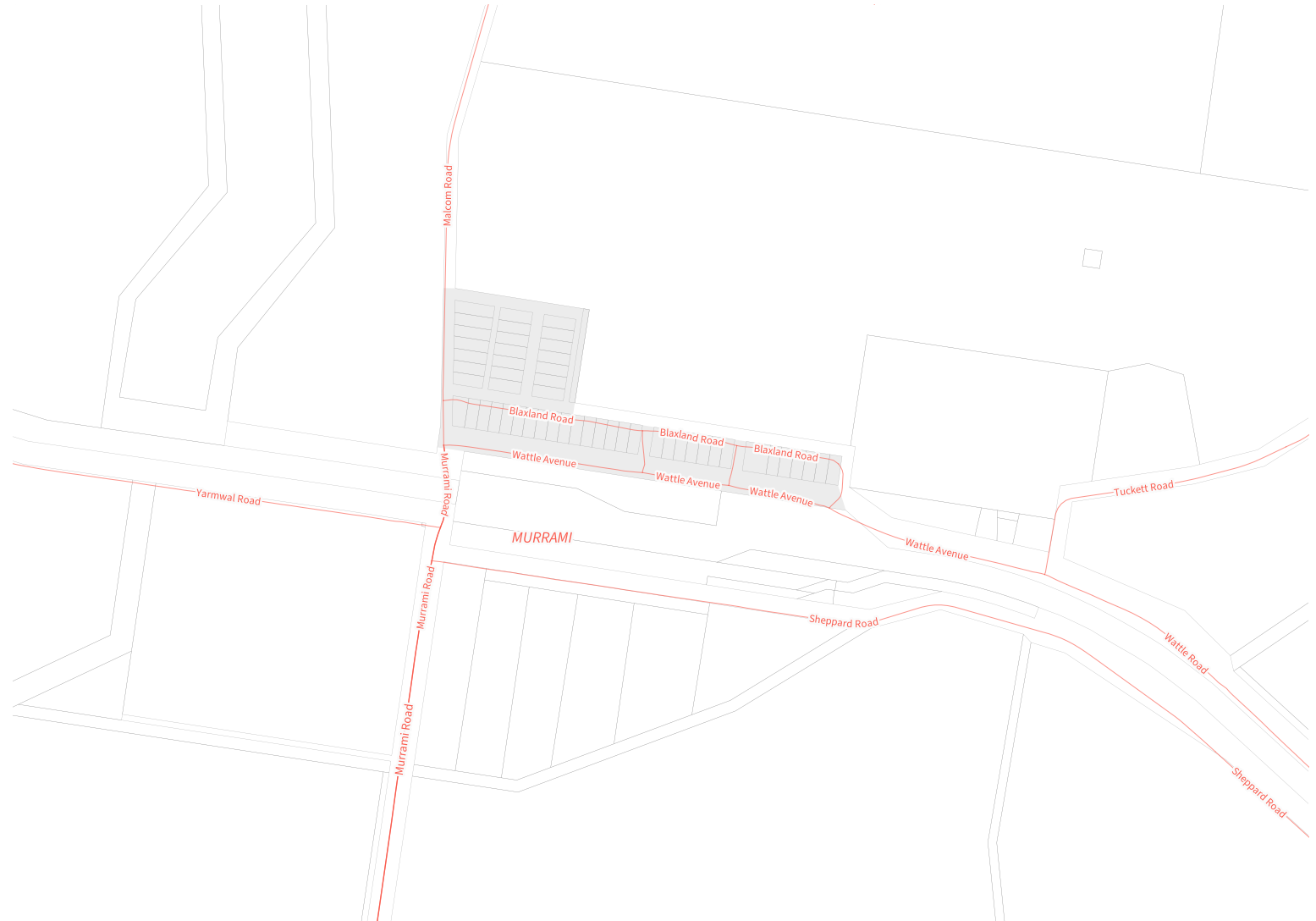


## Part D2 Medium Density Housing



### Application maps (cont.)

**Map 8 - Murrumbidgee Village**

-  RU5 Zone
-  Road Network



### Map 9 - Whitton Village

-  RU5 Zone  
 Road Network

## Part D2 Medium Density Housing

### Application maps (cont.)

Map 10 - Yanco Township

- R2 Zone
- Road Network



## Part D2 Medium Density Housing

### D2.1 Characterising medium density housing forms

For the purposes of Part D2, there are a number of different housing types which fall within the definition of medium density housing including:

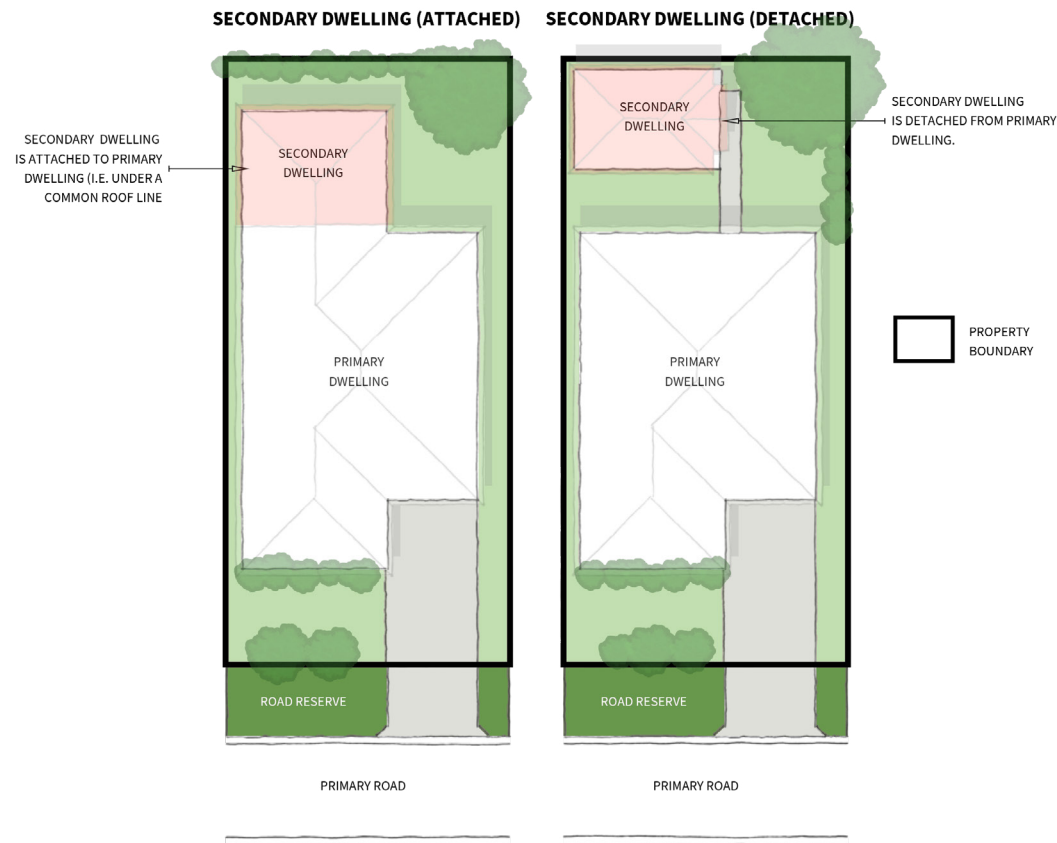
- Secondary dwelling
- Dual Occupancy
- Semi-detached dwellings
- Attached dwellings
- Multi-dwelling housing
- Residential flat building.

The most common medium density housing types are described and illustrated in Section D2.1

#### Secondary Dwellings

A secondary dwelling refers to a smaller dwelling that is located on the same allotment as a principal (main) dwelling.

Secondary dwellings are often referred to as granny flats and they can be attached or detached to the principal dwelling. While internally both dwellings occupy their own private spaces, a number of facilities such as plumbing, air conditioning, open space areas, outdoor drying yards, driveways and parking may be shared.



## Characterising medium density housing forms (cont.)

### Dual Occupancy

Dual occupancy housing is the development of 2 dwellings on a single allotment. Both dwellings are principal dwellings (i.e. one is not secondary to the other) and they typically function independent of each other. Dwelling size is not limited like it is for secondary dwellings.

Dual Occupancy development provides for greater residential densities whilst being consistent with the general low-density character of an area.

Dual occupancy can be detached (stand alone buildings) or they can be attached to each other. Dual occupancy housing developments are always on the one Torrens Title allotment.





## Characterising medium density housing forms (cont.)

### Semi-detached dwelling

Semi-detached housing refers to the construction of 2 separate dwellings that are attached (only to each other) by a common wall.

Semi-detached housing is different to dual occupancy (attached) housing in that each dwelling is located on its own allotment of land. The allotments are generally created under Torrens Title or Strata Title.

### Attached dwelling

Attached dwellings are very similar to semi-detached dwellings, however there must be a minimum of 3 dwellings. Each dwelling is located on its own allotment of land, and is attached to another dwelling by a common wall. The allotments are generally created under Torrens Title or Strata Title.



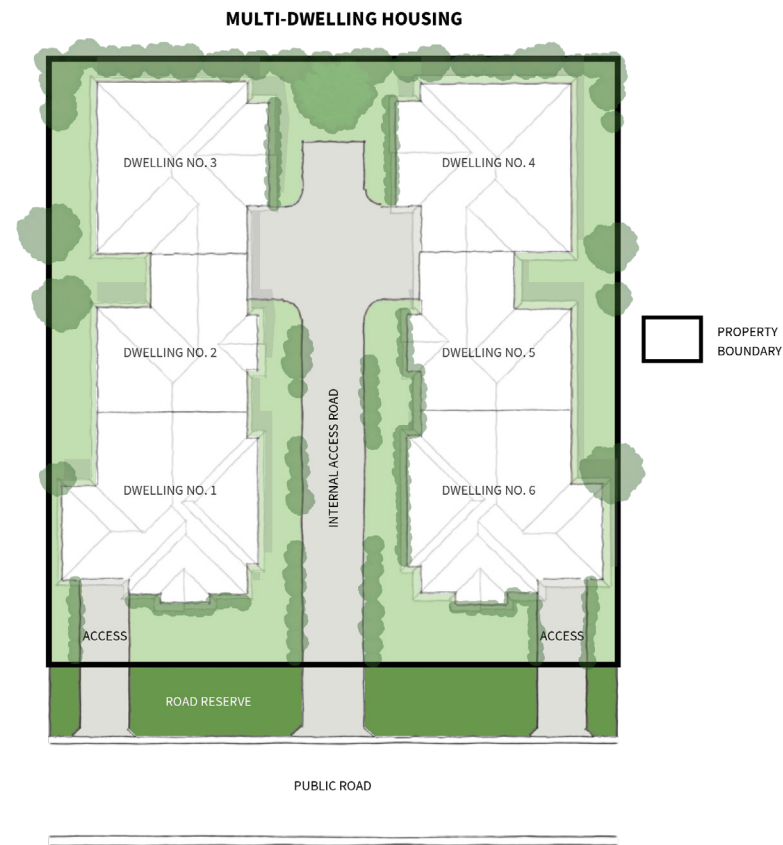
## Characterising medium density housing forms (cont.)

### Multi-dwelling housing

Multi-dwelling housing means 3 or more dwellings that are located on a single allotment of land. There is no subdivision involved.

For the purposes of this plan, the controls contained in Part E.2 will also apply to development that would be defined as multi-dwelling housing if it were not for any subdivision proposed as part of the development.

Multi dwelling-housing can be single or multiple storey development, however each dwelling must be designed so that it's residents can gain separate access to their dwelling at ground level. The dwellings can be detached (stand alone buildings) or they can be attached to each other.



## Part D2 Medium Density Housing

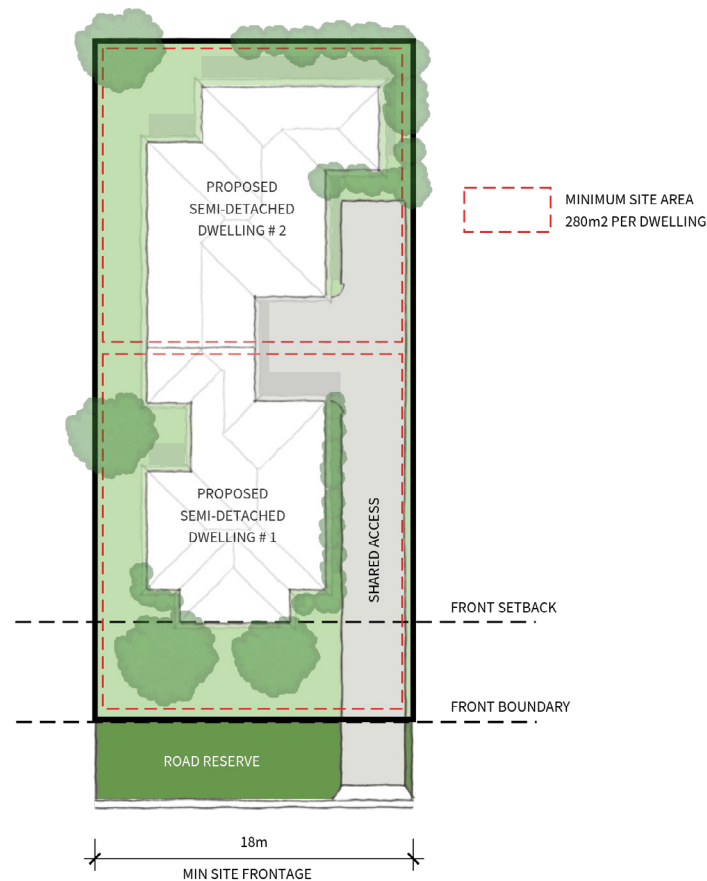
### D2.2 Site area and frontage

#### Standards

- Site frontage is not less than 18 metres at the building line.
- A minimum site area of 280m<sup>2</sup> is provided per dwelling unit for developments involving secondary dwellings, dual occupancies, semi-attached dwellings, attached dwellings and multi-dwelling housing.
- Notwithstanding a) above, the site area can be less than 280m<sup>2</sup> where the proposed development demonstrates consistency with all other objectives and standards in this Part.

#### Objective

To prevent impacts associated with site over-development by ensuring that the scale of medium density development is appropriate for the size of the site.



## Part D2 Medium Density Housing

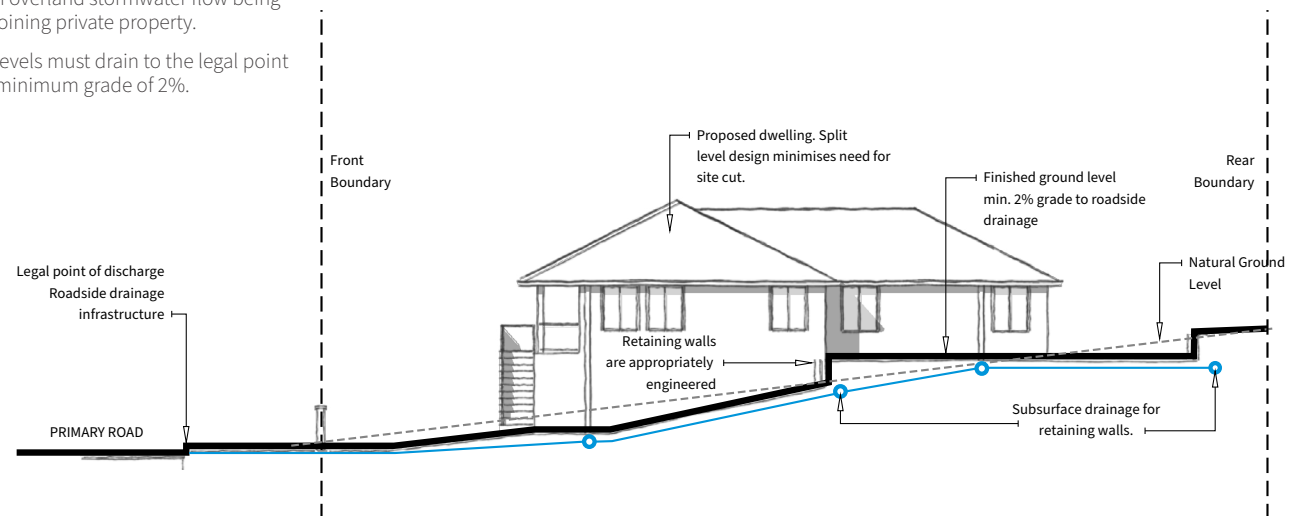
### D2.3 Earthworks, retaining walls, structural support and drainage

#### Objective

To provide guidance on the cut and fill to ensure earthworks associated with medium density development does not negatively impact on drainage patterns, soil stability, neighbouring properties and streetscape features.

#### Standards

- a. Earthworks shall be suitably protected from soil erosion, soil movement and sedimentation as per Landcom Managing Urban Stormwater Soils and Construction (Blue Book) by way of sediment fences, hay bales and the like.
- b. Proposals requiring significant moving and filling of earth will only be considered if they contribute to the overall quality of the development.
- c. Earthworks shall not exceed a maximum height/depth, measured from existing ground level of 3 metres.
- d. Despite c) above, earthworks must not exceed 1 metre in depth within 1 metre from any property boundary.
- e. Imported fill must be certified Virgin Excavated Natural Material (VENM).
- f. Earthworks more than 600mm above or below existing ground level must have finished ground surface levels of not less than 1:2 or take the form of a retaining wall or other structural support that is certified as structurally sound by a suitably qualified engineer.
- g. Earthworks including batters, retaining walls or other structural supports, including footings and drainage, must be located wholly within the boundary.
- h. Excavated areas must be properly engineered with subsurface drainage that is directed to a legal point of discharge (e.g. interallotment drainage pipes, street drainage, or public drainage reserves).
- i. Earthworks, retaining walls and other similar structures must not be designed or installed in a way that results in overland stormwater flow being directed onto adjoining private property.
- j. Finished ground levels must drain to the legal point of discharge at a minimum grade of 2%.



## Objective

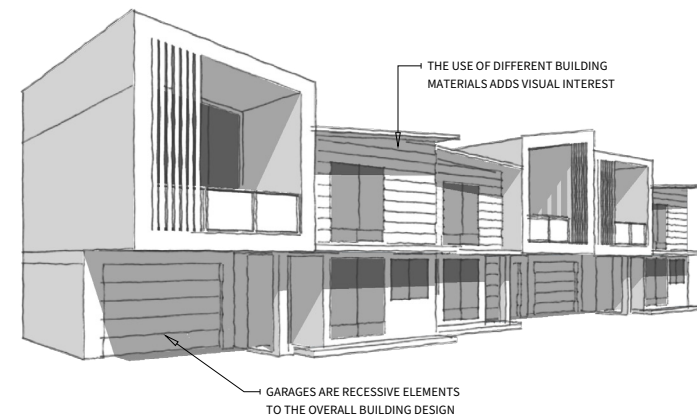
To ensure village subdivisions are provided with roads and vehicle accesses that are safe and efficient and engineered to minimum design standards.

## Part D2 Medium Density Housing

### D2.4 Streetscape character and built form

#### Standards

- a. Each dwelling with direct visibility to a public street is designed with attractive street elevations that
  - i. Feature at least 1 main entry door and 1 major window to a living area or bedroom.
  - ii. Avoid the placement of kitchen, laundry or bathroom windows as dominant features.
- b. Where new development involves 3 or more dwellings facing a public road, or where five (5) or more dwellings are proposed in total, the buildings are designed to incorporate visually significant changes in massing, form and materials on street facing elevations.
- c. Each dwelling with direct access to a public road (i.e. other than an internal access driveway) is designed so that the building facade is dominant and garages are recessive elements on the street.
- d. On corner lots, development is designed to address both streets by complying with a), b) and c) above.
- e. New development is designed in a way that avoids the unnecessary removal of existing street trees that significantly contribute to the streetscape appeal and character.
- f. New development includes landscaping that positively contributes to the appearance of the private and public domain.
- g. Along common driveways, the alignment of buildings is stepped to provide visual relief and landscaping to minimise visual monotony and sense of enclosure.



## Part D2 Medium Density Housing

### D2.5 Building setbacks

#### Standard Lots (includes fan shaped lots)

- Dwellings on standard lots comply with the setback requirements prescribed in Table 5.
- Articulation features do not encroach beyond the articulation zone, or any property boundaries, and do not occupy more than 25% of the total building width.

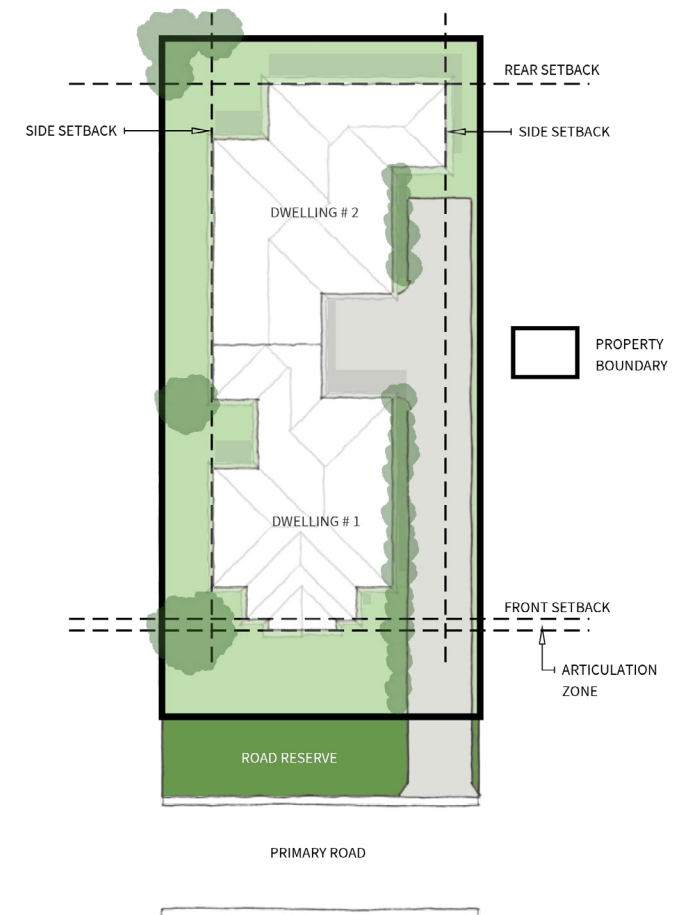
Table 6 - Dwelling setbacks on standard lots

Boundary	Scenario	<750m <sup>2</sup>	>750m <sup>2</sup>
Primary Road	Single Storey	Average building line or 4.5m	Average building line or 6m
	> Single Storey	Average building line or 4.5m	Average building line or 6m
Side Boundary	Single Storey	0.9m or BCA	0.9m or BCA
	>Single Storey	0.9m or BCA for single storey building elements	0.9m or BCA for single storey building elements
		2m for second storey building elements	2m for second storey building elements
Rear Boundary	Single Storey	3m	5m
	>Single Storey	3m for single storey building elements	5m for single storey building elements
		5m for second storey building elements	8m for second storey building elements

# Setback must be increased where necessary to comply with the minimum private open space requirements of Part D.2

#### Objective

To ensure medium density developments are setback at consistent distances to minimise impacts related to streetscape, overshadowing, overlooking and privacy and to provide adequate space for landscaping and private recreation.



## Building setbacks (cont.)

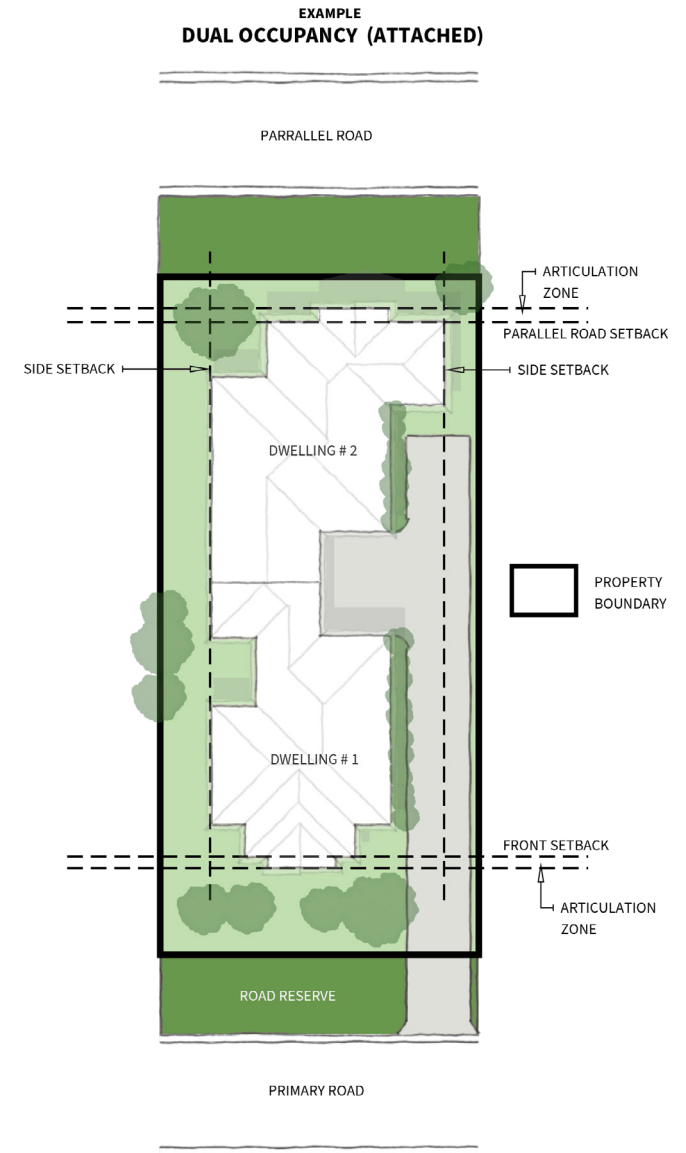
### Parallel Road Lots

- c. Dwellings on parallel road lots comply with the setback requirements prescribed in Table 7
- d. Articulation features do not encroach beyond the articulation zone, or any property boundaries, and do not occupy more than 25% of the total building width.

Table 7 - Dwelling setbacks on parallel road lots

Boundary	Scenario	<750m <sup>2</sup>	>750m <sup>2</sup>
Primary Road	Single Storey	Average building line or 4.5m	Average building line or 6m
	> Single Storey	Average building line or 4.5m	Average building line or 6m
Side Boundary	Single Storey	0.9m or BCA	0.9m or BCA
	>Single Storey	0.9m or BCA for single storey building elements	0.9m or BCA for single storey building elements
		2m for second storey building elements	2m for second storey building elements
Parallel Road	Single Storey	Average building line or 4.5m	Average building line or 6m
	>Single Storey	Average building line or 4.5m for single storey elements	Average building line or 6m for single storey elements
		6m for second storey building elements	8m for second storey building elements

# Setback must be increased where necessary to comply with the minimum private open space requirements of Part D.2



## Building setbacks (cont.)

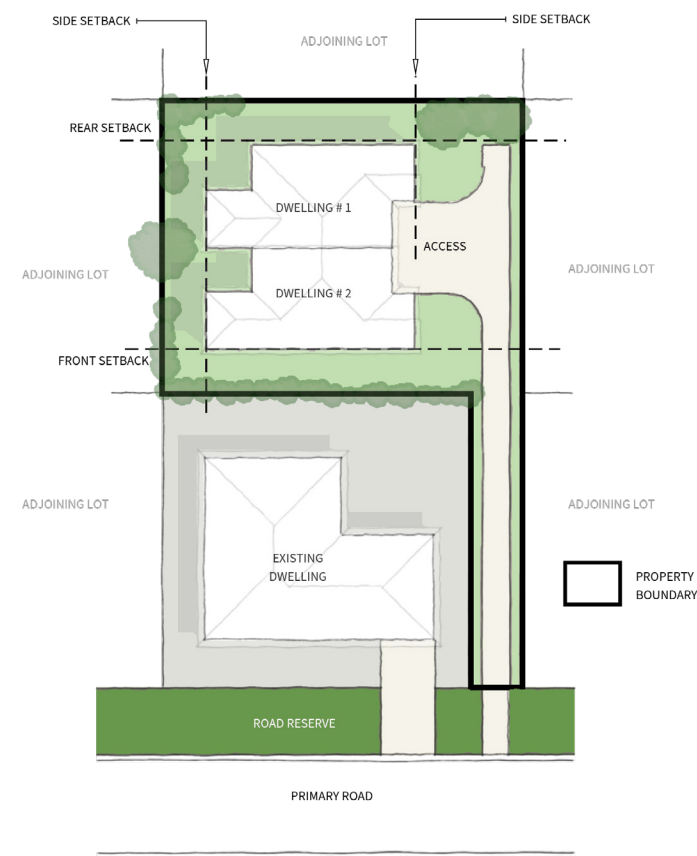
### Battle-axe Lots

- e. Dwellings on battle-axe lots comply with the setback requirements prescribed in Table 8.
- f. Articulation features do not encroach beyond the articulation zone, or any property boundaries, and do not occupy more than 25% of the total building width.
- g. Where the battle-axe allotment adjoins a parallel road the development is to comply with the relevant building line setbacks specified in controls (c) and (d).

Table 8 - Dwelling setbacks on battle-axe lots

Boundary	Scenario	Setback requirement
Front boundary	Single Storey Dwelling	3m
	> Single Storey Dwelling	3m for single storey building elements
		5m for second storey building elements
Side boundary	Single Storey Dwelling	0.9m or BCA for single storey building elements
	> Single Storey Dwelling	2m for second storey building elements
Rear boundary	Single Storey Dwelling	5m
	> Single Storey Dwelling	5m for single storey building elements
		6m for second storey building elements

# Setback must be increased where necessary to achieve compliance with other standards in Part D2 including private open space, access and / or on-site car parking.





## Building setbacks (cont.)

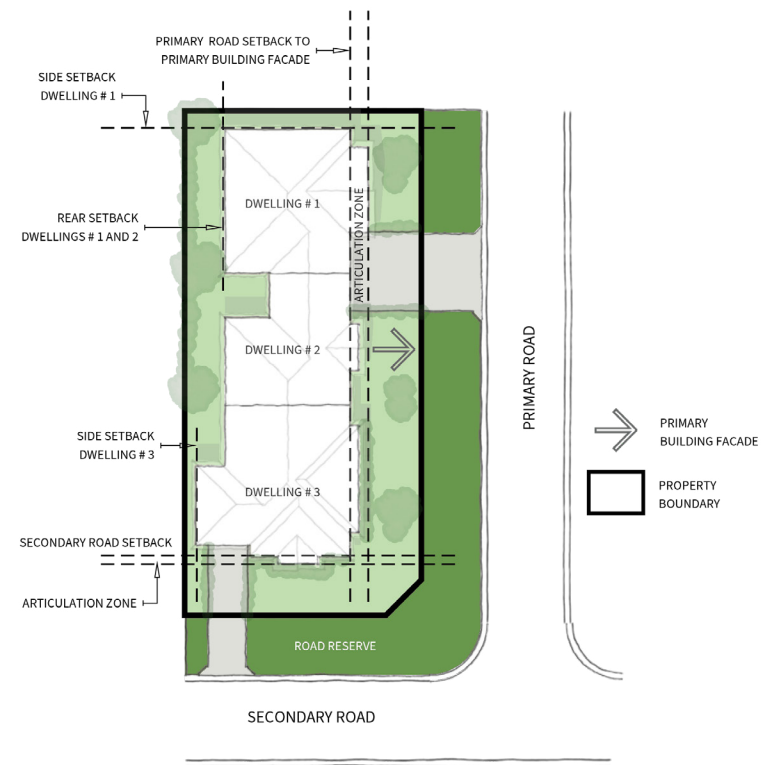
### Corner Lots

- h. Dwellings on corner lots comply with the setback requirements prescribed in Table 9
- i. Articulation features do not encroach beyond the articulation zone, or any property boundaries, and do not occupy more than 25% of the total building width.

Table 9 - Dwelling setbacks on corner lots

Boundary	Scenario	<750m <sup>2</sup>	>750m <sup>2</sup>
Primary Road	Single Storey	Average building line or 4.5m	Average building line or 6m
	> Single Storey	Average building line or 4.5m	Average building line or 6m
Secondary Road	Single Storey	3m for single storey building elements	4.5m for single storey building elements
	> Single Storey	5m for second storey building elements	6.5m for second storey building elements
Side Boundary	Single Storey	0.9m or BCA	0.9m or BCA
	>Single Storey	0.9m or BCA for single storey building elements	0.9m or BCA for single storey building elements
		2m for second storey building elements	2m for second storey building elements
Rear Boundary	Single Storey	3m	5m
	>Single Storey	3m for single storey building elements	5m for single storey building elements
		5m for second storey building elements	6m for second storey building elements

# Setback must be increased where necessary to comply with the minimum private open space requirements of Part D.2



## Building setbacks (cont.)

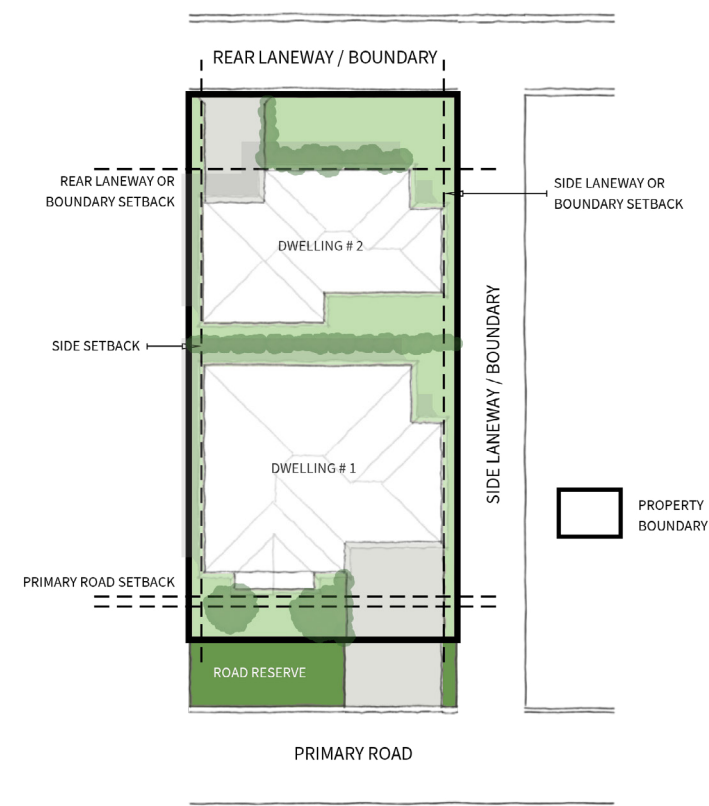
### Lane way Lots

- j. Dwellings on lane way lots comply with the setback requirements prescribed in Table 10
- k. Articulation features do not encroach beyond the articulation zone, or any property boundaries, and do not occupy more than 25% of the total building width.

Table 10 - Dwelling setbacks on lane way lots

Boundary	Scenario	<750m <sup>2</sup>	>750m <sup>2</sup>
Primary Road	Single Storey	Average building line or 4.5m	Average building line or 6m
	> Single Storey	Average building line or 4.5m	Average building line or 6m
Side Laneway	Single Storey	0.9m or BCA	0.9m or BCA
	> Single Storey	3m for second storey building elements	3m for second storey building elements
Rear Laneway	Single Storey	3m	5m
	>Single Storey	3m for single storey building elements	5m for single storey building elements
		5m for second storey building elements	8m for second storey building elements

# Setback must be increased where necessary to achieve compliance with other standards in Part D2 including private open space, access and / or on-site car parking.



## Objective

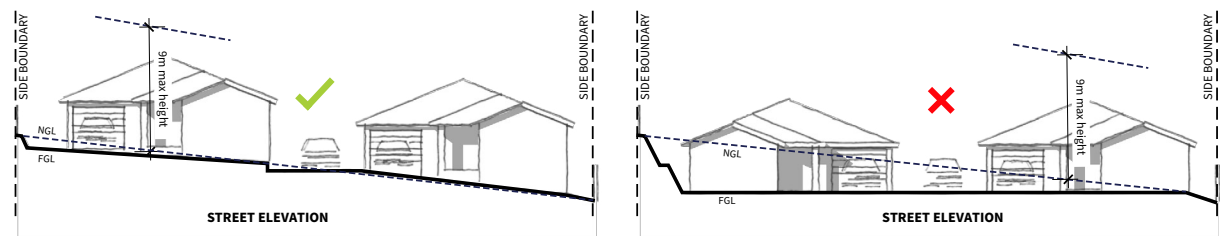
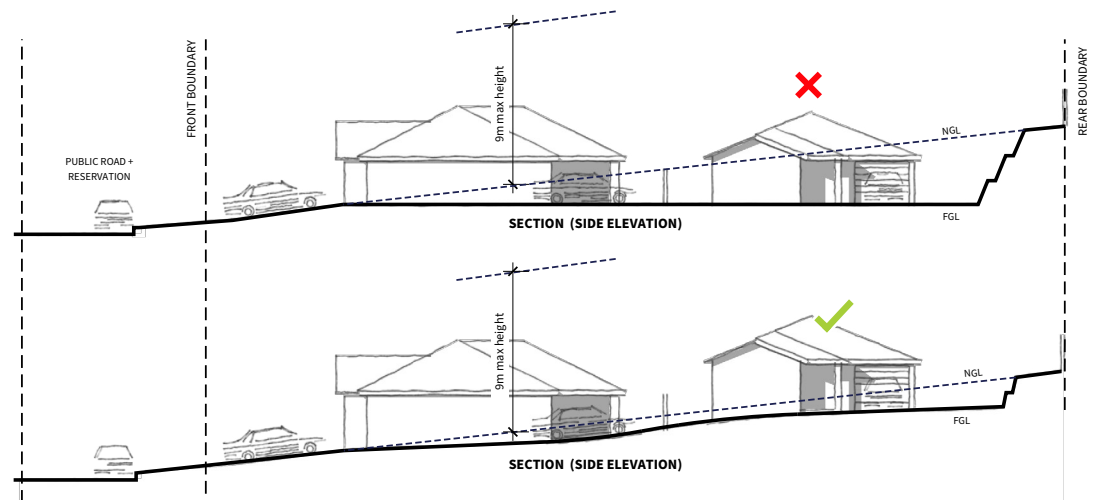
To ensure medium density housing developments do not cause adverse impacts related to streetscape, overshadowing and privacy.

## Part D2 Medium Density Housing

### D2.6 Building Design

#### Standards

- a. The maximum height to the ridge of the roof of new dwelling development should not exceed 8.5 metres above the natural ground level vertically below that point.
- b. Mass excavation is not a permitted design response for sloping sites. Building forms should be designed to be staggered or stepped into the natural slope of the land. Refer diagram.
- c. Building design achieves at least 3 hours of solar access to key living spaces / private open spaces of the adjoining dwellings at the winter solstice (21 June) between 9am and 3pm. Stepped building form on sloping sites is encouraged as a way of achieving compliance with this control.
- d. Wall mounted air-conditioning units are
  - i. Adequately screened and landscaped.
  - ii. Not located higher than 1.8 metres above existing ground level, except where they service a second storey unit / dwelling and comply with control iii) below.
  - iii. Setback a minimum of 450mm from each property boundary, or 1500mm in the case of a unit attached to a secondary storey.
- e. Wall mounted air-conditioning units are adequately screened and landscaped.
- f. Roof mounted air-conditioning units are not located on the roof facing a primary road.
- g. Roof mounted solar energy systems are not located on the roof facing a primary road unless required by a BASIX Certificate.
- h. The building design for secondary dwellings (attached or detached) must facilitate direct access to any shared private open space area.



## Part D2 Medium Density Housing

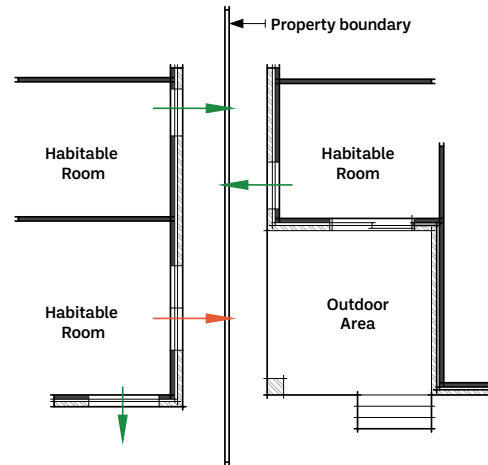
### D2.7 Privacy and amenity

#### Standards - Visual Privacy

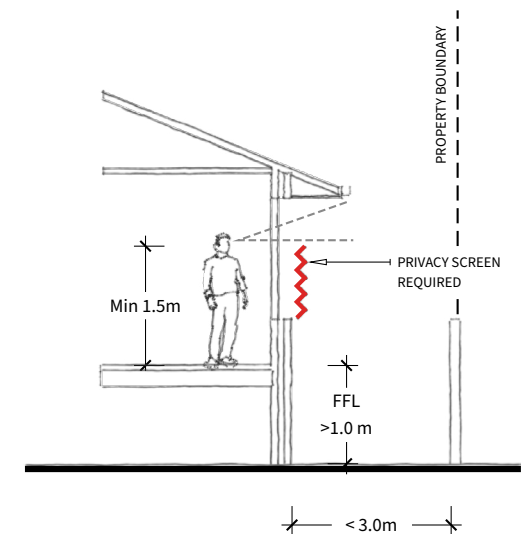
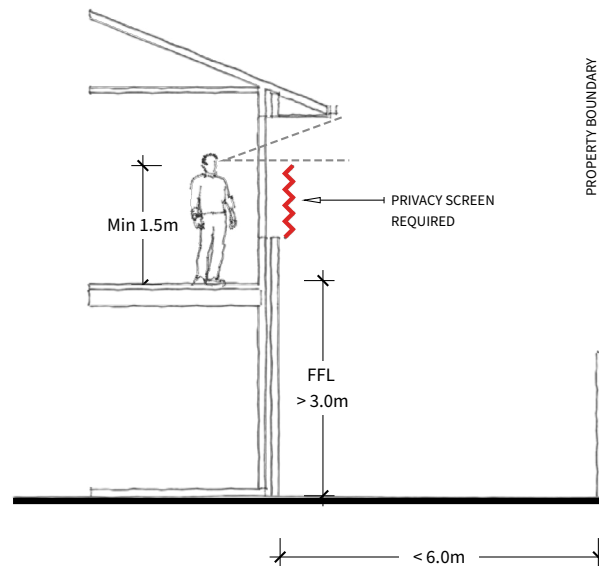
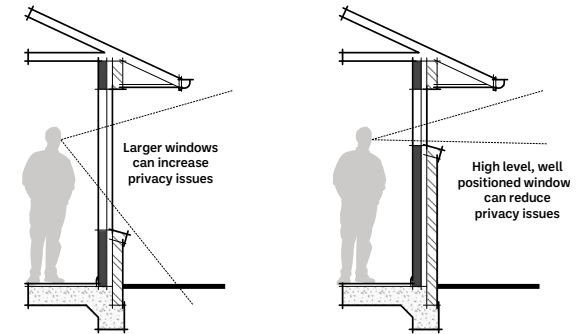
- Windows, balconies and decks are not situated directly opposite windows of primary living rooms in any adjoining dwellings, unless the building / site design incorporates measures to reduce impacts.
- Building elements such as balconies and decks are designed to minimise overlooking of living areas and private open space areas of adjoining dwellings.
- Visual privacy of existing neighbouring dwellings is achieved by using narrow, translucent or obscured finishes for windows that are in elevated positions.
- A privacy screen is required for any unobscured glass window that is:
  - On a storey that has a finished floor level that is  $>3.0\text{m}$  above natural ground level and the window is  $<6.0\text{m}$  from a boundary to an adjoining property.
  - On a storey that has a finished floor level that is  $>1.0\text{m}$  above natural ground level and the window is  $<3.0\text{m}$  from a boundary to an adjoining property.
  - Where required under controls i) and ii) above, the privacy screen must be fitted to any part of the window that is less than  $1.5\text{m}$  above the finished floor level of the storey to which the window is fitted.
- Development is designed to minimise noise transmission by locating busy, noisy areas next to each other and quieter areas next to other quieter areas.

#### Objective

To ensure medium density housing development does not cause adverse impacts related to visual or acoustic privacy.



Well positioned window  
Poorly positioned window



## Privacy + amenity (cont.)

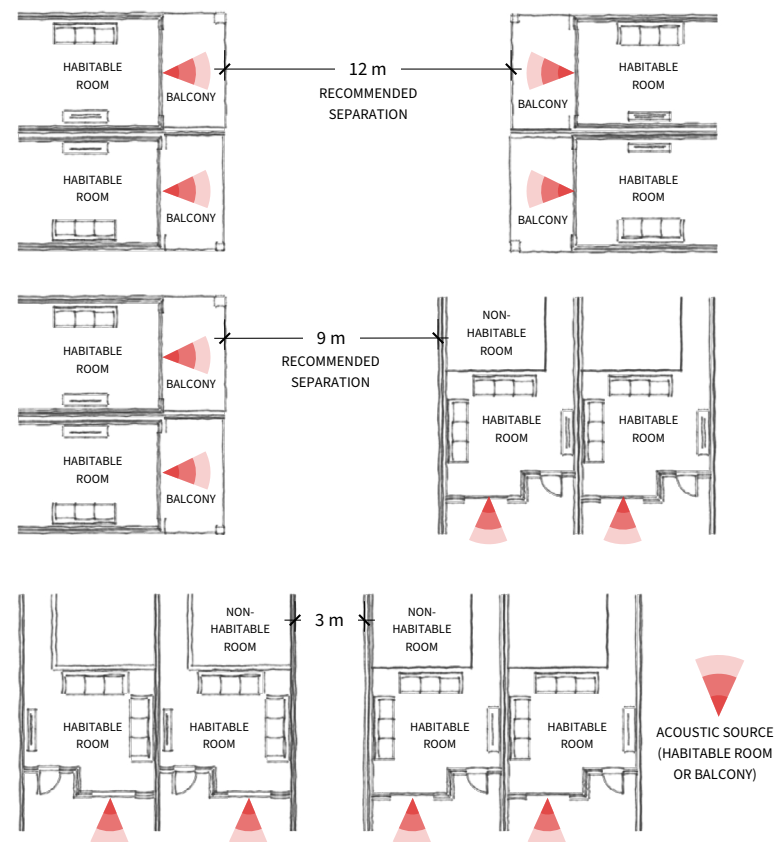
### Standards - Acoustic Privacy

- f. Development is designed to minimise noise transmission by locating busy, noisy areas next to each other and quieter areas next to other quieter areas.
- g. Development is designed to minimise noise transmission by using storage, circulation areas and non-habitable rooms as buffers to noise from external sources.
- h. Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be at least 3 metres from bedrooms.
- i. Dwellings within a development site are separated in accordance with the recommendations contained in Table 11 and the accompanying diagram.
- j. Development adjoining a State road or railway line is consistent with the guidelines contained within the NSW Department of Planning Development near Rail Corridors and Busy Roads – Interim Guideline 2008 (or latest version).

Table 11- Recommended separation requirements between dwellings

Scenario	Description	Distance
1	Where habitable rooms / balconies in one dwelling face habitable rooms / balconies in another dwelling	12m #
2	Where habitable rooms / balconies in one dwelling face non-habitable rooms or blank walls in another dwelling	9m #
3	Where non-habitable rooms / blank walls in one dwelling face other non-habitable rooms / blank walls in another dwelling	3m #

# Separation distances may be reduced by up to 25% where privacy issues can be addressed to the satisfaction of Council.



## Part D2 Medium Density Housing

### D2.8 Private open space

#### Standards

- Each dwelling is provided with the minimum private open space requirements in accordance with Table 12.
- Private open space and balconies should be located adjacent to the living room, dining room or kitchen to allow extension of indoor living spaces.
- Private open spaces and balconies should face predominantly north, east or west.
- A large proportion of the primary private open space should be covered to provide shade and protection from weather.
- Soild, partly solid or transparent fences and balustrades are designed to allow views and passive surveillance of any public street or communal open space while maintaining privacy for dwelling occupants.
- Private open space in medium density housing is clearly defined by walls, fencing and landscaping so as to provide self-contained spaces, and excludes areas used for car parking and manoeuvring, waste bin storage and the like.
- Medium density housing should be designed to allow the living areas and private open space areas of at least 75% of dwellings (within the development) to receive a minimum of 3 hours sunlight between 9am and 3pm on 21 June (winter solstice).

- Private open space is not located within the primary or secondary road setback areas, unless it can be demonstrated that the design of the spaces will avoid negatively impacting on the aesthetic and spatial quality of the street.

**Table 11- Minimum private open space (POS) requirements for medium density housing**

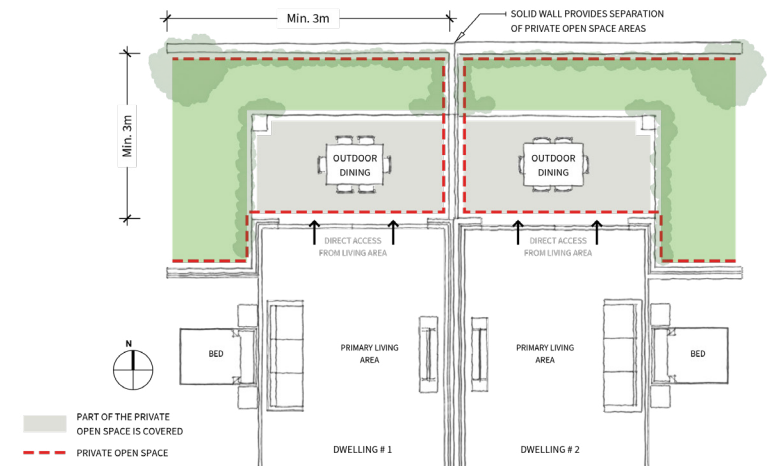
Option	Type of housing	POS	Notes (where relevant)
1	Semi-detached dwelling	30m <sup>2</sup>	per dwelling, min. 3m x 3m in any direction <sup>^</sup>
2	Attached dwelling	30m <sup>2</sup>	per dwelling, min. 3m x 3m in any direction <sup>^</sup>
3	Dual occupancy (attached)	30m <sup>2</sup>	per dwelling, min. 3m x 3m in any direction <sup>^</sup>
4	Dual occupancy (detached)	30m <sup>2</sup>	per dwelling, min. 3m x 3m in any direction <sup>^</sup>
5	Secondary dwelling (attached)	60m <sup>2</sup>	shared between principal and secondary dwelling, min. 3m x 3m in any direction #
6	Secondary dwelling (detached)	60m <sup>2</sup>	shared between principal and secondary dwelling, min. 3m x 3m in any direction #
7	Multi dwelling housing	30m <sup>2</sup>	per dwelling, min. 3m x 3m in any direction <sup>^</sup>
8	Residential flat building	30m <sup>2</sup>	per dwelling, may be provided at balcony level <sup>^</sup>

<sup>^</sup> the specified minimum dimensions for private open space may be varied provided it can be demonstrated that the size and configuration of the area allows practical and functional use by occupants of the dwellings

# the specified minimum dimensions for private open space may be varied provided it can be demonstrated that the size and configuration of the area allows practical and functional use by occupants of both dwellings

#### Objective

To ensure medium density housing developments provide adequate areas for private recreation and relaxation.



## Part D2 Medium Density Housing

### D2.9 Livable Housing Design

In 2012 Livable Housing Australia produced the Livable Housing Design Guidelines (the Guidelines), which encourages homes to be designed and built to meet the changing needs of occupants across their lifetime.

Livable design recommends the inclusion of key easy living features that aim to make homes easier and safer for all occupants including: people with disability, ageing Australians, people with temporary injuries, and families with young children.

Livable Housing Design is largely based on the notion that it is more cost-effective to make simple design choices when building a new home than it is to try and retrofit a building when life's events require the occupants of a dwelling to change. A livable home is designed and built to meet the changing needs of occupants across their lifetime.

The Leeton LGA has an ageing population and therefore it will become increasingly important to ensure that housing stock in the LGA will be able to meet the needs of the local housing market in years to come.

The Guidelines identify seven core design features that should be incorporated, as a minimum, into new dwelling design. These include:

- A safe continuous and step free path of travel from the street entrance and / or parking area to a dwelling entrance that is level.
- At least one, level (step-free) entrance into the dwelling.
- Internal doors and corridors that facilitate comfortable and unimpeded movement between spaces.

- A toilet on the ground (or entry) level that provides easy access.
- A bathroom that contains a hobless (step-free) shower recess.
- Reinforced walls around the toilet, shower and bath to support the safe installation of grab-rails at a later date.
- A continuous handrail on one side of any stairway where there is a rise of more than 1 metre.

If a dwelling design incorporates the seven core design features, then it achieves a silver performance level under the Guidelines.

Gold level performance can be achieved by adopting the seven core design features, plus additional features recommended by the Guidelines.

Platinum level performance can be achieved by adopting all 16 design features recommended by the Guidelines.

#### Controls - Generally

- As a minimum, the design of all new medium density housing should achieve a silver performance level in accordance with the Livable Housing Guidelines.

#### Controls - Leeton CBD

The following control applies to any new medium density housing development located in the area shown in Map No. 11 over page.

- As a minimum, the design of all new medium density housing should achieve a gold performance level in accordance with the Livable Housing Guidelines.



*A copy of the Liveable Housing Design Guidelines can be downloaded from the above QR Code*

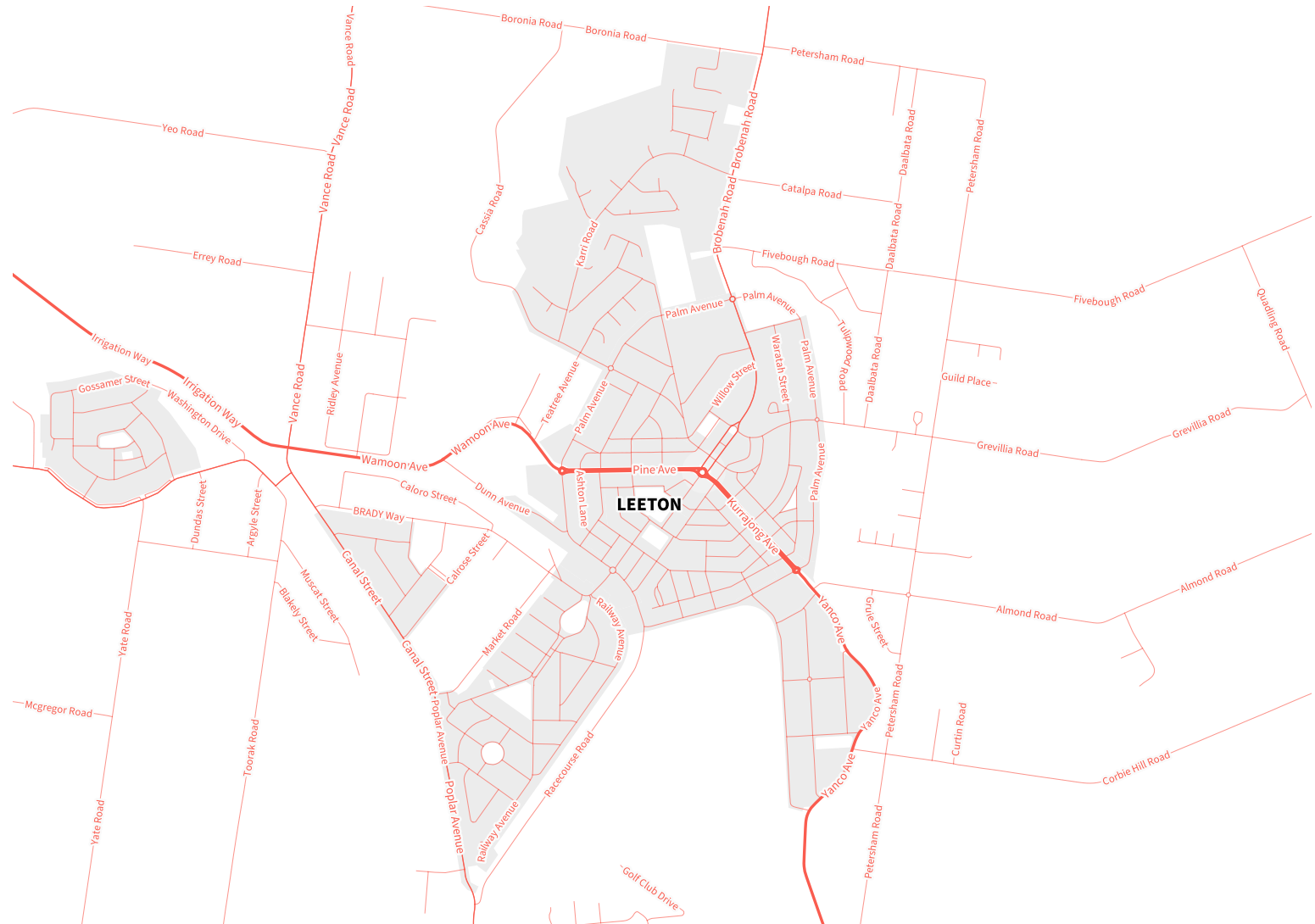


## Liveable Housing Design (cont.)

**Leeton Council  
to advise on relevant  
mapped area**

**Map 11 - Liveable Housing Precinct**

- Application Area - Control D1.9(b)
- Road Network





## Part D2 Medium Density Housing

### D2.10 Stormwater management

#### Objective

To ensure stormwater from medium density development is properly drained to a legal point of discharge without causing adverse impacts on public drainage infrastructure or downslope properties.

#### Standards

- a. For new medium density housing proposals, a Stormwater Management Plan is provided in support of the Development Application which adequately demonstrates that:
  - i. Post-development runoff will be equal to or less than pre-development runoff rates for the whole development site in all rainfall events.
  - ii. Drainage from the development does not significantly alter pre-development stormwater patterns and flows.
  - iii. Drainage from all buildings, driveways and hardstand areas is properly managed via pipes, pits and tanks to a legal point of discharge (i.e. street drainage system or inter-allotment drainage easement / system).
  - iv. The design complies with AS/NZS 3500.3:2021 Plumbing and drainage, Part 3: Stormwater drainage (or the most current version of this standard).
  - v. The design does not rely on pump-out stormwater drainage methods.
  - vi. The design complies with the relevant requirements of the (latest version) of the Leeton Shire Council Engineering Guidelines.
- b. Where water tank(s) are incorporated into the design for a stormwater management system, the design should adequately demonstrate:
  - i. That the water tank system is designed to comply with control (a).
  - ii. That any roof area that is not capable of being managed through the water tank system is directed away from the water tank system and is properly managed to a legal point of discharge.
  - iii. That stormwater from driveways and hardstand areas is directed away from the water tank(s) and is properly managed to a legal point of discharge.
- c. Development that cannot drain stormwater to a legal point of discharge via gravity must be supported by a site-specific stormwater management system that is designed by a suitably qualified engineer.
- d. Pump out stormwater systems are not permitted as the sole method for stormwater disposal.

To ensure medium density housing developments are provided with adequate utilities and services.

## Part D2 Medium Density Housing

### D2.11 Utility and service provision

#### Letterboxes

- a. Development is provided with a combined letter box structure in accordance with Australian Standard - AS-NZ 4253-2019 and the following minimum requirements:
  - i. Each dwelling is provided with a box having minimum dimensions - 230 wide (left to right) x 330mm deep (front to back) x 160mm (top bottom), and a full width slot, (but not large enough for a persons hand to fit through) elevated between 0.9 metres and 1.2 metres above ground.
  - ii. Each letter box is provided with a clearly displayed street address (as advised by Leeton Shire Council).
  - iii. The structure is located in a position that is easy to access, clearly in view and next to the driveway (or a similarly accessible location).
  - iv. The structure is integrated into site landscaping, where possible.

#### Waste Management

- b. Where possible, each dwelling should be provided with sufficient on-site space to store Council's garbage and recycling bins within the confines of their own private open space. Where is not possible, a suitable common bin storage area is to be provided to accommodate 2 x 240 litre mobile garbage bins per dwelling. The common bin standing area should be designed and located having regard to the following:
  - i. The visual amenity of the public and private domain.
  - ii. Potential impacts on neighbours, both within the external to the development site.
  - iii. The provision of adequate services for cleaning and draining the area
  - iv. The accessibility of the bin storage area to each dwelling and the point where the waste collection will occur. Council's waste collection vehicle will not enter privately managed land to collect bins.

#### Utilities

- c. Development is provided with telecommunications in accordance with the Australian Government's Telecommunications Infrastructure in New Developments (TIND) policy.
- d. Each dwelling is connected to the centralised electricity supply network in accordance with the requirements of the relevant electricity authority. Underground connections should be provided wherever possible.
- e. Each dwelling is provided with a separate and distinct connection to a reticulated water supply main / meter in accordance with Leeton Shire Council Engineering Guidelines (latest version). Connection must not occur until the issue of a water connection approval from Leeton Shire Council under the Local Government Act 1993.
- f. Each dwelling is provided with a connected to a reticulated sewer main in accordance with Leeton Shire Council Engineering Guidelines (latest version). Connection must not occur until the issue of a sewer connection approval from Leeton Shire Council under the Local Government Act 1993.
- g. Except for secondary dwellings (which may share facilities belonging to a principal dwelling), Medium density housing developments will not be supported in areas where access to reticulated sewer infrastructure cannot be achieved.
- h. Buildings and structures should be designed and located so that they:
  - i. Do not encroach any easement protecting an existing service main or utility.
  - ii. Do not impact on the structural integrity of any existing service main or utility.
  - iii. Comply with the Leeton Shire Council Engineering Guidelines (latest version) for building near (or over) sewer mains and other utility infrastructure.
  - iv. Comply with any requirements of the relevant service authority for building near (or over) any utility infrastructure that is not owned by Leeton Shire Council.

## Utility and service provision (cont.)

### Rainwater Tanks

- i. Where rainwater tanks are proposed as part of the water supply system servicing new development, the following controls apply:
  - i. Tank installation / maintenance in accordance with the NSW Health Guidelines.
  - ii. Tank storage capacity is no greater than 20,000 litres, except where specified otherwise by BASIX.
  - iii. Tanks must not exceed 3 metres in height above ground level (including any tank stand).
  - iv. Tanks must be setback behind the building line.
  - v. Tanks must not collect water from a source other than roof gutters or down pipes on a building or a water supply service pipe.
  - vi. Tanks must be structurally sound and installed in accordance with manufacturer's specifications.
  - vii. Tanks must not rest on a footing of any building or other structure on the property including a retaining wall.
  - viii. Tanks must utilise prefabricated materials or be constructed from prefabricated elements designed and manufactured for the purpose of rainwater tank construction.
  - ix. Tanks must be enclosed and inlets screened or filtered to prevent the entry of foreign matter or creatures.
  - x. Tanks must utilise a non-reflective finish where they are readily visible from adjoining land / roads.

## Part D2 Medium Density Housing

### D2.12 Medium density housing adjoining lane ways

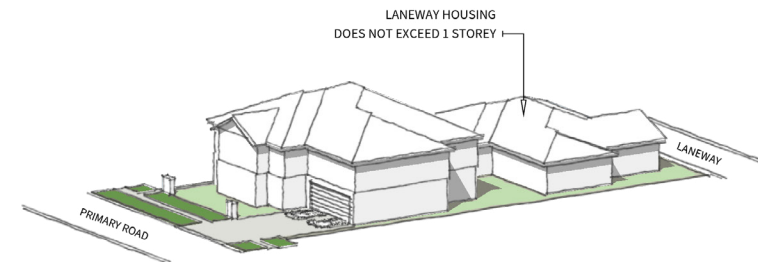
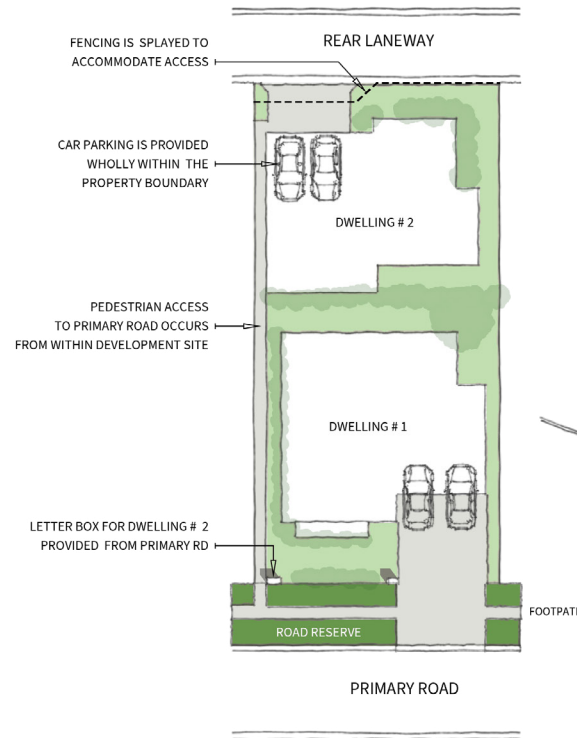
#### Standards

The following additional controls apply to medium density housing developments involving lane ways, and prevail in the event of an inconsistency with any other standard or control contained in Part D2.

- Development with frontage only to a lane way does not exceed 1 storey in height.
- The lane way is not the main pedestrian access to medium density dwellings, with pedestrian access provided to a primary street via a minimum 1.5 metre wide path.
- Any door opening within a dwelling adjoining a lane way is setback a minimum 1.5 metres from the boundary adjoining the lane way.
- Garage door openings adjoining a lane way are setback a minimum 5.5 metres from the boundary adjoining the lane way to allow ease of vehicle ingress / egress and facilitate vehicle standing off the road reservation. Council may require a larger setback where site conditions necessitate.
- Boundary fencing is splayed at 45 degrees to accommodate garage openings and vehicle turning paths.
- Resident or visitor parking is provided wholly within the development site and not within the lane way reserve.
- Sensor lighting, with a manual override switch, is installed at all garages and door entries adjoining lane ways.
- Adequate provision is made for the collection of mail and garbage bins from a primary (non-laneway) road.

#### Objective

To ensure medium density housing developments adjoining lane ways have acceptable standards of access and services and do not impact on privacy and overshadowing of adjoining properties.



# D3

## Shop top housing

Part D.3 applies to:

1. Shop top housing
2. Alterations and additions to existing shop top housing

Part D.3 applies to any of the following zones under Leeton Local Environmental Plan 2014:

1. B1 Neighbourhood Centre
2. B2 Local Centre
3. B3 Commercial Core
4. B5 Business Development

A land application map is included at the beginning of this Part for reference purposes.

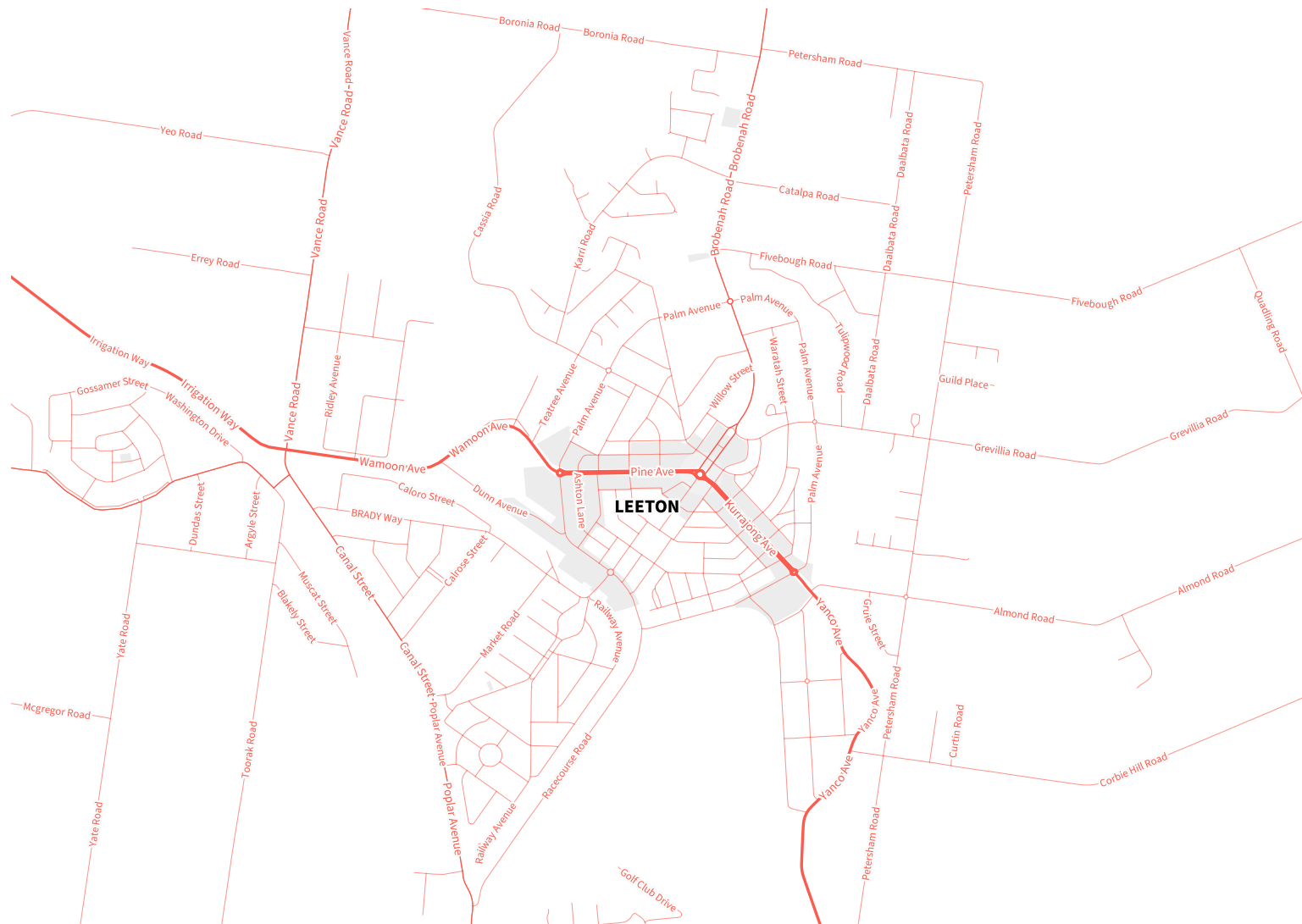
## Part D3 Shop Top Housing

### Application Map

Part D.3 applies to any of the following zones under Leeton Local Environmental Plan 2014:

- a. B1 Neighbourhood Centre
- b. B2 Local Centre
- c. B3 Commercial Core
- d. B5 Business Development

For ease of reference, this land is shown in Map 5



**Map 5 - Leeton Township**

- B1, B2, B3 and B5 Zones
- Road Network

## Part D3 Shop Top Housing

### D3.1 General Controls

#### Objectives

To ensure shop top housing complements the character and amenity of commercial land-use and does not negatively impact on the surrounding streetscape.

To ensure shop top housing does not impact on the visual or acoustic privacy of neighbouring land-uses.

To ensure shop top housing developments provide adequate areas for private recreation and relaxation.

To ensure shop top housing developments provide appropriate access and off-street parking.

#### Streetscape

- a. Development does not result in the removal of prominent architectural features of existing buildings.
- b. Development features balconies to the primary street elevation.
- c. Development features at least one major window from a living area or bedroom to the primary street elevation.
- d. Kitchen, laundry or bathroom windows are not prominent features of street elevations.
- e. Clothes drying facilities are not provided within balconies or in areas that can be readily viewed from a primary street.
- f. Development does not necessitate the removal of existing street trees that significantly contribute to streetscape appeal and character.

#### Privacy and amenity

- g. Windows, balconies and decks are not situated directly opposite windows of primary living rooms in any adjoining dwellings, unless the building design incorporates measures to reduce impacts.
- h. Wall mounted air-conditioning units are located as far as possible from the bedroom areas of adjoining residences and in a manner that noise generated from the unit is not audible in habitable rooms of adjoining residences.
- i. Roof mounted air-conditioning units are not located on the roof facing a primary street.
- j. Development adjoining a State road or railway line is assessed against the NSW Department of Planning Development near Rail Corridors and Busy Roads – Interim Guideline 2008.

#### Private open space

- k. Windows, balconies and decks are not situated directly opposite windows of primary living rooms in any adjoining dwellings, unless the building design incorporates measures to reduce impacts.

#### Driveways, access and car parking

- l. Shop top housing developments provided a minimum of 1 space for every 2 bedrooms in the dwelling, or part thereof, unless it can be demonstrated the commercial area has surplus street parking during the hours 7pm to 7am weekdays and weekends. Visitor car parking not required.

# D4

## Large Lot Housing

Part D.4 applies to:

1. Single dwellings
2. Dual occupancies
3. Alterations and additions to existing dwellings

Part D.4 applies to any of the following zones under Leeton Local Environmental Plan 2014:

1. R2 Low Density Housing
2. R5 Large Lot Residential

under Leeton Local Environmental Plan 2014.

A land application map is included at the beginning of this Part for reference purposes.

D4.1	Earthworks, Retaining Walls, Structural Support and Site Drainage	56
D4.2	Streetscape and setting	57
D4.3	Building setbacks	58
D4.4	Stormwater management	60
D4.5	Utilities and service provision	61



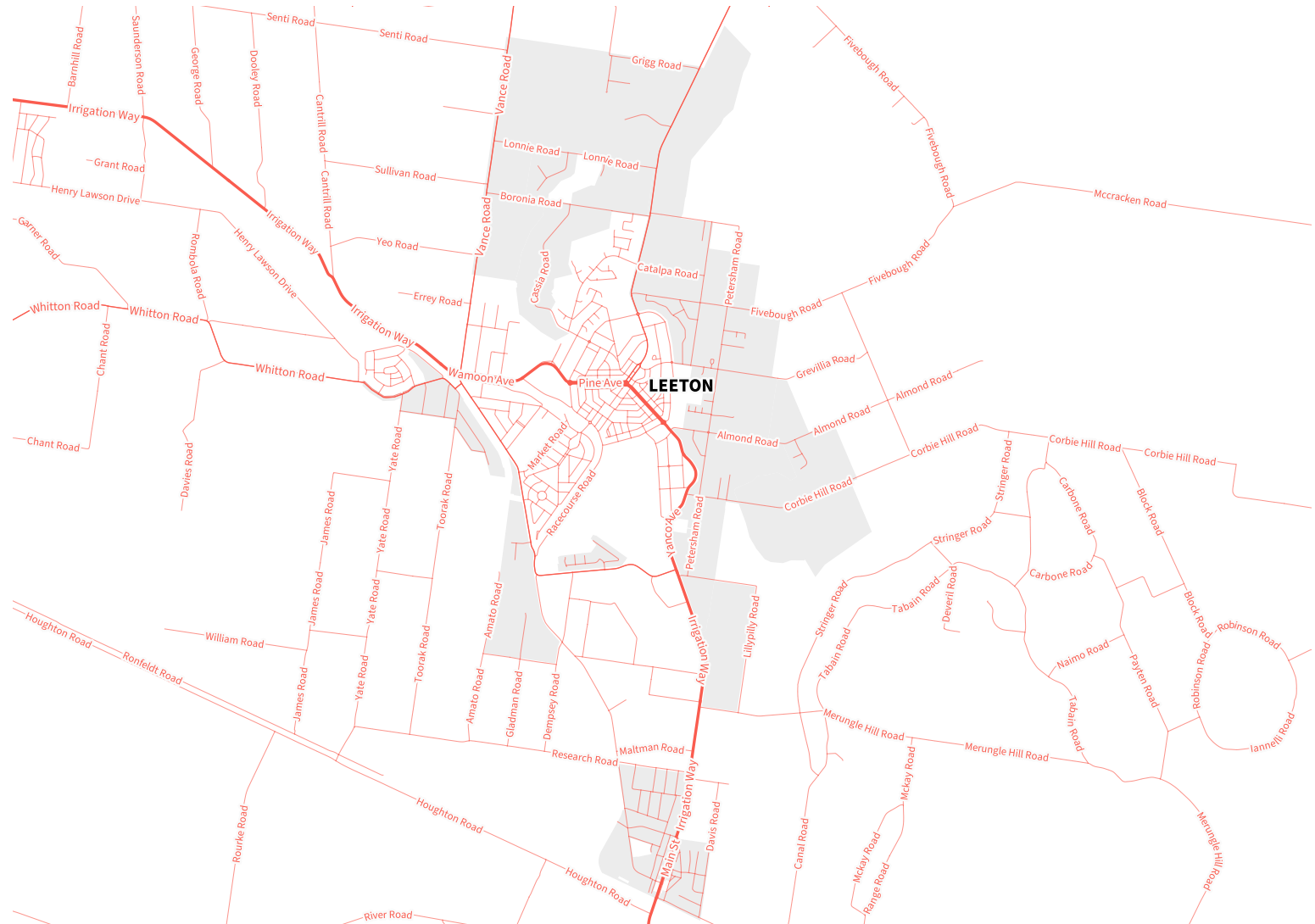
## Part D4 Large Lot Housing

### Application Map

Part D.4 applies to any of the following zones under Leeton Local Environmental Plan 2014:

- a. R2 Low Density Residential
- b. R5 Large Lot Residential

For ease of reference, this land is shown in Map 6



**Map 6 - Leeton Township**

- R2 and R5 zones
- Road Network

## Part D4 Large Lot Housing

### Objective

To provide guidance on the cut and fill to ensure earthworks associated with large lot dwellings does not negatively impact on drainage patterns, soil stability, neighbouring properties and streetscape features.

### D4.1 Earthworks, Retaining Walls, Structural Support and Site Drainage

#### Standards

- a. Earthworks shall be suitably protected from soil erosion, soil movement and sedimentation as per Landcom Managing Urban Stormwater Soils and Construction (Blue Book).
- b. Proposals requiring significant moving and filling of earth will only be considered if they contribute to the overall quality of the development.
- c. Earthworks shall not exceed a maximum height/depth, measured from existing ground level of 3 metres.
- d. Despite c) above, earthworks must not exceed 1 metre in depth within 1 metre from any boundary.
- e. Imported fill must be certified Virgin Excavated Natural Material (VENM).
- f. Earthworks more than 600mm above or below existing ground level must have finished ground surface levels of no less than 1:2 or take the form of a retaining wall or other structural support that is certified as structurally sound by a suitably qualified engineer.
- g. All earthworks including batters, retaining walls or other structural supports, including footings and drainage, must be located wholly within the property boundary.
- h. Excavation areas, including retaining walls and other structural support, shall be properly drained a minimum 3 metres away from buildings and property boundaries, if the lot is not connected to the public stormwater drainage system.
- i. Earthworks, retaining walls and other similar structures must not be designed or installed in a way that results in overland stormwater flow being directed onto adjoining private property.

## Objective

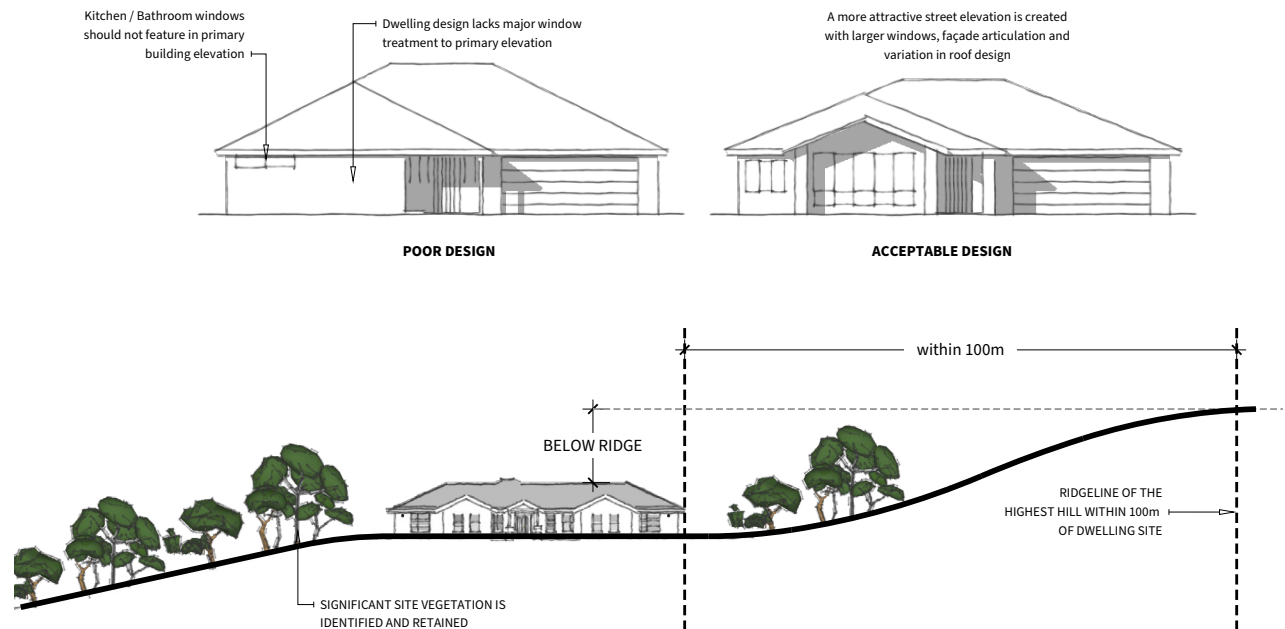
To ensure large lot dwellings do not negatively impact on the surrounding streetscape.

## Part D4 Large Lot Housing

### D4.2 Streetscape and setting

#### Standards

- Development complies with the relevant building line setbacks specified in Section D4.3 of this Part.
- Dwellings are designed with attractive street elevations that
  - Feature at least 1 main entry door and 1 major window to a living area or bedroom.
  - Avoid the placement of kitchen, laundry or bathroom windows as dominant features.
- On corner lots, developments are designed to address both streets by complying with a), and b) above.
- The peak height of any development must not protrude above the ridge line of the highest hill within 100m of the subject development.
- Development does not necessitate the removal of existing site vegetation (street trees or otherwise) that significantly contribute to the appeal and character of the private or public domain.



## Part D4 Large Lot Housing

### Objective

To ensure large lot dwellings are properly located so as to minimise adverse impacts on agricultural activities, environmentally sensitive land and public roads by ensuring there is adequate separation between uses.

### D4.3 Building setbacks

#### Standards - Lots < 4000m<sup>2</sup>

- a. Development is located within a designated building envelope, where these are shown on the Deposited Plan.
- b. Alternatively, development is setback from certain land-uses and environmentally sensitive areas as per Table 12.

Table 12- Building setbacks on lots < 4000m<sup>2</sup>

Minimum setback	Boundary
15m or the average setback of adjoining dwellings, whichever is the lesser	Primary road boundary
10m	Secondary road boundary
8m	Rear boundary
5m	Side boundary (not adjoining a road)
Minimum setback	Land-use activity / Environmentally Sensitive Area
20m	Heritage items listed under Leeton LEP 2014 or State Heritage Register
50m or in accordance with the recommendations of NSW Department of Planning Development near Rail Corridors and Busy Roads – Interim Guideline 2008 (or latest version) - whichever is the greater.	Railway corridor,
50m	Land zoned RU1 Primary Production under Leeton LEP 2014
40m	Land mapped as watercourse under Leeton Local Environmental Plan 2014
Outside	Land mapped as wetland or riparian area under Leeton Local Environmental Plan 2014
Outside	Land mapped as terrestrial biodiversity under Leeton Local Environmental Plan 2014
Outside	Land mapped as flood planning area

## Building setbacks (cont.)

### Standards - Lots > 4000m<sup>2</sup>

- c. Development is located within a designated building envelope, where these are shown on the Deposited Plan.
- d. Alternatively, development is setback from certain land-uses and environmentally sensitive areas as per Table 13.

Table 13- Building setbacks on lots > 4000m<sup>2</sup>

Minimum setback	Boundary
20m or the average setback of adjoining dwellings, whichever is the lesser	Primary road boundary
10m	Secondary road boundary
10m	Rear boundary
5m	Side boundary (not adjoining a road)
Minimum setback	Land-use activity / Environmentally Sensitive Area
20m	Heritage items listed under Leeton LEP 2014 or State Heritage Register
50m or in accordance with the recommendations of NSW Department of Planning Development near Rail Corridors and Busy Roads – Interim Guideline 2008 (or latest version) - whichever is the greater.	Railway corridor
50m	Land zoned RU1 Primary Production under Leeton LEP 2014
40m	Land mapped as watercourse under Leeton Local Environmental Plan 2014
Outside	Land mapped as wetland or riparian area under Leeton Local Environmental Plan 2014
Outside	Land mapped as terrestrial biodiversity under Leeton Local Environmental Plan 2014
Outside	Land mapped as flood planning area

## Part D4 Large Lot Housing

### D4.4 Stormwater management

#### Objective

To ensure stormwater from large lot dwellings, and alterations and additions to dwellings is properly drained to so as not to cause negative impacts on buildings, public infrastructure, natural waterways or downslope private property.

#### Standards

- a. For new large lot dwelling proposals, stormwater from the building(s), driveway(s) and other hardstand areas must be managed in accordance with the following requirements:
  - i. Post-development runoff to be equal to or less than pre-development runoff rates for the whole development site in a 5% (20 year ARI).
  - ii. Development is not to discharge stormwater directly to a natural waterway.
  - iii. The design complies with AS/NZS 3500.3:2021 Plumbing and drainage, Part 3: Stormwater drainage (or the most current version of this standard).
  - iv. Stormwater is discharged at a rate of 1 x 90mm diameter PVC drainage pipe for every 190mn<sup>2</sup> of roofed, driveway or other hardstand.
  - v. Development that drains surface water from driveways and hardstand areas towards buildings and side or rear properties must incorporate surface water drainage (grates, pits, pipes, pumps) which is then directed to a legal point of discharge.
  - vi. Where stormwater is discharged to a roadside kerb and gutter, the number of kerb outlets is to be limited to 3 outlets, constructed in accordance with the relevant requirements of the (latest version) of the Leeton Shire Council Engineering Guidelines.
  - vii. Where stormwater is discharged to a roadside table drain, a single discharge point only is provided via a concrete surround that is finished flush to the profile of the table drain in accordance with the relevant requirements of the (latest version) of the Leeton Shire Council Engineering Guidelines.
  - viii. Where stormwater is discharged to an inter-allotment drainage system or public drainage reserve, a single discharge point only is provided via an existing or new pit sized in accordance with the relevant requirements of the (latest version) of the Leeton Shire Council Engineering Guidelines.
  - ix. Where stormwater is unable to be discharged to a kerb and gutter drainage system, table drain, inter-allotment drainage system or public drainage reserve (or it is impractical to do so), the water is discharged to a suitably sized rubble drain located wholly within the property boundary. Council may require engineering certification for the drainage system where there is deemed to be a risk of potential impact for downstream properties / land-uses.

To ensure large lot dwellings are provided with adequate utilities and services.

## Part D4 Large Lot Housing

### D4.5 Utilities and service provision

#### Letterbox

- a. Development is provided with a letter box in accordance with Australian Standard - AS-NZ 4253-2019 and the following minimum requirements:
  - i. Minimum dimensions - 230 wide (left to right) x 330mm deep (front to back) x 160mm (top bottom).
  - ii. Full width slot, but not large enough for a persons hand to fit through, elevated between 0.9 metres and 1.2 metres above ground.
  - iii. Clearly displayed street address (as advised by Leeton Shire Council).
  - iv. Located in a position that is easy to access, clearly in view and next to the driveway (or a similarly accessible location).
- b. A rural address number (issued by Leeton Shire Council) is displayed prominently in accordance with the following requirements:
  - i. On the property entrance gate to the access servicing the principal dwelling, or
  - ii. On any letterbox provided in accordance with control (a).

#### Waste Management

- c. Development is provided with suitable waste bin storages behind the building line and screened where they are readily visible from adjoining land / roads.

#### Utilities

- d. Development is provided with a standard telephone service as per the Telecommunications (Consumer Protection and Service Standards) Act 1999.
- e. Development is connected to the centralised electricity supply network in accordance with the requirements of the relevant electricity authority. If centralised electricity is unavailable or deemed impractical to augment, a decentralised power supply is installed that provides:
  - i. Minimum 10 kilowatts of instantaneous power.
  - ii. Minimum 3.5 kilowatts of on-site battery storage.
- f. Development is connected to a reticulated water supply service in accordance with the engineering requirements of Leeton Shire Council.
- g. Buildings and structures should be designed and located so that they:
  - i. Do not encroach any easement protecting an existing service main or utility.
  - ii. Do not impact on the structural integrity of any existing service main or utility.
  - iii. Comply with the Leeton Shire Council Engineering Guidelines (latest version) for building near (or over) sewer mains and other utility infrastructure.

- iv. Comply with any requirements of the relevant service authority for building near (or over) any utility infrastructure that is not owned by Leeton Shire Council.

## Rainwater Tanks

- h. Despite control (f), If a reticulated water supply is unavailable, then on-site rainwater collection is provided in accordance with the following requirements:
  - i. Planning for Bushfire Protection (latest version) where bushfire risk has been identified for the property.
  - ii. Minimum 45,000 litre water storage capacity, with 20,000 litres reserved for firefighting purposes in a fire proof tank where a hydrant with adequate pressure is not within 90 metres of the development site.
  - iii. Tanks must not exceed 3 metres in height above ground level (including any tank stand).
  - iv. Tanks must not collect water from a source other than roof gutters or down pipes on a building or a water supply service pipe.
  - v. Tanks must be structurally sound and installed in accordance with manufacturer's specifications.
  - vi. Tanks must not rest on a footing of any building or other structure on the property including a retaining wall.
  - vii. Tanks must utilise prefabricated materials or be constructed from prefabricated elements designed and manufactured for the purpose of construction of a rainwater tank.
  - viii. Tanks must be enclosed and inlets screened or filtered to prevent the entry of foreign matter or creatures.
  - ix. Tanks must utilise a non-reflective finish where they are readily visible from adjoining land / roads.
- i. Development is connected to a reticulated sewer main where available. If unsewered, an on-site effluent management system is installed that complies with the following:
  - i. AS/NZS1547:2000 – On-site Domestic Wastewater Management.
  - ii. NSW Environment and Health Protection Guidelines On-site Sewage Management for Single Households (latest version).



# D5

## Rural Housing

Part D.5 applies to:

1. Single dwellings
2. Secondary dwellings
3. Dual occupancy (attached)
4. Rural workers dwellings
5. Alterations and additions to any of the above

Part D.5 applies to any of the following zones under Leeton Local Environmental Plan 2014:

1. RU1 Primary Production

D5.1	Earthworks, Retaining Walls, Structural Support and Site Drainage	64
D5.2	Building setbacks	65
D5.3	Building Design	66
D5.4	Stormwater management	67
D5.5	Utility and service provision	68

## Part D5 Rural Housing

### Objective

To ensure earthworks associated with rural dwellings does not negatively impact on the receiving environment or adjoining properties.

### D5.1 Earthworks, Retaining Walls, Structural Support and Site Drainage

#### Standards

- a. Earthworks shall be suitably protected from soil erosion, soil movement and sedimentation as per Landcom Managing Urban Stormwater Soils and Construction (Blue Book).
- b. Proposals requiring significant moving and filling of earth will only be considered if they contribute to the overall quality of the development.
- c. Imported fill must be certified Virgin Excavated Natural Material (VENM).
- d. Earthworks more than 600mm above or below existing ground level must have finished ground surface levels of no less than 1:2 or take the form of a retaining wall or other structural support that is certified as structurally sound by a professional engineer.
- e. All earthworks including batters, retaining walls or other structural supports, including footings and drainage, must be located wholly within the property boundary.
- f. Earthworks, retaining walls and other similar structures must not be designed or installed in a way that results in overland stormwater flow being directed onto adjoining private property.

## Part D5 Rural Housing

### D5.2 Building setbacks

#### Objective

To ensure new rural dwellings are properly located so as to minimise adverse impacts on agriculture / intensive agriculture, rural industries, extractive industries environmentally sensitive land and public infrastructure by ensuring there is adequate separation between uses.

#### Standards

- a. New rural dwellings are setback in accordance with the following requirements:
  - i. The building is located wholly within any building envelope where one has been identified on the Deposited Plan relating to the property, or
  - ii. Where no building envelope is shown on the Deposited Plan, the building is setback in accordance with the standards described in Table 14.
- b. Where an existing rural dwelling is intended to be replaced, the replacement dwelling should be setback, where possible, in accordance with the requirements of Table 14. The new building may however match the setbacks of the existing dwelling if it can be demonstrated that:
  - i. The existing dwelling was lawfully erected:
  - ii. The location of the existing dwelling is not the cause of significant land-use conflict issues.
  - iii. The new building is unlikely to result in additional adverse impacts on the neighbouring land-use.

**Table 14- Building setbacks on rural lots**

Setback	Land-use activity / Environmentally Sensitive Area
1000m #	Livestock processing industries (including effluent irrigation application areas), potentially hazardous or offensive industries, mines, extractive industries that involve blasting.
500m #	Agricultural produce industries, rural industries, sewage treatment plants, water treatment plants, bio solids treatment facilities, air transport facilities, animal boarding or training establishments, intensive livestock agriculture, WR Connect, mines and extractive industries that don't involve blasting.
150m	Land used for cropping, cultivation, horticulture, viticulture, turf farms.
50m	Railway corridor. Setback to be increased to the extent necessary to comply with any recommendations of NSW Department of Planning Development near Rail Corridors and Busy Roads – Interim Guideline 2008 (or latest version) - whichever is the greater.
50m	Land used for livestock grazing.
50m	Heritage items listed under Leeton Local Environmental Plan 2014 or State Heritage Register.
40m	Land mapped as watercourse under Leeton Local Environmental Plan 2014
40m	Sheds, yards, sheep dips, livestock burial pits, effluent management ponds, open storage areas or the like that are located on the development site and may pose a potential chemical contamination risk as a result of past activities.
20m	Road corridors.
Outside	Land mapped as wetland or riparian area under Leeton Local Environmental Plan 2014
Outside	Land mapped as terrestrial biodiversity under Leeton Local Environmental Plan 2014
Outside	Land mapped as flood planning area

Notes:

# Existing land-use activities that qualify as Designated Development as defined under the Environmental Planning and Assessment Regulation 2000 may have noise and vibration and odour assessment reports / approvals / licences that warrant larger buffers from housing. Council reserves the right to apply larger setbacks on new housing based on site specific assessment.

The separation distances represent best practice minimum buffer distances. Where a rural dwelling is proposed and the adjoining land is being used, is likely to be used, or is capable of being used for more than one type of primary industry activity included in the setback tables in this section, then the greatest of the setback distances is to be implemented.

Development Applications involving a variation to the minimum setback distances shown in the setback tables in this section will be considered by Council if they are accompanied by appropriate studies / investigations / justification to confirm that the dwelling could be appropriately located without causing significant constraint on nearby agricultural activities.

## Part D5 Rural Housing

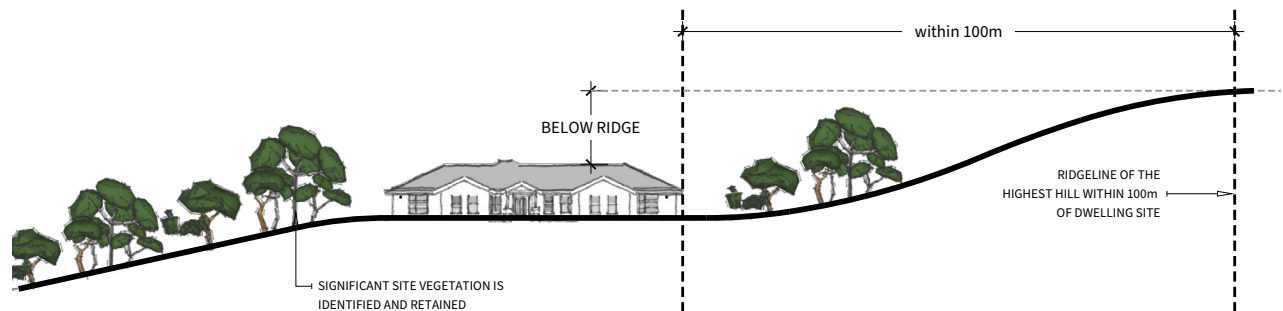
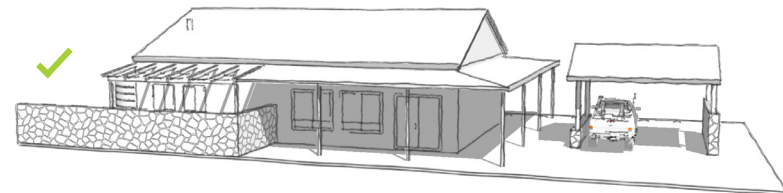
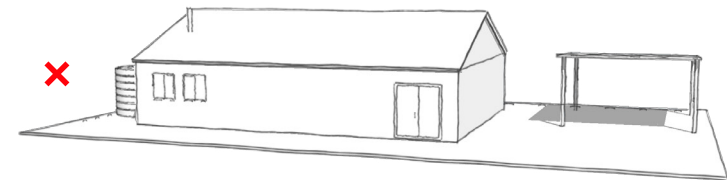
### D5.3 Building Design

#### Objective

To ensure rural dwellings appear as traditional accommodation buildings in the rural landscape and do not have the appearance of sheds and other outbuildings as viewed from a public road.

#### Standards

- Rural dwellings located within 150 metres of a public road must be designed so that the elevation facing the road resembles a traditional or modern dwelling structure. This is generally achieved with architectural features such as verandas, porticos, entry door features, windows to habitable rooms, pitched roofs, appropriate building materials (masonry / rendered blue-board / weatherboard walls and tile / corrugated metal roofing) or combinations of these elements.
- Metal materials, including large areas of "zincalume" or similar reflective materials, are selectively used so that a glare nuisance is not caused to surrounding neighbours or traffic travelling along public roads.
- Living areas within rural dwellings are oriented to the north or east, and window placement allows internal solar access during winter months and limits internal solar access during summer months.
- Rural dwellings are located close to other outbuildings to form a "homestead group" of buildings, where applicable and practical.
- The peak height of any rural dwelling must not protrude above the ridge line of the highest hill within 100 metres of the subject development.



## Part D5 Rural Housing

### D5.4 Stormwater management

#### Objective

To ensure stormwater from rural dwellings are properly drained to so as not to cause negative impacts on buildings, natural waterways or downslope private property.

#### Standards

- a. For new rural dwelling proposals, stormwater from the building(s), driveway(s) and other hardstand areas must be managed in accordance with the following requirements:
  - i. Post-development runoff to be equal to or less than pre-development runoff rates for the whole development site in a 5% (20 year ARI).
  - ii. Development is not to discharge stormwater directly to a natural waterway.
  - iii. The design complies with AS/NZS 3500.3:2021 Plumbing and drainage, Part 3: Stormwater drainage (or the most current version of this standard).
  - iv. Stormwater is discharged at a rate of 1 x 90mm diameter PVC drainage pipe for every 190mn<sup>2</sup> of roofed, driveway or other hardstand.
  - v. Development that drains surface water from driveways and hardstand areas towards buildings and side or rear properties must incorporate surface water drainage (grates, pits, pipes, pumps) which is then directed to a legal point of discharge.
  - vi. Where stormwater is discharged to a roadside table drain, a single discharge point only is provided via a concrete surround that is finished flush to the profile of the table drain in accordance with the relevant requirements of the (latest version) of the Leeton Shire Council Engineering Guidelines.
  - vii. Where stormwater is unable to discharge to the public drainage system (or it is impractical to do so), the water is discharged to a suitably sized rubble drain located wholly within the property boundary. Council may require engineering certification for the drainage system where there is deemed to be a risk of potential impact for downstream properties / land-uses.
  - viii. Where rainwater tanks are installed, the tanks and fittings comply with Planning for Bushfire Protection (latest revision).

To ensure rural dwellings are provided with adequate utilities and services.

## Part D5 Rural Housing

### D5.5 Utility and service provision

#### Letterbox

- a. Development is provided with a letter box in accordance with Australian Standard - AS-NZ 4253-2019 and the following minimum requirements:
  - i. Minimum dimensions - 230 wide (left to right) x 330mm deep (front to back) x 160mm (top bottom).
  - ii. Full width slot, but not large enough for a persons hand to fit through, elevated between 0.9 metres and 1.2 metres above ground.
  - iii. Clearly displayed street address (as advised by Leeton Shire Council).
  - iv. Located in a position that is easy to access, clearly in view and next to the driveway (or a similarly accessible location).
- b. A rural address number (issued by Leeton Shire Council) is displayed prominently in accordance with the following requirements:
  - i. On the property entrance gate to the access servicing the principal dwelling, or
  - ii. On any letterbox provided in accordance with control (a).

#### Utilities

- c. Development is provided with a standard telephone service as per the Telecommunications (Consumer Protection and Service Standards) Act 1999.
- d. Development is connected to the centralised electricity supply network in accordance with the requirements of the relevant electricity authority. If centralised electricity is unavailable or deemed impractical to augment, a decentralised power supply is installed that provides:
  - i. Minimum 10 kilowatts of instantaneous power.
  - ii. Minimum 3.5 kilowatts of on-site battery storage.
- e. Development is connected to a reticulated water supply service in accordance with the engineering requirements of Leeton Shire Council.
- f. Buildings and structures should be designed and located so that they:
  - i. Do not encroach any easement protecting an existing service main or utility.
  - ii. Do not impact on the structural integrity of any existing service main or utility.
  - iii. Comply with the Leeton Shire Council Engineering Guidelines (latest version) for building near (or over) sewer mains and other utility infrastructure.

- iv. Comply with any requirements of the relevant service authority for building near (or over) any utility infrastructure that is not owned by Leeton Shire Council.
- g. Development is connected to a reticulated sewer main where available. If unsewered, an on-site effluent management system is installed that complies with the following:
  - i. AS/NZS1547:2000 – On-site Domestic Wastewater Management.
  - ii. NSW Environment and Health Protection Guidelines On-site Sewage Management for Single Households (latest version).

#### Rainwater Tanks

- h. Despite control (e), If a reticulated water supply is unavailable, then on-site rainwater collection is provided in accordance with the following requirements:
  - i. Planning for Bushfire Protection (latest version) where bushfire risk has been identified for the property.
  - ii. Minimum 45,000 litre water storage capacity, with 20,000 litres reserved for firefighting purposes in a fire proof tank where a hydrant with adequate pressure is not within 90 metres of the development site.
  - iii. Tanks must be structurally sound and installed in accordance with manufacturer's specifications.
  - iv. Tanks must not rest on a footing of any building or other structure on the property including a retaining wall.
  - v. Tanks must utilise prefabricated materials or be constructed from prefabricated elements designed and manufactured for the purpose of construction of a rainwater tank.

# D6

## Ancillary Development

Where development consent is required, Part D.6 applies to the following types of development where they are not exempt development:

1. Ancillary Development
2. Swimming Pools
3. Fencing

Part D.6 applies to any of the following zones under Leeton Local Environmental Plan 2014:

1. R1 General Residential
1. R2 Low Density Residential
2. R3 Medium Density Residential
3. R5 Large Lot Residential
4. RU5 Village

D6.1	Ancillary Buildings - Attached	70
D6.2	Ancillary Buildings - Detached	74
D6.3	Swimming Pools	78
D6.4	Fencing	79

## Objective

To ensure attached ancillary development that requires consent does not create adverse impacts on streetscape, public utilities or access.

## Part D6 Ancillary Development

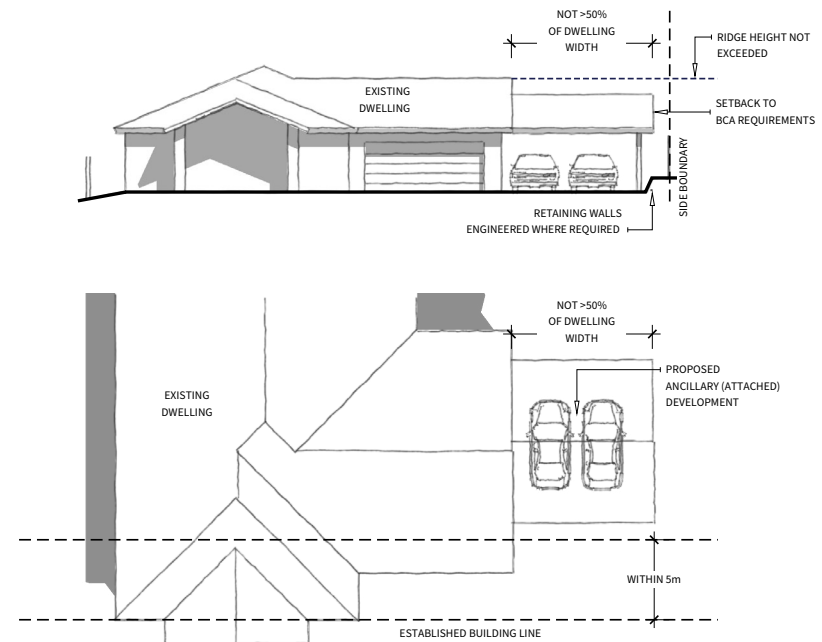
### D6.1 Ancillary Buildings - Attached

#### Earthworks

- Earthworks more than 600mm above or below existing ground level must have finished ground surface levels of no less than 1:1 or take the form of a retaining wall or other structural support that is certified as structurally sound by a professional engineer.
- All earthworks including batters, retaining walls or other structural supports, including footings and drainage, must be located wholly within the property boundary.
- Excavated areas must be properly engineered with subsurface drainage that is directed to a legal point of discharge (e.g. interallotment drainage pipes, street drainage, or public drainage reserves).
- Earthworks, retaining walls and other similar structures must not be designed or installed in a way that results in overland stormwater flow being directed onto adjoining private property.
- Earthworks, retaining walls and other similar structures must not be designed or installed in a way that results in overland stormwater flow being directed onto adjoining private property.

#### Building Design and Appearance

- Attached structures setback anywhere within 5 metres behind the building line to a primary road, do not exceed 50% of the width of the dwelling to which it is attached.
- Attached structures have a ridge height that matches, or is below, the ridge height of the dwelling to which it is attached.
- New buildings should be designed to be consistent with or compliment the appearance of the existing dwelling. Factory pre-coloured / or new building materials should be used unless it can be demonstrated that other finishes / materials would create a more positive contribution to the streetscape or surrounding environment.





## Ancillary buildings - attached (cont.)

### Building Setbacks

- i. Attached structures are located at or behind the building line to a primary or secondary road. Structures forward of the building line will only be considered where it can be demonstrated that:
  - i. The structure will not encroach any property boundary, and
  - ii. The structure is an open type structure, and
  - iii. The structure will not create adverse impacts on streetscape character, and
  - iv. Where the structure is a carport, there are no other practical alternatives for the placement of the building behind the building line, and a new driveway is not required for access.
- ii. Except as provided by control i), the setback to the boundary adjoining the secondary street frontage is always 4.5m, or behind the existing building line, whichever is the lesser.
- k. Building setbacks are to be accordance with the minimum requirements of the Building Code of Australia and increased to the extent necessary to comply with the requirements of Table 15 for the specified lots.
- j. Where new attached structures are proposed on a corner lot, the following additional controls apply:
  - i. The setback to the boundary adjoining the primary street frontage is the same setback resulting from compliance with controls i) and k)

Note: All proposed structures in front of the building line will trigger neighbour notifications. Submissions received will be considered as part of the development assessment process.

**Table 15 - Building Setbacks - Attached Ancillary Structures**

Zone	Lot Type	Boundary	Setback
R1, R3, RU5	Standard Lot	Side and Rear	500mm ^
		Boundary shared with the lane way	500mm ^ 2.5m where vehicle access required ^
	Lane way Lot	Any other side or rear boundary	500mm ^
		Parallel Road Lot	Boundary shared with parallel road
	Parallel Road Lot	Any other side or rear boundary	3m
		Any other side or rear boundary	500mm ^
R2, R5	Battle-axe Lot	Front Boundary	500mm ^
		Any other side or rear boundary	500mm ^
	Standard Lot	Side and Rear	2m #
		Boundary shared with the lane way	2m # 2.5m where vehicle access is required
	Lane way Lot	Any other side or rear boundary	2m #
		Parallel Road Lot	Boundary shared with parallel road
	Parallel Road Lot	Any other side or rear boundary	3m #
		Any other side or rear boundary	2m #
	Battle-axe Lot	Front Boundary	2m #
		Any other side or rear boundary	2m #

^ Setback is increased to a minimum 2m where the building height exceeds 4m.

# Setback is increased to a minimum 5m where the building height exceeds 4.5m, or the ridge height of the building to which the structure is attached, whichever is the lesser.

## Ancillary buildings - attached (cont.)

### Access

- l. Development does not necessitate an additional driveway (i.e. more than one) crossing to be constructed to a public road.
- m. Development gains access to the local road network and not directly onto a classified road, except in circumstances where the property has no other practical means of gaining access to the public road network.
- n. Vehicle access from a secondary road or lane way is permitted where it can be demonstrated that:
  - i. There are no practical alternate options of gaining access to the public road network.
  - ii. The secondary road or lane way is in a safe condition and suitable for ongoing vehicle access.
  - iii. The structure is setback a minimum of 2.5 metres from any boundary shared with a lane way to facilitate ease of vehicle access.

### Gross Floor Area

- o. Ancillary development complies with the following maximum gross floor area standards in Table 16.  
Note: the maximum gross floor area is the total of all onsite buildings)

*Table 16 - Gross Floor Area Standards*

Lot Size	Maximum Gross Floor Area	Maximum size per building
0 -450m <sup>2</sup>	75% of lot area	80m <sup>2</sup>
450m <sup>2</sup> - 600m <sup>2</sup>	65% of lot area	100m <sup>2</sup>
600m <sup>2</sup> - 900m <sup>2</sup>	60% of lot area	120m <sup>2</sup>
900m <sup>2</sup> >	55% of lot area	150m <sup>2</sup>

### Siting

- p. The location of new ancillary development allows at least 3 hours of solar access to key living spaces / private open spaces of the adjoining dwellings at the winter solstice (21 June) between 9am and 3pm.
- q. Buildings and structures should be designed and located so that they:
  - i. Do not encroach any easement protecting an existing service main or utility.
  - ii. Do not impact on the structural integrity of any existing service main or utility.
  - iii. Comply with the Leeton Shire Council Engineering Guidelines (latest version) for building near (or over) sewer mains and other utility infrastructure.
  - iv. Comply with any requirements of the relevant service authority for building near (or over) any utility infrastructure that is not owned by Leeton Shire Council.

## Ancillary buildings - attached (cont.)

### Stormwater Management

- r. The stormwater management requirements for new ancillary development are the same requirements specified in Section D1.8.

## Objective

To ensure detached ancillary development that requires consent does not create adverse impacts on streetscape, public utilities or access.

## Part D6 Ancillary Development

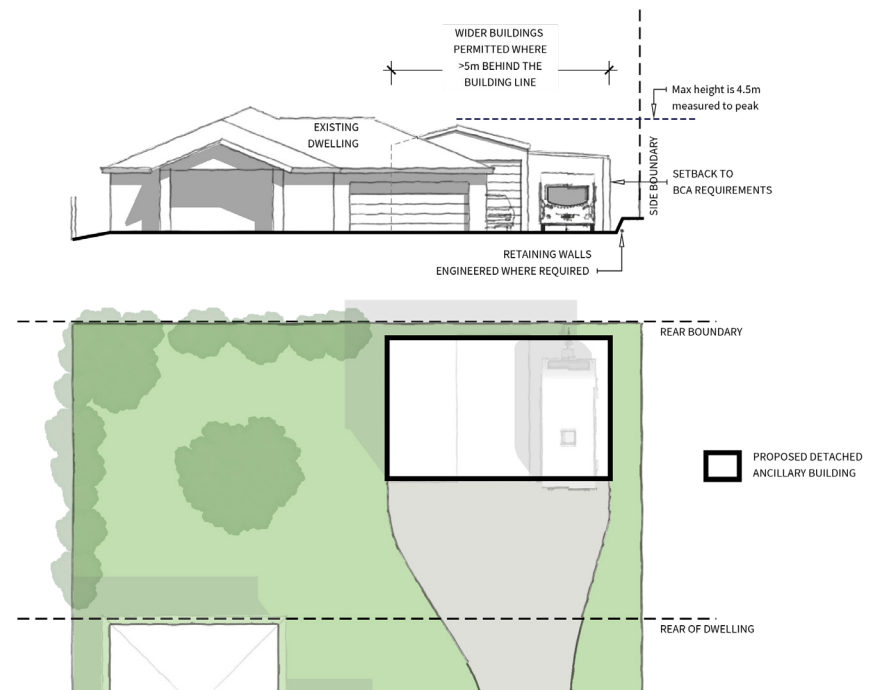
### D6.2 Ancillary Buildings - Detached

#### Earthworks

- Earthworks more than 600mm above or below existing ground level must have finished ground surface levels of no less than 1:1 or take the form of a retaining wall or other structural support that is certified as structurally sound by a professional engineer.
- All earthworks including batters, retaining walls or other structural supports, including footings and drainage, must be located wholly within the property boundary.
- Excavated areas must be properly engineered with subsurface drainage that is directed to a legal point of discharge (e.g. interallotment drainage pipes, street drainage, or public drainage reserves).

#### Building Design and Appearance

- Detached structures setback anywhere within 5 metres behind the building line to a primary road, do not exceed 50% of the width of the dwelling to which it is attached.
- The scale of new ancillary buildings should be consistent with the dwelling and should not be more than 4.5 metres high, measured from natural ground level to the ridge height (peak) of the structure.
- New buildings should be designed to be consistent with or compliment the appearance of the existing dwelling. Factory pre-coloured / or new building materials should be used unless it can be demonstrated that other finishes / materials would create a more positive contribution to the streetscape or surrounding environment.



## Ancillary buildings - detached (cont.)

### Building Setbacks

- g. Detached structures are located at or behind the building line to a primary or secondary road. Structures forward of the building line will only be considered where it can be demonstrated that:
  - i. The structure will not encroach any property boundary, and
  - ii. The structure is not enclosed, and
  - iii. The structure does not have a height that exceeds 2.7m or the gutter level of the existing dwelling, whichever is the lesser.
  - iv. The structure will not create adverse impacts on streetscape character, and
  - v. Where the structure is a carport, there are no other practical alternatives for the placement of the building behind the building line, and a new driveway is not required for access.
  - vi. The structure is not wider than 6m in total or 50% of the total width of the existing dwelling frontage, whichever is the lesser.
- h. Where new detached structures are proposed on a corner lot, the following additional controls apply:
  - i. The setback to the boundary adjoining the primary street frontage is the same setback resulting from compliance with controls g) and i),
  - ii. Except as provided by control g), the setback to the boundary adjoining the secondary street frontage is always 4.5m, or behind the existing building line, whichever is the lesser.
- i. Building setbacks are to be accordance with the minimum requirements of the Building Code of Australia, and increased to the extent necessary to comply with the requirements of Table 17 for the specified lots.

Note: All proposed structures in front of the building line will trigger neighbour notifications. Submissions received will be considered as part of the development assessment process.

Table 17 - Building Setbacks - Detached Ancillary Structures

Zone	Lot Type	Boundary	Setback
R1, R3, RU5	Standard Lot	Side and Rear	500mm ^
		Boundary shared with the lane way	500mm ^ 2.5m where vehicle access required ^
	Lane way Lot	Any other side or rear boundary	500mm ^
		Parallel Road Lot	Boundary shared with parallel road 3m Any other side or rear boundary 500mm ^
	Battle-axe Lot	Front Boundary	500mm ^
		Any other side or rear boundary	500mm ^
R2, R5	Standard Lot	Side and Rear	2m #
		Boundary shared with the lane way	2m # 2.5m where vehicle access required #
	Lane way Lot	Any other side or rear boundary	2m #
		Parallel Road Lot	Boundary shared with parallel road 2m # 2.5m where vehicle access required #
	Battle-axe Lot	Any other side or rear boundary	2m #
		Front Boundary	2m #
		Any other side or rear boundary	2m #

^ Setback is increased to a minimum 2m where the building height exceeds 4m.

# Setback is increased to a minimum 5m where the building height exceeds 4.5m, and 10m where the building height exceeds 7m.

## Ancillary buildings - detached (cont.)

### Access

- j. Development does not necessitate an additional driveway (i.e. more than one) crossing to be constructed to a public road.
- k. Development gains access to the local road network and not directly onto a classified road, except in circumstances where the property has no other practical means of gaining access to the public road network.
- l. Vehicle access from a secondary road or lane way is permitted where it can be demonstrated that:
  - i. There are no practical alternate options of gaining access to the public road network.
  - ii. The secondary road or lane way is in a safe condition and suitable for ongoing vehicle access.
  - iii. The structure is setback a minimum of 2.5 metres from any boundary shared with a lane way to facilitate ease of vehicle access.

### Gross Floor Area

- m. Ancillary development complies with the following maximum gross floor area (note: the maximum gross floor area is the total of all onsite buildings) standards in Table 18.

*Table 18 - Gross Floor Area Standards*

Lot Size	Maximum Gross Floor Area	Maximum size per building
0 -450m <sup>2</sup>	75% of lot area	80m <sup>2</sup>
450m <sup>2</sup> - 600m <sup>2</sup>	65% of lot area	100m <sup>2</sup>
600m <sup>2</sup> - 900m <sup>2</sup>	60% of lot area	120m <sup>2</sup>
900m <sup>2</sup> >	55% of lot area	150m <sup>2</sup>

### Siting

- n. The location of new ancillary development allows at least 3 hours of solar access to key living spaces / private open spaces of the adjoining dwellings at the winter solstice (21 June) between 9am and 3pm.
- o. Buildings and structures should be designed and located so that they:
  - i. Do not encroach any easement protecting an existing service main or utility.
  - ii. Do not impact on the structural integrity of any existing service main or utility.
  - iii. Comply with the Leeton Shire Council Engineering Guidelines (latest version) for building near (or over) sewer mains and other utility infrastructure.
  - iv. Comply with any requirements of the relevant service authority for building near (or over) any utility infrastructure that is not owned by Leeton Shire Council.

## Ancillary buildings - detached (cont.)

### Stormwater Management

- p. The stormwater management requirements for new ancillary development are the same requirements specified in Section D1.8.

## Part D6 Ancillary Development

### D6.3 Swimming Pools

#### Objective

To ensure swimming pools that require consent do not create adverse impacts on streetscape, residential amenity or building improvements on adjoining properties.

#### Standards

- a. The swimming pool must be for private use and associated with a dwelling house.
- b. The swimming pool must be located behind the building line of the dwelling house.
- c. Excavation must not exceed a maximum depth, measured from existing ground level, of 2 metres.
- d. Despite control (c), Council may consider greater excavations on sloping land where it can be demonstrated that impacts are unlikely to be generated in terms of the structural integrity of nearby buildings, infrastructure and / or utility services.
- e. Earthworks more than 600mm above or below existing ground level must have finished ground surface levels of no less than 1:2 or take the form of a retaining wall or other structural support that is certified as structurally sound by a professional engineer.
- f. Stormwater from impervious areas around the swimming pool, including paving, retaining walls and other structural support, shall be properly drained to a legal point of stormwater discharge (e.g. inter-allotment drainage pipes, street gutter system or drainage reserve) or a minimum 3 metres away from the pool structure and other buildings if the lot is not connected to public stormwater drainage infrastructure.
- g. Water from the swimming pool must be discharged to the reticulated sewerage system or in accordance with an approval under the Local Government Act 1993 if the lot is not connected to a sewer main.
- h. The swimming pool pump must be housed in an enclosure that is soundproofed and at a location that noise generated from the unit is not audible in habitable rooms of adjoining residences.
- i. Height of coping around the swimming pool must not be more than:
  - i. 1.5 metres above existing ground level.
  - ii. 300mm wide if the coping is more than 600mm above existing ground level.
- j. Decking around a swimming pool must not be more than 1.5 metres above existing ground level.
- k. The swimming pool water line must have a setback of at least 1 metre from a side or rear boundary.
- l. Buildings and structures should be designed and located so that they:
  - i. Do not encroach any easement protecting an existing service main or utility.
  - ii. Do not impact on the structural integrity of any existing service main or utility.
  - iii. Comply with the Leeton Shire Council Engineering Guidelines (latest version) for building near (or over) sewer mains and other utility infrastructure.
  - iv. Comply with any requirements of the relevant service authority for building near (or over) any utility infrastructure that is not owned by Leeton Shire Council.

Note: The Swimming Pools Act 1992, Local Government Act 1993 and the Building Code of Australia contain provisions that must be complied with in relation to the design, installation, registration and operation of swimming pools and spa pools in NSW.



## Objective

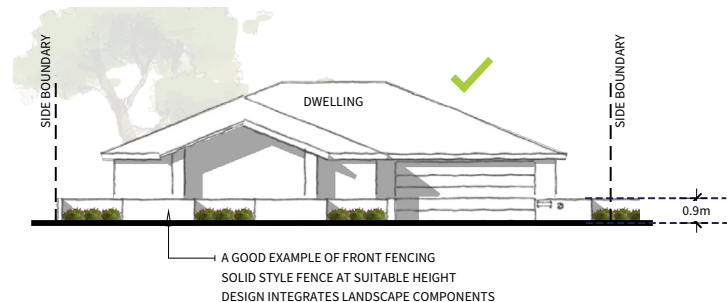
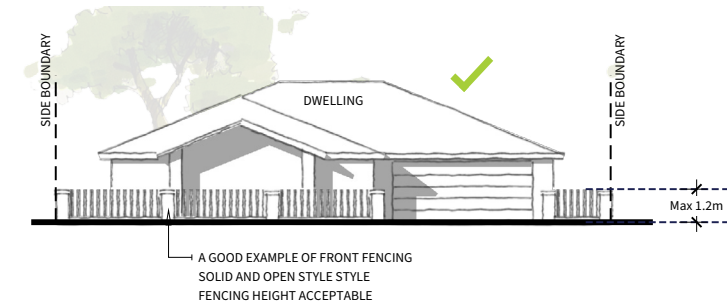
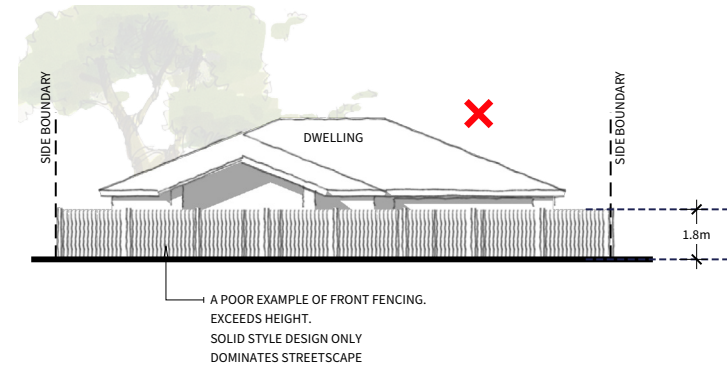
To ensure fencing that requires consent does not create adverse impacts on streetscape, residential amenity, public utilities or access.

## Part D6 Ancillary Development

### D6.4 Fencing

#### Standards

- a. Front fences are designed to comply with the following requirements:
  - i. Fencing reflects and reinforces the designed and character of the dwelling and other buildings along the street.
  - ii. Fencing height to be not greater than 1.2m, or 0.9m if a solid design.
  - iii. Fencing materials consist of masonry, timber or low reflective painted metal materials to manufacturer's specifications.
  - iv. Colourbond fencing is not permitted.
  - v. Barbed, razor or electrified wire is not permitted.
  - vi. Where entry gates are installed, the gates are designed so that they do not open outwards onto the public road reservation.
  - vii. Fences do not restrict / redirect the flow of any floodwater or overland drainage flow-path within a legal drainage easement.
  - viii. Fences on sloping sites are constructed to accommodate the fall of the land. Stepping is appropriate for higher gradient slopes.
- b. Front fences higher than the standard specified in control a)ii) will be permitted only where it can be demonstrated that:
  - i. The fence design includes articulation, detailing of integration of landscaping to minimise visual impact,
  - ii. The fence will not impede sight distances for traffic on public road.
  - iii. The fence is necessary in order to achieve a planning purpose such as the attenuation of road noise from a classified road, or creation of a private yard space where limited options exist elsewhere on the property.
- c. Side and rear fences are designed to comply with the following requirements:
  - i. Fencing height to be not greater than 1.8m.
  - ii. Fencing materials consist of masonry, timber or low reflective painted metal materials to manufacturer's specifications.
  - iii. Barbed, razor or electrified wire is not permitted.
  - iv. Fences do not restrict / redirect the flow of any floodwater or overland drainage flow-path within a legal drainage easement.
  - v. Fences on sloping sites are stepped to accommodate the fall of the land.





# Part E

## RURAL DEVELOPMENT



This part applies standard and controls relating to certain rural building types and land-use activities within the Leeton Shire Council Local Government Area



LEETON COUNCIL  
**2022**  
**COMPREHENSIVE DCP**



## Table of Contents

<b>E1</b>	<b>Rural Buildings</b>	<b>3</b>
E1.1	Farm Buildings	4
E1.2	Emergency Service Buildings	6
<b>E2</b>	<b>Rural based land-use activities</b>	<b>8</b>
E2.1	Tourist + visitor accommodation	9
E2.2	Cellar doors	12
E2.3	Rural Industries	15
E2.4	Extractive industries	18
E2.5	Intensive livestock agriculture	19
E2.6	Frost Fans	21
E2.7	Roadside stalls	22

# E1

## Rural Buildings

Part E1 applies to:

1. Farm buildings
2. Emergency service facilities

Part E.1 applies to any of the following zones under Leeton Local Environmental Plan 2014:

1. RU1 Primary Production

A farm building is a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

An emergency service facility is a building or place (including a helipad) used in connection with the provisions of emergency services by an emergency service organisation

E1.1	Farm Buildings	4
E1.2	Emergency Service Buildings	6

## Part E1 Rural Buildings

### E1.1 Farm Buildings

#### Key Definition

A farm building is a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling

#### Objective

A farm building is a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

#### Site Selection

- a. Site selection for farm buildings generally avoids land that is mapped in Leeton Local Environmental Plan 2014 as follows:
  - i. Groundwater Vulnerable;
  - ii. Wetlands, Riparian Lands or Watercourses;
  - iii. Terrestrial Biodiversity;
  - iv. Flood Planning Area, unless any relevant provisions of Part K are complied with in full.
- b. In order to minimise visual impact, farm buildings are co-located with other buildings on the land holding, where practical.
- c. Structures are positioned on the land to limit the amount of clearing of any remnant native trees or other native understorey vegetation, especially along the perimeter of the site.
- d. Farm buildings are sited to minimise impact on agricultural land.
- e. Site selection avoids the peak height of any farm building from protruding above the ridge line of the highest hill within the 100mm of the building location.

#### Building Setbacks

- f. Farm buildings are setback from property boundaries, other buildings and relevant site features in accordance with the requirements of Table 1.

*Table 1- Building setbacks for farm buildings*

Setback Feature	Minimum Setback
Primary Road	50m #
Existing dwelling on neighbouring lot (not associated with development site)	50m #
Top of bank of water course, creek or irrigation / drainage channel	40m
Any boundary not shared with a primary road	15m ^

- # Setbacks may be reduced to a minimum of 20m in the circumstance where the building is located behind the building line of an existing dwelling (or other significant building) located on the same lot and within the vicinity of the development site.
- ^ Setbacks may be reduced to a minimum of 5m (or as required by BCA - whichever is the greater) in the circumstance where the building is located behind the building line of an existing dwelling (or other significant building) located on the same lot and within the vicinity of the development site.

#### Earthworks

- g. Earthworks shall be suitably protected from soil erosion, soil movement and sedimentation as per Landcom Managing Urban Stormwater Soils and Construction (Blue Book).
- h. Earthworks shall not exceed a maximum height/depth, measured from existing ground level of 3 metres.
- i. Despite g) above, earthworks must not exceed 1 metre in depth within 1 metre from any boundary.
- j. Imported fill must be certified Virgin Excavated Natural Material (VENM).
- k. Earthworks more than 600mm above or below existing ground level must have finished ground surface levels of no less than 1:2 or take the form of a retaining wall or other structural support that is certified as structurally sound by a professional engineer.
- l. All earthworks including batters, retaining walls or other structural supports, including footings and drainage, must be located wholly within the property boundary.
- m. Excavation areas, including retaining walls and other structural support, shall be properly drained a minimum 3 metres away from buildings and property boundaries.

## Farm buildings (cont.)

### Building Design

- n. Farm buildings are constructed of materials that:
  - i. minimise the use of zincalume where the building location is highly visible from a public road or neighbouring properties.
  - ii. Complement the principal dwelling, where these buildings are co-located.
  - iii. Include low reflective, neutral/earth tones which blend in naturally with the rural landscape.
- o. Development Application plans should include specifications for finishing materials and colours to demonstrate compliance with control (m).

### Access

- p. Farm buildings are provided with practical and legal access to the public road network.
- q. The standard of access to the public road is in accordance with the Leeton Shire Council Engineering Guidelines (latest version). This control applies newly constructed accesses, or existing accesses which do not meet the standard and which will provide primary access to the proposed farm building.
- r. The standard of internal access to the building from is appropriate having regard to the nature of traffic likely to be generated by the development.
- s. Where there is an existing access to the site the development is to gain access to the public road network via the same access point.

### Stormwater

- t. Stormwater from farm buildings must be disposed of at least 3 metres away from any buildings and property boundaries and must not interfere or cause nuisance to adjoining land-use.
- u. Development does not alter drainage patterns or result in increased stormwater velocities, sediment, pollutant or nutrient loads.

## Part E1 Rural Buildings

### E1.2 Emergency Service Buildings

#### Key Definition

Emergency services facility means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.

#### Objective

To ensure that Rural Fire Service (RFS) Facilities do not adversely affect surrounding land uses.

#### Site Selection

- a. Site selection for emergency service buildings generally avoids land that is mapped in Leeton Local Environmental Plan 2014 as follows:
  - i. Groundwater Vulnerable;
  - ii. Wetlands, Riparian Lands or Watercourses.
  - iii. Terrestrial Biodiversity;
  - iv. Flood Planning Area, unless any relevant provisions of Part K are complied with in full.
- b. Emergency service buildings are sited to minimise clearing of any remnant native trees or other native understorey vegetation, especially along the perimeter of the site.
- c. Emergency service buildings are sited to minimise impact on agricultural land.
- d. Site selection avoids the peak height of any emergency service building from protruding above the ridge line of the highest hill within the 100mm of the building location.

#### Building Setbacks

- e. Emergency service buildings are setback from property boundaries, other buildings and relevant site features in accordance with the requirements of Table 2.

*Table 1- Building setbacks for Emergency Service Buildings*

Setback Feature	Minimum Setback
Primary Road	20m
Existing dwelling on neighbouring lot (not associated with development site)	50m #
Top of bank of water course, creek or irrigation / drainage channel	40m ^
Any boundary not shared with a primary road	10m

- # Setbacks may be reduced to a minimum of 20m in the circumstance where the building is located behind the building line of an existing dwelling (or other significant building) located on the same lot and within the vicinity of the development site.
- ^ Setback is increased to the extent necessary to comply with the provisions of [Part J](#) of this DCP and Clause 5.21 of Leeton LEP 2014 relating to flood planning.

#### Earthworks

- f. Earthworks shall be suitably protected from soil erosion, soil movement and sedimentation as per Landcom Managing Urban Stormwater Soils and Construction (Blue Book).
- g. Earthworks shall not exceed a maximum height/depth, measured from existing ground level of 3 metres.
- h. Despite h) above, earthworks must not exceed 1 metre in depth within 1 metre from any boundary.
- i. Imported fill must be certified Virgin Excavated Natural Material (VENM).
- j. Earthworks more than 600mm above or below existing ground level must have finished ground surface levels of no less than 1:2 or take the form of a retaining wall or other structural support that is certified as structurally sound by a professional engineer.
- k. All earthworks including batters, retaining walls or other structural supports, including footings and drainage, must be located wholly within the property boundary.
- l. Excavation areas, including retaining walls and other structural support, shall be properly drained a minimum 3 metres away from buildings and property boundaries.

## Emergency service buildings and structures (cont.)

### Building & Site Design

- m. Emergency service buildings are constructed of materials that:
  - i. minimise the use of zincalume where the building location is highly visible from a public road or neighbouring properties.
  - ii. include low reflective, neutral/earth tones which blend in naturally with the rural landscape.
- n. Development Application plans should include specifications for finishing materials and colours to demonstrate compliance with control (o).
- o. The emergency service building is to be fitted with sensor security lighting with a manual override switch at all garages and personal access doors.
- p. The development is to include a minimum 3 metre wide landscape / vegetation strip between the building and any road frontage, where the building is within 50 metres of a road. A planting schedule is to be submitted to Council for assessment as part of the Development Application.

### Access + Parking

- q. Emergency service buildings are provided with practical, legal and all weather access to the public road network.
- r. Building / site design allows all vehicular access and egress from the property to be in a forward direction.
- s. The standard of access to the public road is in accordance with the Leeton Shire Council Engineering Guidelines (latest version). This control applies newly constructed accesses, or existing accesses which do not meet the standard and which will provide primary access to the proposed emergency service building.
- t. The standard of internal access to the building from is appropriate having regard to the nature of traffic likely to be generated by the development.
- u. On-site car parking is provided in accordance with Part J of this DCP, the relevant requirements of Australian Standard 2890.1 Off-Street Car Parking and Leeton Shire Council Engineering Guidelines (latest version).

### Stormwater

- v. Stormwater from farm buildings must be disposed of at least 3 metres away from any buildings and property boundaries and must not interfere or cause nuisance to adjoining land-use.
- w. Development does not alter drainage patterns or result in increased stormwater velocities, sediment, pollutant or nutrient loads.



# E2

## Rural based land-use activities

Part E2 applies to:

1. Tourist and visitor accommodation
2. Cellar doors
3. Rural industries
4. Extractive industries
5. Intensive livestock agriculture
6. Frost fans
7. Roadside stalls

on land in the following zones under Leeton  
Local Environmental Plan 2014.

1. RU1 Primary Production
1. C4 Environmental Living

E2.1	Tourist + visitor accommodation	9
E2.2	Cellar doors	12
E2.3	Rural Industries	15
E2.4	Extractive industries	18
E2.5	Intensive livestock agriculture	19
E2.6	Frost Fans	21
E2.7	Roadside stalls	22

## Part E2 Rural based land-use activities

### E2.1 Tourist + visitor accommodation

#### Key Definition

Tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and (for the purposes of this DCP) includes backpackers' accommodation, bed and breakfast accommodation, and farm stay accommodation,

#### Objective

To ensure backpacker's accommodation, bed and breakfast and farm stay accommodation are well designed and serviced to minimum standards.

#### General

- a. Controls are contained in Clause 5.4 of Leeton Local Environmental Plan 2014 which relate to the number of bedrooms permitted to be included in a bed and breakfast or a farm stay accommodation.
- b. The use of a dwelling as a bed and breakfast or farm stay accommodation will result in a change of building class for the dwelling under the Building Code of Australia. There will be new fire safety and access requirements. The class of building will determine the building standards, and may require buildings to be upgraded to comply with current standards.
- c. Where the proposed accommodation is a bed and breakfast, the proposal is associated with a lawfully erected dwelling, and the use of the land for a dwelling purpose is permissible under Leeton Local Environmental Plan 2014.
- d. Where the proposed accommodation is a farm stay, the proposal is associated with a working farm that is used for a primary production purpose.

#### Site selection

- e. Site selection for tourist and visitor accommodation avoids land that is mapped in Leeton Local Environmental Plan 2014 as follows:
  - i. Groundwater Vulnerable;
  - ii. Wetlands, Riparian Lands or Watercourses.
  - iii. Terrestrial Biodiversity;
  - iv. Flood Planning Area
- f. Site selection for tourist and visitor accommodation avoids land that is mapped by the NSW Rural Fire Service as bushfire prone land.
- g. Site selection avoids land that is likely to be impacted by any of the following existing rural land-use activities:
  - i. Hazardous or offensive industries
  - ii. Rural industries
  - iii. Intensive agricultural (plant or livestock) and any associated on-site effluent disposal area)
  - iv. Other land-uses that may cause odour, noise or lighting impacts.
- h. Where practical, tourist and visitor accommodation should be co-located with other farm buildings on the property holding.

#### Building Setbacks

- i. Tourist and Visitor Accommodation is setback from property boundaries, other buildings and relevant site features in accordance with the requirements of Table 3.

*Table 3- Building setbacks for Tourist and Visitor Accommodation*

Setback Feature	Minimum Setback
Primary Road	50m #
Existing dwelling on neighbouring lot (not associated with development site)	50m #
Top of bank of water course, creek or irrigation / drainage channel	40m ^
Any boundary not shared with a primary road	10m #

# Setbacks need not apply in the circumstance where the accommodation is proposed to be provided within an existing building that is already setback less than the recommended distance to a setback feature described in Table 3.

^ Setback is increased to the extent necessary to comply with the provisions of [Part J](#) of this DCP and Clause 5.21 of Leeton LEP 2014 relating to flood planning.

## Tourist and visitor accommodation (contin.)

### Earthworks

- j. Earthworks shall be suitably protected from soil erosion, soil movement and sedimentation as per Landcom Managing Urban Stormwater Soils and Construction (Blue Book).
- k. Earthworks shall not exceed a maximum height/depth, measured from existing ground level of 3 metres.
- l. Despite k) above, earthworks must not exceed 1 metre in depth within 1 metre from any boundary.
- m. Imported fill must be certified Virgin Excavated Natural Material (VENM).
- n. Earthworks more than 600mm above or below existing ground level must have finished ground surface levels of no less than 1:2 or take the form of a retaining wall or other structural support that is certified as structurally sound by a professional engineer.
- o. All earthworks including batters, retaining walls or other structural supports, including footings and drainage, must be located wholly within the property boundary.
- p. Excavation areas, including retaining walls and other structural support, shall be properly drained a minimum 3 metres away from buildings and property boundaries.

### Building and site design

- q. Development plans for Tourist and Visitor Accommodation must demonstrate that all proposed buildings (and any affected areas of existing buildings included in the proposal) will comply in full with relevant code requirements, legislated standards or policies (of Leeton Shire Council or otherwise) relating to:
  - i. Fire Safety.
  - ii. Building design
  - iii. Access to premises
  - iv. Food safety and handling
  - v. Public health

### Access + parking

- r. Tourist and Visitor Accommodation is provided with practical and legal access to the public road network.
- s. Building / site design allows all vehicular access and egress from the property to be in a forward direction.
- t. The standard of access to the public road is in accordance with the Leeton Shire Council Engineering Guidelines (latest version), or a higher standard access if deemed necessary to accommodate the nature of traffic generated by the development.
- u. The standard of internal access to the accommodation from the point of access to the public road system is appropriate having regard to the nature of traffic likely to be generated by the development.
- v. On-site car parking is provided in accordance with Part J of this DCP, the relevant requirements of Australian Standard 2890.1 Off-Street Car Parking and Leeton Shire Council Engineering Guidelines (latest version).

### Stormwater

- w. Stormwater from farm buildings must be disposed of at least 3 metres away from any buildings and property boundaries and must not interfere or cause nuisance to adjoining land-use.
- x. Development does not alter drainage patterns or result in increased stormwater velocities, sediment, pollutant or nutrient loads.

## Utilities and servicing

- y. The accommodation facility is to be provided with drinkable water via the Leeton Reticulated Water Supply System in accordance with Leeton Shire Council Engineering Guidelines (latest version), or an on-site private water supply in accordance with the NSW Public Health Act 2010 and NSW Private Drinking Water Supplies Guidelines.
- z. Where a private drinking water supply is required under y) above, the water supply provided is capable of accommodating the maximum number of persons able to stay at the establishment.
- aa. A minimum 20,000 litres of water is to be provided on-site in addition to the drinking water supply, in a fire proof tank with a stortz fitting that is accessible to emergency services for accommodation facilities that are not serviced by a hydrant system.
- ab. The accommodation facility is to be connected to the Leeton Sewerage System or an on-site wastewater management system that is capable of accommodating the maximum number of persons able to stay at the establishment in accordance with AS/NZS1547:2000 – On-site Domestic Wastewater Management and the NSW Environment and Health Protection Guidelines On-site Sewage Management for Single Households (latest version).
- ac. Buildings and structures should be designed and located so that they:
  - i. Do not encroach any easement protecting an existing service main or utility.
  - ii. Do not impact on the structural integrity of any existing service main or utility.
  - iii. Comply with the Leeton Shire Council Engineering Guidelines (latest version) for building near (or over) sewer mains and other utility infrastructure.
  - iv. Comply with any requirements of the relevant service authority for building near (or over) any utility infrastructure that is not owned by Leeton Shire Council.

## Signage

- ad. A maximum of 2 identification signs of reasonable proportions are provided on the land that comprises the accommodation facility, either on the wall of a building, front fence, or other similar structure and only displaying those details necessary to identify the establishment, it's proprietor and contact details.

## Part E2 Rural based land-use activities

### E2.2 Cellar doors

#### Key Definition

Cellar door means a building or place that is used to sell wine by retail and that is situated on land on which there is a commercial vineyard, and where most of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

#### Objective

To ensure cellar doors are well-designed and serviced to minimum standards.

#### General

- a. The cellar door is located on land upon which there is a lawfully established intensive plant agricultural activity (commercial vineyard), and the use of the land for this purpose is permissible under Leeton Local Environmental Plan 2014.

#### Siting and Setbacks

- b. Site selection for cellar doors avoids land that is mapped in Leeton Local Environmental Plan 2014 as follows:
- i. Groundwater Vulnerable;
  - ii. Wetlands, Riparian Lands or Watercourses.
  - iii. Terrestrial Biodiversity;
  - iv. Flood Planning Area
- c. Site selection for cellar doors accommodation avoids land that is mapped by the NSW Rural Fire Service as bushfire prone land.
- d. Site selection avoids land that is likely to be impacted by any of the following existing rural land-use activities:
- i. Hazardous or offensive industries
  - ii. Rural industries
  - iii. Intensive agricultural (plant or livestock) and any associated on-site effluent disposal area)
  - iv. Other land-uses (not associated with the cellar door) that may cause odour, noise or lighting impacts.
- e. Where practical, cellar doors should be co-located with other farm buildings on the property holding.

#### Building Setbacks

- f. Cellar Doors are setback from property boundaries, other buildings and relevant site features in accordance with the requirements of Table 4.

**Table 4- Building setbacks for Cellar Doors**

Setback Feature	Minimum Setback
Primary Road	50m #
Existing dwelling on neighbouring lot (not associated with development site)	50m
Top of bank of water course, creek or irrigation / drainage channel	40m ^
Any boundary not shared with a primary road	15m

- # Setbacks may be reduced to a minimum of 20m in the circumstance where the building is located behind the building line of an existing dwelling (or other significant building) located on the same lot and within the vicinity of the development site.
- ^ Setback is increased to the extent necessary to comply with the provisions of [Part J](#) of this DCP and Clause 5.21 of Leeton LEP 2014 relating to flood planning.

## Cellar doors (contin.)

### Earthworks

- g. Earthworks shall be suitably protected from soil erosion, soil movement and sedimentation as per Landcom Managing Urban Stormwater Soils and Construction (Blue Book).
- h. Earthworks shall not exceed a maximum height/depth, measured from existing ground level of 3 metres.
- i. Despite l) above, earthworks must not exceed 1 metre in depth within 1 metre from any boundary.
- j. Imported fill must be certified Virgin Excavated Natural Material (VENM).
- k. Earthworks more than 600mm above or below existing ground level must have finished ground surface levels of no less than 1:2 or take the form of a retaining wall or other structural support that is certified as structurally sound by a professional engineer.
- l. All earthworks including batters, retaining walls or other structural supports, including footings and drainage, must be located wholly within the property boundary.
- m. Excavation areas, including retaining walls and other structural support, shall be properly drained a minimum 3 metres away from buildings and property boundaries.

### Building and site design

- n. Development plans for Cellar Doors must demonstrate that all proposed buildings (and any affected areas of existing buildings included in the proposal) will comply in full with relevant code requirements, legislated standards or policies (of Leeton Shire Council or otherwise) relating to:
  - i. Fire Safety.
  - ii. Building design
  - iii. Access to premises
  - iv. Food safety and handling
  - v. Public health

### Access + parking

- o. Cellar Doors are provided with practical and legal access to the public road network.
- p. Building / site design allows all vehicular access and egress from the property to be in a forward direction.
- q. The standard of access to the public road is in accordance with the Leeton Shire Council Engineering Guidelines (latest version), or a higher standard access if deemed necessary to accommodate the nature of traffic generated by the development.
- r. The standard of internal access to the Cellar Door from the point of access to the public road system is appropriate having regard to the nature of traffic likely to be generated by the development.
- s. On-site car parking is provided in accordance with Part J of this DCP, the relevant requirements of Australian Standard 2890.1 Off-Street Car Parking and Leeton Shire Council Engineering Guidelines (latest version).

### Stormwater

- t. Stormwater from all buildings and structures associated with the Cellar Door must be disposed of at least 3 metres away from any buildings and property boundaries and must not interfere or cause nuisance to adjoining land-use.
- u. Development does not alter drainage patterns or result in increased stormwater velocities, sediment, pollutant or nutrient loads.

### Utilities and servicing

- v. The Cellar Door is to be provided with drinkable water via the Leeton Reticulated Water Supply System in accordance with Leeton Shire Council Engineering Guidelines (latest version), or an on-site private water supply in accordance with the NSW Public Health Act 2010 and NSW Private Drinking Water Supplies Guidelines.
- w. Where a private drinking water supply is required under v) above, the water supply provided is capable of supplying the maximum number of persons capable of being accommodated at the cellar door at any one time.
- x. A minimum 20,000 litres of water is to be provided on-site in addition to the drinking water supply, in a fire proof tank with a stortz fitting that is accessible to emergency services for cellar doors that are not serviced by a hydrant system.
- y. The Cellar Door is to be connected to the Leeton Sewerage System or an on-site wastewater management system that is capable of accommodating the maximum number of persons able to stay at the establishment in accordance with AS/NZS1547:2000 – On-site Domestic Wastewater Management and the NSW Environment and Health Protection Guidelines On-site Sewage Management for Single Households (latest version).
- z. Buildings and structures should be designed and located so that they:

- i. Do not encroach any easement protecting an existing service main or utility.
- ii. Do not impact on the structural integrity of any existing service main or utility.
- iii. Comply with the Leeton Shire Council Engineering Guidelines (latest version) for building near (or over) sewer mains and other utility infrastructure.
- iv. Comply with any requirements of the relevant service authority for building near (or over) any utility infrastructure that is not owned by Leeton Shire Council.

### Signage

- aa. A maximum of 2 identification signs of reasonable proportions are provided on the land that comprises the Cellar Door, either on the wall of cellar door buildings, front fence, or other similar structure and only displaying those details necessary to identify the establishment, it's proprietor and contact details.

### Waste Management

- ab. A waste management plan is submitted to Leeton Council for approval as part of the Development Application, which addresses the following:
  - i. Types of waste material generated by the activity.
  - ii. Estimated volume of waste material generated by the activity.
  - iii. Proposed methods of waste disposal / treatment / management.

## Part E2 Rural based land-use activities

### E2.3 Rural Industries

#### Key Definition

Rural Industries involve the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, including agricultural produce industries, livestock processing industries, composting facilities, sawmills, stock and sale yards and premises that regularly service or repair rural enterprise equipment.

#### Objective

To ensure the location, design and operation of rural industries does not adversely impact on the amenity of the surrounding area.

#### General

- a. Controls are contained in Clause 5.4 of Leeton Local Environmental Plan 2014 which relate to floor area restrictions for an industrial retail outlet, where this is proposed as part of a rural industry to which this Part E2.3 applies.

#### Site Selection

- b. Site selection for rural industries avoids land that is mapped in Leeton Local Environmental Plan 2014 as follows:
- i. Groundwater Vulnerable;
  - ii. Wetlands, Riparian Lands or Watercourses.
  - iii. Terrestrial Biodiversity;
  - iv. Flood Planning Area.
- c. Site selection for cellar doors accommodation avoids land that is mapped by the NSW Rural Fire Service as bushfire prone land.
- d. Where practical, rural industries should be co-located with other farm buildings on the property holding.
- e. The peak height of any rural industry building must not protrude above the ridge line of the highest hill within 300 metres of the subject development.
- f. Buildings should be positioned on the land to limit the amount of clearing of any remnant native trees or other native understorey vegetation, especially along the perimeter of the site.

#### Building Setbacks

- g. The location of any building, structure or operational areas associated with a rural industry does not encroach any existing dwelling on a neighbouring property by the relevant distance shown in Table 5.
- h. Buildings, structures and operational areas are set back a minimum of 40 metres from the top of bank of a watercourse that is mapped in Leeton Local Environmental Plan 2014 as riparian lands and watercourses.

*Table 5 - Setbacks - Rural Industries to existing dwellings*

Minimum setback	Land-use activity
1000m #	Livestock processing industries
500m #	Agricultural produce industries
500m #	Sawmills or log processing works
500m #	Stock and sale yards
150m #	Rural industry (mechanical repairers)
Site specific	Other rural industries not listed

- # Setbacks must be increased to extent necessary to achieve compliance with any specialist studies or reports commissioned in support of the rural industry proposal and as required by Leeton Shire Council.



## Rural industries (contin.)

### Earthworks

- i. Earthworks shall be suitably protected from soil erosion, soil movement and sedimentation as per Landcom Managing Urban Stormwater Soils and Construction (Blue Book).
- j. Earthworks shall not exceed a maximum height/depth, measured from existing ground level of 3 metres.
- k. Despite l) above, earthworks must not exceed 1 metre in depth within 1 metre from any boundary.
- l. Imported fill must be certified Virgin Excavated Natural Material (VENM).
- m. Earthworks more than 600mm above or below existing ground level must have finished ground surface levels of no less than 1:2 or take the form of a retaining wall or other structural support that is certified as structurally sound by a professional engineer.
- n. All earthworks including batters, retaining walls or other structural supports, including footings and drainage, must be located wholly within the property boundary.
- o. Excavation areas, including retaining walls and other structural support, shall be properly drained a minimum 3 metres away from buildings and property boundaries.

### Building and site design

- p. Development plans for buildings associated with a rural industry must demonstrate that all proposed buildings (and any affected areas of existing buildings included in the proposal) will comply in full with relevant code requirements, legislated standards or policies (of Leeton Shire Council or otherwise) relating to:
  - i. Fire Safety.
  - ii. Building design
  - iii. Access to premises
- q. Any building that forms part of a rural industry shall incorporate limited and selective use of reflective building materials in order to minimise any potential adverse visual impact upon the rural landscape or scenic environmental quality of the surrounding locality. Pre-coloured materials are preferred.
- r. All stationary noise generating machinery is located within enclosed buildings, or buildings that are capable of being enclosed when machinery is in operation.
- s. Landscaping is strategically provided to screen or minimise the visual impact of the development from surrounding properties and significant public vantage points.
- t. The rural industry does not require external lighting which has the potential to cause adverse visual impacts on adjoining properties, roads or other public spaces.

### Access + parking

- u. Rural Industries are provided with practical and legal access to the public road network.
- v. Building / site design allows all vehicular access and egress from the property to be in a forward direction.
- w. Roads, parking, loading and manoeuvring areas are not within 100 metres of a dwelling on an adjoining property.
- x. The standard of access to the public road is in accordance with the Leeton Shire Council Engineering Guidelines (latest version), or a higher standard access if deemed necessary to accommodate the nature of traffic generated by the development.
- y. The standard of internal access to the rural industry from the point of access to the public road system is appropriate having regard to the nature of traffic likely to be generated by the development.
- z. On-site car parking is provided in accordance with **Part J of this DCP**, the relevant requirements of Australian Standard 2890.1 Off-Street Car Parking and Leeton Shire Council Engineering Guidelines (latest version).
- aa. Deliveries and transport are undertaken only between the hours of 7am to 6pm weekdays and 7am to 1pm Saturdays, where there are existing houses located within 100 metres of a public access road servicing the development.

### Stormwater

- ab. Stormwater from all buildings and structures must be disposed of at least 3 metres away from any buildings and property boundaries and must not interfere or cause nuisance to adjoining land-use.
- ac. Development does not alter drainage patterns or result in increased stormwater velocities, sediment, pollutant or nutrient loads.

## Rural industries (contin.)

### Utilities and servicing

- ad. The Rural Industry is to be connected to the Leeton Sewerage System or an on-site wastewater management system that is capable of accommodating the maximum number of persons able to stay at the establishment in accordance with AS/NZS1547:2000 – On-site Domestic Wastewater Management and the NSW Environment and Health Protection Guidelines On-site Sewage Management for Single Households (latest version).
- ae. Buildings and structures should be designed and located so that they:
  - i. Do not encroach any easement protecting an existing service main or utility.
  - ii. Do not impact on the structural integrity of any existing service main or utility.
  - iii. Comply with the Leeton Shire Council Engineering Guidelines (latest version) for building near (or over) sewer mains and other utility infrastructure.
  - iv. Comply with any requirements of the relevant service authority for building near (or over) any utility infrastructure that is not owned by Leeton Shire Council.

### Waste Management

- af. Liquid Trade waste streams generated by Rural Industries are managed in accordance with a Liquid Trade Waste Agreement with Leeton Council where the waste is discharged to the Leeton Sewerage System.
- ag. A waste management plan is submitted to Leeton Council for approval as part of the Development Application, which addresses the following:
  - i. Types of waste material generated by the activity.
  - ii. Estimated volume of waste material generated by the activity.
  - iii. Proposed methods of waste disposal / treatment / management.
  - iv. Waste avoidance strategies (where relevant)
  - v. Waste re-use strategies (where relevant).
  - vi. Emergency management procedures.

## Part E2 Rural based land-use activities

### E2.4 Extractive industries

This part applies only to extractive industries that are not Designated Development as defined under the Environmental Planning and Assessment Regulation 2000 on land zoned RU1 Primary Production under Leeton Local Environmental Plan 2014.

#### Key Definition

Extractive industry means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunneling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

#### Objective

To ensure that extractive industries (that are not subject to an Environment Protection Licence) do not create adverse impacts on urban land-uses, rural landscapes, watercourses, wetland and riparian areas, biodiversity, nearby dwellings and schools, public roads and irrigation channels, and the like.

#### Site Selection

- a. Site selection for extractive industries avoids land that is mapped in Leeton Local Environmental Plan 2014 as follows:
  - i. Groundwater Vulnerable;
  - ii. Wetlands, Riparian Lands or Watercourses.
  - iii. Terrestrial Biodiversity;
  - iv. Flood Planning Area.
- b. The location of extractive industries does not encroach closer than 1000m to any isolated dwellings, schools or land located in the following zones under Leeton LEP 2014:
  - i. R1 General Residential
  - ii. R2 Low Density Residential
  - iii. R5 Large Lot Residential
  - iv. RU5 Village
  - v. E4 Environmental Living

#### Land-use conflict management

- c. A site-specific Noise Impact Assessment (NIA) may be required to be carried out in accordance with the EPA Noise Policy for Industry 2017, NSW Road Noise Policy 2011, NSW Interim Construction Noise Guideline 2009 and the NSW Assessing Vibration: a technical guide 2016 to demonstrate the proposed extractive industry operations will not adversely impact nearby land-uses.
- d. A site-specific Air Quality Impact Assessment (AQIA) may be required to be carried out in accordance with the EPA Approved Methods for the Modeling and Assessment of Air Pollutants in NSW 2017, in order to demonstrate the proposed extractive industry operations will not adversely impact nearby land-uses.

#### Traffic Management

- e. A site-specific Traffic Impact Assessment (TIA) may be required to be carried out, in order to demonstrate the proposed extractive industry operations will not adversely impact nearby roads and land-uses.

#### Stormwater

- f. Stormwater from all buildings and structures must be disposed of at least 3 metres away from any buildings and property boundaries and must not interfere or cause nuisance to adjoining land-use.
- g. Development does not alter drainage patterns or result in increased stormwater velocities, sediment, pollutant or nutrient loads.

## Part E2 Rural based land-use activities

### E2.5 Intensive livestock agriculture

#### Key Definition

intensive livestock agriculture means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses, sheep or other livestock, and includes any of the following—(a) dairies (restricted), (b) feedlots, (c) pig farms, (d) poultry farms, but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief

#### Objective

To ensure that intensive livestock agricultural activities do not create adverse impacts on the urban land-uses, rural landscapes, watercourses, wetland and riparian areas, biodiversity, nearby isolated dwellings and schools, public roads and irrigation channels and the like.

#### Site Selection

- a. Site selection for intensive livestock agricultural uses avoids land that is mapped in Leeton Local Environmental Plan 2014 as follows:
  - i. Groundwater Vulnerable;
  - ii. Wetlands, Riparian Lands or Watercourses.
  - iii. Terrestrial Biodiversity;
  - iv. Flood Planning Area.
- b. Buildings associated with the intensive livestock agricultural activity should be positioned on the land to limit the amount of clearing of any remnant native trees or other native understorey vegetation, especially along the perimeter of the site.
- c. The siting of any building associated with an intensive livestock agricultural use should be restricted to land slopes with a gradient of less than 5%.

#### Setbacks

- d. The location of any operational areas associated with intensive livestock agricultural use does not encroach closer than 1000m to any existing dwelling, school or land located in the following zones under Leeton LEP 20104.
  - i. R1 General Residential
  - ii. R2 Low Density Residential
  - iii. R5 Large Lot Residential
  - iv. RU5 Village
  - v. E4 Environmental Living
- e. Despite control c), the setback of any operational area associated with an intensive livestock agricultural use is increased to the extent necessary to achieve compliance with any specialist study or report commissioned in support of the Development Application to address potential impacts on nearby land-uses resulting from odour or noise.
- f. Buildings, structures and operational areas are set back a minimum of 40 metres from the top of bank of a watercourse that is mapped in Leeton Local Environmental Plan 2014 as riparian lands and watercourses.

#### Land-use conflict management

- g. A site-specific Air Quality Impact Assessment (AQIA) may be required to be carried out in accordance with the EPA Approved Methods for the Modeling and Assessment of Air Pollutants in NSW 2017, in order to demonstrate the proposed extractive industry operations will not adversely impact nearby land-uses.
- h. A site-specific Noise Impact Assessment (NIA) may be required to be carried out in accordance with the EPA Noise Policy for Industry 2017, NSW Road Noise Policy 2011, NSW Interim Construction Noise Guideline 2009 and the NSW Assessing Vibration: a technical guide 2016 to demonstrate the proposed intensive livestock agricultural use will not adversely impact nearby land-uses.

#### Earthworks

- i. Earthworks shall be suitably protected from soil erosion, soil movement and sedimentation as per Landcom Managing Urban Stormwater Soils and Construction (Blue Book).
- j. Earthworks more than 600mm above or below existing ground level must have finished ground surface levels of no less than 1:2 or take the form of a retaining wall or other structural support that is certified as structurally sound by a professional engineer.
- k. All earthworks including batters, retaining walls or other structural supports, including footings and drainage, must be located wholly within the property boundary.
- l. Excavated areas, including retaining walls and other structural support, shall be properly drained a minimum 3 metres away from buildings and property boundaries.

## Intensive livestock agriculture (cont.)

### Building Design

- m. Development plans for buildings associated with a rural industry must demonstrate that all proposed buildings (and any affected areas of existing buildings included in the proposal) will comply in full with relevant code requirements, legislated standards or policies (of Leeton Shire Council or otherwise) relating to:
  - i. Fire Safety.
  - ii. Building design
  - iii. Access to premises
- n. Any building that forms part of a rural industry shall incorporate limited and selective use of reflective building materials in order to minimise any potential adverse visual impact upon the rural landscape or scenic environmental quality of the surrounding locality. Pre-coloured materials are preferred.
- o. All stationary noise generating machinery is located within enclosed buildings, or buildings that are capable of being enclosed when machinery is in operation.
- p. Landscaping is strategically provided to screen or minimise the visual impact of the development from surrounding properties and significant public vantage points.
- q. The rural industry does not require external lighting which has the potential to cause adverse visual impacts on adjoining properties, roads or other public spaces.

### Access + parking

- r. Intensive livestock agricultural uses are provided with practical and legal access to the public road network.
- s. Building / site design allows all vehicular access and egress from the property to be in a forward direction.
- t. The standard of access to the public road is in accordance with the Leeton Shire Council Engineering Guidelines (latest version), or a higher standard access if deemed necessary to accommodate the nature of traffic generated by the development.
- u. The standard of internal access to the site from the point of access to the public road system is appropriate having regard to the nature of traffic likely to be generated by the development.
- v. On-site car parking is provided in accordance with Part J of this DCP, the relevant requirements of Australian Standard 2890.1 Off-Street Car Parking and Leeton Shire Council Engineering Guidelines (latest version).

### Stormwater

- w. Stormwater from all buildings and structures must be disposed of at least 3 metres away from any buildings and property boundaries and must not interfere or cause nuisance to adjoining land-use.
- x. Development does not alter drainage patterns or result in increased stormwater velocities, sediment, pollutant or nutrient loads.

### Waste Management

- y. Liquid Trade waste streams generated by the intensive livestock agricultural use are managed in accordance with a Liquid Trade Waste Agreement with Leeton Council where the waste is discharged to the Leeton Sewerage System.
- z. A waste management plan is submitted to Leeton Council for approval as part of the Development Application, which addresses the following:
  - i. Types of waste material generated by the activity.
  - ii. Estimated volume of waste material generated by the activity.
  - iii. Proposed methods of waste disposal / treatment / management.
  - iv. Waste avoidance strategies (where relevant)
  - v. Waste re-use strategies (where relevant).
  - vi. Emergency management procedures.

## Part E2 Rural based land-use activities

### E2.6 Frost Fans

#### Objective

To ensure frost fans are appropriately located and operated so as not to create adverse noise impacts on nearby urban areas or dwellings.

#### General

- a. The location of any frost fan does not encroach closer than 500m to any isolated dwelling not associated with the property holding upon which the frost fan is located.
- b. The location of frost fans does not encroach closer than 1000m to any schools or land located in the following zones under Leeton LEP 2014:
  - i. R1 General Residential
  - ii. R2 Low Density Residential
  - iii. R5 Large Lot Residential
  - iv. RU5 Village
  - v. E4 Environmental Living

## Part E2 Rural based land-use activities

### E2.7 Roadside stalls

#### Objective

To ensure roadside stalls are appropriately located so as to serve the needs of the travelling public and so as not to adversely impact road safety.

General	Site Selection	Building setbacks	Building Design
<ul style="list-style-type: none"> <li>a. Controls are contained in Clause 5.4 of Leeton Local Environmental Plan 2014 which relate to floor area restrictions for roadside stalls.</li> <li>b. Roadside stalls are used exclusively for the sale of primary produce that has been grown / harvested from the property holding upon which the roadside stall is located. Permission to sell other produce will remain at the sole discretion of Leeton Council.</li> </ul>	<ul style="list-style-type: none"> <li>c. Site selection for roadside stalls avoids land that is mapped in Leeton Local Environmental Plan 2014 as follows:                             <ul style="list-style-type: none"> <li>i. Groundwater Vulnerable;</li> <li>ii. Wetlands, Riparian Lands or Watercourses.</li> <li>iii. Terrestrial Biodiversity;</li> <li>iv. Flood Planning Area.</li> </ul> </li> <li>d. The roadside stall is positioned on the land to minimise the clearing of any remnant native vegetation, especially along the perimeter of the site.</li> </ul>	<ul style="list-style-type: none"> <li>e. Any building or structure associated with a roadside stalls is located on private land and must not encroach a public road reserve, railway, irrigation reserve or other public land.</li> <li>f. Any building or structure associated with a roadside stall is setback sufficiently from any property boundary so as to comply with the requirements of the Building Code of Australia for the class of building.</li> </ul>	<ul style="list-style-type: none"> <li>g. Development plans for buildings associated with a roadside stall must demonstrate that all proposed buildings will comply in full with relevant code requirements, legislated standards or policies (of Leeton Shire Council or otherwise) relating to:                             <ul style="list-style-type: none"> <li>i. Fire Safety.</li> <li>ii. Building design</li> <li>iii. Access to premises</li> <li>iv. Food safety</li> <li>v. Public Health</li> </ul> </li> <li>h. Any building that forms part of a roadside stall shall incorporate limited and selective use of reflective building materials in order to minimise any potential adverse visual impact upon the rural landscape or scenic environmental quality of the surrounding locality. Pre-coloured materials are preferred.</li> <li>i. Landscaping is strategically provided to screen or minimise the visual impact of the development from surrounding properties and significant public vantage points.</li> <li>j. The roadside does not require external lighting which has the potential to cause adverse visual impacts on adjoining properties, roads or other public spaces.</li> </ul>

## Roadside stalls (cont.)

### Signage

- k. Advertising signage is co-located with the roadside stall and does not protrude above the roof line of the building on which it is located, does not flash and is constructed using new materials.

### Access

- l. The roadside stall is connected to a public road via a Standard Rural Access as specified in Leeton Shire Council Engineering Guidelines (latest version), or a higher standard access if deemed necessary to accommodate the nature of traffic generated by the development.
- m. On-site car parking is provided in accordance with Part J of this DCP, the relevant requirements of Australian Standard 2890.1 Off-Street Car Parking and Leeton Shire Council Engineering Guidelines (latest version).
- n. Internal driveways and car parking areas are to be provided on-site and in a manner that allows customers to enter and leave the roadside stall in a forward direction.
- o. The site design must not encourage vehicles to pull over from the public road network in an unsafe manner.
- p. Any work related to the provision or upgrade of access and parking to the roadside stall must be financed by the owner of the property or the proponent of the roadside stall, including any works to the roadside reserve verge.
- q. The consent of the relevant Roads Authority will be required for roadside stalls accessed from a classified road.

### Stormwater

- r. Stormwater from all buildings and structures must be disposed of at least 3 metres away from any buildings and property boundaries and must not interfere or cause nuisance to adjoining land-use.
- s. Development does not alter drainage patterns or result in increased stormwater velocities, sediment, pollutant or nutrient loads.





# Part F

## COMMERCIAL DEVELOPMENT

This part applies standard and controls relating to all types of commercial development in the Leeton Shire Council Local Government Area



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**2022**  
**COMPREHENSIVE DCP**



## Table of Contents

<b>F1</b>	<b>Commercial Development</b>	<b>3</b>
F1.1	Earthworks, retaining walls, structural support and site drainage	10
F1.2	Streetscape and setting	11
F1.3	Building setbacks	12
F1.4	Building & Site design	14
F1.5	Outdoor advertising signage	15
F1.6	Landscape Design + Fencing	16
F1.7	Utilities and service provision	17
F1.8	Stormwater Management	18

# F1

## Commercial Development

Part F1 applies generally to any development that is permissible with consent on land zoned:

1. B1 Neighbourhood Centre
2. B2 Local Centre
3. B3 Commercial Core
4. B5 Business Development
5. RU5 Village

under Leeton Local Environmental Plan 2014.

Land application maps are included at the beginning of this Part for reference purposes.

F1.1	Earthworks, retaining walls, structural support and site drainage	10
F1.2	Streetscape and setting	11
F1.3	Building setbacks	12
F1.4	Building & Site design	14
F1.5	Outdoor advertising signage	15
F1.6	Landscape Design + Fencing	16
F1.7	Utilities and service provision	17
F1.8	Stormwater Management	18

## Part F1 Commercial Development

### Application Maps

Part F.1 applies to any of the following zones under Leeton Local Environmental Plan 2014:

B1 Neighbourhood Centre

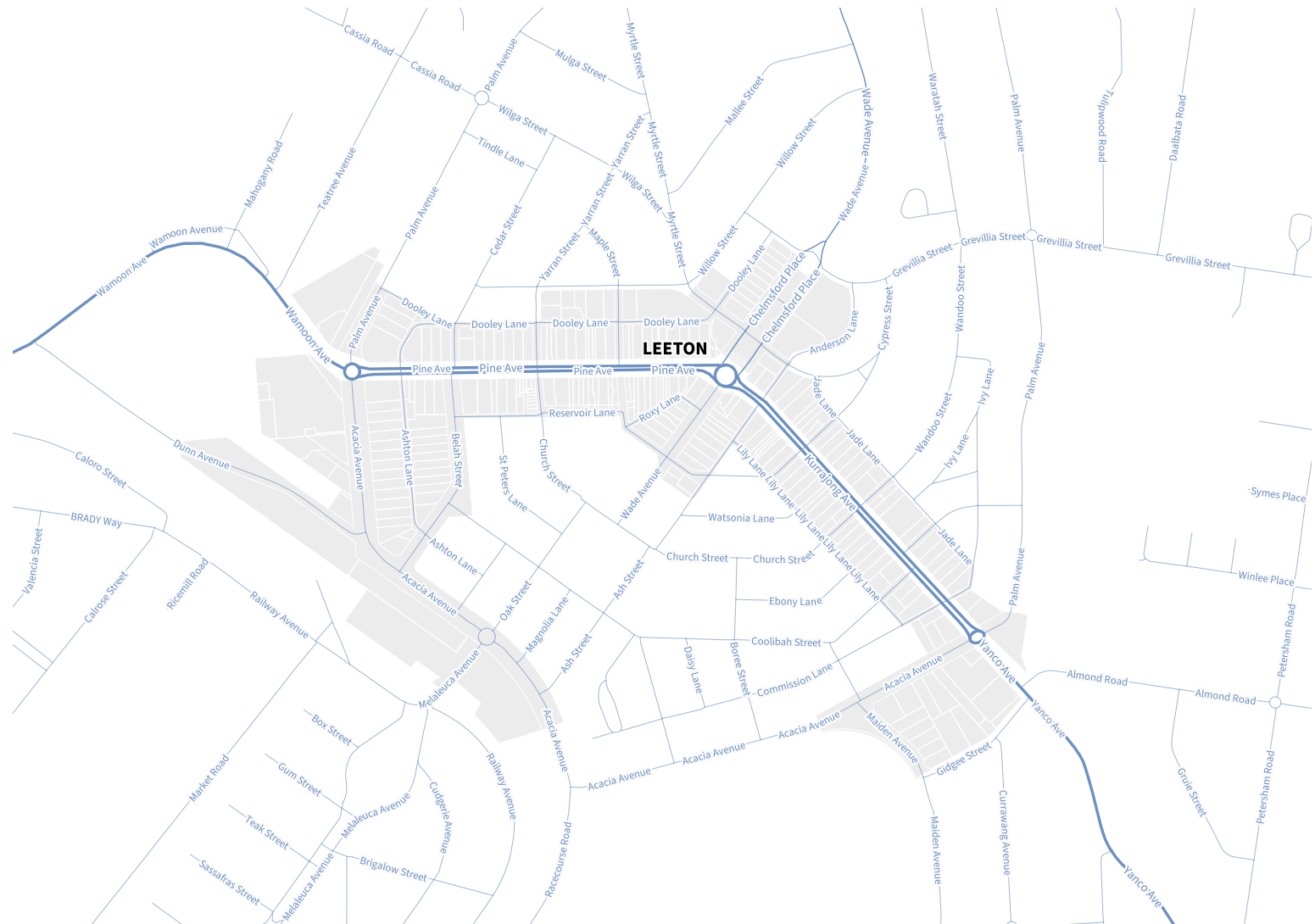
B2 Local Centre

B3 Commercial Core

B5 Business Development

RU5 Village

For ease of reference, this land is shown in Maps 1 to 4.





**Map 1 - Leeton Township**

B3 Commercial Core Zone

Road Network

## Application maps (cont.)



**Map 2 - Leeton Township (South)**

-  B5 and B2 Zones
-  Road Network



## Application maps (cont.)



**Map 3 - Leeton Township (North)**

-  B1 and B2 Zones
-  Road Network



## Application maps (cont.)



**Map 4 - Wamoon Village**

-  RU5 Zone
-  Road Network



## Application maps (cont.)

**Map 5 - Whitton Village**

-  RU5 Zone
-  Road Network





Application maps  
(cont.)

Map 5 - Murrami Village

- RU5 Zone
- Road Network



## Part F1 Commercial Development

### F1.1 Earthworks, retaining walls, structural support and site drainage

#### Objective

To ensure earthworks associated with commercial development does not negatively impact on the surrounding streetscape or adjoining properties.

#### Standards

- a. Earthworks shall be suitably protected from soil erosion, soil movement and sedimentation as per Landcom Managing Urban Stormwater Soils and Construction (Blue Book).
- b. Proposals requiring significant moving and filling of earth will only be considered if they contribute to the overall quality of the development.
- c. Earthworks more than 600mm above or below existing ground level must have finished ground surface levels of not less than 1:2 or take the form of a retaining wall or other structural support that is certified as structurally sound by a suitably qualified engineer.
- d. All earthworks including batters, retaining walls or other structural supports, including footings and drainage, must be located wholly within the property boundary.
- e. Stormwater from excavation areas shall be properly drained to a legal point of discharge (e.g. inter-allotment drainage pipes, street gutter system or drainage reserve).
- f. Earthworks, retaining walls and other similar structures must not be designed or installed in a way that results in overland stormwater flow being directed onto adjoining private property.
- g. Finished ground levels must drain to roadside drainage infrastructure or a drainage reserve at a minimum grade of 2%.

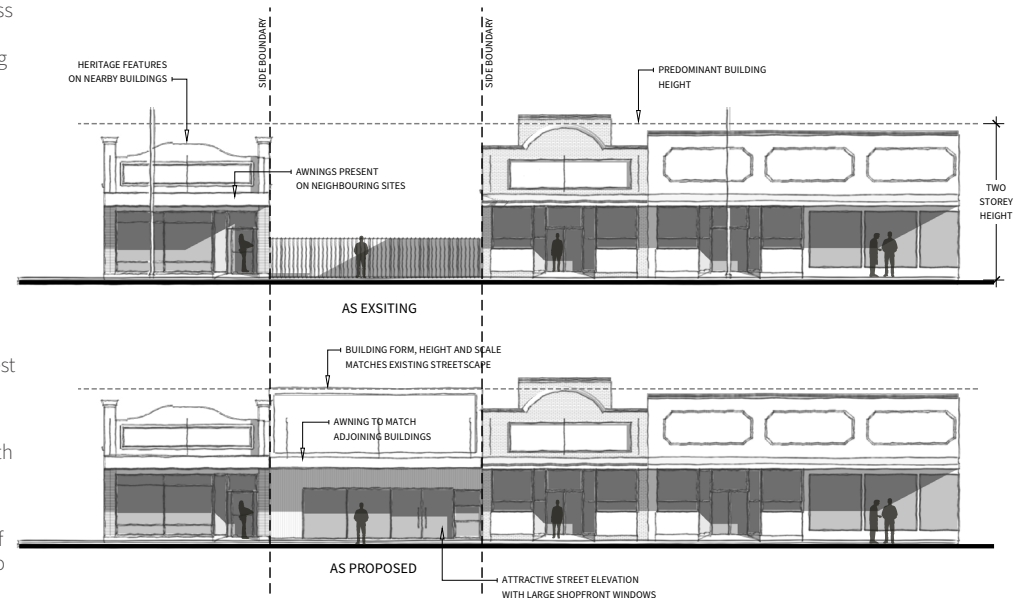
To ensure commercial development does not negatively impact on the surrounding streetscape.

## Part F1 Commercial Development

### F1.2 Streetscape and setting

#### Standards

- a. Development is designed with attractive street elevations that feature customer service areas, merchandise displays and advertising towards the primary street frontage.
- b. Infill development is compatible in scale, height, character and form with the existing streetscape, particularly in circumstances where heritage buildings are prominent parts of that streetscape.
- c. For new or infill development along Pine Avenue or Kurradjong Avenue, the street elevation maintains a predominant 2 storey wall height.
- d. Awnings are features of infill development where the immediately adjoining buildings also feature awnings and the provision of an awning structure would result in continuous weather protection for pedestrians along the streetscape.
- e. Where required by control d), awning dimensions and architectural features complement adjoining awning structures and are certified as structurally sound by a suitably qualified engineer.
- f. Development includes parapet walls, where adjoining buildings have parapet walls. Long blank walls facing streets are avoided by incorporating one or more of the following techniques into the building facades:
  - i. Wall place projections or recesses.
  - ii. Windows.
  - iii. Variation of wall heights.
  - iv. Material changes.
- g. Development on corner lots is designed to address both street frontages by incorporating one or more of the following techniques into the building facades:
  - i. Wall place projections or recesses.
  - ii. Windows.
  - iii. Variation of roof height.
  - iv. Material changes.
  - v. Landscaping (where practical).
- h. Development proposing changes to the public footpath or road network are to comply with Leeton Shire Council Engineering Guidelines (latest version).
- i. Development provides high levels of access throughout the building and to the public footpath / street network in accordance with the access provisions of the Building Code of Australia.
- j. Development does not necessitate the removal of existing street trees that significantly contribute to streetscape appeal and character.



## Objective

To ensure commercial development complements existing streetscapes and other developments and complies with the Building Code of Australia.

## Part F1 Commercial Development

### F1.3 Building setbacks

#### B3 Commercial Core Zone

- a. Buildings are constructed with a front setback that:
  - i. Reinforces of the existing street pattern, character and function, and
  - ii. Is consistent with the setback of any adjoining building that is listed in Leeton Local Environmental Plan 2014 as a heritage item.
- b. Despite control a), where building works (new buildings or alterations to existing buildings) on properties that have frontage to the areas shown in the map to the right page, the following setback requirements apply:
  - i. Buildings are constructed with frontages that extend to the street alignment (i.e. zero front setback), or
  - ii. Buildings adjacent to a freestanding or setback building that is listed in Leeton LEP 20104 as heritage item
  - iii. Where the site is adjacent to a freestanding or setback building that is listed in Leeton Local Environmental Plan 2014 as a heritage item, in which case the building should have a front setback that matches the heritage building.
- c. Buildings are constructed with setbacks that comply with the requirements of the Building Code of Australia.
- d. Front setback areas are not used for the storage of equipment / merchandise, waste material, excessive advertising signage or loading and unloading operations.



## Building setbacks (cont.)

### B5 Business Development zone

- e. Buildings are constructed with a front setback that reinforces of the existing street pattern, character and function.
- f. Front setback areas are not used for the storage of waste material, excessive advertising signage or loading and unloading operations.
- g. Buildings are constructed with setbacks that:
  - i. Comply with the requirements of the Building Code of Australia.
  - ii. Provide a minimum separation of 6 metres from an adjoining property that contains an existing dwelling.
  - iii. Provide adequate room for the servicing of the development, including loading and unloading operations, vehicle manoeuvrability and waste storage.

### RU5, B1 and B2 Zones

- h. Buildings are constructed with a front setback that:
  - i. Reinforces of the existing street pattern, character and function, and
  - ii. Is consistent with the setback of any adjoining building that is listed in Leeton Local Environmental Plan 2014 as a heritage item.
- i. Front setback areas are not used for the storage of waste material, excessive advertising signage or loading and unloading operations.
- j. Buildings are constructed with setbacks that:
  - i. Comply with the requirements of the Building Code of Australia.
  - ii. Provide a minimum separation of 6 metres from an adjoining property that contains an existing dwelling.
  - iii. Provide adequate room for the servicing of the development, including loading and unloading operations, vehicle manoeuvrability and waste storage.
  - iv. Provide a minimum separation of 6 metres from an adjoining property that is being used for a residential purpose.

## Part F1 Commercial Development

### F1.4 Building & Site design

#### Objective

To ensure commercial buildings and open storage areas are safe and do not cause adverse visual amenity impacts.

#### Building Height

- a. Development is minimum 2 storey, where adjoining buildings are 2 stories or greater.
- b. The height of parapet walls and awnings match adjoining buildings.
- c. Despite a) and b) above, where there are significant variations in height between existing buildings on neighbouring properties, the new building has a height that transitions between the height of neighbouring buildings.
- d. Despite a), b) and c) above, the height of new buildings is appropriate to minimise adverse overshadowing impacts on adjoining sites used for residential purposes.

#### Building Design

- e. Building entrances are in prominent and easily recognisable locations with directional signage and lighting used where necessary / appropriate.
- f. Premises provide high levels of access throughout buildings and on-site car parks and to the public footpath / street network in accordance with the access provisions of the Building Code of Australia.
- g. Pathways are direct and follow pedestrian desired lines and avoid blind corners / dark spaces.
- h. Roof mounted air-conditioning units and solar panels are not visible from a primary roads.
- i. Development plans for new commercial buildings (and any affected areas of existing buildings included in the proposal) will comply in full with relevant code requirements, legislated standards or policies (of Leeton Shire Council or otherwise) relating to:
  - i. Fire Safety.
  - ii. Building design
  - iii. Access to premises
- j. Premises are clearly displayed with a street number that is made of durable materials (preferable reflective or luminous) in a position that is unobstructed from users in the public domain.

#### Building Materials

- k. Building materials are vandal resistant and include, where possible, strong wear resistant laminate, impervious glazed ceramics, treated masonry products, stainless steel materials, anti-graffiti paints or clear overspray.
- l. External building materials are comprised of neutral colours appropriate to the site and surrounding environment.

#### Storage and Waste Management

- m. External storage areas are screened and not exposed to view from primary roads.
- n. External storage areas and yards are well lit and secured by fencing and lockable gates on side and rear access ways.
- o. The storage of hazardous goods, materials or wastes is not carried out in areas that adjoin residential land-use or other sensitive land-uses, or areas that are generally accessible to the public.
- p. Sufficient space is provided on-site for the loading and unloading of waste materials and other stored items. Loading and unloading activities are not carried out on any public space or within the front building line.

#### Building identification

- q. Premises are clearly displayed with a street number that is made of durable materials (preferable reflective or luminous) in a position that is unobstructed from users in the public domain.



To ensure signage in commercial areas is well designed, appropriately located, structurally sound, and complementary to the public domain.

## Part F1 Commercial Development

### F1.5 Outdoor advertising signage

#### Information Requirements

- a. The following information should be provided in support of Development Applications for new advertising signage:
  - i. A written overview of the proposal.
  - ii. Details of the proposed sign location.
  - iii. Description of the proposed sign - information on the size of the sign, whether it is static, illuminated or non-illuminated, and other relevant detail.
  - iv. Colour photographs and photo-montages - current panoramic colour photographs of the location of proposed site should be provided where possible and where will assist Council in understanding and assessing the signage proposal.
  - v. Assessment of the relevant provisions in State Environmental Planning Policy (Industry and Employment) 2021, including road safety provisions and the public benefit test where the proposal is for an advertisement on a bridge or requires the concurrence of the RMS.
  - vi. Assessment of the content of advertising within the site identifying the character, quality and features of an area.

#### Signage generally

- b. Signage is located in accordance with the following requirements:
  - i. Wholly within the property boundary and not encroaching upon any public space or land.
  - ii. As a minimum, below the apex roof height of any building to which it is affixed.
- c. The scale of new advertising signage is proportionate to the building, streetscape, setting and landscape on or within which it is proposed to be placed.
- d. Advertising signage is not illuminated to such an extent that will cause unacceptable glare for pedestrians, motor vehicles or aircraft, or that will significantly impact nearby residential areas.
- e. Advertising signage is appropriately co-ordinated and designed where it is proposed to service multiple tenancies in the one building.
- f. Advertising signs are constructed of new materials only.
- g. Advertising signage is structurally adequate and installed in accordance with requirements of a structural engineer.
- h. Advertising signage will not lead to visual clutter through proliferation of separate advertisements on the site.
- i. If there is more than one occupancy proposed on the site, each occupant may have a maximum of two (2) business signs. Buildings with one occupant may have a maximum three (3) business signs.
- j. Old and redundant signs are removed as part of the erection of new signage or replacement signage on commercial and commercial properties.

#### Additional Requirements - Signage on heritage items

The following additional controls apply to advertising and signage proposals involving buildings that are listed in Schedule 5 of Leeton Local Environmental Plan 2014:

- k. Advertising signage is designed to complement the heritage significance of the building. The architectural characteristics of the building should always dominate.
- l. Advertising signage is designed with a scale that is appropriate for the articulation and modulation of the building.
- m. Despite control (j), historic signs may have their own significance and should not be obscured or diminished by later signage with further consultation with Leeton Shire Council.

To ensure commercial developments are landscaped to a minimum standard.

## Part F1 Commercial Development

### F1.6 Landscape Design + Fencing

#### Landscaping

- a. The landscape design is complementary to the building design and surrounding streetscape.
- b. Commercial developments adjoining a property zoned for a residential purpose are to include a 2 metre wide landscaping strip, between the shared boundary, that incorporate suitable vegetation to provide privacy and noise / dust suppression.
- c. Existing street trees on-site are retained where the tree is sound in health and structure and can be incorporated into the landscape design. Where street trees are removed they are replaced with mature tree species as per the Leeton Shire Council Tree Policy 2013 and Leeton Shire Council Engineering Guidelines (latest version).
- d. The landscape design retains existing mature trees within development sites unless this is unavoidable due to the location of buildings or structures or other ancillary works that are required in accordance with this DCP, such as car parking areas.
- e. The landscape design includes tree species that are appropriate for site conditions such as soil, aspect, drainage and micro-climate.
- f. The landscape design avoids species which have been declared a noxious weed in the Leeton Shire in accordance with the Noxious Weeds Act 1993.
- g. The landscape design includes a drip, trickle or spray irrigation system, where deemed necessary to support healthy growth of plant species selected.

#### Fencing

- h. Front boundary fencing of commercial premises facing a primary or secondary road is restricted to the following land-uses:
  - i. Vehicle sales or hire premises.
  - ii. Small engineer sales premises (e.g. lawn mower shops)
  - iii. Plant nurseries.
  - iv. Garden centres.

Where permitted, front fencing is finished in gloss black powder coating or similar dark gloss colour and no higher than 1.8 metres. Access gates are to be set back from the public roadway a sufficient distance to allow a service vehicle to stand without hindering vehicular or pedestrian traffic on the public road or footpath whilst the gate is open and closed.

- i. Side and rear boundary security fencing of commercial premises shall be standard metal chain fencing or Colourbond steel, and not higher than 2.4 metres.



To ensure commercial developments are provided with adequate utilities and services.

## Part F1 Commercial Development

### F1.7 Utilities and service provision

#### General

- a. The development is to be connected to a telecommunication system to the relevant authorities requirements.
- b. Development is provided with suitable waste bin storages behind the building line and screened where they are readily visible from adjoining land / roads.
- c. Development is connected to the centralised electricity supply network in accordance with the requirements of the relevant electricity authority.
- d. Development is connected to a reticulated water supply main via a minimum 20mm service and Leeton Shire Council Water Meter.
- e. Development is connected to the Leeton Shire Council's reticulated sewerage scheme.
- f. Any upgrades to public infrastructure including water, sewer, electricity, natural gas, roads and stormwater, necessary to service the proposed development must be carried out by the proponent and at no cost to service providers.
- g. Buildings and structures should be designed and located so that they:
  - i. Do not encroach any easement protecting an existing service main or utility
  - ii. Do not impact on the structural integrity of any existing service main or utility
  - iii. Comply with the Leeton Shire Council Engineering Guidelines (latest version) for building near (or over) sewer mains and other utility infrastructure.
  - iv. Comply with any requirements of the relevant service authority for building near (or over) any utility infrastructure that is not owned by Leeton Shire Council.
- h. Commercial activities that generate and discharge liquid trade waste to the reticulated sewerage system must obtain the relevant Liquid Trade Waste approval from Leeton Shire Council. The business activity must comply at all times with the requirements of the Liquid Trade Waste Regulation Guidelines and any conditions of the Liquid Trade Waste Approval.

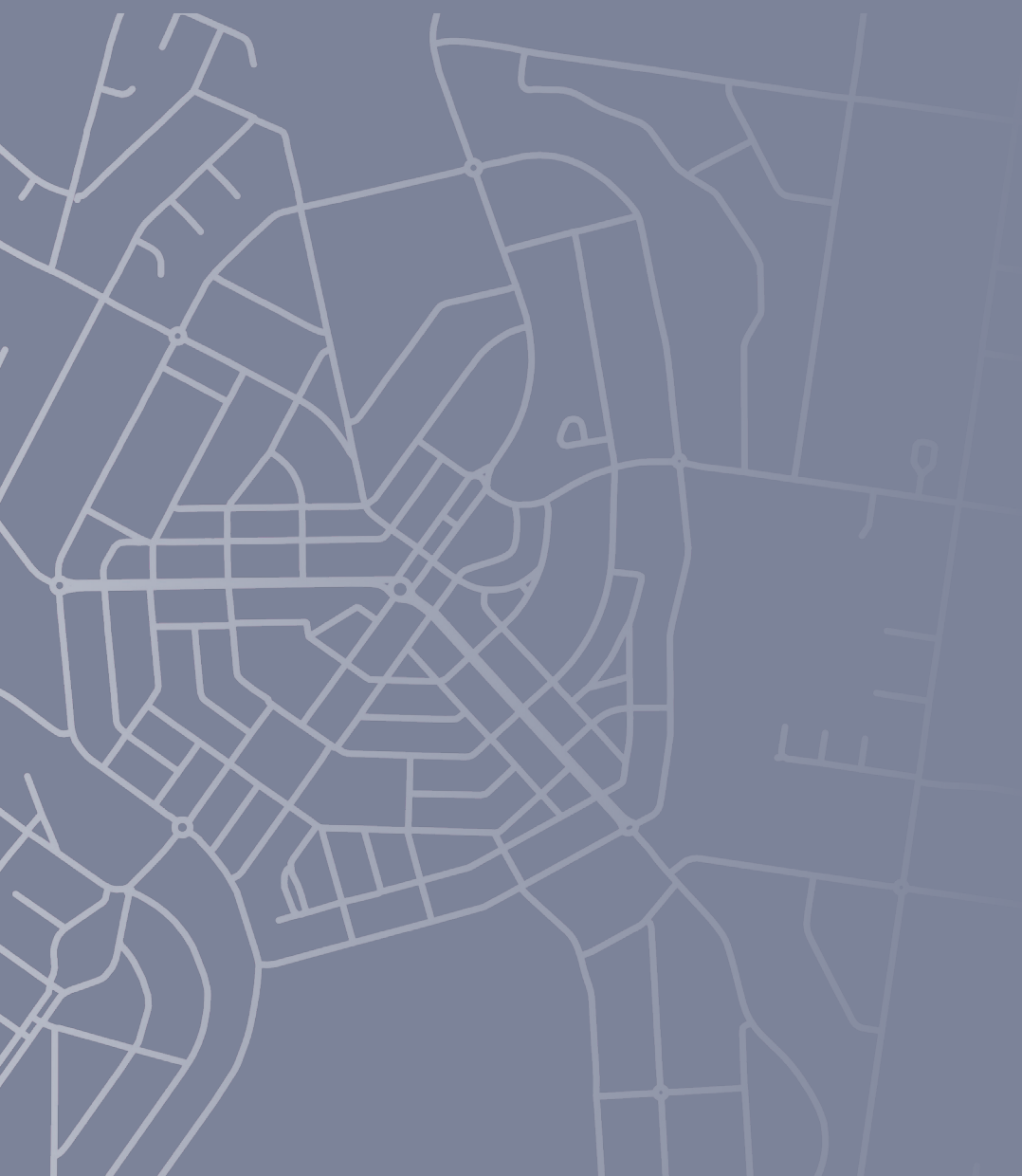
## Part F1 Commercial Development

### F1.8 Stormwater Management

To ensure commercial developments are provided  
with adequate stormwater management  
infrastructure

#### Standards

- a. For commercial development involving new building work, a Stormwater Management Plan is provided in support of the Development Application which adequately demonstrates that:
  - i. Post-development runoff will be equal to or less than pre-development runoff rates for the whole development site in a 5% (20 year ARI)
  - ii. Drainage from the development does not significantly alter pre-development stormwater patterns and flows.
  - iii. Drainage from all buildings, driveways and hardstand areas is properly managed via pipes, pits and tanks to a legal point of discharge (i.e. street drainage system or inter-allotment drainage easement / system).
  - iv. The design complies with AS/NZS 3500.3:2021 Plumbing and drainage, Part 3: Stormwater drainage (or the most current version of this standard).
  - v. The design does not rely on pump-out stormwater drainage methods.
  - vi. The design complies with the relevant requirements of the (latest version) of the Leeton Shire Council Engineering Guidelines.
- b. Where water tank(s) are incorporated into the design for a stormwater management system, the design should adequately demonstrate:
  - i. That the water tank system is designed to comply with control (a).
  - ii. That any roof area that is not capable of being managed through the water tank system is directed away from the water tank system and is properly managed to a legal point of discharge.
  - iii. That stormwater from driveways and hardstand areas is directed away from the water tank(s) and is properly managed to a legal point of discharge.
- c. Development that cannot drain stormwater to a legal point of discharge via gravity must be supported by a site-specific stormwater management system that is designed by a suitably qualified engineer.
- d. Pump out stormwater systems are not permitted as the sole method for stormwater disposal.



# Part G

## INDUSTRIAL DEVELOPMENT

This part applies standard and controls relating to all types of industrial development in the Leeton Shire Council Local Government Area



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## Table of Contents

<b>G1</b>	<b>Industrial Development</b>	<b>3</b>
G1.1	Earthworks, retaining walls, structural support and site drainage	10
G1.2	Land-use conflict and pollution management	11
G1.3	Building setbacks	12
G1.4	Building + site design	14
G1.5	Storage and waste management	17
G1.6	Advertising Signage	18
G1.7	Landscape Design	19
G1.8	Utilities and service provision	20
G1.9	Stormwater management	21

# G1

## Industrial Development

Part G applies generally to any land within the Leeton Shire Local Government Area where industrial development is permissible with consent, including:

1. IN1 General Industrial
2. IN2 Light Industrial
3. B1 Neighbourhood Centre
4. B2 Local Centre
5. B3 Commercial Core
6. B5 Business Development
7. RU5 Village

under Leeton Local Environmental Plan 2014.

Land application maps are included at the beginning of this Part for references purposes.

G1.1	Earthworks, retaining walls, structural support and site drainage	10
G1.2	Land-use conflict and pollution management	11
G1.3	Building setbacks	12
G1.4	Building + site design	14
G1.5	Storage and waste management	17
G1.6	Advertising Signage	18
G1.7	Landscape Design	19
G1.8	Utilities and service provision	20
G1.9	Stormwater management	21

## Part G1 Industrial Development

### Application Maps

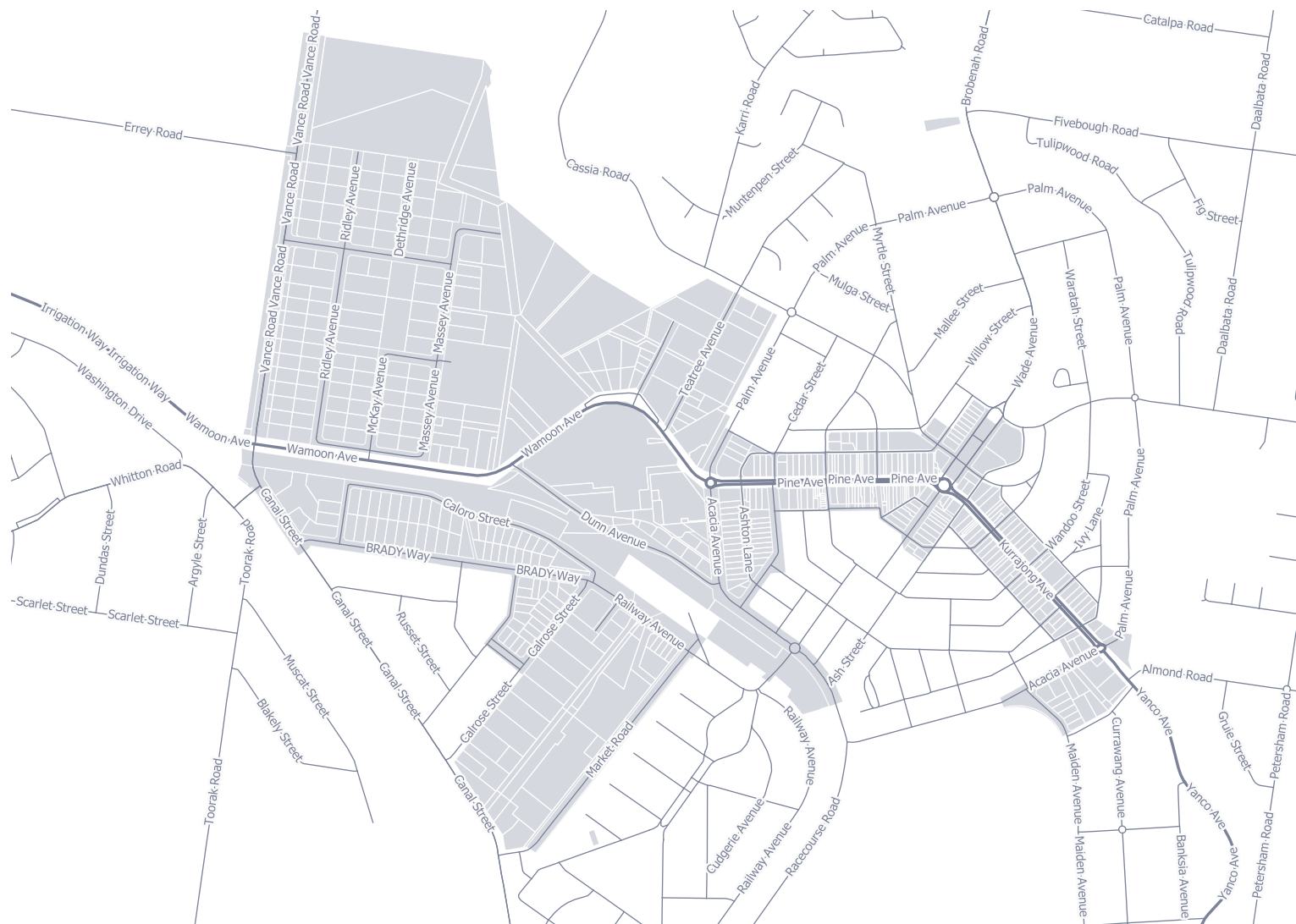
Part G.1 applies to industrial development where it is permissible in any of the following zones under Leeton Local Environmental Plan 2014:

- IN1 General Industrial
- IN2 Light Industrial
- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B5 Business Development
- RU5 Village

For ease of reference, this land is shown in Maps 1 to 4.

**Map 1 - Leeton Township**

- Application Area - Part G.1
- Road Network



## Application maps (cont.)

### Map 2 - Leeton Township (South)

- Application Area - Part G.1
- Road Network



**Map 3 - Leeton Township (North)**

Application Area - Part G.1

Road Network





## Application maps (cont.)

### Map 4 - Wamoon Village

- Application Area - Part G.1
- Road Network



## Application maps (cont.)

### Map 5 - Whitton Village

- Application Area - Part G.1
- Road Network

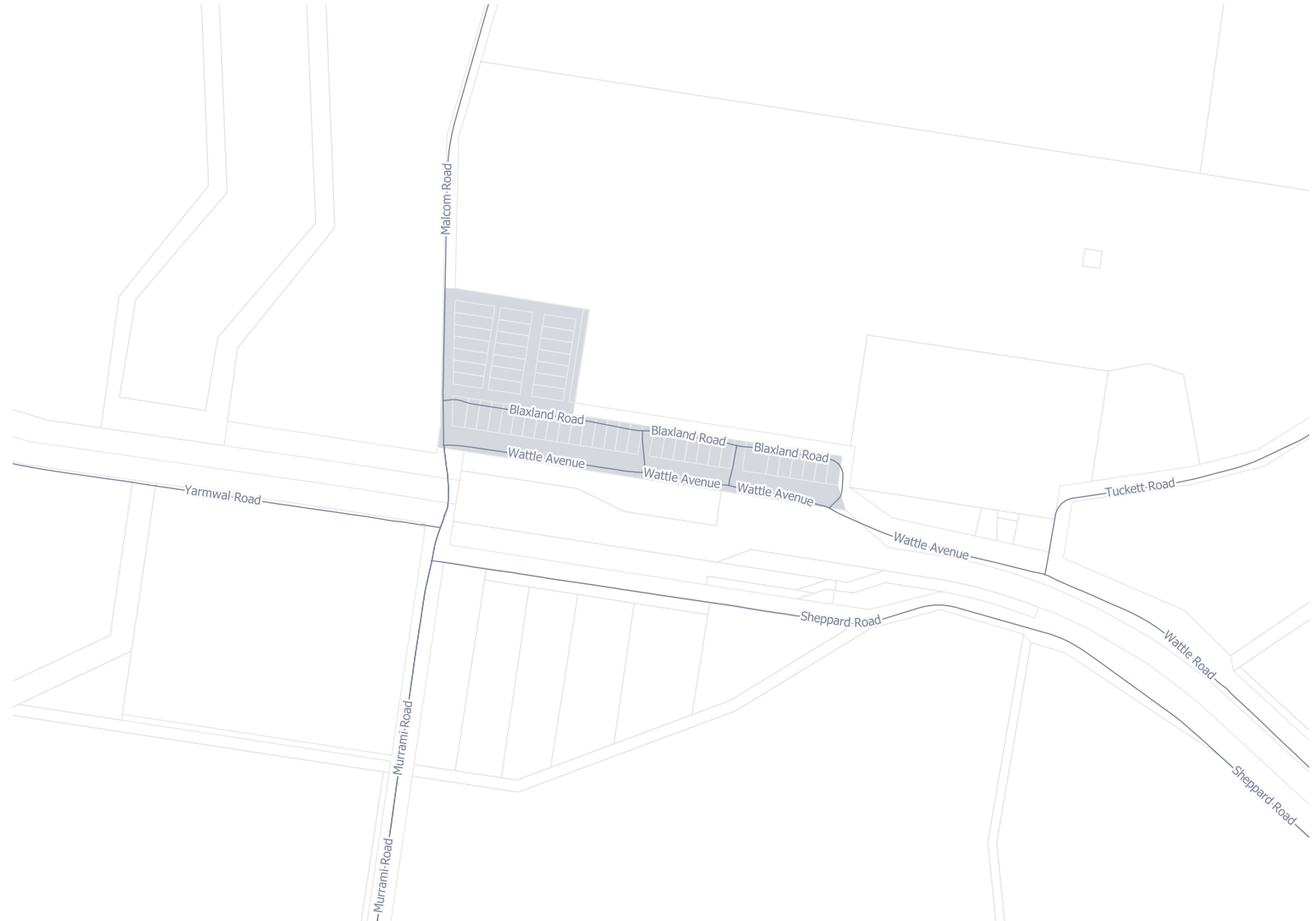


## Application maps (cont.)

### Map 5 - Murrumbidgee Village

Application Area - Part G.1

Road Network



## Part G1 Industrial Development

### G1.1 Earthworks, retaining walls, structural support and site drainage

#### Objective

To ensure earthworks associated with industrial development do not negatively impact on the surrounding streetscape or adjoining properties.

#### Standards

- a. Earthworks shall be suitably protected from soil erosion, soil movement and sedimentation as per Landcom Managing Urban Stormwater Soils and Construction (Blue Book).
- b. Proposals requiring significant moving and filling of earth will only be considered if they contribute to the overall quality of the development.
- c. Earthworks more than 600mm above or below existing ground level must have finished ground surface levels of not less than 1:2 or take the form of a retaining wall or other structural support that is certified as structurally sound by a suitably qualified engineer.
- d. All earthworks including batters, retaining walls or other structural supports, including footings and drainage, must be located wholly within the property boundary.
- e. Stormwater from excavation areas shall be properly drained to a legal point of discharge (e.g. inter-allotment drainage pipes, street gutter system or drainage reserve).
- f. Earthworks, retaining walls and other similar structures must not be designed or installed in a way that results in overland stormwater flow being directed onto adjoining private property.
- g. Finished ground levels must drain to roadside drainage infrastructure or a drainage reserve at a minimum grade of 2%.

## Part G1 Industrial Development

### G1.2 Land-use conflict and pollution management

#### Objective

To encourage a development layout, design and function that minimises impact on activities in other zones, including sensitive uses such as a residential or recreational user

#### General

- a. An Environmental Management Plan detailing compliance with the relevant industry best practice guidelines for noise pollution, air pollution, odour, lighting, hazardous goods storage and contamination management must be provided with any of the following land-uses:
  - i. Heavy Industry
  - ii. Heavy Industrial Storage Establishments
  - iii. Agricultural Procude Industries
  - iv. Limestone Processing Industries
  - v. Stock and Sale Yards
  - vi. Waste or Resource Management Facilities
  - vii. Crematoriums
  - viii. Developments proposed to operate 24 hours a day
  - ix. Any other development where Council determines there is a significant risk of land-use conflict or environmental pollution likely to result from the development.
- b. Careful site planning should be used to maximise the distance between activities that have potential to generate noise, dust, odour etc, and sensitive uses or activities on adjoining land.

#### Water

- c. Industrial activities that generate and discharge liquid trade waste to the reticulated sewerage system must obtain the relevant Liquid Trade Waste approval from Leeton Shire Council.
- d. Development involving construction works should implement an Erosion and Sediment Control Plan prepared in accordance with the Landcom Managing Urban Stormwater Soils and Construction (Blue Book).

#### Dust

- e. Highly trafficked areas are constructed of a surface material that is sufficient to prevent the unreasonable emission of dust.

#### Noise

- f. Buildings used for noisy operations should be designed (orientated, insulated etc) to inhibit the transmission of noise onto nearby properties used for residential or other noise sensitive purposes.
- g. The design of industrial buildings should avoid vehicle entry doors, roller shutters and other frequently used openings in walls that adjoin residential and other sensitive uses.

- h. Noisy operations including manufacturing and loading / unloading activities should be carried out at reasonable times.
- i. Hours of operation and access to the site through residential streets may be restricted where the proposed development involves the generation of noise likely to affect residential areas.
- j. An acoustic report from a suitably qualified acoustic consultant may be required to be submitted with a Development Application where there is reasonable likelihood that a proposed industrial activity will generate noise that impacts on residential amenity. The information provided in an acoustic report should include the minimum information recommended in the Noise Guide for Local Government (latest version).

#### Visual

- k. The design of industrial buildings should include articulation and material changes on walls which are directly exposed to a street property boundary or public area.
- l. The design of industrial buildings should incorporate the use of building materials that do not have highly reflective properties.
- m. Light sources, particularly those which may be used for loading and unloading operations should be directed away from adjoining properties.

- n. Effective use of landscaping should be used to screen unsightly areas, improve streetscape appearance, and reduce the impact of pollutants emitted from industrial activities.
- o. Careful site planning should be used to limit the amount of overshadowing on adjoining residential sites caused by bulky industrial buildings.

#### Odour

- p. Development involving odorous activities should be appropriately separated from residential or other sensitive land-uses.

## Objective

To ensure industrial development complements existing streetscapes and complies with the Building Code of Australia.

## Part G1 Industrial Development

### G1.3 Building setbacks

#### Front setbacks

- a. Front setback areas must be a minimum of 8m, incorporating a minimum 3 metre landscaping strip. Front setback areas larger than the minimum are encouraged where this area is used for on-site car parking, or large vehicle manoeuvrability.

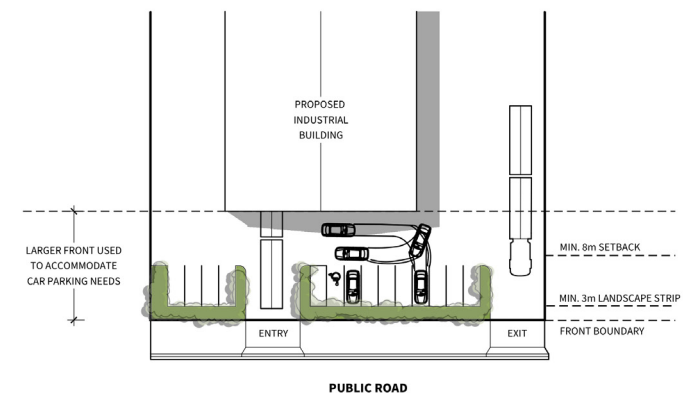
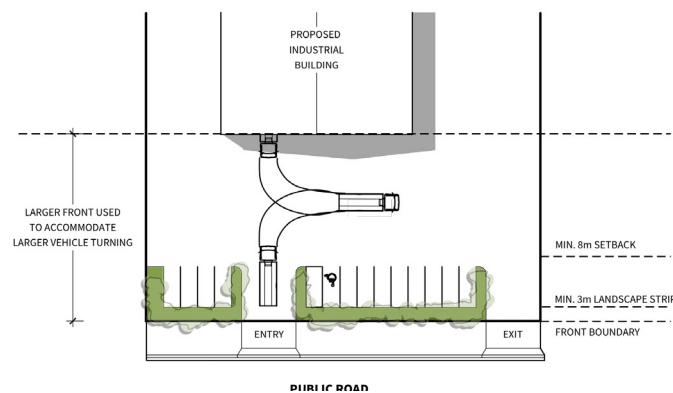
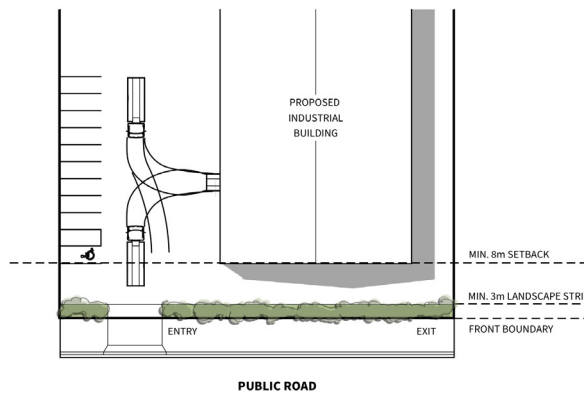
The following diagrams conceptually illustrates the front setback requirements for industrial developments, incorporating a landscape strip.

- b. Despite control a), the front setback may be decreased to the average setback of the nearest two buildings facing the same street, provided adequate arrangements can still be made for the provision of landscaping, car parking and vehicle manoeuvring.
- c. Despite controls a) and b), new buildings should match (as a minimum) the setback of any adjoining building that is listed in Leeton Local Environmental Plan 2014 as a heritage item.

- d. Where the property is a corner lot, the setback to the boundary adjoining the secondary road is a minimum of 4m, incorporating a 1m metre wide landscaping strip.

#### Use of front setback areas

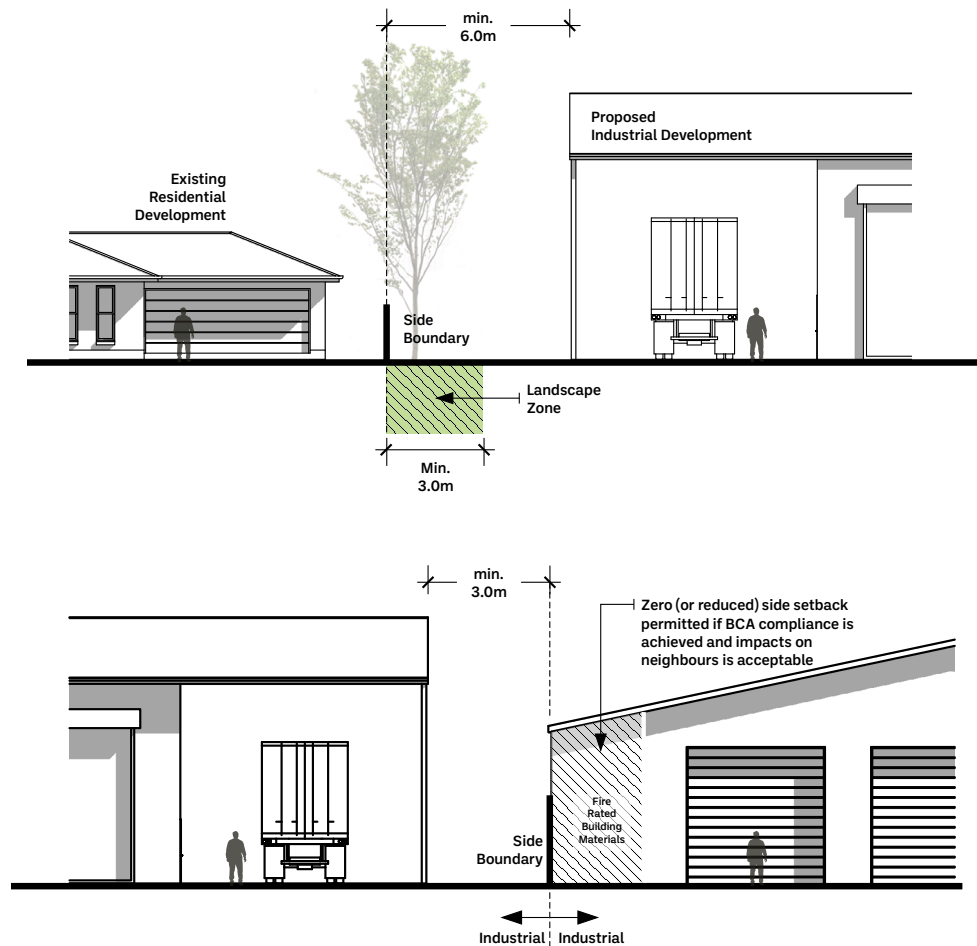
- e. Front setback areas are not used for any of the following purposes:
- the storage of equipment / merchandise,
  - waste material,
  - excessive advertising signage



## Building setbacks (cont.)

### Side and Rear Setbacks

- a. Industrial buildings should be setback 3 metres from side and rear property boundaries.
- b. Despite control (a), industrial buildings should be setback the following distances from side and rear boundaries:
  - i. 3m, incorporating a 2m wide landscape strip, where the adjoining property is used or zoned for a non-industrial / non-residential purpose.
  - ii. 6m, incorporating a 3m wide landscape strip, where the adjoining property is used or zoned for a residential purpose. This setback applies only to the boundary that is adjoined by the residential use.
  - iii. Zero side and rear setbacks are permitted subject to compliance with the Building Code of Australia, merit issues are deemed acceptable in relation to adjoining or adjacent properties, and adequate room is accommodated for loading / unloading operations, vehicle manoeuvrability and waste storage.



## Objective

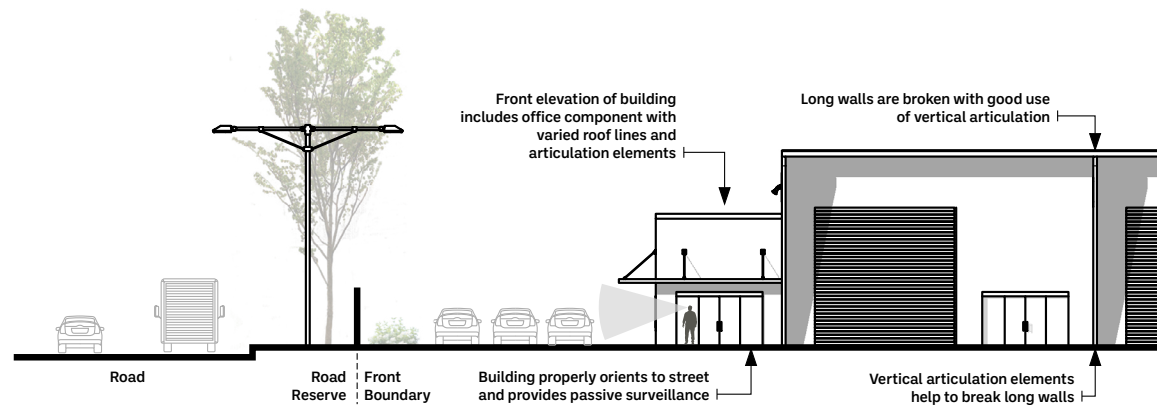
To ensure industrial buildings and open storage areas are safe and do not cause adverse visual amenity impacts.

## Part G1 Industrial Development

### G1.4 Building + site design

#### Building Design

- a. Where office components are incorporated into the design of new industrial buildings, these should:
  - i. be located at the street frontage of the structure;
  - ii. be architecturally differentiated to break up the facade;;
  - iii. provide passive surveillance to the street.
  - iv. Be accessible to customers, where necessary.
- b. Creative architecture is encouraged to express new building structures and minimise use of reflective glass or large blocks of one material.
- c. Long blank walls and unbroken roof lines facing the street or public domain are avoided by incorporating one or more of the following techniques into the building facades:
  - i. Wall place projections or recesses.
  - ii. Windows.
  - iii. Variation of roof height.
  - iv. Material changes.
  - v. Landscaping.
- d. The primary frontage of an industrial building is to be articulated via the use of techniques listed in c) above.
- e. Industrial buildings on corner allotments are designed to address both street frontages via the use of techniques listed in c) above.
- f. All rooftop or exposed structures including lift motor rooms, plant rooms, air conditioning, ventilation and exhaust systems should be integrated with the building design in order to ensure interesting and high quality appearance.





## Building design (cont.)

### Building Materials

- g. Building materials are vandal resistant and include, where possible, strong wear resistant laminate, impervious glazed ceramics, treated masonry products, stainless steel materials, anti-graffiti paints or clear overspray.
- h. External building facades are not to include highly reflective building materials if they are immediately visible from a public road / space or residential area.
- i. External building materials are comprised of neutral colours appropriate to the site and surrounding environment.

### Building Height

- j. Industrial buildings do not exceed more than 3 storeys in height. This does not include the installation of internal mezzanine flooring.
- k. Despite control h) Buildings and structures are not more than 11 metres above existing ground level.
- l. Despite L) above, buildings have a height that is consistent with neighbouring buildings. Where there are significant variations in height between existing buildings on neighbouring properties, the building has a height that transitions between the height of the neighbouring buildings.
- m. The height of buildings is appropriate to minimise adverse overshadowing impacts on adjoining sites used for residential purposes.

### Building identification

- n. Premises are clearly displayed with a street number that is made of durable materials (preferable reflective or luminous) in a position that is unobstructed from users in the public domain.

### Access

In addition to the controls relating to parking and access contained in Part J of this DCP, the following controls apply to new industrial development:

- o. The development does not gain sole vehicle and pedestrian access to the public road network by a rear lane. The main building entrance is in a prominent and easily recognisable location with directional signage and lighting used where appropriate.
- p. Pathways adjoining developments are to be provided in accordance with any Active Transport Plan adopted by Council.
- q. Sufficient space is provided on-site for the loading and unloading of waste materials and other stored items. Loading and unloading activities are not carried out on any public space or within the front building line.

## Site Fencing

- r. Front boundary security fencing of industrial premises facing a primary or secondary street (except in the B2 Zone, B4 Zone or RU5 Zone) shall be high quality lateral RHS / tube steel, which is finished in black gloss powder coating or similar dark gloss colour and no higher than 2.4 metres.
- s. For developments requiring the closure of front boundary fencing during normal operating hours, the vehicle access gates must be setback from the road edgeline a sufficient distance to allow a service vehicle to stand without hindering vehicular or pedestrian traffic on the public road or footpath.
- t. Security fencing should not wholly obstruct the view of landscaping from the street.
- u. Security fencing should preserve safe sight distances for all vehicle entry and exit locations, including those on adjoining properties.
- v. Security fencing should provide for the protection of property and should be avoided (where possible) around non-productive and exposed areas of the site such as car parking and landscaped areas.
- w. Side and rear boundary security fencing of industrial premises shall be standard metal chain fencing, and not higher than 2.4 metres.

## Part G1 Industrial Development

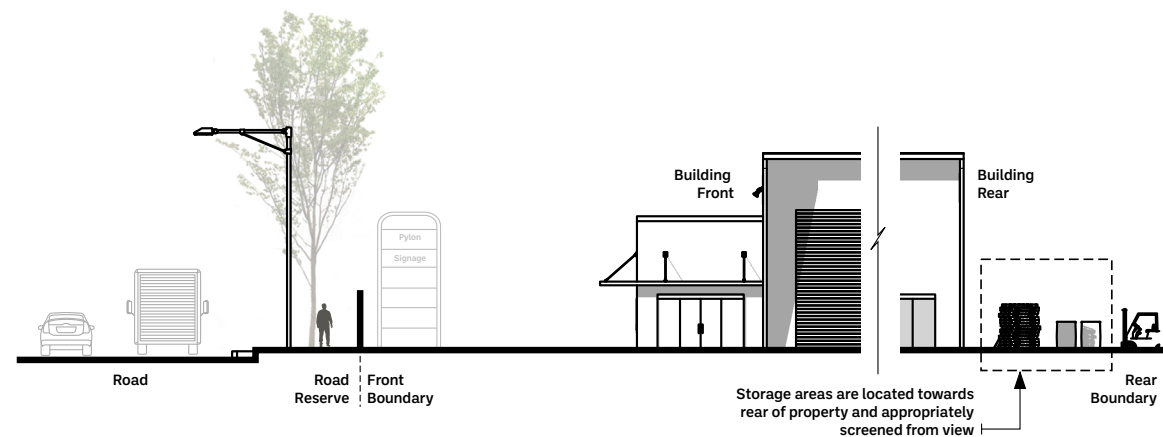
### G1.5 Storage and waste management

#### Storage Area Locations

- Storage areas should be located behind the building or another part of the site that cannot be seen from the street or from adjoining properties. Alternatively, these areas must be screened from public view., or adjoining properties used for a non-industrial purposes.
- Landscaping is generally not an acceptable method of screening, unless it is already well established and the applicant can demonstrate that the storage area will be effectively screened. Landscaping may only be used for screening purposes when undertaken in conjunction with fencing, and other screening devices.
- External storage areas and yards are well lit and secured by fencing and lockable gates on side and rear access ways.
- The storage of hazardous goods, materials or wastes is not carried out in areas that adjoin residential land-use or other sensitive land-uses, or areas that are generally accessible to the public.

#### Waste Management

- Sufficient space should be provided on-site for the loading and unloading of wastes. This activity is not to be undertaken on any public place.
- Industrial activities that generate and discharge liquid trade waste to the reticulated sewerage system must obtain the relevant Liquid Trade Waste approval from Leeton Shire Council. The industrial activity must comply at all times with the requirements of the Liquid Trade Waste Regulation Guidelines and any conditions of the Liquid Trade Waste Approval.



**Objective**

To ensure signage in industrial areas is well designed, appropriately located, structurally sound and complementary to the public domain.

## Part G1 Industrial Development

### G1.6 Advertising Signage

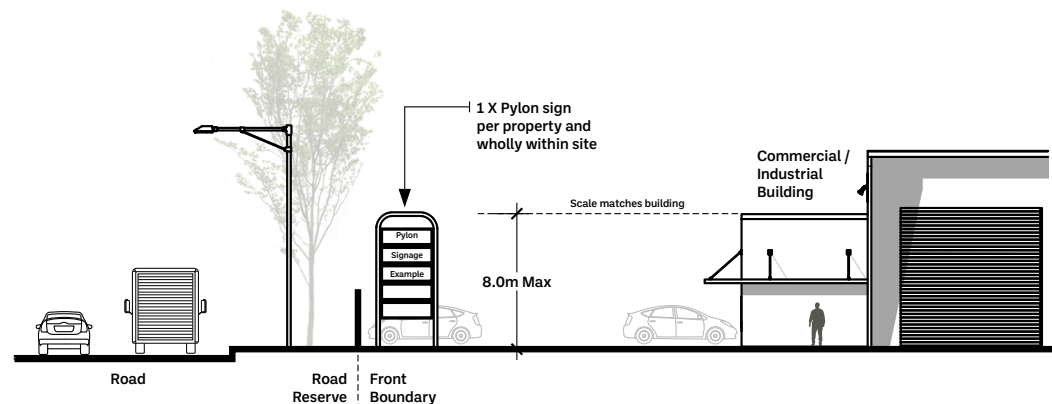
#### Information Requirements

- a. The following information should be provided in support of Development Applications for new advertising signage:
  - i. A written overview of the proposal.
  - ii. Details of the proposed sign location.
  - iii. Description of the proposed sign - information on the size of the sign, whether it is static, illuminated or non-illuminated, and other relevant detail.
  - iv. Colour photographs and photo-montages - current panoramic colour photographs of the location of proposed site should be provided where possible and where will assist Council in understanding and assessing the signage proposal.
  - v. Assessment of the relevant provisions in State Environmental Planning Policy (Industry and Employment) 2021, including road safety provisions and the public benefit test where the proposal is for an advertisement on a bridge or requires the concurrence of the RMS.

Assessment of the content of advertising within the site identifying the character, quality and features of an area.

#### General

- b. All signage structures are contained wholly within the site and do not overhang any public space or land.
- c. Free standing / pylon signage is designed:
  - i. With a maximum height of 8m and with a scale and form that is proportionate to the building, streetscape, setting or landscape on or within which it is proposed to be erected. See diagram.
  - ii. In accordance with the recommendations of a qualified structural engineer.
- d. On-building signage generally sits flush with building walls and does not protrude above the roofscape.
- e. Advertising signage is not to flash or be illuminated to such an extent that will cause unacceptable glare for pedestrians, motor vehicles or aircraft, or that will significantly impact nearby residential areas.
- f. Advertising signage is appropriately co-ordinated and designed where it is proposed to service multiple tenancies in the one building.
- g. Where signage is proposed on an item of environmental heritage identified in Schedule 5 of Leeton Local Environmental Plan 2014, it is designed to be sympathetic with the traditional or important heritage characteristics of the building / site.
- h. Old and redundant signs are removed as part of the erection of new signage or replacement signage on industrial properties.



## Part G1 Industrial Development

### G1.7 Landscape Design

#### Objective

To ensure industrial developments are landscaped to a compliment the building and streetscape.

#### General

- a. Landscape strips are incorporated into the site design for new industrial developments where required under Section G1.3.
- b. Where landscaping is required as part of new industrial development, the Development Application is supported by a landscape plan which includes, as a minimum, the following detail:
  - i. Landscaping locations
  - ii. Plant species
  - iii. Irrigation system
- c. Landscaping areas are to include plant species that are appropriate for site conditions such as soil, aspect, drainage and micro-climate. No plant species declared a noxious weed in the Leeton Shire are permitted.
- d. The landscape design is to be complimentary to the building design, bulk, scale and surrounding streetscape, and achieves compliance with the following minimum requirements specified in the diagram to the right.
- e. The landscape design retains existing street trees where the tree is sound in health and structure and can be incorporated into the landscape design. Where street trees are removed they are replaced with mature tree species as per the Leeton Shire Council Tree Management Policy 2013 and Leeton Shire Council Engineering Guidelines (latest version).
- f. The landscape design retains existing mature trees within development sites unless this is unavoidable due to the location of buildings, structures, car parking or other ancillary works.

To ensure industrial developments are provided with adequate utilities and services.

## Part G1 Industrial Development

### G1.8 Utilities and service provision

#### General

- a. All new industrial developments are to be fully serviced by reticulated water and reticulated sewerage, and must be connected to the street stormwater drainage system where this is available.
- b. Despite control (a), new industrial developments on land that is unable to be connected to reticulated sewer may use on-site domestic waste disposal subject to compliance with the recommendations of a site suitability report prepared by a qualified geotechnical engineer. Such a report is to be submitted to Council for assessment with the Development Application.
- c. The development is to be connected to the reticulated electricity system to the relevant authority's requirements. An underground service should be provided where possible.
- d. The development is to be connected to a telecommunication system to the relevant authorities requirements.
- e. Any upgrades to public infrastructure including water, sewer, electricity, natural gas, roads and stormwater, necessary to service the proposed development must be carried out by the applicant and at no cost to Council.
- f. Buildings and structures should be designed and located so that they:
  - i. Do not encroach any easement protecting an existing service main or utility.
  - ii. Do not impact on the structural integrity of any existing service main or utility.
  - iii. Comply with the Leeton Shire Council Engineering Guidelines (latest version) for building near (or over) sewer mains and other utility infrastructure.
  - iv. Comply with any requirements of the relevant service authority for building near (or over) any utility infrastructure that is not owned by Leeton Shire Council.
- g. Development is provided with suitable waste bin storages behind the building line and screened where they are readily visible from adjoining land / roads.
- h. Industrial activities that generate and discharge liquid trade waste to the reticulated sewerage system must obtain the relevant Liquid Trade Waste approval from Leeton Shire Council. The business activity must comply at all times with the requirements of the Liquid Trade Waste Regulation Guidelines and any conditions of the Liquid Trade Waste Approval.

To ensure industrial developments are provided with adequate stormwater management infrastructure

## Part G1 Industrial Development

### G1.9 Stormwater management

#### Standards

- a. For new industrial development, a Stormwater Management Plan is provided in support of the Development Application which adequately demonstrates that:
  - i. Post-development runoff will be equal to or less than pre-development runoff rates for the whole development site in a 5% (20 year ARI)
  - ii. Drainage from the development does not significantly alter pre-development stormwater patterns and flows.
  - iii. Drainage from all buildings, driveways and hardstand areas is properly managed via pipes, pits and tanks to a legal point of discharge (i.e. street drainage system or inter-allotment drainage easement / system).
  - iv. The design complies with AS/NZS 3500.3:2021 Plumbing and drainage, Part 3: Stormwater drainage (or the most current version of this standard).
  - v. The design does not rely on pump-out stormwater drainage methods.
  - vi. The design complies with the relevant requirements of the (latest version) of the Leeton Shire Council Engineering Guidelines.
- b. Where water tank(s) are incorporated into the design for a stormwater management system, the design should adequately demonstrate:
  - i. That the water tank system is designed to comply with control (a).
  - ii. That any roof area that is not capable of being managed through the water tank system is directed away from the water tank system and is properly managed to a legal point of discharge.
  - iii. That stormwater from driveways and hardstand areas is directed away from the water tank(s) and is properly managed to a legal point of discharge.
- c. Development that cannot drain stormwater to a legal point of discharge via gravity must be supported by a site-specific stormwater management system that is designed by a suitably qualified engineer.
- d. Pump out stormwater systems are not permitted as the sole method for stormwater disposal



# Part H

## SPECIAL PLACE PRECINCTS

This part applies standard and controls relating to nominated special precincts within the Leeton Shire Local Government Area



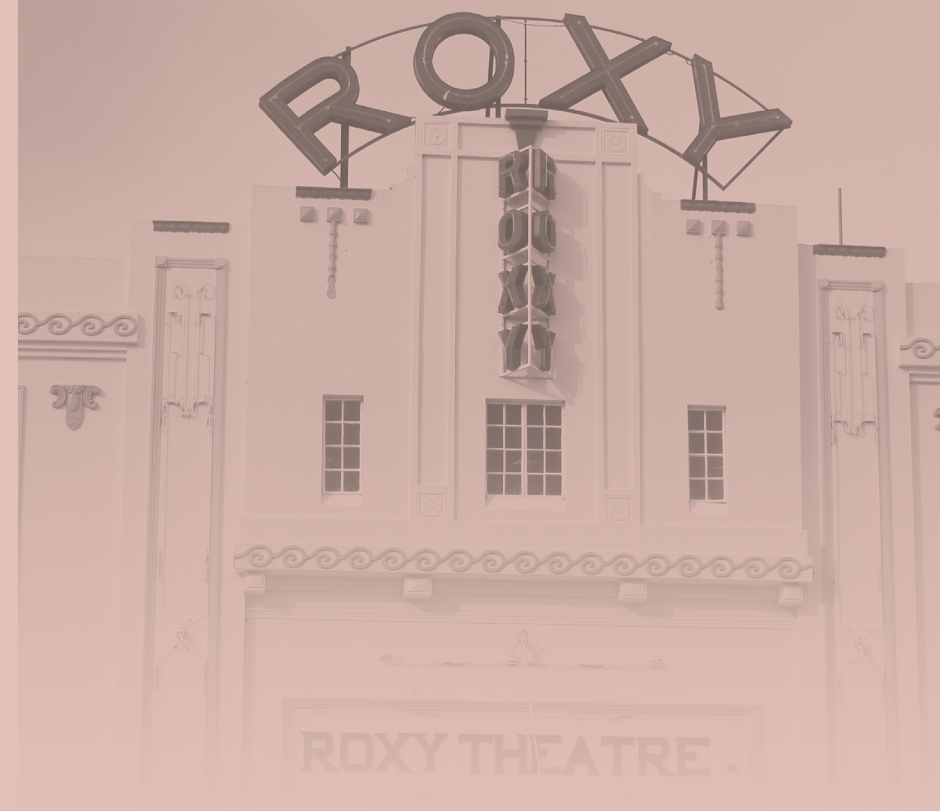
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**2022**  
**COMPREHENSIVE DCP**





Part H of the DCP was not complete at the time of initial adoption of the Leeton Comprehensive Development Control Plan 2022.

It is Leeton Council's intention that Part H will be updated as part of a future amendment to the plan and will include controls and standards relating to a number of special precincts in the Local Government Area that warrant a more detailed approach to planning and development control.



# Part I

## HERITAGE GUIDELINES

This part applies standard and controls relating to development scenarios involving heritage items or conservation areas in the Leeton Shire Council Local Government Area



LEETON COUNCIL  
**2022**  
**COMPREHENSIVE DCP**

# Table of Contents

<b>I1</b>	<b>Built Heritage - Introduction</b>	<b>3</b>	<b>I4</b>	<b>Development Requirements - Conservation Areas (Residential)</b>	<b>30</b>
I1.1	Introduction	4	I4.1	Building Characteristics and Elements	31
I1.2	Conservation Guidelines	10	I4.2	Alterations and Additions	32
<b>I2</b>	<b>Development Requirements - Heritage Items</b>	<b>16</b>	I4.3	Infill Development	34
I2.1	Alterations and Additions	17	I4.4	Scale and Form	35
I2.2	Adaptive re-use	18	I4.5	Building elements (roofs), Materials and finishes	36
I2.3	Development in the vicinity of heritage items	19	I4.6	Garages and Carports	37
I2.4	Demolition works	20	I4.7	Fencing	38
<b>I3</b>	<b>Development Requirements - Conservation Areas (Commercial)</b>	<b>21</b>	I4.8	Landscaping	39
I3.1	General Controls	22	I4.9	Service and utilities	40
I3.2	Building Characteristics and elements	23	<b>I5</b>	<b>Aboriginal Cultural Heritage</b>	<b>41</b>
I3.3	Alterations, Additions and Infill Development	24	I5.1	Aboriginal cultural heritage	42
I3.4	Shopfronts	26			
I3.5	Colour Schemes	27			
I3.6	Signage	28			
I3.7	Accessibility	29			

# I1

## Built Heritage Introduction

Part I1 applies generally to:

1. Developments applying to Heritage Items listed in Schedule 5 of Leeton Local Environmental Plan 2014.
2. Developments on land located within a heritage conservation area, as mapped under Leeton Local Environmental Plan 2014.

<b>I1.1</b>	<b>Introduction</b>	<b>4</b>
	Aim of the plan	4
	About this Part	4
	What is heritage and why is it important	4
	Key Objectives	4
	State heritage items	5
	Local heritage items	5
	Heritage conservation areas	5
	Leeton Conservation Area	6
	Yanco Conservation Area	7
	Whitton Conservation Area	8
	Leeton Shire Heritage Advisory Service	9
	When is a Development Application Required?	9
	Development in Conservation Areas	9
<b>I1.2</b>	<b>Conservation Guidelines</b>	<b>10</b>
	Research	10
	Know the building	10
	Building Styles in Leeton Shire	10
	The Burra Charter	14
	Site Analysis	14
	Statement of Heritage Impact	15

## Part I1 Built Heritage - Introduction

### I1.1 Introduction

#### Aim of the plan

This Plan aims to ensure that all new development, alterations and additions to existing buildings listed in Schedule 5 Environmental Heritage and the conservation areas within Leeton, Whitton and Yanco in the Leeton Local Environmental Plan 2012, are designed and built in a way that will maintain and enhance their heritage significance by:

- a. Providing design guidelines for buildings that should be considered when planning new development;
- b. Outlining significant streetscape elements and building styles that should be taken into account when designing new development in the vicinity.

#### About this Part

Part I provides the detailed guidelines for development to a heritage item or within the heritage conservation area and is aimed at assisting in the proper care and management of the Leeton Local Government Area's unique built environment.

The Plan is not intended to prevent or hinder development, or introduce requirements which are excessive. Rather, it aims to ensure that appropriate consideration is given to the potential impacts of each proposal, and that the requirements for different types of development are made clearer for applicants and assessment officers alike.

#### What is heritage and why is it important

Conserving our heritage is important for protecting the individual character and values of heritage items, conservation areas and archaeological sites. They individually and collectively have profound importance as valuable links to the past. They provide a source of community identity, evidence of evolution of society's values, impetus and inspiration for new ideas and revival of the old.

Our heritage helps to tell the story of our past and can include public buildings, private houses, housing estates, archaeological sites, industrial complexes, cemeteries, memorials and landscapes. These physical reminders are valued because they are associated with phases of history, or important people or events and they inform us about our cultural history.

#### Key Objectives

- a. To facilitate the implementation of the objectives and provisions relating to heritage conservation, which are contained within the Local Environmental Plan.
- b. To ensure that new development respects its context and is sympathetic in terms of form, scale, bulk, fabric, colours and textures without mimicking or adversely affecting the significant of heritage items and the Conservation Area and their settings.
- c. To provide controls for the development of land in the vicinity of heritage items and the Conservation Area;
- d. To provide clear information about the kind of work which will require a development application in particular areas and circumstances, and the nature of the information, which must be submitted with applications.
- e. To provide standards for the management, maintenance and conservation of heritage items.

## Introduction (cont.)

### State heritage items

Listing on the State Heritage Register indicates that the heritage item;

- a. Is of particular importance to the people of NSW and enriches our understanding of our history and identity.
- b. Is legally protected as a heritage item under the NSW Heritage Act.
- c. Requires approval from the Heritage Council of NSW for modification

The State Heritage Register is a list of places and objects of particular importance to the people of NSW. The register lists a diverse range of over 1,500 items, in both public and private ownership. To be listed, an item must be significant for the whole of NSW.

State heritage items are assessed by both local Council and the NSW Heritage Office. The current Local Environmental Plan (LEP) lists all the state listed heritage items in the Leeton Local Government Area

### Local heritage items

Heritage items are listed in Schedule 5 Environmental Heritage of the LEP and items can be buildings, works, trees, places, archaeological relics and Aboriginal objects. All heritage items are valued for their particular value or heritage significance. Maintaining heritage items is the most practical way to protect significance and history of a building, work, relic, or place.

Demolition of a heritage item is generally not supported. Contact the Council to arrange to a meeting with the Heritage Advisor if you are considering demolition of a heritage item.

### Heritage conservation areas

The Leeton Shire has three Conservation Areas and comprises the town centres of Leeton, Whitton and Yanco.

The Leeton Conservation Area comprises the main street shops in Kurrajong and Pine Avenues and civic precinct in Chelmsford Place as well as the Avenues Palm and Acacia. Leeton's layout owes much to the design work of Walter Burley Griffin and Marion Mahoney Griffin following their successful design for Canberra. Leeton was established in 1913 and it wasn't till after World War 1 the town started to grow. The streetscape was influenced by the Art Deco movement of the 1920's and 1930's with many public and main street buildings demonstrating features of that period.

The Whitton Conservation Area comprises the area of the village south of the rail line including Benerembah Street. The dispersed and open character of the conservation area is historically associated with the development of Whitton as an important transport hub. The village predates the irrigation towns and railway, beginning as a service centre for the river port. It was then boosted by the railway line in the 1880's. The phase of rapid development continued through the Mt Hope copper boom until the village centre was destroyed by fire in the early 1920's. It successfully conveys the atmosphere of a faded railway village of the late 19th and early 20th centuries.

The Yanco Conservation Area comprises Main Avenue to the rail line. Early Yanco began as a transport interchange with wool and other produce being transported from North Yanco pastoral station to the Yanco railway in the 1880's. Yanco successfully conveys the atmosphere of a faded railway village of the early 20th Century. Enough remains of the village streetscape to protect and enhance as a conservation area.

For ease of reference, a map showing the location and extent of the three Conservation Areas in Leeton Shire is included in Figures 1 to 3 as follows. The Statement of significance and character statement for each area accompanies each map.

## Introduction (cont.)

### Leeton Conservation Area

#### Statement of Significance

Leeton conservation area demonstrates an outstanding level of intactness of original architecture of an early 20th Century country town. Slow population growth after the 1940's ensured preservation of a remarkable wide range of community and commercial buildings. The streetscapes, views and setting of Leeton Heritage Conservation Area are historically associated with the development of Leeton, which reached a peak during the 1920s-30s. They provide evidence of Leeton's important role as a 20th century irrigation town.

The town centre has retained its community importance, recognised for its high integrity and aesthetic values. It is historically significant as a town centre and is an excellent Interwar Period streetscape. Many of the buildings in the main street successfully convey some of the optimism and prosperous atmosphere of the 20th century's early irrigation period.

The outstanding level of intactness of original architecture documents an early 20th century building boom, which saw the construction of most of Leeton town centre. Slow population growth after the 1940s ensured preservation of a remarkably wide range of community and commercial buildings. The town centre has retained its community importance, recognised for its high integrity and aesthetic values. The streetscapes of Leeton remain highly distinctive due to the richness of their Interwar period architecture.

Icons of Leeton conservation area include the Roxy Theatre, War Memorial, Chelmsford Place, Inter-war residential streetscapes and over twenty-six (26) notable structures in the Art Deco style.

Leeton conservation area contains many fine buildings. These have significance individually and collectively and the entire streetscape is an essential component of the historic cultural landscape of Leeton. The conservation area echoes the beauties of an early 20th century town, heavily influenced by Marion Mahony Griffin's town plan. It has characteristic avenues, street trees, shopfronts and parapets, street awnings, well-preserved early buildings and parks.

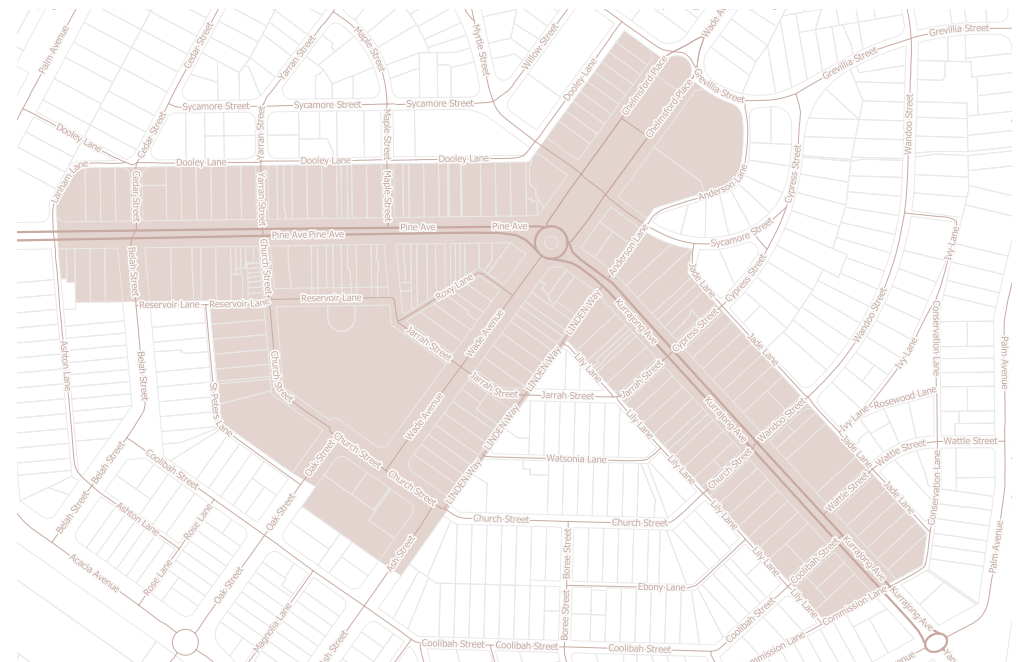
#### Character Statement

The streetscapes, views and setting of Leeton Heritage Conservation Area are historically associated with the development of Leeton which reached a peak during the 1920's – 1930's irrigation boom.

Its town centre based around Pine and Kurrajong Avenues contains a compact core of Inter-war period styles, most notably the Art Deco Style.

**Figure 1 - Leeton Conservation Area**

Conservation Area  
Road Network



## Introduction (cont.)

## Yanco Conservation Area

### Statement of Significance

Yanco village Conservation Area has a compact group of early 20th century buildings and centred around Main Avenue. Most of the village was formed in the early irrigation period, with the start of Yanco Experimental farm in 1908. After Leeton began expanding as an administrative town for the irrigation area in the 1920s, the decline of the village was automatic.

Early Yanco began with as a transport interchange, with wool and other produce being transported from North Yanco pastoral station to the Yanco railway in the 1880s.

Yanco successfully conveys the atmosphere of a faded railway village of the early 20th century. Enough remains of the village streetscape to protect and enhance as a conservation area.

The intactness of original architecture documents an early irrigation building boom (1920s), which saw the construction of most of Yanco village. Slow population growth after the 1930s ensured preservation of its streetscape.

### Character Statement

The streetscapes, views and setting of Yanco Village conservation area, centred around Main Avenue, is a compact group of early 20th Century buildings and structures. Yanco echoes the beauties of Australian railway villages, with its wide main street prominent hotel and abrupt transition into a rural landscape across the railway tracks.

Icons of the Yanco conservation area are Main Avenue, Hotel Yanco, water tank tower and an original Water & Irrigation Commission housing row.

Figure 2 - Yanco Conservation Area





## Introduction (cont.)

### Whitton Conservation Area

#### Statement of Significance

The streetscapes, views and setting of Whitton village Conservation Area, centred around Benerembah Street, is a scattered group of late 19th and early 20th century buildings and structures. The village predates the irrigation towns and railway, with most of the village formed by settlement relocation from the river port to the railway.

A phase of rapid development occurred after the railway reached the town in the 1880s, and continued through the Mt Hope copper boom until the village centre was destroyed by fire in the early 1920s. After Leeton began expanding as an administrative town for the irrigation area in the 1920s, the decline of the village was automatic.

The dispersed and open character of Whitton are historically associated with the development of Whitton as an important transport hub. This began with being built close to the river as a port for the paddle steamers. It thus predated the irrigation towns and railway, beginning as a river port. It was then boosted by being moved to the new railway line in the 1880s.

It successfully conveys the atmosphere of a faded railway village of the late 19th and early 20th centuries. Enough remains of the village streetscape to protect and enhance as a conservation area.

Whitton echoes the beauties of old Australian century villages, with its courthouse, historical museum collection, and views of typical historic features such as the post office, village shops and Hotel.

The intactness of original architecture documents a post railway and early irrigation building boom (1880s-1920s), which saw the construction of most of Whitton village. Slow population growth after the 1930s ensured preservation of its streetscape.

#### Character Statement

Whitton echoes the beauties of old Australian 19th century villages with its court house, historical museum collection and views of typical historic features such as the post office, village shops and hotel.

The intactness of original architecture documents a post railway and early irrigation building boom (1880's-1920's) which saw the construction of most of Whitton Village.

Icons of the Whitton conservation area include the court house, Bucyrus dragline, timber weatherboard Uniting Church and outdoor collection of the Historical Museum.

Figure 3 - Whitton Conservation Area

Conservation Area  
Road Network



## Introduction (cont.)

### Leeton Shire Heritage Advisory Service

It is advisable, and often necessary to obtain professional advice from experienced people such as heritage architects, engineers, heritage advisors. The NSW Heritage Office maintains a list of Consultants who specialise in heritage work which can be obtained from their website or Council. Council also has a free Heritage Advisory Service to assist with preliminary advice.

### When is a Development Application Required?

Council should be consulted before carrying out any changes to buildings or sites which:

- a. are listed as heritage items;
- b. are in a Conservation Area; or
- c. are in the vicinity of heritage items or Conservation Areas.

Development applications will generally be required for proposals which:

- a. potentially impact upon the heritage significance of a heritage item; or
- b. involve development or use of a component of a Conservation Area which has the potential, in the opinion of Council, to significantly affect that component and/or the character of the Conservation Area.

### Development in Conservation Areas

The Controls in this Part I of the DCP aim to protect and enhance heritage items and conservation areas, while providing flexibility for owners to adapt properties to meet their changing needs.

The right to upgrade older buildings to modern standards is recognised and it's a matter of ensuring what's proposed is sensitive and appropriate.

New development, additions and alterations are those proposals which have the potential to significantly affect the heritage significance of an item or the character of a Conservation Area. These changes therefore require submission of a development application with sufficient supporting information to allow full and proper assessment of potential impacts.

Where the proposal is for alteration and additions the development application submission to Council shall include a Statement of Heritage Impact, detailing the heritage significance of the item and explanation of the extent and nature of the work.

Where the proposal is for infill development the development application submission to Council shall include a Statement of Heritage Impact which outlines the reasons behind the façade design, scope of works and how the new development may impact on the heritage significance of the Conservation Area.

Where the proposal is for demolition work within a conservation, consultation with Council is a mandatory requirement. Demolition of components of Conservation Areas can significantly affect the appearance of local streets, and over time, change those attributes which give each area its own special character. A Development Application along with supportive information is required for partial or total demolition of any building or work in a Conservation Area

## Part I1 Built Heritage - Introduction

### I1.2 Conservation Guidelines

#### Research

A key principle in heritage conservation is the need to understand the heritage importance or significance of a place before making decisions about how to manage it. A major part of understanding what makes a place special is to understand its history; why it was built, how it was used and how it has changed.

In the absence of documentary sources for your building, you should look at other buildings in the area which are of similar design, or which might even have been identical when originally built. Establishing the constructions date of early buildings is difficult, as there is often little documentary evidence. It is usually necessary, therefore, to rely on observation of the building style. Familiarise yourself with typical designs and stylistic features of the period. This is never enough on its own. It will also take an experienced practitioner to apply a general knowledge of styles to your particular situation.

To find out something about the history of building from documentary sources. Old drawings and photographs are the best if you can find them. At the very least, find out when your building was originally built. There are publications available (see list of Reference Books), which provide detailed information on how to research your building, and where to go for information.

Documentary research can reveal useful information including old photographs and early records such as title deeds to indicate successive owners. This information can be found at the Lands Titles Office, libraries, Local Council records, local museums and the Local Family History Group. Former owners of the building may also be of assistance.

#### Know the building

A close examination of the fabric will usually be very important. The 'fabric' of a building or place refers to the physical material of which it is comprised.

Inspect the building itself for clues about past alterations. Careful inspection can reveal evidence of original detailing. Painting might reveal the shape of a former iron roof over a verandah, nail holes on verandah posts might show the former location of brackets.

Looking at other similar buildings in the locality can also indicate how missing parts of a building may have appeared, or how things were done.

When you have determined what is significant about a place, this information should help to guide maintenance, repair and conservation work. Wherever possible, original features, materials and finishes should be retained.

#### Building Styles in Leeton Shire

Whilst the buildings in Leeton and Yanco occurred in the 1920's following the establishment of the Murrumbidgee Irrigation Area, Whitton was established in the 1880's, therefore having earlier building styles.

An overview of the building styles that typically feature in the Leeton Shire are included in the following pages.

## Conservation Guidelines (cont.)

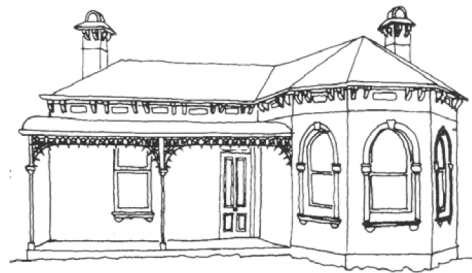
### *VICTORIAN PERIOD (to c1890)*

#### Characteristic features

Asymmetrical or double fronted form with steep (Gothic style) hipped roof  
Bull nose verandah  
Decorative chimney

#### Materials

Rendered brick walls, slate or corrugated iron roofing  
Lace verandah details



### *EDWARDIAN PERIOD (c1910 -1925)*

#### Characteristic features

Asymmetrical plan  
Gabled and hipped roof with prominent eaves  
Casement windows, window hoods  
Semi enclosed front verandah  
Tall chimneys with decorative chimney pots

#### Materials

Face brick walls and window sills  
Pebble dash base course and verandah  
Terracotta roof tiles or corrugated iron roofing



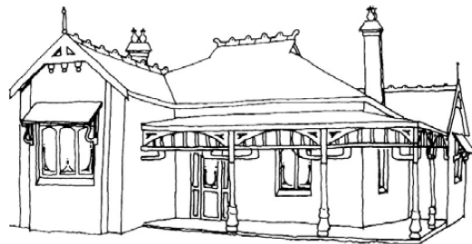
### *FEDERATION PERIOD (c1900-1915)*

#### Characteristic features

Asymmetrical plan  
Prominent hipped and gabled roof with decorative features, shaped barge boards  
Turned or fretted woodwork to verandahs  
Casement windows, window hoods  
Tall chimneys with decorative chimney pots

#### Materials

Face brick walls and window sills  
Stone base course  
Terracotta or slate roofing with decorative finials and ridge capping



## Conservation Guidelines (cont.)

### INTERWAR PERIOD (c.1920 -1940)

#### Characteristic 'Bungalow' features

Asymmetrical front, gabled roof  
Simple wide barge boards and battening to gable  
Casement windows with flat bay roof and bracketed eaves

#### Materials

Liver brick walls, terracotta tiled roof  
Rendered copings and caps, decorative vents and grilles



#### Characteristic 'Colonial Revival' features

Double fronted form with hipped roof  
Entry porch, no verandah  
Double hung sash windows, stone sills  
Glazed door with side lights

#### Materials

Defined base course  
Terracotta roof tiles  
Rendered chimney shaft

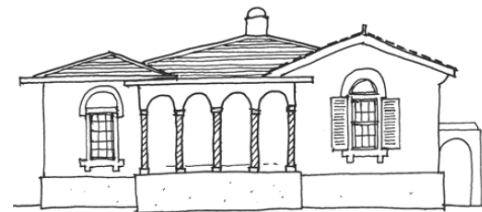


#### Characteristic 'Spanish Mission' features

Shaped gable facade and hipped roof  
Semi-circular arches and window heads  
Twist columns, framed and sheeted door with semi-circular head  
Multi paned windows with semi-circular heads

#### Materials

Rendered brick walls, terracotta tiled roof with ridge capping  
Gabled chimney stack



## Conservation Guidelines (cont.)

### *POSTWAR PERIOD (after 1945)*

#### Characteristic 'Post War' features

Rectangular or 'L' shaped plan  
Red / Brown bricks with hipped roof - cement tiles  
Standard - horizontal timber or steel window Little or no decoration

#### Materials

Red - Brown brick walls  
Hipped roof – cement tiles  
Concrete / rendered hood



#### Characteristic 'The Moderne Style' features

symmetrical plan  
Simplicity of line - Curved corners  
Steel framed windows - horizontal and porthole No visible roof - flat roof behind parapet

#### Materials

Rendered brick walls – light paint colour  
Steel balustrades and windows  
Terracotta or slate roofing with decorative finials and ridge capping



## Conservation Guidelines (cont.)

### The Burra Charter

Work on an historic building or place can involve a variety of conservation processes as defined by the Burra Charter.

The Burra Charter establishes the nationally accepted standard for the conservation of places of cultural significance. The Charter advocates a cautionary approach to changing a place, doing as much work as necessary to repair, secure and to make it function, but as little as possible – so the history of the place can continue to be recognized in its physical presence.

The following are Burra Charter definitions of common conservation terminologies/processes:

- a. Place means site, area, land, landscape, building or other works, group of buildings or other works, and may include components, context, spaces and views.
- b. Fabric means all the physical material of the place including components, fixtures, contents and objects.
- c. Conservation means all the processes of looking after a place so as to attain its significance.
- d. Preservation means maintaining the fabric of a place in its existing state and preventing deterioration.

- e. Restoration means returning the existing fabric of a place to a known earlier state by removing, adding on or re-assembling existing components without the introduction of new material into the fabric.
- f. Reconstruction involves introducing material to replace missing elements returning a place as nearly as possible to a known earlier state. Complete rebuilding on the same or another site is unacceptable except only as a last resort.
- g. Adaptation means modifying a place to suit the existing use or proposed compatible uses. A compatible use means a use which involves no change to the culturally significant fabric, or changes which require minimal impact.
- h. Maintenance means the continuous protective care of the fabric and the setting of a place, and is to be distinguished from repair. Repair involves restoration or reconstruction.
- i. Relocation A building or work should remain in its historical location. Moving a part or all of a building is unacceptable unless this is the sole means of ensuring its survival.

### Site Analysis

Site analysis provides an understanding of the site and the streetscape context. The purpose of the site analysis is to ensure that the relevant constraints and opportunities are taken into account. For any proposed additions, or new buildings, this drawing will usually include:

- a. Site dimensions, land area, north point and location of existing building as identified on survey;
- b. The relative location and siting of neighbouring buildings;
- c. The size, location and botanical name of any major trees on the site, or located on neighbouring land close to your boundary;
- d. The slope of the land identified by survey spot levels, and/or contours at 0.5 metre intervals;
- e. Shadow diagram showing shadows cast during the winter solstice for 9am, 12pm & 3pm;
- f. Stormwater and natural drainage lines; and
- g. Location of any existing view lines from, to or through the site.

## Statement of Heritage Impact

The NSW Heritage Office Manual states that; “A Statement of Heritage Impact identifies the heritage significance of the item, place or area, the impact of any changes being proposed to it and how any impacts arising from the changes will be mitigated.”

A Statement of Heritage Impact must:

- a. Identify why the item, place or area is of heritage significance (the statement of heritage significance);
- b. Describe the works, change of use and any physical changes to the place;
- c. Identify the impact or impacts the proposed changes to the heritage item will have on its heritage significance;
- d. Identify and describe any measures being proposed to lessen negative impacts of the proposed changes;
- e. Identify why more sympathetic solutions to those being proposed are not viable.

In circumstances where the proposed changes are likely to have a detrimental effect on the item, place or area’s heritage significance the Statement of Heritage Impact must:

- a. Clearly identify any change or changes that will have a negative impact on the heritage significance of the item, place or area;

- b. State why the impact or impacts cannot be avoided;
- c. State the steps being taken to minimise their effect or effects.

The Statement of Heritage Impact must include a statement of heritage significance. It should also include an analysis of heritage significance and proposed conservation policies. Physical condition reports and consultant reports should be included where relevant to the application.

The length of the Statement of Heritage Impact will vary depending on the scale and complexity of the proposal. A brief account included in the Statement of Environmental Effects may be sufficient for minor work that will have little impact on the heritage significance of an item. A more extensive report would be required for more complex proposals or those that will have a major impact on the item.

The Statement of Heritage Impact must address the site of the item or place in its entirety. Features of the item and site, including Configuration, layout, setting, buildings and other structures, landscape features (such as gardens, trees, paths and walls), archaeological features (such as wells) and views in and out of the site should be identified where the proposal affects these features. Statement of Heritage Impact

### Further Information

Leeton Shire Council is available to guide property owners and applicants seeking further information on:

- a. Heritage conservation generally.
- b. Reference books and studies on local heritage and related topics and disciplines.
- c. Maintenance advice for heritage buildings.

Leeton Shire Council’s Heritage Advisor is available to provide advice and guidance on an as needed basis, and can be contacted for an appointment through Council’s Planning Department on (02) 6953 0911.



# I2

## Development Requirements Heritage Items

Part I2 applies generally to developments involving Heritage Items listed in Schedule 5 of Leeton Local Environmental Plan 2014.

<b>I2.1</b>	<b>Alterations and Additions</b>	<b>17</b>
	Explanation	17
	Objectives	17
	Controls	17
<b>I2.2</b>	<b>Adaptive re-use</b>	<b>18</b>
	Explanation	18
	Objectives	18
	Controls	18
<b>I2.3</b>	<b>Development in the vicinity of heritage items</b>	<b>19</b>
	Explanation	19
	Objectives	19
	Controls	19
<b>I2.4</b>	<b>Demolition works</b>	<b>20</b>
	Explanation	20
	Objectives	20
	Controls	20

## Part I2 Development Requirements Heritage Items

### I2.1 Alterations and Additions

#### Explanation

Undertaking alteration and additions to a heritage item is very important and should be carried out in such a manner that respects the significance of the building. A sympathetic alteration or addition will blend in with the building and the following principles should be given particular attention when considering alterations and additions to heritage items.

Council will not consent to alterations and additions to existing buildings that are heritage items under Leeton LEP 2012 or within a conservation area without considering its design elements (i.e. sympathetic design, setting, scale, proportion, facade, building elements, doors windows, detailing and colours).

#### Objectives

- a. Protect heritage significance by minimising impacts on the significant elements of heritage items.
- b. Encourage alterations and additions which are sympathetic to the building's significant features and which will not compromise heritage significance.
- c. Ensure that alterations and additions respect the scale, form and massing of the existing building.

#### Controls

- a. Avoid changes to the front elevation - locate new work to the rear of, or behind the original building section.
- b. Design new work to respect the scale, form, massing and style of the existing building, and not visually dominate the original building.
- c. The original roof line or characteristic roof elements are to remain identifiable and not be dwarfed by the new works.
- d. Retain chimneys and significant roof elements such as gables and finials where present.
- e. Ensure that the new work is recognisable as new, 'blending in' with the original building without unnecessarily mimicking or copying
- f. Complement the details and materials of the original roof including ridge height and slopes without compromising the ability to interpret the original form.
- g. New materials are to be compatible with the existing finishes. Materials can differentiate new work from original building sections where appropriate, for example by the use of weatherboards where the original building is brick or by the use of "transitional" materials between old and new.
- h. Retain front verandahs. Reinstating verandahs, and removing intrusive changes is encouraged, particularly where there is physical and/or historic evidence.

## Part 12

### Development Requirements

#### Heritage Items

#### I2.2 Adaptive re-use

##### Explanation

Maintaining the original use of a building is desirable as it usually achieves the retention of the original floor plan of the building and decorative features such as fireplaces, chimneys, ceiling roses and cornices. The continuation of an original use of a building also enhances its heritage significance.

It is not always possible, however, to retain the original use of a building due to changes in technology and changes in market / social trends. Changing the use of a heritage item may be acceptable on heritage grounds in many cases, provided the use is compatible and the heritage significance of the item is not adversely affected. The Burra Charter includes a definition for compatible use as follows:

“Compatible use means a use which involves no change to the culturally significant fabric, changes which are substantially reversible, or changes which require minimal impact.”

Each new use will inevitably bring change to the fabric of the place. When considering new uses it is important to try and ascertain what the likely impact of a proposed use will be. Will the changes affect the significance of the place? Will they be minor or reversible? If the original use of a place becomes redundant, finding another similar use may help in retaining the place's significance.

Sometimes a continuing historical use is the reason why a place is considered important, and continuing that use is essential. There is a danger that gradual cumulative changes will reduce the ability to interpret significant aspects of the building. Very different uses (such as commercial uses in a former dwelling) may require significant changes to the building fabric, because of the need for amenities, or perhaps fire-rating of walls and ceilings. It is important to alter as few original features and/or materials as possible when changing the use of a building.

Adaptive reuse of heritage buildings can provide the necessary viability for the continued use and maintenance of heritage buildings. Accommodating the new use should involve minimal change to significant fabric in order to protect heritage significance. Elements or artefacts from the original use (where present) may be required to be retained to assist interpretation. For example, retaining machinery in situ and the like

##### Objectives

- Encourage heritage items to be used for purposes appropriate to their heritage significance.
- To avoid facadism i.e. to avoid gutting the building and retaining only façade;
- To ensure that new work is not a poor imitation of the original historical style of the building;
- To propose a new use for the building that is compatible with its original use.

##### Controls

- The adaptive reuse of a heritage item should minimise alterations or interference with significant fabric.
- The changes are to enable the continued interpretation of the original use.
- Ensure that new services are sympathetically installed especially where upgrading is required to satisfy fire or Building Code of Australia requirements.

## Part I2 Development Requirements Heritage Items

### I2.3 Development in the vicinity of heritage items

#### Explanation

In addition to the requirements of the Leeton Local Environmental Plan and matters raised previously, determining whether a property is within the setting of a heritage item is a necessary component of the site analysis for the development proposal. The analysis should consider historical property boundaries, significant vegetation and landscaping, archaeological features and significant view. The following principles should be given particular attention when considering new development in the vicinity of heritage items.

#### Objectives

- a. To ensure that new buildings provide a setting for the adjoining heritage item, so that it's historical context and heritage significance are maintained.
- b. Encourage development in the vicinity of a heritage item to be designed and sited to protect the significance of the heritage item.

#### Controls

- a. Providing an adequate area around the heritage item to allow its interpretation and respecting the views to and from the heritage item.
- b. Development in the vicinity of listed heritage items shall respect and complement the built form character of those items in terms of scale, setback, siting, external materials, finishes and colour.
- c. New development shall have regard to the established siting patterns of the locality.
- d. New development should generally be set back from the line of the adjoining or adjacent heritage item.
- e. The sensitive selection of materials, colours and finishes is important in terms of achieving compatibility with the heritage items.
- f. Height and scale of new buildings shall not obscure or dominate an adjoining or adjacent heritage item.
- g. Development in the vicinity of a heritage item may be contemporary in design, however discussion with Council's heritage advisor is recommended prior to preparing Development Application.

## Part I2 Development Requirements Heritage Items

### I2.4 Demolition works

#### Explanation

The demolition of heritage items or contributory buildings within a heritage conservation area is contrary to the intent of the heritage listing and should be treated as a last resort.

In assessing an application for the demolition of a heritage item or a contributory building, Council will consider:

- The heritage significance of the item or the Building;
- The structural condition;
- Comparative analysis of options; and
- The contribution the item or building makes to the streetscape.

#### Objectives

- To ensure that appropriate heritage impact assessment is carried out prior to the demolition of heritage items or contributory buildings.

#### Controls

- If the structural capability of the building is in question, Council may request the submission of a report by a structural engineer with heritage experience to determine whether the building is, or is not, structurally capable of reasonable and economic use.
- Development Applications for the demolition of a heritage item or contributory building within a conservation area must be accompanied by a Statement of Heritage Impact. Council may also require an archival record of the building and site which is to be prepared in accordance with the guidelines produced jointly by the NSW Heritage Office titled "Statements of Heritage Impact" and "How to Prepare Archival Recordings for Heritage Items".
- For Archival recordings, photographs should be submitted and keyed to a plan of the building(s). In some cases, particularly where the building is of regional significance, measured drawings will also be required. These should illustrate all elevations of the building(s) and the site, plans and sections and details of decorative features of the building(s).
- Except where a building presents an immediate threat to public safety, the total demolition of a building shall not be permitted unless an application for a replacement building within a garden setting is approved. Where a development proposal is not an improvement over the original building, then there are no grounds for replacing the original building.
- Where in the opinion of the Council, neglect of a building has contributed to the building becoming structurally unsound so as to necessitate total demolition, redevelopment of the site shall not exceed the gross floor area of the building. Additions to a replacement building shall not be permitted within 3 years of completion of the replacement building.
- The partial demolition of original external building fabric of buildings shall only be permitted in the context of permitted alteration or additions.
-

# I3

## Development Requirements Conservation Areas (Commercial)

Part I3 applies generally to commercial developments on land located within a heritage conservation area as mapped under Leeton Local Environmental Plan 2014.

<b>I3.1</b>	<b>General Controls</b>	<b>22</b>	<b>I3.5</b>	<b>Colour Schemes</b>	<b>27</b>
	Explanation	22		Explanation	27
	Objectives	22		Objectives	27
	Controls	22		Controls	27
<b>I3.2</b>	<b>Building Characteristics and elements</b>	<b>23</b>	<b>I3.6</b>	<b>Signage</b>	<b>28</b>
	Explanation	23		Explanation	28
	Objectives	23		Objectives	28
	Controls	23		Controls	28
<b>I3.3</b>	<b>Alterations, Additions and Infill Development</b>	<b>24</b>	<b>I3.7</b>	<b>Accessibility</b>	<b>29</b>
	Explanation	24		Explanation	29
	Objectives	24			
	Controls	24			
<b>I3.4</b>	<b>Shopfronts</b>	<b>26</b>			
	Explanation	26			
	Objectives	26			
	Controls	26			

## Part I3

### Development Requirements

#### Conservation Areas (Commercial)

#### I3.1 General Controls

##### Explanation

Commercial buildings should be in moderate conformity with historic buildings in the heritage conservation area. Detailing of windows, doors, clock towers, parapets etc. should be to maximise the three dimensional effect.

##### Objectives

- a. To ensure that commercial development achieves a sympathetic relationship with the conservation area of which it is a part in terms of its scale, massing, character, setback, orientation, materials and detailing.
- b. To ensure that commercial development respects the established streetscape, and the patterns of development, including setbacks, siting, landscape settings, car parking, height, dominant ridge line and building envelope by displaying architectural “good manners” and respecting the significant characteristics of nearby and adjoining development.

##### Controls

- a. Commercial development can be contemporary in design however, the scale, form and detail must not detract from the scale, form, unity, cohesion and predominant character of buildings and development (i.e. streetscape/landscape elements) around it.
- b. Commercial development in the vicinity of a heritage item must respect the visual curtilage of that item.
- c. Commercial development must not visually dominate, compete with or be incompatible with the scale (size, height and bulk) of existing buildings either on the site or in the vicinity of the proposal.
- d. Commercial development must be sited to correspond with the existing pattern of relationships between buildings and their sites. Front boundary setbacks are to be equivalent to those of neighbouring buildings. Side setbacks must be consistent with existing patterns.
- e. Commercial design is to be integrated into the established character of the area and, in particular, of heritage buildings, incorporating basic design elements such as the characteristic roof form and massing of the original development, proportions of windows, doors and verandahs.
- f. Commercial design must not visually dominate, compete with or be incompatible with the form of existing buildings of heritage significance, either on the site or in the vicinity of heritage items.
- g. New development must be in moderate conformity (repeat the scale, roof pitch, materials, colours and architectural treatments without poor mimicry) with the best examples of historic buildings in the locality.

## Part I3

### Development Requirements

#### Conservation Areas (Commercial)

#### I3.2 Building Characteristics and elements

##### Explanation

The significant features and elements of building within the conservation area / commercial precinct are often reflected in shopfronts, verandahs, door entrances, brickwork and upper facade detailing. Important considerations for future development proposals are sympathetic facade treatments, signs and colour schemes. The following requirements for alterations and additions, and colour schemes for buildings in the commercial precinct should guide future applications.

##### Objectives

- a. Retain evidence, including layout, of original shopfronts.
- b. Encourage reinstatement of traditional features and sympathetic new work.
- c. Encourage reinstatement of awnings based on historic information (drawings, photographs) and/or interpretation of period details.
- d. Encourage use of traditional colour schemes based on the period of the building.
- e. Encourage signs that complement, rather than dominate, the architectural characteristics of the building.
- f. Discourage proliferation of signs on buildings.

##### Controls

- a. Retain characteristic buildings from significant periods of development for the conservation area.
- b. Buildings are to be retained and demolition will not be considered unless the applicant can demonstrate that the building or structure is not a characteristic building, is of little heritage significance or is structurally unsound or beyond repair.
- c. Original features and materials of characteristic buildings are to be retained. Reinstating features that have been removed is encouraged.



## Part 13 Development Requirements Conservation Areas (Commercial)

### 13.3 Alterations, Additions and Infill Development

#### Explanation

The quality and style of alterations, additions and new development in the commercial precincts within the conservation area is of great importance as they will have a significant impact on the streetscape and the works should take into account the following issues.

In commercial areas, it is the variation of parapets which make a significant contribution to the architectural character of the streetscape and conservation area.

#### Objectives

- a. To ensure that new development in the conservation areas maintain the heritage significance of the area and minimise its impact on the streetscape.
- b. Retain buildings and features that are characteristic of the conservation area, and encourage reinstatement of these features where they have been removed.
- c. Encourage new buildings to respond positively to the character of adjoining and nearby buildings. O4. Ensure that new work is sympathetic to the bulk, mass and scale of characteristic buildings in the conservation area.
- d. Encourage infill development or the replacement of uncharacteristic buildings to reflect the historic character of the precinct and nearby characteristic buildings.
- e. Encourage the service elements (solar panels, solar heating, antennas, satellite dishes and air conditioning units) to be placed to the rear of the properties, preferably not visible from the street

#### Controls

##### Facade Treatment

- a. Retain original elements and features, including features that are above awning level.
- b. Where original shopfronts, awnings have been altered, the replacement is to be based on historic information and/or the interpretation of period details.
- c. An additional storey can be considered if set well behind the front building line and designed to not impact detrimentally on the contribution of the original facade to the streetscape.
- d. Service elements (solar panels, solar heating, antennas, satellite dishes and air conditioning units) to be placed to the rear of the properties, preferably not visible from the street, or on rear outbuildings.

##### Infill Development

- e. Design infill and replacement buildings to reflect the general historic character of the precinct and nearby characteristic and heritage buildings.
- f. Generally maintain a single storey building height at the street frontage, constructed with a nil setback.
- g. Where sites are amalgamated use articulation to reflect the former subdivision pattern.

- h. Maintain a balance of solid area over void. Large areas of plate glass curtain walls are generally not suitable and will not be supported.
- i. Use awnings to reduce the bulk and scale of buildings.
- j. Use of articulation in facades such as string courses, cornices, pilasters and other features that break up the scale of facades is encouraged
- k. Painting of facades in corporate colours is not supported and corporate identify should be established through appropriate signage.

##### Building Heights

- l. The height of buildings shall reinforce the desired scale and character of the area – see Leeton LEP 2012.

##### Services

- m. Service structures, plant and equipment should be an integral part of the development and shall be suitably screened.

#### Roof Form, Parapet and Silhouettes

- n. Where the prevailing pattern of roof forms assists in establishing the character of a town scape, new roof forms shall seek to be compatible with the shape, pitch, and materials of adjacent buildings.
- o. Parapet heights and articulation shall be compatible with earlier surrounding buildings.
- p. Lightweight materials such as ribbed
- q. coloured metals shall not be used on vertical wall or parapet surfaces.

#### Design of Car Parking Areas

- r. Car parking areas shall be located at the rear of buildings in the conservation area.
- s. Provide landscaping where practicable to shade parked vehicles and screen them from public view.
- t. Provide for access off minor streets, and for the screening from public view of such car parking areas from surrounding public spaces and areas.

#### On-site Loading and Unloading

- u. Facilities for the loading and unloading of service vehicles shall be suitably screened from public view.

## Part I3

### Development Requirements

#### Conservation Areas (Commercial)

#### I3.4 Shopfronts

##### Explanation

The quality and style of shopfronts is of great importance as they reflect the quality and style of significant architectural buildings, and enhance the character and interest of footways for pedestrians.

Early shopfronts not only provide a great sense of quality to the shop through their distinctiveness, they also enhance display areas for merchandise.

Retaining original shopfronts and tiling is particularly important as they are usually complimentary to the other architectural features of the building where one's appreciation of the street is primarily at eye level.

The reinstatement of shopfronts in keeping with original building design is encouraged. For renovation of shopfronts reference should be made to Leeton "Art Deco Design Guidelines" which gives advice on the correct selection of tiles, colours, sizes and tile patterns.

Modern shopfronts of large glazing set in an aluminium frame are considered to contribute little to the architectural character of the street front.

The modern tendency to build along the front wall finish without recessed entries also produces a uniform and uninteresting footpath space and does not highlight the entrance to the shop.

##### Objectives

- To retain shopfronts which contribute to the heritage significance of the building and surrounding area.
- Where the original shopfront has been removed and replaced by an unsympathetic alteration, the reinstatement of earlier styles of shopfront in harmony with the overall building character is desirable.
- To ensure that new shopfronts including tiling complement the significance and character of the existing building and surrounding area.

##### Controls

- Original shopfronts should be retained.
- Authentic reconstruction is encouraged. Original timber and metal shopfront framing must be retained
- New shopfronts including tiling patterns shall complement the significance and character of the existing building and surrounding area.
- New shopfronts are to be compatible with the proportions, position, size and detailing of the best historical examples of original shopfronts.

## Part 13

### Development Requirements

#### Conservation Areas (Commercial)

#### 13.5 Colour Schemes

##### Explanation

Repainting of buildings should occur as part of general maintenance. Colour schemes that are in keeping with the period of the building will enhance its character and the surrounding area.

Painting in a colour scheme suited to the age of a building can be well researched using a number of resources.

These include:

- Paint scrapes in areas, which have not been overly exposed to reveal previous colours used.
- Old black and white photographs which show shades on different elements of the building.
- An understanding of traditional colour schemes, which can be obtained by referring to books written about the subject.
- It is not usually necessary to repeat the use of original colours, but research is often helpful to understand how different areas were treated.
- Paint manufacturers have developed heritage colour ranges, which are useful when deciding on suitable period colours.

Council's Heritage Advisor can provide colour schemes for building owners on request.

##### Objectives

- To encourage the use of colours in a traditional way with base colours and highlights to appropriate elements.
- To undertake colour schemes, which complement the style of the building, will enhance the character of the surrounding area.
- To control the dominant use of bright corporate colours on building facades, which is generally inconsistent with maintaining the heritage character and significance of a building and/or Conservation Area.
- To give direction for well-placed and proportioned signage that can provide the clear information needed for effective street presence of a business.

##### Controls

- Colour schemes are to reflect the period and detail of the building, particularly where it is a heritage item, or is a building identified as a streetscape reference building which contributes to the character of the commercial precinct / conservation area.

## Part I3 Development Requirements Conservation Areas (Commercial)

### I3.6 Signage

#### Explanation

Signage is very important to the visual quality of a streetscape and many of today's corporate signage has the potential to impact on the conservation area. To improve the overall appearance by controlling the number, placement and arrangement of signs in the conservation area, the following requirements will ensure the external advertising is sympathetic and respects the heritage significance of the area.

#### Objectives

- a. To ensure that signage respects and enhances the amenity of the area.
- b. Architectural research can reveal old and original signage through historic photo collections and Main Street Studies available at Council, Library and Leeton Family History Group.
- c. The Leeton Main street Study may provide early photographs which can be used as a reference to identify suitable locations for new signs.
- d. Early original signage has cultural value and should be retained.

#### Controls

##### New Signage

- a. The scale, type, design, location, materials, colour, style and illumination of any sign shall be compatible with the design and character of the buildings and should not intrude on the visual qualities of the town scape.
- b. The architectural characteristics of the building shall always dominate.

##### Above Awning Signs

- c. Above awning signage should be simple in design and avoid a proliferation of advertising which can be confusing and detract from the building and conservation area.
- d. Above awning signage should be located flush with the wall surface.
- e. Above awning signage should not be fluorescent or internally illuminated. Some original buildings had neon signage and with reference to early main street photographs, neon may be reinstated for new businesses.
- f. Signs adjacent to heritage items or older buildings in Conservation Areas shall be designed and located sympathetically.

##### Colour

- g. Colours shall be sympathetic to the surrounding area and be related to the colours of the building.
- h. The use of entire glazed shopfronts for temporary notices is not considered appropriate, nor is the use of temporary fluorescent sign writing.
- i. The use of bright corporate colours and sign designs which are not related to the architecture or character of the area and building are not considered appropriate.

##### Lettering Styles

- j. Traditional styles of lettering can be interpreted for modern buildings such as the use of raised lettering or traditional styles appropriate to the period of building.

## Part 13

### Development Requirements

#### Conservation Areas (Commercial)

#### 13.7 Accessibility

##### Explanation

Providing access to building for people with disabilities is required under the Disability Discrimination Act 1992.

Heritage places are no exception, however, there is also a need to conserve these places and not alter them in a way which will impact on their heritage significance.

Historic buildings will generally require solutions specific to that site, however, there are a number of principles which, if applied, can assist in developing effective solutions. "Improving Access to Heritage Buildings, A Practical Guide to Meeting the Needs of People with Disabilities" is a useful and practical booklet, regarding accessibility issues, published by the Australian Heritage Commission and the NSW National Trust.

Some suggested access principles and solutions for effective accessibility follow a thorough approach to improving access to heritage buildings includes the following steps:

- a. Identify the heritage value or significance of the place, specifically those parts which have the greatest significance. This can be determined through developing a Conservation Plan, obtaining details on the property from local council, the State Heritage Office or National Trust of NSW, or seeking advice from a conservation professional.
- b. Undertake an access audit to determine existing and required levels of accessibility. Modifications should generally incorporate the following:

- c. Making the main or principle public entrance and public spaces accessible including a path to the entrance.
- d. Providing accessible toilets.
- e. Providing access to goods, services and programs.
- f. Creating access to other amenities and secondary spaces.

Solutions should:

- a. Be sympathetic and, where possible, reversible.
- b. New work should be evident on close inspection.
- c. In considering what is sympathetic, matters such as general form, materials, finish, compatibility with architectural details of the original design are guiding principles.
- d. Comply with relevant Australian Standards.

# I4

## Development Requirements Conservation Areas (Residential)

Part I4 applies generally to residential developments on land located within a heritage conservation area as mapped under Leeton Local Environmental Plan 2014.

<b>I4.1</b>	<b>Building Characteristics and Elements</b>	<b>31</b>	<b>I4.6</b>	<b>Garages and Carports</b>	<b>37</b>
	Explanation	31		Explanation	37
	Objectives	31		Objectives	37
	Controls	31		Controls	37
<b>I4.2</b>	<b>Alterations and Additions</b>	<b>32</b>	<b>I4.7</b>	<b>Fencing</b>	<b>38</b>
	Explanation	32		Explanation	38
	Objectives	32		Objectives	38
	Controls	32		Controls	38
<b>I4.3</b>	<b>Infill Development</b>	<b>34</b>	<b>I4.8</b>	<b>Landscaping</b>	<b>39</b>
	Explanation	34		Explanation	39
	Objectives	34		Objectives	39
	Controls	34		Controls	39
<b>I4.4</b>	<b>Scale and Form</b>	<b>35</b>	<b>I4.9</b>	<b>Service and utilities</b>	<b>40</b>
	Explanation	35		Explanation	40
	Objectives	35		Objectives	40
	Controls	35		Controls	40
<b>I4.5</b>	<b>Building elements (roofs), Materials and finishes</b>	<b>36</b>			
	Explanation	36			
	Objectives	36			
	Controls	36			

## Part I4

### Development Requirements

#### Conservation Areas (Residential)

#### I4.1 Building Characteristics and Elements

##### Explanation

New development must provide an appropriate visual setting for heritage items and buildings within conservation areas, including landscaping, fencing, etc and maintain and enhance the existing heritage character of the streetscape and the vicinity;

##### Objectives

- a. To ensure that new alterations and additions respect the architectural character and style of the building and area concerned.
- b. To maintain and enhance the existing character of the street and the surrounding locality.
- c. To enhance the public appreciation of the area.
- d. To ensure new development respects the character of its surrounds. However, respect does not mean copying. While architectural replicas may appear visually compatible with their surroundings, they can confuse the original buildings in the area and give a false impression of historical development

##### Controls

- a. Any new development and alterations or addition must consider the characteristics of the existing building, and buildings in the surrounding area, and sit comfortably in this context.
- b. New work should generally not precisely mimic the design and materials of the building, but be recognizable as new work on close inspection.
- c. New development can be contemporary in design when it is well integrated with and related harmoniously to its older neighbours.
- d. Mock historical details should not be applied as they will not be of any heritage value themselves, and can confuse our understanding between the “new” and the “old”.
- e. Alterations and additions shall blend and harmonise with the existing building in terms of scale, proportion and materials.
- f. Alterations and additions shall not require the destruction of important elements such as chimneys, windows and gables.



## Part I4

### Development Requirements

#### Conservation Areas (Residential)

#### I4.2 Alterations and Additions

##### Explanation

Design new work to complement the style and period of the building in terms of style, scale, form, roof form and materials. New works can be a modern interpretation and do not need to strictly follow the original style.

Alterations should generally be to the rear of the property. Alterations to the side can be considered where side setbacks are sufficient. Additions are to retain, and be subservient in form and scale, to the primary form of the building.

New work is to be below the main ridge height of the building, and be articulated from the primary form by setbacks in the walls and height of the roof. Maintain a descending scale to the rear.

The roof is usually the most influential aspect of the design of new building in a Conservation Area. The shape of a roof and pattern it makes against the sky is generally distinctive in a Conservation Area and should be a primary consideration in the design of new development.

Suitable ways of extending a building have been illustrated in Figure 4 over page.

##### Objectives

- Protect heritage significance by minimising impacts on the significant elements of heritage items.
- Encourage alterations and additions which are sympathetic to the building's significant features and which will not compromise heritage significance.
- Ensure that alterations and additions respect the scale, form and massing of the existing building.
- Design new work to complement the style and period of the building in terms of style, scale, form, roof form and materials. New works can be a modern interpretation and do not need to strictly follow the original style.
- Alterations should generally be to the rear of the property. Alterations to the side can be considered where side setbacks are sufficient.

##### Controls

- Avoid changes to the front elevation - locate new work to the rear of, or behind the original building section.
- Design new work to respect the scale, form, massing and style of the existing building, and not visually dominate the original building.
- The original roof line or characteristic roof elements are to remain identifiable and not be dwarfed by the new works.
- Retain chimneys and significant roof elements such as gables and finials where present.
- Ensure that the new work is recognisable as new, "blending in" with the original building without unnecessarily mimicking or copying.
- Complement the details and materials of the original roof including ridge height and slopes without compromising the ability to interpret the original form.

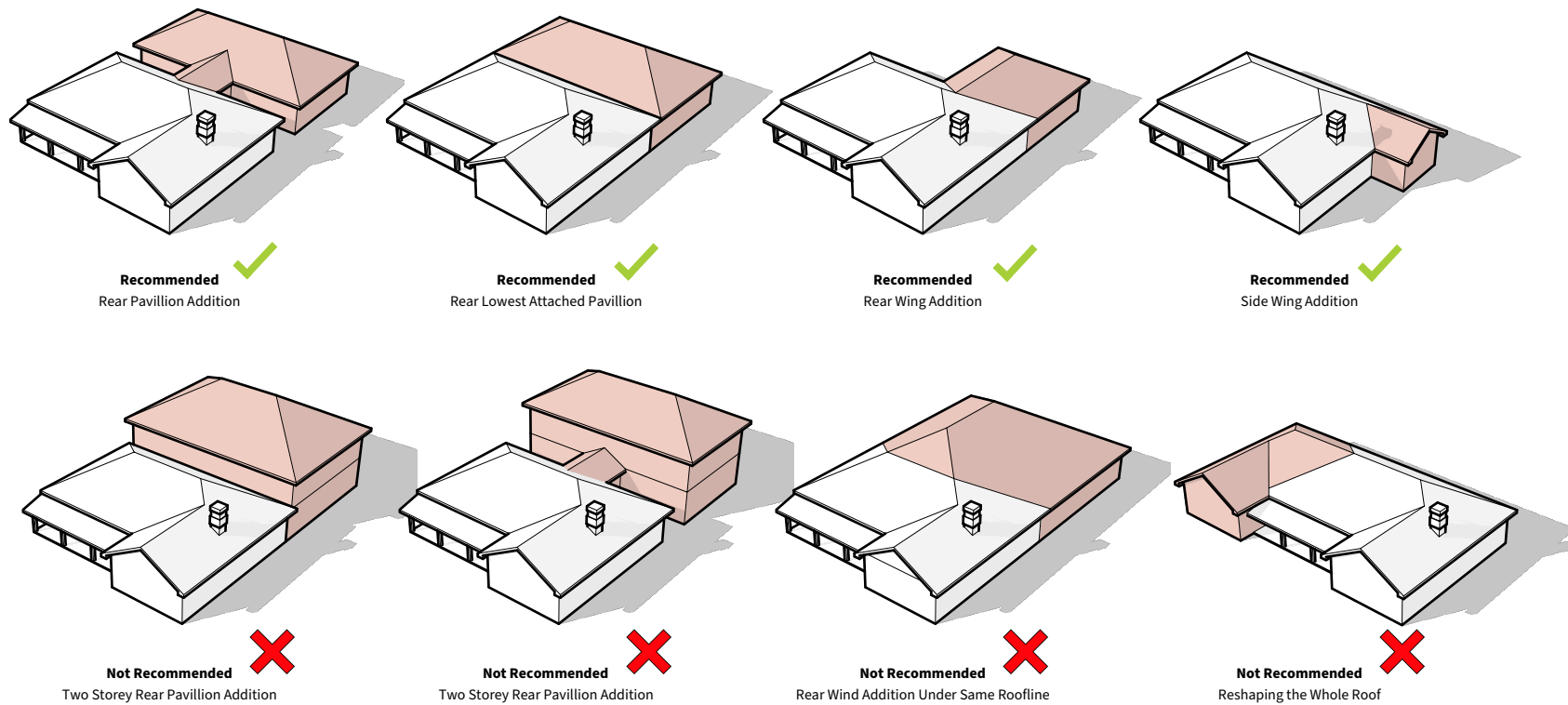


Figure 4 - Alterations and Additions in Heritage Conservation Areas

## Part I4 Development Requirements Conservation Areas (Residential)

### I4.3 Infill Development

#### Explanation

Design infill and replacement buildings to reflect the general historic character of the precinct and nearby characteristic and heritage buildings.

It is essential that the scale and siting of new development, including alterations and additions, does not detract from the scale, form, unity, and character of the surrounding area.

It is important to understand the characteristics and features of an area before deciding on the form and style of a new building.



#### Objectives

- To maintain and enhance the existing character of the street and the surrounding area.
- To ensure that new development and alterations or additions respect established patterns of settlement (i.e. pattern of subdivision and allotment layout, landscaped settings, car parking and fencing).
- To provide an appropriate visual setting for heritage items and heritage conservation areas.
- To ensure that the relationship between buildings and there which contribute to the character of the area are not disturbed or devalued.
- Infill development is to reflect the characteristic buildings in the vicinity in terms of bulk, scale, roof form, setbacks and materials.
- Setbacks are to reflect the patterns of adjoining houses and the general pattern of the street.
- Use pitched roofs with slate, terracotta tiles or corrugated metal.
- Contemporary design is acceptable where it is sympathetic to the characteristic built form of the conservation area, particularly in terms of bulk, scale, height, form or materials.

#### Controls

- Generally alterations or additions should occur at the rear of the existing building to minimize visual impact on the street frontage of the building, particularly where the additions and alterations involve a listed heritage item, a building which contributes to the heritage character of the Conservation Area.
- Side additions should not comprise the ability for driveway access to the rear of the block.
- No new structures shall be built forward of an established building line.
- New development shall be sited behind the building line of any adjoining heritage item, so as not to affect the heritage significance.
- An adequate curtilage including landscaping, fencing, and any significant trees shall be retained. C6. Larger additions can be successful when treated as a separate entity to retain the character of the original building in its own right.
- Front and side setbacks shall be typical of the spacing between buildings located in the vicinity of the new development.
- The orientation pattern of buildings back from side building lines existing in the area shall be maintained.
- Rear additions are generally best stepped

## Part I4

### Development Requirements

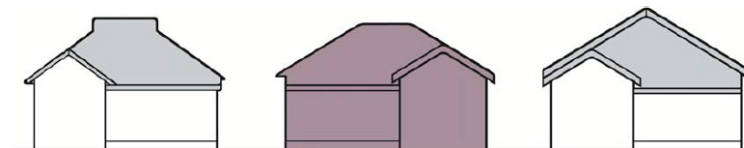
#### Conservation Areas (Residential)

#### I4.4 Scale and Form

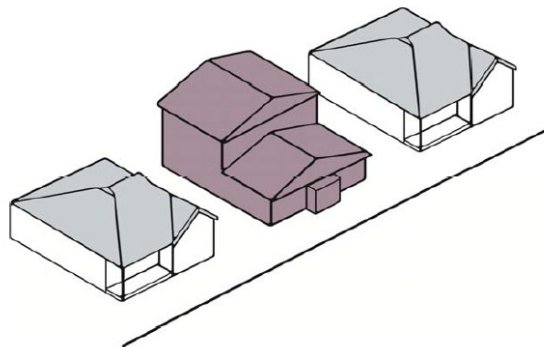
##### Explanation

Design for new development shall be in harmony with the streetscape and it should not dominate existing heritage items, nor reduce the contribution to the existing pattern of development.

Scale (including height, bulk, density and number of storeys) of new work must relate visually to the scale of adjacent buildings. Unless it can be clearly demonstrated that greater scale would be appropriate in the individual circumstances, new buildings and additions are to be of the same scale as the surrounding development;



*A pattern of harmonious scale consistent with surrounding development.*



*In this example, new development does not respect the massing and form of surrounding*

##### Objectives

- To ensure that new development including alterations and additions respect the significance and character of the surrounding area.

##### Controls

- An alteration or addition shall not be of a size or scale which overwhelms or dominates the existing buildings substantially changes or destroys its identity or changes its contribution and importance in its surrounds.
- New houses should generally remain at single storey in areas where the majority of buildings are single storey, so as not to dominate the surrounding area.
- Unless it can be demonstrated that greater scale would be appropriate in the individual circumstances, new development and additions must be of the same scale as surrounding development.

## Part I4 Development Requirements Conservation Areas (Residential)

### I4.5 Building elements (roofs), Materials and finishes

#### Explanation

Residential plan and roof forms differ greatly depending on the era of the building. Hips and gables generally did not span greater than 6.5 metres. If a house was to be wider or longer, another hip or gable were added. The basic plan and roof form were often extended at the rear or sides by a skillion roof.

Traditional combinations of materials used in heritage buildings shall be considered when designing additions. It may not be appropriate or necessary to replicate the original combination of materials used in the original work. The use of a complementary material might make the increase in scale less noticeable and also enhance later understanding of the changes.

For instance, timber weatherboard extensions to brick houses was a common practice which is still appropriate today, as was the use of corrugated iron roofs at the rear of houses behind main roofs constructed with tile or slate.

#### Objectives

- a. To retain characteristic scale and massing of roof forms within conservation areas and on heritage items when designing alterations and additions.
- b. To ensure that materials and colours used in any new development alterations and additions respect the significance and character of the existing building and surrounding area.
- c. Doors and windows in new buildings are to be compatible with the proportions, position and size of those typical of the locality.

#### Controls

- a. New general roofs shall be carefully designed so that they relate to the existing, adjoining roofs in pitch, eaves and ridge height.
- b. Additional rooms can be added to heritage buildings appropriately where roof forms have been carefully integrated into the existing.
- c. New roof elements such as dormer windows and skylights shall not be located where they are visually prominent.
- d. Chimneys shall be retained.
- e. Use of roof materials shall be the same as materials on the existing heritage building and those typically used in the conservation area

#### Roofing

- f. Original roof material shall be matched in any addition in material and colour. If, however, original roofing is expensive such as slate, corrugated iron is a suitable alternative to the rear.
- g. Traditional stepped flashings, roof vents, gutter moulds, and rainwater heads shall be used.

#### Brickwork

- h. New face brickwork shall match the existing brick in colour and texture, and type of jointing and mortar colour.

#### Doors and Windows

- i. Timber windows shall be retained in existing buildings. New doors and windows should be of materials characteristic to the existing building, locality or an approved alternative.

#### Colour Schemes

- j. Additions shall employ colour schemes which in the area. A number of good reference books on traditional colour schemes are available.
- k. Colour schemes suitable to the period of the building shall be used.
- l. Unpainted brick or stone shall remain unpainted.

## Part I4 Development Requirements Conservation Areas (Residential)

### I4.6 Garages and Carports

#### Explanation

In order to blend with their surroundings, garages, carports and sheds should be sized and detailed in ways that approximate the best elements of traditional architecture in the Heritage Conservation Areas and adjacent Heritage Items.

Traditionally, garages matched the materials of the house. If the house was 'fibro' then the garage was 'fibro'. If the house was brick then the garage was brick. If the house was weatherboard then the garage was weatherboard. This should be kept in mind for garage construction in Heritage Conservation Areas.

Matching of materials needs to be detailed on the drawings. In a brick garage, for example, the brick bond should match the house, not just the colour and size.

Garages were generally not built attached to the house, but were freestanding structures setback from front boundary and generally towards the rear of the block

#### Objectives

- a. To ensure that garages, carports and sheds do not detract from the character of the area and/or heritage item due to inappropriate location, design, materials and colours.
- b. To allow for reasonable on site car parking while retaining the character and significance of the conservation area or heritage item;
- c. To ensure that car parking facilities do not have any adverse visual impact upon heritage streetscapes;
- d. To ensure that garaging and driveways are visually discreet;
- e. To exclude carports and inappropriately detailed outbuildings that are incompatible with the architecture of the conservation area or heritage item; and
- f. To ensure that outbuildings do not detract from the heritage significance of the item or conservation area through inappropriate siting, or excessive scale, bulk, visibility or materials

#### Controls

- a. Garages should preferably be located at the rear or set well back at the side of a building behind the rear building line.
- b. Garages and carports shall make reference to any established historic patterns in the street.
- c. Double garages should be detached buildings set behind the rear main building line.
- d. Existing outbuildings should be maintained and reused wherever possible.
- e. Simple open light construction carports are preferable to solid heavily detailed buildings.
- f. Traditional "heritage" colour schemes shall be adopted.
- g. Roof pitch of minimum 220 or 270 (quarter pitch) or steeper if to match roof pitch of the house. Roof pitches can be broken with a 10-120 pitch verandah skillion.
- h. Roll barge to be used at roof edges with rolled ridge at top of roof.
- i. Gutters shall be in 'quad' profile – galvanised or Colourbond (square profiles are unsuitable)
- j. Downpipes shall be 90mm round profile.
- k. Roller doors to garages facing the street shall be maximum 2400 wide (2700 wide if entering from lane). Double span roller doors do not match traditional proportions and if double car entrance required, then two 2400 wide doors are acceptable provided they are separated by wall no less than 600 in width.
- l. Doors and windows shall be of traditional proportions - i.e. closely match older style doors and windows of house.
- m. If metal framed doors and windows to be installed, then use metal architraves.
- n. Acceptable single garage proportions are 3000 wide x 6000 long, 2400 high walls, 220 roof pitch rising to ridge of 3400 high. Garage roller door 2400 wide.
- o. Acceptable double garage proportions are 6000 wide x 6000 long, 2400 high walls, 220 roof pitch rising to ridge of 4000 high. Two garage roller doors at 2400 wide with wall between doors.
- p. Drawings shall note the detail of the above items and specify the colour scheme to be used, including roofs, walls, gutter / downpipes, fascias / barges, roller doors, windows and swing doors.

## Part I4 Development Requirements Conservation Areas (Residential)

### I4.7 Fencing

#### Explanation

Fences form an integral, yet fragile part of heritage areas. The majority of historic fences have disappeared, so it is very important that those authentic fences which remain are preserved.

When repairing an original fence, determine:

- What is significant about the fence?
- Is it unusual or typical of its time?
- Its style?
- Its physical condition.

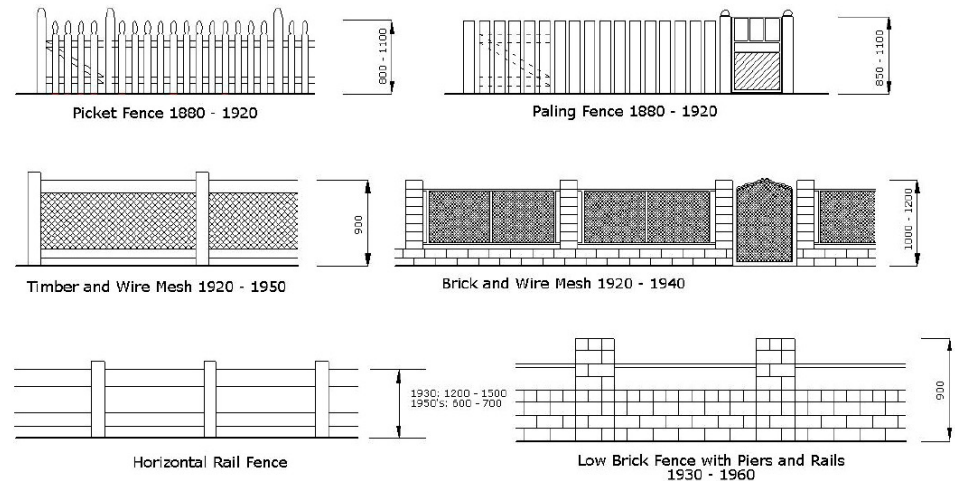
When constructing a new fence and there is insufficient evidence to reproduce the original, it is important to build the fence so that it is in harmony with the existing fences and houses of the street. Ensure that the height matches that of (sympathetic) neighbouring fences, and that the colour scheme is compatible with the house

#### Objectives

- To retain original existing fencing and provide for new fencing that is consistent with established patterns.

#### Controls

- Original fences should be retained.
- Fences should be simple with a level of detail comparable with the house.
- Fencing should generally be open or transparent, or backed with a hedge, not solid.
- Fences shall be of a scale comparable with the street.
- Front fences shall be of materials characteristic to the surrounding area, particular to the street and suitable to the era of the house. Examples include timber picket, low masonry and hedges.
- Front fencing must be of materials characteristic to the architecture of the building and particular to the street.
- Front fencing, where installed, must be one of the following types where it is consistent with the style of building being fenced:
  - masonry fencing to 700mm maximum;
  - open fencing such as pickets or palisade to 1,200 maximum,
  - hedging to 1,200mm maximum.



#### Fencing Types - Details

- Fencing along boundaries to public open spaces, where installed, must be either of wire or wire mesh or of timber post and rail design or iron railing to a maximum height of 1,400 mm. Hedges, trees and shrubs may be planted for privacy.
- Internal boundary fences including those between lots, where installed, must match the fencing along boundaries to public open spaces or be stone or timber paling construction.
- Colourbond sheet and hollow metal ('pool type') fencing is not permitted.

## Part I4

### Development Requirements

#### Conservation Areas (Residential)

#### I4.8 Landscaping

##### Explanation

Landscaping is an integral part of the streetscape and the conservation area. The aim is to retain or reinstate landscaped settings for heritage items and components of conservation areas; and to conserve any original landscape planting separating public from private domain and to 'frame' the view of each building and its front garden.

In the case of heritage items, soft landscaping shall not obscure the main building from the street, in order to allow the main building to maintain its contribution to the streetscape. Soft landscaping includes trees, shrubs, grass and garden beds.

Garden structures are to be appropriate to primary buildings in terms of scale, style, and materials.

Hedges along front boundaries and along side boundaries forward of the building line and the maintenance of hedges to heights of not more than 1200mm is encouraged.

##### Objectives

- To maintain the rhythm of gardens, open spaces and tree planting in a heritage streetscape.
- To ensure that planting does not compromise important views into or out of conservation areas.
- To maintain the landscape character of the locality in any new development.

##### Controls

- When designing new gardens, reference must be made to surviving plants in the locality and on site, which indicate the basic garden structure for the new designs.
- When selecting suitable trees, the following must be considered: the varieties that already exist in the area; the size of the tree when mature; the potential of the chosen species to interfere with services, retaining walls and other structures.
- Many heritage garden reference books are available to explain typical settings for houses of different styles and periods.
- Hard surfaces should be kept to a minimum.



## Part I4

### Development Requirements

### Conservation Areas (Residential)

#### I4.9 Service and utilities

##### Explanation

Council encourages the installation of devices, which improve the water conservation and energy efficiency for housing. However, on heritage items and in conservation areas new technologies (such as solar heating and telecommunications structures) should not be visible from a public place nor intrude on any views or vistas gained from neighbouring properties. The style, siting and visual treatment of such structures should be discrete and not intrusive.

##### Objectives

- a. To minimize any obtrusive effect of new building services and technical equipment in Conservation Areas and on heritage items.

##### Controls

- a. Exhaust vents, skylights, air conditioning ducts and units, solar panels, TV antennae and satellite dishes shall not be visible on the main elevation of the buildings or attached to chimneys where they will be obvious.
- b. In heritage areas they shall be hidden from view as much as possible.
- c. Essential changes to cater for electrical wiring, plumbing or other services should be limited to what is essential to permit the new use to proceed.

# 15

## Aboriginal Cultural heritage

Part 15 applies generally to development within the Leeton Local Government Area that has the potential to impact on Aboriginal Cultural Heritage.

### 15.1 Aboriginal cultural heritage Standards

**42**  
42

## Part I5 Aboriginal Cultural Heritage

### I5.1 Aboriginal cultural heritage

#### Standards

- a. Development (as defined under Part 4 of the Environmental Planning and Assessment Act 1979) on non-urban land is required to be supported by an Aboriginal Due Diligence Assessment Report prepared by a suitably qualified heritage professional, unless it can be established the development is to be located on 'disturbed land', as defined under The National Parks and Wildlife Regulation 2019.
- b. If required, an Aboriginal Due Diligence Assessment Report must be prepared by a suitably qualified heritage professional in accordance with the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales 2010.
- c. Development proposing harm to an Aboriginal object or declared Aboriginal place must first be issued with an Aboriginal Heritage Impact (AHIP) from Heritage NSW under Part 6 of the National Parks and Wildlife Act 1974.

#### Notes

Section 58(4) of The National Parks and Wildlife Regulation 2019 defines disturbed land as follows:  
Land is disturbed if it has been the subject of a human activity that has changed the land's surface, being changes that remain clear and observable.

Examples include ploughing, construction of rural infrastructure (such as dams and fences), construction of roads, trails and tracks (including fire trails and tracks and walking tracks), clearing vegetation, construction of buildings and the erection of other structures, construction or installation of utilities and other similar services (such as above or below ground electrical infrastructure, water or sewerage pipelines, stormwater drainage and other similar infrastructure) and construction of earthworks.

It is an offence to harm or desecrate an Aboriginal object under the National Parks and Wildlife Act 1974 without the necessary Aboriginal Heritage Impact Permit (AHIP). The National Parks and Wildlife Act 1974 provides that a person who exercises due diligence has a defence against prosecution of unknowingly harming an object without an AHIP.



# Part J

## PARKING + ACCESS

This part applies standard and controls relating to parking and access for residential and non-residential development types throughout the Leeton Local Government Area



LEETON COUNCIL  
**2022**  
**COMPREHENSIVE DCP**

# Table of Contents

<b>J1</b>	<b>Car Parking Code</b>	<b>3</b>
J1.1	Application of Section	4
J1.2	Objectives	4
J1.3	Application of Standards and Guidelines	4
J1.4	Definitions	4
J1.5	Off street parking calculations	5
J1.6	Parking Credits	11
J1.7	Car parking exemptions	12
J1.8	Variation to parking requirements	13
<b>J2</b>	<b>Parking + Access - Residential Uses</b>	<b>14</b>
J2.1	Site access - design and location	15
J2.2	Driveway widths	15
J2.3	Car parking design	15
J2.4	Internal road design	16
J2.5	Car parking surfaces	16

<b>J3</b>	<b>Parking + Access - Non Residential Uses</b>	<b>17</b>
J3.1	Parking area locations	18
J3.2	Parking area design	18
J3.3	Site access design	18
J3.4	Disabled parking requirements	19
J3.5	Internal road design	19
J3.6	Loading / unloading facilities	20
J3.7	Signage	21
J3.8	Pedestrian travel	21
J3.9	Safety and security	21
J3.10	Landscaping	21
J3.11	Bicycle parking	22
J3.12	Car park construction	22
J3.13	Surface materials	22

# J1

## Car Parking Code

Part J1 provides introductory information for car parking and access associated with new development in the Leeton Shire Local Government Area.

J1.1	Application of Section	4
J1.2	Objectives	4
J1.3	Application of Standards and Guidelines	4
J1.4	Definitions	4
J1.5	Off street parking calculations	5
J1.6	Parking Credits	11
J1.7	Car parking exemptions	12
J1.8	Variation to parking requirements	13

## Part J1 Car Parking Code

J1.1	Application of Section	J1.2	Objectives	J1.3	Application of Standards and Guidelines	J1.4	Definitions
	<p>Section J.1 applies to:</p> <ul style="list-style-type: none"> <li>a. New floor space or buildings.</li> <li>b. Alterations or additions to any existing building that requires development consent, whether or not such additions or alterations involve a change in building use.</li> <li>c. A change of use for which development consent is required, and that would require the provision of a greater number of on-site parking spaces than the previous use.</li> </ul> <p>Off street parking provided to existing developments shall be retained. Additional parking spaces required for any new development, redevelopment or change of use shall be provided in accordance with the provisions of this part of the Plan. Certain types of development may qualify for car parking exemptions.</p> <p>A development comprising a combination of two or more uses, such as combined motor sales and repairs, will be assessed as if the two uses exist independently.</p> <p>More detailed examination of how car parking rates apply to development is contained in Section J.1.5.</p>		<p>The objectives for parking are to:</p> <ul style="list-style-type: none"> <li>a. Ensure that adequate provision is made for off-street parking consistent with the parking demand generated by the development.</li> <li>b. Provide convenient and adequate parking for staff, clients, visitors and servicing groups.</li> <li>c. To provide parking areas which promote ease of access as well as suitable internal circulation patterns.</li> <li>d. Ensure quality of parking areas in terms of safety, amenity and integration with surrounding areas.</li> <li>e. Ensure the adequate provision of suitably located parking for disabled persons.</li> <li>f. Provide landscaping and quality materials in the construction of parking areas to improve the amenity of those parking areas.</li> <li>g. Provide parking areas which promote ease of access as well as suitable internal circulation patterns.</li> <li>h. Ensure that all traffic generating developments are in accordance with the Roads and Traffic Authority's "Guide to Traffic Generating Developments" and relevant Australian Standards.</li> <li>i. Ensure that each development proposal is assessed consistently and equitably with respect to parking.</li> </ul>		<p>Part H of this DCP must be read in conjunction with other relevant Australian Standards and legislation, which will always prevail in the event of an inconsistency with this plan.</p> <p>As a guideline, the following standards and guidelines (most up to date versions thereof) may have application to the design and assessment of car parking and access for new development in the Leeton Shire:</p> <ul style="list-style-type: none"> <li>a. AS 2890.1 Part 1: Parking Facilities: Off-street Car Parking;</li> <li>b. AS 2890.2 Part 2: Parking Facilities: Off-street Commercial Vehicle Facilities;</li> <li>c. AS 2890.3 Part 3: Parking facilities Bicycle parking</li> <li>d. AS 2890.5 Part 5: Parking facilities On-street parking</li> <li>e. AS 2890.6 Part 6: Parking facilities Off-street parking for people with disabilities</li> <li>f. AUSTROADS Guide to Traffic Management.</li> <li>g. Building Code of Australia (BCA)</li> <li>h. RTA "Guide to Traffic Generating Developments"</li> <li>i. AUSTROADS "Guide to Road Design".</li> </ul>		<p><b>Gross floor area (GFA)</b> means the overall area of a building as measured from the outer face of external walls, but excludes:</p> <ul style="list-style-type: none"> <li>a. Columns, fin walls, sun control devices and any elements, projections or works outside the general lines of the outer face of the external wall.</li> <li>b. Lift towers, cooling towers, machinery and plant rooms and ancillary storage space and vertical air-conditioning ducts.</li> <li>c. Car parking needed to meet any requirements of Council and any internal access to such spaces.</li> <li>d. Space for the loading and unloading of goods.</li> </ul> <p><b>Gross leasable floor area (GLFA)</b> means the overall area of a building as measured from the internal face of the walls, but excludes:</p> <ul style="list-style-type: none"> <li>a. Stair cases and fire escapes.</li> <li>b. Staff and/or public amenities, toilets.</li> <li>c. Lift towers, machinery and plant rooms, ancillary storage space and vertical air conditioning ducts.</li> <li>d. Space for the loading/unloading of goods.</li> <li>e. Any other area, which in Council's opinion, does not contribute to parking.</li> </ul>

To provide guidance on appropriate car parking rates to service new development types in the Leeton Shire Local Government Area.

## Part J1 Car Parking Code

### J1.5 Off street parking calculations

#### Standards

- a. Car parking will generally be required to be provided on the site of the development at rates in accordance with Tables 1 to 7.
- b. Despite control a), Council may be prepared to consider the provision of other appropriately zoned land for parking purposes, provided the alternate location is convenient to the subject development, safe to both pedestrians and motorists using and travelling on part of the facility and will satisfy the requirement.
- c. Off-street car parking should be provided for both customers and staff of the subject development and not exclusively for private purposes. Free and uninterrupted access to car parking areas should be maintained at all times during the hours of operation of the development.

Note: In the case of a number of different land uses comprising the development, the parking requirements for each separate use shall be calculated and then added together to provide the total parking requirement. Variation to this requirement will only be considered by Council where the applicant can demonstrate that the peak demand for each land use component of the development is staggered or that development as whole generates less parking than separable parts.

Table 1- Residential Development Types

LEP definition	Parking Requirements
Attached dwellings	1 space per dwelling + 1 space per 3 units (visitor parking)
Boarding houses	1 space per 4 beds + 1 space per 2 staff
Dual Occupancies	1 space per dwelling behind the building line. Visitor car parking not required.
Dwellings House	1 space per dwelling behind the building line (roofed or unroofed). Visitor car parking not required.
Exhibition Home	1 space per dwelling behind the building line + 2 spaces per dwelling (visitor parking).
Group homes	1 space per 4 beds + 1 space per 2 staff
Multi-dwelling housing	1 space per dwelling + 1 space per 3 units (visitor parking)
Residential care facilities,	Self-contained units: 2 spaces per 3 units + 1 space per 5 units (visitor parking). Other: 1 space per 10 beds (visitor parking) + 1 space per 2 staff + 1 ambulance space.
Residential Flat Buildings	1 space per dwelling + 1 space per 3 units (visitor parking)
Secondary Dwellings	1 space per dwelling behind the building line. Visitor car parking not required.
Semi-detached dwelling	1 space per dwelling behind the building line. Visitor car parking not required.
Seniors Housing	Self-contained units: 2 spaces per 3 units + 1 space per 5 units (visitor parking). Other: 1 space per 10 beds (visitor parking) + 1 space per 2 staff + 1 ambulance space.
Shop Top housing	1 space for every 2 bedrooms in the dwelling, or part thereof.



## Off street parking calculations (cont.)

*Table 2 - Tourist and Visitor Accommodation Development Types*

LEP definition	Parking Requirements
Backpackers accommodation	1 space per 5 beds + 1 space per 2 staff
Bed & breakfast accommodation	1 space for dwelling + 1 space per room available for accommodation purposes.
Camping Ground	1 space per van / mobile home / campsite + 1 space per 2 employees + 1 visitor space per 10 sites.
Caravan Parks	1 space for manager + bus parking + 1 space per site + 1 space per 5 sites (visitor parking).
Eco-tourist facility	To be determined on merit, having regard to nature of development.
Farm stay accommodation	1 space for dwelling + 1 space per farm stay dwelling.
Hostels	1 space per 5 beds + 1 space per 2 staff
Motels	1 space per unit + 1 space per 2 staff. If Restaurant included, then add 1 space per 6.5 m2 of GLFA of Restaurant. If Function Room included, then 1 space per 3 seats.

## Off street parking calculations (cont.)

**Table 3 - Commercial Land-use Types**

LEP definition	Parking Requirements
Amusement centres	Whichever is the greater of: 1 space per 10m2 or 1 space per 10 seats.
Artisan Food and Drink Industry	1 space per 3 seats (internal and external)
Business Premises	1 space per 40m2 of GFA.
Cellar Door	1 space per 7m2 of GFA accessible to public
Entertainment facilities	Whichever is the greater of: 1 space per 10m2 or 1 space per 10 seats.
Function centres	1 space per 6.5m2 of customer service area
Garden Centre	10 car parking spaces or 0.5 spaces per 500m2 of site area (whichever is the greater)
Hardware and building supplies	1 space per 130m2 of GFA.
Hotels	1 space per 5m2 of bar, lounge, beer garden, auditorium, games room, restaurant + 1 space per 3 staff (maximum staff level at peak time) + one space per bedroom or unit.
Neighbourhood Shop	1 space per 30m2 of GFA.
Office premises	1 space per 40m2 of GFA.
Plant nursery	10 car parking spaces or 0.5 spaces per 100m2 of site area (whichever is the greater)

LEP definition	Parking Requirements
Registered Clubs	1 space per 5m2 of bar, lounge, beer garden, auditorium, games room, restaurant + 1 space per 3 staff (maximum staff level at peak time) + one space per bedroom or unit.
Restaurants & Cafes	1 space per 6.5m2 of GLFA.
Service Stations	Submit a traffic / parking study prepared by a suitably qualified person to justify the proposed parking associated with the development
Sex service premises	2 spaces per room used for the provision of sex services.
Shops (includes supermarkets)	1 space per 35m2 of GLFA.
Specialised Retail Premises	1 space per 55m2 of GFA.
Takeaway food and drink premises	Developments with no on-site seating – 10 spaces per 100m2 GFA. Developments with on-site seating and drive-through facilities – 1 space per 3 seats (internal and external), plus queuing area for 5 to 12 cars.
Vehicle Sales or Hire Premises	1 space per 100m2 site area used for vehicle display purposes + 2 spaces per work bay (for vehicle servicing facilities).

## Off street parking calculations (cont.)

**Table 4 - Industrial Land-use Types**

LEP definition	Parking Requirements
Depot	Submit a traffic / parking study prepared by a suitably qualified person to justify the proposed parking associated with the development
Freight transport facilities	Submit a traffic / parking study prepared by a suitably qualified person to justify the proposed parking associated with the development
General Industries	Rate should be drawn with regard to nature of development. Guideline is 1 space per 90m <sup>2</sup> .
Hazardous storage establishment	Submit a traffic / parking study prepared by a suitably qualified person to justify the proposed parking associated with the development
Heavy Industries	Submit a traffic / parking study prepared by a suitably qualified person to justify the proposed parking associated with the development
Heavy industrial storage establishment	Submit a traffic / parking study prepared by a suitably qualified person to justify the proposed parking associated with the development
High technology industry	Rate should be drawn with regard to nature of development.
Industrial Retail Outlet	1 space per 35m <sup>2</sup> of GFA plus 1 space per 160m <sup>2</sup> of outdoor display area
Industrial training facility	Rate should be drawn with regard to nature of development.
Landscaping material supplies	Rate should be drawn with regard to nature of development. Guideline is 0.5m <sup>2</sup> per 100m <sup>2</sup> of site area.

LEP definition	Parking Requirements
Light Industries	Rate should be drawn with regard to nature of development. Guideline is 1 space per 90m <sup>2</sup> .
Liquid Fuel Depot	Rate should be drawn with regard to nature of development.
Local distribution premises	Submit a traffic / parking study prepared by a suitably qualified person to justify the proposed parking associated with the development
Passenger transport facilities	Submit a traffic / parking study prepared by a suitably qualified person to justify the proposed parking associated with the development
Rural supplies	Rate should be drawn with regard to nature of development. Guideline is 1 space per 130m <sup>2</sup> of GFA dedicated to display area
Storage premises	1 space per 10 storage units (visitor parking)
Transport depots	Submit a traffic / parking study prepared by a suitably qualified person to justify the proposed parking associated with the development
Truck depots	Submit a traffic / parking study prepared by a suitably qualified person to justify the proposed parking associated with the development
Vehicle body repair workshops	1 space per 55m <sup>2</sup> of GFA + 2 spaces per work bay (for vehicles servicing facilities).
Vehicle repair stations	1 space per 55m <sup>2</sup> of GFA.
Warehouse or distribution centre	1 space per 300m <sup>2</sup> of GFA.

## Off street parking calculations (cont.)

Table 5 - Community Land-use Types

LEP definition	Parking Requirements
Child Care Centres	1 space per 4 children + 1 space per 2 employees.
Community Facility	Rate should be drawn with regard to nature of development.
Educational Establishment	Infants and Primary Schools: 1 space per staff member + adequate student set down/pick up areas, bus turning areas + parking for auditoriums and sports grounds.
	Secondary Schools: 1 space per staff member + 1 space per 10 students 17 years of age or older + adequate student set down/pick up areas, bus turning areas + parking for auditoriums and sports grounds.
	Tertiary Schools and Colleges: 1 space per staff member + 1 space per 5 students + 1 space per five live-in students + adequate parking and turning areas for auditoriums and sports grounds.
Funeral Home	Whichever is the greater of: 1 space per 10m <sup>2</sup> or 1 space per 10 seats.
Health Consulting Rooms	1 space per 65m <sup>2</sup> of GFA or a minimum of 1 space per consulting room + 1 space per staff member, whichever is the greater.
Hospitals	1 space per 10 beds (visitors) + 1 space per resident or staff doctor + 1 space per staff member on duty at any one time + ambulance parking.
Market	2.5 spaces per stall for customers
Medical Centres	3 spaces per surgery room + one space per staff member.

LEP definition	Parking Requirements
Places of Public Worship	Whichever is the greater of: 1 space per 10m <sup>2</sup> or 1 space per 10 seats.
Respite day care centre	Rate should be drawn with regard to nature of development.
Veterinary hospital	1 space per 65m <sup>2</sup> with a minimum of 3 spaces per consulting room, plus 1 space per employee

## Off street parking calculations (cont.)

**Table 6 - Recreation Land-use Types**

LEP definition	Parking Requirements
Recreation facilities (indoor)	Squash Courts - 3 spaces per court Bowling Alleys – 3 spaces per alley Gymnasium – 1 space per 35m <sup>2</sup> of GFA
Recreation facilities (outdoor)	Bowling Greens – 30 spaces per first green + 15 spaces for each additional green. Golf Course – 3 spaces per hole. Note – provision of a clubhouse for any sporting use will require provision of additional parking at the rate for clubs.
Recreation facilities (major)	Sports grounds – 1 space per 10 seats (where provided), with a minimum of 30 spaces.

**Table 7 - Miscellaneous Land-use Types**

LEP definition	Parking Requirements
Animal boarding or training establishment	
Agricultural Produce Industries	Submit a traffic / parking study prepared by a suitably qualified person to justify the proposed parking associated with the development
Home Business	1 space per dwelling + 1 space per 2 staff.
Home Industry	1 space per dwelling + 1 space per 2 staff.
Home Occupation & Home Occupation (sex services)	1 space per dwelling + 1 space (visitor).
Livestock Processing Industries	Submit a traffic / parking study prepared by a suitably qualified person to justify the proposed parking associated with the development
Sawmill or Log Processing Industries	Submit a traffic / parking study prepared by a suitably qualified person to justify the proposed parking associated with the development
Stock and sale yards	Submit a traffic / parking study prepared by a suitably qualified person to justify the proposed parking associated with the development

## Part J1 Car Parking Code

### J1.6 Parking Credits

When assessing Development Applications involving change of use or alterations and additions to existing buildings, Council will subtract any parking credits from the overall parking requirements for the development in accordance with the Table in Section J1.5 (note – Parking Credits are not provided for any parking available on the street in front of existing premises).

The following methodology will be used to determine the parking requirements for new development, taking into consideration parking credits:

- Determine the number of parking spaces already provided on the site through preparation of a parking plan.
- Determine the number of parking spaces that should have been provided to service the existing development in accordance with the Tables to Section J1.5
- Determine the number of parking credits by subtracting (a) from (b).
- Determine the number of parking spaces that are required to service the proposed new development in accordance with the Tables to Section J1.5
- Determine the final number of parking spaces that are required to service the proposed new development by subtracting (c) from (d).

An example of how the parking credit methodology should be applied is provided in Table 8 as follows.

Note 1 - Parking credits are not provided for parking available on the street in front of an existing premises.

Note 2 - For proposals that relate to the expansion of an existing commercial / industrial development, Council will calculate the car parking credits having regard to the development in totality and not just the part of the building which is subject to alterations or additions.

### Objective

To ensure there is a fair and equitable approach to the provision of on-site car parking for new development involving change of use premises or alterations and additions.

**Table 8 - Example Parking Credit Calculation**

Development Detail	
Existing Use	Business Premises (Hairdresser)
GFA	135m <sup>2</sup>
Proposed Use	Retail Premises (Restaurant)
Parking Credit Assessment	
Item A	1 space current provided
Item B	3 spaces required for Hairdressers (see Table to Section 1.5)
Item C	2 Parking Credits (Item b – Item a)
Item D	20 spaces required for Restaurant (see Table to Section 1.5)
Item E	18 spaces required (Item d – Item c)

## Objective

To ensure that an appropriate framework is in place to allow exemptions to on-site car parking requirements for minor or low impact developments.

## Part J1 Car Parking Code

### J1.7 Car parking exemptions

The requirement to provide off-street car parking over and above what is currently provided for any one particular site (if any), may be exempted by Council under the following circumstances:

- The proposed development is able to be carried out as 'exempt development' in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- The proposed development involves the restoration, conservation and / or adaptive re-use of an item of environmental heritage that is listed in Schedule 5 of Leeton Local Environmental Plan 2012. This is known as a heritage incentive and will only be applied where the applicant can demonstrate that the conservation of the item depends upon the use of this clause.
- The proposed development involves alterations and additions to an existing building, and the alterations and additions have a gross floor area of less than 50m<sup>2</sup> and do not encroach on existing off-street parking areas.
- Development Applications for 'change of use' involving sites that have a GFA of less than 150m<sup>2</sup>.
- Development Applications for 'change of use' that meet the following criteria:
  - The property is located in a traditional retail area that is shown in the Map to the right.
  - The proposal does not involve the conversion of new floor space.
  - Any existing car parking arrangements are retained.



## Part J1 Car Parking Code

### Objective

To ensure there is an appropriate planning framework that allows for variations to on-site car parking requirements associated with new development in the Leeton Local Government Area.

### J1.8 Variation to parking requirements

It may not be possible in all situations for new development to comply with the car parking requirements of this plan, even when the parking credits or exemptions have been taken into account.

This is particular the case for some sites where it is physically impossible to provide on-site parking. In these areas, parking demand is serviced by a combination of on-street and off-street public parking facilities.

Development Applications for proposals which are not able to comply with the on-site parking requirements in Section J1.5 (as discounted by relevant parking credits) should be accompanied by a Traffic & Parking Report that addresses the following matters:

- a. A description of the business proposal, including the nature, intensity, and operational aspects of the business activity.
- b. A description of the expected hours of operation, including whether the development will operate or carry out its business in peak (9.00am to 5.00pm) or off-peak periods.
- c. An assessment of expected traffic generation (customer, staff, service deliveries etc).
- d. An assessment of expected vehicle parking demand (customer and staff).

- e. An assessment of the location and availability of publicly accessible parking within a convenient walking distance of the development site.
- f. An assessment of the likelihood of overspill car parking creating adverse impacts on the public road system.
- g. An assessment of the relevance and capacity of the proposed development to be serviced by the public transport system.
- h. As assessment of compliance with the requirements of this Part, including justifications for proposed variations.

All proposed variations will be assessed on the merits of each particular case and will be judged on the findings of the Traffic and Parking Report.

Development Applications involving a variation of 5 or more car parking spaces will be reported to Council's monthly committee meetings for determination.



# J2

## Parking + Access Residential Uses

Part J2 provides controls for all aspects of parking access and design for residential types of development within the Leeton Local Government Area.

J2.1	Site access - design and location	15
J2.2	Driveway widths	15
J2.3	Car parking design	15
J2.4	Internal road design	16
J2.5	Car parking surfaces	16

To ensure new residential development in the Leeton Local Government Area is provided with practical and safe access and on-site vehicle parking

## Part J2 Parking + Access Residential Uses

### J2.1 Site access - design and location

- a. The following controls apply to new vehicle accesses for residential development:
    - i. Access should be located no closer than 1m metres from the boundary of the site.
    - ii. Accesses should not be located within 12 metres on the approaches to a “stop” or “give way” sign.
    - iii. Accesses should be located so that any vehicles entering or leaving the site can be readily seen by the driver of an approaching vehicle in the street.
    - iv. Accesses should be clear of obstructions, which may prevent drivers having a timely view of pedestrians.
    - v. Accesses should be readily visible and accessible from the road frontage. Accesses should also be located where they will cause least interference with vehicular and pedestrian movement on public roads and shall provide adequate visibility.
    - vi. Accesses avoid direct connection to existing or proposed high volume and/or high speed roads wherever an alternative access can be provided.
    - vii. Accesses achieve adequate site distance in both directions.
    - viii. Access is limited to 1 x access point from each street frontage per dwelling, covering no more than 2 roller door accesses (max 6m), except for larger developments where this may not be practical.
    - ix. Accesses cross the footpath or footway at right angles to the centreline of the road.
    - x. Access locations should not require the removal of established trees or other significant roadside vegetation.
    - xi. Accesses are located and designed to avoid roadside stormwater encroaching onto private property.
    - xii. Where semi-circle access is proposed, the design allows for the turning radius of vehicles on private property and not on the public road reserve.
    - xiii. All new accesses are to be engineered in accordance with the Leeton Shire Council Engineering Guideline (latest version).
    - xiv. Accesses are to be sealed or concreted when they are connected to sealed road networks.
  - b. Where the development is a dual occupancy, secondary dwelling or rural workers dwelling on rural zoned land, the new dwelling gains access to the public road network via the same entrance as the primary road.
- Note: A separate application under the Roads Act 1993 is required to be lodged with Leeton Shire Council and approved before any construction work associated with a new access is completed within a public road reservation.

### J2.2 Driveway widths

- a. For medium density housing the minimum width of a new driveway should be:
  - i. 3.5 metres for each entry and exit where these are not combined.
  - ii. 6.0 metres where the entry and exit are combined.

### J2.3 Car parking design

- a. The layout and dimensions of car parking areas are to be in accordance with the design standards as set out in AS 2890.1 – Off-street Car Parking Part 1.
- b. Where off-street visitor car parking is required (other than for single dwelling proposals), the parking area should:
  - i. Not be located within the front setback area,
  - ii. Not obstruct vehicle manoeuvring areas.
  - iii. Be screened by landscaping or other suitable means where they are highly visible from the public domain.
  - iv. Paved, sealed or concreted and lined marked with adequate signage and / or other approved means to indicate the layout and circulation pattern of traffic.
  - v. Be located and designed to ensure that vehicles can move in and out of the spaces in not more than 2 movements. Vehicle swept paths, prepared by a suitable experienced designer, are to be submitted with the Development Application / Construction Certification to Council.
  - vi. Be directly accessible from a road or internal driveway. No account will be taken of spaces which do not have direct access to a driveway or which are double banked or obstructed in any way when assessing the car parking spaces provided.

## J2.4 Internal road design

- a. Where internal roads and / or driveways are proposed as part of the design of new residential development, the following controls apply:
  - i. The development is designed to allow all vehicles (including larger vehicles, such as emergency service vehicles) to safely enter and exit the site in a forwards facing direction. Vehicle swept paths, prepared by a suitable experienced designer, are to be submitted with the Development Application / Construction Certification to Council.
  - ii. The development is designed to eliminate the potential for on-street queuing by allowing sufficient standing area for vehicles entering parking areas.
  - iii. The development should be designed for low speed environments. Generally, vehicular speeds should range between 10-30 km/h, depending on the expected amount of pedestrian use.
- b. For medium density housing where the number of off-street car parking spaces required to be provided is less than 5 spaces, the minimum width of internal roads is to be:
  - i. 3.0 metres for one way traffic operation.
  - ii. 5.5 metre for two way traffic operation.
- c. For medium density housing where the number of off-street car parking spaces required to be provided is more than 5 spaces, the minimum width of a new driveway is to be:
  - i. 3.0 metres for one way traffic operation.
  - ii. 6.0 metre for two way traffic operation.
  - iii. Despite controls (b) and (c) , complex developments (particularly where shared use of roads by cars and service vehicles is anticipated) the design of internal roads is to be determined from a study of the site traffic generation and vehicle characteristics.
- d. For rural and large lot housing, Council does not specify the standard of construction for internal roads.

## J2.5 Car parking surfaces

- a. All new car parking areas and their associated site accesses, vehicle manoeuvring areas and loading / unloading areas must be constructed with a surface finish in accordance with Table 8 below.

**Table 8 - Car parking surfaces**

Component	Acceptable surface finish
Site Access (to property boundary)	concrete
Vehicle manoeuvring Areas	concrete / bitumen seal
Car Parking Spaces	concrete / bitumen seal
Accessible path of travel (where required)	concrete / bitumen seal

# J3

## Parking + Access Non Residential Uses

Part J3 provides controls for all aspects of parking and access design for non residential types of development within the Leeton Shire Local Government Area

J3.1	Parking area locations	18
J3.2	Parking area design	18
J3.3	Site access design	18
J3.4	Disabled parking requirements	19
J3.5	Internal road design	19
J3.6	Loading / unloading facilities	20
J3.7	Signage	21
J3.8	Pedestrian travel	21
J3.9	Safety and security	21
J3.10	Landscaping	21
J3.11	Bicycle parking	22
J3.12	Car park construction	22
J3.13	Surface materials	22

## Part J3 Parking + Access Non-Residential Uses

### Objective

To ensure new non-residential development in the Leeton Local Government Area is provided with practical and safe access and on-site vehicle parking

#### J3.1

#### Parking area locations

The following controls apply to new developments requiring the construction of new off-street car parking areas:

- Parking locations should be accessible to principal staff and/or customer entrances.
- Parking locations should enable adequate connections to existing and proposed road and pedestrian network.
- Parking locations should avoid areas that are constrained by slope and drainage.
- Parking locations should not result in adverse visual and acoustic amenity impacts for adjoining sites, particularly those which are used for residential purposes.

#### J3.2

#### Parking area design

- The layout and dimensions of car parking areas shall be provided in accordance with the relevant Australian Standard.
- All parking areas should incorporate a rational circulation pattern. Dead-end parking aisles will not be permitted except in small parking areas or areas reserved for a specific low turnover (eg staff parking areas).
- No account will be taken of spaces which do not have direct access to a driveway or which are double banked or obstructed in any way when assessing the car parking spaces provided.
- Parking areas should be suitably marked by lines or other approved means to indicate the layout and circulation pattern of traffic.
- Where necessary, adequate space shall be made for the manoeuvring of rigid and articulated heavy vehicles.
- Car park design incorporates appropriate lighting where it is anticipated that the area will receive night-time use by customers or staff.

#### J3.3

#### Site access design

- Site access should be located:
  - No closer than 1.5 metres from the boundary of the site and no closer than 6 metres to a corner boundary.
  - Not within 12 metres on the approaches to a "stop" or "give way" sign.
  - So that any vehicles entering or leaving the site can be readily seen by the driver of an approaching vehicle in the street.
  - Clear of obstructions, which may prevent drivers having a timely view of pedestrians.
  - In locations that are Visible and accessible from the road frontage.
  - Where it will cause least interference with vehicle and pedestrian movement on public roads.
  - In locations that do not provided direct connection to an existing proposed high volume and / or high speed roads, unless alternative access locations are not possible and appropriate design standards can be achieved.
  - With sufficient proximity away from traffic signals, intersection.
  - In areas which do not require the removal of street trees or other significant roadside vegetation.
- Site accesses should be designed and constructed:
  - In accordance with the Leeton Shire Council Engineering Guidelines (latest version).
  - To suit design traffic loads.
  - With signposting (including the use of "in" or "entrance" and "out" or "exit" signs,) where appropriate.
  - At right angles to the centreline of any road where the access crosses a footpath or footway.
  - To allow vehicles to enter and leave the site in a forwards facing direction.
  - With a turning radius that is located wholly within the property boundary where semi-circle access or "in-out" access arrangements are proposed.
  - To avoid roadside stormwater encroaching onto private property.
  - With sufficient standing area to eliminate the potential for on-street queuing of vehicles entering parking and loading areas.
- Entry and exit driveway widths are in accordance with:
  - Leeton Shire Council Engineering Guidelines (latest version), and
  - Relevant standards identified in Section J1.3.

### J3.4 Disabled parking requirements

Both Council and developers have a responsibility to provide readily accessible parking for disabled persons in accordance with the Disability Discrimination Act.

The following controls apply:

- a. Parking for disabled persons are to be provided and signposted in accordance with the requirements of Australian / New Zealand Standard 2890.6:2009 Parking Facilities – Off Street Parking for People with Disabilities.
- b. Disabled parking spaces is to be provided at the rate of 1 space for parking areas comprising up to 20 spaces and thereafter at a rate of 2% of designated spaces.
- c. Car parks comprising 20 spaces or more are to be provided with tactile surfaces to assist vision impaired persons to access the premises in accordance with the requirements of Australian / New Zealand Standard 1428.4:2009 Design for Access and Mobility Part 4: Tactile Indicators.
- d. A continuous accessible path of travel must be provided between designated car parking spaces for people with a disability and lift, lobby or access points servicing the development, and this access should not have a gradient that is steeper than 1:14.

### J3.5 Internal road design

This Section applies to all types of non-residential developments requiring the provision of off-street car parking:

- a. All internal roads and driveways shall be designed for low speed environments. Generally, vehicular speeds should range between 10-30 km/h, depending on the expected amount of pedestrian use.
- b. For internal roads between the driveway and the parking area, the recommended minimum carriageway width depends on the number of parking spaces and service bays. These minimum widths are provided in Table 9 .
- c. Despite control (b), complex developments (particularly where shared use of roads by cars and service vehicles is anticipated) the design of internal roads is to be determined from a study of the site traffic generation and vehicle characteristics.

*Table 9 - Internal road widths*

Internal road widths	
Number of parking spaces / service bays	Circulation width
1 – 24 spaces and length not exceeding 40 metres	6.0m
1-24 spaces plus service bay(s)	6.0m
>24 spaces plus service bay(s)	6.5m
1-50 spaces	6.0m
> 50 spaces	6.5m

Note: This table assumes that no parking is provided on either side of the carriageway. Widths need to be increased by 2.4m or 4.8m if parallel parking is to be allowed on both sides of the carriageway.

### J3.6 Loading / unloading facilities

- a. Where there are no adequate public loading and unloading facilities in close proximity to a commercial, retail or industrial development, adequate provision is to be made on-site for the loading, unloading and manoeuvring of delivery vehicles.
- b. The number and dimensions of a loading bay required in any particular case will be assessed by Council having regard to the nature and scale of the proposed development, the estimated frequency of deliveries and the type of delivery vehicle likely to be involved. Details regarding the estimated size and frequency of goods delivery vehicles visiting the premises should be submitted with the development application.
- c. The loading/unloading areas should be designed to ensure that vehicles stand entirely within the site during loading and unloading operations.
- d. On-site loading/unloading bays should be designed to ensure that vehicles can manoeuvre into and out of all loading/unloading areas without conflicting with the movement of traffic on site or in the adjacent streets.
- e. In general the turning paths and general manoeuvring requirements for trucks and semi-trailers shall be designed with reference to the RTA Guide to Traffic Generating Developments and the Australian Standard AS 2890.2 – Off-Street Parking Part 2: Commercial Vehicles Facilities. All internal roads and driveways shall be designed for low speed environments. An overview of the design requirements for service vehicles is included in Table 10.

**Table 10 - Design requirements for service vehicles**

Vehicle type	Length	Width	Maximum Height	Turning Circle (kerb to kerb)
Station Wagon	4.7	1.9	1.4	11.0
Utility	4.7	1.9	1.4	11.0
Van	5.4	2.1	2.5	13.5
Small Rigid Truck	6.6	2.1	4.3	14.4
Large Rigid Truck	11.0	2.5	4.3	21.7
Large Articulated Truck	17.5	2.5	4.3	16.2

Note: For courier vehicles, standard car parking dimensions are typically satisfactory.

### J3.7 Signage

- a. Parking areas should be well sign posted to indicate the availability of off-street parking, with exit and entry points clearly visible from both the street and the site.
- b. Pavement arrows should clearly indicate the direction of traffic circulation. Parking areas shall be clearly delineated as well as spaces for specific uses (eg disabled, staff, visitors).
- c. Where car parking areas are not visible from the entrance to the development, directional sign posting will be required.
- d. Parking areas that are subject to frequent night time use by the public should utilise reflective materials for signs and line marking.

### J3.8 Pedestrian travel

- a. Pedestrian footpaths should be designed to optimise access to and within the development.
- b. Footpath gradients should be minimised taking into account the possible shopping trolley, pram and gopher traffic and the need to maximise ease of use.
- c. Safety lighting should be provided within the car park to ensure that pedestrian pathways have observable paths of travel.
- d. Provision of parking and access aisles should not compromise the equity and amenity of pedestrian access. Pathways should be wide enough to accommodate disabled access.

### J3.9 Safety and security

- a. Development proposals involving large car parking areas, or night-time parking areas will be assessed in accordance with the principles of Crime Prevention Through Environmental Design (CPTED).
- b. The use of lighting should be considered where night use of parking areas is involved and where existing street lighting is inadequate.
- c. Where parking areas utilised at night are located within residential areas, consideration should be given to the positioning of lighting and location of driveways to minimise head light glare and traffic noise. In such cases fencing and/or landscaping may be necessary to avoid loss of amenity to residential areas.

### J3.10 Landscaping

- a. Parking areas should be landscaped to provide shade, improve the visual amenity of large all weather surfaces and to provide a buffer from neighbouring areas.
- b. Landscaping should be provided to enhance user amenity through sun control.
- c. Existing trees on site should be retained where possible. Care should be taken in the selection of new plant species not to block signs and to allow ingress and egress points to be clearly visible.
- d. Details of species selection of shade trees, species condition, size of beds, under storey and ground cover planting, irrigation provision should be provided with the landscape plan submitted to Council for approval.
- e. Landscaping provision for sun control (shading) should be provided at the rate of 1 shade tree for every 6 car parking spaces. Planting of shade trees within parking areas should be protected from damage from vehicles (eg tree guards/wheel stops).



### J3.11 Bicycle parking

In most situations bicycle parking facilities will be provided by Council on public land chosen for its convenience, security and safety.

Priority areas for bicycle parking facilities are the Leeton CDB, Leeton Pool, Leeton Library and some sporting facilities. Institutions such as TAFE and schools are also significant bicycle destinations.

There will be some high employment generating developments that will need to provide bicycle parking facilities. The level of parking provision for these developments will be determined using the following:

- a. Developments generating less than 20 car parking spaces - N/A.
- b. Developments generating more than 20 car parking spaces - 1 bicycle parking bay per 10 car parking spaces.
- c. Where bicycle parking is required, safe and convenient locations should be chosen with facilities being designed in accordance with relevant Australian Standards.
- d. The security and protection of bicycles is critical in parking design. Bicycle parking facilities should allow cyclists to secure the frame and two wheels of a bicycle to a fixed, secure stand, preferably with the cyclist's own lock and chain.

### J3.12 Car park construction

- a. Car parks are constructed generally in accordance with the Leeton Shire Council Engineering Guidelines (latest version).
- b. In addition to control a), the following general constructions apply to new car parking constructions:
  - i. All concrete / paved / impervious surfaces are to be properly drained to the public drainage system or another legal point of discharge.
  - ii. All trafficable surfaces should be bound with a suitable kerb to assist in stormwater management and prevent the movement of vehicles on non-trafficable areas.
  - iii. Parking areas are to be barricaded from non traffic areas by kerbs, barriers or landscaping.
  - iv. Parking spaces are to be defined by painted lines or permanent means where the approved car parking surface is not conducive to painting.

### J3.13 Surface materials

- a. All new car parking areas and their associated site accesses, vehicle manoeuvring areas and loading / unloading areas must be constructed with a surface finish in accordance with Table 11 below.

**Table 11 - Design requirements for service vehicles**

Commercial Development	Acceptable surface finish
Site Access (to property boundary)	concrete
Vehicle manoeuvring Areas	concrete / bitumen seal. Crushed blue metal (or similar) is a suitable alternative where the manoeuvring areas service < 6 car parking spaces.
Car Parking Spaces	concrete / bitumen seal
Loading / unloading areas	concrete / bitumen seal
Accessible path of travel	concrete / bitumen seal
Industrial Development	Acceptable surface finish
Site Access (to property boundary)	concrete
Vehicle manoeuvring Areas	concrete / bitumen seal / crushed blue metal (or similar)
Car Parking Spaces	concrete / bitumen seal
Loading / unloading areas	concrete / bitumen seal / crushed blue metal (or similar)
Accessible path of travel	concrete / bitumen seal



# Part K

## FLOOD RISK MANAGEMENT

This part applies standard and controls relating to development scenarios involving land in flood prone areas within the Leeton Shire Council Local Government Area



LEETON COUNCIL  
**2022**  
**COMPREHENSIVE DCP**



## Table of Contents

<b>K1</b>	<b>Flood Risk Management</b>	<b>3</b>
K1.1	Introductory information	4
K1.2	Flooding Considerations	7
K1.3	Flood Planning	10
K1.4	Flood Hazard Categorisation	11
K1.5	Land-use Permissibility	12
K1.6	Information to accompany a Development Application	13
K1.7	Flood related development controls	14

# K1

## Flood Risk Management

Part K applies to any land in the Leeton Shire Local Government Area that has been identified as flood prone in:

1. Leeton Local Environmental Plan 2014, or
2. Leeton Shire Floodplain Risk Management Study and Plan 2019

K1.1	Introductory information	4
K1.2	Flooding Considerations	6
K1.3	Flood Planning	9
K1.4	Flood related development controls	11

## Part K1 Flood Risk Management

### K1.1 Introductory information

#### Application of this section

- a. Part K.1 applies to all land within the Leeton local government area which is identified on the Flood Planning Maps within:
  - i. Leeton Local Environmental Plan 2014, or
  - ii. Leeton Flood Study 2017, or
  - iii. Leeton Floodplain Risk Management Study and Plan 2019
  - iv. Other land at or below the flood planning level.

#### Objectives for flood risk management

The objectives for flood risk management are to:

- a. Minimise risk to life and damage to property by controlling development on flood prone land.
- b. Ensure the impacts of the full range of flood sizes up to and including the PMF are considered when assessing development on flood prone land.
- c. Ensure that development does not have a significant impact on flood behaviour, peoples safety, surrounding properties and structures, and the natural environment.
- d. Ensure that the effects of climate change are considered when assessing development on flood prone land.
- e. Ensure that development on the floodplain is consistent with the NSW Flood Prone Land Policy and NSW Floodplain Development Manual.
- f. Ensure that developers and the community are conscious of the potential flood hazard and consequent risk associated with the use and development of land within the floodplain.
- g. Ensure that all land uses and essential services are appropriately sited and designed in recognition of all potential floods.
- h. Ensure that development on flood prone land does not place an unacceptable financial burden on landowners or the community.
- i. Ensure the type, scale and location of development on a site is responsive to the nature and risk of flood hazard present.

## Introductory information (cont.)

### Key Definitions

This Plan adopts the definitions under Standard Instrument – Principal Local Environmental Plan and the following definitions (taken from the Leeton Flood Shire Flood Study and the Floodplain Risk Management Study and Plan):

#### Annual Exceedance Probability (AEP)

The chance of a flood of a given or larger size occurring in any one year, usually expressed as a percentage. For example, a 1% AEP flood has a 1% (1 in 100) chance of occurring in any one year.

#### Australian Height Datum (AHD)

A common national surface level datum approximately corresponding to mean sea level.

#### Average Recurrence Interval (ARI)

The long-term average number of years between the occurrence of a flood as big as or larger than the selected event. For example, floods with a discharge as great or greater than the 20 year ARI flood event will occur on average once every 20 years. ARI is another way of expressing the likelihood of occurrence of a flood event.

#### Discharge

The rate of flow or water measures in terms of volume per unit time, for example cubic metres per second (m<sup>3</sup>/s).

#### Effective warning time

The time available after receiving advice of an impending flood and before the floodwaters prevent appropriate flood response actions being undertaken. The effective warning time is typically used to move farm equipment, move stock, raise furniture and evacuate people.

#### Flood awareness

An appreciation of the likely effects of flooding and knowledge of the relevant flood warning, response and evacuation procedures.

#### Flood compatible materials

Building materials that are resistant to damage when inundated by floodwaters.

#### Flood fringe

The remaining area of flood prone land after floodway and flood storage areas have been defined.

#### Flood hazard

The potential risk to life and property resulting from flooding. The level of hazard varies across the floodplain due to different flood conditions (such as depth, velocity etc).

#### Flood prone land

Land susceptible to flooding by a Probably Maximum Flood event. For the purposes of this Plan, flood prone land is defined as the area affected by the extreme flood estimated in the Floodplain Risk Management Plan and Study.

#### Floodplain

The area of land subject to inundation by floods up to and including the PMF event.

#### Flood Planning Area - (FPA)

The area of land at or below the Flood Planning Level and thus subject to flood related development controls.

#### Flood Planning Level (FPL)

Flood Planning Level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.3 metre freeboard). The Flood Planning Level determined Flood Planning Area.

#### Flood proofing

A combination of measures incorporated in the design, construction and alteration of individual building and structures subject to flooding, to reduce or eliminate flood damages.

#### Flood storage area

Those parts of the floodplain that are important for the temporary storage of floodwaters during the passage of a flood.

#### Floodways

Those areas where a significant volume of water flows during floods and are often aligned with obvious natural channels. Floodways are areas which, even if only partially blocked, would cause a significant redistribution of flood flow, or a significant increase in flood levels. Floodways are often, but not always, areas of deeper flow or areas where higher velocities occur.

#### Freeboard

A factor of safety typically used in relation to the setting of floor levels, levee crest levels, etc. It is usually expressed as a height above a flood planning level and/or the adopted flood mitigation standard. Freeboard provides a factor of safety to compensate for wave action, localised hydraulic behaviour, settlement and other effects such as “greenhouse” and climate change.

#### Habitable Floor Area

In a residential situation, a living or working area, such as a lounge room, dining room, rumpus room, kitchen, bedroom, workroom or home office. In a industrial or commercial situation, an area used to store valuable possessions susceptible to flood damage in the event of a flood.

## Introductory information (cont.)

### Peak discharge

The maximum discharge occurring during a flood event.

### Probable Maximum Flood (PMF)

The largest flood that could conceivably occur at a particular location, usually estimated from the Probable Maximum Precipitation. Generally, it is not physically or economically possible to provide complete protection against this event. The PMF defines the extent of flood prone land that is the flood plain.

### Reliable access

The ability for people to safely evacuate an area subject to imminent flooding within effective warning time and without a need to travel through areas where water depths increase.

## Part K1 Flood Risk Management

### K1.2 Flooding Considerations

There are a number of different policies and legislative controls that must be read together with Part K of this DCP in order to understand all of the requirements for developing flood prone land. These are referenced as follows:

#### **Flood Prone Land Policy and Floodplain Development Manual (2005)**

The NSW Government's Flood Prone Land Policy (the policy) is set out in the Floodplain Development Manual: the management of flood liable land, April 2005 (the manual).

The policy provides that councils are primarily responsible for managing flood risk to reduce the risk to life, property damage and other impacts in their local government areas. It also recognises that flood-prone land may be able to support some types of development.

The manual helps councils make informed decisions about managing flood risk through the development and implementation of floodplain risk management (FRM) plans through the FRM process. This process is comprised of the following stages:

1. Data collection / review and preparation of a Flood Study.
2. Preparation of a Floodplain Risk Management Study.
3. Preparation of a Floodplain Risk Management Plan
4. Implementation of recommendations.

#### **Leeton Shire Flood Study 2015**

The Leeton Shire Council - Leeton Shire Flood Study 2015 (the Flood Study) exists in two parts:

- a. Volume 1 - Report - September 2015.
- b. Volume 2 - Flood Maps - September 2015.

The Flood Study was jointly funded by Council and the NSW Government Office of Environment and Heritage and was undertaken by ENGNY.

The main objectives of the Flood Study are to:

- a. Better manage future development within the Shire
- b. Understand and manage flood risks
- c. Assess stormwater drainage systems
- d. Identify and assess flood risk hot spots.

The Flood Study was prepared in accordance with the guiding framework of the Floodplain Development Manual, however it only represents the first stage of the process required to achieve a Flood Plain Risk Management Plan and Study.

The Flood has study found that the flood hazard across the Leeton Shire is predicted to be generally low, however flood mitigation and drainage improvement measures will significantly reduce the vulnerability of many homes to flood damage. As such, the Flood Study recommended that Leeton Council prepare a Flood Plain Risk Management Study and Plan as part of Stages 2 and 3 of the Floodplain Risk Management process.

#### **Leeton Shire Floodplain Risk Management Plan and Study 2019**

Representing Stages 2 and 3 of the Floodplain Risk Management Process, the Leeton Shire Floodplain Risk Management Plan (FRMP) and Study (FRMS) 2019 was prepared by ENGNY on behalf of Leeton Shire Council.

The key objectives of the FRMP and FRMS were to:

- a. Establish a detailed understand of the existing flood behaviour using the output from the Flood Study to define flood risk characteristics and confirm critical hot spot areas surrounding Leeton and Yanco.
- b. Determine and assess potential flood risk management options to address the identified flood risks based on social, ecological and economic factors.
- c. Develop a FRMP that outlines the proposed management measures to address existing, future and continuing / residual risk. Specifically, the plan identified flood mitigation measures to reduce the likelihood and consequence of local and regional flooding, control future development within flood prone areas and improve emergency planning and response to future flood events.
- d. Increase awareness within the Leeton community about flood related issues and increase resilience to flood risks.

The following input data and information was considered as part of the preparation of the FRMS and FRMP:

- a. Leeton Shire Flood Study Report (Engeny, 2015)



## Flooding considerations (cont.)

	<b>Considering Flooding in Land Use Planning Guideline</b>		<b>Leeton Local Environmental Plan 2014</b>
b. Leeton Shire Flood Study TUFLOW models (Engeny, 20105)			
c. Murrumbidgee Irrigation Flood Management Plans for	The guideline supports the principles of the Floodplain Development Manual and provides advice to Council's on land-use planning on flood prone land. It provides Councils with flexibility in defining the areas to which flood-related development controls apply, with consideration of defined events, freeboards, low-probability/high consequence flooding and emergency management considerations.	Special Flood Considerations apply to sensitive and hazardous development in areas between the Flood Planning Area and Probable Maximum Flood and to land that may cause a particular risk to life and other safety considerations that require additional controls. Leeton Shire Council has however chosen not to implement development controls for land between the Flood Planning Area and Probable Maximum Flood and has not adopted Standard Instrument Clause 5.22 in the Leeton LEP 2014.	Clause 5.21 of Leeton Local Environmental Plan 2014 provides the principal flood planning assessment framework for development in flood prone areas on land within the Leeton Local Government Area.
i. Narrandera to Darlington Point			
ii. Roaches			
iii. Fivebough			
iv. Leeton Rainfall Hotspots	The manual states that a defined flood event (DFE) of 1% AEP, or a historic flood of similar scale, plus a freeboard should generally be used as the minimum level for setting residential flood planning levels. Choosing different DFE's and freeboards requires justification based on a merit assessment that is consistent with the FRM process and principles of the Floodplain Development Manual.		Clause 5.21 is based on the latest model clause for Standard Instrument LEP's and reflects the recent changes to the NSW Environmental Planning and Assessment Regulation 2000 for flood related development.
d. Griffith Flood Risk Management Study and Plan (BMT WBM, 2015)			
e. Narrandera Flood Risk Management Study (SKM, 2009).	Leeton Shire Council has elected to adopt a freeboard of 300mm which is lower than 500mm recommended by the Guideline. The Guideline suggests that a lower freeboard, such as that recommended by the Leeton FRMP may be used where the consequences to people and property of low probability flood events are assessed as minor through the floodplain risk management process. Refer to Section K1.3 for further information relating to the freeboard adopted for Leeton Shire and how it relates to the development process.		Leeton Council has not opted to adopt the Special Flood Consideration model clause, which would have applied flood planning controls to sensitive land-use activities proposed for land above the Flood Planning Level and below the Probably Maximum Flood Level.  The State Government requires that only land mapped in accordance with the Floodplain Development Manual 2005 can be included on the Leeton Local Environmental Plan 2014 Flood Planning Map. For this reason the Flood Planning Map does not show any of the areas which have been identified as flood prone in the Leeton Shire FRMS and FRMP 2019. These mapping changes will be considered by Council as necessary in a future LEP amendment, however the provisions of Clause 5.21 of the LEP still allow Council to consider the impacts of flooding on land that is identified to be within the flood planning area identified by the FRMP 2019.
f. Narrandera Flood Risk Management Plan (SKM, 2009).			
g. Narrandera Flood Study Review and Levee Options Assessment (Lyal & Associates, 2015).			

## **Flooding considerations (cont.)**

### **Building Code of Australia**

The Building Code of Australia (BCA) sets national standards to ensure building works reflect an acceptable level of health, safety, amenity and sustainability for current and future communities. It contains technical requirements for the design and construction of buildings and other structures, and covers matters such as structural soundness, fire resistance, access, services and energy efficiency.

The BCA includes requirements for building within a flood hazard area (Note – the term Flood Hazard Area is a term used in the BCA and typically corresponds with the term Flood Planning Area). The BCA now provides minimum construction standards for specified building classifications.

Where development is proposed on land to which Clause 5.21 of Leeton Local Environmental Plan 2012 applies, Council may issue a development consent having considered the provisions of Clause 5.21 and the requirements of this Part of the Plan. Following the issuing of the development consent, the Construction Certificate application will require assessment of compliance with the BCA provisions for flood hazard areas, including whether the provisions apply to the site and the building classifications, and if so, whether the deemed-to-satisfy criteria will apply or an Alternative Solution will be required.

## Part K1 Flood Risk Management

### K1.3 Flood Planning

It is important to understand the difference between “Flood Prone Land” and land that is located within a “Flood Planning Area”.

“Flood Prone Land” means land that is designated by the extent of the Probable Maximum Flood. The Probable Maximum Flood is the largest flood that could conceivably occur at a particular location. Generally, it is not physically or economically possible to provide complete protection against this event. Instead, a merit approach is used to determine a “Flood Planning Level” that balances the flood risk with the economic and social benefits of using the “Flood Prone Land”.

Any land that is at or below the “Flood Planning Level” is referred to as the “Flood Planning Area”. It is only land within the “Flood Planning Area” that is subject to flood related development controls in the Leeton Shire Local Government Area.

#### Flood Planning Level

The Flood Planning level is derived from the 1% AEP flood event plus a freeboard selected for floodplain risk management purposes.

Leeton Shire Council has elected to adopt a freeboard of 300mm, which is 200mm lower than then 500mm freeboard recommended by the ‘Consideration Flooding in Land Use Planning Guidelines’ and typically adopted by most Council’s dealing with flooding.

A lower freeboard, such as 300mm, is acceptable in accordance with relevant guidelines where it is assessed (through the floodplain risk management process) that the consequences to people and property of low probability flood events are minor. In this regard, the freeboard of 300mm has been justified by the Leeton FRMP as being appropriate for the following reasons:

- a. Flooding in Leeton does not represent typical floodplain behaviour due to the source of flooding (typically overland flow),
- b. Floodwater has relatively shallow depths is largely characterised by flood storage, as opposed to floodways.

#### Flood Planning Areas - Leeton Shire

Land below the FPL is referred to as the Flood Planning Area. The Flood Planning Area is based on the most current information available to Council and may be derived and interpreted from a combination of the following:

- c. Flood Studies identifying the 1% flood undertaken in accordance with the Floodplain Development Manual, prepared by the NSW Government (as applicable at the time the Study was conducted).
- d. Modeling undertaken for specific sites which identifies the 1% flood.
- e. Historic flood inundation records held by Council as the highest known flood.
- f. Information contained within an environmental planning instrument or policy.
- g. Specific flood mapping for the site.

To determine whether land in the Leeton Shire is located within the Flood Planning Area is necessary to refer to:

- a. The Flood Planning Maps in Leeton Local Environmental Plan 2014 which relate generally to the floodplain in the southern areas of the Shire adjoining the Murrumbidgee River, and
- b. Figure 3.5 of the Leeton Shire Floodplain Risk Management Study and Plan 2019.

To confirm whether land is located within the Flood Planning Area, a s10.7(2) Planning Certificate should be obtained from Leeton Shire Council.

## Part K1 Flood Risk Management

### K1.4 Flood Hazard Categorisation

#### Flood Hazard Classification

The Floodplain Development Manual defines flood hazard as follows:

- a. High Hazard - possible danger to personal safety, evacuation by trucks is difficult' able bodied adults would have difficulty wading to safety, potential for significant structural damage to buildings.
- b. Low Hazards - should it be necessary, trucks could evacuate people and their possessions; able-bodied adults would have little difficulty in wading to safety.

The provision of a flood hazard classification is often determined based on the predicted flood depth and velocity results.

The Leeton Shire FRMP has determined flood hazard categories for Leeton and Yanco Townships. Most of the flooded areas in Leeton and Yanco are considered to be of low hazard category.

The open drains surrounding Leeton and Yanco along with a few pockets of deep water where flood depths of greater than 1m were predicted are considered to be of high hazard due to the excessive depths (not because of high velocities).

Refer to Figure 3.4 of the Leeton Shire FRMP for a map showing the hazard categories for Leeton and Yanco.

#### Hydraulic Categorisation

The Floodplain Development Manual recognises three categories of flood prone land, these being:

- a. Floodways - areas where a significant volume of water flows during floods. Floodways are often aligned with obvious natural channels, such as rivers. They are generally flow conveyance areas and have deeper flow and or higher velocities.
- b. Flood storage - areas of the flood plain that are important for the temporary storage floodwaters during the passage of a flood.
- c. Flood fringe - the remaining areas of land affected by flooding after the floodway and flood storage areas have been defined.

The following criteria were developed in order to better define the hydraulic categories within the Leeton and Yanco Township areas:

- d. Floodways - Depth velocity product  $> 0.1\text{m}$  at the 1% AEP.
- a. Flood Storage - Depth velocity product  $< 0.1$  and Depth  $> 0.1\text{m}$  at the 1% AEP
- b. Flood Fringe: all other areas within the 1% AEP flood extent.

## Part K1 Flood Risk Management

### K1.5 Land-use Permissibility

The permissibility of certain land-uses within the “Flood Planning Area” is principally controlled under Leeton LEP 2012 (depending on the zoning of the land).

Council will also refer to Table 1 below in determining whether or not a proposed land-use is appropriate in the “Flood Planning Area” having regard to the flood hazard category of the land identified in Section K.1.4

Land-use Category		Floodway	Flood Storage	Flood Fringe
Agricultural	Includes extensive agricultural and intensive plant agricultural uses. Does not include intensive livestock agricultural uses or rural industries.	3	3	3
Residential	Limited to single dwellings. Does not include any form of medium or high density residential development.	2	2	2
Commercial	Includes any type of commercial premise.	2	2	2
Industrial	Does not include utility installations, hazardous industries or any industry likely to be hazardous or have a negative environmental impact during a flood event.	2	2	2
Special Uses	Includes emergency services, utility installations, community facilities, educational establishments, aged care housing and critical infrastructure (including physical facilities, supply chains, systems, assets, information technologies and communication networks).	1	1	1
Recreation	Includes sports grounds, swimming pools, golf courses, bowling greens, camping grounds, racecourses, recreation areas, recreation facilities, showgrounds and picnic grounds. Does not include caravan parks	4	4	4

Category 1 - Incompatible land-use. Consent should not be granted.

Category 2 - Land-use is generally compatible with flooding, subject to compliance with this DCP.

Category 3 - Land-use is generally permissible without consent. Ancillary structures are permissible provided it can be demonstrated that they will not have detrimental impact on the flow of floodwaters.

Category 4 - Open space and recreational uses permissible. Ancillary structures are permissible provided it can be demonstrated that they will not have detrimental impact on the flow of floodwaters

## Part K1 Flood Risk Management

### K1.6 Information to accompany a Development Application

In addition to the minimum information required when submitting a Development Application (DA), the following additional information must be provided to Council for developments that are proposed on land that is identified in a "Flood Planning Area".

- a. A statement or justification as to why the proposed development is appropriate on flood prone land;
- b. A survey plan, showing:
  - i. Position of the existing building and/or proposed building.
  - ii. Existing ground levels to AHD around the perimeter of the building, as determined by a registered or suitably experienced / qualified surveyor.
  - iii. Level of the 1% AEP flood event.
  - iv. Proposed floor levels relative to the 1% AEP flood event.

## Part K1 Flood Risk Management

### K1.7 Flood related development controls

In addition to the controls contained in Clause 5.21 of Leeton Local Environmental Plan 2014, the following controls will apply to new development proposed on land that is identified within the “Flood Planning Area”.

#### General Controls

The following controls apply generally to all types of development that is permissible within the flood planning area:

- a. Development is to ensure free draining of stormwater runoff and ensure drainage connectivity to a downstream drainage channel.
- b. Development is to ensure no adverse impacts external to the development site including impacts to the safety, value or use (current and potential) of any land in the vicinity.
- c. Where new development involves imported fill and has the potential to reduce flood storage, then appropriate flood modelling must be submitted with the Development Application to adequately demonstrate that there will be no worsening of existing flood conditions for a range of design events with consideration for cumulative impact.
- d. Where new development requires the construction of a driveway within the Flood Planning Area, these are constructed at existing natural ground level (i.e. no filling). Where this is not possible, adequate cross drainage is to be provided and it is to be demonstrated that the proposed works will not cause adverse flood impacts to surrounding properties.

- e. Development does not impede the flow of floodwaters/stormwater runoff causing worsening of flood depths or levels on neighbouring properties. This includes any significant flow obstructions within the development.
- f. Development does not increase the flood level or flow of stormwater runoff to surrounding properties.

#### Residential Development

The following controls apply to new residential development where permissible in any land-use zone under Leeton Local Environmental Plan 2014.

- g. Floor levels of all habitable rooms or rooms with connection to sewer infrastructure should not be less than the Flood Planning Level (which means the level of a 1:100 ARI flood even plus a 0.3m freeboard).
- h. Upon completion and prior to the occupation (where relevant) a certificate by a registered surveyor should be submitted to Council showing that the finished ground and floor levels conform to approved to approved design levels.
- i. Despite controls (g) and (h) above and the controls contained in Section K1.5, this plan permits alterations and additions to existing dwellings with floor levels below the Flood Planning Level, subject to the following requirements:
  - i. Council has not previously granted consent to a Development Application that relied upon this provision of the Development Control Plan.
  - ii. The alterations and additions do not increase the existing habitable floor area of the dwelling by more than 20m<sup>2</sup> or 10%, whichever is the greater.
  - iii. The alterations and additions comply with all provisions of this DCP.

## Flood related development controls (cont.)

- j. New development should demonstrate within acceptable trafficability limits that the development will not be isolated in the event of a major flood (1% AEP flood).
- k. Openings in structures such as fences or the like should be provided below the Flood Planning Level to allow free flow of stormwater.
- l. For new residential development in unsewered areas, the following additional controls apply:
  - i. On-site sewage management facilities should be sited and designed to withstand flooding conditions (including consideration of structural adequacy, avoidance of inundation and flushing/leaking into flowing flood waters).
  - ii. As a minimum, all components of new on-site waste management systems must be located above the identified 5% AEP flood level (1 in 20 year). Components should be located above the 1% AEP flood level where this can be achieved.

### Commercial and Industrial Development

- m. Floor levels of all habitable rooms or rooms with connection to sewer infrastructure should not be less than the Flood Planning Level (which means the level of a 1:100 ARI flood even plus a 0.3m freeboard).
- n. Upon completion and prior to the occupation (where relevant) a certificate by a registered surveyor should be submitted to Council showing that the finished ground and floor levels conform to approved to approved design levels.
- o. New development should demonstrate within acceptable trafficability limits that the development will not be isolated in the event of a major flood (1% AEP flood).
- p. Openings in structures such as fences or the like should be provided below the Flood Planning Level to allow free flow of stormwater.
- q. No excavated underground car parking is permitted on land at or below the Flood Planning Level.

### Subdivision

- r. Council will not support any Development Application for a residential subdivision where it is evident that a flood free building envelope and safe internal access from / to the public road network cannot be provided.
- s. The building envelope and access should be flood free in a 1% AEP event.
- t. Subdivision will not be permitted where creation of such lot will create the potential for increased intensity of development within the Flood Planning Area.





# Part L

## BIODIVERSITY MANAGEMENT

This part applies to all development in the Leeton Shire that proposes to directly remove or indirectly impact native vegetation or is in the proximity of an area that contains native vegetation.



LEETON COUNCIL  
**2022**  
**COMPREHENSIVE DCP**



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## Table of Contents

<b>L1</b>	<b>Biodiversity Management</b>	<b>3</b>
L1.1	Introduction	4
L1.2	Relationship to other plans	5
L1.3	Biodiversity pathways	7
L1.4	Development Applications	10
L1.5	Working Examples	11



# L1

## Biodiversity Management

Part L applies generally to any development that requires consent under Part 4 of the Environmental Planning & Assessment Act 1979 and that has the potential to impact biodiversity.

L1.1	Introduction	4
L1.2	Relationship to other plans	5
L1.3	Biodiversity pathways	7
L1.4	Development Applications	10
L1.5	Working Examples	11

## Part L1 Biodiversity Management

### L1.1 Introduction

Biodiversity is the variety and variability of all life forms on earth. It encompasses multiple levels of classification, including genes, species, and ecosystems. Due in part to millions of years of geographic isolation, the biodiversity of Australia is unique and many species of plant and animals are found only in Australia and nowhere else in the world. Despite this rich and unique biodiversity, since European colonisation Australia has experienced the largest documented decline in biodiversity of any continent.

The processes that have driven this decline, such as habitat loss and fragmentation, climate change, the spread of invasive species, and inappropriate fire regimes, continue to accelerate. The Black Summer fire season (2019-2020) saw 5.4 million hectares in NSW burnt over 160 days of continuous fires. Across Australia, it was estimated that as many as 3 billion terrestrial vertebrates were killed or displaced.

Under rapidly changing and unprecedented conditions, protecting and managing Leeton Shire's natural areas and unique biodiversity has become crucial. This DCP section aims to detail and clarify the application of NSW biodiversity legislation for the purposes of development assessment. In this regard, the NSW Biodiversity Conservation Act 2016 establishes a framework to avoid, minimise and offset the impacts of local development and land use changes on native biodiversity.

## Part L1 Biodiversity Management

### L1.2 Relationship to other plans

#### Leeton Local Environmental Plan 2014

Part L.1 of the DCP supports the aims and provisions of the Leeton Local Environmental Plan 2014 (LEP) that relate to the conservation and management of the natural environment.

#### Environmental Planning and Assessment Act 1979 (EPA Act)

Part L.1 of the DCP addresses the objectives of the Environmental Planning and Assessment Act 1979 (EP&A Act) that relate to the conservation and management of the natural environment. In particular, it addresses the following objects of the EP&A Act:

- a. 1.3(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,
- b. 1.3(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
- c. 1.3(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats.

This section of the DCP also addresses matters that the consent authority will take into account when considering the following "matters for consideration" under the EP&A Act:

- a. 4.15(1)(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- b. 4.15(1)(c) the suitability of the site for the development,
- c. 4.15(1)(e) the public interest.

#### Relationship to Biodiversity Conservation Act 2016 (BC Act)

Part L.1 of the DCP addresses the purpose of the Biodiversity Conservation Act 2016 (BC Act) relating to the impacts of local development and land use changes on native biodiversity. The overarching purpose of the Act is to apply the principles of ecologically sustainable development. More specifically, the following purposes of the BC Act are relevant:

- a. 1.3(a) to conserve biodiversity at bioregional and State scales,
- b. 1.3(b) to maintain the diversity and quality of ecosystems and enhance their capacity to adapt to change and provide for the needs of future generations, and
- c. 1.3(c) to improve, share and use knowledge, including local and traditional Aboriginal ecological knowledge about biodiversity conservation,
- d. 1.3(d) to support biodiversity conservation in the context of a changing climate,
- e. 1.3(h) to support conservation and threat abatement action to slow the rate of biodiversity loss and conserve threatened species and ecological communities in nature,
- f. 1.3(k) to establish a framework to avoid, minimise and offset the impacts of proposed development and land use change on biodiversity,

## Relationship to other plans (cont.)

- g. 1.3(l) to establish a scientific method for assessing the likely impacts on biodiversity values of proposed development and land use change, for calculating measures to offset those impacts and for assessing improvements in biodiversity values,
- h. 1.3(m) to establish market-based conservation mechanisms through which the biodiversity impacts of development and land use change can be offset at landscape and site scales.

Part 7 of the BC Act, together with the Biodiversity Conservation Regulation 2017 (BC Regulation) and some aspects of the Local Land Services Act 2013 (LLS Act), outline the framework for assessment and approval of biodiversity impacts associated with certain proposals that require development consent. Subject to the provisions of the BC Act, such developments are ultimately determined under the EP&A Act.

Part 6 of the BC Act introduces the Biodiversity Offsets Scheme (BOS). A development to which the BOS applies requires the preparation and submission of a Biodiversity Development Assessment Report (BDAR) to accompany the application. Where a BDAR is required, it must be prepared by an 'accredited assessor' in accordance with the Biodiversity Assessment Method (BAM) established under the BC Act. Accredited assessors are ecologists accredited by the NSW Department of Planning, Industry and Environment to carry out the BAM and prepare BDARs.

Both the BAM and BC Act are based on a hierarchical framework which requires the proponent to design proposed development such that it avoids and minimises biodiversity impacts before proposing biodiversity offsets. If the avoid and minimise measures proposed are considered acceptable by the consent authority, any resulting biodiversity offsets must be delivered in accordance with the BOS and the proponent cannot commence construction until the offset obligation is met.

Council's main role as the consent authority under Part 7 of the BC Act (amongst other things) is to determine:

- a. if measures proposed to avoid and minimise biodiversity impacts are acceptable (BC Act s7.13);
- b. if the development will result in a serious or irreversible impact on biodiversity values (BC Act, s7.16);
- c. that any residual impacts are offset (or otherwise addressed) in accordance with the BC Act (s7.13).

## Relationship to 10/50 Vegetation Clearing Code of Practice

The 10/50 Vegetation Clearing Scheme allows people to clear certain vegetation near their homes to improve protection from bush fires.

The 10/50 Code permits landowners in the 10/50 Vegetation Clearing Entitlement Area to clear, on their own land, vegetation that is adjacent to an external wall of a building:

- a. containing habitable rooms that comprises or is part of residential accommodation or a high risk facility;
- b. that comprises or is part of a farm shed.

To determine whether a property is located within a Vegetation Clearing Entitlement Area, reference should be made to the online assessment tool available on the NSW RFS website [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)

Vegetation clearing that is carried out in accordance with the 10/50 Code is considered to be authorised clearing under NSW Legislation.

For Development Applications to which Part L.1 of this DCP applies, and for the purposes of determining whether that development exceeds the Biodiversity Offsets Scheme threshold, the 10/50 clearing entitlement should not and will not be excluded from the calculation of the development footprint.

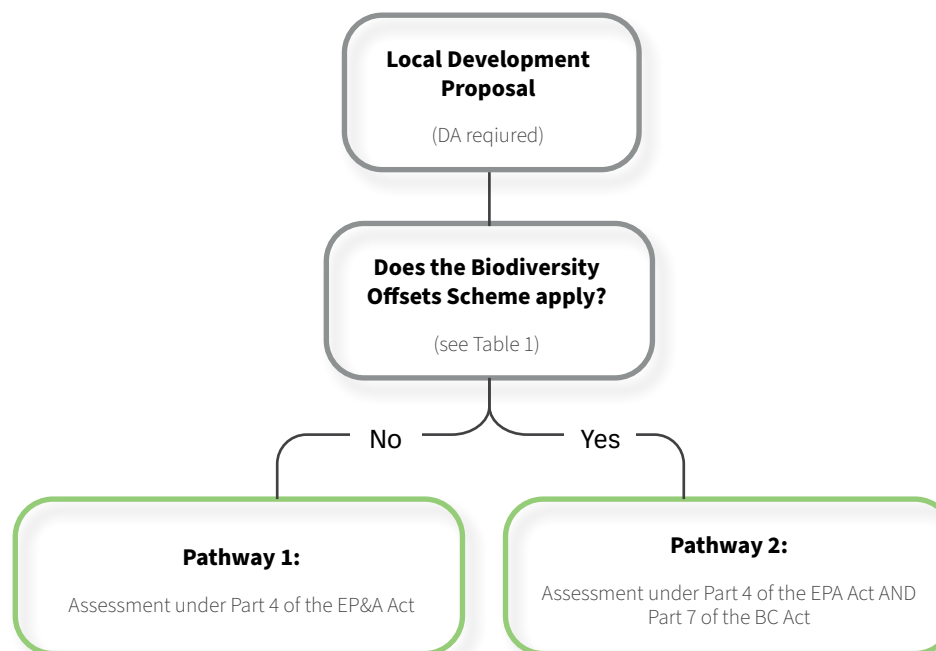
## Part L1 Biodiversity Management

### L1.3 Biodiversity pathways

Given the potential operation of both the EP&A Act and the BC Act, there are two main assessment pathways which determine the level of biodiversity assessment and information required to support a development application (see Fig 1).

The assessment pathway depends on whether the proposed development triggers entry into the BOS according to the BC Act (see Tables 1, 2 and 3).

**Figure 1 - Biodiversity Assessment Pathways**



## Biodiversity pathways (cont.)

**Table 1 - Does the BOS apply to the proposed development?**

	Description of proposed activity	Legislative reference
The Biodiversity Offset Scheme <b>does apply</b> to:	Proposed clearing of native vegetation (see Table 3) that would exceed the BOS area clearing threshold <sup>1</sup>	BC Act: s7.2(1)(b), s7.4(1) BC Regulation: s7.1(1)(a), s7.2
	Proposed clearing of native vegetation (see Table 2) or other action prescribed by clause 6.1 of the BC Regulation on land identified on the Biodiversity Values Map <sup>1</sup>	BC Act: s7.2(1)(b), s7.4(1) BC Regulation: s7.1(1)(b), s6.1, s7.3
	Proposed development that is likely to significantly affect threatened species or ecological communities according to the test of significance	BC Act: s7.2(1)(a), s7.3
	Proposed development to be carried out within a declared area of outstanding biodiversity value	BC Act: s7.2(1)(c)
The Biodiversity Offset Scheme <b>does not apply</b> to:	Proposed clearing of native vegetation on Category 1-Exempt land <sup>2</sup>	BC Act: s7.4 LLS Act: s60H
	Proposed development on biodiversity certified land	BC Act: s7.6

<sup>1</sup> See: <https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/biodiversity-offsets-scheme/entry-requirements>

The area threshold varies depending on the minimum lot size (under Leeton LEP 2014) applying to the land. For ease of references purposes, the thresholds are described in the table below.

<sup>2</sup> See: <https://www.lls.nsw.gov.au/help-and-advice/land-management-in-nsw/archive/land-categorisation-and-the-land-management-framework>

The area threshold varies depending on the minimum lot size (under Leeton LEP 2014) applying to the land. For ease of references purposes, the thresholds are described in the table below.

**Table 2 - Area Thresholds**

Minimum Lot Size	Threshold for clearing, above which the offsets scheme 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
1000ha or more	2 ha or more



## Biodiversity pathways (cont.)

**Table 3 - What is clearing of native vegetation? (for the purposes of development requiring consent under Part 4 of the EP&A Act only)**

	Description	Legislative reference
“Native vegetation” refers to:	Trees (including any sapling), shrubs, understorey plants, groundcover and plants occurring in a wetland that were established in NSW prior to European colonisation	LLS Act: s60B(1), s60B(2)
	Dead or non-native vegetation identified within Category 2-Regulated land <sup>2</sup>	LLS Act: s60B(3)
“Native vegetation” does not include:	Marine vegetation including mangroves and seagrasses	LLS Act: s60B(4)
“Clearing” of native vegetation means:	Means any one or more of the following -	LLS Act: s60C
	(a) cutting down, felling, uprooting, thinning or otherwise removing native vegetation,	
	(b) killing, destroying, poisoning, ringbarking or burning native vegetation.	
	Includes all clearing proposed in association with a development, including for construction of roads and other infrastructure, bushfire protection requirements, services installation, etc.	LLS Act: s60C
	Includes all clearing required or likely to be required for the purposes of a subdivision	BC Regulation s7.1(3)

<sup>1</sup> See: <https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/biodiversity-offsets-scheme/entry-requirements>

<sup>2</sup> See: <https://www.lls.nsw.gov.au/help-and-advice/land-management-in-nsw/archive/land-categorisation-and-the-land-management-framework>

## Part L1 Biodiversity Management

### L1.4 Development Applications

#### Objective

To provide guidance on relevant biodiversity matters when preparing Development Applications

#### Statutory considerations

When determining an application for development consent involving impacts on biodiversity, Council must consider various legislation and policies. These include:

- Environmental impacts on the natural environment under Section 4.15 of the Environmental Planning and Assessment Act 1979
- Development that is “likely to significantly affect threatened species” as set out in the Biodiversity Conservation Act 2016.
- Potential impacts under other biodiversity legislation such as the NSW Fisheries Management Act 1994 and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.
- Specific Council LEP Clauses that relate to the protection and management of the natural environment.
- Vegetation clearing or other works within 40m of a watercourse as defined under the Water Management Act 2000.

Proposed development should also be consistent with any relevant strategies, plans or policies prepared and adopted by State, Commonwealth or Local authorities such as:

- Riverina Murray Regional Plan
- Leeton Local Strategic Planning Statement

#### Approvals required by other agencies

In some instances, further approvals may be required by other agencies before development can be undertaken. For example:

- Development in bushfire prone areas (Rural Fire Service)
- Works within 40m of the bed or banks of a waterway (Department of Primary Industries – National Resources Access Regulator)

#### Biodiversity Assessment Objectives

- To ensure that any biodiversity values that may be impacted by the proposed development are identified.
- To ensure that any potential impacts on biodiversity are avoided, minimised, and/or offset.
- To inform the decision-making process in a timely and efficient manner.

#### Development Application requirements

The following information is required to accompany development applications that have the potential to impact biodiversity.

- a. For development that does not exceed the BOS threshold:
  - i. Information demonstrating the conclusion that the proposal does not exceed the BOS threshold.
  - ii. A response to the threatened species test of significance set out under s7.3(1) of the BC Act.
- b. For development to which the BOS applies according to the triggers described in Table 1:
  - i. A Biodiversity Development Assessment Report (BDAR) prepared by an assessor who is accredited by DPIE to carry out the Biodiversity Assessment Method (BAM).

## Part L1 Biodiversity Management

### L1.5 Working Examples

#### Zara Langley's Dwelling

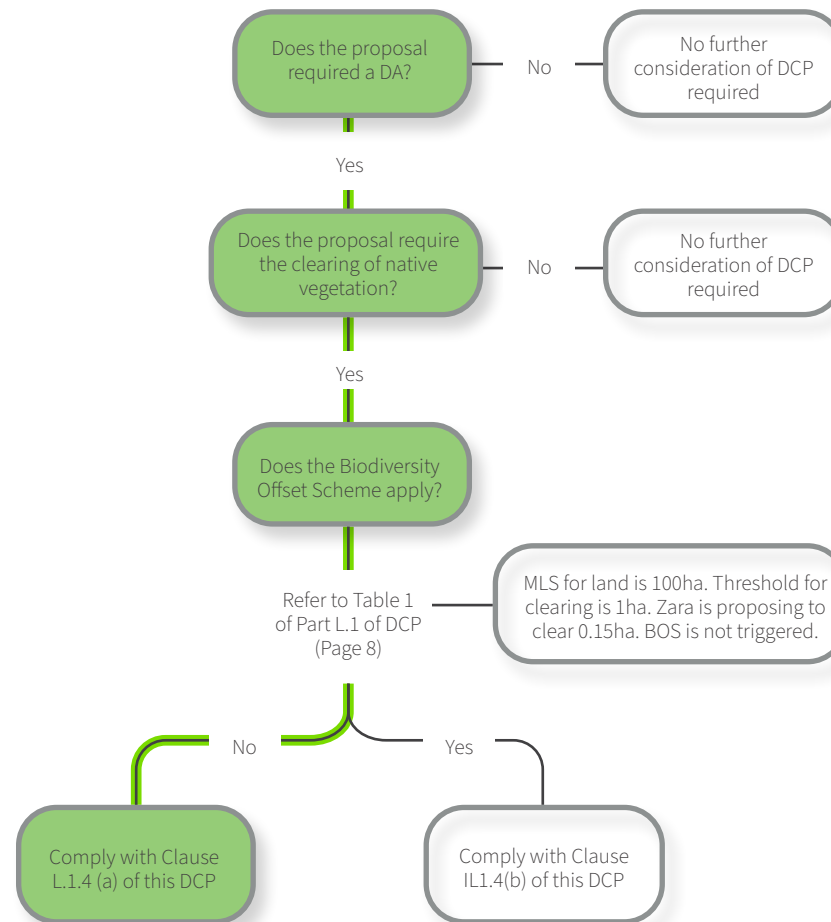
Zara Langley is proposing to construct a new dwelling on his rural property holding, which is zoned RU1 Primary Production under Leeton Local Environmental Plan 2014.

The location of the proposed dwelling is mapped as Bushfire Prone Land in accordance with the mapping certified by the NSW Rural Fire Service.

To comply with the requirements of the 'Planning for Bushfire Protection Guidelines' Zara has calculated that she will need to clear 1,500m<sup>2</sup> of native vegetation in order to create an Asset Protection Zone around the proposed dwelling site.

Zara wants to know what approvals she will need in order to ensure she is complying with 'Planning for Bushfire Protection' and the requirements of this Development Control Plan.

The following diagram represents the Biodiversity Assessment Pathway for Zara's proposal.



## Working examples (cont.)

### Developer Jane's Subdivision

Developer Jane has purchased a property on the fringe of the Leeton Township and is preparing a Development Application to Council for the subdivision of the land into multiple residential lots.

The minimum lot size for the land is 2 hectares, so Jane's subdivision proposal will be for the creation of 10 new allotments.

Approximately 5 hectares of the land is covered in native vegetation and will need to be removed to accommodate the proposed subdivision design.

Jane wants to know what approvals she will need in order to ensure she is complying with the requirements of this Development Control Plan.

The following diagram represents the Biodiversity Assessment Pathway for Jane's subdivision proposal.

