



Moss Vale Township

Development Control Plan

Version	Adopted	Effective
Original	28 October 2009	16 June 2010
As amended – 1	14 September 2011	5 October 2011
As amended – 2	14 December 2011	8 February 2012
As amended – 3	11 July 2012	1 August 2012
As amended – 4	22 August 2012	5 September 2012
As amended – 5	10 June 2015	17 June 2015
As amended – 6	8 November 2017	29 November 2017
As amended - 7	11 September 2019	18 September 2019
As amended - 8	9 October 2019	23 October 2019
As amended - 9	23 October 2019	30 October 2019
As amended - 10	21 December 2020	1 January 2021

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Part A

Provisions

Applicable to

All Land





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PART A ALL LAND

Section 1 Introduction

A1.1 Citation

This plan shall be cited as the *Moss Vale Town Plan Development Control Plan*.

A1.2 Date of Commencement

The provisions of this Plan were first adopted by Council on 28 October 2009 and came into effect on 16 June 2010.

Amendment 1 was adopted by Council on 14 September 2011 and came into effect 5 October 2011.

Amendment 2 was adopted by Council on 14 December 2011 and came into effect on 2012.

Amendment 3 was adopted by Council on 11 July 2012 and came into effect on 1 August 2012.

Amendment 4 was adopted by Council on 22 August 2012 and came into effect on 5 September 2012.

Amendment 5 was adopted by Council on 10 June 2015 and came into effect on 17 June 2015.

Amendment 6 was adopted on 8 November 2017 and came into effect on 29 November 2017.

A1.3 Land To Which This Plan Applies

This Development Control Plan applies to all land in Moss Vale edged black and hatched in Figure A1.1 below.

NB 1: Applicants should not rely on the printed version of this map, or any other map in this document, for current zoning information, but should consult the Wingecarribee LEP 2010 maps on the NSW Legislation website, www.nsw.legislation.nsw.gov.au

Council appreciates that these maps can be difficult to read, but they are in the format prescribed by the NSW government. In some cases, Council may be able to assist in providing an extract from the map in a more easily readable form.

NB 2: Land under an Industrial zoning in or around Moss Vale is covered by the Industrial Lands DCP.

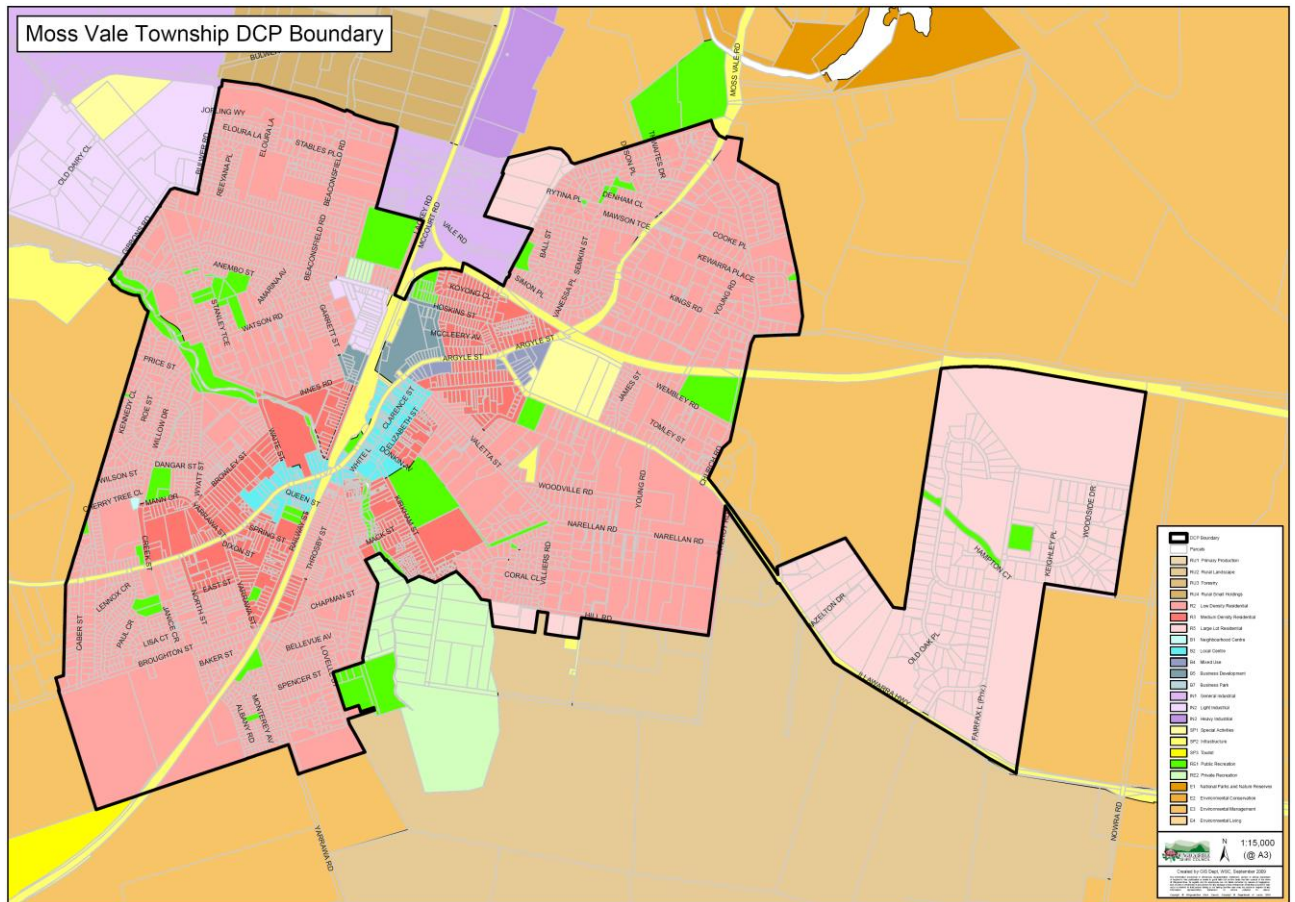


Figure A1.1 - Moss Vale Town Boundary



A1.4 Structure of this Plan

The Plan is divided into three Parts:

- **Part A** applies to all land within Moss Vale. This Part contains the overall objectives of the DCP and considers principles and controls applicable to all development within the Moss Vale area, addressing such issues as Ecologically Sustainable Development, development on flood liable land, vegetation management including tree preservation controls, subdivision and siting matters, development and design within a heritage context, designing for safety and signage.
- **Part B** applies to development on business-zoned land within Moss Vale. Specific controls have been developed for those permissible land uses with the potential for significant urban impacts including retail and business premises, 'large footprint' developments such as bulky goods, landscape and garden suppliers and tourist and visitor accommodation, as well as sex services premises.

All business zoned land has been allocated to a Business Precinct and additional precinct-based controls may apply so applicants need to determine in which precinct their proposed development is located.

- **Part C** applies to development on residential-zoned land within Moss Vale. Specific controls have been developed for various types of residential and ancillary developments as well as for non-residential land uses with the potential for significant urban impacts, including educational establishments, places of public worship and child care centres. Although these non-residential land uses are also permissible with consent on business-zoned land, controls are directed to ensuring protection of residential amenity.

Residential-zoned land which has the capacity for redevelopment to a higher density, or which is located within a Heritage Conservation Area, has been allocated to a Residential Precinct. Additional precinct-based controls may apply and applicants need to determine if their proposed development is located within an identified precinct.

In summary therefore, there are three layers of controls:

- Those applicable to all development within Moss Vale.
- Those applicable to particular types of development.
- Those applicable to a specific Precinct because of sensitivity issues within that locality.

Applicants need to be sure they address all controls applicable to their development.

A1.5 Associated Planning Instruments & Council Endorsed Specifications

This Plan has been prepared in accordance with, and to satisfy the requirements of, the Environmental Planning and Assessment Act 1979, as amended.

This Development Control Plan should be read in conjunction with the following Environmental Planning Instruments & Council Endorsed Specifications:

- Wingecarribee Local Environmental Plan 2010(WLEP 2010).
- Relevant Regional Environmental Plans.
- Relevant State Environmental Planning Policies.
- Wingecarribee Shire Council Endorsed Technical Specifications. Council may, from time to time, adopt Technical Specifications with respect to construction works and the erection of buildings. A copy of the current Specifications is available for inspection and purchase at Council's offices or on Council's website, www.wsc.nsw.gov.au

A1.6 Integrated Development

Integrated Development is development that not only requires Council consent in order to proceed, but also requires an approval from a state authority for some aspect of the development. Division 5 of the Environmental Planning and Assessment Act, 1979, as amended, details these requirements.

A1.7 Prohibited Structures

The following structures are prohibited within Moss Vale Township:

- (a) Shipping Containers, unless approval has been granted by Council for their conversion for use as a residential building.

A1.8 Policy regarding Fees and Refunds

A1.8.1 Registered Charities and/or Non-Profit Organisations

Registered Charities and non-profit organisations will only be required to pay the following fees:

- (a) Development Application:-
 - Half the development application fee
 - The full advertising fee where public exhibition is required
- (b) Construction Certificate fees:-
 - Half the construction certificate fee
 - Provision of services fee (ie. Water, stormwater, sewer & septic)
 - Half the inspection fee

A1.8.2 Determination of Construction values for application

Where there is no contract price for the proposed work, the estimated value is determined by the multiplication of the floor area by the fee as determined by the rate set by Council. Council will use accepted national costing standards and any guidelines issued by the NSW government for these calculations.

A1.8.3 Refunds of fees

Cancellation of Applications

Upon cancellation of a development application and/or construction certificate or Complying Development Certificate, the following fees are refundable:-

Prior to approval

- The inspection fee
- Half the application fee (DA and/or CC) to the discretion of Director Environment and Planning dependant upon staff resources committed to assessment

- Septic tank/sewer connection fee
- Drainage diagram fee
- Landscape bond (AWTS systems)
- Builders sanitary service
- Water connection fee (if the connection has not yet been made)

.Whilst the development application is still valid

- The inspection fee(s)
- Drainage diagram fee
- Landscape bond (for AWTS systems)
- Builders sanitary service
- Water connection fee (if the connection has not yet been made)

Long Service Levy

A separate application for refund of this fee is to be made directly to the Long Service Levy Corporation.

Cancellation of a section 68 approval

- The inspection fees will be refunded.



Section 2 General Objectives

A2.1 Introduction

Council recognises that every new development impacts on and changes the existing environment and so each development proposal must demonstrate a positive contribution, either directly or indirectly, to the objectives and intended outcomes of this Plan.

The controls contained in this Plan represent the minimum standards accepted by Council when undertaking development within Moss Vale. The term 'development' applies to renovations, refurbishments and extensions to existing buildings, as well as to new construction.

Applicants are reminded that each development proposal will be assessed according to how well it meets stated objectives and contributes to the immediate surroundings and broader environment of the town. In formulating the objectives regard has been taken to the objectives of the Wingecarribee Local Environmental Plan 2010 (WLEP 2010) which should be read in conjunction with the objectives of this Plan.

Some objectives relate directly to the development of privately-owned land. Others relate to the public domain because it is recognised that the appropriate design and function of individual developments can contribute to the efficient and effective achievement of public domain goals and objectives.

A2.2 Objectives of this Plan

This section lists those objectives which guide the Plan as a whole. They should be read in conjunction with the specific objectives which apply to individual types of development and Precincts.

A2.2.1 Economic Function

The Sydney-Canberra Corridor Regional Strategy identifies Moss Vale as "a major town - being a larger town providing local and district services and facilities, comprising the general range of weekly and some higher order goods and business services. The full range of housing types are generally provided."

Council recognises that the design and function of a commercial area are major influences on its efficient and effective operation which, in turn, determine the success of the centre in terms of business vitality.

Moss Vale contains four Business zones under WLEP 2010. The main commercial centre is zoned B2 Local Centre and this is surrounded by areas of B4 Mixed Use and B5 Business Development as well as a small area of B1 Neighbourhood Centre. Applicants are directed to WLEP 2010 which contains the objectives applicable to each zone.



In assessing a Land Use Application (LUA), Council will consider the extent to which the proposal contributes to the achievement of both zone objectives and the following Economic Function objectives:

- (a) Enhance the role of Moss Vale within the overall economic structure of Wingecarribee Shire.
- (b) Recognise and enhance the role of Moss Vale as an important retail and service centre providing for the needs of the surrounding community and visitors to the region.
- (c) Recognise and enhance the role of Moss Vale as an important employment generator.
- (d) Encourage appropriate site amalgamation and redevelopment to provide a range of business and retail opportunities throughout the town.

A2.2.2 Urban Function

New development can also impact on the existing functional amenity of a locality. Traffic, parking, pedestrian access and streetscape all contribute to resident and visitor convenience, safety and enjoyment and Council constantly seeks to improve urban function throughout the town. While not all development can make a positive contribution to these improvements, Council certainly expects that new development will in no way have a detrimental impact on such function.

In assessing a land use application, Council will consider the extent to which the proposal contributes to the achievement of both zone objectives and the following Urban Function objectives:

- (a) Improvement of traffic and parking management within the town.
- (b) Minimisation of vehicular and pedestrian conflicts.
- (c) Provision of a safe and accessible network of pedestrian links throughout the town.
- (d) Improvement of connections to public transport facilities.

A2.2.3 Heritage Conservation

Moss Vale contains one (1) Heritage Conservation Area. Applicants are directed to the provisions of Clause 5.10 of WLEP 2010 which relates to the conservation of Items of Heritage and Heritage Conservation Areas and also to the associated Schedule 5.

In assessing a land use application, Council will consider the extent to which the proposal contributes to the achievement of both zone objectives and the following Heritage Conservation objectives:

- (a) Preserve and protect buildings of heritage and cultural value.



- (b) Ensure that redevelopment immediately adjacent to buildings of heritage or cultural value in no way detracts from the visual quality or amenity of heritage buildings.
- (c) Ensure that redevelopment within or immediately adjacent to Conservation Areas reflects the high heritage value of the Area and contributes to that value.

A2.2.4 Residential Amenity

In addition to residential diversity, Council also seeks to ensure that future residential development in Moss Vale at least maintains and, where possible, improves, existing residential amenity.

In assessing a land use application, Council will consider the extent to which the proposal contributes to the achievement of both zone objectives and the following Residential Amenity objectives:

- (a) Conserve the unique characteristics of existing residential areas of the Moss Vale township.
- (b) Encourage new residential development that is sympathetic to existing or desired future streetscapes and neighbourhood character.
- (c) Ensure that residential development includes sustainable principles such as energy and water efficiency, using sustainable building products where ever possible.
- (d) Contribute to the enhancement of the urban amenity
- (e) Ensure that there is no light spill from any new development which would adversely impact on surrounding residents, including diminishment of the night sky experience.

A2.2.5 Residential Diversity

Council recognises that the viability and amenity of Moss Vale depends on residential development as well as commercial strength. WLEP 2010 provides for both low density (R2) and medium density (R3) residential zonings in Moss Vale in order to provide a variety of residential opportunities.

Applicants are directed to WLEP 2010 which contains the objectives applicable to the particular residential zone within which they seek to develop.

In assessing a land use application, Council will consider the extent to which the proposal contributes to the achievement of both zone objectives and the following Residential Diversity objectives:

- (a) Promote a mix of housing types to increase residential choice within the town, particularly around bus and rail connections.
- (b) Encourage appropriate site amalgamation and redevelopment to provide a range of residential opportunities throughout the town.



A2.2.6 Visual Amenity

Every new development generates an impact on the visual amenity of the immediate environment which can, in turn, affect the environment of the surrounding area. Visual impacts result from the overall appearance of the development and its relationship to the existing built form. Inappropriate design can generate significant adverse impacts and Council is only interested in developments which make a positive visual contribution.

Council is not necessarily seeking the duplication of existing form. Council does acknowledge that there are situations where extreme differences in scale and appearance may produce great urban design, involving landmark buildings. However, Council does expect that all new development should at least respond to the essential elements that make up the character of the surrounding urban environment. In particular, all new development should:

- (a) Demonstrate an appreciation of the existing streetscape.
- (b) Enhance the character of individual streets within the town through appropriate built form design.
- (c) Provide areas of private open space which can make a positive contribution to the overall visual amenity of the locality.

A2.2.7 Public Views and Vistas

Key public views and vistas, whether along streets, or angled across properties or corner blocks, collectively contribute to the quality of the built environment. This is particularly the case in Wingecarribee Shire where towns are located within significant landscape environments. Council believes it is important to protect those views which are of public benefit.

In assessing a land use application, Council will consider the extent to which the proposal contributes to the protection of public views and vistas.

A2.2.8 Environmental Sustainability

Ecologically sustainable development (ESD) is development which utilises the community's resources in a way that existing ecological processes, on which all life depends, are maintained, protected and enhanced.

Council is committed to the principles of Ecologically Sustainable Development (ESD) and recognises that both urban and rural areas provide opportunities for environmental conservation. Even small improvements in the natural environment can achieve a significant cumulative impact.

Council will assess all Development Applications having regard to the Principles of Ecologically Sustainable Development.



The *Environment Planning and Assessment Act* notes that the principles of ESD incorporate:

- (a) the precautionary principle - if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation,
- (b) inter-generational equity - the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,
- (c) conservation of biological diversity and ecological integrity - new development must ensure that there is no loss of biological diversity or ecological integrity,
- (d) improved valuation, pricing and incentive mechanisms - environmental factors should be incorporated into the valuation of assets and services through such principles as:
 - (i) polluter pays - those who generate pollution and waste should bear the cost of containment, avoidance or abatement,
 - (ii) full costing - the users of goods and services should pay prices based on the full life cycle of the costs of providing those goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,
 - (iii) cost-effectiveness - environmental goals should be pursued in the most cost-effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise the benefits or minimise the costs to develop their own solutions and responses to environmental problems.

Applicants are advised to review other state legislation pertaining to Ecologically Sustainable Development. A useful starting point would be the Office of Environment and Heritage website, www.oeh.nsw.gov.au
 In assessing a Development Application, Council will consider the following Environmental Sustainability objectives:

- (a) protect vegetation, threatened species, ecological communities, hydrological aspects, watercourses, significant natural features, and any other aspect of environmental quality.
- (b) no net loss of riparian condition, remnant vegetation, biodiversity values, wetland values, wildlife habitat or water quality.
- (c) Encourage on-site tree plantings which enhance the ~~urban~~ environment and provide additional wildlife habitat and connectivity of habitat
- (d) Maintain and enhance existing public open space areas
- (e) Practical incorporation of the principles of ecologically sustainable development into the development
- (f) Ensure that buildings are 'energy smart' and meet all BASIX requirements.



A2.2.9 The Public Domain

Council seeks to utilise developer contributions generated from appropriate development to enhance the convenience, safety and enjoyment of areas within the public domain.

Street trees improve visual quality, provide shade and protection, define spaces, link separate visual elements, provide screening, and provide scale and identity to the street spaces throughout the Town.

In particular, Council seeks to:

- (a) Create a public domain which is accessible to all residents, workers and other visitors.
- (b) Ensure that areas of public open space are safe and attractive.
- (c) Provide additional recreation and cultural opportunities according to need.



Section 3 Biodiversity

A3.1 Introduction

Wingecarribee Shire is rich in biodiversity, and supports large areas of land of very high conservation value. These extend well beyond the areas held in formal reserves and include Crown and significant tracts of freehold land.

The impacts of development near natural areas and public spaces can be partly redressed through sympathetically designed development, the retention of remnant vegetation areas and by providing suitable habitat in parks and private gardens. Council encourages innovation design which responds to adjacent surroundings, where native vegetation and habitat is retained or reconstructed, and the natural values of the environment are preserved.

Wildlife corridors are vegetation features that connect areas of remnant bushland and facilitate fauna movement. Fauna movement allows dispersal, interbreeding and recolonisation to occur, improving long-term viability of the species. Fauna movement also facilitates pollen and seed dispersal, enhancing the viability of plant populations.

Clauses 7.4 and 7.5 of WLEP 2010 address objectives and controls for the protection, enhancement and management of the ecological, scientific, cultural and aesthetic values of regional wildlife habitat corridors. These clauses apply to land identified as a regional wildlife habitat corridor on the Natural Resources Sensitivity Maps, (or natural waterbodies and riparian land). WLEP 2010 may be viewed on the NSW Legislation website, www.legislation.nsw.gov.au.

A3.2 Flora and Fauna Assessment Report

A Flora and Fauna Assessment is an ecological study that scientifically documents the known and potential biodiversity within a given area (i.e. the study area). It assesses the nature and extent of impacts of a particular development proposal, land management or planning proposal.

A3.2.1 Objectives

- a) Provide additional information to the controls identified in the WLEP clause 7.4 and 7.5.
- b) Retain and protect individual remnant native species that are found scattered throughout the Shire.
- c) To retain, enhance or reconstruct native vegetation and the ecological functions of wildlife corridors.
- d) To protect and promote the recovery of threatened species, populations and endangered ecological communities.



- e) To ensure development responds to its adjacent surroundings and helps preserve and enhance the natural qualities of the environment.

A3.2.2 Controls

- a) A Flora and Fauna Assessment Report is required to be lodged with a Development Application under the following circumstances and must address the requirements in the Wingecarribee Shire Council Flora and Fauna Assessment Guidelines (link will be provided) for Development Applications.
- (i) if the proposed development site:
- contains native vegetation, which is defined as, “any species of vegetation that existed in NSW before European settlement including trees, saplings, shrubs, scrub, understorey, groundcover or plants in a wetland”;
 - contains remnant native trees;
 - is adjacent to native vegetation if the study area has been extensively cleared; and/or
 - contains sensitive environmental areas likely to contain important habitat resources for fauna such as watercourses, wetlands or swamps, and rocky outcrops, caves, cliffs.
- or
- (ii) if the proposed development:
- will directly or indirectly impact on native vegetation by clearing, runoff, waste-water irrigation, Bushfire Asset Protection
 - contain natural features that sustain native species;
 - may directly or indirectly have a significant impact on native vegetation or sensitive environmental areas that may contain habitat for threatened species, populations or ecological communities; and/or
 - is likely to have a significant impact on matters of national environmental significance under the (Commonwealth) Environment Protection and Biodiversity Conservation Act 1999.

The potential occurrence of threatened species must be considered, even if the study area has been extensively cleared of native vegetation. If the study area is cleared, but lies adjacent to remnant native vegetation, survey work must be capable of assessing the site’s actual or potential role as a corridor or linkage.

If the study area exceeds one (1) hectare, the Flora and Fauna Assessment needs to identify whether ‘potential koala habitat’ or ‘core koala habitat’ is present, as outlined in State Environmental Planning Policy No. 44 - Koala Habitat Protection (SEPP 44).



Section 4 Water Management

A4.1 Vegetation Management Plan for Riparian Corridors

Clauses 7.4 and 7.5 of WLEP 2010 address objectives and controls for the protection, enhancement and management of the ecological, scientific, cultural and aesthetic values of regional wildlife habitat corridors, natural water bodies and riparian land within the Shire. These clauses apply to land identified on the Natural Resources Sensitivity Maps as a regional wildlife habitat corridor, or natural waterbodies and riparian land.

Applicants are directed to the controls within WLEP 2010 for proposed development close to an identified riparian corridor. WLEP 2010 may be viewed on the NSW Legislation website, www.legislation.nsw.gov.au.

The following section provides more information.

Key legislation to consider includes the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), *Fisheries Management Act 1994*, *Water Management Act 2000*, *Native Vegetation Act 2003* and *SEPP (Sydney Drinking Water Catchment) 2011*.

All riparian land in the shire has been categorised according to its attributes and protection requirements. The categories mapped in WLEP are:

- Category 1 – Environmental Corridor (within 50 metres from the top of stream bank on each side).
- Category 2 – Aquatic and Terrestrial Habitat (within 30 metres from the top of stream bank on each side).
- Category 3 – Bank Stability and Water Quality (within 10 metres from the top of stream bank on each side).

For Category 1 and 2 land, actions to improve or maintain riparian condition are required. Actions to protect and maintain riparian condition are required for Category 3 land. Table A below provides objectives for each category and examples of actions that may meet the objectives.

A4.2 Vegetation Management Plan for Riparian Corridors

Certain activities carried out in riparian corridors are classified as “controlled activities” under the *Water Management Act 2000*. When a development proposal will disturb or substantially modify the riparian corridor, its restoration or rehabilitation will be required. Details of proposed rehabilitation /restoration must be documented in a Vegetation Management Plan (VMP) submitted with the development application. This VMP must be prepared in accordance with the NSW Office of Water “*Guidelines for vegetation management plans on water front land*”.



A VMP is also required for any other development on land identified in the WLEP 2010 Natural Resources Sensitivity Map and adjoining a natural waterbody. The main objective of a VMP is to provide a stable watercourse and riparian corridor which will enhance, restore or replicate local native vegetation communities, improve aquatic habitats and provide improved water quality.

The preparation of a VMP for development applications in existing urban zonings is not required for new dwelling houses, dual occupancies or alterations and additions to existing dwelling houses or dual occupancies.

A4.2.1 Controls

A VMP is required for any proposed development in the WLEP 2010 Natural Resources Sensitivity Map and adjoining a natural waterbody. VMP requirements are described in Table A below. (A VMP is not required if one is already required as part of a controlled activity approval issued for integrated development in land zoned for urban uses.) Table B provides examples of actions that may meet the objectives of a VMP.

Table A

Land Category and Development type	Vegetation Management Plan Requirement
<p>Category 1 and 2</p> <p>Change of zone from a non-urban zoning to any type of urban zoning.</p> <p>Rural land, except where there is an approved property vegetation plan in place prepared according the NV Act or the development is a routine agricultural management activity defined under the NV Act.</p> <p>All riparian lands that are intended to be transferred to Council ownership via dedication.</p>	<ul style="list-style-type: none"> • Be prepared by a suitably qualified person • Consider the objectives for Category 1 and 2 Riparian land. • Consider the objectives of flood studies and risk management plans for either the specific catchment of Category 1 and 2 Riparian land or the specific development. • Have a minimum operation period of five years for Category 1 Riparian land and minimum operation period of three years for Category 2 Riparian land.
<p>Category 3 land</p> <p>Subdivision applications from one type of non-urban zoning to any type of urban zoning.</p> <p>New dwelling-houses, dual occupancies or alterations and additions to existing dwelling-houses or dual occupancies that will impact on or have the potential to</p>	<ul style="list-style-type: none"> • A schematic VMP • The footprint, site layout and all elements of the proposed development in relation to the Category 3 Riparian land. • Identification of planting areas. • Planting schedule. • Identification of areas for weed management.



impact on Category 3 Riparian land.

All riparian lands that are intended to be transferred to Council ownership via dedication.

Table B. Example of actions that may meet the objects.

Actions are referenced from the *Riparian Corridor Management Study* (DIPNR, 2004).

Objectives	Examples of actions
<p>Improve vegetation</p> <p>Improve corridors and aquatic habitat for the movement of native flora and fauna.</p> <p>Maintain unobstructed water flow</p>	<ul style="list-style-type: none"> • Net gain of vegetation cover. • Increase the size and connectivity of native vegetation corridors within a specific reach of riparian land • Additional or replacement native vegetation planting replicates as close as possible the species composition and structure of the naturally occurring plant community at the site or a similar site. • Additional or replacement aquatic habitat features including natural stream morphology and refuges such as rock ledges and large woody debris are included where feasible and reasonable. • New or updating of in stream structures are designed to maintain or improve the free passage of fish and other native vertebrate and invertebrate fauna.
<p>Maintain the viability of native riparian vegetation</p> <p>Manage edge effects to riparian lands</p>	<ul style="list-style-type: none"> • Fence parts or all of the 50 metres (Category 1) or 30m (Category 2) from the top of stream bank to permanently or temporarily exclude agricultural or recreational activities. For example fencing areas for occasional rather than continuous grazing in rural land zonings. • Manage noxious and environmental weeds. • Limit or manage the extent and regularity of routine slashing in native vegetation to create spatial and temporal mosaics of in a range of recruitment phases. Retain a mix of remnant and recruiting native vegetation. • Formalise access routes through riparian vegetation to contain disturbance and limit informal tracks. • Establishment or construction of essential and non-essential infrastructure or services such as Asset Protection Zones, flood mitigation works, stormwater management, underground cabling, cycleways and paths should be outside the 50 metres from the top of stream bank where feasible. At a minimum management of native vegetation for these purposes should adopt the general principles of the riparian corridor matrix from Controlled activities on



Table B. Example of actions that may meet the objects. Actions are referenced from the <i>Riparian Corridor Management Study</i> (DIPNR, 2004).	
	waterfront land - guidelines for riparian corridors on waterfront land (NSW Office of Water, 2012a) and be restricted to the outer 50 per cent of the 50 metres from the top of stream bank where native vegetation is present.
Maintain or improve stream bank stability Protect water quality	<ul style="list-style-type: none"> • When carrying out streambank stabilisation works, apply WSD solutions including soft engineering measures that replicate natural stream characteristics and morphology • Staged removal of exotic vegetation should be at a rate that does not compromise stream bank stability particularly in areas vulnerable to streambank erosion. • Treating stormwater run-off outside the riparian corridor before discharge into the watercourse. • Incorporating WSD measures. • Ensuring a neutral or beneficial effect within the reach and downstream of riparian land for each category.

A4.3 Development in Sydney's Drinking Water Catchments

A4.3.1 Introduction

Most land in Wingecarribee Shire falls within the Sydney drinking water catchment. WaterNSW manages and protects Sydney's drinking water catchments through the regulation of developments in the catchment areas under the *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*, or its equivalent.

For information on the SEPP and WaterNSW's current recommended practices, refer to the WaterNSW website www.waternsw.nsw.gov.au.

A4.3.2 Objectives

The objectives of the 'Sydney Drinking Water SEPP' are

- a) to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal, and
- b) to provide that a consent authority must not grant consent to a proposed development unless it is satisfied that the proposed development will have a neutral or beneficial effect on water quality, and
- c) to support the maintenance or achievement of the water quality objectives for the Sydney drinking water catchment.



A4.3.3 Controls

In order to implement Objective (b) above, Council requires compliance with all aspects of the SEPP as they apply to the particular development. Applicants are advised to acquaint themselves with the SEPP as it relates to their development.

- a) All development shall incorporate WaterNSW's current recommended practices (or equivalent standards and practices) which represent best industry or development practice in terms of maintaining water quality.
- b) All development shall address water quality to achieve one of the following alternative outcomes as appropriate to the development:
 - (i) The development shall have no identifiable potential impact on water quality,
 - (ii) If (i) above is not viable, any identified impact shall be contained on the site to prevent it from reaching any watercourse, water body or drainage depression.
 - (iii) If (i) or (ii) above are not viable, any identified impact beyond the site shall be managed by transfer to an appropriate facility for treatment and disposal to the required standard approved by Council.
- c) Development involving unsewered subdivisions and larger multi-dwelling proposals, large earthworks, designated development or development may result in WaterNSW imposing specific conditions to ensure a neutral and beneficial impact on water quality. If WaterNSW is not satisfied a neutral and beneficial impact on water quality can be achieved, concurrence will be withheld and Council will not be able to approve the development.

A4.4 Water Cycle Management Study

All development applications in a drinking water catchment must be accompanied by a Water Cycle Management Study. The contents of a Water Cycle Management Study will vary according to the type of development and the risks it poses to water quality.

More in depth studies are required for developments that pose a higher risk. Details on the requirements of the Water Cycle Management Study are outlined in Water NSW publication *Development in the Sydney Drinking Water Catchment – Water Quality Information requirements* which is available online at www.waternsw.nsw.gov.au.

As a guide, a Water Cycle Management Study would generally include:

- a) A clear outline of the development proposed, including a detailed site plan outlining any site constraints,
- b) A summary and location of any water quality control measures proposed as part of the development and



- c) A statement, based on the information in the Water Cycle Management Study, as to whether the development has a neutral or beneficial effect on water quality, consistent with the SCA's publication Neutral or Beneficial Effect on Water Quality Assessment Guidelines.

Table C summaries the type of development and general information required

Type of Development	Information required in the <i>Water Cycle Management Study</i>
<p>Minor developments which represent a very low risk to water quality. Limited to very minor alterations and additions to residential houses in seweraged areas.</p>	<p>An assessment, consistent with WaterNSW's Neutral or Beneficial Effect on Water Quality Assessment Guidelines, as to whether the development will have any identifiable potential impact on water quality.</p>
<p>Less complex developments which represent a minor risk to water quality. These include typically new single dwellings, dual occupancy or secondary dwellings, or alterations and additions to existing dwellings, in seweraged areas.</p>	<p>Modelling using the Small-scale Stormwater Quality Model.</p> <p>Conceptual erosion and sediment controls to be applied during construction.</p>
<p>Moderately complex developments which represent a medium to high risk to water quality. These include typically multi-dwelling housing and small lot residential subdivisions in seweraged areas.</p>	<p>Stormwater quality modelling (using either the Small-scale Stormwater Quality Model or the MUSIC stormwater quality model).</p> <p>Conceptual Erosion and Sediment Control Plan or a more detailed conceptual Soil and Water Management Plan.</p>
<p>Highly complex or non-standard developments which represent the highest risk to water quality. These include typically major commercial developments, and tourism and recreational developments.</p>	<p>Stormwater quality modelling (using either the Small-scale Stormwater Quality Model or the MUSIC stormwater quality model).</p> <p>Conceptual Soil and Water Management Plan On-site Wastewater Management Report (if relevant).</p> <p>Development specific pollutant assessment requirements.</p>

A4.5 Stormwater Management Plan

A Stormwater Management Plan report will be required by Council for all development that will result in:



- a) An increase in the impervious area of the site, or
- b) A change in the direction of overland flow

The intent of the Stormwater Management Plan is to demonstrate that 'post development' overland water flows will not exceed 'pre development' flows in terms of:

- a) Volume,
- b) Quality (including nutrient content), and
- c) Direction,

The Stormwater Management Plan must be prepared in accordance with Council's Engineering Design and Construction Specifications.

A4.6 Erosion and Sediment Control Plans

Where building or earthworks are proposed, an Erosion & Sediment Control Plan must be provided to Council. Plans and all associated works must meet the Neutral or Beneficial Effect test and the water quality objectives using Current Recommended Practices contained in the *State Environmental Planning Policy (Sydney Drinking Water Catchment 2011)*.

Reference will also be required to the Landcom publication: *Managing Urban Stormwater: Soils and Construction Vol 1, 4th Edition, Landcom, 2004*.

A4.7 Water Sensitive Urban Design

The section shall be read in conjunction with the relevant technical information on Council's Engineering Design and Construction Specifications.

Water Sensitive Urban Design (WSUD) aims to:

- (a) Conserve potable water.
- (b) Protect natural ecosystems and waterways.
- (c) Protect water quality entering natural ecosystems and waterways.
- (d) Minimise surface runoff entering natural ecosystems and waterways.
- (e) Integrate stormwater and wastewater treatments into the public and private natural landscape to optimise visual, social, cultural, recreational and ecological values.

A4.7.1 Objectives

WSUD controls must be satisfied for all development applications and integrated into a Water Cycle Management Study when such a study is required by WaterNSW. WaterNSW should be contacted directly to



determine if a Water Cycle Management Study is required as circumstances vary widely.

When planning and designing development within the Shire, reference is to be made to Current Recommended Practices contained within *SEPP (Sydney Drinking Water Catchment) 2011* and current best practice guidelines and technical documents such as:

- *Technical Guides: Australian Runoff Quality – A Guide to Water Sensitive Urban Design (Engineers Australia, 2006).*
- *Water Sensitive Urban Design Engineering Procedures: Stormwater (Melbourne Water, 2005).*
- *Water Sensitive Urban Design (Landcom, 2009).*
- *Council's Engineering Design and Construction Specifications.*

A4.7.2 Controls

To achieve this Objective, the following Controls apply.

- a) All development within the Shire is to utilise potable water efficiently. For residential dwellings, including houses and units, the requirements of BASIX ensures the development complies with NSW planning requirements to conserve water.
- b) Development should not occur within riparian buffer zones outlined in Wingecarribee Shire Council Local Environment Plan 2010 (Clause 7.5 Natural Resource Sensitivity – Water and related maps) and vegetation within the riparian buffer distances is to be maintained and intact.
- c) All development within the shire must comply with the requirements of *SEPP (Drinking Water Catchment) 2011* to ensure water quality exiting a site post development achieves a neutral or beneficial effect (NorBE) in comparison to pre-development water quality runoff.

All developments within the shire shall be designed in accordance with the WSUD part of Council's Engineering Design and Construction Specifications.

A4.8 Water Treatment Train

The water treatment train designs will be considered in accordance with the technical guidelines in Engineering Design and Construction Specifications as well as Council's set of Standard Drawings.



Section 5 Flood Liable Land

This section is to be read in conjunction with related technical information in Council’s Engineering Design and Construction Specifications – Stormwater Drainage.

A5.1 Introduction

This Section applies to any development for which consent is required that is located on land affected by flooding (flood liable or flood prone land).

In 1984, the State Government introduced its Flood Prone Land Policy, applicable to all land in New South Wales. The first Floodplain Development Manual (FDM) was published in 1986, providing guidelines for the implementation of the government’s Flood Prone Land Policy and the ‘merit approach’ that underpins its application.

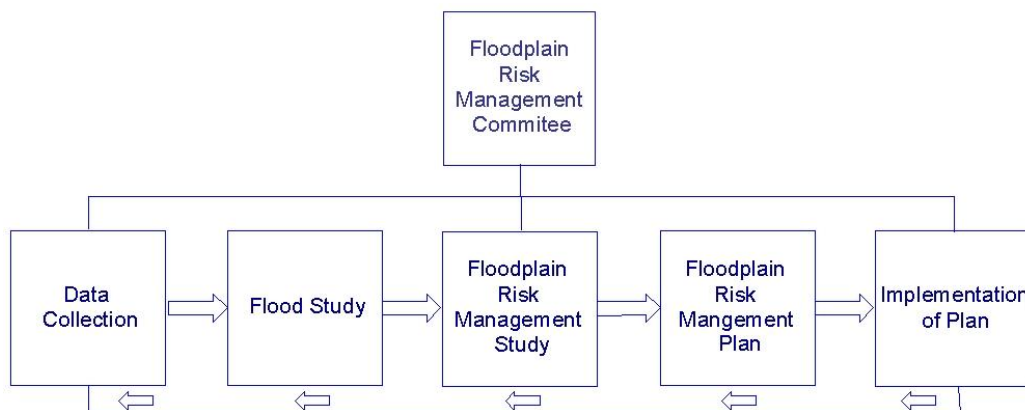
In 2005, the State Government released revised guidelines under the *Floodplain Development Manual* (FDM April 2005) to support the Flood Prone Land Policy, the primary objective of which is:

“to reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property, and to reduce private and public losses resulting from floods, utilising ecologically positive methods wherever possible.”

Local Government is the primary authority responsible for both flood risk management and land use planning in New South Wales. The State Government’s flood policy provides for a flexible merit based approach to be followed by local government when preparing controls for planning, development and building matters on flood liable land. For Council to fully carry out its responsibilities for management of flood liable land, it is necessary to prepare a local “*Floodplain Risk Management Plan*” (FRMP).

The FDM requires that Councils prepare *Floodplain Risk Management Studies* (FRMS) as a prelude to the formulation of a FRMP that, among other things, would control development and other activity within the floodplain. The process for preparing a FRMS and FRMP is depicted by Figure A4.1 below.

Figure A4.1 - Floodplain Risk Management Process (FDM, 2005)



The following controls are consistent with the State Government’s “Flood Prone Land Policy” and the FDM. The controls in this section represent an application of the



State Policy to reflect local circumstances as identified for the Moss Vale floodplain, through the preparation of a FRMS and FRMP.

The purpose of this section of the DCP is to guide development to ensure risk to life and property associated with flooding is minimised in a manner consistent with the Policies of Council formulated under the NSW Flood Policy and Floodplain Development Manual.

A5.2 Objectives

The objectives of this Section are to:

- (a) Increase public awareness of the hazard and extent of land affected by all potential floods, including floods greater than the 100 year average recurrence interval (ARI) flood and to ensure essential services and land uses are planned in recognition of all potential floods.
- (b) Inform the community of Council's policy for the use and development of flood prone land.
- (c) Manage the risk to human life and damage to property caused by flooding through controlling development on land affected by potential floods.
- (d) Provide detailed controls for the assessment of applications lodged in accordance with the Environmental Planning and Assessment Act 1979 on land affected by potential floods.

A5.3 Requirements and Controls

A5.3.1 How to Determine Compliance

Different controls apply to different land uses, depending on the flood hazard applying to the land. The controls in this part of the DCP comprise:

- › **The objectives** - a statement of the purpose intended to be achieved by each control, to assist in understanding the control.
- › **The performance criteria** - state a desired outcome and a means of assessing whether the desired outcome will be achieved.
- › **The prescriptive controls** - preferred ways of achieving the desired outcome. While adherence to the prescriptive controls may be important, it is paramount that the objectives and the performance criteria are clearly satisfied.

A5.3.2 Flood Risk Precincts



Figure A5.2 (overleaf) illustrates the various Flood Risk Precincts (FRPs) identified in Moss Vale. The identification of these Precincts is to grade the relative severity of flood risks across the floodplain and thereby provide a basis for assigning development controls. The various FRPs in Moss Vale are described below.

High Flood Risk Precinct

This Precinct contains that land below the 100 year flood that is either subject to a high hydraulic hazard or where there are significant evacuation difficulties. The high flood risk precinct is where high flood damages, potential risk to life, and evacuation problems would be anticipated or development would significantly and adversely effect flood behaviour. Most development should be restricted in this precinct. In this precinct, there would be a significant risk of flood damages without compliance with flood related building and planning controls.

Medium Flood Risk Precinct

This Precinct contains that land below the 100 year flood that is not subject to a high hydraulic hazard and where there are no significant evacuation difficulties. In this precinct there would still be a significant risk of flood damage, but these damages can be minimised by the application of appropriate development controls.

Fringe-Low Flood Risk Precinct

This Precinct contains that land between the extents of the 100 year flood and the 100 year flood plus 0.5m in elevation (being a freeboard). In this precinct there would still be a significant risk of flood damage, but these damages can be minimised by the application of appropriate development controls.

Low Flood Risk Precinct

This Precinct contains that land within the floodplain (i.e. within the extent of the probable maximum flood) but not identified within any of the above Flood Risk Precincts. The Low Flood Risk Precinct is where risk of damages is low for most land uses and most land uses would be unrestricted within this precinct.

A5.3.3 Land Use Categories

The list of land use definitions contained within WLEP 2010 has been grouped into major land use categories based on their sensitivity to flood risks. The eight land use categories and the identified land uses they contain are:

Category	Included Land Uses
Critical uses	Emergency services facility; administration building or public administration



and facilities	building that may provide an important contribution to the notification or evacuation of the community during flood events (e.g. SES Headquarters and Police Stations); Hospital.
Sensitive uses and facilities	Community facility; Telecommunications facility; Institution; Educational establishment; Liquid fuel depot; Public utility undertaking (including electricity generating works and utility installations) which is essential to evacuation during periods of flood or if affected would unreasonably affect the ability of the community to return to normal activities after flood events; Residential care facilities.
Residential	caravan park (approved long-term sites and/or “annuals”); child care centre; exhibition home; home-based child care centre; home business; home industry; home occupancy; moveable dwelling; neighbourhood shop; residential accommodation; tourist and visitor accommodation.
Commercial or industrial	Air transport facility; airport; amusement centre; bulky goods premises; business premises; community facility (other than critical and sensitive uses and facilities); correctional centre; crematorium; depot; entertainment facility; exhibition village; freight transport facility; function centre; funeral chapel; funeral home; hazardous industry; hazardous storage establishment; health services facility; heavy industry; heliport; highway service centre; industrial retail outlet; industry; liquid fuel depot; light industry; market; mixed use development; mortuary; night club; offensive industry; offensive storage establishment; office premises; passenger transport facility; place of public entertainment; place of public entertainment; place of public worship; pub; public administration building (other than critical uses and facilities); recreation facility (major); registered club; restricted premises; retail premises; self-storage units; service station; sex services premises; shop top housing; storage premises; timber and building supplies; transport depot; truck depot; vehicle body repair workshop; vehicle repair station; vehicle sales or hire premises; veterinary hospital; warehouse or distribution centre; waste disposal facility; waste management facility; waste or resource management facility; waste or resource transfer station; and wholesale supplies.
Recreation and non urban	Animal boarding or training establishment; biosolid waste application; biosolids treatment facility; boat launching ramp; boat repair facility; boat shed; caravan park (with no approved long term sites and no “annuals”); charter and tourism boating facility; environmental facility; environmental protection works; extensive agriculture; extractive industry; information and education facility; horticulture; kiosk; landscape and garden supplies; marina; mine; mining; moveable dwelling; port facilities; public utility undertaking (other than critical uses or facilities); recreation area; recreation facility (indoor); recreational facility (outdoor); research station; resource recovery facility; utility installations (other than critical uses and facilities); water recreation structure; water recycling facility; and water storage facility.
Concessional development	(a) In the case of residential development : (i) an addition or alteration to an existing dwelling of not more than 10% or 30m ² (whichever is the lesser) of the habitable floor area which existed at the date of commencement of this Plan; (ii) the construction of an outbuilding with a maximum floor area of 20m ² ; or



	<p>(iii) rebuilt dwellings which substantially reduce the extent of flood affectation to the existing building.</p> <p>(b) In the case of other development:</p> <p>(i) an addition to existing buildings of not more than additional 100m² or 10% of the floor area which existed at the date of commencement of this DCP (whichever is the lesser);</p> <p>(ii) rebuilding of a development which substantially reduces the extent of flood risks to the existing development;</p> <p>(iii) a change of use which does not increase flood risk having regard to property damage and personal safety; or</p> <p>(iv) subdivision that does not involve the creation of new allotments with potential for further development.</p>
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Prescriptive Controls

Template: V6.0

Planning Consideration	Flood Risk Precincts (FRP's)																							
	Low Flood Risk					Fringe-Low Flood Risk					Medium Flood Risk					High Flood Risk								
	Critical Uses & Facilities	Sensitive Uses & Facilities	Residential	Commercial & Industrial	Recreation & Non-Urban	Concessional Development	Critical Uses & Facilities	Sensitive Uses & Facilities	Residential	Commercial & Industrial	Recreation & Non-Urban	Concessional Development	Critical Uses & Facilities	Sensitive Uses & Facilities	Residential	Commercial & Industrial	Recreation & Non-Urban	Concessional Development	Critical Uses & Facilities	Sensitive Uses & Facilities	Residential	Commercial & Industrial	Recreation & Non-Urban	Concessional Development
Floor Level		3						3	2,6,7	5,6,7	1,6	4,7			2,6,7	5,6,7	1	4,7					1	4,7
Building Components		2						2	1	1	1	1			1	1	1	1					1	1
Structural Soundness		3						3	2	2	2	2			2	2	2	2					1	1
Flood Effects		2						2	2	2	2	2			2	2	2	2					1	1
Car Parking & Driveway Access		1,3,5,6,7						1,3,5,6,7	1,3,5,6,7	1,3,5,6,7	2,3,4,6,7	6,7,8			1,3,5,6,7	1,3,5,6,7	2,3,4,6,7	6,7,8					2,3,4,6,7	6,7,8
Evacuation		2						2	2	1 or 2	3	2			2	1 or 2	3	2					3	2
Management & Design		1,4,5						1,4,5	1	1,2,3,5	1,2,3,5	1,2,3,5			1	1,2,3,5	1,2,3,5	1,2,3,5					1,2,3,5	1,2,3,5

**General Notes:**

No Controls



Unsuitable Development Type (refer to General Note b)

- a Freeboard equals an additional height of 500mm.
- b The relevant environmental planning instruments (generally the Local Environmental Plan) identify development permissible with consent in various zones in the LGA. Notwithstanding, constraints specific to individual sites may preclude Council granting consent for certain forms of development on all or part of a site.
- c Filling of the site, where acceptable to Council, may change the FRP considered to determine the controls applied in the circumstances of individual applications.
- d Refer to Section 4.3.6 of the DCP for planning considerations for proposals involving only the erection of a fence. Any fencing that forms part of a proposed development is subject to the relevant flood effects and Structural Soundness planning considerations of the applicable development category.
- e Refer to Sections 4.3.5.2 and 4.3.5.3 of the DCP for special considerations such as for house raising proposals and development of properties identified for voluntary acquisition.
- f Terms in italics are defined in the glossary of this plan and Schedule 2 specifies development categories. These development types are generally as defined within Environmental Planning Instruments applying to the LGA.

Floor Level

- 1 All floor levels to be no lower than the 5 year flood level plus *freeboard* unless justified by site specific assessment.
- 2 *Habitable floor* levels to be no lower than the 100 year flood level plus *freeboard*.
- 3 *Habitable floor* levels to be no lower than the *PMF* level. *Non-habitable floor* levels to be no lower than the *PMF* level unless justified by a site specific assessment.
- 4 Floor levels to be no lower than the *design floor level*. Where this is not *practical* due to compatibility with the height of adjacent buildings, or compatibility with the floor level of existing buildings, or the need for access for persons with disabilities, a lower floor level may be considered. In these circumstances, the floor level is to be as high as *practical*, and, when undertaking alterations or additions, no lower than the existing floor level.
- 5 The level of *habitable floor areas* to be equal to or greater than the 100 year *flood* level plus *freeboard*. If this level is not *practical* for a development in a Business zone, the floor level should be as high as possible.
- 6 *Non-habitable floor* levels to be equal to or greater than the 100 year flood level plus *freeboard* where possible, or otherwise no lower than the 5 year flood level plus *freeboard* unless justified by site specific assessment.
- 7 A restriction is to be placed on the title of the land, pursuant to S.88B of the Conveyancing Act, where the lowest *habitable floor area* is elevated above finished ground level, confirming that the undercroft area is not to be enclosed, where Council considers this may potentially occur.

Building Components & Method

- 1 All structures to have *flood compatible building components* below the 100 year flood level plus *freeboard*.
- 2 All structures to have *flood compatible building components* below the *PMF* level.

Structural Soundness

- 1 Engineer's report to certify that the structure can withstand the forces of floodwater, debris and buoyancy up to and including a 100 year flood plus *freeboard*, or a *PMF* if required to satisfy evacuation criteria (see below). In the case of alterations or additions to an existing development, the structure to be certified is that which is proposed to be newly constructed or otherwise required to be of a specified standard to satisfy other controls.
- 2 Applicant to demonstrate that the structure can withstand the forces of floodwater, debris and buoyancy up to and including a 100 year flood plus *freeboard*, or a *PMF* if required to satisfy evacuation criteria (see below). An engineer's report may be required.
- 3 Applicant to demonstrate that any structure can withstand the forces of floodwater, debris and buoyancy up to and including a *PMF*. An engineer's report may be required.

Flood Effects

- 1 Engineer's report required to certify that the development will not increase flood effects elsewhere, having regard to: (i) loss of flood storage; (ii) changes in flood levels and velocities caused by alterations to the *flood conveyance*; and (iii) the cumulative impact of multiple potential developments in the floodplain.
- 2 The flood impact of the development to be considered to ensure that the development will not increase flood effects elsewhere, having regard to: (i) loss of flood storage; (ii) changes in flood levels and velocities caused by alterations to the *flood conveyance*; and (iii) the cumulative impact of multiple potential developments in the floodplain. An engineer's report may be required.

Car Parking and Driveway Access

- 1 The minimum surface level of open car parking spaces or carports shall be as high as *practical*, and not below: (i) the 5 year flood level plus *freeboard*; or (ii) the level of the crest of the road at the location where the site has access; (which ever is the lower). In the case of garages, the minimum surface level shall be as high as *practical*, but no lower than the 5 year flood level plus *freeboard*.
- 2 The minimum surface level of open car parking spaces, carports or garages, shall be as high as *practical*.
- 3 Garages capable of accommodating more than 3 motor vehicles on land zoned for urban purposes, or *enclosed car parking*, must be protected from inundation by floods equal to or greater than the 100 year flood.
- 4 The driveway providing access between the road and parking space shall be as high as *practical* and generally rising in the egress direction.
- 5 Where the level of the driveway providing access between the road and parking space is lower than 0.3m below the 100 year flood, the following condition must be satisfied - the depth of inundation on the driveway during a 100 year flood shall not exceed: (i) the depth at the road; or (ii) the depth at the car parking space. (Refer to Schedule 3). A lesser standard may be accepted for single detached dwelling houses where it can be demonstrated that risk to human life would not be compromised.
- 6 *Enclosed car parking* and car parking areas accommodating more than 3 vehicles (other than on Rural zoned land) with a floor level below the 5 year flood level plus *freeboard* or more than 0.8m below the 100 year flood level, shall have *adequate warning systems, signage and exits*.
- 7 Restraints or vehicle barriers to be provided to prevent floating vehicles leaving a site during a 100 year flood.
- 8 Driveway and parking space levels to be no lower than the *design ground/floor levels*. Where this is not *practical*, a lower level may be considered. In these circumstances, the level is to be as high as *practical*, and, when undertaking alterations or additions, no lower than the existing level.

Note: a. A flood depth of 0.3m is sufficient to cause a small vehicle to float.

b. Enclosed car parking is defined in the glossary and typically refers to carparks in basements.

Evacuation

- 1 Reliable access for pedestrians or vehicles required during a 100 year flood.
- 2 Reliable access for pedestrians or vehicles is required from the building, commencing at a minimum level equal to the lowest *habitable floor* level to an area of refuge above the *PMF level*, or a minimum of 20% of the gross floor area of the dwelling to be above the *PMF* level. In the case of alterations or additions to an existing development, this may require retro-fitting the existing structure if required to support a refuge above the *PMF*.
- 3 The evacuation requirements of the development are to be considered. An engineer's report will be required if circumstances are possible where the evacuation of persons might not be achieved within the *effective warning time*.

Management and Design

- 1 If this application involves subdivision, Applicant to demonstrate that potential development as a consequence of the subdivision, can be undertaken in accordance with this DCP.
- 2 *Site Emergency Response Flood Plan* required where floor levels are below the *design floor level*, (except for single dwelling-houses).
- 3 Applicant to demonstrate that area is available to store goods above the 100 year flood level plus *freeboard*.
- 4 Applicant to demonstrate that area is available to store goods above the *PMF* level.
- 5 No storage of materials below the *design floor level* which may cause pollution or be potentially hazardous during any flood.

Figure A5.2 Moss Vale Flood Plain Matrix



A5.4 Controls for General Development

This sub-section details the controls that apply to general development (excluding fencing) on flood liable land other than land affected only by local overland flooding. The development controls are graded relative to the severity and frequency of the potential floods based on the findings of the Moss Vale Floodplain Risk Management Plan.

A5.4.1 Objectives

The objectives of the controls for general development are:

- (a) To require development with high sensitivity to flood damages or danger to life to be sited and designed so that it is subject to minimal flood hazard.
- (b) To allow development with low sensitivity to flood damages or danger to life to be located within a floodplain subject to design and siting controls and provided the chance of personal harm and damage to property is minimised.
- (c) To ensure that the design and siting controls and built form outcomes required to address the flood hazard do not result in unreasonable impacts on the:
 - (i) amenity and character of an area;
 - (ii) streetscape and the relationship of the building to the street;
 - (iii) social and economic outcomes; and the
 - (iv) environment and ecology.
- (d) To ensure the flood risk within the development, comprising danger to life and damage to property, is minimised and not increased beyond the level acceptable to the community.
- (e) To ensure that the proposed development does not exacerbate flooding on other properties.

A5.4.2 Performance Criteria

The performance criteria for general development are:

- (a) The flood risk associated with the development comprising danger to life and damage to property is minimised and not increased beyond the level acceptable to the community.
- (b) The additional economic and social cost which may arise from damage to property from flooding is not greater than that which can reasonably be managed by the property owner and general community. The cost of damages that may be incurred over the expected life of a development should be no greater than that which could be reasonably expected to be met by the occupants and/or the developer without Government assistance.



- (c) Effective warning time and reliable access is available for evacuation from an area potentially affected by all floods to an area free of risk from flooding.
- (d) Motor vehicles associated with the development are able to be relocated, undamaged, to an area with substantially less likelihood from flooding, within the effective warning time.
- (e) Appropriate procedures (such as warning systems, signage or evacuation drills) for land use categories of “critical uses and facilities” and “sensitive uses and facilities” be in place, if necessary, so that people are aware of the need to evacuate personnel and relocate goods and motor vehicles during a flood, and are capable of identifying an appropriate evacuation route.
- (f) Development does not detrimentally increase the potential flood effects on other development or properties either individually or in combination with the cumulative impact of development that is likely to occur in the same floodplain. Development should not change the height or behaviour of floodwaters elsewhere in the floodplain in a manner which is likely to affect other property. The assessment of these effects must include the potential for similar impacts that would arise as a consequence of other development in the floodplain that has the potential to occur in the future under current zoning and planning controls.
- (g) Development does not result in significant impacts upon the amenity of an area (e.g. by way of unacceptable overshadowing of adjoining properties) or privacy impacts (e.g. by unsympathetic house-raising).
- (h) Development must be compatible with the existing and planned streetscape and character of the locality.
- (i) The design of car parking (enclosed or uncovered) and associated driveways should not result in unacceptable environmental or amenity impacts such as visual intrusion from elevated driveways and parking structures and overshadowing of adjoining residential properties.
- (j) The proposal must not have an unacceptable adverse impact upon the ecological value of the waterway corridors, and where possible, should provide for their enhancement.
- (k) Development does not prejudice the economic viability of any Voluntary Acquisition Scheme, by significantly increasing the value of property above the existing or likely future funds available in the scheme.

A5.4.3 Prescriptive Controls

The prescriptive controls for general development are:

- (a) Compliance with the requirements of the flood plain matrix as contained in Figure A4.3 above.
- (b) Development within the commercial centres must ensure that design solutions address flood risk management objectives as well as providing appropriate urban design outcomes, particularly in regard to:



- (i) Ground floor levels that are consistent with existing adjoining commercial development or form part of an integrated design which incorporate the frontage of a whole street block. Note: design solutions could include, flood proofed shop front windows at street level and confined active spaces (such as eating areas) at the street level which are substantially constructed of flood compatible materials and building components or able to be closed off with flood proof doors. Ground floor areas away from the street interface may vary subject to being adequately integrated.
 - (ii) Acceptable access for persons with disabilities; and
 - (iii) An overall building height that is compatible with the existing and planned streetscape.
- (c) Proposals for house raising must provide appropriate documentation including:
- (i) a report from a suitably qualified engineer to demonstrate that the raised structure will not fail from the forces of floodwaters in a 100 year ARI flood; and
 - (ii) the provision of details such as landscaping and architectural enhancements which ensure that the resultant structure will not result in significant adverse impacts upon the amenity and character of an area.
- (d) Notwithstanding any other provision, where a property is identified within a Voluntary Acquisition Scheme area, Council will only consent to further development being “concessional development”; provided:
- (e) the development is for only minor works such as small awnings over existing balconies or in-ground swimming pools; and
 - (f) capital investment intended for the property is, in the opinion of Council, not greater than the minimum required to satisfy acceptable standards.

A5.5 Controls for Fencing on Flood Liable Land

Fencing can have a significant influence on the distribution of flood waters. The implications of fencing are greater where flood waters are deeper and faster moving such as is expected in a high flood risk precinct.

A5.5.1 Objectives

The objectives of the controls for fencing are to ensure that development involving fencing has fencing constructed:

- (a) in a manner that does not affect the flow of flood waters so as to result in additional flood impacts on surrounding land; and
- (b) so as to withstand the forces of floodwaters, or collapse in a controlled manner to prevent the undesirable impediment of flood waters.

A5.5.2 Performance Criteria

The performance criteria for fencing are:

- (a) Fencing is to be constructed in a manner that does not affect the flow of flood waters so as to detrimentally change flood behaviour or increase flood levels on surrounding land.
- (b) Ability to be certified by a suitably qualified engineer, that the proposed fencing is adequately constructed so as to withstand the forces of floodwaters, or collapse in a controlled manner to prevent the undesirable impediment of flood waters.

A5.5.3 Prescriptive Controls

The prescriptive controls for fencing are:

- (a) Fencing within a High Flood Risk Precinct must be security/ permeable/ open type/safety fences. Council may require such fencing to be able to be opened at the bottom with the force of floodwaters. (This requirement may be secured by a Section 88B instrument burdening the title of the land).
- (b) An applicant will need to demonstrate that any fence would create no impediment to the flow of floodwaters. Appropriate fences must satisfy the following:-
 - (i) An open collapsible hinged fence structure or pool type fence;
 - (ii) Other than a brick or other masonry type fence (which will generally not be permitted); or
 - (iii) A fence type and siting criteria as prescribed by Council.

A5.6 Controls for Overland Flow

The effects of overland flow, also defined as local overland flooding, are to be assessed in the same manner as mainstream flooding. In addition there are other specific considerations as outlined below.

A5.6.1 Objectives

The objective of the control for overland flow is to ensure that the impacts and flood risks associated with overland flow are addressed when assessing a development proposal.

A5.6.2 Performance Criteria

The performance criteria for general flood prone land apply.



A5.6.3 Prescriptive Controls

The prescriptive controls for overland flow are:

- (a) Proposals involving collecting and piping overland flow through the subject property or upgrading a section of Council's existing pipe-infrastructure, will generally not be acceptable for the following reasons:
 - (i) there is a substantial potential for system blockage due to the limited number of inlets available;
 - (ii) the natural detention storage available within the catchment is reduced and flow velocities are increased; and
 - (iii) due to greater rates of flow, it may cause localised increases in hazard at the system outlet and greater scour of natural creeks and/or disturbance of the downstream river bed.
- (b) Proposed land subdivisions of lots affected by overland flow will not be approved unless the applicant can demonstrate to Council that it is possible to provide a development on the newly created lot that realises the full floor space ratio (FSR) potential of the lot and provides suitable private open space while meeting the overland flow management criteria outlined in this document.

A5.7 Information Requirements

A5.7.1 Introduction

This section outlines the information that is likely to be required in the formulation of a competent development proposal on flood liable land and to assess the acceptability of the proposal.

A5.7.2 Objective

To ensure that adequate information is available in the formulation and assessment of a development proposal on flood liable land.

A5.7.3 Information Requirements

- (a) Applications must include information that addresses all relevant controls listed above, and the following matters as applicable.
- (b) Applications for Concessional Development to an existing dwelling on flood liable land shall be accompanied by documentation from a registered surveyor confirming existing floor levels.
- (c) A survey plan showing: -
 - (i) The position of the existing building/s or proposed building/s;
 - (ii) The existing ground levels to Australian Height Datum (AHD) around the perimeter of the building and contours of the site; and
 - (iii) The existing or proposed floor levels to AHD.



- (d) Applications for earthworks, filling of land and subdivision shall be accompanied by a survey plan (with a contour interval of 0.25m) showing relative levels to AHD.
- (e) For large scale developments, or developments in critical situations, a flood study using a fully dynamic one or two dimensional computer model may be required. For smaller developments the existing flood study may be used together with any relevant Council Drainage Design Code and the Floodplain Development Manual, will be required. From this study, the following information shall be submitted in plan form:
 - (i) water surface contours (including the 100 year flood and PMF extents);
 - (ii) velocity vectors;
 - (iii) velocity and depth product contours;
 - (iv) delineation of Flood Risk Precincts relevant to individual floodplains; and
 - (v) both existing and proposed flood profiles for the full range of events for total development including all structures and works (such as revegetation/ enhancements).
- (f) This information is required for the pre-developed and post-developed scenarios.
- (g) Where the controls for a particular development proposal require an assessment of structural soundness during potential floods, the following impacts must be addressed:
 - (i) hydrostatic pressure;
 - (ii) hydrodynamic pressure;
 - (iii) impact of debris; and
 - (iv) buoyancy forces.
- (h) Foundations need to be included in the structural analysis.

A5.8 Terms Used in this Section of the Plan

Adequate Warning Systems, Signage and Exits is where the following is provided:

- (a) an audible and visual alarm system which alerts occupants to the need to evacuate, sufficiently prior to likely inundation to allow for the safe evacuation of pedestrians and vehicles;
- (b) signage to identify the appropriate procedure and route to evacuate; and
- (c) exits which are located such that pedestrians evacuating any location during any flood do not have to travel through deeper water to reach a place of refuge above the 100 year flood, away from the enclosed car parking.



Annual is a dwelling site in a caravan park used as a “holiday van” site. “Holiday van” is defined in the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* as “a moveable dwelling (other than a tent) that is or usually is continuously located on a short-term site and used primarily by its owner for occasional occupancy for holiday purposes”.

Australian Height Datum (AHD) is a common national plane of level corresponding approximately to mean sea level.

Average Recurrence Interval (ARI) means 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 as, 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.

Compensatory Works refers to earthworks where material is excavated (or “cut”) from one location in the floodplain and placed (or “filled”) at another location in the floodplain, with no net importation of fill material, such that the volume available for storage of flood waters is not altered for all floods.

Conveyance is a direct measure of the flow carrying capacity of a particular cross-section of a stream or stormwater channel. (For example, if the conveyance of a channel cross-section is reduced by half, then the flow carrying capacity of that channel cross-section will also be halved).

Design floor level or ground level means the minimum floor level that applies to the development. If the development is concessional development, this level is determined based on what land use category would apply if it was not categorised as Concessional Development.

DISPLAN means a step by step sequence of previously agreed roles, responsibilities, functions, actions and management arrangements for the conduct of a single or series of connected emergency operations, with the object of ensuring the coordinated response by all agencies having responsibilities and functions in emergencies.

Ecologically Sustainable Development (ESD) is using, conserving and enhancing natural resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future, can be maintained or increased.

Effective warning time is 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, evacuate people and transport their possessions.

Enclosed car parking means car parking which is potentially subject to rapid inundation, which consequently increases danger to human life and property damage (such as basement of bunded car parking areas). The following criteria apply for the purposes of determining what is enclosed car parking:

- (a) Flooding of surrounding areas may raise water levels above the perimeter which encloses the car park (normally the entrance), resulting in rapid inundation of the car park to depths greater than 0.8m, and
- (b) Drainage of accumulated water in the car park has an outflow discharge capacity significantly less than the potential inflow capacity.



Flood is a relatively high stream flow which overtops the natural or artificial banks in any part of a stream, river, estuary, lake or dam, and/or local overland flooding associated with major drainage as defined by the FDM before entering a watercourse.

Note: Consistent with the Floodplain Development Manual, this section of the DCP does not apply in the circumstances of local drainage inundation as defined in the Floodplain Development Manual and determined by Council. Local drainage problems can generally be minimised by the adoption of urban building controls requiring a minimum difference between finished floor and ground levels.

Flood awareness is an appreciation of the likely effects of flooding and knowledge of the relevant flood warning and evacuation procedures.

Flood compatible building components means a combination of measures incorporated in the design and/or construction and alteration of individual buildings or structures subject to flooding, and the use of flood compatible materials for the reduction or elimination of flood damage.

Note: A list of typical flood compatible building components is provided in Figure 9.3.

Flood compatible materials include those materials used in building which are resistant to damage when inundated.

Note: A list of typical flood compatible building components is provided in Figure 9.3.

Flood evacuation strategy means the proposed strategy for the evacuation of areas within effective warning time during periods of flood as specified within any policy of Council, the FRMP, the relevant SES Flood Plan, by advices received from the State Emergency Services (SES) or as determined in the assessment of individual proposals.

Flood prone land (being synonymous with flood liable and floodplain) is the area of land which is subject to inundation by the probable maximum flood (PMF).

Floodplain Development Manual (FDM) refers to the document dated April 2005, published by the New South Wales Government and entitled "Floodplain Development Manual: the management of flood liable land".

Floodplain Risk Management Plan (FRMP) means a plan prepared for one or more floodplains in accordance with the requirements of the Floodplain Development Manual or its predecessors.

Floodplain Risk Management Study (FRMS) means a study prepared for one or more floodplains in accordance with the requirements of the Floodplain Development Manual or its predecessors.

Freeboard provides reasonable certainty that the risk exposure selected in deciding on a particular flood chosen as the basis for a FPL is actually provided. It is a factor of safety typically used in relation to the setting of flood levels, levee crest levels, etc. (as specified at Section K5 of the FDM). Freeboard is included in the flood planning level.

Habitable floor area means:

- (a) in a residential situation: a living or working area, such as a lounge room, dining room, rumpus room, kitchen, bedroom or workroom;



- (b) in an industrial or commercial situation: an area used for offices or to store valuable possessions susceptible to flood damage in the event of a flood.

Note: *Separate considerations are specified for the car parking area of a development irrespective of the land use with which it is associated.*

Hazard is a source of potential harm or a situation with a potential to cause loss. In relation to this plan, the hazard is flooding which has the potential to cause harm or loss to the community.

Infill development is development which is proposed within established existing urban area and usually involves the development of a vacant residential site, or the removal of an existing residential or retail/commercial building to provide a replacement building for a similar use.

Local drainage means small scale inundation in urban areas outside the definition of major drainage as defined in the Floodplain Development Manual. Local drainage problems invariably involve shallow depths (less than 0.3m) with generally little danger to personal safety.

Local overland flooding (being synonymous with overland flow) means inundation by local runoff rather than overbank discharge from a stream, river, estuary, lake or dam.

Outbuilding means a building that is ancillary to a principal residential building and includes sheds, garages, carports and similar buildings but does not include granny flats.

Practical means that which in the opinion of Council can be achieved within the design of the development, while not necessitating:

- (a) floor levels to be raised in a way that would unreasonably hinder access to and from existing floor levels or ground levels on the same site or adjacent public areas; and
- (b) the raising of a structure to a height that would result in unacceptable impacts on the amenity of adjacent residential properties; and
- (c) the height or presentation of a building that would be inconsistent with the existing or planned streetscape.

Note: Examples of where the preferred design may not be practical include:

Example 1: A minor extension to an existing dwelling (falling within the "Concessional Development" land use category) where an additional room would require a floor level higher than what otherwise exists within the dwelling constraining internal movements or resulting in an unusual external appearance to the building.

Example 2: The rebuilding or refitting of a singular shop in a traditional street shopping centre where existing ground floor levels of the site and adjoining sites relate closely to the footpath level. In this case the width of the site would not be sufficient to allow for a redevelopment that could incorporate a podium level or colonnade along the street frontage at the preferred design floor flood level while remaining compatible with



the existing or planned streetscape. The site would have insufficient frontage to the road to enable the creation of a site specific streetscape presentation that was compatible with, but not consistent with that otherwise prevailing in the shopping centre (eg. the site does not occupy a whole street block).

Example 3: The topographical site constraints of a site would require a driveway to be elevated more than 1 metre above natural ground in a location that would not allow the driveway to be incorporated in the final landscape or visually and acoustically screened from habitable rooms associated with dwellings on the site or adjacent properties. The resultant garage design and driveway levels may also be unable to meet Australian Standards. In this case the development of the site for the proposed residential purposes would otherwise be a reasonable expectation having regard to the planning controls and existing development in the locality.

Primary habitable floor area means the majority of habitable floor area and in a residential situation includes the majority of bedrooms, main living area, kitchen and first bathroom.

Probability is a statistical measure of the expected chance of flooding (see ARI).

Probable maximum flood (PMF) is the largest flood that could conceivably occur at a particular location, usually estimated from probable maximum precipitation. In the case of the Berrima Floodplain, the PMF is identical to the “extreme flood” referred to in the Berrima Flood Study (Revised) (2000) and the Berrima Floodplain Risk Management Study (2002), or later updates to these studies.

Probable maximum precipitation (PMP) is the greatest depth of precipitation for a given duration meteorologically possible over a given size storm area at a particular location at a particular time of the year, with no allowance made for long-term climatic trends (World Meteorological Organisation, 1986). It is often the primary input to the estimation of the probable maximum flood.

Raised fill pad level is a raised area of ground upon which a dwelling or ancillary buildings must be constructed on rural or other non-urban zoned lands.

Rebuilt dwelling refers to the construction of a new dwelling on an allotment where an existing dwelling is demolished.

Reliable access during a flood means the ability for people to safely evacuate an area subject to flooding, having regard to the depth and velocity of flood waters and the suitability of the evacuation route, without a need to travel through areas where water depths increase.

Risk means the chance of something happening that will have an impact. It is measured in terms of consequences and probability (likelihood). In the context of this plan, it is the likelihood of consequences arising from the interaction of floods, communities and the environment.

Site Emergency Response Flood Plan (not being an SES Flood Plan) is a management plan that demonstrates the ability to safely evacuate persons and include a strategy to move goods above the flood level within the available warning



time. This Plan must be consistent with any relevant flood evacuation strategy, flood plan or similar plan.

Survey plan is a plan prepared by a registered surveyor which shows the information required for the assessment of an application in accordance with the provisions of this Plan.

Subdivision where referred to in the context of flood risk management controls means any subdivision of land which involves the creation of new allotments.

Tourist related development where referred to in the context of flood risk management controls means cabins, camping or caravan sites which do not provide for long term occupation or any tourist facility which does not include accommodation.

FIGURE A5.4 FLOOD COMPATIBLE MATERIALS & BUILDING COMPONENTS

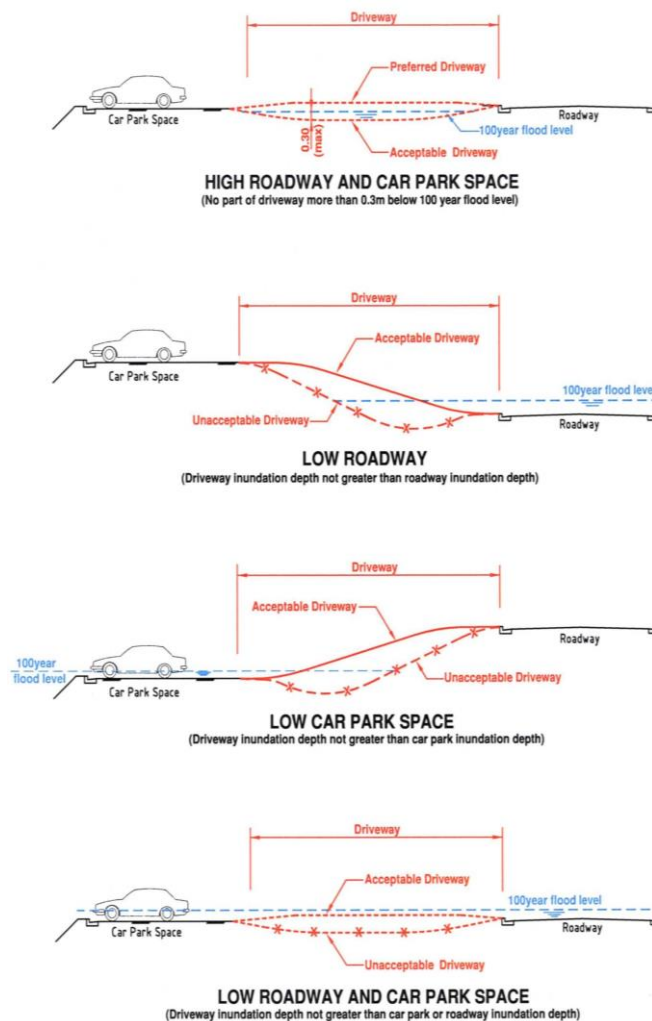
BUILDING COMPONENT	FLOOD COMPATIBLE MATERIAL
Flooring and Sub-floor Structure	<ul style="list-style-type: none"> • concrete slab-on-ground monolith construction • suspension reinforced concrete slab.
Doors	<ul style="list-style-type: none"> • solid panel with water proof adhesives • flush door with marine ply filled with closed cell foam • painted metal construction • aluminium or galvanised steel frame
Floor Covering	<ul style="list-style-type: none"> • clay tiles • concrete, precast or in situ • concrete tiles • epoxy, formed-in-place • mastic flooring, formed-in-place • rubber sheets or tiles with chemical-set adhesives • silicone floors formed-in-place • vinyl sheets or tiles with chemical-set adhesive • ceramic tiles, fixed with mortar or chemical-set adhesive • asphalt tiles, fixed with water resistant adhesive
Wall and Ceiling Linings	<ol style="list-style-type: none"> a) fibro-cement board b) brick, face or glazed c) clay tile glazed in waterproof mortar d) concrete e) concrete block f) steel with waterproof applications g) stone, natural solid or veneer, waterproof grout h) glass blocks i) glass j) plastic sheeting or wall with waterproof adhesive
Wall Structure	<ol style="list-style-type: none"> k) solid brickwork, blockwork, reinforced, concrete or mass concrete
Insulation	<ol style="list-style-type: none"> l) foam (closed cell types)
Windows	<ol style="list-style-type: none"> m) aluminium frame with stainless steel rollers or similar corrosion and water resistant material.



BUILDING COMPONENT	FLOOD COMPATIBLE MATERIAL
Roofing Structure (for Situations Where the Relevant Flood Level is Above the Ceiling)	<ul style="list-style-type: none"> reinforced concrete construction galvanised metal construction
Nails, Bolts, Hinges and Fittings	<ul style="list-style-type: none"> brass, nylon or stainless steel removable pin hinges hot dipped galvanised steel wire, nails or similar.
Electrical and Mechanical Equipment	<ul style="list-style-type: none"> For dwellings constructed on land to which this Plan applies, the electrical and mechanical materials, equipment and installation should conform to the following requirements.
Heating and Air Conditioning Systems	<ul style="list-style-type: none"> Heating and air conditioning systems should, to the maximum extent possible, be installed in areas and spaces of the house above the relevant flood level. When this is not feasible every precaution should be taken to minimise the damage caused by submersion according to the following guidelines.
Main power supply	<ul style="list-style-type: none"> Subject to the approval of the relevant authority the incoming main commercial power service equipment, including all metering equipment, shall be located above the relevant flood level. Means shall be available to easily disconnect the dwelling from the main power supply.
Fuel	<ul style="list-style-type: none"> Heating systems using gas or oil as a fuel should have a manually operated valve located in the fuel supply line to enable fuel cut-off.
Wiring	<ul style="list-style-type: none"> All wiring, power outlets, switches, etc., should, to the maximum extent possible, be located above the relevant flood level. All electrical wiring installed below the relevant flood level should be suitable for continuous submergence in water and should contain no fibrous components. Earth core linkage systems (or safety switches) are to be installed. Only submersible-type splices should be used below the relevant flood level. All conduits located below the relevant designated flood level should be so installed that they will be self-draining if subjected to flooding.
Installation	<ul style="list-style-type: none"> The heating equipment and fuel storage tanks should be mounted on and securely anchored to a foundation pad of sufficient mass to overcome buoyancy and prevent movement that could damage the fuel supply line. All storage tanks should be vented to an elevation of 600 millimetres above the relevant flood level.
Equipment	<ul style="list-style-type: none"> All equipment installed below or partially below the relevant flood level should be capable of disconnection by a single plug and socket assembly.
Ducting	<ul style="list-style-type: none"> All ductwork located below the relevant flood level should be provided with openings for drainage and cleaning. Self draining may be achieved by constructing the ductwork on a suitable grade. Where ductwork must pass through a

BUILDING COMPONENT	FLOOD COMPATIBLE MATERIAL
	water-tight wall or floor below the relevant flood level, the ductwork should be protected by a closure assembly operated from above relevant flood level.
Reconnection	<ul style="list-style-type: none"> Should any electrical device and/or part of the wiring be flooded it should be thoroughly cleaned or replaced and checked by an approved electrical contractor before reconnection.
Ancillary Structures (steps, pergolas, etc)	<ul style="list-style-type: none"> Suitable water tolerant materials should be used such as masonry sealed hardwood and corrosive resistant metals. Copper Chrome Arsenate (CCA) treated timber is not a suitable material.

FIGURE A5.5 – Car Parking and Driveway Access Examples





Section 6 Vegetation Management & Landscaping

A6.1 Preservation of Trees and Other Vegetation

A6.1.1 Objectives

The objectives of this Section of the Plan are to:

- (a) preserve the amenity, biodiversity and ecology of the Moss Vale township through the preservation of trees and other vegetation as described in Clause 5.9 of WLEP 2010.
- (b) preserve the amenity and heritage value of trees and other vegetation associated with Items of Heritage or within Heritage Conservation Areas.
- (c) clarify the meaning of Clause 5.9 of WLEP 2010.
- (d) define and explain the terms used in Clause 5.9 of WLEP 2010.
- (e) clarify the assessment criteria under which exemptions will be determined.

A6.1.2 Introduction

Clause 5.9 of Wingecarribee LEP 2010 (WLEP 2010) addresses the preservation of trees or other vegetation. The objective of this clause is to “preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation”.

The clause applies across the whole of the Shire, but is particularly relevant to Moss Vale, whose gardens and streetscapes are amongst some of the finest in the country.

The elements of the clause and its sub-clauses are addressed in detail below, but in essence, this clause is saying that a person may not ringbark, cut down, top, lop, remove, injure, or wilfully destroy any tree or other vegetation without Council consent. These terms are defined below (A5.1.4) and there are exemptions (A5.15 and A5.16).

A6.1.3 WLEP 2010 Controls

Sub-clause 5.9 (2) of WLEP 2010 explains that the provisions of clause 5.9 operate within the context of definitions and explanations contained within the relevant Development Control Plan, stating:

“This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council” and notes that “the development control plan may also prescribe the trees and other vegetation to which the clause applies by reference to species, size, location or other manner.”



With reference to these DCP definitions, the following controls apply:

Sub-clause 5.9 (3) of WLEP 2010 applies to all land within Moss Vale *except that which is an Item of Heritage or is located within a Heritage Conservation Area (which is addressed in sub-clause 5.9 (7) below)* which states that:

“A person must not ringbark, cut down, top, lop, remove, injure, or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by

- (a) development consent, or
- (b) a permit granted by Council.”

With regard to Items of Heritage or Heritage Conservation Areas, sub-clause 5.9 (7) overrules sub-clause 5.9 (3), stating that:

A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:

- (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
- (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance,

unless the Council is satisfied that the proposed activity:

- (a) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and
- (b) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

Exemption from this sub-clause also applies if the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property.

A6.1.4 Definitions

As explained above, the provisions of clause 5.9 of WLEP 2010 rely on definitions contained within this DCP. Therefore, for the purposes of clause 5.9, the Moss Vale Development Control Plan applies the following definitions:

Tree - means a perennial plant with at least one self supporting stem which,

- (a) has a height of more than 6 (six) metres, and
- (b) has an outside circumference of at least 500mm at a height of 1 metre above the ground, or,
- (c) has an outside circumference of at least 500mm measured at ground level where the tree has been cut down or removed, or
- (d) has a branch and foliage crown spread of at least 4 metres.



Where 'height' means the distance measured vertically between the horizontal plane at the lowest point at the base of a tree which is immediately above ground and the horizontal plane immediately above the uppermost point of a tree.

Other vegetation – associated with an Item of Heritage or within a Heritage Conservation Area - means any plant life not defined by this Plan as a 'tree' and includes, but is not restricted to, any sapling, shrub, scrub, understorey plants, groundcover (being any type of herbaceous vegetation) and plants occurring in a wetland.

Other vegetation – not associated with an Item of Heritage or not within a Heritage Conservation Area – means any plant life not defined by this Plan as a 'tree' which is located:

- (a) in the riparian zone associated with a creek, river, watercourse wetland, stream, or other aquatic habitat as delineated in the Natural Resources Sensitivity Maps of the LEP,
- (b) within a wildlife corridor as delineated in the Natural Resources Sensitivity Maps of the LEP,
- (c) on land owned by Council or under its care, control or management, including road reserves.

or performs an environmental role, as described below:

- (a) provides habitat or likely habitat for threatened species, populations and endangered ecological communities as defined within the Threatened Species Conservation Act, or
- (b) is koala habitat.

Top or topping - means cutting away part or all of a tree's foliage crown leaving a trunk and stubbed main branches to reduce its height and spread. Council's considers this to be an antiquated practice which damages a tree, reducing strength and vigour and promoting its premature decline.

Lop or lopping - means cutting between branch unions or at internodes on a young tree, with the final cut leaving a stub. This does not include "lopping" where this is solely for the purpose of feeding stock in an officially drought declared area, provided the vegetation's continued health is not affected. This does not include 'pruning' as defined in A5.1.5 below.

Remove, removal and cutting down - mean to dismantle a tree, for example by chainsaw, or to separate the tree from the ground where it is growing or dislodging it with earth moving equipment in order to kill the tree so that the tree, including its branches, foliage, trunk, stump and root system will not regrow. This includes the poisoning of the stump and/or roots and/or taking away, or grinding or burning out of its remains to prevent regrowth.

Destroy - means any immediate or ongoing process or activity leading to the death of a tree.



Injury and wilful destruction - mean damage to a tree and includes:

- (a) lopping and topping;
- (b) poisoning, including applying herbicides and other plant toxic chemicals to a tree or spilling (including washing off or directing water contaminated by) oil, petroleum, paint, cement, mortar and the like onto the root zone;
- (c) cutting, tearing, snapping and breaking of branches and roots that is not carried out in accordance with accepted arboricultural practices or is done for invalid reasons such as vandalism;
- (d) ringbarking, scarring the bark when operating machinery, fixing objects (eg signs) by nails, staples or wire, using tree climbing spikes in healthy trees marked for retention (except for access to an injured tree worker) or fastening materials that circle and significantly restrict the normal vascular function of the trunk or branches or inflicting a blaze on a tree as a marker point;
- (e) damaging a tree's root zone by compaction or excavation, stripping of topsoils, asphyxiation by burial (including unauthorised filling or stockpiling of materials) or the alteration of ground level or water table which causes damage to the tree or any part of the tree;
- (f) "underscrubbing", unless carried out by hand tools.

A6.1.5 The Definition of Pruning

Pruning is not specifically included in the list of activities requiring development consent under clause 5.9(3) of WLEP 2010 and in the past certain lopping activities have not been referred to Council for approval because it has been argued that they are in fact 'pruning' rather than 'lopping'.

However, as every gardener knows, one person's idea of 'pruning' is another's idea of vandalism. Therefore, in an effort to bring some reason to the issue while still seeking to protect gardens and landscape trees and vegetation from destruction, the following guidelines are offered and definition prescribed.

The Macquarie Dictionary defines 'pruning' as "cutting or lopping superfluous or undesirable twigs, branches or roots from, to trim". This definition suggests that 'pruning' is a form of 'lopping', but the difference between the two is a matter of degree and judgement. The terms 'twigs', 'branches' and 'trim' imply 'modest lopping', while the terms 'superfluous' or 'undesirable' imply some professional knowledge of tree structure and growth patterns.

Therefore, for the purposes of this Plan, 'pruning' means:

- (a) removing branches or other growth as part of the natural cultivation of the tree or plant, such a pruning roses, hydrangeas, fruit trees and vines, maintaining hedges or mowing of grass, or



- (b) removing branches or other growth which has suffered storm, wind or similar damage; or
- (c) removing branches or other growth which is decayed and threatens the viability of the tree, or
- (d) removing branches or other growth in order to allow a planting up to four (4) metres in height to develop a stronger growth habit, or
- (e) removing branches or other growth from planting greater than four (4) metres in height, which will, in the opinion of a professional arborist, protect or enhance the growth and habit of that planting. That professional opinion shall be obtained in writing and be available for Council perusal if requested.

Council considers that 'pruning', as described above, does not constitute 'lopping' for the purposes of clause 5.9 (3) or 5.9 (7). Every other form of lopping, even if considered by the gardener to constitute 'pruning', shall require a consent from Council if such 'pruning' does not meet the definition above.

This definition does not extend to the severe cutting back of trees and other vegetation to the point where they die, or the ripping out of lawn to be replaced with paving or other plant material. Such activity must be approved by Council, in writing, beforehand.

The onus on proving that any 'pruning' brought to the attention of Council complies with the above definition shall lie with the property owner. Pruning is most likely to be investigated by Council following the lodging of a complaint and generally applies to the removal of branches from larger or older trees.

Property owners are advised to obtain the services of professional arborist for the removal of significant tree branches in order to satisfy subclause (e) of the above definition. Where pruning under subclauses (b) and (c) is undertaken, a photographic record of the damage would assist the property owner in establishing the bona fides of the pruning activity.

Applicants are also directed to Australian Standard AS4373-2007 – Pruning for Amenity Trees, for further direction on pruning.

A6.1.6 Exemptions

Sub-clauses 5.9 (5) and (6) identify those situations in which the controls of sub-clause (3) do not apply.

Sub-clause (5) - This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

Sub-clause (6) - This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

These exemptions do not affect Items of Heritage or Heritage Conservation Areas, however sub-clause 5.10 (3) (c) exempts sub-clause 5.9 (7) in the case of the



removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property.

In addition to these exemptions, the following exemptions apply. Notwithstanding these exemptions, it is still a requirement that Council be notified (in writing) of all vegetation management works (excluding those which are exempt under the Local Environment Plan) including removal and disturbance to trees and other vegetation and offset planting is required to ensure no net loss within the Shire.

This Section of the DCP does not apply to vegetation management carried out for the following purposes:

- (a) emergency bushfire hazard reduction within the meaning of the Rural Fires Act 1997,
- (b) compliance with a Bushfire Hazard Reduction Certificate issued within the meaning of the Rural Fires Act 1997, in accordance with the Bushfire Environmental Assessment Code or a Section 66 Notice issued within the meaning of the Rural Fires Act 1997,
- (c) to maintain an approved bushfire hazard asset protection zone within the meaning of the Planning for Bush Fire Protection guideline,
- (d) emergency fire fighting, emergency access or emergency works undertaken by a public authority within the meaning of the State Emergency Rescue and Management Act,
- (e) work that a qualified representative from Council is satisfied is necessary to protect a person or property from imminent physical danger attributable to vegetation,
- (f) work ordinarily incidental to the use, operation and management of a lawful development, the maintenance of garden and landscaped areas, excepting work involving the removal or lopping of a tree, as defined,
- (g) action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993 or the Surveying Act 2002,
- (h) clearing of native vegetation that is authorised by a development consent or property vegetation plan under to the Native Vegetation Act 2003, or that is otherwise permitted under division 2 or 3 of part 3 of that Act,
- (i) clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the Native Vegetation Act 2003) that is authorised by a development consent under the provisions of the Native Vegetation Conservation Act 1997 as continued in force by that clause,
- (j) compliance with any development approved pursuant to Part 5 of the Environmental Planning and Assessment Act 1979,
- (k) to protect or maintain existing public utilities (associated with the provision of power lines, transmission of electricity, water, gas, sewer mains, electronic communication or the like),



- (l) to destroy or remove declared noxious weeds, a current list of which may be obtained from Council,
- (m) except in the case of Items of Heritage, or in Heritage Conservation Areas, to destroy or remove declared environmental weeds, a current list of which may be obtained from Council
- (n) to transplant field grown trees propagated for sale as advanced specimens growing on land occupied by an approved plant nursery,
- (o) works on the same land parcel, within three (3) metres of the foundation walls of an approved habitable building or in ground pool,
- (p) works on trees or other vegetation within a State Forest or land reserved from sale as a timber reserve under the Forestry Act 1916,
- (q) a tree that Council is satisfied is dying or dead and is not required as the habitat of native fauna,
- (r) a tree which is identified for removal in a Land Use Approval under the Environmental Planning & Assessment Act 1979.
- (s) pruning, as defined in A5.1.5 above.

A6.1.7 Assessment Considerations

In assessing applications for Council consent under clause 5.9 of WLEP 2010, Council's considerations will include, but not be limited to, the following:

- (a) Whether the community interest has been taken into account. Priority for preservation will be given to trees which have significant amenity or aesthetic value, are noteworthy in the land or streetscape or from a botanical or heritage viewpoint.
- (b) Whether the proprietary interest of the applicant has been duly respected. If the proposed work is ordinarily incidental to the use, operation and management of a lawful development or the design and maintenance of a garden it may not be reasonable for such work to be refused approval.
- (c) Whether the enjoyment of neighbouring land will be detrimentally affected. If so, notice may have to be given to persons owning or occupying adjoining land.
- (d) Whether replacement planting is proposed. All Council approvals to remove trees or other vegetation shall contain appropriate requirements for offset planting to ensure no net loss of vegetation.
- (e) Implications for biodiversity. It will be essential to determine the conservation status of the tree/vegetation. Priority will be given to trees which are rare or endangered, are ecologically significant in the local or regional context, form part of a naturally occurring remnant, are self-sown from locally indigenous stock or provide habitat for wildlife. It may be necessary for a flora and fauna survey and assessment of ecological values to be carried out. If a survey and assessment have been done they should be reviewed to ensure that they have been adequately completed under appropriate seasonal conditions.



- (f) Whether there are issues of personal or public safety. There may be potential hazards to people or property in the context of the following. A qualified arborist, engaged by the applicant and at their expense, will be required to determine if there is or may be a danger to life and/or property.
- (i) The structural soundness of a particular tree,
 - (ii) Genetic or other characteristics and history of a particular species or specimen,
 - (iii) Siting issues such as ground conditions, building proximity, etc.,
 - (iv) Poor health, such as allergies, where specific evidence is provided by an expert in the relevant medical field and a direct causal link between the ailment and the species is reasonably established,
 - (v) Existing (or potential for) vehicular or pedestrian traffic hazard in proximity to a roadway, intersection or driveway, where pruning would be an insufficient remedy.
- (g) Whether a need is demonstrated for solar access to habitable rooms in buildings, solar appliances, clothes drying and outdoor living areas.
- (h) Whether there are more practical or desirable alternatives. Pruning may be a better solution or the relocation or redesign of services, fences etc.
- (i) Whether the proposed work should be carried out and/or supervised by a suitably qualified person.
- (j) Whether the application should more properly be part of a wider development and/or building works. If so, the removal of trees or other vegetation should be included and dealt with as part of a land use application for the wider development.
- (k) Whether there is a justified need. Provided that no significant hazard or other safety issues also apply the following shall not generally be considered as valid reasons to remove a tree:-
- (i) The shedding of leaves, bark, sticks, fruit or exudate into gutters, downpipes, pools, onto lawns etc.,
 - (ii) Bird droppings on cars,
 - (iii) To improve street lighting of private property,
 - (iv) To enhance private views,
 - (v) To reduce minor shading,
 - (vi) Minor lifting of driveways and paths by tree roots,
 - (vii) To erect a fence,
 - (viii) Bushfire hazard control which has not been approved by Rural or NSW Fire Brigades,
 - (ix) Potential damage to sewer mains unless supported by written expert advice and only where reasonable alternatives are not feasible (e.g. relocation or encasement of main),
 - (x) Potential wind damage to property. (Note: Trees absorb wind energy as a group during storms and help reduce the impact on houses and other trees and structures. The more trees are removed, the more wind damage is likely to exposed buildings and trees in isolation),
 - (xi) Unsubstantiated fears of large trees.



- (l) Whether adverse impacts of the proposal have been adequately identified and will be satisfactorily mitigated. Measures will need to address the following matters where appropriate:-
- (i) Disposal of vegetation. The applicant must undertake not to burn any trees or vegetation removed except in accordance with an approval issued by Council under clause 6G(2) of the Protection of the Environment Operations (Clean Air) Regulation 2002.
 - (ii) Soil erosion or siltation.
 - (iii) Protection of retained trees and vegetation.
 - (iv) Protection of affected wildlife.
 - (v) Ongoing management of offset plantings. A monetary bond may be required for this.
 - (vi) Weed invasion.

A6.1.8 Penalties

In the event that a person contravenes or causes or permits to be contravened these controls, Council will consider issuing penalty notices or taking legal action against that person in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.

A6.1.9 Application Form for the Removal of Trees or Other Vegetation

An Application Form may be obtained from Council's website, or from the Customer Services Counter.

A6.1.10 Right of Appeal

An applicant may appeal to Council against a decision made with regard to the removal of a tree or other vegetation. An appeal should be made in writing stating reasons for the objecting and including supporting documentation from a suitably qualified professional. An appeal may also be made to the Land and Environment Court.

A6.1.11 Limitation of Consent

A consent given to remove a tree or other vegetation remains valid for a period of two (2) years from the date on which the consent is given and extends only to work which the applicant is legally entitled to carry out. Such work must be carried out with due regard to all legal rights of other parties.

A6.1.12 Additional Terms used in this Section

Amenity - means that which gives pleasure by being aesthetically attractive, affording comfort, sustaining life and health or creating a sense of well being. This



plan seeks to preserve trees and vegetation for their social, recreational, environmental, ecological, scientific and economic benefits. These benefits include:

- the conservation of scenic and heritage landscapes,
- improvement in air and water quality,
- moderation of air temperature,
- reduction in atmospheric pollution,
- mitigation of soil erosion and stormwater runoff,
- improvement in soil permeability,
- stream bank stabilisation,
- absorption of wind energy,
- enhancement of biodiversity and habitat for wildlife
- sequestration of atmospheric carbon and
- energy conservation.

Biodiversity - means the variety of all life forms on earth; it is the different plants, animals and micro-organisms; their genes; and the terrestrial, marine and freshwater ecosystems of which they are a part.

Biodiversity exists at three main levels:

- *genetic diversity*—the variety of genetic information that is contained in all living things and that varies within and between the populations of organisms making up single species or wider groups
- *species diversity*—the variety of species on earth
- *ecosystem diversity*—the variety of the earth's habitats, ecosystems and ecological processes.

Habitat of native fauna - means any tree naturally occurring (being native vegetation or remnant native vegetation) which has developed hollows in the trunk or limbs and which is suitable for nesting birds, arboreal marsupials (such as possums) or native placental mammals(such as bats) or which is supporting the growth of locally indigenous or endemic epiphytic plants (such as orchids).

Dead - means a tree that is no longer capable of performing any of the following processes:

- Photosynthesis via its foliage crown (as indicated by the presence of moist, green or other coloured leaves);
- Osmosis (the ability of the roots system to take up water);
- Turgidity (the ability of the plant to hold moisture in its cells);
- Epicormic shoots (the production of new shoots as a response to stress, generated from buds under the bark or from a lignotuber – at ground or underground stem);

Dying - means a tree that is exhibiting any of the following symptoms

- Permanent leaf loss in both deciduous and evergreen plants;
- Permanent wilting (the loss of turgidity which is marked by drying out of stems, leaves and roots):
- Shedding of the epidermis (bark dries out and peels off to the beginning of the sapwood).



Offset - means an action that ensures that there is a net environmental improvement as a result of development. Offsets may be used in those circumstances where development results in an unavoidable impact to the integrity of natural assets. Offsets refer to the means of compensation for the loss of natural values that results from development. Council may, from time to time adopt an offsetting policy and/or guidelines which the applicant may be referred to in order to achieve offsets.

No net loss - means no overall loss in the total extent, quality, ecological integrity and security of the trees, other vegetation and biodiversity values of the area.

Risk to human life or property - means imminent danger to human life or significant property.

A6.2 Private Landscaped Open Space

It is Council's experience that inadequate and inappropriate landscaping can significantly reduce the contribution of a new development to the amenity of the urban environment. This is particularly the case with larger scale developments, both commercial and residential. Therefore, applicants must consult with Council staff regarding the level and nature of landscaping required and then submit with their application details of how these requirements will be met.

Council has also found that developers can plant trees and shrubs which are too small to provide any immediate landscape effect, and do not provide adequate ongoing maintenance to ensure that the plantings survive and thrive. This practice is no longer acceptable.

A6.2.1 Objectives

In assessing a Land Use Application Council shall consider the extent to which the following Landscape objectives are met:

- (a) Provides a pleasant, vegetated environment for users of the site (workers or residents).
- (b) Contributes to the urban streetscape.
- (c) Provides a visual buffer between development and the surrounding neighbourhood.
- (d) Contributes to existing tree canopies and wildlife habitats.
- (e) Provides adequate ground cover to prevent erosion and assist storm water infiltration.
- (f) Contributes where possible to the enhancement of key vegetation and topographical features.

A6.3 Controls

In order to meet these objectives, Council shall not grant consent to the carrying out of development on any land within Moss Vale unless:



- (a) A Landscape Plan, prepared by a person who is, in the opinion of Council, suitably qualified to prepare such a plan, indicating the location of proposed plantings and the botanical names of proposed plant species. The level of detail required will be determined by the type of development and size of the allotment.
- (b) Notwithstanding subclause (a) above, unless the development affects an Item of Heritage, is within the vicinity of an Item of Heritage, or is within a Heritage Conservation Area, a Landscape Plan will not be required for private landscaping associated with detached dwelling development, however such landscaping should seek to meet the objectives of A5.2.1 above.
- (c) Landscape plantings will not overshadow neighbouring properties or block solar access.
- (d) Particular provision is to be made for the landscaping of uncovered parking areas, with adequate screening from the street where appropriate.
- (e) All plantings are sufficiently advanced to provide an immediate landscaping effect.
- (f) Provision is made to ensure that adequate landscape management systems are available to ensure that plantings can be properly maintained to allow them to not just survive, but flourish.
- (g) Adequate arrangements have been made for the restoration of the area of any public space, including a public footpath, pedestrian plaza adjoining the proposed development to the extent that such area has been damaged by the development.
- (h) Where no street tree is currently in the footpath or verge area adjoining the site, a street tree compatible with the predominant street tree species in the street is provided at the applicant's expense. This will assist in softening the appearance of new development while also improving the aesthetic appeal of the public space.



Section 7 Subdivision, Demolition, Siting and Design

Councils Engineering Design and Construction Specifications outline background and technical information necessary to assist in the preparation of development applications.

Users of this Section of the DCP should therefore refer to Council's Engineering Specifications. With any inconsistency between the provisions/specification of the DCP and Councils Engineering Specifications, the Engineering Specifications will prevail.

A7.1 Subdivision of Land

A7.1.1 Minimum Lot Sizes

Applicants are directed to the minimum lot size maps under WLEP 2010 which indicate the subdivision potential for any lot. Where proposed subdivision would create an allotment below the minimum lot size, certain provisions of WLEP 2010 apply and applicants are advised to consult with Council to determine the extent to which any variation of the minimum lot size may be permissible.

Where subdivision is proposed, a merits approach shall be taken in terms of assessing existing patterns of development and issues such as effluent disposal, access, drainage etc.

Note: Allotment sizes are expressed as minima. It may be necessary for larger allotments to be created where other environmental constraints occur, for instance to incorporate and retain areas of remnant vegetation, to adequately dispose of stormwater by infiltration and the retention of prominent land forms etc.

A7.1.2 Building Envelopes

When designing allotments, building envelopes (in the form of restrictions to the title of the allotments – i.e. Section 88(b) restrictions) may need to be considered in order to ensure:

- (a) important public vistas and view corridors are maintained from within and into the subdivision;
- (b) energy efficiency principles are incorporated in design, construction and ongoing habitation (eg. Northern orientation);
- (c) the mitigation of visually obtrusive development; and
- (d) the provision of efficient, approved on-site storm water disposal.

Where considered necessary by Council, these restrictions may be required as conditions of development consent.



A7.1.3 Noxious and Environmental Weeds

As a part of the assessment of any subdivision application, an inspection of the subject land will be undertaken by Council's Weeds Officer.

If any property, other than a property which is, or is within the vicinity of, an Item of Heritage, or is within a Heritage Conservation Area, is found to have noxious or environmental weeds, then a condition of any approval shall be that these weeds shall be thoroughly eradicated before the linen plans shall be released.

If any property which is, or is within the vicinity of, an Item of Heritage, or is within a Heritage Conservation Area, is found to have noxious or environmental weeds, then a condition of any approval shall be that a Landscape Management Plan be prepared in accordance with Section A7.2 above.

The following area declared <u>Noxious Weeds</u>	The following are identified <u>Environmental Weeds</u>
<ul style="list-style-type: none"> • Alligator Weed • Karoo Thorn • Lagarosiphon • Salvinia • Slam Weed • Horsetail • Kochia • Parthenium weed • Senegal Tea Plant • Water Hyacinth • African Love Grass • Bathurst / Noogoora / Californian / Cockle Burrs • Blackberry • Fireweed • Dodder • Gorse 	<ul style="list-style-type: none"> • Green Cestrum • Nodding Thistle • Paterson's Curse / Vipers / Italian Burgloss • Rhus Tree • Scotch / English Broom • Scotch / Illyrian / Stemless Thistles • Sifton Bush • Hemlock • Pampas Grass • Serrated Tussock • St Johns Wort • Harrisia Cactus • Prickly Pear • Willows • Cabomba

The following are suggested as alternative trees, shrubs, climbers, lilies & ground covers.

Form	Alternative Native	Alternative Exotic
Tree	Black She-Oak, Black Wattle, Bunyah Bunyah Pine, Hoop Pine, Port Jackson Pine, River Oak	Bhutan Cypress, Deodar, Giant Redwood, Japanese Cedar, Spruce, Wellingtonia
Shrub	Blueberry Ash, Bottle Brush, Christmas Bush, Grevillea, Hairpin	Azalea, Box, Camellia, Daphne, Flowering Cherry, Fuchsia, Hebe,



	Banksia, Lilly Pilly, Mint Bush, Native Daphne, Paperbark, Sunshine Wattle, Tea Tree, Waratah, Willow Leaf Hakea.	Hydrangea, Osmanthus, Rhododendron, Magnolia	Magnolia, Protea, Southern
Climber	Guinea Flower, Old Mans Beard, Purple Twining-pea, Wonga Vine, Wombat Berry	Clematis, Mountain Wisteria	Clematis,
Lily	Flax-Lily, Native Iris, Nodding Blue-Lilly	Daffodils, Irises, Lillies	
Ground Cover	Brachycome, Creeping Boobialla, Kangaroo Grass, Native Violet, Headed Mat-Rush, Weeping Grass	Creeping Rose, Wandflower.	Violet,

A7.1.4 Landscape Embellishment

A condition of Council's subdivision approval will be that landscape embellishment of allotments and public roads shall occur, thereby enhancing native vegetation in the locality. Such landscaping should attempt to mitigate the visual obtrusiveness of new development, and enhance the visual connection between the newly created landscape and remnant native vegetation in the locality (including road reserves).

A7.1.5 Street Trees

Standard street tree planting and street lighting is required in order to provide consistency between subdivision developments, providing a unified theme for the town.

Street trees in Moss Vale aid in preserving the identity of the town and its "sense of place", softening the impact of the built environment, providing shade during the summer months, and allowing the penetration of winter sun (deciduous trees).

Important street tree principles in Moss Vale include:

- (a) preservation and framing of vistas towards surrounding rural areas;
- (b) reinforcement of traditional planting themes and prominent gardens where they exist,
- (c) retention and enhancement of significant existing trees and remnant native vegetation; and
- (d) the definition of the central precinct area by the location of the General Stores.



As a condition of development approval, the applicant will be required to meet the full cost of streetscape improvement.

For further details on street trees and the selection criteria used, please enquire from Council's Environmental Assessment staff.

A7.1.6 Lighting

Standard street lighting is required in order to provide consistency between subdivision developments, providing a unified theme for the town.

Council will require the provision of street lighting where new streets or roads are created as a part of subdivisions. Street lighting is to be designed to avoid light spillage thereby improving the amenity of nearby dwellings and so as to preserve the visibility of a clear night sky subject to the Australian Standards being met for treatments at intersections.

A7.2 Demolition

- (a) No demolition may occur on property which is an Item of Heritage, or is located within a Heritage Conservation Area, without the consent of Council.
- (b) An application for such demolition shall be accompanied by a Landscape Plan, prepared by someone considered by Council to be suitably qualified for such a task, which:
 - (i) maps and identifies the plantings of any private open space on the development site.
 - (ii) Identifies the heritage significance of each planting.
 - (iii) Indicates which, if any, plantings may be removed from the garden without any adverse impact on the heritage significance of the garden.
 - (iv) Indicates the extent to which any environmental weeds form an integral part of the heritage value of the property.
 - (v) Offers potential alternative plantings to replace environmental weeds which are not considered an integral part of the heritage value of the property.

A7.3 Site Analysis

Site Analysis is the process of identifying the main opportunities and constraints of the site as well as identifying the existing patterns and design styles of surrounding development. Every land use application which involves significant alteration to the site whether through development of currently vacant land, extensive renovation of an existing building, or demolition, must be accompanied by an appropriate Site Analysis Report.



The Site Analysis Report shall comprise:

- a) A Site Analysis Drawing, identifying the following site features:
 - (i) The slope and contours of land;
 - (ii) The location and nature (whether perennial or intermittent) of any watercourses as indicated on Council's Resources Sensitivity Maps,
 - (iii) The location and nature of waterways, water bodies or drainage depressions.
 - (iv) The location and nature of associated riparian corridor requirements, potential flooding or drainage characteristics;
 - (v) The orientation of the land including the marking of true north;
 - (vi) The location, extent and nature of any existing development, buildings and activities upon, adjacent and in proximity to the land;
 - (vii) The location and nature of any utility services;
 - (viii) The location and description of any trees and vegetation upon, adjacent and in proximity to the land;
 - (ix) The existing means of vehicle and pedestrian access;
 - (x) Any items or places of known Aboriginal and European cultural heritage;
 - (xi) The direction and nature of prevailing climate characteristics such as wind direction and rainfall;
 - (xii) Any potential bush fire threat;
 - (xiii) Any significant views and vistas to the land, particularly from a public place or from the land itself; and
 - (xiv) The location and nature of any other known constraint to development of the land, including potential soil contamination, noise sources, geotechnical issues.

- b) A written statement explaining how the site conditions have been interpreted into the design principles that guide the new development.

Sample Site Analysis and Design principles drawings are located after A7.4 below.

A7.4 Cut and Fill

A7.4.1 Introduction

In undertaking the site analysis, applicants are reminded that Council expects new development be designed to respond to a site's topography. Cut and fill is not considered an acceptable alternative to responsive design. Excessive cutting and filling of a site disturbs the natural soil profile and results in built form that is not sensitive to the existing landform on a site.



This section shall be read in conjunction with relevant technical information in Council's Engineering Design and Construction Specifications.

A7.4.2 Objectives

- a) Encourage stepping of buildings in response to existing topography.
- b) Minimise disturbance to existing landforms and soil profile.
- c) Minimise use of retaining walls.

A7.4.3 Controls

- a) Where the cut and fill objectives cannot be met, the development must be stepped in order to accommodate the contours of the site.
- b) Any cut and fill required shall comply with the maximum controls set out in Clause 7.3 (Earthworks) of Wingecarribee Local Environmental Plan 2010.

A7.5 Shipping Containers

The installation of shipping containers on any site is prohibited unless approval has been granted by Council for their conversion for use as a residential building.

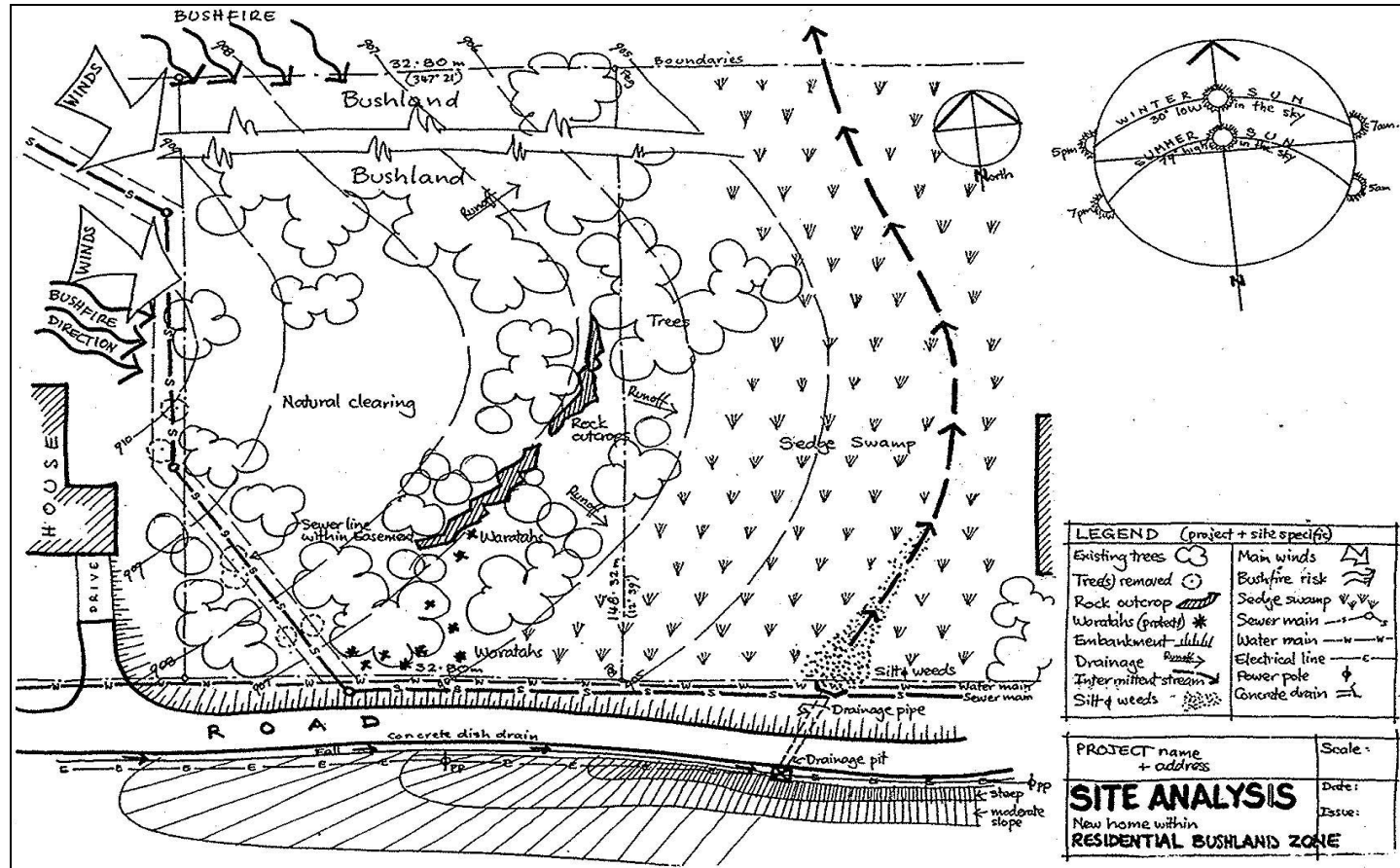


Figure A7.1 - Sample Site Analysis Drawing

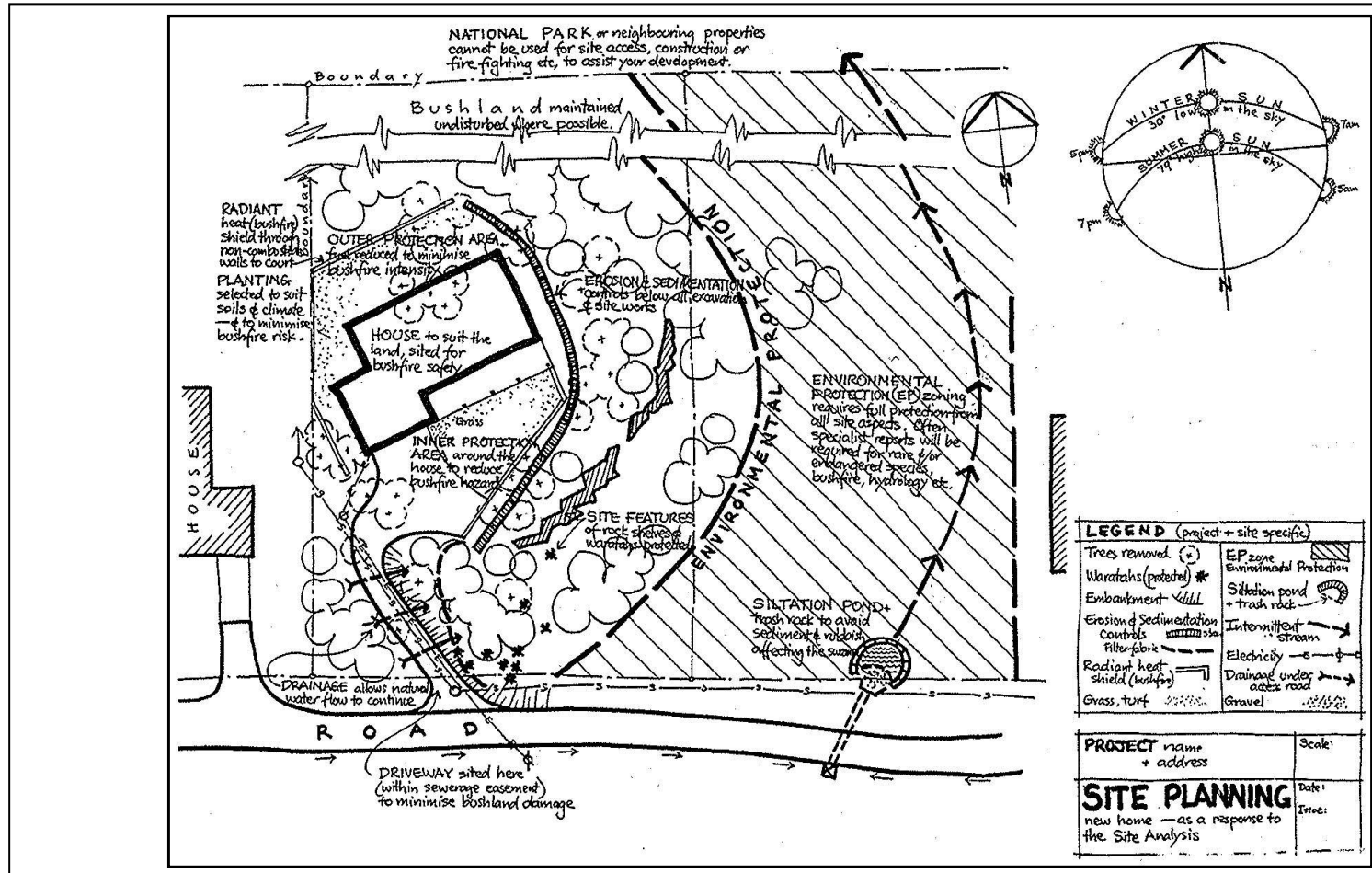


Figure A7.2 - Sample Design Principles Drawing



A7.6 Design Principles within a Heritage Context

Moss Vale is a town of significant local and regional heritage. Several buildings within the town date from the earliest settlement of this area and Council is only interested in new development which makes a positive contribution to the visual and functional amenity of the town.

Therefore, the design principles applying to all development within Moss Vale seek to protect the urban amenity of areas of high heritage value and enhance those areas of lower heritage value. Moss Vale also enjoys a number of significant public views and vistas which Council will require be protected in any new development.

The following brief history of Moss Vale provides a context within which applicants should consider the role their development will play.

A7.7 History and Heritage Context of Moss Vale

Explorer and Surveyor General of NSW, Lieutenant John Oxley, was the first to occupy the land on which Moss Vale now stands. As early as 1816 he had sent stockmen and cattle to the area, despite Government regulations forbidding settlement south of the Cowpastures at Camden. Oxley's men built a hut and stockyards at "WingieKarabee", but it was to be quite some time before any form of permanent settlement was established.

By 1857, the building of the Great Southern Railway from Sydney was well underway. Still a long way from Moss Vale, but planned to pass through Oxley land, the construction of the railway held out the prospect of rich financial rewards from the sale of town allotments. John Norton Oxley set about surveying a township, originally called the Village of Burradoo. Oxley chose street names that were mostly of Aboriginal origin, Banyette Street was named for a local Aboriginal girl, Merrigang Street, leading to the Mittagong Range, for the native dog with which the hills were infested and Boolwey for a property on the Berrima Road. Wingecarribee Street, of course, led to the Oxley home, and Bong Bong Street to the village of Bong Bong on the Wingecarribee River, the site of first settlement in the Southern Highlands.

After a slow start, Moss Vale began to flourish during the mid 1870s. The opening of the railway as far as Moss Vale had made the area accessible to Sydney people and, anxious to escape the heat of summer on the coast, they came in ever increasing numbers to the 'Sanatorium of the South', as it was somewhat quaintly called. Elegant country houses on the larger properties in Burradoo were built for the leading families, among them Laurel Park, Fairholme and the distinctive Anglewood owned by politician Arthur Bruce Smith. A rambling Queen Anne style mansion, the house became a boarding school for boys during the 1930s and later was acquired by the NSW Government for use as a school.

Several other gentleman's residences were destined to resound to the noisy chatter of students. Elvo, built by Sydney solicitor and Member of Parliament Septimus Stephen, is now part of Oxley College. 'Clever, lively, energetic; and handsome' Stephen was a charming man, who managed to combine his favourite pastimes of



gambling, horseracing and cards with service as a lay member of St, Andrew's Cathedral Chapter, President of the Hospital for Sick Children and a director of Sydney Hospital.

Knogle, built for Charles and Marie Fairfax in the 1880s, also served as a school. Renamed Kerever Park in 1943, the Sisters of the Sacred Heart brought girls from their Rose Bay school to Moss Vale during World War II, when the possibility of a Japanese attack on Sydney seemed a very real threat. Riversdale was the building from which Chevalier College first operated when it began in 1946. Designed by noted architect John Horbury Hunt in 1879 and built for Henry Hill Osborne, the house was once a focus of the social life of the district, the setting for elegant evenings of music and dance in the ballroom (now a chapel at Chevalier), fox hunts and polo tournaments.

For guest house and hotel proprietors, the 1880s were years of burgeoning trade. Smaller furnished cottages in the township catered for visitors of more modest means, and on Notts Hill (Mount Road), Mt. Shepherd and the slopes of The Gib some fine houses were built many of which have survived the years. Although Moss Vale, being the major rail centre, was probably the premier town at that time in terms of commerce, Moss Vale soon developed as the place to be and be seen, The most elegant of the new hotels in the town was the Grand Hotel, which opened with much fanfare in February 1888. Said to be the 'equal of any inland hotel in the colony', the Grand boasted four parlours, two billiard rooms and two dining rooms – and 'an electric bell in every room in the house. A 'commercial room' were travelling salesmen could show their wares was another of the innovations introduced by the owner, J.L. Campbell.

Visitors who preferred a more genteel holiday could choose to stay at one of the many guest houses in and around Moss Vale. For many years, Miss Nellie Brenan ran Arrankamp, a 'high class boarding house', as she liked to advertise. Rather exuberant in design, Arrankamp once stood on land now occupied by the Moss Vale Country Golf Club. For holidaymakers, a stay in Moss Vale meant parties, horse riding, tennis, golf and sightseeing – not very different perhaps from a Highlands holiday today. Few of Moss Vale's many guest houses, among them The Luxembourg, Belmore Park and Hawthorn, survived the vicissitudes of the tourist trade, Craigieburn being the notable exception.

The fine country estates in and around Moss Vale formed the basis' the town's fame as a place of magnificent gardens. Of particular note were the gardens established by the Hordern family at Milton Park, Retford Park and Hopewood, with their outstanding examples of rare and exotic trees. But these were just three of the many gardens fashioned from bare paddocks by enthusiasts over the last hundred-or-so years. The cool climate and consequent heightened sense of the passing of the seasons was and remains, one of the major attractions of the Southern Highlands and today, some of the finest private gardens anywhere in the state – gardens both old and new – are to be found in the Moss Vale district.

Source: Linda Emery



A7.8 Principles of Minimum Acceptable Design

As stated previously, Council is only interested in development which makes a positive contribution to the urban amenity of Moss Vale. Particularly in the residential areas of the town there are sections of high heritage value where new development, including renovations, must be sympathetic to the essential elements of that heritage.

However, new development in areas of lesser heritage value, particularly in the Commercial Area may provide more opportunity for innovative design, but such design must demonstrate, in the opinion of Council, a positive contribution to the streetscape and urban amenity of the town.

If considered appropriate, Council may request an independent architectural assessment of the design proposal.

A7.9 Alterations to Items of Heritage

Heritage Items are identified in Schedule 5 of Wingecarribee LEP 2010 and applicants are directed to this Schedule and to the provisions of Clause 5.10 of the LEP regarding Heritage Conservation in general.

To protect and enhance the heritage value of the town, Council shall not grant consent to the carrying out of development on any land to which this Clause applies unless it is satisfied that the development:

- (a) Is sympathetic to the retained elements of the Heritage Item and its setting in terms of setback, scale, building design and form, materials, proportion and spacing of openings, to achieve a subtle contrast between old elements and new.
- (b) Retains as much of the existing building fabric as is possible, particularly those elements which contribute towards the building's visual/heritage significance.
- (c) Minimises the modification to original door or window openings, spacings and proportions.
- (d) Removes any unsympathetic building elements, additions or accretions, including awnings on commercial buildings.
- (e) Reinstates the original facades and architectural elements.
- (f) Retains natural surface finishes, or applies colour schemes for external painting which reflect the relevant historical period. Cladding with modern finishes is not permitted.

A7.10 New Development within the vicinity of Heritage Items

New development within a Heritage Conservation Area does not have to replicate the existing built form, but it should be compatible with the existing streetscape in terms of materials, textures and colours. Modern materials can be used in a traditional streetscape provided their proportions and details are harmonious within the surrounding context so as to provide a unifying element.

Council may consider a unique architectural solution, provided the applicant can demonstrate the appropriateness of the development in the context of surrounding heritage buildings. Council may request an independent architectural assessment of the design proposal.

In considering a development application within the vicinity of Items of Heritage, Council shall not grant consent to the carrying out of development on any land to which this Clause applies unless it is satisfied that the development shall:

- a) remain compatible with the average height, bulk and scale of buildings located on adjoining or nearby land and be adequately set back to ensure that heritage items and other significant buildings in the streetscape are not dominated by new or infill development.
- b) seek unification with existing built forms on adjoining or nearby land, by ensuring respect for and compatibility with architectural elements including:
 - (i) the existing building line,
 - (ii) brickwork styles,
 - (iii) parapet style and rhythm,
 - (iv) window and door opening dimensions, proportions and spacing,
 - (v) fenestration treatment,
 - (vi) roof form and treatment,
 - (vii) materials and finishes.
- c) ensure that the angle of awnings on the commercial street frontage is no greater than 20%, (i.e. within a range of 90 to 100 degrees from the wall of the building), and that the soffit (or underside of the awning) follows the line of the top of the awning and is not flat.

Following are examples which illustrate Council's preferred design in the renovation of Items of Heritage, or in the redevelopment or renovation of buildings in the vicinity of such Items.



Design Guide: An example of sympathetic commercial infill which recognises the character and form of adjacent development



Design Guide: New development in commercial areas of the town must address existing heritage character elements such as scale, fenestration materials, roof and parapet treatment and the provision of awnings.



Section 8 Safer by Design

A8.1 Introduction

In April 2001, the then NSW Department of Infrastructure, Planning and Natural Resources introduced Crime Prevention Legislative Guidelines into the Environmental Planning and Assessment (EP&A) Act, 1979, as amended. These guidelines require consent authorities to ensure that development provides safety and security to users and the community. If a development presents a crime risk, the guidelines can be used to justify modification of the development to minimise crime risk, or, refusal of the development on the grounds that crime risk cannot be appropriately minimised.

The Guidelines contained in the Act comprise two parts. Part A details the need for a formal crime risk assessment (Safer By Design Evaluation) to be done in conjunction with trained police, and Part B outlines basic Crime Prevention Through Environmental Design (CPTED – ‘SEP-TED’) principles and strategies that can be used by consent authorities to justify the modification proposals to minimise risk. Both Parts are summarised below, but applicants should familiarise themselves with the relevant clauses of the EP&A Act.

A8.2 Safer By Design Evaluation

The NSW Police (www.police.nsw.gov.au) assessment tools *Safer By Design Evaluation* and a *Companion to the Safer By Design Evaluation* are based on Australian Risk Management Standard 4360:1999.

The *Safer By Design Evaluation* process is a contextually flexible, transparent process that identifies and quantifies crime hazards and location risk. The evaluation measures include crime likelihood (statistical probability), consequence (crime outcome), distributions of reported crime (hotspot analysis), socio-economic conditions (relative disadvantage), situational hazards and crime opportunity.

By conducting the assessment potential treatments may be identified and incorporated into the development design.

A8.3 Crime Prevention Through Environmental Design

Crime Prevention through Environmental Design (CPTED - pronounced ‘SEP-TED’) reduces opportunities for crime by using design and place management principles that reduce the likelihood of essential crime ingredients (law, offender, victim or target, opportunity) from intersecting in time and space.

Predatory offenders often make cost-benefit assessment of potential victims and locations before committing crime. CPTED aims to create the reality (or perception) that the costs of committing crime are greater than the likely benefits. This is achieved by creating environmental and social conditions that:



- (a) Maximise risk to offenders (increasing the likelihood of detection, challenge and apprehension);
- (b) Maximise the effort required to commit crime (increasing the time, energy and resources required to commit crime);
- (c) Minimise the actual and perceived benefits of crime (removing, minimising or concealing crime attractors and rewards); and
- (d) Minimise excuse making opportunities (removing conditions that encourage/facilitate rationalisation of inappropriate behaviour).

CPTED employs four key methods to achieve these outcomes. These are space and activity management, territorial re-enforcement, surveillance and access control.

A8.3.1 Space and Activity Management

Space and Activity Management strategies are an important way to develop and maintain natural community control. Space management involves the formal supervision, control and care of the development. All space, even well planned and well-designed areas needs to be effectively used and maintained to maximise community safety. Places that are infrequently used are commonly abused. There is a high correlation between urban decay, fear of crime and avoidance behaviour.

A8.3.2 Territorial Re-enforcement

Community ownership of public space sends positive signals to the community. Places that feel owned and cared for are likely to be used, enjoyed and revisited. People who have guardianship or ownership of areas are also likely to provide effective supervision and criminals rarely commit crime in areas where the risk of detection and challenge are high. Effective guardians are often ordinary people who are spatially 'connected' to a place and feel an association with, or responsibility for, it.

Territorial Re-enforcement uses actual and symbolic boundary markers, spatial legibility and environmental cues to 'connect' people with space, to encourage communal responsibility for public areas and facilities, and to communicate to people where they should/not be and what activities are appropriate.

A8.3.3 Surveillance

People feel safe in public areas when they can see and interact with others, particularly people connected with that space, such as shopkeepers or adjoining residents. Criminals are often deterred from committing crime in places that are well supervised.

Surveillance which relies on community-based observation and monitoring is less intrusive and often more effective than alternatives such as CCTV or security guards. Because it relies on regular users of open space observing behaviour and being seen to do so, its effectiveness requires appropriate building layout, orientation and location; the strategic use of design; landscaping and appropriate lighting. In effect, it is a natural by-product of well-planned, well-designed and well-used space. Applicants are also directed to the Outdoor Lighting controls in Section A8 of this Part of the Plan.



A8.3.4 Access Control

Access control treatments restrict, channel and encourage people and vehicles into, out of and around the development. Way-finding, desire-lines and formal/informal routes are important crime prevention considerations. Effective access control can be achieved by using physical and symbolic barriers that channel and group pedestrians into areas, therefore increasing the time and effort required for criminals to commit crime. Design-based access control includes the tactical use of landforms and waterways features, design measures including building configuration; formal and informal pathways, landscaping, fencing and gardens.

As with surveillance, design solutions are less intrusive than alternatives such as gates or on-site security guards.

A8.4 Specific Design Requirements

The principles of Safer by Design may be applied to both commercial and residential development. In particular, Council requires all development to demonstrate that it provides:

- a) Well-defined building entrances which are clearly visible from the street. Narrow or splayed entrances are preferable to deep-set entrance ways.
- b) Internal spaces must be open and visible, eliminating hidden corners.
- c) Walkways and connecting paths must be open with good visibility.
- d) Signs and vegetation should be located so that they do not create 'entrapment' points where people are hidden from view.
- e) On-site garaging must provide clearly defined exit points and be lit at night, both inside the garaging and around the entrance/exit points. Such lighting should be movement-activated lighting that focusses on the access areas.
- f) Building entrances, walkways, connecting paths and garaging must be well lit in accordance with the provisions of Section A8 of this Plan to ensure that such lighting is down-ward focussed and effective without generating glare or annoyance beyond the area being lit.



Section 9 Construction Standards & Procedures

Council's Engineering Design and construction Specifications outline background and technical information necessary to assist in the preparation of development applications.

Users of this section of the DCP should therefore refer to Council's Engineering Specifications. With any inconsistency between the provisions/specifications of the DCP and Council's Engineering Specifications, the Engineering Specifications will prevail.

A9.1 Introduction

When preparing detailed plans, applicants are directed to the following surveys and reports which may be required to address specific site conditions and to Council's construction standards with regard to certain matters. Council inspection procedures with regard to certain matters are also addressed in this Section.

A9.2 Surveys and Reports

Council may require the preparation and submission of certain reports when a new Land Use Application is lodged. These are detailed below.

A9.2.1 Geotechnically Sensitive Areas

A geotechnical report, prepared by a suitably qualified consultant, is to be lodged with the development application. The report should generally address the publication *Landslide Risk Management Guidelines (2007)* produced by the Australian Geomechanics Society. Appropriate professional indemnity insurance must be held by consultant.

A9.2.2 Structural Stability

Where there is a Geotechnical Report that relates to the Allotment, any Engineer's design shall carry the following statement:

"A geotechnical risk assessment report no....prepared by....and dated....has been examined by myself and I have given due regards to its recommendations and hereby certify that the design has been prepared to ensure the longevity of the building."

All designs shall nominate a site classification vide AS 2870 *"Residential Slabs & Footings Code"*.

A9.2.3 Hydraulic Details

Hydraulic details, prepared by a suitably qualified hydraulic consultant, shall be provided for:

- a) Stormwater service



- b) Water supply service (including fire services)
- c) Sewerage service
- d) Trade Waste discharges to sewer for all buildings except a single dwelling house and associated outbuilding(s). These details are to be submitted with a development application if deemed necessary or with the Section 68 application to Council.

A9.2.4 Site Survey Reports

During construction, Council may require the submission of a survey report prior to the pouring of concrete and then upon completion of the building works (prior to occupation), in the following circumstances:-

- a) Where a Class 1-9 building is located within 300mm of the minimum side boundary setbacks, (including distance to wall and distance to eaves/gutter)
- b) Where a structure is located within 300mm of a registered easement
- c) At floor level stage, prior to the pouring of concrete or fixing flooring material, where the property is within an area affected by flooding inundation.

A9.3 Building near or over Council Mains and Easements

The building of structures over/adjacent to Council's water, stormwater and sewerage assets will be considered in accordance with technical guidelines in the Engineering Design and Construction Specifications, as well as Council's set of standard drawings.

A9.4 Building over two or more Allotments

- a) If building work is proposed over two or more allotments, Council may require the consolidation of these lots.
- b) If the minimum allotment size required to allow development consent to be issued within the zoning or the area necessary to allow adequate septic effluent disposal requires more than one lot, Council will require the consolidation of the lots. This shall occur prior to issue of a construction certificate.

A9.5 Subfloor Areas of Buildings

Subfloor enclosures, using a material compatible with the subject structure, shall be provided. Where visible from the public road, (note: the provision of landscaping does not affect the visibility from the road) subfloor enclosure is to be provided along the road frontage with a return to the first pier on the side elevations.



A9.6 Exhaust Fans

Any exhaust fan provided in the kitchen ceilings and walls shall be ducted directly outside to prevent the build up of condensation, fats and the like.

A9.7 Water Storage in Non-reticulated Areas

A minimum of 40,000 litres Water Storage capacity must be provided for domestic purposes unless supplemented by supplies from an approved bore.

A9.8 Stormwater Disposal

Final means of disposal of stormwater to Council's stormwater system must be approved by Council. The following types of disposal will generally be acceptable:

- (a) **Disposal to an interallotment drainage system with connection to the junction provided** - Where no junction is provided, a new 45° sweep is to be laid in the interallotment drain for connection. Any other form of connection is prohibited.
- (b) **Disposal to Council's kerb and gutter by connection into the outlet provided** - Where no outlet is provided in the kerb and gutter a saw cut of the kerb and gutter will be permitted and pre fabricated galvanized steel stormwater adapter approved by Council is to be placed within the kerb. A high strength concrete mix shall be used to reinstate the kerb and this must match the profile of the kerb. Where more than one outlet is to be placed within a kerb a spacing of two (2) metres between the outlets shall occur.
- (c) **Disposal to Council's road table drain** may occur provided the pipe is maintained a suitable distance from the road carriageway to ensure damage does not occur. The outlet of the pipe must be protected by the placement of solid protection, such as concrete around the outlet to prevent damage to the pipe. Other means of disposal to the table drain in areas without kerb and gutter may be accepted by Council. Details are to be submitted and approved.
- (d) **Disposal directly to Council's stormwater mains** is permitted subject to certain conditions. Details are to be obtained from Council's Engineering staff.
- (e) **On site stormwater disposal** may be permitted. On allotments with an area of less than 4000m² a hydraulic consultants report may be requested by Council to verify that on site disposal can occur without damaging buildings, cause a nuisance to neighbouring properties or create a problem through adding stormwater into the ground surface (A Geotechnical Engineer may also be required to verify this issue).
- (f) The disposal trenches shall be located a minimum distance of 5 metres from any adjoining property boundary. In circumstances where there is a larger roof and hardstand area, or soil conditions make disposal unsuitable, other means of disposal will be required. Stormwater/retention trenches must be located downstream of any



septic tank effluent/sullage disposal area. Trenches, drains and pipes shall not traverse or penetrate any effluent disposal area. The typical size of trench for each downpipe is 3 metres long, 600mm wide and 600mm deep however this is dependant on soil conditions. Where concealed gutters, box gutters, high fascia gutters (without stormports) and/or internal downpipes have been installed it is advisable that a surcharge grating mounted above the finished surface be installed adjacent to the base of the downpipe connection of the drain/pipe.

- (g) Where adverse falls occur from the roof drainage system to the final disposal point, the proposed method of drainage and disposal is to be submitted to the Council for approval. In these instances the provision of an easement with the fall of the land to Council's stormwater disposal system, is the most suitable solution. For on site disposal options see above. *A pump system for conveyance of stormwater will not be permitted.*
- (h) **Disposal of stormwater into collection tanks** will be permitted by Council provided the over flow is conveyed to a means of disposal specified in 1-6 above as appropriate. Where the water is to be used for domestic purposes, a first flush system should be installed and must be compliant with all BASIX conditions.
- (i) Stormwater runoff from areas where water may become polluted will be subject to suitable pre-treatment measures as specified by Council and other statutory authorities.

A9.9 Structures Over Public Areas

A9.9.1 Veranda Awnings

Refer also to BCA prescribed standards.

NB: Requirements for Seismic loadings.

- (a) Spacing of posts shall be a minimum of 3 metres.
- (b) The posts shall have a minimum size of 100mm x 100mm.
- (c) Only square section timber or metal posts shall be used.
- (d) The awning shall be 600mm from the kerb to the gutter edge.
- (e) The colour and design shall comply with any Council specified town colour scheme and design.
- (f) The posts shall not be erected within the zone of influence of any services.
- (g) The underside of the awning shall have a minimum clearance of 3 metres above the footpath. The Council may require that any or all awning or verandahs proposed to be erected over a road be of the cantilever type.



- (h) The width of a cantilever awning that extends beyond a road alignment must not exceed 3660mm and must be a minimum of 600mm back from the roadside edge of the kerb.

A9.9.2 Pipes and services

- (a) Pipes and services must not project beyond the road alignment, except as provided by this clause.
- (b) Rainwater heads may project not more than 450mm and rainwater downpipes may project not more than 150mm above a height of 2700mm above the pathway level.
- (c) In the case of an existing building, the Council may approve the projection of essential service pipes.
- (d) Construction of projections - Projections beyond the road alignment are to be constructed so that they may be removed at any time after their erection without causing the building to which they are part to be structurally unsafe and without causing a reduction in the required fire-resistance rating of any structural member of the building. Projections shall also fully comply with seismic loading requirements.

A9.10 Site Access Standards During Construction

- (a) All Council assets (eg sewer manholes, stormwater systems etc.) shall be protected from damage. An inspection of the existing assets shall be carried out prior to the commencement of any work on site. Vehicular access to the site shall be via a single designated access point. This point is to be located so that the possibility of damage to Council's property is minimised during construction and shall be constructed to Council's satisfaction.
- (b) The building supervisor is responsible to ensure that all contractors, sub-contractors and delivery trucks use the designated access point. Repairs to damaged grass verges, drainage lines, concrete footpaths, kerb and gutter are to be carried out by the builder/owner/contractor to Council's specification and supervision prior to occupation of the development.
- (c) The kerb, gutter and footpath adjoining the site must be kept clear of soil and debris during the course of the construction.
- (d) If there is no kerb and gutter, the designated access point shall be provided with adequate provision to prevent the damage of any underlying services or
- (e) drains, or damage to the surface of any swale drain.

A9.11 Footpath Protection During Construction and Hoardings

- (a) Hoardings – Approval from Council required prior to erection along with payment of appropriate fees.



- (b) For building construction work in commercial and industrial zones the building standard for protection of public foot paths and roads shall be:-
 - (i) Type A – Fence Type Hoarding Requirements of Division of Inspection Services, Workcover Authority.
 - (ii) Type B – Overhead type Hoarding Requirements of Division of Inspection Services, Workcover Authority. Hoarding standard for multi-storey construction within 3.5 metres of a public footpath or road, that exceeds a height of 7.5 metres from any point on that frontage.

A9.12 Waste Management and Disposal

A9.12.1 Introduction

This section of the DCP provides Council's general requirements for waste minimisation, management and recycling for development throughout the Shire. These requirements include waste management objectives and development controls derived from the NSW Department of Environment and Climate Change's Publication titled Model Waste Not DCP Chapter (dated July 2008).

A9.12.2 Objectives

- (a) To minimise the volume of waste generated during demolition and construction phases of development.
- (b) To promote demolition and construction techniques which maximise recycling and reuse opportunities of waste materials.
- (c) To minimise the volume and type of waste going to landfill.
- (d) To avoid illegal dumping of waste across Wingecarribee Shire.

A9.12.3 Controls

Prior to all demolition and / or some construction works

- (a) A Waste Management Plan is required for all demolition works and /or construction works (with a value greater than \$50,000).
- (b) Consideration must be given to re-using existing materials, or parts thereof, on the subject site for the proposed use.
- (c) Applicants must demonstrate a commitment to waste minimisation by completing a Waste Management Plan that will minimise material going to landfill.
- (d) The Waste Management Plan must address the following requirements (as a minimum):
 - i. Volume and type of waste, land fill and recyclables to be generated.
 - ii. Storage and treatment of waste and recyclables onsite.
 - iii. Facilities proposed to receive residual waste and recyclables.
- (e) Where the building contains asbestos, Council will ask for verification of the disposal technique used, the amount removed and the disposal location for the asbestos materials. This documentation will need to be submitted within 7 days of off site disposal.



- (f) Receipts from the disposal of residual waste and recyclables are required to be retained by the applicant in order to confirm the lawful disposal of these materials.

A9.12.4 During Construction

- (a) Construction activities are to be managed so that waste is sorted, reused or recycled, where possible. Potentially windblown rubbish such as foam, cardboard or plastic must be stored on the site within a receptacle with a tight fitting, secure lid.
- (b) Any fill removed from the site shall only be placed on an approved waste disposal facility and as detailed in the Waste Management Plan.
- (c) It is not acceptable to dispose of all waste material generated from construction to landfill. Instead, applicants must demonstrate a commitment to waste minimisation. The Waste Management Plan must demonstrate implementation of the following during construction (as a minimum):
 - i. Installation of waste storage receptacles, and
 - ii. Sorting of waste into material types.
- (d) Receipts from the disposal of residual waste and recyclables are required to be retained by the applicant in order to confirm the lawful disposal of these materials.

A Waste Management Plan Template is available at Council or on Council's website as part of the land use application forms.

A9.13 Inspections relating to water, stormwater, sanitary drainage and effluent disposal systems under a Section 68 approval under the Local Government Act 1993

Councils hold point inspections for water, stormwater, sanitary drainage and effluent disposal system shall be undertaken in accordance with the Section 68 consent under which the works are approved.

A9.14 Civil Design & Certification

A practising profession engineer in their area of qualification will be required to certify civil designs and drawings for road works, drainage works, water and sewerage works and; structural designs and drawings for bridges, retaining walls, pumping stations and miscellaneous structures.

Refer to council's Engineering Design Specifications for accreditation requirements.

A9.15 Re-sited Buildings

- (a) A development application for a re-sited building shall be accompanied by photographs of all elevations of the building.



- (b) Council will carry out an inspection of all proposed re-sited buildings located within the Shire and may require inspection of buildings located outside of the Shire. If Council does not require an inspection of the building the following reports are required:
- (i) a letter from a professional engineer regarding the structural stability and suitability of the building.
 - (ii) a certificate from a pest control company, with regard to the presence of termites or borers.
 - (iii) a statutory declaration to accompany photographs of all elevations of the dwelling stating that the pictures are a true representation of the dwelling and its current condition.
 - (iv) Additional items for development application:
 - (v) A bond is payable at time of lodgement of application, as per Council's revenue policy.
 - (vi) A copy of a public risk insurance policy which covers the transit of the building is to be submitted with the application. Such a policy shall be for not less than \$2 million.
- (c) The requirements of the NSW Police, Roads and Traffic Authority, Integral Energy and any other statutory authority as appropriate are to be obtained and their requirements adhered to in the relocation of the subject building
- (d) The building shall be completed to a satisfactory standard (as determined by Council Officers) within six months of being placed on the site. The electrical installation is to be inspected and approved by the local supplier.

A9.16 Property Address – Street and Rural numbering

- a) After completion of a building, the mailbox or building must be identified with letters or numerals with a minimum height of 38mm, of colour contrasting with the area of attachment.
- b) Kerbs: Letters and numerals to have a minimum height of 100mm.
- c) Rural numbering is to be fixed at the entry to the property and is available from council's offices.

A9.17 Unformed Roads

A9.17.1 Upgrading Unformed Public Roads

Vehicular access to the site shall be provided in accordance with Council's Unformed Roads Policy. An application to construct the road under the Roads Act is to be made prior to the release of any development consent, with the road to be constructed prior to the occupation of the building.

If a landowner intends to gain vehicular access to their land along an unformed road, then the following conditions will apply:-



- (a) A written application to conduct a formed road must be lodged, stating the reasons for the proposal.
- (b) The application will be assessed, and written conditional approval may be granted:-
 - (i) In the case of access to a single lot, the access to generally take the form of a 4m wide gravel surfaced road, with culverts, generally located in the centre of the road reserve. Steep grades will require sealing of the road and lining of table drains in accordance with normal standards.
 - (ii) In the case of access to multiple lots in the same ownership, the access will be conditioned as if the application was subdivision to create the existing lots.
- (c) If an approval is given, standard conditions will apply, including:-
 - (i) Normal engineering standards of road construction
 - (ii) Provision for traffic in accordance with the relevant Australian Standard
 - (iii) Approval by Council's Engineers of the contractor, following proof of the usual licences, insurances, etc
 - (iv) Approval by Council's Engineer of the materials and methods proposed to be used
- (d) Following construction of the road in accordance with the conditional approval, and its acceptance by Council's Engineer, Council may assume responsibility for its maintenance after occupation of a dwelling served by the road only in residential or village zones.



Section 10 Signage and Outdoor Advertising

A10.1 Introduction

Well designed signage, of appropriate location and scale, can make a positive contribution to the visual and functional amenity of a locality which in turn contributes to the appearance and amenity of the Shire as a whole. Poorly designed signage, of inappropriate scale, in inappropriate locations can adversely impact on urban amenity and function. This is particularly the case where signage is illuminated or is of such quantity that a cumulative impact results.

The objectives and assessment criteria included in this Chapter are drawn in large part from *State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)* and a supporting document (*Transport Corridor Outdoor Advertising & Signage Guidelines*) to that SEPP published by the (then) NSW Department of Planning and Environment in 2017.

Although SEPP 64 does not apply to all signage within the Shire, the Assessment Criteria provided in Schedule 1 of the SEPP and the Planning Principles and other content within the Guidelines remain relevant to Council's consideration of signage within the Shire.

A10.1.1 Definitions & Permissibility

The provisions of this chapter apply to all Signage and associated advertising within Wingecarribee Shire.

The following relevant definitions are contained within the Standard Instrument on which WLEP 2010 is based. Any subsequent use of these terms implies consistency with these standard definitions.

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

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

but does not include a traffic sign or traffic control facilities.

Advertising structure is defined as a structure used or to be used principally for the display of an advertisement.

Building identification sign means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.

Business identification sign means a sign—

- (a) that indicates—

- (i) the name of the person or business, and
- (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business, but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

Advertisement is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

Digital signage is a form of Signage. While not specifically defined under WLEP 2010, digital signs are described as “devices which use digital technology to display bright, high quality electronic images. A central feature of these devices is the use of Light Emitting Diode (LED) technology allowing luminance to be controlled and adjusted automatically”. (*Transport Corridor Outdoor Advertising & Signage Guidelines – Department of Planning & Environment, November 2017*)

To assist in interpretation of the different types of Business Identification Signs, the following diagrams are provided.



Figure A10.1.1 Typical Business Identification Signage on or Attached to a Building

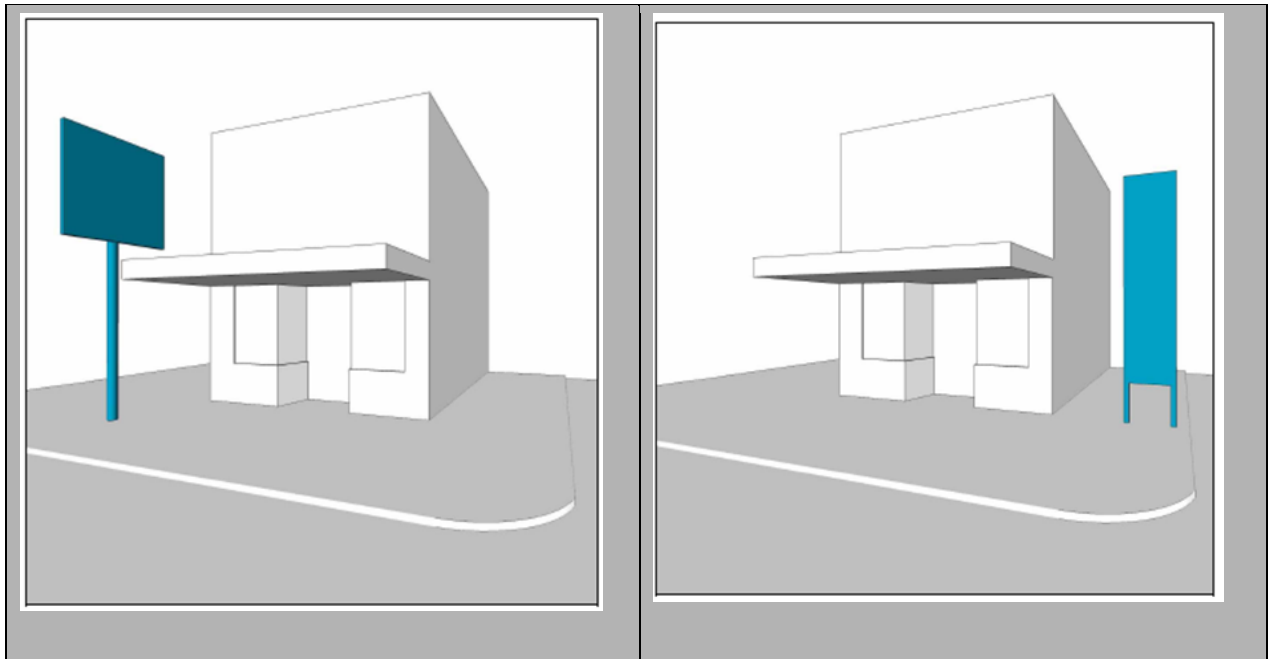


Figure A10.1.2 Typical Free-Standing Business Identification Signage

Applicants are also advised to consult the following documents:

- Wingecarribee Local Environmental Plan 2010 – via the NSW Legislation website, www.legislation.nsw.gov.au (*Browse EPIs in Force – W - Wingecarribee*)
- State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64) - via the NSW Legislation website - www.legislation.nsw.gov.au (*Browse EPIs in Force – S - State Environmental Planning Policies*)
- Department of Planning and Environment –Transport Corridor Outdoor Advertising and Signage Guidelines - Assessing Development Applications under SEPP 64 (Department of Planning and Environment) from the Department’s website - www.planning.nsw.gov.au
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 - via the NSW Legislation website - www.legislation.nsw.gov.au (*Browse EPIs in Force – S - State Environmental Planning Policies*)

All Signage must meet the Objectives set out in Section 10.2 below and comply with the requirements set out in Section 10.3 below.

Signage shall be exempt if the controls set out in Section 10.4 below are met.



Signage shall be deemed as complying development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 if the controls set out in Section 10.5 below are met.

Signage which does not meet the requirements of Sections 10.4 or 10.5 requires Council consent as set out in Section 10.6 below.

All forms of Digital Signage require Council consent. Additional specific controls for Digital Signage are contained in Section A10.7 below.

A10.2 Objectives

The following objectives form the context within which the following requirements and controls have been developed.

- a) Signage shall:
 - (i) be compatible with the desired amenity and visual character of an area
 - (ii) provide effective communication in suitable locations
 - (iii) be of high quality design and finish
- b) Signage shall respect and not compromise the contribution, both individually and collectively, that buildings and other streetscape features make towards the established urban character and environmental quality of the locality.
- c) Signage shall respect and complement the heritage integrity of the locality.
- d) Signage shall add to the visual interest and vitality of a locality
- e) Signage shall only relate to a business or activity carried out within the Shire.
- f) Signage shall be simple, clear and effective in conveying its message and should inspire confidence in the business or product being advertised.
- g) Signage shall not comprise objects such as cans, bottles or other three dimensional proprietary and like representations. Separated from (f) above, resulting in new numbering below.
- h) Signage shall not offend or adversely affect in any way the amenity of the people who live in, work in, or visit the locality, particularly with regard to, but not restricted to, location, size, bulk, scale, appearance (including colours), wording, illumination or overshadowing.
- i) Signage shall not be of such quantity as to create an unacceptable level of density and proliferation.



A10.3 General Requirements for All Signage

There are a number of mandatory requirements with which all Signage (irrespective of its type, location, size, design, or other features) shall comply. These are:

- a) All buildings shall be clearly numbered on the face of the building or on the awning.
- b) Signs shall only appear wholly on land where the advertised activity or development is carried out, except signage that is managed by the Tourist Attraction Signposting Assessment Committee (TASAC). NB: TASAC is a group formed by the NSW State Government to have overall responsibility for the planning and implementation of tourist signposting systems in NSW.
- c) Signs shall relate to the architectural detailing design lines of the building on which it is to be located, and of adjacent buildings, particularly those constructed prior to 1950.
- d) Signs shall maintain the existing architectural 'balance' of the building.
- e) Signs shall be of a high quality design and finish.
- f) Signs shall complement the finishes and colours of the building/place to or in which it is attached/erected.
- g) Signs shall be simple in both design and message presentation and legible in terms of both colours and text style.
- h) Signs shall reflect the quality of the business, services or product to which they relate.
- i) Signs incorporating corporate graphics and colours will be considered, but may be restricted in terms of size, location, colour and quantity, to meet the other objectives of this section of the Plan.
- j) Signs which are illuminated (as in making a sign appear brighter than it otherwise would appear) must:

- (i) Conceal all cables in the frame of the sign
- (ii) Must not have animation or moving/flashing images, and

Note: Subclause (ii) above does not apply to Digital Signage for the purpose of advertising (see Section 10.7)

- (iii) Must comply with Australian standards for the control of outdoor lighting.
- (iv) If situated on, or within, 50m of a residential, rural or environmental protection zone, only be illuminated as approved by Council.



- k) Signs associated with multiple building or site occupancy, as in shopping arcades and business services occupying first floor office suites, shall adopt a single co-ordinated approach to advertising by means of clear building identification and appropriately located 'shared' directory facilities.
- l) Signs shall achieve a high degree of safety and not represent hazards to passing drivers or pedestrians, transport workers or other property.
- m) Signs shall not be confused with, or inhibit instructions given by, official traffic management facilities and signs.
- n) Signs shall not require the removal of a tree or other vegetation. Signage requiring the pruning of a tree or other vegetation must obtain Council consent.

A10.4 Exempt Signage, i.e. Permitted without Consent

Council consent is NOT required for the following forms of signage as described below, **unless**:

- a) It is to be located on an Item of Heritage or draft Item of Heritage or in a Heritage Conservation or draft Heritage Conservation Area. ('Heritage' applies to Archaeological, General or Landscape heritage).
- b) It does not comply with the Section A1.2 (Objectives) and A1.4 (General Requirements) above
- c) It does not comply with any of the following sign-specific standards.

If a sign does not meet the requirements of (a), (b) or (c) above, Council approval is required.

Further details on Signage requiring Council consent are contained in section 10.6 below, and in section 10.7 for Digital signage.

A10.4.1 Advertising structures and the display of an advertisement on it or the display of an advertisement that is not affixed to an advertising structure, being a sign that displays an advertisement that relates to the premises on which it is situated

Advertising structures shall be permitted without consent provided they comply with all of the following controls. If not, a development application will be required.

- a) Sign must not cover mechanical ventilation inlet or outlet vents.
- b) Advertisement must relate to an approved use carried out on the land.
- c) Signs that have red, amber, green or blue lighting must not be erected near traffic control signals.



A10.4.2 Building Identification Signs

Building identification signs identify or name the building and are located on the building facade. Building Identification Signs shall be permitted without consent provided they comply with all of the following controls. If not, a development application will be required.

- a) Only one (1) sign per street frontage
- b) Sign must not be more than 2.5m² in area
- c) Sign must be mounted flat against the exterior wall or parapet and not protrude more than 300mm from the face of the building
- d) If illuminated, must comply with illumination controls in 1.4 (General Requirements for all Signage) above.

A10.4.3 Business Identification Signs in a Residential, Rural or Environmental Protection zone

Business identification Signs shall be permitted without consent provided they comply with all of the following controls. If not, a development application will be required.

- a) One sign per premises.
- b) If a sign for the purposes of a home business, home industry or home occupation, a maximum size of 1m² is permitted
- c) If a sign for a purpose other than home business, home industry or home occupation, a maximum size of 2.5m² is permitted
- d) Must not be illuminated.
- e) Located wholly within property boundaries of the land to which the sign relates, or is flush mounted to the front fence or front wall of a building as long as the sign does not protrude beyond the physical limits of that fence or building.
- f) If a window sign for the purposes of a home business, home industry or home occupation, maximum size limited to 20% of the window surface or 6m², whichever is the smaller.

A10.4.4 Business Identification Signs in a Business zone

Business identification Signs shall be permitted without consent provided they comply with all of the following controls. If not, a development application will be required.

One type of Business identification Sign per premises from the following list:

(a) Flush wall sign

- (i) Maximum of four (4) business signs per building and one (1) sign per elevation
- (ii) Maximum size of 5m²
- (iii) Must not project above the top of the wall to which it is attached



- (iv) If illuminated, must comply with controls in Section 1.3 (j) above.

(b) Fascia sign

- (i) Be mounted flat and securely fixed in place
- (ii) Be on a rigid signboard
- (iii) Fit wholly within the current fascia
- (iv) Not be illuminated

(c) Suspended under awning sign

- (i) Maximum length of 2.5m
- (ii) Maximum size of 1.5m²
- (iii) Must be at right angle to the building
- (iv) Must not project beyond the awning fascia
- (v) Must be securely fixed by rigid metal supports
- (vi) Must have a clearance of 2.6m above existing ground level

(d) Top hamper / Above Door sign

- (v) Maximum of one (1) sign for each ground floor tenancy
- (vi) Maximum size of 2.5m²
- (vii) Maximum height of 600mm
- (viii) Have a clearance of 2.1m above existing ground level
- (ix) Must be securely fixed by rigid metal supports
- (x) Must not extend below the level of the head of the doorway or window above which it is attached
- (xi) If illuminated, must comply with controls in section 1.3 (j) above

(e) Premises with no awning

- (xii) Maximum height of 3m above existing ground level on front and side walls
- (xiii) Maximum display area of 50% of the area of the wall

A10.4.5 Business Identification Sign in an Industrial Zone (other than a flush wall sign)

Business Identification Signs shall be permitted without consent provided they comply with all of the following controls. If not, a development application will be required.

- a) Maximum size of 1m² per metre of frontage for the first 10m



- b) Must be securely fixed by rigid metal supports
- c) If illuminated, must comply with controls in section 10.3 (j) above

A10.4.6 Flush Wall Sign in an Industrial Zone

Flush Wall Signs shall be permitted without consent provided they comply with all of the following controls. If not, a development application will be required.

- a) Maximum of four (4) signs per building and one (1) per elevation
- b) Maximum size of 16m² or not more than 20% of the surface area of the wall
- c) Must be securely fixed by rigid metal supports
- d) If illuminated, must comply with controls in section 10.3 (j) above

A10.4.7 Directional signs, name plates, advance traffic warning signs, community information signs and law enforcement signs erected by the council or other public authorities

- a) Signs erected over a public road shall be permitted without consent provided that area at least 0.6m from the vertical projection of the kerb line and suspended at least 2.6m above existing ground level. Otherwise, a development application will be required.

A10.4.8 Property address signs

Property Address Signs shall be permitted without consent provided they comply with all of the following controls. If not, a development application will be required.

- a) One sign per premises.
- b) Maximum size of 1m² in residential zones and 1.5m² in all other zones.
- c) Maximum height of 1.8m in residential, rural or environmental protection zones.
- d) Must not be illuminated in residential, rural or environmental protection zones.
- e) Must be located wholly within property boundaries of the land to which the sign relates, or flush mounted to the front fence or front wall of a building as long as the sign does not protrude beyond the physical limits of that fence or building.

A10.4.9 School signs

School Signs shall be permitted without consent provided they comply with all of the following controls. If not, a development application will be required.

- a) Maximum 3 signs per street frontage.
- b) Located wholly within the school boundaries.
- c) Must be ancillary to the school.
- d) Maximum size of 0.75 m².



- e) Minimum distance apart of 3.5m.
- f) Maximum height to top of sign of 1.5m above existing ground level.

A10.4.10 Real estate signs, advertising that the premises on which they are displayed are for sale or lease

Real Estate Signs shall be permitted without consent provided they comply with all of the following controls. If not, a development application will be required.

- a) Must be located wholly within the property boundaries of the land to which the sign relates, or if on the footpath, must be flush against the property boundary
- b) Must not be erected on public land
- c) Must not be attached to the building if an Item of Heritage or draft Item of Heritage
- d) Maximum of two (2) signs per premises in Residential zones with a combined total surface area of 3m²
- e) Maximum size in Business or Industrial zones of 4.5m² for lots comprising 1-9 dwellings, or 10m² for sites with more than 10 lots.
- f) Maximum size in Environmental Protection zones of 1.5m²
- g) No higher than 5m above existing ground level
- h) Must not be illuminated
- i) For lots comprising 1-9 dwellings, signs must be removed within fourteen (14) days of the final sale transaction, or before construction starts on the land
- j) For sites with more than 10 lots, signs shall be removed when 80% of lots are sold, or by the end of two (2) years
- k) Temporary Open for Inspection or Open House signs are permitted, but must be removed on the day of opening.

A10.4.11 Community Notice and Public Information Signs

Community Notice and Public Information Signs is a sign providing information on, or advertising services or activities on a site for, a public or community institution or organisation and shall be permitted without consent provided they comply with all of the following controls. If not, a development application will be required.

- a) There is only one (1) sign facing any road frontage
- b) Maximum area of sign is 3.5m²
- c) The sign is no higher than 5m above existing ground level
- d) The sign is wholly located within the boundaries of the site
- e) The sign is not illuminated



A10.4.12 Display Flags, Bunting and Site Boundary Wraps

Display flags, bunting and site boundary wraps shall be permitted without consent provided they comply with all of the following controls. If not, a development application will be required. Council will consider proposals for advertising flags in lieu of other types of signs in Business zones, and such will be considered on their individual merits and must satisfy the objectives for this section of the DCP.

- a) Display flags, bunting and site boundary wraps used for advertising in business areas shall not be additional to the maximum number of signs permissible under this Plan, i.e. if an applicant seeks approval for an above awning sign and bunting/ flag(s)/site wrap, Council will not consent to both types of signage as it would exceed the intended number of signs for that circumstance.
- b) Bunting on the boundary of a property during construction shall be approved by Council and be maintained at all times in a neat and tidy condition.

A10.4.13 Temporary Event Signs or Banners

Temporary Event Signs or Banners advertising a commercial, community or retail event or a private function (including sponsorship of the event or function) shall be permitted without consent provided they comply with all of the following controls. If not, a development application will be required.

- a) not result in more than one banner and one other type of temporary sign facing any road frontage, and
- b) not have a surface area of more than 6m², and
- c) be located wholly within the boundaries of the property or, if attached to a building, fence or wall, not project more than 100mm from the building, fence or wall, and
- d) not be higher than 5m above ground level (existing), and
- e) not be permanently fixed to a building, fence or wall, and
- f) if advertising a commercial or retail event,
 - (i) not be located in a residential zone, and
 - (ii) not be illuminated, and
 - (iii) not be displayed earlier than 14 days before the event, and
 - (iv) be removed within 2 days after the event.
- g) not be a 'fly' poster taped to poles, hoardings or buildings.

A10.4.14 Election Signs

The display of any poster that contains electoral matters is permitted without consent provided the signs only cover electoral matters and show the name of the candidate and the party as well as a picture of the candidate and meet the following controls. If not, a development application will be required.

- a) Be erected not more than 28 days before polling day



- b) be removed within one (1) week of polling day
- c) not be affixed to power or street light poles
- d) not be erected on public land such as parks, pedestrian areas, footpaths or public buildings

A10.5 Signage as Complying Development

NB: Development under the *Part 5 (Commercial and Industrial Alterations Code) of the Exempt and Complying Development Codes 2008*, for projecting wall signs and freestanding pylon and directory board signs can only be carried out on land that is in a Business (B), Industrial (I) or Special Purpose (SP) zone. The *Exempt and Complying Development Codes 2008* should also be consulted for general Development Standards for Signage.

A10.6 Signage requiring Council Consent

If the proposed Signage is not Exempt or Complying development, a Development Application must be lodged with Council. The Application must include, at least:

- a) a copy of the proposed art work for the sign
- b) details of the dimensions of the proposed sign
- c) a diagrammatic indication of the proposed location of the sign.

As stated in the Introduction to this Chapter, all Development Applications for Signage or Outdoor Advertising for which Council consent is required will be assessed against the criteria contained within *State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)*. These criteria address the general character and sensitivities of the locality, impacts on streetscape, views and vistas, appropriateness of the sign to the building on which it is to be located and any relevant safety aspects.

A10.6.1 Assessment Criteria for all Signage requiring Council Consent Including Digital Signage)

10.6.1.1 Character of the area

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

10.6.1.2 Special areas

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



10.6.1.3 Views and vistas

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

10.6.1.4 Streetscape, setting or landscape

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

10.6.1.5 Site and building

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

10.6.1.6 Associated devices and logos with advertisements and advertising structures

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

10.6.1.7 Illumination

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

A10.6.2 Additional Specific Controls

NB: Additional controls specifically addressing Digital signage are contained in Section 10.7 below.



A10.6.3 Free Standing Business Identification Signs in Business and Industrial Zones

These provisions apply in respect of signs to be located on sites in business or industrial zones where the development, or public access to the development, is set back from the street alignment by three (3) metres or more.

- (a) A maximum of one (1) free standing business identification sign shall be permitted in the area between the building and the street alignment where such sign may be single or double sided and must be framed.
- (b) A free-standing sign may run either parallel to the street or perpendicular to the street frontage.
- (c) A free-standing sign shall be located within an overall sign structure envelope with dimensions not exceeding a height of 4.5 metres, width of 1.5 metres and depth of 300mm.
- (d) No part of the sign structure shall overhang Council's footpath, nor the public road reserve.
- (e) The sign shall be supported by 'simply designed' pole supports, avoiding large exposed supporting frameworks, unless in the opinion of the Council such framework is intentionally designed as an architectural feature.

A10.6.4 Signage for Multiple Premises

There are a number of different instances where multiple businesses share or belong to one overall commercial development. These include:

- (a) shopping arcades with frontage (at either end) to either a public street, car park or other public area such as a park.
- (b) premises where shops occupy ground floor space (both with or without direct street frontage) and office suites or the like (doctors, professionals etc) occupy upper levels of the same building.
- (c) newer commercial developments where buildings are set back from a public road and most often have frontage to a car park.

In these situations the following controls apply:

- (a) Signage for 'hidden' premises, ie no direct street or public area frontage, shall be included on a single signage structure that shares signage between all businesses that occupy the same development.
- (b) The only additional opportunity for signage in these 'multiple premises' instances is for a directory sign located at a strategic location on the ground level frontage.



- (c) Prominent street numbering on building facades can also assist with the identification of 'hidden' premises. Street numbering is encouraged and does not require planning approval.
- (d) In multiple unit 'shopping complexes' villages etc, where buildings are set back from a public road and have frontage to a car park, pedestrian area or the like, Council may permit a free standing directory sign, which will be assessed on its merits, based on the objectives for signs in commercial zones.
- (e) In multiple unit shopping complexes without premises having frontage to a car parking area or external pedestrian area etc, signage attached to external building facades will be assessed on its merits based on the objectives for signs in commercial zones.
- (f) Signage in respect of development with frontage to a car park or external pedestrian area within view of a public street or place, shall comply with the requirements for signs in business zones as they would apply to premises having frontage to a public street.

A10.6.5 Corporate Signage

Council respects the right for a business with corporate logos and/or colours to use them. However, Council also retains the right to determine the size and location of such signage. Corporate colours and graphics are intended to draw attention to the business and usually comprise bright colours and graphics. These can often be in stark contrast to existing older signage and can impact on the overall character of a business area.

Applications using corporate signage which exceeds the 'Exempt Development' maximum standards will require Council consent. In addition to the general objectives, guidelines and assessment criteria contained in this Section of the Plan, Business Identification Signs utilising corporate graphics and colours shall be assessed to determine an appropriate size taking into consideration the following:

- (a) Whether the sign is to be located on an Item or Draft item of Heritage, or within a Heritage or Draft Heritage Conservation Area.
- (b) The dominance of the corporate graphics and colours on the streetscape.
- (c) The age and style of the building and the appropriateness of the sign on the building
- (d) The style and size and of existing signage in the vicinity of the proposed sign
- (e) Where the sign is to be mounted on a wall, fascia or parapet, the size of the sign will be limited. The tradition of indenting and area on a parapet for a Building Identification Sign provides a useful guide as to the proportion of such an area which could be allocated to a Business identification sign.



- (f) Where such an indentation exists, the Business identification Sign will be limited to that indented area.
- (g) Where there is no indentation, the size and scale of the sign will reflect the result which would be achieved if an indented area were used.

A10.7 Digital Signage

Digital signs are devices which use digital technology to display bright, high quality electronic images. A central feature of these devices is the use of Light Emitting Diode (LED) technology allowing luminance to be controlled and adjusted automatically. (*Transport Corridor Outdoor Advertising & Signage Guidelines – Department of Planning & Environment, November 2017*).

Variable Message Signs (VMSs) are a form of Digital signage, commonly seen in the context of trailer-mounted road side signage. Specific controls for VMSs are contained in Section A10.7.2 below.

A10.7.1 Digital Signs other than a Variable Message Sign

A10.7.1.1 Permissibility

A Digital sign, other than a Variable Message Sign (VMS), is permitted with Council consent provided:

- a) It is located only on land zoned for business purposes, namely B1 Neighbourhood Centre, B2 Commercial Core, B4 Mixed Use, B5 Business Development and B6 Business Park, and
- b) The operator/owner of the sign is a registered commercial advertising operator, and
- c) It meets the Signage Objectives (10.2) and General Requirements (10.3) above together with the following additional assessment criteria.

A10.7.1.2 Assessment

An application for a Digital Sign, other than a Variable Message Sign, shall be considered with reference to the Assessment Criteria identified in A10.6.1 above, together with the following specific controls:

Size

Digital signage shall be limited to a surface display area of 6.5m². Where a commercial premise has an active retail or commercial frontage, digital signage must be limited to one (1) digital sign per frontage, with a maximum width of 900mm.

Hours of Operation – The approved hours of operation will be determined with regard to surrounding land uses as follows:



- a) Where there is residential development within the visual catchment of the sign, the sign shall commence operation no earlier than 7.00am and cease operation no later than 9.00PM.
- b) Where there is no residential development within the visual catchment of the sign, the sign shall commence operation no earlier than 6.00am and cease operation no later than 11.00PM.
- c) Where a digital sign is fronting a secondary road frontage or rear laneway, the sign shall commence operation no earlier than 7.00am and cease operation no later than 9.00PM.
- d) Hours of operation apply to all days of the year.

Impact on the Night Sky

The sign shall be designed and located to minimise impact on the night sky as detailed in Section 11 of this Plan.

The level of illumination shall automatically adjust according to ambient light levels.

Location

Approved digital signage may be located either at ground level or within the upper levels of a multi-level building.

Heritage buildings

Content

Signage shall be limited to advertisements for businesses operating within the Shire, but not necessarily within the same town or village.

Mode & Presentation

The mode of advertising structure for digital signage shall be limited to fixed displays – including structures mounted on the ground or affixed to buildings. Mobile displays, being any advertisements that are displayed on moving vehicles, including a vehicle that is stationary but not parked are prohibited.

- d) The sign does not contain any scrolling messages (i.e. displayed text or graphics which moves up, down or across the screen so that a line of text or graphics appears at one edge of the screen for each line that moves off the opposite edge).

A10.7.2 Variable Message Sign

A10.7.2.1 Permissibility

A Variable Message Sign (VMS) is prohibited unless it:

- a) Meets the Signage Objectives (10.2) and General Requirements (10.3) above, and



- b) contains information that pertains only to a public or community event, or for road works or emergency services purposes in compliance with Australian Standard AS1742.3.
- c) except for the purposes of a Council run event, it is wholly located on privately owned land, and the owner of the land provides written authority for a Development Application for a VMS on the subject land to be lodged and assessed by Council, and
- d) if located where SEPP 64 applies, complies with any additional controls which the SEPP imposes.

A10.7.2.2 Assessment

If a VMS is permissible with Council consent in accordance with A1.7.2 above, it will be assessed in accordance with Section 3.2.2 of the NSW Department of Planning and Environment's document *Transport Corridor Outdoor Advertising and Signage Guidelines*.

An application for a VMS shall comply with the following controls applicable under SEPP 64:

- a) The speed limit of the road on which the VMS is located is not be greater than 70 kilometres per hour
- b) The display change frequency rate (dwell time) on a dynamic display shall be no faster than 3 seconds.
- c) The display remains completely static from between change intervals.
- d) The level of illumination automatically adjusts according to ambient light levels.
- e) The sign does not contain any scrolling messages (i.e. displayed text or graphics which moves up, down or across the screen so that a line of text or graphics appears at one edge of the screen for each line that moves off the opposite edge).

A10.8 Replacement of Existing Signage

The replacement of existing signage does not require Council consent provided it will:

- a) Replace only an existing lawful sign
- b) Be exactly the same size as the existing sign
- c) Not change the structure of vessel on which the sign is attached
- d) Not block or interfere with traffic signs

Section 11 Outdoor Lighting

A11.1 Introduction

Council is concerned that poorly designed and improperly located external lighting can create significant light and glare pollution with adverse impacts on both the population and the environment.

Where buildings are generally locked at night, external lighting is most usually installed to deter intruders, however, a number of studies indicate that there is no conclusive correlation between night lighting and a reduction in the crime rate. Most property crime is still committed during the day, or inside lit buildings. In fact, outside illumination can draw attention to the building and help criminals see what they are doing. Outdoor lighting should provide real security, not just a feeling of safety.

The external lighting of residential buildings or buildings frequently used at night is essential for the convenience and safety of residents and visitors, but again, suitable lighting fixtures and techniques are necessary to ensure there are no adverse impacts. Similarly, external lighting associated with outdoor activities such as tennis courts, outdoor recreation areas or pathways can impact on neighbouring dwellings.

People are not the only ones affected. Researchers are only now beginning to understand the long term impacts of artificial night light on ecosystems. As rural areas are developed, light pollution can produce a state of continual 'twilight' which can affect wildlife breeding and feeding habits as well as the habits of the moths and other insects on which such wildlife depends. In some cases, certain trees may shed their leaves out of cycle, further disrupting the natural food chain.

The quality of the night sky is a highly valued asset of the Southern Highlands environment. Unlike city areas where ambient light significantly diminishes the ability to see the night sky, the Southern Highlands affords excellent night sky visibility and Council wants to protect this valuable asset.

Poorly directed external light is also a waste of the energy used to generate it and so contradicts Council's objectives for ecologically sustainable development.

These significant residential and environmental implications of light pollution can be easily avoided, without compromising the safety and convenience which external night lighting is intended to provide, through ensuring that new lighting fixtures are of a "full cutoff" type, that is, a type of fixture from which no light is emitted above the horizontal and no light dispersion or direct glare shines above a 90-degree, horizontal plane from the base of the fixture.

Using such fixtures is beneficial in three ways. First, glare is significantly decreased or even eliminated. Uncomfortable or temporary blinding from a glaring light can distract the eye and cast harsh shadows that create easy concealment opportunities for a trespasser. Second, shielded fixtures help control both the placement and the amount of light. Entrances, windows, and gates can be the focal points of a lighting scheme that does not over illuminate, but allows adequate and uniform visibility that



dissipates shadows. Third, the downward concentration of light created by fully shielded fixtures typically requires a lesser wattage lamp than traditional lighting because every bit of illumination is directed where it can make a difference. A lesser wattage lamp can be used with associated cost benefits.

In addition to the “full cutoff” design, timers, dimmers, and motion sensors can all contribute to reducing the impact of night-time lighting with additional benefits. For example, lights triggered by motion sensors, are much more effective in indicating the presence of an intruder than lights which are on all night.

A11.2 Objectives

In assessing any land use application which includes the provision of external night lighting, Council will have due regard to the following objectives:

- (a) Lighting for security purposes shall be adequate for that purpose without drawing unnecessary attention to the development;
- (b) Lighting shall not adversely impact on surrounding development;
- (c) Lighting shall not create ‘twilight’ impacts on the surrounding environment; and
- (d) Lighting shall not diminish the quality of the night sky.

A11.3 Controls

- a) Outdoor lighting must be a “full cutoff light fixture”, i.e. a type of fixture with no light emitted above the horizontal and no light dispersion or direct glare to shine above a 90-degree, horizontal plane from the base of the fixture.
- b) All outdoor lighting fixtures shall be designed, installed, located and maintained to avoid glare on to adjacent properties or streets
- c) All direct illumination shall be kept within the boundaries of the subject property.
- d) Accent lighting, when so approved, shall be directed downward on to the building or object and not toward the sky or on to adjacent properties. Direct light emissions shall not be visible above the roof line or beyond the building edge.
- e) Spotlighting on landscaping and foliage shall be limited to 150 watts incandescent. The lamp shall be shielded and not create disabling or nuisance glare.
- f) Timers shall be accurately set to ensure that lighting is used only when natural light is insufficient.



Section 12 Development Near Rail Corridors & Busy Roads

This section applies to development on land which is adjacent to a rail corridor or a busy road corridor. The contents of the Department of Planning's document "Development near Rail Corridors and Busy Roads – Interim Guideline" (which may be viewed at the Customer Services Counter of Wingecarribee Shire Council) must be consulted.

A12.1 Development Adjacent to a Rail Corridor

A12.1.1 Controls

- (a) The protection of the stability of the nearby rail corridor and railway land during excavation and construction of any development must be ensured.
- (b) Any excavation greater than 2m in depth and within 25 metres of the rail corridor will require concurrence with the relevant authority under clause 86 of SEPP (Infrastructure) 2007.
- (c) Drainage from the development is to be adequately disposed of so as not to be diverted on to the rail corridor.
- (d) Appropriate fencing is to be constructed to clearly separate the development from the railway land so as to avoid people straying on to railway land, either during construction or following completion of the development.
- (e) Appropriate landscaping and fencing is to be installed to screen and soften views of the rail tracks from the development and to help alleviate the 'sense' of exposure of the development to the source of rail noise.

A12.1.2 Introduction

Council will require concurrence from the relevant regulatory authority for several roads within Moss Vale township. Generally, access to development from these roads is not encouraged and will be limited to existing access points only. It should be noted, however, that even existing access arrangements may be reviewed in light of certain redevelopment proposals.

Land Use Applications involving land fronting state authority regulated roads need to comply with the following controls.

A12.1.3 Controls

Council shall not grant consent to the carrying out of development on any land to which this Clause applies unless it is satisfied that adequate provision has been made to ensure that such development:



-
- (a) avoids any new direct vehicular access to any relevant road and removes any existing access where alternative rear lane or other access is achievable.
 - (b) provides that any essential access to any relevant road be designed so that all vehicles enter and leave the site in a forward direction.
 - (c) restricts vehicular access, car parking and loading/unloading facilities to an alternative access, such as a rear lane, where such access is available.
 - (d) makes an appropriate Section 94 developer contribution towards the provision of public car parking where only a single frontage to a relevant road is available.



Section 13 Telecommunications and Radiocommunications Infrastructure

A13.1 Introduction

The following objectives and provisions apply to telecommunications and radiocommunications infrastructure (including broadcasting infrastructure covered under the *Telecommunications Act 1997* and the *Radiocommunications Act 1992*).

New telecommunications and radiocommunications infrastructure requires Council development consent, unless it is exempt by Commonwealth legislation such as the Telecommunications (Low Impact Facilities) Determination 1997 or is classified as exempt or complying.

As part of a carrier's consultation obligation for telecommunications and radiocommunications exempted by Commonwealth legislation, Council encourages a written submission demonstrating consistency with the objectives and provision below.

The following objectives and provisions do not apply to temporary emergency services or domestic satellite receivers.

A13.2 How do these provisions relate to Commonwealth legislation?

Telecommunications Act 1997 and Radiocommunications Act 1992

These provisions clarify the expectations of Council on carriers who operate under the *Telecommunications Act 1997* and *Radiocommunications Act 1992*.

Telecommunications Code of Practice 1997

These provisions clarify and standardise the expectations of Council in respect to land access situations.

Telecommunications (Low-Impact Facilities) Determination 1997 (LIF Determination)

While these provisions do not have the authority to override the LIF Determination, they nevertheless provide advice to carriers about the expectations of Council and require voluntary cooperation.

Code for the Deployment of Radiocommunications Infrastructure (ACIF, 2002)

These provisions broaden the scope of the ACIF Code by applying consistently to not only carriers and their agents, but also builders and operators of all RFR-Emitting infrastructure, including those operating under the *Radiocommunications Act 1992*. Consultation with Council is required under this code.



National Broadband Network (NBN Co) Rollout

The National Broadband Network is a wholly owned Government Business Enterprise (GBE) that is intended to provide a network of infrastructure to carriers at wholesale prices. This network will be constructed using a combination of fixed wireless, optical fibre and satellite communications devices to connect residences and businesses. Most of the infrastructure will be exempt under the *Telecommunications (Low Impact Facilities) Determination 1997*. As a public authority the balance will be exempt under the *NSW Infrastructure SEPP*.

A13.3 Objectives

This Section identifies Council's social and environmental objectives with regard to the development of telecommunications and radiocommunications infrastructure within Wingecarribee Shire.

A13.3.1 Social

- (a) To ensure that the general public and local communities have connection to up-to-date telecommunications technology
- (b) To apply the precautionary principle through prudent location of telecommunications and radiocommunications infrastructure to:
- (c) To Minimise EMR (Electro-Magnetic Radiation) exposure to the public
- (d) Avoid or minimise impacts on sensitive surrounding land uses, particularly with regard to visual impact.
- (e) To achieve equity for all stakeholders by endeavoring to balance their various needs of access, EMS Potential, visual impact and service provision.
- (f) To provide mechanisms by which information can be disseminated to ensure that community is adequately informed and empowered to participate in the planning/decision making process.

A13.3.2 Environmental

- (a) To help implement principles of urban design in respect to telecommunications and radiocommunications infrastructure
- (b) To promote good industrial design of infrastructure
- (c) To provide infrastructure that is visually compatible with surrounding character and locality/visual context with particular regard to heritage buildings/areas and cultural icons.
- (d) To prevent any adverse impact on the natural environment
- (e) To restore the site after discontinuation or removal of infrastructure



A13.4 Controls

A13.4.1 Australian Standards

All facilities are required to comply with relevant Australian standards, including EMR standards.

A13.4.2 Visual Amenity

Carriers are to design antennas and supporting infrastructure in such a way as to minimise or reduce visual and cumulative visual impact from the public domain and adjacent areas.

A13.4.3 Infrastructure must;

The infrastructure design will respect the amenity of the local context, particularly ensuring that such development shall:

- (a) Be appropriate in colour, texture, form, bulk and scale.
- (b) Be well designed
- (c) Be integrated with the existing building structure unless otherwise justified to Councils satisfaction.
- (d) Have concealed cables where practicable and appropriate
- (e) Be unobtrusive where possible
- (f) Be consistent with the character of the surrounding area.
- (g) be removed when it is no longer being used for transmission.
- (h) The site must be restored and rehabilitated following construction of the infrastructure.
- (i) Demonstrate compliance with the provisions of Section A13.5 to A1.11

Note:

Landlord requirements are not considered adequate justification for non-compliance

A13.5 Co-Location Requirements

Co-Location is the practice of locating a number of different telecommunications facilities, often owned by different carriers, on one facility or structure.

- a) Where co-location of telecommunications facilities are proposed the impact of the development is to be assessed against:
 - (i) Cumulative emissions of all co-located telecommunications facilities;
 - (i) Visual impact of co-located telecommunications facilities



- (ii) The physical and technical limits to the amount of infrastructure that masts and towers are capable of supporting; and
 - (iii) Whether the required coverage can be achieved from the location
- b) Carriers shall demonstrate a precautionary approach and effective measures to minimise the negative impacts of co-location.

A13.6 Location

- (a) The applicant must demonstrate that, in selecting a site, it has adopted a precautionary principle approach to minimising EMR exposures consistent with Section 1.5 of the ACIF Code.
- (b) The preferred location for telecommunications and radiocommunications infrastructure is industrial areas, low use open space and commercial centres, rural areas and infrastructure corridors such as railways and highways.
- (c) Radio Communications and Telecommunications facilities are to be located a minimum distance of 100 metres from residences where they are to be installed in residential areas. In setting this distance Council supports the precautionary approach to protect residential amenity.
- (d) The proposal is to avoid or minimise the physical impact of any facility on endemic flora and fauna habitats.
- (e) The proposal is to avoid or minimise the visual impact on heritage significance of adjacent, adjoining or surrounding heritage items or conservation areas listed in Wingecarribee LEP 2010
- (f) The applicant shall demonstrate particular consideration of sensitive land uses especially where a telecommunications or radiocommunications facility is proposed that is not ancillary to its primary function (see co-location above) Sensitive land uses include:
 - (g) Where occupants are located for long periods of time (eg, Residents).
 - (h) That are frequented by young children (eg, schools and child care centres) and
 - (i) Where there are people with particular health problems (Hospitals and child care centres).

A13.7 Physical Design

- (a) Infrastructure must be of high quality design and construction.
- (b) Proposals should consider the range of available alternative infrastructure including new technologies to minimise unnecessary or incidental EMR emissions and exposures, as required by Section 5.2.3 of the ACIF Code.



- (c) The plan for the facility must include measures to restrict public access to the antenna(s). Approaches to the antenna must contain appropriate signs warning of EMR and providing contact details for the facility's owner/manager.
- (d) The minimum requisites that shall apply where relevant are the BCA and the relevant Australian standards. The applicant must provide Council with certification to demonstrate compliance with the BCA and other standards.

A13.8 Public Health

- (a) The applicant is to demonstrate the precautions it has taken to minimise EMR exposures to the public.
- (b) The applicant is to provide documentation to show that the proposed facility complies with the relevant Australia exposure standard.
- (c) The applicant is to provide a mapped analysis of the cumulative effect of the proposal.
- (d) A Community Consultation Plan is required for all proposals requiring Council consent detailing how the consultation is to be conducted and how the results will be forwarded to Council

A13.9 Environmental Impacts

- (a) This clause applies to land zoned E2 Environmental Conservation, E3 Environmental Management and E4 Environmental Living
- (b) Development to which this clause applies requires development consent.
- (c) The applicant is to avoid or minimise the physical impact of any proposed facility on the visual aspect of a location.
- (d) New installations should consider the use of renewable energy sources to minimise the need for connection to the conventional power grid (particularly in remote locations), so that such installations are self sufficient in terms of energy supply and to reduce the reliance on conventional power sources.

A13.10 Heritage Impacts

- (a) The applicant is to provide a heritage report/impact assessment where the installation of infrastructure may impact upon a heritage item or property located in a conservation area.



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Part B

Provisions

Applicable to

Business-zoned

Land



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PART B BUSINESS ZONED LAND

Section 1 Introduction

B1.1 Introduction

Part B of this Plan details the objectives, preferred development outcomes and controls relevant to undertaking development on Business-zoned land within the Moss Vale town boundary. Four Business zones apply in Moss Vale – B1 Neighbourhood Centre, B2 Local Centre, B4 Mixed Use and B5 Business Development. Applicants are directed to the objectives of each zone as stated in WLEP 2010.

While Council seeks to reinforce the primary functions of the town by facilitating development and amenities which provide for its economic wellbeing, Council also wants to protect and enhance the town's heritage value and amenity as a place of enjoyment for workers, residents and visitors. The controls contained in this Part of the Plan are intended to achieve these goals.

B1.2 Exempt and Complying Development

In addition to the controls contained in this section of the Plan, applicants are also directed to the Exempt and Complying provisions of WLEP 2010 and the NSW Commercial and Industrial Code.

B1.3 Business Precincts

All Business-zoned land within Moss Vale has also been allocated to one of eight (8) Precincts as listed below and shown on [Figure B1.1](#) on the following page:

- Argyle Street North
- Argyle Street South
- Robertson Road Mixed Use
- Valetta Street Mixed Use
- Hawkins Street Business Development
- Lackey Road Business
- Clarence Street
- Kirkham Street
- Creek Street

Applicants must determine in which Precinct their site is located and refer to the objectives, preferred development outcomes and any Precinct-specific controls. These controls are in addition to the objectives and controls contained in Part B as well as the objectives and controls contained in Part A of this Plan.

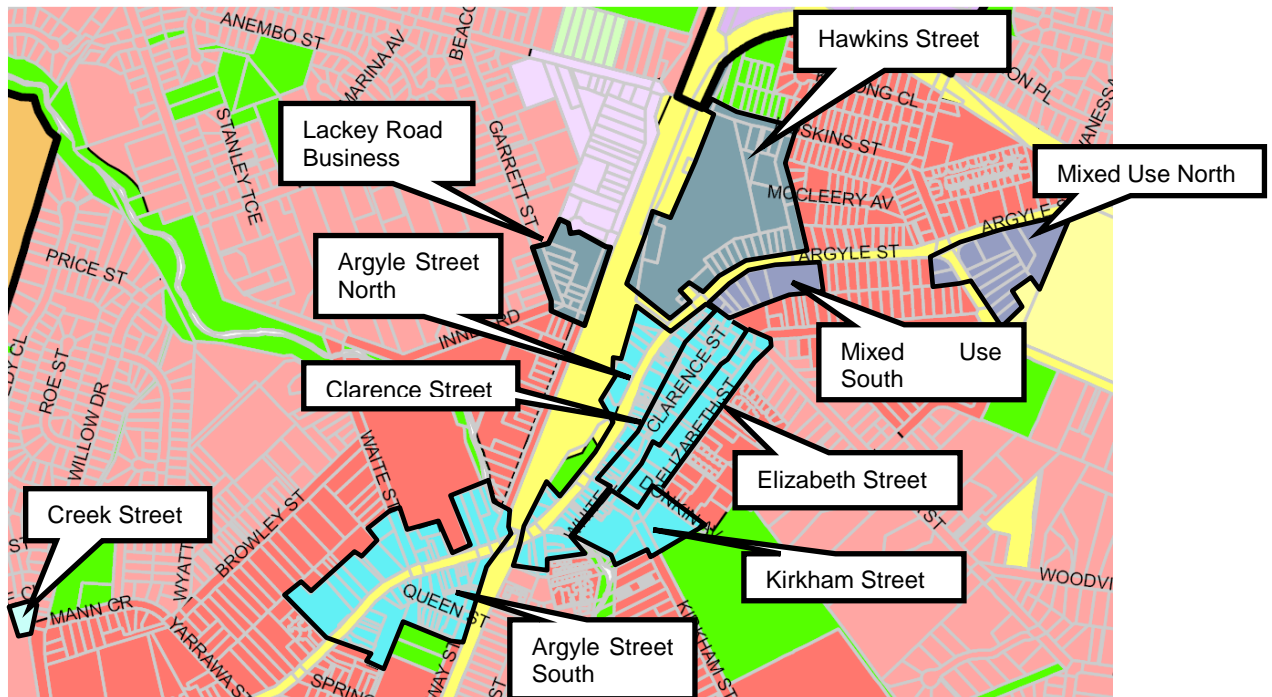


Figure B1.1 – Business Precincts



Height of Buildings Legend: C = 5m, H = 7.5m, I = 8.0m, K = 10.0m, M = 12.5 m.

Section 2 Design Considerations

B2.1 Introduction

Applicants are reminded to address the Site Analysis and Design sections of Part A before preparing their Development Application. Where development involves a Heritage Item, either directly or indirectly, applicants must address the objectives and controls contained in Section A6.7.

Additional key design elements, specific to commercial development within the business zones, are addressed below.

B2.2 Height of Buildings

All new business development within the town must comply with the maximum building heights indicated on the Height of Buildings Map which forms part of the WLEP 2010, an extract of which is reproduced as [Figure B1.1](#). above. Applicants are also directed to clause 4.3 of the WLEP2010.

It should not be assumed that the specified building height may be applied as a blanket maximum across the entire site, particularly if the site is large. Council wants to ensure that an attractive streetscape is maintained and this may require lower building heights on the street frontage with the maximum being allowed in the centre of the site only. Applicants should consult the relevant Precinct for further detail.

B2.3 Floor Space Ratios

All new business development within the town must comply with the maximum floor space ratios indicated on the Floor Space Ratio Map which forms part of the WLEP 2010. Applicants are also directed to clauses 4.4 and 4.5 of WLEP2010 which describe how the FSRs are calculated.

B2.4 Designing for Pedestrian Access within the Town

Towns rely on people for their economic vitality and people tend to prefer those towns where high quality pedestrian access exists. The quality of pedestrian access is determined by a number of factors including the level of connection between pedestrian routes and car parks, the safe separation of pedestrian and vehicular routes, the perception of pathway safety, the interest of pathway routes and the protection they afford from weather extremes, including wind.

Pedestrian networks ensure access for all users of the town - residents, workers and visitors - including residents with Special Accessibility Needs who comprise almost 20% of the Wingecarribee community. Past redevelopment within Moss Vale has enabled improved pedestrian access ways to be achieved and Council wishes to continue to encourage this trend.



Not all new development can, or should provide pedestrian connections, but the opportunity to provide appropriate linkages should be considered. To ensure that existing pedestrian links are maintained and future linkages considered, Council shall not grant consent to the carrying out of development on any land within Moss Vale unless it is satisfied that:

- (a) all existing pedestrian access ways are retained, or an acceptable alternative is provided.
- (b) the development allows pedestrians to move through, within and around the site in a safe and convenient manner.
- (c) Pedestrian access ways are suitable for wheelchairs and meet the needs of all people with disabilities.
- (d) Pedestrian access ways comply with the Safer by Design Principles discussed in Part A Section 5 of this Plan.
- (e) Pathway surfaces are suitable to all weather conditions and particularly do not become slippery during wet weather.
- (f) Land that has frontage to any public space, including pedestrian footpath, arcade, walkway, open space or thoroughfare shall make adequate provision to:
 - (i) incorporate an active pedestrian frontage to such public space, and
 - (ii) complement the character, public use, security and enjoyment of such public space, and to provide an outlook to such space.

B2.5 Signage

Applicants are reminded to consult the provisions of Section A9 with regard to signage objectives and controls for development on business zoned land.

Section 3 Parenting Facilities

B3.1 Introduction

Council requires the provision of parenting facilities within public buildings. This includes any assembly building (as defined in the Building Code of Australia) greater than 500m² in floor area, and any shop/retail or commercial office building (such office building being a public building) with a floor area of 1000m² or greater.

These requirements apply not only to new buildings, but also to existing buildings where a development application is received for alterations and / or additions to an existing building that comprise 50% by floor area of the existing building.

The parenting facilities shall be the equivalent size and contain the fixtures shown in Option A below.

Where a new large development is planned, being any building described above with a floor area greater than 2000m² (in this instance excluding carp ark floor area), the parenting facility shall be of the size and contain the fixtures shown in Option B or C or equivalent below.

B3.2 Option A

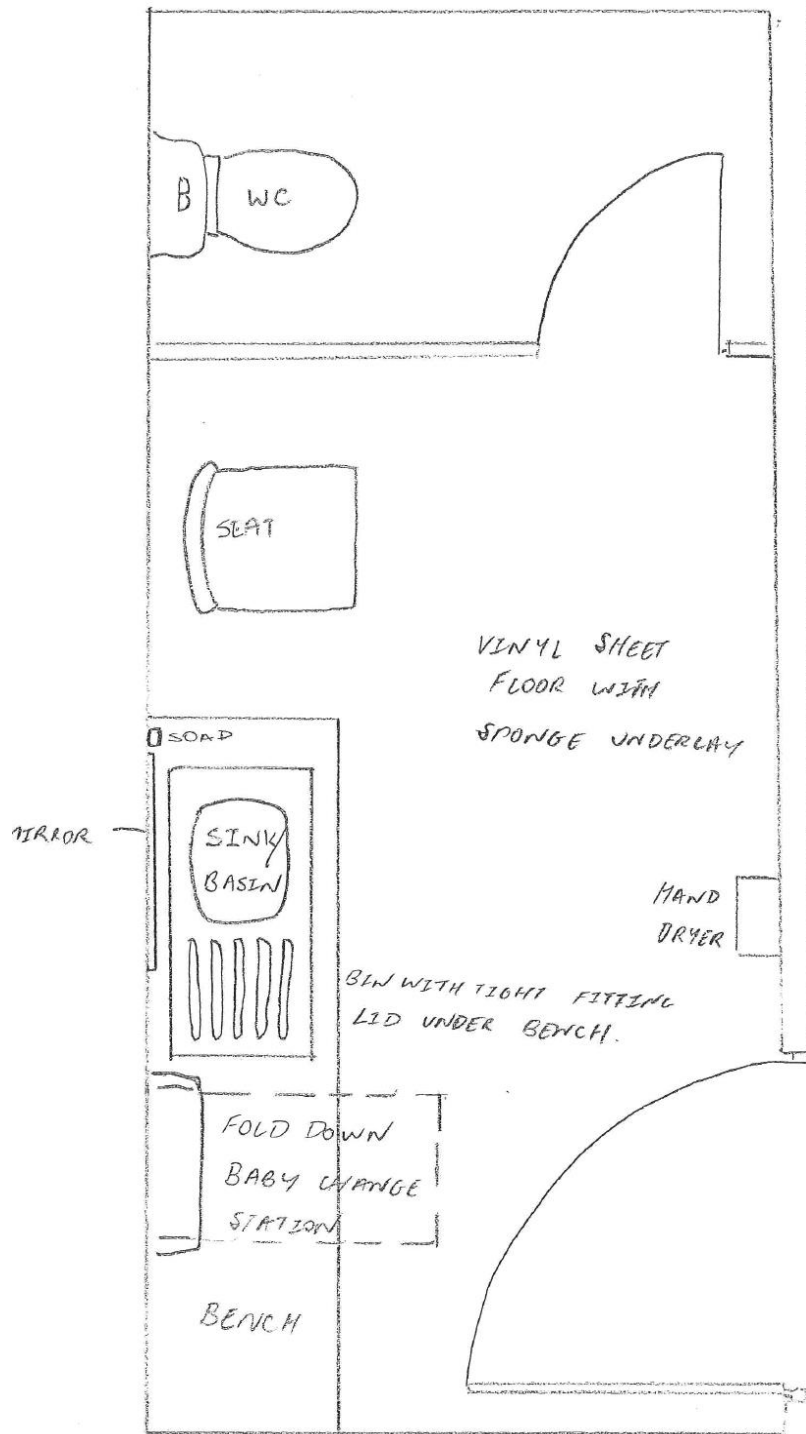
Parenting Rooms between 1000 and 2000m² shall provide the following:

- a) A Convenient quiet place to feed in privacy.
- b) Comfortable seating (armchair style preferred) with 300mm either side of the chair.
- c) Somewhere safe and clean to change nappies.
- d) Hot and cold water and hand drying facilities.
- e) Waste containers with tight fitting lids.
- f) A smoke free zone.
- g) Privacy so that male carers of infants can access the area without disturbing the privacy of breast feeding women.
- h) Easy pram/stroller access.
- i) Doors should be light to push and have the ability to be propped open for pram access, but not be automatic, as toddlers can escape.



-
- j) Adequate signage to be displayed to identify the room and sign posted using a symbol that will easily be interpreted by all persons and indicates the parenting is for fathers, mothers, toddlers and babies – see diagram below.
 - k) Directional signage should be provided to identify the location of the parenting room.
 - l) Fixtures such as change benches, a mirror, adult toilet(s) in separate compartment with a minimum width of 900mm and other fixtures as indicated in the diagram below.
 - m) Hot water and thermostat regulators to ensure water temperature does not exceed 50°C.

OPTION A – Parenting Room for floor area >1000m² but < 2000 m²



Scale 1:20

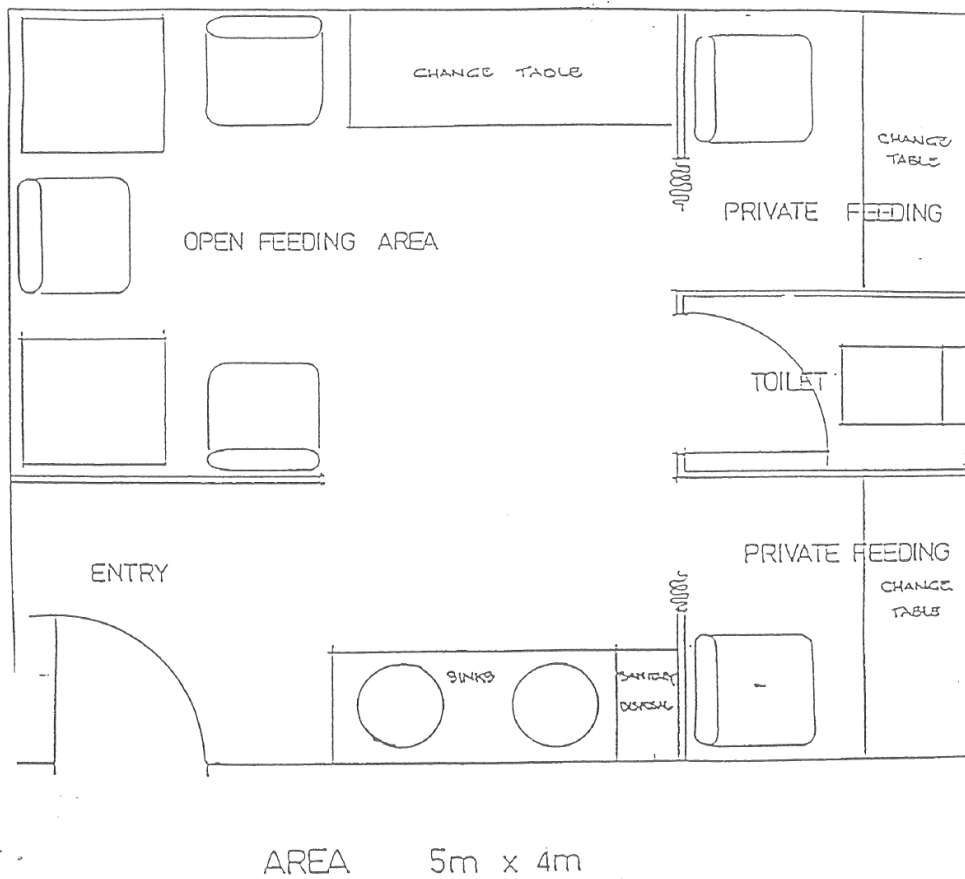
Design Courtesy i2C Design and Management

B3.3 Option B

Parenting Rooms between greater than 2000m² shall provide the following:

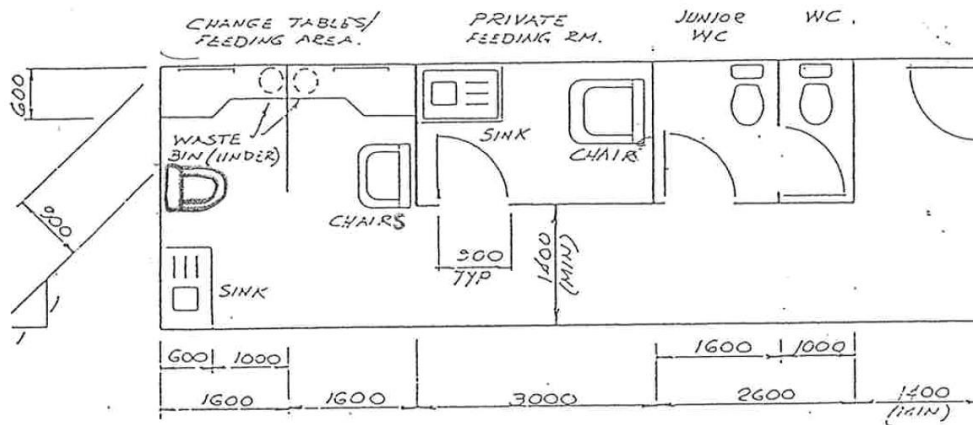
- a) A Convenient quiet place to feed in privacy.
- b) Comfortable seating (armchair style preferred) with 300mm either side of the chair.
- c) Somewhere safe and clean to change nappies.
- d) Hot and cold water and hand drying facilities.
- e) Waste containers with tight fitting lids.
- f) A smoke free zone.
- g) Privacy so that male carers of infants can access the area without disturbing the privacy of breast feeding women.
- h) Easy pram/stroller access.
- i) Doors should be light to push and have the ability to be propped open for pram access, but not be automatic, as toddlers can escape.
- j) Adequate signage to be displayed to identify the room and sign posted using a symbol that will easily be interpreted by all persons and indicates the parenting is for fathers, mothers, toddlers and babies – see diagrams below.
- k) Directional signage should be provided to identify the location of the parenting room.
- l) Fixtures such as change benches, a mirror, adult toilet(s) in separate compartment with a minimum width of 900mm and other fixtures as indicated in the diagrams below.
- m) Hot water and thermostat regulators to ensure water temperature does not exceed 50°C.
- n) Confined play area for toddler safety.
- o) Bottle warming facility.

OPTION B – Parenting Room >2000 m²





OPTION C – Parenting Room >2000 m²



- 1) DIMENSIONS RECOMMENDED ONLY.
- 2) LAYOUT TO COMPLY WITH LOCAL GOVERNMENT ORDINANCES & HEALTH REGULATIONS.
- 3) RECOMMEND ACCESS PARAMETERS TO COMPLY WITH AS-1429 - DESIGN RULES FOR ACCESS BY THE DISABLED.

Section 4 On-site Car Parking

B4.1 Introduction

All new commercial development must make adequate provision for the off-street parking of cars associated with it, either by providing on-site parking, or by making a contribution towards the provision of public car parks. Where on-site parking is provided, the development must ensure that vehicular access to and from the site is safe and does not impede traffic flow.

This section of the DCP is to be read in Conjunction with Council's Engineering Design and Construction Specifications.

B4.2 Objectives

Council's vehicular access and off-street parking controls seek to achieve the following objectives:

- (a) To ensure that adequate off-street parking is provided in conjunction with development in order to discourage the use of streets for the parking of vehicles associated with additional traffic generated by new developments.
- (b) To provide communal public car parking in appropriate areas, funded from developer contributions, where the development cannot accommodate adequate on-site parking, and/or where Council chooses to aggregate parking into a centralised location(s).
- (c) To ensure that car parking areas are safe and functional.
- (d) To ensure that parking supply is equitable and include at least the minimum number of accessible spaces in accordance with AS2890 series.
- (e) To ensure that car parking areas are visually attractive.
- (f) To ensure that vehicular access points to the site are located to minimise danger or disruption to vehicles and pedestrians on the public street system.

B4.3 Definitions used in this section

- (a) Redevelopment means the total demolition of buildings on a site or the demolition to such an extent where the character of the existing development is changed, and the replacement with a new building and or usage.
- (b) Gross Leaseable Floor Area means the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the internal faces of the walls including stock storage areas and aisles but excluding stairs, amenities, lifts, corridors and other public areas, but only, where they are not associated with the use of the site, eg dining area, display of goods.



- (c) Gross floor area means the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the outer face of the external closing walls excluding:
- (i) columns, fin walls, sun control devices or any other elements, projections or works outside the general line of the outer face of the external wall;
 - (ii) lift towers, cooling towers, machinery and plant rooms and ancillary storage space and vertical air-conditioning ducts;
 - (iii) car parking needed to meet any requirements of the Council and any internal access thereto;
 - (iv) space for the loading and unloading of goods (source – Environmental Planning & Assessment Act Model Provisions 1980);
- (d) Floor means that space within a building which is situated between one floor level and the floor level next above or if there is not floor above, the ceiling or roof above;
- (e) Shop means retail premises that sell groceries, personal care products, clothing, music, home wares, stationery, electrical goods or other items of general merchandise, and may include a neighbourhood shop, but not include food and drink premises or restricted premises. For the purpose of calculating car parking requirements, the following sub-categories of the standard definition of a shop shall be used:
- (i) **Small shop:** Gross Floor Area up to and including 150m² AND serviced by a small rigid type vehicle (up to 6.4 metres in length) AND has a maximum delivery frequency of 2 times per week.
 - (ii) **Medium shop:** Gross Floor Area up to and including 151m² to 1000m² AND serviced by a medium rigid type vehicle (up to 8.8 metres in length) AND has a maximum delivery frequency of 2 times per week.
 - (iii) **Large shop:** Gross Floor Area of 1001m² or more OR serviced by a heavy rigid type vehicle (up to 12.5 metres in length) OR an articulated vehicle (up to 19 metres in length) OR any shop with a delivery frequency of more than 2 times per week.

B4.4 Requirements for New Development or Redevelopment

- (a) The number of car parking spaces to be provided on the site is determined by the nature of the development. Applicants should refer to the Table at the end of this section for the requirements for all types of commercial development.
- (b) If the car parking requirements for a specific development are not contained within this Plan, Council will have regard to the Roads and Traffic Authority Guide for Traffic Generating Developments, and to comparable uses at other locations, in assessing the car parking requirements of the development.



- (c) The loss of any on-street parking as a result of the development, including new vehicular entry points or loading zones, shall be compensated for by providing on-site parking equal to the number of lost spaces.

B4.5 Requirements for Additions or Alterations to Existing Buildings

- (a) Car parking provision for additions or alterations to existing buildings shall comply with the requirements of this Plan.
- (b) Council requires either on-site car parking or a contribution in lieu for additional car parking deemed to be generated by the additions or alterations.
- (c) Where parking was not required by Council for an existing use, but where such parking was provided, Council will require the retention of such parking up to, but not exceeding, Council's requirements for the specified type of development.
- (d) A redevelopment is to comply with the Schedule of Car Parking Requirements in the terms of amount of car parking generated by the new proposal. Any claim for car parking credits for an existing building and / or usage will need to be substantiated by appropriate documentary evidence, ie previous development consents, with the development application for Council to assess. In circumstances where the applicant cannot demonstrate a previous requirement, the amount of car parking that is deemed to be credited shall be based upon the rates in Table B3.4 located at the end of this section of the Plan. Council may decide to accept car parking credits to offset the demand deemed to be generated for the new development proposal.

B4.6 Use of Parking Areas

- (a) All parking spaces shall be used solely for the parking of motor vehicles for owners, staff and customers, and on no account shall such spaces be used for storage or garbage purposes.
- (b) Boom gates, remotely operated doors and other devices designed to stop the public from accessing the parking are not permitted.
- (c) No signposting or restrictions on individual spaces is allowed.

B4.7 Disabled Parking Requirements

- a) Disabled parking spaces shall be provided for each building use according to the applicable Standard.
- b) The disabled parking requirements will be to the current Australian standard.



B4.8 On Site Parking Deficiencies

- a) In circumstances where it is not physically possible or where, for traffic reasons or otherwise, it is impracticable to provide on-site, the total number of parking spaces required under this Plan, the applicant shall make appropriate arrangements for the provision of the car parking shortfall with Council.
- b) Council's preferred approach for such arrangements is through a voluntary Planning Agreement (VPA) lodged with the Development Application. Council's adopted policy in relation to Planning Agreements sets out the requirements and process.
- c) If there is a deficiency in the required number of car spaces, and no Planning Agreement is entered into, or alternative arrangements made, the Development Application may be refused.

B4.9 Design of Off-Street Parking Facilities

- a) The minimum design requirements for parking facilities are the Australian Standard AS 2890 series.
- b) While the Australian Standard is the minimum standard this does not prohibit designs to a higher standard which can improve accessibility and amenity thereby possibly increasing the attraction of a particular development to future customers.
- c) Applicants are directed to B3.11 below for advice on how to design a car park.
- d) Council prefers the use of AUSTRROADS Design Vehicles and Turning Templates for all vehicle movements on, or on to public roads, and the turning template, found in AS 2890.1 and AS 2890.2 for on-site manoeuvring.
- e) Where Autoturn or similar packages are to be used, they must be only within the confines of RTA Technical Directive TDT 2001/06a – RTA Policy Autoturn Swept Path Computer Program or any subsequent amending directive.



Figure B5.4 Schedule of Car Parking Requirements

USE	CAR PARKING SPACES
Relevant to all use categories	Accessible parking spaces in accordance with AS 2890 series are to be provided.
Retail, Office, Commercial	1 space per 30 m ² of gross leaseable floor area for buildings of single storey. For buildings greater than one storey in height the disaggregated method for car park calculation (Section 5 RTA Guide for Traffic Generating Developments) may be considered.
Consulting Rooms/Medical Centre/Hospital/surgery/GP/ Dentist etc	1 space per doctor or health care professional (on duty at any one time), 1 space per 3 other employees (on duty at any one time), 1 space for every 3 beds for visitor parking and one 1 space suitable for an ambulance
Shops ‣ Small or medium ‣ Large	1 space per 30 m ² of gross floor area. 1 space per 20 m ² of gross floor area.
Veterinary Surgery	1 space per veterinarian, 1 space per other employee, 2 spaces per veterinarian for clients
Supermarkets	1 space per 20 m ² of gross leaseable floor area.
Bulky Goods	1 space per 50 sq m of office and showroom/retailing area, plus 1 space per 100 sq m of warehouse gross floor area
Restaurants and Cafés	1 space per 3 seats OR 15 spaces per 100 m ² of gross floor area. NB: Council may reduce the above parking requirements where it considers that ample parking will be available in the vicinity for patrons during evening hours, without adversely affecting the amenity of the surrounding locality during the day or evening.
Public Bars	1 space per 3 seats OR 15 spaces per 100 m ² of gross floor area. NB: Council may reduce the above parking requirements where it considers that ample parking will be available in the vicinity for patrons during evening hours should the development only operate after 6pm, without adversely affecting the amenity.
Fast Food Take Away Food Outlets (eg McDonalds, Kentucky Fried Chicken)	<ul style="list-style-type: none"> • With no on site seating and no drive through facilities. 12 spaces per 100 sq m gross floor area • Developments with on-site seating but no drive-through facilities: 12 spaces per 100 sq m gross floor area, plus the greater of 1 space per 5 seats (both internal and external seating), or 1



USE	CAR PARKING SPACES
	space per 2 seats (internal seating) <ul style="list-style-type: none"> • Developments with on-site seating and drive-through facilities, greater of: <ul style="list-style-type: none"> 1 space per 2 seats (internal), or 1 space per 3 seats (internal and external).
Clubs	A traffic study is to be prepared by a qualified traffic engineer, with the parking requirement established through surveys of similar existing developments, noting the existing supply of and demand for parking in the area, and of the peak parking periods of individual facilities within the club.
Cinemas	1 space per employee, 1 space per 10 seats (maximum usage should there be more than one theatre operational at any one time). A parking study may be required to support the application for consideration.
Warehouses	1 space per 300 sq m of gross floor area
Car Repair Stations	6 spaces per workshop bay
Motor Car, Caravan, Boat and Truck Showrooms	1.5 spaces 200m ² site area plus 6 spaces per any workshop bay
Storage Units	1 space per 500m ² of storage area – plus 1 space per employee
Places of Worship	1 space per 10 seats or 1 space per 10 sq.m of space used by the public, whichever is the greater (Note: total parking provision may be reduced where it can be demonstrated that the time of peak demand for parking associated with the locality does not coincide and there is ample available unused parking supply within 3 minutes of walking distance of the development site).
Accommodation	
Motels (where Restaurant included, use to include appropriate rate)	1 space per Motel room plus 1 space per 2 employees.
Hotels	<ul style="list-style-type: none"> • Accommodation component: 1 space per Hotel room plus 1 space per 2 employees. • Bar, lounge & dining component: A traffic study is to be prepared by a qualified traffic engineer, with the parking requirement established through surveys of similar existing developments, noting the existing supply of and demand for parking in the area, and of the peak parking periods of individual facilities within the hotel.
Sex services premises	On-site parking is to be provided at the rate of 1 space per 40m ² of gross floor area.
Educational Establishments	1 space per 2 staff, plus 1 space per 20 Year 12 students, plus



USE	CAR PARKING SPACES
	<ul style="list-style-type: none"> • 1 space per 10 tertiary students, • 1 space per 10 seats in an assembly hall (<u>these spaces may be inclusive of all other requirements</u>) • spaces for sports fields etc, shall be determined by Council in each case. <p><u>Note:</u> Where a facility is ancillary to the principle use eg; school, church, consideration will be given to the actual likely increased patronage.</p>
Recreational Facility	3 spaces per squash court, 3 spaces per tennis court, 3 spaces per bowling lane, 30 spaces for first bowling green plus 15 spaces for each additional bowling green, 16 spaces per indoor cricket court, 1 space per 40 sq. m GFA otherwise.
Gymnasium	1 space per employee on duty at any one time plus whichever is the greater of 1 space per 30 sq. m GFA (excluding reception, office, store, food preparation, serving areas).
Swimming Pool	1 space per employee on duty at any one time plus whichever is the greater of 7 spaces per swimming lane or 8 spaces per 60 sq.m pool (water) area, or 1 space per 2 students (based on maximum possible number of students in a class).
Aquatic Centre	Parking impact and needs study required where the Centre proposes a range of uses and/or proposes to hold events.
I Industries and Educational Establishments	<p>1 space per 30m² of gross leaseable floor areas with a minimum of 3 spaces.</p> <p>1 space per 2 staff, plus 1 space per 20 Year 12 students, plus</p> <ul style="list-style-type: none"> • 1 space per 10 tertiary students, • 1 space per 10 seats in an assembly hall (<u>these spaces may be inclusive of all other requirements</u>) • spaces for sports fields etc, shall be determined by Council in each case. <p><u>Note:</u> Where a facility is ancillary to the principle use eg; school, church, consideration will be given to the actual likely increased patronage.</p>
Wineries, Cellar Door Sales and other Local Rural Industries	1 space per 30m ² of gross leaseable floor areas with a minimum of 3 spaces.
Other land uses not listed	Council will give consideration to rates published by other Councils operating in a similar large regional location to Wingecarribee Shire (i.e. comparisons must be made with similar developments in similar locations). Council may also require the completion and submission of a parking impact and needs study by the applicant.



Section 5 Loading Facilities and Waste & Resource Recovery Storage and Collection

B5.1 Introduction

All business development where future tenants will require regular deliveries of goods and the removal of waste and resource recovery material must ensure that loading facilities are adequate for the realistic needs of the proposed service vehicles. In the past, the servicing of retail developments by large trucks has often caused considerable traffic disruption with further potential danger to pedestrians.

B5.2 Controls

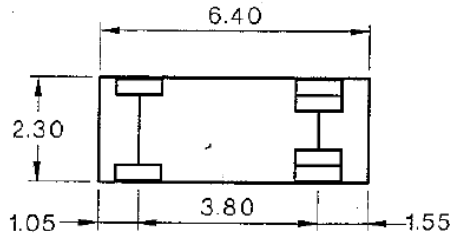
To improve the servicing of retail developments and to reduce vehicle and pedestrian conflicts, Council requires all future commercial developments to meet the following controls:

- (a) Full details of anticipated vehicle sizes, volumes and frequency of delivery and other service vehicles must be supplied with the development application. These estimates, particularly vehicle sizes, must be realistic and based on established averages for the range of businesses likely to occur in the development.
- (b) AUSTRROADS Design Vehicles and Turning Templates must be used for all vehicle movements on, or on to, public roads.
- (c) The turning templates from Australian Standard AS 2890.1 and AS 2890.2 must be used for on-site manoeuvring, including reversing manoeuvres and vertical clearance requirements.
- (d) For retail developments with a gross leaseable floor area of less than 1,000 square metres and not a supermarket, discount department store or other high volume delivery usages, the following controls apply:
 - (i) The development must provide:
 - › either a loading facility on site to accommodate a Heavy Rigid Vehicle (12.5 metre) as defined by Australian Standard AS 2890.2, or Single Unit Truck (12.5 metre) as defined by Austroads 2008 as the minimum standard, or
 - › may be permitted to utilise a loading zone if it is within 100 metres as measured along the travel path.
 - (ii) Consideration of servicing of the development by vehicles equal to or larger than a Medium Rigid Vehicle (8.8 metre) as defined by Australian Standard AS 2890.2, or Service Vehicle (8.8 metre) as defined by Austroads, may be deemed as the appropriate design vehicle, subject to Council approval of supporting evidence.

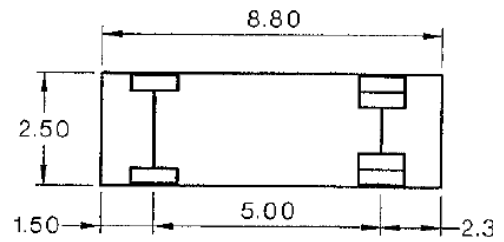


- (i) No use of the loading zone will be permitted where deliveries require the use of fork lifts, or other mechanically assisted lifting devices on the footpath or crossing a public road or footpath.
 - (ii) Council will require a positive covenant to be placed on the title of the land giving Council the power to release, vary or modify the restriction to enforce the requirements of this clause.
- (e) For retail developments with a gross leaseable floor area of 1,000 square metres or greater or developments such as supermarkets, discount department stores or other high volumes delivery usages, the following controls shall apply:
- (i) The development shall provide a loading facility to accommodate an Articulated Rigid Vehicle (19.0 metre) as defined by Australian Standard AS 2890.2 or Single Articulated Vehicle (19.0 metre) as defined by Austroads 2008 as the minimum standard.
 - (ii) Council will require a positive covenant to be placed on the title of the land giving Council the power to release, vary or modify the restriction to enforce the requirements of this clause.
 - (iii) The reversing of vehicles on to a main road, or arterial road, or future road, or any other public road, will not be permitted.
 - (iv) The design of off-street commercial vehicle facilities must comply with AS 2890.2 : 2002.
 - (v) Loading bays are not to be used for the storage of goods or waste storage other than during the unloading / loading process.
 - (vi) Waste and resource recovery material storage should be enclosed or screened from the road in a dedicated facility.
 - (vii) Waste and resource recovery material collection shall be from the loading facility if one is provided with the development. If no loading facility is provided then collection of waste and resource recovery material must be from a central collection area by private contractor. The waste and resource recovery material must be collected outside of business hours to ensure disruption to the public is minimised.
 - (viii) All service vehicles accessing a development need to accommodate geometric swept path and vertical clearance in accordance with Austroads and Australian standards.

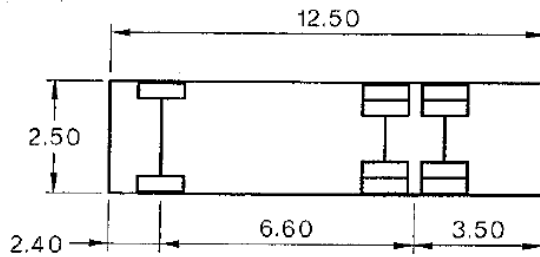
Commercial Vehicle Dimensions



(a) Small rigid vehicle
Clearance height 3.50
Design turning radius 7.1



(b) Medium rigid vehicle
Clearance height 4.50
Design turning radius 10.0



(c) Heavy rigid vehicle
Clearance height 4.50
Design turning radius 12.5

Section 6 Outdoor Eating Areas

B6.1 Introduction

Outdoor eating areas provide opportunities to integrate commercial activities into pedestrian areas. These areas can generate an interesting and relaxed atmosphere within a town centre, encouraging residents, workers and visitors to utilise and remain longer within the town. Council encourages outdoor eating areas in courtyards, arcades and footpaths adjacent to restaurants in commercial areas where space permits.

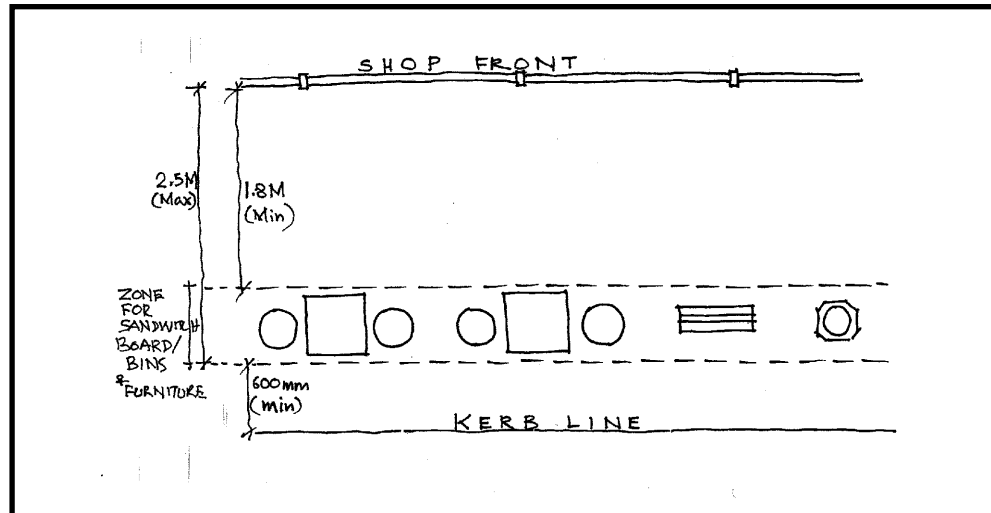
B6.2 Objectives

Any shop with a valid approval issued by Council may apply for a licence to operate an outdoor eating area. The granting of a licence is based on Council's assessment of the extent to which the proposed area meets the following objectives:

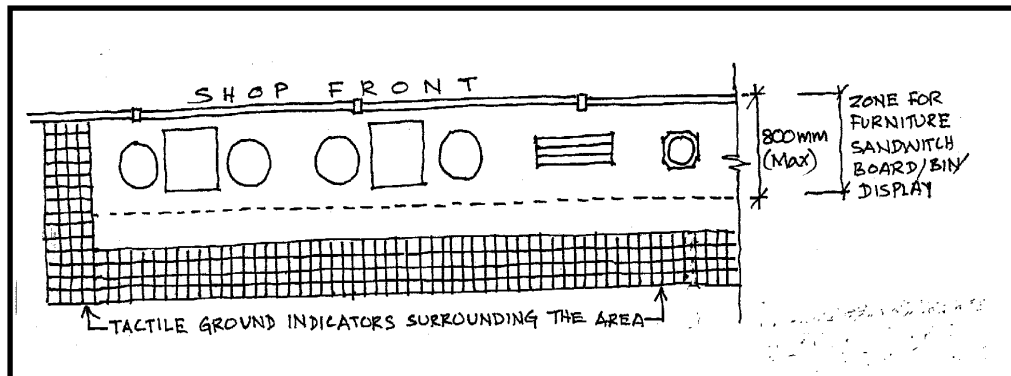
- (a) ensure that outdoor eating areas are appropriately located so that they do not cause inconvenience or disrupt pedestrian or vehicular traffic or to adjoining businesses,
- (b) ensure that the furniture used in the outdoor eating area is of high quality and complements the existing streetscape;
- (c) ensure that Council is indemnified from public liability by requiring businesses who use public lands for outdoor eating to hold adequate public liability insurance.
- (d) ensure that the area being used is kept in a clean manner and maintained on a regular basis.
- (e) ensure that access issues for all members of the community are taken into account in relation to public streets, footpath areas and associated spaces.

B6.3 Siting Requirements

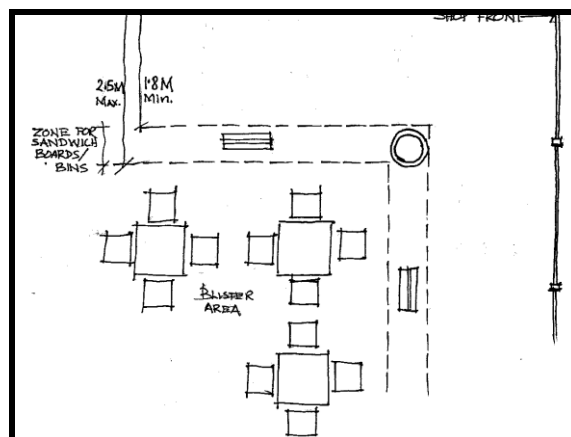
- (a) Outdoor eating areas may only be located on footpaths, plazas or reserves in a Business zone where the proposed site has a minimum footpath width of three (3) metres and is directly outside the premises to which it relates.
- (b) Where a standard footpath width exists, outdoor chairs and tables must be placed no closer than 1800 mm from the shop frontage to which they relate and no closer than 600 mm to the kerb edge. This configuration creates a consistent street presentation and predictable and safe 'accessible travel path' for pedestrians consistent with the requirements of Australian Standard AS1428.2:1992. Appropriate configurations are illustrated below.



- (b) Permanent barriers shall be installed as directed by Council to protect patrons from vehicular traffic.
- (c) If required, the licensee may mark the boundaries of the licensed area either by removable bollards, pavement markers, fencing, or planter boxes using only materials and designs approved by Council. Permanent material needs to be fixed to the pavement and temporary material sufficiently secured in a manner approved by Council.
- (d) Notwithstanding sub-clauses (a) and (b) above, a business may locate an outdoor eating area against the shop front, provided:
- (i) the area extends no more than 800 mm from the front of the shop, and
 - (ii) a clear distance of 600 mm exists between outdoor eating furniture and the kerb line, fixed street furniture such as garbage bins, seats, street lights, and planters, and
 - (iii) tables are a maximum of 600mm diameter or 600mm square, and.
 - (iv) the outdoor eating area does not obstruct vehicular traffic that is entitled to cross the foot path, and
 - (v) tactile ground surface indicators in accordance with the Australian and New Zealand Standard 1428.4:2002 are installed to totally surround the designated area, as illustrated below.



- (e) Outdoor eating areas are permitted on street blister areas as shown below.



- (f) Tactile ground surface indicators, where required, shall be located as required by Council and shall be installed at the licensee's expense.
- (g) If, at any time, the location of the outdoor eating area changes, the tactile ground surface indicators shall be moved and the footpath surface repaired. All work is to be completed to Council's satisfaction and at the licensee's expense.
- (h) If, at any time, the outdoor eating area ceases to operate, the tactile ground surface indicators shall be removed and the footpath surface repaired. All work is to be completed to Council's satisfaction and at the licensee's expense.

B6.4 Operational Requirements

Applicants are expected to comply with the following operational requirements, and are reminded that Council staff will inspect the outdoor eating area from time to time to confirm compliance.



- (a) The licensed area and its immediate surrounds are to be maintained and cleaned on a regular basis throughout the day.
- (b) All outdoor furniture shall be kept strictly within the bounds of the area to be licensed and not permitted to encroach upon the adjoining footway at any time.
- (c) All reasonable action should be taken to ensure that the outdoor eating area does not produce any nuisance or offensive noise. If the operation of the outdoor eating area is found to cause undue inconvenience or disruption to pedestrian movement or to the adjoining business premises, Council may review the licence.
- (d) No entertainment or amplified music will be permitted in the outdoor eating area.
- (e) Food and drink must not be prepared in the area licensed for outdoor eating.
- (f) The licensee is not to sell or serve, or permit to be sold or served, any alcoholic or intoxicating liquor in or from the licensed area except where Council has granted specific approval and an appropriate liquor licence is obtained from licensing authorities.
- (g) Outdoor eating areas and associated commercial activities shall be able to be used during all the business hours of the related premises.

B6.5 Outdoor Furniture Standards

- (h) The design of all outdoor furniture, including style and materials, is to be approved by Council.
- (i) The furniture used must be aesthetically pleasing and involve a colour scheme and materials that are both practical and serviceable and in keeping with its surrounding area and shop front.
- (j) The furniture used shall be suitable to the weather conditions, and will be, therefore, waterproof, able to withstand long periods of exposure to sunlight and of sufficient weight to cope with windy weather.
- (k) No advertisement or advertising structure shall be placed upon outdoor furniture or the area subject to licence, without specific approval of Council.
- (l) All outdoor furniture shall be maintained at all times in a physically sound state and be able to sustain frequent use to prevent damage and movement to ensure public safety.
- (m) The outdoor furniture shall only be used during normal trading hours and be capable of being easily removed and stored within the business after closing time.
- (n) Umbrellas shall be securely anchored and not have sharp protrusions.
- (o) All landscape material and containers shall be approved by Council. Council will assess all material and containers on their merits, except that



containers will not be approved if they are less than 450mm high and 300mm diameter or 300mm x 300mm and are to be a plain finish. Council prefers pots with natural earthen colour finishes (terra-cotta, sandstone etc).

- (p) Removable barriers, bollards, and the like shall be approved by Council and will be assessed by Council on their merits.

B6.6 Application Requirements for Outdoor Eating Areas

The approval of Outdoor Eating Areas requires the submission a licence application. The application shall include:

- (q) A plan drawn to a scale of 1:100, detailing:
 - (i) The outdoor area to be used (boundaries, dimensions, etc),
 - (ii) Location and number of chairs and tables, other furniture, etc,
 - (iii) The area maintained for public access,
 - (iv) The relationship to the existing restaurant / business premises.
 - (v) The type of furniture to be used (design, materials, colours etc) is to be illustrated.
- (r) Details of any menu board (if proposed).
- (s) Details of temporary elements (landscape planters, bollards, fencing etc) shall be provided.
- (t) Details of trading hours.
- (u) Payment of the necessary fees.
- (v) Written evidence of adequate insurance cover as required by Council.



Section 7 Footpath Advertising & Merchandise Displays

B7.1 Introduction

Advertising 'sandwich' boards and merchandise displays can add to the interest of the commercial streetscape, however it is important that such displays do not impede pedestrian access and that the standard of such displays is sufficient to ensure safety and visual amenity.

B7.2 Objectives

The objectives of the controls provided for these displays are to ensure that:

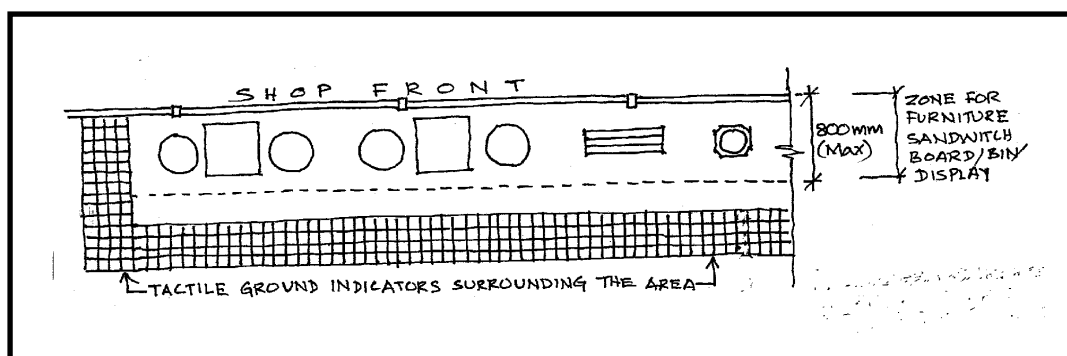
- a) advertising boards and merchandise displays are of an acceptable quality to make a positive contribution to the streetscape.
- b) advertising boards and merchandise displays are safe and will not cause injury to members of the public.
- c) access issues for all members of the community are taken into account in relation to public streets, footpath areas and associated spaces.
- d) the area being used is kept in a clean and tidy manner and maintained on a regular basis.
- e) Council is indemnified from public liability, by businesses who use public lands for commercial purposes being appropriately insured with public liability insurance.

B7.3 Siting and Operational Requirements

- a) Advertising 'sandwich' boards and merchandise displays may only be located on footpaths, plazas or reserves in a Business zone where the proposed site has a minimum footpath width of 3 metres and is directly outside the premises to which it relates.
- b) Advertising 'sandwich' boards and merchandise displays are only permitted to be located outside the premises to which they relate and only during business hours. After these hours the boards and displays shall be removed.
- c) Where a standard footpath width is provided, advertising 'sandwich' boards and merchandise displays must not be placed any closer than 1800 mm from the shop frontage to which they relate and no closer than 600 mm to the kerb edge, as shown below. This configuration creates a consistent street presentation and predictable and safe 'accessible travel path' for pedestrians

consistent with the requirements of Australian Standard AS1428.2:1992 as indicated in B6 of this DCP.

- d) Despite the above requirement, a business may locate advertising 'sandwich' boards and merchandising displays against the shop front provided that the area projects no more than 800 mm from the front of the shop and tactile ground surface indicators, in accordance with the Australian and New Zealand Standard 1428.4:2002, are installed to totally surround the designed area as approved by and at no cost to Council, as shown below.



- e) Where larger plaza areas or extended footpath blisters are available, advertising 'sandwich' boards and merchandising displays can be located adjacent to the kerb as long as the other dimensional requirements of this section are met.
- f) Advertising 'sandwich' boards and merchandising displays must not obstruct vehicular traffic that is legally entitled to cross the footway.

B7.4 Design of Merchandise Display Bins

- Display bins must be constructed from durable materials which complement the style and character of the shop and make a positive contribution to the streetscape.
- Temporary structures such as cardboard boxes are not permissible, nor are clothing racks and similar methods of display.
- Goods for display or sale shall not be affixed to any premises, footpaths, traffic sign, awning, street furniture, or pole.
- The stand or display unit shall be of stable construction with no part protruding past the main body of the stand and not involve sharp corners. Multiple stacking of storage units is also not permitted.
- The stand or display unit shall have a surrounding base with a minimum depth of 450mm to enable sight-impaired people using canes or guide dogs to locate the unit as a potential obstacle.



- f) The combined height of the goods and the display structure shall not exceed 1.5m.
- g) The display and/or sale of goods must be directly related to the primary approved uses of the adjoining business.
- h) Goods for display or sale may only be placed outside the premises to which they relate and only during business hours. After these hours the bins shall be removed.
- i) No advertisement shall be located on bins or other merchandising structure.
- j) Goods being displayed shall be non-perishable and meet relevant health regulations.
- k) All displays of goods shall be well organised and kept neat and tidy.

B7.5 Application Requirements

The approval of a 'sandwich board' or the outdoor display of goods requires the submission an application for a licence. The application shall include:

- (a) A plan drawn to a scale of 1:100, detailing:
 - (i) The outdoor area to be used (boundaries, dimensions, etc),
 - (ii) Location and size of sandwich board,
 - (iii) Location, size and number of bins,
 - (iv) How the area will be maintained for public access,
 - (v) The relationship to the existing business premises.
 - (vi) An illustration of the design, materials and colours for the bins.
- (b) Payment of the necessary fees as required by Council.
- (c) Written evidence of adequate insurance cover as required by Council.



Section 8 Bulky Goods Premises and similar 'large-footprint' Developments

B8.1 Introduction

This Section of the Plan applies to all large footprint developments, including, but not limited to, supermarkets, discount department stores, bulky goods premises, landscape and garden supplies, timber and building supplies or wholesale supplies.

'Large footprint' developments obviously require larger sites than small commercial developments and, therefore, a broader range of concerns must be addressed in planning for such a development.

These developments often generate considerable community interest and invariably require reference to state and regional authorities, therefore Council expects 'large footprint' development applications to fully address all relevant issues.

The following objectives are intended to ensure that adequate attention is given to all aspects of such developments. Applicants must address these objectives in complying with the requirements of Part A of this Plan 5. Because all business-zoned land has been allocated to a precinct, any additional precinct-specific objectives and requirements must also be considered.

B8.2 Objectives

The objectives of this Section of the Plan are to ensure that all 'large footprint' developments:

- (a) occur on a site that is sufficiently large and adequately serviced;
- (b) occur on a site where safe vehicular access can be provided without impeding traffic flows;
- (c) are of a bulk, scale and overall design appropriate to the site and local context;
- (d) give due consideration to the placement of the development on the site to ensure that any views and vistas are protected;
- (e) give due consideration to the design of the development within the streetscape to ensure that the development is appropriate within the context of existing development;
- (f) adequately address drainage and bunding so as to impede above-normal levels of organic and inorganic compounds and materials from entering drainage systems and waterways.issues and the on-site treatment and disposal of run-off.
- (g) make adequate provision for the protection and enhancement of any identified areas of significant ecological value in the design and construction of the proposed development;



-
- (h) provide appropriate landscaping, both on-site to contribute to the amenity of the development for workers and visitors, and on the front boundary to provide appropriate screening and street-front landscaping.

B8.3 Development Controls

A Development Application for a development to be assessed under this Part of the Plan must demonstrate that it meets the objectives stated above. Applicants are also reminded that the development must meet the requirements of Part A.



Section 9 Service Stations and other Vehicle-related Premises

B9.1 Introduction

This Section of the Plan applies to vehicle-related premises including, but not restricted to service stations, vehicle repair stations, vehicle sales or hire premises and vehicle body repair workshops.

These developments can generate traffic, noise and odours which have the potential to reduce the amenity of the surrounding neighbourhood. All developments are permissible with consent in all business zones except B1, although it is appreciated that the immediate environment for these developments can vary. Service stations and vehicle sales or hire premises are more likely to occupy 'main street' locations, while vehicle repair stations and vehicle body repair workshops are more likely to be located on secondary roads.

The following objectives are intended to ensure that adequate attention is given to all aspects of such developments. Applicants must address these objectives in complying with the requirements of Part A of this Plan as well as Sections 1 to 5 of Part B. Because all business-zoned land has been allocated to precinct, any precinct-specific objectives and requirements must also be considered.

B9.2 Objectives

The objectives of this Section of the Plan are to ensure that all vehicle-related developments:

- (a) occur on a site that is sufficiently large and adequately serviced;
- (b) are of a bulk, scale and overall design appropriate to the site and local context;
- (c) give due consideration to the design of the development within the streetscape to ensure that the development is appropriate within the context of existing development;
- (d) adequately address potential noise and odour issues;
- (e) adequately provide for on-site disposal of water-run-off;
- (f) adequately provides for the safe storage and disposal of paints, solvents, oils and other materials used on-site;
- (g) adequately provide for prevention of contamination of any waterway;
- (h) adequately provide for the prevention of land contamination.

B9.3 Development Controls



-
- (a) A Development Application for a development to be assessed under this Part of the Plan must demonstrate that it meets the objectives stated above.
 - (b) Applicants are also reminded that the development must meet the requirements of Part A and Sections 1 to 5 of Part B of this Plan.
 - (c) The development design must incorporate facilities for at least one male and one female toilet, with appropriate access for people with a disability.



Section 10 Tourist and Visitor Accommodation

B10.1 Introduction

Tourist and Visitor Accommodation includes, but is not restricted to, hotel or motel accommodation, serviced apartments, backpackers accommodation and bed and breakfast accommodation. Although Bed and Breakfast Accommodation is permissible with consent in the B2, B4 and B5 business zones, the objectives and controls for such development are located in Part C of this Plan as it is the impacts of such development on residential amenity which most concern Council.

All Tourist and Visitor Accommodation is expected to meet the objectives and controls of Part A of this Plan as well as Parts 1 to 5 of Part B. Any additional precinct-specific requirements must also be addressed.

B10.2 Objectives

In assessing a Land Use Application for Tourist and Visitor Accommodation, Council will have due regard to the following objectives:

- (a) tourist and visitor accommodation development within Moss Vale shall be appropriate to the locality and contribute to the supply of a range of accommodation types throughout the Shire;
- (b) tourist and visitor accommodation development shall not adversely impact on the amenity of the surrounding area;
- (c) tourist and visitor accommodation development shall provide a satisfactory level of health, safety, comfort, amenity and facilities for both workers and visitors.

B10.3 Development Controls

A Land Use Application to be assessed under this Part of the Plan must demonstrate that it meets the objectives stated above. Applicants are also reminded that the development must meet the requirements of Part A and Sections 1 to 5 of Part B of this Plan.



Section 11 Residential Development in Business Areas

B11.1 Introduction

In addition to meeting the commercial needs of the town, business precincts also provide opportunities for appropriate residential development. WLEP 2010 permits, with consent, a range of residential developments within a number of Business zones, as indicated in Table A11.1 below.

Table A11.1 Permissible Residential Development in Business Zones

Type of Residential Development	Permissible Zones
Dwelling houses	B2 and B4
Secondary dwellings	B2 and B4
Semi-detached dwellings	B2 and B4
Dual occupancies	B2 and B4
Attached dwellings	B2, B4
Multi-dwelling housing	B4, B5
Residential Flat Buildings	B2, B4, B5
Hostels	B2, B4
Boarding houses	B4
Group homes	B1, B2
Shop-top housing	B1, B2, B4

The following objectives and controls are intended to ensure that suitable opportunities for residential development on business zoned land can be realised in a way that provides an adequate standard of residential amenity within a business environment.

B11.2 Objectives

In permitting residential development within business zones, Councils seeks to achieve the following outcomes:

- (a) To provide a range of housing types throughout Moss Vale.
- (b) To provide a greater range of affordable housing options.
- (c) To ensure the location of affordable accommodation is close to transport, shops and services.



- (d) To ensure that residential development within business precincts provides a satisfactory standard of residential amenity.
- (e) To stimulate and promote the orderly and economic use and development of land on appropriate sites within Moss Vale.
- (f) To integrate new development into established areas by maintaining streetscape and building quality.
- (g) To ensure new development preserves the quality of the built environment for all existing and future residents.
- (h) To encourage development of a high standard of architectural merit and design.
- (i) To ensure that new residential development provides appropriate private open space for residents.

B11.3 Controls

To achieve these objectives, the following controls apply.

- (a) The proposed development shall comply with the relevant design controls contained in Part C of this Plan.
- (b) The proposed development shall comply with the height controls applicable in Part C of this Plan.
- (c) Additional glazing and other design requirements shall be provided at Council's direction to address potential noise issues associated with neighbouring commercial activity.
- (d) The location of residential development shall ensure that there is no overshadowing from neighbouring commercial development.
- (e) A Landscape Plan shall be provided for all development other than detached dwellings.
- (f) On-site private open space shall be provided to improve the residential amenity of the development.
- (g) Access to the subject site shall be located to ensure adequate vehicular and pedestrian safety.

B11.4 Dual Occupancy & Secondary Dwellings

The options for Dual Occupancy and Secondary Dwelling development in the B1 Neighbourhood Centre, B2 Local Centre and B4 Mixed Use zones are:

- a) On a minimum lot area of 1,000m², Dual Occupancies, either Attached or Detached, are permitted with consent to a maximum floor area of 100m², or
- b) On a minimum lot area of 1,000m², Secondary Dwellings are permitted with consent to a maximum floor area as defined in clause 5.4 of WLEP 2010.

Section 12 Late Night Premises

B12.1 Introduction

This Section contains guidelines and controls for premises which generally operate until late at night. These include, but are not restricted to, food and drink premises (takeaway food and drink premises, restaurants and pubs), amusements centres, function centres, entertainment facilities and registered clubs.

These premises are all permissible with consent in most, if not all of the business zones in Moss Vale. They have been grouped together because they can all have a significant impact on the amenity of the surrounding locality.

While it is acknowledged that a vibrant night life can be advantageous to a town centre, residents also expect safety and noise standards to be maintained. This is particularly the case in Moss Vale where several areas of medium density development are to be encouraged, placing residents and business activities in close proximity. This would generally not be a problem during the day, but potential problems can arise during the evening and night when patronage of these premises usually increases.

B12.2 Objectives

To ensure that late night premises operate in a manner which does not adversely affect the urban amenity of the town, Council shall be satisfied that the applicant has given due regard to the following key objectives:

- (a) To provide opportunities for late night premises in appropriate locations regulated by appropriate planning controls,
- (b) To promote the Moss Vale town centre as a safe place for all the community late at night,
- (c) To minimise disturbances to the public in the late evening and early morning hours,
- (d) To demonstrate an ongoing commitment to the community with regard to the operation of late night premises through the preparation and implementation of appropriate Management Plans.

B12.3 Development Controls

A Land Use Application for a development to be assessed under this Part of the Plan shall demonstrate the following:

- (a) That the principles of Safer by Design (Section A) are fully addressed,
- (b) A Plan of Management is prepared



-
- (c) Adequate provision must be made to ensure that food waste is securely stored to ensure there is no reduction in urban amenity through unsightly storage, odour or vermin.
 - (d) Applicants are also reminded that the development must meet the requirements of Part A.



Section 13 Sex Services Premises

B13.1 Introduction

Under the provisions of WLEP 2010, Sex Services Premises are permissible with consent in the B2 Local Centre zone. As there will most probably be considerable community interest in the establishment of such premises, applicants are advised to arrange a meeting with the relevant Council staff to confirm what information is to be supplied with the application. Land Use Applications to establish a sex services premises will also be referred to other relevant government agencies for comment where considered appropriate.

B13.2 Objectives

In assessing an application for sex services premises, Council will satisfy itself that the application has given due regard to the following objectives:

- (a) that the location of such premises complies with state government legislation, with minimal amenity impacts on adjoining land uses, particularly residential development and other nearby sensitive land uses;
- (b) that the design and operation of such premises will ensure the amenity of the locality and safety of workers and visitors;
- (c) that the design and operation of such premises will be in accordance with current health and building controls and standards;
- (d) that the location of such premises provides for sufficient separation so that there is not a concentration of premises in any one locality;

B13.3 Development Application Requirements

In addition to standard Site Analysis and Development Application requirements, any application for sex services premises, including the change of use of an existing building to such a premises, is to include the following documentation and details:

- (a) A site plan and a location plan drawn to a scale of 1:500 showing the proximity of the subject site to nearby residential occupancies, as well as to churches, hospitals, schools, community facilities and any other place where children or young people are likely to regularly congregate, including railway stations and major bus stops. Applicants are directed to the following clauses of this Section for further controls to be considered in the preparation of this site plan.
- (b) A floor plan drawn to scale to 1:100 showing room layout and dimensions, partitioning, location of windows and doors including all entrances to and exits from the building. The floor plan should also show the location of showers, basins and waste disposal facilities. Any proposed internal or



external alterations to the premises are to be clearly indicated on the plan. The proposed use of each room is to be nominated, and the specific identification of all rooms proposed to be used for the conduct of acts of prostitution. Applicants are directed to the following clauses of this Section for further controls to be considered in the preparation of this floor plan.

- (c) Details of compliance with the Disability Discrimination Act 1992 and the Health and Safety Guidelines for Brothels in NSW. (Distributed by NSW Health Department and WorkCover NSW).
- (d) Details of proposed signage indicating the size, form number, illumination and position of any proposed business identification sign, advertisement or other promotional device to be erected or displayed on the subject premises, and including details of any existing and proposed external lighting.
- (e) A Plan of Management which provides the following information. Applicants are directed to the following clauses of this Section for further controls to be considered in the preparation of this Plan.
 - (i) The owner (s) of the premises,
 - (ii) The operator and manager of the business,
 - (iii) Number of sex workers and support staff,
 - (iv) Number of security guards and hours of employment,
 - (v) Details of other staff and their exact role,
 - (vi) A schedule of proposed hours of operation,
 - (vii) Method of booking rooms or making appointments with workers,
 - (viii) Occupational Safe and Healthy requirements for both workers and clients,
 - (ix) Systems to ensure under-age people cannot gain access to the premises,
 - (x) Strategies to ensure that no drugs are sold or supplied on the premises,
 - (xi) Systems for the safe storage and disposal of waste.
- (f) Council reserves the right to request further information not described here if deemed necessary by Council.

B13.4 Location

A sex services premises must comply with the following requirements regarding location:

- (a) May not be located on the street level of a building;
- (b) May not be located in a building that contains a residence;
- (c) May not to be located in a position which may detract from the amenity of residential occupancies and, in this regard, the entrance or exit doorway to or from any such premises is not to be closer than 150 metres from the entrance to premises used as a dwelling;



- (d) The entrance or exit doorway may not be closer than 150 metres from a place of worship, child care centre, community centre, community facility, educational establishment, entertainment facility, hospital, recreation area or recreation facility, or any place where children or young people are likely to regularly congregate, including railway stations or major bus stops;
- (e) An entrance or exit doorway to or from one sex services premises (except fire exits provided only for use in an emergency) may not be closer than 150 metres from the entrance doorway to any other such premises, measured along the most direct established pedestrian route between the respective premises.

B13.5 Design and Presentation

A sex services premises must comply with the following requirements regarding internal design and external presentation:

- (a) Any new building or refurbishment of an existing building must be compatible with the built form of adjoining premises and integrated into the streetscape;
- (b) A premises is to be provided with adequate reception area/waiting room facilities to ensure that visitors do not loiter outside the premises;
- (c) The entrance to a premises is to be discrete, safe and unobtrusive, with any signage limited to a small single business and/or property identification sign only, devoid of any sexually explicit or suggestive material.
- (d) Entrances and exits must be designed to facilitate the privacy of workers and visitors, without compromising personal safety.
- (e) External lighting is to be limited to that necessary to provide for the safety of workers and clients, without attracting additional attention to the premises.
- (f) Premises are to be clearly numbered on the building, with the number being clearly visible from the street.
- (g) The building is not to be of a colour that draws undue attention to the premises.
- (h) No sex workers or sex related products may be visible from windows or on view at the front door outside of their premises.

B13.6 Management & Security

- (a) The use of a premises as a sexual entertainment establishment is prohibited;
- (b) No portion of any premises not approved for use as a sex services premises is to be used for the conduct of acts of prostitution. Prostitution within an approved premises is to be confined to rooms and areas so



nominated on the submitted plans which are the subject of Council's consent;

- (c) Under no circumstances is alcoholic liquor to be provided or offered for sale on sex services premises unless such premises are appropriately licensed under the Liquor Act.
- (d) The premises must have an alarm or intercom in each room that is used for acts of prostitution, connected back to a central base (such as reception) that is to be monitored at all times.

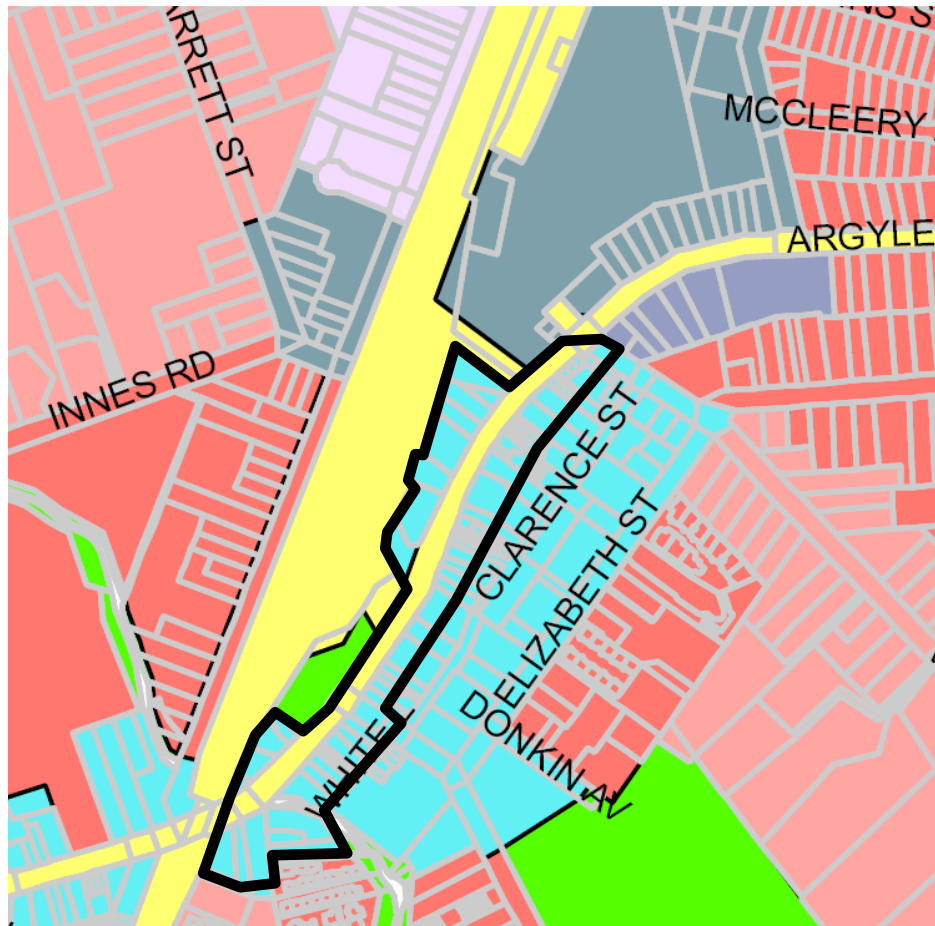
B13.7 Limits on Development Consent

Council retains the option to issue a development consent that has a limited operational period if significant community concern is expressed with regard to the establishment of the premises. Such a consent may also be imposed if there are insufficient operation or management details included with the development application.

B13.8 Application to Close a Premises

Section 17 of the Disorderly Houses Amendment Act 1995 allows Council to apply to the Land and Environment Court to close a premises which is deemed to be having a significant detrimental effect on the local community.

Section 14 Argyle Street North Precinct



ARGYLE STREET NORTH PRECINCT

A1.1 Location & Character

This Precinct incorporates all of the land zoned B2 Local Centre on both sides of Argyle Street from Valetta through to the railway overpass, as shown on [Figure 14.1](#) and forms part of the Argyle Street Heritage Conservation Area.

The eastern boundary of this Precinct dissects those properties on the eastern side of Argyle Street, therefore the Argyle Street frontage is within the Argyle Street North Area, but Clarence Street frontage is within the Clarence Street Precinct. Applicants seeking to develop these properties must consult both this Section and Section B15 which includes the objectives and specific controls for the Clarence Street Precinct.

All of this land is within the Argyle Street North Conservation Area and contains many of Moss Vale's most significant heritage buildings, including the Courthouse, the former Post Office, the JM Alcorn Memorial and the Whytes corner store. Leighton Gardens is also a Heritage Item. Applicants are directed to Clause 5.10 of WLEP

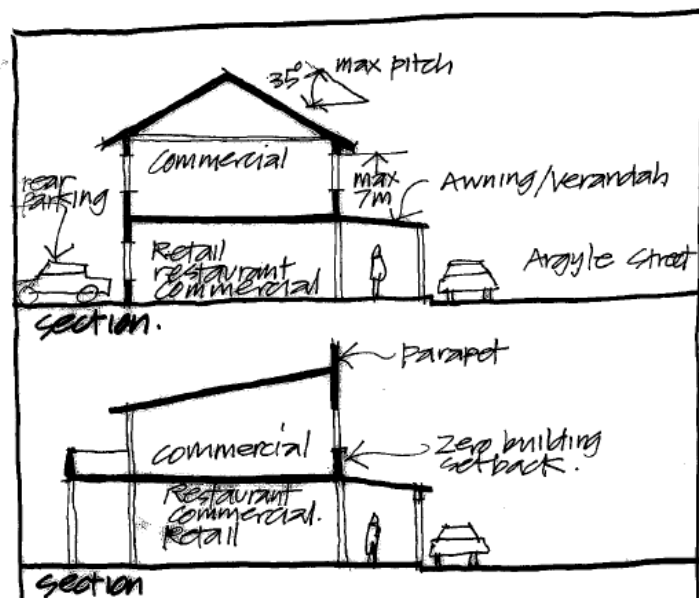
2010 which details requirements for the conservation of all heritage buildings within NSW, not just Wingecarribee Shire.

Currently, buildings fronting Argyle Street, particularly on the eastern side, are one to two storeys in height and have a zero setback to the street boundary. Development follows the sweeping topography of Argyle Street with vehicular access and car parking mainly located to the rear of properties.

B14.1 Preferred Development Outcomes

Council is strongly committed to the preservation and enhancement of the heritage value of this Precinct and all redevelopment or alterations to existing buildings must achieve high quality urban design outcomes that are consistent with the heritage and cultural qualities of the streetscape, and encourage greater unification amongst discordant streetscape elements, such as footpath paving and street furniture.

Because all buildings within this Precinct are either Heritage Items or buildings adjoining, or near to, Heritage Items, applicants are reminded to address the Heritage Design Principles contained in Part A4 of this Plan.



Examples of acceptable commercial development on Argyle Street

B14.2 Additional Development Controls

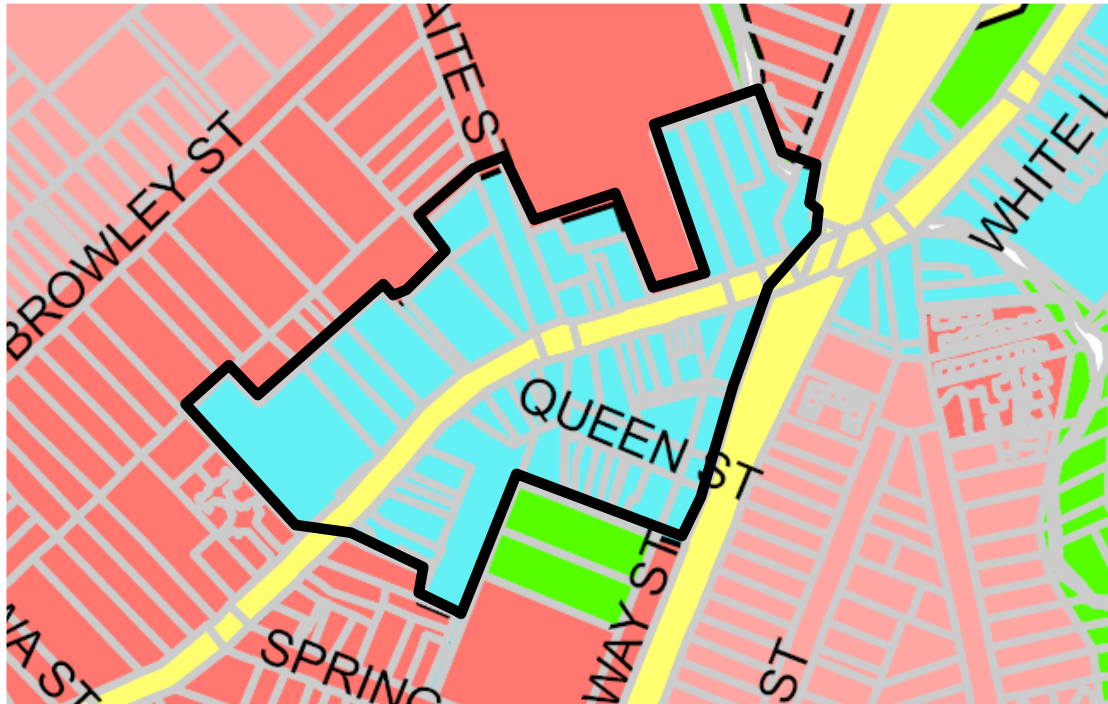
- (i) Because properties in this Precinct front Argyle Street, applicants are directed to the controls in Section A11 of this Plan.



-
- (ii) Applicants seeking to develop properties which were previously owned by RailCorp or are adjacent to land still owned by RailCorp are directed to the controls in Section A11 of this Plan.

 - (iii) Because some areas of this Precinct may be flood affected, applicants are also directed to the provisions of Section A4 relating to Flood Liable Land.

Section 15 Argyle Street South Precinct



Argyle Street South Precinct

A1.1 Location & Character

The Argyle Street South Area extends from the railway over-pass through to the end of the commercially zoned land on Argyle Street as shown on [Figure B15.1](#). This section of Argyle Street was the original commercial focus of the town and much of this Area is located within the Argyle/Browley Street Conservation Area.

As in the northern section of the street, buildings are one to two storeys in height with vehicular access and car parking, where provided, generally located at the rear of the sites. Building heights reflect the topography of Argyle Street rising up the hill from the Lackey Road intersection.

There are some buildings within this Precinct which have been 'modernised' through façade, awning or cladding treatments. It is Council's preference that the original treatments be restored wherever it is practical to do so.

B15.1 Preferred Development Outcomes

Although most of this Precinct is within the Argyle/Browley Street Conservation Area, opportunities remain for appropriate site amalgamation and redevelopment to a



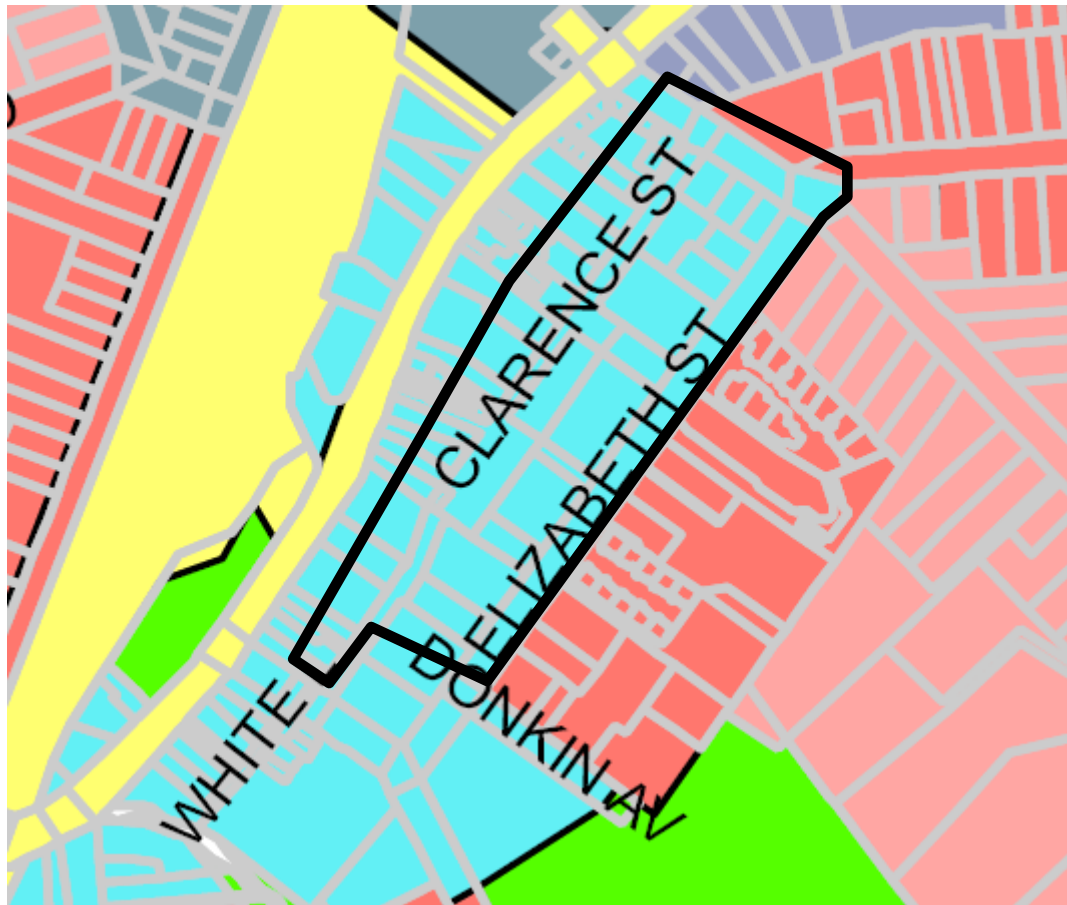
height of two storeys on both sides of Argyle Street, provided adequate consideration is given to the preservation of Heritage Items.

Council hopes that potential residential redevelopment opportunities in the adjoining Southern Entrance Precinct may stimulate the economic revitalisation of this part of Argyle Street.

B15.2 Development Controls Applicable to this Precinct

- (a) Because properties in this Precinct front Argyle Street, applicants are directed to the controls in Section A11 of this Plan.
- (b) Applicants seeking to develop properties which were previously owned by RailCorp or are adjacent to land still owned by RailCorp are directed to the controls in Section A11 of this Plan.
- (c) Because some areas of this Precinct may be flood affected, applicants are also directed to the provisions of Section A4 relating to Flood Liable Land.

Section 16 Clarence Street Precinct



Clarence Street Precinct

A1.1 Location and Character

This Precinct comprises the rear half of those properties on the eastern side of Argyle Street as well as those properties on the western side of Elizabeth Street. The location of this Precinct is indicated on [Figure B16.1](#).

Properties on the western side of Clarence Street are also located within the Argyle Street North Area and applicants seeking to develop these properties will also need to review the details for that precinct. Properties on the eastern side of Clarence Street extend through to Elizabeth Street and face properties within the Elizabeth Street South Area. Applicants seeking to develop these properties will also need to review the details for that precinct. All land within this Area is zoned B2 Local Centre under WLEP 2010.

This Precinct is developing as the primary convenience shopping precinct within Moss Vale and also contains professional consulting rooms, office space, the police station and the Court House. The remaining land is used for car parking.



B16.1 Preferred Development Outcomes

Several properties facing Argyle Street have been redeveloped to offer a second retail frontage to Clarence Street. While all provide car parking which is accessed from Clarence Street, no linkages between them allow vehicles to move from one to the other without moving out on to Clarence Street. Opportunities remain for further redevelopment of properties facing Argyle Street to provide additional retail space facing on to Clarence Street and additional parking facilities.

All of this redevelopment potential provides the opportunity to:

- (a) redevelop the remaining underutilised areas at the rear of premises facing on to Argyle Street to provide a functional and attractive frontage to Clarence Street while ensuring that adequate provision is made for off street parking, loading facilities, emergency vehicles and pedestrian access.
- (b) prepare a consolidated car parking plan for the western side of Clarence Street to integrate existing and future off street parking.
- (c) create a co-ordinated development which retains the scale of current development, respecting the topography of the street.
- (d) achieve other appropriate site amalgamations.
- (e) encourage cut and fill redevelopment at the Valetta Street end of the western side of Elizabeth Street to reduce the overall height of redevelopment in that location.
- (f) provide a safe pedestrian accessway from Clarence Street across Elizabeth Street connecting to the Civic Centre.

B16.2 Additional Development Controls

Council shall not grant consent to the carrying out of development on any land to which this Section applies unless it is satisfied that adequate provision has been made to ensure that such development:

- (a) provides a 15 metre setback from the Clarence Street road reserve boundary for properties on the western side of the street. The intention of this control is to provide a consistent setback to Clarence Street in this northern section for off street car parking at the front of new development, enabling pedestrians to walk from shop to shop under the awnings, without having to traverse each site's car park.
- (b) provides a 2.2 metre setback for properties shown edged heavy black on Map 4 from the Clarence Street road reserve boundary. The intention of this control is to ensure that there is adequate area to

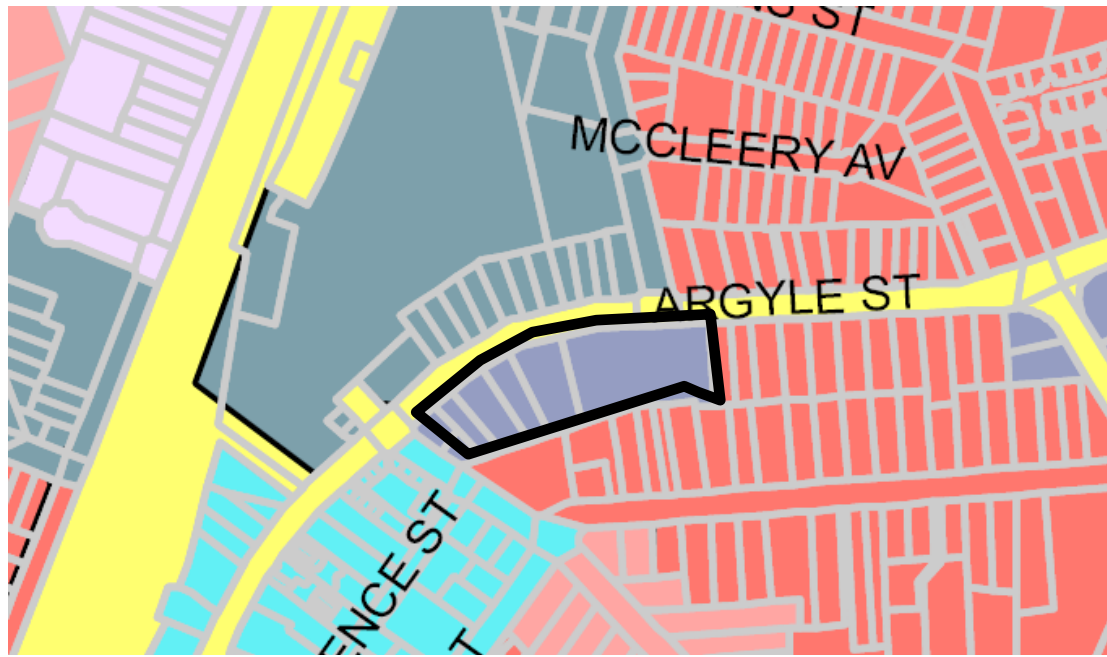


provide street trees and furniture, without restricting pedestrian flows on the footpath.

- (c) allows all vehicles, including delivery vehicles, to enter and exit the site in a forward direction.
- (d) provides adequate landscaping to a minimum width of 1.5 metres incorporating hardy ground covers and shade trees.

Because some areas of this Precinct may be flood affected, applicants are also directed to the provisions of Section A9 relating to Flood Liable Land.

Section 17 Valetta Street Mixed Use Precinct



Mixed Use South Precinct

A1.2 Location and Character

The location of the B4 Mixed Use zones within each of the three principal towns – Mittagong, Bowral and Moss Vale, has been selected by Council to provide opportunities for site amalgamation and for redevelopment which achieves a cohesive, layout and design. Council particularly seeks such an outcome where the B4 zone is at the entrance to the town.

This Precinct incorporates the B4 Mixed Use land on Argyle Street from Valetta Street to the edge of the R3 Medium Density Residential zoned land. The area is shown on [Figure 17.1](#).

The location of the Valetta Street Mixed Use Precinct adjacent to R3 Medium Density residential zoned land in part reflects the current mixed use nature of the area, as well as the range of surrounding land uses on other boundaries.

B17.1 Preferred Development Outcomes

In defining the preferred development outcomes for any of the B4 precincts, consideration was given to existing land use patterns and any other specific opportunities or constraints, such as nearby open space, or heritage constraints, as well the nature of the zoning and land uses surrounding the B4 zone. Existing road



networks in the vicinity of the zone, and the potential traffic implications of future development options were also considered.

The location of this Precinct in close proximity to commercial land and public transport provides an excellent opportunity to broaden the range of both residential and business activities in Moss Vale. Preferred access to the land would be via Valetta Street where traffic lights could manage access to Argyle Street. Applicants are directed to Part A10 for further detail on development fronting Argyle Street.

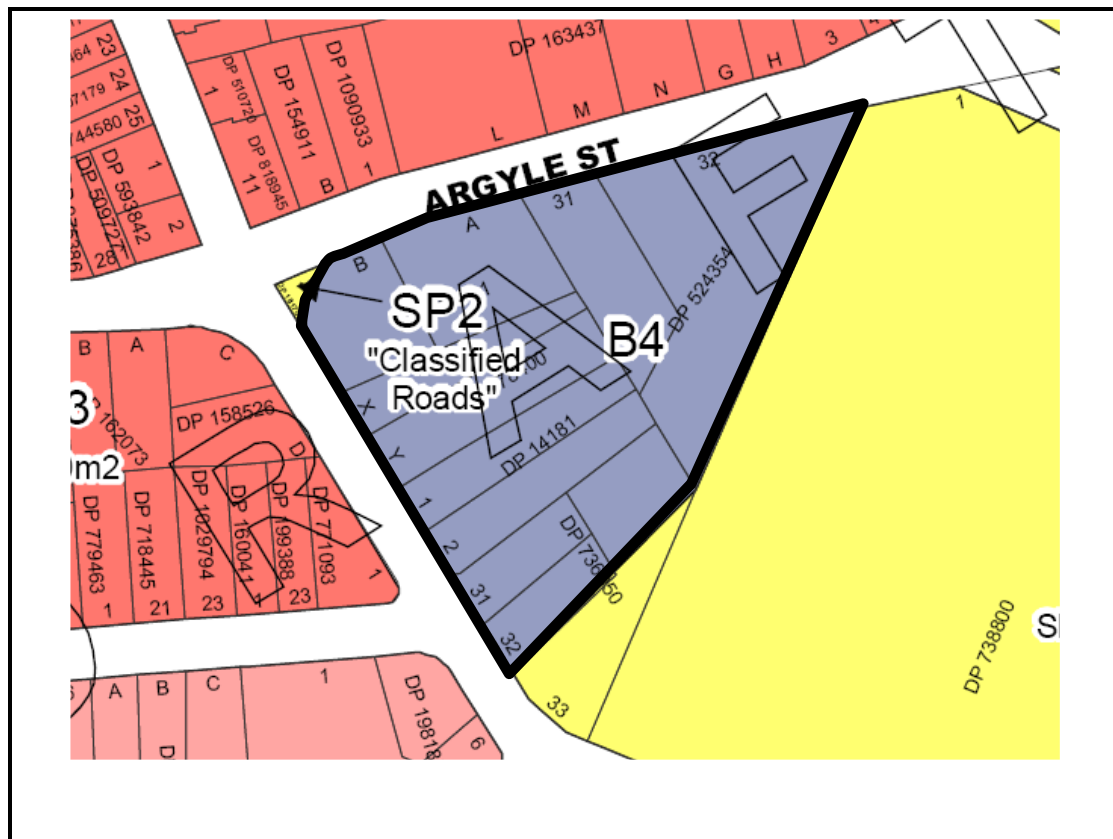
Council considers this Precinct most appropriate for a range of land uses including combined commercial/residential development (as in shop top housing), or with commercial development fronting Argyle Street with residential development behind.

Development for the purposes of commercial development incorporating business and office development would also be appropriate, or for hotel/motel or other tourist and visitor accommodation. The land, being in close proximity to public transport and the Moss vale commercial area would also be well suited for group housing

B17.2 Development Controls

- (a) All development shall comply with the relevant controls of Parts A, B and C of this Plan.
- (b) All development shall comply with the preferred development outcomes identified in this section of the Plan.
- (c) All car parking provided in conjunction with any development must be provided on-site.
- (d) In the case of a combined residential and commercial development, the residential component shall be located directly above a lawful development located at ground level on the same land.
- (e) For the purpose of development on land to which subclause (b) applies, the Council may grant consent for the strata subdivision of business centre apartment housing pursuant to the provisions of the Strata Schemes (Freehold Development) Act 1973.
- (f) Nothing in this clause requires any occupier of a residence in a mixed use development to have any association or conjunction with the commercial development at ground level on the same land.

Section 18 Northern Entrance Precinct



Mixed Use North Precinct

A1.1 Location and Character

The location of the B4 Mixed Use zones within each of the three principal towns – Mittagong, Bowral and Moss Vale, has been selected by Council to provide opportunities for site amalgamation and for redevelopment which achieves a cohesive, layout and design. Council particularly seeks such an outcome where the B4 zone is at the entrance to the town.

This Precinct incorporates the B4 Mixed Use land bounded by Argyle Street and the Moss Vale Showground on the northern side of the Illawarra Highway with a portion of the southern corner of Argyle Street and the Illawarra Highway. The area is shown on [Figure B18.1](#).

The Precinct has been divided into two portions, the Northern Corner to the north of the Illawarra Highway and the Southern Corner on the southern side.

NB: The southern corner includes the R3 land which is the subject of a Planning Proposal to rezone to B4).



B18.1 Preferred Development Outcomes

In defining the preferred development outcomes for any of the B4 precincts, consideration was given to existing land use patterns and any other specific opportunities or constraints, such as nearby open space, or heritage constraints, as well the nature of the zoning and land uses surrounding the B4 zone. Existing road networks in the vicinity of the zone, and the potential traffic implications of future development options were also considered.

Due to the high volume of traffic on this corner, Council considers both corners most appropriate for low traffic generation commercial development, specifically business and office development rather than retail. Other suitable land uses include hotel/motel accommodation.

Council considers the Northern Corner to have limited potential for residential development due to its proximity to the railway line, although it is noted that this proximity has not prevented the NSW Land and Housing Corporation from constructing affordable housing on land adjoining the northern side of the railway line.

If the sites which comprise the Northern Corner were appropriately amalgamated and a medium density development designed to orient development into the centre and towards the east of the site across the showground, with adequate provision for private landscaped open space within the site, medium density housing would be an acceptable land use for this part of the Precinct.

The suitability of the Southern Corner for residential development is considered limited due to heavy traffic volumes on the corner. As stated previously, low traffic generating commercial development, specifically business and office development rather than retail, is the preferred land use for the Southern Corner. It is noted that the Southern Corner is currently proposed for a takeaway food and drink premises.

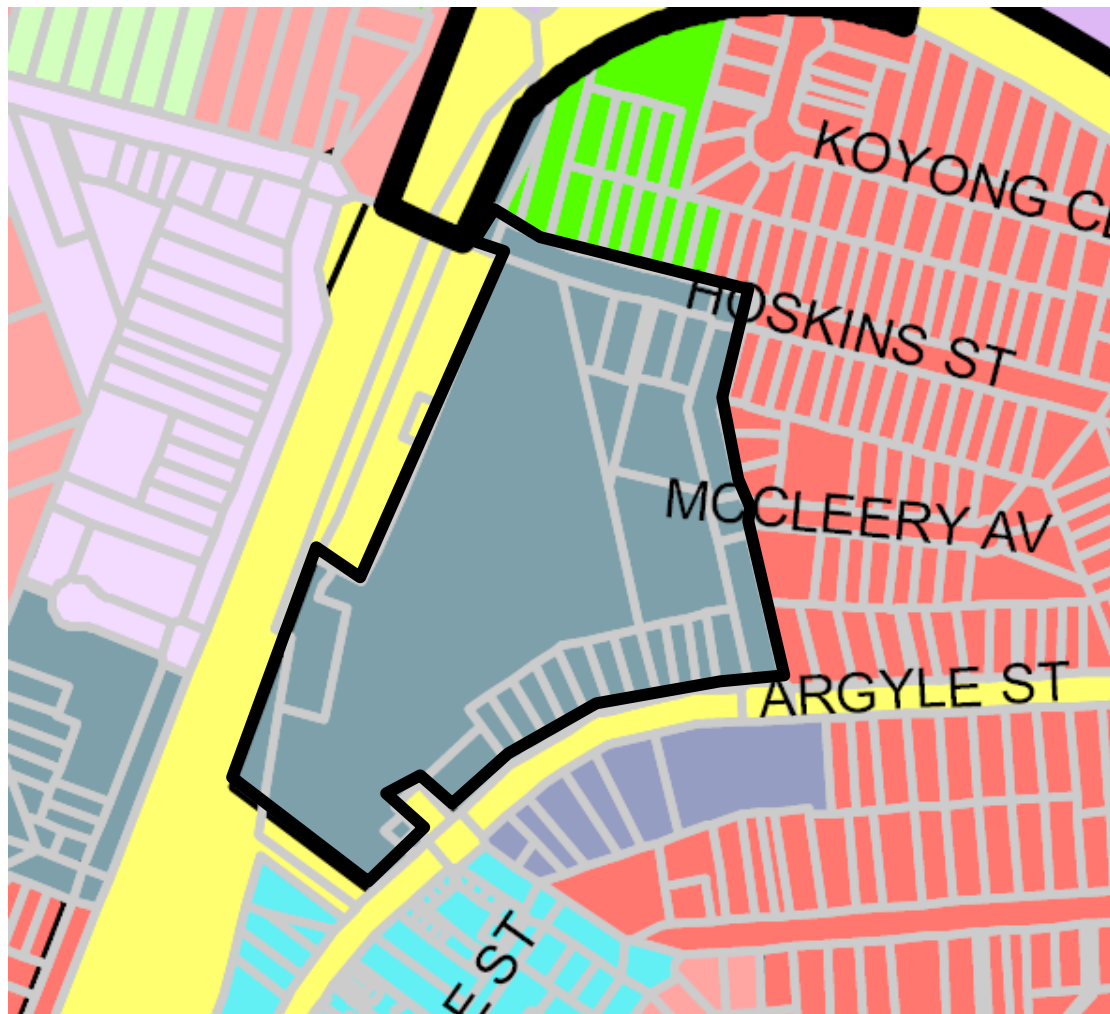
B18.2 Development Controls

- (a) All development shall comply with the relevant controls of Parts A, B and C of this Plan.
- (b) All development shall comply with the preferred development outcomes identified in this section of the Plan.
- (c) All car parking provided in conjunction with any development must be provided on-site.
- (d) In the case of a combined residential and commercial development, the residential component shall be located directly above a lawful development located at ground level on the same land.



-
- (e) For the purpose of development on land to which subclause (b) applies, the Council may grant consent for the strata subdivision of business centre apartment housing pursuant to the provisions of the Strata Schemes (Freehold Development) Act 1973.
 - (f) Nothing in this clause requires any occupier of a residence in a mixed use development to have any association or conjunction with the commercial development at ground level on the same land.

Section 19 Hawkins Street Precinct



Hawkins Street Precinct

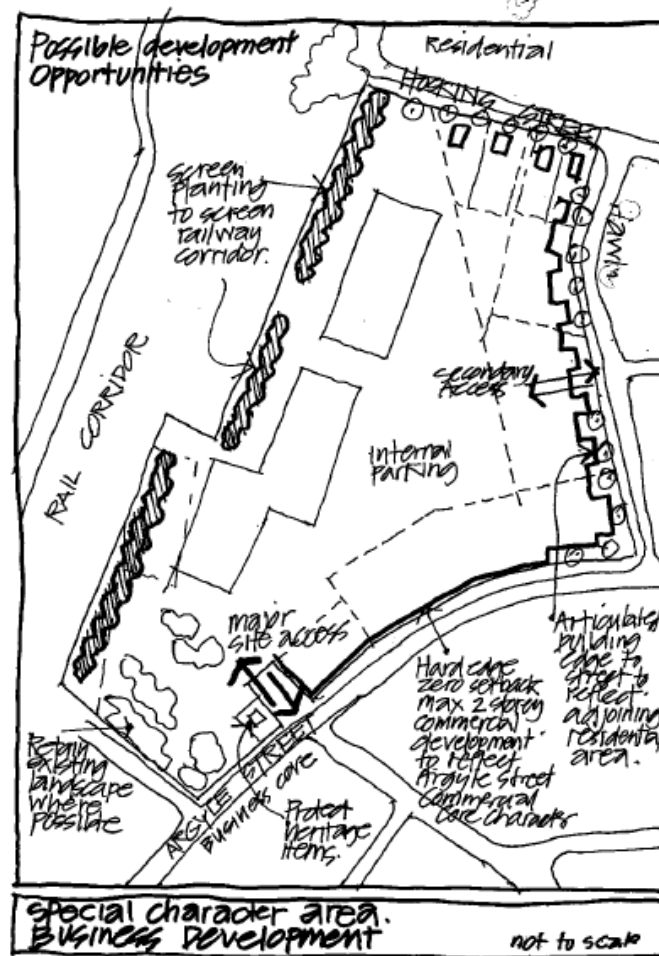
A1.1 Location and Character

This Precinct incorporates the land zoned B5 Business Development bounded by Argyle Street, Hawkins Street, Hoskins Street and the Main Southern Railway as indicated in [Figure B19.1](#).

B19.1 Preferred Development Outcomes

This site offers a unique opportunity for appropriate redevelopment. Council would prefer the following outcomes for this Precinct:

- (a) Encourage the appropriate amalgamation of sites to ensure efficient redevelopment while still maintaining a scale of the development which is in keeping with surrounding development.
- (b) Respect the 12 metre maximum building height boundary within the central section of the precinct, and maintain the maximum building height along the street frontage to 7.5 metres. Because the portion of land where the 12 metre maximum applies is lower than the land closer to the street, this ensures that the building height remains constant at the lower level when viewed from Argyle Street.
- (c) provide an attractive streetscape and substantial areas for landscaping and screen planting along relevant street frontages.
- (d) ensure that Heritage Items on Argyle Street are adequately protected.
- (e) ensure that adequate provision is made for ingress and egress points to ensure that traffic flows along Argyle Street are not impeded.





*Design Guide: suggested appropriate development fronting Argyle Street
in Business Development Special Character Area*



*Design Guide: suggested appropriate development fronting Hawkins Street
in Business Development Special Character Area*

B19.2 Additional Development Controls

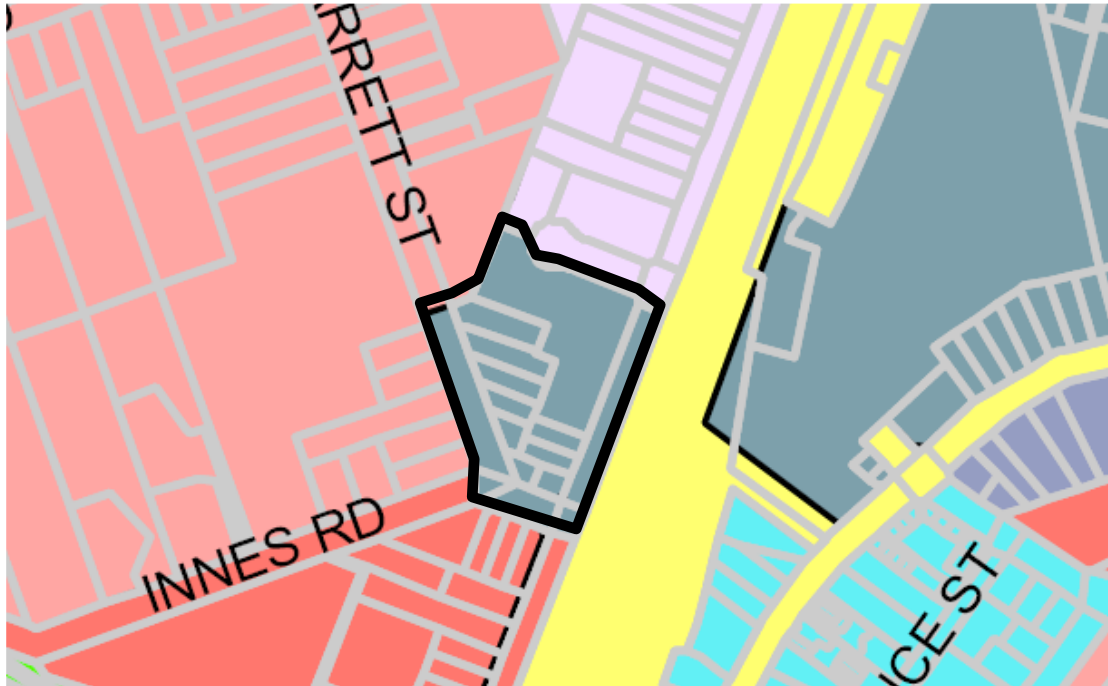
Council shall not grant consent to the carrying out of development on any land within this precinct unless:

- (a) the development provides an architectural outcome that, in Council's opinion, responds sympathetically to the established heritage character and style of older buildings having frontage to Argyle Street.



-
- (b) vehicular access to and from the land is designed and maintained in conjunction with the Roads and Traffic Authority such that the efficiency and safety of the local road network and adjoining and nearby residential amenity is not compromised;
 - (c) The controls of Part A10 of this Plan, applicable to land previously owned by RailCorp or adjacent to land still owned by RailCorp, have been incorporated into the proposal.
 - (d) The controls of Part A11 of this Plan, applicable to land fronting Argyle Street, have been incorporated into the proposal.

Section 20 Lackey Road Precinct



Lackey Road Precinct

A1.2 Location and Character

The location of the B4 Mixed Use zones within each of the three principal towns – Mittagong, Bowral and Moss Vale, has been selected by Council to provide opportunities for site amalgamation and for redevelopment which achieves a cohesive, layout and design. Council particularly seeks such an outcome where the B4 zone is at the entrance to the town.

The Lackey Road Precinct extends from White's Creek to Garrett Street as indicated on [Figure B19.1](#) below. This Area currently comprises detached housing, incorporating some home industry.

B20.1 Preferred Development Outcomes for this Precinct

In defining the preferred development outcomes for any of the B4 precincts, consideration was given to existing land use patterns and any other specific opportunities or constraints, such as nearby open space, or heritage constraints, as well the nature of the zoning and land uses surrounding the B4 zone. Existing road networks in the vicinity of the zone, and the potential traffic implications of future development options were also considered.



The location of this precinct in proximity to the Moss Vale railway station provides an excellent opportunity for redevelopment. Appropriate development would include business and office premises, well located to take advantage of nearby rail transport for staff and clients.

The area is also well suited for larger footprint retail premises not appropriate for the main commercial core.

Multi-dwelling housing, including residential flat buildings, are permitted in this Precinct and appropriate site amalgamation and design could achieve a focus away from the adjacent railway line. Sensitive landscaping along Lackey Road and incorporated into redevelopment designs could achieve a greatly improved residential amenity in this Area.

B20.2 Additional Controls

- (a) Applicants seeking to develop properties which were previously owned by RailCorp or are adjacent to land still owned by RailCorp are directed to the controls in Section A11 of this Plan.
- (b) Because some areas of this Precinct may be flood affected, applicants are also directed to the provisions of Section A4 relating to Flood Liable Land.

Section 21 Creek Street Precinct



Creek Street Precinct

A1.1 Location and Character

This small precinct is located on the corner of Cherry Tree Close and Creek Street and is zoned B1 Neighbourhood Centre under WLEP 2010. The location is indicated on [Figure B21.1](#).

B21.1 Preferred Development Outcomes

A number of residential and community land uses is permissible within this Precinct, as well as commercial-based activities. Existing development appears to have had difficulty in maintaining commercial viability and Council hopes that the potential for additional medium density development in the vicinity, under WLEP 2010, may result in a more viable economic base for this small Precinct.

B21.2 Additional Development Controls

Council shall not grant consent to the carrying out of development on any land within this Area unless it is satisfied that the development:

- (a) Contributes to the rejuvenation of the Precinct.
- (b) Is of an appropriate design that recognises the proximity of low and medium residential development in the vicinity of the precinct.

Section 22 Kirkham Street Precinct



Kirkham Street Precinct

B22.1 Location and Character

This Area is located to the south and east of Kirkham Street and is zoned B2 Local Centre under WLEP 2010. The boundaries of this precinct are indicated on [Figure B22.1](#). Development within this precinct currently includes the Civic Centre and the commercial development on the southern side of Kirkham Street as far as White Lane.

Applicants are directed to the provisions of Section A9 relating to Flood Liable Land.

B22.2 Preferred Development Outcomes

There may be redevelopment potential within this Precinct enabling an amalgamation of sites, improved parking and vehicular access, as well as providing an improved pedestrian environment.

B22.3 Additional Development Controls

Council shall not grant consent to the carrying out of development on any land within this Area unless it is satisfied that the development:

- (a) Will improve the visual amenity of the Area.
- (b) Will improve vehicular and pedestrian movements.

Because some areas of this Precinct may be flood affected, applicants are also directed to the provisions of Section A9 relating to Flood Liable Land.

Part C

Provisions

Applicable to

Residential-

zoned Land



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PART C RESIDENTIAL ZONED LAND

Section 1 Introduction

C1.1 Introduction

This Part of the Plan sets out the objectives and planning controls that will be applied to the assessment of all types of residential development, including seniors housing, and commercial development ancillary to a primary residential use, such as bed and breakfast establishments, exhibition homes and home occupations. This Part also contains controls for non-residential development which is permissible within a residential zone, including Educational Establishments and Places of Public Worship. While such development is also permissible with consent on business zoned land Council is particularly concerned to control such development where there may be impacts on surrounding residential communities and therefore these controls are in this Part of the Plan.

The provisions contained here are intended to provide consistent and reasonable development controls and design guidelines which address key elements of the existing residential environment and ensure that the design of new development responds appropriately to them.

Applicants are reminded that the provisions of Part A of this Plan must also be read in conjunction with this Part.

C1.2 Objectives

This Part of the Plan aims to achieve:

- (a) Conservation of the unique characteristics of the residential areas of Moss Vale, particularly in the case of the identified Conservation Areas,
- (b) New residential development which is sympathetic with existing streetscapes and neighbourhood character,
- (c) New residential development that is energy efficient, provides good amenity, and is safe and attractive.
- (d) Residential development which meets the needs of a range of community and demographic types, including smaller households, older people, people with a disability or people requiring group accommodation.

C1.3 Exempt and Complying Development

In addition to the controls contained in this section of the Plan, applicants are also directed to the Exempt and Complying provisions of WLEP 2010, State Environmental Planning Policy (Exempt and Complying) and the NSW Housing Code for Complying Development.



C1.4 Structure of this Part of the Plan

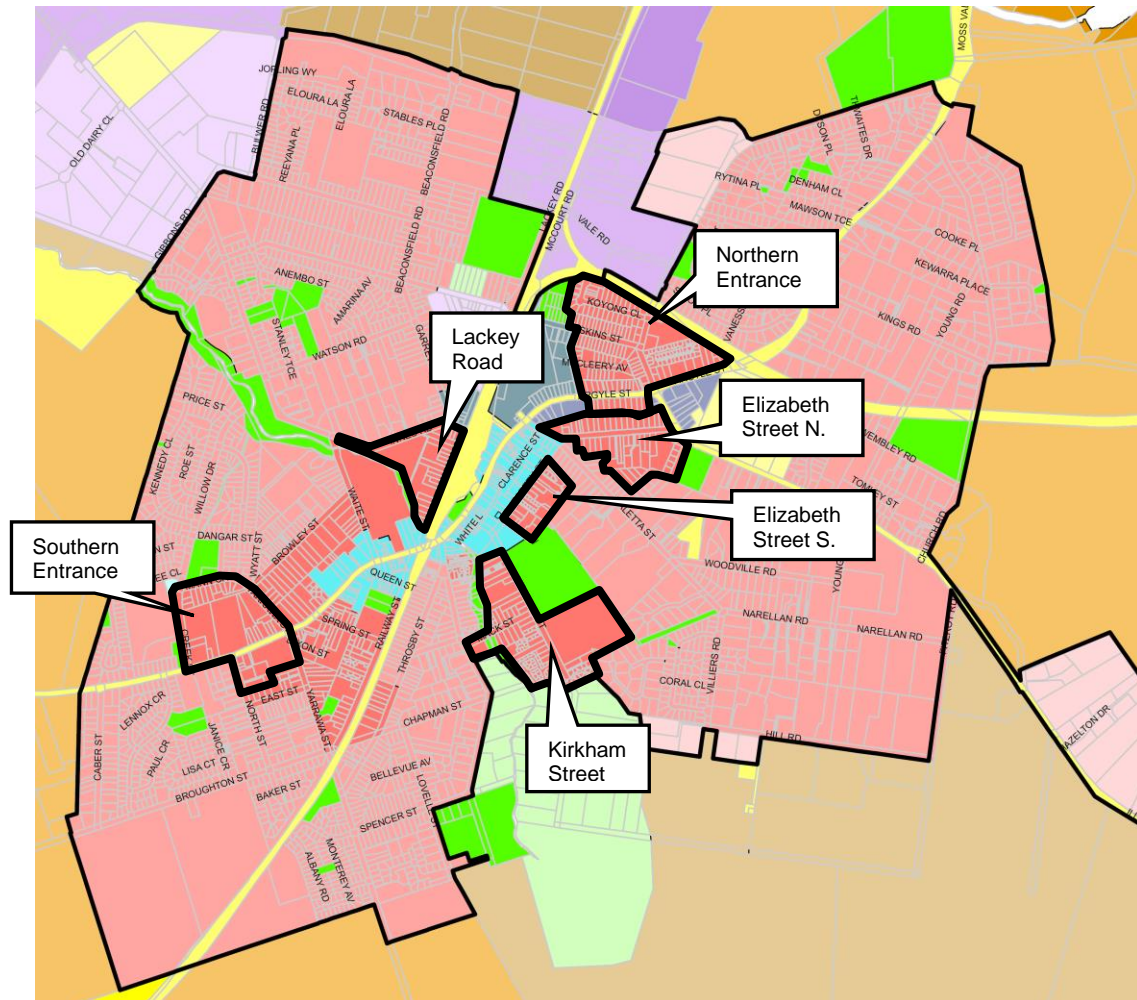
This Part of the Plan addresses controls applicable to all residential zoned land in Moss Vale. Residential zoned land which has the potential for redevelopment has been allocated to one of seven (7) Residential Precincts:

- Northern Entrance
- Southern Entrance
- Lackey Road
- Railway Street
- Elizabeth Street North
- Elizabeth Street South
- Kirkham Street

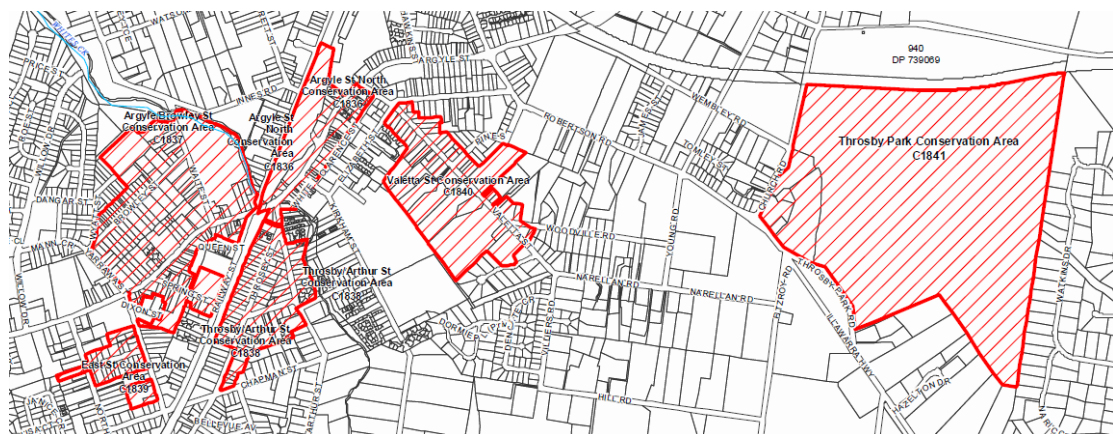
There are also four Conservation Areas which have been grouped into the one Precinct (Section 24) with its own objectives. Specific controls for each Area have been identified where relevant. The Areas included are:

- Throsby/Arthur Street
- East Street
- Browley/Spring Street
- Argyle Street

Each of these 8 Sections includes a map of the Precinct, a description of Location and Character, a statement on Council's objectives and preferred outcomes and specific controls additional to those applying to all residential zoned land.



Residential Precincts (other than Conservation Areas)



Residential Conservation Precincts



C1.5 Height of Buildings

There are no maximum building height controls for residential zoned land under WLEP 2010. These are contained within this DCP and referred to in terms of the maximum number of 'storeys'.

Under the Building Code of Australia, 'storey' means "a space within a building which is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but not –

- (a) a space that contains only –
 - (i) a lift shaft, stairway or meter room, or
 - (ii) a bathroom, shower room, laundry, water closet, or other sanitary
 - (iii) compartment, or
 - (iv) accommodation intended for not more than 3 vehicles, or
 - (v) a combination of the above, or
- (b) a mezzanine".

It is noted that residential building heights in the area are generally as follows, measured from the natural ground level to the roofline:

- (a) For single (1) storey development, six (6) metres.
- (b) For two (2) storey development, nine (9) metres.
- (c) For three (3) storey development, twelve (12) metres.

C1.6 Building Materials

The use of materials is important in determining the way in which the dwelling house responds to the local environment. In established areas, materials and colours should be sympathetic with other dwellings within the vicinity. In new subdivisions, materials and colours should be of a type which can be easily maintained.

C1.6.1 Objectives

The objectives of requiring certain materials in dwelling construction are to:

- (a) Ensure that durability, detailing and appearance are all considered when selecting building materials to ensure a high quality appearance over time.
- (b) Encourage the use of materials in the construction of new dwellings that are compatible with adjoining dwelling houses and the streetscape in terms of type, colour and form.
- (c) Encourage the adoption of an exterior colour scheme which complements the existing streetscape.



C1.6.2 Specific Controls

All applications for residential development must comply with the following controls:

- (a) The use of zincalume is not permitted and galvanised steel may only be used with specific Council consent.
- (b) A detailed exterior colour scheme must be presented to allow Council to assess the proposed colours against the existing streetscape.

C1.7 Infill Development on Difficult Lots

Some development sites in Moss Vale are suitable for infill development but offer significant challenges for appropriate design and building. In order to fulfil Council's objectives of encouraging infill development, it is appreciated that the controls within the DCP may need to be relaxed to allow any development at all to occur on a site.

Applicants seeking to develop a difficult site are encouraged to meet with Council staff early in the design process.

C1.8 Signage

Applicants are reminded to consult the provisions of Section A9 with regard to the objectives and controls applicable to signage on development on residential zoned land.

C1.9 Temporary Development

C1.9.1 Caravan Occupancy on site whilst erecting a dwelling

Prior written approval of Council required, with the following to be complied with:

- a) Occupation of caravan permitted only once the approved dwelling has substantially commenced construction, ie. footings/slab inspected and poured.
- b) Occupation of the caravan is permitted for a period of twelve months or for the duration of the building construction period (whichever is the shorter period)
- c) Adequate ablution facilities and effluent disposal systems are provided to Council's satisfaction.



Section 2 Low Density Housing

C2.1 Introduction

This section of the Plan applies to what is generally described as Low Density Housing (detached dwellings, dual occupancy and secondary dwellings) and describes the objectives against which such development will be measured and the controls by which such development will be assessed. These objectives and controls apply to new dwellings as well as to alterations and additions to existing dwellings.

All objectives and controls in this Section are additional to those contained in the previous Section C1 of this Plan. Applicants are also reminded to consult Section C3 of this Plan for requirements with regard to Universal Design (Adaptable Housing). Applicants with corner lots should also address the specific controls in section C2.11 below.

C2.2 Objectives of Low Density Housing

Detached dwellings are the dominant form of residential development in (locality). This section describes the objectives against which such development will be measured and the controls by which such development will be assessed. These objectives and controls apply to new dwellings as well as to alterations and additions to existing dwellings.

To ensure that all forms of Low Density Housing, including Dual Occupancy and Secondary Dwellings, provide good amenity and do not adversely impact on existing dwellings, the following controls apply.

All low density residential development shall:

- (a) Maintain and improve the amenity and character of residential areas in (locality).
- (b) Ensure that development is of a type, scale, height, bulk and character compatible with existing streetscape characteristics.
- (c) Ensure that the heritage value of any property which is, or is within the vicinity of, an Item, or Draft Item of Heritage, or is within a Heritage, or Draft Heritage Conservation Area, is not compromised.
- (d) Promote ecologically sustainable development by requiring the construction of energy smart dwellings.
- (e) Maximise solar access to the proposed development.
- (f) Maximise privacy between existing development and proposed development.
- (g) Ensure that adequate on-site car parking is provided for residents and visitors.
- (h) Preserve existing mature vegetation and encourage the planting of native vegetation suitable for the area.



- (i) Ensure that adequate provision is made for high landscaped open space which complements the overall development and which assists in maintaining existing streetscape quality.
- (j) Where located near to road or rail corridors, provide an acceptable acoustic environment for residents through appropriate design, layout and construction measures.

C2.3 Dual Occupancy and Secondary Dwellings

C2.3.1 Introduction

Dual Occupancies and Secondary Dwellings provide increased housing choice and allow for the sympathetic intensification of residential densities within existing urban areas. They can make an important contribution to the provision of affordable housing within the townships and villages across the Shire.

To distinguish between a single dwelling and dual occupancies or secondary dwellings, the first dwelling on a property is referred to in the Standard Instrument on which WLEP 2010 is based as the 'principal dwelling'. The terms 'Dual Occupancy' and 'Secondary Dwelling' then take their meaning in relation to the principal dwelling.

Dual Occupancies may be 'Attached' to, or 'Detached' from, the principal dwelling. The specific permissibility of each type of Dual Occupancy depends on the relevant zone applicable to the land under WLEP 2010. A Dual Occupancy is deemed to be 'Attached' where the building is internally divided to create two separate dwellings while retaining the external appearance of a single dwelling.

Under WLEP 2010, the term Dual Occupancy applies only to the additional dwelling, not to a 'primary dwelling/additional dwelling' combination. It is also noted that the term 'duplex' is not used in the Standard Instrument. An Attached Dual Occupancy is considered to best represent a 'duplex' arrangement.

It is also noted that the term 'granny flat' is not used in the Standard Instrument. However, a Secondary Dwelling or Detached Dual Occupancy is considered by the state government to best represent a 'granny flat'.

A property may have a Dual Occupancy (either Attached or Detached) or a Secondary Dwelling development, but not both.

Where a Secondary Dwelling is permitted with consent under WLEP 2010, the existing dwelling may be nominated as the 'secondary dwelling', thereby identifying the new dwelling as the 'principal dwelling'.

C2.3.2 Controls in the R2 Low Density Residential Zone

The options for providing Dual Occupancy and Secondary Dwelling development in the R2 Low Density Residential zone are as follows:



- a) On a minimum lot area of 1,000m², where the lot is incapable of subdivision under WLEP 2010, Dual Occupancies, either Attached or Detached, are permitted with consent to a maximum floor area of 100m², or
- b) On a minimum lot area of 1,000m², where the lot is capable of subdivision under the provisions of WLEP 2010, no maximum floor area applies to Dual Occupancies, either Attached or Detached, however the FSR for the combined Dual Occupancy development shall not exceed 0.5:1.
- a) On a minimum lot area of 1,000m², Secondary Dwellings are permitted with consent to a maximum floor area as defined in WLEP 2010, or
- b) On a minimum lot area of 450m², Secondary Dwellings are permitted with consent under *State Environmental Planning Policy (Affordable Rental Housing) 2009* ('the Affordable Housing SEPP') to a maximum floor area of 60m².
- c) Applicants intending to use the provisions of the Affordable Housing SEPP are advised to acquaint themselves with the provisions of the SEPP on the NSW Legislation website, www.legislation.nsw.gov.au (Browse EPIs In Force – S for SEPPs).

C2.3.3 Permissibility in the R5 Large Lot Residential Zone

The options for Dual Occupancy and Secondary Dwelling development in the R5 Large Lot Residential zone are:

- a) On a minimum lot area of 1,000m², where the lot is incapable of subdivision under the provisions of WLEP 2010, Dual Occupancy (Attached) is permitted with consent to a maximum floor area of 100m², or
- b) On a minimum lot area of 1,000m², where the lot is capable of subdivision under the provisions of WLEP 2010, no maximum floor area for Dual Occupancy (Attached) applies however the FSR for the combined Dual Occupancy development shall not exceed 0.5:1, or
- c) On a minimum lot area of 450m², Secondary Dwellings are permitted with consent under the Affordable Housing SEPP to a maximum floor area of 60m².
- d) Applicants intending to use the provisions of the Affordable Housing SEPP are advised to acquaint themselves with the provisions of the SEPP on the NSW Legislation website, www.legislation.nsw.gov.au (Browse EPIs In Force – S for SEPPs).

C2.3.4 Subdivision of Dual Occupancy and Secondary Dwellings

The construction of a Dual Occupancy or Secondary Dwelling does not automatically permit subdivision of the dwellings either under Torrens or Strata Title. Council only permits subdivision of Dual Occupancies or Secondary Dwellings as prescribed under WLEP 2010 and does not support applications to subdivide such



developments which would create lots below the minimum lot size under WLEP 2010.

This is particularly the case in the R5 Large Lot Residential zone. There are several reasons for this which include:

- a) The Wingecarribee Local Planning Strategy 2015-2031 identifies rental housing as a valuable contribution to affordable housing especially for older residents living alone and Dual Occupancies and Secondary Dwellings provide a valuable source of housing choice for such residents.
- b) The subdivision of Dual Occupancies and Secondary Dwellings effectively offers the potential to halve the minimum lot size prescribed under WLEP 2010. A more appropriate mechanism to achieve such a variation would be to amend the minimum lot size standards themselves.
- c) A minimum lot area of 1,000m² is specified in the DCP controls to enable Dual Occupancy and Secondary Dwelling development without any adverse impact on residential amenity.
- d) Council is already dealing with 'legacy' issues surrounding the standard of water and sewer infrastructure in older subdivisions. It is anticipated that the ability to subdivide Dual Occupancy or Secondary Dwelling developments would increase the rate of such development with consequent increased pressure on those services.
- e) The fragmentation of ownership patterns in some older areas would not be conducive to future management of infrastructure.

Clause 7.2 of WLEP 2010 does permit the subdivision of a lawfully constructed Dual Occupancy on a corner allotment within an R2 Low Density zone provided the lot is at least 1,000m² in area and has access to reticulated town water supply and sewerage system.

The intent of this clause is to permit infill development within the towns and those villages where necessary infrastructure is available, without creating an adverse impact on existing street patterns street activation and presence.

The resulting subdivision is intended to create dwellings with their own independent street frontage and access. Applicants are directed to section C2.11 below which provides further detail on development on corner allotments.

C2.4 Development Density and Scale

C2.4.1 Introduction

The proportion of a site covered by buildings, their location on a site and their style in terms of bulk and scale are all fundamental to maximising the amenity for both new and existing development and respecting any existing residential context. Applicants



are reminded to also refer to Section A6 (Subdivision, Siting & Design) which contains full Site Analysis Requirements.

The relationship between buildings and landscaped open space on a site form an essential element in defining residential context, contributing both to site amenity and to broader residential amenity and streetscape. For example, with Items of Heritage or on sites within a Heritage Conservation Area in particular, the proportion of Landscaped Open Space may be much higher than that seen in modern developments.

C2.4.2 Objectives

In designing any new residential development, including dual occupancy or secondary dwelling and any alterations or additions to existing buildings, Council requires that the design address the following elements.

The height, scale and style of development shall:

- (a) Be compatible with the scale, appearance and character of any existing buildings on the site.
- (b) Retain important natural features of the site, including any significant existing trees.
- (c) Ensure that dwellings address the street in an appropriate way.
- (d) Be compatible with the scale of development of the established built environment and streetscape.
- (e) Ensure that the sides and rear of dwellings, which are generally viewed by neighbours, make a positive contribution to residential amenity,
- (f) Provide sufficient vehicle access and parking in accordance with standards contained within this Plan.
- (g) Ensure that the visual and acoustic privacy of adjoining dwellings are protected.
- (h) Ensure adjoining living areas are located to minimise overshadowing and overlooking.
- (i) Ensure windows in living areas are located to minimise and overlooking both within the site and between sites.

C2.4.3 Controls

In order to address the above objectives, the following controls apply to all forms of low density housing.

- (a) Development shall comply with the standards for maximum development area set out in the following table. The maximum development footprint includes all forms of housing – principal dwelling and dual occupancy or secondary dwelling, as well as non-habitable buildings such as garages and sheds.

The minimum open space area shown in the table represents the balance of the site after the maximum building footprint has been

applied. Section C2.13 below considers the appropriate treatment of this open space.

Area of Total Lot	Maximum Area of Development Footprint	Minimum Area of Open Space
Less than 2,000m ²	65% of the site area	35% of the site area
Less than 2,000m ² on a site which is an Item (or Draft Item) of Heritage or located within a Heritage (or Draft Heritage) Conservation Area	50% of the site area	50% of the site area
Between 2,000m ² and 4,000m ²	50% of the site area	50% of the site area
Over 4,000m ²	25% of the site area	75% of the site area

Table C2.4 Maximum Site Coverage Standards

- (b) In applying the controls of subclause (a) above, the following additional controls apply specifically to Dual Occupancy and Second Dwelling development:
- (i) The maximum floor space ratio for a combined Principal Dwelling/Dual Occupancy (Attached or Detached) residential development is 0.5:1. This excludes the area of any carport or garage.
 - (ii) An exception to subclause (b)(i) above may be considered where an existing dwelling house exceeds a floor space ratio of 0.5:1, and it is proposed to convert the dwelling into an attached Dual Occupancy without increasing the total floor space.
 - (iii) The Dual Occupancy component of a residential development on a site which is not capable of subdivision shall have a maximum floor space of 100m². This excludes the area of any carport or garage.
- (c) The Dual Occupancy component of a residential development shall not exceed the height of the principal dwelling.
- (d) Both the principal dwelling and the Dual Occupancy dwelling should have clear and direct access from a public street.

C2.5 Dwelling Orientation

The siting of all residential buildings to optimise solar access to their main living areas not only provides a more enjoyable living environment, but also reduces demands on artificial lighting, heating and cooling with consequent financial and environmental benefits. The location of garages and other ancillary development also needs to ensure this solar access objective is met.

Where possible, living areas should be oriented to the north, facing out over landscaped areas.

Applicants must refer to the BASIX requirements (www.sustainability.nsw.gov.au) in order to incorporate the energy saving design measures described.

C2.5.1 Objectives

The objectives of providing correct dwelling orientation, applicable to all proposed dwellings on the site, are to:

- (a) Ensure that all dwellings are orientated to optimise solar access to the main living areas of each.
- (b) Position the dwellings on the site to ensure that those open spaces most used by residents receive maximum access to sunlight.
- (c) Maximise opportunities for passive heating and cooling of dwellings to reduce reliance on artificial methods.
- (d) Ensure that no dwelling will adversely impact on the solar access of existing neighbouring dwellings.

C2.5.2 Specific Controls

All applications for residential development, including additions and alterations to existing dwellings, shall comply with the following controls:

- (a) New dwellings shall be orientated to ensure that key living areas and 50% of the primary private open space of that dwelling receive a minimum of 3 hours of direct sunlight on June 21st.
- (b) The design the main living areas shall open directly on to private open space to permit adequate sunlight and natural light into the dwelling.
- (c) The design of the dwelling shall allow good natural cross ventilation with well-considered placement of windows.
- (d) New development shall not reduce the solar access currently enjoyed in living areas and 50% of the primary private open space of adjacent dwellings so that they receive less than three (3) hours of direct sunlight on June 21st.

C2.6 Front Setbacks

Front setbacks provide separation and privacy between residential dwellings and the public domain. The size and consistency of front setbacks is an important character



element in the streetscape. Front setbacks also provide the opportunity for a spacious and well-designed area of private open space which engages with the street and which can be utilised for both active and passive recreation.

Where the existing streetscape contains a range of front setbacks, this Plan uses a contextual approach to establish front setback requirements. New development should adopt front setbacks similar to those of existing adjacent dwellings, or of relevant development in the immediate vicinity.

C2.6.1 Objectives

The objectives of these front setback controls are to:

- (a) Ensure the front setback of new infill development is consistent with the existing streetscape.
- (b) Provide areas for trees and vegetation to enhance the streetscape and provide privacy.
- (c) Preserve existing vegetation connections.

C2.6.2 Specific Controls

All applications for residential development shall comply with the following controls:

- (a) Front setbacks of new residential development shall be consistent with those of the dwellings immediately adjacent to the site and to those in the immediate vicinity.
- (b) On corner allotments, front setbacks shall apply to both street frontages as contained in section A0.11 below.
- (c) Where properties immediately adjacent to the proposed development do not feature a consistent front setback, the following guidelines will apply:
 - (i) If the difference between existing front setbacks is 2 metres or greater, new dwellings shall adopt a setback within the range established by adjacent dwellings.
 - (ii) If the difference between existing front setbacks is greater than 2 metres, the new dwellings shall adopt an average of the existing setbacks.
 - (iii) In general, subject to site assessment, Council requires the following front setbacks, exclusive of garage setbacks:

Lot size	Minimum front setback
Less than 900m ²	4.5 metres
Between 900m ² and 1500m ²	6.5 metres
Over 1500m ²	15 metres



- (d) Proposals that seek to vary these front setback controls may do so only if it can be demonstrated to the satisfaction of Council that the proposed variation:
 - (i) will complement or enhance the quality of the existing streetscape, and
 - (ii) will not compromise the amenity of any proposed or existing dwellings immediately adjacent to the proposed development.

C2.7 Side Setbacks

Side setbacks provide separation between adjacent dwellings, contributing to the quality of the overall streetscape as well as ensuring privacy, ventilation and solar access between dwellings.

C2.7.1 Objectives

The side setbacks controls below are intended to achieve the following objectives:

- (a) Provide adequate building separation between new and existing development for the purposes of privacy, ventilation, fire safety and solar access.
- (b) Provide space between dwellings to maintain the detached housing character and for individual identity and visual interest.
- (c) Ensure consistent patterns of built and unbuilt spaces within the streetscape.
- (d) Offer opportunities for deep soil areas and landscaping.

C2.7.2 Specific Controls

All applications for residential development shall comply with the following controls:

- (a) Side setbacks of new development will be generally consistent with those of immediately adjacent existing development.
- (b) Where the side setbacks of immediately adjacent existing development are inconsistent, Council will assess the proposed setbacks of the new development on merit, taking into consideration potential impacts on:
 - (i) The character of the existing streetscape;
 - (ii) Privacy of the proposed dwellings and existing adjacent dwellings;
 - (iii) Solar access to the proposed dwellings and existing dwellings.
 - (iv) Building Code of Australia issues relating to Fire Safety.
- (c) In general, subject to site assessment, Council requires the following side setbacks:



Lot size	Minimum required side setback
Less than 900m ²	0.9 metres
Between 900m ² and 1500m ²	1.5 metres
Over 1500m ²	2.5 metres

C2.8 Rear Setbacks

Rear setbacks provide private open space opportunities for both passive and active recreation. Such spaces also provide opportunities for contiguous mid block tree canopy and significant areas of deep soil.

C2.8.1 Objectives

The following objectives apply to the provision of rear setbacks:

- (a) Provide private open space for both active and passive recreation which has good solar access.
- (b) Ensure sufficient area on the site for mature trees and vegetation.
- (c) Ensure mid block tree canopy can be established or conserved.

C2.8.2 Specific Controls

All applications for residential development must comply with the following controls:

- (a) Rear setbacks of new development will be generally consistent with those of existing adjacent development.
- (b) In the case of inconsistent rear setbacks in the immediate vicinity of the proposed development, Council will assess the proposed setbacks of the new development on merit, taking into consideration impacts on:
 - (i) Existing vegetation and natural features on the site;
 - (ii) Privacy of the proposed dwellings and existing dwellings;
 - (iii) Solar access to the proposed dwellings and existing dwellings.
- (c) In general, subject to site assessment, Council requires the following rear setbacks:

Lot size	Minimum Required rear setback*
Less than 900m ²	3.0m - 8.0m depending on building height
Between 900m ² and 1500m ²	5.0m – 12.0 depending on building height
Over 1500m ²	10m – 15m depending on building height



** Applicants are advised that the minimum rear setback increases on a sliding scale once the building height at the rear of the dwelling exceeds 3.8m. In this case, the rear setback is calculated as the minimum rear setback for the relevant lot size plus three times the height of the rear of the dwelling which exceeds 3.8m.*

- (d) On corner allotments, the side setback may be used instead of the rear setback as contained in section C2.11 below.

C2.9 Building Height

The existing (locality) residential environment currently reflects a low scale domestic character *(or appropriate alternative description depending on the locality – villages would be described differently from the towns.)*

New development which proposes to significantly exceed the height of existing residential development would be detrimental to the retention of that character and would not be supported by Council. Such development can also create overshadowing and privacy issues.

C2.9.1 Objectives

The following Height controls seek to achieve the following objectives:

- (a) Retention of a low scale domestic residential character (or appropriate alternative depending on locality),
- (b) Minimal loss of privacy for existing development
- (c) Minimal overshadowing of neighbouring properties by new development
- (d) Minimal disruption to the views of existing development

C2.9.2 Specific Controls

All applications for residential development shall comply with the following controls:

- (a) The maximum height of a dwelling house shall not exceed two (2) storeys, with 'storey' being defined under the Building Code of Australia (BCA) as:

a space within a building which is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but not –

- (a) *a space that contains only –*
 - (i) *a lift shaft, stairway or meter room, or*
 - (ii) *a bathroom, shower room, laundry, water closet, or other sanitary*
 - (iii) *compartment, or*
 - (iv) *accommodation intended for not more than 3 vehicles, or*
 - (v) *a combination of the above, or*



(b) *a mezzanine.*

- (b) Notwithstanding subclause (a) above, within a Heritage Conservation Area, or Draft Heritage Conservation Area, the maximum height of a dwelling house shall not exceed one (1) storey with additional rooms permissible within the roof spaces of buildings, provided the inclusion of such additional rooms does not result in a roof form that is incompatible with the desired streetscape character.
- (c) On steeper sloping sites, applicants shall consider the stepping of buildings, or the provision of underfloor garages and non-habitable rooms, in order to reduce the overall height and bulk of development.

C2.10 Roof Forms

Roof forms shall reflect those of the existing streetscape. It is noted that modern roofs tend to be pitched at around 22 degrees, which is not sympathetic with older residential forms where roof pitches tend to range from 27.5 - 33 degrees. Accordingly, in Heritage Conservation Areas, or Draft Heritage Conservation Areas, or other areas where older housing predominates, roof pitches should be no less than 27.5 degrees.

C2.11 Dwellings on Corner Allotments

Corner allotments are a significant aspect of the streetscape. They can provide landmarks for 'way finding' and can contribute to residential amenity. Applicants need to be mindful that their property is visible from two directions and any development on a corner lot should ensure that the dwelling addresses both street frontages in an appropriate manner.

C2.11.1 Objectives

The objectives of controlling the position and design of dwellings on corner allotments are to ensure that:

- (a) Such development enhances the streetscape of both the streets involved.
- (b) The design of both dwellings is suited to a corner allotment in that it presents an attractive façade to both streets.
- (c) The design of both dwellings reflects the scale and density of surrounding development.

C2.11.2 Specific Controls

All applications for residential development on corner allotments shall comply with the following controls:

- (a) Address both street frontages through either built form or landscaping.
- (b) Where the width of the block is longer on one street than the other, the main entry to the principal dwelling shall be located on the longer frontage.



- (c) On the secondary street frontage the dwelling is to be set back at least three (3) metres from that boundary for a maximum length of nine (9) metres, then by at least four (4) metres thereafter.
- (d) The side setback may apply instead of the rear setback.
- (e) The front façade is to be set back at least two (2) metres from a splayed corner boundary.
- (f) The maximum height of a front fence shall be 1.2 metres and shall extend along the side boundary to the extent of the front setback.
- (g) Any front fence shall continue along each street frontage for a minimum of 30% of the frontage length.
- (h) No solid timber paling fences shall be permissible on any street frontage.
- (i) The maximum height of a side fence shall be 1.8 metres and shall not be located forward of the frontage setback line.
- (j) Any side fencing shall not be located extend along the both street frontages and along the side boundaries for a length of two (2) metres from behind the front façades.

C2.12 Garaging & Driveways

The location and treatment of garages and driveways can have a significant impact on the streetscape, particularly in the case of infill development in streets with more traditional forms of housing design. Garages must not dominate the streetscape and, preferably, should be situated behind the primary building line.

The appropriate location of garages can also provide additional covered space for both active and passive recreation. Garages with front and back doors which can be fully opened provide opportunities for casual entertaining spaces which link front and rear private open spaces.

All driveway crossings and verge crossing materials shall be provided in accordance with Council's Engineering Design and Construction Specifications and Standard Drawings.

C2.12.1 Objectives

The objectives of considering the location of garages associated with dwellings are to ensure that:

- (a) Garages are located to minimise the dominance of garages and driveways in the streetscape.
- (b) Garages shall be designed and located to minimise adverse solar impacts.
- (c) Where possible, garages should offer linkages between on-site open space areas.
- (d) Driveways shall be designed and located so as to be recessive in the streetscape.
- (e) Driveways shall be located so as not to impact on existing street trees.



C2.12.2 Specific Controls

All applications for residential development shall comply with the following controls:

- (a) In established residential areas, the location of new garages should reflect the current street pattern.
- (b) The height of the garage shall not exceed the height of the principal dwelling.
- (c) Where garages form part of the dwelling they shall not exceed 40% of the total width of the dwelling frontage to a maximum width of six (6) metres.
- (d) Double garages are only permitted on allotments of at least 12.5 metres in width.
- (e) Triple fronted garages are not permitted where they face directly on to the street.
- (f) The garage shall be set back from the front façade and designed so that the dwelling entry and façade are the dominant building features.
- (g) New dwellings (including principal, dual occupancy or secondary dwellings) shall provide a minimum of two car spaces behind the building line for each dwelling which may include an access way to the side of the dwelling of a minimum width of 2700mm.
- (h) Driveways are to be located a minimum of three (3) metres from the nearest street tree.
- (i) Driveways are to be located a minimum of one (1) metre from any side boundary.
- (j) Where possible, the edges of hard surfaces shall be softened through landscaping and material treatment.
- (k) Driveways are to be located a minimum of one (1) metre from any side boundary.

C2.13 Landscaped Open Space

Open space is an essential element of residential development, serving several functions - separation between adjacent dwellings, visual and acoustic buffering, areas for plantings and opportunities for various forms of outdoor passive and active recreation. Back yards, front yards, courtyards, verandahs, porches and balconies are all forms of 'open space'. When designing new residential development, the location, orientation and configuration of open space should all be considered.

Front yards are a major contributor to residential streetscape. Together with front verandahs, porches and paved areas, front yards encourage both active and passive recreation.

The landscaping of these open spaces provide opportunities for the growth of trees and shrubs, creating shade, clean air, stormwater absorption and wildlife habitats. Large trees and shrubs require deep soil areas and new plantings should seek,



wherever possible, to contribute to a continuous corridor of vegetated open space throughout the length of the residential block.

Gardens associated with Items (or Draft Items) of Heritage or within Heritage Conservation Areas (or Draft Areas) can in fact be an integral component of the heritage value of that Item or Area.

It is Council's experience that inadequate and inappropriate landscaping can significantly reduce the contribution of a new development to the amenity of the urban environment. This is particularly the case with larger scale development. Therefore, applicants must consult with Council staff regarding the level and nature of landscaping required and then submit with their application details of how these requirements will be met.

Properties that contain identified Threatened Species and/or Ecological Communities should also review the Chapter on Ecologically Sustainable Development in this Plan.

The minimum amount of Open Space required on a site, resulting in the maximum area of the development footprint is indicated in the following table:

Area of Total Lot	Minimum Area of Open Space	Maximum Development Footprint
Less than 2,000m ²	35% of the site area or 90m ² , whichever is the greater.	65% of the site area
Less than 2,000m ² on a site which is an Item of Heritage or located within a Heritage Conservation Area	50% of the site area	50% of the site area
Between 2,000m ² and 4,000m ²	50% of the site area	50% of the site area
Over 4,000m ²	75% of the site area	25% of the site area

Table C2.13 Minimum Open Space Standards

Applicants are also directed to [Part A5](#) of this Plan regarding tree and vegetation preservation controls.

C2.13.1 Objectives

Council will not support residential development which relegates open space to those areas around and in between buildings which are effectively 'left over' spaces. Therefore residential development should address the following objectives to ensure that it:

- (a) Meets the minimum on-site Open Space standards applicable to low density residential development.



- (b) Retains and protects both individual trees and/or identified Threatened Ecological Communities scattered throughout the locality.
- (c) Retains existing natural features on the site that contribute to the character of the site and/or the local area.
- (d) Seeks to create, maintain or enhance existing corridors of mature landscaping throughout the length of the residential block in order to contribute to existing tree canopies and wildlife habitats.
- (e) Protects the plantings on any site which is, or is in the vicinity of, an Item (or Draft Item) of Heritage or is within a Heritage Conservation Area or Draft Area.
- (f) Provides several generously designed outdoor spaces, rather than allowing such spaces to be simply 'left over' spaces after the siting of buildings.
- (g) Provides both passive and active recreation in private open space areas by providing a combination of hard surface, landscaping and deep soil areas.
- (h) Provides sufficient site area to support mature trees and vegetation and allow for water infiltration.
- (i) Creates attractive, landscaped front gardens that include a number of small trees and shrubs.
- (j) Encourages the use of the front garden and front of dwelling spaces such as verandahs and porches, for both active and passive recreation.
- (k) Ensures that the dimensions of verandahs and porches are sufficient to make a legitimate contribution to private open space.
- (l) Provides useable open space, located to maximise solar access.
- (m) Ensures ease of movement between living areas of dwellings and private open space.

C2.13.2 Specific Controls

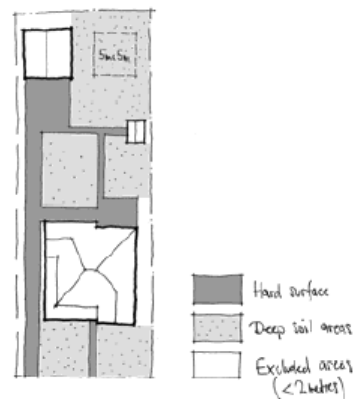
- (a) Low density residential development, including additions and alterations to existing dwellings, shall meet the minimum private landscaped open space standards.
- (b) A fully documented Landscape Plan prepared by a qualified landscape designer/architect to a minimum scale of 1:100.
- (c) Notwithstanding subclause (b) above, unless the development affects an Item (or Draft Item) of Heritage, is within the vicinity of an Item (or Draft Item) of Heritage, or is within a Heritage (or Draft Heritage) Conservation Area, a Landscape Plan will not be required for private landscaping associated with detached dwelling development, however such landscaping should seek to meet the objectives set out above.
- (d) All development, including alterations or additions to existing buildings, on any site which is, or is in the vicinity of, an Item (or Draft item) of Heritage, or is within a Heritage Conservation Area (or Draft Area), shall

provide a fully documented Landscape Plan prepared by a qualified landscape designer/architect to a minimum scale of 1:100 which:

- (i) Maps and identifies the plantings of any private open space on the development site.
 - (ii) Identifies the heritage significance of each planting.
 - (iii) Indicates which, if any, plantings may be removed from the garden without any adverse impact on the heritage significance of the garden.
 - (iv) Indicates the extent to which any environmental weeds form an integral part of the heritage value of the property.
 - (v) Offers potential alternative plantings to replace environmental weeds which are not considered an integral part of the heritage value of the property.
- (e) The open space provision shall provide at least one (1) consolidated area with minimum dimensions of (six) 6 metres in width and depth.
- (f) Designated deep soil areas must be a minimum of two (2) metres by two (2) metres as indicated below.

Figure C2.2

A typical residential development showing the area that can be included in the deep soil area (light grey). White areas, although not covered, are not included because they are less than the minimum 2m x 2m.



- (g) There must be at least one consolidated deep soil area with a minimum dimension of five (5) metres by five (5) metres.

C2.14 Fencing, Gates and Letterboxes

Front fences can make an important and positive contribution to the streetscape, provided they are appropriate to the style of existing surrounding fencing, the style of development and the nature of the roadway.

Fences clearly define the front boundary of the property and encourage more active use of open space at the front of the development, enabling neighbours to engage with each other and with pedestrians, as well as providing informal surveillance of the street, thereby contributing to a safer community.



Similarly front gates can play an important role in defining the front boundary of the property and contributing to the existing streetscape. This is particularly the case in Heritage Conservation Areas.

In order to make the positive contribution that such elements can provide, the following specific controls apply to all residential development in (locality).

C2.14.1 Specific Controls

- (a) Fence heights shall match the heights generally in use in the immediate vicinity, to a maximum of 1200mm in front of the front building line and 1800mm behind the front building.
- (b) Fences shall be of a form which provides an open appearance over 50% of its surface.
- (c) The use of zincalume or other reflective materials, barbed wire or electric fences is prohibited on residential zoned land.
- (d) Timber paling or other solid fences higher than 1200mm are not permissible within the front setback.
- (e) Gates are to be compatible with the streetscape and must provide a front setback of six (6) metres to allow for queuing off the street when the gate is closed.
- (f) Where a letterbox is incorporated into fencing, it should be functional, but attractive and conform with Australia Post guidelines.

Section 3 Medium Density Development

C3.1 Introduction

This Section of the Plan contains the principles, controls and guidelines that apply to the assessment of applications for medium density development, including multi dwelling housing and residential flat buildings within the R3 Medium Density Residential zone.

WLEP 2010 provides several R3 Medium Density Residential areas within each of the townships of Mittagong, Bowral, Moss Vale and Bundanoon. The objectives of the R3 Medium Density Residential zone under WLEP 2010 are:

- (a) To provide for the housing needs of the community within a medium density residential environment.
- (b) To provide a variety of housing types within a medium density residential environment.
- (c) To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The key difference between the R2 Low Density Residential and R3 Medium Density Residential zones is that R3 permits, with consent, attached dwellings, multi dwelling housing, residential flat buildings and semi detached dwellings, all of which are prohibited in the R2 zone.

C3.1.1 Objectives

- a) Wingecarribee Shire offers a variety of housing forms to cater for differing lifestyles and income levels;
- b) The provision of medium density housing does not adversely affect the amenity of existing and likely future residents of a locality;
- c) The design of medium density housing is appropriate to the existing residential streetscape;
- d) The proposed development takes advantage of any particular site features to maximum urban amenity and convenience for residents;
- e) Development is located within reasonable walking distance of public transport;
- f) Development is located within reasonable walking distance of retail and service facilities.

4.2.4 Dual Occupancy and Secondary Dwellings in the R3 Medium Density Residential Zone

The options for Dual Occupancy and Secondary Dwelling development in the R3 Medium Density Residential zone are:



- a) On a minimum lot area of 1,000m², where the lot is incapable of subdivision under the provisions of WLEP 2010, Dual Occupancies, either Attached or Detached, are permitted with consent to a maximum floor area of 100m², or
- b) On a minimum lot area of 1,000m², where the lot is capable of subdivision under the provisions of WLEP 2010, no maximum floor area applies for Dual Occupancies, either Attached or Detached, however the FSR for the combined Dual Occupancy development shall not exceed 0.5:1, or
- c) On a minimum lot area of 1,000m², Secondary Dwellings are permitted with consent under the *State Environmental Planning Policy (Affordable Rental Housing) 2009* (the Affordable Housing SEPP) to a maximum floor area of 60m².
- d) Applicants intending to use the provisions of the Affordable Housing SEPP are advised to acquaint themselves with the provisions of the SEPP on the NSW Legislation website, www.legislation.nsw.gov.au (Browse EPIs In Force – S for SEPPs).
- e) The construction of a Dual Occupancy or Secondary Dwelling does not automatically permit subdivision of the dwellings either under Torrens or Strata Title. Council only permits subdivision of Dual Occupancies or Secondary Dwellings as prescribed under WLEP 2010 and generally does not support applications to subdivide such developments which would create lots below the minimum lot size under WLEP 2010. Within the R3 zones, Council would prefer to encourage site amalgamation of redevelopment to provide newer housing stock with the potential for more housing choice and the opportunity to provide an appropriate standard of infrastructure.

C3.2 Site Amalgamation & Minimum Frontage requirements

Traditional residential subdivisions in the villages and townships of Wingecarribee typically feature deep, narrow lots intended to accommodate detached dwellings. The size and proportions of these lots, and the blocks of which they form part, were not designed with medium or high density development in mind. As a consequence, higher density development on individual lots often leads to high levels of site coverage, significant loss of vegetation and few dwellings with direct access to a public street.

The amalgamation of adjoining land parcels can achieve better quality medium and high density development, particularly if that amalgamation aims to maximise the amount of site frontage to public streets and other public spaces. Corner sites or other allotments with two street frontages can also be used to improve the amenity of medium and high density development.

Amalgamated sites offer opportunities for more efficient site planning to minimise site coverage, provide good solar access to dwellings, minimise adverse impacts on the streetscape and allow sufficient open space, including the retention of existing mid-block tree canopy and other vegetation.

Figure C3.1 - Site amalgamation, cumulative impacts of current practice -The possible cumulative impacts of current practice site amalgamation are high site coverage, loss of mid-block vegetation and poor privacy for new and existing dwellings.



Figure C3.2 - Preferred amalgamation - Amalgamation of a corner site or shallow site allows higher density development with less site coverage and less vegetation loss. The rear portion of some amalgamated lots has been subdivided to form a single housing lot in the middle of the block, allowing retention of vegetation and providing a buffer between the medium density developments.

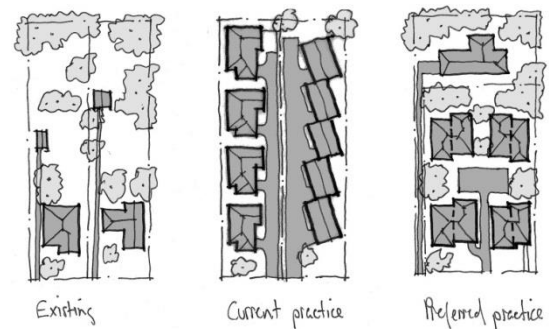
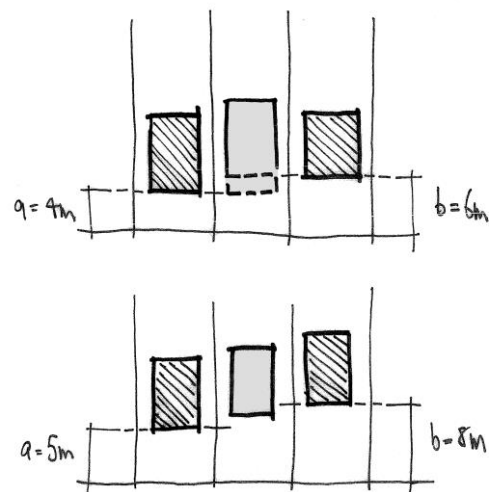


Figure C3.3 - These drawings illustrate the relative site coverage and street front impacts between current and preferred practice in the redevelopment of a site for medium or high density development.



C3.2.1 Objectives

The controls described below are intended to achieve the following objectives:



- (a) Encourage the efficient use of existing residential land in urban areas.
- (b) Provide a high level of amenity for dwellings in medium density development.
- (c) Design the position and orientation of dwellings to maximise the integration of the higher density development into the existing neighbourhood character.
- (d) Minimise the loss of mid-block tree canopy and other vegetation on site.

C3.2.2 Specific Controls

Council shall not grant consent to the carrying out of multi dwelling development unless it is satisfied that the area and configuration of the allotment on which the development is proposed is such that it:

- (a) Has at least 25 metres of site frontage to a public street or other appropriate public place;
- (b) Does not unreasonably compromise the development potential of adjoining allotments;
- (c) Allows for an acceptable level of amenity for residents and neighbours of the proposed development at the density proposed.
- (d) In the case of a battle-axe block, Council will consider a street frontage of less than 25 metres provided:
 - (i) the width of the block at the end of the access handle is at least 25 metres in its entirety, and
 - (ii) that width is parallel to the street, and
 - (iii) the area of the site provides for a development which meets the objectives and other controls contained in this section of the Plan.

C3.3 Site Planning

Applicants are directed to the site analysis details described in Section A and must prepare a site analysis report which incorporates the following objectives and specific controls.

C3.3.1 Objectives

The controls described below are intended to achieve the following objectives:

- (a) To provide a high level of amenity for new medium density residential development.
- (b) To maintain the amenity of existing residential development.
- (c) To ensure that medium density housing provides a street frontage compatible with that already existing.
- (d) To retain any significant landscape features on the site.

- (e) To minimise the dominance of garaging and vehicular circulation areas on the streetscape.
- (f) To provide continuous areas of deep soil planting in residential areas.
- (g) To provide and maintain mid-block street canopy.

C3.3.2 Specific Controls

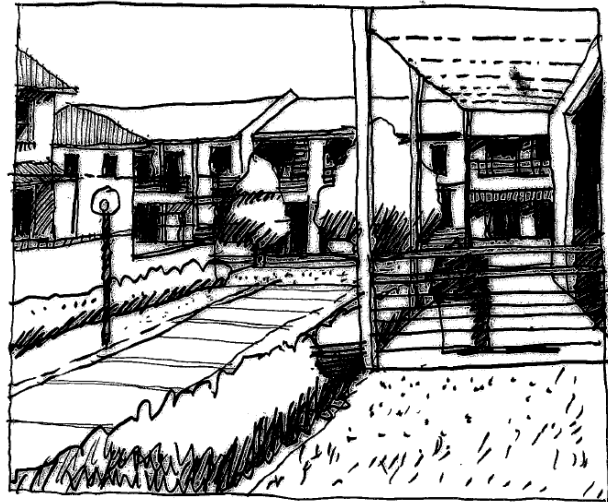
Council shall not grant consent to the carrying out of medium density housing development unless it is satisfied that the area and configuration of the allotment on which the development is proposed is such that it:

- (a) Maximises the number of dwellings that address a public street rather than internal driveways.
- (b) Maintains existing street patterns to all streets addressed by the development.
- (c) Avoids long, unbroken building forms greater than 25 metres in length.
- (d) Limits the proportion of dwellings which are more than 50 metres from a public street.
- (e) Uses landscape plantings to reduce the apparent bulk of new dwellings when viewed from the street or adjoining land.
- (f) Minimises the dominance of areas set aside for the vehicular circulation and storage.
- (g) Ensures buildings are designed and sited so as to preserve the visual and acoustic privacy of adjoining residential development and to ensure adequate privacy of dwellings and courtyards within the proposed development;
- (h) Locates dwellings, driveways and open space so as to allow for the retention of existing natural and cultural features on the site.
- (i) Orients and configures dwellings to respond to opportunities for good solar access.

Figure C3.4
An example of medium density development addressing the street frontage.



Figure C3.5
 Internal site view of desirable
 character for two-storey R3 Medium
 Density residential development.



C3.4 Density and Site Coverage

All land zoned R3 Medium Density Residential has been divided into three sub-zones – A, B and C with the relevant density controls as indicated in [Figure C3.6](#) below.

Sub-Zone	Maximum floor space ratio
R3 - A	0.40:1 floor space ratio
R3 - B	0.50:1 floor space ratio
R3 - C	0.60:1 floor space ratio

Figure C3.6 Density controls by zone and dwelling type

With regard to R3 zoned land within Moss Vale, the following maps indicate the location of each sub-zone.

The locations of each of the sub zones in Moss Vale follow.

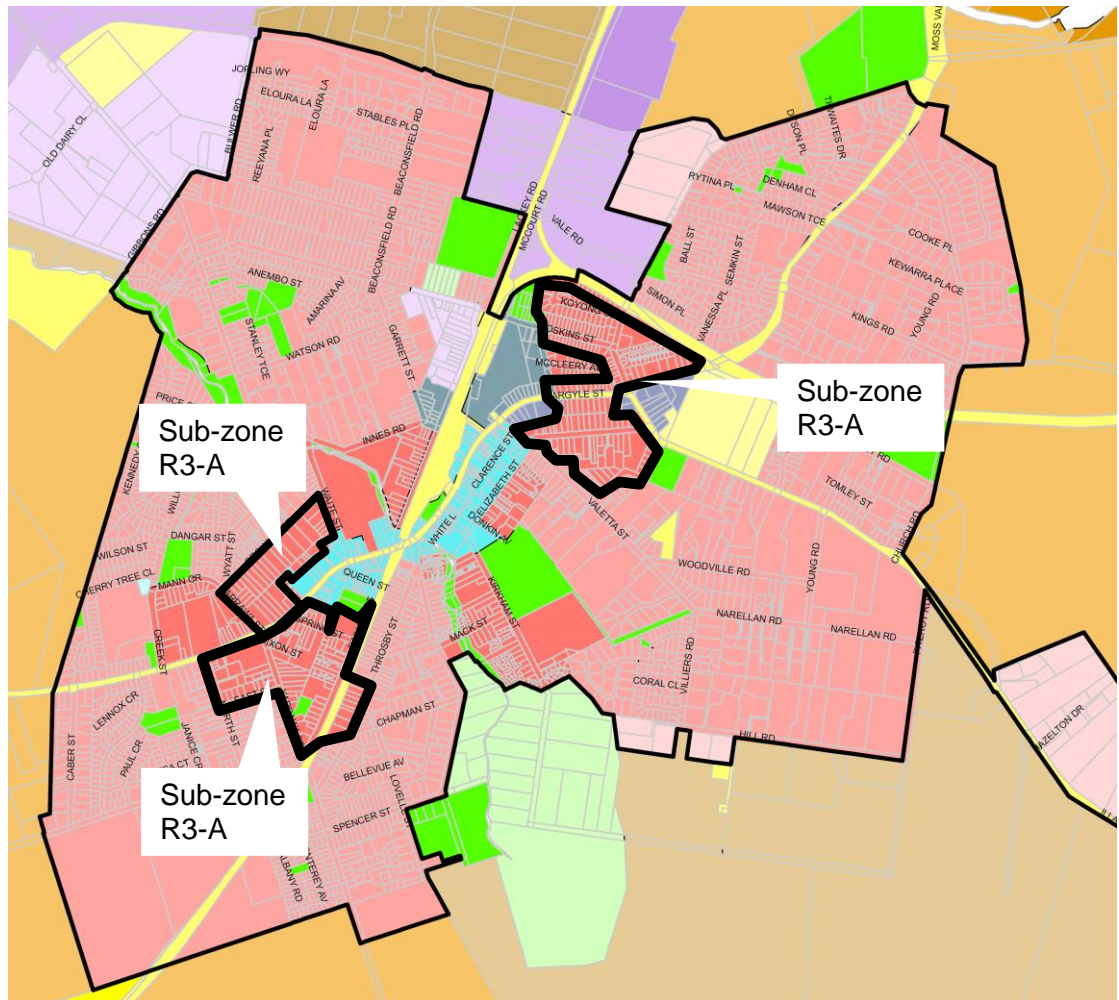


Figure C3.7 – Locations of Sub-zone R3-A

Sub-zone A incorporates the two areas of R3 land at the northern and southern entrances to the town and the R3 land on Argyle Street between Yarrowa Street and Waite Street.

NB: Sub-zone A does not include land fronting McCleery Avenue. This land forms part of Sub-zone B.

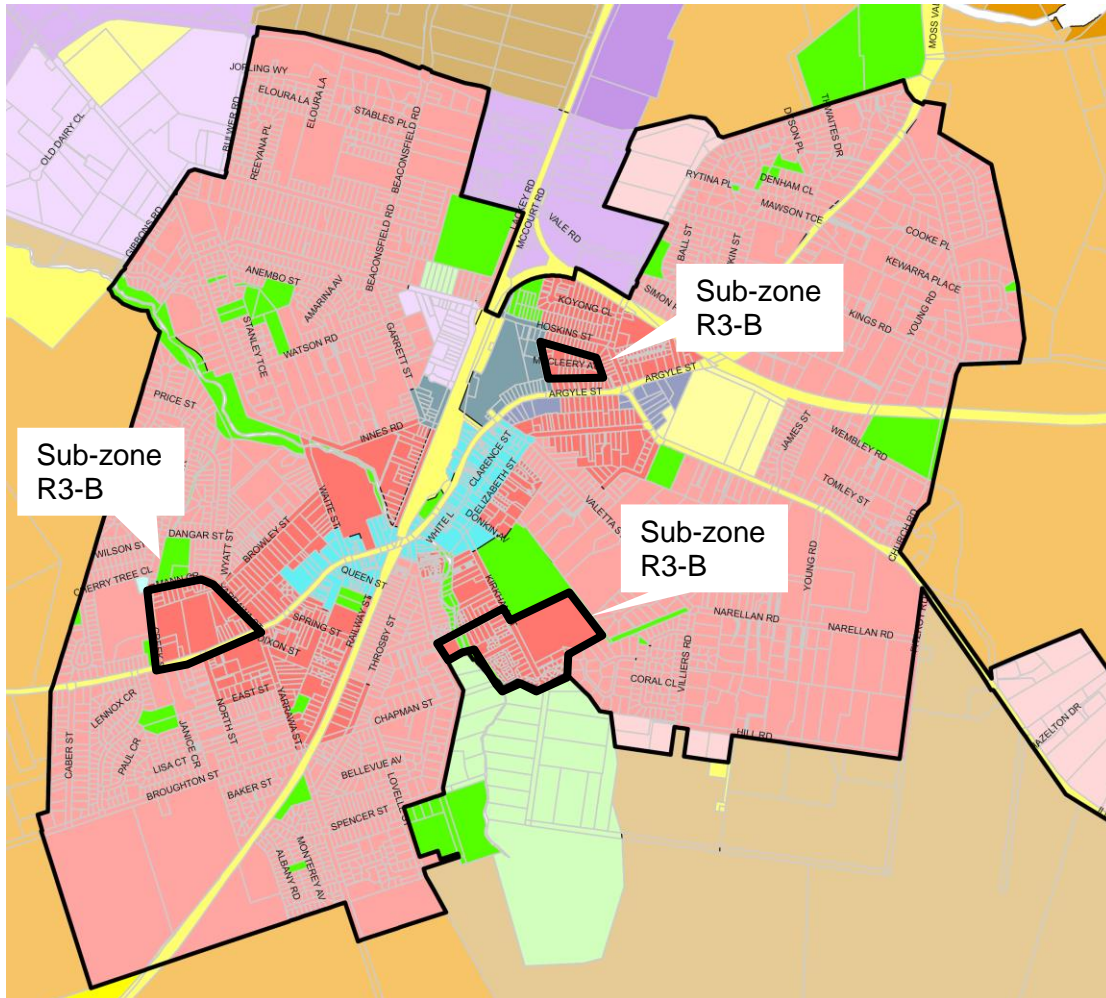


Figure C3.8 – Locations of Sub-zone R3-B

Sub-zone B incorporates the area of R3 land on Argyle Street between Creek Street and Yarrawa Street, the R3 land at the end of Kirkham Street, the land fronting McCleery Avenue as well as that land between Arthur Street and Whites Creek.

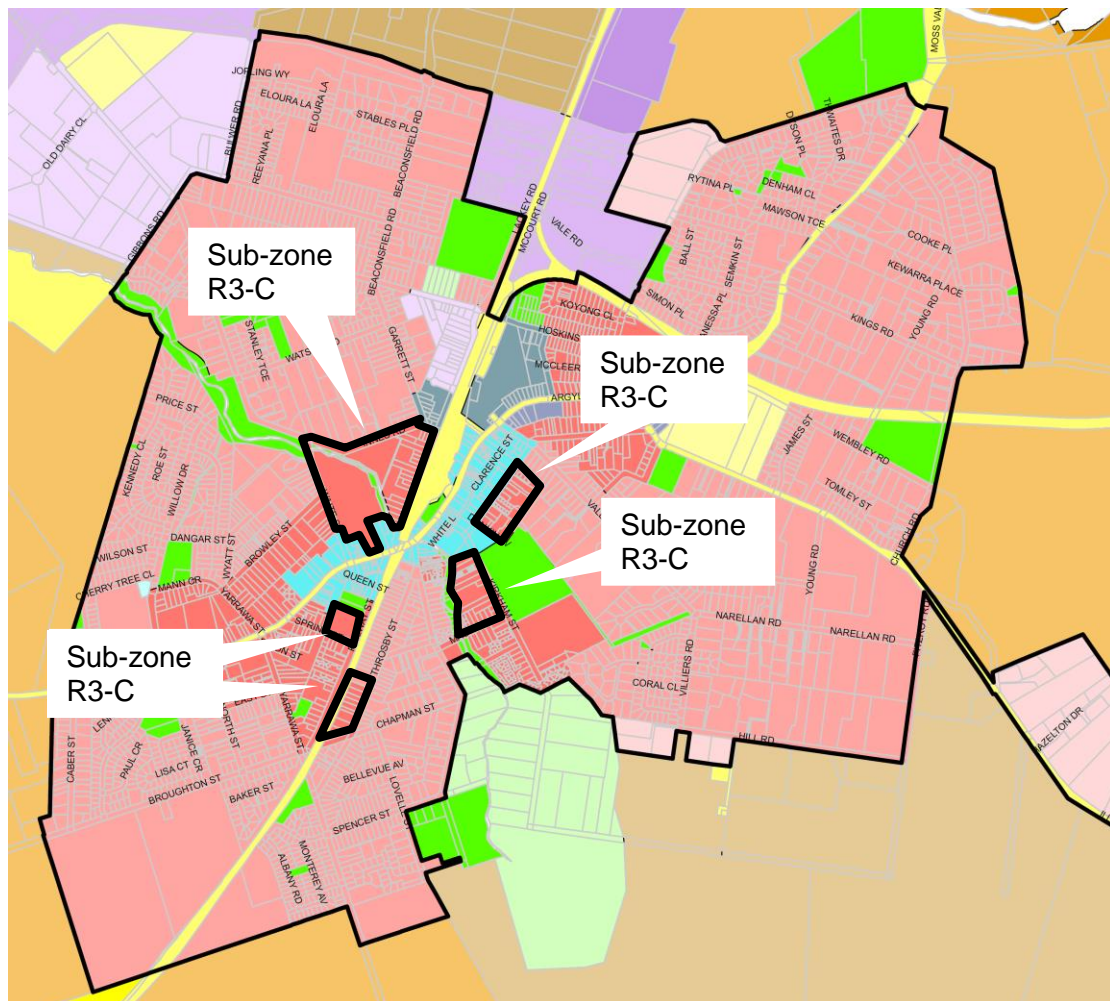


Figure C3.9 – Locations Sub-zone R3-C

Sub-zone C is the only location where residential flat buildings will be considered by Council. Applicants are directed to the following Section for specific objectives and controls for residential flat development.

C3.4.1 Objectives

The controls described below are intended to ensure that:

- (a) the site is developed to provide adequate amenity for future residents.
- (b) the development maintains the amenity of existing residents.
- (c) the impacts upon existing streetscapes of the local area are minimised.

C3.4.2 Specific Controls

Council will not grant consent to the carrying out of medium density housing unless it is satisfied that the area and configuration of the allotment on which the development is proposed is such that:



- (a) It respects the maximum density permissible for medium density housing within the relevant sub-zone;
- (b) It limits development for the purposes of residential flat buildings to land identified in sub-zone C above.
- (c) Any proposals that seek to exceed the maximum floor space ratios set out in sub clause (a) above must demonstrate to the satisfaction of Council that despite the additional density, the proposed development:
 - (i) satisfies all relevant controls and guidelines;
 - (ii) will not detract from the quality of the existing streetscape or the character of the local area;
 - (iii) will not compromise the amenity of the proposed or existing dwellings.
 - (iv) Applicants undertaking residential development in a defined residential precinct must also consult the provisions of that Area for any variation to these density controls.

C3.1 Street Presentation

Council requires that those dwellings in a medium density dwelling located closest to the street should maintain the same dwelling orientation as in the existing street pattern.

The presentation of medium density development to the street is particularly important when the development occurs at the interface between the R3 Medium Density Residential zone and a R2 Low Density Residential zone. In this case, the use of front setbacks and street frontage landscaping can do much to reduce the visual impact of the medium density development. This is especially so when residential flat buildings are proposed. Consideration should be given to lower building heights on dwellings fronting the street, with higher rooflines more towards the centre of the development. These options are elaborated on further below.

Similarly with battleaxe blocks, it needs to be recognised that the development may be viewed more from the sides and rear than from the street frontage and setbacks, design and landscaping should be used accordingly to minimise adverse impacts on surrounding neighbours.

C3.2 Front Setbacks

Front setbacks provide separation and privacy between residential buildings and the public domain. The size and consistency of front setbacks is an important character element in the streetscape even in the R3 Medium Density residential zones.

Due to the variety of front setbacks contributing to existing streetscapes, this Plan uses a contextual approach to establish front setbacks. New development should adopt front setbacks similar to those of existing adjacent development in the



immediate vicinity. However, as the process of medium density development replacing low density housing occurs, new streetscapes will develop and the following objectives and controls are intended to provide a clear context for that transition.

C3.2.1 Objectives

The controls described below are intended to achieve the following objectives:

- (a) Ensure the front setback of new development is consistent with the existing streetscape.
- (b) Preserve existing vegetation in front gardens where possible, or provide a detailed Landscape Plan for appropriate replacement.
- (c) Provide deep soil landscaping within the front setback area to support trees and vegetation to enhance the streetscape and provide privacy.

C3.2.2 Specific Controls

- (a) Setbacks shall be measured to the outermost projection of the building excluding balconies.
- (b) Front setbacks of new development will be consistent with those of the buildings immediately adjacent to the site and to those in the immediate vicinity.
- (c) Where properties immediately adjacent to the proposed development do not feature a consistent front setback:
 - (v) If the difference between existing front setbacks is 2 metres or greater, new buildings can adopt a setback within the range established by adjacent buildings;
 - (vi) If the difference between existing front setbacks is greater than two (2) metres, new buildings will adopt an average of the existing setbacks;
- (d) In the case where adjacent setbacks are not relevant, the minimum front setback for:
 - (i) Residential flat buildings will generally be nine (9) metres
 - (ii) Multi dwelling housing, other than other than residential flat buildings, will generally be eight (8) metres.
- (e) Secondary setbacks on corner blocks will be the subject of a contextual approach and will generally be half the requirement of the primary setback.
- (f) Proposals that seek to vary the front setback controls may do so only if it can be demonstrated to the satisfaction of Council that the proposed variation:
 - (vii) will enhance the quality of the existing streetscape, and
 - (viii) will not compromise amenity of the any proposed or existing dwellings immediately adjacent to the proposed development.

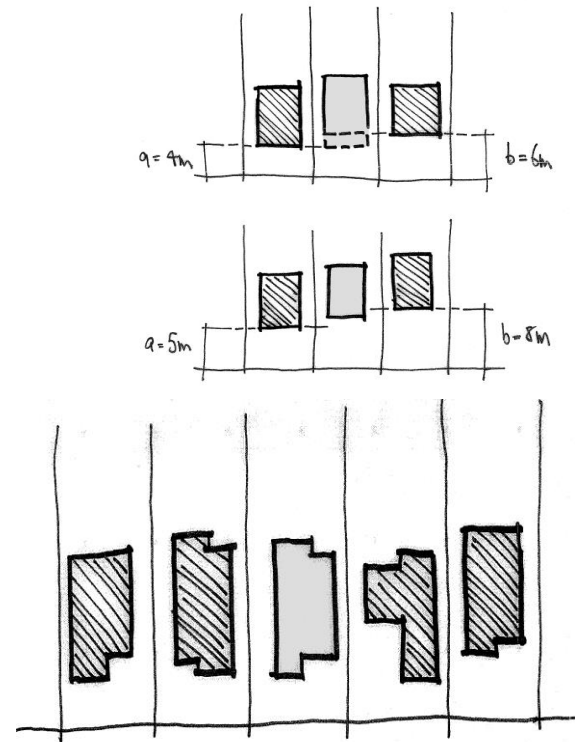
- (g) Where it is common practice in the streetscape to have some variation in the alignment of the front setback, new development should reflect this pattern.

Figure C3.7

If the difference between existing front setbacks is 2 metres or greater, new dwellings can adopt a setback within the range established by adjacent dwellings.

If the difference between existing front setbacks is greater than 2 metres, new dwellings will adopt an average of the existing setbacks.

Where it is common practice in the streetscape to have some variation in the alignment of the front setback, new development should reflect this pattern.



C3.3 Side Setbacks

Side setbacks provide separation between adjacent dwellings, permit access to back yards and facilitate solar access to proposed and adjoining dwellings. The dimension and use of areas in side setbacks are important character elements in the streetscape. New development should adopt side setbacks similar to those of existing dwellings in the immediate context.

Side setbacks are of particular relevance with larger blocks or battle axe blocks where several neighbours may be impacted by the development. Deeper setbacks may be required by Council in such circumstances.

C3.3.1 Objectives

The controls described below are intended to achieve the following objectives:

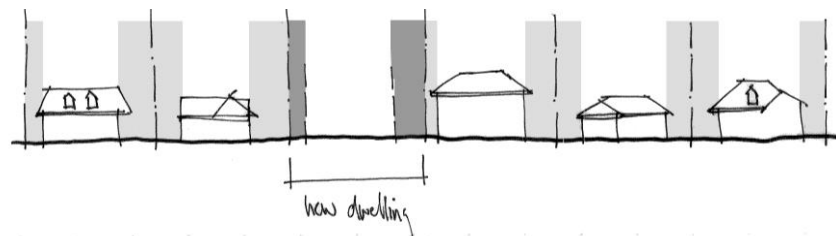
- Provide adequate building separation between new and existing development for privacy, ventilation, fire safety and solar access
- Provide breaks between dwellings that give individual identity and visual interest, and maintain the detached housing character.

- (c) Ensure consistent patterns of built and unbuilt spaces within the streetscape.
- (d) Provide sufficient area on the site for deep soil areas and landscaping.

C3.3.2 Specific Controls

- (a) Setbacks shall be measured to the outermost projection of the building excluding balconies.
- (b) Side setbacks for new development will be generally consistent with those of existing development in the immediate adjacent context (see [Figure C3.8](#) below).
- (c) Where there are inconsistent side setbacks in the immediate context of the proposed development, Council will assess the proposed setbacks of the new development on merit, taking into consideration potential impacts on:
 - (i) The character of the existing streetscape;
 - (ii) Privacy of the proposed dwellings and existing adjacent dwellings;
 - (iii) Solar access to the proposed dwellings and existing dwellings.
 - (iv) Building Code of Australia issues relating to Fire Safety.
- (d) Notwithstanding the above controls, Council's standard minimum side setbacks for medium density housing are:
 - (i) 2 metres where development is up to 3 metres in height above natural ground level, or
 - (ii) 3.5 metres where development is more than 3 metres in height above natural ground level.
- (e) Notwithstanding the above controls, Council's standard minimum side setback for residential flat buildings is 1.5 metres plus the height of the building metres.

Figure C3.8
New development should maintain the existing pattern of separation between buildings



C3.4 Rear Setbacks

Rear setbacks provide private open space opportunities for both passive and active recreation. Such spaces also provide opportunities for contiguous areas of mid block tree canopy and significant areas of deep soil.



Rear setbacks are of particular relevance with larger blocks or battle axe blocks where several neighbours may be impacted by the development. Deeper setbacks may be required by Council in such circumstances.

C3.4.1 Objectives

The controls described below are intended to achieve the following objectives:

- (a) Provide opportunities for active and passive open space that are both private and allow good solar access.
- (b) Ensure sufficient area on the site for mature trees and vegetation.
- (c) Ensure mid block tree canopy can be established or conserved.

C3.4.2 Development Controls

- (a) Setbacks shall be measured to the outermost projection of the building excluding balconies.
- (b) Rear setbacks of new development will be generally consistent with those of existing adjacent development.
- (c) In the case of inconsistent rear setbacks in the immediate context of the proposed development, Council will assess the proposed setbacks of the new development on merit, taking into consideration impacts on:
 - (i) Existing vegetation and natural features on the site;
 - (ii) Privacy of the proposed dwellings and existing dwellings;
 - (iii) Solar access to the proposed dwellings and existing dwellings.

C3.5 Building Height

C3.5.1 Introduction

There are no maximum building height controls for residential zoned land under WLEP 2010.

Maximum building heights are contained within this DCP, but are referred to in terms of 'storeys'. In accordance with Department of Planning and Environment requirements.

Under the Building Code of Australia (BCA), 'storey' means:

a space within a building which is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but not –

- (a) *a space that contains only –*
 - (i) *a lift shaft, stairway or meter room, or*
 - (ii) *a bathroom, shower room, laundry, water closet, or other sanitary*



- compartment, or*
- (iii) *accommodation intended for not more than 3 vehicles, or*
 - (iv) *a combination of the above, or*
- (b)a mezzanine.*

It is noted that residential building heights in the area are generally as follows, measured from the natural ground level to the highest point of the roofline. Therefore, residential buildings in this locality should not exceed the following maximum heights:

- (a) For single (1) storey development, six (6) metres.
- (b) For two (2) storey development, nine (9) metres.
- (c) For three (3) storey development, twelve (12) metres.

It is further noted that where a new medium density development is proposed for a battle axe block, Council may require limitations on building height across all or part of the site to reduce adverse impacts on surrounding neighbours.

C3.5.2 Objectives

The controls described below are intended to achieve the following objectives:

- (a) To achieve a medium density residential character which respects existing development patterns across the locality while still providing opportunities for medium density housing.
- (b) To manage building heights to minimise adverse impacts on new and existing residents.
- (c) To minimise overshadowing of neighbouring properties by new development.
- (d) To minimise disruption of view and loss of privacy to existing development.

C3.5.3 Specific Controls

All applications for multi dwelling housing shall comply with the following controls:

- (a) The maximum height of a medium density development, other than a residential flat building, shall not exceed two (2) storeys, as defined above.
- (b) The maximum height of a residential flat building shall not exceed three (3) storeys in height as defined above, the third storey being located within the roofline. The following diagram illustrates the application of this control.

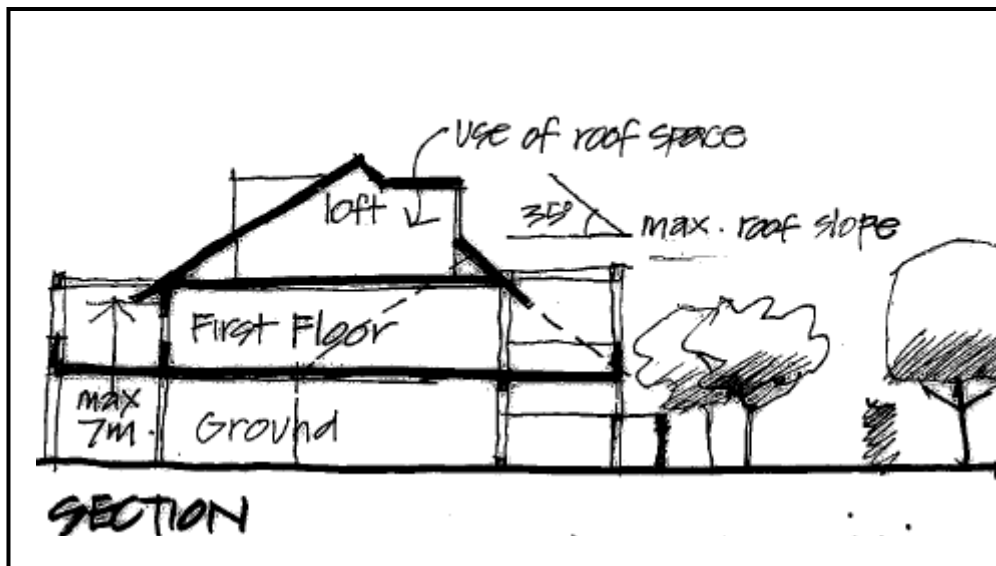


Figure C4.2 - Section showing two storeys and the use of roof space in residential flat development

- (c) Notwithstanding subclauses (a) and (b) above, within a Heritage Conservation Area, or Draft Conservation Area, the maximum height of a medium density development shall not exceed one (1) storey with additional rooms permissible within the roof spaces of buildings, where the inclusion of such additional rooms does not result in a roof form that is incompatible with the desired streetscape character.
- (d) The roof pitch shall reflect the dominant roof forms of the existing streetscape.
- (e) On steeper sloping sites, applicants shall consider the stepping of buildings, or the provision of underfloor garages and non-habitable rooms, in order to reduce the overall height and bulk of development. The following diagram illustrates this approach.

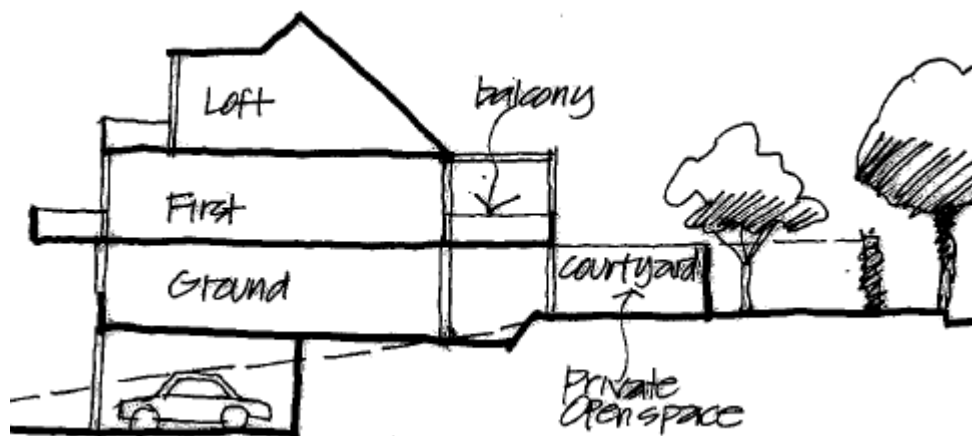


Figure - Section showing residential flat development on a sloping site.

C3.6 Dwelling Orientation

Dwellings orientation refers to the siting of buildings and the configuration of internal spaces so as to optimise opportunities for solar access and natural ventilation. Good dwelling orientation will reduce the need for artificial heating and cooling, contributing to thermal comfort and reduced energy consumption.

C3.6.1 Objectives

The controls described below are intended to achieve the following objectives:

- (a) Ensure that proposed and existing dwellings receive adequate sunlight to living areas of dwellings and private open space.
- (b) Maximise opportunities for passive heating and cooling of dwellings.

C3.6.2 Development Controls

- (a) For any new dwelling, a living area and 50% of the primary private open space of that dwelling must receive a minimum of 3 hours of direct sunlight on June 21st.
- (b) Any new development must not reduce the solar access currently enjoyed in living areas and 50% of the primary private open space of adjacent dwellings so be less than 3 hours of direct sunlight on June 21st.

C3.7 Building Design

Council will only consider multi dwelling housing proposals which complement the design of other residential development throughout the locality. In preparing designs for medium density housing, including residential flat buildings, applicants are directed to design guidelines on the Department of Planning and Environment's website.

Council may obtain an independent assessment of the architectural merit of a multi dwelling development proposal if deemed necessary.

C3.7.1 Objectives

The controls described below are intended to achieve the following objectives:

- (a) Ensure that the external appearance of multi dwelling housing, including residential flat buildings, provides a high standard of urban design and residential amenity.
- (b) Ensure that the layout of multi dwelling housing, including residential flat buildings, on the site provides residents with a high standard of amenity and safety.
- (c) Ensure that the internal layout of multi dwelling housing, including residential flat buildings, provides amenity, safety and comfort to residents.



- (d) Ensure that the design minimises the need for the artificial heating and cooling of dwellings.

C3.7.2 Controls

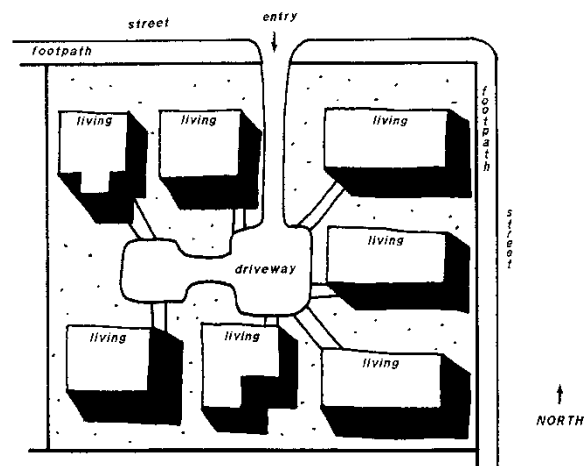
In addressing the design of medium density housing applicants must meet the following minimum standards:

- (a) The design and arrangement of the buildings is to take proper and sensitive account of such natural features of the site as slope, vegetation, aspect, drainage and the like.
- (b) Buildings shall be designed and sited to be energy efficient by making best use of natural lighting, heating and ventilation wherever practicable. Landscaping shall also be designed to increase the energy efficiency of the dwellings.
- (c) Wherever practicable, buildings shall be orientated to the north in order to allow efficient use of solar energy. Excessive overshadowing of north facing walls and roofs by adjoining buildings is to be avoided through proper design and siting of dwellings.
- (d) The bulk, scale, height, dwelling type, and construction material of the development shall be such that it is compatible with, and does not affect the amenity of, existing or future residential development in the vicinity.
- (e) Particular attention shall be given to the effect of shade on adjoining properties. Sunlight and shade indications shall accompany a development application where shade from a proposed residential flat building will infringe upon adjoining property.
- (f) The development shall be designed to provide attractive on-site visual variation by use of staggered building setbacks, variation of roof lines, curved driveways and access roads, landscaping and the like.
- (g) Dwellings should not be identical in design and façade treatment, but should be compatible with each other. If only a limited number of dwelling designs are to be used they should be so arranged on the site that different façade are presented to any public place, communal area, or adjoining residential development.
- (h) All buildings in the development shall be generally of brick, brick veneer or masonry construction, allowing that a proportion of the external cladding may be of special feature material.
- (i) Windows of habitable rooms shall be screened or adequately separated from communal areas, windows of other dwellings and adjoining private open space within and outside the proposed development.
- (j) Buildings shall be sited to ensure that courtyard areas of the same and adjoining dwelling receive direct sunlight during the major part of daylight hours.
- (k) Courtyard walls, walls of buildings, carport screen walls and the like shall be regarded as acceptable screening. Physical separation distances may vary depending on land slope, angle of vision from the windows, window height, degree of overlooking and the like.

- (l) A balcony shall not encroach more than 2 metres or 25 per cent, whichever is the lesser, on the setback to the front, rear and side boundaries. No part of any means of enclosure of a balcony shall exceed a height of 1.2 metres.
- (m) Living areas and private open spaces shall be located towards the north and west to maximise solar access to these areas.
- (n) Bedrooms, kitchens and utility rooms shall be located in those parts of a dwelling where solar access is reduced.

NOTE: Referral to BASIX is compulsory for all medium density housing in order to incorporate energy saving design measures. The web site is www.sustainability.nsw.gov.au

Figure C3.9
It is possible to achieve northern orientation of living areas regardless of the orientation of the allotment.



C3.8 Dwelling Mix

Developments which contain a range of dwellings types and sizes support social diversity objectives by providing for the housing needs a broader range of potential residents.

Multi dwelling housing developments should seek to provide a range of dwelling sizes, both in terms of the number of bedrooms and the overall size of rooms, and the size and configuration of private open spaces associated with the dwelling.

Such diversity also provides opportunities for a mix of building size and height and for the arrangement those buildings in such a way as to maximise residential amenity, both for residents of the new development and for existing residents living near to that development.

C3.8.1 Objectives

The controls described below are intended to achieve the following objectives:

- (a) Provide a range of dwellings types and sizes.

- (b) Arrange that mix on the site so as to maximise resident amenity and minimise streetscape impacts.

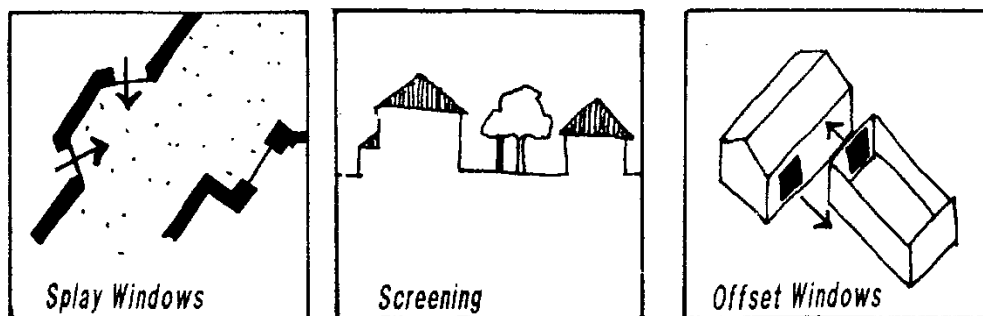
C3.8.2 Controls

- (a) Multi dwelling housing that proposes more than eight (8) dwellings should provide a mix of dwelling sizes, both in terms of both the number of bedrooms and the size of the rooms.
- (b) All multi dwelling housing development should provide a variety of private open space areas.
- (c) Buildings should be arranged on the site to maximise resident amenity and minimise adverse streetscape impacts.

C3.9 Privacy

The privacy of adjoining neighbours is an important consideration in the design of new medium and high density developments. Buildings should be designed and oriented so as to provide a reasonable level of privacy.

Visual privacy can be achieved by arranging the layout of the building so as to reduce opportunities for overlooking, the use of screening, separation of buildings and the considered placement of windows and openings. Examples are illustrated below.



C3.9.1 Objectives

The controls described below are intended to encourage new multi dwelling housing development to provide privacy between dwellings within the development as well as between the development and existing adjoining development.

C3.9.2 Development Controls

- (a) Windows are to be designed and located so as to reduce direct overlooking into an adjoining dwelling.
- (b) Where a transparent window in a second storey is to be located less than 9 metres from an adjoining dwelling, the window must:



- (i) be offset from the edge of any windows in the adjoining dwelling by a distance of 0.5 metres; or
- (ii) have a sill height of at least 1.7 metres above the floor or have fixed obscure glazing in any part of the window less than 1.7 metres above the floor.

C3.10 Materials and Colours

The use of materials is important in determining the way in which residential developments responds to the local environment. In established areas, materials and colours should be sympathetic with other buildings within the vicinity. In newer areas or subdivisions, materials and colours should be of a type which can be easily maintained.

C3.10.1 Objectives

The control described below is intended to encourage the use of materials in the construction of residential developments that are compatible with adjoining dwelling houses and the streetscape in terms of type, colour and form.

C3.10.2 Development Controls

The use of zincalume is not permitted and galvanised steel may only be used with specific Council consent.

C3.11 Landscaped Open Space

Open space is an essential requirement for all multi dwelling housing. Open space serves a number of functions, providing separation between adjacent dwellings, visual and acoustic buffering, garden areas and opportunities for various forms of outdoor passive and active recreation. When designing new multi dwelling housing development, the location, orientation and configuration of open space must be considered.

In calculating the total area of Open Space:

- a) the following shall be included:
 - (i) Paths
 - (ii) Patios
 - (iii) Soft landscaping areas
- b) the following shall be excluded:
 - (i) Building footprint
 - (ii) Driveways
 - (iii) Car parking
 - (iv) Garbage storage areas and the like

Council is not satisfied with a residential design approach which relegates private open space to those areas around and in between buildings which are affectively 'left



over' spaces. Applicants are also directed to Part A5 of this Plan regarding ongoing tree and vegetation preservation controls and should familiarise themselves with the provisions of Clause 5.9 of WLEP 2010 in this regard.

Mature trees and shrubs within open space areas are also crucial environmental resources providing shade, clean air, stormwater absorption and wildlife habitats. Large trees and shrubs require deep soil areas and new plantings should seek, wherever possible to contribute to a continuous corridor of vegetated open space throughout the length of the residential block.

The gardens associated with items of Heritage or within Heritage Conservation Areas can in fact be essential to the heritage value of that Item or Area. It is critical that this contribution is recognised and protected in any development proposal, including alterations and amendments to existing buildings.

A part of the total on-site open space provision in a multi dwelling development must be in the form of 'private' open space applicable to each individual dwelling. Rear and side setback areas, courtyards and balconies can form part of the private open space requirement provided they are not accessible by other residents. Areas within the front setback may also be used as private open space, provided these areas are carefully designed to ensure adequate privacy without presenting solid high walls to the street.

C3.11.1 Objectives

The controls described below are intended to achieve the following objectives:

- (a) Provides all new development with at least the minimum requirement for open space, located to enhance the streetscape, neighbouring residential amenity and on-site resident enjoyment.
- (b) Provides several generously designed outdoor spaces, located to maximise solar access.
- (c) Provides both passive and active recreation in private open space areas by providing a combination of hard surface, landscaping and deep soil areas.
- (d) Provides sufficient site area to support mature trees and vegetation and allow for water infiltration.
- (e) Retains and protects individual remnant native specimens or identified Ecological Communities scattered throughout the locality.
- (f) Retains existing natural features on the site that contribute to the character of the site and/or the local area.
- (g) Seeks to create, maintain or enhance existing corridors of mature landscaping throughout the length of the residential block in order to contribute to existing tree canopies and wildlife habitats.



- (h) Protects the plantings on any site which is, or is in the vicinity of, an Item (or Draft Item) of Heritage or is within a Heritage Conservation Area or Draft Area.
- (i) Creates attractive, landscaped front gardens that include a number of small trees and shrubs.
- (j) Provide each dwelling with at least the minimum requirement for open space, located to maximise solar access.
- (k) Ensure ease of movement between the living areas of each dwelling and the private open space associated with it.
- (l) Encourages the use of the front garden and front of dwelling spaces such as verandahs and porches, for both active and passive recreation.
- (m) Ensures that the dimensions of verandahs and porches are sufficient to make a legitimate contribution to private open space.
- (n) Ensures ease of movement between living areas of dwellings and private open space.

C3.11.1 Development Controls

- a) Fifty per cent (50%) of any site developed for multi dwelling housing, including residential flat buildings, shall comprise Open Space and be landscaped to the satisfaction of Council.
- b) Landscaping shall be in accordance with a fully documented Landscape Plan prepared by a qualified landscape designer/architect in a minimum scale of 1:100. The level of detail required will be determined by the type of development and size of the allotment.
- c) The Open Space shall include outdoor entertainment areas for resident use;
- d) All dwellings shall have a consolidated principal (main) private open space area;
- e) All dwellings, other than ground floor dwellings in a residential flat development, shall provide a minimum private open space area of 50 m² with a minimum length of 5 metres;
- f) All ground floor dwellings in a residential flat development shall provide a minimum private open space area of 30 m² with a minimum length of 4 metres;
- g) All above ground floor dwellings in a residential flat building shall provide a minimum private open space area of 15 m² with a minimum length of 3 metres;
- h) Private open space shall be located to maximise solar access;
- i) Private open space shall allow for a variety of activities by providing a combination of hard surface, landscaping and deep soil areas.
- j) The primary private open space should be located adjacent to, and be immediately accessible from, the primary living area.



- k) Where multi dwelling housing is erected on a site having a frontage to a public road, public place or public open space, Council shall require an appropriate treatment of boundaries to those frontages and the whole of the site which remains undeveloped. Such treatment may include the planting of trees, shrubs, plants and lawns (the species of which may be specified by Council), the erection of fences, walls and screens, or the exclusion thereof;
- l) The area of the site between the building line and the street alignment shall be devoid of any structure, concrete area, or hard standing surface other than that which is necessary to gain access to the residential flat building;
- m) Landscape plantings will not overshadow neighbouring properties or block solar access.
- n) Particular provision shall be made for the landscaping of uncovered parking areas, with adequate screening from the street where appropriate.
- o) All plantings shall be sufficiently advanced to provide an immediate landscaping effect.
- p) Provision shall be made to ensure that adequate landscape management systems are available to ensure that plantings can be properly maintained to allow them to not just survive, but flourish.
- q) Adequate arrangements shall be made for the restoration of the area of any public space, including a public footpath, pedestrian plaza adjoining the proposed development to the extent that such area has been damaged by the development.
- r) Driveways shall be located a minimum of one (1) metre from any side boundary.
- s) The minimum distance of any driveway/vehicular crossover is to be 3 metres from any street tree.
- t) Where no street tree is currently in the footpath or verge area adjoining the site, a street tree compatible with the predominant street tree species in the street shall be provided at the applicant's expense. This will assist in softening the appearance of new development while also improving the aesthetic appeal of the public space.
- u) A tradesmen's toilet, independent of a sole occupancy unit, will be required where 10 or more dwellings are intended on a site. The toilet shall be appropriately screened from any public road, public place or public open space.

C3.12 Car Parking, Garaging, Driveways and Common Paved Areas

The location and treatment of garages and associated driveways and common paved areas can have a significant impact on the streetscape. With regard to garages, it is desirable to ensure that structures for vehicular access, circulation and storage do not dominate streetscapes. Developments which have internal driveways that can also become dominated by spaces and structures set aside for the vehicle storage and this tendency should be avoided.



C3.12.1 Objectives

The controls described below are intended to achieve the following objectives:

- (a) To provide adequate off street parking for residents and visitors.
- (b) To minimise the dominance of garages in the streetscape.
- (c) To minimise the impact of garages, parking areas and areas for vehicular circulation with medium density developments.
- (d) To provide an attractive form of common driveway and paving areas to provide streetscape appeal and on site amenity.

C3.12.2 Development Controls

- (a) Off street parking will be provided at the following rates:
 - (i) Dedicated resident parking at a rate of 1 space per 1 and 2 bedroom dwellings
 - (ii) Dedicated resident parking at a rate of 2 spaces per 3 or more bedroom dwellings
 - (iii) Dedicated visitor parking at a rate of 1 space per 3 dwellings (rounded up to the nearest whole number)
- (b) Council shall require additional visitor parking spaces to be provided in areas where opportunities for on-street visitor parking are deemed to be insufficient.
- (c) The width of driveways will be limited to 25% of the frontage to a public street, but must still meet the minimum requirements of standard drawings SD107 for single driveways and SD168 for other driveways as shown in Part A of this Plan.
- (d) Garages shall be located so they do not dominate the streetscape.
- (e) Where possible, changes in level across a site will be used to provide basement or sub-basement garaging.
- (f) No parking space, covered or uncovered, shall be provided between the building line and the frontage to the site. At least one parking space per dwelling shall be a covered parking space.
- (g) Where garages form part of the dwelling, they shall be located at least 1.2 metres behind the main building façade and should not exceed more than 40% of the dwelling frontage.
- (h) Double garages to the street frontage shall be avoided in preference to tandem parking or single garage and car port options.
- (i) Where garages are provided or where any wall abuts a parking space and dimensions of the car parking space shall be greater than otherwise required, a minimum width of 3.6 metres shall apply to any single undercover garage. Adequate clearance and additional impact reinforcement to buildings will apply where undercover car parking is envisaged.
- (j) Driveway and verge crossing materials shall complement the current streetscape, and shall be preferably of compacted earth, gravel, stone



cobble or plain concrete surface. Strong textures and bright colours, including stamped concrete, shall not be permitted on driveways or verge crossings.

- (k) Unrelieved 'gun barrel' driveways will not be permitted. If the alignment of internal access ways cannot be varied, visual relief shall be provided by appropriate landscaping.
- (l) In the case of a residential flat building requiring in excess of four car parking spaces with a common access way, sufficient space shall be provided so that no reverse manoeuvre on to a road is required.
- (m) Except where the Roads and Traffic Authority or Police require otherwise, access driveways and manoeuvring areas shall be the minimum widths and other dimensions as outlined in Council's relevant technical specifications.

C3.13 Pedestrian Access

The design of multi dwelling housing development and the location of private entrances to individual dwellings are important in providing both a sense of individual identity for each dwelling while enabling passive surveillance from surrounding dwellings. All new development should provide clear and direct pedestrian access from the dwelling or dwellings to a public street or public space.

Applicants are reminded to consult Section A5 for Safer by Design guidelines.

C3.13.1 Objectives

The controls described below are intended to achieve the following objectives:

- (a) To provide a clear sense of address for all dwellings in all forms of residential development.
- (b) To provide safe pedestrian access for all forms of residential development.

C3.13.2 Development Controls

- (a) External common areas such as pathways and entrances shall be provided with appropriate artificial lighting at low levels to provide safe access at night.
- (b) Buildings adjacent to public streets or spaces are to be designed to allow casual surveillance and should have at least one habitable room window facing that area.

C3.14 Waste Collection

The management of waste disposal and recycling bins in multi-dwelling developments can create visual, pollution and odour problems for both the residents of the development and neighbours. Suitable provision needs to be made for the storage of garbage to ensure that the bins are accessible to residents, but also



screened from the street. Bins also need to be located to facilitate moving to and from the kerb for emptying.

C3.14.1 Objectives

The controls described below are intended to achieve the following objectives:

- (a) To provide for on-site collection of waste and recycling material.
- (b) To provide a storage bin area which minimises potential pollution and odour problems for residents and neighbours.
- (c) To provide a bin storage area which minimises streetscape impacts, but still allows access to residents and facilitates movement to the kerb on waste and recycling collection days.

C3.14.2 Development Controls

- (a) Waste and recycling materials storage facilities shall be provided for either individual bins or larger communal (or shared access) bins.
- (b) Waste and recycling receptacles are to be located to the satisfaction of Council and the area designed so as to be screened from any public road, public place or public open space;
- (c) Waste and recycling materials storage areas shall be located behind the front building line.
- (d) Waste and recycling materials storage areas shall be adequately screened to minimise impacts for residents and neighbours.
- (d) Where on-site collection is possible, provision for on-site manoeuvrability to enable vehicles to enter and leave the site in a forward motion.

C3.15 Adaptable Housing

Adaptable Housing is necessary to provide for the current and future housing needs of residents in the Wingecarribee Shire. The term 'Adaptable' is used to describe a dwelling that has the ability to be modified or extended at minimum cost to suit the changing needs of the people in the house. Thoughtful design can provide the flexibility for these needs to be met without requiring expensive and energy intensive renovations.

C3.15.1 Objectives

The controls described below are intended to achieve the following objectives:

- a) To recognise and provide for Adaptable Housing in all new medium density residential developments.
- b) To provide a safe and comfortable home suitable for any occupants irrespective of age or the nature of their disability.

C3.15.2 Development Controls

- a) For all medium density developments, not less than one for every three dwellings, or part thereof, will be constructed to comply with not less than Class C level of Australian Standard 4299 – Adaptable Housing.



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- b) In respect of residential flat development, all dwellings located on the ground floor will be constructed to comply with not less than Class C level of Australian Standard 4299 – Adaptable Housing.



Section 4 Other Forms of Residential Development

C4.1 Introduction

In addition to the types of residential development described elsewhere in this Part of the Plan, certain other forms of residential development are permissible with consent, as indicated in Table A6.1 below. Applicants are directed to the relevant definitions of WLEP 2010 for an explanation of these types of housing.

Type of Residential Development	Permissible Zones
Attached Dwellings	R3
Boarding Houses	R2 and R3
Group Homes	R2 and R3
Hostels	R3
Semi-detached Dwellings	R3
Shop-top housing	R3

Table A6.1 Additional Residential Development Permissible in Moss Vale

The following objectives and controls are intended to ensure that suitable opportunities for alternative forms of residential development can be realised in a way that ensures the residential amenity of the town is maintained.

C4.2 Objectives

In permitting residential development of the forms listed above, Councils seeks to achieve the following outcomes:

- (i) To provide a range of housing types throughout Moss Vale.
- (ii) To provide a greater range of affordable housing options.
- (iii) To ensure the location of affordable accommodation is close to transport, shops and services.
- (iv) To integrate new development into established areas by maintaining streetscape and building quality.
- (v) To ensure new development preserves the quality of the built environment for all existing and future residents.
- (vi) To encourage development of a high standard of architectural merit and design.
- (vii) To ensure that new residential development provides appropriate private open space for residents.



C4.3 Controls

To achieve these objectives, the following controls apply.

- (a) The proposed development shall comply with all relevant design controls contained in previous section of Part C of this Plan.
- (b) A Landscape Plan shall be provided for all development other than detached dwellings.
- (c) On-site private open space shall be provided to improve the residential amenity of the development.
- (d) Access to the subject site shall be located to ensure adequate vehicular and pedestrian safety.

Section 5 Ancillary Development

C5.1 Introduction

The design and location of development ancillary to residential development, such as garages and tennis courts can make as significant a contribution to urban amenity as does the dwelling itself.

In considering the following controls, applicants are also referred to the Exempt and Complying Development provisions of WLEP 2010 as well as to the Exempt and Complying Development SEPP.

C5.2 Garages, carports and other detached buildings containing non-habitable usages

Garages, carports and other detached buildings shall generally match the external appearance, bulk and scale of the main buildings on the site. They are to be sited to minimise impacts upon the streetscape and adjoining owners.

C7.2.1 Objectives

- (a) The controls described below are intended to achieve the following objectives:
- (b) (a) To ensure non-habitable detached buildings do not dominate streetscapes.
- (c) (b) To ensure that such buildings do not adversely impact on neighbouring property amenity.

C7.2.2 Development Controls

- (a) The use of non-habitable buildings for residential purposes shall be prohibited.
- (b) The combined floor area of all non-habitable buildings or non-habitable portions of buildings is limited to:
 - (i) 120 m² for lots up to 2,000 m²,
 - (ii) 150 m² for lots up to 4,000 m².
 - (iii) For lots above 4,000m², a merit assessment will apply.
- (c) Buildings may be required to be broken down into separate buildings to minimise impacts of bulk and scale.
- (d) The maximum height of any non-residential building shall be determined by Council staff with reference to the objectives of the zone, the location of the proposed development and any relevant environmental and amenity considerations.
- (e) The materials used shall be non-reflective. Zinalume is not permissible.



- (f) The structure shall not be used at any time for residential, industrial or commercial purposes, or used for the storage of goods associated with industrial or commercial undertakings.
- (g) Council will grant approval for a non-habitable detached building on vacant land only if:
 - (i) development approval and construction certificate or a complying development certificate has been granted for the construction of a dwelling on the allotment
 - (ii) adequate security has been lodged to establish the genuine intentions of the property owner to proceed with construction of a residence, or
 - (iii) a statutory declaration has been lodged by the property owner indicating:
 - (iv) the owner's intentions to construct a dwelling within twelve months from the date of declaration;
 - (v) a timetable for the construction of the dwelling; and
 - (vi) an undertaking that the garage or outbuilding will not be occupied or adapted for residential purposes.
- (h) Side setbacks of new development will be generally consistent with those of existing development in the immediate adjacent context. External walls will generally be required to be located a minimum of 600mm from side and rear boundaries. Buildings may be located closer if the external walls are constructed of brick or similar material that does not require maintenance and also the proposed location does not decrease the amenity to neighbouring properties.
- (i) The provisions relating to front building line setback, solar access and privacy for dwelling houses and medium density in this DCP equally apply to detached ancillary buildings.

C5.3 Detached ancillary buildings that contain habitable room usages

Detached buildings that contain habitable rooms, as defined under the Building Code of Australia, are not to have a detrimental impact upon neighbouring properties or be readily adaptable for separate residential occupation as a dwelling house. This is achieved by setting out amenity safeguards and limiting the types of fixtures located within the buildings.

C5.3.1 Objectives

The controls described below are intended to achieve the following objectives:

- (a) To control the use of detached ancillary habitable buildings to ensure impacts upon neighbouring properties are minimised.



- (b) To ensure that such buildings cannot be used for separate occupation unless specifically approved by Council.

C5.3.2 Development Controls

- (a) Buildings are to have a maximum height no greater than that of the principal dwelling.
- (b) The structure shall not be used at any time for industrial or commercial purposes, or used for the storage of goods associated with industrial or commercial undertakings.
- (c) Council will not consider approval for the temporary occupation of a non-habitable building.
- (d) Side setbacks of new development will be generally consistent with those of existing development in the immediate adjacent context. External walls will generally be required to be located a minimum of 1000mm from side boundaries. The eaves and gutters are to be located a minimum of 675mm from outside edge to the boundary.
- (e) The provisions relating to front building line and rear boundary setbacks, solar access and privacy set out in this DCP also apply to all detached ancillary buildings.
- (f) The fixtures permitted in a detached habitable building are limited to a shower and or bath, a vanity basin and water closet. A sink is only permitted if it is a single bowl type and is installed within a bar area. No kitchen, cooking facilities or laundry fixtures or installations are permitted.
- (g) The materials used shall be non-reflective. Zinalume is not permissible.

C5.4 Tennis Courts

Tennis courts are to be designed and sited to ensure potential impacts upon neighbours are minimised. Lighting where provided is to be designed to ensure upward and outward light spillage is minimised or preferably eliminated.

C5.4.1 Objective

The controls described below are intended to ensure tennis courts are designed and located to minimise impacts upon neighbouring properties, including light spillage.

C5.4.2 Development Controls

- (a) Tennis court use must cease no later than 10pm.
- (b) Lighting is to be designed in accordance with the provisions of Section A8 of this Plan.



Section 6 Home Business and Home Industry

C6.1 Introduction

Under the provisions of the WLEP 2010, home businesses and home industries are permitted with consent on residential zoned land. This Section of the Plan provides for such activities to ensure that the following objectives are met:

- (a) Provide opportunities for residents to undertake home business and home industry activities, recognising that such activities can make a positive contribution to the amenity of individual residents and the community as a whole.
- (b) Ensure that such activity does not have a negative impact on the amenity of neighbouring dwellings.

C6.2 Development Controls

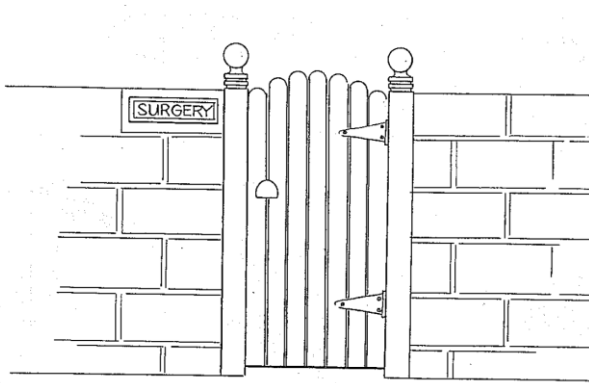
To meet these objectives the following controls apply:

- (a) One permanent parking space must be provided on site for each permanent employee. Tandem parking is permissible.
- (b) At least one parking space must be provided on site for visitor use in addition to any parking spaces provided for permanent staff.
- (c) No operation of the business or industry may occur before 7 am or after 10 pm if that operation involves the emission of noise, vibration, smell or fumes, or creates undue traffic noise.

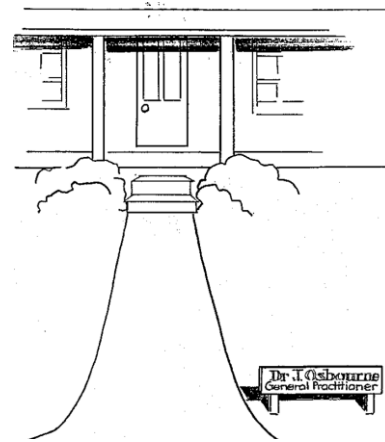
C6.3 Signage

It is important that any signs associated with a Home Business or Home Occupation complement the visual character of the area. To ensure that any advertising signs erected are attractive and in keeping with the character of the locality, the following controls apply:

- (a) One sign per property is permitted, stating the name of the business or proprietor.
- (b) The sign shall not exceed 0.75 square metres and shall not be illuminated.
- (c) Signage to advertise a Home Business or Home Industry shall only comprise a flush mounted wall sign or a free-standing panel as illustrated below.



Flush mounted wall sign



Free-standing panel



Section 7 Bed and Breakfast Establishments

C7.1 Introduction

Bed and Breakfast Establishments provide a valuable alternative form of tourist accommodation. While such establishments are also permissible within the main Business zones, the controls in this section apply to their operation in residential areas and are intended to ensure that the amenity of the surrounding residential area is preserved.

The controls for other forms of Tourist and Visitor Accommodation are contained in Part B of this Plan.

The controls contained in this document will apply to proposed establishments which do not qualify under the provisions of SEPP (Exempt and Complying) 2008 which states that Bed and Breakfast Accommodation shall be deemed to be exempt development where:

- (a) (a) it is located in an existing dwelling house that has a floor area not more than 300m², and
- (b) (b) consists of not more than 3 guest bedrooms.

Under WLEP 2010, the maximum number of guest bedrooms is also set at three (3), therefore these controls apply to Bed and Breakfast Accommodation located within existing dwelling houses of greater than 300m².

C7.2 Objectives

The controls described below are intended to achieve the following objectives:

- (a) To provide low scale tourist accommodation throughout the Shire.
- (b) To ensure that Bed and Breakfast Establishments operate as an ancillary function to that of a dwelling house.
- (c) To ensure that Bed and Breakfast Establishments are compatible with the residential amenity of the area.
- (d) To ensure that Bed and Breakfast Establishments operate in accordance with relevant industry standards.
- (e) To ensure that appropriate health and fire safety standards are satisfied and maintained.
- (f) To ensure that the dwelling although accommodating a secondary use, maintains its residential scale and appearance when assessed against surrounding dwellings.



C7.3 Development Guidelines

- (a) The Local Government and Shires Associations of NSW have published a document titled "Guidelines for Bed and Breakfast Operations – Best practice assessment and policy guidelines for use by Local Government and the Bed and Breakfast industry in NSW". It is advisable to obtain a copy of these guidelines to assist in designing and establishing your Bed and Breakfast Establishment.
- (b) It is further advised that you contact the Bed and Breakfast Council of NSW for advice on best practice industry standards.
- (c) When lodging a development application, the following information is to be provided:
 - (vii) completed development application form;
 - (viii) plans of the existing dwelling house, indicating all internal uses including the permanent residents accommodation, the proposed guest rooms, the location of all buildings and car parking areas on site.
 - (ix) name of operator of the establishment.
 - (x) number of proposed guest rooms.
 - (xi) A site analysis as described in Section A6.

C7.4 Operational Controls

The number of guests capable of being accommodated in a Bed and Breakfast Establishment will directly influence the scale of the development. Council generally does not support applications for Bed and Breakfast Establishments that are significantly larger in scale than surrounding residential uses or that would accommodate a total number of persons which would be excessive relative to the normal residential household size within the vicinity.

In a residential zone, the Bed and Breakfast accommodation shall be ancillary to the principal residential use of the site. In other words, the proposal should not present predominantly as commercial, boarding house, backpacker or motel style accommodation.

To meet these requirements the following controls apply:

- (a) The proprietor and operator of a Bed and Breakfast Establishment must be the owner of the property and must be a permanent resident of the property.
- (b) The Bed and Breakfast accommodation must be for short-term guests occupying the premises for a maximum of one calendar week.
- (c) No more than 12 persons shall be accommodated in the dwelling at any one time including permanent residents, guests, friends or family to ensure that the building does not result in higher order classification under the Building Code of Australia.



- (d) A maximum of four bedrooms are available for guests.
- (e) Guest bedrooms shall accommodate a maximum of two persons per room.
- (f) For Bed and Breakfast Establishments proposed for a building which has been used for non-residential purposes, but is located in a residential zone, (such as nursing homes, boarding accommodation or the like), the owner must first demonstrate to Council that the premises can be reverted back to a dwelling house as their principal place of residence before being considered for a Bed and Breakfast Establishment.

C7.5 Access for the Disabled

New or altered bed and breakfast establishments must consider the needs of disabled persons through the following measures:

- (a) Access to dwellings should be direct and without unnecessary barriers.
- (b) Stairs and ramps should have reasonable gradients and non-slip, even surfaces.
- (c) The principal point of entry and a bathroom accessible to guests should be designed for disabled access, in accordance with Australian Standard AS1428.1-1993 Design for Access and Mobility.
- (d) At least one car parking space should be designed for disabled access, in accordance with Australian Standard AS2890.1-1993 Parking facilities.

C7.6 Car Parking

Safety and convenience are the principal parking and access issues. Entering and leaving Bed and Breakfast Establishments should be safe for visitors, other road users and pedestrians who may be unfamiliar with the establishment. Parking is to be convenient for visitors without inconveniencing adjoining neighbours or other road users.

To meet these requirements, the following controls apply:

- (a) A traffic and parking impact statement is required to be submitted to Council as part of the development application.
- (b) On site car parking must be provided at the rate of 1 space per 2 beds, plus 1 space per manager, plus 1 space per 2 employees.
- (c) On-site car parking shall be constructed and located so as to minimise as far as possible the noise of vehicles entering and leaving the site.
- (d) No more than 50% of the property located between the main building and the front property boundary shall be occupied by off-street car parking spaces, including access driveways. Such space shall be suitably screened with appropriate landscaping.
- (e) The minimum size for car parking spaces is 5.5m x 2.5m (open parking). Minimum internal dimensions of a single lock up garage are to be 3m x 5.5m unobstructed, with any car access opening being at least 2.4m wide.



- (f) Vehicles are to enter and leave the property in a forward direction.
- (g) At least one car parking space should be designed for disabled access, in accordance with Australian Standard AS2890.1-1993 Parking facilities.

C7.7 Signage

It is important that any signs associated with a Bed and Breakfast Establishment complement the visual character of the area. To ensure that any advertising signs erected as part of a Bed and Breakfast Establishment are attractive and in keeping with the character of the locality, the following controls apply:

- (a) One sign per property is permitted, stating the premises is a 'Bed and Breakfast Establishment' and the name of the proprietor.
- (b) The sign shall not exceed 0.75 square metres and shall not be illuminated.
- (c) The sign shall not project more than half a metre above the top of a front fence.

Section 8 Seniors Housing

C8.1 Introduction

Applicants are directed to the definition of Seniors Housing included in WLEP 2010 where such development is permitted with consent in the R2 Low Density Residential and R3 Medium Density zones.

It is noted that, under Schedule 1 of the Seniors SEPP, the SEPP does not apply within Wingecarribee Shire. However, the Seniors Housing provisions in the DCPs make useful reference to the Seniors SEPP to assist applicants in the preparation of development proposals and to assist Council officers in the assessment of Development Applications for Seniors Housing in the R2 Low Density Residential and R3 Medium Density Residential zones as permitted with consent under WLEP 2010.

The following objectives and controls are drawn from the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors SEPP) and applicants are directed to the Seniors SEPP to ensure they comply with all assessment requirements.

C8.2 General Objectives

The purpose of these controls is to encourage the provision of seniors housing, including residential care facilities that will:

- (d) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and
- (e) make efficient use of existing infrastructure and services, and
- (f) be of good design.

C8.3 Neighbourhood Amenity and Streetscape

The proposed development should:

- (g) recognise the desirable elements of the location's current character so that new buildings contribute to the quality and identity of the area;
- (h) retain, complement and sensitively harmonise with Items of Heritage or Conservation Areas;
- (i) maintain reasonable neighbourhood amenity and appropriate residential character by:
 - (i) providing building setbacks to reduce bulk and overshadowing,
 - (ii) using building form and siting that relates to the site's land form,
 - (iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and



- (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and
- (v) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line,
- (j) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape,
- (k) retain, wherever reasonable, major existing trees,
- (l) be designed so that no building is constructed in a riparian zone.

C8.4 Visual and Acoustic Privacy

The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:

- (m) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and
- (n) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.

Note. The Australian and New Zealand Standard entitled AS/NZS 2107–2000, Acoustics—Recommended design sound levels and reverberation times for building interiors and the Australian Standard entitled AS 3671—1989, Acoustics—Road traffic noise intrusion—Building siting and construction, published by Standards Australia, should be referred to in establishing acceptable noise levels.

C8.5 Solar Access and Design for Climate

The proposed development should:

- (o) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and
- (p) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.

Note. AMCORD: A National Resource Document for Residential Development, 1995, may be referred to in establishing adequate solar access and dwelling orientation appropriate to the climatic conditions.

C8.6 Crime Prevention

The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:

- (q) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and
- (r) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and
- (s) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.

Applicants are directed to Section A5 - Safer by Design for more detailed guidelines and controls.

C8.7 Accessibility

The proposed development should:

- (t) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and
- (u) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.

C8.8 Standards for Hostels and Self-Contained Dwellings

A development application made for the purpose of a hostel or self-contained dwelling shall comply with the following standards:

- (v) The size of the site must be at least 1,000 square metres.
- (w) The site frontage must be at least 20 metres wide measured at the building line.
- (x) If the whole of the site has a gradient of less than 1:10, 100% of the dwellings must have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road.
- (y) If the whole of the site does not have a gradient of less than 1:10:
- (z) the percentage of dwellings that must have wheelchair access must equal the proportion of the site that has a gradient of less than 1:10, or 50%, whichever is the greater, and
- (aa) the wheelchair access provided must be by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road or an internal road or a driveway that is accessible to all residents.
- (bb) Where the site has a variable gradient, the principle identified in clauses (a) and (b) above applies. For example, if 70% of the site has a gradient of less



than 1:10, then 70% of the dwellings must have wheelchair access as required by clause (a).

- (cc) If more than 50% of the site has a gradient greater than 1:10, development for the purposes of seniors housing is unlikely to be possible.

C8.9 Height Controls

The proposed development must comply with the standards specified below:

- (dd) If the development is proposed in a residential zone where residential flat buildings are not permitted:
 - (vi) the height of all buildings in the proposed development must be 8 metres or less, and
 - (vii) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this control applies) must be not more than 2 storeys in height, and
 - (viii) a building located in the rear 25% area of the site must not exceed 1 storey in height.
- (ee) Clauses (a) – (c) above do not apply to a development application made by the NSW Department of Housing, or any other social housing provider.

C8.10 Site Design

- (ff) Access must be provided in accordance with AS 1428.1 so that a person using a wheelchair can use common areas and common facilities associated with the development.
- (gg) Pathway lighting must
 - (ix) be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and
 - (x) provide at least 20 lux at ground level.
- (hh) Letterboxes must
 - (xi) be situated on a hard standing area and have wheelchair access and circulation by a continuous accessible path of travel (within the meaning of AS 1428.1), and
 - (xii) be lockable, and
 - (xiii) be located together in a central location adjacent to the street entry or, in the case of self-contained dwellings, must be located together in one or more central locations adjacent to the street entry.

C8.11 On Site Car Parking

If car parking (not being car parking for employees) is provided:

- (ii) car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890, and
- (jj) 5% of the total number of car parking spaces (or at least one space if there are fewer than 20 spaces) must be designed to enable the width of the spaces to be increased to 3.8 metres, and
- (kk) any garage must have a power-operated door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date.

C8.12 Entry & Corridors

- (ll) Every entry (whether a front entry or not) to a dwelling, not being an entry for employees, must comply with clauses 4.3.1 and 4.3.2 of AS 4299.
- (mm) Widths of internal corridors and circulation at internal doorways must comply with AS 1428.1.

C8.13 Bedrooms

At least one bedroom within each dwelling must have:

- (nn) an area sufficient to accommodate a wardrobe and a bed sized as follows:
 - (xiv) in the case of a dwelling in a hostel—a single-size bed,
 - (xv) in the case of a self-contained dwelling—a queen-size bed, and
- (oo) a clear area for the bed of at least:
 - (xvi) 1,200 millimetres wide at the foot of the bed, and
 - (xvii) 1,000 millimetres wide beside the bed between it and the wall, wardrobe or any other obstruction, and
- (pp) 2 double general power outlets on the wall where the head of the bed is likely to be, and
- (qq) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and
- (rr) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and
- (ss) wiring to allow a potential illumination level of at least 300 lux.



C8.14 Bathrooms

At least one bathroom within a dwelling must be on the ground (or main) floor and have the following facilities arranged within an area that provides for circulation space for sanitary facilities in accordance with AS 1428.1:

- (tt) a slip-resistant floor surface,
- (uu) a washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS 1428.1,
- (vv) a shower that complies with AS 1428.1, except that the following must be accommodated either immediately or in the future:
 - (xviii) a grab rail,
 - (xix) portable shower head,
 - (xx) folding seat,
- (ww) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it,
- (xx) a double general power outlet beside the mirror.

C8.15 Other Requirements

- (yy) A dwelling must have at least one toilet on the ground (or main) floor and be a visitable toilet that complies with the requirements for sanitary facilities of AS 4299.
- (zz) Balconies and external paved areas must have slip-resistant surfaces. Advice regarding finishes may be obtained from AS 1428.1.
- (aaa) Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS 4299.
- (bbb) Switches and power points must be provided in accordance with AS 4299.
- (ccc) The standards contained in subclause (e) to (n) below apply to any seniors housing consisting of self-contained dwellings and are in addition to the standards set out subclause (a) to (d) above.
- (ddd) A living room in a self-contained dwelling must have:
 - (xxi) a circulation space in accordance with clause 4.7.1 of AS 4299, and
 - (xxii) a telephone adjacent to a general power outlet.
- (eee) A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux.
- (fff) A kitchen in a self-contained dwelling must have:
 - (xxiii) a circulation space in accordance with clause 4.5.2 of AS 4299, and
 - (xxiv) a width at door approaches complying with clause 7 of this Schedule, and
 - (xxv) the following fittings in accordance with the relevant subclauses of clause 4.5 of AS 4299:



- (xxvi) benches that include at least one work surface at least 800 millimetres in length that comply with clause 4.5.5 (a),
- (xxvii) a tap set (see clause 4.5.6),
- (xxviii) cook tops (see clause 4.5.7), except that an isolating switch must be included,
- (xxix) an oven (see clause 4.5.8), and
- (xxx) "D" pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and
- (xxxi) general power outlets:
 - (xii) at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and
 - (xiii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.
- (ggg) In a multi-storey self-contained dwelling, the kitchen, main bedroom, bathroom and toilet must be located on the entry level.
- (hhh) In a multi-storey building containing separate self-contained dwellings on different storeys, lift access must be provided to dwellings above the ground level of the building by way of a lift complying with clause E3.6 of the Building Code of Australia.
- (iii) A self-contained dwelling must have a laundry that has:
 - (xxxii) a width at door approaches that complies with clause 7 of this Schedule,
 - (xxxiii) provision for the installation of an automatic washing machine and a clothes dryer,
 - (xxxiv) a clear space in front of appliances of at least 1,300 millimetres,
 - (xxxv) a slip-resistant floor surface,
 - (xxxvi) an accessible path of travel to any clothes line provided in relation to the dwelling.
- (jjj) A self-contained dwelling must be provided with a linen storage in accordance with clause 4.11.5 of AS 4299.
- (kkk) A garbage storage area must be provided in an accessible location.
- (III) Despite the provisions above, a self-contained dwelling, or part of such a dwelling, that is located above the ground floor in a multi-storey building does not have to comply with the requirements of those provisions if the development application is made by, or by a person jointly with, a social housing provider.



Section 9 Exhibition Homes and Villages

C9.1 Introduction

The purpose of this Section is to provide controls for the development of exhibition homes within Moss Vale.

C9.1.1 Objectives

The principal objectives are:

- (a) To ensure that due consideration is given to the potential impacts from the development of exhibition homes and villages,
- (b) To ensure that the existing and future amenity of the locality is not significantly affected by the development of exhibition homes and villages,
- (c) To make provision for suitable ancillary uses and public facilities in accordance with the scale and character of the development.
- (d) To accommodate future residential use of exhibition homes, with appropriate infrastructure and amenity.
- (e) To ensure that exhibition homes or an exhibition village does not generate traffic and parking issues adversely impact on the amenity of the local neighbourhood.

C9.1.2 Development Controls

To meet these objectives the following controls apply:

- (a) Exhibition homes shall only be located in areas where Council is of the opinion that the proposed development and ancillary activities are unlikely to cause a negative impact on the amenity of the area.
- (b) Development consent for an exhibition home will be granted for a maximum operational period of 5 years.
- (c) At the conclusion of the consent period, the exhibition home must be inspected to ensure that vehicle and pedestrian access to a public road complies with Council's standards, that the building(s) comply with the Building Code of Australia, and that essential service infrastructure is in place.
- (d) No individual house within an exhibition village may be occupied for residential use until the conclusion of the consent period for the village.
- (e) A traffic impact assessment shall be carried out and submitted with the application for an exhibition home and shall address the potential impacts on the road system in the locality. The report should be detailed enough to enable Council's assessment of the cumulative impacts of exhibition homes and villages in the locality.
- (f) Off street car parking is to be provided to meet the parking demand generated by the exhibition home or village.



- (g) All car parking areas shall be constructed with a sealed compacted granular pavement, and conform to Council's Manual of Engineering Standards.
- (h) An exhibition home proposal should provide two off street car parking spaces, one of which should be constructed to "accessibility" standards in accordance with the Building Code of Australia.
- (i) The hours of operation for an exhibition village or exhibition home, and ancillary uses shall be restricted to 9.00 am – 6.00 pm.
- (j) No uses related to the development will be permitted on or adjoining the exhibition home which may constitute a nuisance to neighbouring residents.
- (k) All uses related to the development are to be ancillary to the operation of the exhibition home and must only service the needs generated by the development.
- (l) Ancillary uses are to be limited to the following:
 - (i) One sales office per building company
 - (ii) One materials display area per building company
 - (iii) One home financing service office per village
- (m) The ancillary uses to an exhibition home are to be contained within the curtilage of the exhibition home.
- (n) All advertising structures must be erected on the site of the exhibition home.
- (o) The characteristics of the advertising structures must be compatible with the scale and visual amenity of the local area.
- (p) Advertising structures shall be limited to the following:
 - (i) One flag pole per exhibition home or house within an exhibition village
 - (ii) One pylon sign per exhibition village.
- (q) The fittings on flagpoles shall be properly secured to ensure they do not create a noise nuisance.
- (r) Advertising sign details should be included in an application to Council for an exhibition home or exhibition village proposal.

Section 10 Neighbourhood Shops

C10.1 Introduction

Neighbourhood shops are permissible with consent in the R3 Medium Density zone. These controls are intended to ensure that such development remains economically viable, but does not detract from the residential amenity of the area.

C10.2 A12.2 Objectives

The objectives of this Section of the Plan are to:

- (a) Facilitate convenient access to daily shopping needs within the R3 residential areas and the R2 areas adjacent to those areas.
- (b) Ensure that a neighbourhood shop does not detract in any way from the amenity of adjoining and nearby properties, or from the locality in which the shop is situated.
- (c) c) Ensure that such development will be of a suitable development.
- (d) Ensure that the operation of a neighbourhood shop is conducted in a safe manner.
- (e) Protect the long-term economic environment of existing and planned shopping facilities.

C10.2.1 Controls

In assessing an application for a neighbourhood shop within an R3 Medium Density Residential proposal, the following controls will apply:

- (a) Neighbourhood shops shall not exceed 100 m² in gross floor area.
- (b) The boundary of a neighbourhood shop shall be a least 500 metres by road from each of the following;
 - (i) land zoned B1 Neighbourhood Centre, or B2 Local Centre;
 - (ii) land in respect of which a Development Consent for a Local Shop is in force;
 - (iii) land in respect of which a Development Consent for a convenience store is in force; and
 - (iv) land on which there is an existing lawful shop, including industrial areas, and
 - (v) service stations with convenience shopping facilities.
- (c) The road(s) to which a neighbourhood shop has frontage must be;
 - (i) drained, constructed kerb to kerb with hard surface carriageway to Council's construction standards; and
 - (ii) of sufficient width to allow for kerbside parking in front of the shop



- (d) Neighbourhood shop sites must be a sufficient distance from the nearest intersection, to ensure that traffic generated from the shop will not create a traffic hazard.
- (e) The road verge to which a neighbourhood shop has frontage must be clear of above ground utilities and infrastructure, such as established bus stops, public telephone installations and service structures.
- (f) The allotment shall have a sufficient frontage to cater for parallel parking of 3 vehicles.
- (g) One employee car parking space shall be located on-site without affecting approved residential parking.
- (h) The shop shall be at least 2 metres from all neighbouring property boundaries.
- (i) Landscaping and fencing shall be provided to ensure that neighbouring premises are adequately buffered against visual impacts.
- (j) The delivery and storage of goods, and the disposal of garbage and surplus packaging materials shall be done in a manner which is non-offensive to adjoining and nearby residents.
- (k) Clean paper and cardboard packing is to be recycled. The applicant is required to make arrangements with a commercial contractor for the collection of recyclable materials.
- (l) Waste storage areas/facilities shall be screened from the street and neighbouring houses;
- (m) No odour shall be emitted from the shop, including the waste storage facilities;
- (n) External lighting of a neighbourhood shop is to be of a low-level incandescence. The lighting is to be constructed and shielded in a manner that directs illumination away from all nearby properties. Lighting is to be consistent with the approved hours of operation, except for low level all-night security lighting.
- (o) Advertising signage is to be restricted to the functional part of a neighbourhood shop.
- (p) No advertising signage (including A-frames and similar) will be permitted on the street, or on any related residential part of the site.
- (q) Generally the hours of operation are to be restricted to between 7am and 7pm weekdays, and 8am and 7pm weekends, subject to Council approval.



Section 11 Educational Establishments

C11.1 Introduction

Educational facilities are permissible with consent in all three residential zones.

C11.2 Objectives

The purpose of this section of the Plan is to:

- (a) ensure that Educational Establishments are situated on parcels of land sufficiently large to accommodate their needs.
- (b) ensure the amenity of the surrounding area is maintained.
- (c) ensure the process of the assessment of any development proposal is consistent, fair and accessible to all parties.
- (d) encourage the siting of Educational Establishments in locations with access to public transport.

C11.3 Development Controls

To achieve these stated objectives the following controls apply:

- (a) A site analysis must be prepared as described in Section A3 of this Plan.
- (b) The position of the development on the site and front and side setbacks will be assessed with regard to any potential solar or visual impacts on neighbouring properties.
- (c) On residential-zoned land the maximum site coverage of all buildings shall not exceed 40% of the total site area.
- (d) On residential-zoned land the maximum site coverage of all buildings shall not exceed eight (8) metres.
- (e) The design of the development shall consider the projection of noise from various associated activities. A Noise Impact Assessment Statement indicating proposed noise levels prepared by a suitably qualified Acoustics Engineer may be considered necessary dependant upon the scale and location of the proposed development.
- (f) A Traffic Impact Study shall be submitted along with the development application. The Study shall assess the impact of anticipated attendance figures on surrounding streets and the measures proposed to minimise any potential impacts. Where State Environmental Planning Policy No. 11 – Traffic Generating Developments (SEPP 11) applies, the report shall also be submitted to the Roads and Traffic Authority (RTA) for their assessment.
- (g) On-site car parking shall be required at the rate of 1 space per 5m² of Gross Floor Area, or 1 space per 6 persons attending, whichever is the



greatest. For further detail on car parking design, applicants are directed to Section A of this Plan.

- (h) Landscaping must be provided in accordance with the requirements of Part A of this Plan.

Section 12 Places of Public Worship

C12.1 Introduction

Although Places of Public Worship are permitted with consent all both business and residential zones in Moss Vale, Council is particularly concerned to ensure that such development in a residential context does not adversely impact on that neighbourhood.

C12.2 Objectives

The purpose of this section of the Plan is to:

- (a) ensure the amenity of the surrounding area is maintained.
- (b) ensure the process of the assessment of any development proposal is consistent, fair and accessible to all religious groups.
- (c) encourage the siting of Places of Public Worship in locations with access to public transport.

C12.3 Development Controls

To achieve these objectives the following controls apply:

- (a) A site analysis must be prepared as described in section A3 of this Plan.
- (b) The position of the development on the site and front and side setbacks will be assessed with regard to any potential solar or visual impacts on neighbouring properties.
- (c) On residential-zoned land the maximum site coverage of all buildings shall not exceed 40% of the total site area.
- (d) On residential-zoned land the maximum height of all buildings shall not exceed 8 metres. Spires, towers and similar structures shall be considered on the basis of their bulk and scale, the extent of their overshadowing, and their contribution to the streetscape.
- (e) The design of the development shall consider the projection of noise from various associated activities. A Noise Impact Assessment Statement indicating proposed noise levels prepared by a suitably qualified Acoustics Engineer may be considered necessary dependant upon the scale and location of the proposed development.
- (f) A Traffic Impact Study shall be submitted along with the development application. The Study shall assess the impact of anticipated attendance figures on surrounding streets and the measures proposed to minimise any potential impacts. Where the Environmental SEPP applies, the report shall also be submitted to the Roads and Traffic Authority (RTA) for their assessment.
- (g) To ensure adequate parking provisions and traffic flow management, a minimum of 30 minutes shall elapse between the completion of one service and the commencement of the next.



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- (h) On-site car parking shall be required at the rate of 1 space per 10m² of gross Floor Area, or 1 space per 10 persons attending, whichever is the greatest. For further detail on car parking design, applicants are directed to Section B3 of this Plan.
 - (i) The applicant will provide Council with details on the proposed hours of operation of the development, including proposed service times and days. Details of particular festival days and other times when higher than average attendance might be expected, shall also be provided.
 - (j) Landscaping shall be provided in accordance with the requirements of Part A of this Plan.

Section 13 Child Care Centres

C13.1 Introduction

Under the provisions of the WLEP 2010, child care centres are permissible with consent in both residential and business zones within Moss Vale, however it is the development of such facilities in residential zones that Council particularly wants to address through these controls. Should such a development be proposed in a business zone, these same controls would apply, particularly to ensure that the environment is suitable for children in terms of noise, fumes and access to sunlight and open space.

This section of the Plan relates to the erection and/or operation of child care centres and has been prepared to outline the approval process and provide guidelines for child care centre applications.

Council encourages applicants to submit child care centre proposals which are attractive and sympathetic to the streetscape, appropriate for the surrounding built and natural environment, have a minimum impact on surrounding land uses and are functional and economically viable. Council encourages proposals for child care centres which include facilities for the 0 - 2 years age group.

The State Government is responsible for licensing child care centres under the Children (Care and Protection) Act 1987. In this regard, the NSW Department of Community Services (NSW DOCS) has separate requirements which must be satisfied for a child care centre to be licensed. These requirements are contained within the *Children's Services Regulation 2004*. This section of the Plan has been prepared for centre based child care services as defined under that Regulation.

Council will not grant approval to any proposal which will not meet the NSW DOCS licensing requirements. This section of the Plan should be read in conjunction with the above mentioned regulations, as this section does not reiterate any of the requirements as they may be subject to change from time to time.

C13.2 Objectives

The aim of this section of the Plan is to achieve child care centre developments within Moss Vale which are attractive and sympathetic to the streetscape, appropriate for the surrounding built and natural environment, have a minimum impact on surrounding land uses and are functional and economically viable.

The specific objectives are:

- (a) To encourage the provision of child care centres to meet the needs of the community and ensure that such centres will be appropriate for the purpose and provide a functional and pleasant environment for users.
- (b) To ensure that there is a consistent approach to the provision, construction and approval of child care centres.



- (c) To ensure that child care centres are compatible with neighbouring land uses.
- (d) To ensure the amenity of adjoining neighbours is retained (including protection of privacy, access to property, etc) and is not detrimentally affected by noise emissions from the site.
- (e) To ensure child care centres are located with adequate, convenient and safe parking for visitors that do not impose on any residential neighbourhoods or commercial areas.
- (f) To ensure that child care centres integrate into existing residential environments and are unobtrusive in terms of size, bulk, height and the amount of landscaped area provided.
- (g) To provide child care centres that are located or designed so as not to pose a health risk to children using the centre.
- (h) To retain and protect significant existing vegetation within Wingecarribee Shire.

C13.3 Application Requirements

In addition to standard Development Application requirements, the following information must also be submitted with an Application for a Child Care Centre:

- (a) a statement clearly indicating the proposed number of children, their ages and staff numbers along with proposed hours of operation;
- (b) a letter of acceptance of the proposal from the NSW DOCS ;
- (c) a Site Analysis Drawing (as described in Section A3 of this Plan);
- (d) where a proposed development does not comply with a provision of this Section of the Plan, a statement explaining how the application otherwise achieves the aims and objectives of this Section;
- (e) where a child care centre is proposed on a site that is identified as potentially unhealthy or contaminated, an environmental site contamination assessment, demonstrating that the site is environmentally safe and is suitable for use as a child care centre; and
- (f) a detailed Landscape Plan prepared by a suitably qualified landscape professional addressing the provisions of this Plan.

C13.4 Additions and Alterations to existing Buildings

Where existing buildings are proposed to be altered or added on to in order to develop a new child care centre, a Land Use Application must be lodged with Council and, if building works are proposed, a Construction Certificate Application must be lodged with Council or an accredited certifier.

As with Development Applications for new child care centres, additions and alterations or land use changes to an existing child care centre will be assessed in conjunction with the objectives and controls of this Section of the Plan.

C13.4.1 Objectives

The controls relating to additions or alterations to existing buildings are designed to achieve the following objectives:

- (a) To ensure that the relationship between an existing building used as a child care centre and adjoining land uses is favourable in terms of traffic, parking and noise impacts; and
- (b) To ensure that an existing building used as a child care centre is located where it is safe for children and has a minimal impact on traffic and the amenity of surrounding residents (including privacy).

C13.4.2 Controls

In order to achieve these objectives,

- (a) Where a child care centre is proposed in an existing building, the applicant must provide a statement which sets out the manner in which the aim and objectives of this Section of the Plan are achieved.
- (b) Where a child care centre is proposed in an existing building which does not meet all of the requirements of this section of the Plan, Council may consider varying the requirements where the aim and objectives are otherwise achieved.

C13.5 Development of New Buildings

C13.5.1 Objectives

A site analysis as described in Section A3 of this Plan must be prepared and submitted when developing a new child care centre. Council will consider the results of the site analysis and in order for Council to grant development consent it must be satisfied that:

- (a) The bulk, scale, height, character and external detailing of the development are compatible with the character of development within the vicinity, including any adjoining items of environmental heritage or conservation areas.
- (b) The child care centre design is generally consistent and sympathetic with the existing streetscape character of the locality (in residential areas the building should look like a residential dwelling).
- (c) The development is unlikely to adversely affect the amenity of any existing development in terms of overshadowing, privacy, excess noise, loss of views or otherwise.
- (d) Adequate screening has been provided where balconies and decks cause privacy concerns for adjoining properties.



- (e) To ensure the height of a child care centre relates to site conditions, matches the scale of the streetscape and minimises any adverse impacts on adjoining properties such as overshadowing and overlooking.

C13.5.2 Development Controls

Applicants need to comply with the following controls:

- (a) In residential areas, a minimum site area of 1,000 m² is required in order to overcome the potential problem of noise and nuisance. Sites less than this requirement will be considered on a merits basis.
- (b) Sites other than corner sites need to have a minimum width of 25 metres.
- (c) Child care centres shall be set back a minimum of 4 metres from side and rear boundaries.
- (d) The entry areas of a child care centre should be setback at least 12 metres from the front boundary line. A 9 metre setback may be considered by Council where it can be shown that the objectives of A11.13 can be satisfied.
- (e) For safety reasons, the optimal height for a child care centre is one storey. A child care centre that exceeds one storey shall ensure the safety of children by minimising access to stairs.
- (f) A child care centre shall not be erected to a height greater than 2 storeys in height above the natural ground level on any part of the allotment, and in any event shall not exceed 9.5 metres in height above natural ground level to the ridge of the roof, measured at any point above the ridge.
- (g) In order to minimise the possible adverse health effects to children of electromagnetic radiation emitted from telecommunication facilities, child care centres should be no closer than 300 metres to existing mobile phone towers or antennas or transmission line easements or other similar electromagnetic radiation sources.
- (h) Where a child care centre is proposed on a site that is identified as potentially unhealthy or contaminated, an environmental site contamination assessment must be produced to Council by the applicant to demonstrate that the site is environmentally safe and is suitable for use as a child care centre. This documentation must be provided with the Development Application.
- (i) To ensure the safety of children, Council prefers that child care centres are not built:
 - (i) on classified roads or within 30 metres of a classified road.
 - (ii) in residential culs-de-sac, as culs-de-sac do not allow good traffic circulation and can result in additional traffic generation.
- (j) Child care centres shall not be located adjacent to service stations or heavy industrial developments, as potentially harmful fumes or noise being emitted from either type of development may affect the health of children.



- (k) Child care centres will not be permitted on sites with existing swimming pools. DOCS licensing standards do not permit swimming pools within child care centre developments.
- (l) Car parking areas shall be located and designed to minimise potential danger to children and other users of the centre.
- (m) Parking and vehicle access areas are to be separated from any area used by children by safety fencing and gates.
- (n) If appropriate, pedestrian safety measures shall be installed (eg pedestrian crossings and refuges etc).
- (o) Car parking shall be provided at a rate of 1 space for every 4 children. Provision of car parking for permanent staff shall be in addition to this requirement.
- (p) Dimensions of parking spaces and vehicle access areas shall comply with Council's requirements as described in Part A.
- (q) The centre should be designed to allow the safe drop off and collection of children and safe movement and parking of staff, parents, visitors and service vehicles.
- (r) Parking spaces and vehicle access points are to be located to ensure the safe movement of children to and from the centre.
- (s) Standing areas for the dropping off and collecting of children are to be provided.
- (t) Access for people with disabilities should be provided to allow continuous wheelchair access from the street, car park, building entry and into individual playrooms and toilets.

C13.6 Licensing Standards and Internal Layout

To ensure that only Child Care Centres which are able to be licensed under the Children (Care and Protection) Act 1987 receive development consent, and to ensure that children using a child care centre receive appropriate care, the following controls apply:

- (a) For a Child Care Centre to be licensed under the Children (Care and Protection) Act 1987, the centre must satisfy the requirements of the NSW Department of Community Services.
- (b) Requirements for the following are included within the regulation as licensing standards: space requirements for child care services; laundry facilities; craft preparation facilities; food preparation facilities; toilets and washing facilities; nappy change facilities; sleeping facilities; storage facilities; fencing; telephone; glass; pools; premises cleanliness, maintenance and repairs; heating and cooling equipment; first aid; outdoor play equipment; emergency procedures and fire safety; hot water; plants; and programme support equipment.
- (c) It is important to note that Council or other Government Departments or Public Authorities may have more onerous requirements than those listed



in (b) above which may have to be met before a child care centre proposal will be approved.

C13.7 Noise

It is essential to ensure that noises emanating from a child care centre do not adversely affect neighbouring developments and it is equally important to ensure that surrounding noise does not affect children within a child care centre. Therefore, the following controls apply with regard to noise.

To protect neighbours from excessive noise generated by a child care centre through additional traffic, activities on and off the site (such as the dropping off and collecting of children) and children's activities on site:

- (a) access points should be located so as to minimise disruption to neighbours (ie to reduce the impact of gates opening and slamming car doors when children are dropped off and picked up);
- (b) playground areas should be appropriately located;
- (c) appropriate location of windows and doors;
- (d) no public address systems are to be installed at the centre;
- (e) the use of fencing and landscaping to reduce the impact of noise; and
- (f) the proposed hours of operation, particularly the impact of early morning starting times.
- (g) To protect children from excessive noise which may be generated by proximity to roads, industrial premises, aircraft or rail operations:
- (h) Sites should be chosen which protect children from excessive noise.
- (i) Details of any mitigation measures should be submitted in the Statement of Environmental Effects.
- (j) In situations where noise may be excessive from surrounding areas, an acoustic consultant's report may be required.
- (k) Where sites are adjoining or adjacent to railway land, the Department of Planning's document "Development near Rail Corridors and Busy Roads – Interim Guideline" must be considered.

C13.8 Outdoor Play Areas

It is important to ensure that a child care centre provides external spaces which promote a variety of learning, play and other developmental experiences while also providing a safe and healthy outdoor environment for children. To achieve these objectives the following must be addressed when designing a child care centre development:

- (a) An outdoor play area shall be provided in each child care centre development, having space for the following areas, equipment and facilities:



- (i) An open flat grassed area for running.
- (ii) Quiet play areas for focused play (including a sandpit).
- (iii) A formal quiet area for contained play (eg finger painting).
- (iv) An active area for busy physical play which includes:
 - (v) some paved surfaces for wheeled toys; and
 - (vi) suitable play equipment with impact absorbent material beneath.
- (b) A transition zone from indoor and outdoor areas for covered outdoor play. The transition zone shall be a veranda with a minimum width of 4 metres.
- (c) A baby/toddler area which is flat, soft and separated from older children.
- (d) Secure fencing.
- (e) A variety of surfaces, such as grass, sand, hard paving and moulding shall be provided in outdoor play areas. The heat absorption qualities and texture of materials must be suitable, with surfaces such as bitumen (due to surface temperatures exceeding 45° in summer) being avoided.
- (f) Outdoor play areas are not to be located so that they are adjacent to the living/bedroom areas of adjoining residents, busy roadways or driveway areas and other potential noise or pollution sources.
- (g) Outdoor play areas must not be occupied by any motor vehicles during operating hours.
- (h) Outdoor play areas shall have immediate access to toilets.
- (i) Where possible, outdoor play areas shall be located to the north or north-east of the site to ensure that play areas receive adequate sunlight.
- (j) Outdoor play areas shall be designed to allow constant supervision and access to children by staff.
- (k) Outdoor play areas shall utilise the site's natural features (where possible).
- (l) Attention should be given to the design and construction of outdoor play areas, to provide a variety of experiences for children.
- (m) All outdoor play areas are to be shaded in accordance to the recommendations and considerations of the NSW Cancer Council and the NSW Health Department publication *Under Cover: Guidelines For Shade Planning and Design*.

C13.9 Landscaping and Vegetation

Landscaping and vegetation must be provided to comply with the requirements of Part A of this Plan. In particular, such landscaping shall:

- (a) retain and protect those individual remnant native specimens that are found scattered throughout the township of Moss Vale.
- (b) be in keeping with adjoining developments.



- (c) be designed to provide a noise barrier and privacy screen for adjoining residents. In residential zones, or on land adjoining residential zones, a 1.5 metre landscaping strip shall be provided on all boundaries to help with noise abatement and privacy.
- (d) Ensure that existing natural features and significant vegetation are conserved where possible to help increase the amenity of the area. Where appropriate, existing trees are to be retained and incorporated as shade elements in outdoor play areas.
- (e) Plant species shall be chosen for their suitability to the site, ease of maintenance and interest to children.
- (f) Plant species shall not be toxic, allergic, prickly or otherwise unsafe for children.
- (g) When choosing plant species, the following shall also be considered:
 - (i) protection from prevailing winds;
 - (ii) shelter and enclosure;
 - (iii) shade;
 - (iv) reduction of reflection from bright surfaces;
 - (v) emphasis of pedestrian and vehicular routes; and
 - (vi) good visibility of play areas.

C13.10 Fencing and Gates

Adequate fencing and gates are necessary to keep children in and to also keep unwanted visitors out of the centre. In particular,

- (a) Outdoor play areas must be fenced on all sides by fencing of at least 1800 mm in height.
- (b) No play equipment shall be located adjacent to a fence if, by doing so, it reduces the effective height of the fence and enables it to be scaled.
- (c) All gates leading to or from play areas shall be equipped with child self locking mechanisms.
- (d) Access to and from the centre must be through one main door which can be properly supervised by adult staff to ensure the protection of children from intruders.

C13.11 Signage

Signage shall comply with the requirements of Section A9.

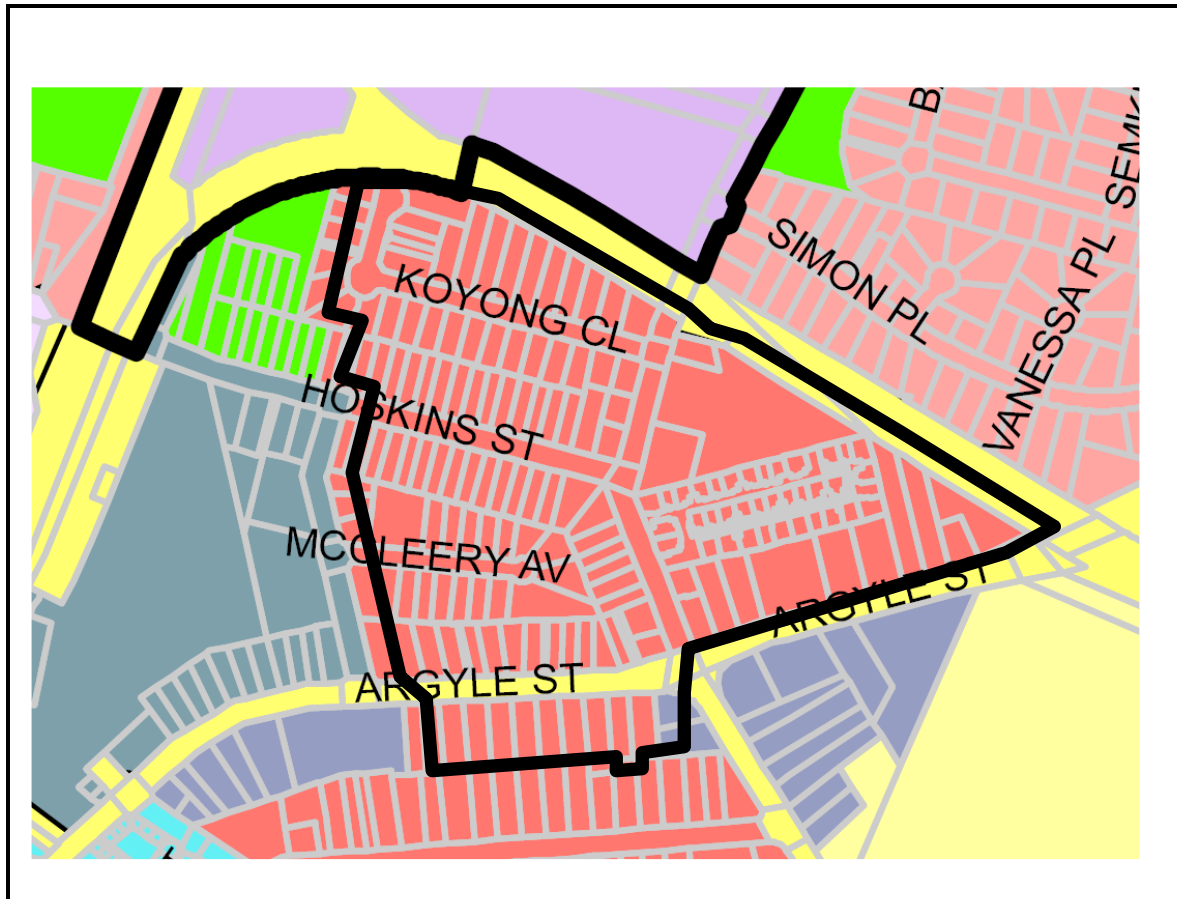
C13.12 Hours of Operation

To protect the amenity of adjoining residential neighbours,



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- (a) Where a child care centre is proposed within a residential area or adjoining a residential area, the hours of operation shall generally be limited to 7 am to 6 pm, Monday to Friday. Operating hours outside these times will be considered on their merits.
 - (b) Where an application is submitted with operating hours outside the above mentioned times, a noise impact assessment must be produced to Council by the applicant to demonstrate that the hours of operation will not adversely impact upon any adjoining residential neighbours.

Section 14 Northern Entrance Precinct



NORTHERN ENTRANCE PRECINCT

C14.1 Location & Character

This Precinct includes land on Old Argyle Street and Argyle Street between the Moss Vale-Unanderra Railway line, Hawkins Street and Goode Park. On the southern side of Argyle Street this precinct extends from Robertson Road to the edge of the land zoned B4 Mixed Use. [Figure C16.1](#) above identifies the location of this Area. All land is zoned R3 Medium Density Residential.

This Precinct currently contains a range of mixed use development interspersed with low density dwellings, some used for residential purposes, others for commercial or professional activities. Because the southern side of Argyle Street is between two Mixed Use areas, applicants seeking to develop in this Area should also consult the outcomes and controls described in Section B15. Properties on the southern side of Argyle Street may offer opportunity for redevelopment in conjunction with adjoining properties fronting the Elizabeth Street North Precinct (C21).



C14.2 Preferred Development Outcomes for this Precinct

The R3 Medium Density Residential zone applying to the land in this Precinct provides an opportunity for redevelopment to multi dwelling housing, however residential flat buildings are not considered an appropriate redevelopment option in this precinct.

To achieve appropriate redevelopment Council prefers the following outcomes:

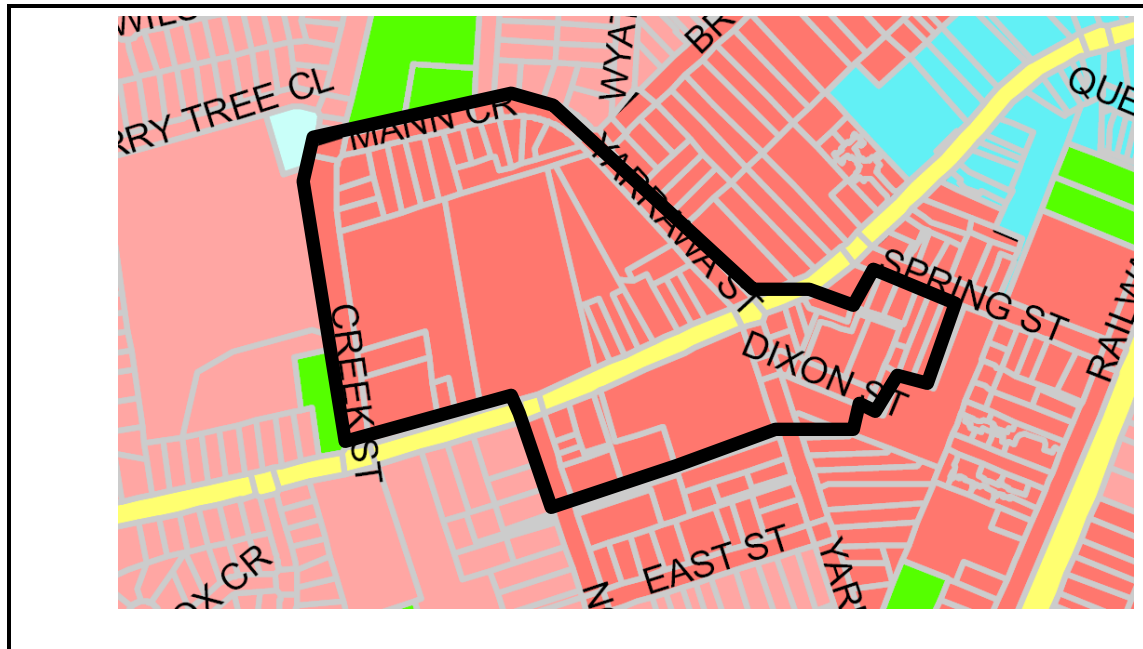
- (a) the appropriate amalgamation of smaller sites along Argyle Street to achieve a more cohesive building appearance.
- (b) the consolidation of sites along Argyle Street, between Valetta Street and Robertson Road to achieve a more efficient development pattern and to reduce the number of access points on to Argyle Street. Medium density, residential or mixed use development would be acceptable in this location in accordance with the maximum building height of 7 metres to the underside of the eaves.
- (c) appropriate amalgamation of properties on Elizabeth Street with adjacent sites fronting Argyle Street to provide opportunities for medium density residential development.

C14.3 Specific Development Controls

Notwithstanding any controls identified elsewhere in this Plan, Council shall not grant consent to the carrying out of development on any land within the Northern Entrance Precinct unless it is satisfied that

- (a) new development complements the existing streetscape
- (b) in the case of the south side of Argyle Street, in-fill development or redevelopment seeks to achieve an amalgamation with properties backing on to it which front Elizabeth, with access from Elizabeth Street into the centre of the amalgamated site.
- (c) in-fill development occurs to the rear of existing development which makes a positive contribution to the streetscape.
- (d) development does not impact on safe and efficient traffic flows along Argyle Street.

Section 15 Southern Residential Precinct



Southern residential Precinct

C15.1 Location and Character

The Southern Residential Precinct includes all land zoned R3 Medium Density between Creek Street and the edge of the Argyle Street South Area. The boundary of this Special Character Area is indicated on [Figure C17.1](#) above. Land to the east of Yarra Street forms part of the Argyle/Browley Street Conservation Area.

This precinct currently comprises a wide range of commercial and residential development, some heritage buildings and others providing opportunities for redevelopment.

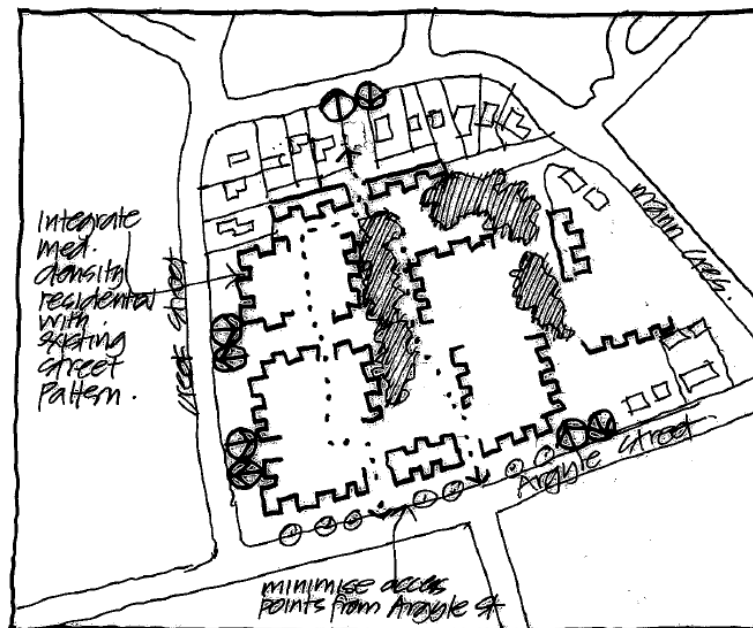
As this Section adjoins the Argyle Street South commercial Area applicants are advised to also read the objectives and preferred outcomes of that Area.

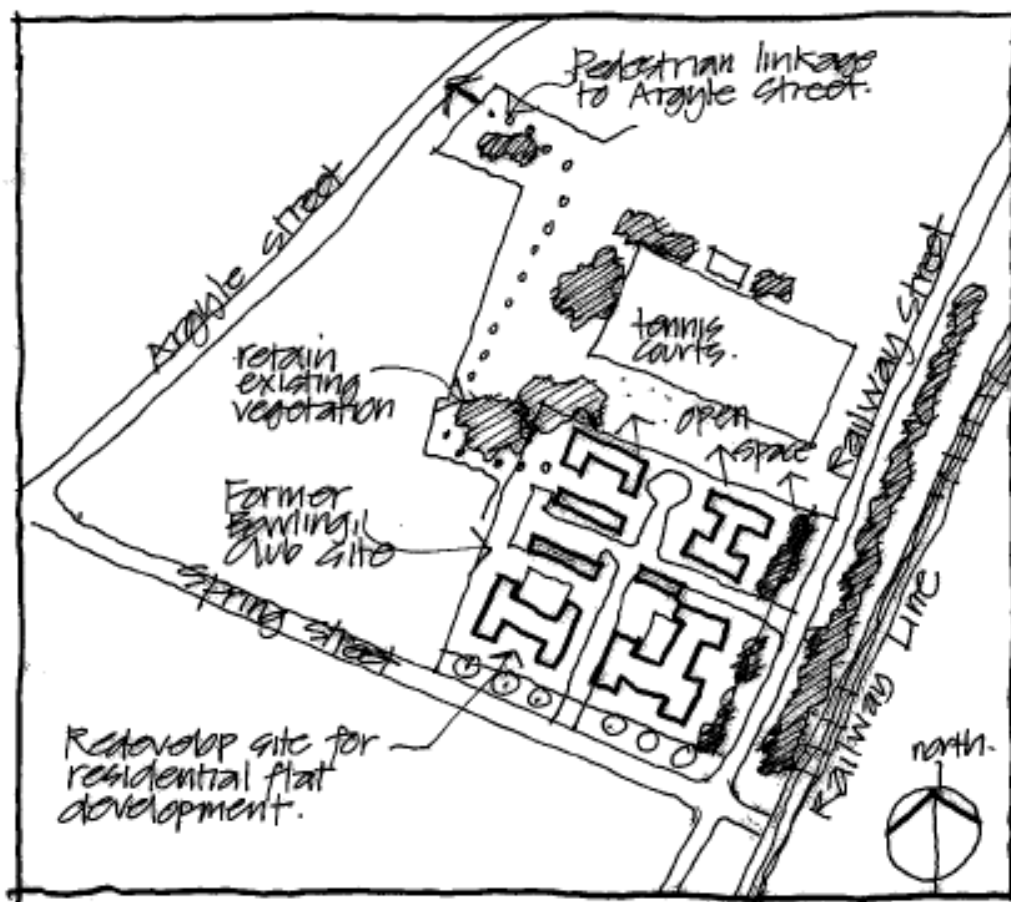
C15.2 Preferred Development Outcomes

Council believes that the provision of appropriate medium and high density residential opportunities will assist in the revitalisation of this section of Moss Vale with flow-on benefits for the southern side of the Argyle Street commercial area such as cafes, restaurants, outdoor eating facilities and other shops which particularly meet the needs of nearby residents. It is hoped that such redevelopment will also revitalise the Neighbourhood Business land on the corner of Creek Street and Cherry Tree Close.

To achieve these objectives Council would prefer future development in this precinct to include:

- (a) integrated medium density development on the site bounded by Creek, Argyle and Yarrowa Streets and Mann Crescent, incorporating appropriate landscaping, private open space, pedestrian accessibility and safety and efficient vehicular access and parking.
- (b) residential flat development to a maximum height of two storeys on the land in Spring Street zoned R3 Medium Density Residential with safe and convenient access through the adjoining park to the commercial area on Argyle Street.
- (c) possible site amalgamations and medium density redevelopment of other land within the precinct to achieve the efficient use of land and a variety of residential housing within Moss Vale.





C15.3 Specific Development Controls

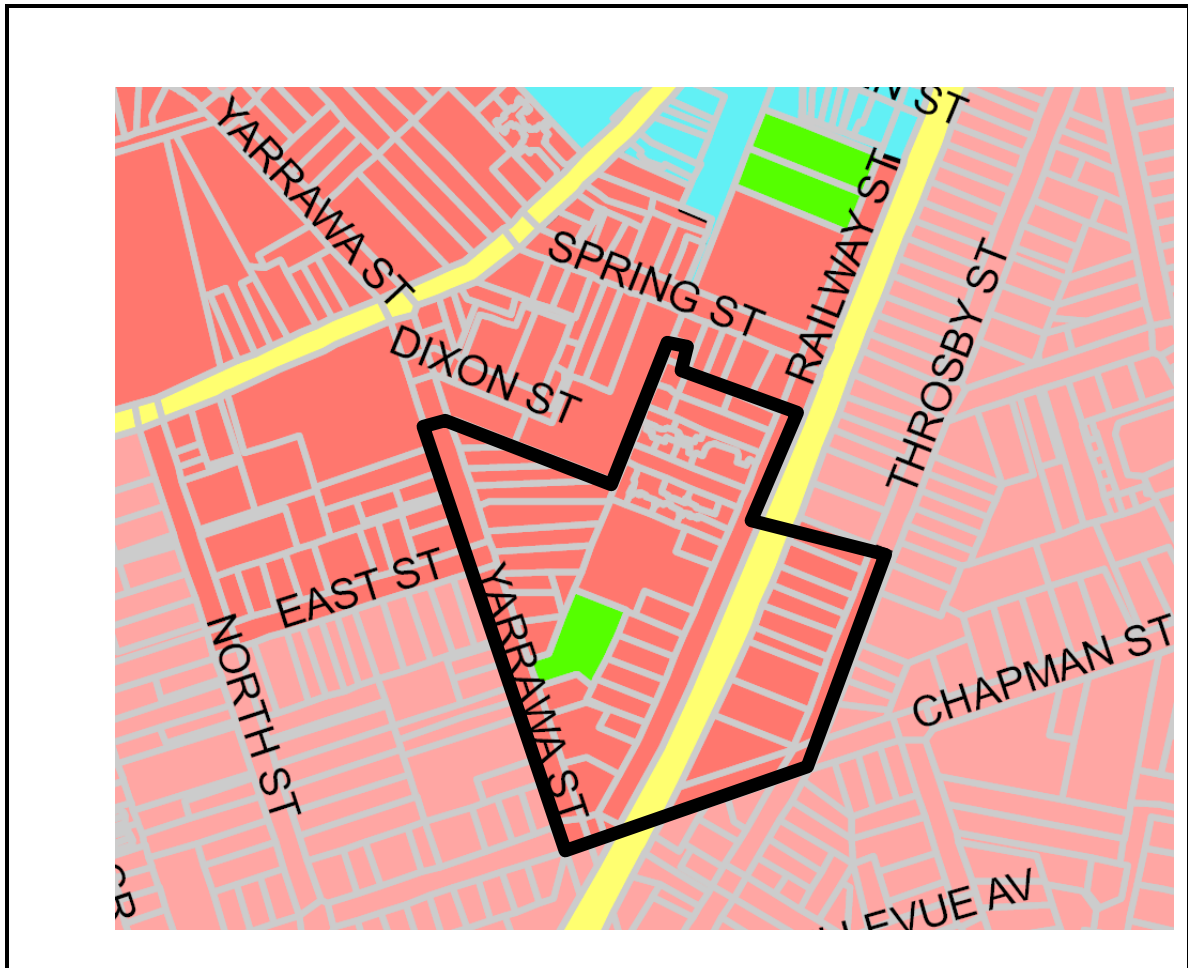
Notwithstanding any other controls in this Plan, Council shall not grant consent to the carrying out of development on any land to which this clause applies unless it is satisfied that adequate provision has been made to ensure that such development provides:

- (a) a maximum height of two storeys.
- (b) a sufficiently high standard of design to help encourage the revitalisation of the southern side of the Argyle Street Precinct through the provision of cafes and restaurants, including outdoor eating opportunities, and quality take away food premises which might meets the needs of local residents.
- (c) safe and convenient pedestrian access to public transport and the commercial centre on the southern side of Argyle Street.
- (d) appropriate design and landscaping for development within or adjacent to a Heritage Conservation Area.
- (e) landscaping and private open space designed to provide an attractive residential environment.



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- (f) traffic management outcomes which co-ordinate access to Argyle Street and minimise congestion in surrounding streets.

Section 16 Railway Street Precinct



Railway Street Precinct

C16.1 Location and Character

The Railway Street Precinct is bounded by Throsby Street, Chapman Street and Yarrawa Street as indicated on Figure 18.1 above.

C16.2 Preferred Development Outcomes for this Precinct

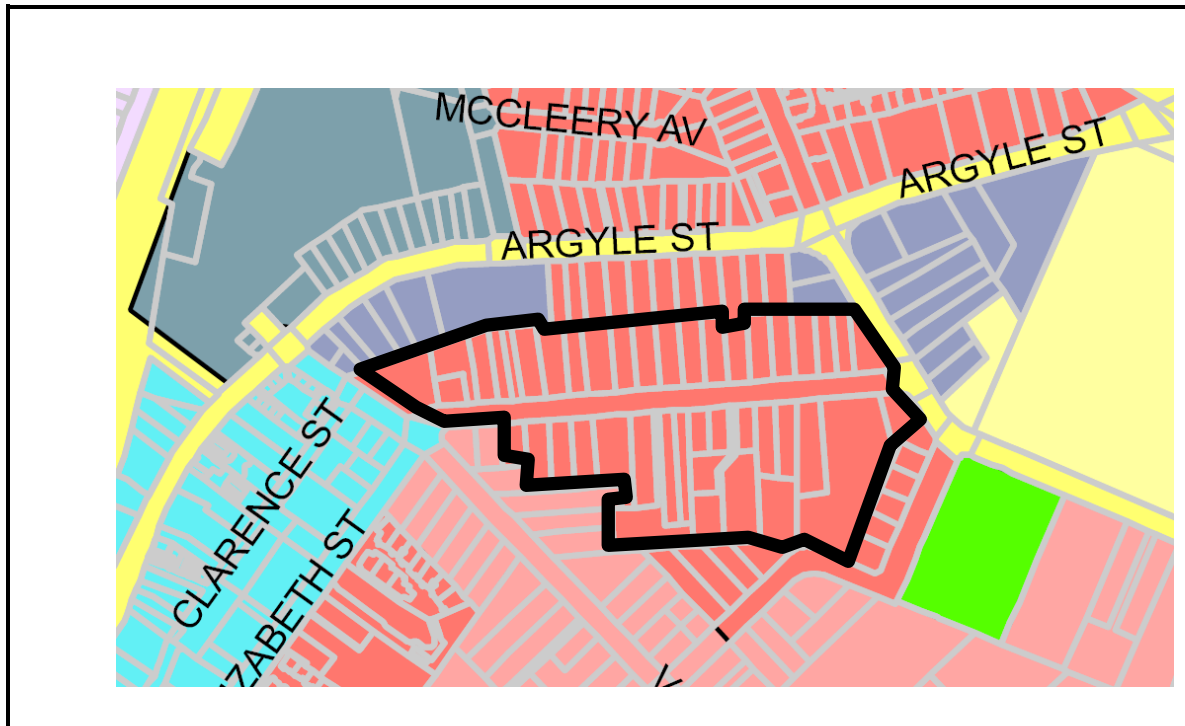
There are significant redevelopment opportunities within this Area making a strong contribution to an increased mix of housing types. It is also recognised however that this Area is positioned between three conservation precincts and therefore development needs to be appropriate to current development within those precincts.



C16.3 Specific Development Controls

No additional development controls are applicable. Applicants are reminded to comply with the requirements of Section A10 regarding RailCorp affected land.

Section 17 Elizabeth Street North Precinct



Elizabeth Street North Precinct

C17.1 Location and Character

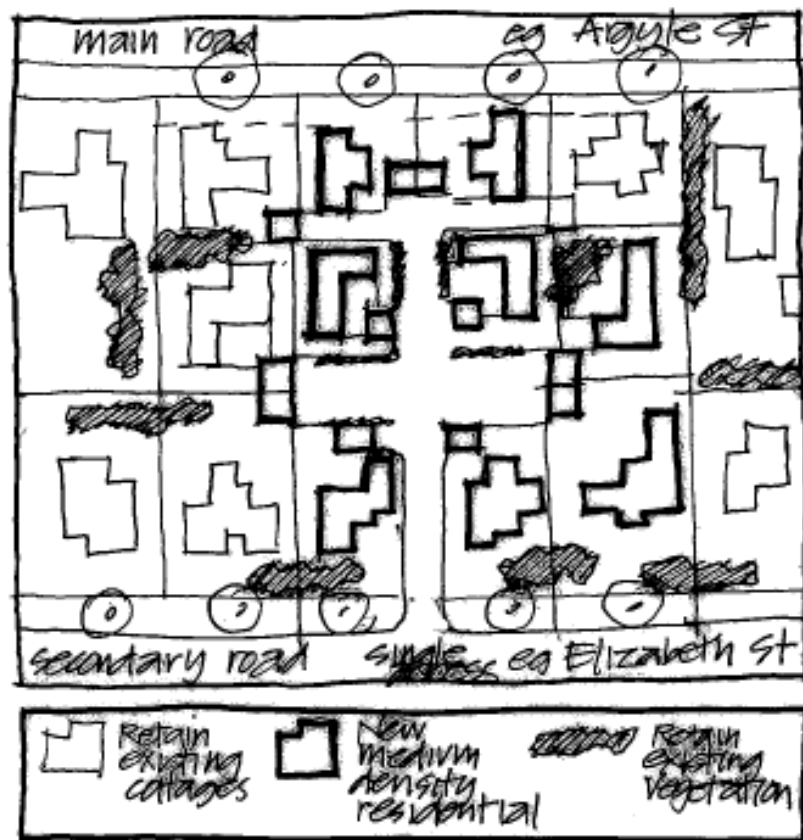
This Precinct incorporates those properties on both sides of Elizabeth Street between Robertson Road and Valetta Street as shown on [Figure C19.1](#) above. The Area excludes the two properties on the north east corner of Elizabeth and Valetta Street which are within the Valetta Street Conservation Area.

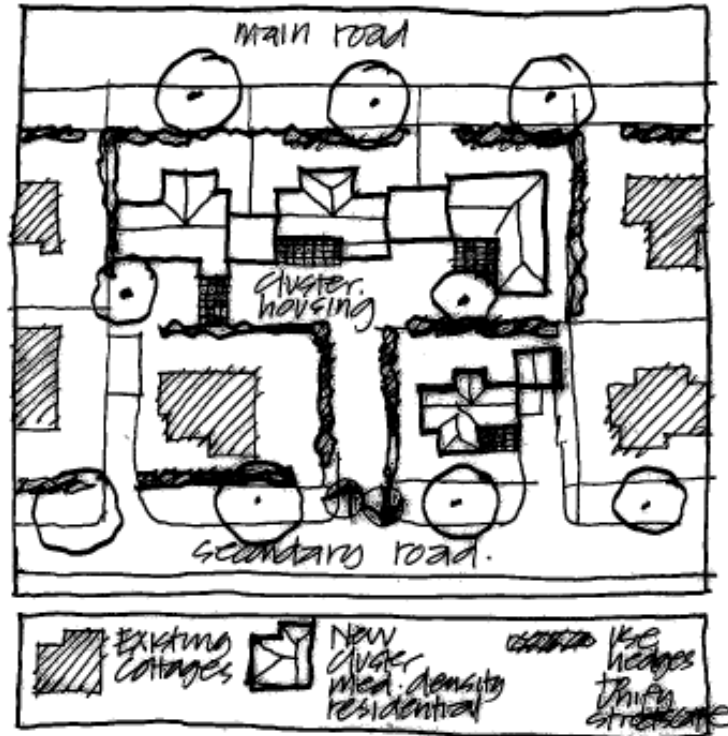
While Elizabeth Street contains a number of houses which make a positive contribution to the streetscape, there are other properties which could be effectively redeveloped. Applicants should review Part A of this Plan in determining what types of residential development would meet the criteria for preferred retention.

C17.2 Preferred Development Outcomes for this Precinct

Those dwellings which contribute to the streetscape should be retained, however other properties offer potential for redevelopment, or for infill development provided adequate provision is made to ensure that the new development is appropriately designed and landscaped so that the positive elements of the streetscape are retained. Properties on the western side of Elizabeth Street may offer opportunity for redevelopment in conjunction with adjoining properties fronting Argyle Street. Within this precinct Council seeks to:

- (a) retain those dwellings which make a positive contribution to the streetscape.
- (b) encourage appropriate amalgamation of identified sites where redevelopment or infill development may be achieved through sensitive design, landscaping and fencing.
- (c) encourage appropriate amalgamation of properties on Elizabeth Street with adjacent sites fronting Argyle Street to provide opportunities for medium density residential development.





A good example of medium density housing integrated with existing single story housing. New housing is to be sympathetic to the existing built form with regard to roof shapes, scale of window treatment, materials, fencing and landscape treatment.

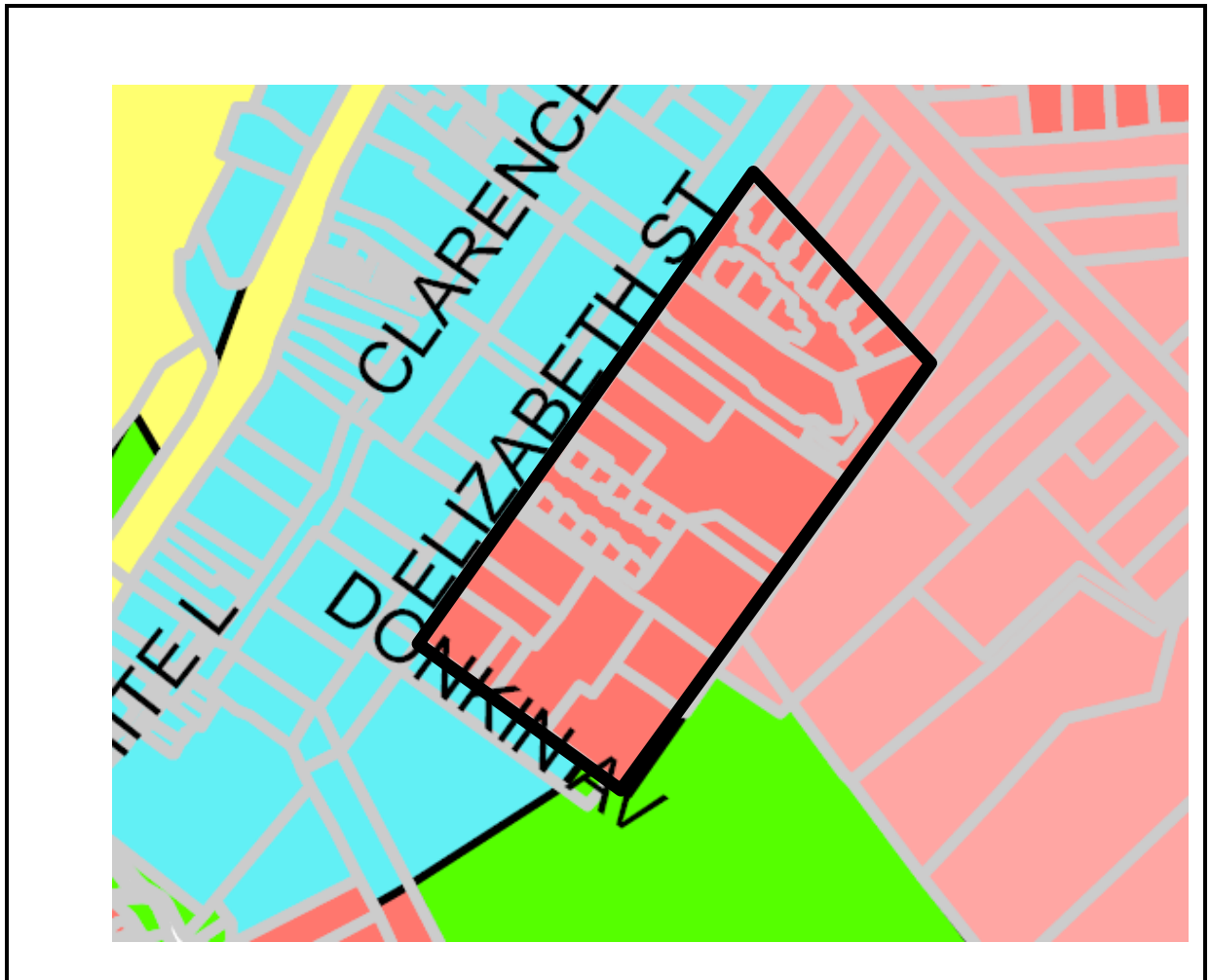


C17.3 Specific Controls

Council shall not grant consent to the carrying out of development on any land to which this section applies unless it is satisfied that adequate provision has been made to ensure that such development:

- (a) is in a style and of materials which complement adjacent and nearby dwellings.
- (b) provides landscaping and fencing which complements the streetscape.
- (c) provides adequate car parking and traffic management on site
- (d) ensures that all vehicular movements on and off site are via Elizabeth Street.
- (e) provides adequate safety for pedestrians using Elizabeth Street.

Section 18 Elizabeth Street South Precinct



Elizabeth Street South Precinct

C18.1 Location and Character

This Precinct comprises land on the eastern side of Elizabeth Street from Valetta Street through to Donkin Avenue, excluding the property on the south-east corner which is within the Valetta Street Conservation Area precinct. The location of this Area is indicated on [Figure C20.1](#) above.

The western side of Elizabeth Street is zoned B2 Local Centre and is included within the Clarence Street Area. Applicants seeking to develop within the Elizabeth Street South Area should also consult the preferred outcomes and controls for the Clarence Street Area contained in Section B15.

Properties in this precinct are zoned R3 Medium Density Residential, however residential flat buildings are permitted with consent. The Area is characterised by a



mixture of land uses including medium density residential development, the Masonic Hall, the Community Health Centre, Council's Records Repository building, the Fire Station, pre-school and a car park.

C18.2 Preferred Development Outcomes

The R3 zoning in this Area enables the further provision of multi-dwelling development including residential flat buildings in a location with convenient access to the retail centre and public transport. Such opportunities allow Council to consider:

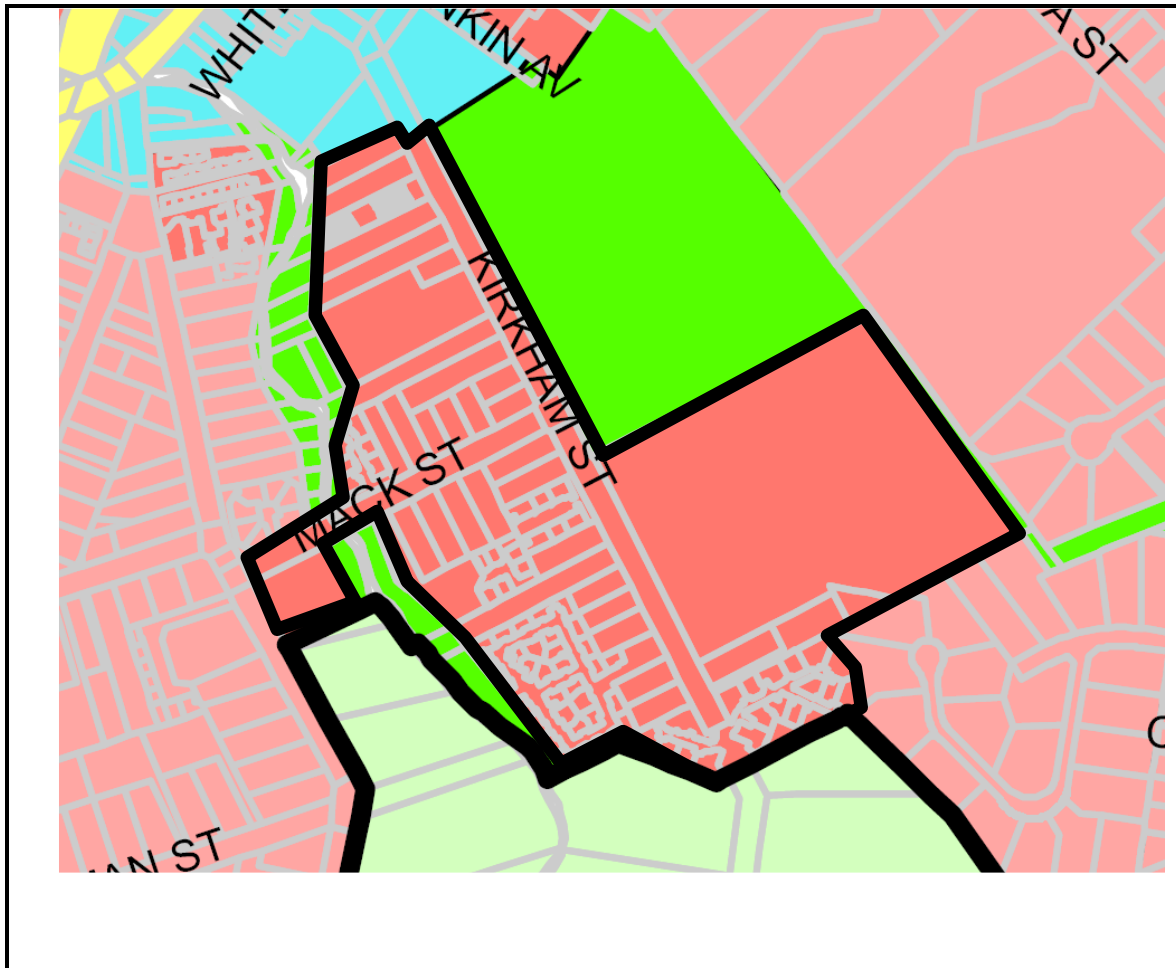
- (a) Site amalgamation to provide further medium density development similar to that already in place.
- (b) Site amalgamation to provide appropriate high density development.

C18.3 Specific Development Controls

Council shall not grant consent to the carrying out of development on any land to which this section applies unless it is satisfied that adequate provision has been made to ensure that such development:

- (a) is no more than 2 storeys in height.
- (b) provides safe vehicular ingress and egress so that all vehicles may leave the site in a forward direction.
- (c) provides adequate off-street parking.
- (d) provides adequate landscaping to complement and enhance the existing streetscape patterns.

Section 19 Kirkham Street Precinct



Kirkham Street Precinct

C19.1 Location and Description

This Precinct includes those properties on the southern side of Kirkham Street and the adjoining land on Mack Street zoned R3 Medium Density as shown on [Figure C21.1](#) above. Residential flat buildings are permissible with consent in that part of Kirkham Street north of Mack Street. This Area currently contains a range of residential densities and style.

C19.2 Preferred Development Outcomes

Redevelopment to medium density continues to occur within this precinct providing a variety of residential accommodation within walking distance of the retail centre and public transport. Land zoned R4 further increases opportunities for such housing



providing Council with the opportunity to encourage appropriate site amalgamation to provide a broader housing mix of medium and high density development.

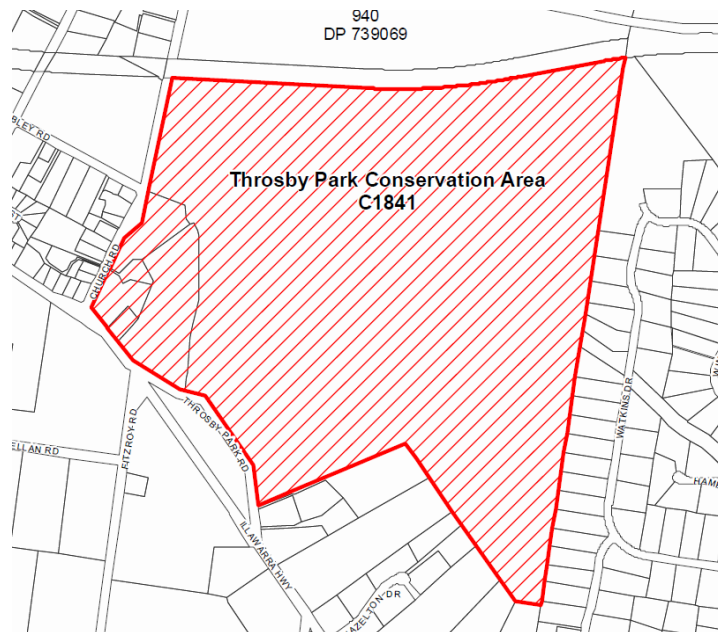
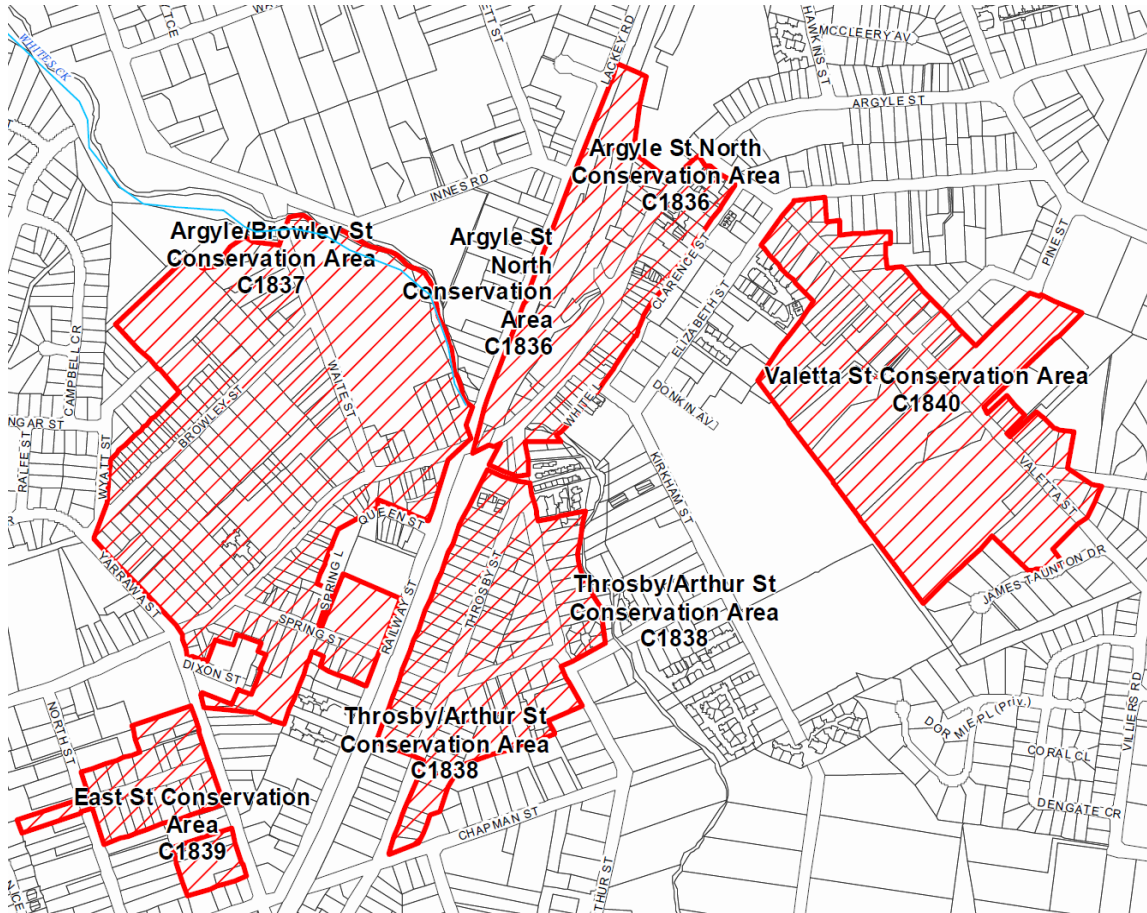
C19.3 Specific Development Controls

To achieve these outcomes Council shall not grant consent to the carrying out of development on any land in this precinct unless it is satisfied that adequate provision has been made to ensure that such development:

- (a) is no more than 2 storeys in height.
- (b) provides safe vehicular ingress and egress so that all vehicles may leave the site in a forward direction.
- (c) provides adequate off-street parking.
- (d) provides adequate landscaping to complement and enhance the existing streetscape patterns.
- (e) Provides setbacks for new development that are consistent with existing setbacks.



Section 20 Conservation Precinct



C20.1 Location and Character

This 'Precinct' is an amalgamation of the five (5) Heritage Conservation Areas within Moss Vale. Four are within the town boundary:

- Argyle/Browley Street
- East Street
- Throsby/Arthur Street
- Argyle Street North
- Valetta Street

One is outside the town boundary, being the Throsby Park Conservation Area, located on the Illawarra Highway to the east of the town.

The four conservation precincts are indicated on the figures above, however, applicants should consult the Heritage Conservation Maps contained within WLEP 2010 and which may be viewed on the NSW Legislation website, www.legislation.nsw.gov.au

C20.2 Preferred Development Outcomes for all Conservation Areas

The zoning of each Area varies and applicants should consult the zoning maps contained within WLEP 2010 and which may be viewed on the NSW Legislation website, www.legislation.nsw.gov.au

Regardless of the zoning, applicants must be mindful of the fact that their land is within a designated Conservation Area and present to Council a design which respects the existing streetscape and architectural elements of the relevant Conservation Area.

In cases where a proposal is regarded as being of exceptionally high architectural merit, then the proposal may be referred to the Heritage Adviser for a design review to recommend waiving some controls. Such a proposal would be of such exceptional quality and finish that it would be widely recognised as an improvement to the Conservation Area.

C20.3 Specific Development Controls for all Conservation Areas

C20.3.1 Objectives

Any development within one of the designated conservation areas, either new development or alterations to existing development shall comply with the objectives and controls contained in Sections A3 and A4 applying to site analysis and design considerations in a heritage context.

C20.3.2 Controls for new development

New development on any building allotment within the Conservation Area shall meet the following requirements:



- (a) Council shall, at its discretion, seek advice from its Heritage Advisor to determine that the proposal will not have an adverse impact on the character of the Conservation Area and its listed items.
- (b) Notwithstanding sub-clause (a) above, in the case of a Listed Heritage Item, Council shall request a opinion from its Heritage Advisor before granting consent.
- (c) Existing carriageway, gutter, verge, driveway and footpath detail and surfacing should be retained and matched in any new development.
- (d) Front gardens must not be extensively paved, concreted or made impermeable to water. Hard paving, including driveways and paths etc should not exceed 20% of the area forward of the building.
- (e) Driveways that are visible to the street should preferably consist of two wheel tracks made of brick, gravel, concrete strips or compacted material. Full width driveways should be generally less than 2.5m wide. Full width driveways should not be laid directly against a building, other than for pedestrian access. Full width driveways should be 'softened' with vegetation on either side. Full width driveways should be in a textured surface such as hardened gravel, brick, rock or pavers in a dark matt surface such as bitumen. Extensive use of poured concrete should be avoided where visible from the street, unless there is no feasible alternative. Where large areas of concrete cannot be avoided, the concrete should be finished as an exposed aggregate or oxide coloured charcoal grey and broom finished, to reduce glare and increase the surface texture and character. Imitation paver finishes (stencilled or stamped concrete) shall not be used.
- (f) Where an existing footpath and gutter is grass or gravel, then driveway cross-overs of footpaths and gutters should be finished in gravel, brick, clay pavers, stone flagging, crushed rock, cobbles or similar. Where existing footpaths are concrete, the finished material of driveway cross-overs may also be in concrete. Any existing historic guttering is to be conserved in situ, with driveway cross-overs, drainage pits etc designed in keeping with the original gutter.
- (g) Solar panels, satellite discs and other modern technology should be located out of sight of the street or other properties where possible.
- (h) Pipes and vents should be concealed within external walls of any building where possible.
- (i) Single storey development predominates in the Conservation Area, sometimes with an attic incorporated within the roof line. No building shall exceed one storey plus pitched roof with dormer windows (often referred to as one and a half storeys). A structure may be split level where the gradient of the lot dictates.
- (j) Any attic room is not to have the appearance of a second storey to the structure. It is likely to be wholly contained within the roof planes of the house



- with light and ventilation being provided by in-plane skylights or dormer windows.
- (k) New buildings are to align with the town grid. Roof planes are to be aligned parallel, or 90 degrees to the side boundary of the allotment.
 - (l) The roof of the dwelling shall reflect the dominant roof form of the existing streetscape.
 - (m) Council may require design changes to be made where a proposed development is likely to cause undue overshadowing to an adjoining property's open space and windows. Shadow diagrams may be required to demonstrate the impact.
 - (n) New developments are to maintain the predominant setback from the front boundary.
 - (o) New dwellings should maintain the facade width of existing dwellings.
 - (p) New dwellings should maintain the facade materials of existing dwellings.
 - (q) Chimneys should not be removed unless they are structurally unsound and unable to be restored.
 - (r) Windows and doors are to be timber-framed with moulding and glazing patterns appropriate for the style of the house. Windows and doors on additions should reflect the external proportion and relationship to the wall as the original and be appropriate for the style of the house. Contemporary materials such as aluminium framing to windows are not appropriate for heritage items. They may be used in a contemporary styled extension and in Conservation Areas provided that the framing section approximates size of a timber frame. Each window and its components should be vertically proportioned.
 - (s) Window designs used in early houses include side hung casements and double hung sashes. So as to achieve a larger glazed area where required, two or three individual windows can be used assembled together as occurs on some earlier cottages. Fanlight casement windows also can be used above larger windows and doors for extra glazing and light.
 - (t) Traditional timber framed sun hoods and window awnings feature on many early houses. Awnings are generally recommended to be roofed with galvanised corrugated steel to match the main house roof or traditional roofing material such as flat metal sheet (not Colorbond or Zinalume), galvanised ripple iron or timber shingles.
 - (u) Door designs on major elevations should be of rectangular timber panels and/or glazed in the manner of traditional examples. Inappropriate door types are imitation timber doors, and the following features: elaborate carved panels, glazed fake fan lights, curved glass inserts. French doors may be used on front and/or side elevations opening onto a verandah. Where used they should follow the proportions and general design character of existing traditional examples.



That is, they should be of timber frame and panelled base sections, narrow vertical proportions and 1-3 panes of glass.

- (v) Verandah retention, restoration and reconstruction is encouraged. Original front verandahs are to be retained in all new work. Reconstruction should be based on evidence (such as early photographs or details of original similar local buildings) and closely follow original proportions and details. Post bases, for example, should not have post stirrups exposed to view, and verandah framing, if in steel, should be in hollow sections matching traditional timber sizes. Verandahs under extensions of the main roof and bull nose verandahs shall not be used if skillion verandahs are more historically accurate. Verandahs should not be enclosed. Ground floor verandahs should not be enclosed with balustrades unless so required by the BCA.
- (w) Reconstruction of known original fences using traditional technology and materials is encouraged. The style, detail and materials of fences should be consistent with the period of the building. Except hedges, all fencing in front of the main elevation of the house must be able to be seen through (i.e. not a solid wall).
- (x) Garages, sheds and carports should preferably be located to the rear of the property, and shall in any case not be constructed further forward than 1.5m behind the main wall (i.e. wall with the front door, not a verandah wall) of the house. Where space is limited, an open-sided, simple skillion roofed carport off the side of the house may be considered.
- (y) Garage, shed and carport design should be sympathetic to the period of the building, including roof pitch and roof and wall materials. Scale should be smaller than the dwelling. The roof form of a garage or carport attached to a dwelling should not be a continuation of the main roof, but rather be articulated to reduce its scale and bulk. Windows should be vertical proportioned double-hung or casement types, not sliding. Downpipes should be 90mm circular profile, galvanised, unless another profile is required in order to match that of the house. Vehicular access should not be through a verandah. Flat roofs or modern profile ribbed metal cladding shall not be used. Metal structures should be galvanised Custom Orb (i.e. corrugated) or Mini-orb (i.e. ripple) iron. Roofs should be dual pitched, minimum 25 degrees. In special cases a parapet wall may be accepted in lieu of a steep roof pitch. Doors may be vertical timber board tilt type doors on a concealed steel frame or other approved barn-type design (but not roller doors). Detailed design advice can be provided by the heritage adviser on request.
- (z) Colour schemes should be noted on submitted architectural drawings, together with notes of all materials and finishes. Colour schemes should be appropriate to the style of the building and should be referred to the heritage adviser for comment.



A good example of an appropriate design response for a new house in an existing conservation area.

C20.4 Controls for extensions or other alterations to dwellings

- (a) Extensions should respect the form, symmetry and location on the block of the existing dwelling structure.
- (b) Specific controls for new development above apply to extensions.
- (c) Contemporary architectural designs should not compromise, dominate or detract from a place's significant heritage attributes including its style and character, form, finish and setting.
- (d) Small extensions may be designed to increase the bulk or form of the existing building at ground level where the extension is not large (no more than a one-quarter extension of the original) and will not distort the scale of the original. Extensions of this type should closely follow the detail of the original building with ridge-lines of the addition no higher than the original.
- (e) Large extensions may be designed with a linked pavilion to the rear of the main dwelling. This architectural device is suited to extensions of small cottages, and allows minimal disturbance of original fabric. It also enables a modern interpretation of the original, generally using modern materials and details that reflect the historic scale and roof pitch, and is suitable where the new ridgeline will be higher than the original.
- (f) The building scale of extensions should appear to be of lesser scale than the original, with a lower ridge height than existing, unless adopting the pavilion model.
- (g) New roofs over extensions should be designed so that the original roof remains evident.



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- (h) New roofs shall utilise the existing pitch, form and material of the original roof where possible.
 - (i) To ensure that walls continue to reflect historic characteristics: surviving weatherboard walls are to be maintained in situ; lightweight over-cladding in imitation weatherboards (e.g. in plastic or metal) is unacceptable; brick walls that have not been painted should remain unpainted; brick walls that have never been rendered should remain un-rendered; new bricks should be chosen to blend with original in colour and texture;
 - (j) Extensions shall be articulated in roof shape and in side elevations of greater than 10 metres in length. Wall articulation can take the form of a wall rebate, possibly in combination with a full height change of wall material.
 - (k) New development may “borrow” architectural language or design from earlier historic buildings, such as roof pitch, corrugated iron roofing or weatherboard walls. Or it may interpret traditional design concepts in a modern way. It is not to replicate existing buildings.
 - (l) Multi-unit housing, where permitted, shall conform to the above requirements.