The purpose of this report is to consider submissions on the Draft Young Development Control Plan Amendment 2 following the conclusion of the public exhibition period and to finalise the Planning Proposal for the Vehicle Sales or Hire Premises and car park at 8 Wombat and 1 Murringo Streets, Young.

On 26 July 2017, Council resolved to prepare a Planning Proposal to amend the Young LEP to allow for the expansion of the existing Young Motors business onto 8 Wombat and 1 Murringo Streets in Young. The Planning Proposal was prepared, and the Department of Planning and Environment issued a Gateway determination, allowing the Planning Proposal (identified as: PP 2018 HILLT_001_00) to proceed to the Public Exhibition stage.

The Planning Proposal was exhibited from 19 April 2018 to 17 May 2018 during which time three submissions were received, including one signed by 6 people. The issues raised in the submissions received were considered by Council at its meeting on 25 July 2018 where it was resolved:

"That a draft site-specific Development Control Plan (DCP) to manage potential impacts of the vehicle sales or hire premises and carpark for review by Council."

The applicant for the Planning Proposal submitted a draft DCP for the vehicle sales or hire premises and car park. This was reviewed and draft controls with performance outcomes and acceptable solutions were included for the site covering:

- Building design
- Access to sunlight
- Privacy
- Traffic management and parking; and
- Signage
To meet the legislative requirements and maintain the existing controls relevant for other development opportunities on the land the draft DCP was incorporated as a draft amendment to Young Development Control Plan. This amendment included:

- for a site-specific controls for the vehicle sales or hire premises and carpark development anticipated by the Planning Proposal for 8 Wombat and 1 Murringo Streets Young in response to Resolution 18/197; and
- a number of housekeeping amendments to account for legislation changes, established practice and clarification.

This draft DCP amendment was presented to Council’s Ordinary meeting on 26 September 2018 where Council resolved that:

"the draft Young Development Control Plan Amendment 2, which incorporates site specific controls for vehicle sales and hire premise and carpark development on 2, 4-6 and 8 Wombat Street and 1 Murringo Street, Young, be placed on public exhibition for 28 days."

Subsequently the draft Young DCP Amendment 2 was exhibited for public comment for a minimum of 28 days, from 25 October 2018 to 22 November 2018 (inclusive). One submission was received. Refer to the Consultation section of this report.

**STATUTORY PROVISIONS**

The public exhibition of the Young DCP Amendment 2 was completed in accordance with Part 3 of the Environmental Planning and Assessment Regulations, namely that:

- a public notice in a local newspaper of the places, dates and times for inspection of the draft plan will be published
- the notice is to specify the period during which submissions about the draft plan may be made to the council
- A draft development control plan must be publicly exhibited for at least 28 days.
- a copy of the draft plan and a copy of any relevant local environmental plan (in this case the Young LEP and the Planning Proposal for 8 Wombat and 1 Murringo Streets Young) must publicly exhibited at the places, on the dates and during the times set out in the notice
- copies of the draft development control plan, and of any relevant local environmental plan, are to be made available to interested persons, either free of charge or on payment of reasonable copying charges.

During the exhibition period any person may make written submissions to the Council about the draft development control plan.
At the conclusion of the public exhibition period, Council must consider any submissions received. The consideration of the submissions will be the subject of a future report to Council. After considering any submissions about the draft development control plan, the Council has the following options:

- it may approve the plan in the form in which it was publicly exhibited,
- it may approve the plan with such alterations as the council thinks fit, or
- it may decide not to proceed with the plan.

Following the decision, the Council must give public notice of its decision in a local newspaper within 28 days after the decision is made.

**CONSULTATION**

The consultation requirements for development controls plans are specified in the Environmental Planning and Assessment Act and Regulations. The draft Young DCP Amendment 2 was exhibited for public comments for the minimum of 28 days, from 25 October 2018 to 22 November 2018 (inclusive).

The draft Young DCP Amendment 2 document together with a consolidated version of the Young DCP with the amendments incorporated (refer to Attachments 1 and 2) were available at the Young Office and from Council’s website. Adjoining owners and those in the vicinity of the Young Motors site were also notified in writing of the exhibition period and provided with a copy of the draft Young DCP Amendment 2.

One submission was received within the exhibition period which stated:

"We oppose the development planned for 1 Murringo Street."

Without any reasons for the opposition to the development, there is little to consider from this submission for the Draft Young DCP Amendment 2. The DCP amendment does not in its own right permit the development. The Planning Proposal for the expansion of the car sales or hire premise and car park will be the mechanism to permit this use. It should be noted that the Planning Proposal will allow for a car park use on 1 Murringo Street property, not the car sales or hire premises. The period for comment on the planning proposal closed on 17 May 2018 and Council considered a report on the submissions received at that time.

**POLICY IMPLICATIONS**

A Development Control Plan is a policy document of Council. The draft DCP Amendment 2 sets the policy for any development on the Young Motors site (2 and 4-6 Wombat Street) and the expanded area covered by the Planning Proposal (8 Wombat and 1 Murringo Street).
Council has yet to formally resolve to proceed with the Planning Proposal following the preparation of the site specific DCP, although tacit agreement to progress it can be inferred from the resolution to require the preparation of the site specific DCP. It is considered that the controls identified in the DCP amendment for the car sales or hire premises and the car park can manage and mitigate potential impact of the development and as such the Planning Proposal can proceed.

**FINANCIAL IMPLICATIONS**

There are financial implications relating to the costs of exhibiting the draft DCP.

**ATTACHMENTS**

Attachment 1 - Draft Young Development Control Plan Amendment 2
Attachment 2 - Consolidated Version of Young DCP incorporating Amendment 2
Attachment 3 - Report to Council from 26 July 2018 – Consideration of Submissions on Planning Proposal

**RECOMMENDATION**

That Council;

a) Approve Young Development Control Plan Amendment 2 in the form in which it was publicly exhibited, and a public notice of this decision be made in a local newspaper within 28 days after the decision is made; and

b) Submit the Planning Proposal (PP 2018 HILLT_001_00) to amend the Young Local Environmental Plan 2010 to allow for the expansion of the existing car sales or hire business onto 8 Wombat Street and the associated car park onto 1 Murringo Street, Young, to the Department of Planning and Environment, to make the Plan.
DRAFT
Young Development Control Plan 2011
Amendment 2
Summary of amendments

All chapters
- Replace all references to "Young Shire Council" where listed as an entity (not a location) with "Hilltops Council"
- Update all Environmental Planning and Assessment Act 1979 section references to amended numbering
- Correct spelling errors

Chapter 1
- Section 1.3.3.1 Neighbourhood notification requirements clarified

Chapter 2
- Section 2.1B Ancillary development setbacks made consistent with Section 2.1A Rural Dwellings
- Section 2.9 Industrial development requirements for sealing and road reserve works clarified with current practice

Chapter 3
- Addition of new Section 3.2 for Motor Vehicle Sales or Hire premise and car park development at 2, 4-6 and 8 Wombat Street and 1 Murringo Streets, Young

Chapter 4
- Section 4.1 Car Parking for Boarding Houses made consistent with Affordable Rental Housing SEPP
Draft Young Development Control Plan 2011 Amendment No. 2

Amendment details:

1. Amend all chapters by:
   - replacing all references to "Young Shire Council" where listed as an entity (not a location) with "Hilltops Council"
   - updating all *Environmental Planning and Assessment Act 1979* section references to amended numbering
   - correcting spelling errors

2. Amend Chapter 1 by making the following changes to Section 1.3.3.1 "Development that will not be notified":

   a) deleting all bullet points in Section 1.3.3.1 "Development that will not be notified" and inserting:

<table>
<thead>
<tr>
<th>Development type</th>
<th>Criteria for NO notification by Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exempt and Complying development</td>
<td>All Exempt and Complying Development</td>
</tr>
</tbody>
</table>
   | Dwellings (detached) Additions and alterations to detached single storey dwellings | • single storey  
• have side and rear boundary setbacks greater than:  
  - 20 metres in RU1 zone  
  - 10 metres in RU4 zone  
  - 3 metres in RU5 zone  
  - 3 metres in R1 zone  
  - 10 metres in R5 zone |
   | Ancillary structures Alterations to an ancillary structure | • Located more than 1 metre from a side or rear boundary and no higher than 3 metres in overall height; and  
• has an area of less than 60 square metres in area (if it is detached) |
   | Swimming pools | • The edge of pool is located 3 metres or more from the side or rear boundaries |
   | Farm building | • Located more than 20 metres from a side or rear boundary of the adjoining property in different ownership |
   | Subdivisions | • boundary adjustments  
• consolidation of not more than 2 allotments to one  
• strata Subdivisions  
• subdivision of existing multi dwelling housing |
   | Commercial or industrial development | • change of use of buildings in a commercial or industrial zone;  
• commercial and industrial additions and alterations that are minor in their impact on adjoining development and the environment |
   | Modifications of Consent under Section 4.55 (1) and (1A) Environmental Planning & | • Modifications proposed by Applicant  
• Modifications required by a determination, to any development consent |
b) Insert after the last sentence in the "Note" at the end of Section 1.3.3.1, the following:

"This will include dwellings located in close proximity to existing orchards, intensive plant agriculture or intensive livestock agriculture development."

3. Amend Chapter 2 by making the following changes to Section 2.1B Ancillary Development to Rural Dwellings:

a) In Performance Outcome PAD1 delete the words "how the residential property addresses the streetscape" and replace with "neighbours and the rural landscape".

b) In Control AAD1.1 delete the words "be setback 6m from the primary street frontage and at least 3m from any secondary street frontage on corner allotments" and replace with: 'achieve the following setbacks from any road boundary:
- 30m in RU1 and E3 zones; or
- 20m in RU4 zones"

c) In Control AAD1.1 delete the word "900mm" and replace with "20m in RU1 and E3 zones; or 10m in RU4 zones"

Changes shown in context below:

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Controls</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PAD1</strong></td>
<td><strong>AAD1.1</strong></td>
</tr>
<tr>
<td>Ancillary development shall be sited to minimise visual impact on <strong>how the residential property addresses the streetscape neighbours and the rural landscape</strong>; and</td>
<td>Ancillary development shall <strong>setback 6m from the primary street frontage</strong> and at least 3m from any secondary street frontage on corner allotments. <strong>achieve the following setbacks from any road boundary:</strong></td>
</tr>
</tbody>
</table>
| Ancillary development shall be sited to ensure practical serviceability. | • 30m in RU1 and E3 zones; or
• 20m in RU4 zones |

• 20m in RU1 and E3 zones; or
• 10m in RU4 zones |

<table>
<thead>
<tr>
<th>AAD1.2</th>
<th>Ancillary development shall be sited to ensure practical serviceability.</th>
<th>Ancillary development shall be no closer to the side and rear boundaries than 900mm.</th>
</tr>
</thead>
</table>
|        |                             | • 20m in RU1 and E3 zones; or
• 10m in RU4 zones |
4. Amend Chapter 2 by making the following changes to Section 2.9 Industrial Development:

a) In Section 2.9.2 Performance Outcomes and Acceptable Solutions delete the following wording in Acceptable solution AID2.2 "Access aisles, manoeuvring areas and carparking areas are constructed in accordance with Council’s Engineering Guidelines for Subdivision and Development (Note: See Section 4 of this DCP);" and replace with:

"A concrete area shall be provided on site, which extends from the property boundary, for the width of the access, into the property for a distance of (10) metres;

All other trafficable areas on-site, and not adjoined by residences, shall be constructed and maintained to a suitable all-weather standard

All trafficable areas on site, and adjoining residences and in the opinion of Council is likely to cause a nuisance by the generation of dust, shall be sealed in a material suitable for the vehicles using the site (e.g concrete, bitumen, paving, etc).

Hard stand and sealed areas are to be suitably drained. Where these areas fall toward the street, stormwater runoff is to be trapped at the property boundary and piped to Council's street gutter or stormwater system. The collection point shall be an approved structure, fitted with a silt trap, prior to piping to Council's table drain, kerb and gutter or the like."

In Section 2.9.2 Performance Outcomes and Acceptable Solutions insert the following wording at the end of Acceptable Solution AID2.4 " or payment of equivalent contributions as identified in the applicable Contributions Plan;"

<table>
<thead>
<tr>
<th>Section 2.9 Industrial Development</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Performance Outcomes</strong></td>
</tr>
<tr>
<td>PID2</td>
</tr>
<tr>
<td>To ensure that roads, allotment access and parking areas are constructed to a standard that is durable and suitable for the proposed use;</td>
</tr>
<tr>
<td>AID2.2 Access aisles, manoeuvring areas and carparking areas are constructed in accordance with Council’s Engineering Guidelines for Subdivision and Development (Note: See Section 4 of this DCP). A concrete area shall be provided on site, which extends from the property boundary, for the width of the access, into the property for a distance of (10) metres;</td>
</tr>
</tbody>
</table>
All trafficable areas on site, and adjoining residences and in the opinion of Council is likely to cause a nuisance by the generation of dust, shall be sealed in a material suitable for the vehicles using the site (e.g. concrete, bitumen, paving, etc). Hard stand and sealed areas are to be suitably drained. Where these areas fall toward the street, stormwater runoff is to be trapped at the property boundary and piped to Council’s street gutter or stormwater system. The collection point shall be an approved structure, fitted with a silt trap, prior to piping to Council's table drain, kerb and gutter or the like.

<table>
<thead>
<tr>
<th>AID2.3</th>
<th>Access driveways within the road reserve are constructed of concrete <em>(Note: See Section 4 of this DCP)</em>;</th>
</tr>
</thead>
<tbody>
<tr>
<td>AID2.4</td>
<td>If not already provided, kerb and guttering and footpath is provided to all road frontages of the development, including road widening and shoulder seal as necessary to ensure that the adjoining roadway complies with Council’s industrial subdivision requirements, or payment of equivalent contributions as identified in the applicable Contributions Plan;</td>
</tr>
</tbody>
</table>
5. Amend Chapter 3 by inserting the following at the end of Section 3.1.4:

Section 3.2 Wombat and Murringo Streets Vehicle Sales or Hire Premises

3.2.0 Where this section applies

This section applies only to development for the purpose of vehicle sales or hire premises and car park and only on land within the precinct shaded green and edged in heavy black on the maps below.

Figure 1 - Wombat and Murringo Streets Vehicle Sales or Hire Premises and Car Park
3.2.1 Objectives

a) To provide site specific controls to guide the development for the vehicle sales or hire premises and car park permitted under Clause 2.5 of the Young Local Environmental Plan

b) To ensure design of buildings and structures responds to the open space and residential character of the surrounding area;

c) To ensure development for vehicle sales or hire premises and car park respects the residential amenity of the immediate neighbourhoods;

d) To ensure appropriate access to the development and carparking facilities

3.2.2 Performance Outcomes and Acceptable Solutions for Vehicle Sales or Hire Premises and Carpark on Wombat and Murringo Streets' precinct

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building design</td>
<td></td>
</tr>
<tr>
<td>PW1</td>
<td>Building design is respectful and integrates with the surrounding land use pattern and setting</td>
</tr>
<tr>
<td>AW1.0</td>
<td>Any new building must not project further forward of the front building line established along the section of Wombat Street between the site and Gordon Street.</td>
</tr>
<tr>
<td>PW2</td>
<td>The siting and design of the development responds to the surrounding low scale residential character.</td>
</tr>
<tr>
<td>AW2.0</td>
<td>The height of any new building is not to exceed the ridge height of the existing residential development to the south along Wombat Street</td>
</tr>
</tbody>
</table>
## 3.2.2 Wombat and Murringo Streets Vehicle Sales or Hire Premises

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access to sunlight</td>
<td><strong>AW2.1</strong> The façade of any new building is to include articulation, colours and a mix of external materials that complement the predominately residential streetscape of Wombat Street.</td>
</tr>
<tr>
<td></td>
<td><strong>AW4.0</strong> Any building or structure (excluding the boundary fence) shall be designed to ensure that main living areas and main private open space of adjoining residential properties have access to a minimum of three hours sunshine between 9am and 3pm on 21 June (winter solstices)</td>
</tr>
<tr>
<td></td>
<td>Shadow diagrams shall be prepared for winter solstice and submitted with any development application</td>
</tr>
<tr>
<td></td>
<td><em>Note: True north is to be used when preparing shadow diagrams.</em></td>
</tr>
<tr>
<td>Privacy</td>
<td><strong>AW6.0</strong> Any new illumination / lighting within the site shall be low level and positioned so as to not cause light scatter or disturbance to the neighbours (or the public road).</td>
</tr>
<tr>
<td></td>
<td><strong>AW6.1</strong> Suitable landscaping shall be provided at the interface with the Burrangong Creek public land and to complement the streetscape.</td>
</tr>
<tr>
<td></td>
<td><strong>AW6.2</strong> Any street trees required to be removed shall be replaced in a more suitable location within the road reserve.</td>
</tr>
<tr>
<td></td>
<td><strong>AW7.0</strong> Privacy fencing shall be established along the boundaries of the site that Adjoin residential properties. Such fencing is to be:</td>
</tr>
<tr>
<td></td>
<td>a) No higher than 1800mm along the majority of the respective boundary and taper to a height of 1200mm where it is forward of the adjacent building line (or lesser height where sight distance for pedestrian safety is compromised).</td>
</tr>
<tr>
<td></td>
<td>b) Constructed in a material that is acceptable in the context of the surrounding residential area and provides acoustic and visual privacy.</td>
</tr>
<tr>
<td></td>
<td><strong>AW8.0</strong> The development is to be designed to avoid placing noise generating components of the vehicle sales or hire premises adjacent to or</td>
</tr>
</tbody>
</table>
### 3.2.2 Wombat and Murringo Streets Vehicle Sales or Hire Premises

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>through design to minimise acoustic privacy impacts on residential neighbours</td>
<td>facing the residential dwellings to the south. This applies particularly to any workshop activity.</td>
</tr>
<tr>
<td><strong>WR8.1</strong> Acoustic fencing shall be incorporated into boundary fencing where the development site adjoins residential properties</td>
<td></td>
</tr>
</tbody>
</table>

**Traffic management and Parking**

**PW9** Ensure adequate and suitable parking is provided for the use and reduce the impact of overflow onto street parking and public areas

**AW9.0** Off-street car parking in accordance with Section 4 of this DCP shall be provided.

**AW9.1** Schedule 1 of Young LEP 2010 specifies the use “Car park” as an additional permitted use for 1 Murringo Street and as such any carparking required for the vehicle sales or hire premise use shall be provided on this site.

**AW9.2** Arrangements are to be made to ensure that the car park remains with the vehicle sales and hire premise use. These arrangements are to be detailed with any development application to ensure the car parking site remains under the control of the vehicle sales and hire premise operator for the duration of such use. This may be by consolidation of allotments, contractual leasing arrangements or the like.

**AW9.3** The car park is to be suitably fenced to ensure vehicles do not encroach on the adjoining public land along Burragong Creek.

**PW10** The traffic impacts on the adjoining residential neighbourhoods is to be minimised while providing safe and convenient access for staff and customers

**AW10.0** No vehicle transporters are permitted to use Murringo Street for the delivery or collection of vehicles.

**AW10.1** A service vehicle management plan shall be submitted with any development application to detail how traffic impacts on adjacent residential area from service vehicles will be managed.

**AW10.2** The design of the vehicular access and carpark shall discourage the use of the rear laneway (between Wombat and Murringo Streets) for service vehicles and be encouraged to use Wombat Street or the car...
### 3.2.2 Wombat and Murringo Streets Vehicle Sales or Hire Premises

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>park via Murringo Street.</td>
</tr>
</tbody>
</table>

**Signage**

**PW3** The design and content of signage is compatible with the character of the surrounding area and building to which it is affixed or associated.

**AW10.3** A minimum 4m wide vehicular access shall be provided off Wombat Street to access onsite carparking and be designed to allow exit to Murringo Street.

**AW3.0** Advertising signage for the site is limited to established signs that have existing use rights and new signs that meet the definition of "Building identification sign".

A 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.

### 3.2.3 Design Suggestions and Variations

**N/A**
6. Amend Chapter 4 by amending Table 4.1 in Section 4.1 Car Parking and Vehicle Access, in the following way:

a) Delete the words "Boarding Houses" in the cell located adjacent to the Land and building use term "Accommodation" and insert a new row directly under the cell containing "Tourist and visitor accommodation (other than backpackers’ accommodation)".

b) Insert "Boarding houses" in the new row cell under "Tourist and visitor accommodation (other than backpackers’ accommodation)"

c) Insert in the new row cell in the column headed "Rate of Provision" the following wording:

"As required in the State Environmental Planning Policy (Affordable Rental Housing) 2009

Note: As at 7 September 2018 the rate of provision is as follows:

(i) in the case of development carried out by or on behalf of a social housing provider in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and

(ii) in the case of development carried out by or on behalf of a social housing provider not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and

(iia) in the case of development not carried out by or on behalf of a social housing provider—at least 0.5 parking spaces are provided for each boarding room, and

(iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,"

Changes shown in context below:

Table 4.1 Car Park Provision - Acceptable Solutions

<table>
<thead>
<tr>
<th>Land &amp; building use</th>
<th>Rate of Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Accommodation</strong></td>
<td>Backpackers’ accommodation, Boarding houses, Hostels, Hotels (unlicensed) and similar uses</td>
</tr>
<tr>
<td></td>
<td>1 space per 3 guest rooms, plus 1 space for a manager, plus 1 space per 3 employees or part thereof</td>
</tr>
<tr>
<td><strong>Tourist and visitor accommodation (other than backpackers’ accommodation)</strong></td>
<td>1 space per guest room or unit, plus 1 space per 2 staff employed, plus 1 space per 7.5 square metres of bar and lounge areas</td>
</tr>
<tr>
<td><strong>Boarding houses</strong></td>
<td>As required in the State Environmental Planning Policy (Affordable Rental Housing) 2009</td>
</tr>
</tbody>
</table>

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(iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site.
Young Development Control Plan

Incorporating
DRAFT AMENDMENT 2

Exhibition Version
25 Oct - 22 Nov 2018

Adopted 24 August 2011

PLAN YOUNG LEAD YOUNG GROW YOUNG LIVE YOUNG

Draft Amendment 2 changes shown in red text
Table of Amendments

<table>
<thead>
<tr>
<th>No.</th>
<th>Date Adopted</th>
<th>Date Effective</th>
<th>Council resolution</th>
<th>Short Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>26/8/2012</td>
<td>8/10/2012</td>
<td>Ordinary Council Meeting</td>
<td>Review of Sections 1.1, 1.2, 1.3, 2.1, 2.2, and 2.3 in Chapter 1 General Provisions and part of Chapter 2 Zone Based Controls</td>
</tr>
<tr>
<td>2</td>
<td>All chapters</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>All chapters</strong></td>
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<td></td>
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<td></td>
<td>Chapter 1</td>
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<td></td>
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<tr>
<td></td>
<td>▪ Section 1.3.3.1 Neighbourhood notification requirements clarified</td>
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<td></td>
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<tr>
<td></td>
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<td>▪ Addition of new Section 3.2 for Motor Vehicle Sales or Hire premise and car park development at 2, 4-6 and 8 Wombat Street and 1 Murringo Streets, Young</td>
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<td></td>
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</tr>
</tbody>
</table>
This DCP has been broken-up into the following chapters and sections. More than one
chapter or section may apply to your development.

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Chapter 1. General Provisions

Section 1.1. Introduction

Objectives
The objectives of the plan are:
(a) To provide detailed provision for regulating development;
(b) To protect and improve the environment;
(c) To protect and improve amenity and design of development;
(d) To conserve, protect and enhance environmental heritage;
(e) To encourage a diversity of housing to meet the needs of the residents; and
(f) To facilitate development that is environmentally sustainable.

1.1.1 About this plan
This plan is called the Young Development Control Plan 2011. It applies to all land in the Shire of Young to which the Young Local Environmental Plan 2010 (as amended) applies. It also applies to land identified as a deferred matter under the Young Local Environmental Plan 2010 that is still controlled under the provisions of the Young LEP 1991 – Urban Lands and Young LEP Rural – 1993 respectively.

This DCP repeals Young Shire Council DCPs 1 to 9.

This plan was adopted by Council on 24th August 2011 and came into force on 5th September 2011.

Note: Terms in this plan use the Dictionary from the Young Shire LEP 2010. If a term is not in that Dictionary its ordinary meaning applies.

Note: Chapter 6 (reference documents) and Chapter 7 (Appendices) do not form part of this DCP.

1.1.2 How do I determine whether the development is Exempt or Complying Development or requires a Development Application?
Development consent must generally be obtained to erect a building, carry out work, carry out retailing of goods or change from one type of use to another unless the development is Exempt development. Exempt development is provided for within the Young LEP 2010 and also a variety of State Environmental Planning Policies.

Some development is Complying development. Complying development can be carried out with Council approval according to set conditions. That approval must be given within ten days. Complying development is also provided for within the Young LEP 2010 and also a variety of State Environmental Planning Policies.

Other development is either Local development (including Advertised development), Integrated development, Designated development, Development under Part 3A or State Significant Development. These forms of development will require a full Development Application, and each form of development has specific requirements as set out in the Environmental Planning and Assessment Act 1979 and the Regulations.
Note: most development within Young Shire is either Complying Development Local development or Integrated development. Council can provide specific advice relating to the form of development and requirements.

This development control plan deals predominantly with local development “a normal development application”, and also with integrated development. In the case of integrated development, the development would also be referred to one or more state agencies which would also need to give approval for the development. Any consent issued under integrated development also includes the general terms of approval from those other agencies.

Designated development is set out in Schedule 3 to the Environmental Planning and Assessment Regulations and covers major development of many kinds. This development would need a full Environmental Impact assessment in accordance with the Director General’s requirements. Aspects of this DCP may apply to designated development.

Note: Exempt and Complying development can be found in the following State Environmental Planning Policies (SEPPs) including (but not limited to):
- Exempt and Complying Development Codes;
- Infrastructure;

State Environmental Policies change frequently. In general, these Policies override the Young Local Environmental Plan 2010 (LEP) and this DCP. Users are advised to consult these Policies to determine the latest position. A list of current Policies is included in Appendix A.

1.1.3 How does the DCP relate to other controls in the LEP?
This DCP is made under the environmental planning instrument, “Young Local Environmental Plan 2010” (the LEP), which contains the statutory planning controls for development within the Shire of Young. The DCP cannot prohibit or permit a use that is allowed or prohibited under the LEP. The purpose of the DCP is to provide additional detailed controls for various types of development which supplement or expand on the controls within the LEP.

Note: Users should review the controls in the LEP before consulting this DCP in determining the controls that apply to particular forms of development. In the event of an inconsistency between this DCP and the Young LEP, the LEP takes precedence.

1.1.4 How will Council assess development?
Once an application has been lodged and receipted, it will undergo an initial assessment to ensure that there is sufficient information for Council to properly assess the application. This assessment would also include checking permissibility of the proposal against the planning controls, although it does not involve a merit assessment of the proposal, which does not take place until after notification (if required).

During the initial assessment period, Council may request additional information from the applicant, if required. Although Council may potentially determine applications without this additional information, if the information supplied with the application is insufficient or of poor quality, Council may refuse or return the application on the grounds that it cannot fully assess the application.
Applications will be referred, where required, to Council's internal departments and state agencies. In addition, where considered necessary by Council staff, or in accordance with the policies of those committees, applications will receive consideration by relevant committees of Council prior to determination.

Selected Council staff have delegated authority to generally determine applications except in the following circumstances:

- Objections have been received;
- Substantial policy variance is proposed in the application and there is no reasonable offset.

Where either of these occur, the determining authority will be the elected Council.

Where a development application is lodged, Council will take the provisions of this plan into consideration in determining that application, as required under section 79C.4.15 of the Environmental Planning and Assessment Act 1979.

Council may consent to an application which departs from the controls/acceptable solutions of this DCP, but only where the departures would have planning merit and the development would achieve the performance outcomes sought under the plan.

1.1.5 What are the parts of the DCP?

This DCP is divided into Chapters and Sections. This Chapter is the introduction to the DCP, which sets out how the DCP relates to other planning instruments, the purpose of the DCP, and how to use this DCP.

Chapter 2 deals with zone based controls. These include Commercial, Retail and Business; Industrial, Residential, Village and Rural. Each section within these chapters deals with typical uses within that zone.

Note: It is important to understand that some development types are permissible in multiple zones. For example, residential development is permissible in some circumstances in business zones. You should therefore look to the residential section for specific controls applying to residential development in these zones.

Chapter 3 deals with precinct based controls. These are areas not covered by a single land use zone, but are covered by a map included within this DCP.

Chapter 4 deals with controls that apply across the Shire, irrespective of the zone. These include controls relating to heritage, parking and the like.

Chapter 5 deals with subdivision, with controls across a number of zones. Other subdivision is controlled solely by the LEP.

Chapter 6 contains reference documents and codes of best practice that are referenced by this DCP. In general, the DCP controls would take precedence over the details of these documents. This chapter is advisory, and not part of the statutory DCP.

Chapter 7 contains Appendices. These are referred to throughout the DCP and are grouped in this part of the DCP for convenience. This chapter is advisory, and not part of the statutory DCP.
1.1.6 **What is the relationship between objectives of the plan, objectives of the development type, performance outcomes and controls/acceptable solutions?**

This DCP is called a performance-based document. In other words, the performance outcomes achieved by the development are the requirement. A performance based DCP allows Council to consider controls/alternative solutions to numerical standards where there is design merit and the objectives and performance outcomes are satisfied.

The hierarchy of provisions in the DCP is as follows:

- **Objectives of the plan;**
  - These are general objectives applying to development;
- **Objectives of the specific development**
  - For example objective of section 2.1 Rural dwellings;
- **Performance outcomes;**
  - These are the requirements in performance terms;
- **Controls and acceptable solutions;**
  - Controls are absolute and are used in sections 2.1 Rural dwellings, 2.2 Single residential dwellings and 2.3 Multi-dwelling residential;
  - Acceptable solutions are alternative means of achieving performance outcomes and are used in sections other than those mentioned above.
- **Other controls/acceptable solutions**
  - Other sections of the DCP that may relate to the development.
- **Design cues/suggestions**
  - Design topics for applicants to consider to improve design quality.

Controls in the DCP are absolute and must be satisfied by the development. If any control is not satisfied the following procedures apply:

- Applicant lodges written justification stating the design complies with the controls in a different manner; then
- The development application is reported to and determined at a Council Meeting rather than under delegated authority.

Acceptable solutions in the DCP are alternative means of achieving performance outcomes. If any acceptable solution is not satisfied the following procedures apply:

- Applicant lodges written justification stating the design complies with the controls in a different manner; then
- The development application is reported to and determined at a Council Meeting rather than under delegated authority.

1.1.7 **What if my development isn’t covered by this DCP?**

If the specific development being considered is not covered by this DCP there are two approaches that you can take. The first is to use any of the best practice guidelines/codes of practice listed in Chapter 6 or, alternatively, another industry best practice guideline/code of practice that you may be aware of. A copy of this should be submitted with the application.

You can also look to comply with suitable controls from similar development types that are described within this DCP.

*Note: In the above cases you should seek advice from Council staff prior to preparing or lodging your application.*
Section 1.2. The Development Application Process

1.2.1 What is the overall DA process

The following flowchart outlines the overall process:

- **Check zoning to see if proposal is permissible**
  - YES: Talk to customer service for advice
  - NO: Is your proposal exempt development?
    - NO: Proceed to lodge a DA
    - YES: Is your proposal complying development?
      - NO: Check Plans/Codes/Policies and if affected by State Govt. Controls
      - YES: Obtain a Complying Development Certificate through Council or an Accredited Certifier
  - NO: Consult Council, perhaps pre-lodgement meeting
  - YES: Prepare DA using checklist
  - NO: Decide whether to lodge CC with DA and save money
  - YES: Lodge DA

- **Use checklist to submit CC**
- **Lodge DA & CC**

- **Assessment Process**
  - Community Consultation
  - Site Inspection
  - Report - decision

- **If refused**
  - Possible review or appeal

- **If approved**
  - Submit CC if not already lodged to Council or to Accredited Certifier
  - Issue of CC
  - Obtain Occupation Certificate

*Figure 1.2 Flow Chart of DA Process*
1.2.2 How do I prepare a development application?

1.2.2.1 Preparing a preliminary proposal

The first stage in preparing a development application is preparing a preliminary proposal. This identifies what you want to do both in brief written form, and also draft or concept plans. Draft or concept plans should be developed on the basis of a site analysis. The site analysis needs to take into account four main things:

- The type of development that you are wanting to achieve (e.g. an industrial development using heavy machinery; a townhouse development etc);
- The constraints and opportunities of the site including such issues as grades, soil types, utilities, access, size and depth of the land, etc;
- Surrounding development and potential impacts;
- The main planning controls applying to the site through the LEP and DCP

The purpose of the analysis and preliminary proposal is to identify specific issues or potential problems with the proposal, including any substantial areas of non-compliance with Council’s controls. The preliminary proposal can then be revised to attempt to address as many of the issues and problems as possible. The revised proposal can then be discussed at a pre-lodgement meeting with Council. An example of a preliminary proposal is given in Appendix B.

1.2.2.2 What is a pre-lodgement?

Before you prepare the actual development application one or more pre-lodgement meeting(s) with Council is strongly advised. Generally, Council will undertake up to 2 pre-lodgements without charge. At the first meeting you should outline what it is you are intending to do, together with providing some preliminary plans for discussion. Council staff can advise at these meetings on any initial issues/problems they see with the proposal, together with the level of information that would need to be submitted with a full application. Subsequent plans can also be reviewed by Council however it needs to be clear that Council cannot design your proposal for you.

Pre-lodgement meetings may be booked by contacting Council’s Department of Environment and Planning. If a meeting is pre-booked, it is suggested that you send in a short written description of your development together with draft plans at least three days prior to the meeting.

*Note:* Pre-lodgement discussions can also be held at the counter if suitable staff are available and/or the proposal is straightforward. These discussions, however, would be at a less detailed level as staff would not have had the opportunity to review your proposal prior to the meeting.

When you attend the pre-lodgement meeting you should bring any consultants who would be working on the project, together with any preliminary plans. Aerial photographs and site photographs can also be helpful. Notes would generally be taken of the meeting, and circulated to the parties.

*Note:* Pre-lodgement meetings constitute general advice only and are held in a without prejudice context. They provide an indication as to the potential issues that might arise with an application or proposal. If significant issues are identified at a pre-lodgement meeting, a second meeting is advisable once the proposal has been further developed to address those issues. A pre-lodgement meeting, even if favourable, does not guarantee an approval.
from Council, as a full consideration of the proposal can only be given once it is lodged with all supporting information.

1.2.3 What are the standard information requirements for DAs?
Providing good information with your application is the best way to ensure that it is processed speedily. In this respect "over documentation" is preferred to "under documentation". Council has a set of standard information requirements which would cover most development applications. Not all of the information listed below would be relevant to all applications and advice regarding specific information required for a proposal can be obtained at a pre-lodgement meeting. Council has developed guidelines for Statements of Environmental Effects, including guidelines for some common development types. These are available in Appendix C.

1.2.3.1 Standard Information Requirements
The standard information requirements for a development application are two full size sets or one electronic set (lodged by email if chosen) of plans plus four notification/advertising sets at A4 or A3 (for larger developments), drawn to an appropriate scale and indicating:

- Site plans:
  - Plans shall demonstrate compliance with performance standards identified in relevant sections;
  - Site dimensions, area of land and north point (preferably on the basis of a re-establishment survey);
  - Adjoining streets, boundaries and buildings;
  - Location and uses of all buildings on the site and on adjoining lands;
  - Location, height and species of existing and street trees;
  - Existing and finished contours to AHD (in particular highlighting areas and extent of cut and/or fill - where cut and /or fill will exceed 1 m, a geotechnical report is required);
  - Setbacks and buildings lines;
  - Number and dimensions of car parking areas and driveways;
  - Site plan including turning circle movement for 85th percentile vehicle is required for buildings of BCA classes 2 to 9 and multi-dwelling housing;
  - Location and type of waste disposal facilities;
  - Location of watercourses, depressions, easements, right of ways, power poles, substations, manholes, footpaths and road crossings on or near the land;
  - Location and capacity of drains, detention basins, sediment and pollution traps; and
  - Buildings and trees proposed for removal/demolition.

- Building plans:
  - Internal layout of proposed buildings showing the use of all rooms/areas
  - Roof plans
  - Elevations (with the street elevation(s) also including immediately adjoining buildings)
  - Cross sectional elevation including natural and finished ground level Provision for access for persons with disabilities

- Concept Landscape plans (minimum scale 1:100)
  - Trees to be retained and removed (including species of any proposed for removal)
  - Material of all paved and hard standing areas
  - Landscaping approach (canopy trees, shrubs, ground covers, grassed areas)
o Height and type of construction of fences.

- Shadow diagrams
  o For multi-dwelling residential development of two storeys, or single storey
    where the development is up-slope and towards the sun (when viewed from
    the proposed development).

Note: Plans of buildings should generally be at 1:100; with other plans generally at
1:200 or 1:500. Detailed landscaping plans would be required following any
approval from Council. These would need to show full details of species, planting
methods etc.

1.2.3.2 Statement of Environmental Effects

For many developments of minor impact, it may be possible to use one of the "pro
forma" Statement of Environmental Effects provided in Appendix C. These are
suitable for proposals with minimal impact only.

For more significant developments, a formal Statement of Environmental Effects must
accompany the application. This Statement describes, among other things:

- What the development is, and (mainly for commercial or industrial development)
  how it would operate (number of employees, hours of operation, traffic
  movements and deliveries, processes carried out, wastes generated, waste
disposal);
- What the potential impacts of the development are (these could include noise,
vibration, traffic, odour, light-spill, wastes generated, stormwater runoff);
- What risks there are to the development from natural site conditions (e.g.
geotechnical conditions, flooding, bushfire) and human caused hazards (e.g.
storage of dangerous materials);
- How the development takes these matters into account and mitigates any
  adverse environmental effects on the site or in the locality;
- A review of the proposal against the statutory controls within the LEP and also
  against the controls within the DCP. Any variation to the acceptable solutions
  within the DCP needs to be justified showing how the performance outcomes and
  objectives of the DCP are being achieved.
- Supporting photos, models, photomontages and the like may be helpful for large
  scale developments, in particular.

Full guidelines for preparing a statement of environmental effects are included in
Appendix C.

Note: Supplementary specialist studies may be required to fully describe some
environmental impacts and mitigation measures. The most common studies
that might be required are:

Traffic and Parking (Generally a traffic study would be required where more than 20
carparking spaces are proposed with a development, or where required by the
Infrastructure SEPP. A parking study would be required for most uses that cannot
provide the DCP acceptable solution for parking provision, or where the use is not
described in the DCP)

Noise (where plant or equipment is in close proximity to sensitive receivers e.g.
schools, residences and/or it is likely the development would exceed the NSW EPA
Noise Guidelines for the relevant development type)
**Flora and Fauna** (when significant areas of vegetation are to be removed, particularly native vegetation. A 7 part test is recommended for all sites where native vegetation is affected, and more substantial studies may be required based on the outcome of that test).

**Heritage Study** (where development affects or potentially affects a heritage item listed in the LEP (Clause 5.10) or is within the Heritage Conservation Area (see Section 2.7). Items may be affected by development on the land on which the item is located, or changes to the item itself, but also may be affected by development on adjoining lands).

**Geotechnical Study** (where land is inherently unstable, has been filled, is on slopes above 15%, or where substantial cut and fill is required).

**Soil Contamination Study** (SEPP 55) (where land has had a history of any of the following uses: acid/alkali plant and formulation; agricultural/horticultural activities; airports; asbestos production and disposal; chemicals manufacture and formulation; defence works; drum re-conditioning works; dry cleaning establishments; electrical manufacturing (transformers); electroplating and heat treatment premises; engine works; explosives industry; gas works; iron and steel works; landfill sites; metal treatment; mining and extractive industries; oil production and storage; paint formulation and manufacture; pesticide manufacture and formulation; power stations; railway yards; scrap yards; service stations; sheep and cattle dips; smelting and refining; tanning and associated trades; and waste storage and treatment. Full details are contained in the document Managing Land Contamination - Planning Guidelines - SEPP 55 – Remediation of Land – DUAP/EPA 1998).

**Asbestos Study** (particularly where a building is proposed to be demolished, that was constructed prior to 1985 and included fibrous sheeting as a construction material. Industrial or commercial developments involving asbestos lagged pipes and the like where these are proposed to be disturbed would also require such a study.)

**Waste Management Study** (typically for commercial or industrial developments that generate waste, but also for developments where substantial demolition is proposed).

**Bushfire Study** (where the development is in a bushfire hazard area). This study must be carried out in accordance with the requirements of the latest edition of “Planning for Bushfire Protection”).

**Essential Services** – Fire Safety (required for buildings under the BCA of classes 2 to 9 inclusive).

1.2.3.3 **Combined applications**
Structural and/or any civil engineering design is required where combined development application and construction certificate is lodged.

1.2.3.4 **Designated Developments**
Designated developments are required to be accompanied by an Environmental Impact Statement (EIS). This must be based on specifications issued by the Director General of the NSW Department of Planning. If you are planning a designated development, it is strongly advised that you contact Council regarding a planning focus meeting which would include Council staff together with key State government agencies who would be involved in the application before Department of Planning terms are sought.
1.2.3.5 Where a Construction Certificate is also sought:
A construction certificate can be sought at the same time as a development application. In this instance, the following is also required:

- Compliance with Council’s On-Site Management Policy for on-site waste disposal (where relevant);
- Structural engineers details;
- Details of Site Management;
- Details of sediment and erosion control;
- Details of on-site sanitary facilities (during construction);
- Provision of safety fencing during construction (to WorkCover requirements);
- Construction standard plans.

1.2.3.6 Other Acts and approvals
Additional applications and information may be required under other relevant legislation, such as the Protection of the Environment Operations Act, the Building Code of Australia and the Local Government Act.

With integrated development, the general terms of approval under other Acts are incorporated within development approvals. A development approval does not, however, constitute an approval under any of these other Acts.

In particular, virtually all development will require a construction certificate in addition to a development approval. Structural engineering design is required where combined development application and construction certificate is lodged.

1.2.4 The Development Application Form
A development application form must be completed with all applications.

Council forms, including development application forms can be accessed on Council’s website at www.young.nsw.gov.au/council_forms.html.

For an application to be properly made, the necessary information must also be provided with the application form, and the appropriate fee paid. It is necessary on the development application form to nominate whether development is local, integrated or designated development. Note: Council staff can assist with this.

The development application form must be signed by all the owners of the land, or, alternatively, written authorisation provided with the application. Note that for applications by a company, a company seal may be required depending upon that company’s Constitution.
Section 1.3. DA Notification Policy

1.3.1 About Notification
Many applications require notification. Notification involves writing to the adjoining, adjacent and potentially affected land owners and occupiers (neighbourhood notification) and any public authority that may have an interest in the application (agency referral), and inviting them to make submissions. In some circumstances, applications would also be notified in a local newspaper (advertised development).

Council would make copies of submissions available to applicants, and invite them to respond to the issues raised, prior to determining applications.

When submissions are reported to Council, submittor names are generally made available to Councillors and staff, however the general approach is not to publish names unless explicit permission is given.

1.3.2 Statutory Situation
Council has certain obligations under the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979 (the Act) to notify owners of land whose enjoyment of that land may be affected by proposed development.

Certain categories of development (i.e. Designated Development, State Significant Development, Integrated Development and Advertised Development) are required to be exhibited in accordance with the procedures for notification prescribed by the EPA Act and Regulations.

Notice of the public exhibition of an Environmental Impact Statement prepared under Part 5 of the Act in respect of an Activity for which development consent is not required must be given in accordance with Division 3 of Part 8 of the Regulations.

This policy must be read in addition to those requirements.

1.3.3 Neighbourhood Notification

1.3.3.1 Development that will not be notified
Council considers the following forms of development not to have detrimental neighbour effects, if planned and built in accordance with this DCP. Accordingly, Council will not notify the following development types:

- Exempt and Complying development;
- Detached single storey dwellings and additions and alterations thereto, that are located at more than the following setbacks;
  - RU1 - 20 metres from side & rear boundaries
  - RU4 - 10 metres from side & rear boundaries
  - RU5 - 3 metres from side & rear boundaries
  - R1 - 3 metres from side & rear boundaries
  - R5 - 10 metres from side & rear boundaries
- The following ancillary structures, alterations to an ancillary structure and swimming pools;
In the case of ancillary structures and/or alteration to an ancillary structure, greater than 1 metre from a side or rear boundary and no greater than 3 metres in overall height; and/or
- In the case of swimming pools, the edge of pool is 3 metres or greater from the side or rear boundaries
- In the case of any detached ancillary structure is less than 55 square metres in area
- In the case of an agricultural outbuilding the structure exceeds 20 metres from a side or rear boundary of the adjoining property in different ownership

- **Subdivisions**
  - for boundary adjustment or consolidation of not more than 2 allotments to one;
  - for subdivision of existing multi dwelling housing;

- **Commercial or industrial development being:**
  - change of use of buildings in a commercial or industrial zone;
  - commercial and industrial additions and alterations that are minor in their impact on adjoining development and the environment;

- **Modifications proposed by Applicant or required by a determination, to any development consent excluding an application made under section 96 (2) of the Environmental Planning & Assessment Act, 1979**

<table>
<thead>
<tr>
<th>Development type</th>
<th>Criteria for NO notification by Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exempt and Complying development</td>
<td>All Exempt and Complying Development</td>
</tr>
</tbody>
</table>
| Dwellings (detached)                     | • single storey  
    • have side and rear boundary setbacks greater than:  
      - 20 metres in RU1 zone  
      - 10 metres in RU4 zone  
      - 3 metres in RU5 zone  
      - 3 metres in R1 zone  
      - 10 metres in R5 zone |
| Additions and alterations to detached single storey dwellings | • Located more than 1 metre from a side or rear boundary and no higher than 3 metres in overall height; and  
    • has an area of less than 60 square metres in area (if it is detached) |
| Ancillary structures                      |                                                                                                         |
| Alterations to an ancillary structure     | • Located more than 1 metre from a side or rear boundary and no higher than 3 metres in overall height; and  
    • has an area of less than 60 square metres in area (if it is detached) |
| Swimming pools                            | • The edge of pool is located 3 metres or more from the side or rear boundaries                        |
| Farm building                             | • Located more than 20 metres from a side or rear boundary of the adjoining property in different ownership |
| Subdivisions                              | • boundary adjustments  
    • consolidation of not more than 2 allotments to one  
    • strata Subdivisions                                 |
### Development type

<table>
<thead>
<tr>
<th>Criteria for NO notification by Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>• subdivision of existing multi dwelling housing</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Commercial or industrial development</th>
</tr>
</thead>
<tbody>
<tr>
<td>• change of use of buildings in a commercial or industrial zone;</td>
</tr>
<tr>
<td>• commercial and industrial additions and alterations that are minor in their impact on adjoining development and the environment</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Modifications of Consent under Section 4.55 (1) and (1A) Environmental Planning &amp; Assessment Act, 1979</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Modifications proposed by Applicant</td>
</tr>
<tr>
<td>• Modifications required by a determination, to any development consent</td>
</tr>
</tbody>
</table>

### Note

If, in the opinion of Council or its delegated officers, the enjoyment of any other land may be affected by the proposed development, the development types described above may be notified in accordance with section 1.3.3.2. **This will include dwellings located in close proximity to existing orchards, intensive plant agriculture or intensive livestock agriculture development.**

### 1.3.3.2 Notification

Development not covered by Section 1.3.3.1 will be notified in the following ways:

- Those persons who own land either adjoining the side and rear boundaries, or adjacent to the subject land or as may potentially be affected by the subject development (See diagram below);

- An association for a community, precinct or neighbourhood parcel within the meaning of the *Strata Schemes (Leasehold Development) Act 1986* and the *Strata Schemes (Freehold Development) Act 1973*;

- If, in the opinion of Council or its delegated officers, the enjoyment of any other land may be affected by the proposed development:
  - The owners of such other land;
  - The owners of land separated only by a pathway, driveway or similar thoroughfare from the proposed development.
1.3.4 Notification - Advertised Development

Notification will also be given in a local newspaper on at least two (2) occasions for the following advertised development:

- Animal boarding and training establishments;
- Boarding-houses;
- Commercial Development (excluding change of use and minor alterations and additions);
- Dual Occupancies;
- Extractive Industries;
- Heritage Items;
- Hotels/Motels;
- Intensive Livestock Keeping;
- Industries;
- Multiple Housing Development (flats, townhouses, villa developments);
- Sex Service Premises and Restricted Premises.

In addition, where Council considers that community interest in a development proposal may be wider than the immediate vicinity of the development site, notification may also be given in a local newspaper.

1.3.5 Criteria for required Neighbourhood Notification

The extent of neighbourhood notification will be determined having regard to the following:

- The siting of the building and its proximity to boundaries;
- The design of the building, and in particular its height, bulk and scale and its relationship to the character of existing development in the vicinity and the streetscape;
- The use of proposed rooms and the possible effect on adjoining land due to overlooking and loss of privacy;
- The views to and from adjoining land;
• Any overshadowing of adjoining land;
• Natural drainage of the site, and possible changes in response to the proposed works and the impacts that this may have on adjoining properties;
• The likelihood of the adjoining land being detrimentally affected by noise;
• Any relevant matter for consideration under section 79C.4.15 of the EPA Act.

1.3.5.1 Form of Notice

Written notice shall contain the following information:
• The property description or address of the site affected by the application;
• A description of the specific development for which approval is being sought;
• The name of the applicant;
• An invitation to inspect the application;
• Details of where the application can be inspected;
• A statement that any person may make a submission in writing;
• The time within which written submissions will be received;

Advice that:
• The substance of written submissions may be included in a report to Council;
• Council is subject to Freedom of Information legislation, and that copies of written submissions may be made available to any persons entitled to lodge an application under this legislation.

1.3.5.2 Plans to Accompany Notice

Notice of a development application must be accompanied by plans of the proposed development, in an approved form, showing the height and external configuration of the building/structure in relation to the site on which it is proposed to be erected. Such plans must:
• Be clearly drawn to a scale of 1:100 (min), or to the satisfaction of Council;
• Include all elevations sufficient to delineate the development;
• Include a site plan showing the relationship of the proposed building to the boundaries of the allotment;
• Identify any new buildings or additions to existing buildings by means of cross hatching;
• Be clearly dimensioned to indicate size, height, and position of building;
• Indicate the levels of floors, ceilings and ridges in relation to the levels of the site and accurate ground levels adjacent to the elevations of the building being shown;
• Include any other information Council, or its delegated officer, considers appropriate.

Should the form of plan and details defined and described be inappropriate to the circumstances of the case of the proposal the plan shall be in a form approved by the Director of Environment and Planning or their delegate.

To facilitate the distribution of plans of the proposal to those owners or persons required to be notified, the applicant shall submit four (4) A4 copies of the plan in the approved form or such further copies as may be required in the circumstances of the case.

1.3.6 Exhibition Period

An application shall be available for inspection from the date of notice of the application for a minimum period of fourteen (14) calendar days, or such additional period as determined by the Director of Environment and Planning or his/her delegate.
During the exhibition period, any person may inspect, free of charge, during the ordinary office hours of Council, an application which has been notified whether or not that person has been, or is entitled to be, given notice under the provisions of this policy.

Extracts of a development application relating to the erection of a building will be made available, upon request, to interested persons free of charge. This information shall include:

- details of the applicant and the land to which the application relates; and
- a plan of the building that indicates its height and external configuration, as erected, in relation to the site on which it is to be erected.

*Note: Residential floor plans are not available under the Government Information (Public Access) Act 2009. All other information submitted with the application, including supplementary information, is available for the cost of reproduction, according to Council’s current schedule of fees and charges. Reproduction may include photocopying or provision of an electronic copy of the material.*

1.3.7 Submissions

Submissions in respect of an application must be received by Council within the date on the notice relating to the application or alternatively, within such additional period as maybe determined by the Director of Environment and Planning or his/her delegate.

A submission may be made by any person whether or not that person has been, or is entitled to be, given notice under the provision of this Policy.

Submissions must be made in writing and, if by way of objection, must state the reasons for objection. All submissions must be addressed to the General Manager.

All submissions will be acknowledged, and it may be possible to address Council through Open Forum at the Ordinary Meeting of Council (see Section 1.3.9 below).

1.3.8 Council must consider submissions

In determining applications, Council and/or delegated officers of Council, must consider all submissions received within the period allowed for making submissions under the provisions of this policy, before the application is determined.

1.3.9 Council Meeting Policy (Open Forum)

If the development is considered by the Council elected representatives, representations regarding the development may be made by interested members of the public at the meeting. Council’s policy with respect to Open Forum sessions is summarised as follows:

- If you wish to address a meeting, you will need to be in the Meeting Room a minimum of fifteen (15) minutes prior to the commencement of the Meeting and must notify the General Manager’s Personal Assistant of your wish to address the Council, and on which application you intend to speak;
- Addresses are to be a maximum of five minutes in length, with total addresses not exceeding thirty (30) minutes;
- Should there be more than one (1) person wishing to address Council with the same perspective on an issue, (e.g. in support or opposition) then those people are to nominate a spokesperson to represent that view;
- Councillors may ask questions of the person addressing Council, for a period of time which is at the discretion of the Mayor;
- Staff may be asked to comment on an issue, or if investigation is required, a report to a subsequent meeting may be required;
- Council will not make any motions or resolutions during the open forum time;
• The chairman only would make responses, or staff if requested;
• No written material is to be submitted during the open forum.

1.3.10 Notification of Determination of Application - Persons making Submissions

Any person who makes a submission in relation to an application will be notified, in writing, of Council's decision.
Chapter 2. Zone Based Controls

Section 2.1. Rural Dwellings

Applies to RU1 Primary Production, RU4 Primary Production Small Lots and Environmental Zone E3.

2.1.1 Note regarding permissibility
A dwelling must be permissible with consent under the Young Local Environmental Plan (LEP) 2010 on the land. This means the dwelling must either meet the minimum requirements for the size of land shown in the lot size map under the LEP or must be consistent with the provisions of clause 6.1 of the Young LEP 2010. If lots do not comply with the minimum lot size maps applicants are advised to seek legal advice that their proposal is permissible under the LEP prior to submitting an application.

2.1.2 Information to be provided
The following information provides a guide to the minimum information requirements that Council will need to assess the application:

- An extract of a topographic (or similar) map showing the property (including the allotment proposed for the dwelling and any holding/overall property boundary), the location of the dwelling and the location of powerlines;
- Electricity and any other utilities available or burdening the land;
- Evidence of the size of the allotment, property and/or holding (e.g. copy of the Deposited Plan, title certificates or similar);
- The location of the proposed access road to the dwelling, and its proposed point of connection with the public road network (Note: this point of connection must comply with the Young LEP 2010 and must comply with the access requirements for rural properties);
- Should the property be identified as bushfire prone land, a Planning for Bushfire Protection checklist, completed for the specific development. Note: This self-assessment is available from Council or the NSW Rural Fire Service;
- The location of the dams, streams and the like, including upstream drainage, drainage under public roads that flow onto the site;
- Details of the dwelling including plan and elevation, drawn to an appropriate metric scale, and indicating north point;
- Details of water supply including source of supply, and, where that is from a tank, details of calculations so as to ensure that water supply will be adequate to serve the dwelling. Note: Water supply information needs to address “Planning for Bushfire Protection” requirements and Council’s DCP requirements as appropriate;
- Details of effluent waste disposal, including type of system;
- Submission of a BASIX Certificate.

2.1.3 Objectives
To ensure that Rural Dwellings and ancillary development are located and designed in a manner appropriate to the character and productive potential of the surrounding area and the existing development pattern.
Controls below must be demonstrated on plans.

2.1.4 Performance Outcomes and Acceptable Solutions

**Section 2.1A Rural Dwellings**

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Controls</th>
</tr>
</thead>
<tbody>
<tr>
<td>PR1 Dwelling sites are identified and are provided with safe connection to the public road network;</td>
<td>AR1 Access to the dwelling from the public road network complies with the provisions of this DCP relating to access to rural properties and RMS requirements (where relevant);</td>
</tr>
</tbody>
</table>
| PR2 A) Visual and amenity impacts (including glare) on neighbours and the rural landscape are minimised; and B) Development does not adversely affect the environment or agricultural pursuits on the subject or neighbouring lands; | AR2.1 The dwelling is not located within the following distances to any road boundary:  
• 30m - RU1 & E3 zones; or  
• 20m - RU4 zone;  
AR2.2 The dwelling is not within the following distances to any side or rear boundary;  
• 20m - RU1 & E3 zones; or  
• 10m - RU4 zone  
AR2.3 The dwelling is not located within 50m of a ridge line;  
AR2.4 The dwelling is not located within the distances of the land uses outlined in Table 2.1;  
AR2.5 Materials (including large areas of glass and the use of “zincalume” or similar reflective materials) are selectively used so that a glare nuisance is not caused to surrounding neighbours or public roads;  
AR2.6 Dwellings shall be designed so that the elevation facing the street has a residential appearance or nature. |
| PR3 Adequate area exists for on-site waste disposal; | AR3 The drainage field of the On-Site Sewerage Management System (septic) is appropriately designed in accordance with Council Policy No. 31 (Wastewater Management in Unsewered Areas). |
| PR4 Dwellings are supplied with potable water and water for fire fighting reserves | AR4.1 The on-site water capture and storage for domestic purposes complies with the NSW BASIX scheme and any Certificate issued.  
AR4.2 The total water storage on site shall be compliant with the following:  
• guidelines in Appendix E  
• include a firefighting reserve of 20,000 L (over and above any BASIX minimum); and  
• fitted with a Stortz fitting. |
PR5  Land for erection of a dwelling is safe and suitable for the purpose.

PR6  Residential development shall be designed to reflect vehicle and occupant safety principles. In this regard, where there is:

(a) A garage, carport or covered vehicle housing area attached to a Class 1 living or residence; and
(b) A connecting door is proposed between a garage, carport or covered vehicle housing area attached to a Class 1 living or residence;

these shall have an effective barrier to prevent people (including specifically infants) from coming into conflict with motor vehicles.

The following definitions are used in this Part:

Covered Vehicle Area is defined as any of the following or any combination thereof:
(a) Covered vehicle parking area but open sided such as a carport or the like.
(b) Garage being a roofed and enclosed space for parking vehicles. Enclosed refers to any or all sides.
(c) Any concrete vehicle parking space with no cover at time of construction.

Connecting door is any door that adjoins a ‘covered vehicle area’ on or in the immediate adjoining wall (parallel or at any angle thereto).

NOTE: for the purpose of this definition, immediate adjoining wall includes any wall of a dwelling or part thereof within 3 metres of the bounding construction of the ‘covered vehicle area’ whether attached or covered or not.

The above may mean a total volume in excess of Appendix E in some circumstances.

AR5  On lands identified as former orchard lands:
- Soil testing for pesticide residue is required; and
- Such testing shall demonstrate the land is suitable for the intended use.

AR6  PR6 is satisfied if a means (manual or electronic) is put in place to restrict a dwelling’s occupant or visitor from bringing into potential harm and occupant of that dwelling, whilst parking the motor vehicle. This may be done by any or a combination of the means contained in this section. This provision applies to all class 1, 2 and 10 buildings.

Note: Compliance with this section is achieved if one of the options in Section 2.1.5 below, is satisfied.
2.1.5 Deemed to Satisfy Provisions for Compliance with Performance Outcome PR6:

When are Barriers Required Between a Dwelling and a Covered Vehicle Area?

(a) A means of dividing vehicle areas shall be provided between any dwelling and any vehicle parking area within 3 metres thereof, by way of:

(i) no connecting door in the entire wall/s that have any part within 3 metres of the vehicle manoeuvring/parking area, or

(ii) provision of a manual system to any connecting door from the dwelling to the vehicle parking/manoeuvring area that children younger than 5 years are not capable of exiting the dwelling unsupervised; or

(iii) a combination of controlled locking mechanisms that electronically serve to operate to ensure no conflict between vehicle operation adjacent to a dwelling and the occupants of the said dwelling.

(b) Any system proposed shall be clearly designed and detailed on plans compliant with this section prior to release of any building approval or construction certificate.

1. Compliance by Separation;

(a) Compliance with this section is achieved by having no connecting door in any part of any wall that has all or part of that wall within 3 metres of an adjoining vehicle housing/parking area.

2. Connecting Door – Barrier Installation;

If a door is provided in any part of any wall that has all or part within 3 metres of an adjoining vehicle parking area such installation shall have a door assembly fitted with fittings and fixtures that shall be a minimum of:

(a) the leaf door shall swing inward of the dwelling; and

(b) no sliding or concertina door of any type shall be used; and

(c) the door leaf shall be fitted with a hydraulic self closing fixture that is at minimum a size 2 spring strength in accordance with AS4145.5.

Note: In the case of unusually high or heavy doors, windy or draughty conditions, or special installations a larger power size of door closer should be used; and

(d) any door latch or passage set shall be installed at a minimum of 1500mm above finished floor level; and

(e) Any bolt or function that could, in normal usage, render a door leaf non-self latching shall not be incorporated.

Note: A non self-latching bolt (e.g. a dead bolt) will prevent the door from closing if left protruding while the door is open. Any electrically operated locking devices or bolts shall be self latching in the event of power failure and any activation switches installed 1500mm above finished floor level.

(f) If pairs of doors are used both leaves are to be self closing and self latching and shall include a selective sequence closing device

3. Combined Electric Vehicle Door and Passage Door;
Where an attached covered vehicle housing/parking area has a roller or shutter door that is capable of mechanical or automated usage, the following provisions shall apply:

(a) no interconnecting door shall be provided from the vehicle housing/parking area to the internal of the dwelling in line with part 1 of this section and the affected walls and openings as defined; or

(b) any interconnecting door to an enclosed covered vehicle area shall comply with parts 2 & 3 of this section and

(c) any garage opening vehicle door being either manually operated, or, having an electronically mutually exclusive reed switch on the internal access door that prevents the garage vehicle door from being opened whilst the internal access door is in, or opening to, an open position.
<table>
<thead>
<tr>
<th>Land Use</th>
<th>Minimum Separation Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Piggeries - Housing and waste storage</td>
<td>500 m</td>
</tr>
<tr>
<td>- Waste utilisation area</td>
<td>250 m</td>
</tr>
<tr>
<td>Feedlots - Yards and waste storage</td>
<td>500 m</td>
</tr>
<tr>
<td>- Waste utilisation area</td>
<td>250 m</td>
</tr>
<tr>
<td>Poultry - Sheds and waste storage</td>
<td>500 m</td>
</tr>
<tr>
<td>- Waste utilisation area</td>
<td>250 m</td>
</tr>
<tr>
<td>Other intensive livestock operation</td>
<td>300 m</td>
</tr>
<tr>
<td>Grazing of stock</td>
<td>50 m</td>
</tr>
<tr>
<td>Cropping</td>
<td>200 m</td>
</tr>
<tr>
<td>Horticulture</td>
<td>See Section 4.5 Spray Drift</td>
</tr>
<tr>
<td>Greenhouse and controlled environment horticulture</td>
<td>200 m</td>
</tr>
<tr>
<td>Rural industries including feed mills and sawmills</td>
<td>500 m</td>
</tr>
<tr>
<td>Abattoirs</td>
<td>1000 m</td>
</tr>
<tr>
<td>Potentially hazardous or offensive industries</td>
<td>1000 m</td>
</tr>
<tr>
<td>Mining, petroleum, production and extractive industries</td>
<td>500 m (1000 m where the proposal involves blasting)</td>
</tr>
<tr>
<td>Existing or current sheep and cattle yard sites</td>
<td>150 m</td>
</tr>
<tr>
<td>Existing or current livestock dip sites</td>
<td>300 m</td>
</tr>
<tr>
<td>Disused mining areas</td>
<td>300 m</td>
</tr>
</tbody>
</table>

Table 2.1: Minimum separation distances between agricultural uses and rural dwellings

1 Adapted from NSW Department of Primary Industry Guidelines, 2010.
**Section 2.1B Ancillary Development to Rural Dwellings**  
*(garden sheds, free standing carports, garages, water storage tanks, awnings, pergolas, decks etc)*

*Note: The site, neighbourhood and parking provisions identified in Rural Dwellings above shall be considered in addition to the below controls when designing ancillary development.*

*Where an inconsistency occurs between the below performance outcomes and controls, and Section 2.1A Rural Dwellings, the below performance outcomes shall prevail for the zone stated, to the extent of the inconsistency.*

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Controls</th>
</tr>
</thead>
<tbody>
<tr>
<td>PAD1</td>
<td>Ancillary development shall be sited to minimise visual impact on how the residential property addresses the streetscape neighbours and the rural landscape; and</td>
</tr>
<tr>
<td></td>
<td>Ancillary development shall be sited to ensure practical serviceability.</td>
</tr>
</tbody>
</table>
| AAD1.1               | Ancillary development shall be setback 6m from the primary street frontage and at least 3m from any secondary street frontage on corner allotments. Achieve the following setbacks from any road boundary:  
• 30m in RU1 and E3 zones; or  
• 20m in RU4 zones |
| AAD1.2               | Ancillary development shall be no closer to the side and rear boundaries than 900mm.  
• 20m in RU1 and E3 zones; or  
• 10m in RU4 zones |
| AAD1.3               | Materials (such as reflective, zinc or tin finishes) are selectively used so that a glare nuisance is not caused to surrounding neighbours or public roads. |

This section does not necessarily contain every design consideration relevant to ancillary development. This does not exempt the application from having a Statement of Environmental Effects. A Statement of Environmental Effects will require the applicant to describe height, size, colour, location (setbacks) and give details on any potential amenity impacts to adjoining existing or potential development. Appendix C of this DCP contains information on preparing a Statement of Environmental Effects.

Activities that may be commercial or industrial and fall outside mainstream agriculture may require separate consent and considerations under other parts of this DCP.

**2.1 C Other Controls**

You must also satisfy Council with regard to the following matters. An assessment against these sections may be required by the applicant, and is to be identified in a Statement of Environmental Effects.

a) Spray Drift (Section 4.5 of the DCP);  
b) Car Parking and Vehicle Access (Section 4.1 of the DCP); and  
c) Development Requiring Tree Removal or Lopping (Section 4.3 of the DCP).

**2.1 D Design Cues/Suggestions**

- Examine at passive solar, orientation  
- Separation distances from neighbours  
- Respect the slope of the site  
- Separation distances from agriculture on subject property
Section 2.2. Single Residential Development

Applies to all zones where residential development is permissible, except rural and environmental zones.

2.2.1 Note regarding Single Residential Development
Single residential development includes a single dwelling, all landscaping and access/service areas, as well as any outbuildings, such as garden sheds, detached studios/workshops etc.

2.2.2 Definition
Site coverage (gross building area) means the proportion of a site area covered by buildings. However the following are not included for the purpose of calculating site coverage:
- Ancillary outbuildings such as swimming pools, sheds, garages and the like;
- Any basement;
- Any part of the awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary;
- Any eaves;
- Unenclosed balconies, decks, pergolas and the like.

2.2.3 Objectives
To ensure that residential development is of high visual quality and amenity, while minimising amenity impacts on surrounding development.

2.2.4 Performance Outcomes and Acceptable Solutions
Where no specific control stated, demonstrated compliance with the performance outcome is required.

Controls below must be demonstrated on plans.

Section 2.2A Single Residential Dwellings

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Controls</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PSR1</strong> The development takes advantage of the attributes of the site, by:</td>
<td><strong>ASR1</strong> Site Design</td>
</tr>
<tr>
<td><strong>ASR1.1</strong> Cut and fill shall be limited to a maximum of 1 metre cut and 1 metre fill.</td>
<td></td>
</tr>
<tr>
<td><strong>ASR1.2</strong> Construction within registered easements or over utilities is avoided.</td>
<td></td>
</tr>
<tr>
<td><strong>ASR1.3</strong> Construction over any natural watercourse/natural drainage lines through the land is prohibited.</td>
<td></td>
</tr>
<tr>
<td><strong>ASR1.4</strong> The property access shall be located</td>
<td></td>
</tr>
</tbody>
</table>
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respectful of street trees, structures or fixtures in the road reserve.

ASR1.5 On lands identified as former orchard lands:
- Soil testing for pesticide residue is required; and
- Such testing shall demonstrate the land is suitable for the intended use.

The development respects the character of the neighbourhood by:

PSR2 ASR2 Character of the Neighbourhood

PSR2.1 The development shall provide attractive streetscapes, comprising trees, gardens, building facades (i.e. the exterior of the building), fences and walls;

ASR2.1.1 Fencing forward of the front building line shall be:
- an open style (incorporating pickets, vertical stiles, slats or palings); or
- vegetative screening/plantings, no greater than 1.2m in height.

ASR2.1.2 Dwellings fronting a street shall address that street frontage by:
- The primary entrance door to the dwelling facing the street frontage.
- The front elevation incorporating windows to habitable rooms.

ASR2.1.3 Materials (including large areas of glass and the use of “zincalume” or similar reflective materials) are selectively used so that a glare nuisance is not caused to surrounding neighbours or public roads;

PSR2.2 Dwellings shall ensure setbacks from the street alignment do not vary dramatically from those in the rest of the street in order to preserve neighbourhood and street presence.

ASR2.2.1 Dwellings are set back:
1. In the R1 General Residential Zone, not less than 6m from the primary street frontage and not less than 3m from any secondary street frontage; or
2. In the R5 Large Lot Residential Zone, not less than 10 m from the primary street frontage, and not less than 6m from any secondary street; or
3. In both R1 and R5 zones, if the adjoining dwelling has differing setbacks, the average of those setbacks.
PSR2.3 The dwelling shall be appropriately located on the site with setbacks that ensure privacy, overshadowing and amenity are respected within the neighbourhood;

ASR2.2 Garages in dwellings directly addressing the street do not project in front of other parts of the dwelling and, preferably, are recessed behind the front facade of the dwelling;

ASR2.3.1 Side and rear setbacks (excluding secondary street frontage) for dwellings in the R1 General Residential Zone are setback as follows;

1. Single Storey Dwellings
   - 3m, unless windows are offset to achieve a reasonable expectation of privacy between the new development and the existing adjoining development.

2. Two storey dwellings (Figure 1)
   - have the upper level set back from side or rear boundaries by 3m, plus 0.3m for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres;

ASR2.3.2 Dwellings in the R5 Large Lot Residential Zone are setback not less than 10m from the rear and side boundaries, excluding secondary street frontages;

PSR2.4 Dwellings shall be respective of, or improve on, the quality of development in the neighbourhood, when viewed from the street.

PSR2.4.1 PSR2.4 may be achieved by, but not necessarily limited to:

- Design cues being drawn from surrounding dwellings, including window forms, external facade treatments and roof materials and pitches that are common within the neighbourhood; and

- The style and character of adjoining houses and gardens including the scale, materials, roof forms and types of trees.
Figure 1: Two Storey Dwelling Setbacks

<table>
<thead>
<tr>
<th>PSR3</th>
<th>Dwellings are of appropriate building height, bulk and form by:</th>
</tr>
</thead>
<tbody>
<tr>
<td>PSR3.1</td>
<td>The dwelling shall minimise building bulk, form and height on or near boundaries to avoid overshadowing and overlooking of neighbours;</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ASR3</th>
<th>Dwelling height, bulk and form</th>
</tr>
</thead>
<tbody>
<tr>
<td>ASR3.1.1</td>
<td>Dwellings are restricted to the following (whichever is the lesser):&lt;br&gt;• a maximum of two storeys above natural ground level at any point, or&lt;br&gt;• 8 metres,&lt;br&gt;NOTE: A height of 8 metres is to be measured from natural ground level to the highest structural point of the dwelling, not including antennae, spires etc.</td>
</tr>
<tr>
<td>ASR3.1.2</td>
<td>Wall lengths exceeding 8m shall have wall offsets, openings or articulation of some manner.</td>
</tr>
<tr>
<td>ASR3.2</td>
<td>Permeable areas are at least 40% of the site;</td>
</tr>
<tr>
<td>ASR3.2.2</td>
<td>A maximum of 30% of the area forward of the front building setback is occupied by paving, access driveways or the like;</td>
</tr>
<tr>
<td>PSR3.3</td>
<td>The development shall create usable outdoor living spaces for occupants comfort, health and enjoyment;</td>
</tr>
<tr>
<td>PSR3.3</td>
<td></td>
</tr>
</tbody>
</table>

| PSR4 | Development provides access and parking by: | ASR4 | Access and Parking |
| PSR4.1 | The development shall provide adequate parking for the development respectful of the configuration of the street, in order to avoid site and street congestion. | ASR4.1.1 | Car parking is provided in the following requirements: |
| | | | - Two spaces, covered or uncovered, (stacked parking permitted); |
| | | | - car parking space (not including a parallel to wall space) is to be a minimum of 2.6m wide by 5.5m long; |
| | | | - Car parking spaces parallel to a wall shall be a minimum of 2.8m wide by 5.5m long; |
| | | | - Enclosed car parking spaces shall be a minimum of 3m wide by 6m long; |
| PSR4.1.2 | For dwellings in cul-de-sacs, if the site does not have a minimum frontage that enables one car to be parked in front of the site, the site shall contain the ability to park one visitor car on-site in addition to the required number of parking spaces. | |
| PSR4.2 | Access driveways through the road reserve (from road edge to property boundary) shall be of a safe and suitable standard. | ASR4.2.1 | Access driveways (from road edge to property boundary) serving dwellings shall be constructed to the standards set in Council’s Engineering Guidelines for Subdivision and Development. |
| | | ASR4.2.2 | Cross grades for access driveways and parking areas do not exceed 4% grade. |
| | | ASR4.2.3 | Access driveways to any required parking spaces onsite are provided through a single width crossover (maximum 3.5m wide); |

| PSR5 | Development is served by necessary utilities and services including: | ASR5 | Utilities and Services |
| PSR5.1 | The dwelling shall be connected to Council’s reticulated water and sewer systems where available or obligated | ASR5.1.1 | Council’s reticulated water service shall be connected to the dwelling. |
to be connected under relevant legislation and Council’s Development Servicing Plan;

<table>
<thead>
<tr>
<th>PSR5.2</th>
<th>The development shall have appropriate stormwater drainage connected, where possible into Council’s existing stormwater infrastructure.</th>
</tr>
</thead>
<tbody>
<tr>
<td>ASR5.1.2</td>
<td>Council’s reticulated sewer service shall be connected to the dwelling.</td>
</tr>
<tr>
<td>ASR5.1.3</td>
<td>Dwellings on an allotment greater than 2ha in Zone R5 may be considered by Council without reticulated water and sewerage.</td>
</tr>
<tr>
<td>ASR5.1.4</td>
<td>Payment of any headworks contributions for water and/or sewer.</td>
</tr>
</tbody>
</table>

Refer to Young Shire Council’s and Golden Fields County Council development contributions plans and Development Servicing Plans that may apply to the development.

| ASR5.2.1 | All stormwater from the property shall be disposed of without causing nuisance. This may involve connection to Council’s existing drainage system or other suitable arrangements such as easements. |
| ASR5.2.2 | Payment of any headworks contributions for stormwater. |

Refer to Young Shire Council’s Stormwater development contributions plans and/or Development Servicing Plans that may apply to the development.

| ASR6 | Vehicle and Occupant Safety |
| PSR6 | Development is designed to ensure vehicle and occupant safety: |

Residential development shall be designed to reflect vehicle and occupant safety principles. In this regard, where there is:

(a) A garage, carport or covered vehicle housing area attached to a Class 1 living or residence; and
(b) A connecting door is proposed between a garage, carport or covered vehicle housing area attached to a Class 1 living or residence;

these shall have an effective barrier to prevent people (including specifically infants) from coming into conflict with motor vehicles.

The following definitions are used in this

Performance Requirement PSR6 is satisfied if a means (manual or electronic) is put in place to restrict a dwelling’s occupant or visitor from bringing into potential harm and occupant of that dwelling, whilst parking the motor vehicle. This may be done by any or a combination of the means contained in this section. This provision applies to all class 1, 2 and 10 buildings.

Note: Compliance with this section is achieved if one of the options in Section 2.1.5 is satisfied.
Part:

**Covered Vehicle Area** is defined as any of the following or any combination thereof:

(d) Covered vehicle parking area but open sided such as a carport or the like.

(e) Garage being a roofed and enclosed space for parking vehicles. Enclosed refers to any or all sides.

(f) Any concrete vehicle parking space with no cover at time of construction.

**Connecting door** is any door that adjoins a ‘covered vehicle area’ on or in the immediate adjoining wall (parallel or at any angle thereto).

NOTE: for the purpose of this definition, immediate adjoining wall includes any wall of a dwelling or part there of within 3 metres of the bounding construction of the ‘covered vehicle area’ whether attached or covered or not.
Section 2.2B Ancillary Development to Single Residential Dwellings
(garden sheds, free standing carports, garages, water storage tanks, awnings, pergolas, decks etc)

Note: The site, neighbourhood and parking provisions identified in Single Residential Dwellings above shall be considered in addition to the below controls when designing ancillary development.

Where an inconsistency occurs between the below outcomes and controls, and Section 2.2A Single Residential Dwellings, the below outcomes controls shall prevail for the zone stated, to the extent of the inconsistency.

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Controls</th>
</tr>
</thead>
<tbody>
<tr>
<td>PAD1</td>
<td>Ancillary development shall be sited to minimise visual impact on how the residential property addresses the streetscape; and Ancillary development shall be sited to ensure practical serviceability.</td>
</tr>
<tr>
<td>AAD1.1</td>
<td>Ancillary development shall be setback 6m from the primary street frontage and at least 3m from any secondary street frontage on corner allotments.</td>
</tr>
<tr>
<td>AAD1.2</td>
<td>Ancillary development shall be no closer to the side and rear boundaries than 900mm.</td>
</tr>
<tr>
<td>AAD1.3</td>
<td>Materials (such as reflective, zinc or tin finishes) are selectively used so that a glare nuisance is not caused to surrounding neighbours or public roads.</td>
</tr>
</tbody>
</table>

This section does not necessarily contain every design consideration relevant to ancillary development. This does not exempt the application from having a Statement of Environmental Effects. A Statement of Environmental Effects will require the applicant to describe height, size, colour, location (setbacks) and give details on any potential amenity impacts to adjoining existing or potential development. Appendix C of this DCP contains information on preparing a Statement of Environmental Effects.
### Section 2.2C Single Residential Dwellings in B4 Mixed Use zone (For Shop Top Housing please refer to Section 2.6)

**Note:** The site, neighbourhood and parking provisions identified in Single Residential Dwellings above shall be considered in addition to the below controls when designing ancillary development.

Where an inconsistency occurs between the below outcomes and controls, and Section 2.2A Single Residential Dwellings, the below outcomes controls shall prevail for the zone stated, to the extent of the inconsistency.

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Controls</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PSM1</strong> The development shall ensure preservation of sites within B4 Mixed Use for the dominant business and commercial uses typical of a CBD or for CBD support</td>
<td><strong>ASM1.1</strong> If a residential development only is considered, the dwelling shall be sited on the rear half of the site, reserving the front half for potential future commercial use.</td>
</tr>
<tr>
<td><strong>PSM2</strong> The development shall use the slope of the land, its orientation to the sun and other site attributes to achieve an appropriate design for the specific site.</td>
<td><strong>ASM2.1</strong> Site coverage (gross building area) does not exceed 40% of the site; <strong>ASM2.2</strong> Secluded private open space is provided for each dwelling at a minimum rate of 30m² per dwelling which is able to contain a rectangle of 5m x 3m and any other area has a minimum usable width of at least 2m; <strong>ASM2.3</strong> Screen landscaping is provided to boundary fences of any secluded private open space and along any driveway adjoining a boundary; <strong>ASM2.4</strong> Wall lengths on a boundary or on a street frontage do not exceed 8m. Articulation by wall offsets is permissible;</td>
</tr>
<tr>
<td><strong>PSM3</strong> Protecting the views and privacy of neighbours</td>
<td><strong>ASM4</strong> Two storey buildings have the upper level set back from side or rear boundaries by 2m, plus 0.3m for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres;</td>
</tr>
<tr>
<td><strong>PSM4</strong> Ensuring setbacks from the street alignment do not vary dramatically from those in the rest of the street;</td>
<td><strong>ASM5</strong> Performance Requirement PSM5 is satisfied if a means (manual or electronic) is put in place to restrict a dwelling’s occupant or visitor from bringing into potential harm and occupant of that dwelling, whilst parking the motor vehicle. This may be done by any or a combination of</td>
</tr>
<tr>
<td><strong>PSM5</strong> Residential development shall be designed to reflect vehicle and occupant safety principles. In this regard, where there is: (a) A garage, carport or covered vehicle housing area attached to a Class 1 living or residence; and</td>
<td></td>
</tr>
</tbody>
</table>
(b) A connecting door is proposed between a garage, carport or covered vehicle housing area attached to a Class 1 living or residence;

these shall have an effective barrier to prevent people (including specifically infants) from coming into conflict with motor vehicles.

The following definitions are used in this Part:

**Covered Vehicle Area** is defined as any of the following or any combination thereof-

(g) Covered vehicle parking area but open sided such as a carport or the like.

(h) Garage being a roofed and enclosed space for parking vehicles. Enclosed refers to any or all sides.

(i) Any concrete vehicle parking space with no cover at time of construction.

**Connecting door** is any door that adjoins a 'covered vehicle area' on or in the immediate adjoining wall (parallel or at any angle thereto).

**Note:** for the purpose of this definition, immediate adjoining wall includes any wall of a dwelling or part thereof of within 3 metres of the bounding construction of the 'covered vehicle area' whether attached or covered or not.

This provision applies to all class 1, 2 and 10 buildings.

Note: Compliance with this section is achieved if one of the options in Section 2.1.5 is satisfied.
2.2 D Other Controls

You must also satisfy Council with regard to the following matters. An assessment against these sections may be required by the applicant, and is to be identified in a Statement of Environmental Effects.

d) Spray Drift (Section 4.5 of the DCP);
e) Car Parking and Vehicle Access (Section 4.1 of the DCP); and
f) Development Requiring Tree Removal or Lopping (Section 4.3 of the DCP).

2.2 E Design Cues/Suggestions

Residential development involves numerous alternatives. In this respect, full compliance with all controls outlined may not be possible. Where a control is not achieved, the specific alternative made should be described in the Statement of Environmental Effects. Council will consider alternative designs provided the performance outcomes are achieved.

- Landscaping is provided to the street frontage, which includes canopy trees, shrubs and grass;
- Gables over garages facing streets are avoided. Note: Dutch gables are considered satisfactory;
- Opening up living areas directly onto courtyards and gardens, which benefit from good sunlight;
- Dwellings are provided with indoor living areas which are adjoined by outdoor living areas that have a northerly aspect;
- Providing good sunlight to living areas and avoiding overshadowing of neighbours and established garden areas;
- At least 50% of the minimum required secluded private open space of a development (including within the development and adjoining developments) has sunlight between the hours of 9am and 3pm on 21 June;
  - Shadow diagrams may be required to illustrate the extent of overshadowing of neighbours for all two storey development, and for single storey development that is both up-slope and in the direction of the sun from existing residential development.
- Planning the internal layout of a house to ensure good daylight to living areas;
- Vehicular parking should not be on the north side of a dwelling’s high occupancy rooms (daylight hours);
- Locating parking in the shadow of the buildings;
- Habitable room windows have at least 2.4m separation from the wall of an adjoining building;
- Water storage tanks shall not be located on the north side of that dwelling.
Section 2.3. Multi-dwelling Residential Development

Multi-dwelling development includes all development where there are two or more dwellings on a lot in R1 General Residential, R5 Large Lot Residential and B4 Mixed Use. For Dual Occupancy in RU5 Village, please refer to Section 2.10 of this DCP.

For the purposes of this section, a dwelling shall include a unit, villa, townhouse, or the like.

2.3.1 Objectives

To ensure that residential development is of high visual quality and amenity, while minimising amenity impacts on surrounding development.

Controls below must be demonstrated on plans.

2.3.2 Performance Outcomes and Acceptable Solutions

Section 2.3A Multi Dwelling Residential

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Controls</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PMD1</strong> The development takes advantage of the attributes of the site, by:</td>
<td><strong>AMD1</strong> Site Design</td>
</tr>
<tr>
<td><strong>PMD1</strong> The development shall use the slope of the land, its orientation to the sun and other site attributes to achieve an appropriate design for the specific site.</td>
<td><strong>PMD1.1</strong> Cut and fill shall be limited to a maximum of 1 metre cut and 1 metre fill.</td>
</tr>
<tr>
<td></td>
<td><strong>PMD1.2</strong> Construction within registered easements or over utilities is avoided.</td>
</tr>
<tr>
<td></td>
<td><strong>PMD1.3</strong> Construction over any natural watercourse/natural drainage lines through the land is prohibited.</td>
</tr>
<tr>
<td></td>
<td><strong>PMD1.4</strong> The property access shall be located respectful of street trees, structures or fixtures in the road reserve.</td>
</tr>
<tr>
<td></td>
<td><strong>PMD1.5</strong> On lands identified as former orchard lands:</td>
</tr>
<tr>
<td></td>
<td>• Soil testing for pesticide residue is required; and</td>
</tr>
<tr>
<td></td>
<td>• Such testing shall demonstrate the land is suitable for the intended use.</td>
</tr>
<tr>
<td><strong>P2</strong> The development respects the character of the neighbourhood by:</td>
<td><strong>A2</strong> Character of the Neighbourhood</td>
</tr>
<tr>
<td><strong>PMD2.1</strong> The development shall provide</td>
<td><strong>AMD2.1.1</strong> Fencing forward of the front building</td>
</tr>
</tbody>
</table>

Draft Amendment 2 changes shown in red text
attractive streetscapes, comprising trees, gardens, building facades (i.e. the exterior of the building), fences and walls;

• an open style (incorporating pickets, vertical stiles, slats or palings);
• or vegetative screening/plantings, no greater than 1.2m in height.

AMD2.1.2 Dwellings fronting a street shall address that street frontage by:

• The primary entrance door to the dwelling facing the street frontage.
• The front elevation incorporating windows to habitable rooms.

AMD2.1.3 Materials (including large areas of glass and the use of "zincalume" or similar reflective materials) are selectively used so that a glare nuisance is not caused to surrounding neighbours or public roads;

AMD2.1.4 Landscaping is provided to the street frontage, which includes canopy trees, shrubs and grass;

AMD2.1.5 Driveways to rear dwellings are not fenced forward of the front building setback. Notwithstanding this clause, vegetative screening or landscaping are encouraged at this location;

PMD2.2 Providing each dwelling with clear and distinct access, preferably visible from a public street.

PMD2.3 Dwellings shall ensure setbacks from the street alignment do not vary dramatically from those in the rest of the street in order to preserve neighbourhood and street presence.

AMD2.2 The development shall be designed such that public access to all occupancies is readily discernable from the front driveway access.

AMD2.3.1 Dwellings are set back:

1. In the R1 General Residential Zone, not less than 6m from the primary street frontage and not less than 3m from any secondary street frontage; or
2. In the R5 Large Lot Residential Zone, not less than 10m from the primary street frontage, and not less than 6m from any secondary street; or
3. If adjoining dwelling has differing setbacks, the average of those setbacks.

AMD2.3.2 Garages in dwellings directly addressing the street do not project in front of other parts of the dwelling and, preferably, are recessed behind the
PMD2.4 The dwelling shall be appropriately located on the site with setbacks to adjoining or adjacent properties that ensure privacy, overshadowing and amenity are respected within the neighbourhood;

AMD2.4.1 Setbacks to side and rear boundaries (excluding secondary street frontage) for dwellings in the R1 General Residential Zone shall be as follows:

1. Single Storey dwellings;
   - 3m, or
   - Between 3m and 1.5m, with the use of techniques such as
     - windows 1.5m above finished floor level, or
     - fixed opaque glass (note, smaller windows in service rooms such as laundries or the like may have an open pane), or
     - any other means that meet the stated performance outcome and specifically detailed and designed by the applicant.
   - No building setbacks less than 1.5m from boundaries.

2. Two storey dwellings
   - have the upper level set back from side or rear boundaries by 3m, plus 0.3m for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres;

AMD2.4.2 Dwellings in the R5 Large Lot Residential Zone are setback at least 10m from the rear and side boundaries, excluding secondary street frontages;
PMD2.5  Dwellings shall be respective of, or improve on, the quality of development in the neighbourhood, when viewed from the street.

PSR1.2 may be achieved by, but not necessarily limited to:

- Design cues being drawn from surrounding dwellings, including window forms, external facade treatments and roof materials and pitches that are common within the neighbourhood; and
- The style and character of adjoining houses and gardens including the scale, materials, roof forms and types of trees.

P3  Dwellings are of appropriate building height, bulk and form by:

A3  Dwelling height, bulk and form

PMD3.1  The dwelling shall minimise building bulk, form and height on or near boundaries to avoid overshadowing and overlooking of neighbours;

AMD3.1.1  Dwellings are restricted to the following (whichever is the lesser):

- a maximum of two storeys above natural ground level at any point, or
- 8 metres,

NOTE: A height of 8 metres is to be measured from natural ground level to

Figure 2 Sectional elevation at side boundary
<table>
<thead>
<tr>
<th>PMD3.2</th>
<th>The development shall minimise hardstand areas for aesthetics and stormwater and surface water nuisance impacts;</th>
</tr>
</thead>
<tbody>
<tr>
<td>PMD3.3</td>
<td>The development shall create usable outdoor living spaces for occupants comfort, health and enjoyment</td>
</tr>
<tr>
<td>PMD3.4</td>
<td>The scale of a second dwelling shall be smaller than the existing dwelling to assist in the integration of the new building into the neighbourhood.</td>
</tr>
<tr>
<td>PMD4.1</td>
<td>The development shall provide adequate parking for the development respectful of the configuration of the street, in order to avoid site and street congestion.</td>
</tr>
</tbody>
</table>

| AMD3.1.2 | Wall lengths exceeding 8m shall have wall offsets, openings or articulation of some manner. |
| AMD3.2.1 | Permeable areas are at least 20% of the site; |
| AMD3.2.2 | A maximum of 30% of the area forward of the front building setback is occupied by paving, access driveways or the like; |
| AMD3.2.3 | Site coverage (gross building area) does not exceed 60% of the site. |
| AMD3.3.1 | Private open space is provided for the dwelling by adjoining living rooms or the like within the dwelling. |
| AMD3.3.2 | Private open space is provided for each dwelling (immediately adjoining that dwelling) at a minimum area of 48m² per dwelling, which is able to contain a rectangle of 8m x 4m. \( \text{NOTE: For the purposes of achieving the required minimum area above, no part of the minimum area shall have a width of less than 3m;} \) |
| AMD3.4 | Second dwellings on an allotment with an existing dwelling are no more than 80% of the floor area of the existing dwelling. |

| AMD4.1.1 | Car parking is provided in accordance with the following requirements; |
| AMD4.1.2 | Development provides access and parking by: |
| AMD4 | Access and Parking |

1. **Dual occupancy**
   - 1 or 2 bedroom dwellings – 1 space (undercover),
   - 3 or more bedroom dwellings - 2 spaces (at least 1 to be undercover – stack parking not permitted),

2. **3 or more dwellings**
   - 1 bedroom dwellings – 1 space (undercover)
   - 2 or more bedroom dwellings - 2 spaces (at least 1 to be undercover – stack parking
PLUS

- 1 visitor parking space per 3 dwellings (maybe uncovered – stack parking not permitted).

Car parking space dimensions shall comply with the following standards:

- car parking space (not including a parallel to wall space) is to be a minimum of 2.6m wide by 5.5m long;
- Car parking spaces parallel to a wall shall be a minimum of 2.8m wide by 5.5m long;
- Enclosed car parking spaces shall be a minimum of 3m wide by 6m long;

AMD4.1.3 For dwellings in cul-de-sacs, if the site does not have a minimum frontage that enables one car to be parked in front of the site, the site shall contain the ability to park one visitor car on-site in addition to the required number of parking spaces.

AMD4.1.4 Visitor parking (where required) is easily accessible and clearly designated by line-marking and signage;

AMD4.1.5 All parking areas and trafficable areas on-site shall be sealed with bitumen, concrete (preferably coloured) and textured or pavers.

PMD4.2 To ensure sufficient circulation and movement on site is achieved so as to allow vehicles to enter and leave the site in a forward direction without giving rise to congestion.

PMD4.2.1 The width of internal accessways (not including turning areas, parking etc) shall be as follows:

- 3m wide - to service 1 - 2 dwellings,
- 6m wide - to service 3 or more dwellings.

NOTE: Notwithstanding the above, the development shall be designed to allow for additional width of internal accessways for passing purposes.

PMD4.3 Ensuring vehicle access to and from the site is safe;

AMD4.3.1 Vehicles accessing dwellings (other than dwellings served directly from the street frontage) as well as visitors to a development must be able to enter and leave the development in the forward direction.

NOTE: The 85th percentile vehicle
PMD4.4 Minimising the number and width of access driveways (from road edge to property boundary) consistent with the traffic function of those driveways.

NOTE: For the purposes of this provision a ‘access driveway’ is defined as being from the road edge to the property boundary

PMD4.5 Access driveways through road reserve (from road edge to property boundary) shall be of a safe and suitable standard.

NOTE: For the purposes of this provision a ‘access driveway’ is defined as being from the road edge to the property boundary

PMD4.6 The development shall provide a suitable pedestrian network

PMD4.7 The development shall provide road infrastructure suitable for the development.

PMD5 Development is served by necessary utilities and services including:

AMD4.1 Access is provided through a single consolidated access driveway from a public road;

AMD4.2 No lane access is relied on for site access/egress;

AMD4.4.1 Access is provided through a single consolidated access driveway from a public road;

AMD4.4.2 No lane access is relied on for site access/egress;

AMD4.5.1 Access driveways directly serving double garages do not exceed 3.5m in width at the property boundary;

AMD4.5.2 Access driveways shall be concreted (preferably coloured), sealed or paved and if serving:
  - two dwellings are no more than 3m in width along their length;
  - more than 2 dwellings are no more than 5.5m in width.
  - dwellings within the R5 zone are constructed of an all-weather surface, such as compacted road base material.

NOTE: Access driveways may exceed the above minimum at the kerb by no more than 0.5m

AMD4.5.3 Access driveways (from road edge to property boundary) serving dwellings shall be constructed to the standards set in Council’s Engineering Guidelines for Subdivision and Development.

AMD4.5.4 Cross grades for access driveways and parking areas do not exceed 4% grade.

AMD4.6 A 1.5 m footpath is provided to all frontages of the development;

AMD4.7 If not already provided, roadways directly adjacent to the development are to be provided with kerb and gutter, including, where necessary, shoulder widening and seal to Council’s standards. Cost of such works are to be paid by the developer.

AMD5 Utilities and Services
| **PMD5.1** The dwellings shall be connected to Council's reticulated water and sewer systems where available or obligated to be connected under relevant legislation and Council's Development Servicing Plan; | **AMD5.1.1** Council’s reticulated water service shall be connected separately to each dwelling.  
**AMD5.1.2** Council’s reticulated sewer service shall be connected to the dwellings. |
|---|---|
| **PMD5.2** The dwellings shall have appropriate stormwater drainage connected, where possible, into Council’s existing stormwater infrastructure. | **AMD5.2.1** All stormwater from the property shall be disposed of without causing nuisance. This may involve connection to Council’s existing stormwater drainage system or other suitable arrangements such as easements.  
**AMD5.2.2** For 3 or more dwellings, all roof and surface water drainage shall be designed to provide for conveyance of these flows per AS3500 after considering the Australian Rainfall and Runoff Guidelines, to the appropriate road, public stormwater drainage system or watercourse where approved to do so. |
| **PMD5.3** The development shall make a contribution towards the provision of services and infrastructure. | **AMD5.3** Payment of any headworks contributions for water and/or sewer.  
*Refer to Young Shire Council’s Stormwater development contributions plans and/or Development Servicing Plans that may apply to the development.* |
| **PMD6** Development provides facilities consistent with the residential use of the land including: | **AMD6** Facilities |
| **PMD6** The following facilities shall be designed and located within the development to ensure visual amenity is not detrimentally affected.  
- Letterboxes;  
- Clothes drying facilities;  
- Garbage bin storage;  
- Outdoor service areas | **AMD6.1** Letter-boxes are provided for each dwelling in accordance with Australia Post requirements;  
**AMD6.2** Letter boxes shall be of the same, similar or complimentary materials to that of the development.  
**AMD6.3** Letterboxes shall be designed and located so as not to impede the vision of vehicles entering and leaving the site.  
**AMD6.4** Clothes drying facilities (either an outdoor drying yard or mechanical dryer) are provided for each dwelling with drying yards screened from public areas and common access areas of |
AMD6.5 Garbage bin storage shall be provided to the dwellings either:
- in a communal, secure and screened area accessible to the street; or
- in an area within the curtilage of each dwelling that is not within the minimum rectangle area defined for private open space without passing through the dwelling.

AMD6.6 Space is available to locate an outdoor storage area of 6m$^2$ for each dwelling. Note: This could include a garden shed or dedicated space within a garage that does not reduce the floor area of that garage below the minimum dimensions.

PMD7 Development is designed to ensure vehicle and occupant safety

PMD7 Residential development shall be designed to reflect vehicle and occupant safety principles. In this regard, where there is:

(a) A garage, carport or covered vehicle housing area attached to a Class 1 living or residence; and
(b) A connecting door is proposed between a garage, carport or covered vehicle housing area attached to a Class 1 living or residence;

these shall have an effective barrier to prevent people (including specifically infants) from coming into conflict with motor vehicles.

The following definitions are used in this Part:

Covered Vehicle Area is defined as any of the following or any combination thereof:

(j) Covered vehicle parking area but open sided such as a carport or the like.
(k) Garage being a roofed and enclosed space for parking vehicles. Enclosed refers to any or all sides.

(l) Any concrete vehicle parking space with no cover at time of construction.

**Connecting door** is any door that adjoins a ‘covered vehicle area’ on or in the immediate adjoining wall (parallel or at any angle thereto).

**NOTE:** for the purpose of this definition, immediate adjoining wall includes any wall of a dwelling or part there of within 3 metres of the bounding construction of the ‘covered vehicle area’ whether attached or covered or not.
### Section 2.3B Ancillary Development to Multi-Dwelling Residential Development

_(garden sheds, free standing carports, garages, water storage tanks, awnings, pergolas, decks etc)_

*Note: The site, neighbourhood, open space and parking provisions identified in Multi-Dwelling Residential Development above shall be considered in addition to the below controls when designing ancillary development.*

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Controls</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PMA1</strong> Ancillary development shall be sited to minimise visual impact on how the residential property addresses the streetscape; and Ancillary development shall be sited to ensure practical serviceability.</td>
<td><strong>AMA1.1</strong> Ancillary development shall be setback 6m from the primary street frontage and at least 3m from any secondary street frontage on corner allotments. <strong>AMA1.2</strong> Ancillary development shall be no closer to the side and rear boundaries than 900mm. <strong>AMA1.3</strong> Materials (such as reflective, zinc or tin finishes) are selectively used so that a glare nuisance is not caused to surrounding neighbours or public roads. <strong>AMA1.4</strong> No ancillary structure shall be permitted within the required private open space area originally approved with the development.</td>
</tr>
</tbody>
</table>

This section does not necessarily contain every design consideration relevant to ancillary development. This does not exempt the application from having a Statement of Environmental Effects. A Statement of Environmental Effects will require the applicant to describe height, size, colour, location (setbacks) and give details on any potential amenity impacts to adjoining existing or potential development. Appendix C of this DCP contains information on preparing a Statement of Environmental Effects.
### Section 2.3C Multi-Dwelling Residential Development in B4 Mixed Use zone (See Section 2.6 for Shop Top Housing)

Note: The site, neighbourhood and parking provisions identified in Multi-Dwelling Residential Development above shall be considered in addition to the below controls when designing ancillary development.

Where an inconsistency occurs between the below outcomes and controls, and Section 2.2A Multi-Dwelling Residential Development, the below outcomes controls shall prevail for the zone stated, to the extent of the inconsistency.

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Controls</th>
</tr>
</thead>
<tbody>
<tr>
<td>PMM1</td>
<td>AMM1.1</td>
</tr>
<tr>
<td>PMM2</td>
<td>AMM1.2</td>
</tr>
<tr>
<td>PMM3</td>
<td>AMM1.3</td>
</tr>
<tr>
<td>PMM2</td>
<td>AMM2.1</td>
</tr>
<tr>
<td>PMM3</td>
<td>AMM3</td>
</tr>
</tbody>
</table>

### Performance Outcomes

- **PMM1**: Using its slope, its orientation to the sun, and its established landscape quality to create useable outdoor spaces and views;

- **PMM2**: Using its slope, its orientation to the sun, and any established landscape quality to create useable outdoor spaces and views;

- **PMM3**: Residential development shall be designed to reflect vehicle and occupant safety principles. In this regard, where there is:
  - (a) A garage, carport or covered vehicle housing area attached to a Class 1 living or residence; and
  - (b) A connecting door is proposed between a garage, carport or covered vehicle housing area attached to a Class 1 living or residence; these shall have an effective barrier to prevent people (including specifically infants)

### Controls

- **AMM1.1**: If a residential development only is considered, the dwelling shall be sited on the rear half of the site, reserving the front half for potential future commercial use.

- **AMM1.2**: Secluded private open space is provided for each dwelling at a minimum rate of 30m² per dwelling which is able to contain a rectangle of 5m x 3m and any other area has a minimum usable width of at least 2m;

- **AMM1.3**: Private open space adjoins private open space areas of adjoining dwellings;

- **AMM2.1**: Screen landscaping is provided to boundary fences of any secluded private open space and along any driveway adjoining a boundary;

- **AMM3**: Performance Requirement PMM3 is satisfied if a means (manual or electronic) is put in place to restrict a dwelling’s occupant or visitor from bringing into potential harm and occupant of that dwelling, whilst parking the motor vehicle. This may be done by any or a combination of the means contained in this section. This provision applies to all class 1, 2 and 10 buildings.

Note: Compliance with this section is achieved if one of the options in Section 2.1.5, is satisfied.
from coming into conflict with motor vehicles.

The following definitions are used in this Part:

**Covered Vehicle Area** is defined as any of the following or any combination thereof-

(m) Covered vehicle parking area but open sided such as a carport or the like.
(n) Garage being a roofed and enclosed space for parking vehicles. Enclosed refers to any or all sides.
(o) Any concrete vehicle parking space with no cover at time of construction.

**Connecting door** is any door that adjoins a ‘covered vehicle area’ on or in the immediate adjoining wall (parallel or at any angle thereto).

NOTE: for the purpose of

### 2.3 D Other Controls

You must also satisfy Council with regard to the following matters. An assessment against these sections may be required by the applicant, and is to be identified in a Statement of Environmental Effects.

a) Spray Drift (Section 4.5 of the DCP);
b) Heritage Conservation Area – Additional provisions (Section 2.7 of the DCP);
c) Car Parking and Vehicle Access (Section 4.1 of the DCP); and
d) Development Requiring Tree Removal or Lopping (Section 4.3 of the DCP).

### 2.3 D Design Cues/Suggestions

Multi-dwelling residential development involves numerous alternatives. In this respect, full compliance with all controls outlined may not be possible. Where a control is not achieved, the specific alternative made should be described in the Statement of Environmental Effects. Council will consider alternative designs provided the performance outcomes are achieved.

A good development would also include the following design aspects:

- Landscaping provided to the street frontage, which includes canopy trees, shrubs and grass;
• Gables over garages facing streets are avoided. Note: Dutch gables are considered satisfactory;
• Opening up living areas directly onto courtyards and gardens, which benefit from good sunlight;
• Dwellings are provided with indoor living areas which are adjoined by outdoor living areas that have a northerly aspect;
• Providing good sunlight to living areas and avoiding overshadowing of neighbours and established garden areas;
• At least 50% of the minimum required secluded private open space of a development (including within the development and adjoining developments) has sunlight between the hours of 9am and 3pm on 21 June;
  o Shadow diagrams may be required to illustrate the extent of overshadowing of neighbours for all two storey development, and for single storey development that is both up-slope and in the direction of the sun from existing residential development.
• Planning the internal layout of a house to ensure good daylight to living areas;
• Vehicular parking should not be on the north side of a dwelling’s high occupancy rooms (daylight hours);
• Locating parking in the shadow of the buildings;
• Habitable room windows have at least 2.4m separation from the wall of an adjoining building;
• Water storage tanks shall not be located on the north side of that dwelling.
• High occupancy rooms utilised during daylight hours should have a northern aspect.
• Vehicular parking should not be on the north side of a dwelling’s high occupancy rooms (daylight hours)
Section 2.4. Commercial, Business and Retail Development

(Applies to all zones where commercial development is permissible, but with specific provisions relating to the B4, B6 and B7 zones. Note the specific provisions applying to the B6 and B7 Zones in Section 2.8 of this DCP).

2.4.1 Objectives

Commercial and retail development is carried out in such a way as to protect and enhance the character and economic function of the Shire, including the entrances to towns, whilst protecting the environment.

2.4.2 Performance Outcomes and Acceptable Solutions

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PC1</strong> To ensure that development is consistent with existing or future character and that building heights are consistent with the prevailing heights for commercial and retail development within the immediate vicinity;</td>
<td><strong>AC1.1</strong> Shop fronts are true to the style of the existing building and the top and bottom floors of existing buildings are consistent in style and colour scheme; <strong>AC1.2</strong> The character of old buildings is protected and new development is consistent with the bulk and scale of a rural town, containing historic buildings; <strong>AC1.3</strong> Appearance of development is appropriate to neighbouring buildings and the wider area; <strong>AC1.4</strong> No existing windows are painted over; <strong>AC1.5</strong> Residential dwellings avoid fibrous cement (unless painted) and metal cladding of walls (unless as an architectural feature); <strong>AC1.6</strong> Building front setbacks are consistent with adjoining buildings, or if adjoining buildings have different setbacks, with the average of those setbacks;</td>
</tr>
<tr>
<td><strong>PC2</strong> To ensure that safe and efficient passage is available between street frontages and car parking areas;</td>
<td><strong>AC2.1</strong> Pedestrian linkages between shop fronts and public parking areas are retained or provided in convenient locations where possible. These are well lit at all times, and contain no dead ends or other places possible to conceal a person; <strong>AC2.2</strong> Primary access to a development is available from a street, not a rear lane;</td>
</tr>
</tbody>
</table>
### Section 2.4 Commercial, Business and Retail Development

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PC3</strong> To ensure that parking is of sufficient quantity, and provided in safe and efficient manner;</td>
<td><strong>AC3.1</strong> Parking complies with the provisions of Sections 4.1 and 4.2 of this DCP;</td>
</tr>
<tr>
<td><strong>PC4</strong> To provide shop top housing OR commercial development in the upper stories of multi-storey development (where zone permits);</td>
<td><strong>AC3.2</strong> The re-development of parking areas should not detract from the character of the surrounding area;</td>
</tr>
<tr>
<td><strong>PC5</strong> To ensure zone B6 has a well-landscaped presentation with simple centralized entrance signage;</td>
<td><strong>AC4</strong> No part of the building shall exceed 9 m when measured vertically from the natural ground level immediately below that part. This excludes any architectural or service features such as parapets or antennae;</td>
</tr>
<tr>
<td><strong>PC6</strong> To ensure that sites are appropriately serviced; To ensure that new development is provided with appropriate services.</td>
<td><strong>AC5</strong> Signage is appropriate to the building and to the surrounding area;</td>
</tr>
<tr>
<td><strong>AC6</strong> Developments are provided with water, sewer, power, telecommunications, and gas in accordance with the relevant authorities requirements; Developments dispose of waste through a trade waste agreement if necessary.</td>
<td></td>
</tr>
</tbody>
</table>

#### 2.4.3 Design Suggestions and Variations

Council will consider the provision of concessions (possibly including car parking) for development fronting Boorowa Street where developments provide pedestrian access to car parking areas via arcades or passageways having 3m minimum width.
Section 2.5. Food Premises - Additional Provisions

2.5.1 Objectives
   a) To ensure that food preparation and storage protects public health and protects Council infrastructure.

2.5.2 Performance Outcomes and Acceptable Solutions

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>PF1</td>
<td>AF1</td>
</tr>
<tr>
<td>Food preparation and storage areas are constructed to allow easy cleaning;</td>
<td>Compliance with the Australian Standard for Food Premises (AS 4674);</td>
</tr>
<tr>
<td>PF2</td>
<td>AF4</td>
</tr>
<tr>
<td>Food is stored in accordance with good practice;</td>
<td>Provision of customer sanitary facilities (as required by the BCA).</td>
</tr>
<tr>
<td>PF3</td>
<td>AF5</td>
</tr>
<tr>
<td>Handling of food minimises risks to public health;</td>
<td>Compliance with Council's trade waste policy;</td>
</tr>
<tr>
<td>PF4</td>
<td></td>
</tr>
<tr>
<td>Adequate customer facilities are provided;</td>
<td></td>
</tr>
<tr>
<td>PF5</td>
<td></td>
</tr>
<tr>
<td>Disposal of wastes to the public sewer is within the capacity of that infrastructure (both in terms of the quantity and type of material being disposed of).</td>
<td></td>
</tr>
<tr>
<td>PF6</td>
<td></td>
</tr>
<tr>
<td>Location of trade waste facilities shall enable easy access for servicing.</td>
<td></td>
</tr>
</tbody>
</table>
Section 2.6. Shop-top Housing – Additional Provisions

2.6.1 Objectives
To facilitate the provision of shop-top housing, to:

a) Increase the diversity of housing stock within the Young Township, in particular;
b) Make effective use of unutilised or underutilised first floor space within the Young Town Centre;
c) Increase the active life of, and improve passive surveillance of, the Young Town Centre.

2.6.2 Performance Outcomes and Acceptable Solutions

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>PST1</td>
<td>AST1 Parking is provided at the rate of 1 space per dwelling, such parking to be in addition to the commercial requirements of the building;</td>
</tr>
<tr>
<td>PST2</td>
<td>AST2.1 Mechanical drying facilities are provided;</td>
</tr>
<tr>
<td>PST3</td>
<td>AST2.2 Common garbage facilities are provided, at ground level, screened from any street (lane or alternate);</td>
</tr>
<tr>
<td>PST4</td>
<td>AST2.3 Letter-boxes are provided in accordance with Australia Post requirements;</td>
</tr>
<tr>
<td>PST5</td>
<td>AST3 Private open space is provided for each dwelling at a minimum rate of 12m² per dwelling, with a minimum depth of 2.4m. Note: Private open space would generally be provided by way of a balcony or deck at the first floor level;</td>
</tr>
<tr>
<td>PST5</td>
<td>AST4.1 Each dwelling has a minimum area of 50m²;</td>
</tr>
<tr>
<td>PST5</td>
<td>AST4.2 Access at ground level is separate from the access to any commercial building and does not exceed 1.8m in width across the frontage of the building;</td>
</tr>
<tr>
<td>PST5</td>
<td>AST4.3 All relevant construction addresses the heritage chapter of this DCP;</td>
</tr>
<tr>
<td>PST5</td>
<td>AST4.4 All construction complies with the BCA;</td>
</tr>
<tr>
<td>PST5</td>
<td>AST4.5 Residential dwellings avoid fibrous cement (unless painted) and metal</td>
</tr>
</tbody>
</table>
Section 2.6 Shop-top Housing – Additional Provisions

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Telephone/data;</td>
<td>cladding of walls (unless as an architectural feature).</td>
</tr>
<tr>
<td>• Water, sewer, power and gas;</td>
<td></td>
</tr>
<tr>
<td>• On-site water storage;</td>
<td>AST5 Separately metered power and water is provided to each dwelling;</td>
</tr>
<tr>
<td>• Drainage.</td>
<td>Note: headworks and/or development servicing plan charges may be applicable to the development. Applicants are advised to contact Council’s Utilities Services Division to determine these charges, which are payable prior to the release of any Construction Certificate.</td>
</tr>
</tbody>
</table>

2.6.3 Design Suggestions and Variations
Council may give consideration to waiving carparking requirements in return for a contribution for carparking.

2.7.1 History and Character of the Young Heritage Conservation Area

2.7.1.1 History of the Young Conservation Area

Young Heritage Conservation Area has significance to the development of Young Shire. Details of the heritage of Young Shire are available from:

- Community Based Heritage Study of the Young Shire October 2008, and
- Thematic History of Young Shire, NSW Heritage Office 2008.

Both are available on Council’s website, and should be referenced in preparing any heritage impact statements.

2.7.1.2 Character of the Young Conservation Zone

The town of Young was developed in the midst of the Burrangong Gold Field. Shops, hotels and other business establishments developed along the line of Boorowa Street from 1860 onwards. The business district was firmly established by the 1870s. A number of catastrophic fires destroyed much of the early fabric of the town, however many buildings survive from the late 19th century.

The Young Conservation Zone contains a collection of buildings of remarkably diverse style. This diversity reflects the ongoing commercial strength of the town. Young is reflected in the diversity of architectural styles representing Victorian, Federation and Moderne trends as follows;

- Victorian era buildings include the state significant Young Railway Station, Young Town Hall and former City Bank, as well as interesting styles such as the Victorian Mannerist Style Hall of Commerce.

- The extensive Inter-War building stock includes the Art Deco former Commonwealth Bank, Warehouse Style Millard’s Store and other landmarks including the Mediterranean Style Commercial Hotel.

- The work of local architect Neville Lipman is represented in former service stations located on the corners of Boorowa and Clarke Streets and Lovell and Main Streets.

2.7.1.3 Notes on development in an area with potential heritage or archaeological significance

Aboriginal heritage and archaeology

Aboriginal objects and sites are protected under the National Parks and Wildlife Act 1974 (NP&W Act) and can be discovered in a wide variety of areas. If at any point during the development process an Aboriginal object or site is discovered or suspected, the National Parks and Wildlife Service should be contacted immediately and any works must cease immediately. A permit is required to damage or disturb Aboriginal sites under Section 90 of the NP&W Act.
Archaeology – European Settlement
Development on land containing a heritage item or within the heritage conservation area should consider the potential for archaeological remains from previous buildings on the site. For example, evidence of previous structures or relics could be revealed during excavation. In some circumstances, a permit may be required under the Heritage Act 1977 before excavating or disturbing a site. Contact Council if you think this could be relevant to your site. If a person believes they have uncovered a relic, work should cease and the Heritage Council and Council should be notified.

2.7.2 Performance Outcomes and Acceptable Solutions

Section 2.7 Heritage Conservation Area – Additional Provisions

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>PHC1 New development (including the replacement of existing buildings) achieves a future character that provides for one or two storey development, but does not directly copy or imitate past architectural styles. It is respectful of existing development both directly adjoining and in the immediate area;</td>
<td>AHC1.1 New development, redevelopment or modifications of existing buildings are designed in accordance with the infill development guidelines provided in the NSW Heritage Branch document Design in Context: Guidelines for Infill Development in the Historic Environment.</td>
</tr>
<tr>
<td>PHC2 Redevelopment or modification of existing (non-heritage) buildings preserves key building elements from the building’s original construction that contribute to its character;</td>
<td>AHC1.2 Heritage impact statement/heritage impact assessment for all constructed development within the Heritage Conservation Precinct and outside the precinct adjacent to an item of the Environmental Heritage as identified in the LEP</td>
</tr>
<tr>
<td>PHC3 Changes and modifications are respectful of the original architectural design of the building, unless that design is incompatible with buildings in the immediate vicinity, in which case the design is to be respectful of those buildings</td>
<td>AHC2.1 The painting or rendering of unpainted face-brick is avoided;</td>
</tr>
<tr>
<td></td>
<td>ACH2.2 Visible air conditioning plant to the main street frontage is avoided.</td>
</tr>
</tbody>
</table>

2.7.3 Design suggestions and variations

Any variations are accompanied by a full heritage assessment from an experienced heritage architect as listed with the NSW Department of Planning Heritage Branch.
Section 2.8. Enterprise Corridor (B6) and Business Park (B7) Zones - Additional Provisions

2.8.1 Objectives

a) To establish a future character for buildings that address the Olympic Highway

2.8.2 Performance Outcomes and Acceptable Solutions

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PEB1</strong></td>
<td>Signage is simple, effective and centralized;</td>
</tr>
<tr>
<td><strong>PEB2</strong></td>
<td>Vehicle access is safe, shared and centralised (particularly where access is gained from a Classified road);</td>
</tr>
<tr>
<td><strong>PEB3</strong></td>
<td>Gateways to Young achieve quality development that enhances the character of the town and avoids “ribbon style” commercial and retail development;</td>
</tr>
<tr>
<td><strong>PEB4</strong></td>
<td>Parking is easily visible and accessible;</td>
</tr>
<tr>
<td><strong>PEB5</strong></td>
<td>The existing treed character of key gateways to Young is maintained and enhanced, in particular along the Olympic Highway;</td>
</tr>
<tr>
<td><strong>AEB1</strong></td>
<td>Site signage (other than on a building) is consolidated into a single pylon sign wholly contained within the site boundary;</td>
</tr>
<tr>
<td><strong>AEB2.1</strong></td>
<td>Access is gained by means other than direct access from the Olympic Highway where practicable.</td>
</tr>
<tr>
<td><strong>AEB2.2</strong></td>
<td>Access and egress is available to the site in a forward direction;</td>
</tr>
<tr>
<td><strong>AEB2.3</strong></td>
<td>Access, parking and signage are to RTA standards (Referral required);</td>
</tr>
<tr>
<td><strong>AEB3.1</strong></td>
<td>Any façades visible from the Olympic Highway to be constructed of brick, decorative masonry, glass or other quality materials;</td>
</tr>
<tr>
<td><strong>AEB3.2</strong></td>
<td>Frontages are upgraded to standards required in Section 2.9, the Industrial Section of this DCP;</td>
</tr>
<tr>
<td><strong>AEB3.3</strong></td>
<td>Development achieves a floor space ratio of no more than 0.5:1;</td>
</tr>
<tr>
<td><strong>AEB4.1</strong></td>
<td>Have some parking that is directly visible from the street frontage Note: Including in front of the building;</td>
</tr>
<tr>
<td><strong>AEB4.2</strong></td>
<td>Parking provision in accordance with Section 4 of this DCP.</td>
</tr>
<tr>
<td><strong>AEB5.1</strong></td>
<td>Existing canopy trees are protected and incorporated into site landscaping;</td>
</tr>
<tr>
<td><strong>AEB5.2</strong></td>
<td>Are provided with landscaping over at least 50% of land between the building and the Olympic Highway, such landscaping to include canopy trees compatible with the visual landscape of the locality;</td>
</tr>
</tbody>
</table>
Section 2.8 Enterprise Corridor (B6) and Business Park (B7) Zones – Additional Provisions

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PEB6</strong> Buildings are well set back from the Olympic Highway and are enhanced by quality landscaping;</td>
<td><strong>AEB6</strong> Are set back at least 15m from the Olympic Highway street frontage and 5m from any side boundary;</td>
</tr>
</tbody>
</table>
| **PEB7** Development is served by necessary utilities and services including:  
  - Telephone/data;  
  - Water, sewer, power and gas;  
  - On-site water storage;  
  - Drainage. | **AEB7.1** Water, telephone/data, sewer, power (underground) and gas services are provided;  
**AEB7.2** Development contributes, if required, headworks and/or development servicing plan charges. |

Note: Contact should be made with Council’s Utilities Services Division to determine these charges, which are payable prior to the release of any Construction Certificate;

2.8.3 Design Suggestions and Variations

a) Front setbacks may be varied where lot sizes are of insufficient depth to achieve the setback from the Olympic Highway;
b) Developments should provide visitor and customer parking at the front of the development or in a clear visible location identifiable easily upon entry to the site;c) Access points and signage are consolidated where possible.
Section 2.9. Industrial Development

2.9.1 Objectives
   a) To ensure that industrial allotments function effectively for industrial purposes, and
   b) To improve the appearance of industrial areas when viewed from a public place.

2.9.2 Performance Outcomes and Acceptable Solutions

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>PID1</td>
<td>To ensure that new development is adequately serviced and does not place undue loads on public infrastructure</td>
</tr>
</tbody>
</table>
| AID1.1                | All industrial allotments are serviced by underground electricity, water, sewer and telecommunications in accordance with the relevant authorities' requirements and relevant Australian Standards;  
  • An compliant potable water supply is connected to all new developments;  
  • Development complies with part J of the BCA and provides a rainwater tank to amenities;  
  • Separate occupancy has separate sanitary and stormwater drainage lines with independent connection to external lines;  
  • Developments comply with Council’s trade waste policy; |
| AID1.2                | Payment of development contributions, if required, as per headworks and/or development servicing plan charges.  
  Note: Contact should be made with Council’s Utilities Services Division to determine these charges, which are payable prior to the release of any Construction Certificate. |
| PID2                  | To ensure that roads, allotment access and parking areas are constructed to a standard that is durable and suitable for the proposed use; |
| AID2.1                | Site access, on-site vehicle circulation areas and manoeuvring areas are provided in accordance with the Access and Parking requirements in Section 4 of the DCP OR in accordance with AS 2890 Part 2. |

Access and parking cont
## Section 2.9 Industrial Development

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PID2</strong> To ensure that roads, allotment access and parking areas are constructed to a standard that is durable and suitable for the proposed use;</td>
<td><strong>AID2.2</strong> Access aisles, manoeuvring areas and carparking areas are constructed in accordance with Council's Engineering Guidelines for Subdivision and Development. <em>(Note: See Section 4 of this DCP)</em>: A concrete area shall be provided on site, which extends from the property boundary, for the width of the access, into the property for a distance of (10) metres; All other trafficable areas on-site, and not adjoined by residences, shall be constructed and maintained to a suitable all-weather standard. All trafficable areas on site, and adjoining residences and in the opinion of Council is likely to cause a nuisance by the generation of dust, shall be sealed in a material suitable for the vehicles using the site (e.g concrete, bitumen, paving, etc). Hard stand and sealed areas are to be suitably drained. Where these areas fall toward the street, stormwater runoff is to be trapped at the property boundary and piped to Council's street gutter or stormwater system. The collection point shall be an approved structure, fitted with a silt trap, prior to piping to Council's table drain, kerb and gutter or the like.</td>
</tr>
</tbody>
</table>

<p>| <strong>PID3</strong> To ensure that industrial development provides adequate on-site parking; | <strong>AID2.3</strong> Access driveways within the road reserve are constructed of concrete <em>(Note: See Section 4 of this DCP)</em>; <strong>AID2.4</strong> If not already provided, kerb and guttering and footpath is provided to all road frontages of the development, including road widening and shoulder seal as necessary to ensure that the adjoining roadway complies with Council's industrial subdivision requirements, or payment of equivalent contributions as identified in the applicable Contributions Plan; <strong>AID3.1</strong> On-site parking is provided in accordance with section 4 of this DCP. <strong>AID3.2</strong> Customer and visitor parking is clearly signed and is located at the front of the development, towards the primary street frontage. <em>(Note: Customer and visitor parking may be provided within the building setback area)</em>; |</p>
<table>
<thead>
<tr>
<th>PID4</th>
<th>To ensure that new industrial developments have a site layout that will allow the safe and efficient manoeuvring of heavy vehicles both on the site and on the surrounding road network;</th>
</tr>
</thead>
<tbody>
<tr>
<td>PID5</td>
<td>To ensure that new industrial developments do not result in unacceptable noise, vibration or overshadowing impacts on adjoining or nearby properties;</td>
</tr>
<tr>
<td>AID4.1</td>
<td>Vehicle access and egress is to be in a forward direction.</td>
</tr>
<tr>
<td>AID4.2</td>
<td>A clearly identified point of customer/visitor entry is provided;</td>
</tr>
<tr>
<td>AID4.3</td>
<td>Appropriate separation is provided between customers / visitors and the operational areas of the site (Note: See Section 4 of this DCP);</td>
</tr>
<tr>
<td><strong>Setbacks:</strong></td>
<td></td>
</tr>
<tr>
<td>AID5.1</td>
<td>A setback (front building line) of at least 15 m is provided from a classified road frontage; and a setback of at least 6 m is provided from any other road frontage;</td>
</tr>
<tr>
<td>AID5.2</td>
<td>A building setback of at least 5 m is provided from all side or rear</td>
</tr>
</tbody>
</table>
### Section 2.9 Industrial Development

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>unacceptable noise, vibration or overshadowing impacts on adjoining or nearby properties;</td>
<td>boundaries, unless the building is constructed to the boundary. Note: a building should only be constructed to the boundary where adjoining another industrial allotment.</td>
</tr>
</tbody>
</table>

**Buffers: Buildings adjoining non-industrial development:**

- **AID5.3** Are set back a minimum of 10 m from the property boundary;
- **AID5.4** Do not have a wall height exceeding 8m;
- **AID5.5** Do not produce any additional overshadowing of the adjoining property between the hours of 9 AM-3 PM on 21st June.

**Noise and Vibration:**

- **AID5.6** Building design and machinery installation effectively minimises any noise emissions. Note: in general, all machinery is to be contained within buildings or other acoustic treatment structures. Openings to the building which are usually open during operations should be directed away from sensitive receivers such as residential housing;
- **AID5.7** Building design and machinery installation prevents significant vibration transmission to adjoining properties or public areas. Note: If the development includes vibration producing machinery, the DA should include confirmation that the transmitted vibration to a sensitive receiver such as a dwelling would not be at a level so as to result in loss of amenity to neighbours. Professional advice would need to be sought in this regard.

**Noise and Vibration cont:**

- **PID5** To ensure that new industrial
- **AID5.8** The operating noise level of plant and
### Section 2.9 Industrial Development

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>development (including significant extensions) is appropriate to the streetscape and context;</td>
<td>equipment does not exceed 5dBA above the background noise level when measured from the property boundary. Note: for potentially noisy developments, an acoustic study prepared by a qualified and experienced acoustic engineer should be submitted with the development application demonstrating that this threshold would not be exceeded at the nearest sensitive receiver.</td>
</tr>
</tbody>
</table>

**General design:**

AID5.9 The majority of offices and/or customer areas and/or staff facilities are located so as to address the primary road frontage of the development. These are generally located in a part of the building that does not exceed one storey in height;

**Façade treatment:**

AID6.1 The front façade of the building is constructed from face brick or decorative masonry block; or timber panelling, pre-coloured metal cladding, and glazing in conjunction with a reasonable proportion of brick or masonry block (greater than 30%). Note: Other types of materials may be considered depending on the character and streetscape of the immediate area;

AID6.2 Where the building is on a corner allotment, the front façade treatment is extended at least 5 metres down the side of the building facing a side road.

**Landscaping and fencing:**

AID6.3 Landscaping is selected from the list of suitable tree species for Young Shire, as outlined in Appendix G.

<table>
<thead>
<tr>
<th>PID6</th>
<th>To ensure that industrial buildings present acceptably to the public realm in terms of;</th>
<th>Landscaping and fencing cont:</th>
</tr>
</thead>
<tbody>
<tr>
<td>PID6</td>
<td>Facade treatment, Landscaping and fencing, signage</td>
<td>AID6.4 Landscaping is provided to the primary street frontage(s) with such</td>
</tr>
</tbody>
</table>
### Section 2.9 Industrial Development

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Facade treatment</td>
<td>landscaping being low maintenance and occupying not less than 20% of the area between the industrial building setback line and the street;</td>
</tr>
<tr>
<td>Landscaping and fencing</td>
<td>Vegetation to be planted is a mixture of semi-mature species and seedlings/tube stock to generate both an immediate visual effect, and good overall establishment in the medium term. Note: a list of suitable plant species for the Young Shire area is located in Appendix G;</td>
</tr>
<tr>
<td>signage</td>
<td>AID6.5</td>
</tr>
<tr>
<td></td>
<td>AID6.6</td>
</tr>
<tr>
<td></td>
<td>AID6.7</td>
</tr>
<tr>
<td></td>
<td>AID6.8</td>
</tr>
<tr>
<td></td>
<td>AID6.9</td>
</tr>
<tr>
<td></td>
<td><strong>Signage:</strong></td>
</tr>
</tbody>
</table>

- **AID6.5**
  - Canopy trees are provided on properties located on classified roads between the front boundary and the building line, sufficient to break up the building bulk;

- **AID6.6**
  - Fencing is provided of a uniform colour and material along all common boundaries, and
  - a. Solid fencing is not more than 1.8m above the finished ground level;
  - b. The total height of the fence is not more than 2.4m.
  - c. Additional fencing, screen walls or screen vegetation is provided to conceal unsightly areas from neighbour or public view (e.g. storage areas for particular materials/goods/rubbish);

- **AID6.7**
  - Fencing to a street or other public place is of open and durable construction. Note: suitable materials include coated chain wire, fence designed mesh, open treated metal or open timber fencing.

- **AID6.8**
  - Signage is appropriately located and designed so as clearly convey business names and services etc, but without detracting from the appearance of the area or causing issues for adjoining properties, road users, or others in the surrounding area.
2.9.3 Design Suggestions and Variations

a) The necessary fire ratings under the Building Code of Australia need to be achieved when parts of the building are constructed to a boundary. This would generally require concrete or masonry walls;

b) Crime and safety issues in NSW Police Force program “Safer by Design” such as lighting, security and cameras where needed should be considered in the planning of the development;

c) Siting for economy under the BCA may cause severe constraints. The maximum use of site should be entertained as opposed to “dead” setback zones;

d) Narrow and/or unfrequented areas which would be difficult to maintain should be avoided;

e) Signage can either be included with the initial development application, or subject to a separate application to Council, unless the signage is exempt development. [Note: Exempt and Complying development is included under the Young LEP 2010, SEPP 60 Exempt and Complying Development and SEPP No. 64 Advertising and Signage];

f) “Nose in" parking, directly off a public road, is generally discouraged but may be accepted for existing development adjoining a local road where the following is able to be achieved:
   a. not within 10 m of an intersection or a roundabout;
   b. a public footpath of 1.5 m is able to be provided;
   c. not located where the road alignment would limit visibility all vehicles entering or leaving the parking area;
   d. only on a lightly trafficked road;
   e. Road carriageway has a minimum width of 12 m kerb to kerb.
2.9.4 Area Specific Provisions: James Lane

In addition to the general provisions relating to industrial development, the following specific provisions applied to the James Lane industrial development area as shown on the diagram below:

**Figure 2.9 James Lane Special Provisions**

- **Buffer Zone:** 15 m wide (5 m wide along James Ln). Buildings may not be erected. However landscaping, car parking and storage of goods (provided the area is screened) are permitted in this area.

- **Buffer Zone:** 5 m wide, vegetated, incorporating a minimum of two rows of staggered trees, of a suitable species. No works all buildings are permissible within this area.

Draft Amendment 2 changes shown in red text
a) General

(i) All buildings are constructed to a height of no more than ten (10) metres where the proposed building will be between 50 metres and 100 metres of the property boundary adjoining James Lane or no more than five (5) metres where the proposed building will be within 50 metres of James Lane;

(ii) All non-habitable structures (including silos, masts, stacks) constructed to a height greater than those above do not exceed 10m² in area and will have only a minor visual impact on the amenity of the area;

(iii) All external walls of buildings on properties adjoining James Lane are clad with pre-painted metal sheeting (e.g. Colorbond) or a superior material which will not cause glare.

b) Buffers - Eastern boundary of Lot 2

(i) A five (5) m wide vegetated buffer zone shall be provided along this boundary incorporating a minimum of two rows of staggered trees, of a suitable species. No works or buildings are permissible within this area;

(ii) A further fifteen (15) m wide buffer zone shall be provided along this boundary, on which buildings may not be erected. However landscaping, car parking and storage of goods (provided the area is screened) are permitted in this area.

c) Southern boundary of Lots 1 and 2

(i) A five (5) m wide vegetated buffer zone shall be provided along this boundary incorporating a minimum of two rows of staggered trees, of a suitable species. No works or buildings are permissible within this area;

(ii) A further five (5) m wide buffer zone shall be provided along this boundary, on which buildings may not be erected. However landscaping, car parking and storage of goods (provided the area is screened) are permitted in this area.

d) Western boundary of Lot 1

(i) Should the Crown Road running along the Western boundary of Lot 1 be constructed, a buffer zone shall be established along this boundary in line with the eastern boundary of Lot 1.

e) No vehicular access to the site is permitted from James Lane.

2.9.5 Design Suggestions and Variations

*This section has been left intentionally blank*
Section 2.10. Village Development – Zone RU5

2.10.1 Objectives
   a) To encourage and facilitate appropriate development within the village zones of Young Shire;
   b) To maintain the low-scale and widely detached building character of the villages.

2.10.2 Performance Outcomes and Acceptable Solutions

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>PV1</td>
<td>AV1.1 Residential building setbacks are at least 10 metres to the front boundary line and 4 metres to the side boundaries;</td>
</tr>
<tr>
<td></td>
<td>AV1.2 All residential dwellings are single storey or appear as such from the street frontage;</td>
</tr>
<tr>
<td></td>
<td>AV1.3 Residential dwellings avoid fibrous cement (unless painted) and metal cladding of walls (unless as an architectural feature);</td>
</tr>
<tr>
<td>PV2</td>
<td>AV2.1 Commercial or industrial uses are constructed with pre-painted metal with unpainted metal type finishes avoided. <strong>Note: This is a minimum requirement and other finishes are considered acceptable;</strong></td>
</tr>
<tr>
<td></td>
<td>AV2.2 All-weather parking areas (not necessarily sealed) are provided for commercial and industrial uses;</td>
</tr>
<tr>
<td>PV3</td>
<td>AV3.1 Where there is no sewer available, the development is to comply with Council’s Policy with respect to the On-Site Management of waste disposal. Properties with an area of less than 1ha provide specific geotechnical investigation demonstrating the feasibility of on-site management;</td>
</tr>
<tr>
<td></td>
<td>A3.2 Where no reticulated water supply is available, roof areas and tanks are provided according to the guidelines in Appendix E including a firefighting reserve of 20,000 L fitted with a Stortz fitting, such reserve to be over and above BASIX requirements (or as otherwise specified by Planning for Bushfire Protection).</td>
</tr>
</tbody>
</table>
2.10.3 Design Suggestions and Variations
   a) Compliance with the relevant Chapter of this DCP for the development type proposed (e.g. residential, commercial and retail, industrial or rural) is encouraged;
   b) Within the Village zone, Council may exercise flexibility regarding compliance with planning controls, provided the basic needs of the development are satisfied, and the development is consistent with the character of the locality;
   c) Roof forms of residential buildings are encouraged to use hip or gable style and have a minimum pitch of approximately 20 degrees.
Chapter 3. Additional Precinct Based Controls

Section 3.1. The Health, Medical and Educational Precinct

(Includes hospital, schools (primary, secondary and tertiary), aged care facilities, cemetery and nearby residential areas as shown on the map below):

![Map of the Health, Medical and Educational Precinct](image)

Figure 3.1 Health, Medical and Educational Precinct
**Section 3.1 The Health, Medical and Educational Precinct**

### 3.1.1 Objectives
a) To encourage uses which support the existing core uses within the institutional precinct.

### 3.1.2 Functional Statements
a) Staff housing is conveniently located within the precinct;
b) In-house (cottage practices) are supported and developed;
c) Education (non-mainstream) is supported and developed;

### 3.1.3 Performance Outcomes and Acceptable Solutions

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>PH1</td>
<td><strong>Medical centres:</strong></td>
</tr>
<tr>
<td></td>
<td>AH1 Are located within 400 m of a hospital, other medical facility or aged care facility or are accessible by patient or community based transport services;</td>
</tr>
<tr>
<td>PH2</td>
<td>AH2.1 Meet the building set back and height criteria for residential development;</td>
</tr>
<tr>
<td>PH3</td>
<td>AH3 Meet the parking requirements set out in Section 4.1 of the DCP (Parking).</td>
</tr>
<tr>
<td>Traffic generating activities shall be approximately appropriately serviced in terms of car parking provisions.</td>
<td><strong>Non-main-stream education centres and child-care centres:</strong></td>
</tr>
<tr>
<td></td>
<td>AH2.2 Are located in buildings which respect the mixed character of the precinct, being a combination of residential and institutional development;</td>
</tr>
<tr>
<td></td>
<td>AH2.3 Protect neighbourhood amenity when located adjoining residences by achieving the design outcomes consistent with medium density development and managing noise;</td>
</tr>
</tbody>
</table>

### 3.1.4 Design Suggestions and Variations
N/A
3.2.0 Where this section applies

This section applies only to development for the purpose of vehicle sales or hire premises and car park and only on land within the precinct shaded green and edged in heavy black on the maps below.
3.2.1 Objectives

a) To provide site specific controls to guide the development for the vehicle sales or hire premises and car park permitted under Clause 2.5 of the Young Local Environmental Plan

b) To ensure design of buildings and structures responds to the open space and residential character of the surrounding area;

c) To ensure development for vehicle sales or hire premises and car park respects the residential amenity of the immediate neighbourhoods;

d) To ensure appropriate access to the development and carparking facilities

3.2.2 Performance Outcomes and Acceptable Solutions for Vehicle Sales or Hire Premises and Carpark on Wombat and Murringo Streets' precinct

### 3.2.2 Wombat and Murringo Streets Vehicle Sales or Hire Premises

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building design</td>
<td>PW1 Building design is respectful and integrates with the surrounding land use pattern and setting</td>
</tr>
<tr>
<td></td>
<td>AW1.0 Any new building must not project further forward of the front building line established along the section of Wombat Street between the site and Gordon Street.</td>
</tr>
<tr>
<td></td>
<td>PW2 The siting and design of the development responds to the surrounding low scale residential character.</td>
</tr>
<tr>
<td></td>
<td>AW2.0 The height of any new building is not to exceed the ridge height of the existing residential development to the south along Wombat Street</td>
</tr>
<tr>
<td></td>
<td>AW2.1 The façade of any new building is to include articulation, colours and a mix of external materials that complement the predominately residential streetscape of Wombat Street.</td>
</tr>
<tr>
<td>Access to sunlight</td>
<td>PW4 The development on the site is not to cause overshadowing of adjoining properties that is in excess of what would be reasonably expected from a standard residential development</td>
</tr>
<tr>
<td></td>
<td>AW4.0 Any building or structure (excluding the boundary fence) shall be designed to ensure that main living areas and main private open space of adjoining residential properties have access to a minimum of three hours sunshine between 9am and 3pm on 21 June (winter solstices)</td>
</tr>
<tr>
<td></td>
<td>Shadow diagrams shall be prepared for winter solstice and submitted with any development application</td>
</tr>
<tr>
<td></td>
<td>Note: True north is to be used when preparing shadow diagrams.</td>
</tr>
<tr>
<td>Privacy</td>
<td>PW6 Protect neighborhood amenity and character</td>
</tr>
<tr>
<td></td>
<td>AW6.0 Any new illumination / lighting within the site shall be low level and positioned so as to not cause light scatter or disturbance to the neighbours (or the public road).</td>
</tr>
</tbody>
</table>
### 3.2.2 Wombat and Murringo Streets Vehicle Sales or Hire Premises

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>AW6.1</strong></td>
<td>Suitable landscaping shall be provided at the interface with the Burrangong Creek public land and to complement the streetscape.</td>
</tr>
<tr>
<td><strong>AW6.2</strong></td>
<td>Any street trees required to be removed shall be replaced in a more suitable location within the road reserve.</td>
</tr>
</tbody>
</table>
| **AW7.0** | Privacy fencing shall be established along the boundaries of the site that adjoin residential properties. Such fencing is to be:  
  a) No higher than 1800mm along the majority of the respective boundary and taper to a height of 1200mm where it is forward of the adjacent building line (or lesser height where sight distance for pedestrian safety is compromised).  
  b) Constructed in a material that is acceptable in the context of the surrounding residential area and provides acoustic and visual privacy. |
| **AW8.0** | The development is to be designed to avoid placing noise generating components of the vehicle sales or hire premises adjacent to or facing the residential dwellings to the south. This applies particularly to any workshop activity. |
| **AW8.1** | Acoustic fencing shall be incorporated into boundary fencing where the development site adjoins residential properties |
| **AW9.0** | Off-street car parking in accordance with Section 4 of this DCP shall be provided. |
| **AW9.1** | Schedule 1 of Young LEP 2010 specifies the use "Car park" as an additional permitted use for 1 Murringo Street and as such any carparking required for the vehicle sales or hire premise use shall be provided on this site. |
| **AW9.2** | Arrangements are to be made to ensure that the car park remains with the vehicle sales and hire premise use. These arrangements are to be detailed with any development application to ensure the car parking site remains under the control of the vehicle sales and hire premise operator for the duration of such use. This may be by consolidation of allotments, contractual leasing arrangements |

**PW7** Maintain the visual and acoustic privacy to minimise impact on adjoining residential occupants

**PW8** Noise sources from the new development are to be controlled and managed through design to minimise acoustic privacy impacts on residential neighbours

**PW9** Traffic management and Parking

Ensure adequate and suitable parking is provided for the use and reduce the impact of overflow onto street parking and public areas

**Draft Amendment 2 changes shown in red text**
### 3.2.2 Wombat and Murringo Streets Vehicle Sales or Hire Premises

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>AW9.3</td>
<td>The car park is to be suitably fenced to ensure vehicles do not encroach on the adjoining public land along Burragong Creek.</td>
</tr>
<tr>
<td>AW10.0</td>
<td>No vehicle transporters are permitted to use Murringo Street for the delivery or collection of vehicles.</td>
</tr>
<tr>
<td>AW10.1</td>
<td>A service vehicle management plan shall be submitted with any development application to detail how traffic impacts on adjacent residential area from service vehicles will be managed.</td>
</tr>
<tr>
<td>AW10.2</td>
<td>The design of the vehicular access and carpark shall discourage the use of the rear laneway (between Wombat and Murringo Streets) for service vehicles and be encouraged to use Wombat Street or the car park via Murringo Street.</td>
</tr>
<tr>
<td>AW10.3</td>
<td>A minimum 4m wide vehicular access shall be provided off Wombat Street to access onsite carparking and be designed to allow exit to Murringo Street.</td>
</tr>
<tr>
<td>PW3</td>
<td>The design and content of signage is compatible with the character of the surrounding area and building to which it is affixed or associated</td>
</tr>
<tr>
<td>PW10</td>
<td>The traffic impacts on the adjoining residential neighbourhoods is to be minimised while providing safe and convenient access for staff and customers</td>
</tr>
</tbody>
</table>

#### 3.2.3 Design Suggestions and Variations

N/A

---

**Note:** Draft Amendment 2 changes shown in red text.
Chapter 4. Specific Provisions – All Zones

Section 4.1. Car Parking and Vehicle Access

4.1.1 Overall Objectives

To provide a guide for the provision of parking, associated with development in Young Shire in order that:

a) Traffic safety and management are maintained or improved;

b) Parking areas are provided that are convenient, functional and sufficient for use;

c) A balance is achieved between the needs of the proposed use and of vehicular and pedestrian traffic; and

d) Parking areas, once established, are maintained in an adequate condition that continues to provide facilities that comply with those required when development consent was granted.

4.1.2 Parking Requirements

4.1.2.1 General Information

The provisions of this chapter will be applied to new development. The provisions of this chapter will also be applied to the extension of an existing building or works as if it were an independent development.

Off-street car parking provision now provided to existing developments shall be retained. Additional parking spaces required for any new development or redevelopment shall comply with the provisions of this document.

In the case of a change in the use of an existing building, Council will apply the provisions of this DCP if it considers that the proposed new use will produce a substantially different parking requirement than those attributable to the existing use.

The total number of on-site parking spaces provided in association with new development shall be in accordance with the recommended ratios set out in this Chapter as appropriate, subject to any qualifications or exceptions which may be applicable in the circumstances of the case. In this regard parking proposals that provide less parking than required by this Chapter shall be supported by a parking study.

In the event of a conflict between this Chapter and an Australian Standard, the Australian Standard will prevail.
### Section 4.1 Car Parking and Vehicle Access

#### 4.1.3 Objectives:

- a) To provide safe and accessible car parks.
- b) To provide sufficient car parks to serve the needs of particular developments.

#### 4.1.4 Performance Outcomes and Acceptable Solutions

**Section 4.1 Car Parking and Vehicle Access**

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>PPA1</td>
<td>APA1.1 Car parking is provided at the rate set out in Table 4.1;</td>
</tr>
<tr>
<td></td>
<td>APA1.2 Car parking is provided on the site of the development;</td>
</tr>
<tr>
<td></td>
<td>APA2.1 Vehicles enter and leave the site in a forward direction;</td>
</tr>
<tr>
<td></td>
<td>APA2.2 All parking spaces are suitably marked by lines or spaces indicated by other approved means;</td>
</tr>
<tr>
<td></td>
<td>APA3.1 The layout and dimensions of car parking areas are in accordance with the design standards and principles as set out in Figures 4.1 and 4.2;</td>
</tr>
<tr>
<td></td>
<td>APA3.2 Unless specified to a different standard elsewhere in this DCP, all car parking areas, driveways, turning areas and loading areas are paved in either a bitumen seal coat, asphaltic or bituminous concrete, cement concrete, concrete paving blocks, or brick paving blocks. Note: The standard of paving required will be dependent upon the type of development proposed, with regard to traffic loadings including turning movements of heavy vehicles. For specific details refer to Council’s Engineering Subdivision and Development Guidelines;</td>
</tr>
<tr>
<td></td>
<td>APA3.3 Free and uninterrupted access to car parking areas is maintained at all times.</td>
</tr>
</tbody>
</table>

Free and uninterrupted access to car parking areas is maintained at all times.
Figure 4.1 Recommended Carpark Dimensions
### Table 4:1 Car Park Provision - Acceptable Solutions

<table>
<thead>
<tr>
<th>Land &amp; building use</th>
<th>Rate of Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Accommodation</strong></td>
<td></td>
</tr>
<tr>
<td>Backpackers’ accommodation, <strong>Boarding houses</strong>, Hostels, Hotels (unlicensed) and similar uses</td>
<td>1 space per 3 guest rooms, plus 1 space for a manager, plus 1 space per 3 employees or part thereof.</td>
</tr>
<tr>
<td>Tourist and visitor accommodation (other than backpackers’ accommodation)</td>
<td>1 space per guest room or unit, plus 1 space per 2 staff employed, plus 1 space per 7.5 square metres of bar and lounge areas</td>
</tr>
<tr>
<td><strong>Boarding houses</strong></td>
<td>As required in the State Environmental Planning Policy (Affordable Rental Housing) 2009</td>
</tr>
<tr>
<td>Note: As at 7 September 2018 the rate of provision is as follows:</td>
<td></td>
</tr>
<tr>
<td>(i) in the case of development carried out by or on behalf of a social housing provider in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and</td>
<td></td>
</tr>
<tr>
<td>(ii) in the case of development carried out by or on behalf of a social housing provider not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and</td>
<td></td>
</tr>
<tr>
<td>(iia) in the case of development not carried out by or on behalf of a social housing provider—at least 0.5 parking spaces are provided for each boarding room, and</td>
<td></td>
</tr>
<tr>
<td>(iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,</td>
<td></td>
</tr>
<tr>
<td><strong>Commercial, business and industrial</strong></td>
<td></td>
</tr>
<tr>
<td>Warehouse or distribution centre</td>
<td>1 space per 100 square metres of gross leasable floor area</td>
</tr>
<tr>
<td>Office premises</td>
<td>1 space per 50 square metres of gross leasable floor area</td>
</tr>
<tr>
<td>Business premises</td>
<td>1 space per 35 square metres of gross leasable floor area.</td>
</tr>
<tr>
<td>Industries</td>
<td>1 space per 2 staff employed, or 1 space per 100 square metres of gross leasable floor area (whichever is the greater)</td>
</tr>
<tr>
<td>Land &amp; building use</td>
<td>Rate of Provision</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Education Establishments</td>
<td>Notes for all educational establishments</td>
</tr>
<tr>
<td></td>
<td>Note: Council will require the provision of on-site set-down and pick-up areas for buses and cars taking students to or from The school or colleges. Specific Requirements depending on the Educational use must also be met. Consultation with Council is strongly suggested as part of the site design process.</td>
</tr>
<tr>
<td>Pre-school, infants and Primary schools</td>
<td>1 space per staff employed, plus 2 service spaces</td>
</tr>
<tr>
<td>Secondary schools</td>
<td>1 space per staff employed, plus 2 service spaces, plus 1 space per 10 senior students (Years 11 and 12)</td>
</tr>
<tr>
<td>Tertiary schools and Colleges</td>
<td>1 space per staff employed, plus 2 service spaces, plus 1 space per 5 students, plus 1 space per live-in student where residential accommodation is provided</td>
</tr>
<tr>
<td>Health services facility</td>
<td>1 space per 3 beds and/or 3 spaces per health care professional attending to outpatients, plus 1 space for each resident or staff doctor, plus 1 space for each three employees</td>
</tr>
<tr>
<td>Hospitality, entertainment and recreation</td>
<td>Food and drink premises 1 space per 10 square metres of service area</td>
</tr>
<tr>
<td>Registered clubs</td>
<td>1 space per 2 staff employed, plus 1 space per 7.5 square metres of bar and lounge areas</td>
</tr>
<tr>
<td>Bowling clubs</td>
<td>30 spaces per green or rink</td>
</tr>
<tr>
<td>Function Centre</td>
<td>1 space per 3 guests (from BCA calculated occupancy)</td>
</tr>
<tr>
<td>Entertainment facility</td>
<td>1 space per 5 seats</td>
</tr>
<tr>
<td>Squash courts, tennis courts and bowling alleys</td>
<td>3 spaces per court or alley</td>
</tr>
<tr>
<td>Sports stadiums</td>
<td>1 space per 10 seats (or BCA calculated occupancy, whichever is the higher).</td>
</tr>
<tr>
<td>Places of public worship, funeral homes</td>
<td>1 space per 10 seats, or, if no seats, 1 space per 10 square metres of gross leasable floor area</td>
</tr>
<tr>
<td>Residential</td>
<td>Dual Occupancy 1 on-site car parking space per unit; Three bedroom unit: 2 on-site car parking spaces per unit (at least one space to be covered);</td>
</tr>
<tr>
<td>Land &amp; building use</td>
<td>Rate of Provision</td>
</tr>
<tr>
<td>--------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Single Dwelling house</td>
<td>2 spaces (stack parking permitted for one space) per dwelling.</td>
</tr>
<tr>
<td>Multi dwelling housing (i.e. three or more dwellings – whether attached or detached – on one lot of land) and Residential flat buildings</td>
<td>One bedroom dwelling: 1 space (undercover) per dwelling; \nDwellings containing two or more bedrooms: One (1) undercover space per dwelling; \none additional space per dwelling (may be covered or uncovered); \nVisitor parking: One (1) space per three (3) dwellings or part thereof (may be uncovered).</td>
</tr>
<tr>
<td>Senior’s housing (other than a hostel)</td>
<td>1 space per 5 units plus \n1 space for resident manager or as per requirements under SEPP (Housing for People with a Disability), whichever is the lesser</td>
</tr>
<tr>
<td>Retail and services</td>
<td></td>
</tr>
<tr>
<td>Shops, (including supermarkets less than 900 square metres gross leasable floor area)</td>
<td>1 space per 35 square metres of gross leasable floor area</td>
</tr>
<tr>
<td>Supermarkets (900 square metres gross leasable floor area or greater)</td>
<td>1 space per 20 square metres of gross leasable floor area</td>
</tr>
<tr>
<td>Service stations</td>
<td>1 space per 6 bowsers with additional spaces to be provided for other on-site uses in accordance with this Table.</td>
</tr>
<tr>
<td>Vehicle body repair workshops and Vehicle repair stations</td>
<td>4 spaces per service bay</td>
</tr>
<tr>
<td>Vehicle sales or hire premises</td>
<td>1 space per 100 square metres of gross leasable floor area of the building plus \n1 space per 320 square metres of open display area – Note: this assumes one space is required per 16 cars displayed, \nOne car display – equals 20 square metres</td>
</tr>
</tbody>
</table>

Note: This DCP defines parking standards for frequently encountered uses. The Council will define a requirement for uses not referred to in the DCP according to the merits of the specific case. The RTA Guide to Traffic Generating Development may be utilised in this instance, noting that this document requires updating and may not be relevant in all instances.
Explanatory Notes

1. In this Chapter Gross Leasable Floor Area means the overall usable area of the building excluding amenities, stairways, lift wells and plant rooms.

2. Unless otherwise stated ancillary or incidental uses will be assessed as part of the main user of the building i.e. the office of a supermarket will be included in the area of the supermarket and will not be treated as a separate office use.

3. A use comprising a combination of two or more uses such as combined vehicle sales and vehicle repair stations will be assessed as if the two uses existed independently and the required on-site parking provisions will be the aggregation of the independently derived requirements.

4. For the purpose of Table 4.1, "bedroom" is taken to be any room which would be available for use as a bedroom without structural alteration to the dwelling.

5. The parking provision for restaurants and function rooms may be reduced where it is demonstrated that the time of peak demand for parking associated with each facility does not coincide with peak usage of existing available parking or where common usage reduces total demand. Each case will be considered on its individual merits.

6. If the calculation of required car spaces results in a non-integer value such as 3.6, then this should be rounded up or down according to the following rule:
   a) Partial values less than 0.5 can be rounded down (e.g. 4.4 can be rounded down to 4).
   b) Partial values of 0.5 or more should be rounded up (e.g. 4.5 and 4.7 would both be rounded up to 5).

4.1.5 Design Suggestions and Variations
A design that complies with the relevant Australian Standard and/or any relevant State Environmental Planning Policies will be considered acceptable.

Council normally expects the provision of car parking to be on the site of the development. If parking is not able to be provided, contributions for the provision of parking would be considered in accordance with any parking contribution plan applying to the area.
Section 4.2. General Provisions for Car Parking Areas

4.2.1 Objectives

This section applies to Class 2-9 Development under the BCA and also multi-dwelling residential development or where a designated carparking area is required.

a) To provide car parks and related infrastructure to acceptable standards of construction.

4.2.2 Performance Outcomes and Acceptable Solutions

Figure 4.2.1 Example of a car park layout showing various design elements

Source: AS 2890.1

Draft Amendment 2 changes shown in red text
### Section 4.2  General Provisions for Car Parking Areas

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PCP1</strong>  Parking operations are logical and the circulation pattern clearly defined through the use of appropriate traffic management measures;</td>
<td><strong>ACP1</strong>  Compliance with Australian Standard AS2890 Part 1 and Part 2</td>
</tr>
<tr>
<td><strong>PCP2</strong>  Parking areas are designed to operate in a safe manner for drivers and pedestrians;</td>
<td><strong>ACP2</strong>  All car parking areas shall be lit in accordance with the relevant Australian Standard.</td>
</tr>
<tr>
<td><strong>PCP2.1</strong>  The number of conflict points between vehicles, and between pedestrians and vehicles, is minimised;</td>
<td><strong>ACP2.2</strong>  Pedestrian thoroughfares are provided throughout the car parking area to fully separate pedestrian and vehicular traffic;</td>
</tr>
</tbody>
</table>
| **PCP2.2**  Pedestrians are separated from vehicular traffic as much as physically possible; | **ACP2.5.1**  Any blind aisles are:  
* Less than 15m in length;  
* A minimum of 6.5 metres wide;  
* Clear of all obstructions;  
* Provided with a manoeuvring area at the blind end of the aisle being a 2.5 metre extension of the aisle past the end of the last parking space; and allocated, where possible, for staff or other non-customer vehicles; |
| **PCP2.3**  For one-way traffic, circulation is in the clockwise direction; | **ACP2.5.2**  Where aisles are, in effect, internal roads leading to parking areas or individual garages, such as occur in villa home type developments, the following minimum dimensions are provided:  
* Minor access aisles: 6m;  
* Minor feeder two way aisles: 5m; |
| **PCP2.4**  Solid walls or other obstructions to visibility are avoided on the inside of tight turns; | **ACP2.6**  Separations of entry and exits comply with Tables 4.2 and 4.3; |
| **PCP2.5**  Blind aisles longer than 15 metres are avoided; | |
| **PCP2.6**  Entry/exit points are clearly marked so as to avoid any confusion. Within the car park, signs are provided where necessary so that drivers wishing to leave the car park may do so by the most efficient route. Signposting is easily seen and understood; | |
| **PCP2.7**  Directional markings are clearly set out on the pavement in such a manner as to be easily readable and... | |
### Section 4.2 General Provisions for Car Parking Areas

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
</table>
| understandable to the users of the car park; | **PCP2.8** All parking bay delineations, arrows and other information for drivers painted on the pavement are marked using white (or high-contrast) paint or approved markers. Delineations are not less than 75mm or greater than 100mm wide;  
*Note: In certain situations, the installation of signs to Council's satisfaction may be required over and above the normal requirements. Signposting and linemarking will assist to prevent the choking of the aisles and contribute to the general ease of use of the facility. Details of all proposed signposting and marking for parking areas are to be submitted with the development application for Council’s consideration.* |
| **PCP2.9** Where the development generates a reasonable volume of traffic, separate entry and exit locations are provided with suitable separation between the access points; | **ACP2.9.1** The design of access points and internal circulation areas is such that entry to and exit from the site is made by driving in a forward direction. *Note: The reversing of vehicles onto the street will not generally be accepted, except for single residential dwelling houses and dual occupancies. Some minor relaxation may be permitted in this matter depending on the conditions of the site, the location of the site and the nature of the development;*  
**ACP2.9.2** Access points are in accordance with the restrictions in Figure 4.4. *Note: The minimum driveway width at the entry/exit points is to be selected having regard to the footpath crossing width;*  
**ACP2.10** Good visibility is provided at these locations and longitudinal grades provide for a holding area within the property;  
**ACP2.10** Holding areas have a maximum grade of 5% for a distance of not less than 6 metres in length immediately behind the road boundary. *Note: For less intense traffic generating developments this distance may be reduced to 3 metres;*  
**PCP2.11** Good sight distance is provided onto footpath areas from vehicles leaving car parking areas; |
## Section 4.2 General Provisions for Car Parking Areas

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
</table>
| PCP2.12 Garages in residential development are capable of easy entry and exit. | ACP2.12 When garages are provided in parking areas associated with residential developments, the following minimum dimensions are achieved:  
- Minimum internal width: 3.0m;  
- Minimum width between door jambs: 2.75m;  
- Minimum aisle widths to allow adequate access to garages are:  
  - 6.7m where the door jamb width is 2.75m;  
  - 6.2m where the door jamb width is 2.90m; |
| PCP2.13 Grades of parking areas are minimised, consistent with achieving adequate drainage; | ACP2.13.1 All car parking areas shall be sealed and effectively graded and drained.  
ACP2.13.2 The maximum acceptable grade for sloping parking (including access aisles) is 10%. For all areas the minimum longitudinal grade and the minimum cross-fall grade is as shown in Table 4.4; |
| PCP2.14 Headroom for undercroft (or underground) parking is sufficient to cater for the vehicles anticipated to use the development; | ACP2.14 The minimum clear head room achieved in an undercover parking area which will be used by passenger vehicles only is 2.3 metres. Where vehicles other than passenger vehicles would use an area, the minimum clear head room achieved is 4.6 metres. Note: On sites where it is certain that van type vehicles are the largest vehicles which will use the area, a minimum clear head room of 2.6 metres may be considered. Particular attention must be paid to head room requirements at ramps; |
| PCP2.15 Turning circles are to cater for the range of vehicle sizes anticipated to utilise the site; | ACP 2.15.1 Turning circles are calculated using the 85th percentile vehicle (see Appendix F), and for trucks appropriate turning templates from AS2890 Part 2 are utilised for rigid and articulated vehicles (see Appendix F), as required to service the development;  
ACP 2.15.2 In a large residential development of 12 or more dwellings of the type which includes building back from the street, provision is made for delivery vehicles, etc. to be accommodated close to a suitable entrance to the |
### Section 4.2 General Provisions for Car Parking Areas

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PCP2.16</strong> Delivery areas are separated (either physically or through timed deliveries) from customer parking areas;</td>
<td><strong>ACP2.16</strong> These vehicles are able to drive in a forward direction when both entering and leaving the site;</td>
</tr>
<tr>
<td><strong>PCP2.17</strong> Loading docks are to provide easy and convenient access for the service vehicles likely to utilise the site;</td>
<td><strong>ACP2.17</strong> For residential developments of 12 units or larger, provision is made for off-street collection of garbage from a mobile compaction unit. Provision for the access of such vehicles to the collection point is required. <strong>Note:</strong> These units may require loading from the sides and sufficient room is necessary to allow easy access to the loading area of the unit by the operators;</td>
</tr>
<tr>
<td><strong>PCP2.18</strong> Provisions are made in the design of loading docks so that delivery vehicles do not conflict with customer traffic;</td>
<td><strong>ACP2.18</strong> Loading docks provide for the relevant design vehicle that will serve the development. <strong>Note:</strong> The provisions of AS2890.2 are applicable;</td>
</tr>
<tr>
<td><strong>PCP2.19</strong> Parcel pickups are located so as to provide convenient access, including safe pedestrian access to vehicles and to avoid conflict with other vehicle movements;</td>
<td><strong>ACP2.19</strong> Parcel pickups are designed following Clause 4.5 of AS2890.1;</td>
</tr>
</tbody>
</table>
| Note: In examining any proposal for a parcel pick-up, the following points will be considered:  
• Storage of vehicles approaching the parcel pick-up;  
• A minimisation of the effect of these stored vehicles on the general flow within the car park;  
• Location of parcel pick-up within the car park;  
• Physical separation of through traffic lanes not concerned with the parcel pick-up from parcel pick-up lanes. The purpose of this requirement is to prevent vehicles stopping in the exit aisle and causing further congestion;  
The provision made for the removing of exhaust fumes from idling cars in covered areas. | |
| **PCP2.20** Shade is provided to improve customer comfort in all customer parking areas; | **ACP2.20** Where 15 or more parking spaces are provided, shading to at least 30% of car parking spaces either by vegetation or through constructed means such as a shade sail; |
| **PCP2.21** Ramps are designed to as to avoid damage to vehicles and to provide | **ACP2.21** Ramp design is to be in accordance with Clause 3.3 of AS2890.1 which |
### Section 4.2 General Provisions for Car Parking Areas

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>adequate visibility.</td>
<td>provides that:</td>
</tr>
<tr>
<td></td>
<td>Maximum gradients on and near access driveways, other than at single domestic properties, shall be as follows:</td>
</tr>
<tr>
<td></td>
<td>- Property line / building alignment / pedestrian path – max. 1 in 20 (5%) between edge of frontage road and the property line, building alignment or pedestrian path (except as provide in Item (d)), and for at least the first 6m into the car park (except as provided below). The grade of the first 6m into the car park may be increased to 1 in 8 (12.5%) under the following conditions:</td>
</tr>
<tr>
<td></td>
<td>- The grade is a downgrade for traffic leaving the property and entering the frontage road.</td>
</tr>
<tr>
<td></td>
<td>- The user class is Class 1, 1A or 2 only (under Table 1.1 of AS2890.1 these classes refer to medium to long-term parking).</td>
</tr>
<tr>
<td></td>
<td>- The maximum car park size is:</td>
</tr>
<tr>
<td></td>
<td>- for entry into an classified road – 25 car spaces, or</td>
</tr>
<tr>
<td></td>
<td>- for entry onto a local road – 100 car spaces.</td>
</tr>
<tr>
<td></td>
<td>- The maximum grade across the property line shall remain at 1 in 20 (5%).</td>
</tr>
<tr>
<td></td>
<td>- Other grades are to be as follows:</td>
</tr>
<tr>
<td></td>
<td>- Vehicular control points – max. 1 in 20 (5%) for at least 6m prior to the control point.</td>
</tr>
<tr>
<td></td>
<td>- Queuing area – max. 1 in 10 (10%) for not less than 0.8 of the queue length (determined in table 3.3 of AS2890.1).</td>
</tr>
<tr>
<td></td>
<td>ACP2.21 cont</td>
</tr>
<tr>
<td></td>
<td>- Across footpaths – where the driveway crosses a footpath, the driveway grade shall be 1 in 40 (2.5%) or less across the footpath over a lateral distance of at least 1.0m. Longitudinal grades must not exceed 16%</td>
</tr>
</tbody>
</table>
Section 4.2 General Provisions for Car Parking Areas

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Note: The advice of Council should be sought to obtain grade requirements for footpaths.</td>
<td></td>
</tr>
</tbody>
</table>

Table 4.2 Selection of Driveway Type—Heavy Vehicles
(see table 4.3 for details of driveway types)

<table>
<thead>
<tr>
<th>Heavy Vehicle Type</th>
<th>Road Frontage Type</th>
<th>Driveway Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>RIGID</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Major</td>
<td>5-6</td>
</tr>
<tr>
<td></td>
<td>Minor</td>
<td>4-5</td>
</tr>
<tr>
<td>ARTICULATED</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Major</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>Minor</td>
<td>5-6</td>
</tr>
</tbody>
</table>

Table 4.3 Driveway Types

<table>
<thead>
<tr>
<th>Type</th>
<th>Entry width in m</th>
<th>Exit width in m</th>
<th>Minimum separation of driveways in m</th>
<th>Splay at Kerbline in m</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2.5-6</td>
<td>Combined</td>
<td>NA</td>
<td>-</td>
</tr>
<tr>
<td>2</td>
<td>6-9</td>
<td>Combined</td>
<td>NA</td>
<td>2</td>
</tr>
<tr>
<td>3</td>
<td>6</td>
<td>4-6</td>
<td>1-3</td>
<td>2</td>
</tr>
<tr>
<td>4</td>
<td>6-8</td>
<td>6-8</td>
<td>1-3</td>
<td>2</td>
</tr>
<tr>
<td>5</td>
<td>8-9</td>
<td>8-9</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>6</td>
<td>9</td>
<td>9</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>7</td>
<td></td>
<td>Direct feed from a controlled intersection via a dedicated public roadway.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

NOTE:
Type 1 and 2 driveways are most frequently required in a typically “small” development; i.e. panel beating workshop. Types 3 through 7 would apply to developments such as transport depots and heavy industry.
Figure 4.2.2 Prohibited access points

*All dimensions shown in metres*
Table 4.4  Minimum longitudinal grade and minimum crossfall

<table>
<thead>
<tr>
<th>Type of Surface</th>
<th>Minimum Longitudinal Grade</th>
<th>Minimum Crossfall</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bituminous Seal Coat</td>
<td>0.5%</td>
<td>3.0%</td>
</tr>
<tr>
<td>Asphaltic Concrete</td>
<td>0.5%</td>
<td>2.5%</td>
</tr>
<tr>
<td>Cement Concrete</td>
<td>0.35%</td>
<td>2.0%</td>
</tr>
</tbody>
</table>

4.2.3 Design Suggestions and Variations

a) 90 degree parking angles usually result in the most efficient use of an area unless it is either irregular in shape or is a multiple of an angled parking module which would result in an acceptable functional design;

b) Roads within car parks may be two-way, but the circulation pattern and parking distribution should be designed to encourage a predominantly unidirectional flow of traffic;

c) To minimise conflicts between vehicles and pedestrians, particular attention should be given to the protection of main pedestrian desire lines. Pedestrian movement can be assisted if parking aisles are oriented perpendicularly to pedestrian movements. Where possible, the principle circulatory aisles should be placed furthest from the pedestrian trip generator (e.g. shopping centre) to improve pedestrian movement and reduce the number of conflicts between pedestrians and vehicles;

d) **Stack Parking:** Stack Parking is not generally supported. If supported in the circumstances of the case, would be counted at 0.5 spaces per stack space provided. Each dwelling or other premises is to be fully self-contained with respect to parking.

e) **Mechanical Parking:** An application to provide for car parking by the use of mechanical devices will be considered on its merits. Such an application should reflect the broad aims and principles of this chapter of the DCP.

f) **Small Car Spaces:** All bay sizes are required to be of the dimensions set out in this DCP. The provision of undersized spaces for the use of small cars may be permitted although they would not contribute towards the total number of spaces required under this plan.

g) **Drainage of Paved Areas:** It is recommended that concept designs for the drainage of paved areas be submitted to Council in conjunction with the development application. Applicants should consult with Council’s Engineering Department to obtain current standards and requirements.

h) **General:** A parking or access design that complies with the relevant Australian Standard (AS 2890) and any relevant State Environmental Planning Policies will be considered.
Section 4.3. Development requiring tree removal or lopping
(Applies to all zones except RU1 and RU3).

Note: This section should be read in conjunction with Clause 5.9 of the Young Shire LEP 2010 and State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.

The purpose of this Chapter is to declare trees and other vegetation under Part 3 of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (the Vegetation SEPP). Where a tree or other vegetation is declared in this Chapter a person must not clear vegetation without a permit granted by Council (Clause 10(1) of the Vegetation SEPP). This is referred to as 'removal or pruning' in this Chapter and includes:

- Cutting down, felling, uprooting, killing, poisoning, ringbarking, burning or otherwise destroying the vegetation, or
- Lopping or otherwise removing a substantial part of the vegetation.

Council can only issue a permit for the removal or pruning of native vegetation that is below the biodiversity offsets scheme threshold.

4.3.1 Objectives

a) To provide a regulatory framework for the preservation of trees and other vegetation in order to maintain the visual integrity of Young Township and the village areas of Young Shire, and

b) To ensure that all development is carried out with sensitivity to trees in the vicinity.

Note: For the purposes of this DCP and clause 9 of Vegetation SEPP a designated tree is defined as a tree having:

a) 5m or more in height at any point above the ground; or
b) With a trunk diameter of 200mm or more when measured 1.5m above the ground level; or

A designated tree does not include any noxious weed species as declared for the Young LGA or a tree of the following species:

<table>
<thead>
<tr>
<th>Tree Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alnus glutinosa</td>
<td>Almond</td>
</tr>
<tr>
<td>Acer monoica</td>
<td>Maple</td>
</tr>
<tr>
<td>Populus Spp.</td>
<td>Poplar tree</td>
</tr>
<tr>
<td>Ficus benjamina</td>
<td>Weeping Fig</td>
</tr>
<tr>
<td>Ligustrum Spp.</td>
<td>Small and large leaved Privet</td>
</tr>
<tr>
<td>Schefflera actinophylla</td>
<td>Queensland Umbrella tree</td>
</tr>
<tr>
<td>Cocos romanzofficianum</td>
<td>Queen Palm</td>
</tr>
<tr>
<td>Populus Spp.</td>
<td>Poplar tree</td>
</tr>
<tr>
<td>Erythrina Spp.</td>
<td>Coral tree</td>
</tr>
<tr>
<td>Cotoneaster</td>
<td>Cotoneaster</td>
</tr>
</tbody>
</table>
### 4.3.2 Performance Outcomes and Acceptable Solutions

**Section 4.3 Development requiring tree removal or lopping**

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PT1</strong> Trees are protected, unless they are an environmental weed species;</td>
<td><strong>AT1.1</strong> Development is designed to avoid impact on designated trees unless this would reduce the development yield of the property;</td>
</tr>
<tr>
<td></td>
<td><strong>AT1.2</strong> Designated trees are retained where not directly impacted by a development or where they are not within 3 metres (measured from the trunk) of a building approved as part of a development or where they would create a safety risk for traffic unless a qualified arborist has assessed the tree and found that by reason of its health or otherwise that it is not worthy of retention;</td>
</tr>
</tbody>
</table>
| **PT2** If a tree is removed, in order to construct an approved development or provide a utility service, an environmental offset is provided; and | **AT2** Where a designated tree is removed, it is replaced by at least two trees, of a species endemic to the Young area, which would develop to a similar size at maturity.  

*Note: where replacement on-site is not feasible, Council may nominate a public area in the vicinity, including a road reserve, where the trees may be planted, and may levy a contribution from the developer to cover the cost of planting and maintaining the tree to establishment.* |
| **PT3** Management of existing trees minimises the threat to the long term survival of the tree. | **AT3.1** Work is not conducted within the drip line of a retained tree (such as digging, trenching, compacting, filling (by more than 150mm) or paving) unless a qualified arborist has assessed the tree and provided guidelines as to how the work can be carried out with minimal risk to the long term survival of the tree; |
| | **AT3.2** Pruning or protection works are carried out in accordance with Australian Standard 4373; |

### 4.3.3 Design Suggestions and Variations

Tree species endemic to the Young area should be used in any environmental offsets. A list of species is provided at Appendix G.
**Section 4.4. Footpath Display and Use**

This Section applies to land zoned Business (B4, B6 or B7).

### 4.4.1 General Advice to Applicants for Commercial Use of Public Footways

#### 4.4.1.1 Overall aim

a) To provide additional colour and interest to the business areas the Shire, while preserving the access function of footpaths and minimising the risk of injury to the public.

#### 4.4.1.2 Gaining Approval

**How to apply for a permit**

To apply for a permit you must:

- Complete the approved Application Form
- Provide a Certificate of Currency regarding Public Liability Insurance. The Public Liability Insurance shall be for $20,000,000 and shall identify Young Shire Hilltops Council as an interested party. The Certificate of Currency shall be issued by the insurer not the applicant’s insurance broker.
- Complete the approved indemnity/guarantee form
- Pay the appropriate fee as set by Council annually
- Forward your application with the appropriate fees to:

```
General Manager
Young Shire Hilltops Council
Locked Bag 5
YOUNG NSW 2594
```

#### 4.4.1.3 Duration of Permit

All permits are renewable annually. Application to renew agreement must be in two (2) weeks prior to lapse of existing consent to allow time to process. Reminder notices will be sent out by Council one (1) month prior to expiry of permit.

#### 4.4.1.4 Variation to Policy

Council may consider minor variations to this Policy on written application to Council stating reasons why this policy should be varied. Council’s Director – Planning & Environment in consultation with Council’s Enforcement Officer will determine approval of variations up to 10% of any numeric standard (excepting street dining). All other variations shall be determined by full Council.

#### 4.4.1.5 Public Liability Insurance

As retailers will be using public property to place their signs or goods on, they will need to hold a current Public Liability Insurance Policy with a minimum of $20,000,000 protection which covers the placing of articles on the footpath. A certificate of currency from the retailer’s insurance company must be included with the application. The certificate of currency must identify Young Shire Hilltops Council as an interested party.
4.4.1.6 Indemnity /Guarantee

Young Shire Hilltops Council accepts no responsibility for claims of damages, which may arise out of the placing of articles on the footpath. Accordingly, to obtain a permit, applicants must indemnify the Council against any claim, action suit or demand arising out of or in any way connected to the placing of articles on the footpath.

NOTE: (If the applicant is a Company the indemnity must be guaranteed by an individual.)

4.4.1.7 General Conditions applicable to all permits

a) Council will not accept responsibility for damage to any item placed upon the footpath pursuant to this policy;

b) The full cost of maintenance and/or repairs to the paved footpath and the unpaved or nature strip area of the footpath, damaged as a result of placement or display of goods, shall be that of the operator of the business;

c) It shall at all times be the responsibility of the applicant, to an application to trade or dine the Council’s footpath, to maintain and keep clear the footpath; kerb and gutter an adjacent roadway, of all litter, waste, spillage of foodstuffs which may be attributed to diners who have used the footpath pursuant to this permit.
Section 4.4 Footpath Display and Use (continued)

4.4.2 Signs

4.4.2.1 Objectives

a) To permit limited footpath-based signage that is not distracting to motorists.

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>PFD1</td>
<td>AFD1.1 Advertising signs are of stable construction and weighted or placed so as to prevent them being moved by the wind;</td>
</tr>
<tr>
<td>Signage is stable and not able to be moved by wind;</td>
<td>AFD1.2 Signs are of a durable material and finish and are attached to a well-constructed frame;</td>
</tr>
<tr>
<td>PFD2</td>
<td>AFD2 Advertising signs are displayed outside the premises to which they relate and only at times during those premises are open to the public;</td>
</tr>
<tr>
<td>Signage is clearly associated with the premises to which they relate;</td>
<td>AFD3.1 The maximum dimensions of an advertising sign shall be 1000mm wide and 1100mm high, no part of the sign shall protrude beyond the main body of the sign.</td>
</tr>
<tr>
<td>PFD3</td>
<td>AFD3.2 Advertising signs are displayed no less than 900 mm from the kerb line and no less than 2000 mm from the building line; OR shall not be any more than 1000mm from the building line.</td>
</tr>
<tr>
<td>Signage is of a size and shape so as to maintain pedestrian access along footpaths while complying with disability legislation;</td>
<td>AFD3.3 Advertising signs are produced by a commercial firm that produces signs;</td>
</tr>
<tr>
<td>PFD4</td>
<td>Note: Portable electric signs, illuminated, revolving, spinning or flashing signs are prohibited. Permits will not be granted for advertising signs to be placed on stationary vehicles, attached to street poles, parking control signs, street furniture and/or trees.</td>
</tr>
<tr>
<td>Signage presents a professional appearance.</td>
<td></td>
</tr>
</tbody>
</table>

4.4.2.2 Alternative approaches and design suggestions

a) Persons wishing to place advertising signs relating to premises that do not have a street frontage may be granted a permit to place an advertising sign on a nearby footpath only on the presentation of the written permission of the proprietor of the business outside which the sign is to be placed.
4.4.3 Tables and Chairs

4.4.3.1 Objectives

a) To permit street dining in a way that preserves the access function of the footpath, preserves cleanliness and tidiness, and maintains visual amenity outside of operating hours.

4.4.3.2 Performance Outcomes and Acceptable Solutions

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>PFD5 Seating is clearly associated with the premises to which they relate;</td>
<td>AFD5.1 Tables and chairs are placed outside the premises to which they relate and only at time during which those premises are open to the public;</td>
</tr>
<tr>
<td>PFD6 Seating is located so as to maintain pedestrian access along footpaths while complying with disability legislation;</td>
<td>AFD5.2 Table service is only provided to patrons occupying tables and chairs on footpaths where the patron pays for goods and services within the curtilage of the premises to which such chairs and tables relate;</td>
</tr>
<tr>
<td>PFD7 Seating presents a professional appearance;</td>
<td>AFD6 Tables and chairs are placed so that: At all times a minimum 2 metre clearance is maintained throughout any approved configuration, adjoining the building line, and free from any obstruction; No barrier or table/chair is placed closer than 900mm to the kerb edge; Barriers are ensconced or incorporated to enclose existing obstacles such as light posts or electricity poles (where existing); Any street bins are not obscured in any way;</td>
</tr>
<tr>
<td></td>
<td>AFD7.1 Timely action is to be taken to ensure that no litter remains on tables or is able to be caused by loose articles;</td>
</tr>
<tr>
<td></td>
<td>AFD7.2 Condiments, food, cutlery and dishes when not in immediate use, are sealed from contamination by dust, insects and other contaminants while left at/on the tables and chairs;</td>
</tr>
<tr>
<td></td>
<td>AFD7.3 All Structures (tables, chairs and barriers) are temporary and portable and are removed at the close of trade each day;</td>
</tr>
</tbody>
</table>
**Section 4.4 Footpath Display and Use**

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PFD8</strong> Accessories are stable and not able to be moved by wind.</td>
<td><strong>AFD8</strong> Any umbrella used in conjunction with a table and chairs: Has a minimum height above ground level of 2100mm; Do not protrude beyond the kerb at any time; Is stable and not able to be moved by wind.</td>
</tr>
</tbody>
</table>

### 4.4.3.3 Alternative approaches and design suggestions

Any modification to the above would be considered by Council, particularly where the modification is respectful of the needs of persons with disabilities.
Section 4.4 Footpath Display and Use (continued)

4.4.4 Goods and charity bins

4.4.4.1 Objectives
a) To permit the display of goods and location of charity bins in a way that preserves the access function of the footpath, preserves cleanliness and tidiness, and maintains visual amenity outside of operating hours.

4.4.4.2 Performance Outcomes and Acceptable Solutions

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>PFD9 Goods or charity bins displayed are clearly associated with the premises to which they relate;</td>
<td>AFD9.1 Goods for display or sale are only placed outside the premises to which they relate and only at such times during which those premises are open to the public;</td>
</tr>
<tr>
<td>PFD10 Goods or charity bins displayed are located so as to maintain pedestrian access along footpaths while complying with disability legislation;</td>
<td>AFD10.1 Charity bin provision, and placement thereof, does not exceed one (1) per establishment seeking to provide such an item.</td>
</tr>
<tr>
<td>PFD11 Goods or charity bins displayed present a professional appearance;</td>
<td>AFD10.2 Goods or charity bins shall not encroach onto the footpath by more than one (1) metre;</td>
</tr>
<tr>
<td>PFD12 Display stands are stable and not able to be moved by wind.</td>
<td>AFD11 Displays do not exceed 1100mm in height for general goods and 1500mm for clothes racks;</td>
</tr>
<tr>
<td></td>
<td>AFD12.1 Goods for display or sale are not affixed to any premises, footpath, parking control sign, street furniture or pole;</td>
</tr>
<tr>
<td></td>
<td>AFD12.2 Display stands for goods are - of stable construction;</td>
</tr>
<tr>
<td></td>
<td>• have no part protruding beyond the main body of the stand; and</td>
</tr>
<tr>
<td></td>
<td>• are placed so as to prevent them being moved by wind or other forces.</td>
</tr>
<tr>
<td></td>
<td>Note: Clothes racks are prevented from movement either by locked wheels or a solid frame.</td>
</tr>
<tr>
<td></td>
<td>AFD12.3 Where the goods displayed are foodstuffs they are placed at a minimum height of 750mm above the footpath;</td>
</tr>
<tr>
<td></td>
<td>AFD12.4 Foodstuffs are packed in durable dustproof, weatherproof and tamper proof containers;</td>
</tr>
</tbody>
</table>

4.4.4.3 Alternative approaches and design suggestions
N/A.
Section 4.5. Spray Drift

(Applies to all zones and all residential development within the vicinity of an existing or proposed horticultural activity).

4.5.1 New residential development

4.5.2 Objectives

a) To ensure that new development for residential purposes respects the existing horticultural industry, in particular orchards and vineyards so as to:
   (i) Minimise nuisance to adjoining owners, and
   (ii) To protect the horticultural industries from encroaching development.

4.5.3 Performance Outcomes and Acceptable Solutions

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>PSD1 New dwellings are provided with an adequate buffer (either by way of distance alone, or distance in conjunction with a vegetative screen) such that spray drift effects from existing orchards and vineyards are minimized;</td>
<td>ASD1.1 New dwellings in the Primary Production Zone (RU1) are not located within 150m of an existing orchard or vineyard on land within a different ownership, or within 75m of an existing orchard or vineyard on land in the same ownership;</td>
</tr>
<tr>
<td>PSD2 New dwellings do not depend on land within a different ownership for the provision of buffers.</td>
<td>ASD1.2 New dwellings within the Rural Smallholdings Zone (RU4) are not located within 75m of an existing orchard or vineyard.</td>
</tr>
</tbody>
</table>

4.5.4 Alternative approaches and design suggestions

Dwellings may be considered within 75m but no more than 40m from an existing orchard or vineyard provided that a tree buffer is planted incorporating two rows of trees, of an approved species, such rows being staggered and spaced to as to produce a continuous vegetative screen when the trees are at maturity. Note: Approved species include She Oak (Casuarina Cunninghamiama), Wattles (Meleoxylong, Hickory Wattle), Calistemon sp, Melaleuca sp, Leptospermum sp, Grevillia Ivanhoe).

Note: It is recognised that in some existing circumstances the above buffers may not be able to be achieved where existing residential lots are of insufficient size. In these cases the dwelling should be located as far as possible from the existing orchard or vineyard, and tree buffers of the type specified above are planted by the proponent of the residential dwelling.
4.5.5 New horticultural development

4.5.6 Objectives

a) To ensure that new development for horticultural purposes respects existing dwellings so as to:
   (i) Minimise nuisance to residential dwellings;
   (ii) Protect the horticultural industries from conflict with adjoining landholders;
   (iii) Facilitate the erection of dwellings on existing allotments with dwelling rights.

4.5.7 Performance Outcomes and Acceptable Solutions

<table>
<thead>
<tr>
<th>Section 4.5 Spray Drift</th>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>PSD3</td>
<td>New horticultural developments are provided with an adequate buffer (either by way of distance alone, or distance in conjunction with a vegetative screen) such that spray drift effects to existing dwellings or potential dwelling sites are minimized;</td>
<td>ASD3.1 New horticultural development within the Primary Production Zone (RU1) is not located within 150m of land within a different ownership, or within 75m of a dwelling on land in the same ownership;</td>
</tr>
<tr>
<td>PSD4</td>
<td>New horticultural developments do not depend on land in a different ownership for the provision of buffers.</td>
<td>ASD3.2 New horticultural development within the Rural Smallholdings Zone (RU4) is not located within 75m of land within a different ownership or a dwelling on land in the same ownership.</td>
</tr>
</tbody>
</table>

4.5.8 Alternative approaches and design suggestions

New horticultural developments may be considered within 75m but not less than 40m from land within a different ownership or a dwelling on land in the same ownership provided that a tree buffer is planted incorporating two rows of trees, of an approved species, such rows being staggered and spaced to as to produce a continuous vegetative screen when the trees are at maturity. Note: Approved species include She Oak (Casuarina Cunninghammiama), Wattles (Meleloxylong, Hickory Wattle), Calistemon sp, Melaleuca sp, Leptospermum sp, Grevillia Ivahhoe).
Section 4.6. Animal Boarding, Breeding or Training Establishments

(Applies to Zones RU1 and RU4)

Note: Consent requirements vary depending upon the number of animals. Wherever there is a business purpose, or animals are bred or trained for competition, consent is normally required. Non-business companion animals are considered on merit.

4.6.1 Objectives

a) To ensure that these developments are well-located with respect to minimising noise nuisance and visual impact.

4.6.2 Performance Outcomes and Acceptable Solutions

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Dog boarding and training establishments:</strong></td>
<td><strong>Dog boarding and training establishments:</strong></td>
</tr>
<tr>
<td>PAB1.1 Are located on land of sufficient size to ensure that good acoustic buffers are available to any existing dwelling, or potential site of a new dwelling;</td>
<td>AAB1.1.1 Are located at least 150 m from the boundary of an adjoining property;</td>
</tr>
<tr>
<td>PAB1.2 Do not create a nuisance by way of public health or odour;</td>
<td>AAB1.1.2 Provide any training tracks as far removed as practicable from existing dwellings on adjoining lands;</td>
</tr>
<tr>
<td>PAB1.3 Visually present in a manner so as to avoid long uninterrupted walls or fences.</td>
<td>AAB1.1.3 Contain kennels and outdoor exercise areas within an enclosed space;</td>
</tr>
<tr>
<td>Catteries:</td>
<td>AAB1.2 Comply with the requirements of the Victorian Code of Practice for Dog Training Establishments or the NSW Animal Welfare Code of Practice No. 5 (for boarding establishments) as appropriate.</td>
</tr>
<tr>
<td>PAB2</td>
<td>AAB1.3 Provide landscaping to screen any fence or wall longer than 15 m;</td>
</tr>
<tr>
<td><strong>Horse training establishments:</strong></td>
<td><strong>Horse training establishments:</strong></td>
</tr>
<tr>
<td>PAB3</td>
<td>AAB2</td>
</tr>
</tbody>
</table>

Catteries:

AAB2 Comply with the requirements of the NSW Animal Welfare Code of Practice No. 5 (for boarding establishments) as appropriate.

Horse training establishments:

AAB3.1 Are located at least 50 m from the boundary of adjoining property;

AAB3.2 Ensure that run off from any training ring or stables area is appropriately treated through a water quality control facility before entering an adjoining property or watercourse;
4.6.3 Alternative approaches and design suggestions

Alternative codes of practice or design guidelines would be considered on merit.
Section 4.7. Bed and Breakfast and Farm Stay developments

4.7.1 Objectives
   a) To minimise the impacts on adjoining neighbours from Bed and Breakfast and farm stay developments;
   b) To ensure these developments operate well from an internal design perspective.

4.7.2 Functional Statements
   a) Development is in-scale with surrounding development;
   b) Generation of noise is minimised;
   c) Overlooking of neighbouring properties is avoided;
   d) Signage is discreet;
   e) On-site parking is safe and convenient and provided at the rate outlined in Section 4;
   f) Any changes to the building address neighbourhood character;
   g) The internal design provides clear “zones” for visitors only, owners only, and shared spaces;

4.7.3 Performance Outcomes and Acceptable Solutions

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>PBB1 The development operates in a safe and healthy manner;</td>
<td>ABB1 Comply with the NSW Local Government and Shires Associations Guidelines for Bed and Breakfast Operations, 1998;</td>
</tr>
<tr>
<td>PBB2 The development operates within the capacity of existing services and facilities or these are upgraded appropriately;</td>
<td>ABB3 Guest rooms are limited to 3 rooms (Clause 5.4 of the Young LEP 2010).</td>
</tr>
<tr>
<td>PBB3 The development is of modest scale.</td>
<td></td>
</tr>
</tbody>
</table>

4.7.4 Alternative approaches and design suggestions
Alternative codes of practice or design guidelines would be considered on merit.
Section 4.8. Use of Shipping Containers

4.8.1 General information

The use of shipping containers for any purpose requires development consent unless the shipping containers are fully located within a building as part of an approved use or are part of the operation of the transport depot or related approved activity.

*Note:* The use to which the shipping container is to be put must be permissible use within the relevant zone, and be related to the predominant use of the land.

4.8.2 Objectives

a) To ensure adequate amenity/streetscape protection when the installation of shipping and/or storage containers are approved,

b) To apply development controls through guidelines for the installation of containers,

c) To provide guidelines for the approval of shipping and/or storage containers.

4.8.3 Functional Statement

a) The use of the container relates directly to and is ancillary to the predominant approved use of the property.

b) Containers are only to be used in conjunction with an approved use or development on the land;

4.8.4 Performance Outcomes and Acceptable Solutions

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>PSC1 Permanent use of containers; Containers are not visually intrusive when viewed from a public place or adjoining property;</td>
<td>ASC1 Permanent use of containers; Containers are fully screened from a public place and any adjoining property; ASC1.1.1 Containers are not located within front or side setback distances (as provided for within the relevant zone); ASC1.1.2 Containers are limited to two containers per property; ASC1.2.1 Containers are free of major rust, are painted in a colour consistent with other development on the site; ASC1.2.2 Are installed and tied down to a concrete slab or foundations capable of supporting the combined weight of the container and contents; ASC1.2.3 Containers are placed on hard-stand such as compacted gravel or the like; ASC1.2.4 A means must be provided whereby persons within the container can exit the container, should it be closed from</td>
</tr>
<tr>
<td>PSC1.1</td>
<td></td>
</tr>
<tr>
<td>PSC1.2 Containers are in good condition and are installed in a structurally stable manner;</td>
<td></td>
</tr>
</tbody>
</table>

Draft Amendment 2 changes shown in red text
### Section 4.8 Use of Shipping Containers

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>PSC1.3 Containers are not located over services or utilities;</td>
<td>ASC1.4 Containers are not located over mains water or sewer lines, or over an easement;</td>
</tr>
<tr>
<td>PSC2 Temporary use of containers</td>
<td>ASC2 Temporary use of containers</td>
</tr>
<tr>
<td>PSC2.1 Containers are located so as to minimise visual impact;</td>
<td>ASC2.1.1 Containers are not located within front or side setback distances (as provided for within the relevant zone);</td>
</tr>
<tr>
<td>PSC2.2 Containers are used for temporary purposes for a time not exceeding six months;</td>
<td>ASC2.1.2 Containers are free of major rust, are painted in a colour consistent with other development on the site or surrounding lands;</td>
</tr>
<tr>
<td></td>
<td>ASC2.1.3 Containers are located so as to minimise visual intrusion to the public realm and adjoining property;</td>
</tr>
<tr>
<td></td>
<td>ASC2.1.4 No more than one container is used for temporary purposes;</td>
</tr>
<tr>
<td></td>
<td>ASC2.2.1 The temporary purpose is not to exceed six months;</td>
</tr>
</tbody>
</table>

#### 4.8.5 Alternative approaches and design suggestions

Alternatives would be considered on merit but must be consistent with the performance outcomes of this Section.
Section 4.9. Restricted Premises and Sex Services Premises
(Applies in the IN1 Zone)

4.9.1 Objectives
The objectives of this section of the DCP are:

a) To ensure restricted premises and sex service premises are appropriately located to
minimise offence to the community and mitigate any adverse social impacts;
b) To ensure that access to these premises is safe for patrons and staff;
c) To ensure that these premises are designed to minimise the impact and presence of
the development in the locality;
d) To ensure that these premises operate at times where they will have least impact on
the community and surrounding neighbourhood; and

Note: that Council may give consideration to a time-limited consent, in the circumstances
of the case, in particular where Council is of the opinion that a limited period of operation
is necessary to fully assess whether a sex service premises or restricted premises could
operate in a satisfactory manner. Within this period the applicant shall be entitled to seek
an amendment under Section 96.4.55(2) of the Environmental Planning and Assessment
Act 1979 to allow an extension to the operation of the brothel. Council may then decide to
either allow the sex services premises or restricted premises to operate for a further
period or decline to amend the period of operation, in which case the sex services
premises or restricted premises shall cease operation on the expiration of the consent.

4.9.2 Additional Information
The following additional information must accompany any development application for a
sex service premises or restricted premises:

4.9.3 Plan Information
a) A fully dimensioned Location Plan, drawn to scale, showing proximity and location to
nearby churches, schools, community facilities, hospitals, bus stops, parks and
recreation facilities used by children, such as amusement arcades, sporting fields etc
and distance from any residential zone or from properties used or partly used or
capable of being lawfully used for residential purposes (other than ancillary
dwellings); and
• Type of land uses carried out on adjacent and nearby properties; and
• The location of any other sex services premises or restricted premises in the
vicinity;
b) A Floor Plan and Elevation Plans of the building drawn to scale which indicates the
proposed use of each room and shows compliance with the Building Code of
Australia and the Disability Discrimination Act 1992; and
c) Entrances to and exits from the site; and
d) The exterior colour scheme of the proposed development; and
e) Details of the existing and proposed external lighting.

4.9.4 Performance Outcomes and Acceptable Solutions
<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PRP1</strong></td>
<td>Sex service premises or restricted premises are not located in such concentration (either alone or in combination with other sex-related businesses) as to result in the creation of a &quot;red light&quot; district;</td>
</tr>
<tr>
<td><strong>ARP1.1</strong></td>
<td>is not located within 100 metres access (pedestrian shed) of any other sex service premises or restricted premises;</td>
</tr>
<tr>
<td><strong>ARP1.2</strong></td>
<td>is not be located in or adjoining licensed premises, motels, boarding or guest houses;</td>
</tr>
<tr>
<td><strong>ARP1.3</strong></td>
<td>does not adjoin a residential flat, a residential flat building, an activity operated by a religious institution, a restaurant, a supermarket, a video shop, or amusement parlours and/or arcades;</td>
</tr>
<tr>
<td><strong>PRP2</strong></td>
<td>Access to or from a sex service premises or restricted premises is not near or within view from a church, hospital, bus stop, school or any place frequented by children for recreational or cultural activities;</td>
</tr>
<tr>
<td><strong>ARP2.1</strong></td>
<td>is not located within a 150 metre access (pedestrian shed) of existing dwellings and hospitals;</td>
</tr>
<tr>
<td><strong>ARP2.2</strong></td>
<td>is not located within a 200 metre access (pedestrian shed) from churches, schools, recreation areas and childcare centres;</td>
</tr>
<tr>
<td><strong>PRP3</strong></td>
<td>Patrons of sex service premises or restricted premises do not loiter outside the premises;</td>
</tr>
<tr>
<td><strong>ARP3</strong></td>
<td>provides outdoor lighting;</td>
</tr>
<tr>
<td><strong>PRP4</strong></td>
<td>Access to the premises is clearly illuminated in order to discourage loitering and to ensure the safety of patrons and staff;</td>
</tr>
<tr>
<td><strong>PRP5</strong></td>
<td>Sex service premises or restricted premises are designed to be compatible with the built form of adjacent premises;</td>
</tr>
<tr>
<td><strong>PRP6</strong></td>
<td>Disabled persons are able to comfortably access the development.</td>
</tr>
<tr>
<td><strong>ARP4</strong></td>
<td>provides access for disabled persons is provided to the development in accordance with the Disability Discrimination Act, 1992 and the Building Code of Australia.</td>
</tr>
</tbody>
</table>
Additionally, a sex service premises;

(i) is not in a “shop front” premises;
(ii) does not contain more than 4 separate rooms for the purposes of sex services;
(iii) is provided with a waiting room of at least 20 square metres in size;
(iv) The sex service premises is fitted with the necessary facilities and services for Class 6 buildings under the Building Code of Australia;
(v) has all windows are covered with blinds or curtains at all times;
(vi) complies with the Department of Local Government guidelines for sex services premises.

Note: these guidelines should be considered in the preparation of any development application. Council would condition any consent to be fully compliant with these guidelines.
Chapter 5. **Subdivision Development**

Section 5.1. **Subdivision in the Rural Zones RU1, RU4 and E3.**

5.1.1 **Objectives**

a) To ensure that access arrangements are appropriate for the type of rural subdivision;

5.1.2 **Functional Statement**

a) Lots are provided with appropriate services;

b) Constraint-free building envelopes are available;

b) The use of rights-of-carriageway is minimised.

5.1.3 **Performance Outcomes and Acceptable Solutions**

**Section 5.1 Subdivision in the Rural Zones RU1, RU4 and E3**

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>PSD1.1 All created allotments have legal and practical access including alternative emergency access as may be required by the development;</td>
<td>ASD1.1 Each allotment created has legal access to a public road or Crown Road (duly formed or upgraded for the purpose) either through direct frontage, a right-of-way arrangement, or by consolidation with an existing allotment that has such access;</td>
</tr>
</tbody>
</table>
| PSD1.2 Adequate physical access is available to a new allotment, being an allotment created for agricultural purposes or of sufficient size so as to have the right to apply for a dwelling; | ASD1.2.1 For lots created for agricultural purposes:

a) A right as to user is provided on the title to any allotment created for agricultural purposes (that does not have constructed physical access provided or already available at the time of creation) to require the construction of such access at such time as the allotment is no longer in the same ownership as a directly abutting allotment; and

b) Any such access is constructed prior to transfer of title, and consists of a recessed gate (sufficient that an articulated vehicle can stand clear of the road carriageway) OR a cattle grid TOGETHER WITH a piped crossing over the table drain constructed to Council’s Engineering Subdivision and Development guidelines; |
| ASD1.2.2 For lots created with the right to apply for a dwelling:

a) Access is provided to a non-classified road where possible, and in accordance with Council’s Engineering Subdivision and Development guidelines;

b) Where access to a classified road is necessary, this is provided in accordance with RTA standards for access to a rural dwelling;

c) Street numbering is provided in accordance with the rural addressing scheme;

d) Any electricity services are provided by way of overhead wiring;

e) Where land has been identified as former orchard or other potentially contaminate land use, a report from a suitably qualified consultant is submitted to Council demonstrating that the land is suitable for the intended use;

f) Separation distances are consistent with Section 2.1.5 Table 2.1. |
### Section 5.1 Subdivision in the Rural Zones RU1, RU4 and E3

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>ASD1.2.3</td>
<td>Standard of construction for roads built and roads fronted or other road network facilities are provided as part of the development application, such standards to incorporate:</td>
</tr>
<tr>
<td></td>
<td>• Minimum formed road width 8m;</td>
</tr>
<tr>
<td></td>
<td>• Minimum sealed carriageway width 7m;</td>
</tr>
<tr>
<td></td>
<td>Subdivisions exceeding 25 lots shall: have their main subdivision service road connect to the existing road network in at least two (2) locations.</td>
</tr>
</tbody>
</table>

#### 5.1.4 Design Suggestions and Variations

Good design practice minimises the use of “right-of-carriageway”. Should a right of carriageway be employed, the following provisions apply.

*Note: Rights-of-carriageway are strips of land over which one or more parcels of land enjoy certain right of access. Right-of-Carriageways are private agreements between individual owners of the parcels of land involved and Council does not have any responsibilities nor rights with regards to them. Council will require the approval of all owners of land over which a Right-of-Carriageway is proposed prior to a Development Application for subdivision being lodged. Construction and maintenance of a Right-of-Carriageway and associated access to the public road carriageway is not the responsibility of Council but is the full responsibility of the relevant landholders.*

#### 5.1.4.1 “Right-of-Carriageway” Requirements

Any right of carriageway would service, at most, 2 allotments. It would be conditioned so as to require that access is maintained to a good trafficable standard suitable for two-wheel drive vehicles, and a notation is placed on the title of every benefitting lot such that maintenance of the right-of-carriageway is required, to the standard specified, with the cost being borne proportionally by each owner based on the distance of the access point of their allotment to the public road.
Section 5.2. Subdivision in the General Residential Zone (R1) and Village Zone (RU5)

5.2.1 Objectives
a) To ensure that land is developed in a manner that is appropriate to the existing or preferred character of the area;
b) To ensure that land is developed in a way that will minimise impacts on the natural environment and will allow for the efficient and equitable distribution of public amenities and services.

5.2.2 Functional Statement
a) Minimise the length of roadway and public services required to service the subdivision, while complying with the other performance outcomes of this section;
b) Ensure that a diverse range of lot sizes are available including allotments with potential for dual occupancy or multi-unit housing;
c) To ensure that lots are of a sufficient size and shape for the proposed and expected use.
d) Adequate safe area for building and access where the site is subject to constraints such as flooding, subsidence, slip, bush fire or any other risk.
e) Layouts which conserve any significant site features in environmentally sensitive areas
f) Layouts which contribute to the scenic quality, landscape and character of the locality
g) Required building setbacks from front, side and rear boundaries;
h) To ensure allotments are serviced with public utilities in accordance with the requirements of the various authorities;
i) To ensure that layouts consider Crime Prevention through Environmental Design (CPTED) principles;

5.2.3 Performance Outcomes and Acceptable Solutions

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>To ensure that subdivision layouts:</td>
<td>Subdivision layouts:</td>
</tr>
<tr>
<td>PSD2.1 All intersections shall be designed for safe traffic management;</td>
<td>ASD2.1 Avoid four-way intersections, and provide a minimum spacing between intersections of 40m (may be 20m for minor access roads and cul de sacs);</td>
</tr>
<tr>
<td>PSD2.2 Minimise the use of cul-de-sacs, and where these are provided provide adequate minimum frontages to facilitate reasonable access and dwelling construction;</td>
<td>ASD2.2 Avoid cul-de-sacs if possible;</td>
</tr>
</tbody>
</table>
| PSD2.3 Provide road widths that are consistent with the character of the Young Township or the village concerned, within a logical hierarchy of roads; | ASD2.3.1 Provide minimum road carriageway widths as follows:  
- Cul-de-sac or minor access road (up to 15 dwellings) – 9m  
- Local Street (15-100 dwellings) – 11m  
- Collector (above 100-300 dwellings) – 12m;  |
| | ASD2.3.2 Provide verges to each side of road |
# Section 5.2 Subdivision in the General Residential Zone (R1) and Village Zone (RU5)

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PSD2.4</strong> Minimise allotments; the use of battle-axe</td>
<td></td>
</tr>
<tr>
<td><strong>PSD2.5</strong> Avoid long dead-end streets, so as to optimise access by service and emergency vehicles;</td>
<td></td>
</tr>
<tr>
<td><strong>PSD2.6</strong> Respond to natural features of the site, including grades, watercourses, aspect and soil types;</td>
<td></td>
</tr>
<tr>
<td><strong>ASD2.3.3</strong> Road Construction:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• All roads created as a part of the subdivision are sealed and provided with kerb and guttering, and are designed and constructed in accordance with Council’s Engineering Guidelines for Subdivision and Development.</td>
</tr>
<tr>
<td></td>
<td>• All existing street shoulders adjacent to the subdivision are sealed and provided with kerb and guttering</td>
</tr>
<tr>
<td></td>
<td>• All roads created as a part of the subdivision are dedicated to Council to become public roads.</td>
</tr>
<tr>
<td></td>
<td>• Any street and advisory signs that are required are manufactured, located and erected in accordance with Council’s Engineering Guidelines for Subdivision and Development.</td>
</tr>
<tr>
<td><strong>ASD2.4</strong> Have no more than 5% battle-axe allotments;</td>
<td></td>
</tr>
<tr>
<td><strong>ASD2.5.1</strong> Have cul-de-sacs accessing no more than 15 dwellings;</td>
<td></td>
</tr>
<tr>
<td><strong>ASD2.5.2</strong> Provide, where feasible, two access points for subdivisions of over 30 allotments (compulsory for subdivisions of over 200 allotments);</td>
<td></td>
</tr>
<tr>
<td><strong>ASD2.6.1</strong> Orientate at least 70% of allotments north-south or east-west;</td>
<td></td>
</tr>
<tr>
<td><strong>ASD2.6.2</strong> Provide larger allotments on south-facing slopes;</td>
<td></td>
</tr>
<tr>
<td><strong>ASD2.6.3</strong> Provide a minimum lot width of 20m where cross-grades of allotments exceed 10%, or where lots are east-west;</td>
<td></td>
</tr>
<tr>
<td><strong>ASD2.6.4</strong> Where terracing of cross-grade lots is required to provide level building</td>
<td></td>
</tr>
</tbody>
</table>
### Section 5.2 Subdivision in the General Residential Zone (R1) and Village Zone (RU5)

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>PSD2.7 Provide, where necessary, public open space of usable size, grades and shape, conveniently located to serve the residents of the subdivision OR alternatively contribute to the upgrading of public open space in the vicinity and/or access to that space in accordance with any contributions plan that may be in force;</td>
<td>envelopes, such terracing is provided by the developer, with the engineering design of retaining walls certified by an experienced practicing structural engineer and the geotechnical stability of sites is certified by a qualified and experienced geotechnical engineer;</td>
</tr>
<tr>
<td>PSD2.8 Locate building envelopes so that there is an equitable distribution of views;</td>
<td>ASD2.7.1 Maintain natural watercourses and incorporate within open space areas;</td>
</tr>
<tr>
<td>To ensure that Site Design (undeveloped allotments) provides for;</td>
<td>ASD2.7.2 Provide 10% of land as public open space for subdivisions of 30 allotments or more, or, alternatively contribute an equivalent amount (costed at residential land value) for open space purchase and/or embellishment and/or access to open space in the vicinity;</td>
</tr>
<tr>
<td>PSD2.9.1 An energy efficient dwelling house and any ancillary buildings and facilities</td>
<td>ASD2.8.1 Arrange layout so as to maximise access to existing views for both existing and proposed allotments;</td>
</tr>
<tr>
<td>PSD2.9.2 Outdoor landscaping and recreation space</td>
<td>Site Design</td>
</tr>
<tr>
<td>PSD2.9.3 Outdoor service space</td>
<td>PSD2.9.1 An average lot size of 700m2 and a minimum lot size of 650m2 is achieved or exceeded;</td>
</tr>
<tr>
<td>PSD2.9.4 Onsite car parking</td>
<td>PSD2.9.2 All allotments can accommodate a building envelope of 16m x 9m; such building envelope to be no closer than 1m to any side or rear boundary, or 6m to the front boundary, and located so that an 8m high dwelling on the envelope would not overshadow an existing dwelling so as to overshadow more than 50% of their private open space or north-facing roof between 9am and 3pm on 21st June;</td>
</tr>
<tr>
<td>PSD2.9.5 Buffering allowance from sensitive or offensive uses</td>
<td>Note: Building envelopes need not be implemented by way of an 88B instrument, however if the developer chooses to do so, such restriction will be endorsed by Council;</td>
</tr>
<tr>
<td>ASD2.9.3 At least 70% of allotments are oriented within 15 degrees of north-south or east-west, with the majority of allotments being oriented north-</td>
<td></td>
</tr>
</tbody>
</table>
### Section 5.2 Subdivision in the General Residential Zone (R1) and Village Zone (RU5)

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PSD2.10</strong> Vehicular access is provided to and from the site</td>
<td>south; ASD2.9.4 All allotments have a minimum width of 18m at a point 6m back from the front boundary except east-west orientated lots (i.e. within 15 degrees of east-west) which have a minimum width of 20m at that same point; ASD2.10 Where battle-axe allotments are provided, no more than two such allotments may be serviced by a shared driveway; ASD2.11 Servicing PSD2.11 Site servicing, including any easements that may be required, and disposal of sewage and waste water ASD2.11.1 Power is provided in the form of underground services, in accordance with Country Energy Requirements; ASD2.11.2 Street lighting is provided in accordance with the requirements of Country Energy; ASD2.11.3 A layback is provided to each allotment created, consistent with the parking and access chapter of this DCP OR roll-over kerb is provided. ASD2.11.4 All allotments created are provided with a sewer connection, the connection to which is designed and constructed in accordance with Council’s Engineering Guidelines for Subdivision and Development OR where sewer is not available, are able to satisfy the requirements of Council’s On Site Management Plan for waste water disposal. ASD2.11.5 All allotments created are provided with a connection point to Council’s water mains, the connection to which is designed and constructed in accordance with Council’s Engineering Guidelines for Subdivision and Development. ASD2.11.6 All allotments created are drained directly to the street drainage system or to receiving waters OR are drained to the street system or receiving</td>
</tr>
</tbody>
</table>
### Section 5.2 Subdivision in the General Residential Zone (R1) and Village Zone (RU5)

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>waters via an inter-allotment drainage system constructed in accordance with Council’s Engineering Guidelines for Subdivision and Development. Note: inter-allotment drainage would be required for all allotments with a cross-fall where any portion of the allotment drains through an adjoining allotment, or where the allotment drains away from the street;</td>
</tr>
<tr>
<td>ASD2.11.7</td>
<td>Written confirmation is provided by a telecommunications carrier stating that facilities are available to each allotment or that otherwise suitable arrangements have been made.</td>
</tr>
<tr>
<td>ASD2.11.8</td>
<td>Written confirmation is provided by the natural gas company stating that facilities are available to each allotment or that otherwise suitable arrangements have been made.</td>
</tr>
<tr>
<td>ASD2.11.9</td>
<td>Easements are provided wherever necessary to permit unrestricted access for sewerage, water and drainage purposes. Note: easement widths provide at least 1m clear access either side of the facility protected by the easement.</td>
</tr>
<tr>
<td>ASD2.11.10</td>
<td>Development contributes, if required, headworks and/or development servicing plan charges. Note: Contact should be made with Council’s Utilities Services Division to determine these charges, which are payable prior to the release of any Construction Certificate.</td>
</tr>
</tbody>
</table>

#### 5.2.4 Design Suggestions and Variations

If cul-de-sacs are included within the development, these need to be as short as practicable and needed to provide turning facilities to cater for a 12.5 m truck. These turning facilities can include a "bulb" cul-de-sac head, of the size so as to permit the design vehicle to turn without backing while still leaving kerbside space for parked cars or may also include a “Y” or “T” head facility designed to cater for the design vehicle. Note: Care and attention to property access is required if “Y” or “T” facilities are to be used.
**Section 5.3. Subdivision in the Large Lot Residential Zone (R5)**

### 5.3.1 Objectives

a) To ensure that large lot residential allotments function effectively for residential lifestyle purposes, and are developed in a way that provides for future re-subdivision;

### 5.3.2 Performance Outcomes and Acceptable Solutions

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PSD3.1</strong> To provide for lifestyle allotments that are capable, should future demand require, of being efficiently re-subdivided into standard residential allotments;</td>
<td><strong>Subdivision Layout</strong></td>
</tr>
<tr>
<td><strong>ASD3.1.1</strong> Has at least one connection point to an existing public road;</td>
<td></td>
</tr>
<tr>
<td><strong>ASD3.1.2</strong> Provides for future road connectivity to adjoining development sites;</td>
<td></td>
</tr>
<tr>
<td><strong>ASD3.1.3</strong> Provides a connection point or potential future connection point to all public roads adjoining the development site;</td>
<td></td>
</tr>
<tr>
<td><strong>ASD3.2.1</strong> Provides road reserves of at least 19m in width, and road carriageways of at least 8m in width;</td>
<td></td>
</tr>
<tr>
<td>**Site Design:**<strong>PSD3.2</strong> To ensure that roads are constructed to a standard that is durable and suitable for the proposed development, and which are capable of being upgraded to serve standard residential allotments.</td>
<td><strong>Site Design:</strong></td>
</tr>
<tr>
<td><strong>ASD3.1.4</strong> Allotments have a minimum frontage and width of 90 m;</td>
<td></td>
</tr>
<tr>
<td><strong>ASD3.1.5</strong> A MasterPlan overlay is provided demonstrating re-subdivision is feasible in accordance with the requirements for the R1 zone, and which</td>
<td></td>
</tr>
<tr>
<td>• identifies (and protects by a restriction as to user) a potential future road corridor that would permit the resubdivision of the allotment at a future time for standard residential purposes;</td>
<td></td>
</tr>
<tr>
<td>• identifies building envelopes that would permit the resubdivision of the allotment at a future time for standard residential purposes, including a nominated building envelope for the initial dwelling;</td>
<td></td>
</tr>
<tr>
<td>• provide side setbacks that are consistent with the future</td>
<td></td>
</tr>
</tbody>
</table>
### Section 5.3 Subdivision in the Large Lot Residential Zone (R5)

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PSD3.2</strong> To ensure that roads are constructed to a standard that is durable and suitable for the proposed development, and which are capable of being upgraded to serve standard residential allotments.</td>
<td>Resubdivision of the allotment for standard residential purposes.</td>
</tr>
<tr>
<td><strong>ASD3.2.2</strong> Road Construction:</td>
<td></td>
</tr>
<tr>
<td>- All roads created as a part of the subdivision are sealed and are designed and constructed in accordance with Council's Engineering Guidelines for Subdivision and Development.</td>
<td></td>
</tr>
<tr>
<td>- Carriageway edges are stabilised using a concrete boundary strip, dish drain or rollover kerb;</td>
<td></td>
</tr>
<tr>
<td>- Drainage swales to roadways (where required) are provided with a low flow pipe to Council's Engineering Department’s specifications and are graded so as to permit mowing with a gang mower, or similar;</td>
<td></td>
</tr>
<tr>
<td>- All roads created as a part of the subdivision are dedicated to Council to become public roads.</td>
<td></td>
</tr>
<tr>
<td>- Any street and advisory signs that are required are manufactured, located and erected in accordance with Council’s Engineering Guidelines for Subdivision and Development.</td>
<td></td>
</tr>
<tr>
<td><strong>Servicing:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>ASD3.1</strong> To provide for lifestyle allotments that are capable, should future demand require, of being efficiently re-subdivided into standard residential allotments;</td>
<td></td>
</tr>
<tr>
<td><strong>ASD3.1.6</strong> Power is provided in the form of underground services, in accordance with relevant electricity authority requirements.</td>
<td></td>
</tr>
<tr>
<td><strong>ASD3.1.7</strong> Allotments created are provided with reticulated water a sewer connection, the connection to which is designed and constructed in accordance with Council’s Engineering Guidelines for Subdivision and Development;</td>
<td></td>
</tr>
<tr>
<td><strong>ASD3.1.8</strong> All allotments created are provided with a connection point to Council’s water mains, the connection to which is designed and constructed in accordance with Council’s Engineering Guidelines for Subdivision and Development.</td>
<td></td>
</tr>
<tr>
<td><strong>Servicing cont</strong></td>
<td></td>
</tr>
<tr>
<td><strong>ASD3.1.9</strong> Written confirmation is provided by a</td>
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</tbody>
</table>
### Section 5.3 Subdivision in the Large Lot Residential Zone (R5)

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>telecommunications carrier stating that facilities are available to each allotment or that otherwise suitable arrangements have been made.</td>
</tr>
<tr>
<td><strong>ASD 3.1.10</strong></td>
<td>Easements are provided wherever necessary to permit unrestricted access for sewerage, water and drainage purposes. <em>Note: easement widths are a minimum of 4m wide and provide at least 1m clear access either side of the facility protected by the easement.</em></td>
</tr>
<tr>
<td><strong>ASD 3.1.11</strong></td>
<td>Development contributes, if required, headworks and/or development servicing plan charges. <em>Note: Contact should be made with Council’s Utilities Services Division to determine these charges, which are payable prior to the release of any Construction Certificate.</em></td>
</tr>
</tbody>
</table>

### 5.3.3 Design Suggestions and Variations
Alternative approaches will be considered on merit.
Section 5.4. **Industrial Subdivision**

5.4.1 Objectives

   a) To ensure that industrial allotments function effectively for industrial purposes.

5.4.2 Performance Outcomes and Acceptable Solutions

<table>
<thead>
<tr>
<th>Performance Outcomes</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>PSD4.1</td>
<td>ASD4.1</td>
</tr>
<tr>
<td>To achieve width/depth ratios for new industrial allotments that respond to typical industrial building forms and which ensure heavy vehicles can adequately manoeuvre on site;</td>
<td>Industrial allotments:</td>
</tr>
<tr>
<td></td>
<td>• Have a minimum frontage and square width of 24 m, and a minimum area of 2000 m².</td>
</tr>
<tr>
<td></td>
<td>• Are of regular size and shape with a depth to width ratio not exceeding 3:1.</td>
</tr>
<tr>
<td></td>
<td>• Are serviced by underground electricity, water, sewer and telecommunications in accordance with the relevant authorities' requirements.</td>
</tr>
<tr>
<td>PSD4.2</td>
<td>ASD4.2</td>
</tr>
<tr>
<td>To ensure that roads are constructed to a standard that is durable and suitable for the proposed use.</td>
<td>Roadways created to serve an industrial subdivision:</td>
</tr>
<tr>
<td>Servicing: PSD4.3</td>
<td>ASD4.3.1</td>
</tr>
<tr>
<td></td>
<td>• Water, sewer and power are provided, in accordance with the relevant authorities requirements and in accordance with Council’s Engineering Subdivision and Development Guidelines; <strong>Note:</strong> Underground power is required for these developments.</td>
</tr>
<tr>
<td></td>
<td>• Development contributes, if required, headworks and/or development servicing plan charges. Note: Contact should be made with Council’s Utilities Services Division to determine these charges, which are payable prior to the release of any Construction Certificate.</td>
</tr>
</tbody>
</table>

5.4.3 Design Suggestions and Variations

Alternative approaches will be considered on merit.
Chapter 6. CODES OF PRACTICE

Young Shire Hilltops Council endorses the following Codes of Practice and reference documents.

(Note: This Chapter is advisory and not part of the formal DCP)

The following list contains details on how to obtain a copy of documents referred to in the text:

- The Young Local Environmental Plan 2010 (LEP) can be freely accessed through Young Council’s website and the NSW Government Legislation website (www.law.nsw.gov.au).

- The following Acts (and any other NSW Acts) can be freely accessed through the NSW Government Legislation website (www.law.nsw.gov.au) and other websites:
  - Environmental Planning and Assessment Act 1979 (and Regulations)
  - Protection of the Environment Operations Act 1997
  - Local Government Act, 1993
  - Roads Act, 1993
  - Strata Schemes (Leasehold Development) Act 1986
  - Strata Schemes (Freehold Development) Act 1973
  - Community Land Development Act, 1989
  - National Parks and Wildlife Act, 1974
  - Heritage Act 1977

- The following Act (and any other Federal Acts) can be freely accessed through the Commonwealth of Australia Law website (www.comlaw.gov.au) and other websites:
  - Disability Discrimination Act 1992

- All State Environmental Planning Policies (SEPPs) can be freely accessed through the NSW Department of Planning website (www.planning.nsw.gov.au), including the following SEPPs mentioned in the DCP:
  - Exempt and Complying Development Codes SEPP 2008
  - Infrastructure SEPP 2007
  - Housing for Seniors or People with a Disability SEPP 2004
  - Remediation of Land (SEPP No. 55)

- The Building Code of Australia (BCA) is only available through paying the appropriate fee. It is recommended that those wishing to check certain BCA requirements in regards to a proposed development contact Council or their building/planning professional.


- “Planning for Bushfire Protection” and other useful documents can be freely accessed on the NSW Rural Fire Service website (www.rfs.nsw.gov.au).


- Information regarding Council’s Engineering Guidelines for Subdivision and Development and other Engineering standards and requirements are available from Council’s Engineering Department.
• Guidelines and Policies regarding noise and the *NSW Industrial Noise Policy* can be found at the NSW Department of Environment, Climate Change and Water website ([www.environment.nsw.gov.au/noise](http://www.environment.nsw.gov.au/noise)).

• All forms to do with making a development application can be obtained from Council or Council’s website.

• The document *Design in Context: Guidelines for Infill Development in the Historic Environment* can be accessed through the Department of Planning website ([www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)).

• If further details of Council’s Notification policy are required, then this document can be accessed on the Council website or at the counter.

• Specifications issued by the Director General of the NSW Department Planning for the formation of an Environmental Impact Statement (EIS) can be accessed through the NSW Department of Planning website ([www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)).

• Council’s current schedule of fees and charges can be found in the Management Plan which is available from the Council website or by contacting Council.

• Details of Australian Standards can be found online, however, Council, building professionals and suppliers can help with specific questions relating to these standards.

• NSW Department of Health guidelines and other Information can be found at the website ([www.health.nsw.gov.au](http://www.health.nsw.gov.au)).

• Details of the different aspects of the 7 part test can be found in section 5A-1.7 of the *Environmental Planning and Assessment Act 1979*, and access to this Act is available as stated above.

• Information requests regarding the RTA Guide to Traffic Generating Development and other standards or requirements should be directed through Council.

• Information relating to the Environmental Protection Authority and licensing can be accessed through the website as listed above. Although the EPA is now a part of the Department of Environment Climate Change and Water, certain statutory functions and powers continue to be exercised in the name of the EPA.

• Details relating to Country Energy requirements can be found on the Country Energy website ([www.countryenergy.com.au](http://www.countryenergy.com.au)).

• Details relating to Jemina (Gas) requirements can be found on the Jemina website. ([www.jemina.com.au](http://www.jemina.com.au)).

• Details relating to telecommunications requirements can be found by contacting the Subdivisions section of Telstra. ([www.telstra.com.au/smartcommunity/](http://www.telstra.com.au/smartcommunity/))

• Details relating to Australia Post requirements can be found on the Australia Post website ([www.auspost.com.au](http://www.auspost.com.au)).


• The Code of Practice for Bed and Breakfast establishments is the *NSW Local Government and Shires Associations Guidelines for Bed and Breakfast Operations, 1998*;
Chapter 7. **APPENDICES**  
*(Note: This Chapter is advisory and not part of the formal DCP)*

**Appendix A – Applicable State Environmental Planning Policies Applying to Young Shire**

<table>
<thead>
<tr>
<th>SEPP No.</th>
<th>Title</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Development without Consent and Miscellaneous Complying Development</td>
<td>This policy allows relatively simple or minor changes of land or building use and certain types of development without the need for formal development applications. The types of development covered in the policy are outlined in the policy.</td>
</tr>
<tr>
<td>6</td>
<td>Number of Storey’s in a Building</td>
<td>Sets out a method for determining the number of storeys in a building, to prevent possible confusion arising from the interpretation of various environmental planning instruments.</td>
</tr>
<tr>
<td>15</td>
<td>Rural Land sharing Communities</td>
<td>Makes multiple occupancy development permissible with council consent in rural and non-urban zones subject to a list of criteria in clause 9(1) of the policy.</td>
</tr>
<tr>
<td>21</td>
<td>Caravan Parks</td>
<td>Ensures that where caravan parks are permitted under an environmental planning instrument that movable dwellings, as defined in the Local Government Act 1993, are also permitted.</td>
</tr>
<tr>
<td>22</td>
<td>Shops and Commercial Premises</td>
<td>Permits within a business zone, a change of use from one kind of shop to another or one kind of commercial premises to another, even if the change of use is prohibited under an environmental planning instrument. Development consent must be obtained and the consent authority satisfied that the change of use will have no, or only minor, environmental effect.</td>
</tr>
<tr>
<td>30</td>
<td>Intensive Agriculture</td>
<td>Requires development consent for cattle feedlots having a capacity of 50 or more cattle or piggeries having a capacity of 200 or more pigs. The policy sets out information and public notification requirements to ensure there are effective planning control over this export-driven rural industry. The policy does not alter if, and where, such development is permitted, or the functions of the consent authority.</td>
</tr>
<tr>
<td>SEPP No.</td>
<td>Title</td>
<td>Comments</td>
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<td>---------</td>
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<tr>
<td>32</td>
<td>Urban Consolidation (Redevelopment of Urban Land)</td>
<td>States the Government's intention to ensure that urban consolidation objectives are met in all urban areas throughout the State. The policy focuses on the redevelopment of urban land that is no longer required for the purpose it is currently zoned or used, and encourages local councils to pursue their own urban consolidation strategies to help implement the aims and objectives of the policy. Councils will continue to be responsible for the majority of rezonings. The policy sets out guidelines for the Minister to follow when considering whether to initiate a regional environmental plan (REP) to make particular sites available for consolidated urban redevelopment. Where a site is rezoned by an REP, the Minister will be the consent authority.</td>
</tr>
<tr>
<td>33</td>
<td>Hazardous and Offensive Development</td>
<td>Provides new definitions for 'hazardous industry', 'hazardous storage establishment', 'offensive industry' and 'offensive storage establishment'. The definitions apply to all planning instruments, existing and future. The new definitions enable decisions to approve or refuse a development to be based on the merit of proposal. The consent authority must carefully consider the specifics of the case, the location and the way in which the proposed activity is to be carried out.</td>
</tr>
<tr>
<td>36</td>
<td>Manufactured Home Estates</td>
<td>Helps establish well-designed and properly serviced manufactured home estates (MHEs) in suitable locations. Affordability and security of tenure for residents are important aspects. The policy applies to Gosford, Wyong and all local government areas outside the Sydney Region. To enable the immediate development of estates, the policy allows MHEs to be located on certain land where caravan parks are permitted. There are however, criteria that a proposal must satisfy before the local council can approved development. The policy also permits, with consent, the subdivision of estates either by community title or by leases of up to 20 years. A section 117.9.1 direction issued in conjunction with the policy guides councils in preparing local environmental plans for MHEs, enabling them to be excluded from the policy.</td>
</tr>
<tr>
<td>SEPP No.</td>
<td>Title</td>
<td>Comments</td>
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<td>---------</td>
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<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
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<tr>
<td>55</td>
<td>Remediation of Land</td>
<td>Introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. To assist councils and developers, the Department, in conjunction with the Environment Protection Authority, has prepared Managing Land Contamination: Planning Guidelines.</td>
</tr>
<tr>
<td>62</td>
<td>Sustainable Aquaculture</td>
<td>Encourages the sustainable expansion of the industry in NSW. The policy implements the regional strategies already developed by creating a simple approach to identity and categorise aquaculture development on the basis of its potential environmental impact. The SEPP also identifies aquaculture development as a designated development only where there are potential environmental risks.</td>
</tr>
<tr>
<td>64</td>
<td>Advertising and Signage</td>
<td>Aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish. The SEPP was amended in August 2007 to permit and regulate outdoor advertising in transport corridors (e.g. freeways, tollways and rail corridors). The amended SEPP also aims to ensure that public benefits may be derived from advertising along and adjacent to transport corridors. Transport Corridor Outdoor Advertising and Signage Guidelines (DOP July 2007) provides information on design criteria, road safety and public benefit requirements for SEPP 64 development applications.</td>
</tr>
<tr>
<td>65</td>
<td>Design Quality of Residential Flat Development</td>
<td>Raises the design quality of residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development. The accompanying regulation requires the involvement of a qualified designer throughout the design, approval and construction stages.</td>
</tr>
<tr>
<td>SEPP No.</td>
<td>Title</td>
<td>Comments</td>
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</tr>
<tr>
<td></td>
<td>SEPP (Housing for Seniors or People with a Disability) 2004</td>
<td>Encourages the development of high quality accommodation for our ageing population and for people who have disabilities - housing that is in keeping with the local neighbourhood. Note the name of this policy was changed from SEPP (Seniors Living) 2004 to SEPP (Housing for Seniors or People with a Disability) 2004 effective 12.10.07.</td>
</tr>
<tr>
<td></td>
<td>SEPP (Building Sustainability Index: Basix) 2004</td>
<td>This SEPP operates in conjunction with Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in NSW. The SEPP ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans, and specifying that SEPP 1 does not apply in relation to any development standard arising under BASIX. The draft SEPP was exhibited together with draft Regulation amendment in 2004.</td>
</tr>
<tr>
<td></td>
<td>SEPP (Major Projects) 2005</td>
<td>Defines certain developments that are major projects to be assessed under Part 3A of the Environmental Planning and Assessment Act 1979 and determined by the Minister for Planning. It also provides planning provisions for State significant sites. In addition, the SEPP identifies the council consent authority functions that may be carried out by joint regional planning panels (JRPPs) and classes of regional development to be determined by JRPPs. Note: This SEPP was formerly known as State Environmental Planning Policy (Major Projects) 2005.</td>
</tr>
<tr>
<td></td>
<td>SEPP (Mining Petroleum Production and Extractive Industries) 2007</td>
<td>This Policy aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State. The Policy establish appropriate planning controls to encourage ecologically sustainable development.</td>
</tr>
<tr>
<td></td>
<td>SEPP (Temporary structures and Places of Public Entertainment) 2007</td>
<td>Provides for the erection of temporary structures and the use of places of public entertainment while protecting public safety and local amenity. Note the name of this policy was changed from SEPP (Temporary Structures and Places of Public Entertainment) 2007 to SEPP (Temporary Structures) 2007 effective 26.10.09.</td>
</tr>
<tr>
<td>SEPP No.</td>
<td>Title</td>
<td>Comments</td>
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</tr>
<tr>
<td></td>
<td>SEPP (Infrastructure) 2007</td>
<td>Provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency.</td>
</tr>
<tr>
<td></td>
<td>SEPP (Rural Lands) 2008</td>
<td>The aim of this policy is to facilitate the orderly and economic use and development of rural lands for rural and related purposes. The policy applies to local government areas that are not listed in clause 4.</td>
</tr>
<tr>
<td></td>
<td>SEPP (Exempt and Complying Codes) 2008</td>
<td>Streamlines assessment processes for development that complies with specified development standards. The policy provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Environmental Planning and Assessment Act 1979.</td>
</tr>
</tbody>
</table>
**Appendix B – Example of a Preliminary Proposal**

**Young Shire Hilltops Council Preliminary Proposal**

### APPLICANT

<table>
<thead>
<tr>
<th>Name:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Postal Address:</td>
<td></td>
</tr>
<tr>
<td>Phone:</td>
<td>Fax:</td>
</tr>
<tr>
<td>Reference:</td>
<td>Instructions (Post/Collect):</td>
</tr>
</tbody>
</table>

### DESCRIPTION OF THE PROPERTY

<table>
<thead>
<tr>
<th>House No:</th>
<th>Street:</th>
<th>Locality:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot(s) No:</td>
<td>DP/SP No:</td>
<td></td>
</tr>
<tr>
<td>Portion No:</td>
<td>Parish:</td>
<td></td>
</tr>
<tr>
<td>Section:</td>
<td>County:</td>
<td>Area of Land:</td>
</tr>
<tr>
<td>Additional Property Details</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nature of Property (Vacant Land, House, Flats etc):</td>
<td></td>
<td></td>
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</tbody>
</table>

### OUTLINE OF PROPOSAL

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SKETCH PLAN OF PROPOSAL

Please attach additional pages as necessary
Appendix C – Statements of Environmental Effects (SEE)

7.1.1 SEE Guidelines

What is a Statement of Environmental Effects?

A Statement of Environmental Effects (SEE) is a report which explains the likely impacts of the proposal and how you will minimise these impacts. The statement includes written information about your proposal that cannot be readily shown on your plans and drawings. An SEE must be lodged with every development application (DA).

What does it include?

Your Statement of Environmental Effects should address all issues that are applicable to your proposal. In particular a statement of environmental effects must indicate the following matters:

1. The environmental impacts of the development
2. How the environmental impacts of the development have been identified.
3. The steps to be taken to protect the environment or to lessen the expected harm to the environment.

The following is a general guide to the issues relevant to different types of development proposal. However, we recommend that you check with us for any requirements that specifically relate to your proposal or the site.

Council Officers are available to attend a pre-DA lodgement meeting to discuss your proposal.

A. Site and Context Suitability

A Site and Context Analysis must be lodged for all DAs, to show that the site is suitable for the proposed development. Relevant considerations include:

- provision of plans or details of the site, including its location, size, dimensions, existing buildings/structures used, details of other non-related structures on the property, location of watercourses, details any trees or other significant vegetation on-site (including those to be removed), general description of site topography
- site constraints such as slope, flooding, geotechnical and ground water issues (provide a hydrological and geotechnical report by a qualified engineer where the proposal involves excavation exceeding 1 metre)
- whether the site is affected by bushfire hazard
- proximity to transport services, shops, community and recreational facilities
- compatibility with adjoining development, including details of adjoining and adjacent land uses, distance to closest house/s not on the property, location of water courses, etc
- compatibility with land zoning
B. Present and previous uses

Provide the following details:

- present use of the site
- date the present use commenced
- previous uses of the site
- uses of adjoining land
- whether the present or any previous use of the site is a potentially contaminating activity (e.g. workshop, service station, land filling, lead paint removal, termite treatment)
- a statement as to whether or not you are aware that the site is contaminated land
- whether there has been any testing or assessment of the site for land contamination

C. Development Standards

Show how your proposal complies with the relevant statutory development standards which are contained in the Young Local Environmental Plan 2010, or the Acceptable Solutions of the Young DCP 2011 (this DCP). Copies of the Young LEP and maps can be accessed www.legislation.nsw.gov.au.

If a proposal does not comply with a relevant development standard in the Young LEP 2010, Council may consider a variation to the standard. An objection to a development standard can only be made in writing under State Environmental Planning Policy 1 (SEPP 1).

In addition there are a number of controls contained in this Development Control Plan which can be accessed at Council’s website at www.young.nsw.gov.au.

Acceptable Solutions mentioned in the DCP are minimum requirements that Council considers are likely to meet the intent/objectives and performance criteria of the particular design elements.

The onus rests with the applicant, in respect of an application which does not comply with an acceptable solution to clearly demonstrate:

1. Understanding of the purpose/intent of the control and
2. How the proposal will satisfy the purpose/intent and performance criteria of the Control.

You should submit with your Statement a table listing all of the relevant development controls and how your proposal complies (or doesn’t comply if that is the case) with the controls.
D. Design Guidelines

Show how your proposal satisfies our relevant site planning and design guidelines. Relevant considerations include:

- streetscape
- topography
- local context and building character, including massing, roof design, verandahs, balconies, windows, materials and decorative detailing
- setbacks
- building envelope
- fences

Our design guidelines are contained within the various Development Control Plans detailed above. Make sure you find out which design guidelines apply to your development or site.

E. Operation and Management

Describe how the premises will operate:

- type of business
- number of staff
- expected number of customers or clients
- hours and days of operation
- plant, machinery, production processes
- type and quantity of goods handled, raw materials, finished products, waste products
- arrangements for transport, loading and unloading of goods (give details frequency of truck movements and size of vehicles)
- hazardous materials and processes
- noise control
- complaints management

Council may require a detailed Plan of Management for proposals which may adversely impact on residential amenity. A Plan of Management may therefore be required for proposals such as entertainment facilities, boarding houses, backpacker accommodation and taxi depots. A Plan of Management must show how your activity will be managed to minimize adverse amenity impacts.

F. Access and Traffic

If your proposal is likely to generate significant amounts of traffic you must submit a traffic impact assessment report prepared by a qualified transport consultant. If your proposal is not a significant traffic generator you will still need to show that there is adequate provision for access, including:

- vehicle access to a public road (indicate grade)
- number and type of vehicle movements expected, e.g. 4 x passenger vehicle movements per day (staff), 2 x passenger vehicle movements per day (customers), 1 x semitrailer movement per month (incoming product), 1 x small rigid truck movement per week (outgoing product), etc.
parking calculations
resident, staff, customer, client and visitor parking arrangements, including number and location
existing public transport services
proposed traffic management measures to resolve any conflicts between vehicles, pedestrians and cyclists
pedestrian amenity (paving, seats, weather protection, security lighting)
proposed bicycle facilities (racks, lockers, showers)

G. General Accessibility

Show how the proposed development provides easy access and usable areas for everyone in accordance with the Disability Discrimination Act. Consider the needs of people with walking difficulties or sensory impairments, wheelchair users and people with young children. You should consider:

- parking arrangements
- access to and within the development
- toilet facilities

Certain types of developments may require additional information (e.g. aged persons housing). The Building Code of Australia and the Young’s Development Control Plans provide further guidance.

H. Environmental Issues

Provide details on, and show how, the proposal will not impact on the following:

Air
- identify existing or proposed sources of odour or fumes (on-site or nearby): industries, food premises, exhaust systems, waste storage, oil or wood burning stoves or heaters, and identify how they will be managed
- identify proposed mitigation measures: placement and height of flues or chimneys, location of waste storage areas and compost heaps
- identify likely sources of dust, e.g. from vehicle movements, stockpiled materials, processes, machinery, etc
- how will the dust sources be controlled to prevent a nuisance,

Noise
- identify what are the likely sources of noise e.g. staff passenger vehicles, trucks and delivery vehicles, processing noise, machinery and equipment, etc, and the likely levels to be emitted
- detail how will noise be controlled
- where noise is a major design issue, a report prepared by a qualified acoustic consultant will be required.
- existing and proposed noise sources (on-site and nearby): main roads, industries, transport terminals, loading bays, heavy vehicles, restaurants, entertainment facilities, clubs, hotels, amplified music systems, car parks, ventilation and air conditioning units, pumps and pool filters
- proposed noise reduction measures: noise barriers, building layout and setback, room layout and window placement, building materials, insulation, double glazing
- construction noise: hours of operation, type of equipment, maximum noise levels, compliance with EPA guidelines

Soils and water
- impact on soil quality, and mitigation measures.
- impact on surface water and groundwater

Flora and fauna
- details of any trees to be removed as part of this proposal
- proposed landscaping and treatment of the land
- impact on native fauna.

Waste
- details of waste to be generated, e.g. animal carcasses, animal waste, (liquid and solid) excess or damaged product, packaging, etc,
- details of amount of waste to be generated,
- details of collection, storage and disposal of waste,
- details of possible composting or recycling,
- possible impact on soil and water quality

I. Water and sewer

Water
- amount of water required and purpose of water,
- source of water, e.g. bore, town, trucked in, etc and storage details,
- treatment, reuse and/or disposal of waste-water and run-off.

Sewer / effluent disposal
- what is the method of effluent and liquid waste disposal (on-site wastewater management system, reticulated sewage system, etc),
- what are the likely types of discharges, and how will they be managed,
- provide details of any liquid trade waste to be discharged to the sewage system.

J. Privacy, views and sunlight

Show how the proposed development will address privacy, views and sunlight access.

Visual Privacy
- window placement relative to adjacent dwelling and common areas
- views between living rooms and the private yards of other dwellings
- use of screen planting, hedges, walls or fences to improve privacy
- headlight glare, light spillage

Acoustic privacy
- placement of active use outdoor areas relative to bedrooms
- separation of roads, parking areas and driveways from bedroom and living room windows
- noise transmission between dwellings
- measures to mitigate external noise sources (e.g. traffic noise, placement of air conditioners, exhaust systems, pool pumps)

Views
• impact of the proposed development on views from adjoining or nearby properties
• design options for protecting views
• views from the proposed development

Sunlight
• provide an analysis of your shadow diagrams prepared by your architect or draftsperson. Consider shadows from adjoining buildings as well as the proposed development. Elevation shadow diagrams may be required to demonstrate impacts on windows of adjoining buildings.

K. Drainage

Show how the proposal will deal with all aspects of drainage on the site:

• have you proposed measures to maximise infiltration and minimise water runoff? (e.g. porous pavements, mulching and ground covers, low water demand native plants, rainwater tanks, stormwater reuse).
• stormwater drainage: proposed management controls for flows entering within and leaving the site, proposed on-site detention calculations prepared by a consulting hydraulic engineer, justification that the proposed design measures will not increase stormwater runoff or adversely affect flooding on other land
• easements: provide copies of letters of intention to grant interallotment drainage easements across downstream properties
• local flood mitigation measures

L. Erosion & Sediment Control

Show how you propose to prevent erosion and control sediment on the site, including:

• soil and erosion hazard characteristics: potential for impact on adjacent land and waterways
• Explain how your erosion and sediment control strategy will work. Consider areas requiring special management, including proposed dust control measures and proposed site maintenance strategy

M. Heritage

A Heritage Impact Assessment is required for any work to a heritage item or a building within a Heritage Conservation. Where a Heritage Statement is required it must be prepared by a suitably qualified professional heritage advisor. The report must address:

• historical development of the site
• description of the item and its setting (e.g. garden, fences, ancillary buildings, etc)
• contribution to the streetscape: height, scale, mass, setback, fenestration, architectural style and period
• heritage significance (use Heritage Manual criteria)
• affect of proposal on the heritage significance of the building and its setting
• design options and rationale for the preferred option
• relevant conservation principles in accordance with ICOMOS Burra Charter
The NSW Heritage Manual and the Burra Charter can be obtained from the NSW Heritage Office.

N. Environmental Sustainability

Show how the proposal promotes Ecological Sustainable Development.

Energy and ventilation

- **Orientation**: does the design maximize living areas facing north? Will windows and solar collectors have good solar access? Show how energy efficiency requirements have influenced the siting, design and landscaping of the proposal

- **Sun control**: proposed awnings, pergolas, blinds, and trees to maximize summer shade and minimise winter shade

- **Insulation**: proposed roof, ceiling, wall and floor insulation; double glazing, door and window seals.

- **Natural ventilation**: will window placement maximise cross ventilation?

- **Heating, cooling and lighting**: have energy efficient heating, cooling and lighting systems been specified?

- **Clothes drying**: is there an outdoor drying space with solar access?

- **Water heating**: has a hot water system with a greenhouse score of 3.5 or greater been specified? (contact your energy supplier or the Sustainable Energy Development Authority)

- **Multi-Unit Housing**: you must submit a BASIX certificate setting out the performance levels achieved in relation to solar access and energy efficiency including the energy performance of each typical unit measured by BASIX

**NOTE:** You need to include a BASIX certificate when you lodge a proposal to build a new home or multi-unit development. You will also be required to include a BASIX Certificate for alterations and additions which cost $50,000 or over and for swimming pools greater than 40,000 L. All details listed on the BASIX Certificate (e.g. window areas, awnings/screening/shading devices, hard and soft landscaping and services), must be included on the submitted plans. For more information please visit [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au).

- **Landscaping**: native species, habitat creation, deciduous plants (sun control), water efficient plants and locations, permeable paving

- **Water Efficiency**: on site water detention systems, water efficient fixtures, landscaping, pool covers

- **Water Tanks**: in the case of new buildings, have you demonstrated how the requirements of Council's Rainwater Tank Policy have been met?

Sustainable Building Report

- If required, you must prepare a comprehensive Sustainable Building report or Part J Assessment under the Building Code of Australia.
O. Waste

Show how the proposal promotes waste minimisation: ‘avoid, re-use, recycle’

- proposed at source waste separation program and facilities: aluminium, steel, glass, plastics, food and organic waste, etc.
- proposed recycling collection from hotel, entertainment, commercial and industrial premises
- domestic food and organic waste composting
- litter control program (for activities such as takeaway food, sporting venues, etc)
- proposed waste storage areas
- how will building and demolition waste be used, recycled or disposed?
- arrangements for hazardous building wastes such as asbestos and contaminated soil

Your Waste Management Plan should demonstrate that you have included the above objectives in your proposal.

P. Site Management

Show how the construction site will be managed to ensure public safety and to minimise public inconvenience:

- perimeter fencing to restrict public access to the construction site
- proposed hoardings or other enclosures to the site
- location of proposed site amenity facilities, storage of building materials and equipment, bulk waste containers and materials stockpiles
- how will you maintain safe pedestrian access adjacent to the site?
- access points for construction
- methods of demolition
- dust control methods

Summary

These guidelines have been prepared to assist applicants in the preparation of a Statement of Environmental Effects. A properly prepared Statement addressing the relevant items in these guidelines will enable Council Officers to assess your application and avoid delays in the processing of your application. The LEPs and DCP referred to in these guidelines are available from Council’s website or on the Council Offices.
7.1.2 SEE Guides for Simple Developments

These guides are designed for use with straightforward developments with low levels of impact. They address the main items to be submitted with the various types of applications, and the main considerations that need to be addressed under Clause 79C of the *Environmental Planning and Assessment Act, 1979.*
Commercial/Industrial Application SEE Guide

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**MAJOR ISSUES AT A GLANCE**

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**ALL COMMERCIAL/INDUSTRIAL DEVELOPMENT**

- Is an EIS required?
- Is it on a Main or Arterial road?
- What zone is the property in?
- Is the proposal permissible?
- Does it meet min. lot size?
- Are exemptions/variances sought?

**STAGED DEVELOPMENT**

- Is Staging proposed?
CHECKLIST ~ must be completed

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### PARTICULAR MATTERS TO BE ADDRESSED ~ (D & E)

#### D) AGRICULTURAL VIABILITY (rural & horticultural zones)

- What is the Classification of Soils and Agricultural Viability Rating by Dept Agriculture?
- What impact will the development have on the viability or productive usefulness of the land?

#### E) GENERAL & POLICY & PUBLIC & CONTEXT

- Does the proposal comply with the relevant chapters of Council's DCP?
- Will proposal fit into the context, character and setting of the area?
- Does the size and shape and physical characteristics of the land lend itself to commercial/industrial development?
- Is the land sewered or has allowance been made for on-site sewage management? - (and will land support an OSM system?)
- Is there reticulated water available to the land? (or what other arrangements have been made?)
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Residential Application SEE Guide

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**MAJOR ISSUES AT A GLANCE**

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  *Note: Under the provisions of the Act, the internal layout of the building is not required to be provided for notification purposes of residential properties. Inclusion of the internal layout on notification plans will result in these details being notified. These are sent with notification letters to nearby property owners.*
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Does a tree placement policy apply to the land?

How will waste be disposed of?

Will remnant vegetation be removed as a part of the development?

Does the land appear unhealthy or contaminated?

Are sedimentation/erosion controls proposed?

Are relevant buffers observed? (airport/escarp etc)

Other comments

**PARTICULAR MATTERS TO BE ADDRESSED ~ (D & E)**

**D) AGRICULTURAL VIABILITY (rural & horticultural zones)**

What is the Classification of Soils and Agricultural Viability Rating by Dept Agriculture?

What impact will the development have on the viability or productive usefulness of the land?

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Appendix D - Schedule of Heritage Colours

The aim of creating this list is to provide a guide for applicants on the appropriate colour palette for developments. The objective of this is to attain a high quality visual streetscape with sensitive architectural treatment of building façades, and to preserve, enhance and complement the heritage qualities of the existing streetscape.

A colour palette has been developed for Young Shire Council by a Colour Consultant. The colours included in the palette were based on the style and heritage qualities of the existing buildings in Young’s Main Street and on the surrounding environment.

The recommended colours are on display in the Town Hall and are detailed as follows:

**Broad wall Colours:**
- X42 Biscuit
- Lime white
- 50BB 45/054 English harbour
- Y45 Manilla
- Portland Stone
- New England Stone
- 90YR 43/311 County Cork
- Silver Grey

**Trim Colours:**
- Purple Brown
- Teal
- Cark Crimson
- Imperial Ivy Green
- X21 Pale Ochre
- Lime White
- Grey Green
- 50BB 13/104 Blue Heron
- B43 Grey Blue
- Warm Beige
- Egyptian Red
- Buff

Note: These colours should only be used after consultation with Council’s Heritage Advisor. Appointments with the Advisor can be made through Council.
Appendix E - Guide to Tank Size Selection

(for lots with no reticulated water)

1 bedroom = 150m² = 34,000 litres
2 bedrooms = 185m² = 43,000 litres
3 bedrooms = 220m² = 52,000 litres
4 bedrooms = 255m² = 61,000 litres
5 bedrooms = 290m² = 70,000 litres
1 bedroom = 150m²
2 bedrooms = 185m²
3 bedrooms = 220m²
4 bedrooms = 255m²
5 bedrooms = 290m²
If a bore is provided, potable water requirements can be reduced from 600 litres per person per day to 200 litres per person per day.
If dam capacity \( x \) is above the line, roof area can be reduced by 66%. If \( x \) is below the line, it can be reduced by \( \frac{66}{100} \times \frac{x}{y} \)

1 bedroom = 500\( \text{m}^3 \) = 110,000 gal
2 bedrooms = 534\( \text{m}^3 \) = 118,000 gal
3 bedrooms = 588\( \text{m}^3 \) = 130,000 gal
4 bedrooms = 636\( \text{m}^3 \) = 140,000 gal
5 bedrooms = 680\( \text{m}^3 \) = 150,000 gal
Appendix F - Turning circle diagrams

7.1.3 Passenger Vehicles

(for 85th percentile passenger vehicle)

Figure 2: 85th percentile vehicle
Figure 3: Turning template for 85th percentile vehicle (turn radius 5.8m)
Figure 4: Turning template for 85th percentile vehicle (turn radius 8m)
Figure 5: Template – typical reverse in manoeuvre for 85th percentile vehicle
7.1.4 Heavy Vehicles
(for the 85% percentile rigid and articulated heavy vehicles)
Figure 7: Turning template for medium rigid vehicle
Figure 8: Turning template for heavy rigid vehicle
Figure 9: Turning template for articulated vehicle
Exit path should be checked using turning path template, see Figure 5.1, 5.2 and 5.3

Figure 10: Template - typical reversing manoeuvre into service bay by rigid vehicle
Figure 11: Template - typical reversing manoeuvre into service bay by articulated vehicle
Appendix G - Tree species endemic to the Young area

Gymnosperms

Family CUPRESSACEAE
Callitris endlicheri Black Cypress-pine
Callitris glaucophylla White Cypress-pine

Family SINOPTERIDACEAE
Cheilanthes sp. Rock Fern

Angiosperms

Family ANTERICACEAE
Arthroperm minus Small Vanilla Lily
Arthroperm strictum Chocolate Lily
Tricoryne elatior Yellow Rush Lily

Family APIACEAE
Daucus glochidiatus Native Carrot
Hydrocotyle laxiflora Stinking Pennywort

Family ASPHODELACEAE
Bulbine bulbosa Bulbine Lily

Family ASTERACEAE
Calotis cuneifolia Purple Burr-daisy
Calotis lappulacea Yellow Burr-daisy
Cassinia arcuata Sifton Bush / Chinese Tea-scrub
Cassinia quinquefaria Cassinia
Chysocephalum apiculatum Common Everlasting / Yellow Buttons
Chysocephalum semipapposum Clustered Everlasting
Craspedia chrysanth a Golden Billy-buttons
Cybonotus lawsonianus Austral Bears-ear
Gnaphalium luteo-album Jersey Cudweed
Helipterum corymbiflorum Grey Sunray
Leptorhynchos panaetioides Woolly Buttons
Leptorhynchos squamatus Scaly Buttons
Minuria leptophylla Minnie Daisy??
Podolepis jaceoides Showy Copper-wire Daisy
Senecio quadridentatus Cotton Fireweed
Triptilodiscus pygmaeus Austral Sunray
Vittadinia cuneata Fuzzy New Holland Daisy
Vittadinia gracilis Woolly New Holland Daisy
Vittadinia muelleri Narrow-leaf New Holland Daisy

Family BORAGINACEAE
Cynoglossum suaveolens Sweet Hound’s-tongue

Family BRUNONIACEAE
Brunonia australis Blue Pincushion
Family BRASSICACEAE
Lepidium sp. Peppercress

Family CAMPANULACEAE
Wahlenbergia communis Tufted Bluebell
Wahlenbergia luteola Yellowish Bluebell
Wahlenbergia stricta Tall Bluebell

Family CASUARINACEAE
Allocasuarina luehamannii Bull-oak
Allocasuarina distyla She-oak

Family CAESALPINIACEAE
Senna artemisioides ssp. Nemophila Desert Cassia

Family CHENOPODIACEAE
Maireana microphylla Eastern Cottonbush
Einada nutans Climbing Saltbush

Family COLCHICACEAE
Burchardia umbellata Milkmaids
Wurmbea dioica Early Nancy

Family CONVOLVULACEAE
Convolvulus erubescens Australian Bindweed
Dichondra repens Kidneyweed

Family CYPERACEAE
Carex breviculmis Short-stem Sedge

Family DILLENIACEAE
Hibbertia obtusifolia Grey Guinea Flower

Family EPACRIDACEAE
Brachyloma daphnoides Daphne Heath
Cryptandra amara Bitter Cryptandra
Lissanthus strigosus Peach Heath
Melichrus urceolatus Urn Heath
Styphelia triflora Pink Five-corners

Family FABACEAE
Daviesia latifolia Hop Bitter-pea
Daviesia virgata Slender Bitter Pea
Dillwynia sericea Showy Parrot-pea
Eutaxia microphylla Common Eutaxia
Glycine clandestina Twining Glycine
Glycine tabacina Vanilla Glycine
Hardenbergia violacea False Sarsparilla
Indigofera adesmitifolia Tick Indigo / Small-leaf Indigo
Pultenaea hispidula Rusty Bush-pea
Pultenaea procumbens Bush-pea
Swainsona phacoides Dwarf Swainson-pea
Swainsona procumbens Broughton Pea
### Family GERANIACEAE
- **Geranium retrorsum** Native Crane’s-bill
- **Geranium solanderi** Native Geranium

### Family GOODENIACEAE
- **Goodenia hederacea** Ivy Goodenia
- **Goodenia pinnatifida** Scrambled Eggs

### Family HALORAGACEAE
- **Gonocarpus tetragynus** Common Raspwort

### Family LAMIACEAE
- **Ajuga australis** Austral Bugle

### Family LOMANDRACEAE
- **Lomandra bracteata** Short-flowered Mat-rush
- **Lomandra filiformis** Wattle Mat-rush
- **Lomandra longifolia** Spiny-headed Mat-rush
- **Lomandra multiflora** Many-flowered Mat-rush

### Family MALVACEAE
- **Sida corrugata** Corrugated Sida

### Family MELIACEAE
- **Melia azedarach** White Cedar#

### Family MIMOSACEAE
- **Acacia acinacea** Gold-dust Wattle
- **Acacia baileyana** Cootamundra Wattle##
- **Acacia dealbata** Silver Wattle
- **Acacia deanei** Deane’s Wattle
- **Acacia decurrens** Wattle
- **Acacia flexifolia** Bent-leaf Wattle
- **Acacia genistifolia** Spreading Wattle
- **Acacia hakeoides** Western Black Wattle
- **Acacia impexa** Lightwood / Hickory Wattle
- **Acacia leucoxylon** Northern Silver Wattle
- **Acacia lineata** Streaked Wattle
- **Acacia mearnsii** Late Black Wattle
- **Acacia oswaldii** Umbrella Wattle / Miljee
- **Acacia paradoxa** Kangaroo Thorn / Hedge Wattle
- **Acacia pendula** Weeping Myall / Boree
- **Acacia pennisinervis** Hickory Wattle
- **Acacia tristis** Three-veined Wattle
- **Acacia verniciflua** Varnish Wattle
- **Acacia vestita** Hairyl Wattle

### Family MYOPORACEAE
- **Eremophila debilis** Amulla
- **Eremophila longifolia** Long-leaf Emu-bush
- **Myoporum acuminatum** Water-bush
- **Myoporum platycarpum** Sugarwood

### Family MYRTACEAE
- **Calytrix tetragona** Common Fringe-myrtle
<table>
<thead>
<tr>
<th><strong>Eucalyptus albens</strong></th>
<th>White Box</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Eucalyptus blakelyi</strong></td>
<td>Blakely's Red Gum</td>
</tr>
<tr>
<td><strong>Eucalyptus bridgesiana</strong></td>
<td>Apple Box</td>
</tr>
<tr>
<td><strong>Eucalyptus camaldulensis</strong></td>
<td>River Red Gum</td>
</tr>
<tr>
<td><strong>Eucalyptus goniocalyx</strong></td>
<td>Long-leaved Box</td>
</tr>
<tr>
<td><strong>Eucalyptus macrorhyncha</strong></td>
<td>Red Stringybark</td>
</tr>
<tr>
<td><strong>Eucalyptus micocarpa</strong></td>
<td>Grey Box</td>
</tr>
<tr>
<td><strong>Eucalyptus melliodora</strong></td>
<td>Yellow Box</td>
</tr>
<tr>
<td><strong>Eucalyptus polyanthemos</strong></td>
<td>Red Box</td>
</tr>
<tr>
<td><strong>Eucalyptus rossii</strong></td>
<td>White Gum</td>
</tr>
</tbody>
</table>

**Family ORCHIDACEAE**

<table>
<thead>
<tr>
<th><strong>Diuris sulphurea</strong></th>
<th>Tiger Orchid</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Microtis unifolia</strong></td>
<td>Common Onion Orchid</td>
</tr>
<tr>
<td><strong>Pterostylis sp.</strong></td>
<td>Greenhood Orchid</td>
</tr>
<tr>
<td><strong>Thelymitra pauciflora</strong></td>
<td>Slender Sun Orchid</td>
</tr>
</tbody>
</table>

**Family OROBANCHACEAE**

| **Orobanche australiana** | Australian Broomrape |

**Family OXALIDACEAE**

| **Oxalis perennans** | Grassland Wood Sorrel |

**Family PHORMIACEAE**

<table>
<thead>
<tr>
<th><strong>Dianella longifolia</strong></th>
<th>Smooth Flax Lily</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Dianella revoluta</strong></td>
<td>Black-anthered Flax Lily</td>
</tr>
</tbody>
</table>

**Family PITTOSPORACEAE**

<table>
<thead>
<tr>
<th><strong>Bursaria spinosa</strong></th>
<th>Sweet Bursaria</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cheiranthera cyanea</strong></td>
<td>Finger Flower</td>
</tr>
<tr>
<td><strong>Pittosporum phillyraeoides</strong></td>
<td>Weeping Pittosporum</td>
</tr>
</tbody>
</table>

**Family PLANTAGINACEAE**

<table>
<thead>
<tr>
<th><strong>Plantago hispida</strong></th>
<th>Woolly Plantain</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Plantago varia</strong></td>
<td>Variable Plantain</td>
</tr>
</tbody>
</table>

**Family POACEAE**

<table>
<thead>
<tr>
<th><strong>Aristida ramosa</strong></th>
<th>Purple Wiregrass / Kerosene Grass</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Aristida vagans</strong></td>
<td>Wiregrass</td>
</tr>
<tr>
<td><strong>Austrodanthonia spp.</strong></td>
<td>Wallaby Grass</td>
</tr>
<tr>
<td><strong>Austrostipa bigeniculata</strong></td>
<td>Tall Speargrass</td>
</tr>
<tr>
<td><strong>Austrostipa densiflora</strong></td>
<td>Brushtail Speargrass</td>
</tr>
<tr>
<td><strong>Austrostipa scabra</strong></td>
<td>Corkscrew Grass</td>
</tr>
<tr>
<td><strong>Bothriochloa macra</strong></td>
<td>Redgrass / Redleg Grass</td>
</tr>
<tr>
<td><strong>Chloris divaricata</strong></td>
<td>Slender Windmill Grass</td>
</tr>
<tr>
<td><strong>Dichelachne sp.</strong></td>
<td>Plumegrasses</td>
</tr>
<tr>
<td><strong>Elymus scaber</strong></td>
<td>Wheatgrass</td>
</tr>
<tr>
<td><strong>Microlaena stipoides</strong></td>
<td>Microlaena / Weeping Grass</td>
</tr>
<tr>
<td><strong>Panicum effusum</strong></td>
<td>Hairy Panic</td>
</tr>
<tr>
<td><strong>Phragmites australis</strong></td>
<td>Common Reed</td>
</tr>
<tr>
<td><strong>Poa sp.</strong></td>
<td>Snowgrass</td>
</tr>
<tr>
<td><strong>Themeda australis</strong></td>
<td>Kangaroo Grass</td>
</tr>
</tbody>
</table>

**Family POLYGONACEAE**

| **Rumex brownii** | Swamp Dock |
Family PROTEACEAE
*Hakea tephrosperma*  Hooked Needlewood

Family JUNCACEAE
*Juncus bufonius*  Toad Rush
*Juncus filicaulis*  Pin Rush
*Luzula sp.*  Woodrush

Family ROSACEAE
*Acaena ovina*  Sheep's Burr

Family RHAMNACEAE
*Cryptandra ammara*  Bitter Cryptandra

Family RUBIACEAE
*Asperula soparia*  Prickly woodruff

Family RANUNCULACEAE
*Ranunculus lappaceus*  Common Buttercup

Family SANTALACEAE
*Exocarpos cupressiformis*  Cherry Ballart / Wild Cherry

Family SAPINDACEAE
*Dodonaea viscosa ssp. angustissima* Narrow-leaf Hop-bush
*Dodonaea viscosa ssp. cuneata* Wedge-leaf Hop-bush
*Dodonaea viscosa ssp. viscosa* Giant Hop-bush

Family SINOPTERIDACEAE
*Cheilanthes sp.*  Rock Fern

Family STACKHOUSIACEAE
*Stackhousia monogyna*  Creamy Candles

Family STERCULIACEAE
*Brachychiton populneus*  Kurrajong

Family THYMELAEACEAE
*Pimelea curilora*  Curved Rice-flower
*Pimelea glauca*  Smooth Rice-flower
**AUSTRALIAN NATIVE TREES OR SHRUBS UP TO 5M**
Suitable for planting under powerlines

<table>
<thead>
<tr>
<th>BOTANICAL NAME</th>
<th>COMMON NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acacia cardiophylla</td>
<td>Wyalong wattle</td>
</tr>
<tr>
<td>Acacia cultttriformis</td>
<td>Knife Leaf Wattle</td>
</tr>
<tr>
<td>Acacia saligna</td>
<td>Orange Wattle</td>
</tr>
<tr>
<td>Acacia spectabilis</td>
<td>Mudgee Wattle</td>
</tr>
<tr>
<td>Banksia ericifolia</td>
<td>Heath Banksia</td>
</tr>
<tr>
<td>Callistamon citrinus</td>
<td>Red Bottlebrush (FT)</td>
</tr>
<tr>
<td>Callistamon ‘Kings Park Special’</td>
<td>Red Bottlebrush</td>
</tr>
<tr>
<td>Callistamon phoeniceus</td>
<td>Fiery Bottlebrush</td>
</tr>
<tr>
<td>Callistamon speciousus</td>
<td>Showy Bottlebrush</td>
</tr>
<tr>
<td>Eucalyptus caesia</td>
<td>Silver Princess</td>
</tr>
<tr>
<td>Grevillea Ivanhoe</td>
<td>Ivahnoe</td>
</tr>
<tr>
<td>Hakea saligna</td>
<td>Willowleaf Hakea</td>
</tr>
<tr>
<td>Melaleuca ericifolia</td>
<td>Heathleaved Paperbark</td>
</tr>
</tbody>
</table>

**EUROPEAN DECIDUOUS TREES OR SHRUBS UP TO 5M**
Suitable for planting under powerlines

<table>
<thead>
<tr>
<th>BOTANICAL NAME</th>
<th>COMMON NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acer palmatum</td>
<td>Japanese Maple (D)</td>
</tr>
<tr>
<td>Albizia julibrissin</td>
<td>Silk Tree (D)</td>
</tr>
<tr>
<td>Cercis siliquastrum</td>
<td>Judas Tree (D, fl)</td>
</tr>
<tr>
<td>Fraxinus ornus “Griffithil”</td>
<td>Flowering Ash (E, fl)</td>
</tr>
<tr>
<td>Fraxinus syriaca</td>
<td>Syrian Ash (D)</td>
</tr>
<tr>
<td>Hibiscus syriacus</td>
<td>Rose of Sharon (D, fl)</td>
</tr>
<tr>
<td>Koelreuteria paniculata</td>
<td>Golden rain (D, fl)</td>
</tr>
<tr>
<td>Lagerstramia indica</td>
<td>Crepe Myrtle (D, fl)</td>
</tr>
<tr>
<td>Prunus cerasifera “Nigra”</td>
<td>Purple Leaf Plum (D, fl)</td>
</tr>
<tr>
<td>Prunus serralata (varieties)</td>
<td>Japanese Flowering Cherries (D, fl)</td>
</tr>
<tr>
<td>Weigela cultivars</td>
<td>Weigela (D, fl)</td>
</tr>
</tbody>
</table>

**EUROPEAN DECIDUOUS TREES WITH HEIGHT UP TO 12M**

<table>
<thead>
<tr>
<th>BOTANICAL NAME</th>
<th>COMMON NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acer nugundo varigata</td>
<td>Varigated Box Elder Maple (D)</td>
</tr>
<tr>
<td>Arbutus unedo</td>
<td>Irish Strawberry Tree (E)</td>
</tr>
<tr>
<td>Celtis australis</td>
<td>Nettle Tree (D)</td>
</tr>
<tr>
<td>Crataegus phaenopyrum</td>
<td>Washington Hawthorn (D, fl)</td>
</tr>
<tr>
<td>Fraxinus americana</td>
<td>American Ash (D)</td>
</tr>
<tr>
<td>Fraxinus raywood</td>
<td>Claret Ash (D)</td>
</tr>
<tr>
<td>Gleditsia triacanthus “Sunburst”</td>
<td>Golden Honey Locust (D)</td>
</tr>
<tr>
<td>Liquidamber styraciflua</td>
<td>Liquidamber (D)</td>
</tr>
<tr>
<td>Olea europea</td>
<td>Common Olive (E)</td>
</tr>
<tr>
<td>Paulownia tomentosa</td>
<td>Paulownia (D, fl)</td>
</tr>
<tr>
<td>Pistacia chinensis</td>
<td>Chinese pistachio (D)</td>
</tr>
<tr>
<td>Prunus amygdalus</td>
<td>Almond (D, fl)</td>
</tr>
<tr>
<td>Prunus campanulata</td>
<td>Taiwan Cherry (D, fl)</td>
</tr>
<tr>
<td>Platanusxhybrida</td>
<td>London Plane (Avenue) (D)</td>
</tr>
<tr>
<td>Pyrus spp</td>
<td>Flowering Pear (D, fl)</td>
</tr>
</tbody>
</table>
### Botanical Name and Common Name

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quercus cocinea</td>
<td>Scarlet Oak (D)</td>
</tr>
<tr>
<td>Quercus ilex</td>
<td>Holm Oak (E)</td>
</tr>
<tr>
<td>Quercus palustris</td>
<td>Pin Oak (Avenue) (D)</td>
</tr>
<tr>
<td>Robinia pseudoacacia 'Frisia'</td>
<td>Golden Robinia (D, fl)</td>
</tr>
<tr>
<td>Sapinum sebiferum</td>
<td>Chinese Tallow Tree (D)</td>
</tr>
<tr>
<td>Schinus areira</td>
<td>Pepper Tree</td>
</tr>
<tr>
<td>Ulmus glabra 'Lutescens'</td>
<td>Golden Elm (D)</td>
</tr>
<tr>
<td>Ulmus procera</td>
<td>English Elm (Avenue) (D)</td>
</tr>
</tbody>
</table>

### Native Trees with Height up to 12m

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acacia baileyana</td>
<td>Cootamundra Wattle</td>
</tr>
<tr>
<td>Acacia floribunda</td>
<td>Gossamer Wattle</td>
</tr>
<tr>
<td>Acacia implexa</td>
<td>Hickory Wattle</td>
</tr>
<tr>
<td>Acacia melanoxylon</td>
<td>Blackwood</td>
</tr>
<tr>
<td>Angophora floribunda</td>
<td>Rough Barked Apple (FT)</td>
</tr>
<tr>
<td>Callistamon salignus</td>
<td>Willow/Pink, Tip/White Bottlebrush</td>
</tr>
<tr>
<td>Callistamon viminalius</td>
<td>Weeping Bottlebrush</td>
</tr>
<tr>
<td>Casuarina cristatax Cunninghamhamiana</td>
<td>Hybrid Belah</td>
</tr>
<tr>
<td>Casuarina littoralis</td>
<td>Black She Oak</td>
</tr>
<tr>
<td>Casuarina stricta</td>
<td>Drooping She Oak</td>
</tr>
<tr>
<td>Eucalyptus cladocalyx Dwarf</td>
<td>Dwarf Sugar Gum</td>
</tr>
<tr>
<td>Eucalyptus ficifolia</td>
<td>Scarlet Flowering Gum (FT)</td>
</tr>
<tr>
<td>Eucalyptus leucoxylon var macrocarpa ‘Pink’</td>
<td>Pink Flowering Large Pod Yellow Gum</td>
</tr>
<tr>
<td>Eucalyptus mannifera var subsp maculosa</td>
<td>Red Spotted Gum</td>
</tr>
<tr>
<td>Eucalyptus salmonphloia</td>
<td>Salmon Gum</td>
</tr>
<tr>
<td>Eucalyptus scoparia</td>
<td>Willow / Wallangarra Whitegum</td>
</tr>
<tr>
<td>Grevillea robusta</td>
<td>Silky Oak</td>
</tr>
<tr>
<td>Melaleuca bracteata</td>
<td>White Cloud Tree</td>
</tr>
<tr>
<td>Melaleuca linarifolia</td>
<td>Snow in Summer</td>
</tr>
<tr>
<td>Melaleuca quinquenervia</td>
<td>Broadleaf Paper Bark (fl)</td>
</tr>
<tr>
<td>Melaleuca styphelioides</td>
<td>Prickly Leaved Pear Bark</td>
</tr>
<tr>
<td>Melia azedarach</td>
<td>White Cedar</td>
</tr>
</tbody>
</table>

**Key**

- **FT**: Frost tender when young
- **Fl**: Flowering Plants
- **E**: Evergreen
- **D**: Deciduous
HILLTOPS COUNCIL ORDINARY MEETING AGENDA

25 July 2018

Held in the Hilltops Council, Young Chamber, 189 Boorowa Street, Young

18/145 – PLANNING PROPOSAL - 8 WOMBAT STREET YOUNG – REVIEW OF SUBMISSIONS

Responsible Officer: Director Sustainable Growth

PURPOSE

The purpose of this report is to consider submissions lodged during public exhibition of the Planning Proposal for 8 Wombat and 1 Murringo Streets Young and decide whether or not to proceed with the planning proposal.

REPORT

On 26 July 2017 Council resolved to prepare a Planning Proposal to amend the Young LEP to allow for the expansion of the existing Young Motors business onto 8 Wombat and 1 Murringo Streets Young. The Planning Proposal was prepared and submitted to the Department of Planning and Environment. The Department issued a Gateway determination, allowing the Planning Proposal to proceed to the Public Exhibition stage. The Planning Proposal was placed on public exhibition from 19 April to 17 May 2018 when notices in the local newspaper and Council’s website were published. Letters advising of the public exhibition of the Planning proposal were also sent to the adjoining owners and occupiers in the vicinity of the land subject to the Planning Proposal.

Three submissions were received including one that was signed by six people. The matters raised related to:

- protected Tenancy of 8 Wombat St
- impacts on residential character and amenity,
- privacy,
- noise,
- traffic and parking,
- environmental impacts,
- impact on residential land supply esp. medium density,
- appropriateness of location,
- zone objectives,
- social and economic,
- strategic planning context.

Assessment of issues raised in submissions

The applicant was requested to address the issues raised in the submissions and this response was considered in the review. The main issues are discussed below and the full listing together with assessment and recommendations is included in Attachment 2.

Protected Tenancy of 8 Wombat St

While technically the applicant’s response that this issue is not a planning consideration is correct, it does have implications on the process and outcome that should be understood.
A Protected Tenant has greater protection against eviction and rent increases than tenants in properties controlled under the Residential Tenancies Act 2010. As such their tenure in a property is generally very secure and may mean that the purpose of this site-specific Planning Proposal may not be able to be realised in the short to medium term. The Planning Proposal as such will not require the tenant to leave the premises; however, acting on any approval issued for a future development application that realises the potential that the Planning Proposal will create (if it proceeds) will result in the demolition and erection of the commercial building and hence the impact on the tenant.

Should the Planning Proposal proceed, the applicant be requested to provide information on the consequences to the tenant. This includes specifically whether the eviction the tenant will occur or whether other steps are to be taken to ensure long term and suitable accommodation at a rental equivalent is to be arranged.

Impacts on residential character and amenity.

Residential amenity impacts are generally associated with:

- Impacts on distinctive character of the existing buildings and the surrounding area with respect to the design, scale and materials used
- Impacts on landscape elements of the area such as trees and other soft landscaping of amenity value
- Impacts on standard of daylight, sunlight, outlook and privacy for all existing and future occupants of buildings
- Impacts through an increase in noise, disturbance, smells, fumes or other harmful effects
- How necessary and/or reasonable is the proposal causing the impact

The applicant’s planning proposal envisages the demolition of the existing dwelling at 8 Wombat Street and erection of a new building and use of the Murringo land for parking. The potential amenity impacts relate to: design of the proposed building in relation to streetscape; overshadowing; privacy and suitable landscaping; and impacts created by the use itself, being management of vehicular traffic, noise and emissions.

The assessment and detail of the design is to be considered at development application stage. What is relevant at the Planning Proposal stage is considering whether the location and constraints will mean that a future development proposal cannot address such impacts.

In this case, it is considered that the location and the constraints and attributes of the site do not inhibit design and management of a development proposal to address any adverse amenity impacts. The 8 Wombat Street site is relatively flat, of a regular shape and size to accommodate a new building with a suitable design.
Where there is a requirement strict controls to specifically manage impacts, Council may consider a site-specific Development Control Plan to deal with amenity and other impacts. This can provide an additional layer of protections and specifically outline design and management elements to be included in and development application.

Should Council determine to proceed with the planning proposal it is appropriate that the applicant prepare a site-specific Development Control Plan (DCP) to manage potential impacts. The DCP will be reviewed, amended or added to by Council as appropriate prior to its adoption.

Traffic and Parking

The Planning Proposal introduces a new use that can increase traffic generation to the sites. The additional generation will depend on the size of the additional area to be added. The extent and size of the development will be the subject of a development application. The size and corresponding traffic generation and traffic impacts will have to be considered in the design of any extension of the existing vehicle sales and hire premises. The existing road network has capacity for additional traffic generation and the quantum will be part of the assessment of any Development Application lodged.

The impacts of service vehicles associated with vehicle sales or hire premises is also important to consider in progressing the Planning Proposal. The arrangement for service vehicles and transporters is particularly important. It is noted that in common with all car dealerships in Young, the unloading of vehicles from car transporters takes place on the public road. The applicant states in this case that it is occurring from Wombat Street. The alternate loading points, apart from Wombat Street, are either on the rear lane (access for the truck via Murringo Street) or on Gordon Street.

Rear lane access and Murringo Street access for deliveries would be discouraged to minimise the mix of commercial delivery and residential traffic; with the intent of minimising commercial traffic on local access roads. The applicant has identified this as well. The design of the proposal and potentially the redesign of the existing site layout of the vehicle sales and hire premises will need to deal with traffic conflicts with the residential access from the local streets. The applicant proposes to use Murringo Street as the access and egress for parking area and this will increase traffic generated, however, the road does have capacity.

The sites identified in this Planning Proposal have constraints due to their location within a residential area with traffic conflicts generated by the mixing of residential and commercial/delivery traffic. The use of Murringo Street for deliveries will have impacts on Murringo Street. The use of this street for vehicle transporters associated with vehicle sales and hire use is not considered appropriate given the likely conflict with residential traffic. The site does have alternate access available and Wombat Street is used currently for this purpose.
These matters are likely to be able to be addressed in the design and management arrangements of the development and will be the subject of the assessment of any development application. These impacts can be more intimately managed by a site-specific Development Control Plan to deal with amenity and other impacts. This can provide an additional layer of protections and specifically outline design and management elements to be included in the development application.

As above, should Council determine to proceed with the planning proposal it is appropriate that the applicant prepare a site-specific Development Control Plan (DCP) to manage potential impacts. The DCP will be reviewed, amended or added to by Council as appropriate prior to its adoption.

Environmental impacts
The two sites included in the Planning Proposal are within the vicinity of the creek. The design for any expansion of the servicing and repair aspect of the existing business will need to address this aspect. The drainage for any carpark on 1 Murringo Street will also need to address proposed mitigation of impacts on water quality. The site constraints and available technology do not prevent these impacts from being addressed. The assessment will be part of any development application on the sites.

Appropriateness of location and strategic Planning context
Vehicle sales and hire premises most often target premises that have frontages to highly trafficked roads with high visibility for passing trade and are not generally reliant on town centre proximity. The existing business has been developed with Council’s consent for many years prior to the commencement of the Young LEP 2010. The applicant has stated that it would not be practical to relocate the business.

It is noted that under the Young LEP 2010, Zones B4, B6, B7, and IN1 all permit vehicle sales or hire premises. These zones all have properties that have main road frontages which is often a key attribute for vehicle sales businesses. It is not unusual for vehicle sales businesses to relocate and expand premises. There is no evidence provided by the applicant that land within these zones have been investigated for the relocation and expansion of the business. The justification for not relocating appears from the applicant’s submission, based on the acquisition of the subject land.

In progressing the Planning Proposal, the impacts of continuing an historic commercial use and allowing its expansion within a residential area must be considered carefully. This proposal does not have a strategic context and is based on the application on behalf of an existing business.

A review of the commercial and industrial land supply and demand will be undertaken as part of the Comprehensive Hilltops LEP. This would provide context around the strategic suitability of this Planning Proposal. As Council has already resolved to prepare this Planning Proposal and received a Gateway determination from the Department of Planning, the applicant does have the
right to have a decision on whether to progress this planning proposal to enact an amendment to the Young LEP.

Council can request further explanation of the justification for not relocating the premises and for the expansion in the current location should it wish to progress the proposal. The site and the broader context will be reviewed as part of the Hilltops LEP preparation and further changes could also be made at that time.

Should Council determine that the Planning Proposal is to proceed, the applicant be requested to provide a further explanation of the justification for not relocating the premises. This should include an economic analysis and assessment of the current site and its cost benefit analysis of versus other sites within the context where "Vehicle sales and hire premises" are permissible (e.g. Young LEP 2010, Zones B4, B6, B7 and IN1).

STATUTORY PROVISIONS

The Environmental Planning and Assessment Act 1979 and associated regulations govern the process for Planning Proposals. Following the resolution of Council to proceed, the planning proposal was prepared following the provisions of Section 3.33 of the Act and submitted to the Department of Planning and Environment requesting a Gateway Determination as required under Section 3.34(1).

The Gateway Determination issued on 29 March 2018 specified the minimum period of public exhibition of 28 days and required compliance with the notice requirements for public exhibition of planning proposals identified in section 5.5.2 of A Guide to Preparing Local Environmental Plans (Department of Planning and Environment 2016). The requirements were met as follows:

<table>
<thead>
<tr>
<th>Section 5.52 Community Consultation requirement</th>
<th>Action taken</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notification in newspaper that circulates in the area affected by the planning proposal</td>
<td>Notice in Hilltops Phoenix on: 19 April and 3 May 2018</td>
</tr>
</tbody>
</table>
| Notification on the website of the Council | Link to web page with Notice and document download links inserted on the following Hilltops webpages:  
| Notification in writing to affected and adjoining landowners | 54 letters sent 17 April 2018 |
Section 3.35 of the Act allows for a planning proposal authority (in this case Council) to vary the planning proposal as a consequence of considering any submissions or report during community consultation. Council may also request that the matter not proceed.

**CONSULTATION**

The public consultation occurred during the period 19 April to 17 May 2018 as required by the Gateway Determination Issued by the Department of Planning and Environment.

The relevant planning issues raised are outlined in Attachment 2 and the main issues discussed above.

**POLICY IMPLICATIONS**

**Young Shire Strategic Land Use Study 2030**

The Young Shire Strategic Land Use Strategy 2030 sets out the justification for the preparation of the Young LEP 2010 and provides a vision for the land use planning of the former Young Shire Council area. This strategy details that during the community and Councillors workshops "there was general agreement that the commercial area needed to expand and consequently additional land needed to be rezoned. There was also general agreement that the natural boundaries such as Burrangong Creek and the railway corridors should generally form a zoned boundary."
Subsequently the strategy included 5 key sites around the Young Central Business District (CBD) that were recommended to be rezoned from Residential and Special Uses to B4 Mixed use in the Young LEP 2010. B4 Mixed use is the zoning used in the Young LEP 2010 to delineate the CDB. This added significant area to the existing CBD together with the inclusion of commercial zonings on the northern and southern parts of the Olympic Highway approaches to the Young urban area that were also included in the Young LEP 2010. The strategy justifies that the extended area provides opportunity for businesses (retail and non-retail; business support) to expand or relocate into new areas close to the commercial core.

The planning proposal has not provided justification for not considering the business relocation nor addressed the strategic context. Rather, has relied on the financial investment in the current site and their acquisition of the adjoining land.

Council resolved on 27 June 2018 to review the current LEPs (including the Young LEP 2010) and prepare a comprehensive Hilltops LEP. As part of this work background studies will be undertaken to support the review including an Economic growth and land use strategy that would include reviewing the appropriate spatial locations of new and/or expanded economic opportunities in the Council area. This will include the review of the finding of the Young Shire Strategy Land Use Study 2030.

The consideration of this Planning Proposal outside the Hilltops LEP process does not have the benefit of the broader underlying analysis and strategy having been completed to ensure the most appropriate land use outcome for the Hilltops community.

**FINANCIAL IMPLICATIONS**

No financial implications arise from this report. The applicant paid the required fee to submit the Planning Proposal to council for consideration. This proposal has been factored into the Strategic Planning work program for the Sustainable Growth Section.

**ATTACHMENTS**

- Attachment 1 - Planning Proposal Process Flow Chart
- Attachment 2 - Consideration of Submissions Table
- Attachment 3 - Notice for Public Exhibition
It is recommended that prior to progressing the Planning Proposal the following be provided by the applicant:

1. advise on the consequences of the Planning Proposal on the tenant of 8 Wombat Street Young if the Planning Proposal proceeds, including whether eviction of the tenant will occur or whether other steps are to be taken to ensure long term and suitable accommodation at a rental equivalent is to be arranged;

2. further explanation of the justification for not relocating the premises, including an economic analysis and assessment of the current site and its cost benefit analysis of versus other sites within the context where "Vehicle sales and hire premises" are permissible (e.g. Young LEP 2010, Zones B4, B6, B7 and IN1); and

3. a draft site-specific Development Control Plan (DCP) to manage potential impacts of the vehicle sales or hire premises and carpark for review by Council.
Planning Proposal Process - (Amending a Local Environmental Plan)

1. Applicant suggests an amendment to existing Local Environmental Plan (LEP)
2. Applicant lodges an Application for Planning Proposal with Council
3. Council considers Application for Planning Proposal at Council Meeting and decides whether or not to support
   - Council resolves to support Planning Proposal
   - Council resolves NOT to support Planning Proposal
4. Council prepares Planning Proposal and submits it to NSW Dept. Planning and Environment
5. NSW Dept Planning and Environment consider proposal and issue Gateway determination
   - NSW Dept. Planning and Environment issue Gateway determination to proceed
   - NSW Dept. Planning and Environment issue Gateway determination NOT to proceed
   - Community and adjoining property owners and occupiers may lodge submissions
7. Council reviews submissions and whether Planning Proposal should continue
   - Council resolves not to proceed with the Planning Proposal
   - Council notifies Dept. of Planning and Environment
   - Council resolves to proceed with the Planning Proposal as exhibited or with amendments
8. Council, with NSW Parliamentary Counsel's Office, drafts the amendments agreed in Planning Proposal and makes the amended Local Environmental Plan
9. Amendments are published on NSW Legislation website and the Plan comes into affect

We are here

Updated April 2018 - Adapted from Dept. Planning and Environment Guidelines
### Consideration of Submissions – Planning Proposal 8 Wombat and 1 Murringo Streets Young

**Planning Proposal:** Amendment to Young LEP 2010 for 8 Wombat and 1 Murringo Streets Young to allow for vehicle sales or hire premises and carpark to accommodate the expansion of the existing Young Motors business.

**Public Exhibition period:** 19 April to 17 May 2018

**Notification details:** Newspaper Notice (Hilltops Phoenix) - 19 April 2018 and 3 May 2018. Letters sent to adjoining owners and occupiers (54 letters). Exhibition Documents on Council Webpage and Young Office front counter.

#### Consideration of Submissions received during public exhibition of Planning Proposal for 8 Wombat and 1 Murringo Streets Young

<table>
<thead>
<tr>
<th>No.</th>
<th>Issue</th>
<th>Details of issue</th>
<th>Applicant Response</th>
<th>Comment</th>
<th>Recommendation</th>
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<tbody>
<tr>
<td>1</td>
<td>Tenancy of 8 Wombat St</td>
<td>The lessee of 8 Wombat Street is a protected tenant</td>
<td>The tenancy arrangements for a property do not represent a town planning consideration.</td>
<td>While technically the applicant’s response that this issue is not a planning consideration, it does have implications on the process and outcome that should be understood. A Protected Tenant has greater protection against eviction and rent increases than tenants in properties controlled under the <em>Residential Tenancies Act 2010</em>. As such their tenure in a property is generally very secure, in which case, may mean that the purpose for which this site specific Planning Proposal may not be able to be realised in the short to medium term. The Planning Proposal as such will not require the tenant to leave the premises, acting on any approval issued for a future development application that realises the potential that the Planning Proposal will create (if it proceeds) will result in the demolition and erection of the commercial building and hence</td>
<td>That the applicant be required to advise of the consequences to the tenant if the Planning Proposal proceeds. This includes specifically whether the eviction the tenant will occur or whether other steps are to be taken to ensure long term and suitable accommodation at a rental equivalent is arranged.</td>
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<td>Details of issue</td>
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| 2   | Character and Amenity impact              | Expansion of car yard will detract from the residential amenity of the area    | The potential impacts on the residential amenity of the area can be addressed. The locality is already characterised by the existing operations of Young Motors. The fringe setting (between the CBD and residential neighbourhoods) is sufficient to suggest that the area is not used exclusively for residential purposes. Young Motors is a well-established component of the land use pattern. The proposal does not introduce a new land use. Suitable site management and design measures may be implemented to reduce the impact on neighbours. The potential impacts that require further consideration at the DA stage are foreshadowed in Section 4.3 of the Planning Proposal prepared by Peter Basha Planning & Development July 2017. | Residential amenity impacts are generally associated with  
- Impacts on distinctive character of the existing buildings and the surrounding area with respect to the design, scale and materials used  
- Impacts on landscape elements of the area such as trees and other soft landscaping of amenity value  
- Impacts on standard of daylight, sunlight, outlook and privacy for all existing and future occupants of buildings  
- Impacts through an increase in noise, disturbance, smells, fumes or other harmful effects  
- How necessary and/or reasonable is the proposal causing the impact  

The applicant's planning proposal envisages the demolition of the existing dwelling at 8 Wombat Street and erection of a new building and use of the Murringo land for parking. The potential amenity impact relate to design of the proposed building in relation to streetscape, overshadowing, privacy and suitable landscaping and impacts created by use itself being management of vehicular traffic, noise and emissions. The assessment and detail is to be considered at development application stage. What is relevant at the Planning Proposal stage is considering whether the location and constraints will mean that a future development proposal cannot address such impacts.                                                                 | Option to require site specific Development Control Plan to manage potential impacts |
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<tbody>
<tr>
<td>3</td>
<td>Character and amenity impact</td>
<td>Impact on residential character and amenity of this precinct south of Burrangong Creek</td>
<td>Refer to above comments pertaining to Character and Amenity Impact</td>
<td>Refer to comments above</td>
<td>Option to require site specific Development Control Plan to manage potential impacts</td>
</tr>
<tr>
<td>4</td>
<td>Residential character impact</td>
<td>The zoning should not be altered - the neighbourhood is basically residential living.</td>
<td>Refer to above comments pertaining to Character and Amenity Impact</td>
<td>The residential zoning of the land remains under this Planning Proposal. It does add the car sales use as an option for the 8 Wombat St and the car parking use for the Murringo Street use. Refer also to comments above.</td>
<td>No change</td>
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<td>5</td>
<td>Character and heritage impacts</td>
<td>The development is also out of character with the natural heritage of the streetscape of a local heritage nature which could arguably be considered as a Heritage Conservation area with reference to the mapping in Young LEP 2010, the subject and surrounding land is not identified as a heritage conservation area</td>
<td>Refer to above comments pertaining to Character and Amenity Impact</td>
<td>The Planning Proposal does not change the requirements for the design of any future building on land to have regard to the built character of the area, as would any development. This is required under Section 4.15 of the Environmental Planning and Assessment Act 1979 which details the matters for consideration for Development Applications. It is noted that the character of this area does include many older buildings.</td>
<td>Option to require site specific Development Control Plan to manage potential impacts</td>
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<td>No.</td>
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| 6   | Character and streetscape impact                                     | Impact on the attractive entry to town at the bridge by unsympathetic building facades and signage.                                                                                                                                                                     | Although it is a matter to be addressed at the DA stage, the Planning Proposal prepared by Peter Basha Planning & Development, July 2017 suggests that the potential visual impacts may be minimised by adopting the following approach for the new building:  
  - Maintain a generous setback from Wombat Street.  
  - Provide high quality external finishes including generous showroom glazing.  
  - Judicious application of signage.  
  - Adopt a building height that is similar to the front section of the existing buildings so as to remain commensurate with a recent residential building height. | The Planning Proposal does not change the requirements for the design of any future building on land to have regard to the built character of the area, as would any development under Section 4.15 of the EP&A Act. The applicant's comments on ways to manage streetscape impacts are noted and would be subject to assessment at the Development Application stage. | Option to require site specific Development Control Plan to manage potential impacts |
| 7   | Character impacts                                                    | The current Wombat Street location already has visibility issues with the town access being shielded by the Wombat Street bridge and the trees from the south. The subsequent product promotion from the use of 8 Wombat Street will make this worse.                                                                 | The judicious placement of signage would address this concern.                                                                                                                                                    | The Planning Proposal does not change the requirements for the future development on the land to have regard to the built character of the area and view corridors and approaches, as would any development under Section 4.15 of the EP&A Act. The applicant's comments on ways to manage view impacts from signage are noted and would be subject to assessment at the Development Application stage. | Option to require site specific Development Control Plan to manage potential impacts |
| 8   | Amenity impact - bulk and overshadowing                              | Impacts to light and shadow and build and overdevelopment from the future development of 8 Wombat Street. The existing fencing has an impact on the amenity of 8 Wombat St and any future development in the vicinity.                                                                 | Although it is a matter to be addressed at the DA stage, the Planning Proposal prepared by Peter Basha Planning & Development, July 2017 suggests that the potential impacts upon 10 Wombat Street may be minimised by adopting the following approach:  
  - Ensure that the building extension adopts a height that is commensurate with the | The Planning Proposal does not change the requirements for the future development on the land to mitigate impacts on the built environment, as would any development under Section 4.15 of the EP&A Act. The applicant's comments on ways to manage overshadowing impacts from future building and fencing are noted and would be subject to | Option to require site specific Development Control Plan to manage potential impacts |

*ATTACHMENT 3  -Report to Council from 26 July 2018 – Consideration of Submissions on Planning Proposal*
<table>
<thead>
<tr>
<th>No.</th>
<th>Issue</th>
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|     | future cannot be guaranteed by consent conditions that are trying to overcome poor planning decisions when considering the amenity of 10 Wombat Street. | residential building heights in this precinct so as to not visually dominate the neighbour or cause unreasonable overshadowing.  
• Set the building extension towards the rear of the site and predominantly behind the line of the neighbouring dwelling so as to not visually dominate the neighbour or cause unreasonable overshadowing.  
• Establish a taller fence and landscaping along the common boundary to maintain privacy for the dwelling.  
• Provide lighting so that it is low level and does not spill onto the residential property.  
• Maintain typical business hours of operation.                                                                 | assessment at the Development Application stage.  
The Planning Proposal to add the additional use option to this land, does not in its own right result in amenity impacts of from bulk and overshadowing. There are many different design options available to avoid these impacts and keep any such unavoidable impacts at the level that would be expected for a new dwelling house on the land. All these aspects are a matter for the development assessment.  
In considering whether to proceed with this Planning Proposal Council needs to be satisfied that the sites do not have constraints that would make a design unworkable and not be able to address potential impacts adequately. The 8 Wombat Street site is relatively flat, of a regular shape and size to accommodate a new building with a suitable design.                                                                 | Option to require site specific Development Control Plan to manage potential impacts                                                                 |
<p>|     | Privacy                                                               |                                                                                                                                                                                                                 |                                                                                                                                                                                                                                     |                                                                                                       |
| 9   | Privacy and amenity impacts                                           | While streetscape maybe improved by a structural setback, it would then open the area of that setback to yard sales leading to inevitable issues of privacy. Because of the northern aspect and the required setback the intersecting structure would not tolerate a fence height exceeding 1500mm. Fencing of  | The Planning Proposal does not change the requirements for the future development on the land to mitigate impacts on the built environment (including privacy), as would any development under Section 4.15 of the EP&amp;A Act. The applicant's comments on ways to manage privacy impacts from future building and fencing are noted and would be subject to assessment at the Development Application stage.                                                                 |                                                                                                       |</p>
<table>
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</table>
| 10  | Amenity | Existing Business is a noise nuisance currently (loud music and loud speaker paging). | Refer 4.3(iv) of the Planning Proposal by Peter Basha Planning & Development, July 2017. 4.3 (iv) Noise  
*The Proposal does not introduce additional noise sources to the locality. The display of vehicles as an activity that does not generate continuous, repetitive or loud noise. The main activity would be movement of cars from time to time for rearrangement of the display or to enable test drives. Given that the adjacent road network would already have a certain background noise level attributed to it, is reasonable to suggest that the noise as a result of a vehicle display area would unlikely to exceed typical background levels.*  
*The workshop is an existing component of the land use pattern. Whilst workshop activities would intensify slightly, it would not necessarily result in increased noise impacts. No new openings that face residential properties will be created. There will be no workshop activities at night when background noise levels are typically lower.* | The applicant's advice from 4.3(iv) if their Planning Proposal shows the potential ways to manage noise should a development application be lodged. The Planning Proposal in itself will not result in noise impacts. The site and surrounds do not present constraints that could not be addressed through effective design to mitigate potential noise impacts. | Option to require site specific Development Control Plan to manage potential impacts |
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<tbody>
<tr>
<td>11</td>
<td>Amenity impact - traffic and noise</td>
<td>Impact of increased traffic and noise especially in Murringo Street</td>
<td>Although it is a matter to be addressed at the DA stage, traffic impacts are considered in 4.3(ii) of the Planning Proposal by Peter Basha Planning &amp; Development, July 2017.</td>
<td>The Planning Proposal does introduce a new use that can increase traffic generation to the sites. The additional generation will depend on the size of the additional area to be added.</td>
<td>Option to require site specific Development Control Plan to manage potential impacts with specific reference to traffic impacts</td>
</tr>
</tbody>
</table>
| 3   |                            |                                                                 | **4.3(ii) Traffic Impact**  
**Traffic Generation**  
*The Guide to Traffic Generating Development (RTA, October 2002) may be used to obtain an indication of traffic volume generated by the proposed new premises.*  
*The RTA Guide estimates that motor showrooms generate traffic at the rate of 0.7 evening peak hour vehicle trips per 100m2 of site area. The Guide note that the above rate is based generally on showrooms with both new and used car sales as well as servicing facilities. The Guide states that trip generation rates for motor showrooms vary widely; however, application of the nominated rate to the development concept assists with the assessment of the Planning Proposal.*  
*Using the rate in the Guide:  
- The existing business (based on a site area of 1,681.9m2) has the potential to generate an evening peak of some 12 vehicle trips.  
- The business as expanded (based on a site area of 3,362.9m2) has the potential to generate an evening peak of some 23 vehicle trips.  
*The above figures demonstrate that the evening peak traffic for both the existing site and the expanded site are modest.*  
*Typical traffic is expected to comprise:  
- Predominantly passenger cars or light commercial vehicles.  
- Occasional small service vehicles.* | The existing road network has capacity for additional traffic generation and the quantum will be part of the assessment of any Development application lodged.  
The impacts of service vehicles associated with vehicle sales or hire premises is also important to consider in progressing the Planning Proposal.  
The arrangement for service vehicles and transporters is important. It is noted that in common with all car dealerships in Young, the unloading of vehicles from car transporters takes place on the public road. The applicant states in this case that it is occurring from Wombat Street. The alternate loading points, apart from Wombat Street, are either on the rear lane (access for the truck via Murringo Street) or on Gordon Street.  
Rear lane access and Murringo Street access for deliveries would be discouraged to minimise the mix of commercial delivery and residential traffic; with the intent of minimising commercial traffic on local access roads. The applicant has identified this as well.  
The design of the proposal and potentially the redesign of the existing site layout of the |
Vehicle transporters will continue to serve the site in the same manner that has occurred to date (i.e. from Wombat Street). As is the case now, the potential also exists for vehicle transports to service the site via the rear land and Murringo Street but it is suggested that this would generate increased impacts upon the residential development along that route.

In any event, the scale of the expansion as described in this Planning Proposal is unlikely to generate a significant increase in the number of vehicle transports that already serve the site.

**Capacity of Road Network**

Carriageway widths, trafficable lands, and intersection controls for Wombat Street, Murringo Street and the immediate road network appear satisfactory. The use of the existing carriageway that leads to the rear of the existing workshop is proposed to be reduced by encouraging service on staff vehicles to enter and exit the proposed car park via Murringo Street.

It is reasonable to submit that the additional traffic generated by this proposal would integrate reasonably with established traffic levels. The increase in traffic numbers as a result of the development would represent only modest proportion of the total traffic volume that the surrounding road network is subject to.

Table 4.6 (below) of the RTA Guide sets out recommended Environmental Capacity performance standards for streets with direct access to residential properties.

<table>
<thead>
<tr>
<th>Road Class</th>
<th>Road Type</th>
<th>Minimum Speed (km/h)</th>
<th>Maximum Peak Hour Volume (veh/h)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local</td>
<td>Arterial</td>
<td>20</td>
<td>200 environmental limit</td>
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<tr>
<td></td>
<td>Collector</td>
<td>30</td>
<td>300 environmental limit</td>
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vehicle sales and hire premises will need to deal with traffic conflicts with the residential access from the access streets.

The applicant’s proposal to use Murringo Street as the access and egress for parking area will increase traffic generated, however, the road does have capacity.

The sites identified in this Planning Proposal do have constraints due to their location within a residential area with traffic conflicts generated with the mixing of residential and commercial/delivery traffic.

These matters are likely to be able to be addressed in the design and management arrangements of the development and will be the subject of assessment of any development application.
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<td><strong>While formal traffic counts have not been undertaken, it is submitted that the existing development in the immediate vicinity, in conjunction with the proposed expansion of Young Motors would generate peak hour rates that are significantly below the maximum environmental goals suggested in the above Table.</strong></td>
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<td><strong>The provision of adequate off-street parking resources will assist to maintain traffic amenity along Wombat and Murringo Streets.</strong></td>
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<td><strong>Access Arrangements</strong>&lt;br&gt;The proposed access arrangements are considered satisfactory as follows:&lt;br&gt;• The existing laybacks and footpath crossings that serve the current operations of Young Motors from Wombat Street will be retained. In effect, these arrangements have long provided vehicle movements to and from the display area. Rather than create a new access point, the proposed additional display area (in Lot 2A DP 976203) will use the existing access arrangements.&lt;br&gt;• The use of the existing laneway that leads to the rear of the existing workshop is proposed to be reduced by encouraging service and staff vehicles to enter and exit the proposed car park via Murringo Street. The only section of the laneway that is intended to remain in full use will be the section between the car park and the rear of the building (workshop).**</td>
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<td><strong>Parking Provision</strong>&lt;br&gt;The proposal is only presented as a concept at this stage. Final parking requirements for future development would be subject to final plans and more detailed assessment at the DA stage. However, it is useful to conduct a preliminary assessment of the concept plan, essentially to assist with the assessment of this Planning Proposal.</td>
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<tr>
<td></td>
<td>12</td>
<td>Amenity impact - traffic and visual</td>
<td>Parking in this area Wombat Street is already heavy with difficulty gaining parking for residential use. The existing car yard uses parking along Wombat St to</td>
<td>Although it is a matter to be addressed at the DA stage, the Planning Proposal by Peter Basha Planning &amp; Development, July 2017 provides a preliminary parking assessment at section 4.3(ii) and suggests that adequate parking can be provided.</td>
<td>The use of on-street parking for vehicle sales uses is a compliance matter for Council.</td>
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<td>Young Development Control Plan 2011 (Table 4.1) requires parking to be provided at the following rates:</td>
<td>With reference to the DCP rates and based on the development concept the proposal would generate a total parking need of some 32 spaces as follows:</td>
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<td>• Vehicle Sales or Hire Premises – 1 space per 100m2 of gross leasable floor area of the building plus 1 space per 320m2 of open display area</td>
<td>• The outdoor display with an area of approximately 840m2 would generate a parking need of 3 spaces</td>
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<td>• Vehicle repair stations (i.e. the workshop) – 4 spaces per bay.</td>
<td>• The showrooms with a floor area of approximately 940m2 would generate a parking need of 9 spaces</td>
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<td>With reference to the DCP rates and based on the development concept the proposal would generate a total parking need of some 32 spaces as follows:</td>
<td>• The workshop is expected to provide 5 bays and would thus generate a parking demand of 20 spaces.</td>
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<td>The concept plan shows that the proposal is able to comply with the parking requirements of Council. A total of 34 off street parking spaces can be provided in LPS Section 57 DP 759144. New car parking arrangement will be designed to comply with the Australian Standard AS2890.1-2004 with respect to car parking dimensions, aisle widths and internal circulation.</td>
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<tr>
<td>13</td>
<td>Cumulative traffic impacts</td>
<td>Cumulative impact of the use of Murringo Street for access and loading and unloading together with bulk and scale is inappropriate in a residential zone.</td>
<td>It is submitted that Murringo Street is of sufficient capacity to accommodate any traffic increases associated with the development described in the Planning Proposal.</td>
<td>Refer to comments in No.11. The use of Murringo Street for deliveries will have impacts on Murringo Street. The use of the street for vehicle transporters associated with a vehicle sales and Hire use is not considered appropriate given the conflict with residential traffic. The site does have alternate access available and Wombat Street is used currently for this purpose.</td>
<td>Option to require site specific Development Control Plan to manage potential impacts with specific reference to traffic impacts</td>
</tr>
<tr>
<td>14</td>
<td>Traffic and parking impacts</td>
<td>The proposal also looks at the impact being minor as a result of the existing operations. This is a poor marker. This business is intending to introduce further car sales through the addition of a third marque and this will increase pressure on the still limited display area, street frontage, parking as well as increased traffic movements along a wholly inappropriate Murringo Street and lane access to the service areas.</td>
<td>Although it is a matter to be addressed at the DA stage, traffic and parking impacts are considered in 4.3(iii) of the Planning Proposal by Peter Basha Planning &amp; Development, July 2017.</td>
<td>The extent and size of the development will be the subject of a development application. The size and corresponding traffic generation and traffic impacts will have to be considered in the design of any extension of the existing vehicle sales and hire premises. As included in comments above, the traffic conflicts with commercial deliveries and residential traffic are an important consideration. The Planning Proposal to allow the car park use at 1 Murringo Street will lead to an increase in traffic in Murringo Street should a development application be lodged and approved. Where there is a requirement strict controls to specifically manage impacts, Council may consider a site specific Development Control Plan to deal with amenity and other impacts. This can provide an additional layer of</td>
<td>Option to require site specific Development Control Plan to manage potential impacts with specific reference to traffic impacts</td>
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<td>15</td>
<td>Traffic impacts</td>
<td>Current business already include inappropriate use of Murringo Street to load and unload vehicles as well as parking of vehicles</td>
<td>The use of a public street is subject to the relevant road rules.</td>
<td>The current use of Murringo Street for loading and unloading of vehicles and parking is a compliance matter for Council</td>
<td>No change</td>
</tr>
<tr>
<td>16</td>
<td>Parking Impact and lack of enforcement</td>
<td>Matters relating to parking and product promotion are not likely to be managed / enforced given the nature of the site, past and present behaviours of this business and the difficulties for Council to manage the inappropriate use of land.</td>
<td>The use of a public street is subject to the relevant road rules.</td>
<td>Enforcement and compliance matters are separate from this Planning Proposal although it is noted that should the Planning Proposal be progressed and the amendment to the Young LEP made, it will allow for the consideration of a development application for the use of the land at 1 Murringo Street for parking.</td>
<td>No change</td>
</tr>
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| 17  | Traffic and parking impacts from precedent | The suggestion for the use of the Murringo Street proposal for carparking is poor. A future PP can vary this on the same minor impact concept and the current problematic traffic movements will only intensify and then be considered normal leading to further invasive behaviour that continue to be uncontrolled by Council. | Although it is a matter to be addressed at the DA stage, traffic and parking impacts are considered in 4.3 of the Planning Proposal by Peter Basha Planning & Development, July 2017. | The provision of off-street parking will be required with any development application lodged. The use of the 1 Murringo Street for car parking could cater for the required parking required for expansion of the vehicle sales or hire premises. 
Future Planning proposals for any purpose must be considered on their merit and in the context of the wider strategic planning work. | No change |
<p>| 18  | Environmental impacts | The potential environmental impact of the development | Concerns in this regard can be addressed at the DA stage. | The two sites included in the Planning Proposal are within the vicinity of the creek. | Option to require site specific |</p>
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<td></td>
<td>Impacts - contamination</td>
<td>is still real and important. The repair of motor vehicle does have potential to contaminate the creek as the development is operating in close proximity to the water course, the public open space of the weir and arboretum park.</td>
<td></td>
<td>The design of any expansion of the servicing and repair aspect of the existing business will need to address this aspect. The drainage for any carpark on 1 Murringo Street will also address the mitigation of impacts on water quality. The site constraints and available technology do not prevent these impacts from being addressed. The assessment will be a part of any development application on the</td>
<td>Development Control Plan to manage potential impacts</td>
</tr>
<tr>
<td>19</td>
<td>Residential land supply Impact</td>
<td>1 Murringo Street is set in a well-established residential area that demonstrates potential for medium density development which is impact in the growing market for aged accommodation. Topography, improvement to infrastructure makes the land prime for this increase in density.</td>
<td>Acknowledged but the demand for residential land is able to be satisfied via other more suitable sites in around the town of Young</td>
<td>The residential context of the sites in the Planning proposal is noted. The current R1 zoning of the land allows for medium and high density residential development and this will not change with the Planning Proposal.</td>
<td>No change</td>
</tr>
<tr>
<td>20</td>
<td>Residential land supply Impact</td>
<td>Strategically this area (basin area of Wombat Street from the bridge to Allanan Street and across to Kingsvale Road) has become by virtue of its topography, location and leafy nature, a centre of redevelopment for residential multi unit development, with the potential to accommodate aged housing close to the</td>
<td>Acknowledged but the demand for residential land is able to be satisfied via other more suitable sites in around the town of Young</td>
<td>Refer to Comment above</td>
<td>No change</td>
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<td>Inappropriate location of proposal</td>
<td>The nature of the business is not dependent on proximity to the town centre</td>
<td>The investment and infrastructure in the current site, plus the well recognised location of this long-standing business (more than 38 years) would render relocation impractical and uneconomic.</td>
<td>Vehicle sales and hire premises most often target at premises that have frontages to highly trafficked roads with high visibility for passing trade and are not generally reliant on town centre proximity.</td>
<td>Request further explanation of the justification for not relocating the premises</td>
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The existing business has been developed with Council’s consent for many years prior to the commencement of the Young LEP 2010. The applicant has stated that it would not be practical to relocate the business.

It is noted that under the Young LEP 2010, Zones B4, B6, B7 and IN1 all permit vehicle sales or hire premises. These zones all have properties that have main road frontages which is often a key attribute for vehicle sales businesses. It is not unusual for vehicle sales businesses to relocate and expand premises. There is no evidence provided by the applicant that land within these zones have been investigated for the relocation and expansion of the business. The justification for not relocating appears from the applicant’s
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<td>22</td>
<td>Inappropria&lt;e которых were not provided in the image.&gt;ate location of proposal</td>
<td>It could be argued that a new development in a more appropriate location would actually be a better outcome for employment, economic activity and long-term development than the current site.</td>
<td>The investment and infrastructure in the current site, plus the well recognised location of this long-standing business (more than 38 years) would render relocation impractical and uneconomic.</td>
<td>Refer to Comment above</td>
<td>Request further explanation of the justification for not relocating the premises</td>
</tr>
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<td>23</td>
<td>Inappropriate use of planning legislation</td>
<td>Changing the LEP is not an acceptable way to overcome the systematic abuse of the inappropriate, incompatible use of a public street is subject to the relevant road rules.</td>
<td>The applicant is entitled to request Council to consider a Planning Proposal and has lodged the application with the required fee payment.</td>
<td>No change</td>
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<td>and illegal use of the land such as using Murringo Street as a loading bay and Wombat Street for advertising.</td>
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<td>The use of land for illegal loading bay and the use of the road for advertising are matters of compliance for Council.</td>
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<td>Zone objectives</td>
<td>Inconsistent with R1 Zone objectives</td>
<td>Current use is not permitted in R1 General Residential and increasing the area for the business undermines Council’s objectives.</td>
<td>The current use has existing use rights.</td>
<td>Motor vehicle Sales and Hire preemies are not permitted in the R1 zone, however, where there is an existing approved premises, it is protected by the “Existing Use” provisions in the Environmental Planning and Assessment Act. This allows the use to continue despite the zoning.</td>
<td>No change</td>
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<td>24</td>
<td>Inconsistent with R1 Zone objectives</td>
<td>The inclusion of car sales under the loophole of the included definition of “shop top housing” is clearly in conflict with the R1 zone objectives and would presumably been referring to the clearly relevant development of community &quot;neighbourhood shops&quot;.</td>
<td>The proposal does not make reference to or place reliance upon “shop top housing” or “neighbourhood shops”.</td>
<td>Any development for a permissible commercial purpose in the R1 zone would be assessed having regard to the Objectives of the zone.</td>
<td>No change</td>
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<td>25</td>
<td>Proposal will lead community conflict and enforcement issues</td>
<td>Previously variations of development standards to accommodate inappropriate development has led to ongoing conflict and division in the community this is exacerbated by the impossibility to resolve these matters through compliance actions and this will be the</td>
<td>The ongoing use of the site will be subject to the development control process.</td>
<td>A Planning Proposal cannot anticipate and nor does it promote the variation of development standards. This aspect is dealt with on merit with any development application.</td>
<td>No change</td>
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<td>The social and economic impacts can be dealt with at development application stage. The site location and surrounds do not present constraints that could not be addressed through effective design and effective management.</td>
<td>Option to require site specific Development Control Plan to manage potential impacts</td>
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<td>27</td>
<td>Social and economic impacts</td>
<td>Short term impacts to neighbouring properties and long term complications to social and economic development of a strategic residential locality have not been assessed.</td>
<td>The potential impacts that require further consideration at the DA stage are foreshadowed in Section 4.3 of the Planning Proposal prepared by Peter Basha Planning &amp; Development, July 2017. The process allows for other relevant matters to be considered and addressed.</td>
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| 28  | Social and environmental impacts           | There has already been problematic commercial development with poor environmental records along the strategic public recreation zoned corridor of the Burrengong Creek area and it would be short sighted to allow further development without the support of full and substantive studies into the environmental, social and economic impacts to the surrounding and potential land use of the next 20 years. | The potential impacts that require further consideration at the DA stage are foreshadowed in Section 4.3 of the Planning Proposal prepared by Peter Basha Planning & Development, July 2017. The process allows for other relevant matters to be considered and addressed. | The R1 zone permits the following commercial uses already:  
- Bed and Breakfast accommodation  
- Hostels  
- Neighbourhood shops and  
- Shop top Housing  
The scale and design and management would be subject to assessment as part of the development application process. The same would occur for the proposed vehicle sales or hire premise and car park use proposed under this Planning Proposal. | No change                                                                                                           |
<p>| | | | | | |
|     |                                            |                                                                                 |                                                                                          |                                                                                                                                                                                                                             |                                                                                                                                                    |
| 29  | Lack consideration of B4 zone for the area | The chosen path of zoning (special use specific to proposed lot) excludes the immediately affected properties from possibility of future development. | The site specific and self-limiting nature of the APU provisions will ensure that the subject land cannot be used for any commercial purpose other than vehicle sales or hire premises (notwithstanding other uses that are permissible in the R1 Zone). | The Planning Proposal is not the result of any strategic study or report. The Planning Proposal has arisen as result of an application from the land owner requesting Council to allow the subject land to be used for the  | No change                                                                                                           |
|     |                                            |                                                                                 |                                                                                          |                                                                                                                                                                                                                             |                                                                                                                                                    |</p>
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<td>30</td>
<td>Strategic Planning basis for proposal</td>
<td>The proposal further isolates the use of this land from the good planning practice established by the Young Local Environmental plan 2010</td>
<td>The Planning Proposal was prepared in accordance with Section 55 (now 3.33) of the Environmental Planning &amp; Assessment Act 1979 (and the Department of Planning’s advisory document A Guide to Preparing Planning Proposals).</td>
<td>The Planning Proposal does not isolate the use. The range of uses permitted by the R1 zone remain.</td>
<td>No change</td>
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| 31  | Strategic Planning basis for proposal | The report is only addressing the very marginal personal financial impacts on the existing business rather than making comparison to the longer term social and economic impacts that the inappropriate commercial use will have on a prime strategic residential and recreational zone of the Young town site. | The Planning Proposal was prepared in accordance with Section 55 (now 3.33) of the Environmental Planning & Assessment Act 1979 (and the Department of Planning’s advisory document A Guide to Preparing Planning Proposals). | The Planning Proposal has arisen as result of an application from the land owner requesting Council to allow the subject land to be used for the expansion of their existing vehicle sales business to accommodate:  
- Showroom and display area  
- Area to display used vehicles for sale  
- Area for parking of vehicles to be services. By progressing the Planning Proposal to amend the Young LEP Council will be focussing on the merits of the proposal without the strategic context and justification for the amendment. | Request further explanation of the justification for not relocating the premises |
<p>| 32  | Strategic Planning basis for proposal | Failure to protect the strategic elements of the public open space in this area that has the potential to connect the sporting facilities with the | The proposal has no impact in this regard. | The land is currently zoned R1 and has the potential to be developed for the range of permissible uses listed as permissible, regardless of the Planning Proposal. The land is not zoned as part of the open space network. The Planning Proposal does not | No change |</p>
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|     | 33    | Strategic Planning basis for proposal                                                                                                                                                                               | The Planning Proposal was prepared in accordance with Section 55 (now 3.33) of the Environmental Planning & Assessment Act 1979 (and the Department of Planning’s advisory document A Guide to Preparing Planning Proposals). | The Planning Proposal is not the result of any strategic study or report. The Planning Proposal has arisen as result of an application from the land owner requesting Council to allow the subject land to be used for the expansion of their existing vehicle sales business to accommodate:  
• A showroom and display area;  
• An area to display used vehicles for sale; and  
• An area for parking of vehicles to be services.  
The applicant has a right to lodge a Planning Proposal and have it considered by Council. | Request further explanation of the justification for not relocating the premises |
|     | 34    | Strategic Planning basis for proposal                                                                                                                                                                               | The Planning Proposal was prepared in accordance with Section 55 (now 3.33) of the Environmental Planning & Assessment Act 1979 (and the Department of Planning’s advisory document A Guide to Preparing Planning Proposals). | The boundary between the commercial B4 zone and the R1 zone being the open space corridor along the creek is noted.  
A strategic review of the supply of land for commercial uses including vehicle sales and hire premises, is a way to provide strategic context to this proposal. However, the applicant has the right to lodge a Planning Proposal application and Council on 26 July 2017 resolved to support the preparation without this context. | No change |
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<td>current the only way to address this is through a new strategic plan and not the application of conjecture based on the interests of an individual company or group.</td>
<td>Relocation of the business to another site is not a realistic option. The investment and infrastructure in the current site, plus the well recognised location of this long-standing business (more than 38 years) would render relocation impractical and uneconomic.</td>
<td>Refer to comments above</td>
<td>Request further explanation of the justification for not relocating the premises</td>
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<tr>
<td>35</td>
<td>Strategic Planning basis for proposal</td>
<td>The township of Young does not exhibit any of the trademarks of having a shortage of suitable commercial lands. In fact, there is an oversupply of appropriate land for the redevelopment of this business in the B4 (former national Engineering site, IN1 Milvale Road zone, B6 and B7 zones Olympic Highway north and south corridors.</td>
<td>The Planning Proposal was prepared in accordance with Section 55(now 3.33) of the Environment Planning &amp; Assessment Act 1979 (and the Department of Planning’s advisory document A Guide to Preparing Planning Proposals.</td>
<td>The information submitted by the applicant has been considered in the preparation of the Planning Proposal. Detailed impacts relevant for a development application assessment are not required. More relevant information required would be further explanation of the justification for not relocating the premises and request to provide an economic analysis and assessment of the current site and its cost benefit analysis of versus other sites within the context where &quot;Vehicle sales and hire premises&quot; are permissible (eg Young LEP 2010, Zones B4, B6, B7 and IN1)</td>
<td>Request further explanation of the justification for not relocating the premises and an economic analysis</td>
</tr>
<tr>
<td>36</td>
<td>Strategic Planning basis for Proposal</td>
<td>The applicant has not presented any factual studies such as movement of persons, precinct impact, environmental, a traffic study or fundamental planning impact to support the proposal. Rather there are only loose references in the Planning Study that LEP was based on being out of date.</td>
<td>The Planning Proposal should not be affected by the 5 year LEP review.</td>
<td>The applicant has the right to lodge a Planning Proposal application and Council on 26 July</td>
<td>No change</td>
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<td>basis for Proposal</td>
<td>postponed until the results of the new planning studies, that will be the basis of the revised LEP, can be accessed to factually review the impacts and outcomes of the development.</td>
<td></td>
<td>2017 resolved to support its preparation without this context.</td>
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<tr>
<td>38</td>
<td>Strategic Planning basis for Proposal</td>
<td>Recommend refusal of the planning proposal and consider proposal in context of LEP review</td>
<td>The Planning Proposal should not be affected by the 5 year LEP review.</td>
<td>Refer to comments above. Council in considering the issues raised during the Public Exhibition period and has to decide whether to continue to progress with the Planning Proposal to amend the LEP (with or without changes) or to discontinue. Request further explanation of the justification for not relocating the premises</td>
<td></td>
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<tr>
<td>39</td>
<td>Strategic Planning basis for Proposal</td>
<td>Recommend that as part of the LEP review that the impacts and advantages of changing the zone be considered for the advantage or disadvantage of all properties not just as a special use. This should include the consideration on the impacts of the supply of residential zoned land and the need for suitably located aged housing over the next 30 years.</td>
<td>This is a strategic planning matter for Council.</td>
<td>The supply of residential zoned land, affordable housing and opportunities for increasing density have been identified in Council's Community Strategic Plan and will be explored as part of the Strategic Planning work for the preparation of the Hilltops LEP.</td>
<td>No change</td>
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Attachment 3 - Notice for Public Exhibition

Public Exhibition of Planning Proposal
Vehicle Sales or Hire Premise on land in Wombat and Murringo Streets in Young

On 29 March 2018 the Department of Planning and Environment issued a Gateway determination enabling Council to place the Planning Proposal, applying to land at 8 Wombat and 1 Murringo Streets, Young, on exhibition for a period of 28 days. This is consistent with Council's resolution to proceed with this Proposal at its Ordinary Meeting held on 26 July 2017.

The Planning Proposal intends to allow Vehicle Sales or Hire Premises and associated Car Park as additional permitted uses on Lot 2A DP 976203 (No. 8) Wombat Street and Lot 9 Sec 57 DP 759144 (No. 1) Murringo Street, Young. The purpose is to allow the land to be used in conjunction with an existing car sales business that has been established for many years on adjoining lands.

The following documents are available for download from Council's website www.hilltops.nsw.gov.au

- Planning Proposal
- Gateway Determination
- Council Report and Minutes

Hard copies can be viewed at Hilltops Council - Young Office at 189 Boorowa Street in Young during normal business hours.

The Planning Proposal is on public exhibition for a period of 28 days from 19 April 2018, and concluding on 17 May 2018.

Any person may make a written submission on the Planning Proposal. Written submissions will be considered by Council in deciding whether or not the draft Plan should be made. Hilltops Council has delegation from the Department of Planning and Environment to make the draft Plan, should that be the final decision.

In order to be considered by Council, submissions must be received by 5.00pm on 17 May 2018. Submissions should be addressed to The General Manager and can be submitted via email or post.

Email: mail@hilltops.nsw.gov.au
Post: Locked Bag 5
       YOUNG NSW 2594

When making a submission you should be aware that details of the submission can be made publically available as allowed by the Government Information (Public Access) Act 2009.

Any enquiries should be directed to Council’s Strategic Planners on 02 6386 0100.
18/296 – 2016/DA-00119 REV02 – RESIDENTIAL AGED CARE FACILITY – 66 DEMONDRIILE STREET YOUNG

Reference:   File No. F29.02
Responsible Officer:   Director Sustainable Growth

PURPOSE

The report is presented to Council as the Applicant seeks an exemption from payment of Council’s section 7.12 contribution (formerly known as a section 94A contribution). This report reviews the circumstances of this request.

REPORT

Application

- DA no.   2016/DA-00119 REV02
- Applicant:   Mahmoud Chatila
- Owner:   Southern Cross Care (NSW & ACT) Limited
- Property:   Lot 2 DP1129796, 66 Demondrille Street Young, NSW, 2594
- Approved development:   Lower the existing dam wall by 2.9m and provide landscaping to dam wall and surrounds
- Proposed modification:   To delete condition 12 of the development consent relating to the payment of a S7.12 (S94A) contribution

History of original application

On 26 October 2016, Council issued a deferred commencement consent for dam improvement works at 66 Demondrille Street Young. The subject site is already developed with an aged care facility. The development, valued at $1,300,000, included the following works:
  - Lowering the dam wall by 2.9m;
  - Associated drainage works; and
  - Landscaping to the dam wall and surrounds.

As a part of the assessment and approval of the application, a condition was imposed in accordance with the provision of the Young s94A Contributions plan. Condition 12 of the consent required the payment of a contribution based on the value of the works (1% of $1,300,000). The condition was:

Payment of contributions

12.   Prior to the issue of a Construction Certificate, the person having the benefit of this consent shall pay the charges payable pursuant to Council’s Section 94A Contributions Plan. The amount to be paid for this development is $13,000.00.

The consent was modified on 26 March 2018 to amend approved landscaping plan to reduce the development cost. The total cost of the development was reduced to $595,563.60. Therefore, the payment of a Section 7.12 Contribution (formerly known as a Section 94A contribution) was calculated as $5,995.64 (1% of $595,563.60), which was paid on 03 July 2018.
Proposed modification

As indicated, the Applicant is now seeking exemption from Section 7.12 contribution, via an application to modify the consent by the removal of Condition 12 and seek refund of $5,995.64. An assessment of both the s4.55 modification and the request for an exemption from the s7.12 contribution is assessed as follows.

Site

The subject site is, approximately 9.5 hectares, located on the southern side of the Young township. It is bounded by three roads – Campbell Street to its east, Demondrille Street to the north and Thornhill Street to the west. Immediately to the south is the Young cemetery.

The site is already developed with an aged care facility (80 beds) and 43 independent living units across a number of buildings (approvals 2007/194 and 2007/193). Approval (2010/143) also exists for an additional 28 independent living units that are only partially constructed. Ancillary development (car parking, office accommodation, maintenance sheds and the like) also exist on the site.

Figure 1- Locality plan
Figure 2- Aerial view (subject dam circled)

Young Hospital is located on a site across Demondrille Street to the north, with other surrounding development being residential in nature and scale.

The site slopes down generally to the north-west from a high point roughly in the middle of the site. Parts of the site are terraced, grassed and paved to provide access and recreational opportunities for residents.

Discussion

These matters need to be considered under section 4.15 of the Environmental Planning and Assessment Act 1979, as part of the assessment of the proposed modification.

Section 4.15(1)(a)(i) & (ii) - The provision of any EPI or draft EPI

State Environmental Planning Policies (SEPPs) and deemed SEPP’s

The proposed modification does not result in any change to the original assessment against State Environmental Planning Policy 55 – Remediation of Land; ie the land is not known, and is not likely, to be contaminated.

Local Environmental Plan (LEP)

The applicable LEP is the Young LEP 2010, and the relevant provisions of the LEP are discussed as follows. Broadly, the site has been not identified as having heritage significance, nor it is within a heritage conservation zone. Furthermore, the land is not affected by flood mapping, the natural resources mapping (biodiversity or land); the land is affected by groundwater vulnerability mapping. The proposed modification does not alter the original assessment which concluded that the development would not adversely impact on groundwater vulnerability.
Clause 2.1 Zone

The site is currently zoned SP2 Health Services Facility, under the Young LEP 2010, and the original development and proposed modification (dam) is a permissible land use in the zone, being ancillary use to the aged care facility.

Clause 2.3 Zone objectives

The development is not inconsistent with the objectives of the zone, which are:

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

4.15(1)(a)(iii) Development Control Plan

The Young DCP 2011 is applicable to this development, and an assessment of the proposal in accordance with this Policy has been carried out, and the following aspects are applicable to this development.

1.3 – DA Notification

The original application and previous modification were notified in accordance with the requirements of the DCP, and no submissions were received. The current modification does not require notification, as it is minor in nature.

4.15(1)(a)(iiia) - planning agreement or draft planning agreement

The developer has not entered into any planning agreement under section 7.4 (formerly section 93F) of the Act, nor has the developer offered to enter into any draft planning agreement under section 7.4.

4.15(1)(a)(iv) - matters prescribed by the Regulations

The following matters prescribed by the Regulations under Clauses 92, 93, 94A or 288, are not applicable to this application.

Clause 92 (Additional matters for consideration):

- Hilltops Council is not a local government area to which NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast, applies,
- the application is not for the carrying out of development on land that is subject to a subdivision order made under Schedule 5 to the Act,
- the development is not located within the local government area of Coonamble, City of Dubbo, Gilgandra or Warrumbungle (to which the Dark Sky Planning Guideline applies).
Clause 93 (Fire safety and other considerations)
- the development is not for a change of building use for an existing building.

Clause 94 Consent authority may require buildings to be upgraded
- the development does not involve the rebuilding, alteration, enlargement or extension of an existing building.

Clause 94A (Fire safety and other considerations - temporary structures)
- The development is not for a temporary structure.

Clause 288 (Special provision relating to Sydney Opera House)
- The development does not relate to the Sydney Opera House.

4.15(1)(b) - The likely impacts of that development

The proposed modification does not fundamentally change any aspect of the approved development, as it relates purely to the payment of a monetary contribution. The original assessment pertaining to the following issues, remain unchanged as a result of the modification – context and setting, access, traffic, public domain, utilities, heritage water, soil, air and microclimate, flora and fauna, waste, energy, noise, hazards and risks, crime and safety, social and economic, site design and construction.

In essence, the approved development is minor in nature compared to all existing infrastructure on-site and is an appropriate development. It is compatible with the existing and likely future character of the site and the area in general. There is no change in terms of building density or capacity and there will be little impact on the streetscape. From a streetscape perspective, a suitable level of screening and landscaping will be carried out and once fully established, will present a well-landscaped appearance to the street. There is no impact in terms of overshadowing or acoustic and visual privacy.

The approved development will not result in any increase in traffic or demand for parking, and appropriate conditions were imposed with respect to stormwater disposal and construction impacts. There is little or no impact on infrastructure and services and the issues of crime and safety and site design have been assessed as being appropriate.

4.15(1)(c) - The suitability of the site for the development

Does the proposal fit in the locality?

It was determined that the approved development did fit in the locality given the nature of the area and the site, and that there were no constraints posed by adjacent developments that would prohibit the proposal. The proposal makes little change to the existing built form, character and appearance of the site or locality. The existing dam wall that faces Thornhill Street will be lower – and less imposing – to the street but will be landscaped and present in a similar way to the street as it does now.
Are the site attributes conducive to development?

Yes. The dam is an existing structure that helps retain stormwater from the development, on the site. The proposed dam wall and landscaping will continue, and stormwater will continue to be retailed by the dam, albeit in lesser quantities. The landscaping to be provided will enable better recreational use of the dam to be made by residents of the care facility.

4.15(1)(d) - Any submissions made

As discussed above, the application was not notified.

4.15(1)(e) - The public interest

Staff are not aware of any policy statements from either Federal or State Government that are relevant to this proposal, nor any planning studies or strategies. There is no management plan or planning guideline that is applicable to a development of this nature. There are no covenants, easement or agreements that affect the proposal.

In terms of the s7.12 contribution, the Applicant has sought an exemption from this contribution, for the reasons outlined as follows:

- Southern Cross Care (NSW & ACT) Limited, being the landowner of this property) is a not-for-profit organisation and is registered as a charity with the Australian Charities and Not-for-profits Commission (certificate supplied) and direct provider of rental housing to tenants,
- the proposal is of a small scale, as it does not increase the capacity of the aged care facility,
- it will not have any additional impact on public infrastructure.

In considering the above request, Council must have due regard to Appendix A of the s94A Contributions Plan, which identifies State mandated exemptions, and other possible Council exemptions. In relation to the possible local Council exemptions, Appendix A states,

“In addition, Council may allow for the following exemptions (partial or full):

- Works proposed to be undertaken for charitable purposes, by or on behalf of, a not-for-profit charity (as defined by the ATO) but only in cases where the development is of a small scale, for example a retail outlet operated by the Salvation Army, St Vincent de Paul or similar organisations, and where the Council considers that there will not be an increase in the demand for public works or infrastructure as a result of the development which would warrant the payment of a Section 94A levy.

In considering any application for an exemption Council will take into account the extent to which the proposed development comprises or includes the provision, extension or augmentation of public amenities or public services that provide a public benefit”.
A search of the Australian Government’s Australian Charities and Not-for-profits Commission reveals Southern Cross Care (NSW & ACT) Limited is a registered charity in the area of aged health care, among other things. Furthermore, aged care is legally recognised as a charitable purpose, so the development satisfies this criterion.

In addition, it is agreed that whilst the value of the work is high, that the actual works are small in scale, which will not increase the capacity of the residence. Furthermore, there will not be any increase in the demand for public works or infrastructure as a result of the development.

Documentation submitted with the original application indicated that all generated stormwater from the development will continue to drain to the dam. The dam will be provided with a 115mm orifice on 225mm PVC pipeline that drains the dam, to limit the flow discharge from the dam and ensure that peak flow rates are not increased off the site for all storm events up to the 100-year ARI event. In storm and potential dam failure events, the documentation indicates that the work to be carried out will reduce the existing inundation risk on adjoining properties to the downstream. These modelled results show improvement on the existing flood/inundation risk scenario and show the works will improve downstream inundation levels. Council’s engineers also required additional measures as conditions of the original consent, such as levees along the drainage channel in the Thornhill Street reserve, to further lessen the risk of possible inundation. Therefore, there will be public benefit as a result of the proposed development.

Having satisfied the above criteria, is considered that the proposal does provide a public benefit in the area of aged care services and also to the adjoining properties and that sufficient justification has been provided for the exemption. Accordingly, approval of the modification is recommended.

**STATUTORY PROVISIONS**

- The modification application has been assessed in accordance with the matters for consideration under section 4.15 of the *Environmental Planning & Assessment Act 1979*, all relevant environmental planning instruments and policies.

**CONSULTATION**

Nil consultation required.

**POLICY IMPLICATIONS**

There are no policy implications arising from the approval of this development application, with the exemption being generally within the exemption parameters outlined in the Contributions Plan.
FINANCIAL IMPLICATIONS

If the exemption from the s7.12 (s94A) contribution is consented to, Council will forgo $5,995.64 towards the public facilities identified in the plan. As the applicant already paid the contribution it will need to be refunded, if approved.

All other costs of the development will be borne by the developer.

RECOMMENDATION

That Council:

a) Grant an exemption to Southern Cross Care (NSW & ACT) Limited from payment of the s7.12 contribution, in relation to development application 2016/DA-00119 and refund the fees paid; and

b) Approve the following s4.55 modification application:

Application no. 2016/DA-00119 REV02
- Property: Lot 2 DP1129796, 66 Demondrille Street Young, NSW, 2594
- Proposal: Lower the existing dam wall by 2.9m and provide landscaping to dam wall and surrounds
- Modification: Deletion of Condition 12, relating to the payment of the section 7.12 (formerly known as section 94A) contribution.
The purpose of this report is to provide information on the status of development applications (DAs) as at 30 November 2018.

The figures provided indicated that at the end of the reporting period:
- Twenty-two (22) applications were approved under delegated authority,
- three (3) applications were withdrawn,
- forty-five (45) applications were undetermined,
- the net average processing time was 39 days, and
- the median processing time was 27 days.

It should be noted that these figures are a monthly average, and include those applications undetermined, and are not necessarily a true indication of DA time frames. However, they are a good indication of how staff are progressing.

Complying development certificates (CDCs) are reported for information only, and are not included in the processing figures, as these have a 10-day time frame as prescribed by legislation. At the end of the reporting period:
- one (1) CDC was lodged and remained undetermined.

Council is required to provide development application data to the Department of Planning and Environment by 31st July each year. The data identifies all development applications and modifications determined by Council, and all CDCs and ancillary certificates (such as occupation, construction and subdivision certificates) issued by Council. This data provided for information, helps in compiling the data to send to the Department.

No consultation undertaken or required to be undertaken as part of this report.
POLICY IMPLICATIONS

This report is for information only, and there are no policy implications arising from this report.

FINANCIAL IMPLICATIONS

This report is for information only, and there are no financial implications arising from this report.

ATTACHMENTS

Attachment 1 - DA status report
Attachment 2 - CDC status report

RECOMMENDATION

That Council;

a) receive and note the status and processing times for development applications, as at 30 November 2018.
<table>
<thead>
<tr>
<th>DA Number</th>
<th>Date lodged</th>
<th>Applicant</th>
<th>Site address</th>
<th>Works</th>
<th>Status</th>
<th>Clock stopped (days)</th>
<th>External referrals</th>
<th>Date Determined</th>
<th>Processing time (days - including weekends &amp; public holidays)</th>
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<td>29/10/2013</td>
<td>M Dujik</td>
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<td>Dwelling (alterations and additions)</td>
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<td>2017/DA-00190</td>
<td>6/11/2017</td>
<td>Mr WJ Chapman</td>
<td>Crown road, off Bibbarree Road, Maimuru</td>
<td>Infrastructure - Construction of access road</td>
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<td>2018/DA-00014</td>
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<td>Wade Anthony, CPC Land Development Consultants</td>
<td>81 Isaacs Road, Young</td>
<td>Subdivision - 24 lots</td>
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<td>2018/DA-00058</td>
<td>12/04/2018</td>
<td>Caleb Jackson</td>
<td>20 Telegraph Road, Young</td>
<td>Demolition of existing buildings and site levelling</td>
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<td>Peter Joseph Ronald Spring</td>
<td>45 Caple Street, Young</td>
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<td>Sibelco Australia Pty Ltd</td>
<td>342 Eubindal Road, Galong</td>
<td>Modification (mining) - increase product dispatch and changes to haulage routes</td>
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<td>Scott Hoskins</td>
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<td>Craig Filmer</td>
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<td>E Harris</td>
<td>3 Browns Lane, Young</td>
<td>Modification (dwelling -new) - repositioning of dwelling</td>
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<td>C McInemey</td>
<td>20 Curtis Place, Young</td>
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<td>16/11/2018</td>
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<td>Commercial - demolition, and alterations and additions to existing shop</td>
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<td>Ms A Clifton</td>
<td>22 Pudman Street, Boorowa</td>
<td>Dwelling (alterations and additions) - patio</td>
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<td>J Osmond</td>
<td>12 Keevil Drive, Young</td>
<td>Dual occupancy and subdivision</td>
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<td>82 -84 Pudman Street, Boorowa</td>
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<td>K Christensen</td>
<td>123 Boorowa Street, Young</td>
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18/298 – TRANSFER OF A CROWN ROAD RESERVE IN MAIMURU TO COUNCIL AS PUBLIC ROAD.

Reference:   File No. F154.00
Responsible Officer:   Director Infrastructure

PURPOSE

This report considers a request for Council to assume ownership of approximately five (5) kilometres of unformed road reserve. The road reserve is directly tied to Development Application 2017/DA-00190 that seeks approval for construction of a road over it to provide access to a land holding known as ‘Billaboola’. The request is for Council to assume ownership of the road reserve (and any road constructed on it) is considered by Council staff to be pivotal to a decision on Development Application 2017/DA-00190, with the acceptance of any such ownership, establishing a precedent for future rural access requests over unformed road reserves. That potential precedent, together with cost, risk and maintenance issues that ownership of a new rural road reserve brings, requires proper consideration of the matter, separately to a determination of the development application. It should be noted that the construction of this unformed road reserve is only being developed at this stage to provide a formed access to one property.

Council’s consideration and determination of this report will necessarily guide its consideration of the accompanying report on Development Application 2017/DA-00190 which forms Item 18/299 in this Business Paper.

REPORT

Background

Unformed road reserves, known as ‘paper’ or ‘green’ roads, are a substantial feature of rural land tenure. Owned by the New South Wales Government (through the NSW Department of Industry – Crown Land and Water Division) they arose from 19th century land planning with a broad view of supporting public access to settlements. As actual land development has not been consistent with this early planning, many such ‘paper’ roads remain across rural areas. A system of permits and licences has been established around paper roads to enable landholders to effectively incorporate them into their broader holdings for a range of limited uses specified in the relevant permit or licence.

Broadly speaking, relevant legislation provides for ongoing legal public access over those paper roads, but no legal right to construct or place any structure on them without the consent of the land owner, the Crown. The Crown will only give consent for physical construction on such paper roads (outside of any licence agreement) where Council agrees to assume ownership of the road reserve in question. Alternatively, a person seeking to construct in a paper road reserve can apply to the Crown to close the road (remove it as a means of public access) and purchase it from the Crown, after which it becomes private land.
The subject paper road runs in a southerly direction off Bribbaree Road and is shown in red in Figure 1 below. Campbells Road lies further to the south. The land is zoned RU1 – Primary Production and development consent is required for the construction of a road in the zone. As indicated, Development Application 2017/DA-00190 has been lodged with Council for the construction of a road in the paper road reserve. The length of road to be constructed is some five (5) kilometres and is intended at this stage to provide access to Lot 211 DP 754603 (as part of the ‘Billaboola’ holding) only and currently is not required to provide access to any other land parcels that adjoin this proposed section of road. However, as a public road, it could provide both legal and physical access to all adjoining land holders in the future should this ever be required. Further, the proposed route is the shortest available and generally the most technically achievable.

Council was first approached to assume ownership of this road reserve through correspondence (not a development application) in 2017. The approach was made as ‘Billaboola’ currently relies on ‘informal’ tracks off Campbells Road to the east, over which no right of access/carriageway exists, including over Lot 5 DP754603 (part of the adjoining holding to the east outlined in blue in Figure 1).
Those informal access arrangements are understood by Council to no longer suit all relevant landowners and an alternative means of access to ‘Billaboola’ is therefore required.

When first raised, the applicant was advised in writing that Council’s preferred approach was not to assume ownership of the road. However, a report was put to Council at its meeting of 24 May 2017, which considered three options:

1. Council assuming ownership of the road, with a development application to be lodged for construction of a road. Adjoining owners would have input through the development application process. Maintenance liability for the road, if approved, would reside with the owners of Lot 211 DP 754603 through a legal agreement to be drawn up with Council; or

2. Council requiring the road to be closed and purchased from the Crown by the applicant (the owner of Lot 211 DP 754603). Adjoining owners would have input both through the road closure process and through the necessary development application to construct the road. Council would carry no risk, cost or maintenance liabilities in this scenario; or

3. Council act as intermediary between the relevant landholders to ‘legalise’ the existing informal access via rights of access/carriageway or compulsory acquisition.

Council resolved to adopt Option 3. An additional element of the resolution was that Council receive a further report at its 28 June 2017 meeting, on options for access to Billaboola should negotiations fail. Efforts by Council staff to give effect to that option were not successful, however it does not appear that a further report was considered by Council. The owner of Billaboola has subsequently lodged Development Application 2017/DA-00190 for construction of a road in the road reserve; that application is discussed as Item 18/299 in the Business Paper.

**STATUTORY PROVISIONS**

- **Environmental Planning & Assessment Act 1979 (EP&A Act)**
  As noted, Development Application 2017/DA-00190 has been lodged with Council for construction of a road over the paper road reserve. The Crown, as land owner, has provided its consent for the lodgement of the DA as required by the EP&A Act, however that consent is only given for the event where Council agrees to assume ownership of the road reserve and road.

- **Local Government Act, 1993 (LG Act)**
  Section 186 allows Council to acquire land for exercising its functions

- **Roads Act, 1993 (Roads Act)**
  To transfer Crown public road reserve ownership to Council is by way of an application made to the Crown requesting transfer. Councils can by way of this application, request the transfer of a Crown public road
reserve to be vested in Council as a public road reserve. This is generally a straight forward process.

Speed limits on all roads in NSW are determined by The Road Transport (Safety and Traffic Management) Act 1999. This Act enables RMS (the only entity) to set speed limits for vehicles through traffic regulations. This is undertaken in accordance with the RMS publication ‘NSW Speed Zoning Guidelines’. Unsealed roads in a rural environment can be speed limited to 80km/h. In some locations the default speed limit may be the preferred option, and in such cases, the ‘Reduce Speed to Conditions’ sign can be used to remind drivers to drive to prevailing conditions on unsealed roads. In the Hilltops Council LGA, sign posting a speed limit on gravel roads is not practiced as the surface conditions of an unsealed road can vary from one day to the next.

A maintenance agreement, for this road, along with the applicant been considered. However, it is thought that the use of such an agreement would be very difficult to enforce. A staged construction process would be more appropriate.

**CONSULTATION**

Following the Council resolution of 24 May 2017, Council contacted the adjoining land owner over whose land access is currently gained to Lot 211 DP754603. As indicated, negotiations for legalising existing access were unsuccessful.

All adjoining land owners were consulted as part of the assessment of the development application. Four objections were received from adjoining landholders and are discussed in greater depth in Item 18/299 which provides an assessment of Development Application 2017/DA-00190. In summary, the issues raised in objections were:

- The proposed road cuts through existing livestock laneway systems of adjoining landholders and separates shearing sheds/yards from the rest of the property;
- The road cuts across existing access points to adjoining holdings;
- The potential for high truck movements would be an amenity impact (safety, dust, noise) on workers' dwellings on adjoining holdings;
- The Bribbaree Road intersection has safety issues, with poor visibility and a 'dog-leg' construction that would create issues for B-doubles and semi-trailers entering and exiting from the new road. High speeds along Bribbaree Road create safety issues for entering traffic;
- Closing the road would make adjoining farm operations unworkable;
- A road safety or traffic study has not been conducted, including increases in traffic that will occur;
- A significant number of trees will need to be removed to provide visibility to the west at the Bribbaree Road intersection;
- Degradation of water quality and on local habitat in existing timbered areas. No assessment has been done of the tree removal impact, with endangered flora (Grassy White Box Woodland) and fauna (Superb...
Parrot, Grey Crowned Babblers, Dollar birds, Nankeen Night Herons, frogs and reptiles) being present;
• No details on road management or maintenance are provided, including for ongoing erosion prevention and management. Water quality from road runoff has not been considered;
• Fencing must be provided in consultation with adjoining land owners to ensure stock movements, safety and grazing;
• No economic compensation is proposed for adjoining landowners for loss of grazing, cropping lands;
• The proposed standard of road construction would not meet heavy vehicle use needs;
• The owner of Lot 211 DP 754603 (which is part of a broader holding) knew there was no legal access in place when the holding was purchased;
• The lodgement of the development application at harvest time was designed to limit objections; and
• It is not reasonable to expect ratepayers to pay for maintenance of what would effectively private access.

These comments are covered in depth in the report regarding the assessment of Development Application 2017/DA-00190. However, in general the comments will be covered by conditions of consent or are not considered to provide significant environmental impacts to refuse the project. If the road is constructed, it will provide access to lots adjoining either side as well as the Billaboola property. Additionally, the movement of stock and farm machinery, while controlled would not be significantly impacted.

If the applicant for this proposal were to apply to the NSW Crown to close and purchase the road, the Department of Primary Industries would notify adjoining land owners, and Council, of the proposal and seek comments. It is possible that comments in relation to continuing access such as those listed above, would be raised by adjoining land holders. Council’s main concern with these notifications is that some form of legal access (even if unconstructed), remains available to all surrounding land parcels and that no rural lot would become landlocked by the removal of a public access way. A review of the land pattern in the area indicates that the closure and removal of this paper road may well leave a number of land parcels land-locked.

No referrals to other government authorities were required; Council is the owner and appropriate regulatory authority for Bribbaree Road.

It should be noted that an adjoining owner, subsequent to the lodgement and notification of Development Application 2017/DA-00190, lodged an application with the NSW Department of Industry – Lands, to close and purchase this road reserve, along with others in the area. Council advised the Department that it objected to this closure and purchase, until such time as Development Application 2017/DA-00190 has been determined, Council has to decide whether or not it requires the road.
POLICY IMPLICATIONS

This proposal for Council to assume ownership of some 5 kilometres of rural road as a Council asset (public road) to serve, in effect, a single property. This raises a number of policy implications which are discussed below, some of which touch on objections to the development application, as included above.

Council currently has no written or adopted policy in relation to ownership of paper roads, with consistency of practice and application being, therefore, the relevant applicable policy.

Council is under no legal or other obligation whatsoever to accept ownership of the road. As discussed earlier and in the report to Council of 24 May 2017, there are a number of legal and feasible options for the applicant to pursue that do not require Council to assume ownership of the road.

Precedent
In urban areas, Council accepts new roads provided as part of subdivisions as a Council asset. Such roads are constructed to relevant Council (and AustRoads) standards, entirely at the cost of the developer, and ownership is not accepted until Council is satisfied that all design, engineering, construction and legal requirements have been fully satisfied. Those roads, which are generally a few hundred metres long at most are then incorporated into Council’s relevant asset management programs. The demands created by higher densities and higher traffic levels of urban subdivisions arguably warrant the acceptance of urban roads as a Council asset: such roads are not just used by one landholder and are provided to ensure many residents have safe, legal and practical access. The costs of construction are borne by those purchasing the resulting land, and the broader costs of maintenance are borne by all ratepayers, including those who buy the subdivided land.

In rural areas, Council has generally not accepted formed ‘paper’ roads as new rural roads into its asset base, requiring instead that developers close and purchase paper roads or provide for legal and practical access through rights of way/carriageway. This approach is generally taken as the broader public benefit from new rural roads is far smaller; such roads generally serve only one property/owner, but carry maintenance obligations, expectations and risks that are borne by the whole rate-base. Because they are built to a lower standard, rural roads are at greater risk of degradation from weather impacts and heavy vehicle use, for example. The costs of maintenance of rural roads can be higher given their distance from Council’s depots, the greater difficulty in keeping track of road conditions, different machinery requirements, lower levels of grant funding availability and the like.
Experience has shown that private roads result in disputes between relevant landholders over maintenance, costs, access and relative levels of usage, with Council having no legal ability to act to resolve disputes. This has resulted in the former Young Shire Council having to take over several “rural right of carriageways” of some considerable length and poor quality and dedicate them as public roads (e.g. Golden Grove Road and Kabardin Lane), and subsequently take on the maintenance responsibility of them. This led to Council not permitting ROWs if they service more than 2 lots, instead requiring properly constructed public roads, which are then dedicated as public roads.

This proposal asks Council to take on approximately five (5) kilometres of rural road that, in reality, would service only one Lot, given all other adjoining holdings have existing access off already formed roads. However, in the future adjoining lots could also apply for access to this new public road. If Council accepts the five kilometres of rural road onto its asset base in order to currently serve one holding, a policy position would be established that could see Council setting a precedent by assuming the ownership and ongoing costs of new rural roads across the whole of the LGA.

Typically, local Councils do not accept the ownership and ongoing maintenance responsibilities for a section of road that will only provide access to one property. In this situation an informal access had been previously provided to this property (owner of Lot 211 DP 754603) however, that access arrangement has been revoked by that property owner at the time of sale of Lot 211 DP 754603 to the new owner. Typically, other Councils will assume ownership and ongoing maintenance responsibilities where 3 or more properties are using a section of newly formed road that has been gazetted as public road. This situation does meet this criterion.

Construction standards and maintenance costs
Unsealed roads cannot, by law, be signposted for a speed limit that is below the State ‘default’ limit of 100kph. Maintaining an unsealed rural road to a standard that could safely allow that speed limit, presents real liability and resourcing issues for Council to consider, even where the costs of road construction are initially borne by the developer. While unsealed roads generally have lower levels of traffic, they often carry more impacting traffic – farm and harvest vehicles, semi-trailers and the like – and are more subject to weather and erosion effects. More impacting rural developments such as intensive agriculture land uses that generate reasonable and constant levels of heavy vehicle movements can further create additional maintenance demands.

It is arguable that accepting new rural roads onto Council’s asset base is a case of the broader public paying for very localised private gain. Although the initial cost of construction is paid by the developer, the ongoing cost of maintaining access for a single property (as in this case) is one carried by all rate-payers, with no other benefit such as additional supply of land for housing, the freeing up of rural land or improved access to services. As stated, there are
alternative options in the form of rights of access or carriageway over adjoining landholdings (such as exist commonly all over the LGA) or the closure and purchase of the road reserve. The applicant has not included any details in their proposal as to how the construction of the road would provide any economic benefit either to the property owner, to Council as asset owner, or to the broader community or the other neighbouring properties that would adjoin this proposed roadway. It is estimated that the cost to maintain this road would be in the order of $10,000pa.

In summary Council has 2 main areas to consider.

The first being the policy precedent. To resolve this a draft policy will need to be prepared in relation to the acquisition, ownership and maintenance of unformed Crown road reserves, having regard to factors such as:

1. The extent of potential ownership demand and the need to ensure legal access is able to be provided to all rural land parcels that have not had their land titles amalgamated;
2. The Costs of ownership of those roads, particularly in terms of ongoing maintenance, public risk and Council liability will remain with the property where property access is being provided to 3 or less separately owned properties;
3. The policy position of the NSW Government in relation to unformed road reserves be that Council objects to all road closure requests where their separate land parcels remain in existence that could become land locked if these land parcels were to be sold;
4. Any minimum standards that should be in place to support acceptance of new rural roads; and
5. Any benefits that may accrue to Council and/or the wider community from Council’s ownership of such roads.

The second area of consideration revolves around Council’s options for this application. Council has three options in relation to the proposal to accept the Crown road reserve in Maimuru as follows:

1. Determine to not accept the road reserve onto its asset base and refuse the ownership of it. In this regard, it is noted that Council’s resolution (17/79) of 24 May 2017 did not support the acceptance of ownership of the road reserve;
2. To accept ownership of the road reserve and the associated and ongoing costs and liabilities of that ownership. The proposal meets the generally accepted process of providing access to at least 3 lots. However, the current perception will be Council providing a 5km public access to only one property; or
3. To defer consideration of this matter until such time as a clear policy position is established by Council in relation to the acceptance of ownership of new rural roads.
HILLTOPS COUNCIL ORDINARY MEETING AGENDA
12 December 2018
Held in the Hilltops Council, Harden Chamber, 3 East Street, Harden

FINANCIAL IMPLICATIONS

A decision by Council to accept ownership of the approximately 5 kilometres of road reserve has no immediate financial implications; the developer would be required to cover the costs of road construction to relevant Council standards. Future upgrades of the road to support more intense development, carried out as part of a development application, would also be at the developer’s expense.

Council would however, incur ongoing costs for road maintenance and repair as has been discussed above. These would be in the order of $10,000pa.

RECOMMENDATION

The recommendations arising from this report are in two areas.

That Council:

a) Prepares a draft policy in relation to the acquisition, ownership and maintenance of unformed Crown road reserves, having regard to factors such as:
   i. The extent of potential ownership demand and the need to ensure legal access is able to be provided to all rural land parcels that have not had their land titles amalgamated;
   ii. The Costs of ownership of those roads, particularly in terms of ongoing maintenance, public risk and Council liability will remain with that property where property access is being provided to 3 or less separately owned properties;
   iii. The policy position of the NSW Government in relation to unformed road reserves be that Council objects to all road closure requests where their separate land parcels remain in existence that could become land locked if these land parcels were to be sold;
   iv. Any minimum standards that should be in place to support acceptance of new rural roads; and
   v. Any benefits that may accrue to Council and/or the wider community from Council’s ownership of such roads.

Proposal under consideration:

b) To accept ownership of the road reserve and the associated and ongoing costs and liabilities of that ownership.
18/299 – 2017/DA-00190 FOR THE CONSTRUCTION OF AN ACCESS ROAD ALONG AN UNFORMED CROWN ROAD RESERVE RUNNING FROM BRIBBAREE ROAD, MAIMARU, IN A GENERALLY SOUTHERLY DIRECTION (TO PROVIDE ACCESS TO THE ‘BILLABOOLA’ HOLDING)

Reference: File No. F29.02
Responsible Officer: Director Sustainable Growth

PURPOSE

This report is presented to Council for determination of a development application as:

- it has received four valid planning objections from adjoining landholders; and
- it raises an important matter of public interest and policy precedent in that it asks Council to assume ownership of approximately five (5) kilometres of existing Crown road reserve onto its asset base as a public road.

The matter of the acquisition of the road reserve has been discussed in the report preceding this one in this Business Paper (Report 18/298), and Councillors are referred to that report in considering this proposal. That report discusses the relevant policy issues that ownership of a new rural road reserve raises and was separately prepared as Council Staff were of the view that assessment of a single development application was not the appropriate mechanism to establish a policy in relation to Council’s asset base.

REPORT

Background

‘Billaboola’ is a rural holding consisting of a number of lots, and lies generally between Bribbaree Road (to the north) and Memagong Lane (to the south) in the locality of Maimuru. (A map of the area and holdings, including ‘Billaboola’, is shown at Figure 1 below). Billaboola currently relies for access along informal tracks off Campbells Road and an adjoining holding to the east (shown in orange in Figure 1). No legal right of access/carriageway exists for Billaboola to use the existing tracks, and Council has been given to understand that the existing access arrangements are no longer agreeable to all relevant landowners. The owner of Billaboola therefore requires an alternative means of access to the holding.
Application

- DA no.: 2017/DA-00190
- Applicant: CPC Land Development Consultants Pty Ltd
- Owner: Department of Primary Industry – Lands
- Development: Construction of an access road from Bribbaree Road to Lot 211 DP 754603, within the existing road reserve.

It is intended that the road will be constructed as an unsealed road, with a 4 metre wide carriageway on a 6 metre wide formation, with drainage, signage and infrastructure (guideposts, advisory signs, fencing, etc), as necessary. It is intended however, that the road’s intersection with the Bribbaree Road will be sealed, for the first 50 metres.
The subject road reserve runs in a generally south-westerly direction from Bribbaree Road, with a series of right-angled turns to a point where it connects with Campbells Road (road reserve) to the south (see Figure 2). The whole of the road reserve between the two roads is some 6.3 kilometres long and is between 20 metres and 30 metres wide for its length. The application seeks approval for construction of approximately 5 kilometres of the road reserve.

The existing road reserve appears as rural cropping and grazing land, with a number of stands of trees inside the reserve and along its length. Parts of it, particularly to the north close to Bribbaree Road are more heavily treed, and are mapped as areas of high biodiversity. The road reserve crosses two water courses along its length.

The road reserve is used by surrounding land owners for rural purposes, including stock movement and cropping, with water supply infrastructure located within it at a certain point. It is not clear that any existing licences or enclosure permits exist over the road reserve to legally underpin particular uses, however, this is not relevant to this application to construct the road, as the landowner (Crown) has knowingly provided their consent.

An informal access track crosses over the road reserve in several places, with that track providing access off Bribbaree Road to a holding to the north of Billaboola (shown in purple in Figure 1).

Council has been notified by the Department of Industry – Lands (DPI – Lands) of an application that has been made by another person to close and purchase the subject road reserve (along with other unformed roads in the area). That notification was received after the lodgement of this development application. Council advised DPI-Lands that it was assessing this application and understands that the application to close the road reserve is on hold pending determination of this development application.
Figure 2: Locality plan and aerial view, with Billaboola (shown in black edging), proposed road (shown in Red) and the existing access track to Billaboola (shown in orange).
The width of the road allows the road alignment to be positioned to avoid the majority of the isolated paddock trees, although avoiding tree removal is more difficult on the northern most part of the road, just off Bribbaree Road, as shown in the following aerial views.

**Figure 3: Extent of road reserve to be constructed**
Figure 4: Northern section of road reserve
Figure 5: Middle section of road reserve
Figure 6: Southern section of road reserve
Following is a series of photos that show the northern timbered section of the road reserve (off Bribbaree Road)

- **Figure 7:** Ch 100 looking north
- **Figure 8:** Ch 100 looking south
- **Figure 9:** Ch 150 looking south
- **Figure 10:** Ch 200 looking south
- **Figure 11:** Ch 250 looking south
- **Figure 12:** Ch 300 looking south
Figure 13: Ch 350 looking south

Figure 14: Ch 400 looking south

Figure 15: Ch 450 looking south

Figure 16: Ch 500 looking south

Figure 17: Ch 550 looking south
Requirements of the *Environmental Planning & Assessment Act 1979* (EP&A Act)

The following provisions of the Act are relevant to this development application (as they applied at the time the development applicant was lodged).

**5A Significant effect on threatened species, populations or ecological communities, or their habitats**

The Applicant engaged an Arborist to look at the trees to be removed, and to provide advice as to which trees were significant enough to retain, thereby requiring the alignment of the road to be modified. This has resulted in the current alignment proposed as part of this application.

Construction of the road will result in the removal of a number of trees (dead and alive and of varying types and sizes), and the majority of these trees are located along the first section of the proposed road, off Bribbaree Road. The Applicant has indicated that thirteen (13) living trees will be removed along the 600 metre section of the proposed road at the Bribbaree Road (northern) end, whilst Council considers that it is likely that twenty-one (21) living trees will be removed along the road reserve, given the extent of roadworks. In addition some additional trees along the Bribbaree Road may need pruning or removing, to ensure that sufficient sight distance is available. In addition, a number of dead trees and stumps have been identified for removal.

This section requires Council to consider the following factors when deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats.

(a) *in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction.*

Whilst there are a large number of threatened species identified as possibly occurring in the region, a search of the NSW Bionet Atlas (performing a 10 km x 10 km search around the proposed road site), reveals that there have only been two (2) reported sightings of threatened species, both being the Superb Parrot, in 1986 and 1993. These sightings were 5 km to the north-east of the northern-most part of the works, and 3 km to the south-west of the southern-most part of the site. It is not considered that the roadworks and subsequent tree removal is large enough to significantly impact long-term local survival prospects for this species. There is a high availability of suitable habitat in the immediate area and wider locality, for both foraging and nesting opportunities, particularly given the 80 hectare treed area to the west of the road reserve. Additionally, the proposal would not fragment or isolate any areas of potential habitat for the species, given that trees removal is minimal and is on the edge of the potential habitat area. It is not considered that the development would have an adverse effect on the life
cycle of the Superb Parrot, or any other threatened species such that a viable local population of the species is likely to be placed at risk of extinction.

(b) in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction.

There are no endangered populations identified in Part 2 of Schedule 1 of the Threatened Species Conservation Act 1995, that are endemic to this area.

(c) in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:
   (i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or
   (ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction.

The White Box Yellow Box Blakely’s Red Gum Woodland (Box-Gum Woodland) is an endangered ecological community (EEC), listed in Part 3 of Schedule 1 of the Threatened Species Conservation Act 1995, and is known to occur in the region. It is also a critically endangered ecological community under the Environment Protection and Biodiversity Conservation Act 1999 (Federal legislation).

Some of the vegetation along the road reserve features tree species that would typically be part of the Box-Gum Woodland, most notably Yellow Box (Eucalyptus melliodora) and Blakely’s Red Gum (Eucalyptus blakelyi). The existence of the trees does not necessarily make it an EEC or a valuable ECC. In fact, under federal listing, the Committee considers that areas in which an overstorey exists without a substantially native understorey are degraded and are no longer a viable part of the ecological community, as is the case in this instance, as the native understorey is effectively irretrievable. Generally, an intact community must contain a high diversity of plant species, including the main tree species, additional tree species, some shrub species, several climbing plant species, many grasses and a very high diversity of herbs. The community also includes a range of mammal, bird, reptile, frog and invertebrate fauna species.

An inspection of the road reserve reveals that the community is highly modified, with the lower stratum being poor in quality, with no shrub layer and no native grasses or groundcover, that would comprise species typically found in the Box-Gum Woodland. This is largely attributable to grazing and cropping activities, including high compaction and nutrient application.
Conservatively, the proposal would impact less than 1.5% of this 80 hectare vegetation community (most likely much less than this). Based on the number, type and condition of the trees to be removed, and due to the small scale of the impact of tree removal, the proposal is unlikely to significantly impact the local population of trees, and is unlikely to significantly impact the Box-Gum Woodland EEC. A large number of trees would be retained on the site, and the works are not expected to place the Box-Gum Woodland at risk of extinction, in either its extent or composition.

(d) in relation to the habitat of a threatened species, population or ecological community:

(i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and

(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and

(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality,

As discussed above in relation to the Superb Parrot, it is considered that whilst some possible nesting and foraging habitat may be lost as a result of tree removal, it is minimal compared to the 80 ha of similar habitat available, adjoining the road reserve to the west. The tree removal will not cause the habitat to become fragmented or isolated from other areas of habitat, with the area remaining connected to the existing corridors along Bribbaree Road. It is not expected that the long-term survival of any threatened species or ecological community will be unduly compromised, as a result of habitat loss.

(e) whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly),

There is no declared critical habitat in the region.

(f) whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan,

There are recovery plans for both the Superb Parrot and the Box-Gum Woodland, which are both detailed and extensive. They cover many aspects such as improving baseline information, increased protection, improving community engagement, continued management and research, and improving compliance and regulatory activities. Whilst *prima facie*, trees will be removed, it is not considered that the development will work against many of the objectives of the plans. For example, retaining fallen timber is proposed, and tree replanting should be conditioned.

(g) whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.
There are a number of key threatening processes listed in Schedule 3 to the Threatened Species Conservation Act 1995, including (but not limited to): clearing of native vegetation (as defined and described in the final determination of the Scientific Committee to list the key threatening process), loss of hollow-bearing trees and removal of dead wood and dead trees.

In terms of clearing of native vegetation, clearing is defined as “the destruction of a sufficient proportion of one or more strata (layers) within a stand or stands of native vegetation so as to result in the loss, or long term modification, of the structure, composition and ecological function of stand or stands.” It is not considered that the removal of the trees identified will result in significant change to the ecological function of the vegetation in the area. There is deadwood and dead trees within the road reserve, and the application identifies that those affected will be relocated elsewhere in the road reserve corridor.

5B Planning authorities to have regard to register of critical habitat

This section requires Council to have regard to the register of critical habitat kept by the Chief Executive of the Office of Environment and Heritage under the Threatened Species Conservation Act 1995 when exercising its functions under this Act. In this instance, there is no declared critical habitat in the region.

5C Application of Act with respect to threatened species conservation—fish and marine vegetation

This Section references the relevant provisions of the Fisheries Management Act 1994, which contain additional requirements with respect to assessments, consents and approvals under the Environmental Planning & Assessment Act, 1979 (EP & A Act).

Part 7A of the Fisheries Management Act deals largely with the listing of threatened species, populations and ecological communities, critical habitat of endangered species, populations and ecological communities, offences under the Act, recover and threat abatement plans, licencing, management agreements and the Fisheries Scientific Committee.

Division 12 of this part of the Act, applies to applications under Part 4 of the EP & A Act, and requires Council to consider whether a proposed development or activity is likely to significantly affect threatened species, populations or ecological communities.

There are two (2) mapped watercourses along the proposed access road, that either cross or come close to the proposed road, as shown on the following map (circled black, with the road reserve in red). These watercourses are minor in nature, given they are at the head of their respective local catchments. They are not permanent watercourses, and carry small amounts of water in a
rain event. At least one of the areas appears to be farmed from time to time, being the western most watercourse. The likelihood of any aquatic plants and animals existing in these areas are low.

Figure 18: Location of mapped watercourses
In coming to the determination as to whether a proposed development or activity is likely to significantly affect threatened species, populations or ecological communities, Clause 221ZV requires the following to be taken into account:

(a) in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction

By definition, threatened species includes those species identified as endangered species, species assumed to be extinct, critically endangered species and vulnerable species, as identified in the Schedules to the Act.

A review of the species identified in the Schedules and the relevant mapping, reveal that none have been sighted in the locality, are not known to exist in the locality and are not endemic to the area, which is not surprising given the absence of any major river or tributary or permanent watercourses on the subject land. Accordingly, the construction works are unlikely to have an adverse impact on the life cycle of these species such that a viable local population of the species is likely to be placed at risk of extinction.

(b) in the case of an endangered population, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction.

None of the five (5) endangered populations list in Schedule 4 to the Act, have been sighted in the locality, or are known to exist in the locality and are not endemic to the area, which is not surprising given the absence of any major river or tributary or permanent watercourses on the subject land. Accordingly, any works are unlikely to have an adverse impact on the life cycle of these species such that a viable local population of the species is likely to be placed at risk of extinction.

(c) in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:

(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or

(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,
There are no critically endangered ecological communities listed in Schedule 4A of the Act, at the time of writing this report.

There are four (4) endangered ecological communities that are identified in Schedule 4 of the Act, none of which are identified as being in the immediate area.

(d) **in relation to the habitat of a threatened species, population or ecological community:**

(i) the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and

(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and

(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the threatened species, population or ecological community in the locality.

Again, given that there are no permanent watercourses that affect the subject land, and that none of threatened species or populations, have been sighted in the locality, are not known to exist in the locality and are not endemic to the area, and that their habitat is not generally known to occur in the area, no impact in this regard is expected.

(e) **whether the proposed development or activity is likely to have an adverse effect on any critical habitat (either directly or indirectly),**

There is no declared critical habitat in the region.

(f) **whether the proposed development or activity is consistent with a Priorities Action Statement,**

Not applicable.

(g) **whether the proposed development constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.**

There are a number of key threatening processes listed in Schedule 6 to the Act, including (but not limited to) degradation of native riparian vegetation and installation of instream structures that alter natural flow regimes. It is not considered that any future construction works or the culverts proposed at the location of the mapped watercourses, will constitute part of a key threatening process, or is likely to result in the operation of, or increase the impact of, a key threatening process, under this Act.

4.10 **Designated development**
Designated development is prescribed development that will have a high impact (e.g. likely to generate pollution), or is located in or near an environmentally sensitive area (e.g. a wetland), and warrants a detailed environmental impact statement. Schedule 3 of the EP&A Regulation defines the types of designated development however, the construction of a road is not designated development.

4.46 Integrated development

Integrated development is development that, in order for it to be carried out, requires development consent and an approval from another government agency. A controlled activity approval under the Water Management Act 2000, is generally required for works within 40 metres of waterfront land. The development is not integrated development for the purposes of the Act, as the works are for access on a minor stream, that will not impound water.

4.15(1)(a)(i) & (ii) - The provisions of any environmental planning instrument

State Environmental Planning Policies (SEPPs) and deemed SEPP’s

There are a number of SEPP’s which relate to Hilltops Council as a whole, and that specifically relate to a development of this nature. The following SEPPs have relevance to the development.

State Environmental Planning Policy No 55 – Remediation of Land

Clause 7 of SEPP 55 requires the consent authority to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land, and to be satisfied that the land is suitable for the proposed use.

The long-standing use of the site for rural uses may possibly have given rise to some level of contamination through the use of fertilisers and the like, with agricultural uses listed as contaminating land uses in the SEPP 55 guidelines. Council must consider, however, whether any existing level of contamination is suitable for the proposed use. It is not considered likely that the use of the road reserve for the purposes of a road – which clearly includes no residential component that significantly raises risk levels - would significantly add to, or disturb any existing contamination such that the road would become an unsuitable land use. It is considered that Council can be satisfied that the proposed road use is consistent with any existing levels of contamination and is a suitable land use for the purposes of SEPP 55.
State Environmental Planning Policy – Infrastructure 2007

Clause 45 (Determination of development applications—other development) applies to a development application for development comprising or involving any of the following:

- the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,
- development carried out within or immediately adjacent to an easement for electricity purposes, or immediately adjacent to an electricity substation, or within 5m of an exposed overhead electricity power line,
- installation of a swimming pool any part of which is within 30m of a structure supporting an overhead electricity transmission line, or within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,
- development involving or requiring the placement of power lines underground.

Existing overhead power lines cross the road reserve at a number of places and a stay for a power pole is located in the road reserve and will be required to be moved for the road construction (between Chainages 440 and 450).

Council referred the application to the electricity supply authority as required by the SEPP. Essential Energy provided the following advice:

The issues for the applicant to consider will be that any changes to the existing ground levels may compromise the minimum ground clearance requirements of the overhead powerlines where the roadway will be constructed beneath the 11000V powerlines. Powerline clearances are to be maintained in accordance with AS/NZS7000:2016 and it is recommended that the applicant has the overhead lines assessed to ensure that the minimum clearances will be achieved upon completion of the roadway. Secondly, compliance with WorkCovers requirements for working near overhead powerlines need to be adhered to throughout the construction works.

It is intended that these comments will form part of any conditions of consent.

Other SEPPs

The following SEPPs apply to the land but are not relevant for this development:

- SEPP No 21 - Caravan Parks
- SEPP No 30 - Intensive Agriculture
- SEPP No 36 - Manufactured Home Estates
- SEPP No 50 - Canal Estate Development
- SEPP No 62 - Sustainable Aquaculture
- SEPP No 64 - Advertising and Signage
- SEPP No 65 - Design Quality of Residential Apartment Development
- SEPP (Affordable Rental Housing) 2009
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Housing for Seniors or People with a Disability) 2004
Local Environmental Plan (LEP)

The applicable LEP is the Young LEP 2010, and the relevant provisions of the LEP are discussed below.

2.2 Zoning of land to which Plan applies

The road reserve (as is the surrounding land) is zoned RU1 – Primary Production under the LEP, and the proposed development (road) is permissible with the consent of Council.

2.3 Zone objectives

The objectives of the RU1 Primary Production zone are:
- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To maintain areas of high conservation value vegetation.
- To protect and enhance the water quality of receiving watercourses and groundwater systems and to reduce land degradation.

It is considered that the development is not inconsistent with the zone objectives. It provides practical and legal access to rural lands that will support ongoing rural uses of rural lands, without creating use conflicts. Construction of the road will not fragment or alienate agricultural land (see discussion relating to the submissions further in the report), and if carried out appropriately, will not impact adversely on high conservation areas or ground and surface water.

6.3 Land sensitivity

The objective of this clause is to maintain soil resources and the diversity and stability of landscapes, by protecting lands and natural landforms that are steep with shallow soils, subject to salinity and/or other forms of land degradation, and with high erosion potential.

Parts of the subject road reserve and surrounding lands have been identified on land sensitivity LEP mapping as shown in Figure 19 below.
Before determining a development application for land to which this clause applies, Council must consider any potential adverse impacts from the proposed development in relation to the geotechnical stability of the site and the probability of increased erosion or other land degradation processes.

Council has no information to indicate that the subject road reserve or broader area are particularly subject to geotechnical instability such that the construction of a road would result in adverse impacts. As discussed earlier in the report, some consideration of tree retention has been given by the applicant and will be reinforced by proposed conditions of consent, should Council determine to approve the application. Retention of trees where appropriate will assist in managing erosion, land degradation and other slip or stability issues that may exist.

Construction of a road has clear potential to have erosion impacts, both in the road reserve and on adjoining lands, partly from earthworks and from the removal of vegetation along the road reserve. Construction of the road to specified standards, including suitable provision for drainage and...
management of water run-off can be achieved by way of proposed conditions of approval. The management of sediment and erosion during construction can be managed by way of conditions.

6.5 Biodiversity

Clause 6.5 of the LEP aims to protect native flora and fauna, the ecological processes that ensure their continued existence and of encouraging the recovery of native flora and fauna and their habitats. Before determining a development application on land where this clause applies, Council must consider the impact of the proposed development on:

- a) a native ecological community, and
- b) the habitat of any threatened species, populations or ecological community, and
- c) a regionally significant species of fauna and flora or habitat, and
- d) habitat elements providing connectivity.

Parts of the road corridor are mapped as areas of high biodiversity under the LEP (as shown in Figures 20 and 21 below). Those areas identified on the mapping have a consistent tree cover, particularly the area closest to Bribbaree Road.

**Figures 20: Extract from Biodiversity mapping (northern-most end of proposed road)**
An assessment of the likely impact of the road construction on the biodiversity in the area, has been carried out in the report above, and it has been determined that there will not be an impact of such magnitude that any threatened species or ecologically endangered communities will be put at risk of extinction.

6.7 Earthworks

This clause of the LEP aims to ensure that earthworks, such as those proposed by this application, will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of surrounding land. In making its assessment, Council must assess the following matters:

a) The likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality;

Any soil disturbance, including rural land uses, will have some effect on drainage patterns in the locality. There are a number of first order streams in the area, including two in the road reserve and the broader area is generally highly disturbed through its long-standing rural uses. Road design (discussed later in the report) can ensure that crossings of streams are appropriately managed to ensure environmental flows can occur and that erosion from vehicle movements, for example, is appropriately managed. There is no evidence to suggest this area...
is particularly susceptible to soil movements such that the development poses a risk of disruption or detrimental effect on the landscape.

b) the effect of the proposed development on the likely future use or redevelopment of the land;

Once developed as a road, there would be limited, to no, alternative use of the land. Its configuration as a long and narrow strip of land and the presence of mature stands of trees already limit alternative uses of the land to that for which it was originally created, being a road. Council has no information or evidence to indicate that there are existing licences or enclosure permits over the land, although it is being used for cropping and stock movements at various points along its length by (at least one) landholder along its length. The development of a road along the corridor may support more efficient and/or effective use of surrounding agricultural lands, although the applicant has provided no details to this effect. Construction of the road may result in a loss of some habitat, however, it is considered that the proposed road would neither hinder nor support any future use of the road reserve, other than as a road.

c) the quality of the fill or the soil to be excavated, or both;

Parts of the road reserve would not have been disturbed previously and could potentially be of VENM (Virgin Excavated Natural Material) or at least ENM (Excavated Natural Materials) standard. Soil in other parts of the road reserve may have been tilled over a substantial period and may therefore not be as high quality soil, with the possible effects of fertilizers and/or other soil additives being present. Soil disturbed in the road reserve would be re-used in the construction of the road, including for batters, drainage points, stream crossings and the like. Any leftover spoil can be managed by way of appropriate disposal or re-use on farm.

d) the effect of the proposed development on the existing and likely amenity of adjoining properties;

While all other surrounding holdings currently gain access from other points, it is possible that the construction of this road in the road reserve may support different and/or more effective use of adjoining lands. Appropriate construction standards, sediment and erosion controls (during and after construction) and proper ongoing maintenance will limit amenity impacts on adjoining owners from the proposed earthworks. More detailed comments from adjoining owners have been addressed later in this report.

e) the source of any fill material and the destination of any excavated material;

Soil for construction of the roads is expected to come largely from within the road reserve itself, re-using soil from excavations for the road alignment. Where soil is required to be brought in for the construction of stream crossings, for example, it is considered reasonable that the soil be of a reasonable quality to avoid impacts on watercourses, cropping lands and remaining habitat and high biodiversity areas. A condition has been proposed for inclusion in any consent
issued that soil imported for construction be of an ENM (excavated natural material) standard. Similarly, a condition has been proposed that requires the appropriate disposal of soils, where any spoil remains after construction.

f) the likelihood of disturbing relics;

There is a likelihood, as with all developments where earthworks are being undertaken, of disturbing relics. This may be more likely in an area previously undisturbed by development, such as those parts of the road reserve that have not been cropped in the past. There is no immediate evidence to suggest that relics are in the landscape, and a search of the Aboriginal Heritage Information Management System (AIHMS), found that there have been no Aboriginal places declared in or near the search area, nor have any Aboriginal sites been recorded in or near the search area. However, there is a legislated requirement in State heritage and other legislation that, where relics are found in the course of developments, that all work ceases and relevant authorities are contacted for further advice and action. A standard condition to this effect could be included in any consent issued by Council.

g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

There will be no impact on watercourses (subject to appropriate sedimentation and erosion control measures), and no impact on drinking water catchments. There will be an impact on the mapped environmentally sensitive area through the removal of some trees, but the impacts are considered acceptable, which is discussed above.

4.15(1)(a)(iii) - the provisions of any development control plan

Although the former Young Shire Council had adopted a DCP, none of its provisions relate to the construction of roads. Tree removal provisions in the DCP are specifically stated to not apply to the RU1 zone. The development is not, therefore, subject to any DCP provisions.

4.15(1)(a)(iiia) - any planning agreement or draft planning agreement

The applicant has not entered into a planning agreement under Section 7.4 of the Act, nor has the applicant offered to enter into a draft planning agreement.

4.15(1)(a)(iv) - matters prescribed by the Regulations

None of the matters prescribed by the Regulations under Clauses 92, 93, 94, 94A or 288, are applicable to this application.

4.15(1)(b) - The likely impacts of that development

Context and setting
The surrounding context (as seen in Figure 2 above) is ‘standardly’ rural, with large cropped and grazed areas of land, interspersed with residential and farm buildings. Vegetation is evident as both scattered, individual trees and more substantial stands of trees and undergrowth. A series of dirt tracks cross the landscape, providing access to homesteads and farm buildings on various holdings. Scattered dams and rock outcrops are also evident in the setting.

The construction of a rural road is not considered likely to substantially alter the existing context or setting. While the proposal requires the removal of a number of trees from the landscape, the road has generally been designed to minimise the loss of trees. It is not considered likely that the development will impact detrimentally on character and amenity or the scenic quality of the landscape. There will be no overshadowing or loss of visual and acoustic privacy, with no dwellings in the immediate vicinity of the proposal.

Access / traffic

The application to construct a road in the Crown road reserve is to provide practical access to a single holding, Billaboola, that currently relies on long-standing but informal access arrangements that include tracks over adjoining land holdings and unformed road reserves to the east. Those informal agreements are understood to have broken down in recent times, necessitating alternative access arrangements to be made for Billaboola. The proposed road requires the removal of trees in the road reserve, including at the intersection with Bribbaree Road. The issue of tree removal has been discussed above.

The application in part, seeks Council’s agreement to take the new road onto its asset base as a public road. The merits of this have been discussed in a separate report (preceding this report in this Business Paper), with Council to determine its policy position on that matter separately to this application. For clarity, the following assessment assumes that the new road will be a public one and Council-owned, as has been applied for, and as recommended in the preceding report). A public road would be available for access by all, including adjoining landholders and the broader public.

Road construction standards and use

The new road access is proposed directly off Bribbaree Road, which is a Council-owned, local road. Bribbaree Road is sealed to a 7 metre width (with 0.5m shoulders each side), is generally line-marked and is signposted as a 100km/h speed limit. At the point where the new road is proposed, there is a slight bend on Bribbaree Road, to the west and a culvert crossing with guard-railing over a watercourse. The edges of Bribbaree Road reserve are relatively heavily vegetated in the location where the Crown road reserve intersects, with a good stand of native vegetation, and introduced species. Invasive weeds such as blackberry bush were also noted in the Bribbaree Road reserve.

The main purpose of the road is to provide access to a single holding, Billaboola, that is understood to operate as a mixed-farming property. It also contains a sustainable homestead, and ancillary infrastructure. Indicatively, it could be expected that residential, farm and harvest vehicles would travel the new road,
similar to many other rural roads in the local government area. Heavy vehicles would need to use the road at times, including for the delivery and/or removal of fodder/crops and the like and harvest vehicles could be expected to travel its length also. None of these movements are unusual for rural roads in the LGA and there is nothing in the application to suggest higher intensity uses are being proposed for Billaboola at this time. The likely traffic use of the new road would not be any greater than is currently generated by Billaboola and that is currently moving across adjoining private property. In essence, this proposal would take existing traffic off that private land and public roads leading to it, and direct it onto Bribbaree Road which is capable of carrying the type and extent of traffic generated by rural land uses in the area.

The application states that sight distances at the new intersection “are in excess of 260m”, however it is likely that some trees will be required to be removed from the Bribbaree Road reserve to enable compliant sight distance to be provided. It is likely that up to 3 trees (including natives and non-natives) may need to be removed to the west, with select pruning to the east.

The application proposes that the road be built as a 4 metre carriageway width with a 6 metre formation width. Two crossings of water courses are also proposed to be constructed with the new road. Council’s Director, Infrastructure Services had previously provided details to the applicant that, as a minimum, the intersection with Bribbaree Road would need to be constructed to Council’s adopted rural access standards; this would include bitumen seal (through to Chainage 50, as a minimum), incorporation of concrete dish drain/culverts and construction to allow a 25/26m B-Double RAV access. Earlier advice also indicated that the road would need to be located wholly within the road reserve (boundary survey, set out and design) and that curve radii would be suitable for the highest design vehicle. Where the road is approved by Council, detailed design plans would be required to be submitted with a Construction Certificate that show the road designed to a suitable speed and formation for the nature of its use.

A proposed condition of approval has been drafted for inclusion in any consent issued by Council that requires full design plans, to the nominated speed limit, to be provided by the developer. The full design details would cover a range of key matters including details of the watercourse crossings, culverts, drainage, erosion control methods and the like. Safety issues, such as allowing for passing bays to allow room for vehicles – particularly heavy vehicles – to pass can be considered when a final road alignment is determined with revised plans.

Road alignment

The applicant has provided preliminary plans for the road, detailing the road pavement formation, and the location of the toe of any cut and fill batters in relation to the road reserve boundaries and the identified trees. In a few instances the road has been designed in such a manner that it is on the edge
of the road reserve boundary, and it also appears that some of the construction works may encroach on to neighboring lands, with no obvious reason for this, as there is sufficient width within the road reserve to cater for the works. This is proposed at places along the reserve where both vegetation is mapped, and in locations where there are no obstacles to road construction.

Council cannot approve the construction and use of a public road on private property without completing necessary land resumption and road declaration processes that are generally cumbersome, lengthy and can be costly in terms of compensation to land owners, administration and legal fees. Where there is a legal and valid existing road reserve, it is not considered reasonable to support the construction of road on private land with the ensuing legal complexities that would bring.

If Council is minded to approve the application, a mechanism to resolve this encroachment onto private lands is available. Amended plans shall be lodged clearly demonstrating that all construction works are located entirely within the public road reserve corridor, prior to the issue of a construction certificate. Proposed conditions to this effect have been included at the end of the report for inclusion in any consent Council may determine to issue.

If the application was to be approved, it is considered appropriate that the developer be required to fence both sides of its length with rural-type, stock-proof fencing. This would ensure that stock on adjoining holdings are safe from vehicles and would delineate the extent of Council’s ownership of the road reserve. This would require the road reserve to be fully surveyed to determine the road reserve boundaries and to ensure that a fence is built in the correct locations. A possible condition to this effect has been included in this report, and is recommended for inclusion in any consent issued by Council.

Water course crossings
From mapping, the watercourses are lower order streams and the provision of crossings over do not require approvals from NSW Government agencies (as discussed above). Were Council of the opinion that the application could be approved, a condition of operational consent would require that the crossings are designed and built to relevant Council standards.
Existing use of the road reserve

As indicated earlier in the report, it is not clear that any existing licences and/or enclosure permits are currently in place that allow private use of the road reserve or that allow the road reserve to be gated to limit access. It is clear, however, that the road reserve is being used in part for cropping and grazing. An adjoining landholder has also advised Council that parts of the paper road reserve are used also for stock movements and that existing, long-standing vehicle access occurs across the road reserve at points.

The movement of stock along public roads is a common occurrence across the LGA, with stock owners required to provide warning ‘stock-crossing’ signs at points along the road as a warning to drivers. With the construction of a new public road in the subject road reserve, adjoining landholders and the owners of Billaboola themselves, would be able to move their stock down the public road, subject to the placement of signs as required by law. Providing a public road would not remove the right or ability of existing road reserve users to move their stock along the route; it would require them to have regard to vehicle movements and to the placement of signage as they do so.

As indicated above, a fence should be required to be provided along both sides of the road reserve if the application is approved by Council and the road built. However, to ensure the ongoing ability of adjoining landholders to move stock along the road reserve, it is considered reasonable that the developer provide suitable access and gates at locations along the length of adjoining landholders’ boundaries. Without knowing the practices of those landholders, it is considered reasonable to require the developer to negotiate an agreed outcome with adjoining landholders for the location of any gate to be provided. It would be practical to require that agreement to be reached with adjoining owners in the development of the final design and prior to construction commencing, to ensure the road and fencing design is suitable to all parties (including Council). Like other matters with this development, it is considered reasonable that this agreement be required prior to the issue of a construction certificate, to ensure that the placement of fencing, gates and stock access points is considered in conjunction with tree removal and the final road alignment as discussed above. A condition to that effect has been drafted and included in this report for inclusion in any consent that Council may determine to issue.

Should it be approved and constructed, the resulting road, as a public road, could not have a gate across it at any point. A gate across the road reserve currently exists at the Bribbaree Road boundary and should not be in place without an enclosure permit from the Crown being legally in place. Council cannot block public access to a public road, and a condition of approval has been proposed for inclusion in any consent that prohibits a gate being provided across the road reserve at any point.
Crown consent for construction

As indicated, the road reserve is currently owned by the Crown and its consent to lodgement of the development application has been given on the proviso only that Council takes on ownership of the road once constructed.

That transfer of ownership must occur at the start of the process and can take time to achieve. Any approval by Council for the development does not, therefore, give the developer immediate and automatic rights to commence construction. Both Council and the applicant have been advised by the NSW Department of Industry that work on Crown land cannot commence without a ‘current tenure’ licence from the Crown, irrespective of any consent issued by Council. The developer is required to apply for, and gain, that licence, or the land needs to be transferred to Council ownership. For clarity for the developer, a proposed condition of consent has been drafted and included in this report, that the road be transferred into Council ownership, prior to the issue of a Construction Certificate for the development.

The developer would be required to arrange and pay for all necessary actions for that ownership to transfer, and a proposed condition to that effect has been drafted and included in this report for Council consideration.

Existing infrastructure in road reserve

The submitted plans show an existing water tank (between chainage 2480 and 2490) in the paper road reserve, however the application provides no evidence as to ownership or current use of the tank. As discussed earlier in the report, there are also overhead powerlines that cross the road reserve at a number of points and a ‘stay’ physically located in the road reserve that holds an existing power pole in place.

From a public liability and ownership perspective, it is in Council’s clear interests to ensure those structures are removed from the reserve prior to the transfer of any ownership to Council. A proposed condition has therefore been drafted and included later in this report that has the effect of requiring the developer to establish ownership of the structures and to gain agreement to the removal of the structures from the road reserve and, where necessary, their replacement for the relevant owner. These activities should be done at the developer’s cost. The proposed condition could be included in any consent that Council determines to issue.

Public domain

It is not envisaged that the construction of a new road will impact adversely on public recreational activities in the locality, or on the amount, location, design or use of public spaces. The design and use of the road will not significantly alter the streetscape nor result in a discordant development with surrounding land uses.
Utilities

The proposed development will not require connection to utilities. As discussed above, there are two identified structures in the road reserve that appear to relate to water and electricity energy provision. As also discussed, a possible condition to resolve their presence in a future Council road reserve has been drafted for Council’s consideration in determining whether to issue any consent for this application.

Heritage

Neither the subject road reserve nor surrounding holdings are listed in the LEP as items of heritage or as heritage conservation areas. No matters of concern from the proposal are raised in relation to heritage.

However, given the generally undisturbed nature of the land, it is considered reasonable to include a condition of operational consent in any approval issued by Council, that requires the developer to conform to relevant legislative requirements and to cease work where any relics or other objects of any potential heritage significance are found in the course of works.

Other land resources

It is not envisaged that the development will have any effect on conserving and using valuable land resources such as productive agricultural land, mineral extractive resources or water supply catchments. The provision of a road, particularly where made a public road, could assist in providing improved access to farmed lands along its length and would still allow for the movement of stock along its path.

Water

As discussed previously, appropriate road design and construction can mitigate and manage any potential effects of the proposed development on groundwater, drainage flows or water quality.

Soils

Suitable erosion and sedimentation controls will need to be implemented during construction, with appropriate road design and construction able to manage ongoing use of the development. Suitable conditions have been included later in the report for the management of soils, to be included in any consent issued. The matter of potential contamination of the land has been addressed earlier in the report.
Air & Microclimate

The development is not expected to affect air quality and microclimatic conditions in terms of existing air quality or pollution, with no emissions of dust, particulates, odours, fumes, gases or pollutants. Proposed conditions of operational consent have been included that would require dust suppression to be used during construction of the road.

Flora and fauna

This matter has been discussed earlier in the report.

Waste

Should Council determine to approve the application, any construction waste would be required to be disposed of to a licenced landfill, with standard conditions of operational consent proposed for inclusion in any consent. Ongoing use of the road would not be expected to result in waste that would need to be managed.

Energy

The development will not need energy supplies for its construction or ongoing use. As discussed earlier in the report, it may be that backbone energy infrastructure exists in the road corridor, however a condition consent has been drafted for inclusion in any consent issued by Council, to ensure the infrastructure is removed from the road reserve.

Noise and vibration

Although the new road will come as close as 250 metres to an existing dwelling, noise impacts from the ongoing use of the development are not anticipated to be an issue, any more than any other rural road would provide for. As a rural road, the levels of traffic are not expected to be high and no more than surrounding roads serving a similar purpose. Noise and vibration impacts during construction can be managed by way of conditions of approval and have been included at the end of this report should Council determine to approve the application.

Natural and technological hazards

There are no known risks to people, property or the biophysical environment from geologic or soil instability, flooding or bushfire. The issue of potential land contamination and remediation, has been discussed previously, and there is no evidence of likely contamination. The road reserve and surrounding areas are not mapped as bushfire prone.
Safety, security, crime prevention

The construction of a rural road is not considered to have a negative impact on the security and safety of adjoining properties, nor will it encourage criminal activity.

Social and economic impacts

No particular beneficial or negative social and/or economic impacts are identified with the proposed development. There is potential for a new road to provide alternate and/or improved access for all adjoining landholders, which may provide some efficiencies in operation in the longer term.

The issue of economic impact of Council taking on the new road is dealt with in the previous report presented to Council.

Site design

The final road design will need to show response to the trees, watercourses and other landscape elements in the road reserve. The road reserve itself has been in place for an extensive period of time in its current formation and provides limited scope for alteration. Council has no clear reason to understand that the road reserve cannot support appropriately designed road infrastructure that mitigates and manages potential impacts.

Construction

Impacts from construction have been assessed above as part of this application, and conditions recommended in terms of hours of construction and sedimentation and erosion controls have been proposed for inclusion in any consent issued by Council.

Cumulative impacts

Cumulative impacts from the construction and use of a rural road are expected to be minimal. The final road design, with identify trees, watercourses other infrastructure (guideposts, culverts, gates, fencing, etc), and will assist in minimising and mitigating potential impacts from the proposed development, and assisting in the minimisation of any cumulative effects of the development.

4.15(1)(c) - The suitability of the site for the development

Does the proposal fit in the locality?

The road reserve was designated for road uses many decades ago and has not changed; the suitability of the site is therefore, to a degree, already determined. There are no constraints posed by adjacent development that would prohibit the construction of a road or its continued use as a road. There may be benefits to
all surrounding land owners from altered and/or improved access to their land and existing, adjoining land uses are expected to be able to continue. The proposal does not require the provision of services and the development of a rural road is considered to be of a scale and nature that is suitable in the surrounding rural context.

**Are the site attributes conducive to development?**

The site is not understood to be subject to natural hazards including subsidence, slip or mass movement. Appropriate final road designs can manage water flows through lower order watercourses, with little risk to human life or stock from the proposed development. The soil characteristics are not known to be unsuitable for the development. The development will not prejudice future agricultural production, there are no known mineral or extractive resources on the site, and the impacts on the biodiversity in the area, has been assessed as being acceptable.

**4.15(1)(d) - Any submissions made**

The application was notified to all adjoining and/or impacted land owners, consistent with the terms of Council’s adopted policy. As a result of that notification, four (4) objections to the development were received. The issues raised across the objections were broadly similar, with some issues raised particular to specific holdings. The issues raised in submissions are summarised and addressed below.

The proposed road cuts through existing livestock laneway systems, separates shearing sheds/yards from the rest of the property, renders the property unworkable and impacts on its viability and value.

The road reserve has been in existence for a period of time that is likely to be over a century. All deposited plans and land parcels adjoining the road reserve stem from old ‘Parish’ plans, indicating they have been in existence for a similar period of time. The road reserve has always, therefore – at least in a legal sense - separated various yards from others in any given holding. In the period of its existence, the road reserve has legally been available for access purposes for all surrounding land holders and any member of the public – including adjoining land holders to move their stock. The road reserve was always intended for use as access and it is a historical matter only that has not seen it turned into a physical road before this time. The objector has not made it clear that any licence or enclosure permit is held to allow specific uses to be made of the road reserve; in any case, such licences or permits always allow continued public access over the road reserve.

The physical creation of a road in the road reserve does not limit the right of adjoining landholders to use the road reserve for any access purpose. Livestock are commonly moved along formed rural roads across the whole of the Council area, the difference being that warning signage for motorists is required to be in
place when stock are moving along road reserves. The construction of a physical road would not change this legal situation; adjoining land holders would be able to move their stock between paddocks using the formed road. They could also access more distant parts of their holdings using the road. There is no clear reason why the physical creation of a road that would be in public ownership, would stop others from using the road.

It is acknowledged that a formed road in the road reserve would potentially create an area of conflict for both road reserve users (vehicles or pedestrians) and for livestock. A rural-type, stock-proof fence along the length of the road has been discussed in this report as a reasonable means to limit this potential conflict. A fence would have the impact, however of blocking access to the road for adjoining land holders. It is therefore proposed that, if approved, the developer negotiate an agreed access point to the road reserve from each adjoining holding, in consultation with Council. Each adjoining holding would be provided with a stock-proof gate and access point to enable stock to be easily moved onto and off, the road reserve. Draft conditions of consent requiring this agreement to be reached and for the construction of the gates and stock access points to be created along the road reserve, have been provided later in this report as conditions of any approval issued.

The road cuts across existing access points to adjoining holdings.

Aerial images show informal tracks used by adjoining landholders that do, indeed cut across the road reserve. The comments made above in relation to stock movements are considered to apply to the point made here; existing access to the road reserve should be maintained. For those adjoining land owners that currently have vehicle access points to the road reserve, it is considered reasonable that the developer provide a vehicle access point to each lot where an existing vehicle access point exists; and it is considered reasonable that the vehicle access point could be the same as any access point used for the movement of livestock. Unless otherwise agreed by the parties, and in consultation with Council, that point should be in the existing location, pending safety, topographical or other road-related issues.

Closing the road would make adjoining farm operations unworkable.

The response to this issue is similar to those discussed above. The road would not be closed; it would still be publicly available and usable for all adjoining land holders and the broader public. While the public road reserve would need to be fenced, proposed requirements that would see livestock/vehicle access points provided for adjoining holdings would ensure ongoing access to and from the public road.

Fencing must be provided in consultation with adjoining land owners to ensure stock movements, safety and grazing.
As discussed in the report and above in response to other commentary, this approach is agreed. Council, as road reserve holder and the body carrying the risk attached to the operation of the road, would determine the type and extent of fencing to be provided along the road reserve boundary. However, it is proposed that the developer negotiate with adjoining landholders to provide appropriate gates and access to the road reserve.

The potential for high truck movements would be an amenity impact (safety, dust, noise) on workers' dwellings on adjoining holdings;

It is not clear why the construction and use of the road would, of itself, generate high truck movements. Billaboola is understood to operate as a mixed-farming holding, like many in the surrounding area. Like many holdings, this would mean a mix of vehicles accessing the property, from passenger and farm utility vehicles, to larger harvest-related machinery and heavy vehicles that deliver or remove fodder, stock or the like. Vehicle movements would likely be intermittent - like many other holdings in the area - minimising any potential impact from noise, dust and the like. Aerial photography indicates that, along the length of the proposed road, the nearest structure to the road reserve boundary is 130+ metres.

The Bribbaree Road intersection has safety issues, with poor visibility and a ‘dog-leg’ construction that would create issues for B-doubles and semi-trailers entering and exiting from the new road. High speeds along Bribbaree Road create safety issues for entering traffic.

There is a bend in Bribbaree Road where the new intersection is proposed and a number of trees in the road reserve would likely need to be removed to enable full sight distance and safe access and egress.

As discussed throughout the report, if Council determines to accept ownership of the road, a full road design would need to be developed to relevant adopted standards. The final road design would consider speed limits on Bribbaree Road and how all vehicles would enter and leave a higher-speed environment onto a lower-speed, gravel rural road.

A road safety or traffic study has not been conducted, including increases in traffic that will occur;

The comment is correct; no traffic study or road safety study has been carried out. It is not considered that either type of study is required for the construction of a rural road that would provide access to a single, mixed-farming holding. As discussed in the report, and like many holdings in the area, it is expected that vehicles accessing the road would be residential, farm utility and other farm/harvest type vehicles. ‘Normal’ primary production uses are not, in themselves, traffic-generating developments and should any proposal be put forward in the future to intensify the use of any land along the road reserve, relevant and appropriate traffic studies would be required at that time.
A significant number of trees will need to be removed to provide visibility to the west at the Bribbaree Road intersection:

This matter was discussed earlier in the report, where it was considered that the impacts on the local flora and fauna, would be not so significant to place any species, population or community at risk of extinction, and that the impacts are acceptable.

Degradation of water quality and on local habitat in existing timbered areas. No assessment has been done of the tree removal impact, with endangered flora (Grassy White Box Woodland) and fauna (Superb Parrot, Grey Crowned Babblers, Dollar birds, Nankeen Night Herons, frogs and reptiles) being present.

As discussed previously, Council does not consider that an appropriately designed and constructed road, with appropriate construction controls will impact on water quality in the area. Neither will the select removal of trees along the proposed road alignment, impact to such an extent that any endangered species will be put at risk of extinction.

No details on road management or maintenance are provided, including for ongoing erosion prevention and management. Water quality from road runoff has not been considered.

As discussed earlier in the report, a full and detailed road design would be required prior to any construction certificate being issued for the road and this would be consistent with standard practice for the construction of any road. If consent is given by Council to the application, any final road design would be based on that revised design and would incorporate rural-standard methods for managing erosion and water run-off.

No economic compensation is proposed for adjoining landowners for loss of grazing, cropping lands.

While economic impacts are a matter for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, the Act does not contain provision for developers to compensate land owners for perceived or proven loss. Other than the statement of objection made, no objector has put forward evidence of any negative economic impact that could be considered in this assessment. The use of the road reserve for cropping and/or grazing would normally be under the provisions of a licence or enclosure permit issued by the Department of Primary Industry-Lands; again, no evidence has been provided that such licences exist. Where such licences/permits are in place, there is still the legal requirement that public access over a road reserve be allowed. DPI-Lands has given landowner’s permission for the development application to be lodged; the provision of that consent and the existence of licences/permits would be a matter for DPI-Lands to negotiate with all parties.
The proposed standard of road construction would not meet heavy vehicle use needs.

Rural roads are generally built to a standard that allows heavy vehicle use, which would include farm/harvest machinery and other heavy vehicles. Any final road design would be required to be built to relevant Council standards that would ensure the road can carry such vehicles.

The owner of Billaboola knew there was no legal access in place when the holding was purchased.

The knowledge of the owner is not a relevant matter for consideration in this development application under the Environmental Planning and Assessment Act, 1979. The legal presence of the road reserve gives any member of the public the right to lodge an application to build a road on it, provided DPI-Lands gives its permission as landowner, to that lodgement.

The lodgement of the development application at harvest time was designed to limit objections.

As above, the underlying intent or actions of the applicant are not a matter for consideration under the Act. Council has no understanding of any motives that may underlie the application and must assess the application on the basis of the information supplied and against legislative requirements.

It is not reasonable to expect ratepayers to pay for maintenance of what would effectively private access.

The matter of public (Council) ownership of some 5 kilometres of new rural road and the costs and obligations that brings was considered by staff to be a vital decision point in this proposal and a matter of public interest. The centrality of that decision been discussed in preceding item in this Business Paper and is repeated below. Should Council determine to take ownership of the road by its determination of the preceding item, it is considered that the key matter of public interest in relation to public ownership of private benefit has been resolved.

4.15(1)(e) - The public interest

It is considered that the issue of public interest with respect to this application, relates to the potential public ownership of 5 kilometres of new rural road that would effectively benefit only one landholder. This matter has been more fully discussed in the preceding item in this Business Paper. It is considered that Council’s determination on this item will effectively resolve the matter of public interest in relation to the acceptance of new rural roads and the resulting community costs.
Staff are not aware of any other/additional policy statements from either Federal or State Government that are relevant to this proposal, nor any planning studies or strategies. There is no management plan or planning guideline that is applicable to a development of this nature. There are no covenants, easement or agreements that affect the proposal.

In terms of planning guidelines, the *South East and Tablelands Regional Plan 2036* (released in 2017), is the State Government’s guide to land use planning priorities and decisions over the next 20 years. It is an overarching framework to guide more detailed land use plans, development proposals and infrastructure funding decisions. This is a broad plan, that covers numerous aspects such as transport, tourism, agriculture, economic growth, housing, energy, minerals, biodiversity, climate change, water resources, health, education, infrastructure, etc. Many of the identified goals and directions, are not pertinent to this application, although there are some relevant directions, at a broader scale. These include:

- Direction 8 – protect important agricultural land. The site is not mapped as being biophysical strategic agricultural land. The construction of a road is unlikely to impact in this regard, as discussed with respect to the zone objectives, and in relation to the submissions. Land use conflict has been discussed above and is considered manageable, and therefore the impact on nearby agricultural land minimal if at all.
- Direction 14 – protect important environmental assets. This section identifies the need to protect high environmental value lands, which in this instance are the two (2) areas on the biodiversity values map, which have been discussed above in relation to the relevant legislation.
- Direction 15 – enhance biodiversity connections. This section identifies the need to protect and enhance regional biodiversity corridors, although none have been identified in the area.

**Section 7.12 Development contributions** (was Section 94 and/or Section 94A)

The *Young Shire Council Section 94A Developer Contributions Plan* levies a contribution on all approved developments (with the exception of subdivisions in RU4 zones and industrial subdivisions and developments in the IN1 zone which both attract contributions under the *Young Shire Council Section 94 Contributions Plan 2016*).

The contributions plan stipulates a developer contribution of 1% of the cost of the development is to be levied, where the development exceeds $200 000.00. The cost of building a new road has been accepted by Council as $1,200,000.00, with 1% of that being $12,000.00. A proposed condition of operational consent has been included in the report that will require the payment of that amount to Council prior to the issue of a Construction Certificate, consistent with legislative standards.
CONCLUSION

The proposal has been assessed against relevant legislative and policy requirements and has been referred to Council departments for consideration. No matter has been raised that shows the development to be inconsistent with those standards, or that cannot be dealt with by way of condition on a possible consent.

A key matter of public interest – the public ownership of a new rural road to serve one holding – has been separately discussed in the report preceding this report in the Business Paper, and Council’s determination on that matter has been reflected in the recommendations included below.

STATUTORY PROVISIONS

Environmental Planning & Assessment Act 1979 (EP&A Act)

As noted, Development Application 2017/DA-00190 has been lodged with Council for construction of a road over the paper road reserve. The Crown, as land owner, has provided its consent for the lodgement of the DA as required by the EP&A Act, however that consent is only given for the event where Council agrees to assume ownership of the road reserve and road. That issue of road ownership has been considered in a separate report to this Council meeting (preceding this item).

While an assessment has found that the application can be approved, a number of matters are considered to require more detailed resolution, at the construction certificate stage, and include, clearly identifying tree removal, ensuring all parts of the road alignment are located entirely within the road reserve; and ensuring existing landholders’ access to, and infrastructure in, the road reserve are appropriately managed.

Local Government Act, 1993 (LG Act)

Any matters relevant to Council’s acceptance of acceptance of the road reserve as an asset have been addressed in the report preceding this item.

Roads Act, 1993 (Roads Act)

Any matters relevant to Council’s acceptance of acceptance of the road reserve as an asset have been addressed in the report preceding this item.

CONSULTATION

All adjoining land owners were consulted as part of the assessment of the development application. Four (4) objections were received from adjoining land holders and have been addressed earlier in this report.
No referrals to other government authorities was required; Council is the owner and appropriate regulatory authority for Bribbaree Road.

**POLICY IMPLICATIONS**

This proposal is for Council to assume ownership of some 5 kilometres of rural road as a Council asset (public road) to serve, in effect, a single property. This raises a number of policy implications which have been discussed in the Report presented to Council preceding this item.

**FINANCIAL IMPLICATIONS**

A decision by Council to accept ownership of the approximately 5 kilometres of road reserve has no immediate financial implications; the developer would be required to cover the costs of road construction to relevant standards. Future upgrades of the road to support more intense development, carried out as part of a development application, would also be at the developer’s expense. Council could potentially incur ongoing costs for road maintenance and repair, unless some form of maintenance agreement is proposed (as recommended in the previous report and this report). These issues have been discussed in the linked Report in this Business Paper (being the item preceding this one).

**ATTACHMENTS**

Nil

**RECOMMENDATION**

It is recommended that:

A. Where Council resolves at Item 18/298 to refuse ownership of the road reserve and the ongoing ownership and responsibilities of the new road, that Development Application 2017/DA-00190 be refused for the following reasons:

   a) Pursuant to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act, 1979, the creation of an additional 5 km of public road, is not in the public interest, for the following reasons:
      i. the road would primarily serve a single holding,
      ii. the ongoing maintenance costs,
      iii. there is an existing physical access road to the property Billaboola, that can potentially be legally formalised, as a public road.
B. Where Council resolves at Item 18/298 to accept ownership of the road reserve and the ongoing ownership and responsibilities of the new road, that Development Application 2017/DA-00190 be approved, subject to the conditions below:

- Application No.: 2017/DA-00190
- Development: Construction of an access road from Bribbaree Road to Lot 211 DP 754603, within the existing road reserve.

ADMINISTRATIVE CONDITIONS

Approved plans

1. The development shall be generally in accordance with Development Application number 2017/DA-00190 submitted by the Applicant and be in accordance with the supporting documentation submitted with that application, including, but not limited to, the following:

<table>
<thead>
<tr>
<th>Drawings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project No.</td>
</tr>
<tr>
<td>18571</td>
</tr>
<tr>
<td>18571</td>
</tr>
</tbody>
</table>

- Tree inspection conducted by Jason Gavenlock of JG Arbor, submitted on 27 August 2018.

as modified by any conditions of this consent

2. A copy of the stamped approved plans and documentation must be kept onsite for the duration of site works and be made available upon request to either the Certifying Authority or an officer of the Council.

3. In the event of any inconsistency between the documentation referred to in Condition 1, the most recent document shall prevail to the extent of the inconsistency.
4. In the event of any inconsistency between conditions of this approval and documents referred to in Condition 1, the conditions of this approval shall prevail to the extent of the inconsistency.

Cost of the development

5. All design, specifications, construction, conditions, transfers and legal requirements detailed in these conditions and in Council’s Guidelines and supplements, shall be at full cost to the person having the benefit of this consent.

PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE

Transfer of ownership of road

6. Prior to issue of a Construction Certificate, the person having the benefit of this consent shall ensure that the transfer of ownership from the Crown to Hilltops Council has been finalised. This is to be done entirely at the cost of the person having the benefit of this consent.

Engineering design plans

7. Prior to the issue of a Construction Certificate, full engineering design plans for the new road shall be submitted to, and approved by Council. In this regard:

   a. The plans and specifications shall be prepared by a suitably qualified and experienced Civil Engineer or other professional, certifying compliance with Council’s Engineering Guidelines for Subdivision and Development, Austroads Guidelines and relevant Australian Standards.

   b. The plans shall show compliance with the design and construction standards identified in Condition 19 below.

   c. The plans shall show that the construction of the road (including batters, support structures and the like) is entirely located in the road reserve and not on adjoining private land.

   d. Shows the location of proposed new stock and/or vehicle access points required by Condition 8 below.

Access points onto the new road and removal of encroachments

8. Prior to the issue of a Construction Certificate, a formal, written agreement between the person having the benefit of this consent and the relevant parties on the matters detailed below, shall be provided to Council:

   a. Adjoining land owners as to the location of gated access points to be provided to the road reserve, with a minimum of one (1) access point to be provided on either side of the road for each land holding or each existing paddock in the landholding. This agreement must be done in consultation with Council to ensure road safety and construction standards can be satisfied;
b. The owner of the existing water tank (shown on the submitted plans as located between chainages 2480 and 2490), and its relocation out of the road reserve.

Electricity infrastructure

9. Prior to the issue of a Construction Certificate, formal evidence shall be provided to Council of the agreement of the relevant electricity supply authority to the proposed works, including the removal and/or relocation of the ‘stay’ for the existing power pole currently located in the road reserve, any other necessary conditions relating to the work in the road reserve, as identified in Conditions 22 and 23.

Maintenance agreement

10. Prior to the issue of a construction certificate, a signed agreement shall be in place between Hilltops Council and the person having the benefit of this consent as to a maintenance regime for the new road, with that maintenance regime:
   a. To be consistent with Hilltops Council’s rural roads maintenance standards;
   b. To be fully implemented and managed by the person having the benefit of this consent; and
   c. To be entirely at the cost of the person having the development of this consent.

Section 7.12 (s94A) Contributions

11. Pursuant to Section 7.12 of the Environmental Planning and Assessment Act, 1979 the monetary contribution set out in the following table is to be paid to Council prior to the issue of a Construction Certificate. The contribution is current as at the date of this consent and is levied in accordance with the Young Shire Council Section 94A Development Contributions Plan, adopted on 20 April 2016.

   The contribution payable will be calculated in accordance with the contributions plan current at the time of payment, and will be adjusted at the time of payment in accordance with the Consumer Price Index (CPI) (All Groups Index for Sydney) published by the Australian Bureau of Statistic. Contribution amounts will be adjusted by Council each quarter.

<table>
<thead>
<tr>
<th>Contribution type</th>
<th>Development value</th>
<th>Levy percentage</th>
<th>Total contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 7.12</td>
<td>$1,200,000.00</td>
<td>1.0%</td>
<td>$12000.00</td>
</tr>
</tbody>
</table>
PRIOR TO COMMENCEMENT OF WORKS

12. A Construction Certificate is required to be issued by a Principal Certifying Authority, prior to the commencement of any works on site.

13. No work shall commence until:

   a) a Principal Certifying Authority has been appointed. Where an Accredited Certifier is the appointed, Council must be notified within two (2) days of the appointment; and

   b) a minimum of two (2) days written notice must be given to Council of the intention to commence work.

14. Erosion and sedimentation controls must be in place prior to the commencement of works. Those controls shall be maintained so as to remain functional throughout construction activities. In this regard, a sediment and erosion control plan for the adequate control of erosion and sedimentation during the construction phase, shall be submitted to, and approved by Council, prior to work commencing.

15. Seven days prior to starting site works, the person having the benefit of the consent shall notify Council of the appointed Project Manager and the appointed Construction Contractor and arrange for an on-site meeting.

16. Prior to work commencing, a sign shall be erected in a safe position in the Bribbaree Road reserve, such that it can be viewed from Bribbaree Road, and shall contain the contact name and telephone number of both the Project Manager and the primary Contractor for the works.

17. A copy of the Engineering plans and documents approved by Council shall be kept on site whilst work is being done on site and made available upon request to Council inspecting officers.

18. No revisions shall be made to the plans without the prior consent and approval of Council.

DURING WORKS

Standard of design and construction

19. The new road shall be designed and constructed in accordance with Council’s Engineering Guidelines for Subdivision and Development and Austroads Guidelines, and shall meet the following specific design parameter’s as follows;

   a. As a minimum, the toe of cut and fill batters shall be a minimum of 3 metres from the public road reserve boundary. Council will consider
varying this where the purpose of tree removal or other natural constraints may restrict this.

b. The intersection of Bribbaree Road and the proposed road shall be sealed up to Chainage 50 as a minimum.

c. Each of the 90 degree bends shall be bitumen sealed full width, and for a minimum approach and exit distance of 50 metres (total seal length of 100 metres).

d. The bitumen sealed surfaces that will cater for the turning of heavy vehicles, shall be designed appropriately to cater for such vehicles.

e. Widening of the 90 degree bends to accommodate Semi Trailer and 25/26m B-Double RAV turning swept path.

f. Heavy vehicle passing Lay-by’s positioned at suitably spaced locations that will provide for vehicles to pull aside to allow an oncoming vehicle to pass.

20. In addition to the standards in the above Condition, the following construction standards will apply:

Construction Phase 1

The applicant shall design and construct a gravel road pavement of suitable thickness utilising approved road base type Material in accordance with Council’s Engineering Guidelines for Subdivision and Development and Austroads Guidelines. The gravel road pavement and bitumen sealed areas, shall be designed by a suitably qualified Geotechnical Engineer, and approved by the Director of Infrastructure Services.

Construction Phase 2

After a period of 12 months but not more than 14 months from the issue of the Occupation Certificate, the applicant shall provide a gravel overlay of approved road base type material of 125mm thickness. The overlay shall be placed over the ‘Phase 1’ pavement that shall be reshaped to suit the surface design levels of the approved road design plans for ‘Phase 1’ (due to the natural occurrence of the gravel pavement surface wearing, this
may require the importing of suitable road base material to build up the surface of the road pavement to the approved road design plan levels prior to the overlay required at full cost to the developer). The applicant prior to the overlay works shall provide the Director of Infrastructure Services for approval, their methodology for the overlay works, ie: level control, compaction control and environmental control.

Bond for completion of Construction Phase 2

21. Prior to the issue of the Occupation Certificate for the ‘Phase 1’ overlay construction and use of the road, a bond for the Phase 2 works shall be lodged. The bond shall be set at $45,535.71/km excluding GST, the road formation is 5.04km in length therefore an amount of $229,500 excluding GST, is required to be held. This includes the bitumen sealed areas as per the road design plan. Alternatively, the bond can be taken as a contribution for the required works.

Power line clearance

22. Powerline clearances between the finished road level and the overhead power lines shall be maintained in accordance with AS/NZS7000:2016. The applicant shall have the overhead lines assessed by a suitably qualified professional to ensure that the minimum clearances will be achieved upon completion of the roadway.

23. The power line stay (at chainage 545), that currently encroaches on the road reserve, shall be relocated to be clear of the road reserve.

Work near and adjacent power lines

24. Compliance with WorkCover requirements for working near overhead powerlines shall be adhered to throughout the construction works.

Removal of trees

25. Consent is granted for the removal and/or pruning of those trees identified in the report prepared by Jason Gavenlock of J G Arbor only.

26. Council will consider an application for the removal of other trees not identified in the above report, at the time of issuing the construction certificate and during the course of construction, subject to further assessment by a suitably qualified professional, as to the biodiversity value and significance of the vegetation.
Protection of trees

27. Any trees not approved for removal from the road reserve shall be protected from damage during construction. This includes protection from compaction of the ground within the root zone, damage to the trunk or crown of the tree.

Dead trees and timber

28. All dead trees and fallen timber (identified for removal) shall be retained in the existing road reserve, clear of the road formation.

Replacement trees

29. Each tree removed shall be replaced at the ratio of 5:1, using species endemic to the area and the Box-Gum Woodland. The plantings shall be carried out along the northern section of the road reserve, in locations that do not impact on the proposed road formation, and shall comprise tube-stock.

Signage and delineation

30. Warning signs and guideposts are to be installed along the length of the road alignment and including Bribbaree Road at the proposed intersection, in accordance with Council’s Engineering Guidelines for Subdivision and Development, Austroad Guidelines and Australian Standards.

Amenity

31. The carrying out of work during the construction of the development shall be done in such a manner as to not to interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke vapour, steam, soot, ash, waste water, waste products or grit, oil or otherwise.

32. Throughout the course of building operations on the land, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection of a building is being carried out. Toilet facilities are to be provided at a rate of one toilet for every twenty (20) persons or part of twenty (20) persons employed at the site.

Dust suppression

33. Dust suppression controls shall be implemented during the duration of the project to minimise wind-borne emission from likely sources such as the excavation and stockpiles of materials.
34. The roadworks and new road shall be watered as necessary to minimise dust generation from vehicles during construction.

35. All vehicles entering and leaving the site that are transporting soil, fill material etc., shall be adequately covered to prevent the generation of dust and loss of material.

Erosion and sediment controls

36. No soil or other materials shall be stockpiled in the Bribbaree Road reserve.

37. Stockpiles of sand, gravel, soil and the like necessary for the construction of the new road shall be located to ensure that the material:
   a. does not spill onto adjoining properties;
   b. is not stored in areas mapped as High Biodiversity or in areas identified as containing ecologically endangered communities or species within the road reserve; and
   c. is not placed in natural drainage lines or water courses, and cannot be washed into these areas.

Uncovering of relics or artefacts

38. Pursuant to the provisions of the Heritage Act, 1977, should any relics or artefacts be discovered during the course of giving effect to this consent then all works on the site shall cease until such time as an archaeological assessment has been undertaken by a suitably qualified archaeological assessor and a determination made of the relevance of the item/s and the conservation of same.

Works within a Council road reserve

39. For any works undertaken in the Bribbaree Road and Crown road reserves, the developer shall forward the following documentation and plans to Council for approval, prior to undertaking civil works for this development, on public road reserves:
   a. road design plans (as detailed in the further conditions of this consent);
   b. Environmental Management Plan/s (EMP) in both written and drawn forms to indicate to Council procedures and checkpoints;
   c. Project Quality Plan/s (PQP) in both written and drawn forms to indicate to Council the control procedures and checkpoints;
   d. Construction Procedures Plan/s (CPP) in both written and drawn forms to indicate to Council the control procedures and checkpoints;
e. Project Safety Management Plans (PSMP) in both written and drawn forms to indicate to Council the control procedures and checkpoints;

f. A Traffic Control Plan (TCP) shall be prepared and submitted to Council for approval, prior to any works on the road reserve commencing. An accredited person shall develop the TCP, and it shall contain their Certification Number and the date of issue. TCPs shall be implemented to ensure a safe worksite for contractors and the public; and

g. Any other documentation required by relevant statutory authorities.

Waste generated by the development

40. The person having the benefit of this consent must provide an adequate receptacle to store all waste generated by the development pending disposal. The receptacle must be regularly emptied and waste must not be allowed to lie or accumulate on the property other than in the receptacle.

Naming of public roads

41. Council shall determine the name for the proposed internal roads after considering any requests from the Applicant and any names currently listed with Council.

a. The street name shall comply with the Guidelines for the Naming of Roads prepared by the Geographical Names Board of NSW.

b. A street naming sign(s), conforming to the Australian Standard AS1742.5 Manual Uniform Traffic Control Devices - Street Name and Community Facility Name Signs, shall be purchased from Council and erected in a location nominated by Council.

Rural addressing

42. A rural address and rural addressing number plate shall be provided to the ‘Billaboola’ holding. In this regard:

a. The rural addressing number plate shall be purchased from Council at the cost of nominated in Council’s Management Plan at the time of payment; and

b. The rural addressing number plate shall be hung on the gatepost or the fence adjacent to the entrance gate, but not on the entrance gate itself.
Fencing

43. The developer shall erect a stock proof type fence along the length of the constructed road and on the road reserve boundary (both sides).

44. The stock proof fencing shall be placed on the correct road reserve boundary alignment at the cost to the developer. The boundary location shall be marked by a Registered Surveyor.

45. An access point to allow vehicles and/or stock to access the road reserve shall be provided to each adjoining land holding, consistent with any other condition of this approval.
   a. Construction of these access points shall be carried out to the standards adopted in Council’s Engineering Guidelines for Subdivision and Developments.

46. No gates are to be installed across the road reserve at any point, including where the new road intersects with Bribbaree Road.

Earthworks

47. Any cut or fill must be appropriately graded, drained or retained and drained as necessary.

48. Any soil brought into the road reserve for use in the construction of the road should be of Excavated Natural Material standard.

49. All disturbed areas, batter slopes, table drains, etc, shall be seeded and fertilised, and maintained until germination.

OCCUPATION CERTIFICATE

50. An Occupation Certificate must be issued by the Principal Certifying Authority (PCA) prior to occupation or use of the development. When all work as indicated on the approved plans/specifications is completed, the applicant shall notify the PCA to arrange for the issue of a final Occupation Certificate.

51. All works required by this consent shall be completed prior to the issue of an Occupation Certificate.

Survey

52. Prior to the issue of an Occupation Certificate, the person having the benefit of this consent is to provide to Council a full survey of the road reserve for the distance of the road construction, showing the location of the road reserve boundaries, the new fencing provided, access points to adjoining land parcels and the location of the road formation within that road reserve.
Works as Executed plans

53. Prior to the issue of an Occupation Certificate, a set of final works as executed plans showing all works carried out on the site and the location of all services, shall be submitted to Council. In this regard, the plans shall:
   a. be certified by a licensed Surveyor or Engineer.
   b. clearly show variations from the approved design and shall be clean, neat and suitable for long term storage; and
   c. include a schedule of quantities relating to the constructed assets.

Defects liability

54. Prior to the issue of an Occupation Certificate for Construction Phase 1, the person having the benefit of this consent shall enter into an agreement with Council that establishes a defects liability period.

55. The defects liability period will be in place for a period of twelve months from the date of the final inspection by Council of the road and its acceptance by Council of practical completion as evidenced in writing.

56. As soon as possible after Practical Completion, the Developer shall rectify any defects or omissions identified by Council at inspections, including final inspection.

57. At any time prior to the fourteenth day after the expiration of the Defects Liability Period, Council may direct the person having the benefit of this consent to rectify any omission or defect in the work that exists at Practical Completion or becomes apparent prior to the expiration of the Defects Liability Period.
   a. The direction shall identify the omission or defect and state a date by which the person having the benefit of this consent shall complete rectification.
   b. The direction may provide that in respect of the work of rectification there shall be a separate Defects Liability Period of a stated duration not exceeding twelve (12) months.
   c. The separate Defects Liability Period shall commence on the date the Developer completes the work of rectification.
   d. This Clause shall apply in respect of the work of rectification and the Defects Liability Period for that work.

58. If it is necessary for the person having the benefit of this consent to carry out rectification, the rectification works shall be carried out at times and in a manner that causes as little inconvenience to the public as is reasonably possible.

59. A bond or bank guarantee shall be lodged with Council as security for completion of the work, to be released on completion of the Defects Liability Period. This bond will be determined by the nature of the works, but shall be the greater of $5000.00 or 5% of the cost of the work.
18/300 – HILLTOPS WORKS REPORT

Reference: File No. F162.00
Responsible Officer: Director Infrastructure

**PURPOSE**

The purpose of this report is to provide information of works completed in the previous month and works planned for next month.

**REPORT**

**Works Completed: 16 November 2018 - 15 December 2018**

<table>
<thead>
<tr>
<th>Category</th>
<th>Western</th>
<th>Eastern</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maintenance grading</td>
<td>Boundary Road 3km between Spring Creek Road and Regan Road. Regan Road 4.2km from Fontenoy Lane to Tumbleton Lane. Tumbleton Lane 3.3km from Spring Creek Road to waterway to Stoney Creek. Hollands Road 2.5km from MR78 Olympic Highway South to end of road.</td>
<td>Cocomingla Lane 11.5m (from Ch. 1500 to 12500).</td>
</tr>
<tr>
<td></td>
<td>Eastern Cocomingla Lane 11.5m (from Ch. 1500 to 12500).</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Southern Celonso Road 2.4km, Fairview Road 3.3km, Nubba South Road 3.8km, Corringal Road 7.2km. Shoulder grading – Moppity Road 2km north and 2km south of Peakview Road.</td>
<td></td>
</tr>
<tr>
<td>Gravel resheeting</td>
<td>Western Geegullalong Road 300m between gravel road sign and “Two Ways”. Geegullalong Road 2.1km between “Pine Ridge” and Maloney’s TSR. Maloney’s Road 600m completed from a starting point of 1.4km from Geegullalong Road. Milo Road 800m completed from a starting point of 200m from Narellan Road.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Eastern No resheeting at the moment.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Southern No resheeting at the moment.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Eastern</td>
<td></td>
</tr>
<tr>
<td>Construction Projects</td>
<td>Western</td>
<td>Sealed road pothole patching on Frogmore Road. Minor sign replacements on MR56 Lachlan Valley Way and Rye Park Road.</td>
</tr>
<tr>
<td>-----------------------</td>
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<td>----------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>Western</td>
<td>Crowther Bridge replacement on Scenic Road (95% complete). Shared linkage pathway - Wombat Street to Gus Smith Oval - completed. Pedestrian island in Willawong Street for the shared linkage pathway (40% complete). Zouch Street to Gus Smith Oval – completed. Cranfield to Gus Smith Oval (70% complete).</td>
</tr>
<tr>
<td>Location</td>
<td>Details</td>
<td></td>
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<td>------------</td>
<td>---------</td>
<td></td>
</tr>
<tr>
<td>Weeds Control</td>
<td>Spot spraying noxious weeds and suckers in the CBD. Roadside shoulder spraying on MR78 Olympic Highway, RR241 Murringo and Milvale Roads, RR239 Henry Lawson Way, Chillingworks Road, Maimuru Road, Waterview Road, Old Monteagle Road, Bowlers Road, Sads Lane, Bashams Lane, Boundary Road, Scenic Road (Koorawatha), Karoopa Lane, Koorawatha/Greenethorpe Road, Berthong Road.</td>
<td></td>
</tr>
<tr>
<td>Western</td>
<td>Spot spraying noxious weeds and suckers on Bennett Springs Road, Battery Road. Roadside shoulder spraying on MR56 Lachlan Valley Way (Seg. 1 to 10), Murringo Road, RR248 Rugby Road (Long Street to Frogmore Road intersection), Frogmore Road, Darby Falls Road, RR576 Darby Falls Road, Taylors Flat Road, Reids Flat Road.</td>
<td></td>
</tr>
<tr>
<td>Eastern</td>
<td>Roadside shoulder spraying on MR84 Burley Griffin Way, MR78 Olympic Highway, RR379 Wombat Road, RR380 Cunningar Road, RR381 Jugiong Road, Bouyeo Road, McMahon's Reef Road, Cullinga Mines Road, Futter Park Road, Back Jugiong Road, Limestone Way, Kalangan Road, Barwang Road, Back Creek Road, Bibbaringa Road.</td>
<td></td>
</tr>
</tbody>
</table>
**HILLTOPS COUNCIL ORDINARY MEETING AGENDA**

12 December 2018

Held in the Hilltops Council, Harden Chamber, 3 East Street, Harden

**Water Supply and Sewerage Works**

(Please note that data collected was recorded between 16/11/18 to 3/12/18)

<table>
<thead>
<tr>
<th>Region</th>
<th>Works</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Western</strong></td>
<td>Templemore Street water mains works – ongoing.</td>
</tr>
<tr>
<td></td>
<td>Operation and maintenance:</td>
</tr>
<tr>
<td></td>
<td>- Water meter replacement – approx. 40</td>
</tr>
<tr>
<td></td>
<td>- Water meter bursts during November - 0</td>
</tr>
<tr>
<td></td>
<td>- Water service leaks – 8</td>
</tr>
<tr>
<td></td>
<td>- Water main breaks – 0</td>
</tr>
<tr>
<td></td>
<td>- New water service connections – 4</td>
</tr>
<tr>
<td></td>
<td>- Sewer chokes – 18</td>
</tr>
<tr>
<td></td>
<td>- Sewer renewal boundary shafts – 0</td>
</tr>
<tr>
<td></td>
<td>- Hydrant maintenance throughout town – ongoing</td>
</tr>
<tr>
<td></td>
<td>- General operation and routine building maintenance – ongoing</td>
</tr>
<tr>
<td></td>
<td>- Water quality testing and monitoring – ongoing</td>
</tr>
<tr>
<td><strong>Eastern</strong></td>
<td>Capital works:</td>
</tr>
<tr>
<td></td>
<td>- Sewer rehabilitation works (junction sealing, and excavation works)</td>
</tr>
<tr>
<td></td>
<td>Operation and maintenance:</td>
</tr>
<tr>
<td></td>
<td>- Water meter replacement – 5</td>
</tr>
<tr>
<td></td>
<td>- Water service repairs and leakages – 5</td>
</tr>
<tr>
<td></td>
<td>- Water main breaks – 0</td>
</tr>
<tr>
<td></td>
<td>- New water service connections – 0</td>
</tr>
<tr>
<td></td>
<td>- Sewer chokes – 0</td>
</tr>
<tr>
<td></td>
<td>- Sewer renewal at boundary shaft – 1</td>
</tr>
<tr>
<td></td>
<td>- General operation of Water Treatment Plant and Sewer Treatment Plant, routine maintenance and inspection of one reservoir – ongoing.</td>
</tr>
<tr>
<td></td>
<td>- Water quality testing and monitoring - ongoing</td>
</tr>
<tr>
<td><strong>Southern</strong></td>
<td>Operation and maintenance:</td>
</tr>
<tr>
<td></td>
<td>- Water meter replacement – 5</td>
</tr>
<tr>
<td></td>
<td>- Water service repairs and leakages – 4</td>
</tr>
<tr>
<td></td>
<td>- Water main breaks – 0</td>
</tr>
<tr>
<td></td>
<td>- New water service connections – 2</td>
</tr>
<tr>
<td></td>
<td>- Sewer chokes – 0</td>
</tr>
<tr>
<td></td>
<td>- Sewer renewal at boundary shaft – 1</td>
</tr>
<tr>
<td></td>
<td>- General operation of Sewer Treatment Plant, routine maintenance and inspection of seven reservoirs – ongoing</td>
</tr>
<tr>
<td></td>
<td>- Water quality testing and monitoring – ongoing</td>
</tr>
</tbody>
</table>
**HILLTOPS COUNCIL ORDINARY MEETING AGENDA**

12 December 2018

Held in the Hilltops Council, Harden Chamber, 3 East Street, Harden

### Works Planned: 16 December 2018 - 15 January 2019

<table>
<thead>
<tr>
<th>Maintenance grading</th>
<th>Western</th>
<th>Murringo Flats Road, Nine Mile Gap Road, Monteagle SR East and West, Scenic Road, Taylors Road.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Eastern</td>
<td>Kennys Creek Road, Perks Lane, Grassy Creek Lane, Sommerdale Road, Campbellfields Lane.</td>
</tr>
<tr>
<td></td>
<td>Southern</td>
<td>General maintenance as required.</td>
</tr>
<tr>
<td>Gravel resheeting</td>
<td>Western</td>
<td>Scenic Road, Taylors Road.</td>
</tr>
<tr>
<td></td>
<td>Eastern</td>
<td>Where required when maintenance grading.</td>
</tr>
<tr>
<td></td>
<td>Southern</td>
<td>No gravel resheeting planned.</td>
</tr>
<tr>
<td>Sealed road repairs</td>
<td>Western</td>
<td>MR241 Murringo and Milvale Roads and RR239 Henry Lawson Way heavy patching. Minor patching as needed.</td>
</tr>
<tr>
<td></td>
<td>Southern</td>
<td>Minor repairs on various roads.</td>
</tr>
<tr>
<td>Construction projects</td>
<td>Western</td>
<td>Young Sporting Fields Shared Pathway Linkages in Gus Smith Oval to Cranfield Oval – estimated completion end of January 2019; Thornhill Street to Mackenzie Street – estimated completion end of June 2019. Old Scenic Road/Crowther Creek wooden bridge to be removed. Bribbaree Creek Bridge culvert removal and sediment control works.</td>
</tr>
<tr>
<td></td>
<td>Eastern</td>
<td>Cunningar Road reconstruction. Galong Road reconstruction. Recreational Park playground construction. Recreational Park amenities block construction.</td>
</tr>
<tr>
<td></td>
<td>Southern</td>
<td>Mechanic Institute – capital upgrades to building including gutter replacement, painting, electrical, flooring, kitchen and amenities works. Murrumburrah Landfill fencing. Chinese Cemetery boulders and fencing. Witton Street (Harden) concrete dish drain. Bent Street (Galong) kerb and gutter works.</td>
</tr>
<tr>
<td>Parks and Gardens</td>
<td>Western</td>
<td>Alfred Oval closed for rejuvenation (weather permitting). Preparation for annual Fire Brigade Christmas party at Anderson Park. Preparations for Australia Day.</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td></td>
</tr>
</tbody>
</table>
**Water Supply and Sewerage Works**

<table>
<thead>
<tr>
<th>Western</th>
<th>Water Capital works:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- Cowra Road water main renewal (80% complete) – to recommence once RMS clear underbores and road crossings.</td>
</tr>
<tr>
<td></td>
<td>- Templemore Street water mains works – ongoing</td>
</tr>
</tbody>
</table>

Sewer mains renewal and mapping location of services in Lighting Lane and Lynch, Nasmyth and Zouch Streets – ongoing

Operation and maintenance:
- Pool maintenance when required during open season
- Hydrant maintenance throughout town – ongoing
- Water meter replacement program – ongoing
- General operation and routine building maintenance – ongoing

<table>
<thead>
<tr>
<th>Eastern</th>
<th>Operation and maintenance:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- Water meter replacement program – ongoing</td>
</tr>
<tr>
<td></td>
<td>- General operation and routine building maintenance – ongoing</td>
</tr>
<tr>
<td></td>
<td>- Water quality testing and monitoring - ongoing</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Southern</th>
<th>Water Capital works:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- Water main renewal on corner of Bathurst and Albury Street and cross-over (awaiting RMS approval)</td>
</tr>
</tbody>
</table>

Operation and maintenance:
- Water meter replacement program – ongoing
- General operation and routine building maintenance – ongoing
- Water quality testing and monitoring - ongoing

**Follow up items from previous Council Meeting**

<table>
<thead>
<tr>
<th>Western</th>
<th>Nil</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eastern</td>
<td>1. Young to Boorowa Road - has been in previous works reports with % updated. Not in December report as the works have now been completed. The funding for this project totalled $521,000. Costs will be finalised once all statements are in. The cost of gravel purchase is included in the project funding. This project has been completed undertime and within budget.</td>
</tr>
<tr>
<td></td>
<td>2. Cunningar Road - the intersections along this project route were upgraded due to wear and tear increasing ongoing maintenance costs, especially in hot weather where bleeding and ripping of bitumen is a common occurrence. Intersections chosen in scoping to reduce the ongoing maintenance cost along this route. The total allocated budget for these works is $1.14M including upgrade of intersections. Private companies were engaged under Local Government Procurement Contract for the stabilisation and intersection work, while all other work was undertaken by Council staff. This project has been completed undertime and within budget.</td>
</tr>
</tbody>
</table>
Southern Neil Street (Harden) irrigation system has had intermittent faults that were difficult to diagnose – Toro representatives have inspected the system and tested by technical staff and no faults were found. Concerns were raised over one of the field irrigation control units and this unit will be replaced in the near future. The overall irrigation system has been reviewed regarding moisture levels in the garden beds and control irrigation times have been reset. Moisture levels in the garden beds will be reviewed towards the end of December 2018 and adjusted as required, seasonally.

RECOMMENDATION

That Council;

a) Receive and note the information provided on works completed and works planned.
18/301 - ACTION SUMMARY REPORT

Reference: File No. F23.00
Responsible Officer: General Manager

PURPOSE

To provide Council with a summary of actions undertaken on Council resolutions

ATTACHMENTS

Attachment 1 - Action Plan

RECOMMENDATION

That Council;

a) note the status of Council resolutions from the Action Plan; and
b) endorse the removal of completed items from the Action Plan.
<table>
<thead>
<tr>
<th>Reference</th>
<th>Action</th>
<th>Related</th>
<th>Officer</th>
<th>Status</th>
<th>Expected Time Frame</th>
<th>Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>16/148</td>
<td>2. offer proposed Lot 1 of the subdivision for sale by tender process once the development application has been approved; and 3. set a reserve in accordance with the value provided in the report.</td>
<td>GM</td>
<td></td>
<td>Not yet commenced - delayed by site review of depot; and a reserve to be set when/if offered for sale.</td>
<td>Jun-19</td>
<td></td>
</tr>
<tr>
<td>16/149</td>
<td>That Council remain part of the class action and note the proceedings to date.</td>
<td>EDCC</td>
<td></td>
<td>No new advice received</td>
<td>Nov-18</td>
<td></td>
</tr>
<tr>
<td>16/198</td>
<td>2. Close those sections of the western end of Whites Road as shown on CPC Land Development Consultants Plan No. 18025 ‘A’ to provide land for compensation for the road widening of Wickham Lane; 3. Approves the acquisition of that portion of land shown as ‘Road Widening 980m2’ on CPC Land Development Consultants Plan No. 18025 ‘A’ from lot 14 DP 1083257 for public road under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993 and the making of the necessary application to the Minister and/or Governor 4. Executes an Acquisition Agreement with the Landowner of lot 14 DP1083257 5. Transfers land shown in green as ‘Road Closure Area Approx. 1000m2’ on CPC Land Development Consultants Plan No. 18025 ‘A’ to the owner of lot 14 DP1083257 by way of compensation 6. Approves the acquisition of that portion of land shown as ‘Road Widening 693.9m2’ on CPC Land Development Consultants Plan No. 18025 ‘A’ from lot 681 DP 754611 for public road under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purposes of the Roads Act 1993 and the making of the necessary application to the Minister and/or Governor 7. Notes that the exact areas of land acquired and land provided in compensation will be determined through the areas as shown on the linen plans of subdivision prepared to allow the acquisitions and road closures. 8. Transfers land shown in orange as ‘Road Closure Area Approx. 1000m2’ on CPC Land Development Consultants Plan No. 18025 ‘A’ to the owner of lot 681 DP 754611 by way of compensation. 9. Applies the common seal of Council to all necessary documentation.</td>
<td>DI</td>
<td></td>
<td>Survey plans being finalised for acquisition in the third quarter.</td>
<td>Mar-19</td>
<td></td>
</tr>
</tbody>
</table>
**Hilltops Access Committee Meeting Minutes - 12 April 2017**

**17/28 LAND ACQUISITION FOR ROAD WIDENING PURPOSES AT VARIOUS LOCATIONS AS FOLLOWS:**
1. Lot 935 DP 75461 PARISH OF YOUNG, COUNTY OF MONTEAGLE PATERSONS LANE, YOUNG (Owner, William Blackwood)
2. Lot 2 DP 733721 PARISH OF YOUNG, COUNTY OF MONTEAGLE SPRING CREEK ROAD, YOUNG (Owner, Peter Mullany)
3. Lot 542 DP 754611 PARISH OF YOUNG, COUNTY OF MONTEAGLE TUMBLETON LANE, YOUNG (Owner, Charles & Yolanda Mullany)
4. Lot 2 DP 754611 PARISH OF YOUNG, COUNTY OF MONTEAGLE TUMBLETON LANE, YOUNG (Owner, Geoffrey Edgerton)

   1) The Seal of the Hilltops Council be applied to the ‘Deed of Agreement’ for each of the 4 property owners formalising the land acquisition for road widening purposes as follows:
   - Lot 935 DP 75461 PARISH OF YOUNG, COUNTY OF MONTEAGLE PATERSONS LANE, YOUNG (Owner, William Blackwood) 33.5m² at a total value of $13.06 inc GST and fencing cost of $605 inc GST for a total compensation cost being $618.06 inc GST.
   - Lot 2 DP 733721 PARISH OF YOUNG, COUNTY OF MONTEAGLE SPRING CREEK ROAD, YOUNG (Owner, Peter Mullany) 298.1m² at a total value of $658.80 inc GST, total compensation cost being $658.80 inc GST.
   - Lot 542 DP 754611 PARISH OF YOUNG, COUNTY OF MONTEAGLE TUMBLETON LANE, YOUNG (Owner, Charles & Yolanda Mullany) 24.4m² at a total value of $20.52 inc GST, total compensation cost being $20.52 inc GST.
   - Lot 2 DP 754611 PARISH OF YOUNG, COUNTY OF MONTEAGLE TUMBLETON LANE, YOUNG (Owner, Geoffrey Edgerton) 80m² at a total value of $26.37 inc GST and fencing cost of $330 inc GST for a total compensation cost being $356.37 inc GST.

   2) The following terms of compensation be applied:
   - a. Council meeting the cost for the preparation of plan of subdivision;
   - b. Council meeting all legal costs;

**22 March 2017**

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>17/93</td>
<td>Hilltops Access Committee Meeting Minutes - 12 April 2017</td>
</tr>
</tbody>
</table>

That Council endorses:

1. The development of a policy/standard for the application of urban house numbers;
2. Develop a phased implementation plan for the Hilltops Local Government Area;
3. Apply funds previously allocated by the former Young and Harden Councils to engage a contractor to carry out the implementation plan;
4. Engage a registered surveyor to undertake a boundary identification survey to identify the road reserve property boundaries in relation to the existing fence lines and to include identifying the centreline horizontal alignment of the road and location of trees that are in close proximity of the existing road formation with a view to proposing a realignment of the road formation;
5. Design horizontal and vertical alignment improvements to the reverse curve to maximise the line of sight at this location;
6. Discuss design options with the Weedallion local community representatives and obtain commitment to land donation and fencing required; and
7. Receive a further report on preferred road design and land acquisition arrangements.

**DI** Options paper has been presented to the July Committee Meeting to be reviewed and re-represented to the December 2018 Committee Meeting; progress is currently being made on finalising urban addressing in Jugiong and Galong; and Will require results from options paper prior to actioning this item.

**DSG/DI** A road alignment survey plan has been received from CPC Land Development Consultants. Staff to investigate if the existing road alignment can be improved by a cost effective realignment to improve the drivers line of sight. Grant application not successful for this project. Funding to be provided in the 2019/20 financial year.

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dec-18</td>
<td>Options paper has been presented to the July Committee Meeting to be reviewed and re-represented to the December 2018 Committee Meeting; progress is currently being made on finalising urban addressing in Jugiong and Galong; and Will require results from options paper prior to actioning this item.</td>
</tr>
<tr>
<td>Feb-19</td>
<td>Options paper has been presented to the July Committee Meeting to be reviewed and re-represented to the December 2018 Committee Meeting; progress is currently being made on finalising urban addressing in Jugiong and Galong; and Will require results from options paper prior to actioning this item.</td>
</tr>
<tr>
<td>2019/20 Financial Year</td>
<td>A road alignment survey plan has been received from CPC Land Development Consultants. Staff to investigate if the existing road alignment can be improved by a cost effective realignment to improve the drivers line of sight. Grant application not successful for this project. Funding to be provided in the 2019/20 financial year.</td>
</tr>
<tr>
<td>Date</td>
<td>Committee/Meeting</td>
</tr>
<tr>
<td>------------</td>
<td>--------------------------------------------------------</td>
</tr>
<tr>
<td>26 July 2017</td>
<td>Galong Progress Association - 29 June 2017</td>
</tr>
<tr>
<td></td>
<td>Hilltops Access Committee - 9 August 2017</td>
</tr>
<tr>
<td>17/232</td>
<td>1. An audit be undertaken of all Council's facilities to assess accessibility and provide a programme that includes priority listing and timeframe for the upgrading, where necessary, of facilities.</td>
</tr>
<tr>
<td></td>
<td>2. The Disability Inclusion Action Plan be updated to reflect the programme identified by the audit.</td>
</tr>
<tr>
<td>27 September 2017</td>
<td>Galong Limestone Mine VPA Steering Committee Meeting Minutes - 12 September 2017</td>
</tr>
<tr>
<td>25 October 2017</td>
<td>DONATIONS AND FINANCIAL ASSISTANCE RECOMMENDATIONS</td>
</tr>
<tr>
<td>17/299</td>
<td>BIOSECURITY [WEEDS] FUNCTIONS OF HILLTOPS COUNCIL That Hilltops Council; establish a s355 Weeds Management Committee, with community representatives, and staff on the committee and the Mayor and General Manager seek a meeting with the relevant Minister.</td>
</tr>
<tr>
<td>17/306</td>
<td>Bunyip Pre-School and Long Day Care Centre That Council; accept the funding and work with Bunyip Pre-School and Long Day Care Centre for an Educational Scooter and Cycleway Project.</td>
</tr>
<tr>
<td>17/310</td>
<td>CONTRACT FOR THE PROVISION OF SERVICES AT THE KRUGER MEDICAL CENTRE 1. agree to a right of renewal for Geetanjali to operate out of the Kruger Medical Centre on the proviso that the contract terms including license fee are reviewed and mutually agreed upon</td>
</tr>
</tbody>
</table>
## SISTER CITY REPORT

**EDCC**

- Strategy to be worked through with Economic Development and Tourism Committees prior to coming back to Council.

**Feb-19**

### INTEGRATED WATER CYCLE MANAGEMENT UPDATE AND SAFE & SECURE WATER PROGRAM

- Lodge a grant funding application under the Safe and Secure Water Program requesting 50% funding for the business case phase of the project.

**Jun-19**

### Integrated Water Cycle Management Update and Safe & Secure Water Program

**DI**

- The funding application has been submitted to NSW Water Safe and Secure funding to enable the detailed options assessment works to be finalised, confirm the preferred option, finalise the pipeline route, undertake a site survey, geotechnical investigations, determine any easements, prepare a concept design, and prepare a more detailed cost estimate that can be used to inform a Business Case application. Tender documents are being prepared to undertake this next phase of detailed options assessment works once the project funding has been approved.

### Streetscape Beautification, Riverside Drive and Jugiong Road Precinct, Jugiong

**DI**

- Further consultation completed - report to December 2018 Meeting

**Dec-18**

1. Staff to engage in discussions with RMS the process to implement a 40km/h High Pedestrian Activity Area for Riverside Drive, Jugiong Road and Prudence Street for the area as generally indicated by the streetscape beautification plans.

**Mar-19**

- With RMS in line with the provisions of the Master plan.

### Hilltops Floodplain Management Committee – 12 December 2017

**DI**

- Commenced negotiations with 3 land owners who will be impacted by the construction of the basins.

**Mar-19**

### Draft Contamination Policy - That Council defer the Hilltops Draft Contamination Policy for further consideration.

**DSG**

- Awaiting results from Waste Strategy before reporting back to Council.

**Mar-19**

### Update on Costs Associated with Ratepayer - That Council: pursue the monies still outstanding to a sum of $40,000.00.

**DSG**

- Currently being pursued through our solicitors.

**Dec-18**

### Commercial Property Young - That Council: endorse further investigation on the property with further report be brought back to Council.

**GM/Mayor**

- Valuation has been requested.

**Dec-18**

### Village

**GM**

- List has been added to Council timetables

**Jun-19**

- Montague - 13 February 2019
- Murringo - 13 March 2019
- Reids Flat - 10 April 2019
- Rugby - 15 May 2019
- Rye Park - 12 June 2019

2. Delegate the General Manager to facilitate the organisation of each workshop.

**28 February 2018**

18/08

- Endorse the list of village workshop dates:

<table>
<thead>
<tr>
<th>Village</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monagle</td>
<td>13 February 2019</td>
</tr>
<tr>
<td>Murringo</td>
<td>13 March 2019</td>
</tr>
<tr>
<td>Reids Flat</td>
<td>10 April 2019</td>
</tr>
<tr>
<td>Rugby</td>
<td>15 May 2019</td>
</tr>
<tr>
<td>Rye Park</td>
<td>12 June 2019</td>
</tr>
</tbody>
</table>

2. Delegate the General Manager to facilitate the organisation of each workshop.
<table>
<thead>
<tr>
<th>Date</th>
<th>Item Description</th>
<th>Responsible Party(s)</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>24 April 2018</td>
<td>Boorowa Floodplain Risk Management Study and Plan</td>
<td>DI</td>
<td>Jun-19</td>
</tr>
<tr>
<td></td>
<td>2. Submit application for funding assistance for qualifying projects under the</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Commonwealth and State funded floodplain risk management programs currently</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>administered by OEH</td>
<td></td>
<td></td>
</tr>
<tr>
<td>23 May 2018</td>
<td>Harden Streetscape Improvements – ARTC – Rail Park Museum and Carpark</td>
<td>EDCC/GM</td>
<td>Jul-19</td>
</tr>
<tr>
<td></td>
<td>1. Approach the ARTC and the NSW Government on the revitalisation of the precinct</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>to discuss the potential lease/handover of the site as a community precinct;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>2. Delegate the General Manager to negotiate a long-term lease agreement for the</td>
<td></td>
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</tr>
<tr>
<td></td>
<td>railway lands; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>3. That further investigation be carried out on the location of services any other</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>issues on the site that will affect the potential success of the project.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>27 June 2018</td>
<td>Public Exhibition of Integrated Planning and Reporting Documentation</td>
<td>EDCC</td>
<td>Mar-19</td>
</tr>
<tr>
<td></td>
<td>4. Carry out a full review of the fees and charges for the Hilltops Council during</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>2018/2019 to ensure that consistent charges are used across the Hilltops Council</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>including the charges for sporting field use;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>5. Carry out a full review of the leasing and licence arrangement for Council owned</td>
<td></td>
<td>Apr-19</td>
</tr>
<tr>
<td></td>
<td>properties;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>6. The budget allocation for plant be internally restricted and a plant management</td>
<td>DI</td>
<td>Feb-19</td>
</tr>
<tr>
<td></td>
<td>committee be established to review the plant replacement programme</td>
<td></td>
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</tr>
<tr>
<td>18/29</td>
<td>Jugiong Village Sewerage Augmentation Options Study - That Council; considers</td>
<td>DI</td>
<td>Apr-19</td>
</tr>
<tr>
<td></td>
<td>the outcome of the option’s study for future adoption and implementation.</td>
<td></td>
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</tr>
<tr>
<td>18/63</td>
<td>Jugiong Village Addressing Street Re-Naming - That Council; adopt the draft Jugiong</td>
<td>DI</td>
<td>Feb-19</td>
</tr>
<tr>
<td></td>
<td>Addressing Street Renaming as detailed in the report.</td>
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<td></td>
<td>3. Replant with (2) suitable trees estimated cost - $400; and</td>
<td>DI</td>
<td>Dec-18</td>
</tr>
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<td></td>
<td>1. Jugiong Landscape Master Plan</td>
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<td>1. Adopt the recommendation that the consultant be briefed on the public comments</td>
<td></td>
<td>Dec-18</td>
</tr>
<tr>
<td></td>
<td>fully and to make current plan revisions from these comments and return current</td>
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<tr>
<td></td>
<td>draft plans to Council for adoption at the August Meeting of Council; and</td>
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<td>2. Adopt the recommendation; that further landscape plans (second phase of</td>
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<td>planning works); to be compiled by the consultant to extend landscaping along</td>
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<td>Riverside Drive, from Jugiong Carpark to the eastern side of the service station</td>
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<td>and to include planting, footpath and street/pedestrian lighting and to also</td>
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<td>include current truck stop areas where in road reserve with additional local</td>
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<td>stakeholder consultation.</td>
<td></td>
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<tr>
<td>18/173</td>
<td>Hilltops Comprehensive Local Environmental Plan Preparation</td>
<td>DSG</td>
<td>Sep-20</td>
</tr>
<tr>
<td></td>
<td>1. A comprehensive Hilltops Local Environmental Plan be prepared that combines and</td>
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<td></td>
<td>reviews the existing LEPs in force within the local government area</td>
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<td>No.</td>
<td>Description</td>
<td>Responsible Body</td>
<td>Status</td>
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<tr>
<td>18/181</td>
<td>REDHILL RESERVE COMMITTEE MEETING RECOMMENDATIONS FOR SIGNAGE AND GARBAGE BINS 1. Endorse the location and conceptual design of the interpretative signage and cover structure in the centre of the reserve near the quarry area as indicated in the attachments; 2. Install ‘no parking’ signs near the tradesmen’s entrance on Pudman Street; 3. Install a directional sign at the Pudman Street roundabout to direct people to the Redhill Reserve; and 4. Install a garbage bin at each pedestrian entrance and place the bins on the DSG/DI</td>
<td>Awaiting delivery of signs for installation</td>
<td>Dec-18</td>
</tr>
<tr>
<td>25 July 2018</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>18/197</td>
<td>PLANNING PROPOSAL – 8 WOMBAT STREET YOUNG – REVIEW OF SUBMISSIONS That a draft site-specific Development Control Plan (DCP) to manage potential impacts of the vehicle sales or hire premises and carpark for review by Council</td>
<td>DSG</td>
<td>Report to December 2018</td>
</tr>
<tr>
<td>18/217</td>
<td>BOOROWA URBAN GROWTH – DEPOT RELOCATION AND ALTERATIONS - That Council expedite Geotech contamination testing on the site and bring back a report to Council for further consideration.</td>
<td>DIS</td>
<td>To be workshopped December 2018</td>
</tr>
<tr>
<td>18/221</td>
<td>ENVIRONMENTAL INITIATIVES COMMITTEE REQUEST FOR NATIVE TREE POLICY - That Council prepare a policy for the planting of trees including street trees, trees in playgrounds, parks and other public places.</td>
<td>DIS</td>
<td>In progress</td>
</tr>
<tr>
<td>22 August 2018</td>
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<tr>
<td>18/244</td>
<td>TREE REMOVALS WITHOUT COUNCIL APPROVAL FOR HILTOPS COUNCIL CONTROLLED AND MANAGED LAND 1. That a Tree Management policy be drafted and presented to Council after review by policy committee for development of a Hilltops Council Policy; 2. Add trees removed without Council permission to the tree Replacement Register and complete the planting of replacement trees at a ratio of 2:1 by end 2018/2019 financial year; and 3. Provide delegated authority to the General Manager, for the removal of dead trees or dying and dangerous trees with a Hazard Rating Score greater than 9 and a “High” intervention Level as identified through the standard Operational Procedure for tree inspection and Assessment, to limit Council’s exposure to Public Liability Risk.</td>
<td>DI</td>
<td>Policy to be updated</td>
</tr>
<tr>
<td>18/252</td>
<td>REGIONAL WEEDS COMMITTEE RECOMMENDATION ON COMMITTEE MEMBERSHIP - A report to Council regarding a plan for current operations of Hilltops Regional Weeds Services outlining: 1. financial issues; 2. current staffing position; and 3. a current plan on how these services will operate into the future.</td>
<td>DSG</td>
<td>Report to November 2018</td>
</tr>
<tr>
<td>18/266</td>
<td>CUSTOMER SERVICES POLICY That Council: engage external consultants to formulate a Customer Service Policy and metrics and undertake community engagement.</td>
<td>EDCC</td>
<td>Brief being developed - to be circulated to Councillors. Process to begin in February.</td>
</tr>
<tr>
<td>18/277</td>
<td>2016/DA-00119 REV02 – RESIDENTIAL AGED CARE FACILITY – 66 DEMONDRIIL STREET YOUNG That the matter be deferred.</td>
<td>DSG</td>
<td></td>
</tr>
<tr>
<td>18/281</td>
<td>REVIEW OF BIOSECURITY FUNCTIONS That the matter be deferred.</td>
<td>DSG</td>
<td>Report to November 2018</td>
</tr>
<tr>
<td>Date</td>
<td>Reference</td>
<td>Description</td>
<td>Status/Dates</td>
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<tr>
<td>24 October 2018</td>
<td>18/283</td>
<td>YOUNG AQUATIC CENTRE: STAGE 2 DESIGN That Council; approve the proposed concept design as detailed and proceed with the detailed design of Stage 2 of the Young Aquatic Centre.</td>
<td>DI  Tenders will be advertised in December 2018 Dec-18</td>
</tr>
<tr>
<td>24 October 2018</td>
<td>18/299</td>
<td>SECTION 355 COMMITTEE UPDATE NO PARKING, CARAVAN PARK VEHICLE ACCESS, ALBURY STREET, HARDEN. That Council: approve the installation of ‘No Parking’ regulatory signage at the vehicle access to the Caravan Park in Albury Street, vicinity of 15 metres east side and vicinity of 7 metres west side of the vehicle access.</td>
<td>DI  Awaiting delivery of signs for installation Dec-18</td>
</tr>
<tr>
<td>24 October 2018</td>
<td></td>
<td>SPEED LIMIT, MURINGO ROAD, WESTERN APPROACH TO MURINGO VILLAGE, MURINGO 1. That Council staff request RMS to undertake a speed limit review of the existing 50km/h speed limit location with the view to relocating the 50km/h speed limit west of the Murringo Creek Bridge on Murringo Road, to a suitable location so as to eliminate the braking of heavy vehicles on the concrete bridge structure; and 2. That staff provide RMS a copy of the consultant’s report for Murringo Creek Bridge. The report indicates an action that recommends reducing the speed limit to 50km/h travelling across the bridge structure.</td>
<td>DI  Awaiting a response from RMS Dec-18</td>
</tr>
<tr>
<td>18/316</td>
<td></td>
<td>BURLEY GRIFFIN WAY INTERSECTION UPGRADE That Council: 1. Acquire parcels of land Portions Lot 7 DP747544 Burley Griffin Way for the purposes of a public road under the Land Acquisition (Just Terms Compensation) Act 1991 No.22; 2. Authority be delegated to the General Manager to authorise any documentation necessary to complete the acquisition and to approve the amount of compensation to be assessed by the Valuer General or an independent valuer payable for the acquisition of the land; 3. Upon acquisition being finalised the land be dedicated as public road in accordance with Section 10 of the Roads Act 1993; and 4. Enter into an agreement with Sibelco for all costs incurred by Council to be met by Sibelco.</td>
<td>DSG/DI  Underway - in progress Jun-19</td>
</tr>
<tr>
<td>18/324</td>
<td></td>
<td>LIVE STREAMING OF COUNCIL MEETINGS POLICY. That Council; 1. Approve the Draft Hilltops Council Live Streaming of Council Meetings Policy be placed on Public Exhibition for 28 Days; and 2. If there are no submissions received; adopt the Hilltops Council Live Streaming of Council Meetings Policy at the completion of the 28-day exhibition period.</td>
<td>EDCC  No submissions received Dec-18 Completed</td>
</tr>
<tr>
<td>18/325</td>
<td></td>
<td>MURRUMBURRAH PRECINCT MASTER PLAN. That Council; 1. Place the Draft Murumburrah Precinct Master Plan on a 28 day Public exhibition period, asking for Public comment on the plan; and 2. Returning that document to Council for final adoption to the 12 December 2018, Ordinary Meeting of Council.</td>
<td>EDCC  Further information asked for re staging and costings for some works as part of the consultation. To be considered at February meeting Feb-19</td>
</tr>
</tbody>
</table>
### 18/332 T2003-025 MOD 4 – GALONG LIMESTONE MINE – INCREASED DISPATCH – 342 EUBINDAL ROAD, GALONG.

**That the item be deferred.**

DSG Item deferred to February 2019 meeting

Feb-19

### 18/333 BURRANGONG CREEK- INCLUSIVE PLAYGROUND AND AMENITIES. That:

1. Tresillian Park be selected as the preferred location for the Playground in line with the findings in the Location Analysis;
2. The funding allocated to the Tresillian Park upgrade ($145,000) be combined with the funding allocated to the Playground ($275,000) to provide a single larger play facility compared to two smaller facilities;
3. The funding tagged for the amenities upgrade through SCCF ($150,000) be used to provide a compliant toilet facility at Tresillian Park and also fund a re-fit of the toilets on the corner of Marina and Main Street (Captain Cook Weir) and procurement commence for the materials required for this work to be undertaken; and
4. In accordance with s55(3)(i) of the NSW Local Government Act 1993, not invite tenders for a proposed project delivery contract for the Inclusive Playground;

b. Noting the reason for not calling tenders is on the grounds that Council is satisfied that inviting tenders would not achieve a satisfactory result as there would not be other tenderers of a competitive nature due to the capacity, experience and connections Variety and Touched by Olivia have in delivering Inclusive Playgrounds and;

1. The Council delegate authority to the General Manager or their delegate to negotiate a Contract with Variety and the Touched by Olivia Foundation for the design, procurement and delivery of the Inclusive Playground not exceeding the funding amount that is allocated to the project.

DI Underway

May-19

### 18/335 YOUNG TENNIS COURTS – DETAILED DESIGN

Defer the matter pending discussions with Young Tennis Club.

DI Design work underway following further consultation with Young Tennis Club and NSW Tennis.

Tenders to be advertised Jan/Feb 2019.

If the Bowls Club subsequently goes into liquidation then these assets would be lost to the Tennis Club. If the Tennis Club seeks to proceed with this layout we will need to seek direction from Council as to whether this is acceptable.

Awaiting Feedback

### 18/342 MURRINGO COMMUNITY ASSOCIATION INC. 24 SEPTEMBER 2018 Minutes:

1. That Council advise the MCA as to what is the process for heritage buildings to be listed on Council’s Heritage register? Is there a choice for property owners or is it council’s decision? That council make available to the MCA the list of Heritage Listed buildings for Murringo.
2. That Council oversee the erection of the play equipment (purchased with the Community Grants Program) in the Well Paddock to ensure it meets Council Standards and advise of any ongoing insurance issues.
3. That Council remove the correct tree at front of the hall and remove the stump of the tree cut down by mistake.
4. That Council clarify the process of how the Columbarium is to be accessed by people wanting to inter their relatives ashes.
5. That Council monitor the issue of heavy trucks speeding through the village, particularly at night, due to the 10 tonne limit on Murringo Road and that Council consider the possibility of 50km zone being moved to the Young side of the bridge at

EDCC Letter Sent

Dec-18 Completed.
MOTION: that the provisions of the Council Mowing Contract for Jugiong be reviewed. 1. Alison Delaney 2. Paula Butt. Paul Leseberg advised that one mow of all verges, cemeteries and other specified areas in the village takes approximately 30 hours. The mowing equipment is provided and JAG covers the cost of fuel. The meeting concluded that the 6 or 7 mows per annum provided for in the contract is not consistent with Jugiong’s mowing needs and that the specified maximum annual funding of $6,500 available to a contractor is neither realistic nor reasonable in terms of the mowing services needed. Council is requested to review the provisions of the mowing contract for Jugiong in the light of Jugiong’s mowing needs.

SAVE OUR RECYCLING CAMPAIGN
1. Endorse Local Government NSW’s campaign, Save Our Recycling, to realise the reinvestment of a 100% of the Waste Levy collected each year by the NSW Government in waste minimisation, recycling and resource recovery;
2. Make representation to the local State Member[s], Ms Steph Cooke, MP, and Ms Pru Goward MP, in support of this campaign objective - for the NSW Government to commit to reinvest 100% of the Waste Levy in waste minimisation, recycling and resource recovery;
3. Write to the Premier, the Hon Gladys Berejiklian MP, the Opposition Leader, the Hon Luke Foley MP, the Minister for Local Government and the Minister for the Environment, the Hon Gabrielle Upton MP, and the Shadow Minister for the Environment and Heritage, Penny Sharpe MLC, seeking bipartisan support for the 100% reinvestment of the Waste Levy collected each year into waste minimisation, recycling and resource recovery;
4. Take a lead role in activating the Local Government NSW Save Our Recycling campaign locally;
5. Endorse the distribution and display of the Local Government NSW Save Our Recycling information on Council premises, as well as involvement in any actions arising from the initiative; and
6. Formally advise Local Government NSW that Council has endorsed the Save Our Recycling advocacy initiative.

COUNTRY MAYORS WASTE TO ENERGY FEASIBILITY STUDY 2019
That Council contribute $15,000 to the feasibility study led by Tenterfield Council.

COMMUNITY RECOGNITION SCHEME That Council forward a letter of congratulations to: June Gibson, Wombat Progress Committee Member for a number of years, an extremely hard worker on the committee and is retiring and will be missed.

T2003-025 MOD 4 – GALONG LIMESTONE MINE – INCREASED DISPATCH – 342 EUBINDAL ROAD, GALONG That the matter be deferred, and a further report be brought addressing all matters raised by Councillors with a view to referring the assessment to another decision-making body.

ANNUAL REPORT 2017-2018 - That the report be brought back to 12 December 2018 meeting of Council with corrections

CHANGE TO STRONGER COMMUNITIES FUND PROJECT – YOUNG LIONS SOCCER CLUB That Council: Approve the request from the Young Lions Soccer Club to reallocate the Stronger Communities Funding to projects at both Hall Brothers and Gus Smith Ovals.
<table>
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<tr>
<th>Ref</th>
<th>Description</th>
<th>Action</th>
<th>Notes</th>
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<tbody>
<tr>
<td>18/380</td>
<td>Submission on Draft Urban Design for Regional NSW</td>
<td>DSG</td>
<td>Submission Sent</td>
</tr>
<tr>
<td>18/384</td>
<td>NRMA Electric Vehicle Charge Points</td>
<td>DI</td>
<td>Discussion with Cr Armstrong to be arranged to investigate alternative options for Young</td>
</tr>
<tr>
<td>18/385</td>
<td>NRMA Electric Vehicle Charge Points</td>
<td>DI</td>
<td>Discussion with Cr Armstrong to be arranged to investigate alternative options for Young</td>
</tr>
<tr>
<td>18/386</td>
<td>Update on Cherry Capital Building</td>
<td>DI</td>
<td>Design brief being finalised for providing access to the 1st floor of this building</td>
</tr>
<tr>
<td>18/387</td>
<td>Galong Road Upgrade - Vegetation Removal</td>
<td>DI</td>
<td>Detailed environmental assessment underway and will be reported back to Council in February 2019</td>
</tr>
<tr>
<td>18/388</td>
<td>Condition Assessment for Spring Creek Bridge (over Little Spring Creek on Spring Creek Road)</td>
<td>DI</td>
<td>Work underway for construction of the bypass at Springs Creek Bridge. Expected completion late December 2018/ early January 2019. Consultation with affected parties underway - weight/speed restriction signage being finalised and ordered for installation.</td>
</tr>
<tr>
<td>18/394</td>
<td>Affixing of Council's Seal - Transfer Granting Easement at North Street, Harden</td>
<td>DI</td>
<td>Being arranged</td>
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**Completed**

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<td>Submission on Draft Urban Design for Regional NSW</td>
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<td>NRMA Electric Vehicle Charge Points</td>
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<td>18/394</td>
<td>Affixing of Council’s Seal - Transfer Granting Easement at North Street, Harden</td>
<td>DI</td>
<td>Completed</td>
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<tr>
<td>18/395</td>
<td>CONTAINER DEPOSIT SCHEME REFUND SHARING AGREEMENT</td>
<td>DSG</td>
<td>Negotiations Complete</td>
</tr>
<tr>
<td>18/396</td>
<td>TENDER 436 OF 2018, SUPPLY AND DELIVERY OF ONE (1) ROAD MAINTENANCE UNIT - BOOROWA</td>
<td>DI</td>
<td>Tender awarded</td>
</tr>
<tr>
<td>18/397</td>
<td>RFT394 OF 2018 SUPPLY &amp; DELIVERY COMPACTON WASTE TRANSFER SEMI-TRAILER</td>
<td>DI</td>
<td>Tender awarded and trailer ordered</td>
</tr>
<tr>
<td>18/398</td>
<td>TENDER 430 OF 2018: PROPOSED CONSTRUCTION OF FACILITIES AT CRANFIELD OVAL</td>
<td>DI</td>
<td>Tender awarded</td>
</tr>
<tr>
<td>18/399</td>
<td>SUPPLY OF A COMPACTON WASTE TRANSFER SEMI-TRAILER SECOND HAND</td>
<td>DI</td>
<td>Tender awarded and trailer ordered</td>
</tr>
<tr>
<td>18/400</td>
<td>ENGAGEMENT OF CONSULTANTS UNDER A PROFESSIONAL SERVICES AGREEMENT</td>
<td>GM</td>
<td>Tender awarded.</td>
</tr>
<tr>
<td>18/401</td>
<td>ORGANISATIONAL STRUCTURE REVIEW STAGE 1</td>
<td>GM</td>
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1. That Council: note the information provided and authorise the General Manager to finalise negotiations with Biouera Inc as required by legislation.

2. Accept the tender of Wagga Trucks for the supply and delivery of one Hino GH1828 Auto fitted with Flocon Road Maintenance Body, in the amount of $344,886.85 inclusive of GST ($313,533.50 ex GST); and
3. Accept the tender of Wagga Trucks for the trade of Council Plant No. 9236, 2010 Isuzu FVZ fitted with Ausroad Jetmaster Road Maintenance Body in the amount of $70,000.00 inclusive of GST ($63,636.36 ex GST).

4. That Council: approve the engagement of Wastech Engineering or the supply and delivery of one (1) steel tri axle bulk waste transfer semi-trailer to the Hilltops Council Harden Depot at a cost of $270,099.50 inclusive of GST ($245,545 exclusive of GST).

5. That Council, accept the tender of A D Tanner Constructions Pty Ltd of $651,709.09 ex GST ($716,880.00 incl GST), for the construction of the new amenities at Cranfield Oval.

6. That the purchase of one (1) steel tri axle bulk waste transfer semi-trailer from Banyule City Council at cost of $45,000 exclusive of GST ($49,500 inclusive of GST).

7. The associated costs to put this trailer into service of an additional $21,000 exclusive of GST ($23,100 inclusive of GST), to yield a total purchase cost of $66,000 exclusive of GST ($72,600 inclusive of GST).

8. The funding of such a total purchase cost is to be sourced from the South West Regional Waste Management Group Trailer Reserve.

9. That the General Manager provide a plan in February 2019 for Councillors to review; and
10. That a day on a weekend be put aside in March to meet at Galong to review and finalise plan.
NOTICE

Councillor Matthew Stadtmiller will move the following motion:

That Hilltops Council as a matter of policy, formally adopts the following motion which supports motion 97, which was overwhelmingly carried, at the Local Government NSW Conference held, 21 - 23 November 2018, in Albury:

1. To give solidarity with the people of other townships within our area including Young, Harden, Boorowa, Cootamundra, Gundagai, Tumut and Tumbarumba as they seek to demerge from a forcibly amalgamated Council.

2. To support any other communities that seek to demerge from a forced amalgamation, and

3. To prevent forced amalgamations of councils or significant boundary alterations without the support of a plebiscite

Note

That Hilltops Council is the result of a forced merger of the former Councils of Young, Harden and Boorowa. With many residents in our community unhappy and who hold serious concerns for the future, as a Council we should either support or oppose the forced amalgamations. Local Government NSW has openly opposed this. By doing this we, as Councillors, are showing our community that we are listening and prepared to support the democratic will of the people.

RECOMMENDATION

That Council;

a) Give solidarity with the people of other townships within our area including Young, Harden, Boorowa, Cootamundra, Gundagai, Tumut and Tumbarumba as they seek to demerge from a forcibly amalgamated Council; and

b) Support any other communities that seek to demerge from a forced amalgamation, and

c) Prevent forced amalgamations of councils or significant boundary alterations without the support of a plebiscite
Councillor Matthew Stadtmiller will move the following motion:

That Council contribute $2,200 to the cost of the heritage study carried out by the Young Community and Residents Association (YCARA) regarding the heritage precinct application for Carrington Park and that the Roll Up Flag be heritage listed to recognise the history around the Lambing Flat Riots.

That Council;

a) Contribute $2,200 to the cost of the heritage study carried out by the Young Community and Residents Association (YCARA) regarding the heritage precinct application for Carrington Park; and
b) The Roll Up Flag be heritage listed to recognise the history around the Lambing Flat Riots.
CORRESPONDENCE FOR ATTENTION

ACTION
♦ Nil

INFORMATION
♦ Nil

♦ MEDIA RELEASE

- Sewer Works in Young to Continue – 4 December 2018
- Pedestrians Urged to Look Out Before You Step Out
  27 November 2018

ATTACHMENTS

Correspondence - Nil

Media Releases - Hilltops Council

RECOMMENDATION

That Council;

  a) Note the media releases as presented.
Sewer works in Young continue

Benex Pipelines are continuing sewer main pipeline upsizing and renewal works in Young with works expected to be completed in February 2019. This project will extend the service life of existing local infrastructure and improve the reliability and efficiency of the town's sewer network.

The work is occurring in a progressive manner from the Woolworths carpark on Boorowa Street through to the Young Tourist Caravan Park on Edwards Street. There may be some intermittent access constraints along the work area. Affected businesses and residents are being consulted with on an ongoing basis to ensure impact and disruption is minimised. Should any concerns remain please contact Council on 6380 1200 or Benex Pipelines on 6299 6527 or email info@benex.net.au

How does pipe bursting work? Machinery is used to crack and expand the old pipe from within. An enlarged cavity is created through which a new main is pulled. The driving machinery will create some noise and the ground can vibrate as the bursting head works its way along the pipe. An excavation of approximately 3 meters long by 2 meters wide will be required next to various sewer manholes to guide the pipe bursting equipment into the sewer main. Excavations will also be required at the sewer tie (where your sanitary drainage connects to the sewer) and a sewer riser will be installed. The whole operation can take several days however sewer connection will only by disrupted for an hour or two on the nominated day.

Council apologise for any short-term inconvenience this may cause and appreciate your understanding in working on this essential service that will improve the long-term functionality of the sewer network.

-Ends-

Media Contact
Sarah Karaitiana 0418 755 092
Pedestrians urged to ‘Look out before you step out’

Highly visible pavement stickers are being installed at pedestrian crossings, intersections and pedestrian refuges throughout the Hilltops region to remind pedestrians to cross at the safest locations and to make safe decisions when crossing the road.

Hilltops Mayor Brian Ingram said Roads and Maritime Services and the Centre for Road Safety are working with councils across the state to expand the ‘Look out before you step out’ campaign to combat the number of pedestrians hit on the state’s roads and bring the road toll Towards Zero.

“The stickers are at key pedestrian crossing points a reminder to everyone to ‘Look out before you step out’ particularly over the busy holiday period,” Mayor Ingram said.

More than 1,500 pedestrians are struck across NSW each year and the aim of the initiative is to drive that number down.

“Taking risks and not being mindful on the roads can end in tragedy, which is why it is important for pedestrians to have their head in the moment. We also know this is a two-way street, and drivers also need to play their part by slowing down, especially in high pedestrian 40km/h zones and on local streets where they know pedestrians are out and about.” He continued

“It’s important to stick to speed limits in high pedestrian areas since a car travelling at 50km/h is twice as likely to kill a pedestrian than a car travelling at 40km/h.” Mayor Ingram concluded.

Stickers will be installed over the coming days starting Monday 3 December 2018.


-Ends- Media Contact Sarah Karaitiana 0418 755 092
**COUNCIL COMMITTEE REPORTS**

**FOR ACTION**

- Boorowa Showground Users Group – 13 November 2018
- Jugiong Advancement Group – 18 October 2018

**RECOMMENDATION**

That Council;

a) Place the following table of actions requested in the Action List for completion.

<table>
<thead>
<tr>
<th>NAME OF GROUP</th>
<th>DATE OF MEETING</th>
<th>ACTION REQUIRED BY COUNCIL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boorowa Showground User Group</td>
<td>13 November 2018</td>
<td>Official opening of complex – 14 December 2018</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Council to propose a fee structure for use of facilities for 2019/2020</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PA speakers – storage and responsibility</td>
</tr>
<tr>
<td>Jugiong Advancement Group</td>
<td>18 October 2018</td>
<td>Council to provide large shade structures near swimming pool</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Council assess and upgrade electrical service line at Jugiong Memorial Park</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Council to review the terms of the tender for mowing</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Council remove the remaining poplar trees on Riverside Drive</td>
</tr>
<tr>
<td>Regional Healthy Shires Committee</td>
<td>17 October 2018</td>
<td>That the name of the s355 committee be changed from Hilltops Healthy Shires Committee to Hilltops Wellbeing Action Group (HWAG)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The revised Wellbeing Action Group Terms of Reference be endorsed with relevant changes</td>
</tr>
</tbody>
</table>
COUNCIL COMMITTEE REPORTS

NO ACTION

♦ Hilltops Wellbeing Action Group – 13 November 2018

ATTACHMENTS

Minutes of each committee

RECOMMENDATION

That Council;

a) Note the balance of the committee reports.
REGIONAL HEALTHY SHIRES COMMITTEE MEETING AGENDA
17 OCTOBER 2018
Held in the Hilltops Council, LEOC Meeting Room, 189 Boorowa Street, Young

ATTENDANCE:
Heather Ritchie (CDAT), Donna Davis & Heather O’Hara (Lambing Flat Enterprises), Naomi Peters (Hilltops Community Hub), Gwen Gunning (Young Crisis Accommodation Centre Inc.), Jaime Grant (Argyle Housing) and Councillors Wendy Tuckerman & Rita O’Connor.

OBSERVERS:
Executive Director – Corporate & Community: Lee Furness
Manager Community Services: Leanne Leihn
Community Support Officer: Martin Langfield

APOLOGIES

Kelly Rolfe (Young Community Transport), Jennifer Bannister (Argyle Housing), Jeanette Lautier (Murrumbidgee Primary Health Network).

18/01 - NAME CHANGE OF COMMITTEE

Recommendation:
That the Committee recommends to Council that the name of the S355 Committee be changed from Hilltops Healthy Shires Committee to Hilltops Wellbeing Action Group (HWAG).

Moved: Wendy Tuckerman  Seconded: Heather Ritchie
CARRIED

18/02 - DRAFT TERMS OF REFERENCE

The Draft Terms of Reference were reviewed with a range of changes made to more accurately reflect WAGs capacity to apply for funds and administer funds on behalf of projects. The following paragraph has been included into the Terms of Reference:

'The Action Group has the power to apply for grant funding for specific community projects that meet the purpose of the Action Group. Council will auspice and administer those funds on behalf of the Action Group.'

Recommendation:
That the Wellbeing Action Group recommends to Council that the revised Terms of Reference be endorsed with the relevant changes.

Moved: Heather Ritchie  Seconded: Naomi Peters
CARRIED

ACTION:
☐ (L. Leihn) Distribute the revised Terms of Reference to the committee members for approval.
18/03 - ADDITIONAL STAKEHOLDERS TO ENGAGE/INVITE

The WAG discussed additional key sectors to invite to a mini forum to identify issues, gaps, resources, and to prioritise projects from the Delivery Program/Operational Plan. The main sectors being employment (Centrelink Manager), Hospital (Cluster Manager), Education (TAFE and High Schools), Family & Community Services (FACS).

ACTION:

☐ (L Leihn) Consider inviting TAFE (Aboriginal Representatives - Peter Beath or Stuart James) and Flexible Care Services to also join HWAG.

18/04 - MINI FORUM

Copies of the Delivery Program/Operational Plan were distributed with a request to collate and distribute the priorities relevant for the WAG.

ACTION:

☐ (L Leihn) Distribute Key priorities from the Delivery Program/Operational Plan for 2018-19.

☐ (L Leihn) Prepare a draft media release for the committee (Being mindful of being inclusive of the whole Hilltops).

18/05 - REGIONAL PARTNER FORUM – Proposed for February 2019

To be discussed at the next meeting.

18/06 - GENERAL BUSINESS

It was agreed for the committee to initially meet monthly then to review in six months to meet quarterly.

ACTION:

☐ (L Leihn) Develop a contact list for the committee members (Email, Phone)

☐ (L Leihn) Invite the following to the next meeting:

☐ Dr Edwina Marks (General Manager Hilltops Council)

☐ Amanda Kelly (CDAT)

☐ Jenna Roberts (Lifespan)

☐ Zoe Evans (Wellways)
REGIONAL HEALTHY SHIRES COMMITTEE MEETING AGENDA
17 OCTOBER 2018
Held in the Hilltops Council, LEOC Meeting Room, 189 Boorowa Street, Young

ATTACHMENT
Attachment 1 - Hilltops Wellbeing Action Group - Terms of Reference

NEXT MEETING

2 PM Wednesday 13th November 2018 at Young Offices.

☐ (L Lehn) Arrange a meeting with the Chairperson two weeks prior to the next meeting.

Meeting Closed: 5.00 pm

ACTION LIST:

<table>
<thead>
<tr>
<th>Meeting Date</th>
<th>Item #</th>
<th>Item</th>
</tr>
</thead>
<tbody>
<tr>
<td>17/11/18</td>
<td>18/02</td>
<td>• Distribute the revised Terms of Reference to the committee members for approval</td>
</tr>
<tr>
<td>17/11/18</td>
<td>18/03</td>
<td>• Consider inviting TAFE (Aboriginal Representatives – Peter Beath or Stuart James) and Flexible Care Services to also join HWAG</td>
</tr>
<tr>
<td>17/11/18</td>
<td>18/04 (a)</td>
<td>• Distribute Key priorities from the Delivery Program/Operational Plan for 2018-19.</td>
</tr>
<tr>
<td>17/11/18</td>
<td>18/04 (b)</td>
<td>• Prepare a draft media release for the committee (Being mindful of being inclusive of the whole Hilltops).</td>
</tr>
<tr>
<td>17/11/18</td>
<td>18/06 (a)</td>
<td>• Develop a contact list for the committee members (Email, Phone)</td>
</tr>
</tbody>
</table>
| 17/11/18     | 18/06 (b) | • Invite the following to the next meeting:
  o Dr Edwina Marks (General Manager Hilltops Council)
  o Amanda Kelly (CDAI)
  o Jenna Roberts (Lifespan)
  o Zoe Evans (Wellways) |
|               |       | • Arrange a meeting with the Chairperson (W Tuckerman) two weeks prior to the next meeting. |
|               |       | • Send a meeting request to members |

Action required | Status |
----------------|--------|
Council         |        |
Council         |        |
Council         |        |
Council         |        |
Council         |        |
Council         |        |
Council         |        |
Hilltops Wellbeing Action Group (HWAG)

DRAFT - Terms of Reference

1. Name
The name of the Committee is the Hilltops Wellbeing Action Group (HWAG).

2. Definitions
In these terms of reference, the following definitions apply:


"Council" means the Hilltops Council.

"Councillor" means a current serving elected member of the Council.

"Chairperson" means the duly appointed Chairperson of the Action Group.

"General Manager" means the General Manager of the Council.

"Meeting" means a meeting of the Action Group held under clause 16.

"Member" means a person appointed to the Committee as a member under clause 10.

3. Council Portfolio
Organisational Service Level – Corporate and Community Services

Program – Community Services

4. Establishment
The Action Group is established under section 355 of the NSW Local Government Act 1993 which states:

“A function of a council may, subject to this Chapter, be exercised:
(b) by a committee of the council”.

5. Term of the Action Group
The Action Group will function until the next Hilltops Council election in September 2020.

The Council reserves the right to dissolve the Action Group at any time by a resolution of the Council.

6. Delegations
The Action Group has no specific delegations from the Council.
7. Financial Arrangements

Unless expressly resolved by Council, the Action Group has no powers to commit or expend any Council funds.

The Action Group has the power to apply for grant funding for specific community projects that meet the purpose of the Action Group. Council will auspice and administer those funds on behalf of the Action Group.

8. Purpose

Council recognises that the conditions in which people live, work, learn and play influences the wellbeing they can achieve. Improved wellbeing outcomes can be achieved, for example, through coordinated and strategic health planning, increased participation in sport, leisure and the arts, well designed built and natural environments, effective community safety initiatives, expanded educational, employment and life-long learning opportunities, promoting healthy lifestyles, encouraging civic engagement and promoting improved living standards.

9. Responsibilities, Roles and Functions

The core responsibilities of the Action Group are to:

- provide input into the strategic direction of the Hilltops Council;
- provide input to the Delivery Program Strategies (3-4 Year) and Operational Plan Actions (annual) aligned with the Action Group focus;
- consider the potential social, economic, environmental and financial impacts (sustainability) of the Action Group recommendations;
- engage the community and stakeholders on matters being considered by the Action Group;
- consider and advise the Council on any matter referred to the Action Group.

The primary roles and functions of the Action Group are to:

- make recommendations to Council, that if supported, would lead to improved community wellbeing and social inclusion outcomes and address factors causing social exclusion;
- analyse and interpret local evidence, health and wellbeing indicators, health status and demographics;
- assist in identifying existing or emerging health and wellbeing priorities for the community, with a focus on those more vulnerable people experiencing poor health;
- develop an annual Community Wellbeing Action Plan which includes health and wellbeing initiatives that are both measurable and achievable;
- develop a cross sectional partnership approach with community health providers, service providers and supporting agencies; and
- facilitate a collaborative health and wellbeing network.

10. Membership of the Action Group

The Action Group will be comprised of the following broad representation of members:

1. Council (Mayor or his representative)
2. The Membership of the Action Group shall comprise of between 8-10 persons, all of whom shall be appointed by Council.
3. Representatives of the diverse government agencies and local community groups and organisations with an interest and networks in the following areas/groups including:
• Children and families
• Youth development
• Older people and Active Ageing
• Disability access and inclusion
• Health promotion and prevention
• Supporting vulnerable communities
• Cultural development

The Mayor may appoint additional community representatives where appropriate. It is anticipated that membership should be available to a broad range of social and community interests.

The General Manager and other Council staff may attend Action Group meetings, on the invitation of the chairperson.

11. Chairperson
The Mayor will determine the chairperson of the Action Group, or the position shall be determined by an election at the first meeting of a new term of the Action Group.

12. Acting Chairperson
In the absence of the Chairperson an Acting Chairperson shall be elected by the Members present at any duly and properly constituted meeting of the Action Group for the purpose of presiding over that meeting.

13. Executive Officer
The Executive Officer will be directly responsible for the organisational program.

The responsibilities of the Executive Officer are to:
• provide executive support to the Action Group;
• prepare the meeting agenda and minutes;
• prepare a report to the council containing the minutes and, providing staff comment on the recommendations made by the Action Group;
• provide to the Action Group the outcome and resolutions of the Council regarding each recommendation; and
• prepare an Annual Report on the Action Group’s activities.

14. Sub-committees
The Action Group may form sub-committees to carry out detailed work directed by it. Each sub-committee will form for a specific purpose and although answerable to the Action Group, are essentially autonomous in how they operate. They must contain at least one Member and may be established for a fixed period of time or be ongoing.

15. Reporting
The Action Group will report to the Council.

16. Frequency of Meetings
The Action Group will meet at least once every three months, with capacity for additional meetings as needed.
A schedule of meetings is to be developed on an annual basis. The annual schedule is to be included in the agenda for each meeting.

Meeting schedules will be determined by the chairperson, in consultation with Action Group members.

17. Implementation Principles

- **Service**: maintain seamless service delivery to communities
- **Opportunity**: embrace opportunities to improve services and social infrastructure for communities
- **Cohesion**: bring together and build on the strengths of strategies, structures, staff and systems
- **Engagement**: inform and involve communities, staff and other partners, in planning and implementing change
- **Integrity**: ensure ethical, open and accountable governance and administration
- **Respect**: value the knowledge and contributions of staff, communities and other partners

18. Organisational Principles

- **Governance**: focus on the corporate governance processes and internal support services of council as an organisation. Governance includes the internal structures, information systems and policies that ensure an efficient and effective operation while being open and transparent to all stakeholders.
- **Infrastructure**: focus on the physical assets under council’s care and management, which are necessary for the effective functioning of the community. These assets include utility and transport services, as well as public buildings and recreational facilities.
- **Services**: focus on the programs within the council aimed at our local people and communities. It is about maintaining and where possible improving people’s social, cultural and economic wellbeing, through programs which contribute to making our community a healthy and prosperous one, where people enjoy a sense of belonging and security. This principle is also concerned with the care and custodianship of the physical environment of our area, and interactions with the environment beyond our boundaries.

19. Code of Conduct

The Model Code of Conduct applies to the members of the Action Group.

20. Code of Meeting Practice

The Council’s Code of Meeting Practice shall guide the meeting procedures of the Action Group.

21. Remuneration of Members

Members of the Action Group will not be remunerated for meeting attendance and no reimbursement of travel expenses will be payable, unless in special circumstances.

22. Media Liaison

All enquiries should be directed to Hilltops Council Media and Communications Team.

23. Meeting Protocol

Arrangements for meetings will be as follows:
• Meetings will be run in a fair and independent manner and support open and constructive dialogue;
• The agenda and supporting material will be circulated at least five (5) business days prior to a meeting;
• Any supporting material or papers that are confidential will be clearly marked as such and remain confidential to members;
• Any general business items tabled during meetings will be short, requiring no more than five (5) minutes' presentation or discussion;
• Accurate minutes of every meeting will be recorded including details of those in attendance and details of decision taken;
• Minutes will be circulated within seven (7) days of each meeting; and
• Minutes of the meeting will be submitted to the Council as soon as possible after the meeting;

24. Quorum
The Quorum of the Wellbeing Action group shall consist of at least half the Members or a majority of the whole number if there is an uneven number of Members present.

25. Standard Agenda Items
Agendas will be determined by the Chairperson. As a minimum, agendas will include the following standard items:

• meeting open and apologies;
• confirmation of previous minutes and matters arising;
• declarations of interest;
• reports on priority actions;
• reports and advice on local views and emerging issues;
• specific items varying from meeting to meeting;
• review of relevant meeting actions or follow up requirements (action log); and
• formal close.

26. Review
These Terms of Reference are to be reviewed at the conclusion of the term of the Action Group in alignment with Clause 5.
Minutes
Jugiong Advancement Group Meeting, 18 October 2018
Jugiong Memorial Hall

Meeting opened at 7.10pm.


The financial report for the period 1-30 September advised a balance of $150,950.53, with $140,023.03 held in four term deposit accounts. Over the past 12 months, $2,842.33 has been earned in interest on the term deposits. The report was accepted. 1. Jen Sturrock 2. Michele Delaney.

Minutes of the previous meeting were confirmed. 1. Jen Sturrock 2. Michele Delaney

Business arising from minutes

<table>
<thead>
<tr>
<th>Item</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hall renovations</td>
<td></td>
</tr>
<tr>
<td>-kitchen project budget</td>
<td>Huw advised that expenditure to date</td>
</tr>
<tr>
<td></td>
<td>meant that there was about $50k of the</td>
</tr>
<tr>
<td></td>
<td>grant remaining. He advised that he</td>
</tr>
<tr>
<td></td>
<td>expected the total cost would be close</td>
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<td></td>
<td>to the $80k grant.</td>
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<tr>
<td>-kitchen progress report</td>
<td></td>
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<tr>
<td></td>
<td>Huw provided a written summary and</td>
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<td></td>
<td>indicated that progress is well</td>
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<td></td>
<td>advanced. Additional verbally</td>
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<tr>
<td></td>
<td>advised points included:</td>
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<tr>
<td></td>
<td>· for ease of access, switches to the</td>
</tr>
<tr>
<td></td>
<td>Cool Room and HWS have been located</td>
</tr>
<tr>
<td></td>
<td>near the oven;</td>
</tr>
<tr>
<td></td>
<td>· in anticipation of future needs,</td>
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<tr>
<td></td>
<td>power and water access points have</td>
</tr>
<tr>
<td></td>
<td>been located behind the oven;</td>
</tr>
<tr>
<td></td>
<td>· when the stage is removed there will</td>
</tr>
<tr>
<td></td>
<td>be a junction box visible at floor</td>
</tr>
<tr>
<td></td>
<td>level;</td>
</tr>
<tr>
<td></td>
<td>· services are scheduled to go in on</td>
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<tr>
<td></td>
<td>23/24 October;</td>
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<tr>
<td></td>
<td>· the exhaust canopy is expected to</td>
</tr>
<tr>
<td></td>
<td>be installed on 25 October.</td>
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<tr>
<td>-water isolation valve</td>
<td>Paula to obtain quotes for wooden-</td>
</tr>
<tr>
<td></td>
<td>topped portable stage units.</td>
</tr>
<tr>
<td>-portable stage units</td>
<td></td>
</tr>
<tr>
<td></td>
<td>No update available.</td>
</tr>
<tr>
<td>Hall management</td>
<td></td>
</tr>
<tr>
<td>-fences and gates around Hall</td>
<td>Action outstanding. Repairs urgently</td>
</tr>
<tr>
<td></td>
<td>required</td>
</tr>
<tr>
<td>-fees for business groups</td>
<td>For future consideration.</td>
</tr>
<tr>
<td>-locks changed</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Jen advised that an appropriate lock</td>
</tr>
<tr>
<td></td>
<td>had been reinstated on the disabled</td>
</tr>
<tr>
<td></td>
<td>toilet and that 3 sets of keys had</td>
</tr>
<tr>
<td></td>
<td>been received from Council.</td>
</tr>
</tbody>
</table>
Recreation Ground
- survey. Helen reported that the surveyors were observed working on the survey in late September and that they had not yet provided a report.
- pruning of trees. Kim advised that the tree-pruning had been completed with good results. The arborist, Mark Douglas, had provided an invoice for $2,900. Lisa Elphick's invoice for assistance with branch removal is expected to bring the total cost to considerably less than the $4,000 approved for expenditure on the project. Those who helped were thanked.
- chipper. Paul advised that enquiries had revealed that Council does not currently own a chipper. It was noted that the large pile of prunings would be a fire risk over summer and that proximity to other structures meant they could not be burnt in their present location. Kevin Hill from Council has advised that he is intending to have the prunings chipped and the resulting piles of chips/mulch made available to the public.
- maintenance of tennis court. Alannah forwarded a quote of $2,173.60 from Sportsclean for service of the two tennis courts. It was agreed that the quote be accepted.
- horse yards. Alison sent in a report advising that the horse yards are finished and that there now needs to be liaison with Council to have water connected to the location.
- streetlight near entrance. Alannah advised that the light's operation continues to be erratic.
- emptying of black water dump. Lee advised by email that Council had been paying for the pumping out of the black water dump by mistake and that, as campers were the dump users, their donations should be used to cover the pumping and removal costs. It was noted that at $400 a time, 8/9 times a year, the annual cost of sewage removal from the dump is around $3.5k. Huw proposed that he write to Council on the matter on JAG's behalf.

Memorial Park and Swimming Pool
- shade around swimming pool. It was noted that no advice had been received from Council about plans to provide shade near the swimming pool following the removal of shade trees, reportedly to reduce leaf fall into pool water.
- additional power points at BBQ. Paul reported that Council's electrician had advised that it was likely the service line needed to be upgraded before any outlets could be added.
- tree pruning. Paul advised that Kevin Hill from Council was implementing a work order involving pruning trees in the Memorial Park.
- women's toilets. It was noted that a tap is unable to be turned off. Paul advised that Council staff had said that new taps were coming, as the existing taps cannot be repaired.
- noticeboard. No update available.

Events
- fundraiser for farmers. Michele reported that the event, held in the grounds of the Jugiong Motor Inn on 29 September, raised just under $4k. Jen commented that the low-cost, multiple

| Recommendation: That Council provide large shade structures near the swimming pool, ready for the imminent swimming season. |
| Recommendation: That Council assess and, if necessary, upgrade the electrical service line in the Jugiong Memorial Park. |
| Alannah to accept quote and arrange service with Sportsclean. |
| Alannah to continue to liaise with Essential Energy. |
| Huw to write to Council expressing concern about camper donations being used to meet the costs of sewage removal from the dump. |
attractions event was well-attended and enjoyed.

-Sergeant Parry Day. Wes advised that the event is on track for 2pm-8pm on 3 November, with an events schedule distributed and Sibelco, Bald Hill and Redbank among the sponsors.

-Jugiong Writers’ Festival. Freda Nicholls provided a report advising that preparations and programming were on track for a great weekend from Friday 22 to Sunday 24 March 2019.

-fireworks event. Kim advised that rescheduling of the fireworks to March/April would be acceptable to Jamie Middleton. 30 March 2019 was identified as the preferred date.

-Golf Club Open Day. Jen advised that the Golf Club had received a $1k grant to conduct an Open Day and that a date was yet to be set. She and Michele were developing a program for the Day, possibly including Rugby Golf.

-Jugiong Mowing Contract. Paul advised that no tenders had been received in response to the recently advertised Council contract for mowing in Jugiong. He estimated that about 10 mows of 30 hours each are required in a good season. He will ask Shirrilee Chilton for copies of Will’s invoices for the last couple of years so that the hours expended and actual costs (at the rate then charged) can be advised.

-Jugiong Golf Club. Joy reported that she had twice put the Jugiong Golf Course on Wikicamps but each time it had been taken down. She will investigate adding it to the Australian Golf Courses app. She advised that she had not realised she was to write to Council after last meeting advising that the Golf Club was a JAG subcommittee and asking that its bank account be added to JAG’s Schedule.

-Subcommittee members. Membership lists for the Jugiong Golf Club, Sergeant Parry Day and Hall Kitchen Renovations Subcommittees were provided. The three office-bearers of the JWF Subcommittee were listed, with Joy advising that there were too many other members to list them all.

-Assets register. Helen advised that Paul is completing a template listing of items of plant and equipment and their storage locations. Jen, with the contributions of others, completed a list of equipment in the Hall kitchen in the process of preparing for the renovations. The additional cooking equipment, cutlery and crockery needed will be added to the register as acquired. The recently donated old map of the village will also be added.

-Poplars and other dangerous trees and stumps. Hugh Jackson advised via letter that stump grinding was needed for 20 stumps and two dead trees. The meeting noted that the dead tree in the Catholic Cemetery and two dead poplars in the Recreation Ground also needed to be removed. Further, the meeting was unanimous that removal of all the remaining poplars on Riverside Drive was a priority, as the trees were well beyond their expected life span and another had recently fallen in high winds, narrowly missing a vehicle. It was noted that the sooner the poplars were gone the sooner replacement lipstick maples could be planted and start growing. The Committee would contribute to the community and visitors understanding the
reason for the tree removal.

**Compendium of suppliers and services.** Michele passed around her early work on the compendium, structured around business logos. She proposes to also include events and business hours.

**Duplicate white lines on Riverside Drive.** It was noted that these were painted out on 16 October.

**Sign near Catholic Cemetery.** Jen advised that the delaminating panels were removed on 17 October.

**Progress with landscaping plans.** No update available.

**Bundabro Bridge replacement.** Lee advised by email that the bridge replacement is not expected to be started by April 2019 and that access and safety issues will be addressed in planning prior to the work program beginning.

**Correspondence**

<table>
<thead>
<tr>
<th>Incoming</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Letter from Karen Cornish re maintenance of Jugiong's cemeteries.</td>
<td>Noted in context of the village mowing needs.</td>
</tr>
<tr>
<td>Emailed letter from Hugh Jackson re tree and stump removal.</td>
<td>See business arising.</td>
</tr>
<tr>
<td>Quote from Sportsclean re tennis court servicing.</td>
<td>See business arising.</td>
</tr>
</tbody>
</table>

**Outgoing**

| Letter of thanks to Neil Reid |

**New business**

<table>
<thead>
<tr>
<th>Item</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bin emptying schedule. Helen advised that she had noticed that Rec Ground bins along the entry roads were full on the Friday before the long weekend and wondered whether the timing or resourcing of emptying needed to change. Paul advised that emptying was currently done weekly via trips to Bald Hill. Paul identified the idea of establishing a locked compound containing skips into which to empty the bins as a possible alternative arrangement. As well as making it easier to empty individual bins when necessary, this option would remove the need for Robert to make the repeated trek to Bald Hill.</td>
<td>Paul to discuss the idea of a skip compound with Robert in the first instance.</td>
</tr>
<tr>
<td>Garden maintenance. Helen advised that she had noticed that the gardens near the Memorial Gates and around the Hall needed weeding and plant maintenance. She suggested that Lisa Elphick be approached to undertake the monitoring and maintenance as required and provide an invoice for the costs involved. Joy suggested that the costs of replacement plantings also be covered. All present agreed.</td>
<td>Helen to ask Lisa if she will undertake the garden maintenance role.</td>
</tr>
<tr>
<td>Old map of Jugiong. Joy had received an 1884 map of Jugiong from a member of the Vicq family who had owned the village store, now the LTP. A quote of $2,031.70 had been obtained to conserve the map. The meeting agreed that the map should be conserved and stored in a suitable environment.</td>
<td>Joy to arrange for the map to be conserved and stored/displayed in a suitable location.</td>
</tr>
</tbody>
</table>

**Next meeting** on Thursday 8 November 2018 at 7pm.

**Meeting closed** at 9.20pm.
HILLTOPS WELLBEING ACTION GROUP - MEETING AGENDA
13 NOVEMBER 2018
Held in the Hilltops Council, LEOC Meeting Room, 189 Boorowa Street, Young

ATTENDANCE:
Heather Ritchie, Lee Furness (Minutes), Naomi Peters, Gwen Gunning, Susan Elliott, Amanda Kelly ADF, Heather O'Hara, Seryn Adams, Donna Davis.

OBSERVERS:
Executive Director - Corporate & Community: Lee Furness
Manager Community Services: Leanne Leihn
Community Support Officer: Martin Langfield

APOLOGIES
Leanne Leihn, Martin Langfield, Janette Lautier, Wendy Tuckerman, Rita O'Connor

Noted that Council had neglected to organize the meeting and as Councillor Tuckerman was not present, Heather Ritchie agreed to chair the meeting.

18/07 - ACTION LIST

(This is being deferred until the next meeting)

18/08 - UPDATE ON LIFESPAN PROGRAM

Update from Seryn Adams (Life Span)

Seryn Adams gave an update on the Life Span program which is currently being rolled out. Youth Aware of Mental Health (YAM) program is being rolled out to all year 9 students in Murrumbidgee Schools. All year 9's will have participated in the course this year. The course is student driven with no teachers present at the sessions to facilitate a greater level of openness by the students.

Seryn has visited a number of businesses with regard to the program and encouraging them to participate in the online training. The Committee believes there is a need to get momentum through the media.

ACTION:

☐ (Seryn Adams) Committee asked that Life Span and QPR get a press release done to provide the community with information about the program

Noted that the Hub is the first business to complete the online training with 100% of staff completing it.

Mindframe training is coming to the area in March. This training provides skills for key people in the community on speaking about suicide to the community in a safe manner.
CDAT gets a funding stream every year and there is a need to have a group oversee the funding. CDAT will be a standing item on the agenda of the HWAG Section 355 Committee. An Auspice Liaison Officer will need to be appointed. Amanda Kelly reported that there is a need for the Section 355 Committee to fill out a membership form for CDAT. The Committee will need to agree on the terms of reference for CDAT. It was agreed to trial the CDAT under the Section 355 structure. It was also recognised that there is a need to get broader community participation in CDAT.

**ACTION:**

☐ (LL) Include CDAT as a standing item on the HWAG agenda

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**18/10 - LOCAL DRUG ACTION TEAM (LDAT)**

**LDAT - Primary Prevention**

The focus of LDAT is the Australian Ice Prevention program. There is funding of $40,000 per annum for local drug action teams for primary prevention. There is a need to have 3 organisations involved. To become an LDAT there is a need to complete a Community Action Plan which will see an allocation of $10,000 for this. The application has to be in by December 7. The group will need a strong case.

The Group agreed to submit an application to become an LDAT.

**ACTION:**

☐ (Seryn Adms) Enquire of the Black Dog Institute if the group can get suicide statistics to strengthen our application letter.

☐ Members will contact the following groups to get support:

- Gwen Argyle House, Accommodation Service, PCYC
- Heather O'Hara LFE Toward Recovery
- Lee Council
- Heather Ritchie Hennessey
- Naomi Hub
**18/11 - MEMBERSHIP OF THE COMMITTEE**

**Membership of the Committee**
Heather Ritchie asked if there were other representatives who should be members of the Committee. A major role of the group is the monitoring of the CSP community pillar. Leanne Leihn to mark the actions and prioritise the projects and then the group will see if further representatives are required for the group. Further the activities which are already being undertaken by members of the community should be identified and a work program for the Committee and Council will be devised out of the priorities as identified. The Committee will also have a role in identifying any holes and gaps in the CSP.

**18/12 - GENERAL BUSINESS**

**INFORMATION SHARING:**

**Gwen Gunning – Argyle House**
Busy with a high number of clients – mixed cohort – young people and women. Finding that 75% of clients have mental health issues and it is hard to get the right support. Handing out a lot more food
Domestic violence still a problem

**Amanda Kelly**
Enquired about the Brainstorm Productions invoice. Lee to Chase up.

**Seryn Adams**
The committee congratulated Seryn on her pregnancy

**Heather O’Hara**
Still taking referrals
Lot of staff changes with the big focus for LFE being the NDIS and other options for clients who are not eligible for the NDIS.
Still a challenge for clients who need to access clinical mental health

**Naomi Peters**
Noted that seeing a lot more people coming through who are unable to pay bills. There are some who are intergenerational unemployed but the Hub is seeing an increasing number of people who are working and cannot afford to pay everyday bills such as electricity, food, school costs and the like.

**NEXT MEETING**

2 PM Tuesday 11th December 2018 at Young Offices.

☐ (L Leihn) Send meeting invitation for next meeting.
## ACTION LIST:

<table>
<thead>
<tr>
<th>Meeting Date</th>
<th>Item #</th>
<th>Item</th>
<th>Action required</th>
<th>Status</th>
</tr>
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<tbody>
<tr>
<td>13/11/18</td>
<td>18/08</td>
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<tr>
<td>13/11/18</td>
<td>18/09</td>
<td>Include CDAT as a standing item on the HWAG agenda</td>
<td>Council</td>
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<td>• Hennessey</td>
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<td>• Community Hub</td>
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CLOSED COUNCIL

18/304 - EXCLUSION OF THE PRESS AND PUBLIC

STATUTORY PROVISIONS

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2) of the Act and should be dealt with in a part of the meeting closed to the media and public.

**Set out below is section 10A(2) of the Local Government Act 1993 in relation to matters which can be dealt with in the closed part of a meeting.**

The matters and information are the following:

(a) personnel matters concerning individuals (other than Councillors)

(b) the personal hardship of any resident or ratepayer

(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business

(d) commercial information of a confidential nature that would, if disclosed:
   (i) prejudice the commercial position of the person who supplied it, or
   (ii) confer a commercial advantage on a competitor of the Council, or
   (iii) reveal a trade secret

(e) information that would, if disclosed, prejudice the maintenance of law

(f) matters affecting the security of the Council, Councillors, Council staff or Council property

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege

(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

(i) alleged contraventions of any code of conduct requirements applicable under section 440.
RECOMMENDATION

That Council;

a) Resolve into Closed Council to consider business identified, together with any late reports tabled at the meeting; and

b) Pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above;

c) The correspondence and reports relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act 1993.

ITEM 1: COMMERCIAL MATTER
This item is classified CONFIDENTIAL under section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

(i) prejudice the commercial position of the person who supplied it.

ITEM 2: COMMERCIAL MATTER
This item is classified CONFIDENTIAL under section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

(i) prejudice the commercial position of the person who supplied it.