

## How to Read this Draft Development Control Plan

The following pages contain proposed amendments to the Hornsby Development Control Plan (DCP). The amendments are indicated by the use of red and green text.

Red strikethrough text shows sections of the DCP that have been deleted by the proposed amendment e.g. ~~Section 4~~.

Green text shows sections of the DCP that have been added by the proposed amendment e.g. Section 1.

Dark blue and black text are existing sections of the DCP that are unchanged by the proposed amendment.

Grey text is sections of the DCP that are currently on public exhibition under the draft Agritourism DCP amendment. These sections do not form part of this exhibition and are subject to change following the consideration of submissions received during the public exhibition period.

The following pages only contain the parts of the DCP that contain an amendment. If a Part of the DCP is not replicated below, no changes are proposed to that section.

To assist in identifying the location of all the proposed changes, a list of amendments is provided below:

Part	Title	Page	Details of Amendment
2.1.1	Scale	5	- Updated roadside stall definition provided as a note under Part 2.1.1
2.1.3	Landscaping	7	- Insert new prescriptive measure (e)
2.1.6	Design Details	9	- Insert new prescriptive measure (h) - Insert new prescriptive measure (j)
2.5.9	Rehabilitation	47	- Insert new Desired Outcome (c).
6.3.1	Rural Subdivision	48	- Delete and replace existing prescriptive measure (d)

## 2 Rural

### Introduction

This Part of the DCP applies to land within the Rural area of Hornsby Shire. The Rural areas extend from Glenhaven and Dural in the south to Wisemans Ferry in the North, as indicated in Figure 2(a).

The planning controls for the rural area are informed by the Rural Lands Study (1995), the Rural Resource Lands Study (2006) and the Hornsby Shire Rural Lands Planning Provisions Review (2009).

Development in rural areas will be environmentally sustainable and protect and improve water quality, native flora and fauna, soil, air and other environmental values. Development will also protect and enhance the visual qualities and characteristics of the rural environment by being compatible with the scale, form, design, colour, height, materials, setbacks and landscaping of the surrounding rural area.

Rural uses will be protected and promoted in Hornsby Shire as they are important for the local and regional economy. Existing or potentially productive agricultural land will be protected from fragmentation and sterilisation by competing land uses as agricultural production provides an important source of food supply and natural resources for the Sydney Basin. Natural and man made tourism and tourist infrastructure important for the economy will also be protected from the encroachment of urban and rural residential development.

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## 2.1 Rural Buildings

The following section provides controls for the erection of a building or structure in the following zones: RU1 Primary Production, RU2 Rural Landscape, RU4 Small Lot Primary Production, SP3 Tourist (Wisemans Ferry), C2 Environmental Conservation and C3 Environmental Management.

### 2.1.1 Scale

#### Desired Outcomes

- a. Development with a height, bulk and scale that is compatible with the rural area.

#### Prescriptive Measures

##### Height

- a. Sites with the following maximum building heights under Clause 4.3 of the HLEP should comply with the maximum number of storeys in Table 2.1.1(a).

**Table 2.1.1-a: Translations of Height to Storeys**

HLEP Area	Maximum Building Height (m)	Maximum Storeys (excluding basement carparking)
K	10.5m	2 storeys + attic

- b. Buildings should respond to the topography of the site by minimising earthworks (cut and fill).
- c. A transition in building height should be provided at sensitive interface areas adjacent to heritage items.

##### Notes

**Building height (or height of building)** means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

**Storey** means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- (a) a space that contains only a lift shaft, stairway or meter room,
- (b) a mezzanine, or
- (c) an attic.

**Basement** means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing)

#### Roof Design

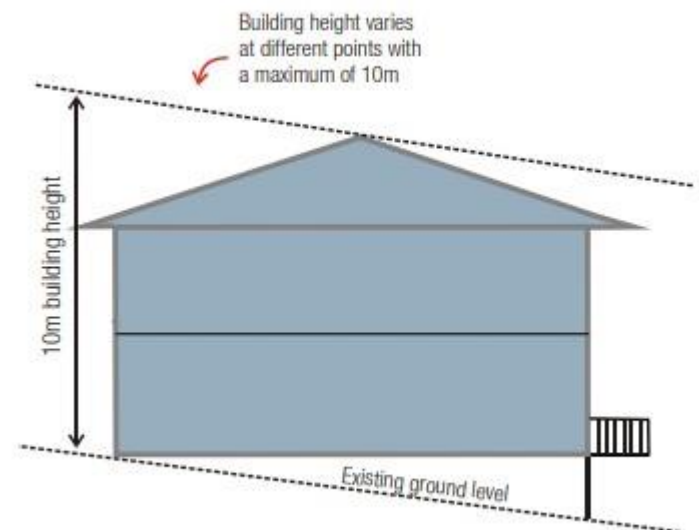
- d. To ensure conformity with the landscape and protection of the scenic quality of the area, roof pitch and design should.
  - sit below the dominant tree canopy, and
  - not detract from natural ridgelines, and
  - consider the slope of land.
- e. The roof should have a maximum pitch of 35 degrees, except if a steeper roof pitch is more consistent with the existing character of the locality
- f. Any attic level is to be contained wholly within the roofspace.
- g. The external walls of the building should not extend above the attic floor level.

##### Notes:

**Attic** means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.

**Figure 2.1-a: Explanation of building height controls (I)**

Height controls are based on a typical residential floor to floor height of 3 metres, with allowances for roof articulation and undercroft areas for steeply sloping sites.



## Site Coverage

- h. The maximum site coverage of all buildings on the property should comply with Table 2.1.1(b) as follows:

**Table 2.1.1-b: Maximum Site Coverage**

Lot Size	Maximum Site coverage (% of total lot size)
Up to 899m <sup>2</sup>	50%
900m <sup>2</sup> to 1499m <sup>2</sup>	40%
1500m <sup>2</sup> to 3999m <sup>2</sup>	30%
4000m <sup>2</sup> or larger	On merit, based on- site constraints

### Notes

**Site coverage** means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- any basement, and
- any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary, and
- any eaves, and
- unenclosed balconies, decks, pergolas and the like.

**Lot size (or site area)** in relation to development, means the area of the lot to which an application for consent to carry out the development relates, excluding:

- any land on which the development is not permitted under an environmental planning instrument, and
- if a lot is a battle-axe or other lot with an access handle, the minimum lot size excludes the area of the access handle.

## Rural Outbuildings

- i. All rural outbuildings on lots 4000m<sup>2</sup> or larger should have a maximum area of 250m<sup>2</sup> for each outbuilding and a total maximum combined area of all outbuildings of 500m<sup>2</sup> unless demonstrated that they are required for an intensive rural activity.

## Roadside Stalls

- Roadside stalls on land zoned RU1, RU2, and RU4 should be no greater than 40m<sup>2</sup> pursuant to Clause 5.4 of the HLEP.
- Roadside stalls should be constructed in a form and of materials that are of a rural character.
- Roadside stalls should provide a concession to the setbacks contained in Table 2.12(a) Minimum Boundary Setbacks to enable a temporary structure to have a minimum setback of 1 metre from the front property.

**Figure 2.1-b:** Examples of roadside stalls that are of a rural character (Globe Notes Travel 2014, Fruit Growers Tasmania Inc 2008). (E)



### Notes:

**Outbuilding** means any of the following:

- balcony, deck, patio, pergola, terrace or verandah that is detached from a dwelling house,
- cabana, cubby house, fernery, garden shed, gazebo or greenhouse,
- carport that is detached from a dwelling house,
- farm building,
- garage that is detached from a dwelling house,
- rainwater tank (above ground) that is detached from a dwelling house,
- shade structure that is detached from a dwelling house,
- shed.

**An intensive rural activity** includes intensive agriculture, garden centres, plant nurseries and landscaping material supplies, animal boarding or training establishments, rural industries and the like.

**Roadside stall** means a place or temporary structure used for the retail sale of agricultural produce or hand crafted goods (or both) primarily produced from the property on which the stall is situated or from a rural property in the local region.

## 2.1.2 Setbacks

### Desired Outcomes

- a. Setbacks that complement the rural character and allow for separation between neighbouring rural developments.
- b. Setbacks that retain natural landscape features.

### Prescriptive Measures

- a. All buildings and structures should comply with the minimum boundary setbacks in Table 2.1.2(a).

**Table 2.1.2-a: Minimum Boundary Setbacks**

Property Boundary	Lots < 4,000m <sup>2</sup>	Lots > 4,000m <sup>2</sup>
Waterfront Setback	see Clause 6.1 of HLEP and Foreshore Building Line Map	
Front boundary(primary frontage)	10m or the average of the front setbacks of the nearest two neighbouring houses, whichever is greater	15m to local roads and 30m to designated roads
Secondary boundary (on corner lots)	5m	10m
Side boundary	5m	10m
Rear boundary	10m	15m

- b. The above setback controls also apply to structures, including crop netting and green houses.

Note:

See Table 2.1.10-a for separation requirements for Agritourism land uses

### Sites with more than one frontage

- c. For buildings with a corner frontage:
  - front and rear boundary setbacks apply to the shorter street frontage (the primary frontage), and
  - side boundary setbacks apply to the longer of the two street frontages (the secondary boundary).
- d. For a lot that adjoins parallel roads, the front boundary setback control applies to both the primary frontage and the parallel road boundary.

### Setbacks to Landscape Features

- e. The setback of buildings from the property boundary may need to be increased to maintain landscape features, as detailed in Section 2.1.3 of this DCP.

### Landuse Separation

- f. Despite the setbacks in Table 2.1.2(a), a proposed sensitive landuse located adjacent to an existing intensive rural activity, may need an increased boundary setback to minimise potential landuse conflict and comply with the Landuse Separation provisions in Section 2.2 of this DCP.

### Setback Encroachments

- g. The following minor structures are able to encroach into the prescribed setbacks:
  - A driveway between the on-site car parking area and a public road,
  - Stairs to the ground floor of the dwelling,
  - Fences,
  - A rural outbuilding on a designated road, with a maximum total floor area of 200m<sup>2</sup> is able to encroach to within 20 metres of the primary frontage on a designated road,
  - An inground swimming pool is able to encroach to within 1 metre of the side or rear boundary, measured to the water line,
  - A dam with a wall height less than 3 metres is able to encroach to within 5 metres of any boundary, and
  - A roadside stall with a maximum area of 20m<sup>2</sup> may be located on-site adjacent to the front property boundary

Notes:

#### Designated roads

Designated roads are Council identified roads that require development to have an increased setback from the road edge, consistent with the established streetscape. A list of designated roads is provided in Annexure C.

**An intensive rural activity** includes intensive agriculture, garden centres, plant nurseries and landscaping material supplies, animal boarding or training establishments, rural industries, extractive industries and the like.

**Sensitive land uses** include dwellings or approved building envelopes on vacant lots, tourist accommodation, community uses, educational uses, public open space, and sheds or premises used for the manufacture, preparation, sale or storage of food.



## 2.1.3 Landscaping

### Desired Outcomes

- a. Landscaping that integrates the built form with the locality and enhances the tree canopy
- b. Landscaping that retains existing landscape features.
- c. Landscaping that is consistent with the visual landscapes in the rural area.

### Prescriptive Measures

#### General

- a. Landscaping should maintain the natural features, topography and vegetation on the site.
- b. Setback areas should be landscaped.
- c. Vehicle crossings should be located to preserve natural vegetation which contributes to the visual amenity of the area.
- d. Intensive rural activities, should provide a landscape buffer to boundaries with a minimum width of 5 metres.
- e. **Development along main roads should be provided with screening vegetation in front and side setback areas that maintains existing rural character.**

#### Retention of Landscape Features

- f. Buildings, driveways and service trenches should have a minimum setback:
  - in accordance with the 'Watercourses' element in Section 1C.1.3 of this DCP,
  - 10 to 20 metres to significant bushland as prescribed in the 'Biodiversity' element in Section 1C.1.1 of this DCP, and
  - in accordance with the requirements of AS4970 from significant trees to be retained.

Notes:

**An intensive rural activity** includes intensive agriculture, garden centres, plant nurseries and landscaping material supplies, animal boarding or training establishments, rural industries, extractive industries and the like.

**A Landscape buffer** is to include screen planting, preferably including vegetation that is endemic to the area. Alternatively, fire retardant species should be considered in bushfire prone areas. The applicant is encouraged to incorporate species from Council's publication Indigenous Plants for the Bushland Shire available on Council's website [hornsby.nsw.gov.au](http://hornsby.nsw.gov.au).

**Main roads** Development adjoining roads that are subject to Section 2.118(2a) of the Transport and Infrastructure SEPP require separate approval from the RMS for access to State and Regional Roads as classified by the Roads and Maritime Services (RMS). A list of classified and unclassified main roads for Hornsby Shire as of September 2016 is provided in Annexure C.

### Fences and Gates

- g. Frontages/ streetscapes should not contain excessively urban features such as formal gates and high fences.
- h. Fences should be open style and constructed of materials such as timber or post and wire, with a maximum height of 1.8 metres.
- i. Any masonry gate entry feature should not extend more than 3 metres either side of the driveway entrance.
- j. High, solid fences constructed as sound barriers should be avoided. On main roads alternative measures of reducing traffic noise should be explored, such as double glazing, internal layout, earth mounds and vegetation, rather than high solid fences.

Figure 2.1-c: Example of a suitable open style rural fence. (E)



Figure 2.1-d: Example of a masonry entry feature that does not extend more than 3 metres either side of the driveway. (E)



## 2.1.4 Open Space

### Desired Outcomes

- a. Private open space that functions as an extension to a dwelling house.

### Prescriptive Measures

#### Principal Private Open Space

- a. A dwelling house should be provided with private open space that incorporates a principal private open space area in accordance with Table 2.1.4(a).

**Table 2.1.4-a: Minimum Private Open Space**

Minimum Principal Area	Minimum Dimension of Principal Area
24m <sup>2</sup>	3m

- b. The principal private open space area should be sited behind the front building line and be directly accessible from the living area of the dwelling.
- c. The principal private open space area should be generally level and may be in the form of a deck, patio, terrace or paved area.

#### Clothes Drying Area

- d. Each dwelling should have an external air clothes drying area that is separate from the principal private open space area. This facility is to be screened from public areas.

## 2.1.5 Vehicle Access and Parking

### Desired Outcomes

- a. Development that provides sufficient and convenient parking with vehicular access that is simple, safe and direct

### Prescriptive Measures

- a. Car parking for dwelling houses should be provided behind the front building line.
- b. A paved driveway should be provided between the required on-site car parking area and a public road.
- c. A driveway should be setback a minimum 2 metres from side boundaries to provide for landscaping between the driveway and the side boundary.

#### Note:

Refer to Part 1 'General' of the DCP for more detailed parking and service vehicle design requirements.



## 2.1.6 Design Details

### Desired Outcomes

- a. Development that contributes positively to the character of the rural area.
- b. Building sizes, styles and forms that relate to the character of the area.

### Prescriptive Measures

#### Building Form

- a. Buildings should be sited to maintain the continuity of, and minimise the disturbance to, agriculturally productive land.
- b. Buildings should consist of simple forms and planes.
- c. Extensive blank or unarticulated walls to street frontages are discouraged.
- d. Buildings and structures should respond to the topography of the site by minimising earthworks (cut and fill).
- e. On steeply sloping sites, split level and/or pole or pier construction of buildings is encouraged.
- f. Buildings, structures and driveways should be located to retain natural vegetation and follow the natural contours of the land.
- g. Parking areas and driveways should not dominate the streetscape.
- h. **Development along main roads should be designed and sited to contribute positively to the surrounding rural landscape.**

Figure 2.1-e: Example of a dwelling house designed and sited to contribute positively to the rural landscape. (E)



### Colours and Materials

- i. Building materials of dwelling houses should contribute to the rural character, such as: stone masonry, brickwork or timber construction with tile, slate or metal roofing.
- j. **Building materials, colours and finishes of development along main roads should be sympathetic to the surrounding landscape.**
- k. Building colours should be harmonious with the surrounding natural environment.

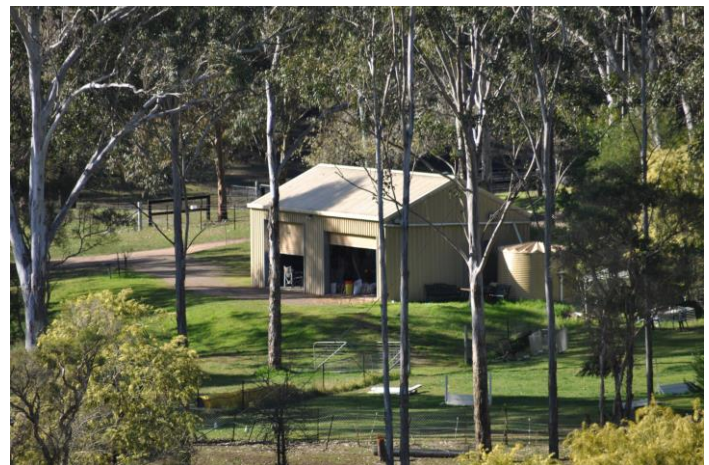
### Storage Areas

- l. Outdoor storage areas should be located behind the front building setback and screened from view from adjoining sensitive areas.
- m. Above ground liquid storage facilities, including chemicals and waste, should be in a covered bunded area that is constructed of impervious materials.

### Undercrofts (Steep Sites)

- n. Undercroft spaces with a vertical height at any point of more than 1.5 metres above existing ground level should not be enclosed.
- o. Undercrofts, including any plumbing or rainwater tanks located within, should be painted in dark recessive colours.
- p. Supports to habitable platforms above undercrofts should be setback a minimum of 2 metres from the leading platform edge to reduce the overall bulk and scale of the undercroft area

Figure 2.1-f: Example of a rural outbuilding sited and designed to contribute positively to the rural landscape. (E)



## 2.2 Rural Land Uses

The following section provides controls for rural landuses, in addition to the building controls provided elsewhere in this DCP.

### 2.2.1 Intensive Plant Agriculture

#### Desired Outcome

- a. Intensive plant agriculture establishments that are appropriately separated from adjoining sensitive land uses to minimise visual impacts and land use conflicts.
- b. Development for intensive plant agriculture that does not result in significant landform modification.

#### Prescriptive Measures

##### General

- a. Site planning should provide adequate area for:
  - landscaping buffers,
  - dams and/or water tanks,
  - waste water treatment,
  - water quality treatment,
  - driveways and parking areas, and
  - dwelling houses and ancillary facilities.
- b. Any portion of a site with a slope greater than 10% should not be used for intensive plant agriculture.

##### Landuse Separation

- c. Intensive plant agriculture should be sited to limit the potential for landuse conflicts with neighbouring sensitive land uses.
- d. Structures should be screened by the use of crops or landscape buffers.
- e. The distance between intensive plant agriculture and an adjoining dwelling house should conform to the minimum requirements in Table 2.2.1(a).

**Table 2.2.1-a: Minimum separation to intensive plant agriculture**

Land use in Rural Zone	Separation to Intensive Plant Agriculture (metres)
Any dwelling (whether on a neighbouring property) (with no vegetation buffer)	50
Any dwelling (whether on a neighbouring property) (with a vegetation buffer)	20m

Notes:

**Intensive plant agriculture** means any of the following:

- (a) the cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder crops),
- (b) horticulture,
- (c) turf farming,
- (d) viticulture.

**Sensitive land uses** include dwellings or approved building envelopes on vacant lots, tourist accommodation, community uses, educational uses, public open space, and sheds or premises used for the manufacture, preparation, sale or storage of food.

**Vegetation buffers** should provide significant foliage and grow to a height to screen structures. In bushfire prone areas, fire retardant species should be utilised.

For further information refer to Prime Fact 1139 Assessing Intensive Plant Agriculture Developments (Dec 2011) by the Department of Primary Industries available on [www.dpi.nsw.gov.au](http://www.dpi.nsw.gov.au).

The minimum separations prescribed in Table 2.2.1(a) aim to minimise rather than eliminate impacts from rural activities. Larger separations between intensive plant agriculture and sensitive uses at a zone interface would be appropriate to ensure all impacts are internalised.

## 2.2.2 Water Storage Facilities (Dams)

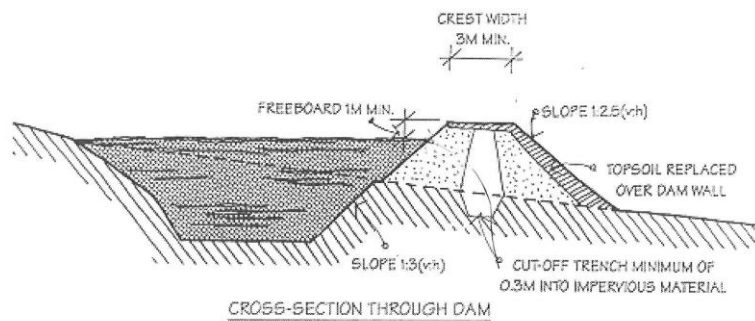
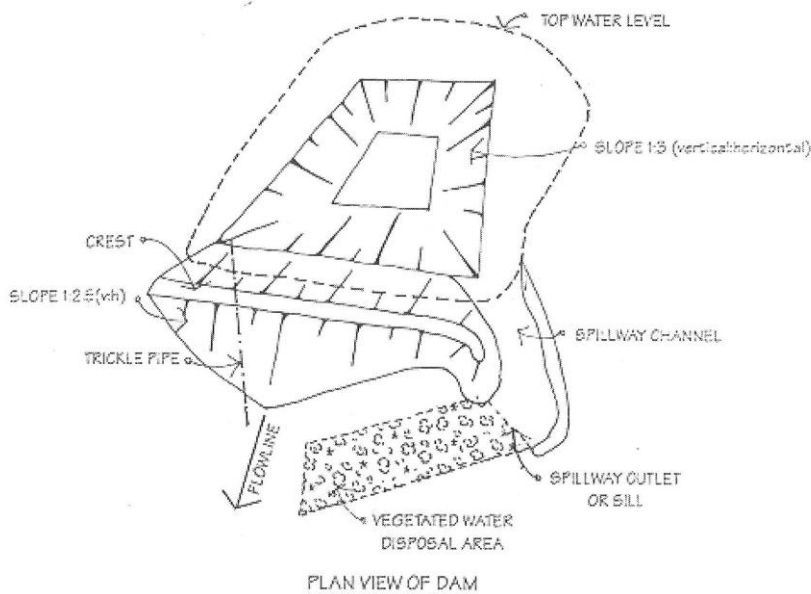
### Desired Outcomes

- Water storage facilities that are constructed and sited to be stable and have minimal environmental impact.

### Prescriptive Measures

- Dams should not prevent or significantly alter water flows to adjoining properties or natural ecosystems.
- Dams should not be located on sites with a gradient in excess of 15%.

- Dam design guidelines are illustrated in Figure 2.2(a). The dam spillway should be designed for the 1 in 20 year storm event.
- Development applications for a dam that has a maximum capacity greater than 0.4 megalitres or for an additional dam that results in the total capacity of all dams on the property exceeding 1 megalitre should be accompanied by a report from a suitably qualified hydraulic services consultant, assessing the impact that the proposed dam will have on downstream flows and environments.
- Water quality management measures should be incorporated with the dam, such as vegetation on the perimeter of the dam and within the dam to reduce the occurrence of problematic algae.



### Notes:

**Water storage facility** means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.

A licence from the Office of Water is required for certain categories of dams. Please refer to the Office's website [www.water.nsw.gov.au](http://www.water.nsw.gov.au) and information sheet titled Farm Dams – do you need a licence for further information

Figure 2.2-a: Example of a rural outbuilding sited and designed to contribute positively to the rural landscape. (E)

Catchment area (Ha)	Channel width (m)	Outlet or sill width (m)
<20	3	7
20-40	6	12
>40	(Need to be designed)	(Need to be designed)

RECOMMENDED MINIMUM SPILLWAY SIZES FOR STABLE SOILS

## 2.2.3 Garden Centres, Plant Nurseries and Landscaping Material Supplies

### Desired Outcome

- a. Garden centres, plant nurseries and landscaping material supplies that are that are sympathetic to the rural character of the area and appropriately separated from adjoining sensitive land uses to minimise visual impacts and land use conflicts.

### Prescriptive Measures

#### General

- a. Site planning should provide adequate area for:
  - landscaping buffers,
  - dams and/or rainwater tanks,
  - waste water treatment,
  - water quality treatment,
  - driveways and parking areas, and
  - sanitary facilities for staff and customers.
- b. External storage areas, including bulk bin storage, should be
  - located behind the front building line, and
  - setback a minimum of 10 metres from side and rear boundaries, and
  - landscaped with significant foliage to screen any storage items and structures.

#### Landuse Separation

- c. Noise generating components of the development such as loading and unloading areas, cafes, and childrens play areas should be sited to limit the potential for landuse conflicts with neighbouring sensitive landuses..
- d. The distance between any planted areas/ green houses and an adjoining dwelling house should conform to the minimum requirements in Table 2.2.1(a).

### Ancillary Land Uses

- e. The maximum floor space permitted to be constructed/ utilised for a permissible ancillary use such as retailing and restaurants combined is:
  - (a) a maximum of 20% of the site area used for the garden centre; or
  - (b) 400m<sup>2</sup>,whichever is the lesser
- f. Ancillary uses to garden centres and the like should have the same hours of operation as the landscape and/ or material supply business.

#### Notes

**Garden centre** means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may, if ancillary to the principal purpose for which the building or place is used, include a restaurant or cafe and the sale of any the following:

(a) outdoor furniture and furnishings, barbeques, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,

(b) pets and pet supplies,

(c) fresh produce.

**Plant nursery** means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on-site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.

**Landscaping material supplies** means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like.

## 2.2.4 Animal Boarding or Training Establishments

### Desired Outcomes

- a. Animal boarding and training establishments (including exercising areas) should be sited and designed to minimise noise and odour impacts on adjoining land.

### Prescriptive Measures

#### General

- b. Animal boarding and training establishments (including exercising areas) should be sited and designed to minimise noise and odour impacts on adjoining land.
- c. Applications should be accompanied with a management plan addressing sustainable stocking rates that take into account pasture quality, hand feeding and land degradation.

#### Landuse Separation

- d. Animal accommodation (such as stables, kennels, exercise areas, aviaries, pens and the like) should be separated from sensitive land uses at least in accordance with Table 2.2.4(a).

**Table 2.2.4-a: Minimum separation between animal boarding and training establishment and sensitive land uses**

Animal Accommodated	Minimum Separation to Sensitive Land Uses (metres)
Poultry	30m
Ducks	30m
Horses	30m
Goats	45m
Pigs	60m
Cats and Dogs	100m

- e. Notwithstanding the above, an increase in the minimum separation to sensitive landuses may be required, taking into account the following:
- The likely generation of noise. An Acoustic Consultant should recommend suitable separations to sensitive landuses taking into account the intensity of the facility (no of animals), the building construction proposed, any exercise run design and other noise attenuation measures, and

- The likely generation of offensive odours. An odour modelling assessment should be provided that may require an increase in landuse separation to sensitive land uses.
- f. Noise from barking dogs should be limited by design techniques such as:
- siting kennels so that they do not face each other,
  - limiting external stimulation, e.g. by partitioning between kennels or using blinds,
  - provide screening between the dogs and neighbouring properties and the public domain in order to avoid distracting the animals, (eg. by children playing, vehicles entering and leaving a property), and
  - holding dogs singly or in compatible pairs.

#### Notes:

**An animal boarding or training establishment** means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital

**Sensitive land uses** include dwellings or approved building envelopes on vacant lots, tourist facilities, community uses, educational uses, public open space, and sheds or premises used for the manufacture, preparation, sale or storage of food.

For further information refer to Prime Fact 932 Planning for Horse Establishments 2009 for details on stocking rates for horses available at [www.dpi.nsw.gov.au](http://www.dpi.nsw.gov.au) and/or contact the NSW Department of Primary Industries.

Refer to the Local Government General Regulation (2005) Schedule 2 for additional controls on the keeping of animals.



## 2.2.5 Rural Industry

### Desired Outcome

- a. Rural industries that are sympathetic to the rural character of the area and have minimal impact on environment and the amenity of surrounding land uses.

### Prescriptive Measures

- a. The following criteria should be considered in selecting a site for a rural industry:
  - sites greater than 4000m<sup>2</sup>,
  - reduced exposure to neighbouring dwellings and noise sensitive areas,
  - the intensity, size and scale of the industry,
  - sites with good vehicular access, parking, and loading/unloading facilities,
  - ability to visually screen the development, and
  - an appropriate area for expansion.
- b. Rural industries should be sited and designed to minimise noise, odour and visual impacts on adjoining land uses and include measures such as:
  - landscaped buffers,
  - odour management,
  - sound attenuation, such as earth mounds, fencing and insulation of machinery.

Note:

A rural industry means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following:

- (a) agricultural produce industries,
- (b) livestock processing industries,
- (c) composting facilities and works (including the production of mushroom substrate),
- (d) sawmill or log processing works,
- (e) stock and sale yards,
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.

## 2.2.6 Rural Workers' Dwelling

### Desired Outcomes

- a. Rural workers' dwellings that facilitate the use of land for a commercially viable rural operation and maintain the rural character of the area.

### Prescriptive Measures

- a. A rural workers' dwelling should:
  - have a maximum gross floor area of 110m<sup>2</sup>, or
  - involve the conversion of an existing dwelling.
- b. Rural workers' dwellings should only be constructed where rural undertakings on the property have the capacity to support both the primary producer and the rural worker
- c. Rural workers' dwellings should be located not to affect the capability of land to be used for agriculture.
- d. All applications for rural workers dwellings should be accompanied by advice from a qualified agricultural consultant or financial documentation certifying that the agricultural activity on the allotment justifies the demand for a rural workers dwelling.
- e. Development applications for a rural workers' dwellings should be accompanied by:

a site plan showing the nature and extent of agricultural undertakings on the land;

a detailed description of the agricultural undertakings on the land which should include:

- the calculated area of the site used for each agricultural activity,
- the rural workers' hours of employment, and
- the number of people employed, and on what basis (e.g. full-time, part-time, casual, seasonal).

gross margin budgets or accounts which demonstrate the ability of the established enterprises to support both the farmer and the rural worker.

- f. A rural workers dwelling cannot be erected on a separate lot created for the purposes of primary production pursuant to Clause 4.2 of the HLEP

Note:

A **rural worker's dwelling** means a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land.

## 2.2.7 Secondary Dwelling

HLEP Clause 5.4 contains provisions for development of Secondary Dwellings. The following controls apply to land zoned RU1 Primary Production, RU2 Rural Landscape, RU4 Small Lot Primary Production, and RU5 Village.

### Desired Outcomes

- a. Secondary dwellings that provide opportunity for an extension of family accommodation or affordable rental accommodation in the rural area and maintain the rural character of the area.

### Prescriptive Measures

- a. A secondary dwelling should:
  - have a maximum total floor area of 60m<sup>2</sup>, or
  - 33% of the total floor area of the principal dwelling, whichever is the greater.
- b. Secondary dwellings should not be attached to farm buildings or rural buildings
- c. Secondary dwellings should be located not to affect the capability of land to be used for agriculture.
- d. Vehicular access to both dwellings should be from a single common driveway or access from the public road.
- e. Where the creation of a secondary dwelling involves an extension to an existing dwelling house, the secondary dwelling should be constructed of the same materials of the existing dwelling, or the existing dwelling should be renovated to match the proposed external materials of the new dwelling.
- f. Where the primary and secondary dwelling are attached on land zoned RU1, RU2 and RU4, the total length of the front elevation should not exceed 50% of the frontage of the lot.
- g. Subdivision of land to provide a separate lot for an approved secondary dwelling is not supported if the resultant lots are smaller than the applicable minimum lot size shown on the HLEP Lot Size Map, pursuant to Clause 2.6 of the HLEP.
- h. A secondary dwelling can not be erected on a separate lot created for the purposes of primary production pursuant to Clause 4.2 of the HLEP

Notes:

**A secondary dwelling** means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the principal dwelling), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

**Total Floor Area** means gross floor area as defined by the HLEP.

Case Study Example:

Mike and Lisa own a 2 hectare block of land zoned RU4 and have developed a 500m<sup>2</sup> principal dwelling on the site (excluding the garage). The property can therefore accommodate a secondary dwelling with a gross floor area of up to 165m<sup>2</sup> (33% of 500m<sup>2</sup>)

In determining where and how the secondary dwelling should be accommodated, they now need to consider the provisions of 2.2.7 of the DCP and other applicable controls, (eg. Part 1 and Section 2.1 of the DCP) that includes controls such as:

- Scale (height, roof design, design details)
- Setbacks (including separation to intensive rural activities)
- Private Open Space,
- Car parking,
- Biodiversity,
- Bushfire,
- Landscaping,
- Effluent Disposal, and
- Building Sustainability (BASIX)

## 2.2.8 ~~Tourist and Visitor Bed and Breakfast and Short Term Rental Accommodation~~

These controls apply to Bed and Breakfast Accommodation, ~~Farm Stay Accommodation~~ and Short-Term Rental Accommodation (comprising short-term holiday letting of a dwelling).

### Desired Outcomes

- a. Tourist and visitor accommodation that is compatible in scale and character with development in the locality.
- b. Tourist and visitor accommodation that provides adequate facilities and services for occupants and are located and designed to minimise amenity impacts on the locality.

### Prescriptive Measures

#### General

- a. A single sign should be displayed in public view within the property boundaries that:
  - has a maximum area of 0.5m<sup>2</sup>,
  - includes details of the land use, name(s) of the owner/establishment and 24 hour contact phone number, and
  - should not be illuminated.
- b. In unsewered areas, it should be demonstrated that the existing sewage management system is adequate for the proposed use or will be upgraded.
- c. Active recreation facilities, such as barbeque areas, should be located away from the bedroom areas of adjoining dwellings.
- d. If relevant, a bushfire evacuation plan should be submitted with the development application showing means of evacuation in an emergency. The bushfire evacuation plan should be displayed within the dwelling or sleeping rooms.

#### ~~Bed and Breakfast Accommodation and Farm Stay Accommodation~~

- e. ~~Bed and breakfast accommodation and farm stay accommodation~~ should:
  - be undertaken by the permanent residents of the dwelling-house, and
  - be on a short-term basis, and
  - comprise a maximum of 3 bedrooms catering for a maximum of 6 guests.

#### Short-Term Rental Accommodation

- f. Short-term rental accommodation should:
  - be undertaken in a lawful dwelling,
  - be on a short-term basis (less than 90 days), and
  - comprise a maximum of 6 guests.
- g. A Code of Conduct to be signed and adhered to by guests should be prepared and submitted with the development application. The Code of Conduct should, at a minimum, address the following responsibilities of guests during their stay:
  - maximum guest numbers,
  - contact number of the property manager including an after hours number
  - noise and lighting restrictions for activities between 10pm and 8am,
  - instructions concerning recycling, garbage services and special requirements relating to the disposal of garbage, and
  - procedures in case of an emergency.

#### Notes:

The change of use of a dwelling to tourist and visitor accommodation may require a change of classification under the Building Code of Australia (BCA). This may require significant fire upgrading work and disabled access provision to the building.

**Bed and breakfast accommodation** means an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where:

(a) meals are provided for guests only, and

(b) cooking facilities for the preparation of meals are not provided within guests' rooms, and

(c) dormitory-style accommodation is not provided.

~~**Farm stay accommodation** means a building or place that provides temporary or short term accommodation to paying guests on a working farm as a secondary business to primary production.~~

**Short-term rental accommodation** differs from bed and breakfast accommodation in that visitors of the latter are hosted by the permanent residents of the dwelling where the former has no on-site manager. It is otherwise known as short-term holiday letting. So called "party houses" conflict with residential amenity, damaging to the Holiday Rental industry and are not permitted.

For further information on preparing a Holiday Rental Code of Conduct, refer to the best practice publication Holiday Rental Code of Conduct - Version 1 (March 2012) available at [destinationnsw.com.au](http://destinationnsw.com.au).

## 2.2.9 Attached Dual Occupancy

The following controls apply to the development of Attached Dual Occupancies on land zoned RU1 Primary Production, RU2 Rural Landscape and RU4 Small Lot Primary Production.

### Desired Outcomes

- a. Attached dual occupancies that provide opportunity for an extension of family accommodation or affordable rental accommodation in the rural area and maintain the rural character of the area.

### Prescriptive Measures

- a. An attached dual occupancy should be on land with a lot size equal to or greater than the applicable minimum lot size shown on the HLEP Lot Size Map, pursuant to Clause 6.9 of the HLEP.
- b. One of the dwellings that forms an attached dual occupancy should not have a total floor area that is greater than 200m<sup>2</sup>, pursuant to Clause 6.9 of the HLEP.
- c. An attached dual occupancy should either be attached by a common wall or the main roof and have the general appearance of a single dwelling house when viewed from the primary street frontage. Mirror reversed dual occupancies or replica dwelling designs are not supported.
- d. Where attached dual occupancies front a public road, the total length of the front elevation should not exceed 50% of the frontage of the lot.
- e. Where the roof is shared, the closest walls of the dwelling should not be more than 6 metres apart. Structures such as carports, pergolas or covered walkways are not acceptable means of attaching the two dwellings.



- f. Vehicular access to both dwellings should be from a single common driveway or access from the public road.
- g. Where the creation of an attached dual occupancy involves an extension to an existing dwelling house, the new dwelling should be constructed of the same materials of the existing dwelling, or the existing dwelling should be renovated to match the proposed external materials of the new dwelling.
- h. Subdivision of land pursuant to provide a separate lot for an approved attached dual occupancy is not supported if the resultant lots are smaller than the applicable minimum lot size shown on the HLEP Lot Size Map, pursuant to Clauses 4.1, 4.1AA and 4.1A of the HLEP.
- i. An attached dual occupancy cannot be erected on a separate lot created for the purposes of primary production pursuant to Clause 4.2 of the HLEP.

Notes:

**Attached dual occupancy** or **Dual occupancy (attached)** means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

**Total Floor Area** means gross floor area as defined by the HLEP.

Case Study Examples

John and Mary own a 2.5 hectare block of RU2 zoned land and have a 500m<sup>2</sup> existing dwelling on the site (excluding the garage). They propose to attach a second dwelling to the existing dwelling. The property can therefore accommodate an attached dual occupancy with a gross floor area of up to 200m, pursuant to Clause 6.9 of the HLEP.

In determining where and how the second dwelling should be accommodated, they now need to consider the provisions of 2.2.9 of the HDCP and other applicable controls (eg. Part 1 and Section 2.1 of the DCP) that includes controls such as:

- Scale (height, roof design, design details);
- Setbacks (including separation to intensive rural activities);
- Private Open Space;
- Car Parking;
- Biodiversity;
- Bushfire;
- Landscaping;
- Effluent Disposal; and
- Building Sustainability (BASIX).

## 2.2.10 Agritourism and Farm Stay Accommodation

The following section provides controls for Agritourism land uses, including farm gate premises, farm stay premises, and farm stay accommodation in rural areas zoned RU1, RU2, RU4 and C3.

These controls are in addition to the building controls provided elsewhere in this DCP.

### Desired Outcomes

- a. To allow for agritourism development on commercial farms that is ancillary to and complements the agricultural use of the land.
- b. To ensure that agritourism land uses are compatible with the rural character of the property and do not unnecessarily intrude on the landscape.
- c. To reduce land use conflicts by separating Agritourism development from existing uses on the property or on nearby land.
- d. To manage the number of visitors to a landholding to address cumulative effects of traffic on roads.

## Prescriptive Measures

### General

- a. Agritourism land uses should be ancillary to and compatible with the commercial operations of the farm and not restrict the day-to-day functions of the farm.
- b. The design of buildings and structures should enhance the sense of place and reinforce the rural character and scenic landscape through the selection of materials and design quality.
- c. Farm gate premises, Farm experience premises and/or Farm Stay Accommodation should only be proposed on a site where it can be demonstrated that the development would not have a significant adverse impact on:
  - Residential accommodation;
  - Primary production operations;
  - Other land uses;
  - The visual amenity, heritage or scenic values;
  - Native flora and fauna including threatened species and ecological communities;
  - Water quality;
  - Existing water supplies for residential and primary production uses on the land holding;
  - Traffic; and
  - Public safety.
- d. A management plan for the ongoing operation of farm experience premises, farm gate premises and farm stay accommodation should be provided in accordance with Table 2.2.10(a).

### Note:

The definition for farm stay accommodation does not permit events.

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Table 2.2.10-a: Requirements for Ongoing Management Plans

Requirements for Ongoing Management Plans	
A description of the development to be carried out on the property.	Measures to mitigate adverse environmental and amenity impacts.
A map of where the development will be on the property, relevant dimensions and key features on the land.	The way vehicles will access the landholdings and the premises.
The proposed months, days and hours of operation of the farm gate premises, farm experience premises or farm stay accommodation.	Any safety hazards on the property and how they will be managed to ensure the safety of visitors and guests.
The maximum number of guests at one time for the farm gate premises, farm experience premises or farm stay accommodation, and how this will be monitored.	A plan to demonstrate that an adequate potable water supply, in both quality and quantity, is available for the proposed use. This water supply should be in addition to any water required for fire fighting purposes.
<p>How visitors and guests will be advised to:</p> <ul style="list-style-type: none"> <li>▪ limit impacts to the operational farm;</li> <li>▪ preserve and protect existing native flora, fauna and waterways, heritage items and Aboriginal heritage located on the property;</li> <li>▪ minimise any biosecurity risk through dispersal of weeds, seeds, insects and contaminants;</li> <li>▪ manage their waste; and</li> <li>▪ be alerted as to risks that may be present on the property such as natural hazards or changing weather.</li> </ul>	<p>For farm gate premises and farm experience premises, that and how all events would be recorded and the following be detailed as a minimum:</p> <ul style="list-style-type: none"> <li>▪ Time and date of event;</li> <li>▪ Number of persons in attendance;</li> <li>▪ Person responsible for event organisation;</li> <li>▪ Whether amplified music or sound is used and what measures will be in place to control the impact of amplified music on adjoining property</li> <li>▪ If amplified music should be provided after 6pm, a statement confirming that no more than 4 events involving amplified music past 6pm will be held in the previous 12 month period.</li> </ul>

## Location and Setbacks

- e. Agritourism buildings should be clustered on the property where possible, to minimise the amount of land occupied by the development.
- f. The development is not to be located in a portion of the site that would restrict the day-to-day functions of adjacent farms.
- g. A building, structure, movable dwelling, activity for farm stay accommodation, farm gate premise or farm experience premises should be setback from property boundaries and development constraints in accordance with Table 2.2.10(b).

**Table 2.2.10-b: Separation Requirements**

Separation Requirements	Separation to Farm stay accommodation, Farm experience premises or Farm gate premises
Residential accommodation on adjacent land (including land separated by a road)	250m
Any property boundary or road	50m
Any waterway	50m
Any land used for the purpose of forestry, intensive livestock agriculture, intensive plant agriculture, mining, extractive industries, railway lines or rural industry	250m

Note:

Separation requires for Agritourism land uses take precedent over the general rural building setbacks outlined in Section 2.1.2.

- h. A development may be closer than the above distances to property boundaries and roads if it can be demonstrated that measures incorporated into the design, such as boundary planting, will appropriately mitigate impacts.
- i. Car parking areas should not form a visually prominent element of the rural landscape or be highly visible from the road frontage and should be located behind the front building line.

## Hazards and Biosecurity

- j. An emergency evacuation plan should be provided with a development application for farm stay accommodation, farm gate premises or a farm experience premises. The plan should identify:
  - Evacuation route from the premises in the event of bushfire or flood. Evacuation routes from the location of a development to a main road or alternate point of refuge are to avoid flood and bush fire prone land where practicable;
  - When the facility will be on alert and will close;
  - Evacuation procedures and assembly points;
  - Proposed signage;
  - Measures to protect human life and property in the event of flooding or fire;
  - Contact details for emergency services; and
  - Any maintenance measures required.
- k. To manage biosecurity risks from pests, disease, weeds, contaminants and respond to biosecurity duties, development applications should demonstrate consideration of the NSW *Department of Primary Industries' Managing biosecurity risks* in land use planning and development guide (2020) and detail biosecurity measures in relation to any:
  - Buffer zones;
  - Wash down facilities;
  - Designated parking areas;
  - Location to major potable water supply storages and watercourses – poultry production; and
  - Dumping and burying rubbish on site.
- l. A biosecurity plan for ongoing use of farm stay accommodation, farm experience premises or farm gate premises should be prepared in accordance with the NSW Department of Primary Industries' requirements, including the Farm Biosecurity Action Planner.

Note:

Controls relating to the development of bushfire and flood prone land, land subject to contamination, steep lands and acid sulfate soils are included in Part 1 of this DCP.

The Farm Biosecurity Action Planner is available at [https:// www.farmbiosecurity.com.au/toolkit/planner/](https://www.farmbiosecurity.com.au/toolkit/planner/).

## Vehicle Access

- m. Only one driveway should be provided on a property unless the property has a frontage of greater 100m and can demonstrate that an additional access would improve:
- Traffic management on the property or on and off the road;
  - Separation between the farming operations and the development; or
  - Resident employee and visitor safety.

Note:

Refer to Table 1.3.2-c for parking rate requirements.

## Farm Gate Premises and Farm Experience Premises

- n. The gross floor area of a building (or part of a building) for farm gate premises or farm experience premises should be no more than 200m<sup>2</sup>.
- o. The total footprint of all buildings used for farm gate premises and farm experience premises on the landholding should not to exceed 500m<sup>2</sup>.
- p. The height of a new building for farm gate premises or farm experience premises should be in keeping with the low scale built form of the rural area and should not exceed:
- 7m for allotments of 10ha or less, or
  - 10.5m for all other allotments.
- q. Unless it can be demonstrated that the additional building height is required to achieve a high level of architectural design and would not impact on the visual and scenic amenity of the locality.
- r. Buildings should be separated in to address fire safety.

Note:

Refer to the National Construction Code for other relevant fire safety and building separation requirements.

- s. The hours of operation of farm gate premises should be:
- 8am to 5pm Sunday to Friday and public holidays, and
  - 7am to 5pm on Saturdays.
- t. The hours of operation of farm experience premises should be:
- 8am to 6pm Sunday to Thursday and public holidays, and
  - 8am to 12am Friday and Saturday.
- u. The maximum number of visitors for farm gate premises should not exceed 100 on a landholding at any one time.

- v. The maximum number of visitors for farm experience premises should not exceed 50 on a landholding at any one time.
- w. The maximum number of visitors for all farm gate premises and farm experience premises should not exceed 100 on a landholding at any one time.
- x. Farm experience premises should be limited to 52 events per year, including a maximum of 4 events per year after 6pm that have amplified noise.
- y. Adequate toilet facilities should be provided. At least one toilet should be a unisex accessible toilet.
- z. Development applications for farm gate premises and farm experience premises should be accompanied by an acoustic report demonstrating that the development can comply with the following noise criteria:
- The LA10 noise level from patrons and amplified music shall not exceed the background noise level in any octave band (from 31.5 Hz to 8 kHz inclusive) when measured at any residential boundary or a 30 m envelope from the dwelling, whichever point is closer to the dwelling.
  - The LAeq (15 minute) noise level from all other noise sources arising from the use of the site including vehicle movement, loading and unloading activities and mechanical plant shall not exceed the background noise level +5dB(A) in any octave band (from 31.5 Hz to 8 kHz inclusive) when measured at any residential boundary or a 30 m envelope from the dwelling, whichever point is closer to the dwelling.

## Farm Stay Accommodation

- aa. A building, manufactured home or moveable dwelling used for farm stay accommodation (except for the use of an existing dwelling for farm stay accommodation) should be:
- On the same lot as an existing lawful dwelling house, or
  - On a lot that is not less than the minimum lot size for the dwelling house permitted under Council's LEP.
- bb. The maximum number of buildings and manufactured homes used for farm stay accommodation on a landholding should be no more than 1 per 5 hectares (or part thereof) to a maximum of 6.
- cc. The maximum number of moveable dwellings used for the purposes of farm stay accommodation on a landholding should be no more than 2 per 5 hectares (or part thereof) to a maximum of 6.
- dd. Farm stay accommodation, including moveable dwellings, is limited to:
- A maximum of 20 guests at any one time on a landholding, and
  - A maximum stay for guests of 21 consecutive days.
- ee. To address fire safety:
- Buildings should be separated from other buildings; and
  - Moveable dwellings should be separated from buildings and other moveable dwellings (except tents and similar portable and lightweight temporary shelters).
- Note:
- Refer to the National Construction Code for other relevant fire safety and building separation requirements.
- ff. The gross floor area of a new building or manufactured home for farm stay accommodation should not be more than 60 square metres.
- gg. The gross floor area of part of an existing building or manufactured home used for farm stay accommodation should not be more than 60 square metres.
- hh. The height of a building, manufactured home, or moveable dwelling used for farm stay accommodation should not to exceed 4.5 metres unless it can be demonstrated that the additional building height is required to achieve a high level of architectural design and would not impact on the visual and scenic amenity of the locality.
- ii. Where mains water is not available, an application should demonstrate that adequate water is available to service the development. Water required for farm stay accommodation should be in addition to that required for the dwelling house and any required fire fighting purposes.
- jj. One toilet per 10 staying guests in farm stay accommodation on the landholding should be available in an accessible location. At least one toilet should be a unisex accessible toilet.
-

## 2.3 Village Masterplans

### 2.3.1 Village Masterplans – General

The following section provides controls for the Rural area localities identified on the Masterplans. This includes a variety of zones including, but not limited to Rural Zones, Residential Zones, and Business Zones.

#### Desired Outcomes

- a. Orderly development that is consistent with the principles in the village masterplans.

#### Prescriptive Measures

- a. Village masterplans apply to the following localities:
    - Dural Village,
    - Galston, and
    - Wisemans Ferry
  - b. Development should be designed to embody the urban design guidelines and principles of the relevant village masterplans.
  - c. Vehicular access should be rationalised in accordance with the relevant masterplan.
  - d. Public domain works and pedestrian thoroughfares should be provided in accordance with the relevant masterplan.
-



# Dural Village Masterplan

## MAJOR CONSTRAINTS

During the preparation of this plan a number of major constraints were identified and considered. These included:-

- \* overhead power and telephone wires
- \* underground services
- \* vision for vehicles and pedestrians
- \* future road widening
- \* dry, harsh site conditions

## SUGGESTED PLANTING LIST

### INDIGENOUS SPECIES

**BENEATH OVERHEAD WIRES**  
*Callicoma serratifolia*  
*Ceratopetalum gummiferum*  
*Hakea sericea*

### NO OVERHEAD WIRES

*Eucalyptus gummiifera*  
*Eucalyptus haemastoma*  
*Eucalyptus piperita*  
*Syncarpia glomulifera*  
*Tristaniopsis laurina*

### LARGE TREES FOR UNRESTRICTED AREAS

*Eucalyptus ptilularis*  
*Eucalyptus saligna*

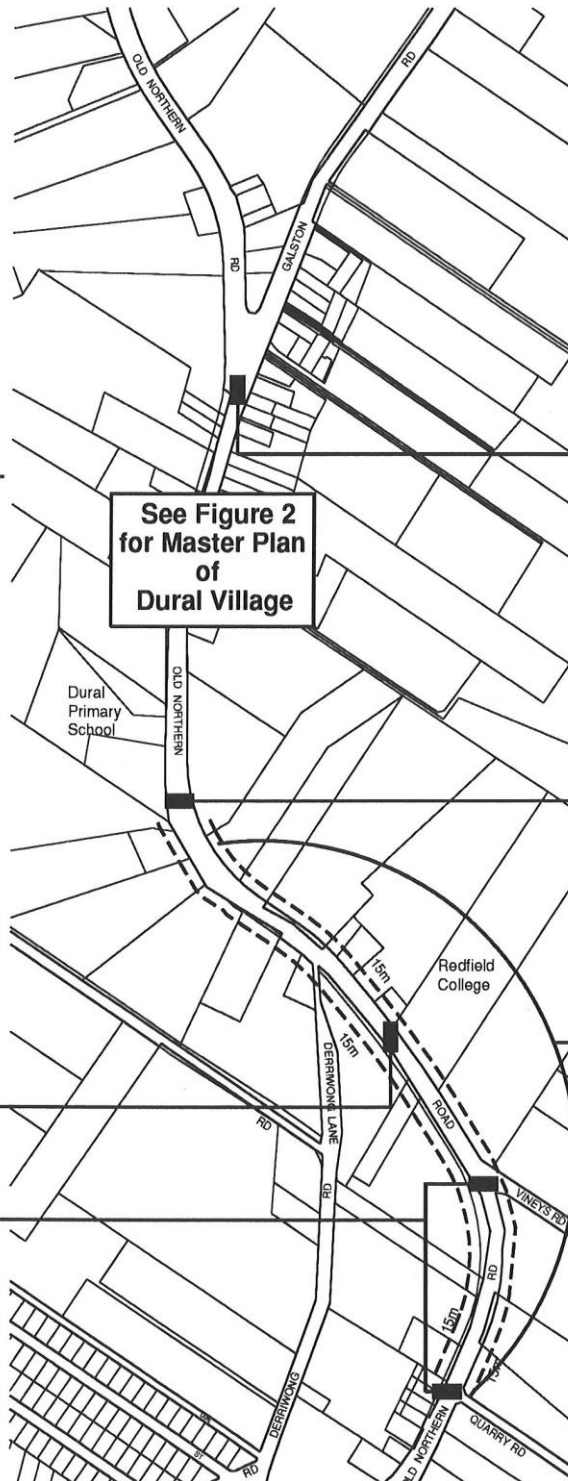
### EXOTIC SPECIES

#### NO OVERHEAD WIRES

*Jacaranda mimosifolia*  
*Pistacia chinensis*  
*Ulmus parvifolia*  
*Pinus radiata*

Low planting under wires subject to future road widening

Channelised intersections



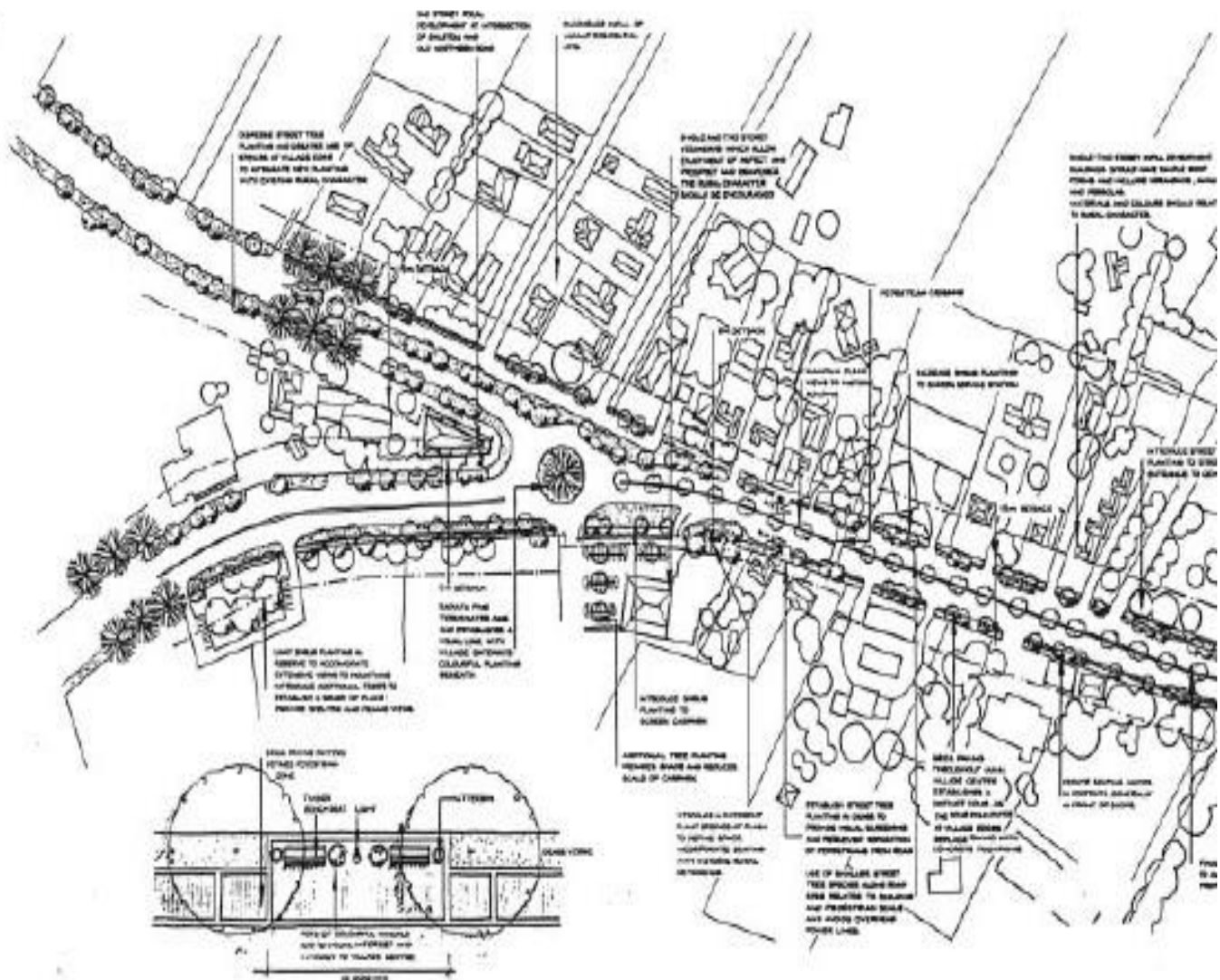
## DURAL VILLAGE CENTRE

This area requires special attention to create its own identity or 'sense of place'. A rural theme should be established through the choice of signs, fencing and street furniture.

Planting subject to future road widening. Planting not to be placed in front of school to ensure vision is unrestricted.

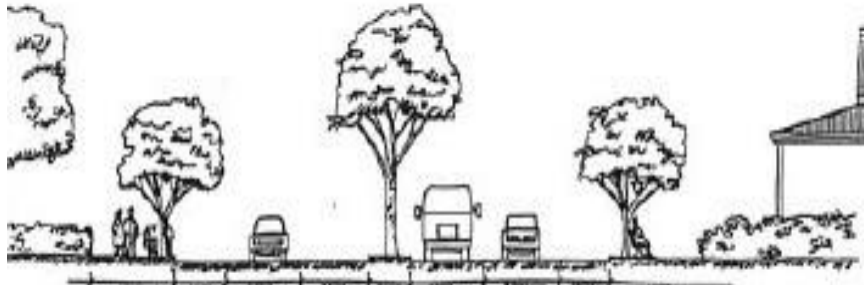
Road to be widened to four lanes with a median strip extending from the Dural Village Centre to Quarry Rd. A 15m setback applies from the realigned road boun. Street tree planting to be implemented along both sides of Old Northern Road, north of Quarry Road where road widening has been completed.

Dural Village Masterplan (Figure 2)



DETAIL OF TYPICAL FOOTPATH SEATING AREAS 1:100

MASTERPLAN 1:1000



TYPICAL SECTION THROUGH OLD NORTHERN ROAD 1:100

# DURAL VILLAGE CENTRE MASTERPLAN

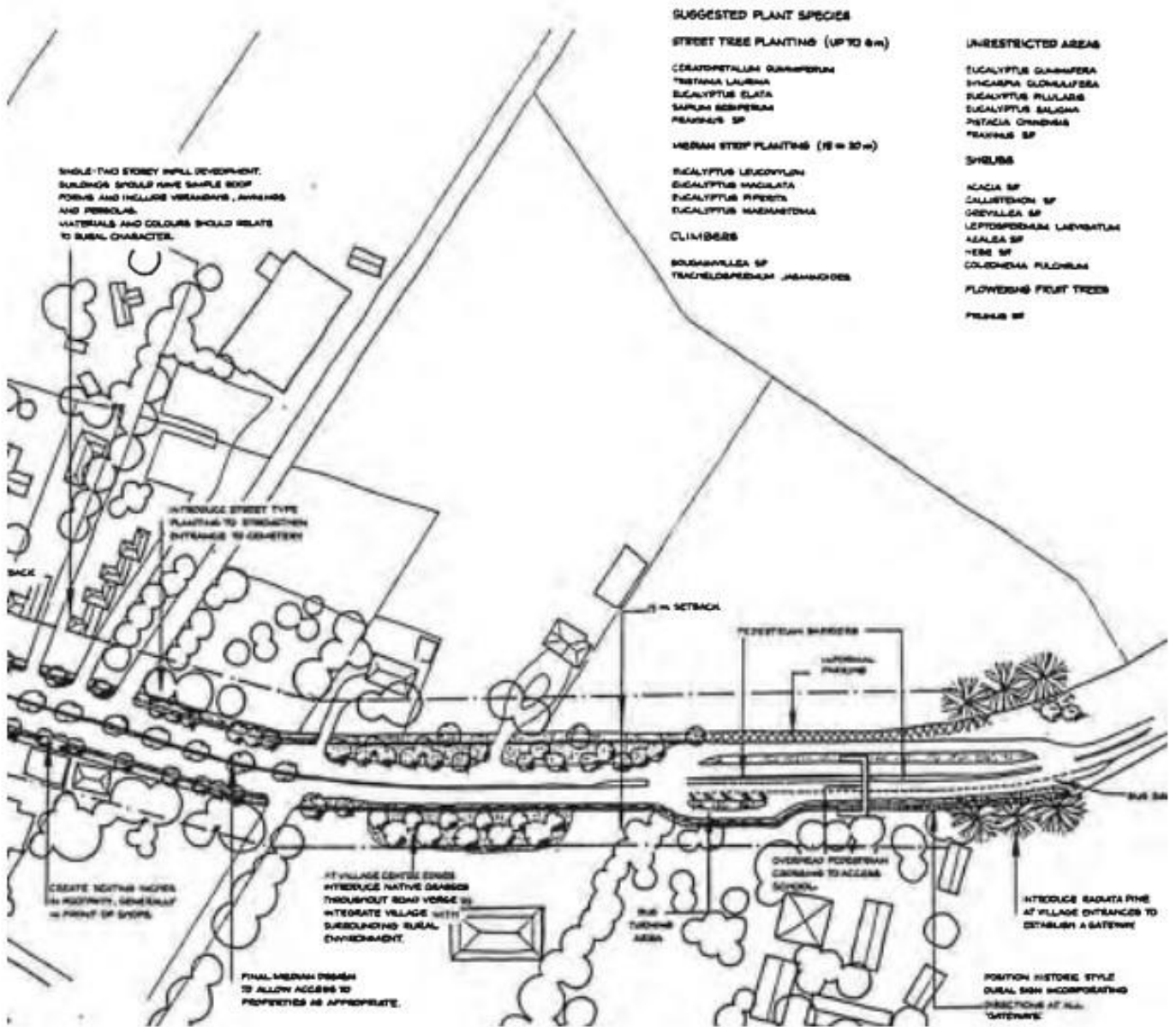
prepared by  
 THE COUNCIL OF THE SHIRE OF HORNSBY  
 CONYBEARE MORRISON & PARTNERS

NOVEMBER 1993

92.175  
 1:100, 1:400, 1:100



Dural Village Masterplan (Figure 2 cont)



**SUGGESTED PLANT SPECIES**

**STREET TREE PLANTING (UP TO 6m)**

- CECROPTALUM QUAMBERLUM
- WESTINGIA LAURINA
- EUCALYPTUS ELATA
- SALICIA SERRIFOLIA
- FRAXINUS SP

**MEDIAN STREET PLANTING (18 - 30m)**

- EUCALYPTUS LEUCOCOMUM
- EUCALYPTUS MACULATA
- EUCALYPTUS PECTATA
- EUCALYPTUS MANANANTONA

**CLIMBERS**

- BOLSAIVILLEA SP
- TRACHELOSPERMUM JAHANNOKES

**UNRESTRICTED AREAS**

- EUCALYPTUS QUAMBERLUM
- SYGMASTRA DIOICHA
- EUCALYPTUS PULCHRA
- EUCALYPTUS SALICINA
- WESTINGIA LAURINA
- FRAXINUS SP

**SHRUBS**

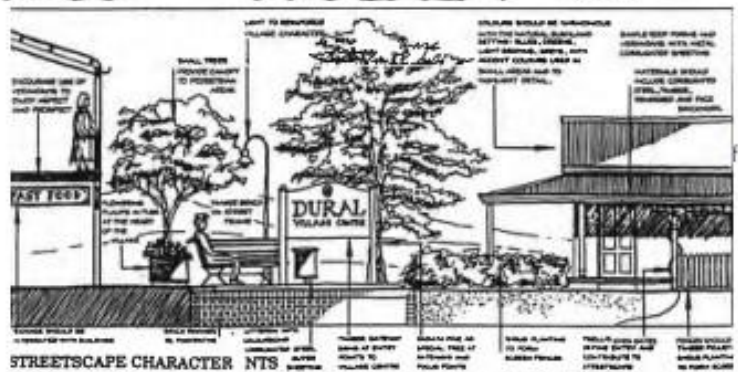
- KACIA SP
- CALLISTEMON SP
- GEVYALEA SP
- LEPTOSPODIUM LAEVIBATUM
- ALAEIA SP
- HEBE SP
- COLENDRA PALMULUM

**FLOWERING FRUIT TREES**

- PERSEA SP

Note:

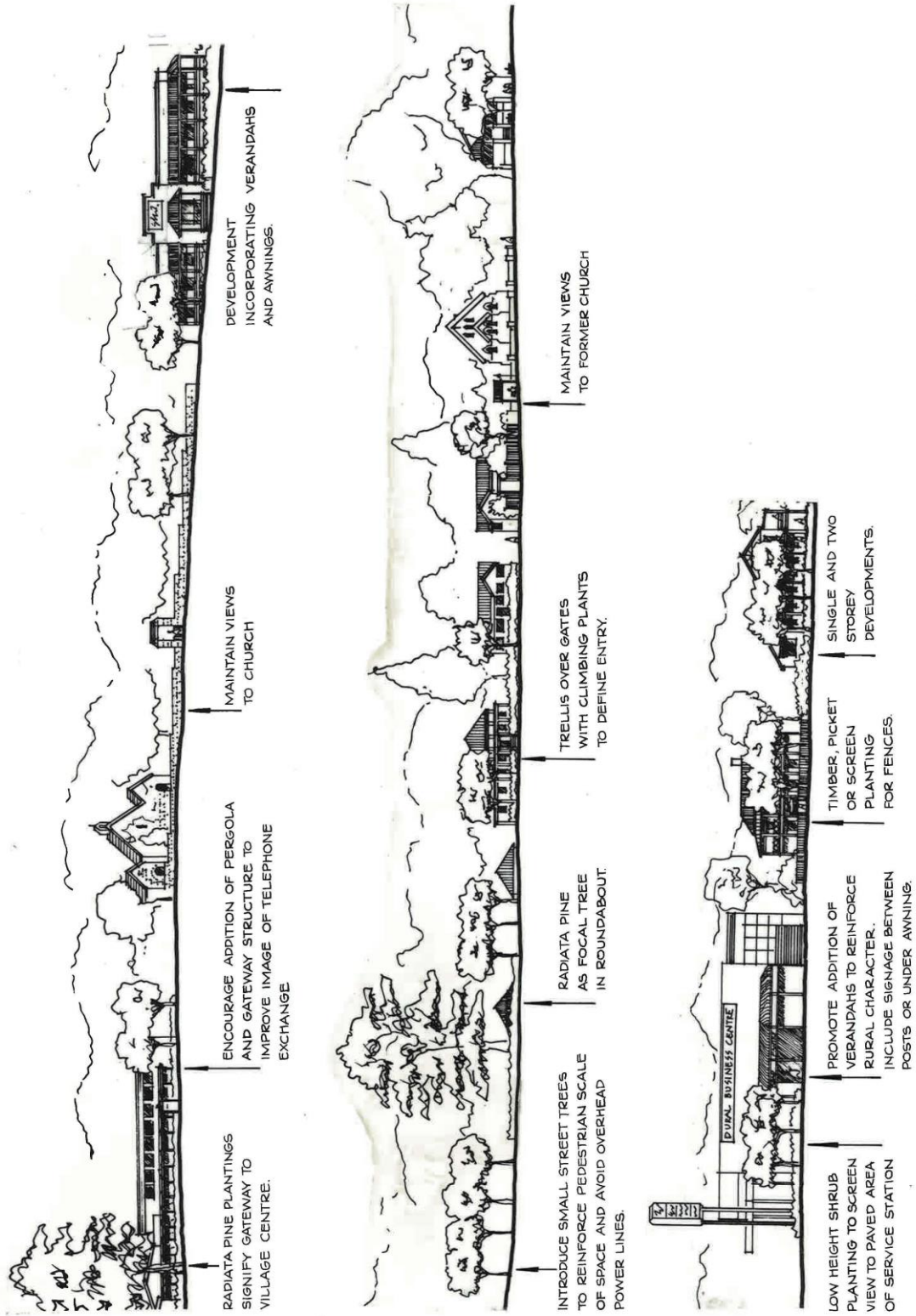
A Large Scale Plan is Available  
Hornsby Council Planning Division if Required



STREETScape CHARACTER NTS

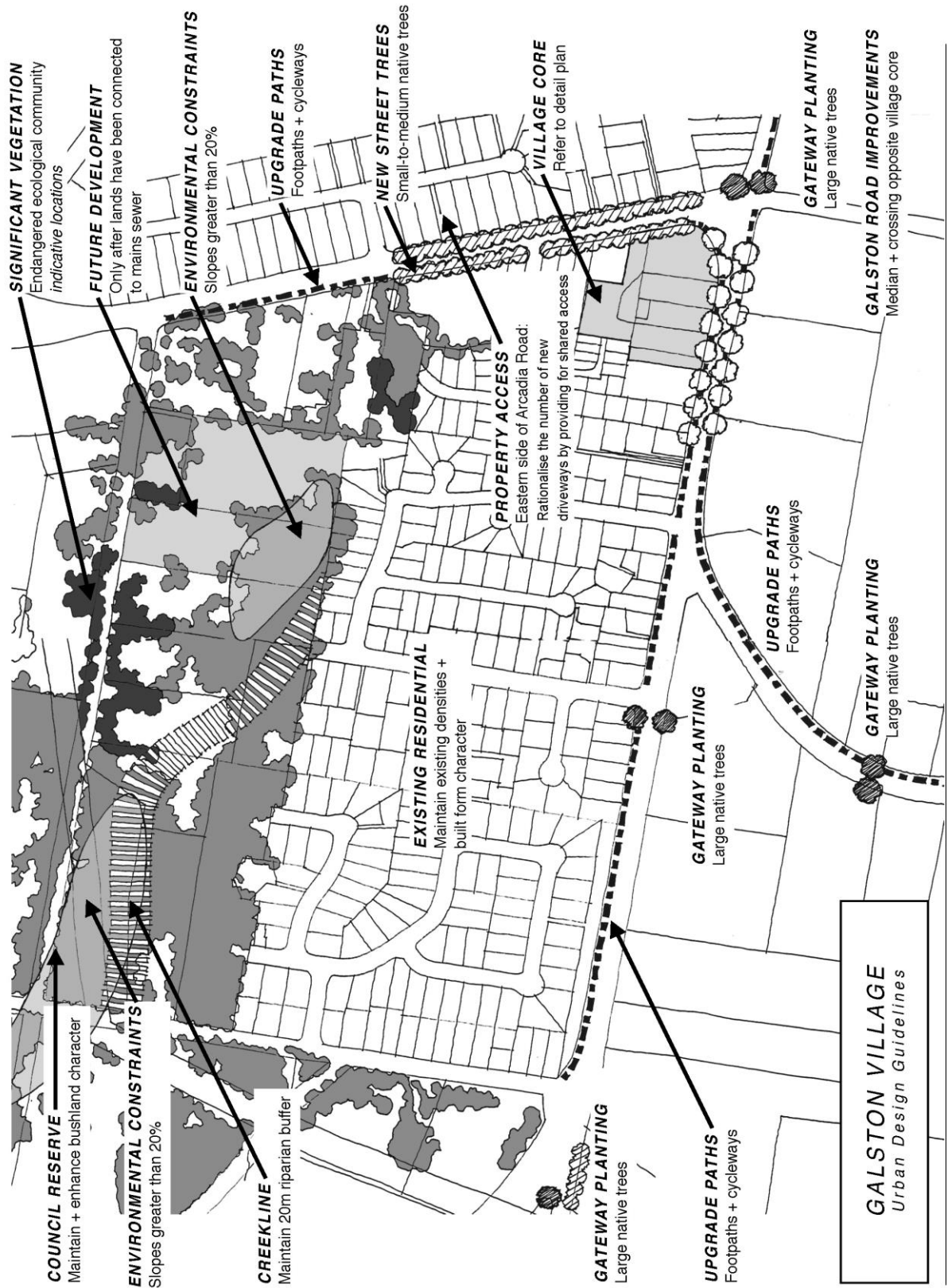
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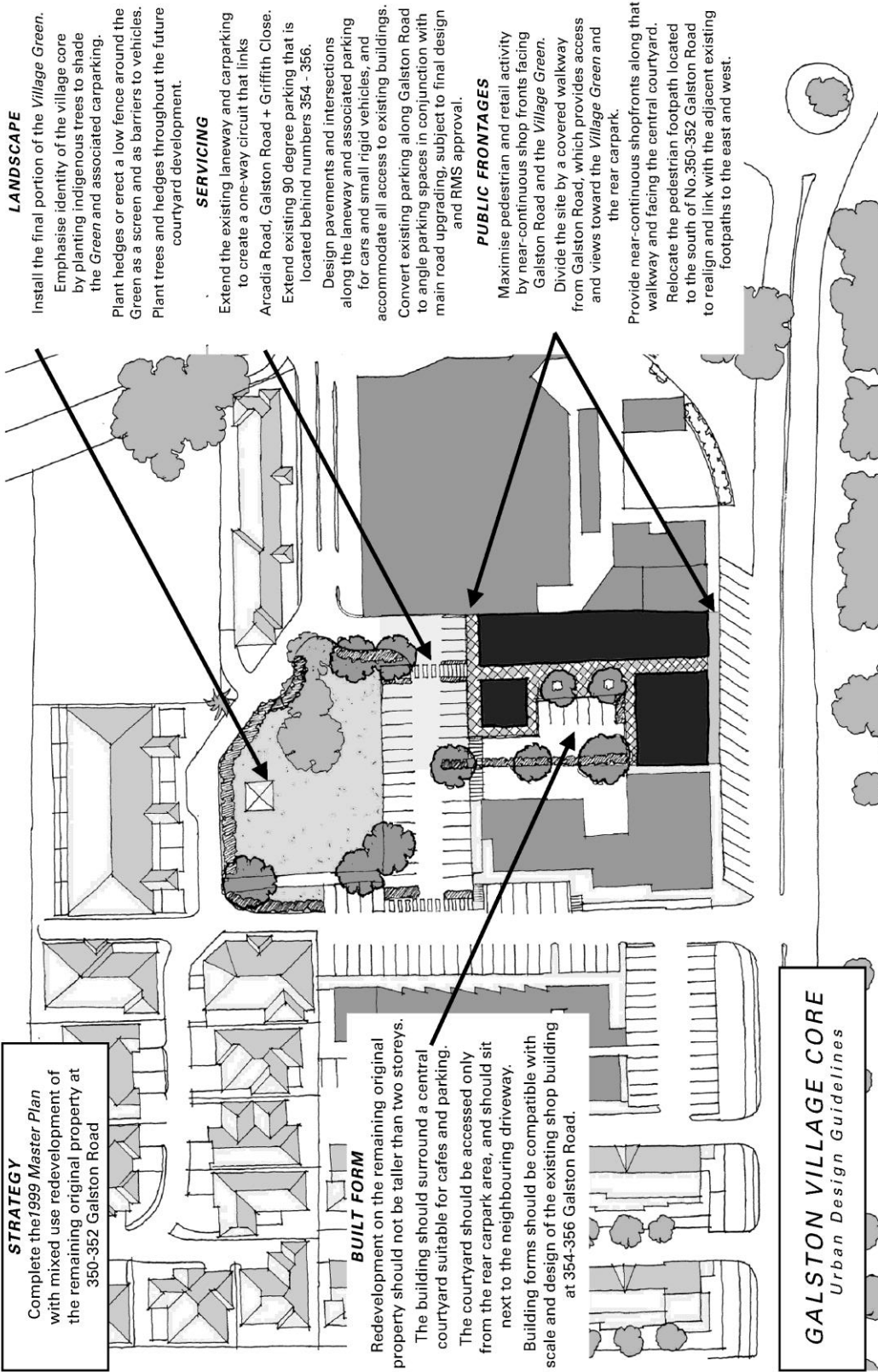
PART ELEVATION TO EASTERN SIDE OF GALSTON ROAD AND OLD NORTHERN ROAD





# Galston Village Masterplan





**STRATEGY**  
 Complete the 1999 Master Plan with mixed use redevelopment of the remaining original property at 350-352 Galston Road

**BUILT FORM**  
 Redevelopment on the remaining original property should not be taller than two storeys.  
 The building should surround a central courtyard suitable for cafes and parking.  
 The courtyard should be accessed only from the rear carpark area, and should sit next to the neighbouring driveway.  
 Building forms should be compatible with scale and design of the existing shop building at 354-356 Galston Road.

**GALSTON VILLAGE CORE**  
 Urban Design Guidelines

**LANDSCAPE**

Install the final portion of the Village Green. Emphasise identity of the village core by planting indigenous trees to shade the Green and associated carparking. Plant hedges or erect a low fence around the Green as a screen and as barriers to vehicles. Plant trees and hedges throughout the future courtyard development.

**SERVICING**

Extend the existing laneway and carparking to create a one-way circuit that links Arcadia Road, Galston Road + Griffith Close. Extend existing 90 degree parking that is located behind numbers 354 - 356.

Design pavements and intersections along the laneway and associated parking for cars and small rigid vehicles, and accommodate all access to existing buildings. Convert existing parking along Galston Road to angle parking spaces in conjunction with main road upgrading, subject to final design and RMS approval.

**PUBLIC FRONTAGES**

Maximise pedestrian and retail activity by near-continuous shop fronts facing Galston Road and the Village Green. Divide the site by a covered walkway from Galston Road, which provides access and views toward the Village Green and the rear carpark. Provide near-continuous shopfronts along that walkway and facing the central courtyard. Relocate the pedestrian footpath located to the south of No.350-352 Galston Road to realign and link with the adjacent existing footpaths to the east and west.







## 2.4 Dural Village

The following provides controls for development in the RU5 Rural Village Zone.

### 2.4.1 Scale

#### Desired Outcomes

- Development with a height, bulk and scale that is compatible with the character and amenity of the Village Centre.

#### Prescriptive Measures

##### Height

- Sites with the following maximum building heights under Clause 4.3 of the HLEP should comply with the maximum number of storeys in Table 2.4.1(a).

Table 2.4.1-a: Translations of Height to Storeys

HLEP Area	Maximum Building Height (m)	Maximum Storeys (excluding basement carparking)
I	8.5m	2 storeys + attic

- Buildings should respond to the topography of the site by:
  - minimising earthworks (cut and fill), and
  - siting the floor level of the lowest residential storey a maximum of 1.5 metres above natural ground level.
- A transition in building height should be provided at sensitive interface areas adjacent to heritage items.

Notes:

**Building height (or height of building)** means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

**Storey** means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- a space that contains only a lift shaft, stairway or meter room, or
- mezzanine, or
- an attic.

**Basement** means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

#### Roof Design

- Low pitched roofs with wide eaves should be encouraged for compatibility with streetscape character and sun control.
- The roof should have a maximum pitch of 35 degrees, except if a steeper roof pitch is more consistent with the existing character of the locality.
- Any attic level is to be contained wholly within the roofspace.
- The external walls of the building should not extend above the attic floor level.

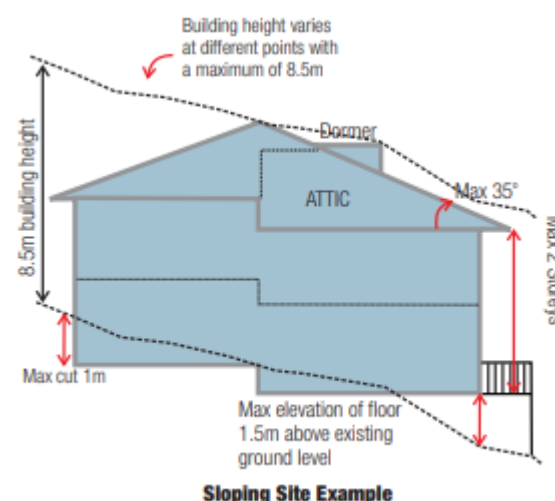
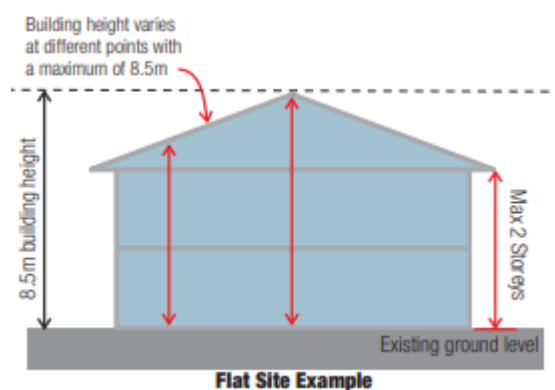


Figure 2.4(a) Explanation of building height controls (I)

Height controls are based on a typical residential floor to floor height of 3 metres, with allowances for roof articulation and undercroft areas for steeply sloping sites.

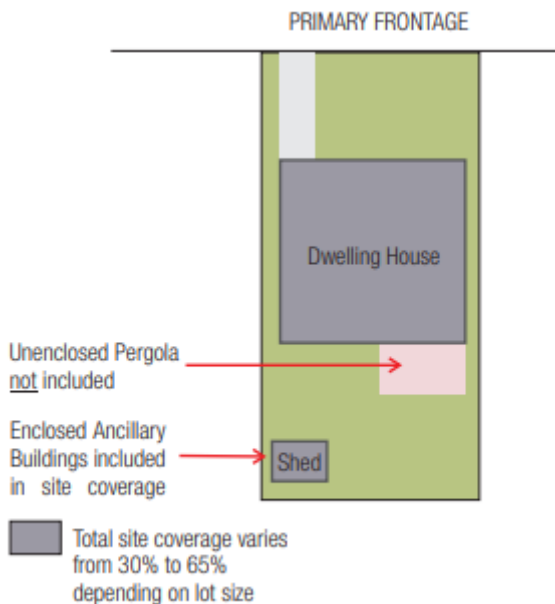
## Site Coverage

- h. The maximum site coverage of all buildings on the property should comply with Table 2.4.1(b):

**Table 2.4.1-b: Maximum Site Coverage**

Lot size	Maximum site coverage (% of total lot size)
200m <sup>2</sup> to 249m <sup>2</sup>	65%
250m <sup>2</sup> to 299m <sup>2</sup>	60%
300m <sup>2</sup> to 449m <sup>2</sup>	55%
450m <sup>2</sup> to 899m <sup>2</sup>	50%
900m <sup>2</sup> to 1499m <sup>2</sup>	40%
1500m <sup>2</sup> or larger	30%

**Figure 2.4(b): Site coverage calculation (I)**



## Floor Space

- i. The maximum floor space ratio shall be in accordance with the HLEP Floor Space Ratio Map as summarised in Table 2.4.1(c).

**Table 2.4.1-c: Maximum Floor Space Ratio**

HLEP Area	Maximum Floor Space Ratio
D	0.5:1

- j. In accordance with Clause 6.6 of the HLEP, development for the purpose of health consulting rooms, medical centres, office premises, restaurants, or cafes, or take away food and drink premises, is limited to the following per allotment:
- a maximum gross floor area per premises of 100m<sup>2</sup> and a maximum of 3 premises listed above per allotment, or
  - if the use is wholly within the external walls of a dwelling that existed prior to 21 February 2003, there is no prescribed limit.

Notes:

**Site coverage** means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- any basement,
- any part of an 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.

**Floor Space Ratio** as detailed in Clause 4.5 of the HLEP, means the ratio of the gross floor area of all buildings within the site to the site area. See the HLEP for the definition of Gross Floor Area.

## 2.4.2 Setbacks

### Desired Outcomes

- k. Setbacks that are compatible with adjacent development and complement the streetscape.
- l. Setbacks that allow for canopy trees to be retained and planted along the front and rear property boundaries.

### Prescriptive Measures

- a. All buildings and structures should comply with the minimum boundary setbacks in Table 2.4.2(a).

**Table 2.4.2-a: Minimum Boundary Setbacks**

Boundary Setback	Minimum Building Setback
All public road boundaries	6m to local roads and 9m to designated roads, except for: 539 Galston Rd and 925-945 Old Northern Road - 6m to designated road
Side boundary	up to 1 storey = 0.9m 2 storey element = 1.5m
Rear boundary	up to 1 storey = 3m 2 storey element = 8m

- b. The setback is to be measured from the RMS realigned road boundary. The road reservation is depicted on the HLEP Land Reservation Acquisition Map.
- c. For the purpose of the setback controls, a 1 storey building or element is not to exceed a building height of 4.5 metres above existing ground level.
- d. Notwithstanding the above, carparking for commercial uses should be setback 3 metres from side boundaries.
- e. The setback of the building and ancillary structures from the property boundary may need to be increased to maintain landscape features, as detailed in Section 2.4.3 of this DCP.

### Setback Encroachments

- f. The following minor structures are able to encroach into the prescribed setbacks:
  - A driveway between the on-site car parking area and a public road,
  - Stairs to the ground floor of the building,
  - Fences,
  - A single storey outbuilding, with a maximum floor area of 25m<sup>2</sup>, is able to encroach to within 0.9 metres of the rear boundary (eg. garden shed, garage, pergola), and

- An inground swimming pool is able to encroach to within 1 metre of the rear boundary, measured to the water line.

Notes:

Designated roads Designated roads are Council identified roads that require development to have an increased setback from the road edge, consistent with the established streetscape. A list of designated roads is provided in Annexure C.

The rear boundary is ordinarily located parallel to and/or opposite the primary frontage which is the shorter street frontage.

## 2.4.3 Landscaping

### Desired Outcomes

- Landscaping that integrates the built form with soft landscaping and retains and enhances the tree canopy.
- Development that retains existing landscape features.

### Prescriptive Measures

- The minimum landscaped area on a property should comply with Table 2.4.3(a):

**Table 2.4.3-a: Minimum Landscaped Area**

Lot size	Minimum Landscaped Area (% of the lot size)
200m <sup>2</sup> to 299m <sup>2</sup>	10%
300m <sup>2</sup> to 449m <sup>2</sup>	15%
450m <sup>2</sup> to 599m <sup>2</sup>	20%
600m <sup>2</sup> to 899m <sup>2</sup>	30%
900m <sup>2</sup> to 1499m <sup>2</sup>	40%
1500m <sup>2</sup> or larger	45%

- Areas included as part of the minimum landscaped area should have a minimum width of 1.5 metres.
- At least 50 percent of the minimum landscaped area should be located behind the building line to the primary road frontage.
- A proportion of the front yard should be maintained as landscaped area as follows:
  - 25 percent of the front yard for lots less than 18 metres wide, and
  - 50 percent of the front yard for lots greater than 18 metres wide.

Notes:

**Landscaped area** means a part of a site used for growing plants, grasses and trees but does not include any building, structure, or hard paved area. (Note: Swimming pools are not included in the minimum landscaped area calculation).

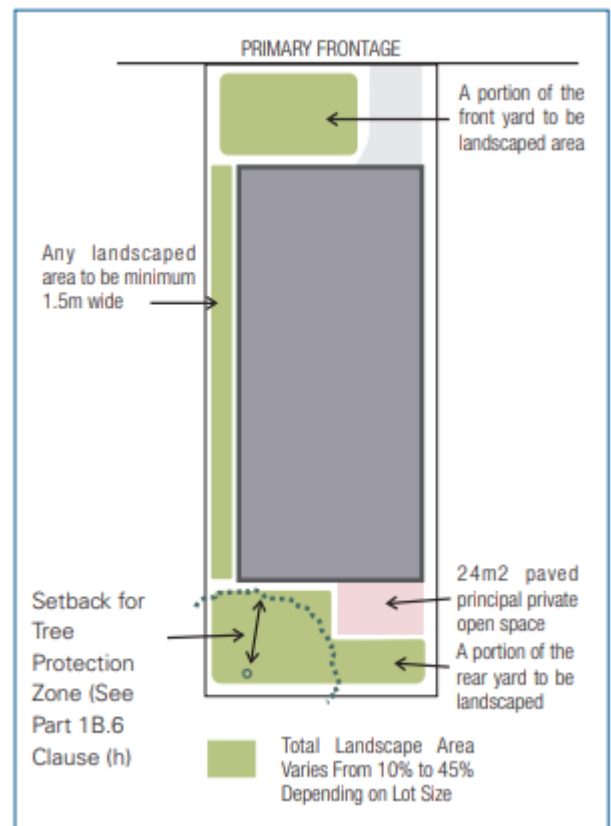
The applicant is encouraged to incorporate species from Council's publication Indigenous Plants for the Bushland Shire available on Council's website [hornsby.nsw.gov.au](http://hornsby.nsw.gov.au).

### Retention of Landscape Features

- The proposed building, ancillary structures, driveways, drainage and service trenches should be setback:
  - in accordance with the 'Watercourses' element in Section 1C.1.3 of this DCP,
  - 10-20 metres to significant bushland as detailed in the 'Biodiversity' element in Section 1C.1.1 of this DCP, and
  - in accordance with the requirements of AS 4970 for significant trees to be retained.

### Fencing

- Within front setbacks, fences should not be higher than 1.2 metres. The use of picket fencing on the front property alignment is encouraged.
- Front fencing should be constructed from predominately lightweight materials with the design allowing at least 50 percent openings.
- Side and rear boundary fences should be a maximum of 1.8 metres high, sited behind the front building line.





## 2.4.4 Open Space

### Desired Outcomes

- a. Private open space that functions as an extension to the dwelling house.

### Prescriptive Measures

#### Private Open Space

- a. A dwelling house should be provided with private open space that incorporates a principal private open space area in accordance with Table 2.4.4(a).

**Table 2.4.4-a: Minimum Private Open Space**

Minimum Principal Area	Minimum Dimension of Principal Area
24m <sup>2</sup>	3m

- b. The principal private open space area should be sited behind the front building line and is to be directly accessible from the living area of the dwelling.
- c. The principal private open space area should be generally level and may be in the form of a deck, patio, terrace or paved area.

#### Clothes Drying Area

- d. Each dwelling house should have access to an external air clothes drying area, in addition to the minimum principal private open space area. This is to be screened from public places.

## 2.4.5 Sunlight Access

### Desired Outcomes

- a. Dwelling houses designed to provide solar access to open space areas.
- b. Development designed to provide reasonable sunlight to adjacent properties.

### Prescriptive Measures

- a. On 22 June, 50 percent of the required principal private open space area should receive 3 hours of unobstructed sunlight access between 9am and 3pm.
- b. On 22 June, 50 percent of the required principal private open space on any adjoining property should receive 3 hours of unobstructed sunlight access between 9am and 3pm.

#### Note:

SEPP -BASIX 2004 requires a BASIX certificate for new dwellings to facilitate energy efficient housing.

## 2.4.6 Privacy and Security

### Desired Outcomes

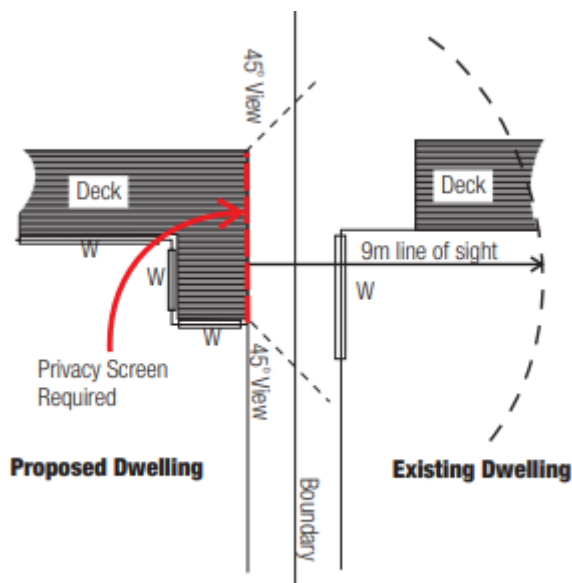
- Development that is designed to provide reasonable privacy to adjacent properties and high levels of residential security.

### Prescriptive Measures

#### Privacy

- For development at the interface of a commercial and residential area, development should encourage views from the commercial development to the horizon rather than downward onto residential areas.
- Living and entertaining areas of dwelling houses should be orientated towards the private open space of the dwelling house and not side boundaries.
- A proposed window in a dwelling house should have a privacy screen if:
  - it is a window to a habitable room, other than a bedroom, that has a floor level of more than 1 metre above existing ground level,
  - the window is setback less than 3 metres from a side or rear boundary, and
  - the window has a sill height of less than 1.5 metres.

Figure 2.4(d): Decks adjoining a neighbouring dwelling should be screened. (l)



- A deck, balcony, terrace or the like should be located within 600mm of existing ground level where possible to minimise potential visual and acoustic privacy conflicts.
- Decks and the like that need to be located more than 600mm above existing ground should not face a window of a habitable room, balcony or private open space of another dwelling located within 9 metres of the proposed deck unless appropriately screened.

#### Security

- Private open spaces, living room windows and lobbies should be designed and oriented to overlook the street and communal open spaces on the site.
- Identify safe, clear and direct pedestrian and cyclist entrance to the building/s from the primary street frontage.
- Where a mix of land uses are proposed, separate, secure access should be provided to commercial and residential entrances/ lobbies, and car parking areas.

#### Notes:

All developments should comply with the minimum building setback controls within this DCP which will assist in achieving the desired outcome for privacy.

A privacy screen means a screen that is at least 1.5m high, measured from the floor level, and has no individual opening more than 30mm wide, and has a total of all openings less than 30% of the surface area of the screen. A privacy screen required to protect an adjacent residence is to be fixed.

## 2.4.7 Vehicle Access and Parking

### Desired Outcomes

- a. Development that provides sufficient and convenient parking for residents with vehicular access that is simple, safe and direct.

### Prescriptive Measures

- a. The number of existing accessways should be rationalised where possible.
- b. Car parking should be provided behind the front building line for all landuses.
- c. Parking for commercial uses should also be setback a minimum of 3 metres from the side and rear property boundaries and the area landscaped with screening shrubs.
- d. A paved driveway should be provided between the required on-site car parking area and a public road.

Note:

Refer to Part 1 'General' of the DCP for more detailed parking and service vehicle design requirements.

## 2.4.8 Design Details

### Desired Outcomes

- a. Development compatible with a low-density residential environment that complements the zone objectives.

### Prescriptive Measures

#### General

- a. Development should embody the urban design principles in the Dural Village Masterplan.
- b. Buildings should be oriented primarily towards the street and the rear boundary.
- c. Extensive blank or unarticulated walls to street frontages are discouraged.
- d. Dwelling houses should provide a covered entry to the home at least 1.5 metres deep and clearly visible from the street.
- e. Buildings on corner allotments should be designed to provide elevations that address both street frontages.
- f. Garages should not dominate the facade of a building nor the streetscape. Garage doors should be as follows:
  - setback 1 metre from the front facade of the home,
  - no wider than 6 metres, and
  - maximum 2.4 metres high.

#### Dormer Windows

- g. The design of dormer windows in any attic level should comply with the following:
  - Dormers should face the street and/or the rear property boundary,
  - Dormers should be setdown below the ridge line and setback from the side walls,
  - Dormers should not be wider than 1.3 metres,
  - Be vertically proportioned at a ratio of 1.5:1 measured from head to sill of the window frame, and
  - The number of dormer windows is limited to a maximum of two per facade.

#### Materials and Finishes

- h. The colours, textures and materials used in external finishes should be consistent with a heritage theme.
-

# 2.5 Extractive Industries

The following provides controls for extractive industries at Maroota to which the State Environmental Planning Policy (Resources and Energy) 2021 (Resources and Energy SEPP) applies as indicated in Figure 2.5(a). These controls may also be applied elsewhere in the rural areas where similar extractive industries are proposed.

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

Figure 2.5(a): Resources and Energy SEPP locality. (C)



## 2.5.1 Setbacks

### Desired Outcome

- a. Setbacks to extractive operations that protect the natural environment and provide reasonable visual and acoustic amenity to the area.

### Prescriptive Measures

- a. Extraction operations including internal access roads should be setback to comply with Table 2.5.1(a):

Table 2.5.1-a: Minimum Setbacks

Feature	Minimum Setback
Adjoining property boundaries	10m (to include a landscape buffer)
Public road	30m (to include a landscape buffer)
Land reserved under the National Parks and Wildlife Act 1974	40m (to include a vegetative buffer)
Site or relic of heritage, archaeological, geological, cultural significance	40m
Habitats of threatened species, populations and ecological communities	40m (to include a vegetative buffer)
Top bank of a watercourse	40m or otherwise to the requirements of the NSW Office of Water
Public or Community facility	100m
Residence not associated with extraction	100m

- b. Where extraction is occurring on adjoining properties, the setbacks required by Table 2.5.1(a) may be reduced to provide an integrated final land form.

## 2.5.2 Transport

### Desired Outcomes

- a. Extractive industries that maintain a safe and efficient road network.
- b. Extractive industries that have minimal impact on the local road network.

### Prescriptive Measures

- a. Safe, controlled and limited access points to the road network should be provided.
- b. Heavy vehicle routes on the local road network should be direct and avoid sensitive land uses. Where sensitive land uses can not be avoided the frequency and timing of heavy vehicles should be controlled.
- c. Internal access should be no less than 20 metres wide (easement width).
- d. The standard of construction of internal accessways should have regard to:

cross sectional characteristics, both typical of straight and on curves and bends,

horizontal and vertical alignment characteristics,

pavement and drainage proposals, „ other technical parameters, and

vehicle grades not exceeding 6%.

- e. Extractive operations should contribute to the maintenance of the road network as a result of road damage caused by heavy vehicles.

### DA Submission Requirement

- f. Documentation outlining anticipated heavy vehicle routes, loading and frequency associated with the extractive industry should be submitted with the application.

### Post DA Submission Requirement

- g. Certified weighbridge dockets and a log book to verify the frequency and timing of vehicle movements may be required as a condition of consent.

Note:

Designs of all access/ intersection points to the external road network should comply with the requirements of the Hornsby Shire Civil Works Design Specification and/or Roads and Maritime Services.

## 2.5.3 Water Resources

### Desired Outcomes

- a. The protection of existing drainage patterns including location, quantity and quality of water.
- b. The conservation and effective management of the sustainability of surface and groundwater resources.
- c. The protection of downstream dependent riparian ecosystems and natural habitats.

### Prescriptive Measures

- a. Proposals should employ extraction procedures capable of maintaining, monitoring and managing pre-existing surface drainage patterns and groundwater flow and water quality conditions.
- b. Extraction should not occur within 2 metres of the high groundwater level.

### DA Submission Requirements

- c. Proposals should be accompanied by a Groundwater Impact Assessment Report which should:
  - identify and classify aquifer systems on extraction sites,
  - identify all groundwater dependent users and environs at the site and within adjacent catchment areas,
  - assess vulnerability of groundwaters,
  - identify a freeboard level (to AHD) above high groundwater level capable of protecting groundwater flow patterns and water quality,
  - identify potential sources of impacts including seepage from tailing dams, and
  - outline procedures for protecting and monitoring groundwater flow and quality.
- d. Applications should be accompanied by a Water Management Plan which provides a framework for the identification, classification and management of artificial and natural surface and subsurface water cycles during all phases of clearing, extraction and rehabilitation including:
  - site investigations used to identify and classify catchment origin, drainage patterns, water flow and quality,
  - source, quantity and quality of water required to provide a reliable supply of water to the operations,
  - procedures capable of maintaining natural surface water flow and quality conditions along downstream boundary alignments,

- the design and likely impact of any temporary diversion of drainage patterns,
- procedures for maintaining and monitoring water quality at downstream boundaries,
- procedures for minimising importation of water,
- procedures for maximising reuse/recycling of collected waters, particularly during extreme climatic conditions,
- risks, safeguards and contingency plans for extreme climatic conditions and operational hazards including groundwater breach or contamination,
- method of treating polluted and contaminated waters,
- destination points for collected waters are retained within each extraction area/stage,
- procedures for ensuring that contaminated waters are contained on-site during 1 in 100 year ARI storm events (1% AEP),
- protection of significant site features and natural springs, and
- procedures for monitoring groundwater flow, quality and recharge areas within catchments having regard to the Groundwater Impact Assessment Report.

#### Post DA Submission Requirement

- e. An updated Water Management Plan may be required to be resubmitted annually to Council as a condition of consent. The report would be required to be prepared by a suitably qualified Environmental Consultant and demonstrate that:
  - the protection of water dependent features and ecosystems of the site and adjacent catchments,
  - the actual source, quantity and quality of water used by all aspects of the operation,
  - the effectiveness of the Water Management Plan in providing a framework for a complete balance for both artificial and natural surface and subsurface waters,
  - risks, safeguards and contingency plans for extreme climatic conditions and operational hazards including groundwater breach or contamination,
  - the results of monitoring water at downstream boundaries relative to the stage of extraction,
  - the results of monitoring of groundwater flow and quality within the extraction-site and adjacent catchment,
  - the advice and licensing requirements of state agencies including NSW Office of Water and the EPA,
  - recommendations to alter operational procedures to improve the performance of artificial and natural surface and subsurface water cycles, and
  - applications should include a determination of the likely impact upon groundwater and nominate an effective freeboard above the high groundwater level capable of protecting groundwater flow patterns and water quality on each extraction site.
  - Based on the above factors, the report should identify any adverse environmental impacts in accordance with the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC Guidelines, 2000), and outline any mitigation measures.

#### Note:

All bores and extraction operations which intercept the water table and/or require pumps should be licensed with the NSW Office of Water



## 2.5.4 Soil and Water Management

### Desired Outcome

- a. Extractive operations that minimise soil erosion and water pollution by minimising land disturbance, and requiring control measures on-site.

### Prescriptive Measures

#### Clearing

- a. Vegetation should only be removed in stages to retain as much protective ground cover vegetation as possible.
- b. The natural vegetation outside the extraction site should be protected at all times by the installation and maintenance of sediment control devices.
- c. Progressive clearing should be restricted to within the approved boundaries of the extraction area.

#### Topsoil and overburden removal.

- d. Topsoil and overburden stripping should not advance any more than 30 metres in front of the current extraction operation.
- e. Stockpiles should be located in low erosion hazard areas away from drainage lines and stabilised by vegetation and the use of silt fences.
- f. Removed topsoil should be used for rehabilitation of previously disturbed areas in order to maintain the freshness of the topsoil. Topsoil removal should occur in two stages, organic matter and then the topsoil.
- g. Where material is to be stored in stockpiles, the stockpile should be:
  - of one soil type.
  - kept flat and low to ensure survival of organic matter and aerobic organisms.
  - keep free of traffic and drainage lines.
  - not left for more than 14 days without a vegetation cover.
  - surrounded by sediment control devices, and
  - used as soon as possible (no longer than 12 months).

- h. Stockpiles over 5 metres in height should be benched to ensure stability and incorporate internal drains. The batter slopes should be no steeper than 1:2 (v:h) for stable soils and 1:4(v:h) for highly erodible soils, to limit wind and water erosion.
- i. Topsoil stripping should not be undertaken when soil is too wet or too dry to avoid compaction, loss of structure and viability of seeds.

#### Runoff Controls

- j. Surface runoff from undisturbed areas should be diverted around proposed extraction/operation areas and returned to natural watercourses at non-erosive velocities. All channels should be designed to convey water at velocities less than 1.2m/s for vegetated channels and 0.4m/s for bare earth channels.
- k. All channels, waterways and detention structures should be designed to accommodate peak discharge of a 1 in 20 year average recurrence interval storm with appropriate freeboard margins (generally 750mm for catchments less than 15 hectares).
- l. The long-term stability of natural channels downstream of the study area should be maintained by ensuring that discharges from sub catchments remain the same.
- m. Overland flow paths and spillways should be designed to ensure that flood waters and stormwater runoff, which exceeds the design capacity of channels, watercourses, and structures, do not adversely affect adjoining lands.

#### Water Quality

- n. Water quality at the downstream boundary of each development area will be required to be monitored monthly by the proponent. A report, including the results of the water sampling will be required to be prepared by a suitably qualified environmental consultant and submitted to Council annually. Should the results of the water sampling identify elevated levels compared with the ANZECC Guidelines 2000, the report must outline the mitigation measures undertaken at the development area to maintain water quality.

## Sediment Control Devices

- o. Wind breaks including vegetation, bund walls and stockpiles should be of sufficient height, length, orientation, location and permeability to be capable of reducing wind velocity across extraction areas.
- p. Appropriate sediment control devices should be installed to prevent sediment moving off-site (these can include sediment fences, straw bales, sediment traps and sediment basins). Existing rural dams should be retained to serve as sediment basins and to reduce runoff during development.
- q. All sediment and control dams should be sized to retain at least the equivalent volume of 10mm depth of runoff over the entire disturbed area they serve. The settling volume is to be provided as active storage with a minimum depth of 0.6 metres. A sediment storage volume of at least half this allowance is to be provided below the settling volume.
- r. The design of the sediment control dam should include details of the proposed dewatering method for the settling volume, spillway configuration and the design life of the structure.
- s. All water retaining structures should incorporate an impermeable barrier in the dam wall.
- t. A sediment control dam should be located downstream of wet screening plants and the tailing dams. The structure is to have a sediment trapping capacity of at least half the volume of the largest tailing dam.
- u. Batters of dams and detention basins should have a maximum gradient of 1 (vertical) in 4 (horizontal) and be vegetated immediately following construction. Prior to the establishment of this vegetative cover, sediment loss is to be controlled by the installation of catch drains and sediment traps along the downstream toe of the embankment. These should be maintained until such time as 80% vegetation cover is achieved on the batters.
- v. Sedimentation dams associated with sediment control structures will require periodic removal of sediment. This material should be dried and utilised on landfill in rehabilitated landforms.

## Tailing (Sludge) Pond Measures

- w. Tailing (sludge) ponds should be designed having regard to:
  - site investigations including soil profiles, water table level, and insitu materials,

- site suitability, including topography, geotechnical and meteorological conditions of the locality,
  - physical, mineral and chemical properties of tailings,
  - stability of embankments, including height, slope, nature strength, materials and degree of compaction of foundations,
  - potential seepage into groundwater, including high pressure groundwater levels resulting from high water table levels within the embankment, and
  - potential seepage through embankments to surface water streams or overtopping from heavy storm events.
- x. Tailing ponds should be rehabilitated having regard to:
- preventing leaching into ground and surface waters,
  - surface drainage and erosion control to prevent tailing laden waters leaving storage area,
  - stabilised surface cover to prevent wind erosion, and
  - minimise maintenance by designing a cover which provides an effective infiltration rate that prevents surface erosion, saturation of topsoil layer and to function as a capillary barrier.

## DA Submission Requirements

- y. A Soil and Water Management Plan (SWMP) should be submitted containing appropriate Best Management Practices that recognise site constraints and support ESD principles. The Plan should include:
    - Soil conservation and pollution/nutrient control measures to be installed prior to clearing and earthworks and maintained until landscaping measures are complete,
    - Protection measures for site access and exits,
    - Catchment drainage characteristics of existing and proposed drainage patterns,
    - Protection of existing overland flowpaths, watercourses, stormwater kerb inlets and drains,
    - Upslope clean surface runoff diversions around the disturbed areas,
    - Staggered site works to minimise disturbance,
    - Rehabilitation and stabilisation of the disturbed areas,
    - Site investigations used to determine areas most and least suited to extraction operations,
    - Clearing, grading and drainage plans for the site layout, including entry and exit points,
-

- Procedures and timing for installing and maintaining sediment devices for all phases of extraction,
- Procedures and timing for removal of the controls,
- Method of controlling water flow through the site,
- Procedures and timing for maintaining protective ground covers and long term stability of the site, and
- All natural features and environmentally sensitive areas (eg existing vegetation and watercourses).

#### Post DA Submission Requirement

- z. Geotechnical reports may be required to be resubmitted annually to Council as a condition of consent, reporting on the stability and integrity of tailings ponds.

## 2.5.5 Acoustic Environment

### Desired Outcome

- a. Reasonable acoustic amenity for residents and other users of the area.

### Prescriptive Measures

- a. Effective noise control measures should be incorporated into extraction sites.
- b. The hours of operation of machinery and the transportation of materials should be in accordance with Table 2.5.5(a).

**Table 2.5.5-a: Hours of Operation**

Weekday	Hours of Operation
Monday to Saturday inclusive	7am to 6pm
Sundays and Public Holidays	No work should occur

- c. Signs and barriers should be maintained at the point of access to ensure compliance with the hours of operation. The barriers should be kept locked except during authorised hours of operation.
- d. The maximum average noise emission level of extraction should not exceed 5dB(A) above maximum average background noise levels.

### DA Submission Requirements

- e. An Acoustic Impact Assessment Report identifying and assessing the range of noise levels within the locality, the noise levels generated by the extractive operation and detailing proposed measures to ensure noise emission levels are within acceptable limits.

## 2.5.6 Air Quality

### Desired Outcome

- a. Extractive industries designed with measures to prevent air pollution.

### Prescriptive Measures

- a. Access roads should be sealed at the entrance to extraction sites.
- b. Internal access roads should be sealed or watered on a regular basis for the purpose of dust suppression.
- c. Dust suppression equipment should be fitted to processing equipment.
- d. Stockpiles of material should be stabilised and maintained so as to prevent any dust nuisance.
- e. Proponents should utilise wind activated water sprinkler systems to ensure extraction sites minimise dust generation particularly during periods of high wind and when sites are unattended.
- f. Prior to leaving extraction sites, all laden trucks should have their payloads fully covered by suitable material to prevent spillage from the trucks onto roads and adjoining properties.
- g. Proponents should provide details of effective measures proposed to be implemented to suppress dust generated from:
  - blasting,
  - removal of overburden,
  - site clearing,
  - extraction and haulage,
  - moving material onto and from stockpiles,
  - mobile earthmoving equipment, „ blowoff from truck loads, and
  - crushing and screening procedures.
- h. Proponents should ensure that blasting is not undertaken in strong wind and/or prolonged dry weather periods.

### DA Submission Requirements

- i. An Air Quality Assessment Report detailing:
    - meteorological conditions of the site and locality including temperature, humidity, wind and rain,
    - number and classification of emission sources and distance to potential receptors,
    - propensity for on-site and imported material to generate dust and odour, including washed sands,
    - gaseous emissions from vehicles and machinery including carbon monoxide, nitrogen oxides, hydrocarbons and particulate matters,
    - maximum acceptable increase for dust deposition over existing levels,
    - expected annual average dust concentration and deposition levels,
    - compliance with EPA criteria for dust deposition and concentration rates, and
    - recommendations, including suggested range of dust control measures.
-

## 2.5.7 Mitigation and Monitoring

### Desired Outcomes

- a. The implementation of good environmental management practices and mitigation measures throughout the life of an extractive operation.
- b. The establishment of a framework for ongoing monitoring of the environmental management practices and mitigation measures of an extractive operation including a flora and fauna monitoring program.

### Prescriptive Measures

- a. A framework should be established for the ongoing monitoring of an extractive operations environmental management practices and mitigation measures.

### DA Submission Requirements

- b. An Environmental Management Plan should be submitted to Council outlining appropriate environmental management practices for the proposed extractive operation as well as establishing a framework for ongoing monitoring of the proposed practices.

Note:

The Environmental Management Plan should establish a Flora and Fauna Monitoring Program to verify the effectiveness of mitigation measures implemented.

### Post DA Submission Requirement

- c. An annually updated Environmental Management Plan may be required to be resubmitted to Council as a condition of consent, demonstrating that environmental management practices are being followed and specifying a timeframe for the implementation of any necessary remedial actions identified by monitoring.

Note:

Applicants are advised to consult the publication titled Guidelines for the Preparation of Environmental Management Plans (2004) by the Department of Infrastructure, Planning and Natural Resources.

## 2.5.8 Extraction Sequence

### Desired Outcomes

- a. Extraction that occurs in an orderly and controlled manner.
- b. Extraction that is undertaken in an environmentally acceptable manner.
- c. Protection of land holdings not currently being extracted and to facilitate future extraction.

### Prescriptive Measures

- a. Applications should document the means to reduce the depth and area of extraction in locations most likely to have an impact upon groundwater, flora, fauna, archaeology, and other sensitive site features.

### DA Submission Requirements

- b. Applications should be accompanied by an Extraction Program Plan, which identifies an orderly sequence of extraction having regard to:
  - topographical and landscape areas of scenic or environmental sensitivity,
  - variations in the type, quantity and quality of the deposit over the entire development site,
  - location, area, depth of extraction unit/area,
  - the estimated volume of deposit of each extraction unit/area within the overall extraction program plan, and
  - expected duration/lifespan of each extraction unit/area.

Note:

The Extraction Program Plan should be supplemented with scaled plans, profiles and cross sections for all phases and stages of the operation.

## 2.5.9 Rehabilitation

### Desired Outcomes

- a. Extractive industries that implement progressive rehabilitation strategies that minimise long-term impacts on surrounding landuses and optimise sustainable future land use.
- b. Extractive industries that adopt measures to ensure ongoing biodiversity conservation and sustainable management of vegetation.
- c. Extractive industries that rehabilitate sites to a standard that is compatible with the surrounding landscape character and best practice principles of environmental management.

### Prescriptive Measures

- a. Extraction areas should be progressively rehabilitated to reflect the topography, drainage characteristics and landscape quality of the surrounding terrain.
- b. Vegetative cover incorporating native plants and grass covers and endemic species should be established at the earliest possible opportunity.
- c. Stockpiles of clean topsoil & overburden should be appropriately formed and shaped to ensure the viability of the soil and seed source of the site/area for later re-spreading or backfilling.
- d. Topsoil and overburden used as bund walls during extraction should be stabilised using appropriate native species and rehabilitation techniques under the direction of a qualified plant Ecologist or Landscape Architect and used as backfill only when not contaminated with exotic grasses or weeds.
- e. The extraction area should only be backfilled with earth and rock materials sourced as a result of extraction. No solid waste or putrescible materials should be disposed of within the site.

### DA Submission Requirements

- f. A Vegetation Management and Restoration Plan (VMRP) should be submitted with the application.
- g. Applications should be accompanied by a Rehabilitation Plan outlining the rehabilitation program proposed to optimise sustainable future land use including:
  - details of the proposed future land use and final landform,
  - timeframe for rehabilitation works,
  - measures to maintain the viability of topsoil over time and to re-use this resource for site rehabilitation,
  - erosion control measures,
  - revegetation of disturbed areas in line with the Vegetation Management Restoration Plan,
  - weed management proposals,
  - final drainage patterns, and
  - identifying who will be responsible for undertaking any further remediation after operations cease.

Note:

Applicants are advised to consult Council's publication Guidelines for the preparation of Vegetation Management and Restoration Plans 2008.

The collection, processing and storage of native seeds should utilise current best practice measures. Visit the Department of Environment, Climate Change and Water (DECCW ) website [www.deccw.nsw.gov.au](http://www.deccw.nsw.gov.au) or the FloraBank website [www.florabank.org.au](http://www.florabank.org.au) for further information on best practice in planning for seed collection.



# 6.3 Rural Subdivision

## 6.3.1 Rural Lands Subdivision

The following provides controls for subdivision in the Rural areas of Hornsby Shire, including land within the following zones: RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots, C2 Environmental Conservation and C3 Environmental Management.

### Desired Outcomes

- a. Subdivision density that maintains the character of the area and is consistent with the zone objectives.
- b. Subdivision design that provides setbacks to developable areas that will:
  - provide sufficient boundary setbacks to maintain the open rural character of the area;
  - protect landscape features, and
  - minimise potential landuse conflicts with existing rural activities.

### Prescriptive Measures

#### Lot Size

- c. The minimum allotment size for land within the rural areas of the Shire shall be in accordance with the HLEP Minimum Lot Size map as summarised in Table 6.3(a).

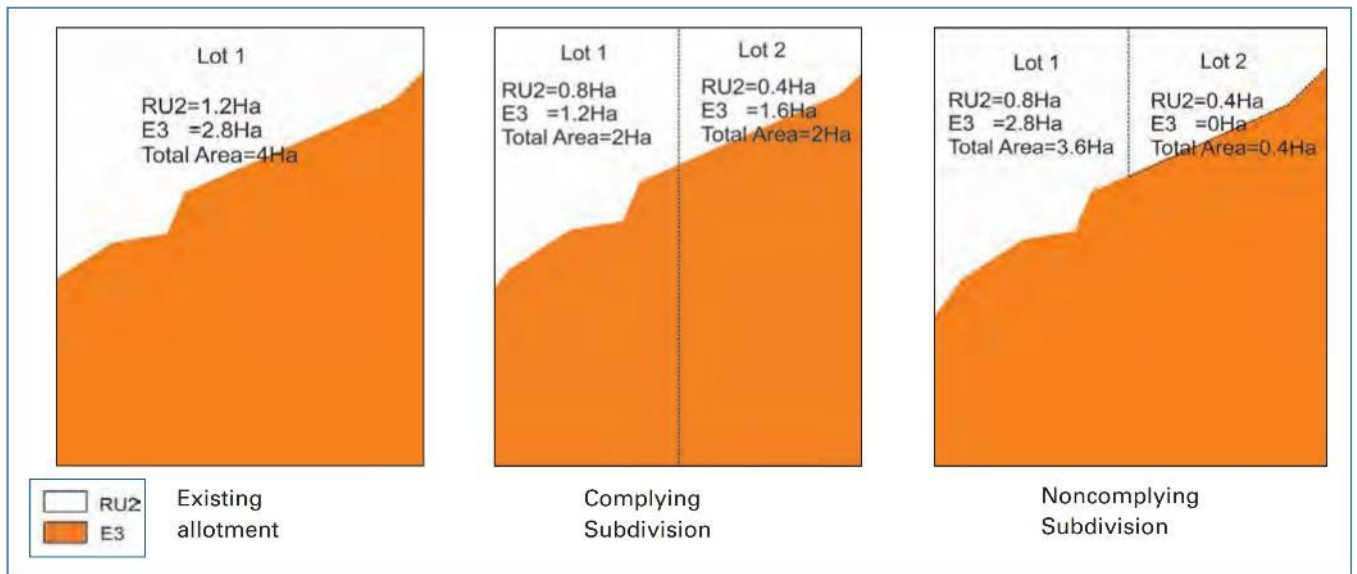
Table 0-a: Minimum Lot Size – Rural Area

HLEP Area	Minimum Lot Size
U	1,000m <sup>2</sup>
X	5,000m <sup>2</sup>
Z	2ha
AA	5ha
AB	10ha
AB1	40ha

- ~~d. In calculating the area of a lot resulting from a subdivision of land, the area of any accessway, right of carriageway or the like is to be excluded.~~
- d. In calculating the area of a lot resulting from a subdivision of land, the area of any accessway, right of carriageway or the like is to be:
  - Excluded for subdivisions involving C2 Environmental Conservation zoned land.
  - Included for subdivisions involving RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots and C3 Environmental Management zoned land.
- e. Some lots in the rural area have a split zoning, such as a rural zone (e.g. RU2) and an Environmental Protection Zone (e.g. C3). Subdivision of such land is to ensure that:
  - The total area of each new lot is equal to or greater than the minimum rural zone lot size over land; and
  - Includes a component of rural zoned land equal to or greater than 20% of the minimum lot size.

Figure 0-a: Application of minimum lot size controls to land within different zones and different areas in the HLEP Maps. (eg. in the above example, the complying subdivision creates 2 lots both of which comply with the minimum lot size as they

have both a total area in excess of the minimum rural zone lot size of 2 hectares and both include a component of rural zoned land greater than 1 acre. (l)



- f. In addition, subdivision layout should generally provide for equal sized split zone lots with regular division lines. Such a layout would promote orderly subdivision where the burden of managing the environmentally sensitive land (eg. C3 zoned land) is shared amongst a number of property owners, as illustrated in Figure 6.3(a), and in accordance with Clause 4.1B of the HLEP.
- g. The size of the proposed lot may need to be greater than the area prescribed in the table above in order to achieve the minimum setbacks required to significant landscape features or to address site constraints.

### Lot Shape

- h. Lot design should identify a suitable developable area. This area is to accommodate the following:
- a minimum building envelope of 200m<sup>2</sup> with a minimum dimension of 10 metres,
  - area for an on-site waste water disposal system area that complies with Section 1C.2.4 of this DCP,
  - area for disposal of stormwater,
  - a principal private open space area,
  - area for parking 2 cars behind the building line, and
  - comply with the general provisions in Section 6.1
- i. Accessways should be located so as not to require more than 1 metre of cut and fill.
- j. If existing rural buildings are to be retained, the proposed lot should be of sufficient size and design so that the development complies with the rural building controls in Section 2.1 of this DCP.

Notes:

A building envelope is the area of land identified for the purpose of the future erection of a rural dwelling and its immediate curtilage.

### Open Space

- k. Subdivision design should provide a principal private open space area of 24m<sup>2</sup> for each lot. This area is to be generally level, with a minimum depth of 3 metres, sited adjacent to the building envelope and behind the front setback.

### Setbacks

- l. Setbacks to the proposed building envelope should comply with Table 6.3(b):

**Table 6.3(b): Minimum Boundary Setbacks**

Minimum Setbacks	HLEP Lot Size Map Areas U and X	HLEP Lot Size Map Areas Z, AA, AB and AB1
Front Boundary (primary frontage)	10m or the average of the front setbacks of the nearest two neighbouring houses, whichever is the greater	15m to local roads 30m to designated roads
Secondary boundary (on corner lots)	5m	10m
Side boundary	5m	10m
Rear boundary	10m	15m

- m. For a lot that adjoins parallel roads, the front boundary setback control applies to both the primary frontage and the parallel road boundary.
- n. The proposed building envelope should comply with the minimum separations to intensive rural activities as detailed in Part 2 of the DCP.
- o. The setback of the building envelope and ancillary structures from the property boundary may need to be increased to comply with the general provisions in Part 1 and Section 6.1 of this DCP.

Notes:

### Designated roads

Designated roads are Council identified roads that require development to have an increased setback from the road edge, consistent with the established streetscape. A list of designated roads is provided in Annexure C.

## Primary Production Lots

- p. Council may grant consent for a subdivision upon land zoned RU1 Primary Production, RU2 Rural Landscape or RU4 Rural Small Holdings which is less than the minimum allotment size requirement as shown on the Lot Size Map contained in HLEP, where it can be demonstrated that the purpose of the subdivision is for primary production purposes only.
- q. The following additional provisions relate to applications for primary production lots:
- Any lot created for the purpose of primary production only is to demonstrate that the land is of sufficient size and shape to accommodate viable primary production use.
- All applications should be accompanied by a letter from NSW Department of Primary Industries or financial documentation certifying that the agricultural activity on the allotment justifies the demand for a separate lot.
- r. Any proposed lot for primary production purposes must not be created so as to permit an existing dwelling to be situated on the lot.
- s. A dwelling-house or dwelling (including a rural workers dwelling) is prohibited to be erected on any primary production lot.
-