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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).


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.
Figure 2(a): The Rural Area of Hornsby Shire. (C)
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), E2 Environmental Conservation and E3 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): Translation of Height to Storeys

<table>
<thead>
<tr>
<th>HLEP Area</th>
<th>Maximum Building Height (m)</th>
<th>Maximum Storeys (excluding basement carparking)</th>
</tr>
</thead>
<tbody>
<tr>
<td>K</td>
<td>10.5m</td>
<td>2 storeys + attic</td>
</tr>
</tbody>
</table>

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, or
(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).

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>
<thead>
<tr>
<th>Lot Size</th>
<th>Maximum site coverage (% of total lot size)</th>
</tr>
</thead>
<tbody>
<tr>
<td>up to 899m²</td>
<td>50%</td>
</tr>
<tr>
<td>900m² to 1499m²</td>
<td>40%</td>
</tr>
<tr>
<td>1500m² to 3999m²</td>
<td>30%</td>
</tr>
<tr>
<td>4000m² or larger</td>
<td>on merit, based on-site constraints</td>
</tr>
</tbody>
</table>

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:

(a) any basement, and
(b) 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
(c) any eaves, and
(d) 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:

(a) any land on which the development is not permitted under an environmental planning instrument, and
(b) 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 4000m² or larger should have a maximum area of 250m² for each outbuilding and a total maximum combined area of all outbuildings of 500m² unless demonstrated that they are required for an intensive rural activity.

Roadside Stalls

j. Roadside stalls on land zoned RU1, RU2, and RU4 should be no greater than 40m² pursuant to Clause 5.4 of the HLEP.

k. Roadside stalls should be constructed in a form and of materials that are of a rural character.

l. 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:

(a) balcony, deck, patio, pergola, terrace or verandah that is detached from a dwelling house,
(b) cabana, cubby house, fernery, garden shed, gazebo or greenhouse,
(c) carport that is detached from a dwelling house,
(d) farm building,
(e) garage that is detached from a dwelling house,
(f) rainwater tank (above ground) that is detached from a dwelling house,
(g) shade structure that is detached from a dwelling house,
(h) 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 agriculture produce of hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.
2.1.2 Setbacks

**Desired Outcomes**

a. Setbacks that compliment 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>
<thead>
<tr>
<th>Property Boundary</th>
<th>Lots &lt;4000m²</th>
<th>Lots &gt;4000m²</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waterfront Setback</td>
<td>see Clause 6.1 of HLEP and Foreshore Building Line Map</td>
<td></td>
</tr>
<tr>
<td>Front boundary (primary frontage)</td>
<td>10m or the average of the front setbacks of the nearest two neighbouring houses, whichever is greater</td>
<td>15m to local roads and 30m to designated roads</td>
</tr>
<tr>
<td>Secondary boundary (on corner lots)</td>
<td>5m</td>
<td>10m</td>
</tr>
<tr>
<td>Side boundary</td>
<td>5m</td>
<td>10m</td>
</tr>
<tr>
<td>Rear boundary</td>
<td>10m</td>
<td>15m</td>
</tr>
</tbody>
</table>

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

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 land use 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 $200\text{m}^2$ 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 $20\text{m}^2$ 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.

**Retention of Landscape Features**

e. 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.

**Fences and Gates**

f. Frontages/streetscapes should not contain excessively urban features such as formal gates and high fences.
g. Fences should be open style and constructed of materials such as timber or post and wire, with a maximum height of 1.8 metres.
h. Any masonry gate entry feature should not extend more than 3 metres either side of the driveway entrance.
i. 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(a) Example of a suitable open style rural fence. (E)](image)

![Figure 2.1(b) Example of a masonry entry feature that does not extend more than 3 metres either side of the driveway. (E)](image)
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).

**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.

**Table 2.1.4(a): Minimum Private Open Space**

<table>
<thead>
<tr>
<th>Minimum Principal Area</th>
<th>Minimum Dimension of Principal Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>24m²</td>
<td>3m</td>
</tr>
</tbody>
</table>

- 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.

**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. Building materials of dwelling houses should contribute to the rural character, including: stone masonry, brickwork or timber construction with tile, slate or metal roofing.

i. Building colours should be harmonious with the surrounding natural environment.

Storage Areas

j. Outdoor storage areas should be located behind the front building setback and screened from view from adjoining sensitive areas.

k. 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)

l. Undercroft spaces with a vertical height at any point of more than 1.5 metres above existing ground level should not be enclosed.

m. Undercrofts, including any plumbing or rainwater tanks located within, should be painted in dark recessive colours.

n. 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(c): Example of a dwelling house designed and sited to contribute positively to the rural landscape. (E)

Figure 2.1(d): 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 land uses, 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**

<table>
<thead>
<tr>
<th>Land use in a Rural Zone</th>
<th>Separation to Intensive Plant Agriculture (metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any dwelling (whether on a neighbouring property) (with no vegetation buffer)</td>
<td>50m</td>
</tr>
<tr>
<td>Any dwelling (whether on a neighbouring property) (with a vegetation buffer)</td>
<td>20m</td>
</tr>
</tbody>
</table>

**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.


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

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

Prescriptive Measures

a. Dams should not prevent or significantly alter water flows to adjoining properties or natural ecosystems.

b. Dams should not be located on sites with a gradient in excess of 15%.

c. Dam design guidelines are illustrated in Figure 2.2(a). The dam spillway should be designed for the 1 in 20 year storm event.

d. 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.

e. 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.

2.2.3 Garden Centres, Plant Nurseries and Landscaping Material Supplies

Desired Outcome

a. Garden centres, plant nurseries and landscaping material supplies 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) 400m²,
   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 landscaping 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 or training establishments that are sympathetic to the rural character of the area and have minimal impact on the amenity of surrounding land uses.

**Prescriptive Measures**

**General**

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

b. 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**

c. 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>
<thead>
<tr>
<th>Animal Accommodated</th>
<th>Minimum Separation to Sensitive Land Uses (metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poultry</td>
<td>30m</td>
</tr>
<tr>
<td>Ducks</td>
<td>30m</td>
</tr>
<tr>
<td>Horses</td>
<td>30m</td>
</tr>
<tr>
<td>Goats</td>
<td>45m</td>
</tr>
<tr>
<td>Pigs</td>
<td>60m</td>
</tr>
<tr>
<td>Cats and Dogs</td>
<td>100m</td>
</tr>
</tbody>
</table>

d. 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.

e. 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 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 4000m²,
   - 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 110m², 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) a site plan showing the nature and extent of agricultural undertakings on the land;
   - (b) 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).
   - (c) 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 60m², 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 500m² principal dwelling on the site (excluding the garage). The property can therefore accommodate a secondary dwelling with a gross floor area of up to 165m² (33% of 500m²).

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 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 0.5m²,
   - 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 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.

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 200m², 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 500m² existing dwelling on the site (excluding the garage). They propose to attach a second dwelling to the existing dwelling. The property can therefore accommodate and 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).

Figure 2.2(b): Covered walkways are not acceptable means of attaching the two dwellings. (E)
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
* dry, harsh site conditions

SUGGESTED PLANTING LIST

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

NO OVERHEAD WIRES
* Eucalyptus gunnii
* Eucalyptus haemastoma
* Eucalyptus piperita
* Syncarpia glomulifera
* Tristaniopsis laurina

LARGE TREES FOR UNRESTRICTED AREAS
* Eucalyptus pilularis
* Eucalyptus saligna

EXOTIC SPECIES
NO OVERHEAD WIRES
* Jacaranda mimosaefolia
* Pistacia chinnedis
* Ulmus parvifolia
* Pinus radiata

See Figure 2 for Master Plan of Dural Village

DURAL VILLAGE CENTRE

This area requires special attention to create its own identity or 'sense of place'. A road 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 Road. A 15m embankment applies from the realigned road boundary. Street tree planting to be implemented along both sides of Old Northum Road, north of Quarry Road where road widening has been completed.
Dural Village Masterplan (Figure 2)
Dural Village Masterplan (Figure 2 cont)

Note:
A Large Scale Plan is Available from Hornsby Council Planning Division if Required
Dural Village Masterplan (Elevation)
**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.

**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 number's 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.
Wisemans Ferry Village Masterplan
Wisemans Ferry Village Masterplan
2.4 Dural Village

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

2.4.1 Scales

Desired Outcomes

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

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 2.4.1(a).

Table 2.4.1(a): Translation of Height to Storeys

<table>
<thead>
<tr>
<th>HLEP Area</th>
<th>Maximum Building Height (m)</th>
<th>Maximum Storeys (excluding basement carparking)</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>8.5</td>
<td>2 storeys + attic</td>
</tr>
</tbody>
</table>

b. 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.

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,
or
(b) 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. Low pitched roofs with wide eaves should be
encouraged for compatibility with streetscape character
and sun control.

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.

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>
<thead>
<tr>
<th>Lot size</th>
<th>Maximum site coverage (% of total lot size)</th>
</tr>
</thead>
<tbody>
<tr>
<td>200m² to 249m²</td>
<td>65%</td>
</tr>
<tr>
<td>250m² to 299m²</td>
<td>60%</td>
</tr>
<tr>
<td>300m² to 449m²</td>
<td>55%</td>
</tr>
<tr>
<td>450m² to 899m²</td>
<td>50%</td>
</tr>
<tr>
<td>900m² to 1499m²</td>
<td>40%</td>
</tr>
<tr>
<td>1500m² or larger</td>
<td>30%</td>
</tr>
</tbody>
</table>

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>
<thead>
<tr>
<th>HLEP Area</th>
<th>Maximum Floor Space Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>D</td>
<td>0.5:1</td>
</tr>
</tbody>
</table>

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 100m²
- 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:

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) 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

**m.** 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**

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

**n.** The setback is to be measured from the RMS realigned road boundary. The road reservation is depicted on the *HLEP* Land Reservation Acquisition Map.

**o.** 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.

**p.** Notwithstanding the above, carparking for commercial uses should be setback 3 metres from side boundaries.

**q.** 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

**r.** 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 25m², is able to encroach to within 0.9 metres of the rear boundary (e.g. 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**

a. Landscaping that integrates the built form with soft landscaping and retains and enhances the tree canopy.

b. Development that retains existing landscape features.

**Prescriptive Measures**

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

<table>
<thead>
<tr>
<th>Lot size</th>
<th>Minimum Landscaped Area (% of the lot size)</th>
</tr>
</thead>
<tbody>
<tr>
<td>200m² to 299m²</td>
<td>10%</td>
</tr>
<tr>
<td>300m² to 449m²</td>
<td>15%</td>
</tr>
<tr>
<td>450m² to 599m²</td>
<td>20%</td>
</tr>
<tr>
<td>600m² to 899m²</td>
<td>30%</td>
</tr>
<tr>
<td>900m² to 1499m²</td>
<td>40%</td>
</tr>
<tr>
<td>1500m² or larger</td>
<td>45%</td>
</tr>
</tbody>
</table>

b. Areas included as part of the minimum landscaped area should have a minimum width of 1.5 metres.

c. At least 50 percent of the minimum landscaped area should be located behind the building line to the primary road frontage.

d. 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.

Retention of Landscape Features

e. The proposed building, ancillary structures, driveways, drainage and service trenches should be set back:
   - 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

f. Within front setbacks, fences should not be higher than 1.2 metres. The use of picket fencing on the front property alignment is encouraged.

g. Front fencing should be constructed from predominately lightweight materials with the design allowing at least 50 percent openings.

h. Side and rear boundary fences should be a maximum of 1.8 metres high, sited behind the front building line.

![Figure 2.4(c): Landscaped area. (I)](image-url)
2.4.4 Open Space

**Desired Outcomes**

i. 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**

<table>
<thead>
<tr>
<th>Minimum Principal Area</th>
<th>Minimum Dimension of Principal Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>24m²</td>
<td>3m</td>
</tr>
</tbody>
</table>

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**

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

**Prescriptive Measures**

**Privacy**

a. 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.

b. Living and entertaining areas of dwelling houses should be orientated towards the private open space of the dwelling house and not side boundaries.

c. 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.

d. 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.

e. 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**

f. Private open spaces, living room windows and lobbies should be designed and oriented to overlook the street and communal open spaces on the site.

g. Identify safe, clear and direct pedestrian and cyclist entrance to the building/s from the primary street frontage.

h. 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

Element Objectives

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 setback 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 SREP No 9—Extractive Industry (No 2—1995) 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.

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

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.

Figure 2.5(a): SREP No.9 locality. (C)
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 cannot 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;
   - kept 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 subcatchments 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 (e.g. existing vegetation and watercourses).

Post DA Submission Requirement

- 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**

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

**Prescriptive Measures**

- Effective noise control measures should be incorporated into extraction sites.

- 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**

<table>
<thead>
<tr>
<th>Weekday</th>
<th>Hours of Operation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday to Saturday inclusive</td>
<td>7am to 6pm</td>
</tr>
<tr>
<td>Sundays and Public Holidays</td>
<td>No work should occur</td>
</tr>
</tbody>
</table>

- 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.

- The maximum average noise emission level of extraction should not exceed 5dB(A) above maximum average background noise levels.

**DA Submission Requirements**

- 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

a. 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.

**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.