



BUSINESS PAPER
EXTRA ORDINARY MEETING
OF COUNCIL

To be held on

Wednesday, 22 May 2019
5:30pm

at

Walcha Council Chambers
2W Hamilton Street, Walcha

Members:

Mayor – Councillor Eric Noakes
Deputy Mayor – Councillor Clint Lyon
Councillor Peter Blomfield
Councillor Kevin Ferrier
Councillor William Heazlett
Councillor Jennifer Kealey
Councillor Scott Kermode
Councillor Rachael Wellings

Quorum – 5 Members to be Present
WO/2019/01102

AGENDA

Submitted to Council: 22 May 2019

..... General Manager Mayor



Dear Mayor & Councillors

You are requested to attend the Extra Ordinary Meeting of the Walcha Council to be held in the Council Chambers, Hamilton Street, Walcha on **Wednesday, 22 May 2019** commencing at **5:30pm**.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jack O'Hara'.

Jack O'Hara
GENERAL MANAGER

INDEX

1. Apologies
2. Senior Officers Reports
 - 2.1 Walcha Draft Development Control Plan WO/2019/01099
 - 2.2 Planning Proposal Annual Review WO/2019/01107
 - 2.3 Walcha Local Strategic Planning Statement WO/2019/01108
 - 2.4 Committee of the Whole Referral – Purchase of an Additional Dwelling WO/2019/01103

Submitted to Council: 22 May 2019

..... General Manager Mayor



Present:

Apologies:

Submitted to Council: 22 May 2019

..... General Manager Mayor



Item 2: Senior Officers' Reports

Submitted to Council: 22 May 2019

..... General Manager Mayor



Item: 2.1 **Ref:** WO/2019/1009
Title: Walcha Draft Development Control Plan (DCP)
Author: Contract Town Planner
Previous Items: Not Applicable
Attachment: DCP 1 – Rural Residential Subdivision – WINT 09 1794
 DCP 2 – Guidelines for the Erection of Advertisements and Advertising Structures – WINT 09 1795

CSP Ref:

Goal 6.1 – Walcha’s distinct and diverse natural and built environment will be protected and enhanced.

Goal 6.6 – The character of Walcha and its surrounding villages will be maintained while protecting the productivity of our rural land.

Introduction:

The purpose of this report is to consider the Draft Walcha Development Control Plan (DWDCP) enabling it to go out to public exhibition, prior to finalisation and adoption. The DWDCP is to support the controls contained within the *Walcha Local Environmental Plan 2012*.

Division 3.6 of the *Environmental Planning and Assessment Act 1979* outlines the purpose and how a development control plan is to be made.

Currently Council has two development control plans being:

1. DCP 1 – Rural Residential Subdivision
2. DCP 2 – Guidelines for the Erection of Advertisements and Advertising Structures.

Report:

A development control plan (DCP) is a written document that supports a local environmental plan (LEP) and expands its principal development standards. It is a locally adopted plan and guides council staff, developers and landowners in the local requirements needed for development. A DCP may contain a range of measures such as planning principles, objectives and controls for buildings. DCPs can also have controls for single topics such as landscaping, drainage and car parking.

Section 3.42 of the *Environmental Planning and Assessment Act 1979* states:

3.42 Purpose and status of development control plans

- (1) *The principal purpose of a development control plan is to provide guidance on the following matters to the persons proposing to carry out development to which this Part applies and to the consent authority for any such development:*
 - a) *giving effect to the aims of any instrument that applies to the development,*
 - b) *facilitating development that is permissible under any such instrument,*
 - c) *achieving the objectives of land zones under any such instrument.**The provisions of a development control plan made for that purpose are not statutory requirements.*
- (2) *The other purpose of a development control plan is to make provisions of the kind referred to in section 3.43 (1) (b)–(e).*

Submitted to Council: 22 May 2019

..... General Manager Mayor



(3) Subsection (1) does not affect any requirement under Division 4.5 in relation to complying development.

This diagram shows where in the hierarchy of the *Environmental Planning & Assessment Act 1979*, development control plans sit.

Currently Council has two development control plans being:

1. DCP 1 – Rural Residential Subdivision Adopted 3 December 1997
2. DCP 2 – Guidelines for the Erection of Advertisements and Advertising Structures – Adopted 28 September 2005

Both which are attached, are still current and the information contained within has been taken up within the DWDCP. But, neither fully support nor reflect current legislative standards, and they do not consider other relevant local issues (ie parking, landscaping etc), and do very little to support the *Walcha Local Environmental Plan 2012*. Hence a review has been undertaken and the DWDCP has been prepared by Keiley Hunter, Urban Planner.



How development control plans are made

1. A draft plan is prepared by council.
2. Public exhibition is undertaken for 28 days and submissions invited. Anyone may make a written submission during the submission period.
3. All submissions, the draft plan, with any amendments, is considered and adopted by council.
4. The plan comes into force after public notice of its adoption.

Please Note: Council is not required to consult with any State Agencies including the Department of Planning & Environment. Council will provide an updated copy of the final Walcha Development Control Plan to be uploaded on the NSW Planning Portal. (www.planningportal.nsw.gov.au/find-a-property)

A workshop is to be held on the day of the meeting which will consider the detailed content of the DWDCP. After resolution to accept the draft with any changes required from the workshop, public submissions will be called over a 28 day period. A further workshop will then be held to consider the submissions, all issues raised and the final content of the Walcha Development Control Plan prior to Council adoption.

Legal Issues:

The Walcha Development Control Plan is being prepared as per the provisions of Division 3.6 of the *Environmental Planning and Assessment Act 1979*. It is a guideline however must be considered in the evaluation and assessment of development proposals pursuant to Section 4.15 of the *Environmental Planning and Assessment Act 1979*.



Financial Implications:

The cost of the public notice, and the work of the consultant in its preparation.

Environmental Implications:

Nil

Social Implications:

Community members are asked to contribute to and understand the development guidelines within the Walcha Development Control Plan and how it will support the *Walcha Local Environmental Plan 2012*.

Management Plan Implications:

Nil

Policy Implications:

Nil

RECOMMENDATION: That Council place the Draft Walcha Development Control Plan, including any amendments as per the Workshop Notes, on public exhibition for a period of 28 days.

Submitted to Council: 22 May 2019

..... General Manager Mayor



WALCHA

DEVELOPMENT CONTROL PLAN

RURAL RESIDENTIAL SUBDIVISION

1998

Dated 3 December 1997

1
SHIRE OF WALCHA
DEVELOPMENT CONTROL PLAN
RURAL RESIDENTIAL SUBDIVISION

CITATION

1. This Plan may be cited as "Walcha Development Control Plan No.1 Rural Residential Subdivision".

AIMS, OBJECTIVES, ETC.,

2. The general aims of this Plan are:-
 - a) To ensure that subdivision for rural/residential development occurs on land which is not prime crop and pasture land;
 - b) To ensure that adequate services are available for rural/residential development;
 - c) To ensure that fragmented and isolated development of rural land does not occur
 - d) To ensure that adequate arrangements in respect of the control of noxious weeds and the minimisation of risk from bush fire have been made.

LAND TO WHICH PLAN APPLIES

3. This Plan applies to land in the Shire of Walcha which is zoned 1(a) (General Rural) and 7(d) (Environmental Protection-Scenic)

RELATIONSHIP TO ENVIRONMENTAL PLANNING INSTRUMENT

4. This Plan conforms with the provisions of the Walcha Local Environmental Plan 1998 and provides more detailed provisions than are contained in the Local Environmental Plan.

DATE FROM WHICH PLAN APPLIES

5. This Plan shall apply from the date on which the Walcha Local Environmental Plan 1998 applies.

SHIRE OF WALCHA
DEVELOPMENT CONTROL PLAN
RURAL RESIDENTIAL SUBDIVISION

DEVELOPMENT CONTROLS

6.
 - 1) This Clause applies to land in Zone No. 1(a) which is within a radius of two (2) km of the township of Walcha.
 - 2) Council consent for the subdivision of land referred to in Sub-Clause (1) and the subsequent erection of a dwelling on each allotment shall not be granted unless each allotment has an area not less than two (2) hectares.
 - 3) When considering an application for subdivision of land referred to in Sub-Clause (1) Council shall take into consideration:-
 - a) The desirability of providing a range and mix of allotment sizes;
 - b) The size of each proposed allotment in relation to its suitability to accommodate the proposed development and the disposal of wastes;
 - c) Whether adequate services are available to each allotment;
 - d) Whether sealed access roads are available to each allotment.
 - e) Whether provision has been made for the control of noxious weeds and the minimisation of the risk to development from bush fire hazards.
 - 4) Council may consent to the creation of allotments to which this Clause applies, having a minimum allotment size of 1000m², for the purposes of a dwelling, where the allotments are connected to Council's reticulated sewerage scheme.
7.
 - 1) This Clause applies to land in Zone No. 1(a) which is within a radius of between two (2)km and five (5)km of the township of Walcha.
 - 2) Council consent for the subdivision of the land referred to in Sub-C Clause(1) and subsequent erection of a dwelling on each allotment shall not be granted unless each allotment created has an area of not less than 20 ha.

SHIRE OF WALCHA
DEVELOPMENT CONTROL PLAN
RURAL RESIDENTIAL SUBDIVISION

- 3) When considering an application for subdivision of land referred to in Sub-Clause (1) Council shall take into consideration:-
- a) The desirability of providing a range and mix of allotment sizes;
 - b) The size of each proposed allotment in relation to its suitability to accommodate the proposed development and the disposal of wastes;
 - c) Whether adequate services are available to each allotment;
 - d) The type of road construction proposed for allotments within a radius of between two (2)km and five (5)km of the township of Walcha;
 - e) Whether provision has been made for the control of noxious weeds and the minimisation of the risk to development from bush fire hazards.

SERVICES

Road Access

8. a) **Within Zone No. 1(a):-**
- I. Each allotment to be created within a two (2)km radius of the township of Walcha will have frontage to a bitumen sealed road with access to Walcha. The road shall be constructed to Council's standards for rural roads; or
 - II. Each allotment to be created within a radius of between two (2)km and five (5)km of the township of Walcha will have frontage to a bitumen sealed road. The road shall be constructed to Council's standards for rural roads by the developer.

SHIRE OF WALCHA
DEVELOPMENT CONTROL PLAN
RURAL RESIDENTIAL SUBDIVISION

Water

9. a) **Within Zone No. 1(a):-**
- I. Each proposed allotment to be created within a radius of two (2)km from the township of Walcha is to be connected to a reticulated public water supply; or
 - II. Each proposed allotment to be created within a radius of between two (2)km and five (5)km of the township of Walcha is to be of sufficient size to enable the provision of an adequate potable water supply and a bulk water supply for fire fighting purposes.

Waste Disposal

10. Each allotment to be created under the provisions of this Plan is to contain sufficient area for the on-site disposal of effluent in accordance with the requirements of Council and Department of Health.

Utility Services

11. Each proposed allotment to be created under the provisions of this Plan shall be capable of being connected to a reticulated electricity supply and a telephone service. Written confirmation from the relevant public authority that these services are available shall be provided to Council.

NOXIOUS WEEDS

12. Each application for subdivision of land in accordance with this Plan must be accompanied by a Plan of Management for the control of noxious weeds. Conditions of consent may be imposed by Council with respect to the control of noxious weeds.

BUSH FIRE

13. Council will require each application for subdivision of land in accordance with this Plan to be accompanied by an assessment of the risk to development from bush fire.

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DEVELOPMENT CONTROL PLAN
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Such assessment will be required to provide details of the methods proposed to minimise the risk to development from bush fire, including, but not limited to:-

- a) Provision of fire trails;
- b) Provision of adequate tanker access;
- c) Provision of suitable hazard reduction zones around the designated building sites.

DOCUMENTATION TO BE SUBMITTED

14. The following documentation will be required to be submitted to Council for consideration with each application for subdivision of land in accordance with the Plan:-

- a) A minimum of three (3) copies of plans, drawn to a suitable scale, showing:-
 - I. Proposed allotment layout;
 - II. Existing contours and drainage lines;
 - III. Existing vegetation;
 - IV. Existing buildings;
 - V. Proposed building sites;
 - VI. Proposed roads;
 - VII. Proposed access driveways.
 - VIII.
- b) Details of the proposed method of effluent disposal;
- c) Details of the arrangements to be made for the provision of water, electricity and telephone services to each allotment.
- d) A Plan of Management for the control of noxious weeds;

SHIRE OF WALCHA
DEVELOPMENT CONTROL PLAN
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- e) An assessment of the bush fire risk in respect of development proposed on the land and details of the methods proposed to minimise any identified risk;
- f) An assessment of the flood liability of the land and, if required, the measures proposed to reduce flooding risk.

WALCHA COUNCIL



DEVELOPMENT CONTROL PLAN NO. 2

GUIDELINES FOR THE ERECTION OF ADVERTISEMENTS AND ADVERTISING STRUCTURES

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1.0 GENERAL

1.1 Name of Plan

This plan shall be known as the “Walcha Council - Development Control Plan No. 2 – GUIDELINES FOR THE ERECTION OF ADVERTISEMENTS AND ADVERTISING STRUCTURES.

1.2 Operation of the Plan

This plan is made by Council in accordance with Section 72 of the Environmental Planning and Assessment Act, 1979, as amended (EP & A Act) and the associated regulations.

This plan came into force on 28th September 2005, in accordance with Clause 21 of the Environmental Planning and Assessment Regulation, 1980. This plan may only be varied in the manner provided for in the Environmental Planning and Assessment Act.

1.3 Land to Which This Plan Applies

This Plan applies to all lands zoned Zone No. 1(a) (General Rural Zone) and Zone No. 2(v) (Village or Urban Zone) under the provisions of the Walcha Local Environmental Plan 2000.

1.4 Aims and Objectives

The aims of the Plan are to ensure that advertisements and advertising structures:-

- (a) Are compatible with the desired amenity and visual character of an area; and
- (b) Provide effective communication in suitable locations; and
- (c) Are of high quality design and finish; and
- (d) Are regulated under Part 4 of the Act; and
- (e) Provide time-limited consents for the display of certain advertisements.

1.5 Relationships to Other Plans and Legislations

1.5.1 Where there is an inconsistency between this Plan and any environment planning Instrument applying to the same land, then the provisions of the Environmental Planning Instrument shall prevail. An Environmental Planning Instrument includes a State Environmental Planning Policy, a Regional Environmental Plan, a Local Environmental Plan and a deemed Environmental Planning Instrument.

1.5.2 Where there is an inconsistency between this Plan and any other development control plan in force, the provisions of the later development control plan shall prevail.

1.6 Application of the Plan

Where a development application is lodged which relates to land which this Plan applies, Council shall take the provisions of this Plan into consideration in determining that application.

Compliance with the provisions of this Plan does not necessarily imply that Council will consent to an application. Council must take into consideration those matters listed under Section 79(c) of the Act.

In special circumstances, Council may consent to an application which departs from the provisions of this Plan, which will be considered on merit only and where an application also satisfies the aims and objectives of this Plan.

1.7 Definitions

In this Plan:-

“Advertisement” means the display of symbols, messages or other devices for promotional purposes or for conveying information, instructions, directions or the like, whether or not the display includes the erection of a structure or the carrying out of a work.

“Advertising Structure” means a structure that is principally designed for, or that is used for, the display of an advertisement.

“Business identification Advertisement and Advertising Structure” means an advertisement, which in respect of any place or premises to which it is fixed contains all or any of the following:-

- (a) A reference to the identification or description of the place or premises;
- (b) A reference to the identification or description of any person residing or carrying on an occupation at the place or premises;
- (c) Such directions or cautions as are usual or necessary relating to the place or premises or any occupation carried on there;
- (d) Particulars relating to the activities, goods, commodities or services dealt with or provided at the place or premises;

“DCP” means Development Control Plan No. 2.

“LEP” means Walcha Local Environmental Plan 2000.

“Real Estate Advertisement and Advertising Structure” means an advertisement in respect of a place or premises to which it is affixed which contains only a notice that the place or premises is or are for sale or letting together with particulars of the sale or letting is not displayed for more than 7 days after letting or completion of the sale of the premises or place that the advertisement and advertising structure relates.

“Temporary Advertisement and Advertising Structure” means an advertisement of a temporary nature which:-

- (a) announces any local event of a religious, educational, cultural, political, social, or recreational character or relates to any temporary matter in connection with such an event; and
- (b) does not include advertising of a commercial nature (except for the name (s) of an event’s sponsor)

“The act” means the Environmental Planning and Assessment Act.

2.0 ADVERTISING STRUCTURES (LEP REQUIREMENTS)

A person may erect an advertising structure:

- (a) Without development consent, only where the advertisement on or to be placed on the structure indicates or is to indicate:
 - i. The purpose for which premises on the land are, or are to be, used, or
 - ii. The goods or services sold or provided from premises on the land, or
 - iii. That premises on the land are available for sale or available for lease, or
- (b) Only with development consent, if the advertising structure is to be used for displaying an advertisement indicating the location of local commercial services, tourist facilities or places of historic, scientific or scenic interest and the consent authority is satisfied that the advertising structure will not interfere with the amenity of the area.

3.0 DEVELOPMENT CONSENT

3.1 New Advertisement and Advertising Structures

With the exception of advertisement and advertising structures described in the Walcha Local Environmental Plan, advertisements and advertising Structures require the development consent of the Walcha Council.

If the development proposal involves the erection of an advertising structure, in addition to development consent, applicants must obtain a Construction Certificate. All building work must be carried out in accordance with the provisions of the Building Code of Australia and the structure certified by a qualified and practising Structural Engineer.

3.2 Duration of Consent

Permanent advertisement and advertising structures ancillary to approved/permissible development will normally receive unlimited approval. Approval for individual advertisement and advertising structures in rural areas will be issued for a maximum of five (5) years. **It is the applicant's responsibility to ensure that development consent remains current and valid, as the period of approval may vary.**

An extension to the consent may be sought under Section 95A of the EPAA. Continuing approval is subject to compliance with relevant planning controls and the condition of the advertisement and advertising structure at the time of the re-assessment.

Such an application should be made no less than ninety (90) days prior to the expiry date, to enable council sufficient processing time.

4.0 MATTERS FOR CONSIDERATION

4.1 General

When considering a development application for advertisements or advertising structures the Council shall take the following matters into consideration:

- (a) the objectives of this plan;
- (b) the effect of the proposal on the landscape or scenic quality of the locality;
- (c) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of the proposed development;
- (d) the relationship of the advertisement and advertising structure to the public to which it is directed, especially whether it or the advertising contained within is:
 - Appropriate in size and scale to the lawful speed of travel of any motor vehicles on an adjacent road.
 - Appropriate to the purpose of the public place
- (e) Any other appropriate matter under Section 79c of the Environmental Planning and Assessment Act, 1979.
- (f) The level of safety of the travelling public will be determined by referring the application to the Local Traffic Committee

4.2 State Environmental planning Policy No 64

Council will also use the assessment criteria identified in SEPP 64 (appendix 1).

5.0 WHAT GENERAL PROVISION APPLY TO ALL APPLICATIONS?

This clause outlines Councils policies – “what is allowed” and “what is not allowed”.

5.1 Advertisements and advertising structures in rural zones are permitted only where the advertisement and advertising structure (s) is/are either:

- (a) A “temporary advertisement and advertising structure” as defined
- (b) Advertisements and advertising structures placed on land for the specific purpose of directing the travelling public to places where:
 - The advertisement and advertising structure related to a building or place; and
 - The principal purpose of the advertisement and advertising structure is to direct the travelling public to that building or place.

- (c) The size of the advertisement and advertising structure is to be no smaller than four (4) square metres and no larger than nine (9) square metres. The length of the structure is to be no more than double the height of the structure and the height of the structure is to be no more than double the length of the structure. (This does not apply to temporary advertisements and advertising structures).
- (d) Council will not permit the erection of any advertisements and advertising structures within 5km of the Walcha town boundary.
- (e) No advertisement or advertising structure will be permitted within 1.5km from an existing advertisement and advertising structure.
- (f) Advertisement and advertising structures may be permitted on both sides of the road on private property adjacent to the road reserve.
- (g) Advertisement and advertising structures are to be constructed utilising single supports located immediately adjacent to the advertisement and advertising structures. Support stays will not be permitted.
- (h) The distance from the ground to the top of the advertisement shall not be more than six (6) metres.
- (i) Advertisement and advertising structures may be double facing. If they are not double faced they will be required to be treated to present an “aesthetic pleasing” surface to road users.
- (j) Luminous material may be used subject to it not having a negative impact on the road users.
- (k) Only one advertisement and advertising structure per business / organisation will be permitted on each of the approaching roads to Walcha.

6.0 SANDWICH BOARDS

Council will consider applications for sandwich boards to be displayed on the footpath or road reserve in the 2(v) Village or Urban Zone.

Sandwich boards are to meet the following standards:

- (a) The structure must be no more than 1.2m in height and 0.9m in width;
- (b) The information on the advertisement is to relate to the business name, hours of operation, services provided and the like;
- (c) The application for a second structure for any one business will be considered on its merits. Instances where a second structure may be considered include corner allotments, or, shops with long frontages and more than one entrance;
- (d) The structure must be placed in front of the business, or if the structure would not be readily visible if placed in front of the business, it may be placed at the front of the allotment;
- (e) The structure may advertise two adjoining businesses, that is, one advertisement for business A on one side and one advertisement for business B on the other, and may be placed on the boundary of the adjoining shop front;
- (f) The advertisement must be positioned so that it does not impede pedestrian or vehicular traffic and is not a safety hazard;
- (g) The advertisement must only be displayed during in business opening hours, and must be able to be repositioned easily (i.e. cannot be chained, bolted or tied down at any time);
- (h) Prior to the display of the sandwich board, the applicant must provide proof to Council with the application that public liability insurance of not less than five million dollars has been obtained and which indemnifies Council against any actions, claims and proceedings in respect of the structure and the advertisement displayed thereon.

7.0 TEMPORARY ADVERTISEMENT AND ADVERTISING STRUCTURES

Council will consider applications for temporary advertisement and advertising structures to be displayed on the footpath or road reserve in the 2(v) Village and Urban Zone and the 1(a) General Rural Zone.

- (a) These advertisement and advertising structures must not be displayed earlier than twenty eight (28) days before the day on which the event is to take place and must be removed within seven (7) days after the event.
- (b) These advertisement and advertising structures may include banner type advertisement and advertising structures.
- (c) Council will not permit advertisement and advertising structures to extend from one side of the street / road to the other.
- (d) An application is to be lodged for every event; Council will waiver the total cost of the Development Application Fee.

8.0 ADVERTISEMENT AND ADVERTISING STRUCTURES PREJUDICIAL TO TRAFFIC SAFETY

Council will regard advertisement and advertising structures as prejudicial to the safety of the travelling public (and require their removal) if:

- (a) they obscure or interfere with road traffic advertisement and advertising structures;
- (b) they obscure or interfere with the view of a road hazard or on-coming vehicle or any other vehicle or person or other obstruction which should be visible to drivers and other road users
- (c) they give instructions to traffic by the use of the words "halt", "stop" or other directions or initiate traffic advertisement and advertising structures in respect of shape, colour etc.
- (d) they can be programmed; move; use flashing or chasing lights or are highly reflective or intense enough to impair a driver's vision or to distract the driver's attention;
- (e) They are situated where road conditions require higher levels of driver concentration, eg where sight distance is limited on curves, at important intersections, near traffic signals near level crossings, at merging and diverging traffic sites or within the driver decision distance (generally 100-200 metres) at such locations.

9.0 ONGOING MAINTENANCE

The responsibility for the care and maintenance of the advertisement and advertising structures rests with the landowner.

All advertisement and advertising structures must be maintained to an adequate standard. Council will take any necessary action to ensure that damaged, dilapidated or unsafe advertisement and advertising structures are repaired, replaced or removed.

In this regard the following will apply:

- (a) A letter will be sent to the property owner requesting the repair or removal of the non complying advertisement and advertising structure within seven (7) days.
- (b) If no response is received, a *Notice of Intention to Serve an Order* will be issued under Section 121H of the EPAA specifying when an Order will be issued, the terms of the proposed Order and the period for compliance with the proposed Order.
- (c) If no response is received within fourteen (14) days, an order will then be issued under Section 121B of the EPAA for removal of the advertisement and advertising structure.
- (d) If the order is not complied with and the advertisement and advertising structure is not removed within the stated time frame, Council may issue a Penalty Infringement Notice (PIN 8188) and remove the advertisement and advertising structure with all costs recoverable from the owner of the land.

APPENDIX 1 – STATE ENVIRONMENTAL PLANNING POLICY NO. 64 SCHEDULE 1 – ASSESSMENT CRITERIA

- 1. Character of the area**
 - Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?
 - Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?
- 2. Special areas**
 - Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?
- 3. Views and vistas**
 - Does the proposal obscure or compromise important views?
 - Does the proposal dominate the skyline and reduce the quality of vistas?
 - Does the proposal respect the viewing rights of other advertisers?
- 4. Streetscape, setting or landscape**
 - Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?
 - Does the proposal screen unsightliness?
 - Does the proposal contribute to the visual interest of the streetscape, setting or landscape?
 - Does the proposal reduce clutter by rationalising and simplifying existing advertising?
 - Does the proposal protrude above buildings, structures or tree canopies in the area or locality?
- 5. Site and building**
 - Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?
 - Does the proposal respect important features of the site or building, or both?
 - Does the proposal show innovation and imagination in its relationship to the site or building, or both?
- 6. Associated devices and logos with advertisements and advertising structures**
 - Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?
- 7. Illumination**
 - Would illumination result in unacceptable glare?
 - Would illumination affect safety for pedestrians, vehicles or aircraft?
 - Would illumination detract from the amenity of any residence or other form of accommodation?
 - Can the intensity of the illumination be adjusted, if necessary?
 - Is the illumination subject to a curfew?
- 8. Safety**
 - Would the proposal reduce the safety for any public road?
 - Would the proposal reduce the safety for pedestrians or bicyclists?
 - Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?



Item: 2.2 **Ref:** WO/2019/01107
Title: Planning Proposal 2 – Annual Review
Author: Contract Town Planner
Previous Items: Not Applicable
Attachment: No

Community Strategic Plan Reference:

Goal 6.1 – Walcha’s distinct and diverse natural and built environment will be protected and enhanced.

Goal 6.6 – The character of Walcha and its surrounding villages will be maintained while protecting the productivity of our rural land.

Introduction:

The purpose of this report is to consider the issues to be included within Planning Proposal 2 – Annual Review. These matters are general LEP maintenance (housekeeping) in nature and relate to the workshop held for the Draft Walcha Development Control Plan, and other identified minor issues.

Report:

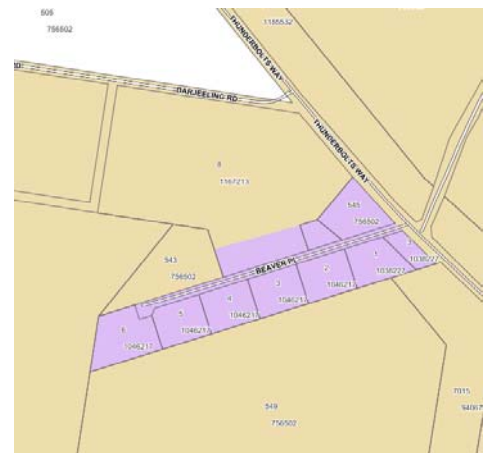
A planning proposal is a document that explains the intended effect of, and justification for, a proposed amendment to a local environmental plan. Under Division 3.4 of the *Environmental Planning & Assessment Act 1979*, Council must prepare and submit a planning proposal to NSW Planning & Environment for consideration.

A formal Planning Proposal has not yet been drafted. The purpose of this report is to consider what is appropriate for inclusion in Planning Proposal No. 2, authorise drafting, request plan making delegation and a Council endorsement to submit the proposal to NSW Planning & Environment for a Gateway Determination. The matters below have been identified for inclusion.

Rezoning

Currently there is one recreation zone being RE1 Public Recreation. This zone is generally intended for a wide range of public recreational areas and activities including local and regional parks and open space. The uses may include ‘recreation facilities,’ ‘community facilities’ such as lifesaving clubs, ‘environmental facilities,’ ‘environmental protection works’ and other uses compatible with the primary use of the land.

Due to an initial drafting error, John Oxley Oval (Lot 8 DP 1167213) is currently zoned RU1 Primary Production and IN1 General Industrial and should be zoned RE1 Public Recreation and IN1 General Industrial. It has a Minimum Lot Size for subdivision of 100 ha for the land zoned RU1. Further, it is also classified as being ‘community’ land as per the provisions of the *Local Government Act 1993*. This prevents any sale of the land which is zoned IN1.



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All public land must be classified by council as either **community** or **operational** land. The main effect of classification is to restrict the alienation and use of the land. Operational land has no special restrictions other than those that may apply to any piece of land.

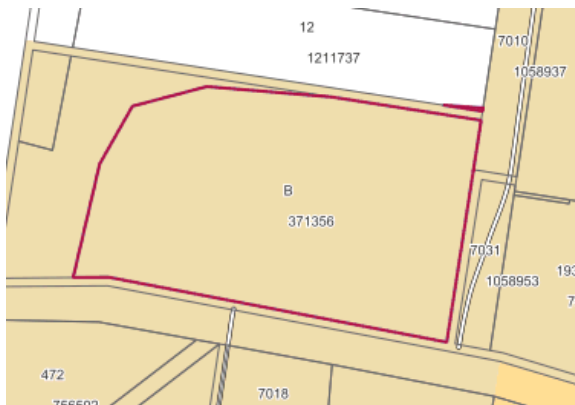
Community land is different. This classification reflects the importance of the land to the community because of its use or special features. Generally, it is land intended for public access and use, or where other restrictions applying to the land create some obligation to maintain public access, and is intended to preserve the qualities of the land. Community land cannot be sold, leased, licenced or any other estate granted over the land for more than 21 years, and must have a plan of management.

It is recommended to make the following changes to Lot 8 DP 1164213 being John Oxley Oval:

- 1. Rezone the portion of the land zoned RU1 to RE1 Public Recreation**
- 2. Remove the Minimum Lot Size Restrictions**
- 3. Reclassify the land from ‘community’ to ‘operational’ land to enable the subdivision of the industrial land when required.**

It is proposed to introduce a new recreation zone being RE2 Private Recreation. This zone is generally intended to cover a wide range of recreation areas and facilities on land that is privately owned or managed. The use of facilities developed on this land may be open to the general public or restricted e.g. to registered members only. Private recreation may include racecourses, golf clubs, bowling clubs, rifle ranges, speedways, tennis complexes and other sporting or recreational facilities which may be on significant parcels of privately owned land, or on land leased from councils or State authorities.

The following land is presently zoned RU1 Primary Production. The land use attributes (private recreation) are more suited to the RE2 Private Recreation Zone objectives and permitted uses.



Walcha Golf Course – Lot B DP 371356



Walcha Race Course – Lot 7016 DP 94120 & Lot 543 DP 756502

It is recommended to rezone land described as Lot B DP 371356, Lot 7016 DP 94120 and Lot 543 DP 756502 being the Walcha Golf Course and the Walcha

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Race Course from RU1 to RE2, and to remove the Minimum Lot Size restriction of 100 ha.

The Walcha Tennis Club is currently zoned R1 General Residential. The tennis club land shown below is a private recreation facility and should be rezoned to RE2 Private Recreation.



Walcha Tennis Club – Lots 1, 2 & 4 Sec 41 DP 759035

It is recommended to make the following changes to Lots 1, 2 & 4 Sec 41 DP 759035 being the Walcha Tennis Courts:

- 1. Rezone the portion of the land zoned R1 General Residential to RE2 Private Recreation**
- 2. Remove the Minimum Lot Size Restrictions**
- 3. Remove the Height Restriction.**

Draft Walcha Development Control Plan

A development control plan (DCP) is a written document that supports a local environmental plan (LEP) and expands its principal development standards. It is a locally adopted plan and guides council staff, developers and applicants in the requirements needed for development. As a result of the preparation and implementation of the draft Walcha Development Control Plan 2019, the following items will require amendment within the *Walcha Local Environmental Plan 2012*.

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1. *Residential Accommodation in the RU5 Village Zone*

Currently in the zone RU5 Village, a blanket land use term of **residential accommodation** is permissible with consent, with the exception of **rural workers' dwellings**. **Residential accommodation** is defined within the *Walcha Local Environmental Plan 2012* as:

residential accommodation means a building or place used predominantly as a place of residence, and includes any of the following:

- (a) attached dwellings,
- (b) boarding houses,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

Accommodation Type	Definition
attached dwelling	means a building containing 3 or more dwellings, where: (a) each dwelling is attached to another dwelling by a common wall, and (b) each of the dwellings is on its own lot of land, and (c) none of the dwellings is located above any part of another dwelling.
boarding house	means a building that: (a) is wholly or partly let in lodgings, and (b) provides lodgers with a principal place of residence for 3 months or more, and (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers, but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.
dual occupancy	means a dual occupancy (attached) or a dual occupancy (detached).

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<i>dwelling house</i>	means a building containing only one dwelling.
<i>group home</i>	means a permanent group home or a transitional group home.
<i>hostel</i>	means premises that are generally staffed by social workers or support providers and at which: (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.
<i>multi dwelling housing</i>	means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.
<i>residential flat building</i>	means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.
<i>rural worker's dwelling</i>	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.
<i>secondary dwelling</i>	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.
<i>semi-detached dwelling</i>	means a dwelling that is on its own lot of land and is attached to only one other dwelling.
<i>seniors housing</i>	means a building or place that is: (a) a residential care facility, or (b) a hostel within the meaning of clause 12 of <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i> , or (c) a group of self-contained dwellings, or (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c), and that is, or is intended to be, used permanently for: (e) seniors or people who have a disability, or

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	(f) people who live in the same household with seniors or people who have a disability, or (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place, but does not include a hospital.
shop top housing	means one or more dwellings located above ground floor retail premises or business premises.

Retaining medium density housing as a permissible land use in the RU5 zone is unsuitable for the following reasons:

The Villages of Woolbrook and Nowendoc are unsewered, with small lots generally of an area unsuitable in size for more than two dwellings, a wastewater disposal area, a reserve field and ancillary elements such as sheds and outbuildings.

Failing wastewater disposal systems impact the subject land and the surrounding environment. The dispersal area required for onsite wastewater disposal systems often limits the viable development footprint of unsewered village lots.

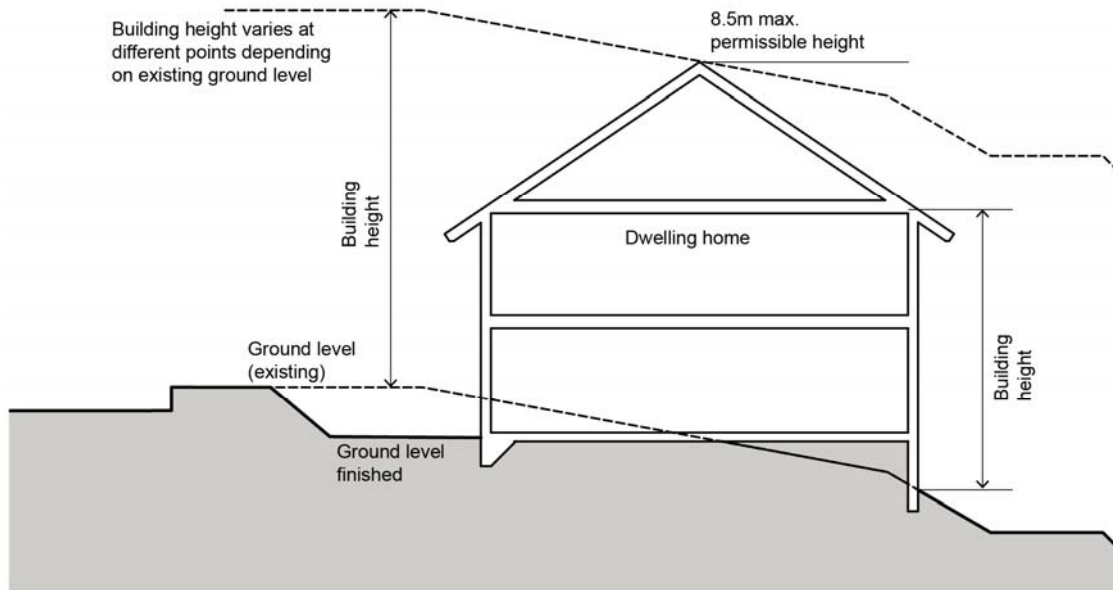
Therefore all forms of residential accommodation involving more than 3 residential domiciles (dwellings), should be removed from the land use table for the RU5 zone, noting that *rural workers' dwellings* will remain as prohibited.

It is recommended to insert *attached dwellings, hostels, multi dwelling housings, residential flat buildings, seniors housing* as prohibited uses in the RU5 Village Zone Land Use Table.

2. *Height of Buildings*

Currently the Height of Buildings Map identifies all land in a residential area and places a height restriction of 8.0 metres for all buildings. State Environmental Planning Policy (Exempt and Complying Development Codes) 2007 introduced the Inland Codes as Part 3D on 8 February 2019. It applies only to all land zoned RU1, RU2, RU3, RU4, RU5, RU6, R1, R2, R3, R4 and R5 in inland local government areas including Walcha.

The maximum height for a dwelling house and any attached development is 8.5m above existing ground level. This results in an inconsistency between complying development approvals and local development assessed by Council.



It is recommended to increase the current height restriction from 8.0 metres to 8.5 metres on the Height of Buildings Map as per Clause 3C.9 of State *Environmental Planning Policy (Exempt and Complying Development Codes) 2007.*

The Planning Proposal Process

1. Planning Proposal - is drafted and consists of the following components:
 - Part 1 A statement of the objectives and intended outcomes. This is a statement of what is planned to be achieved, not how it is to be achieved. It should be written in such a way that it can be easily understood by the general community.
 - Part 2 An explanation of the provisions. This is a more detailed statement of how the objectives or intended outcomes are to be achieved by means of amending an existing LEP
 - Part 3 The justification for those objectives, outcomes and the process for their implementation. This sets out the case for making the proposed LEP.
 - Part 4 Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies. Planning proposals should be supported by relevant and accurate mapping where appropriate.
 - Part 5 Details of the community consultation that is to be undertaken. This is an indication of any proposed community consultation is required with the planning proposal.
 - Part 6 Project timeline. A primary goal of the plan making process is to reduce the overall time taken to produce LEPs. The Gateway determination will confirm the level of information necessary to support a planning proposal and the consultation requirements. This is

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to ensure that the plan making process will be completed within a reasonable time.

2. Request Council Section 3.36(2) under the *Environmental Planning & Assessment Act 1979* Delegation - This provides that if the planning proposal authority is a council, the Gateway determination may authorise the council to make the proposed instrument and set out any conditions the council is required to comply with before the instrument is made. When this authorisation is given, the council becomes the local plan-making authority.
3. Gateway Determination - the Minister (or delegate) decides whether the planning proposal can proceed (with or without variation) and subject to other matters including further studies being undertaken, public consultation, public hearings, agency consultation and time frames. A planning proposal does usually not proceed without conditions of this nature. The conditions are then complied with and if necessary, the proposal is changed. A decision on whether the relevant council is able to finalise particular types of LEPs is also determined at this stage.
4. Consultation – Agency as per gateway determination and public exhibition with written submissions being requested. A person making a submission may also request a public hearing.
5. Public Hearing – This is required with all reclassification of land.
6. Parliamentary Counsel - request to legally draft the legal amendment to the *Walcha Local Environmental Plan 2012*, and to give an Opinion that the Plan may be made.
7. Make Plan - Use Council Delegation as issued under section 3.36(2) of the *Environmental Planning & Assessment Act 1979*.

Legal Implications:

It is Council’s responsibility to ensure that the amendment to the *Walcha Local Environmental Plan 2012*, is carried out as per the provisions of the *Environmental Planning & Assessment Act 1979*.

Financial Implications:

The cost of the public notices.

Environmental Implications:

Nil

Social Implications:

Community members are asked for written submissions on the proposed amendments.

Management Plan Implications:

Nil

Policy Implications:

Nil

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RECOMMENDATION:

That Council:

1. Prepare a planning proposal to include the following:
 - a. Rezone the portion of the land described as Lot 8 DP 1164213 zoned RU1 Primary Production to RE1 Public Recreation, remove the land from the Minimum Lot Size map and reclassify the land from 'community' to 'operational' land to enable the subdivision of the industrial land when required.
 - b. Rezone land described as Lot B DP 371356, Lot 7016 DP 94120 and Lot 543 DP 756502 from RU1 Primary Production to RE2 Public Recreation, and to remove the land from the Minimum Lot Size Map.
 - c. Rezone the portion of the land described as Lots 1, 2 & 4 Sec 41 DP 759035 zoned R1 General Residential to RE1 Public Recreation, remove the land from the Minimum Lot Size map and the Height of Buildings map.
 - d. Insert attached dwellings, hostels, multi dwelling housings, residential flat buildings, seniors housing as prohibited uses in the RU5 Village Zone Land Use Table
 - e. Increase the current height restriction from 8.0 metres to 8.5 metres on the Height of Buildings Map.
2. Request Delegation under section 3.36(2) of the *Environmental Planning & Assessment Act 1979* to make the final instrument.
3. Submit the drafted Planning Proposal for a Gateway Determination.

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Item:	2.3	Ref: WO/2019/01008
Title:	Local Strategic Planning Statement	
Author:	Contract Town Planner	
Previous Items:	Not Applicable	
Attachment:	No	

Community Strategic Plan Reference:

Goal 6.1 – Walcha’s distinct and diverse natural and built environment will be protected and enhanced.
Goal 6.6 – The character of Walcha and its surrounding villages will be maintained while protecting the productivity of our rural land.

Introduction:

The purpose of this report is to introduce the identify and initiate the preparation of a Local Strategic Planning Statement thus enabling to meet its legislative requirements.

Section 3.9 of the *Environmental Planning and Assessment Act 1979* introduced a new layer into the strategic planning hierarchy in NSW in April 2018. Councils are now required under this Act to prepare a Local Strategic Planning Statement or LSPS for their local area.

A LSPS will in effect bridge the gap between higher level strategic planning documents such as Regional Plans, the Community Strategic Plan and the local planning controls which are set out in the *Walcha Local Environmental Plan 2012* (LEP) and Walcha Development Control Plan (DCP).

In Greater Sydney, the LSPS must be in place by 1 December 2019, and in regional areas, the LSPS must be in place by 1 July 2020.

Report:

All councils are required to prepare Local Strategic Planning Statements (LSPS). The LSPS will implement actions in the Regional and District Plans and set out the 20-year vision for land use in the local area, the special character and values that are to be preserved and how change will be managed into the future. These statements should be a succinct and easy to understand document that will allow community members to contribute to and understand the future direction of land use in the area.

What is a Local Planning Statement

The LSPS must identify planning priorities for an area and explain how these are to be delivered. Importantly, the statement will need to integrate with council’s Community Strategic Plan (CSP). The CSP has a broader focus than the LSPS, but will typically include land use planning issues. With a 20 year horizon, the LSPS will set out the long term vision for land use in the local area, noting this is longer than the 10 year horizon of Council’s CSP. Critically, the LSPS will provide a means to implement land use planning actions identified under the CSP and other council strategic planning documents.

What is in a Local Strategic Planning Statement

The statement must identify the special values and character of the local area to be preserved and how change will be managed into the future.

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The strategic context of a council’s LEP, the zones and development controls will also be explained. The LSPS will not replace the LEP or DCP but will inform changes to be made to these planning documents over time.

There is to be a link back to the strategic priorities at a regional and/or district level. The process for creating and implementing the statement is meant to be re-iterative by basically creating a feedback loop back into the higher level strategic planning documents.

The LSPS must also be action based. This means identifying the actions Council will need to take to implement the planning priorities identified in the CSP. For example, it might set out how Council’s LEP or DCP will be changed to reflect a community’s desired character for a local area (eg Nowendoc). Or it might identify the need for a individual planning issue to be developed/investigated.

A means to monitor and report on those actions so that progress can be tracked over time will also need to be incorporated. This reporting could be linked into the IPR framework.

Department of Planning & Environment Guidelines

NSW Planning & Environment has released a set of Guidelines to help local councils create and implement the local strategic planning statement for their area.

The Guidelines highlight the critical role that the statement will play in the future of the planning system. Noting the statement will be “*the primary source to express the desired future of the LGA as a whole and for specific areas*”.

There is no prescribed process for creating the statement, nor is there is a prescribed structure. The Guidelines contain a suggested process to follow which includes four key steps of scoping, testing, finalising and implementing.

NSW Planning & Environmental are initiating discussions with planning staff to identify the Walcha Council individual planning requirements/inclusions to assist Council its preparation of the LSPS.

Legal Issues:

Council is required to prepare and adopt a Local Strategic Planning Statement as per the Section 3.9 of the *Environmental Planning and Assessment Act 1979* by 1 July 2020.

Financial Implications:

This will require resourcing, by the use of staff and/or a consultant. The full resource implication cannot be identified until such time as the preliminary work has been undertaken.

Environmental Implications:

Nil

Social Implications:

The LSPS will allow community members to contribute to and understand the future direction of land use in the area.

Management Plan Implications:

The LSPS will need to integrate with council’s Community Strategic Plan.



Policy Implications:

The LSPS will be an integral part of Council Policy. It will bridge the gap between higher level strategic planning documents.

RECOMMENDATION: That Council:

- 1. Acknowledge that a Local Strategic Planning Statement is required to be prepared as per Section 3.9 of the *Environmental Planning and Assessment Act 1979* by 1 July 2020;**
- 2. Delegate the General Manager authority to:**
 - a. Initiate its preparation by liaising with NSW Planning & Environment as to the exact requirement for Walcha Council, and**
 - b. Investigate the available resourcing options.**

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Item: 2.4 **Ref:** WO/2019/01103
Title: Committee of the Whole Referral – Purchase of an Additional Dwelling
Author: General Manager
Previous Items: Not Applicable
Attachment: No

Community Strategic Plan Reference::
Strategy – 8.2.4 - Maintain and improve Council owned building and land assets

Introduction:
Council approval is sought for matters to be discussed in Committee of the Whole.

Report:
Council approval is requested to refer matters for discussion in Committee of the Whole in accordance with the provisions of Section 10 of the Local Government Act, 1993.

Approval to refer matters to Committee of the Whole is sought because the reports relate to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

RECOMMENDATION:

That, in accordance with the provisions of Section 10A(2)(c) of the Local Government Act, 1993, the matter of Purchase of an Additional Dwelling be referred to be discussed in Committee of the Whole for the reason that they would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

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..... General Manager Mayor