

Contents

1. Preamble

Historical summary – how Cootamundra retained its character.
How Cootamundra has benefited from sympathetic development.
Federation style (c1890-c1918) and Interwar Period (c1918–c1940) style.
Why heritage controls are necessary for Cootamundra.

2. Aims and objectives

3. Obtaining Council approval

4. Subdivision applications

Corner allotments
Multi-unit development/villas.

5. Commercial development

Shopping malls & tilt-slab structures

6. Shopfronts

Signs
Colours

7. Design elements

Setting
Roof
Scale, massing and form
Proportion
Facade
Doors & windows
Detailing
Colours

8. Car parking, garages & other structures

Fences

Garden elements, paving & driveways

Chapter credits:

- *Heritage Colours 1820 - 1940* chart by Pascol, 1980.
- Text for *Planning and design element* sections is after Part H of Willoughby DCP 2006; edited excerpts.
- Line illustration for *Suitable ways of extending an original building* is after a drawing by Steve Anders, Lester Firth and Murton Architects, 1982, for Heritage Council of NSW.
- Line illustration for *sign locations* is after a drawing by Steve Anders, Lester Firth and Murton Architects, 1982, for Heritage Council of NSW.
- Photographs © Black Mountain Projects Pty Ltd 2009. Licensed for Cootamundra Shire Council use.
- Line illustrations © Black Mountain Projects Pty Ltd 2009, after Willoughby DCP 2006 Part H, commissioned by Black Mountain Projects from Leah Walsh Graphic Design. Licensed for Cootamundra Shire Council use.

1. PREAMBLE

A full heritage study of the Cootamundra Shire Council Local Government Area ('Cootamundra' in this text) was carried out in 2009. The principles in the heritage study have been brought forward and updated in this document.

The Local Environmental Plan (referred to as LEP in this chapter) requires consent for all development and demolition proposals in heritage conservation areas and it specifically lists separate heritage items.

The NSW Government also has local places on the NSW State Heritage Register.

The guidelines contained in this Development Control Plan ('Plan' or 'DCP' in this text) tell you how to plan for the best development in heritage contexts and how to obtain approval.

This DCP chapter applies to buildings, places and conservation areas identified in the heritage schedule of the LEP.

These buildings and places, because of their associations, their history, or their intrinsic qualities; are valued more than others. This Plan seeks to control development to ensure that heritage significance of these items/areas is maintained. It generally aims at preserving as much as possible of the significant fabric of a heritage item or conservation area. These controls aim to expand on the heritage provisions contained in the LEP.

To ensure the best possible conservation of heritage values these control requirements apply to all land in the conservation areas, whether private or public and to all parties including government and private owners, utility providers and council.

If there is any inconsistency between these heritage controls and other guidelines in this Plan, the heritage controls will prevail.

Historical summary - how Cootamundra retained its character

The district around Cootamundra, though settled in the 19th century, experienced a phase of rapid development that followed the arrival of the railway. As a result of this post-railway boom, much of the historic building fabric in Cootamundra, Stockinbingal and Wallendbeen was built in the Federation Period (c1890 – c1915) and Interwar Period (1918 – 1940). The Federation style is most prominent in the conservation area of each of these towns.

Slower economic development in the period following the Second World War (after 1940) has preserved the historic streetscapes of Cootamundra, retaining an important heritage character for the Shire. This has been recognised in the local heritage list.



Highly intact Federation period streetscapes at Wallendbeen, Stockinbingal and Cootamundra.



Shade is important to the character of each conservation area.

How Cootamundra has benefited from sympathetic development

Development in Cootamundra rose from its slumber in the 1970s.

New development has been generally sympathetic to heritage values. This is partly because the special character of Cootamundra is widely recognised and valued by its community. The Council carried out a heritage survey in 2009. This Council study has resulted in a heritage list and in conservation areas. These places are actively managed to maintain the character of Cootamundra.

New development in conservation areas and adjoining heritage items should enhance the heritage streetscape and follow the template set by the existing period style, whether it is Federation, California Bungalow, Art Deco, or post-War Modern. Aesthetically, Cootamundra will benefit from this very sympathetic development. The most important locally dominant period style is described below:

Federation style (c1890-c1918) and Interwar Period (c1918–c1940) style.

Together with other NSW settlement areas developed in the Federation Period, much of Cootamundra residential architecture was single storey, with steep-pitched galvanised roofs and timber framed double-hung or casement windows. Garaging, if built, was relatively concealed from the street by being sited in rear yards. Roofs and external treatments tended to have decorative features. Verandahs or awnings were a common feature to both residential and commercial buildings. Shops tended to have a high parapet wall with a verandah over the footpath, concealing the roof behind the street frontage.

All of these elements have come to form an important part of the established historic character of Cootamundra. Elements of the Federation and Interwar period style noted below should be retained in existing development and complemented in all new development.



Style elements: Window awnings and timber ornamentation



Style elements: See-through fencing and verandah brackets



Style elements: Narrow driveway to garaging at the rear, front verandah, window awning, restrained ornamentation, steep pitched roofs, chimney, timber framed doors and windows, repetitive pattern of symmetrically placed, vertically proportioned double hung windows.





Style elements: Timber weatherboards, front verandahs, galvanised iron roofs, timber fascias, timber picket or pipe and chain wire front fencing, exposed rafters at eaves and ornamental timber trim.



Style elements: Timber weatherboards, front verandahs, galvanised iron roofs, timber fascias, ornamental timber trim, ornamental gable roofs.

Why heritage controls are necessary for Cootamundra

Cootamundra remains the iconic pastoral centre and railway town. Wallendbeen and Stockinbingal are intact examples of the post-railway Federation period boom. But these are not ghost towns. The approach taken by this plan is to encourage the highest quality conservation and new infill work, so as to best preserve and enhance the heritage character.

Public spaces in Cootamundra include axial main street geometry with established trees. The formal character of public spaces, including retention of significant trees is prescribed by this Plan.

This Plan seeks safe and respectful solutions to development proposals. This is because the visual character of Cootamundra cannot afford to have planning mistakes. This Plan therefore deliberately sets out to avoid a “death by a thousand cuts” of small mistakes in development that would have a disastrous cumulative effect over time.

The Plan requires that new infill buildings be sympathetic to the original buildings. There is a past tradition of building compatible style buildings, and this remains a strong expectation from the local community. This is why this plan is seeking a highly visible level of earlier architectural features, although in accordance with the requirements of the Burra Charter, it should be possible upon closer examination to see where a building is new.

Commercial development of the recent past in Cootamundra has less clearly followed the historical style template. This is often due to confusion about the extent of development controls. This plan aims to remedy these threats to the heritage character of Cootamundra and ensure that any further commercial development has minimal impact on the historic townscapes.

In conservation areas, new commercial buildings should repeat the roof form and building scale that is evident in the original commercial buildings. They should not visually compete with the more important historic public or commercial buildings. Essentially the same traditional materials and proportions are prescribed for all new buildings and additions, whether commercial or residential.

Not surprisingly for an area of such historical significance, Cootamundra contains many buildings on the local heritage list. In considering development applications, Council will give special consideration to these heritage items. This plan provides a summary of what is required, although the Local Environmental Plan provides the framework of legal requirements.



2. AIMS & OBJECTIVES

The aims and objectives of this chapter of the DCP are:

- To provide specific controls for all forms of development on all land both private and public within heritage conservation areas and in the vicinity of heritage items in Cootamundra.
- To ensure that all new development is compatible with desired visual, built and landscape character of heritage conservation areas by setting standards which will ensure this.
- To recognise tourism as an important factor in the economy by actively promoting Cootamundra's scenic qualities and heritage streetscapes. In doing this, Council must ensure that the visual quality and heritage integrity of Cootamundra is not undermined by unsuitable tourism promotion and development.
- To retain the landscape quality of Cootamundra by regulating removal of trees.
- To ensure that land use and level of activity reflect the scale of heritage streetscapes.
- To encourage increased community awareness of Cootamundra's architectural heritage and scenic qualities and the need for conservation measures. In particular, the need to ensure that owners are aware of the responsibilities associated with the ownership and maintenance of heritage listed properties.

3. OBTAINING COUNCIL APPROVAL

How to comply with this Plan

If your site is in a heritage conservation area then you should check the character and objectives required for that area and you should check and comply with the development requirements appropriate to your project.

The Local Environmental Plan requires consent for all development and demolition proposals in heritage conservation areas and on properties containing heritage listed items.

To ensure the best possible conservation of heritage values of Cootamundra, the control requirements apply to all land in the heritage conservation areas, whether private or public and to all parties including government and private owners, utility providers and council.

Referral to the Council Heritage Adviser

Proposed work is best referred to Council for heritage adviser comment at pre-design, pre-lodgement and development assessment stages. No charge is made for this referral.

The heritage advisory service is offered free of charge by Council. The heritage adviser conducts a design review for proposed changes to historic properties using design guides, local legislation and design experience to determine the impact of the proposed work on the conservation area. The following changes are usually referred to the heritage adviser for comment and advice:

- Any exterior alteration
- New construction
- Additions
- Removal
- Demolition
- Relocation

Design guide notes may be prepared by the adviser as the need arises, and updated from time to time.

Referral to the Local Organisations

Local residents' associations, history groups or the National Trust may provide comment to Council at pre-design, pre-lodgement or development assessment stages. Their comment is to be provided only to Council.

Drawings

Drawings should be prepared by an architect or other professional experienced in heritage design and requirements. Development application drawings should include:

- Architectural and drainage plans, (including site and floor plans, elevations and section, detail survey plan).

- Detailed landscape plan including vehicle provision, such as driveway paving material and colour. Identify existing trees and landscape features. Show siting and species of proposed new plantings and any proposed ancillary work, including driveway, fencing, walls, steps and paving. Ensure that planting does not block views of heritage buildings from the street.
- Materials, finishes and colours noted on architectural and landscape drawings.

Heritage Impact Statements

A heritage impact statement (or a conservation management strategy or a conservation management plan, if requested by Council) must be provided in the following circumstances:

- Where any major alterations or additions are proposed for a heritage item.
- Where a change of use or any works are proposed for a heritage item and, in the opinion of Council, the proposal may result in a loss of heritage values.
- Where development is in the vicinity of a heritage item.

Where a heritage impact statement is required, it must be prepared by a building design professional with heritage expertise. Technical drawings should be prepared by a building design professional. Engineering details should be endorsed by a registered engineer.

A heritage impact statement for a heritage item or the land on which it is situated must include:

- A scale floor plan of the existing heritage item.
- Site plan showing the item location in relation to property boundaries, buildings, principal features of the site (fences, trees, paths etc) and buildings on adjoining land.
- Description of the item with history, age, construction details and architectural features.
- Heritage assessment of the item, according to NSW Heritage Council criteria.
- Significance statement of the item, indicating clearly and in detail the factors that give the item its significance.
- Details of proposed changes to the item, or development of the land and their effect on the heritage significance of the item.
- At least four photos showing the item and its principal features.
- Where cracking is used as a structural fault to argue demolition of buildings, the severity of cracks should be assessed and remedial measures for management of cracks carried out prior to demolition being considered.
- Where termite damage is used as a structural fault to argue demolition of buildings, the severity of damage should be assessed and measures for management of termites carried out prior to demolition being considered.

A heritage impact statement for development on land in the vicinity of a heritage item must include:

- Site plan showing the proposed development as it relates to the heritage item and any principal features of the subject site.

- At least two photos showing the subject land and the heritage item.
- Statement indicating the effects of the proposed development on the heritage significance of the item.

Archaeological assessment

An archaeological assessment may be required in areas of potential archaeological potential. This may particularly apply to land that supported early European settlement or that has pre-European ground surface (undisturbed or “green-field” land).

1) Heritage Conservation Management Plans

Council may require a heritage conservation management plan for large developments or if the proposed development impacts on a heritage item. In addition to the information required for a heritage impact statement, the plan should set out conservation policies and mechanisms to retain heritage values. For preparation of the plan, the applicant is advised to study the guide documents provided by NSW Heritage Branch.

Referral to the NSW Heritage Branch

If the proposed development materially impacts on an item of state heritage significance, then the NSW Heritage Branch is the consent authority. Council then refers the application to NSW Heritage Branch. Council may refer other applications for comment if there is reason to believe that the proposal might impact on an item of state heritage significance.

i. Indigenous Heritage and Archaeology

Council may require an indigenous heritage and archaeological report and conservation strategy or management plan to be prepared by a suitably qualified archaeologist. The report is to include a record of consultation with the nearest Local Aboriginal Land Council and DECC. The report may particularly be required for any proposal on land that has any of the following:

- Undeveloped (“green field”) land;
- Known place of indigenous heritage significance in the vicinity;
- Water source;
- Cliff line;
- Stone outcrops;
- Old growth trees (older than 150 years).

4. SUBDIVISION APPLICATIONS

Objectives

- To retain the development and subdivision pattern of conservation areas including their characteristic rhythm and spacings of built form;
- To retain significant curtilages, views and vistas and landscape elements associated with individual heritage items; and
- To retain the original subdivision pattern in conservation areas.

Requirements

Subdivision of land must comply with the minimum allotment size requirements of the LEP and with this heritage design chapter. Subdivision applications for land either in the vicinity of, or on which heritage items are situated, or in conservation areas are required to be accompanied by adequate plans, showing the building envelopes, siting and setbacks of the proposed buildings, that must demonstrate to Council's satisfaction that:

- The allotment and building spacing, i.e., frontage widths, side and front boundary setbacks, are typical;
- The rhythm of buildings in the streetscape of conservation areas is retained;
- Vistas and views to and of heritage items and significant buildings, especially the principal elevations of buildings, are not interrupted or obscured;
- the landscape quality of the streetscape in conservation areas is retained;
- The setting of the heritage item and a satisfactory curtilage, including important landscape and garden elements, are retained;
- The scale and form of proposed new construction or buildings is compatible with the dominant heritage elements;
- The essential qualities of the streetscape and building style, on which the locality's heritage depends, are preserved in the new development. Where new or more recent development in the vicinity of the proposal varies older development standards and the essential heritage characteristics of a locality, the proposal is to ignore these recently introduced characteristics, e.g. two storeys in an otherwise single storey locality, in favour of using the prevailing predominantly original development as a guide to desired character for further development;
- The subdivision will not require demolition that would adversely affect the streetscape; and
- The contours and natural features of the site have been retained.

CORNER ALLOTMENTS

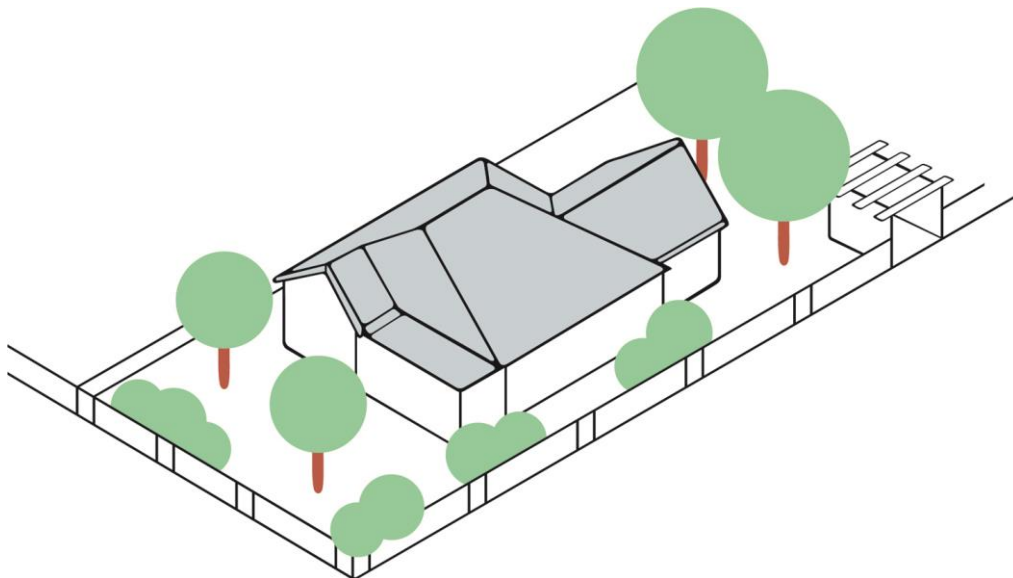
The corner block has more significance in defining the character of the area because it is visible from two streets and it is an important component in distant vistas. Therefore, additional specific guidelines are required.

Objective

- To ensure that the characteristics of the conservation area or heritage item are considered from both streets.

Requirements

- Significant parts of the original building must be retained, including main frontage and side frontage. Rear additions generally do not require retention;
- The scale of additions and alterations must respect the existing ridge or eaves heights;
- Where additions are attached, detailing including finishes and materials must be appropriate to the original;
- Where additions are detached or commercial development is proposed, contemporary solutions must respect the scale, bulk and detailing of the original without poor mimicry;
- Car parking must be located to the rear of the secondary street frontage. Double garages forward of the building line are not acceptable;
- Fencing to the secondary street frontage must not exceed 1800mm in height;
- Landscaping is required to both street boundaries, and a landscaping concept plan is required with the submission of a development application; and
- New development must be located to minimise impact on existing prominent trees.



Both street fronting elevations must be considered on corner blocks.

MULTI-UNIT DEVELOPMENT/VILLAS

Objective

- To ensure that multi-unit residential development will be consistent with the existing density, form, scale, architectural and streetscape character of the conservation area and/or heritage item.

Requirements:

- Allowable density is calculated by dividing the number of dwellings by the total area of residential land excluding roads and excluding flood prone land. Densities shall be a maximum of one small dwelling unit (one bedroom) per 250 m² lot area, one medium dwelling unit (two bedrooms) per 350 m² lot area; and one large dwelling unit (three or more bedrooms) per 450 m² lot area, provided always that the development meets the floor space ratio requirements.
- Building bulk is to be minimised. Well-known architectural devices are constructing in single storey; separating out garages under a different roof; following natural ground levels where possible to avoid abrupt changes of level; and separating large floor areas into separately roofed areas.
- The first (or leading) villa unit in a group is to face the primary street frontage and its design must be consistent with the best historical examples in the adjoining streetscape.
- Adequate visual and sound privacy between units achieved by brick party walls between semi-detached units and by having windows that do not face each other.
- An open courtyard of private open space of at least 50 m² (minimum dimension 4 metres) shall be provided for each ground floor unit, between the rear wall of each dwelling and the side or rear boundary. Private open space shall gain a minimum of 4 hours direct winter sunlight. This area shall be considered as part of the total landscape area.
- At least one covered car parking space is to be provided within the curtilage of each dwelling unit.
- Additionally, one car space per three units is to be provided for visitor parking.
- A screened clothes drying area with a clothes line of minimum 7.5 m² is to be provided for each dwelling unit.
- A garbage bin store is to be provided, with ready access for residents and garbage collectors for each unit.
- Landscaped areas, not including vehicular access ways, car parking areas and drying areas shall be provided as follows: Small dwelling (one bedroom) – 65 m² , medium dwelling (two bedroom) – 90 m² ; large dwelling (three bedrooms) – 120 m² .
- A detailed landscape plan to be prepared by a qualified Landscape Architect, or alternatively a specialist landscape designer as approved by Council.
- The design should be consistent with design elements (roof, scale etc) identified for all development for the conservation area and heritage items.

Frequent omissions from multi-unit proposals include:

- Providing a detailed landscape plan with suitable fence types, species, pot sizes, paving colours etc.
 - Keeping to single storey.
 - Following existing ground contours.
 - Utilising vertically proportioned traditional window types instead of 1980s style aluminium hopper windows.
 - Utilising steep pitched roofs.
 - Addressing the heritage streetscape.
 - Garaging under separate roofs.
 - Utilising real galvanised roofs rather than Colorbond.
 - Detailing garage doors appropriately.
 - Using verandahs of traditional form and dimensions.
 - Toning down wall finishes by use of rendered surfaces instead of face brickwork.
 - Utilising real timber weatherboard instead of imitation weatherboards.
-
- Contemporary kit/project designs that purport to be “heritage homes” are generally poorly integrated mixtures of design elements from different eras and do not fulfil the objectives for heritage development in conservation areas or adjacent to heritage items.

5. COMMERCIAL DEVELOPMENT

Objectives

- To ensure that commercial development achieves a sympathetic relationship with the conservation area of which it is a part in terms of its scale, massing, character, setback, orientation, materials and detailing; and
- To ensure that commercial development respects the established streetscape, and the patterns of development, including setbacks, siting, landscape settings, car parking, height, dominant ridge line and building envelope by displaying architectural “good manners” and respecting the significant characteristics of nearby and adjoining development.

Requirements

- Commercial can be contemporary in design however, the scale, form and detail must not detract from the scale, form, unity, cohesion and predominant character of buildings and development (i.e. streetscape/landscape elements) around it;
- Commercial development in the vicinity of a heritage item must respect the visual curtilage of that item;
- Commercial development must not visually dominate, compete with or be incompatible with the scale (size, height and bulk) of existing buildings either on the site or in the vicinity of the proposal;
- Commercial development must be sited to correspond with the existing pattern of relationships between buildings and their sites. Front boundary setbacks are to be equivalent to those of neighbouring buildings. Side setbacks must be consistent with existing patterns;
- Commercial design is to be integrated into the established character of the area and, in particular, of heritage buildings, incorporating basic design elements such as the characteristic roof form and massing of the original development, proportions of windows, doors and verandahs;
- Commercial design must not visually dominate, compete with or be incompatible with the form of existing buildings of heritage significance, either on the site or in the vicinity of heritage items;
- New development must be in moderate conformity (repeat the scale, roof pitch, materials, colours and architectural treatments without poor mimicry) with the best examples of historic buildings in the locality;

ADAPTIVE REUSE

Where a building can no longer function with its original use, a new use through adaptation may be the only way to preserve its heritage significance. Under the heritage incentive clause in the LEP, Council must consider a proposal, even for prohibited development, if the development ensures the protection and care of a heritage item. Council may consider proposals for adaptive reuse if it considers that impact on a building's heritage values is minimised.

Objectives

- To avoid facadism i.e. to avoid gutting the building and retaining only façade;
- To ensure that new work is not a poor imitation of the original historical style of the building;
- To propose a new use for the building that is compatible with its original use.

DEMOLITION APPLICATIONS

Objectives

- To retain original buildings that preserve the historical integrity of conservation areas and heritage items.

Mandatory Requirements:

- Except where a building presents an immediate threat to public safety, the total demolition of a building shall not be permitted unless an application for a replacement building within a garden setting is approved. Where a development proposal is not an improvement over the original building, then there are no grounds for replacing the original building.
- Where in the opinion of the Council, neglect of a building has contributed to the building becoming structurally unsound so as to necessitate total demolition, redevelopment of the site shall not exceed the gross floor area of the building. Additions to a replacement building shall not be permitted within 3 years of completion of the replacement building.
- The partial demolition of original external building fabric of buildings shall only be permitted in the context of permitted alteration or additions.
- Demolition of a building may be carried out no earlier than 6 weeks prior to the commencement of construction of an approved replacement building.
- Alteration to, or demolition of, internal building fabric of buildings may be permitted provided the external building fabric of the building is not adversely affected.

Total demolition of existing pre-1950 buildings shall not be permitted unless:

- The building is so structurally unsound as to be beyond reasonable economic repair. The application must include a professional structural assessment in support of demolition; or
- The existing condition poses a significant health or safety risk that is beyond reasonable economic repair. The application must include a professional structural or health assessment in support of demolition; or

- In the opinion of Council, the integrity of the built form and street elevations of an original building has been extensively and irreversibly diminished by unsympathetic alterations and additions **AND** any replacement development conforms to this plan.

SHOPPING MALLS & TILT-SLAB STRUCTURES

Commercial buildings should be in moderate conformity with historic buildings in the heritage conservation area. Detailing of windows, doors, clock towers, parapets etc. should be to maximise the three dimensional effect.

Objectives

- To respect how towns were traditionally developed with individual shopfronts by staggering the façade and dividing it into separate shopfronts;
- To provide a continuous pattern of individual shopfronts and awnings along streets;
- To break up visually long facades using vertical elements reminiscent of separate shop fronts;
- To avoid buildings appearing as a stage set with thin parapet tilt-slabs appearing against the skyline;
- To avoid tilt-slabs with minimal (or flat) moulding;
- To avoid opaque or blind windows, especially those unlit at night;
- To avoid blank window panels used as advertising spaces; and
- To rationalise the height and size of advertising panels so that they would not overwhelm the streetscape.

Avoid flat or blank facades.

Oblique views across tilt-slab parapet panels can often reveal open sky and limited tilt-slab thickness (about 100mm). This can lead to commercial buildings resembling a stage set, where the buildings only have flat fronts, propped from behind.



Oblique views across tilt-slab parapet panels can reveal open sky and a produce the effect of a stage set, where the buildings only have flat fronts, propped from behind. This can lead to commercial buildings resembling the movie set from a “spaghetti western”.

A common feature of tilt-slab is large flat walls, with minimal modelling. Attempts to disguise this flatness with stick-on mouldings can be unconvincing. Seeing concrete joints that have been painted over only emphasises this “flatness”.



Flat appearance of tilt-slab emphasised by raw concrete finish and cheap stick-ons (which can look worse when they fall off and leave glue lines on the walls).

The tilt-slab product can stand a few penetrations, but obviously does not lend itself to a lot of three dimensional modelling or large window openings. Sadly, this coincides very neatly with the shopping mall tendency to be a concrete box of blank exterior with a hole in the wall for customers. This is a problem, because it tends to produce a dead street frontage, with a lot of opaqueness or “blindness”: blind windows, blind doors, blind parapet panels.

Even where windows are included in tilt-slab shopping malls, they tend to get painted out or blanked out with advertising, because window walls get converted to storage walls.

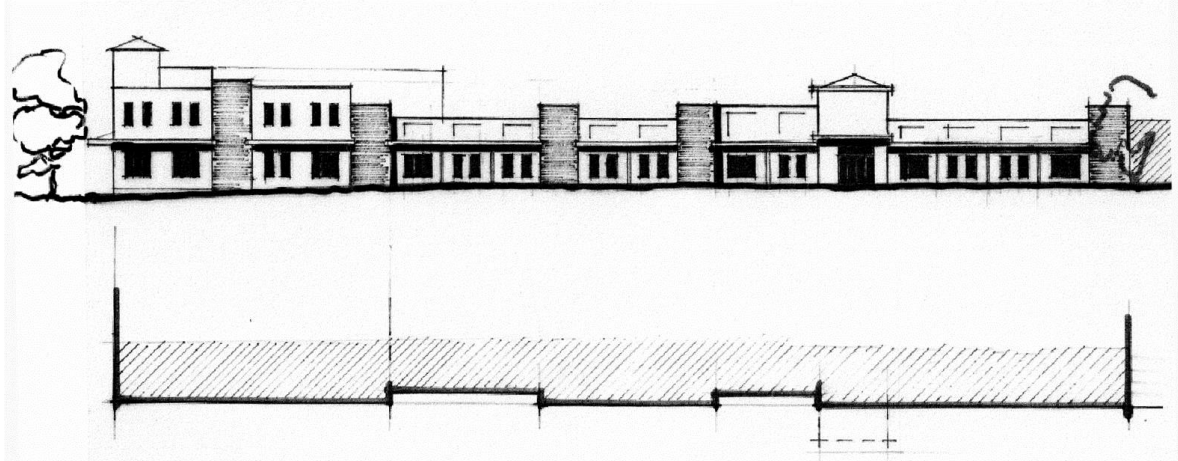


Example of blank walls that provide no interaction at footpath level between shops and pedestrians (Pedestrians are all heading for the hole-in-the-wall entry).

Plan for street frontage depth and scale.

Some flatness can be reduced by staggering parts of the façade, and dividing it with vertical elements that have separate finish to the rest of the frontage. This breaks up the façade into separate shopfronts. These divisions should be based on the existing shop subdivision pattern in the conservation area. Architectural style should be dignified, restrained and respectful of the traditional buildings in the conservation area. Conservation areas are not places for loud statements, but for careful and consistent detailing. Height may be increased at landmark corners but should be in scale with historical examples. Windows should be in similar vertical proportions as historical examples. Expressed mouldings around windows will improve impression of depth. Areas of face brick or stonework will relieve the monotony of flat areas of tilt-slab. Parapet returns should have flanking walls, so that

parapets do not appear thin (this is a Federation period architectural device). Provide depth to shopfront window reveals and entrances by recessing shop doors. Provide brick detail to break up massing and assist visually, e.g. string course to shop parapets and wall facing to shopfront sill height (approx 450mm above footpath). Accentuate façade divisions with a pattern of vertical walls, clad in a different material (such as brick or stone). Provide a continuous pattern of individual shopfronts and awnings along streets, rather than interrupting shopfronts with driveway entrances into the mall.



Stagger the façade and divide into separate shopfronts. Accentuate façade divisions with a pattern of vertical walls, clad in a different material (such as brick or stone).

Plan for active windows to the street.

Site and floor planning of shopping malls should be adjusted to eliminate a blind façade of useless windows (that will be painted out etc), by including a line of shops along the street frontage. They do not need to be large shops, but need to have good window area and views onto the street. This is the only “fix” for a dead blank façade.

Provide the consent authority with enough detail at pre-lodgement.

Heritage related development applications need detailed annotation of the elevations. These should show all proposed materials, finishes, profiles and colours. This exceeds what might often be lodged for other commercial development applications. Signage details, with a graphic mock up by a sign-writer should form part of the submission.

6. SHOPFRONTS

Objective

- To ensure that original elements are retained and where new elements occur, that the character and patterns of shopfronts and their construction is clearly related to the proportions, placement and scale of shopfronts of the existing heritage fabric.

Requirements

- Retain and repair/restore original shopfronts. Authentic reconstruction is encouraged. Original timber and metal shopfront framing must be retained;
- New shopfronts are to be compatible with the proportions, position, size and detailing of the best historical examples of original shopfronts.
- Encourage recessed doorways so that hinged doors can open outwards.





Shopfront examples. Style elements include retention of original details such as recessed doorways, ceramic tiles, symmetrical layout, ornamental timber joinery, decorative signage on glazing, retention of original shopfront framing (or replacement with timber frame to match historical examples).

ii. SIGNS

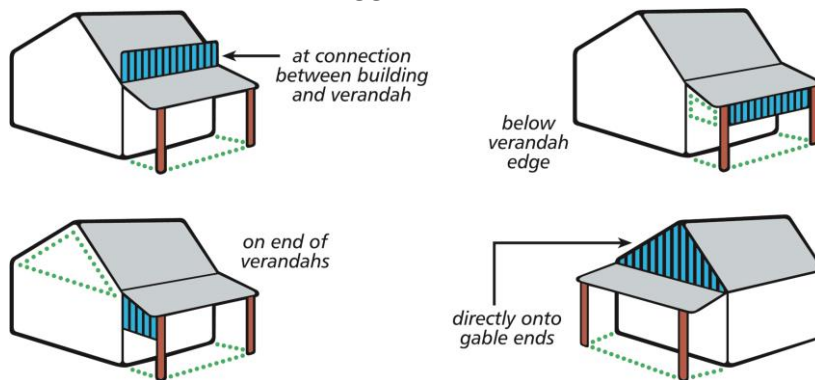
Objective

- To ensure that signs do not compete with architectural features of the building nor dominate the streetscape.

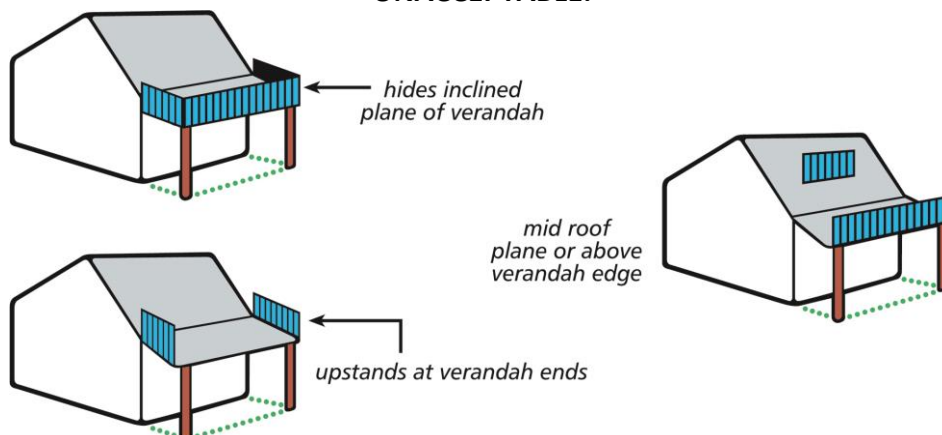
Requirements

- Commercial advertising banners and placards are prohibited;
- Business signs must be designed to complement the visual quality of the building or conservation area streetscape;
- Signs must not have an adverse impact on the heritage character of buildings or conservation area;
- Business signs on fascias of verandah beams or awnings must be no larger than the fascia.
- Signs should be of colour and lettering appropriate to the period style of the building; and
- Subdued colours should be used and signs should be spot lit instead of self-illuminating;

ACCEPTABLE:



UNACCEPTABLE:





Sign panel below verandah edge and on shopfront glazing.



Commercial sign examples



Example of sympathetically designed shop verandahs and signs

COLOURS

Objective

- To ensure that external colours provide consistency and harmony in conservation areas and for heritage items.

Requirements subject to the discretion of council

- New development should reflect surrounding buildings in the selection of external materials and finishes. Roof materials and wall surfaces are particularly critical .
- External painting in colours that complies with the heritage colour palette below should not require a development application, provided that Council is notified of the proposal and considers that the scheme does not reduce heritage values. Other colour proposals may require a referral to the Council Heritage Adviser.

Note:

Crems to be used for walls.

Dark colours for timber joinery only.

Close equivalents from other manufacturer's colour ranges may be considered.

French Grey was an interior colour only.

Art Deco requires a different historical colour palette.

Colours are required to be specified by manufacturer (e.g. Haymes, Dulux) and colour name (e.g. Buff). Colours can be matched by other manufacturers.

This advice is not an endorsement of any one paint manufacturer.



7. DESIGN ELEMENTS

Council will not consent to the alteration, extension or erection of a building or other works which alter the existing improvements on land that is either listed as a heritage item or is located within a conservation area without considering its design elements (i.e. setting; scale; proportion, façade, doors windows, detailing and colours).

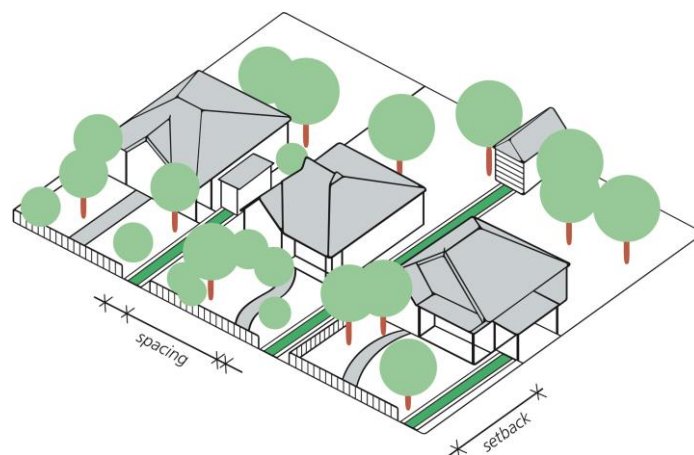
SETTING

Objectives

- To provide an appropriate visual setting for heritage items and buildings within conservation areas, including landscaping, fencing and car parking;
- To maintain and enhance the existing heritage character of the streetscape and the vicinity;
- To ensure that new development respects the established patterns in the streetscape, including setbacks, siting, landscaped settings, car parking and fencing.

Requirements

- New developments must respect established patterns of setbacks, spacing of dwellings, landscape character, car parking and fencing.
- The side and front setbacks are to be typical of the spacing of buildings both from each other and from the street in the particular locality, such that the rhythm of buildings in the streetscape is retained;
- No new structures are to be built forward of the established street building line;
- An adequate curtilage, including landscaping, fencing and any significant trees, is to be retained;
- The established landscape character of the locality including height of canopy and density of boundary landscape plantings must be retained in any new development;
- Development in the vicinity of a heritage item must respect the visual curtilage of that item;
- New developments must respect the existing character of the streetscape.



Respect established patterns of setbacks, spacing of dwellings, landscape character, parking and fencing.

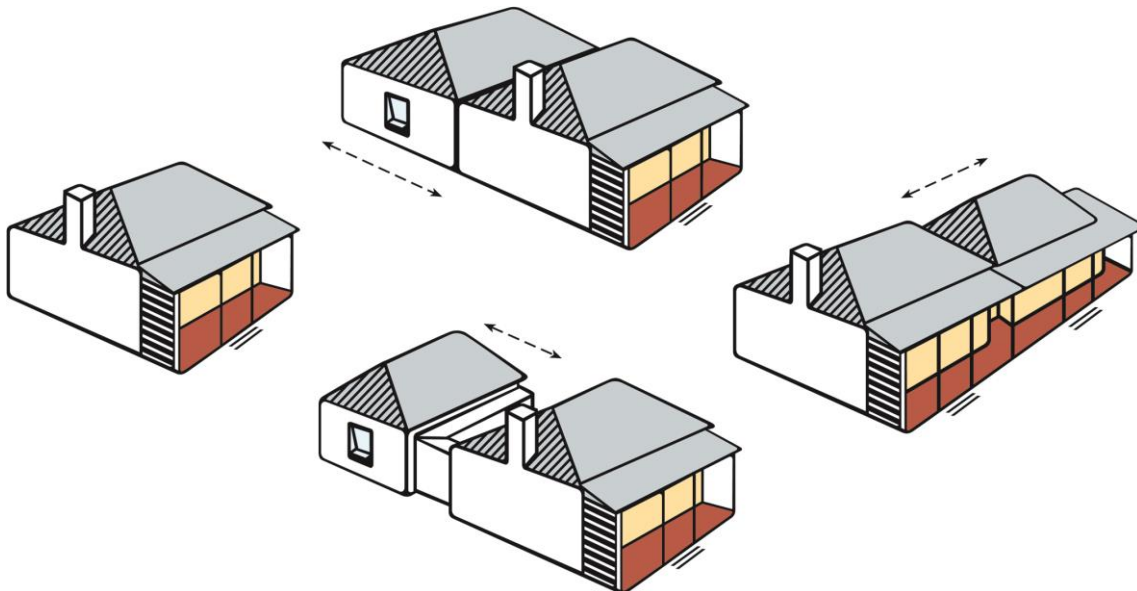
ROOF

Objective

- To retain the characteristic scale and massing of roof forms within the conservation area, and of heritage items.

Requirements

- New roofs must reflect the materials, size, shape, pitch, eaves, ridge height, and bulk of original historic roofs in the locality, and be in proportion with the proposed building;
- Residential roofs must reproduce detailing of the best historical examples in the vicinity and be pitched 25 to 30 degrees;
- Attic rooms are to use existing roof form to retain original street appearance of the building;
- The location of attic room extensions must not adversely affect significant views;
- Skylights must not be used on the front plane of roofs;
- Retention of chimneys is required. Where possible, structures attached to the exterior roof must not be located where visible on the principal elevations of buildings;
- New or replacement roof materials may be either galvanised corrugated iron, clay slates, Marseilles pattern clay tiles or stone slates, provided that they are appropriate to the style and location;
- Colorbond shall not be permitted;
- Additions should disturb the original roof form as little as possible; and
- Roof elements such as dormers and skylights should not be located where visually dominant and should be kept below the ridge line;



***Suitable ways of extending an original building.
Additions should disturb the original roof form and building outline as little as possible.***

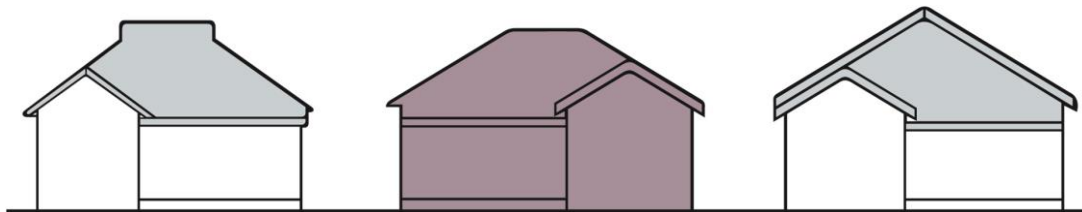
SCALE, MASS & FORM

Objective

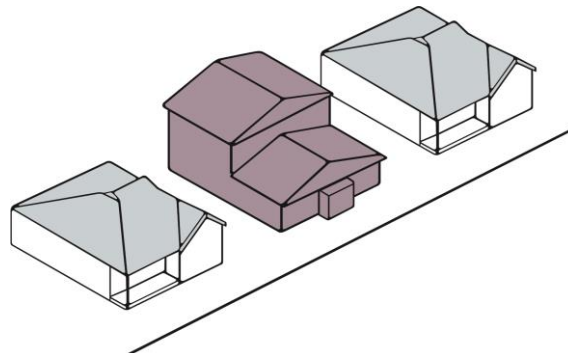
- To ensure that the scale of new development is in harmony with the streetscape and that it does not dominate existing heritage items, nor reduces their contribution to the existing pattern of development.

Requirements

- Scale (including height, bulk, density and number of storeys) of new work must relate visually to the scale of adjacent buildings. Unless it can be clearly demonstrated that greater scale would be appropriate in the individual circumstances, new buildings and additions are to be of the same scale as the surrounding development;
- Two storey development is encouraged for commercial and mixed commercial/residential buildings in main street village locations and town CBD;
- Where single storey development predominates in residential areas, new residential building shall not exceed one storey plus pitched roof with dormer windows (often referred to as one and a half storeys);
- Extensions must not visually compete with the original form of the existing buildings which they alter. This means that as far as practicable, the external wall outlines, footprint and roof shape of the original building is to be visible, unaltered and visually discernible from additions. Additions are generally expressed with a separated building mass and roof. The accepted method is a separate building attached by a low link to the original. Original roofs that are stretched or blended to cover additions are generally not acceptable.



A pattern of harmonious scale consistent with surrounding development.



In this example, new development does not respect the massing and form of surrounding buildings.

PROPORTION

Objectives

- To ensure that new development respects the proportions of elements of existing heritage fabric; and
- To ensure that new development has regard to the architectural character and style of the Item or conservation area setting.

Requirements

- New work and extensions must respect the proportions of major elements of significant existing fabric including doors, windows, openings and verandahs.



Existing patterns of: simple vertically proportioned windows in groups of three; simple bargeboard detail to gable end; and robust timber verandah posts.



New development does not respect existing patterns by selecting: multi-paned square proportioned windows in a group of two; an over-scaled finial to gable end; and slender steel verandah posts.

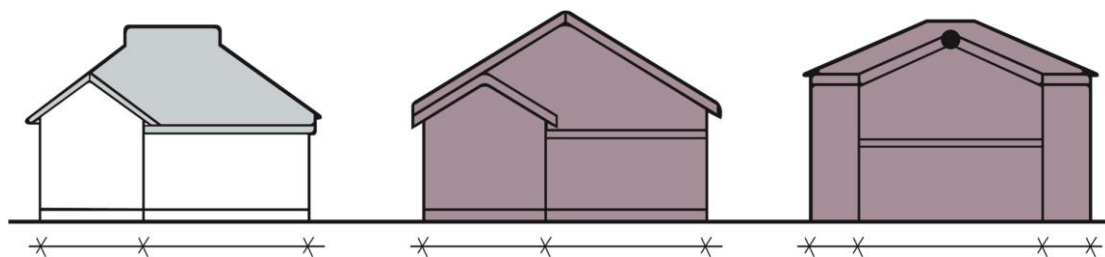
FAÇADE

Objectives

- To retain the existing façade proportions, fabric, scale and massing and character;
- To ensure that new development does not or reduce the importance of original verandahs;
- To ensure new verandahs do not conflict with heritage significance or character.

Requirements

- Two storey façades must only be proposed where surrounding development is of a predominantly two storey scale, that is in some village main streets and the town CBD;
- Original unpainted brickwork, sandstone and block work must not be rendered or painted.
- Bay widths must be limited to match those of surrounding significant development;
- Alteration of the form and materials of principal elevations is not appropriate unless associated with acceptable reconstruction works;
- Original sunhoods, blinds, awnings and skirts to principal elevations must be retained and repaired. Authentic construction or reconstruction is supported;
- Original verandahs are to be retained and restored. Infilling of verandahs is not encouraged. Additional verandahs must not compete with the importance of the original and must be simple in design, and based on existing detail or an understanding of appropriate designs for each period or style;
- New buildings must take into account the significance and design of verandahs in the locality, the methods of their incorporation in building designs and their harmonising role in streetscapes;
- Alteration to original façades which are of heritage significance is not supported;
- Designs should reflect the type of façade historically used in each locality in massing, details, materials and colours, without cheap imitation;
- Balconies on front façades are not appropriate (unless consistent with historic style).
- External wall repairs/refurbishment: Matching materials must be used in repairing the fabric of external surfaces. New development should use materials similar to or compatible with that of original buildings in the locality. In the case of new face brickwork, the colour and texture of the brick, the type of jointing, and mortar colour should be carefully matched.



Existing pattern of single storey scale and stepped massing.

New development respects existing patterns through the control of wall heights and bay widths

New development ignores existing patterns using uncharacteristic wall heights and bay widths

DOORS & WINDOWS

Objective

- To ensure that original elements are retained and where new elements occur, that the character and patterns of door and window openings and their construction is clearly related to the proportions, placement and scale of fenestration patterns of existing heritage fabric.

Requirements

- Doors and windows in new buildings are to be compatible with the proportions, position and size of those typical of the locality.
- Retain and repair/restore original doors and windows to principal elevations. Authentic reconstruction is encouraged. Original leadlight and coloured glass panes must be retained;
- New doors and windows in additions are to be compatible with the proportions (“vertically proportioned”), position, size and detailing of existing doors and windows; Traditional windows for example, were timber framed, double-hung or casement sashes, commonly made up of 2’ (600mm) or 2’6” (750mm) wide frames, with a height of 3’ (900mm) or 4’ (1,200mm).
- Window/door types adopted from post-1970 suburban housing estate designs do not harmonise with traditional window designs of heritage settings.
- Windows and glazed doors should be timber framed.
- Aluminium windows, provided they approximate timber in section, may be considered as an alternative for timber windows only in new buildings.



Existing pattern of simple vertically proportioned timber casement windows in bays of three, and single leaf doors



New development ignores existing patterns and uses an elaborate horizontally proportioned aluminium window and an uncharacteristically large arched window, and a double leaf door.



Window and door examples

Note the vertical proportions, timber framing, timber screen door, double hung windows, 'horned' sashes, architraves to match original, use of awnings and shutters for sun control and ornamentation.

DETAILING

Objectives

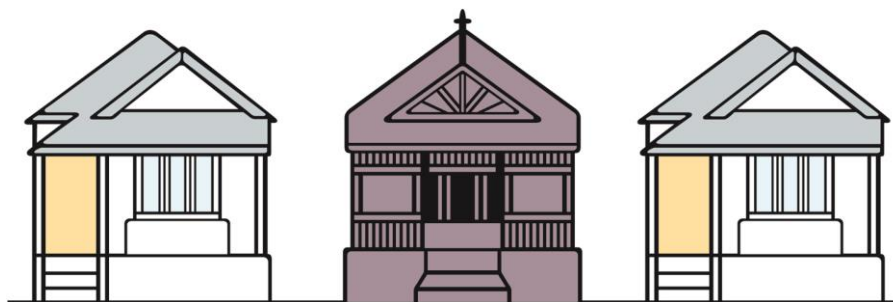
- To ensure that new development has a level of detail which is appropriate to its context; and
- To ensure that new development has regard to the architectural character and style of the heritage item or conservation area setting but does not incorporate elaborate new detailing in a period style that would prevent interpretation of what is original and what is new.

Requirements

- New work and extensions in conservation areas must have a level of detail that is similar to and complements that of surrounding heritage fabric; and
- New work must adopt a simple character which uses external finishes, colours and textures which complement the heritage fabric, rather than be a poor imitation of historic buildings.



Existing patterns of: simple verandah detailing; simple timber bargeboards with roughcast gable infill; and simple timber casement windows.



New development does not respect existing patterns by using: elaborate timber fretwork balustrade and valance to verandah; elaborate gable end detail; and multi-paned aluminium windows.

COLOURS

Objective

- To ensure that external colours provide consistency and harmony in conservation areas and for heritage items.

Requirements subject to the discretion of council

- New development should reflect surrounding buildings in the selection of external materials and finishes. Roof materials and wall surfaces are particularly critical .
- External painting in colours that complies with the heritage colour palette below should not require a development application, provided that Council is notified of the proposal and considers that the scheme does not reduce heritage values. Other colour proposals may require a referral to the Council Heritage Adviser.

Note:

Creams to be used for walls.

Dark colours for timber joinery only.

Close equivalents from other manufacturer's colour ranges may be considered.

French Grey was an interior colour only.

Art Deco requires a different historical colour palette.

Colours are required to be specified by manufacturer (e.g. Haymes, Dulux) and colour name (e.g. Buff). Colours can be matched by other manufacturers.

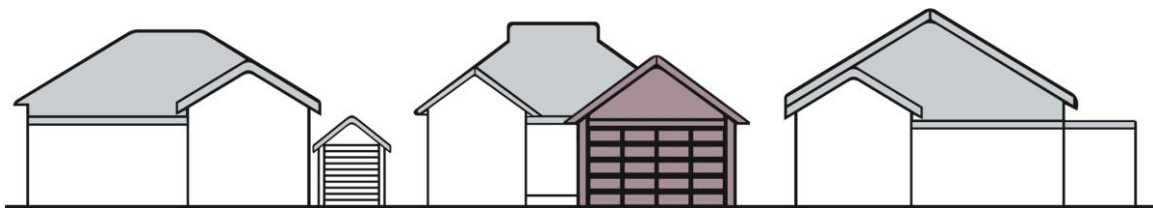
This advice is not an endorsement of any one paint manufacturer.



8. CAR PARKING, GARAGES & OTHER STRUCTURES

Objectives

- To allow for reasonable on site car parking while retaining the character and significance of the conservation area or heritage item;
- To ensure that car parking facilities do not have any adverse visual impact upon heritage streetscapes;
- To ensure that garaging and driveways are visually discreet;
- To exclude carports and inappropriately detailed outbuildings that are incompatible with the architecture of the conservation area or heritage item; and
- To ensure that outbuildings do not detract from the heritage significance of the item or conservation area through inappropriate siting, or excessive scale, bulk, visibility or materials.



Double garages forward of the building alignment can dominate and destroy a heritage streetscape.

Requirements

Access

- Existing rear lane access is to be utilised in preference to front access;
- Existing side vehicular access is to be utilised;
- Driveways are to be to side boundaries; and
- Development which removes existing access must not preclude future garages behind the building line.

Location

- Uncovered car spaces may be provided forward of the building line;
- Garages must be located behind the building alignment; and
- Underfloor garage parking is not permitted as does not harmonise with historic buildings.

Scale

- The garage/outbuilding must be smaller than the main building.
- Maximum width of a driveway at street frontage is to be 3.5m; and
- Garages are to occupy no more than 20% of street frontages;

Appearance

- Carports shall not be permitted.

- Materials, form, and details of outbuildings are to harmonise with the dwelling, with steep pitched (typically 25-30 degree) roofs, timber boarded doors, timber framed double hung windows, or other detailing to match that of the dwelling.
- Garage structures are to be subservient to the residence;
- Garage doors visible from the street should be timber faced and detailed to match historical examples.
- Structures forward of the building line must be screened with vegetation;
- Garage doors and structures are to be recessed at least 1,500 mm behind the primary façade to create a shadow line.
- Roller doors visible from any public place shall not be permitted.
- Wall and roof materials may match that of the house or be corrugated galvanised iron.
- Commercial car parking areas, if proposed, should include a detailed landscape plan. A minimum of 15% of car park area must be allocated to deep soil landscaping with shade trees (large shade tree instead of every eighth car park is deemed to comply).
- Garages in multi-unit developments must be under a separate roof from the dwelling. Traditionally, garaging was in a separate outbuilding, which took secondary place to the main building (the dwelling). In keeping with the “secondary place” status, doors were timber boarded, barn style doors.



The general pattern of some townhouse proposals is to have garages incorporated under an extension of the house roof. This damages traditional proportions and is not accepted practice in heritage design.



The accepted architectural device in conjoined town houses is to plan a distinct change of roof line over the garage, so the garage has a lowered roof of lesser prominence than the dwelling. The garage door is then detailed as a timber lined tilt type automatic door (instead of the standard type roller door).

In considering any application for permission to erect an outbuilding (including a garden shed or store), Council will consider:

- The location of the proposed structure in relation to the principal building, boundaries and other details of the site;
- The proposed form, scale, materials and colours of the structure; in this regard colours and materials should be recessive.
- The relative prominence and visibility of the proposed structure from the street frontage or frontages of the site and neighbouring properties and the need for landscaping such as screening or planting to ensure that the proposed structure is well integrated with its intended site; and
- The retention of any significant outbuildings which form part of a historical curtilage.

FENCES

Objective

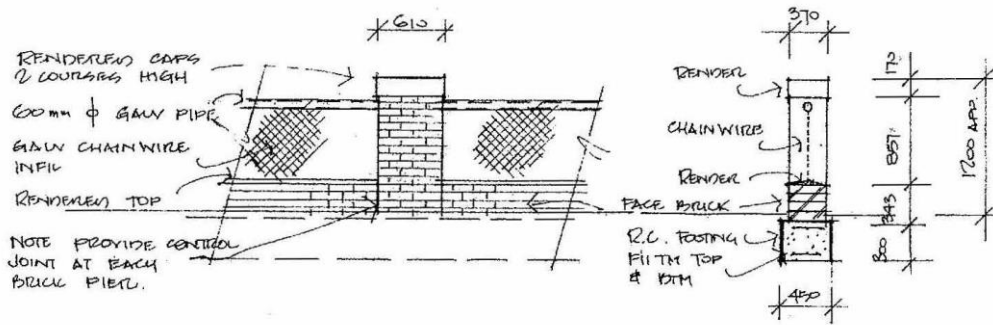
- To provide fencing that reinstates the original form of fencing, that is consistent with and does not detract from the established patterns of the street.

Requirements

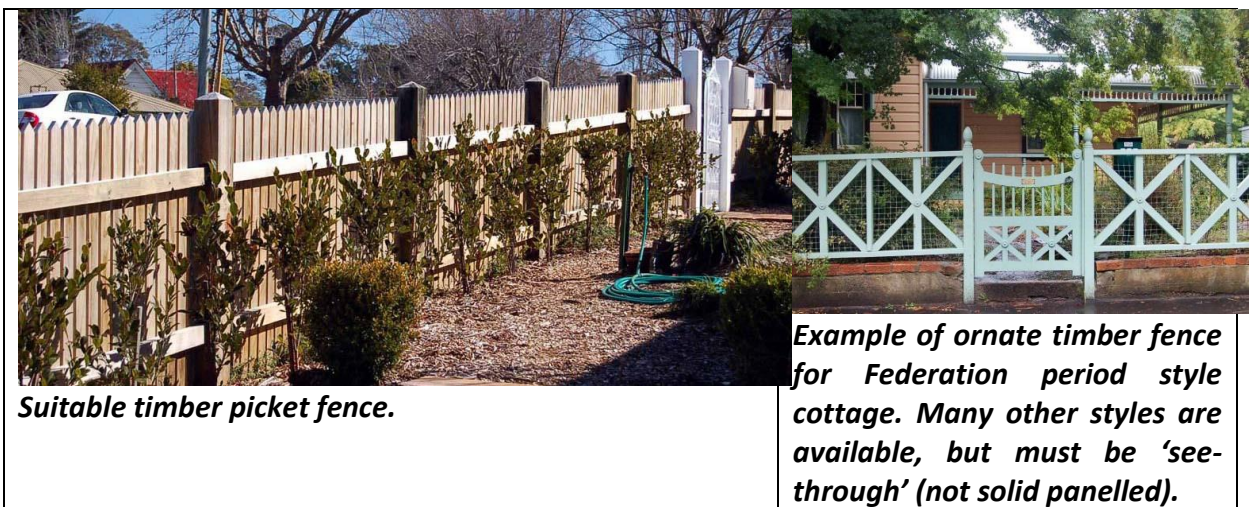
- Front fencing must be of materials characteristic to the architecture of the building and particular to the street.
- Front fencing, where installed, must be one of the following types where it is consistent with the style of building being fenced: masonry fencing to 700mm maximum; open fencing such as pickets or palisade to 1,200 maximum, hedging to 1,200mm maximum.
- Fencing along boundaries to public open spaces, where installed, must be either of wire or wire mesh or of timber post and rail design or iron railing to a maximum height of 1,400 mm. Hedges, trees and shrubs may be planted for privacy.
- Internal boundary fences including those between lots, where installed, must match the fencing along boundaries to public open spaces or be stone or timber paling construction.
- Colorbond sheet and hollow metal ('pool type') fencing is not permitted.



High solid fencing destroys the harmony of the streetscape ,and prevents views of the dwellings and gardens.



Suitable pipe and chain wire fence (for interwar period style e.g. California Bungalow building).



Suitable timber picket fence.

Example of ornate timber fence for Federation period style cottage. Many other styles are available, but must be 'see-through' (not solid panelled).



Suitable fence of woven galvanised wire and post and rail (which may be timber or galvanised)

Solid front boundary fences are unacceptable as they block out views from the street.

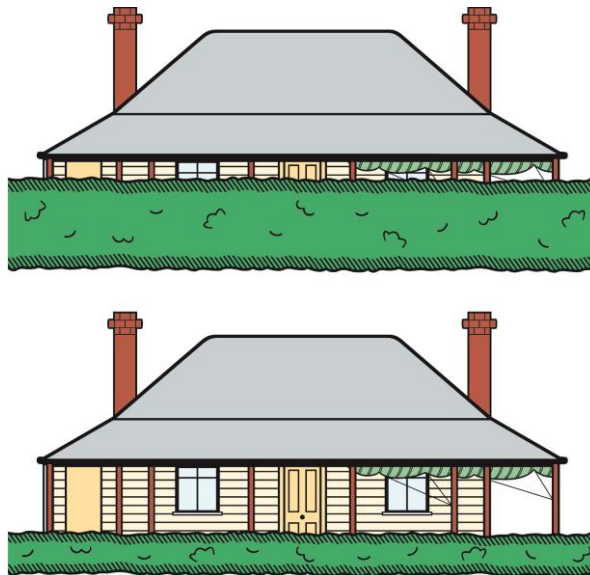
GARDEN ELEMENTS, PAVING & DRIVEWAYS

Objectives

- To retain or reinstate landscaped settings for heritage items and components of conservation areas; and
- To conserve any original landscape planting separating public from private domain and to 'frame' the view of each building and its front garden.

Requirements

- In the case of heritage items, soft landscaping shall not obscure the main building from the street, in order to allow the main building to maintain its contribution to the streetscape. Soft landscaping includes trees, shrubs, grass and garden beds;
- Hard surfaces are to be kept to a minimum. As a guide, 70% of the area forward of the building line is to be soft landscaped;
- Screening of hard surfaced areas with vegetation is encouraged;
- Garden structures are to be appropriate to primary buildings in terms of scale, style, and materials;
- Driveways and paths may be paved with black asphalt, 8% black oxide concrete to match asphalt, gravel, stone or clay brick pavers. Stamped, stencilled, exposed aggregate or plain concrete, or bright coloured paving, shall not be permitted; and
- Hedges along front boundaries and along side boundaries forward of the building line and the maintenance of hedges to heights of not more than 1200mm is encouraged.



***Soft landscaping should not hide the contribution of the building to the streetscape.
Hedges should be maintained at 1200 mm maximum height.***

Appendix 2: Council Actions in relation to Land Identified as Potentially Contaminated

Council Actions in relation to Land Identified as Potentially Contaminated

PURPOSE:

This policy is adopted for the purpose of specifying Council's actions in relation to land identified as potentially contaminated in the case that the land is the subject of any of the following:

- ☐ the making of planning instruments,
- ☐ the making of development control plans,
- ☐ the processing of development applications,
- ☐ the processing of modifications of consents,
- ☐ the giving of advice in s149 certificates.

DEFINITIONS

"Potentially Contaminated Site" means a site identified as having been used for an activity detailed in Schedule 1 to this policy and recorded on Council's data base - Potentially Contaminated Sites produced on 30 July, 1996 as updated from time to time. "Contaminated Site" and "Contaminated" have corresponding meanings.

"The Guideline" means the Planning Guidelines for Contaminated Land produced by the Department of Urban Affairs and Planning and Environment Protection Authority and printed October, 1995 as updated from time to time. A copy of this document is available to be read free of charge at Council's offices during normal working hours.

POLICY

1. PRINCIPLES

In carrying out activities under the Environment Protection Authority in relation to contaminated land, Council will take account of the principles summarised below (and which are set out in more detail in s.4.1 and s.4.2 of the guidelines).

- ☐ Development applications should include sufficient information on past use of the subject land to allow the likelihood of contamination to be assessed.
- ☐ If contamination is suspected, no rezoning or development consent should be granted until a preliminary site investigation and assessment has been carried out.
- ☐ Rezoning or development consent should not take place unless:
 - contamination is unlikely, has been determined to be below appropriate investigation thresholds (See s.3.2 of the guidelines for further details), has been determined based on health risks and/or environmental risk assessments not to pose an unacceptable risk for the intended use; or

- provisions can be included in the planning instrument to require a precautionary approach when considering any subsequent development application; or
- conditions can be attached to the development consent to ensure that the subject land can and will be remediated to a level appropriate to its intended use prior to, or during, the development stage.

☐ Council will ensure that it has a well managed information system for land which is or may be contaminated, that stakeholders can be readily made aware of the contamination or of the land use history and of any restrictions that apply as a result.

2. IMPLEMENTATION

Three activities in particular which are performed by Council are addressed by this implementation process:-

- ☐ rezoning of land
- ☐ consideration of s.79C Environmental Planning and Assessment Act (EP & A Act) matters and development applications (DAs)
- ☐ providing information under section 149 of the EP & A Act.

2.1 LOCAL ENVIRONMENTAL PLANS

Step 1. Information Gathering

Council may collect information on a site from a number of sources:

The Rezoning Application

Unless Council is satisfied that contamination is unlikely, when the proponent applies for rezoning, Council may wish to request information.

Examples of questions/requests for information which might be included are listed in table 1.

Table 1. Questions/Requests For Information - Rezoning Applications

1. Please specify all land uses to which the site has been put, including the current use.
2. Is the proponent aware of uses to which properties adjoining the site have been put? If so, please specify.
3. Do any of the uses correlate with the potentially contaminating activities set out in Schedule 1 of this policy?
4. If the answer to 3 is Yes - has there been any testing or assessment of the site and, if so, what were the results?
5. Is the proponent aware of any contamination on the site?
6. What remediation work, if any (carried out voluntarily or ordered by a government agency), has been taken in respect to contamination which is or may have been present on the site?

Council's Own Inquiries

Information may be available from Council's records as a result of a previous rezoning of the site.

Council will cross-reference information provided by the applicant (with the rezoning application) with information already held in its records in relation to the site and, if available, adjoining properties.

Council officers may gather further information by visiting the site, although it is recognised that this may not be feasible or practical in all circumstances.

Information may also be gathered from other readily accessible databases maintained by NSW Government agencies.

Other Sources

Chapter 2 (Identification) of the guidelines provides a broad review of the means and sources for the identification of contaminated land and land for which further information is required.

Step 2. Evaluation

Council will consider whether there is any indication given that the site is or may be contaminated on the basis of:-

- ☐ specific information provided by the applicant with the rezoning application;
- ☐ information from site inspections;
- ☐ information on public databases maintained by NSW Government authorities; or
- ☐ factual information volunteered by neighbours or other local community members.

If there is no indication that the site is or may be contaminated, or that it may be unsuitable for the intended use due to contamination, Council will process the rezoning application according to its usual practice.

If the conclusions are uncertain or there are indications that contamination is or may be present, the applicant will be asked to satisfy Council that the site is suitable for the use to which it is intended to be put: for this purpose, Council will require the applicant to submit further information which, depending on the circumstances, could include any of the matters in table 2.

Table 2. Clarifying Information - Rezoning Applications

- | |
|---|
| <ol style="list-style-type: none">1. A detailed site history.2. Details of previous remediation.3. A preliminary site investigation and assessment report.4. A statement from the applicant's consultant certifying that the site is presently suitable for the intended use.5. A statement from the applicant's consultant as to what remediation options are available to allow the intended use. |
|---|

Evidence submitted by the applicant or the applicant's consultant should accord with any applicable Environment Protection Authority Guidelines or protocols; for example, in relation to consultant reporting or sampling procedures. Further details are set out in the supporting information in section 3 of this policy.

Council may request an applicant to provide it with relevant supplementary information to enable the proper consideration of the rezoning proposal.

Step 3. Decision Making

Council will weigh the evidence gathered by it, or provided to it by the applicant, the applicant's consultant or volunteered by third parties, and make its decision which might be that:

- ☐ the site has been proven suitable for the proposed uses without need for further testing or treatment, in which case Council will proceed to process the rezoning application according to its usual practice; or
- ☐ Council will seek an "independent review" (see explanations Table 5) to confirm the opinion of the applicant's consultant that the site is suitable for the proposed uses in the proposed rezoning without need for further testing or treatment; or
- ☐ the site is unsuitable for the proposed uses in the proposed rezoning without further testing or treatment.

If Council decides that the site is unsuitable for the proposed uses in the proposed rezoning without remediation then:-

- ☐ The applicant may elect not to proceed because the remediation required to allow the intended use(s) [rezoning] may be unfeasible or uneconomic.
- ☐ If the applicant elects to proceed, Council will require a statement from the applicant's consultant certifying that the site is capable of remediation in accordance with the applicable Environment Protection Authority Guidelines and standards to allow the intended use(s).
- ☐ Subject to the abovementioned certification, Council may proceed to process the rezoning application according to its usual practice subject to conditions relating to further testing (as appropriate) remediation and validation (see explanations Table 5).

Where a site has been previously remediated (voluntarily or otherwise), Council will ascertain whether there is a need for further remediation and if so, require a statement from the applicant's consultant that the site is capable of remediation, in accordance with the applicable Environment Protection Authority Guidelines and standards, to allow the intended use(s).

2.2 DEVELOPMENT APPLICATION

Step 1. Information Gathering

Council may collect information on a site from a number of sources:-

The Development Application

Unless the Council is satisfied that contamination is unlikely, when the proponent of a development proposal (the applicant) applies for a development consent, a request for specific information to be provided may be annexed to the application form.

Examples of questions/requests for information which might be included are listed in table 3.

**Table 3. Questions/Requests For Information
- Development Applications**

- | |
|---|
| <ol style="list-style-type: none">1. Please specify all land uses to which the site has been put, including the current use.2. Is the proponent aware of uses to which properties adjoining the site have been put? If so, please specify.3. Do any of the uses correlate with the potentially contaminating activities set out in Schedule 1 of this policy.4. If the answer to 3 is Yes, has there been any testing or assessment of the site and, if so, what were the results?5. Is the proponent aware of any contamination on the site?6. What remediation work, if any (carried out voluntarily or ordered by government agency), has been taken in respect to contamination which is or may have been present on the site? |
|---|

Council's Own Inquiries

Information may be available from Council's records as a result of a previous rezoning of the site.

Council will cross-reference information provided by the applicant (with the DA form), with information already held in its records in relation to the site and, if available, adjoining properties.

Council officers may gather further information by visiting the site, although it is recognised that this may not be feasible or practical in all circumstances.

Information may also be gathered from other readily accessible databases maintained by NSW Government Agencies.

Other Sources

Chapter 2 (Identification) of the guidelines provides a broad review of the means and sources of the identification of contaminated land and land for which further information is required.

Step 2. Evaluation

Council should consider whether there is any indication given that the site is or may be contaminated on the basis of:-

- ☐ specific information provided by the applicant with the DA form;
- ☐ previous land use corresponding to potentially contaminating activities;
- ☐ information from site inspections;
- ☐ information on public databases maintained by NSW Government authorities; or
- ☐ factual information volunteered by neighbours or other local community members.

If there is no indication that the site is or may be contaminated, or that it may be unsuitable for the intended use due to contamination, Council will proceed to process the DA according to its usual practice.

If the conclusions are uncertain or there are indications that contamination is or may be present, the applicant will be asked to satisfy Council that the site is suitable for the use to which it is intended to be put: for this purpose, Council will require the applicant to submit further information which, depending on the circumstances, could include any of the matters in table 4.

**Table 4. Clarifying Information -
Development Applications**

1. A detailed site history.
2. Details of previous remediation.
3. A preliminary site investigation and assessment report.
4. A statement from the applicant's consultant certifying that the site is presently suitable for the intended use.
5. A statement from the applicant's consultant as to what remediation options are available to allow the intended use.

Evidence submitted by the applicant or the applicant's consultant should accord with any applicable EPA Guidelines or protocols, for example, in relation to consultant reporting or sampling procedures.

Council may (in line with clause 50 of the Environmental Planning and Assessment Regulation 2000) request an applicant to provide it with relevant supplementary information to enable the proper determination of the application.

Step 3. Decision Making

Council will weigh the evidence gathered by it, or provided to it by the applicant, or provided to it by the applicant's consultant or volunteered by third parties, and make its decision which might be that:-

- ☐ the site is suitable for the intended use, in which case Council may proceed to process the DA according to its usual practice; or

- ☐ Council will seek an “independent review” (see Table 5) to confirm the opinion of the applicant’s consultant that the site is suitable for the intended use; or
- ☐ the site is unsuitable for the intended use without remediation.

If Council decides that the site is unsuitable for the intended use without remediation, then:-

- ☐ The applicant may elect not to proceed because the remediation required to allow the intended use may be unfeasible or uneconomic.
- ☐ If the applicant elects to proceed, Council will require a statement from the applicant’s consultant certifying that the site is capable of remediation in accordance with the applicable EPA Guidelines and standards to allow the intended use.
- ☐ If Council is not satisfied that the land can be remediated, Council will refuse the application.
- ☐ Subject to the consultant’s certification, Council proceeds to process the DA according to its usual practice. Council will impose appropriate conditions relating to remediation and validation requirements (see table 5). Section 4 set out suggested conditions concerning remediation and validation which Council may consider attaching to its development consent.
- ☐ Council will be satisfied as to the adequacy of the remediation and validation plans: although not necessary in all circumstances, Council may require an independent review of the remediation and validation plans.
- ☐ Subject to Council’s satisfaction with the plans, the applicant may proceed to remediate the site and provide a validation report to Council.
- ☐ Council may seek independent review of the validation report.
- ☐ Alternatively, Council may seek that the entire validation process be conducted independently of the remediation being carried out by the applicant’s consultant.

Council will indicate whether the remediation and validation of the remediation satisfy the conditions attached to the development consent.

Where a site has been previously remediated (voluntarily or otherwise), Council must be satisfied as to the adequacy of the validation report and the suitability of the land for its proposed use. Council may seek independent review of the validation report. If validation has not yet been carried out, Council may request that it be conducted by a consultant independent of the remediation consultant.

Table 5. Explanations

Independent review refers to the checking or audit that may be undertaken by a third party independent of the applicant (although the applicant may pay for it). Details in relation to independent review, including what may be required and considerations Council might take into account in deciding whether it is necessary in any particular situation, are set out in s.3 of this policy.

Validation plan refers to the guidelines detailing the methodology by which the applicant or its consultant intends verifying that the remediation work has been satisfactorily carried out. It contains the requirements for post rehabilitation testing and the justification for it. A validation plan may be included within a remediation plan.

Remediation plan refers to the details describing the remediation activity such as the objectives of the plan, the remediation methodology proposed and targets, timetable, quality control procedures and precaution to be taken during this activity.

Validation report outlines the process whereby an assessment is made as to whether the remediation work undertaken has achieved the desired clean-up standard.

2.3 PROVIDING INFORMATION UNDER SECTION 149 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT

Step 1

From a review of its records, Council will determine whether it has information which might suggest that the land which is the subject of the inquiry is, or may be, affected by contamination.

Step 2

In relation to the information derived in step 1:-

- ☐ Where Council has information indicating the presence or likelihood of contamination on the subject land (including land remediated to a restricted land use), Council will have a policy in relation to such. In accordance with Schedule 4 item 12 of the Environmental Planning and Assessment Regulation, where use of the land may be restricted as a result of the application of this policy, the restriction will be recorded on the certificate provided under s.149(2) of the EP & A Act. The following wording (italicised) will be used.

For land which has a previous land use history which could have involved use of contaminants on the site (but not for land which has been remediated to a point below the environmental investigation levels or to residue levels below thresholds):

Council has adopted by resolution a policy which may restrict the development of this land. This policy is triggered when rezoning or land use changes are proposed on lands which have previously been used for certain purposes. Considerations of Council's adopted policy and the application of provisions under relevant State legislation is warranted.

Where Council's records indicate the subject land is known to contain contaminants above the existing recommended levels, due to past use of the site or following remediation of the land for a specific use, this information will also be included on the s.149(2) certificate:

Council has adopted by resolution a policy which may restrict the development of this land. This policy is triggered when zoning or land use changes are proposed on lands considered to be contaminated, or lands which have been remediated for specific use. Consideration of Council's adopted policy and the application of provisions under relevant State legislation is warranted.

The Regulation provides for s.149(2) certificates to include information on policies which restrict development. In the case of lands which have been remediated to below investigation or within background levels, policies relating to previous land use would not restrict development. In this situation, it is suggested that Council advise s.149(2) inquirers to also obtain information under s.149(5).

- ☐ Council has develop systems for recording and making available factual information in relation to known site contamination, or previous uses which correspond to known contaminating activities. This will be provided under s.149(5) of the Environmental Planning and Assessment Act. Recipients of certificate issued under s.149(2) will be alerted to the availability of this further information.

3. SUPPORTING INFORMATION

The following sources may be used by Council in its assessment of development and rezoning applications and the review of the adequacy of the information presented in support of such applications.

3.1 ANZECC/NH&MRC Guidelines

The Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites by the Australian and New Zealand Environment and Conservation Council (ANZECC) and the National Health and Medical Research Council (NHMRC), January 1992, provide a strategic framework and basic guidance for the assessment and cleanup of contaminated sites.

The ANZECC/NH&MRC guidelines set out the minimum requirements for an investigation of lands previously used by potentially contaminating industries, by considering all aspects of the investigation, determining the nature and extent of contamination (for example sampling and analysis, safety precautions and community involvement) and taking account of the toxicity of contaminants and the possible exposure risks. The need for validation of any clean-up work undertaken is also discussed.

Steps toward the development of site specific criteria are discussed and, criteria for clean up of sites to sensitive land use (such as residential) based on human health threshold levels are given. The guidelines will be updated on a regular basis with new criteria being added as determined by scientific research.

3.2 EPA GUIDELINES AND TECHNICAL POLICIES

To assist Councils, applicants and environmental consultants, the EPA is developing guidance documents to assist in the investigation of contaminated sites as well as the assessment of investigation reports and the information and recommendations they contain. Of particular relevance to Council will be the following:-

- ☐ Sampling Design Guidelines for Contaminated Sites. This document provides applicants and their consultants with a statistical basis for the sampling and investigation of contaminated soil.
- ☐ Environmental Guidelines for Consultant Reports on Contaminated Sites. This document sets out the minimum requirements for reporting on contaminated site investigations.
- ☐ Contaminated Soil Off-site Treatment and Disposal Guideline. Remediation of contaminated soil is of primary concern in effecting a permanent solution to contaminated land. Some available treatment technologies are discussed and guidance criteria for the off-site disposal of contaminated soil are given.

Other available guidelines include:-

- ☐ Service Station Assessment.
- ☐ Vertical Mixing for Broad-acre Agricultural Land.
- ☐ Guidelines for Cattle Tick Dip Sites.

Guidelines are also being developed to address problems associated with gasworks and timber treatment plants and, human and ecological risk assessment guidelines.

3.3 DATABASES

The Land Titles Office operates a system of information regarding land titles and encumbrances on land called the Central Register of Restrictions. Included are notices issued under the Unhealthy Building Land Act and the Environmentally Hazardous Chemicals Act. This information is accessed through the normal conveyancing procedures.

3.4 INDEPENDENT REVIEW PROCESS

Independent review of a process means the checking of adherence to standards, procedures and protocols employed in that process by a party who is completely independent of the party performing the process which is to be checked. The standards, procedures and protocols may be specified in legislation, be advisory and issued by government or other relevant bodies or, may be subjective standards based on what is considered to be good current practice.

References to Council obtaining an independent review of material provided to it by applicants or applicants' consultant is made in s.2.2 - in relation to evidence which may be submitted as to suitability of the site for the proposed development, in relation to remediation and validation plans and, in relation to the review or conduct of the validation process.

An independent review of contaminated site assessment and remediation may include checks on:-

- ☐ planning of sample collection
- ☐ sample collection and transport procedures
- ☐ chemical analysis
- ☐ data evaluation
- ☐ assessment of risks
- ☐ conclusions and recommendations
- ☐ documentation
- ☐ quality assurance and quality control procedures
- ☐ security.

Matters which Council may take into account in deciding whether independent review is necessary in any particular situation include:

- ☐ the size of the site involved;
- ☐ if the intended future use will be particularly sensitive, (for example residential);
- ☐ degree of contamination both in terms of spread and numbers of different contaminants;
- ☐ complexity of necessary clean-up procedures;
- ☐ toxicity of contaminants; and
- ☐ level of experience of the applicant's consultants in dealing with the relevant type of contamination.

Independent review is to be carried out by a third party (such as another consultant) who is qualified to deal with the type of land contamination in question and who is independent of both the applicant and the applicant's consultant.

It will be open to the Council whether it requires the applicant to pay for the independent consultant to carry out the review at the instruction of the Council, or whether in the circumstances the Council pays for the review itself and possibly recovers costs through another mechanism.

In the past, the EPA has, in some circumstances acted to provide independent review for some purposes by reviewing site investigation and assessment reports, remediation and validation plans and, in some instances, validation reports. The EPA is not able to undertake the depth of investigation (which can extend to duplicate sampling and analyses) necessary to adequately perform this role on the scale required. In future, it is expected that consultants will usually perform these roles. The EPA's direct role is related to sites that are the subject of regulatory notices.

In order to provide assistance to Councils in the selection of appropriate consultants to perform independent review functions, and for the purpose of establishing a standard of expertise amongst consultants generally in which Councils may have confidence, the Government is investigating options for the development of a system of accreditation for contaminated site auditors.

4. CONDITIONS FOR DEVELOPMENT CONSENT

4.1 INTRODUCTION

Conditions attached to a development consent, may differ depending on a variety of matters such as the nature and extent of the development and the mode in which the remediation is to occur; for example, remediation may be carried out prior to any other works associated with the development proposal or remediation may be carried out in tandem with other works associated with the development proposal.

The conditions of consent assume that the remediation works are ancillary and subsumed as part of the main proposal (s.91 3B of the EP & A Act).

While s4.2 provides for conditions of consent, it may be applicable in some circumstances for Council to consider using other types of consent namely:

- ☐ staged development consent; or
- ☐ deferred commencement consent

This will be a matter for the Council to consider depending upon the circumstances of each case.

As a general principle, assessment, reporting procedures and management of sites shall be in accordance with applicable EPA guidelines supplemented where necessary by the ANZECC/NH&MRC guidelines.

CONDITIONS FOR DEVELOPMENT CONSENTS

4.2.1 Commencement of Development/Occupation

Where remediation is to be carried out prior to any other works associated with the development proposal:-

- ☐ No other works associated with the development proposal other than remediation works, shall commence prior to remediation being carried out and a validation report being provided to the satisfaction of Council.

Where remediation is to be carried out in tandem with other works associated with the development proposal:-

- ☐ Occupancy of the development proposal should not occur prior to remediation being carried out and a validation report being provided to the satisfaction of Council.
- ☐ No other works associated with the development proposal other than remediation works shall commence prior to having demonstrated to Council that:-
 - remediation on the part of the land on which work is to take place has been carried out to the standard required for the proposed land use; and
 - segregation between remediated and non-remediated parts of the site is sufficient to prevent cross contamination and adverse impact to on-site workers

4.2.2 Remediation

Prior to the commencement of remediation, the applicant shall submit to Council for its consideration and approval the following reports:-

- ☐ sampling procedures and testing results
- ☐ remediation plan
- ☐ validation plan

Remediation shall be carried out to the satisfaction of Council and the validation report shall satisfy Council that the land is suitable for its intended use.

5. PRINCIPLES FOR INCLUSION IN LOCAL ENVIRONMENTAL PLANS

Where Council proceeds to make a LEP and rezone land subject to the inclusion of provisions concerning contamination of the land, the following principles may apply:

Prior to determining a DA on land to which this LEP relates, Council will consider:-

- ☐ the need for further testing and remediation and validation plans to make the land suitable for the proposed use;
- ☐ the impact of proposed remediation on adjoining land;

- the need to restrict the range of land uses allowable if the land is assessed as being suitable for a limited number of land uses only

6. SCHEMATIC REPRESENTATIONS

On the following pages are figures which graphically represent the suggested implementation process. Figure 1 deals with the rezoning process, figures 2 and 3 with the development application process and figure 4 with the recording and notification process.

FIGURE 1. REZONING PROCESS

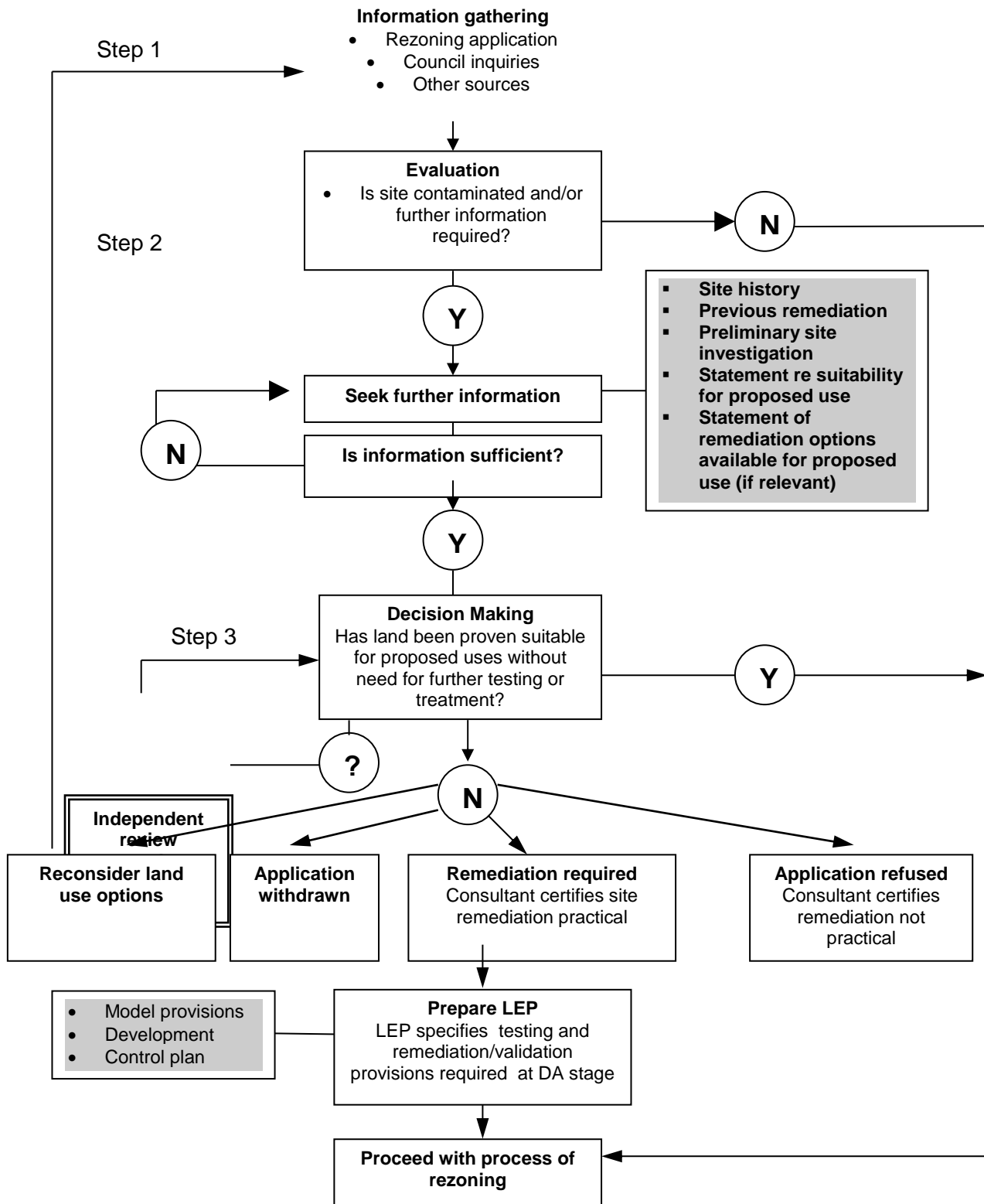
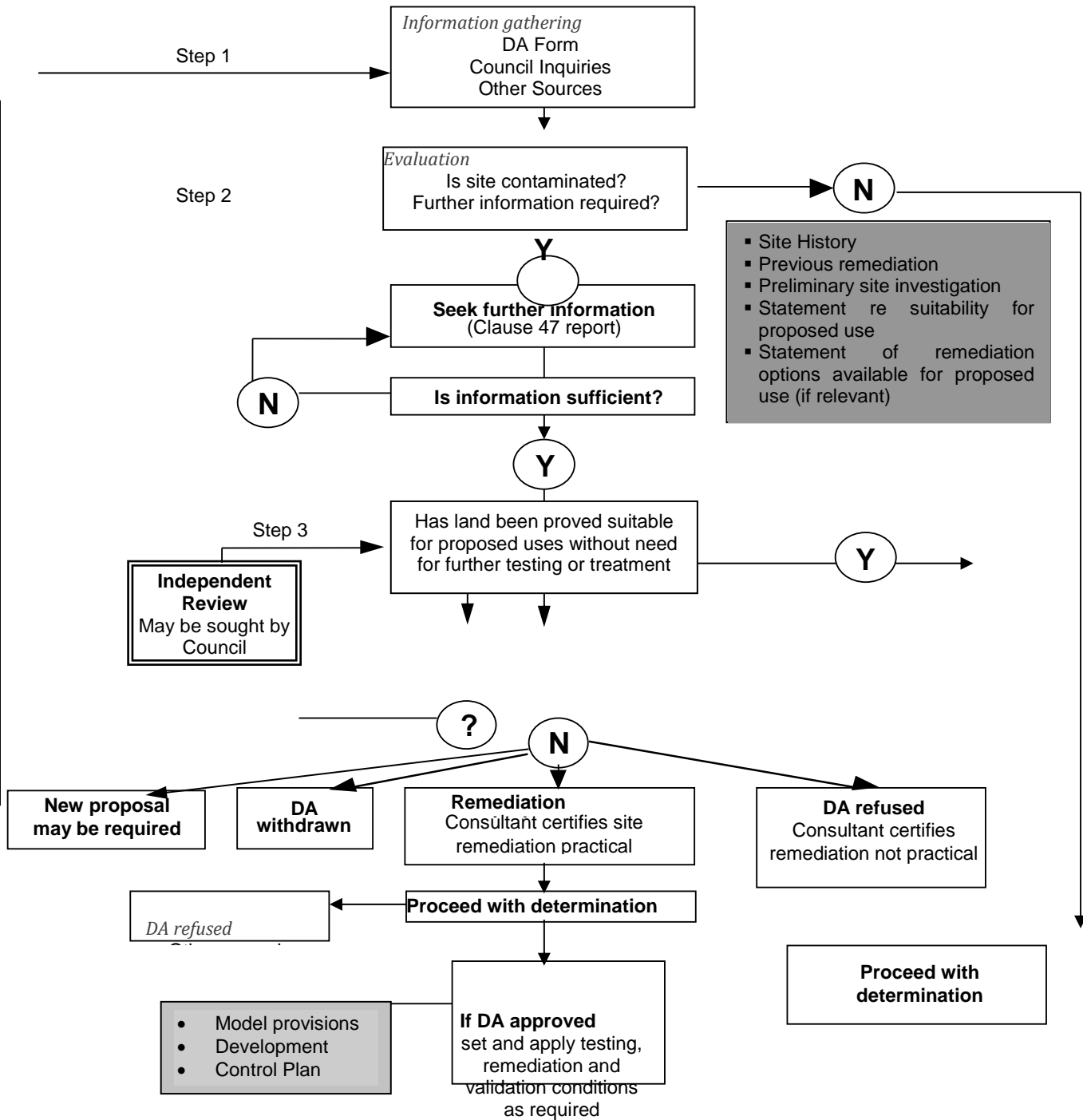
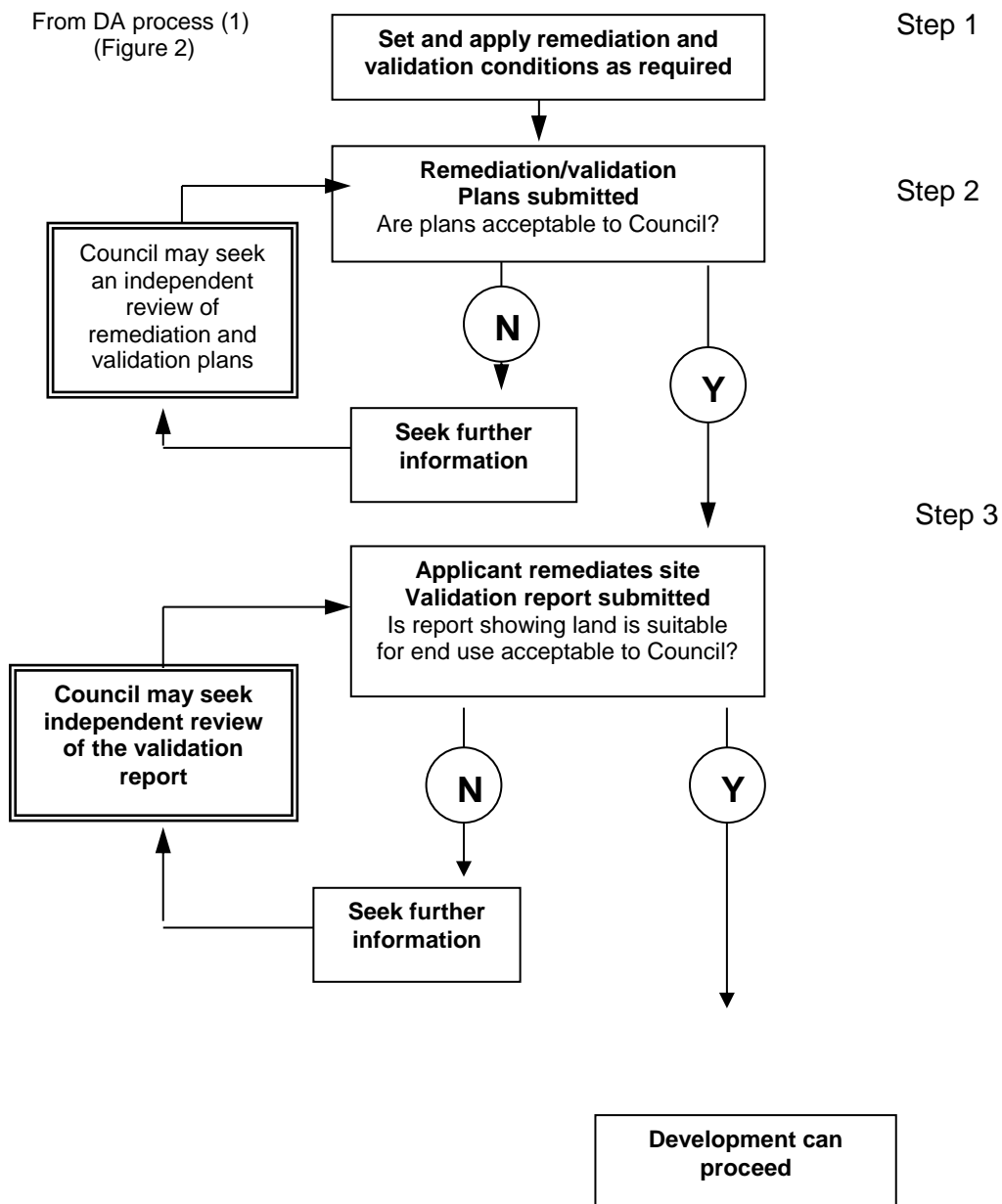


FIGURE 2. DEVELOPMENT APPLICATION PROCESS (1)



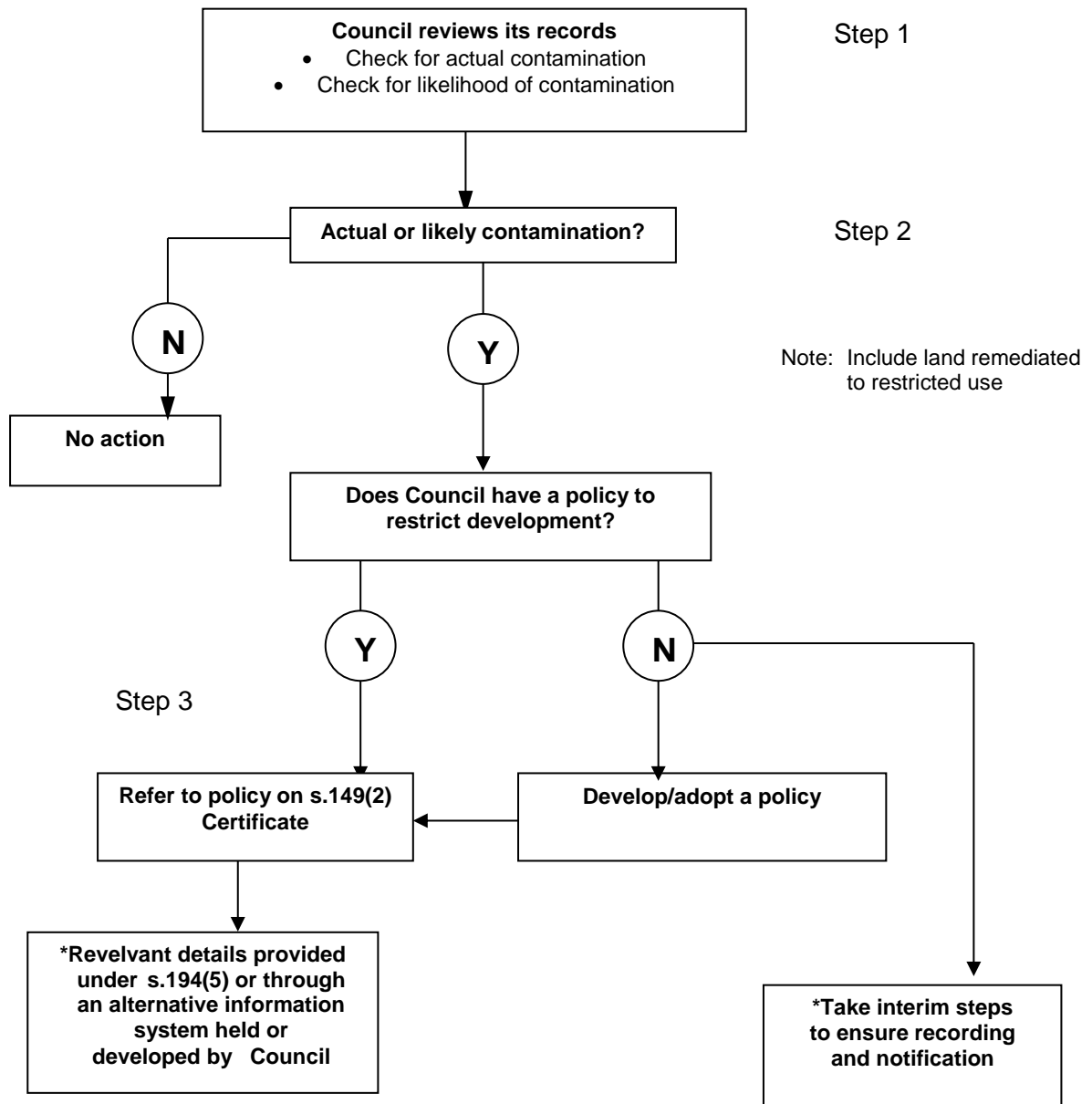
Note: Further information should accord with EPA guidelines and protocols
Eg consultant reporting and sampling.

FIGURE 3. DEVELOPMENT APPLICATION PROCESS (2)



Note: As a condition of consent, Council may seek that the entire validation process (plan and report) be carried out by a consultant independent of the applicant's remediation consultant.

FIGURE 4. RECORDING AND NOTIFICATION PROCESS



*Note: Ensure there are mechanisms to direct inquirers to relevant information provided under s.149(5) and in Council records

SCHEDULE 1

SOME POTENTIALLY CONTAMINATING ACTIVITIES AND MAIN CONTAMINANTS

Agriculture: land heavily treated with persistent chemicals such as arsenic and organochlorine based chemicals (e.g. banana plantations, cotton and sugar cane fields, local orchards and horticultural plantations and market gardens) and organophosphate-based chemicals.

Airports: hydrocarbons (fuels and organic solvents), oils and heavy metals.

Asbestos works: asbestos based waste such as asbestos tailings (usually contains two percent asbestos from asbestos mines).

Chemical and petrochemical works: a variety of contaminants from the production, recovery and storage of organic and inorganic chemicals, including petrochemicals (e.g. tar and bitumen, solvents such as chloroform, trichloroethylene and tetrachloroethylene [e.g. for dry cleaning establishments], fertilisers, pesticides, pharmaceuticals, soaps and detergents, dyestuffs, inks and paints, acids and bases, asbestos).

Concrete and brick industry: in areas with clay deposits, open cuts were created from the extractive activities. These open-cuts which could reach a depth of up to ten metres were progressively filled with waste and in particular industrial waste.

Docks and railway land, especially large sidings and depots: oils and hydrocarbons (including polyaromatics such as PAHs, diesel fraction), volatile chlorinated hydrocarbons, heavy metals (copper, lead, mercury, chromium and zinc), and paints, arsenic, herbicides and asbestos.

Gasworks, other local carbonisation plants and ancillary by-products works: hydrocarbons such as naphtha, especially aromatic hydrocarbons such as PAHs, coal tar derivatives, phenolics, 'spent oxide' (iron or calcium oxides containing high concentrations of free sulphur, sulphides, and cyanides (free and complex), asbestos).

Heavy engineering installations e.g. shipbuilding, car manufacturing, electrical and electronic manufacturing: heavy metals, oxides, antifouling paints (copper and tributyl tin based), lead, asbestos.

Installations involving the processing use or disposal of radioactive materials: cobalt (e.g. gamma sterilisation and medical therapy), strontium, caesium and radium (e.g. research and medical applications), uranium (e.g. research), thorium (e.g. industrial processing of mineral sands), plutonium and tritium isotopes and others.

Landfills and other waste disposal and storage site including transfer stations: putrescible (e.g. food waste), paper, glass, plastics, metals and others, generated mainly by households - in municipal landfills, bacteriological contaminants (e.g. infectious waste) and cytotoxic chemicals from clinical waste, pesticides from contaminants drums, ash containing heavy metals from coal fired power stations or other incinerators, aluminium and iron from water treatment residuals, heavy metal based waste from mining activities and liquid waste such as solvents, generated mainly by industry - in controlled and/or secured landfills.

Metal/metallurgical industry e.g. refining or recovery of metals, electroplating and metal finishing: phosphates, nitrates, nitrites, sulphates, heavy metals (cadmium, chromium, copper, lead, nickel, zinc, cobalt, etc) and cyanides - from alkali cleaning, aromatic compounds such as benzene, toluene, xylenes, styrene and chlorinated hydrocarbons - from solvent cleaning and paint removal; polycyclic aromatic hydrocarbons - from colouring and bitumenising agents, polychlorinated biphenyl's (PCBs) and mineral oils, asbestos and beryllium.

Metal mines: acids, cyanides and heavy metals such as cadmium, copper and zinc from mine tailings and processing plants, asbestos and sulphates.

Mining and extractive industries e.g. handling and storage of ores and carbonaceous materials.

Munition production and testing sites: mercury and lead based compounds, RDX, sulphur, nitrates (organic and inorganic), TNT, detonating devices and others.

Oil refineries, petroleum storage and distribution: petroleum hydrocarbons and lead from oil refineries, petrol stations, above and underground storage tanks and distribution sites.

Paper and printing works: ash, hydroxides, peroxides, acids, foaming agents, chelating agents (e.g. DTPA), dyes.

Pesticide storage areas, areas where vehicles used for the transport and storage of pesticides are washed and areas where tanks are used to store pesticides: insecticides, fungicides and herbicides.

Power stations: polychlorinated biphenyl's (PCBs), ash (heavy metals), asbestos.

Scrap yards: heavy metals, residues from drums including chlorinated hydrocarbon solvents.

Smelters, foundries, iron and steel works: lead, copper, zinc, cadmium, mercury aluminium, fluorides and acid from smelters and foundries operations, Polyaromatic hydrocarbons (PAHs), cyanides, heavy metals and benzene, toluene and xylene (BTX), ethyl benzene, asbestos, naphthalene, tars and ammonium sulphate, from steel works.

Stock dipping eg. activities on cattle tick and sheep dip sites: chemicals (mainly tickicides) disposed of in the 1960s and 1970s such as DDT, arsenic, BHC, delnev, carbaryl and ethion; current chemicals in use (eg taktic, amitraz, cyermethrin, bendiocarb, celtamethrin, flumethrin, bayticol, diazinon, chlorfenvinfos and barricade's').

Tanneries: materials derived from the hides and skins such as grease and dung, chemicals used in the preservation and tanning process such as sulphate, lime, sulphate, hydroxides, chlorides and arsenic based compounds for pre-treatment, tannins, sulphites and chromium salts for tanning.

Termite/ant control: where substantial areas of soil may be contaminated with organochlorine residue (eg dieldrin, heptachlor, chlordane).

Timber treatment works: creosote, polycyclic hydrocarbon, polyaromatic hydrocarbons (PAHs), copper, chromium, arsenic, boron and pentachlorophenol (PCP) from industries using or making wood preservatives and other organochlorines.