Upper Hunter
Development Control Plan 2015
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Record of approval & amendment

DCP title
Upper Hunter Development Control Plan 2015

Edition No.

Amending DCPs
This version incorporates the following amending DCPs:

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<td>25 May 2015</td>
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## Abbreviations

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<td>Upper Hunter Development Control Plan 2015</td>
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<td>DPE</td>
<td>NSW Department of Planning and Environment</td>
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<td>LEP</td>
<td>Local Environmental Plan</td>
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<td>OSMS</td>
<td>On-site Sewage Management System</td>
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<td>LGA</td>
<td>Local Government Area</td>
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<td>UHLEP</td>
<td>Upper Hunter Local Environmental Plan 2013</td>
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<td>UHSC</td>
<td>Upper Hunter Shire Council</td>
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1a Statutory context

1a.1 Title
This plan is *Upper Hunter Development Control Plan 2015* (‘the DCP’).

1a.2 Status
The DCP is a development control plan prepared under section 72 of the Environmental Planning and Assessment Act 1979.

1a.3 Relevant LEP
The DCP supplements the provisions of the *Upper Hunter Local Environmental Plan 2013*.

1a.4 Commencement
The DCP was adopted by Council on 25 May 2015 and commences on 4 June 2015.

1a.5 Previous policies & plans
The DCP repeals the policies and plans listed in Schedule 1.

1a.6 Relationship to other environmental planning instruments
In the event of an inconsistency between any environmental planning instrument and the DCP, the provisions of the environmental planning instrument prevail.

1a.7 Where the DCP applies
The DCP applies to all land within the Upper Hunter local government area, as shown in Figure 1.
Map 1 Upper Hunter Local Government Area
1b Purpose of the DCP

The purpose of the DCP is to:

- provide a detailed development assessment framework that delivers outcomes desired by the Upper Hunter community
- provide clear and concise development guidelines for various forms of development
- encourage innovation in design and development by not over-specifying development outcomes
- provide certainty in development outcomes for developers and the community.

1c How the DCP applies to development

1c.1 Development that needs consent

The DCP applies to all development that may only be carried out with consent under Part 4 of the Environmental Planning and Assessment Act 1979.

1c.2 Exempt & complying development

The DCP does not apply to:

- exempt development
- complying development for which a complying development certificate is sought or obtained.

Note. Exempt and complying development are specified in various environmental planning instruments, including:

- Upper Hunter Local Environmental Plan 2013 (refer to Schedules 2 and 3
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy (Infrastructure) 2007

1c.3 Development that does not need consent

It is the intention of the Council to take this DCP into account when determining activities under Part 5 of the Environmental Planning and Assessment Act 1979, in relation to development that does not require consent under Part 4 of that Act.

The Council recommends that other public authorities should take this DCP into account when determining activities under Part 5 of the Environmental Planning and Assessment Act 1979.

1d Determination of development applications

1d.1 Development application process

The Upper Hunter Shire Council Application Guide provides a summary and explanation of the development application process.

1d.2 Matters for consideration under EP&A Act

When determining a development application, the Council (or other relevant consent authority) is required to take into consideration the matters listed in section 79C(1) of the Environmental Planning and Assessment Act 1979. These may be summarised as:

- the provisions of relevant environmental planning instruments and development control plans (including this DCP)
Part 1

Preliminary

- planning agreements or draft planning agreements under section 93F of the *Environmental Planning and Assessment Act 1979*
- matters prescribed by regulation
- likely impacts of the development, including those on the natural, built, social and economic environments
- the suitability of the site
- any submissions made by the public
- the public interest.

1d.3 How this DCP applies to development applications

When determining a development application, the Council (or other relevant consent authority) will take into consideration the extent to which any applicable objectives or development outcomes specified by this DCP will be satisfied or achieved by the design, construction or operation of the proposal.

1e Structure and application of the DCP

1e.1 Preliminary (Part 1)

Part 1 outlines the statutory context, purpose, and structure of this DCP.

1e.2 Development application process (Part 2)

Part 2 sets out some procedural requirements that apply to development applications. There are separate sections for:

- preparing and lodging a development application
- public notification.

1e.3 Assessment considerations (Parts 3 to 12)

Parts 3 to 11 of the DCP each relate to matters that relate to the following broad classes of development, particular issues or specific locations:

- **Part 3: Subdivision**—matters that apply to the subdivision of land.
- **Part 4: Urban residential**—matters that apply to residential accommodation (other than rural dwellings).
- **Part 5: Commercial development**—matters that apply to commercial development.
- **Part 6: Industrial development**—matters that apply to industrial development (but not rural industries).
- **Part 7: Rural development**—matters that apply to rural activities and rural dwellings.
- **Part 8: Other development**—matters that apply to other types of development, including tourist and visitor accommodation, advertising and signage, and wind energy systems.
- **Part 9: Heritage conservation**—matters that apply to heritage items, heritage conservation areas, and development that may affect Aboriginal cultural heritage.
- **Part 10: Natural hazards**—matters that apply to development likely to be affected by natural hazards, including flood risk, bushfire risk and geotechnical hazard.
- **Part 11: Environment protection**—matters that need to be considered to ensure adequate protection of the environment, including:
  - biodiversity conservation
  - watercourses and riparian land
  - groundwater protection
Part 1

Preliminary

- drinking water catchments
- soil and water management
- waste water management
- waste minimisation and management
- buffer areas.

- **Part 12: Specific infrastructure issues**—including access and car parking.
- **Part 13: Specific localities**—matters that apply to miscellaneous localities or precincts.

Each Part (with the exception of Part 10a Floodplain Management) is divided into several sections dealing with specific issues or types of development. Each section in turn specifies applicable assessment criteria and other relevant matters according to a similar basic format, as follows:

- **Application of this section**—specifies the circumstances in which the section applies, based on the type and location of development.

- **Relevant planning instruments & legislation**—identifies other statutory instruments that may be relevant.

- **Definitions**—identifies specialised terms that are relevant to the section. These terms are defined in Part 14 Dictionary.

- **Objectives**—specifies the general objectives that the section seeks to promote.

- **Supporting plans & documentation**—identifies information or other matters that are to be provided with development applications, usually as part of a statement of environmental effects. This information is necessary to enable a proper assessment of the proposal.

- **Assessment criteria**—specifies two types of criteria that the Council will take into consideration when determining a development application. Note: Part 10a Floodplain Management uses prescriptive requirements and performance-based criteria rather than the following criteria.
  - **Design outcomes**—these are ‘performance-based criteria’ that must be satisfied or achieved by the design, construction or operation of the proposal. They indicate what is to be achieved, rather than the manner in which it is to be achieved.
  - **Design guidelines**—these are suggested design and operational guidelines that, if followed, would assist in achieving the design outcomes. The guidelines do not preclude other solutions that may be suitable under particular local circumstances. All proposals will be considered on merit.

- **Supplementary guidance**—identifies reference documents that provide further advice or information.

1e.4 Dictionary

The Dictionary provides a dictionary of terms used in the DCP. Most of the terms are drawn from the *Upper Hunter Local Environmental Plan 2013*, which incorporates the dictionary of terms contained in the *Standard Instrument (Local Environmental Plans) Order 2006*. Other terms are drawn from other important documents. In some cases, terms are defined according to their meaning in various Acts or Regulations. Sources of defined terms are indicated at the end of each definition.

Note that most land uses and land use activities that are used in the DCP are defined in *Upper Hunter Local Environmental Plan 2013*, unless they are specifically defined in this DCP.

1e.5 Schedules

The Schedules provide additional detail to issues referenced in previous sections.
Part 2 Development application process

Explanatory outline

Part 2 sets out some procedural requirements that apply to development applications. There are separate sections for each of the following matters:

2a Preparing & lodging a development application
2b Public participation

The Upper Hunter Shire Council Application Guide summarises the development application process and provides additional guidance.

This Part does not apply where approval is sought by way of a complying development certificate (under SEPP (Exempt and Complying Development) Codes 2008). In such cases, the criteria under that SEPP will apply instead.
**2a Preparing & lodging a development application**

**2a.1 Application of this section**
This section applies to all development applications.

**2a.2 Pre-lodgement advice**
Before lodging an application for larger or more complex development, it is strongly recommended that the proponent organise a pre-lodgement meeting with council officers, to discuss the proposal and obtain feedback on the likely issues that will need to be addressed. Such a meeting will also provide advice on the types of supporting information and plans that will need to be submitted.

Pre-lodgement meetings do not guarantee a favourable outcome for any development application. The outcome of a development application can only be determined following Council’s completion of the whole assessment process after the application has been formally lodged.

**2a.3 Using a design professional**
Preparing a successful design and development application can be complicated, especially for large projects. There are many factors to consider, and coming up with a simple and effective design solution is not always easy. Experience shows that extra expense incurred in producing a good design is cost-effective in the long run. Applicants should therefore consider assistance from one or more professionals with skills relevant to the project, such as an architect, town planner, engineer, environmental scientist or landscape architect.

Before engaging a professional, it is important to check their design experience. Ask about examples of similar development projects they have been involved in. Visit these projects and judge for yourself how successful they are. Ask if anything has been learnt from these projects. Make sure that the professional clearly understands your requirements and has the capability to produce a design and development application that complies with all requirements.

**2a.4 Required plans & documentation**
The type of supporting plans and information required with a development application will vary depending on the type of development, site conditions and other factors.

**General requirements**
The following matters will need to be lodged with any application (in accordance with Schedule 1 of the *Environmental Planning and Assessment Regulation 2000*):
- completed application form
- architectural drawings that show the existing and proposed works
- site plan (including a site analysis plan for larger developments)
• Statement of Environmental Effects, explaining the proposal, the site and its context, the likely impacts of the proposal and details of any measures proposed to minimise these impacts
• A4 notification plan.

Requirements for specific development types
The actual information required will vary according to the type and location of development. Table 1 Development Matrix - information required gives a guide to the appropriate information that will to be included with a development application.

Other information in addition to that shown in the Matrix may also be required, as indicated under the heading ‘Supporting plans & documentation’ throughout this DCP. These requirements should be discussed at pre-lodgement meetings with council officers.

Table 1 Development Matrix - information required

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<td>Home employment</td>
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<td>Childcare, school, hospital, church</td>
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<tr>
<td>Business/Industrial: new, major addition</td>
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<td>Business/Industrial: change of use</td>
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<td>Business/Industrial: interior fit out</td>
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<td>Recreation, entertainment, tourist</td>
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<td>Earthworks, filling</td>
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<td>Demolition of a structure</td>
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<td>Advertising sign</td>
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<td>Land subdivision</td>
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<td>Strata subdivision</td>
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</tbody>
</table>
### Table 2 Required general plans & supporting information

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. All plans &amp; drawings</strong></td>
<td>All applications</td>
<td>Plans must be drawn to scale in ink and preferably on A3 or A4 size paper. Free hand or illegible drawings will not be accepted. The following information must be included:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>□ applicant’s name, house/unit number, street name, town or locality.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>□ lot, section, DP/SP number</td>
</tr>
<tr>
<td></td>
<td></td>
<td>□ measurements in metric</td>
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<tr>
<td></td>
<td></td>
<td>□ true north</td>
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<tr>
<td></td>
<td></td>
<td>□ building or parts of building to be demolished (to be indicated in outline)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>□ name of designer or architect</td>
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<td></td>
<td>□ scale</td>
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<td>□ date</td>
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<td></td>
<td></td>
<td>□ plan name and number</td>
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<td></td>
<td></td>
<td>□ BASIX commitments (if required)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>□ alterations and additions (proposed work to be shown by distinct colouring)</td>
</tr>
<tr>
<td><strong>B. Site analysis</strong></td>
<td>Most applications (discuss at pre-lodgement)</td>
<td>Drawings to a suitable scale (for example, 1:100 OR 1:200).</td>
</tr>
<tr>
<td><strong>General</strong></td>
<td></td>
<td>□ location</td>
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<tr>
<td></td>
<td></td>
<td>□ north point</td>
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<tr>
<td></td>
<td></td>
<td>□ site boundaries and dimensions</td>
</tr>
<tr>
<td></td>
<td></td>
<td>□ site contours (usually at 1 metre intervals), to be shown to the lot boundaries or 30 metres out from the development site.</td>
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<tr>
<td></td>
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<td>□ site area (m² or ha)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>□ location and uses of existing buildings on the land and adjoining land, including (where relevant) window locations and what room they service.</td>
</tr>
<tr>
<td><strong>Site characteristics</strong></td>
<td></td>
<td>□ Sun path across the site.</td>
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<tr>
<td></td>
<td></td>
<td>□ Prevailing wind direction and, if in an exposed area, likely wind speed.</td>
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<tr>
<td></td>
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<td>□ Planning zone (and zone boundaries if multiple zones).</td>
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<tr>
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<td></td>
<td>□ Slopes greater than 20% (1 in 5) and the direction or fall of drainage from those areas.</td>
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<tr>
<td></td>
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<td>□ Type and location of existing vegetation.</td>
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<td>□ Noxious or environmental weeds.</td>
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<tr>
<td></td>
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<td>□ Significant natural features such as cliffs, rock outcrops, etc.</td>
</tr>
</tbody>
</table>
## Upper Hunter Development Control Plan 2015

### 2a Preparing & lodging a development application

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>water holes.</td>
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<tr>
<td>□ For bush fire prone land – see information in ‘Statement’ below.</td>
<td></td>
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<tr>
<td>□ photos showing the character of the surrounding area (nearby buildings and streetscapes)</td>
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<tr>
<td>□ photos showing any significant site features, such as views to and from the land, vegetation, etc</td>
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<tr>
<td><strong>Drainage</strong></td>
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<tr>
<td>□ existing stormwater controls (easements, trenches, etc.)</td>
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<td>□ drainage pattern, areas of concentrated runoff, ponding, possible flooding.</td>
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<tr>
<td>□ watercourses, creeks or wetlands on the site or within 40 metres from the site.</td>
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<tr>
<td><strong>Services</strong></td>
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<tr>
<td>□ location of above- or below-ground services, including power, water, gas, sewer, wastewater systems, land application areas.</td>
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<tr>
<td><strong>Existing Development</strong></td>
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<tr>
<td>□ set backs, height and location of buildings on adjoining lands.</td>
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<tr>
<td>□ potential noise sources, private open space areas or windows from any adjoining buildings which may overlook the site.</td>
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<td>□ any areas of land degradation, identify likely causes.</td>
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<tr>
<td>□ location of buildings or structures on the site including swimming pools, retaining walls and other hard surface areas</td>
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<td>□ existing access to the site, including pathways, tracks, driveways, and number and location of car parking spaces.</td>
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<tr>
<td>□ for ‘bushfire prone land’ show the existing and proposed road network, including the width of roads and whether they are connector roads or cul-de-sacs.</td>
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<tr>
<td><strong>Statement to be provided with application</strong></td>
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<tr>
<td>□ whether there are any restrictions recorded on the Certificate of Title, such as a covenant or section 88B restriction.</td>
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<tr>
<td>□ the zoning of the land under the Upper Hunter LEP 2013, and whether the type of development proposed is permitted within that zoning.</td>
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<tr>
<td>□ whether the land is shown as ‘bushfire prone land’ on the bushfire prone land map. (viewable on the Council’s web site).</td>
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</table>
## 2a Preparing & lodging a development application

### Part 2 Development application process

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
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</thead>
<tbody>
<tr>
<td><strong>C. Site plan</strong></td>
<td>All applications</td>
<td>A site plan is a bird’s-eye view of the existing and proposed development on the site and its position in relation to boundaries. &lt;br&gt; <strong>A site plan should include:</strong>&lt;br&gt; - drawings to a suitable scale (for example, 1:100 or 1:200).&lt;br&gt; - location of the new and existing buildings in relation to site boundaries.&lt;br&gt; - existing and proposed fences and landscaping features such as swimming pool, retaining walls, paved areas and driveways.&lt;br&gt; - contour lines of site and spot levels at all the corners of the building.&lt;br&gt; - vehicle access and car parking (indicating gradients).&lt;br&gt; - stormwater drainage pipes including downpipes and gutter, connection and discharge points.&lt;br&gt; - above or below ground services, including sewer, power, water and telephone.&lt;br&gt; - rainwater tanks (volume and distance to boundaries to be noted).&lt;br&gt; - outdoor clothes drying area (not required for commercial and industrial developments).&lt;br&gt; - cut and fill areas.&lt;br&gt; - alterations and additions (proposed work to be shown by distinct colouring).&lt;br&gt; <strong>Measurements</strong> are to include (where relevant):&lt;br&gt; - length, width and site area of land (existing and proposed)&lt;br&gt; - width of road reserve.&lt;br&gt; - distance from the external walls and the outermost parts of the proposed building to all boundaries.&lt;br&gt; - driveway location showing distance to side boundary.&lt;br&gt; - driveway profile in accordance with AS2890.1 – Off-Street Car Parking.</td>
</tr>
<tr>
<td><strong>D. Floor plans, elevations &amp; sections</strong></td>
<td>Applications involving building work</td>
<td>A floor plan is a bird’s-eye view of the existing and proposed layout of rooms within the development. &lt;br&gt; <strong>Floor plans should include:</strong>&lt;br&gt; - drawings to a suitable scale (for example, 1:100 or 1:200).&lt;br&gt; - outline of existing buildings (shown dotted or coloured).&lt;br&gt; - room names and dimensions.&lt;br&gt; - window and door locations and sizes.&lt;br&gt; - floor levels and steps in floor levels (RLs).&lt;br&gt; - wall structure type and thickness.&lt;br&gt; - total floor area for each level if applicable.&lt;br&gt; - BASIX commitments if applicable.&lt;br&gt; - alterations and additions (proposed work to be shown by distinct colouring).</td>
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</table>
Part 2 Development application process

2a Preparing & lodging a development application

<table>
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<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
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<td></td>
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<td>Elevation plans should include:</td>
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<td>□ drawings to a suitable scale (for example, 1:100 or 1:200)</td>
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<td></td>
<td></td>
<td>□ window/opening sizes and location</td>
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<td></td>
<td></td>
<td>□ location/position of all buildings and structures</td>
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<tr>
<td></td>
<td></td>
<td>□ exterior cladding type and roofing material and colour</td>
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<td></td>
<td></td>
<td>□ chimneys, flue exhaust vents, duct inlet or outlet, solar heating appliances</td>
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<td>□ reduced levels to Australian Height Datum (AHD) (where available) for roof ridge, floor and ceiling. Note: where AHD is not available, an assumed datum is to be provided</td>
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<td>□ indicate natural ground level and proposed finished floor level</td>
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<td>□ BASIX commitments if applicable</td>
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<td>□ proposed cladding materials specifications and colour.</td>
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<td>Sections should include:</td>
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<td>□ drawings to a suitable scale (for example, 1:100 or 1:200)</td>
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<td>□ outline of existing buildings (shown dotted or coloured)</td>
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<td>□ section names and where they are shown on plan (that is, A/A, B/B, etc).</td>
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<td>□ room names.</td>
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<td>□ room and window heights.</td>
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<td>□ details of chimneys, fire places and stoves.</td>
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<td>□ roof pitch and covering.</td>
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<td>□ site works, finished and proposed floor and ground levels in long section (indicate cut, fill and access grades).</td>
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<td>□ construction material details (dimensions to be in millimetres).</td>
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<td>□ BASIX commitments if applicable.</td>
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E. Notification plan

Applications that are required to be publically notified as specified in section 2b Public Participation.

An A4 plan showing:

□ the height and external configuration of the proposed building in relation to the site and adjoining buildings; or.

□ in the case of a development proposal that does not involve the erection of a building, the general arrangement of the proposed development in relation to the site and adjoining buildings.

F. Statement of Environmental Effects (SEE)

All applications

The SEE must:

• demonstrate that you have considered the environmental impact of the development

• explain how these impacts were identified

• outline the proposed measures to mitigate any likely impacts.

Refer to Attachment A of the Upper Hunter Shire Council Application Guide for further details.
### Table 3 Required site-specific plans & supporting information

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
</table>
| A. Landscape plan and report | Where required by type of development (see separate DCP sections for each development type) | Plan and report, prepared by a suitably qualified professional, showing:  
- description of ground preparation and on-going maintenance of landscaping  
- areas of private open space, proposed turf and areas of established gardens.  
- location and species of trees and shrubs to be retained or removed.  
- schedule of plantings, cross-referenced to the site plan indicating species, massing and mature height.  
- details of restoration and treatment of earth cuts, fills, mounds, retaining walls, fencing and screen walls.  
- Other information as specified in any other section of this DCP. |
| B. Shadow diagram | Applications that potentially involve overshadowing of the proposed development, or of adjoining or nearby development; or  
Developments two storeys or greater in height | Prepare a plan illustrating:  
- extent of shadows cast by existing and proposed buildings, including buildings on adjoining land.  
- position of existing and proposed buildings on the site and on adjoining land  
- shadows cast by existing and proposed buildings at the winter solstice (22 June) for 9am, 12noon and 3pm. |
| C. Subdivision plan | Applications for subdivision of land | Include the matters required under Part 3 Subdivision |
| D. Soil & water management plans or reports | Applications for which soil and water management plans or reports are required (refer to section 11f Soil & water management) | Prepare applicable soil and water management plans or reports, as specified in section 11f Soil & water management. These could include:  
- cut and fill details  
- erosion and sediment control plan (ESCP)  
- erosion and sediment control strategy (ESCS)  
- soil and water management plan (SWMP)  
- comprehensive water cycle strategy (CWCS). |
### Part 2 Development application process

#### 2a Preparing & lodging a development application

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>E. Bushfire assessment report</td>
<td>Applications that relate to Bush Fire Prone Land</td>
<td>Prepare a Bushfire Assessment Report in accordance with the current version of Planning for Bush Fire Protection, as specified in section 10b Bushfire risk</td>
</tr>
<tr>
<td>F. Flora &amp; fauna assessment report</td>
<td>Applications that relate to land with high biodiversity values, or that require significant disturbance or removal of native vegetation or potential habitat for native species (refer to section 11b Biodiversity conservation)</td>
<td>Include the matters required under section 11b Biodiversity conservation.</td>
</tr>
</tbody>
</table>
| G. Heritage, aboriginal cultural heritage or archaeological plans & reports | Applications that will potentially impact on land that is listed as or contains:  
• a heritage item  
• a heritage conservation area  
• an archaeological site  
• an Aboriginal object  
• an Aboriginal place of heritage significance. | Include the matters required under section 9a Heritage conservation. |
| H. Traffic & parking plans & reports | Applications involving vehicle access, car parking or loading facilities. | Include the matters required under section 12a Access & vehicle parking. Actual requirements will depend on the type of development and level and type of traffic generation. |
| I. Acoustic assessment report | Applications involving the potential for noise impacts on adjoining development. | Include the matters required under section 11i Buffer areas |
| J. On-site sewerage management system plans & form | Applications for development that will generate sewage waste in locations that are not connected to a reticulated sewerage system | Include the matters required under section 11g On-site waste water management. |
| K. Geotechnical hazard & salinity assessment | Applications potentially subject to geotechnical hazards (refer to section 10c Geotechnical hazard) | Include the matters required under section 10c Geotechnical hazard. |
| L. Flooding report | Applications that relate to flood prone land | Include the matters required under section 10a Flood risk. |
| M. Contaminated Site Investigation Report | Applications for change of land use and Land Subdivision | Prepared in accordance with the requirements of Managing Contaminated Land: Planning Guidelines SEPP 55 – Remediation of Land |
| N. Other reports | As relevant to the circumstances | As specified in individual sections of this DCP. |
2a.5 Applications for modifications to a development consent

An application for a modification to a development consent under section 96 of the Environmental Planning and Assessment Act 1979 must be accompanied by the following information (minimum):

- a completed application form
- a statement outlining the proposed modification/s and identifying the relevant conditions of consent that are to be amended
- plans highlighting the proposed modifications (coloured or clouded)
- a statement addressing the potential impacts of the proposed modification/s
- proposed wording of amended conditions.
2b Public participation

Explanatory outline
Section 2b outlines procedures and requirements for public participation in the development application process. The following matters are covered:

- public notification of proposals, such as by written notice and published notices
- public exhibition of proposals
- written submissions
- other measures designed to elicit responses from the public
- the taking of written submissions and other responses into consideration when making planning decisions.

Note: these criteria do not apply where approval is sought by way of a complying development certificate under State Environmental Planning Policy (Exempt and Complying Development) Codes 2008. In such cases, applicable notification requirements (if any) under that SEPP will apply instead.

2b Public participation

2b.1 Application of this section
This section applies to all development that may only be carried out with development consent.

2b.2 Relevant planning instruments & legislation
Many types of development proposals are specifically required by law to be the subject of a public participation process. Relevant requirements for public participation are found in:

- Upper Hunter Local Environmental Plan 2013
- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- various State Environmental Planning Policies

Further planning instruments and legislation may also be relevant. In the event of any inconsistency, the above listed instruments will prevail over requirements or criteria contained in this section.

2b.3 Definitions
The following terms defined in the Dictionary are relevant to this section:

- adjoining owners
- adjoining occupiers
- public participation
- published notice
- written notice
2b.4 Objectives

The objectives of this section are to:

• provide opportunities for public participation in planning decisions that are proportionate to the level of likely impacts of proposed development and the likely degree of public interest

• enable the public to provide input to planning decisions that potentially may have significant or detrimental effects, particularly in relation to the use or enjoyment of:
  - adjoining or nearby land
  - public land or other places used by the public.

• promote responsiveness to local concerns and issues

• promote consistency, transparency and fairness in the implementation of public participation

• use ‘plain English’ communication in all public participation processes.

2b.5 Development presumed not to require public notification

The following categories of development are taken to have a very low or negligible potential for impact on the use or enjoyment of adjoining or nearby land. Development applications and subsequent modifications relating to these categories will in general be excluded from public notification processes. However, public notification will be required where the council forms an opinion that the development should be publicly notified, according to the criteria specified in clause 2b.6.

Table 4 Development presumed not to require public notification

<table>
<thead>
<tr>
<th>Development category</th>
<th>Development type</th>
</tr>
</thead>
</table>
| Residential          | • Dwelling houses—single-storey only (includes new dwellings, extensions and minor interior alterations).
|                      | • Other residential accommodation—single-storey extensions or minor interior alterations only.
|                      | • Outbuildings or other minor structures that are ancillary to residential accommodation, including:
|                      |   - swimming pools.
|                      |   - garages, car ports.
|                      |   - sheds and other minor outbuildings
|                      |   - awnings, pergolas, decks
|                      |   - water tanks.
|                      |   - retaining walls.
| Commercial           | • Commercial premises—interior alterations or minor extensions only.
|                      | • Wall and awning signs.
|                      | • Roadside stalls.
| Industrial           | • Industries—interior alterations or minor extensions only.
|                      | • Wall and awning signs.
| Rural                | • Subdivision involving the creation of up to three rural allotments.
|                      | • Dwelling houses—single-storey only (includes new dwellings, extensions and minor interior alterations and residential type development listed above).
|                      | • Farm and machinery sheds.
|                      | • Farm buildings (stables).
2b.6 Development that requires public notification

In addition to any requirements for public participation in other planning instruments or legislation, development applications and applications to modify a development consent will be publicly notified if the Council is of the opinion that the use or enjoyment of land may be detrimentally affected by the proposal.

In forming an opinion whether to notify owners or occupiers of adjoining or other nearby land of a development proposal, the Council is to take the following matters into consideration:

- obstruction of views
- sunlight
- privacy
- noise, odour, light or other pollution
- visual impact, streetscape and local character
- traffic and access
- ground levels
- drainage, stormwater and watercourse issues
- natural or other hazards, including flooding, bushfire and geotechnical hazards
- heritage, aboriginal cultural or archaeological significance.

Public notification requirements are summarised in Table 5 Public notification requirements.

Table 5 Public notification requirements

<table>
<thead>
<tr>
<th>Notifiable matter</th>
<th>Public notice to be given</th>
<th>Exhibition &amp; submission periods</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development applications—where the Council is of the opinion that the use or enjoyment of land may be detrimentally affected by the proposal (refer to criteria in clause 2b.6).</td>
<td>Written notice to:</td>
<td>Minimum of 14 days commencing the day on which published notice is first given.</td>
</tr>
<tr>
<td>Note. Development types referred to in Table 4 will in general not be publicly notified.</td>
<td>• adjoining owners.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• adjoining occupiers.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• other potentially affected owners or occupiers.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• interested public authorities.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Published notice:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• in a local newspaper on 1 occasion.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• placed on the Council's website</td>
<td></td>
</tr>
<tr>
<td>Wind energy systems</td>
<td>Written notice to owners and occupiers:</td>
<td>Minimum of 21 days commencing the day on which published notice is first given.</td>
</tr>
<tr>
<td>Note: these requirements are in addition to any notification requirements contained in the remainder of this section.</td>
<td>• within a radius of at least 10 km from the site boundary of any major infrastructure.</td>
<td>The applicant is to hold at least one public information session for each town covered within the applicable notification radius. In the event that no towns are within the notification radius, one information session is to be held in the nearest town centre. Information sessions are to include both day and evening sessions.</td>
</tr>
<tr>
<td></td>
<td>• within a radius of at least 5 km from the site boundary of any other development other than a major infrastructure development.</td>
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<tr>
<td></td>
<td>Published notice:</td>
<td></td>
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<tr>
<td></td>
<td>• in a local newspaper on 1 occasion.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• placed on the Council's website</td>
<td></td>
</tr>
<tr>
<td>Application for modification of development consent under sections 96 (1) or 96 (2) of the EP&amp;A Act—where the Council is of the opinion that the use or enjoyment of land may be detrimentally affected by the proposal</td>
<td>Written notice to:</td>
<td>Minimum of 14 days following the day on which written notice is given.</td>
</tr>
<tr>
<td></td>
<td>• adjoining owners.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• adjoining occupiers.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• other potentially affected owners or occupiers.</td>
<td></td>
</tr>
</tbody>
</table>
2b Public participation

Notifiable matter | Public notice to be given | Exhibition & submission periods
---|---|---
Application for Review of determination under section 82a of the EP & A Act where original application was modified | Written notice to:
• adjoining owners.
• adjoining occupiers.
• other potentially affected owners or occupiers
• Any person who made a submission on the original application | (refer to criteria in clause 2b.6).

2b.7 How will public notice be given?
Public notice of notifiable matters will in general be given by:
• written notice to owners or occupiers who may be affected by or have an interest in a proposal (refer to clause 2b.6)
• published notice in a newspaper circulating within the Upper Hunter local government area
• published notice on the Council’s website.
However, this may be varied at the discretion of the Council to include additional measures, such as:
• site notices erected at or near the site of a proposed development
• written notice to interested community groups
• media releases and other public announcements.
Written notice is to include an A4 notification plan showing:
• the height and external configuration of the proposed building in relation to the site and adjoining buildings; or.
• in the case of a development proposal that does not involve the erection of a building, the general arrangement of the proposed development in relation to the site and adjoining buildings.
All applications (including supporting documentation) that are publicly notified will be available for inspection during the applicable exhibition period at the Council’s Administration Centres and at other locations as specified in written and published notices.

2b.8 Exhibition & submission periods
The exhibition period is the period during which a person may view the publicly exhibited material.
The submission period is the period during which a person may make a written submission.
The exhibition and submission periods are as specified in Table 5 Public notification requirements, except where requirements under other planning instruments or the Regulations specify a longer period. The Council may resolve to extend these periods.
Written submissions must be lodged with the Council by the following closing times:
• for submissions lodged by post or personal delivery—by 4.30 pm on the final day of the submission period (please check postal delivery times beforehand)
• for submissions lodged electronically or by facsimile—by midnight on the final day of the submission period.
Late submissions will be considered where possible, but this is at the complete discretion of the Council. For some classes of development application, the lodgement of a written objection within
the submission period gives an objector certain appeal and other legal rights. These rights only exist where the submission is duly lodged prior to the close of the submission period.

2b.9 **Form & content of written submissions**
Submissions must be in writing by letter, facsimile, email or other electronic format that is acceptable to the Council.

Submissions should contain the following information:
- author’s name and address
- application number, description and location of the proposal
- whether the author supports or objects to the proposal, and the grounds for that support or objection
- any other matters that, in the author’s opinion, should be taken into consideration in the determination of the proposal.

All submissions received will be acknowledged in writing.

2b.10 **Wider public engagement measures**
Where considered appropriate, due to widespread public interest in a planning proposal, the Council may decide to initiate wider public engagement measures. These may include:
- public meetings
- public hearings
- briefings and interviews
- discussion forums, charrettes or similar vehicles for dialogue and discussion
- web pages, social media channels or other electronic media.

The outputs resulting from these measures are to be recorded, and the results taken into consideration in the determination of the proposal.

2b.11 **Confidentiality & privacy**
Applicants will generally be supplied with a copy of all submissions upon request and pursuant to relevant legislation, unless they are submitted in strict confidence or in the opinion of Council contain information or statements irrelevant to the assessment and determination of the development application or contain information of a controversial or sensitive nature.

Council policy is that applicants are entitled to read all submissions in full, however, the names and addresses of persons who specifically request that their names be withheld will not be made available.

2b.12 **Consideration of submissions**
Submissions will be summarised in the report prepared for the consideration and determination of the application. The report will include names and addresses of those who made the submissions.

Council is not bound by any submission, and its assessment of an application will involve considering the merits of the application together with all submissions.

2b.13 **Council correspondence to those making submissions**
Each person that made a written submission to a development application will be notified in writing when the report regarding the consideration and determination of the application has been prepared and when it is to be considered at a Council meeting. Once the application has been determined, each person that made a written submission will be notified in writing regarding the determination of the application.
Part 3 Subdivision

Explanatory outline
Part 3 specifies outcomes, design guidelines and other requirements for the subdivision of land in both urban and rural areas.

Note: this Part does not apply where approval is sought by way of a complying development certificate (under SEPP (Exempt and Complying Development) Codes 2008). In such cases, the criteria under that SEPP will apply instead.

3a Subdivision

3a.1 Application of this Part
This Part applies to development described in Column 1 when carried out on land described in Column 2.

<table>
<thead>
<tr>
<th>Column 1: Type of development</th>
<th>Column 2: Applicable land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivision of land</td>
<td>Any land</td>
</tr>
</tbody>
</table>

3a.2 Relevant planning instruments, legislation, policies & strategies
The following environmental planning instruments or other legislation are relevant to development to which this Part applies:

- Upper Hunter Local Environmental Plan 2013
- Local Government Act 1993
- Rural Fires Act 1997
- Roads Act 1993
- Conveyancing Act 1919
- Strata Schemes (Freehold Development) Act 1973

Further planning instruments and legislation may also be relevant. In the event of any inconsistency, the above listed instruments will prevail over requirements or criteria contained in this Part. The following Development Contributions Plans (as updated or as amended) may also be relevant to development to which this Part applies:

- Upper Hunter Shire Council S94A Development Contributions Plan 2008
- Scone Section 94 Contributions Plan 1992
- Murrurundi Section 94 Contributions Plan 1992
- Merriwa Section 94 Contributions Plan 1994
3a.3 Definitions
The following terms defined in the Dictionary are relevant to this Part:

- subdivision certificate
- subdivision of land
- subdivision work

3a.4 Objectives
The objectives of this Part are to:

- establish a consistent and coordinated approach to the creation of residential, rural residential, rural, commercial and industrial lots throughout the Upper Hunter LGA;
- ensure that all subdivisions and the potential impacts of such subdivisions and subsequent development take account of the principles of environmental sustainability;
- to encourage solar efficient subdivision designs that will assist in ensuring that subsequent development is significantly more energy efficient than conventional development;
- ensure that rural subdivision reinforces the rural character of the Upper Hunter LGA;
- facilitate subdivision forms which have the effect of minimising environmental degradation;
- ensure that subdivision and housing take account of physical constraints relating to flooding, landslip, bush fire, contaminated land, salinity etc;
- ensure all proposed lots are physically capable of suitable development;
- ensure that each lot is provided with an appropriate level of amenity, service and access;
- ensure logical, efficient and orderly development of infrastructure;
- ensure subdivision proposals integrate with other adjoining and nearby existing and planned land uses; and
- discourage the removal of prime agricultural land from agricultural production and to prevent adverse impacts upon the viability of established or potential agricultural activities.

3a.5 Supporting plans & documentation
Development applications that are subject to this Part should be supported by the following plans and documentation.

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. General requirements</td>
<td>All applications</td>
<td>Refer to section 2c Lodging a development application.</td>
</tr>
</tbody>
</table>
| B. Subdivision plan | All applications | Plan prepared by a suitably qualified professional showing:  
- land title details  
- configuration, boundary dimensions and site area of all proposed allotments  
- water, sewage, electricity and telephone services  
- points of entry and exit for each lot  
- proposed method of stormwater disposal  
- Proposed new roads (if any) where site gradients are greater than 15%, provide details of gradients of any new roads  
- site analysis including environmental constraint areas, zone boundaries, usable land area (if applicable) and |
### Part 3  Subdivision

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>extent of existing vegetation</td>
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<td></td>
<td></td>
<td>• proposed development and indicative ‘building envelope’ on each new lots, showing that there is a sufficient area to place a future dwelling and its associated infrastructure (such as on-site effluent disposal area)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• location and current use of existing buildings</td>
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<td>• contour information and relative levels for both the subject site (and in urban areas, adjacent streets and footpaths)</td>
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<tr>
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<td></td>
<td>• location and current use of buildings on adjoining sites that are likely to be affected by the development</td>
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<td></td>
<td>• arrangements for provision or amplification of utility services</td>
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<tr>
<td></td>
<td></td>
<td>• conceptual drawings indicating proposed infrastructure including roads, drainage, water, sewage and earthworks (sufficient to allow assessment of the practicality of these works).</td>
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<tr>
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<td></td>
<td>• a draft 88B instrument setting out the terms of any right of carriageway (including maintenance responsibilities) shall be submitted to Council with a development application for rural subdivision.</td>
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<tr>
<td>C. Servicing strategy</td>
<td>All applications</td>
<td>Provide evidence of satisfactory arrangements for the provision of the following services to the development:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• reticulated water or on-site water supply</td>
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<tr>
<td></td>
<td></td>
<td>• reticulated sewerage or on-site waste water management.</td>
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<tr>
<td></td>
<td></td>
<td>• electricity</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• telecommunications</td>
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<td></td>
<td></td>
<td>Please discuss site-specific requirements with council officers.</td>
</tr>
<tr>
<td>D. Landscape plan</td>
<td>Applications that include new public roads or public open space</td>
<td>Plan and report, prepared by a suitably qualified professional, showing:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• description of ground preparation and on-going maintenance of landscaping</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• location and species of trees and shrubs to be retained or removed.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• schedule of plantings, cross-referenced to the site plan indicating species, massing and mature height.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• details of restoration and treatment of earth cuts, fills, mounds, retaining walls, fencing and screen walls.</td>
</tr>
<tr>
<td>E. Preliminary soil &amp; water management strategy</td>
<td>Applications for which soil and water management plans or reports are required (refer to section 11f Soil &amp; water management)</td>
<td>Prepare applicable soil and water management plans or reports, as specified in section 11f Soil &amp; water management. These could include:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• cut and fill details.</td>
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<tr>
<td></td>
<td></td>
<td>• erosion and sediment control plan (ESCP)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• erosion and sediment control strategy (ESCS)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• soil and water management plan (SWMP)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• comprehensive water cycle strategy (CWCS).</td>
</tr>
</tbody>
</table>
### Part 3  Subdivision

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>F. Geotechnical hazard &amp; salinity assessment</strong></td>
<td>Applications potentially subject to geotechnical hazards (refer to section 10c Geotechnical hazard)</td>
<td>Include the matters required under section 10c Geotechnical hazard.</td>
</tr>
<tr>
<td><strong>G. Flooding report</strong></td>
<td>Applications that relate to flood prone land</td>
<td>Include the matters required under section 10a Flood risk.</td>
</tr>
<tr>
<td><strong>H. Bushfire assessment report</strong></td>
<td>Applications that relate to Bush Fire Prone Land</td>
<td>Prepare a Bushfire Assessment Report in accordance with the current version of Planning for Bush Fire Protection, as specified in section 10b Bushfire risk.</td>
</tr>
<tr>
<td><strong>I. Flora &amp; fauna assessment report</strong></td>
<td>Applications that relate to land with high biodiversity values, or that require significant disturbance or removal of native vegetation or potential habitat for native species (refer to section 11b Biodiversity conservation).</td>
<td>Include the matters required under section 11b Biodiversity conservation.</td>
</tr>
<tr>
<td><strong>J. Access &amp; parking plans &amp; reports</strong></td>
<td>Applications that raise significant access or parking issues.</td>
<td>Include the matters required under section 12a Access &amp; vehicle parking. Actual requirements will depend on the expected level and type of traffic generation.</td>
</tr>
<tr>
<td><strong>K. Onsite sewage management report</strong></td>
<td>Applications for land that will not be serviced by reticulated sewer.</td>
<td>Include the matters required under section 11g On-site sewage management.</td>
</tr>
</tbody>
</table>
| **L. Property Management Plan** | Applications for rural subdivision pursuant to Clause 4.2 Rural Subdivisions (creating lots that are less than the minimum lot size) | A property management plan is to include the following:  
  * Property Assessment Report (including information about natural resources, physical features, limitations of land, financial and human resource limitations)  
  * Business Plan Report (this should include vision and goals for the property and its resources and the farm business enterprise)  
  * Plans (Physical and permanent features, existing property layout and farm infrastructure, realistic plan based on best practices land management principles)  
  * Action Plan (Should include: prioritising issues, desired outcomes, management strategies, costs, practical actions, timeframes and monitoring and evaluation) |
| **M. Contaminated Site Investigation Report** | All applications | The Contaminated Site Investigation Report must be prepared in accordance with Managing Land Contamination Planning Guidelines and SEPP 55 - Remediation of Land or relevant planning guidelines. |
### 3a.6 Assessment criteria

A performance-based approach will be adopted in the assessment of development applications. Applications will be assessed according to the extent to which the outcomes specified in the left-hand column of the following table will be satisfied or achieved by the design, construction or operation of the proposal.

The design guidelines specified in the right-hand column indicate design and best practice solutions by which the required outcomes can be met. They do not preclude other solutions that may be suitable under particular local circumstances. All proposals will be considered on merit.

<table>
<thead>
<tr>
<th>Outcomes to be achieved</th>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Subdivision layout &amp; general design</strong></td>
<td></td>
</tr>
<tr>
<td><strong>A. Subdivision purpose &amp; general considerations</strong></td>
<td><strong>Where required, adequate buffer areas are provided between the proposal and adjoining areas (refer to section 11i Buffer Areas).</strong></td>
</tr>
<tr>
<td>■ The subdivision pattern will accommodate future and existing structures and be suitable for appropriate likely future land uses and site activities.</td>
<td></td>
</tr>
<tr>
<td>■ The subdivision proposal responds to the existing site attributes and constraints.</td>
<td></td>
</tr>
<tr>
<td><strong>B. Adjoining development</strong></td>
<td></td>
</tr>
<tr>
<td>■ The design and layout is compatible with adjoining or nearby development, especially in relation to:</td>
<td></td>
</tr>
<tr>
<td>• possible land use conflicts</td>
<td></td>
</tr>
<tr>
<td>• the need for any buffer areas</td>
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</tr>
<tr>
<td>• heritage conservation</td>
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<tr>
<td>• primary production</td>
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</tr>
<tr>
<td>• public open space (such as potential security, surveillance and visual amenity issues)</td>
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</tr>
<tr>
<td>■ Roads running east-west are encouraged to facilitate good lot orientation for solar access whilst minimising lot frontage.</td>
<td></td>
</tr>
<tr>
<td>■ Residential lots should be orientated to allow the living and private open space areas of future dwellings to be provided with good solar access.</td>
<td></td>
</tr>
<tr>
<td><strong>Rural &amp; Environmental (Zones RU1, RU4, E3).</strong></td>
<td></td>
</tr>
<tr>
<td>■ Each lot in the proposal should be able to accommodate a building envelope of 1hectare, with a minimum dimension of 40 metres. The building envelope should contain an area for a future dwelling house, outbuildings, landscaping and onsite effluent disposal.</td>
<td></td>
</tr>
<tr>
<td><strong>Residential &amp; Village (R1, R5 &amp; RU5).</strong></td>
<td></td>
</tr>
<tr>
<td>■ Each lot within the proposal should:</td>
<td></td>
</tr>
<tr>
<td>• have a minimum width of 20 metres at the building line (lots which front a cul-de-sac head should have a minimum frontage of 10 metres) with the exception of battleaxe shaped lots.</td>
<td></td>
</tr>
<tr>
<td>• be not less than 20 metres in depth</td>
<td></td>
</tr>
<tr>
<td>• be able to accommodate a building envelope of 200 m² with a minimum dimension of 10 metres.</td>
<td></td>
</tr>
</tbody>
</table>

*Note: Minimum lot sizes are specified in Upper Hunter LEP 2013 clause 4.1 and associated series of Maps 'Lot size'.*
### Outcomes to be achieved

#### Design guidelines

**Industrial (Zones IN1 & IN2).**
- Each lot in the proposal should:
  - have a minimum width of 30 metres at the building line (with the exception of battleaxe shaped lots)
  - be of a sufficient shape and size to allow the safe and efficient movement of vehicles and provision for off-street car parking, deliveries, storage and bin areas, landscaping and boundary setbacks.
- The access handle of a battle-axe shaped allotment should have a minimum width of 10 metres.

**D. Natural site features**
- The design and layout takes into account natural site features such as significant native vegetation, wildlife corridors, topography and rock outcrops
- The design should respond the following DCP sections:
  - 11b Biodiversity conservation
  - 11c Riparian land & watercourses
  - 11d Groundwater protection
  - 11f Soil & water management

**E. Natural hazards**
- The design and layout takes into account natural hazards such as bushfire, flooding and geotechnical conditions.
- The design should respond the following DCP sections:
  - 10a Flood risk
  - 10b Bush fire risk
  - 10c Geotechnical hazard.

**F. Landform modification**
- The design and layout takes into account site topography, geological conditions, existing soils and drainage, and minimises the need for landform modification when buildings are placed on the site.
- Lots should be designed to allow for the construction of future buildings which do not involve more than 1 metre cut or fill of 1 metre measured from natural ground level.
- The design should respond the following DCP sections:
  - 10c Geotechnical hazard.
  - 11f Soil & water management.

**G. Land contamination**
- The development should consider the provisions of Managing Land Contamination Planning Guidelines and SEPP 55 - Remediation of Land

**H. Street network**
- The street and access network is designed so as to:
  - respond to site features such as topography, drainage and vegetation
  - provide a logical hierarchy of streets
  - provide convenient linkages to open space, public transport, schools and local centres
  - encourage healthy communities by providing safe and convenient pathways for pedestrians and cyclists
  - allow sufficient access and manoeuvring for garbage collection services.
- Urban streets
  - Intersections should be either T-junctions or roundabouts. Four way intersections should be avoided.
  - The layout of the road and movement network should be designed to:
    - provide for the safe and efficient movement of all road users.
    - facilitate walking and cycling within the neighbourhood and to local centres.
    - facilitate the use of public transport.
    - maximise solar access to allotments.
    - provide road links to adjoining properties.
    - allow on-street car parking.
### Outcomes to be achieved

**Design guidelines**

- provide efficient access for service vehicles (for example, emergency vehicles and garbage trucks).
- ensure safe vehicle speeds.
- provide adequate sight distances.
- provide for utility services, driveways, street lighting and landscaping.
- be compatible with the existing road pattern in the locality.

**• Design specifications for public urban roads should be in accordance with Table 6 Road and movement network design specifications.**

**• Cul-de-sacs for residential roads should have a minimum sealed radius of 8.5 metres and boundary radius of 12.0 metres.**

**• Cul-de-sacs for residential roads should service no more than 25 lots.**

**Rural roads**

- Design specifications for public rural roads should be in accordance with Table 6 Road and movement network design specifications.
- Rural roads that are to revert to Council’s care and control should be designed and constructed in accordance with UHSC Draft Engineering Guidelines for Subdivisions and Developments (as amended).
- Cul-de-sacs should be avoided, but if used should be less than 200 metres in length, and be consistent with acceptable bushfire risk (refer to section 10c Bushfire risk).

**Industrial roads**

- The proposal should comply with Table 6 Road and movement network design specifications.
- Cul-de-sacs for industrial roads should have a minimum kerb radius of 13.5 metres and boundary radius of 17.0 metres and should be surfaced with asphaltic concrete.

**I. Crown roads**

- In accordance with the transfer protocols for Crown roads, the road must be transferred from Crown Lands to Council prior to the commencement of any road works at no cost to Council.

  *Note: the transfer of the road to Council does not necessarily change the extent of Council’s adopted road maintenance areas.*

**J. Future road widening & upgrading**

- Where new allotments gain access from a Crown road, the road is to be upgraded and constructed to meet the minimum standards specified in UHSC Draft Engineering Guidelines for Subdivisions and Developments (as amended), and with Table 6 Road and movement network design specifications.

- All existing public roads fronting or within the proposed allotments must be wholly within the road reserve.

**Existing roads are upgraded to accommodate increased traffic flow resulting from the subdivision proposal.**
Part 3  Subdivision

Outcomes to be achieved  Design guidelines

K. Access to lots from public roads

The road network design:

- enables safe and efficient movement of vehicles to and from individual lots.
- has no adverse impacts on the visual amenity of the neighbourhood.
- minimises impacts on adjoining properties and the environment.
- ensure there is adequate space for essential service infrastructure and landscaping
- responds to the movement and access provisions in section 12a Access and vehicle parking.

General

- All urban lots should have direct frontage to a public road and should not rely solely on an easement or right of way access. However, individual applications will be considered on their merits.
- Access driveways should be provided to all new allotments fronting a road without kerb and gutter in accordance with Council's standard vehicle access Specification.

Rural (Zones RU1, RU4 & E3)

- A maximum of three (3) rural lots may gain access from a right of carriageway within the subdivision, which should connect directly to a dedicated public road under the care and control of Council. A draft 88B instrument setting out the terms of the right of carriageway (including maintenance responsibilities) shall be submitted to Council with the development application.
- The right of carriageway should be constructed to a standard that will allow all weather two wheel drive access and is to be constructed prior to the issue of a Subdivision Certificate.
- All-weather, two wheel drive access should be provided to all new allotments.

Residential (Zones R1, R5 & RU5)

- Private access ways (access handles) should be designed in accordance with UHSC Draft Engineering Guidelines for Subdivisions and Developments (as amended) and AS2890.1.
- Standard access ways to single allotments should have a minimum width of 4.0 metres with a minimum sealed carriageway width of 3.0 metres.
- Access ways should be nominated as reciprocal rights of way on the plan of subdivision where they service two (2) or more lots.
- Access ways servicing two (2) or more lots should have a minimum width of 6.5 metres with a minimum sealed carriageway width of 5.5 metres. Note: Where future development of a lot is likely to involve multi-dwelling housing greater than 10 dwellings/units greater access way widths should be considered (refer to Section 4a Urban Dwellings, Table 10).

Industrial (Zones IN1 & IN2)

- Access ways should be designed in accordance with the provisions of the RMS Guidelines for Traffic Generating Development and AS2890.

L. Pedestrian & cyclist access

- Safe and convenient pathways is provided for pedestrians and cyclists to maximise connectivity of neighbourhoods; access to local facilities and services and to encourage healthy communities.

- Pedestrian and cycle paths should be designed in accordance with UHSC Draft Engineering Guidelines for Subdivisions and Developments (as amended).
- Footpaths and cycleways should be provided in accordance with Table 6 Road and movement network design specifications and any relevant strategic plans adopted by Council.
- Pedestrian and cycle paths should be designed to allow retention of existing vegetation and other natural features whilst ensuring ease of maintenance.
Outcomes to be achieved

<table>
<thead>
<tr>
<th>Infrastructure</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>M. Reticulated water</strong></td>
</tr>
<tr>
<td>■ Reticulated water is provided to all new allotments on land zoned R1, R5, B2, B4, RU5 (where reticulated water is available), IN1 or IN2 or as otherwise agreed with Council.</td>
</tr>
<tr>
<td>■ Easements (benefiting UHSC) shall be provided for all existing and proposed public water mains within the site.</td>
</tr>
<tr>
<td><strong>N. Reticulated sewerage</strong></td>
</tr>
<tr>
<td>■ Gravity drained reticulated sewerage services are provided to all new allotments within sewer service areas and on land zoned R1, R5, B2, B4, IN1 or IN2 or as otherwise agreed with Council.</td>
</tr>
<tr>
<td>■ Easements (benefiting UHSC) shall be provided for all existing and proposed public sewer mains within the site.</td>
</tr>
<tr>
<td><strong>O. On-site waste water management</strong></td>
</tr>
<tr>
<td>■ Onsite wastewater management systems are not permitted within sewer areas.</td>
</tr>
<tr>
<td>■ Proposed allotments within unsewered areas that are to be used for a purpose that is likely to generate sewage should have sufficient area to accommodate an on-site waste water management system in accordance with:</td>
</tr>
<tr>
<td>- section 11g On-site waste water management.</td>
</tr>
<tr>
<td>- AS1547-2012.</td>
</tr>
<tr>
<td>■ The use of on-site sewage management systems should not contribute to an adverse cumulative impact on soils and water in the area.</td>
</tr>
<tr>
<td><strong>P. Stormwater management</strong></td>
</tr>
<tr>
<td>■ The quality and quantity of stormwater runoff from the site is managed to minimise impacts on the environment.</td>
</tr>
<tr>
<td>■ All new lots in Residential, Business and Industrial zones should be able to drain to the Council’s reticulated stormwater system directly or via an inter-allotment drainage system (with appropriate easements). Note: on-site water conservation measures cannot be used in lieu of appropriate connections to the reticulated stormwater system.</td>
</tr>
<tr>
<td>■ Easements (benefiting UHSC) shall be provided for all existing and proposed Council stormwater infrastructure within the site.</td>
</tr>
<tr>
<td>■ The subdivision proposal and each individual lot within the proposal should dispose of on-site stormwater in accordance with:</td>
</tr>
<tr>
<td>- section 11f Soil &amp; water management.</td>
</tr>
<tr>
<td>- UHSC Draft Engineering Guidelines for Subdivisions and Developments, as amended.</td>
</tr>
<tr>
<td><strong>Q. Street lighting</strong></td>
</tr>
<tr>
<td>■ Adequate street lighting is provided in urban areas to promote the safety and security of neighbourhoods.</td>
</tr>
<tr>
<td>■ Street lighting should be provided in all streets fronting land zoned R1, R5, B2, B4, RU5, IN1 or IN2 in accordance with the requirements of the energy authority.</td>
</tr>
</tbody>
</table>
Outcomes to be achieved | Design guidelines
---|---

### R. Electricity & telecommunications
- Each new lot has direct access to a suitable telecommunications and electricity supply. Satisfactory arrangements are made with the relevant utility provider.

### S. Public open space
- Adequate open space is provided to urban residential subdivisions that:
  - meets the recreational needs of residents of new subdivisions.
  - encourages healthy communities.
  - contributes to the character and amenity of new subdivisions.
  - provides a safe and healthy environment for all users.
- Open space is conveniently located and accessible to pedestrians, cyclists and maintenance vehicles.
- Open space should respond adequately to the site topography and surrounding subdivision pattern, and should minimise soil disturbance.
  - The provision and retention of native vegetation is to be encouraged within public open space.
  - Open space links can be provided to ensure connectivity between any open space proposed in the development, other existing and proposed areas of public open space and places, commercial centres and schools.
  - Open space areas should be designed to allow casual surveillance from surrounding streets and residential properties.
  - All lots in a residential subdivision proposal should be within 400 metres walking distance of a local park or reserve.
  - Open space areas are required to be embellished and dedicated to Council as follows:
    - Casual open Space (parks) for community recreation, social needs and passive enjoyment are required to be dedicated and embellished.
    - Local or neighbourhood public open space is to be provided within the proposed subdivision at a rate of 1.0ha per 1,000 people (or part thereof) based on a dwelling occupancy rate of 2.63 persons per lot, in accordance with Table 7.
    - Aquatic environments, natural watercourses, riparian buffers and foreshores within the development site must be dedicated to the public as reserve, and not as open space on any proposed plan of subdivision.
    - Dual use of drainage facilities for open space purposes is encouraged as a means of establishing a linked open space network, however only those parts of the drainage areas that is in excess of that required for riparian management and buffers will be credited towards open space commitments. The linear shaped land which is used and predominantly occupied by connecting pedestrian/cycle paths will not be accepted as casual open space.
    - Environmentally sensitive areas and visually significant topographical/landform features within the development site should be dedicated to the public unless their environmental/scenic/visual values and appropriate management can be guaranteed in perpetuity in private ownership.
## Table 6 Road and movement network design specifications

<table>
<thead>
<tr>
<th>Element</th>
<th>Urban streets &amp; roads</th>
<th>Rural roads</th>
<th>Industrial General (Zones IN1 &amp; IN2)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Access street (&lt;10 lots or up to 300 veh trips per day)</td>
<td>Collector (200-400 lots or up to 3000 veh trips per day)</td>
<td>Distributor (&gt;400 lots or up to 6000 veh trips per day)</td>
</tr>
<tr>
<td>Road reserve width (metres)</td>
<td>15.0 m</td>
<td>20.0 m</td>
<td>22.0 m</td>
</tr>
<tr>
<td>Minimum carriageway width</td>
<td>6.0 m</td>
<td>11.0 m</td>
<td>8.0 m</td>
</tr>
<tr>
<td>Verge</td>
<td>2 x 4.5 m</td>
<td>2 x 4.5 m</td>
<td>N/A</td>
</tr>
<tr>
<td>Kerb Type</td>
<td>Rollover</td>
<td>Barrier</td>
<td>Rollover/barrier</td>
</tr>
<tr>
<td>Footpath requirement (metres)</td>
<td>Nil</td>
<td>1.5 m (on one side of street)</td>
<td>N/A</td>
</tr>
<tr>
<td>Cycleway requirement</td>
<td>Nil – unless part of adopted network</td>
<td>Nil – unless part of adopted network</td>
<td>Nil – unless part of adopted network</td>
</tr>
</tbody>
</table>

*Upper Hunter Development Control Plan 2015*
Table 7 Local public open space requirements

<table>
<thead>
<tr>
<th>Aspect</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area</td>
<td>Area generally in the range 0.25 -1.5 ha. The number and distribution of these parks is to be such that 95% of residents are located within a 400 m radius.</td>
</tr>
<tr>
<td>Shape</td>
<td>Length to width ratio does not exceed 3:1, with a 20 m buffer provided from active play areas to residential boundaries</td>
</tr>
<tr>
<td>Landform</td>
<td>At least 80% of the area to have slopes &lt;8%, with good drainage, grassed surfaces incorporating and landscaped elements/paved areas with soft fall</td>
</tr>
<tr>
<td>Access</td>
<td>Vehicle access from local streets for maintenance vehicles and readily accessible by pedestrians and cyclists</td>
</tr>
<tr>
<td>Street frontage</td>
<td>At least 50% of perimeter should be street frontage providing casual surveillance</td>
</tr>
<tr>
<td>Amenities</td>
<td>Playground equipment, soft fall surfaces under play equipment, kick-about area, paving for ball games, seating with shade, landscaping, drinking fountains, general shade and lighting. Play areas fenced from balance of park to delineate use. Toilet blocks if servicing greater than 1,000 persons</td>
</tr>
<tr>
<td>Services</td>
<td>Access to garbage collection, regular maintenance, water, electricity</td>
</tr>
</tbody>
</table>

3a.7 Supplementary guidance

The following documents or reference materials provide further advice or information that is relevant to this section.

- UHSC Draft Engineering Guidelines for Subdivisions and Developments, as amended.
Part 4 Urban residential

Explanatory outline

Part 4 specifies outcomes, design guidelines and other requirements for all types of residential accommodation on land within urban residential areas. There are separate sections for each of the following matters:

4a Urban dwellings
4b Ancillary residential structures & activities

This Part does not apply where approval is sought by way of a complying development certificate (under SEPP (Exempt and Complying Development) Codes 2008). In such cases, the criteria under that SEPP will apply instead.
Explanatory outline
Section 4a outlines application requirements and design criteria for all types of dwellings within urban areas. The following matters are covered:

Design & siting:
- minimum site area and dimensions
- density
- site coverage (‘floor space ratio’)
- battle-axe lots
- front setbacks
- side and rear setbacks
- general design considerations
- multiple housing – general design
- building height and scale
- solar access
- building materials
- visual and acoustic privacy
- natural site features
- private open space and landscaping
- accessibility and adaptability
- heritage
- relocated dwellings

Access & infrastructure:
- off street parking and access
- water
- sewerage
- electricity and telecommunications
- stormwater management
- waste minimisation and management
- clothes drying facilities
- numbering
- outdoor lighting
- mailboxes

Note: these criteria do not apply where approval is sought by way of a complying development certificate under SEPP (Exempt and Complying Development) Codes 2008. In such cases, the criteria under that SEPP will apply instead.

4a Urban dwellings

4a.1 Application of this section
This section applies to development described in Column 1 when carried out on land described in Column 2. It does not apply to proposals for which a complying development certificate is sought under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

<table>
<thead>
<tr>
<th>Column 1: Type of development</th>
<th>Column 2: Applicable land</th>
</tr>
</thead>
<tbody>
<tr>
<td>attached dwellings</td>
<td>Land within the following zones:</td>
</tr>
<tr>
<td>boarding houses</td>
<td>• R1 Residential</td>
</tr>
<tr>
<td>dual occupancies</td>
<td>• R5 Large Lot Residential</td>
</tr>
<tr>
<td>dwelling houses (including relocated dwellings)</td>
<td>• RU5 Village</td>
</tr>
<tr>
<td>group homes</td>
<td></td>
</tr>
<tr>
<td>hostels</td>
<td></td>
</tr>
<tr>
<td>multi dwelling housing</td>
<td></td>
</tr>
<tr>
<td>residential flat buildings</td>
<td></td>
</tr>
<tr>
<td>secondary dwellings</td>
<td></td>
</tr>
<tr>
<td>semi-detached dwellings</td>
<td></td>
</tr>
<tr>
<td>seniors housing</td>
<td></td>
</tr>
<tr>
<td>shop top housing</td>
<td></td>
</tr>
</tbody>
</table>
4a.2 Relevant planning instruments & legislation
The following environmental planning instruments or other legislation are relevant to development to which this section applies:
- Upper Hunter Local Environmental Plan 2013
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Building Code of Australia
- Local Government Act 1993
- Roads Act 1993
Further planning instruments and legislation may also be relevant. In the event of any inconsistency, the above listed instruments will prevail over requirements or criteria contained in this section.

4a.3 Definitions
The following terms defined in the Dictionary are relevant to this section:
- adaptable housing units
- building line or setback
- corner lots
- existing building line
- front fence
- landscaped area
- multiple housing
- primary road frontage
- private open space
- relocated dwelling
- secondary road frontage
- living area

4a.4 Objectives
The objectives of this section are to ensure that:
- site layout and building design responds to the existing characteristics, opportunities and constraints of the site and its context (being adjoining land and the locality)
- the design of new buildings reflects and reinforces, or is complementary to, the existing character of the locality
- the character and pattern of existing setbacks and building orientation within residential streets is reinforced
- site facilities are unobtrusive, integrated into the proposal, provide for needs of residents and reduce the impact of development on the environment
- the design and provision of public utilities, including sewerage, water, electricity, street lighting, telephone and gas services conform to the cost-effective performance measures of the relevant servicing authority
- ancillary buildings do not dominate the streetscape and reflect the existing location of ancillary buildings within the streetscape
- a range of housing forms are provided across the LGA that are able to be serviced by existing infrastructure capacity.
## 4a.5 Supporting plans & documentation

Development applications that are subject to this section should be supported by the following plans and documentation.

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. General requirements</strong></td>
<td>All applications</td>
<td>Refer to section 2c Lodging a development application.</td>
</tr>
<tr>
<td><strong>B. BASIX certificate</strong></td>
<td>All applications where relevant</td>
<td>Refer to UHSC Application Guide regarding BASIX certificates and also to the on-line assessment tool at <a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a></td>
</tr>
</tbody>
</table>
| **C. Shadow diagram** | Applications that potentially involve overshadowing of the proposed development, or of adjoining or nearby development | Prepare a plan illustrating:  
- extent of shadows cast by existing and proposed buildings, including buildings on adjoining land  
- position of existing and proposed buildings on the site and adjoining land  
- shadows cast by existing and proposed buildings at the winter solstice (22 June) for 9am, 12noon and 3pm. |
| **D. High glare building materials** | Applications involving the use of high glare building materials | Prepare a report and accompanying plan showing the alternative options considered in the design process, orientation of the buildings/proposed material, the roof pitch, sun angles, the location of properties and public places that may be affected by glare either in the immediate vicinity or within a wider area likely to be affected, and any measure to be incorporated into the works to mitigate any potential impacts (for example, landscaping, screens and the like). |
| **E. Servicing strategy** | All applications | Demonstrate the availability and feasibility of providing the following services appropriate for the scale and nature of development:  
- reticulated water, including the size and location of water services, and any proposed fire service  
- reticulated sewerage (R1 and R5 zones)  
- on site wastewater management (where applicable)  
- electricity  
- telecommunications. |
| **F. Landscape plan & report** | Applications for dual occupancies, secondary dwellings, semi-detached dwellings or multiple housing | Plan and report, prepared by a suitably qualified professional, showing:  
- description of ground preparation and on-going maintenance of landscaping  
- areas of private open space, proposed turf and areas of established gardens.  
- location and species of trees and shrubs to be retained or removed.  
- schedule of plantings, cross-referenced to the site plan indicating species, massing and mature height.  
- details of restoration and treatment of earth cuts, fills, mounds, retaining walls, fencing and screen walls. |
### Item 4a Urban dwellings

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
</table>
| G. Soil & water management plans or reports | Applications for which soil and water management plans or reports are required (refer to section 11f Soil & water management) | Prepare applicable soil and water management plans or reports, as specified in section 11f Soil & water management. These could include:  
• cut and fill details.  
• erosion and sediment control plan (ESCP)  
• erosion and sediment control strategy (ESCS)  
• soil and water management plan (SWMP)  
• comprehensive water cycle strategy (CWCS). |
| H. Geotechnical hazard & salinity assessment | Applications potentially subject to geotechnical hazards (refer to section 10c Geotechnical hazard) | Include the matters required under section 10c Geotechnical hazard. |
| I. Flooding report | Applications that relate to flood prone land | Include the matters required under section 10a Flood risk. |
| J. Access & parking plans & reports | Applications for multiple housing | Include the matters required under section 12a Access & vehicle parking. |
| K. Traffic impact assessment | Applications likely to have a significant impact on traffic generation (such as, a substantial quantity of multiple unit housing) | Include the matters required under section 12a Access & vehicle parking. Actual requirements will depend on the expected level and type of traffic generation. |
| L. Adaptable housing units | Applications for multiple housing | Show the location of adaptable housing units on plans |
| M. Site waste minimisation & management plan | All applications | A Plan and report addressing the requirements outlined in Section 11h Waste minimisation & management, as well as:  
  **For single dwellings, dual occupancy and semi-detached dwellings,** show the locations of:  
• an onsite waste/recycling storage area for each dwelling, that is of sufficient size to accommodate Council’s waste, recycling and garden waste bins.  
  **For multi-unit dwellings,** show:  
• the location of individual waste/recycling storage areas (such as for townhouses and villas) or a communal waste/recycling storage room(s) able to accommodate Council’s waste, recycling and garden waste bins.  
• the location of any garbage chute(s) and interim storage facilities for recyclable materials.  
• the location of any service rooms (for accessing a garbage chute) on each floor of the building.  
• the location of any waste compaction equipment.  
• the on-site path of travel for collection vehicles (if collection is to occur on-site), taking into account accessibility, width, height and grade. |
### Urban residential development

#### 4a Urban dwellings

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
</table>
| **N. Heritage, aboriginal cultural heritage or archaeological plans & reports** | Applications that will potentially impact on land that is listed as or contains:  
- a heritage item  
- a heritage conservation area  
- an archaeological site  
- an Aboriginal object  
- an Aboriginal place of heritage significance. | Include the matters required under section 9a Heritage conservation. |
| **O. Flora & fauna assessment report** | Applications that relate to land with high biodiversity values, or that require significant disturbance or removal of native vegetation or potential habitat for native species (refer to section 11b Biodiversity conservation). | Include the matters required under section 11b Biodiversity conservation. |
| **P. Bushfire assessment report** | Applications that relate to Bush Fire Prone Land | Prepare a Bushfire Assessment Report in accordance with the current version of Planning for Bush Fire Protection, as specified in section 10b Bushfire risk. |
| **Q. Acoustic assessment report** | Applications for land adjacent to a rail corridor or New England Highway and ANEF contour associated with Scone airport | The report should address and indicate measures to mitigate potential impacts from noise and vibration |
| **R. ‘Safer by design’ information** | Applications for multiple housing | An outline of the development's consideration of ‘Safer by design’ principles. |
| **S. Relocated dwelling report** | Applications for re-located dwellings | A report and appropriate plans indicating:  
- a description of the dwelling to be moved  
- the location of the dwelling at present and its age  
- photographs of each elevation of the building at its current address  
- dimensioned elevation drawings  
- the location to which the building is to be moved  
- details and specifications of all new work including footings, repairs, alterations, renovations and the installation of services  
- details of termite protection, bracing and tie down  
- schedule of existing building materials and condition  
- A report from a qualified structural engineer:  
  - certifying that the existing building is able to withstand the wind loads and specifying any additional wind bracing and tie-down necessary to ensure the structural integrity of the relocated dwelling. This is only required where the dwelling is to be relocated into an area of high wind velocity i.e. N2, N3, AS 4055-Wind Loads for Housing. |
4a Urban dwellings

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>- specifying the proposed method of rejoining the various sections of the structure.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- specifying whether any dilapidated or rotted structural members or cladding is to be replaced.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- specifying the method of support of any existing concrete floor/s within the building.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Certifying that the existing building is able to be relocated.</td>
</tr>
</tbody>
</table>

4a.6 Assessment criteria

A performance-based approach will be adopted in the assessment of development applications. Applications will be assessed according to the extent to which the outcomes specified in the left-hand column of the following table will be satisfied or achieved by the design, construction or operation of the proposal.

The design guidelines specified in the right-hand column indicate design and best practice solutions by which the required outcomes can be met. They do not preclude other solutions that may be suitable under particular local circumstances. All proposals will be considered on merit.

<table>
<thead>
<tr>
<th>Outcomes to be achieved</th>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Density</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Residential density for multiple housing must be no greater than one (1) bedroom for every 150 m² of site area, for example:</td>
</tr>
<tr>
<td></td>
<td>• One (1) bedroom dwelling = 150 m²</td>
</tr>
<tr>
<td></td>
<td>• Two (2) bedroom dwelling = 300 m²</td>
</tr>
<tr>
<td></td>
<td>• Three (3) bedroom dwelling = 450 m²</td>
</tr>
<tr>
<td></td>
<td>• Four (4) or more bedroom dwelling = 600 m².</td>
</tr>
<tr>
<td>B. Floor space ratio</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Note: floor space ratios for some areas in the LGA are specified in Upper Hunter LEP 2013 clause 4.4 and associated series of Maps ‘Floor space ratio’.</td>
</tr>
<tr>
<td>C. Battle-axe lots</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Minimum access handle width, handle length and sealed driveway widths for residential developments proposed on battle-axe allotments are in accordance with Table 10. Note: Vehicle cross-overs within the road reserve shall be constructed in accordance with Standard Vehicle Layback in the Council Engineering Guidelines for Subdivisions and Development.</td>
</tr>
</tbody>
</table>
Outcomes to be achieved

D. Building setbacks - front
- Minimum building setbacks (‘building lines’) where there are no adjoining dwellings within 40 metres of the lot are in accordance with Table 8 Minimum front building setbacks – urban residential development and accompanying Figure 1 Urban and village residential zones (R1 and RU5) – minimum building setbacks to boundary (building lines) and Figure 2 Large lot residential zone (R5) – minimum building setbacks to boundary (building lines).
- Minimum building setbacks (‘building lines’) from a secondary road frontage on a corner lot are in accordance with Table 8 Minimum front building setbacks – urban residential development and accompanying Figure 1 Urban and village residential zones (R1 and RU5) – minimum building setbacks to boundary (building lines) and Figure 2 Large lot residential zone (R5) – minimum building setbacks to boundary (building lines).
- Variation of the building setback will be considered on merit.
- The building setback from the primary road frontage matches the alignment of the primary road frontage facades of existing adjoining buildings. Where different setbacks occur, consideration will be given to the average of the setbacks of those primary facades.
- New development establishes a characteristic setback pattern to provide a consistent and landscaped setback that reduces the visual impact of buildings on the public domain.
- The front setback provides a transitional zone from public to private space and allow for car parking and landscaping.
- The garage width on allotments does not exceed 50% of the site frontage, the remainder of which is to be landscaped.

E. Building setbacks - side & rear
- Adequate side and rear building setbacks are provided for landscaping, privacy, natural light and ventilation between dwellings.
- Side and rear building setbacks are proportional to the height, scale and character of the proposed development.
- Minimum side and rear setbacks of dwellings are to comply with Table 9 Minimum side and rear building setbacks – urban residential development and accompanying Table 10 Minimum access handle and sealed driveway widths for battleaxe lots
- Walls may be built to the side or rear boundaries where:
  - the maximum wall height is 3 m and there will be no impact on privacy, use of private open space and solar access to adjoining properties
  - any openings comply with the fire resistance levels of the Building Code of Australia and are in filled with translucent or opaque materials
  - the wall height and length match an existing or similarly constructed wall on the adjoining site
Outcomes to be achieved

Design guidelines

- satisfactory arrangements are in place for the maintenance of the wall or gutters.
- Separation fencing should be provided between development land and any adjoining rail corridor.

F. General design considerations

- The site layout and building design responds to the site context and attributes and constraints of the site.
- The design of dwellings relates to the slope of the land to minimise earthworks and the extent of cut and fill (refer to section 11f Soil & water management).
- The building design is consistent with the dominant character of the local area.
- The development enhances the existing streetscape and contributes to the creation of an attractive residential environment.
- The design provides suitable amenity for the dwelling occupants and not adversely impact on the amenity of adjoining landowners.
- Safe access is provided to dwellings and the design facilitates security for residents.
- Buildings are designed to address street frontages. Entries to dwellings are readily apparent from the street and convey a sense of address.
- The development incorporates appropriate buffer areas (refer to section 11i Buffer areas).
- The development meets the requirements of section 4b Ancillary residential structures & activities relating to the siting and design of garages fronting the street.

- The development should respond to the attributes and constraints identified in the site analysis.
- Windowless facades should not be provided at the street frontage.
- Long stretches of unbroken wall should be avoided by articulation of wall planes, provision of openings, use of contrasting surface treatments or landscaping.
- Create an address to the street or any public access-point by incorporating the front door or windows of habitable rooms in the façade facing the street or public access-point.
- Provide an entry that is clearly identifiable from the street, has adequate lighting and has direct access to the street frontage – do not conceal or recess dwelling entries.
- Use building materials/finishes which are ‘textured’ rather than bland, through the use of light and shade, diversity in materials and finishes and appropriate decorative treatments.
- The dwelling design should respect nearby buildings’ design details including the size, location and proportions of window and door openings, parapets, eaves and roofwater guttering detailing.

G. Multiple housing – general design

This element applies to all residential accommodation except single dwellings, dual occupancies and secondary dwellings.

- Dwellings are located on lots that are predominantly regular, rectangular or square in shape.
- The development is designed and constructed in a form and scale that resembles the detached character of dwelling houses in the surrounding neighbourhood.
- Each dwelling is designed so that the access way to the front door is clearly identifiable from the public street.
- Each dwelling provides a ground level with at least one habitable room with an adjacent external living area located on the ground. A ground level comprising solely car parking is not acceptable.
- Buildings and sites are designed with consideration for the placement of windows, doors and fences so as to achieve best ‘safer by design’ practice.
<table>
<thead>
<tr>
<th>Outcomes to be achieved</th>
<th>Design guidelines</th>
</tr>
</thead>
</table>
| **H. Building height & scale**  
*Note: building height controls are specified in Upper Hunter LEP 2013 clause 4.3 and associated series of Maps ‘Height of Buildings’.* | • The dwelling design should respect nearby buildings’ scale, including their roof mass to wall ratio, roof pitch and design and length of unbroken ridgelines.  
• The amount and length of unbroken roof ridge lines, unpunctuated facades, fencing and repetitive form should be minimised.  
| The development provides continuity of character with local building height and scale. |
| **I. Solar access**  
*Note: in the event of glare nuisance, the Council will require materials to be treated.* | • Sunlight to the principal area of ground level private open space of dwellings should be no less than 4 hours between 9am and 3pm on June 21. Where existing overshadowing by buildings and fences is greater than this, sunlight should not be reduced by more than 20%.  
• Sunlight to the principal area of ground level private open space of adjacent properties should not be reduced to less than 4 hours between 9am and 3pm on June 21. Where existing overshadowing by buildings and fences is greater than this, sunlight should not be reduced by more than 20%.  
• The following measures may be required to reduce overshadowing:  
  - the building resited or setbacks increased  
  - reduced height  
  - amended roof design.  
| Dwellings receive adequate daylight and natural ventilation to habitable rooms and adequate sunlight to private open spaces.  
There is not significant overshadowing of habitable rooms and private open spaces on adjoining land. |
| **J. Building materials**  
*Note: in the event of glare nuisance, the Council will require materials to be treated.* | • Use natural colours, muted and earth tones for major areas of the building, such as walls and roof, and restrict stronger colours to smaller features such as window frames, doors and decorative woodwork.  
• Avoid use of highly reflective glass, highly reflective metal cladding (such as Zinalume and white Colorbond) and plastics on the exterior of buildings. Use factory pre-coloured materials with low reflective properties.  
• Reflective materials should not be used.  
| Colours and materials used in new buildings:  
• respond positively to the existing character of the locality  
• do not result in adverse impacts to adjoining or nearby premises  
• does not result in glare nuisance. |
| **K. Visual & acoustic privacy**  
*Note: building height controls are specified in Upper Hunter LEP 2013 clause 4.3 and associated series of Maps ‘Height of Buildings’.* | • Locate windows and outdoor spaces to avoid direct or close views into the windows, balconies or private open space of adjoining dwellings.  
• Provide suitable permanent screening structures or mature planting to minimise overarching from proposed dwellings to the windows, balconies or private open space of adjacent dwellings, or to windows, balconies or private open space of dwellings within the same development.  
• Mechanical plant or equipment should be designed, located or enclosed to minimise noise nuisance.  
| Visual and acoustic privacy is maintained for all residents, both of the proposed development and of adjoining or nearby properties.  
The proposal does result in adverse amenity impacts arising from noise generation. |
### L. Natural site features

- The development protects natural features within or adjoining the site (refer to section 11b Biodiversity conservation).
- The development minimises disturbance of natural ground levels, particularly in the vicinity of significant trees (refer to section 11f Soil & water management).
- The development is consistent with any bushfire risk present at the site (refer to section 10b Bushfire risk).
- The development is consistent with any flood risk present at the site (refer to section 10a Flood risk).
- The development is consistent with any geotechnical risk present at the site (refer to section 10c Geotechnical hazard and the provisions of UHSC Draft Engineering Guidelines for Subdivisions and Developments, as amended).

- Existing mature vegetation and trees outside the building footprint should be retained and measures are to be implemented to protect this vegetation during construction.

### M. Private open space & landscaping

- Sufficient and accessible open space is provided for the reasonable recreational needs of residents.
- Private open space should meet the requirements for privacy of the user and adjoining properties, safety, access, outdoor activities and landscaping.
- The location of private open space should take account of natural features of the site, neighbouring buildings and the location of nearby public open space.
- Private open space provides a landscaped buffer between adjoining properties.
- Private open space is located to maximise the retention and absorption of surface drainage water on site. (refer to section 11f Soil & water management and the provisions of UHSC Draft Engineering Guidelines for Subdivisions and Developments, as amended).

**Multiple housing proposals**

- Where the dwelling is located above ground level, a balcony is provided having a minimum area of 8 m² and a minimum dimension of 2 m with direct access from the main living area of the dwelling.

- Private open space should not to be broken up into small fragmented areas.
- Screening should be provided where necessary to maintain privacy.
- A minimum of 50 m² of principal private open space is to be provided for single dwelling houses, with a minimum dimension of 3 m. It is to be located at or near ground level and be directly accessible from a living area of the dwelling.
- A minimum of 30 m² of principal private open space is to be provided per dwelling for dual occupancies and multiple housing, with a minimum dimension of 3 m. It is to be located at or near ground level and be directly accessible from the living area of each dwelling.
- A minimum of 35% of the total site area should be “landscaped area” for residential development within the R1 General Residential zone.

### N. Accessibility & adaptability

*This element only applies to multiple housing proposals.*

- Adaptable housing designed generally in accordance with the provisions of AS4299 is provided at the minimum rate of 10% of dwellings for developments of 5 dwellings or more (rounded up to the nearest whole number).
- Adaptable housing units are designed with accessible features for people with disabilities, and incorporate level entries and wider doorways and corridors, slip resistant surfaces, reachable power points, disabled

- The adaptable housing components should be integrated into the overall design of the dwellings – the design aspects should not be isolated or a different standard of materials and finishes used.
### Outcomes to be achieved

- Design guidelines

#### O. Heritage
- Potential impacts on the heritage significance of the nearby area are adequately managed (refer to section 9a Heritage conservation).

#### P. Relocated dwellings
- The appearance of a relocated dwelling is compatible with or complementary to the existing streetscape, character and standard of surrounding development in the area.
- The appearance of a relocated dwelling is in keeping with the likely standard of future new development in the locality.
- Relocated dwellings are in a sufficiently safe condition.

### Design guidelines

- It may be necessary to add to the building or change the design of the proposed relocated dwelling. For example, a flat roof may have to be replaced with a pitched roof or a verandah/awning may be attached to enhance or add character to the relocated dwelling so that it is compatible with the existing streetscape or the character of an area.
- External finishes are required to be compatible or complementary to surrounding development and the established character of the area. All external surfaces are to be repainted. Within areas predominantly brick veneer, finish with a tiled roof may be required.
- Within Village or Residential Zones, sub-floor construction must be screened along the street frontage by the construction of a brick render wall erected along the front of the building with a minimum return of 1.8 metres along each side of the building.
- Colorbond or painted finishes are required for buildings with a metal roof.
- Prior to the building being relocated, all materials containing asbestos are to be removed and disposed of in accordance with AS2601-2001 The Demolition of Structures.
- All zincalume or galvanised surfaces are to be removed or the sheets must be painted or replaced with corrugated Colorbond sheets.
- Flat fibre cement sheeting is to be removed and replaced with an approved external cladding.
- Any defective, deteriorated or otherwise damaged materials, structural components or cladding are to be replaced.
- Where there is an existing concrete floor within the building, the slab is to be demolished.
- Rejoining local bearing structural members by use of a cleat or fish plate connection is unacceptable in most circumstances.
- Existing water supply pipes, house drainage pipes and fittings may be reused provided that:
  - the system complies with the current standards; and
  - a pressure test is carried out by a licensed plumber and any defective pipes and fittings are repaired or replaced prior to connection to the water supply or sewerage system.

**Note:** the installation of water tanks within the LGA is permitted and under certain conditions, Council approval in urban areas is not required subject to compliance with the Upper Hunter Council Local Approvals Policy. House water supply pipes connected to water tanks must comply with the requirements of this DCP.

**Note:** the applicant will be responsible for any damage occasioned to Council or private property and is to ensure that the building is
### Outcomes to be achieved

Design guidelines placed on site and completed in accordance with the approval. Note: the applicant is to ensure that all additional approvals, particularly relating to the transportation of the building, as required by other authorities are obtained prior to the relocation of the building. These authorities include Roads and Maritime Services, NSW Police and the relevant electricity supply authority.

### Access & infrastructure

#### Q. Off street parking & access
- Adequate on-site car parking is provided for residents, in accordance with Table 11 Minimum parking requirements for urban dwellings.
- Car parking, driveways and access are provided on site to a standard that ensures safe and convenient manoeuvring of vehicles (refer to section 12a Access & vehicle parking).
- The development is consistent with UHSC Draft Engineering Guidelines for Subdivisions and Developments, as amended.

#### Multiple housing proposals
- Formed kerb and gutter is provided to the development, as specified in UHSC Draft Engineering Guidelines for Subdivisions and Developments, as amended.
- Access ways and driveways are designed to enable vehicles to:
  - enter the parking space or garage in a single turning movement
  - leave the parking space in no more than two turning movements
  - allow cars to enter and leave the site in a forward direction
  - avoid queuing on public roads
  - pass safely within the access way.
- The development complies with AS 1428 - Design for Access and Mobility where adaptable housing units is provided.
- Accessible parking is provided at a rate of 1 space for every adaptable housing unit in accordance with AS4299 Adaptable Housing.
- Separate driveway and pedestrian access are provided.
- Disabled and visitor car parking are designated as common property in any strata plan applying to the development.

#### R. Water
- Reticulated water is provided to all dwellings on land zoned (or proposed to be zoned) residential (R1 and R5) or as otherwise agreed with Council.
- Compliance with Council policy: Building Near Water and Sewer Services.
Outcomes to be achieved

- A suitable on site water supply is provided to all dwellings where a reticulated supply is not available, incorporating the following measures:
  - Each dwelling is provided with roof water storage tanks having a minimum capacity of 100,000 litres. This water may be used principally for domestic and potable use and must encompass water storage of a minimum of 20,000 litres for fire fighting purposes (if the dwelling is >90 metres from a hydrant) and relevant fire fighting equipment and fittings.

- Developments shall not adversely impact on Council's water service infrastructure.

- Easements (benefiting UHSC) shall be provided for all existing and proposed public water mains within the site.

- Dwellings shall not be directly connected to the low-pressure reticulated main servicing allotments within the Bakewell Circuit subdivision on Gundy Road, Scone. Dwellings must be serviced by a water tank having a minimum capacity of 25,000 litres which is connected to the low-pressure reticulated water main. The tank shall incorporate backflow prevention in the form of an 'air-gap' together with a service cock for fire fighting.

S. Sewerage

- Dwellings are connected to Council’s reticulated sewerage system if the property is within 75 m of the system.

- If the property is not within 75 m of a reticulated sewerage system, an appropriately designed and sized on site waste water treatment system must be provided to the development (refer to section 11g On-site waste water management).

- Developments shall not adversely impact on Council’s sewer service infrastructure.

- Easements (benefiting UHSC) shall be provided for all existing and proposed public sewer mains within the site.

Multiple housing proposals

- All dwellings are connected to the reticulated sewerage system.

T. Electricity & telecommunications

- Satisfactory arrangements are made with the relevant utility provider for the provision of underground electricity and telecommunications services.

Multiple housing proposals

- In order to minimise the amount of externally visible antennae, dwellings within a multiple housing development are provided with wiring for a common television reception system.

• Compliance with Council policy: Building Near Water and Sewer Services.
Outcomes to be achieved

U. Stormwater management

- The development is consistent with applicable stormwater guidelines (refer to section 11f Soil & water management and UHSC Draft Engineering Guidelines for Subdivisions and Developments, as amended).
- Easements (benefiting UHSC) shall be provided for all existing and proposed Council stormwater infrastructure within the site.

V. Waste minimisation & management

This section aims to encourage source separation of waste, reuse, and recycling by ensuring appropriate storage and collection facilities for waste, and quality design of waste facilities.

- Waste containers are stored in a suitable location so as to avoid vandalism, nuisance and adverse visual impacts.
- The waste storage area is easily accessible and has unobstructed access to Council’s usual collection point.

- Waste management solutions should be taken into account early in the design process. Systems should be designed to maximise source separation and recovery of recyclables.

Multiple housing proposals

- The following minimum collection and storage facilities are provided:
- Where a development site has limited street frontage (e.g., cul-de-sac, battle-axe lots, or higher density developments) and the area available for kerbside bin storage on collection day is limited, the provision of a communal waste/recycling storage facility may be required.
- For developments that include 5 or more dwellings, a communal facility in the form of a waste/recycling storage room/s is provided in accordance with the Better Practice Guide for Waste Management in Multi-Unit Dwellings.

- The following location and design criteria apply to collection and storage facilities:
  - In townhouse and villa developments with individual waste/recycling storage areas, such areas should be located and designed in a manner which reduces adverse impacts upon neighbouring properties and upon the appearance of the premises.
  - Where bins cannot be collected from a kerbside location or from a temporary holding area located immediately inside the property boundary, the development must be designed to allow for on-site access by garbage collection vehicles. In these instances, the site must be configured so as to allow collection vehicles to enter and exit the site in a forward direction and so that collection vehicles do not...
<table>
<thead>
<tr>
<th>Outcomes to be achieved</th>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>imede general access to, from or within the site. Access driveways to be used by collection vehicles must be of sufficient strength to support such vehicles.</td>
<td></td>
</tr>
<tr>
<td>• Potential site impacts (e.g., relating to odour, early morning noise/lighting from garage truck) upon occupants of the proposed and adjacent developments are addressed in accordance with Better Practice Guide for Waste Management in Multi Unit Dwellings.</td>
<td></td>
</tr>
<tr>
<td>• Should a collection vehicle be required to enter a property, access driveways and internal roads are designed in accordance with Australian Standard 2890.2 Parking Facilities – Off-Street Commercial Vehicle Facilities – 2002</td>
<td></td>
</tr>
</tbody>
</table>

W. Clothes drying facilities
- Open air clothes drying facilities are provided in a sunny location, which is adequately screened from streets and public places and receives no less than 2 hours of direct sun per day.
- Clothes drying areas should be located in the rear services or garden area of the development.

X. Numbering
- Each dwelling is clearly numbered.
- An adequate numbering system and signage is provided for multiple housing proposals.

Y. Outdoor lighting
- Adequate light is provided in multiple housing proposals to all pedestrian paths, shared areas, parking areas and building entries.

Z. Mailboxes
- A lockable mail box is provided for each dwelling, close to each ground floor dwelling entry, or a mail box structure located close to the major pedestrian entry to the site.
- Mailboxes comply with requirements of Australia Post.
### Table 8 Minimum front building setbacks – urban residential development

<table>
<thead>
<tr>
<th>Street type</th>
<th>Residential development type</th>
<th>Minimum front building setback (‘building line’)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Street in Zones: R1 General Residential RUS Village</td>
<td>Single dwellings, secondary dwellings, dual occupancies and semi detached dwellings, Multi-dwelling housing, residential flat buildings and attached dwellings</td>
<td>4.5 metres for primary road frontage&lt;br&gt;4.5 metres for secondary road frontage on a corner lot&lt;br&gt;Minimum 5.5 metres to any garage or carport&lt;br&gt;6.0 metres for primary road frontage&lt;br&gt;6.0 m for secondary road frontage on a corner lot</td>
</tr>
<tr>
<td>Local Street in R5 Large Lot Residential Zone</td>
<td>All types of Residential Development</td>
<td>10 metres</td>
</tr>
<tr>
<td>Properties fronting New England Highway in any zone</td>
<td>All types of Residential Development</td>
<td>10 metres</td>
</tr>
</tbody>
</table>

Note: See figure on next page for graphic representation of these requirements.

### Table 9 Minimum side and rear building setbacks – urban residential development

<table>
<thead>
<tr>
<th>Residential development type</th>
<th>Minimum side setback</th>
<th>Minimum rear setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single dwellings and secondary dwellings</td>
<td>1.0 metre single storey&lt;br&gt;1.5 metre two storey</td>
<td>3.0 metres</td>
</tr>
<tr>
<td>Dual occupancies and semi-detached dwellings</td>
<td>1.0 metres single storey&lt;br&gt;1.5 metres two storey</td>
<td>3.0 metres</td>
</tr>
<tr>
<td>Multi-dwelling housing, Residential flat buildings and attached dwellings</td>
<td>1.5 metres single storey&lt;br&gt;3.0 metres two storey</td>
<td>3.0 metres</td>
</tr>
</tbody>
</table>

Note: See figure on next page for graphic representation of these requirements.
Figure 1 Urban and village residential zones (R1 and RUS) – minimum building setbacks to boundary (building lines)
Figure 2 Large lot residential zone (R5)– minimum building setbacks to boundary (building lines)
Figure 3 Urban residential development - minimum building setbacks to side boundary

A - Single dwellings and secondary dwellings

B - Dual occupancies and semi-detached dwellings (2 dwellings)

C - Multi dwelling housing, residential flat buildings and attached dwellings (more than 2 dwellings)
Table 10 Minimum access handle and sealed driveway widths for battleaxe lots

<table>
<thead>
<tr>
<th>Number of dwelling units</th>
<th>Minimum access handle width</th>
<th>Minimum sealed driveway width</th>
<th>Maximum access handle length</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>4 m</td>
<td>3.0 m</td>
<td>60 m</td>
</tr>
<tr>
<td>2-10</td>
<td>6 m</td>
<td>3.0 m + passing bays in accordance with AS2890.1</td>
<td>60 m</td>
</tr>
<tr>
<td>&gt;10</td>
<td>8 m</td>
<td>6 m</td>
<td>60 m</td>
</tr>
</tbody>
</table>

Table 11 Minimum parking requirements for urban dwellings

<table>
<thead>
<tr>
<th>Dwelling type</th>
<th>Gross Floor Area (GFA)/Bedrooms per dwelling</th>
<th>No of spaces per dwelling*</th>
<th>Visitor spaces</th>
<th>Other requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Dwelling</td>
<td>&lt;125m²</td>
<td>1</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>&gt;125m²</td>
<td>2</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Dual Occupancy</td>
<td>&lt;125m²</td>
<td>1</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>&gt;125m²</td>
<td>2</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Multi-Dwelling Housing and Residential Flat Building</td>
<td>1 bed</td>
<td>1</td>
<td>1 per every 5 dwellings or part thereof</td>
<td>Disabled parking</td>
</tr>
<tr>
<td></td>
<td>2 beds</td>
<td>1.5</td>
<td></td>
<td>1 space for every adaptable housing unit in accordance with AS4299 Bicycles</td>
</tr>
<tr>
<td></td>
<td>3 beds or more</td>
<td>2.0</td>
<td></td>
<td>Residents: Minimum 1 space per 5 units or part thereof</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Visitors: Minimum 1 space per 10 units or part thereof</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Car Wash Bay</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Any development containing 10 dwellings or more shall provide a minimum of 1 car wash bay/area</td>
</tr>
</tbody>
</table>

*Note: Car spaces are to be separately accessible. Stack or tandem parking will not be included in the calculation of car parking requirements.

4a.7 Supplementary guidance

The following documents or reference materials provide further advice or information that is relevant to this section.

- UHSC Draft Engineering Guidelines for Subdivisions and Developments, as amended.
Explanatory outline
Section 4b outlines assessment criteria for ancillary residential structures and activities. The following matters are covered:

- general design considerations
- outbuildings, carports and detached garages
- fences, screens and courtyard walls

Note: these criteria do not apply where:

- the development is exempt development under SEPP (Exempt and Complying Development) Codes 2008; or
- approval is sought by way of a complying development certificate under SEPP (Exempt and Complying Development) Codes 2008.

In such cases, the criteria under that SEPP will apply instead.

4b Ancillary residential structures & activities

4b.1 Application of this section
This section applies to development described in Column 1 when carried out on land described in Column 2.

<table>
<thead>
<tr>
<th>Column 1: Type of development</th>
<th>Column 2: Applicable land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ancillary developments or other minor structures associated with a dwelling – for example garages, sheds etc.</td>
<td>Land within the following zones:</td>
</tr>
<tr>
<td>Activities undertaken within a dwelling or its associated outbuildings or curtilage.</td>
<td>• R1 Residential</td>
</tr>
<tr>
<td></td>
<td>• R5 Large Lot Residential</td>
</tr>
<tr>
<td></td>
<td>• RU5 Village</td>
</tr>
</tbody>
</table>

Does not apply to exempt development or proposals for which a complying development certificate is sought under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

4b.2 Assessment criteria
A performance-based approach will be adopted in the assessment of development applications. Applications will be assessed according to the extent to which the outcomes specified in the left-hand column of the following table will be satisfied or achieved by the design, construction or operation of the proposal.

The design guidelines specified in the right-hand column indicate design and best practice solutions by which the required outcomes can be met. They do not preclude other solutions that may be suitable under particular local circumstances. All proposals will be considered on merit.
### Outcomes to be achieved

**A. General design considerations**
- The siting and design of ancillary residential structures takes into account possible impacts on adjoining and nearby dwellings and other development, including:
  - structural stability
  - visual impact
  - overshadowing
  - materials and colours
  - heritage considerations
  - impact on stormwater or flooding.

### Design guidelines

**B. Outbuildings, carports & detached garages**
- Garages shall have a minimum front setback of 5.5 metres to allow a motor vehicle to park in front of the garage without encroaching onto the footpath.
- The garage width on allotments does not exceed 50% of the site frontage.
- Garages, carports, sheds and other ancillary structures are setback at least 450 mm from a side or rear boundary. *Note: the applicant is responsible for ensuring the development is within the boundaries of the land specified in the development application. Council may require a survey to be submitted to demonstrate this.*
- Garages, carports and sheds visible from the street do not detract from the colour, pitch and roof form of the dwelling on that allotment.
- Structures are behind the building line.
- Open carports or part of a carport, less than 36 m² in roof area up to 6 m wide and no less than 1 metre from the front boundary, may be built to the side boundary and forward of the established building line in any of the following circumstances:
  - there is an existing pattern of similarly located carports or garages in the street
  - the topography of the land is such that the carport can form a part of an existing slope or retaining wall
  - the topography of the land is such that the existing dwelling is significantly below the street level
  - the dwelling is located on a corner lot, and the carport is built to the secondary street
  - the existing dwelling’s setback is significantly greater than other setbacks in the street
  - the allotment is irregular in shape.
### Outcomes to be achieved

#### Design guidelines

<table>
<thead>
<tr>
<th>C. Fences, screens &amp; courtyard walls</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Fencing</td>
<td>- Do not obscure views of the building and garden from the street with high front fences.</td>
</tr>
<tr>
<td></td>
<td>- Do not build semi-transparent front fences (with no more than 50% solid construction – e.g. open picket fences) higher than 1.5 m.</td>
</tr>
<tr>
<td></td>
<td>- Do not build solid front fences higher than 1.0 m (such as masonry, lapped and capped timber, brushwood).</td>
</tr>
<tr>
<td>Terracing or retaining walls</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Fencing construction is compatible with the natural topography and landform, and minimises the amount of excavation required.
- Front fences are designed so as to contribute to the character pattern of the streetscape.
- Front fences are well designed, do not dominate the street, and contribute to the garden setting.

- Terracing and retaining walls are not more than 1.5 metres in height below or 1 metre above existing ground level within the front setback.
- Slopes between retaining walls or terracing are landscaped and have gradient less than 25% (1 in 4).
- The design of screen walls, courtyard walls or similar structures takes the following matters into account:
  - the purpose for which the fence or wall is required
  - position of the fence or wall in relation to allotment boundaries and building alignments
  - height, materials and design of the proposed structure
  - general scale and appearance of the proposal, relative to the general streetscape and amenity of the neighbourhood and the existence of similar structures in the area
  - structural stability
  - possible effects on traffic conditions on adjoining streets and roads and the safety of pedestrians
  - existing and proposed landscaping, and effects on the construction and embellishment of the proposal
  - possible impacts on overland flow and drainage.

- Do not obscure views of the building and garden from the street with high front fences.
- Do not build semi-transparent front fences (with no more than 50% solid construction – e.g. open picket fences) higher than 1.5 m.
- Do not build solid front fences higher than 1.0 m (such as masonry, lapped and capped timber, brushwood).
Part 5 Commercial development

Explanatory outline

Part 5 specifies outcomes, design guidelines and application requirements for commercial development. There are separate sections for each of the following matters:

5a Commercial development - general
5b Kelly Street commercial precinct, Scone

Note: these criteria do not apply where approval is sought by way of a complying development certificate under SEPP (Exempt and Complying Development) Codes 2008, especially under the Commercial and Industrial (New buildings and additions) Code. In such cases, the criteria under that SEPP will apply instead.
Explanatory outline
Section 5a outlines application requirements and assessment criteria for general commercial development. The following matters are covered:

**Architectural & urban design:**
- Building setbacks
- Building height
- Site coverage / floor space ratio
- Siting and building general design
- Building near water and sewer services
- Heritage
- Designing for accessibility
- Advertising and signage
- Landscaping
- Post supported verandahs and balconies
- Outdoor eating areas

**Access, infrastructure & services:**
- Off street parking and access
- Water supply
- Sewerage and waste water
- Electricity and telecommunications
- Stormwater management
- Waste minimisation and management

---

5a  Commercial development - general

5a.1 Application of section
This section applies to development described in Column 1 when carried out on land described in Column 2.

<table>
<thead>
<tr>
<th>Column 1: Type of development</th>
<th>Column 2: Applicable land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any development that requires development consent.</td>
<td>Land within the following zones:</td>
</tr>
<tr>
<td>Does not apply to proposals for which a complying development certificate is sought under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</td>
<td>• B2 Local Centre&lt;br&gt;• B4 Mixed Use</td>
</tr>
</tbody>
</table>

5a.2 Relevant planning instruments & legislation
The following environmental planning instruments or other legislation are relevant to development to which this section applies:

- *Upper Hunter Local Environmental Plan 2013*
- *Local Government Act 1993*
Further planning instruments and legislation may also be relevant. In the event of any inconsistency, the above listed instruments will prevail over requirements or criteria contained in this section.

5a.3 Definitions
The following terms defined in the Dictionary are relevant to this section:

- building height
- storey
- setback

5a.4 Objectives
The objectives of this section are to:

- provide for the integration of new development into local commercial / business centres
- ensure the design of buildings complements and enhances existing local commercial / business centres
- maintain the heritage character/value and streetscape of the business centre of each town in the LGA
- ensure the height and scale of buildings is consistent with the character of the streetscape.
- maintain solar access to public places and adjoining properties
- ensure the siting of buildings provides for adequate separation between buildings for the amenity of the development and adjoining properties
- ensure signage is compatible with the scale of surrounding buildings and the locality
- maximise the effectiveness of advertising whilst minimising visual clutter through the proliferation of signs
- ensure signage complements the character and amenity of the locality and the development on which advertisements are displayed
- ensure that development on public land does not impact on the safety of users of the land
- ensure that equitable access is provided to new commercial buildings and existing buildings undergoing a change of use or alterations and additions
- provide landscaping which enhances the amenity of a development by allowing for adequate open space, sunlight and shade
- ensure the safe and efficient movement of pedestrians and vehicles through each town centre
- ensure that developments provide simple, safe and direct vehicular access
- provide sufficient and convenient parking for employees and visitors
- ensure all commercial development is appropriately serviced.
5a.5 **Supporting plans & documentation**

Development applications that are subject to this section should be supported by the following plans and documentation.

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. General requirements</td>
<td>All applications</td>
<td>Refer to section 2c Lodging a development application.</td>
</tr>
</tbody>
</table>
| B. Shadow diagram | Applications that potentially involve overshadowing of the proposed development, or of adjoining or nearby development. Any development of two or more storeys. | A plan illustrating:  
- extent of shadows cast by existing and proposed buildings, including buildings on adjoining land.  
- position of existing and proposed buildings on the site and adjoining land.  
- shadows cast by existing and proposed buildings at the winter solstice (22 June) for 9am, 12noon and 3pm. |
| C. Materials & colour palettes | All applications | Details of external materials and colours |
| D. Servicing strategy | All applications | Information is required to demonstrate the availability and feasibility of providing the following services appropriate for the scale and nature of development:  
- reticulated water, including the size and location of water services including any proposed fire service  
- reticulated sewerage  
- liquid trade waste (where applicable)  
- electricity  
- telecommunications. |
| E. Heritage, aboriginal cultural heritage or archaeological plans & reports | Applications that will potentially impact on land that is listed as or contains:  
- a heritage item  
- a heritage conservation area  
- an archaeological site  
- an Aboriginal object  
- an Aboriginal place of heritage significance. | Include the matters required under section 9a Heritage conservation. |
| F. Landscape plan & report | All applications | Plan and report, prepared by a suitably qualified professional, showing:  
- description of ground preparation and on-going maintenance of landscaping  
- areas of private open space, proposed turf and areas of established gardens.  
- location and species of trees and shrubs to be retained or removed.  
- schedule of plantings, cross-referenced to the site plan indicating species, massing and mature height.  
- details of restoration and treatment of earth cuts, fills, mounds, retaining walls, fencing and screen walls. |
### Part 5  Commercial development

#### 5a  Commercial development - general

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
</table>
| **G. Soil & water management plans or reports** | Applications for which soil and water management plans or reports are required (refer to section 11f Soil & water management) | Prepare applicable soil and water management plans or reports, as specified in section 11f Soil & water management. These could include:  
- cut and fill details.  
- erosion and sediment control plan (ESCP)  
- erosion and sediment control strategy (ESCS)  
- soil and water management plan (SWMP)  
- comprehensive water cycle strategy (CWCS). |
| **H. Geotechnical hazard & salinity assessment** | Applications potentially subject to geotechnical hazards (refer to section 10c Geotechnical hazard) | Include the matters required under section 10c Geotechnical hazard. |
| **I. Flooding report** | Applications that relate to flood prone land. | Include the matters required under section 10a Flood risk. |
| **J. Traffic impact assessment** | Applications that are likely to have significant traffic impacts in the locality. | Include the matters required under section 12a Access & vehicle parking. |
| **K. Vehicle parking & loading details** | Applications involving off-street parking or loading facilities. | Include the matters required under section 12a Access & vehicle parking. |
| **L. Acoustic assessment report** | Applications that involve the potential for noise impacts on adjoining development, or that are located adjacent to a rail corridor. | The report should address and indicate measures to mitigate potential impacts from noise and vibration. |
| **M. Outdoor eating areas** | Applications that involve outdoor eating areas. | Plan and written description of the position of tables, chairs, planter boxes, bollards and other objects to be used or displayed. |
| **N. Crime Risk Assessment** | All applications | An outline of the development’s consideration of ‘Safer by design’ principles:  
- Surveillance  
- Access  
- Territorial Reinforcement  
- Space Management |
| **O. Site waste minimisation & management plan** | All applications. | A Plan and written description including:  
- the location of designated waste and recycling storage room(s) or areas sized to meet the waste and recycling needs of all tenants. Waste should be separated into at least 3 streams, paper/cardboard, recyclables, general waste.  
- the location of temporary waste and recycling storage areas within each tenancy. These are to be of sufficient |
Part 5  Commercial development

5a  Commercial development - general

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>size to store a minimum of one day’s worth of waste.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• an identified collection point for the collection and emptying of waste, recycling and garden waste bins.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• the on-site path of travel for collection vehicles (if collection is to occur on-site).</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• all other requirements outlined in Section 11h Waste minimisation &amp; management</td>
</tr>
</tbody>
</table>

5a.6  Assessment criteria

A performance-based approach will be adopted in the assessment of development applications. Applications will be assessed according to the extent to which the outcomes specified in the left-hand column of the following table will be satisfied or achieved by the design, construction or operation of the proposal.

The design guidelines specified in the right-hand column indicate design and best practice solutions by which the required outcomes can be met. They do not preclude other solutions that may be suitable under particular local circumstances. All proposals will be considered on merit.

<table>
<thead>
<tr>
<th>Outcomes to be achieved</th>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Architectural &amp; urban design</strong></td>
<td></td>
</tr>
<tr>
<td>A. Building setbacks</td>
<td>• The front of buildings should be aligned to provide a continuous street frontage.</td>
</tr>
<tr>
<td></td>
<td>• In some cases, front setbacks should allow for street landscaping and footpath widening where necessary.</td>
</tr>
<tr>
<td></td>
<td>• Building heights should consider roof parapets where that is a characteristic in the surrounding streetscape.</td>
</tr>
<tr>
<td>B. Building height</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• The height of buildings is consistent with the character of the area.</td>
</tr>
<tr>
<td></td>
<td>• The height of buildings does not result in unreasonable overshadowing or compromise the privacy of adjoining properties.</td>
</tr>
<tr>
<td>C. Floor space ratio</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Buildings can provide for ‘activated street frontages’ by incorporating active uses at street level including cafes and other retail activities.</td>
</tr>
<tr>
<td></td>
<td>• The use of reflective materials is discouraged.</td>
</tr>
<tr>
<td></td>
<td>• Materials and colours should not dominate the streetscape.</td>
</tr>
</tbody>
</table>

Upper Hunter Development Control Plan 2015 68
## 5a Commercial development - general

**Outcomes to be achieved**

- Building facade relates to the context of buildings in the area to achieve continuity and harmony.
- Blank walls to primary or secondary street frontages must not exceed 5 metres. Exceptions may be considered for laneways with adequate pedestrian lighting and visibility from adjoining streets.
- Awnings are designed to integrate with the architecture of the building façade and provide for continuous shelter for pedestrians. Awnings follow consistent heights above the footpath with a minimum height to the underside of the awning of 2.7 metres.
- New residential development is located above street level.
- Shop top housing and serviced apartment development comply with relevant provisions within the Residential Flat Design Code published by the Department of Infrastructure and Planning, 2002.
- Buildings and structures are located clear of utility infrastructure.
- Separation fencing is provided between development land and any rail corridor.

**Design guidelines**

- The selection of colours and materials must be used to express building massing, articulation or detail elements. Single colour buildings are not acceptable.
- The continuity of commercial frontages should not be broken by parking areas, service and delivery areas etc.
- Blank building facades to streets or public places are to be avoided.
- The placement of windows should provide visual interest and variation to the building façade and relate to those of adjacent buildings.
- Building designs should allow for passive surveillance of public places and streets.
- Building entrances should be well defined and well lit.
- Incorporate areas for future signage into the building design.

### E. Building near water & sewer services

- The development considers the provisions of Council's Policy: Building near water & sewer services.

### F. Heritage

- The development considers the provisions of section 9a Heritage conservation.

### G. Designing for accessibility

- Continuous accessible paths should be provided as follows:
  - from parking spaces, public streets and walkways to building entrance(s)
  - between buildings, facilities and spaces that are on the same site
  - to connect the building entrance(s) with all spaces and facilities within the building
  - to minimise travel distance between each accessible element of the building and of facilities within it.
- For the purposes of the previous point, access should be provided to and within all the areas or facilities of the building where there is a reasonable expectation of access by any owner, occupier, employee, or visitor. It does not include any area if access would be inappropriate because of the particular purpose for which the area is used.
- Council may vary these provisions if compliance will cause major difficulties or unjustifiable hardship to a person or organisation. Each claim for unjustifiable hardship is determined on a case by case basis taking into account the following:
### Outcomes to be achieved

### Design guidelines

- Whether there is a benefit or a detriment to any person concerned.
- How it affects the disability of the person concerned; and.
- The financial cost and considering the following circumstances:
  - technical limits.
  - topographical restrictions.
  - safety, design and construction issues; and.
  - does not rely on the ‘public domain’ to solve access issues within the site.

### H. Privacy

- The privacy of adjoining and nearby dwellings is maintained.

### I. Safer by design

- Buildings and sites are designed with consideration for the placement of windows, doors and fences so as to achieve best ‘safer by design’ practice.

### J. Outdoor lighting

- Lighting to pedestrian areas is energy efficient, incorporated into the building design and ensures safe, legible pedestrian access routes.
- Lighting does not adversely affect the residential amenity of adjoining or nearby neighbours.
- Commercial development should provide lighting to pedestrian paths, side and rear laneways and building entries, that ensures a clear line of sight along pedestrian routes and that does not adversely affect the residential amenity of neighbours.
- Lighting fixtures must be of low energy design, integrated in the building walls, and readily maintained by the owner. Sensor spotlights are not acceptable for pedestrian lighting.
- *Australian Standard 4282-1997 - Control of the obtrusive effects of outdoor lighting.*

### K. Advertising & signage

- The development considers the provisions of section 8b Advertising & signage.
- Signage is compatible with the scale and character of development in the area and with the scale of the building it is placed upon.
- Signage is not placed on a building wall abutting or facing a residential area.
- The number and size of signs should be limited to avoid clutter and unnecessary repetition.
- Signage should form an integrated part of the building façade, architectural design and scale of the building.

### L. Landscaping

- Landscaping reflects the size and height of buildings and is consistent with the character of the area.
- Landscaping is used to soften the impact of hard surfaces where necessary.
- Where appropriate, landscaping should be incorporated into building design to enhance the character of the streetscape and the amenity of buildings and public places.
### M. Post supported verandahs & balconies

- Posts supporting verandahs or balconies:
  - are set back a minimum of 600 mm from the rear of the kerb.
  - complement the style, materials and character of the building being altered.
  - do not interfere with operation of, or access to, utility infrastructure.

*Note: public liability insurance must be provided to Council requirements.*

*Note: separate approval under the Roads Act is required for verandah or balcony awnings over a public footpath.*

### N. Outdoor eating areas

- Outdoor eating areas are designed so as to:
  - enhance the character of the town centre.
  - provide lively and active streetscapes without compromising the safe and efficient movement of pedestrians.

- Any outdoor eating areas are located directly adjacent to cafes or restaurants.

- A clear space is provided on the footpath to allow free flow of pedestrian traffic.

- Furniture is strong, durable and of sufficient weight such as not to be moveable by strong gusts of wind. Lightweight plastic chairs and tables are not permitted.

- Outdoor eating areas are required to comply with Council’s Policy – Use of Public Footpaths.

*Note: separate approvals under the Roads Act and Local Government Act are also required.*
Outcomes to be achieved

Design guidelines

Access, infrastructure & services

O. Off street parking & access
- The development, including all car parking, access and loading facilities considers the provisions of section 12a Access & vehicle parking, and the provisions of UHSC Draft Engineering Guidelines for Subdivisions and Developments, as amended.
- Car parking is screened from residential areas.
- Vehicular access to properties fronting the New England Highway is from laneways or shared driveways.

P. Water supply
- Reticulated water is provided, or as otherwise agreed with Council.
- Easements (benefiting UHSC) shall be provided for all existing and proposed public water mains within the site.

Q. Sewerage & waste water
- The development is connected to the reticulated sewerage system.
- Liquid trade waste facilities and approvals are provided and obtained where liquid wastes (excluding domestic waste from a hand wash basin, shower, bath or toilet) are to be discharged to the reticulated sewerage system.
- Easements (benefiting UHSC) shall be provided for all existing and proposed public sewer mains within the site.

R. Electricity & telecommunications
- Satisfactory arrangements are made with the relevant utility provider for the provision of underground electricity and telecommunications services.

S. Stormwater management
- The development considers the provisions of section 11f Soil & water management and the provisions of UHSC Draft Engineering Guidelines for Subdivisions and Developments, as amended.
- Easements (benefiting UHSC) shall be provided for all existing and proposed Council stormwater infrastructure within the site.

T. Waste minimisation & management
This section aims to ensure new commercial developments and changes to existing developments are designed to maximise resource recovery (through waste avoidance, source separation and recycling); and to ensure appropriate well-designed storage and collection facilities are accessible to occupants and service providers.
- A designated waste/recycling storage area or room/s are provided.
- Convenient access from each tenancy to the waste/recycling storage room/s or area/s is provided. Step-free access is provided between the point at which bins are collected/emptied and the waste/recycling storage room/s or area/s.
- Arrangements are in place in all parts of the development for the separation of recyclable materials from general waste. Arrangements must be in all parts of the development for the
### Outcomes to be achieved

- Movement of recyclable materials and general waste to the main waste/recycling storage room/area. For multiple storey buildings, this might involve the use of a goods lift.

- The waste/recycling storage room/area is able to accommodate bins that are of sufficient volume to contain the quantity of waste generated between collections.

- The waste/recycling storage room/area provides separate containers for the separation of recyclable materials from general waste. Standard and consistent signage on how to use the waste management facilities should be clearly displayed.

- Waste management facilities are suitably enclosed, covered and maintained so as to prevent polluted wastewater runoff from entering the stormwater system.

- Where possible, waste/recycling containers is collected from a rear lane access point. Consideration should be given to the time of day at which containers are collected so as to minimise adverse impacts upon residential amenity, pedestrian movements and vehicle movements.

- A waste/recycling cupboard is provided for each and every kitchen area in a development, including kitchen areas in hotel rooms, motel rooms and staff food preparation areas. Each waste/recycling cupboard must be of sufficient size to hold a minimum of a single day’s waste and to hold separate containers for general waste and recyclable materials.

- Premises that discharge trade wastewater must do so only in accordance with a written agreement from the local sewer authority. Trade wastewater may be defined as “any liquid, and any substance contained in it, which may be produced at the premises in an industrial and commercial activity, but does not include domestic wastewater (e.g. from hand-basins, showers and toilets).”

- Premises which generate at least 50 litres per day of meat, seafood or poultry waste must have that waste collected on a daily basis or must store that waste in a dedicated and refrigerated waste storage area until collection.

- Arrangements are in place regarding the regular maintenance and cleaning of waste management facilities. Tenants and cleaners must be aware of their obligations in regards to these matters.

- Any garbage chutes are designed in accordance with the requirements of the Building Code of Australia and Better Practice Guide for Waste Management in Multi-Unit Dwellings. Garbage chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use.

- Food and drink premises that use disposable wrappers or containers provide waste bins that are appropriate to the waste materials generated. In particular containers that are recyclable should be able to be recycled at the premises of origin.

### Design guidelines

<table>
<thead>
<tr>
<th>Movement of recyclable materials and general waste to the main waste/recycling storage room/area. For multiple storey buildings, this might involve the use of a goods lift.</th>
</tr>
</thead>
<tbody>
<tr>
<td>The waste/recycling storage room/area is able to accommodate bins that are of sufficient volume to contain the quantity of waste generated between collections.</td>
</tr>
<tr>
<td>The waste/recycling storage room/area provides separate containers for the separation of recyclable materials from general waste. Standard and consistent signage on how to use the waste management facilities should be clearly displayed.</td>
</tr>
<tr>
<td>Waste management facilities are suitably enclosed, covered and maintained so as to prevent polluted wastewater runoff from entering the stormwater system.</td>
</tr>
<tr>
<td>Where possible, waste/recycling containers is collected from a rear lane access point. Consideration should be given to the time of day at which containers are collected so as to minimise adverse impacts upon residential amenity, pedestrian movements and vehicle movements.</td>
</tr>
<tr>
<td>A waste/recycling cupboard is provided for each and every kitchen area in a development, including kitchen areas in hotel rooms, motel rooms and staff food preparation areas. Each waste/recycling cupboard must be of sufficient size to hold a minimum of a single day’s waste and to hold separate containers for general waste and recyclable materials.</td>
</tr>
<tr>
<td>Premises that discharge trade wastewater must do so only in accordance with a written agreement from the local sewer authority. Trade wastewater may be defined as “any liquid, and any substance contained in it, which may be produced at the premises in an industrial and commercial activity, but does not include domestic wastewater (e.g. from hand-basins, showers and toilets).”</td>
</tr>
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<td>Premises which generate at least 50 litres per day of meat, seafood or poultry waste must have that waste collected on a daily basis or must store that waste in a dedicated and refrigerated waste storage area until collection.</td>
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<td>Any garbage chutes are designed in accordance with the requirements of the Building Code of Australia and Better Practice Guide for Waste Management in Multi-Unit Dwellings. Garbage chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use.</td>
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<tr>
<td>Food and drink premises that use disposable wrappers or containers provide waste bins that are appropriate to the waste materials generated. In particular containers that are recyclable should be able to be recycled at the premises of origin.</td>
</tr>
</tbody>
</table>
Outcomes to be achieved

- Recyclable receptacles are provided in premises that provide food and drinks in recyclable containers, either pre-packaged or prepared in store. The following items should be recycled within the receptacles:
  - glass bottles
  - paper
  - cardboard
  - aluminium cans
  - steel cans
  - plastic bottles and containers
  - milk and juice cartons

- All waste receptacles are coloured in conformance with the Australian Standard.

- Signage should be provided that assists patrons in the proper sorting of waste and food scraps.

- Appropriate collection services are contracted to ensure well sorted waste is disposed of accordingly.
**Explanatory outline**

Section 5b outlines assessment criteria relating to the Kelly Street commercial precinct in Scone. The following matters are covered:

- Height of buildings
- Site coverage / floor space ratio
- Awnings and facades
- Colours and materials
- Advertising and signage
- Heritage
- Parking and access
- Landscaping

---

**5b.1 Application of this section**

This section applies to development described in Column 1 when carried out on land described in Column 2.

**Column 1:** Type of development  
Any development that requires development consent.  
*Does not apply to proposals for which a complying development certificate is sought under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*

**Column 2:** Applicable land  
Land located in the Kelly Street commercial precinct (generally between Gundy and Susan Streets, Scone), and zoned B2 Local Centre (refer to Map 2 Kelly Street, Scone – Area)
5b.2 Objectives

The specific objectives of this section are to:

- encourage the orderly development of land on Kelly St, Scone;
- ensure as far as possible that the existing rural town character and charm of the Kelly Street commercial precinct is retained and enhanced;
- encourage the reinstatement historical facades where possible;
- encourage continuous awnings with posts;
- encourage a co-ordinated palette of external materials and colours; and
- encourage signage that generally reinforces the character of Scone whilst providing adequate opportunity for commercial display.

In the event of any inconsistency between these objectives and the objectives in clause 5a.4 (objectives for commercial development generally), the above listed objectives will prevail.

5b.3 Supporting plans & documentation

Development applications that are subject to this section should be supported by the plans and documentation that are specified in the general commercial development section requirements listed previously.

In addition, it is highly recommended that pre-lodgement discussions with Council officers are held, especially regarding heritage design considerations and the selection of colours and external materials.

5b.4 Assessment criteria

A performance-based approach will be adopted in the assessment of development applications. Applications will be assessed according to the extent to which the outcomes specified in the left-hand column of the following table will be satisfied or achieved by the design, construction or operation of the proposal.

The design guidelines specified in the right-hand column indicate design and best practice solutions by which the required outcomes can be met. They do not preclude other solutions that may be suitable under particular local circumstances. All proposals will be considered on merit.

<table>
<thead>
<tr>
<th>Outcomes to be achieved</th>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Height of buildings</td>
<td>• Achieve a limited height at the frontage of the lot, extending to maximum height towards the rear of the allotment by 'stepping back' upper storeys. This will assist in preserving the attractive human scale of Kelly Street and will allow balcony landscaping.</td>
</tr>
<tr>
<td></td>
<td>• Upper levels can be designed to allow residential (studio) one bedroom flats or office accommodation.</td>
</tr>
<tr>
<td>Note: building height controls are specified in Upper Hunter LEP 2013 clause 4.3 and the associated 'Height of Buildings' maps.</td>
<td></td>
</tr>
<tr>
<td>B. Awnings &amp; facades</td>
<td>• The reinstatement of historical facades and the development of continuous awnings with posts is encouraged.</td>
</tr>
<tr>
<td></td>
<td>• Awnings may be used for mounting pavement lights, advertising signs, all weather protection of pedestrians and the placement of litter bins, seats etc provided they do not interfere with the operation of the footpath and pedestrian safety.</td>
</tr>
</tbody>
</table>
Outcomes to be achieved

Design guidelines

C. Colours & materials
- The selection of external colours and materials is used to express building massing, articulation or detail elements and considers the existing streetscape. Single colour buildings are not acceptable.
  - External finishes should take into consideration the specifications of Table 12 Kelly Street Scone – Colour and Materials below. A co-ordinated palette of materials and colours are recommended for external finishes. A broad range of colours are included in the Table which will retain and enhance the essential streetscape elements. The colours recommended permit individual flexibility of choice within a defined colour range.
  - Unsympathetic colours and materials can create a detrimental impact and weaken the urban design concept.
  - Particular attention should be paid to the external finish of building facades above awning height - an area often neglected.

D. Advertising & signage
- The development considers the provisions of section 8b Advertising & signage.
- Fascia signs are restricted to painted signs. The colours are to comply with Table 12 Kelly Street Scone – Colour and Materials below.
- Upper fascia signs are restricted to one painted non-illuminated sign per shopfront, complying with Table 12 Kelly Street Scone – Colour and Materials below. The sign must either be painted on or fixed flat against the wall with a protrusion width not greater than 5 mm. The length of the sign to be limited to 2.4 metres or not greater than two-thirds of the width of the wall of the building immediately above awning level. The height of the sign is not to be greater than 600 mm. The design of the sign lettering is to be approved by Council.
  - Shopfront signs: No restrictions on painted window and door signs, internal illuminated signs under awning painted or illuminated hanging signs have no restrictions.
  - Threshold and pavement plaques are encouraged.
  - Other sign types not already mentioned in this section need to be appropriate to the period style of building or its special use.

E. Heritage
- The development considers the provisions of section 9a Heritage conservation and particularly to the provisions regarding Central Scone Heritage Conservation Area, as defined at Map 5 Central Scone and West Scone Conservation Area.

F. Existing public urban improvements
- The development complements and augments the existing public urban improvements within Kelly Street, including extensive landscaped areas of medians and pathways; mini parks, integrated street furniture, litter bins and brick paved footways.
- Any damage to urban improvements listed above is restored at the completion of any new development.
### Table 12 Kelly Street Scone – Colour and Materials Schedule

<table>
<thead>
<tr>
<th>Visible Building Elements</th>
<th>Materials (in order of preference)</th>
<th>Preferred Colour Range*</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Elements above awning</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1  Roofing</td>
<td>Slate</td>
<td>Natural</td>
</tr>
<tr>
<td></td>
<td>Terracotta</td>
<td>Brown</td>
</tr>
<tr>
<td></td>
<td>Colorbond Zincalume</td>
<td>Grey</td>
</tr>
<tr>
<td></td>
<td>Corrugated galvanised mild steel</td>
<td>*Maximum of one colour</td>
</tr>
<tr>
<td>2  Walls, Parapets</td>
<td>Brick</td>
<td>Natural</td>
</tr>
<tr>
<td></td>
<td>Regular Ashlar Stonework</td>
<td>Terracotta</td>
</tr>
<tr>
<td></td>
<td>Render for paint</td>
<td>Liver</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Not: Clinker, Concrete, Blonde/Cream, Calcium Silicate or Red Texture Brick</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Painted:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Mid to Dark</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Neutral or reduced colours (for example, ochres, stone, burnt amber, red oxide)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>*Maximum of two colours</td>
</tr>
<tr>
<td>3  Window Frames</td>
<td>Timber to match existing where possible commercial metal sections, no security grills</td>
<td>Painted: frames in deep rich colours – Dark Green, Burgundy, Navy, Chocolate/Mission Brown or Black, Off White, Pillar Box Red</td>
</tr>
<tr>
<td>4  Glazing</td>
<td>Standard Float</td>
<td>Clear</td>
</tr>
<tr>
<td></td>
<td>Plate</td>
<td>Stained</td>
</tr>
<tr>
<td></td>
<td>Lexan</td>
<td>Not: reflective tint. If stained, minimum of two colours</td>
</tr>
<tr>
<td>5  Awning</td>
<td>Colorbond Zincalume</td>
<td>One background colour</td>
</tr>
<tr>
<td></td>
<td>Galvanised mild steel</td>
<td>Maximum of two lettering colours selected from window frame colours</td>
</tr>
<tr>
<td>6  Signs</td>
<td>Sign writing on windows maximum 100 mm letter height, signs appropriate to period style</td>
<td>As above, plus gold</td>
</tr>
<tr>
<td>7  Shading Devices</td>
<td>Slate</td>
<td>Natural</td>
</tr>
<tr>
<td></td>
<td>Tile</td>
<td>Painted: selected from window frame colours</td>
</tr>
<tr>
<td></td>
<td>Fibre board on metal or non-combustible frame</td>
<td>Maximum of three colours</td>
</tr>
<tr>
<td><strong>Elements below awning level</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8  Walls (including glazing)</td>
<td>Brick</td>
<td>As for the above awning excepting that Council will permit corporate logos and colours to be incorporated provided that the walls are designed to be sympathetic to the design concept</td>
</tr>
<tr>
<td></td>
<td>Glazing in timber frames</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Glazing in commercial metal sections</td>
<td></td>
</tr>
</tbody>
</table>

* A complete and detailed chart of authentic colours in full colour reproduction is included in *Colour Schemes for Old Houses*, Evan, Lucas and Stapleton, Flannel Flower Press, Sydney, 1984.
5c.5 Supplementary guidance

The following documents or reference materials provide further advice or information that is relevant to this section.

- UHSC Draft Engineering Guidelines for Subdivisions and Developments, as amended
Part 6  Industrial development

Explanatory outline

Part 6 specifies outcomes, design guidelines and other requirements for industrial development in zones IN1 General Industrial and IN2 Light Industrial. There are separate sections for each of the following matters:

6a Industrial development - general
6b Scone Business Park

Note: subdivision for the purpose of future industrial development is dealt with separately in section 3a Subdivision.

Note: rural industry is dealt with separately in section 7c Rural industry & intensive agriculture.
Explanatory outline

Section 6a outlines application requirements and assessment criteria for general industrial development. The following matters are covered:

Development design
- Lot size and shape
- Building setbacks
- Building height
- Floor space ratio
- Building general design
- Open storage and work areas
- Use of buildings
- Industrial retail outlets
- Fencing
- Noise
- Outdoor lighting
- Landscaping
- Advertising and signage

Access, infrastructure & services
- Traffic and access
- Off street parking
- Utilities and services
- Stormwater management
- Geotechnical
- Waste minimisation and management

Note: subdivision for the purpose of future industrial development is dealt with separately in section 3a Subdivision.

Note: rural industry is dealt with separately in section 7c Rural industry & intensive agriculture.

6a  Industrial development - general

6a.1  Application of this section

This section applies to development described in Column 1 when carried out on land described in Column 2.

<table>
<thead>
<tr>
<th>Column 1: Type of development</th>
<th>Column 2: Applicable land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any development that requires development consent</td>
<td>Land within the following zones:</td>
</tr>
<tr>
<td>Does not apply to proposals for which a complying development certificate is sought under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</td>
<td>• IN1 General Industrial.</td>
</tr>
<tr>
<td></td>
<td>• IN2 Light Industrial</td>
</tr>
</tbody>
</table>

6a.2  Relevant planning instruments & legislation

The Upper Hunter Local Environmental Plan 2013 is relevant to development to which this section applies. Further planning instruments and legislation may also be relevant. In the event of any inconsistency, the above listed instrument will prevail over requirements or criteria contained in this section.

6a.3  Definitions

The following terms defined in the Dictionary are relevant to this section:

- building height
- floor area
- gross floor area
- setback
- storey
6a.4 **Objectives**

The objectives of this section are to:
- promote industrial development that is consistent with the zone objectives
- encourage innovative and imaginative design which is both functional and aesthetically pleasing
- achieve the highest possible standard of visual and environmental quality, over the whole of a project site, by way of landscaping which is complementary to buildings and other site works
- minimise the impact of industrial development through careful site planning and ensure that adequate environmental safeguards are implemented
- ensure that industrial development proposed in close proximity to residential areas does not have a materially detrimental impact on these areas
- ensure that industrial development is adequately serviced with infrastructure

6a.5 **Supporting plans & documentation**

Development applications that are subject to this section should be supported by the following plans and documentation.

Some of this information (where plans are not required) may be provided in the Statement of Environmental Effects (SoEE) which is supplied in ‘General Requirements’ specified below. Depending on the development and the site and locality characteristics, other information may also be required. This should be discussed in pre-lodgement discussions with Council officers.

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. General requirements</td>
<td>All applications</td>
<td>Refer to section 2c Lodging a development application.</td>
</tr>
</tbody>
</table>
| B. Servicing strategy | All applications | Provide evidence of satisfactory arrangements for the provision of the following services to the development:  
• reticulated water or on-site water supply  
• reticulated sewerage or on-site waste water management  
• electricity  
• telecommunications.  
Please discuss site-specific requirements with council officers. |
| C. Trade waste | Applications involving the disposal of trade waste into the reticulated sewerage system. | Details of the types and quantities of trade waste together with plans of any proposed effluent treatment systems/devices. |
| D. Site waste minimisation & management plan | All applications. | A plan and report illustrating:  
• the location of designated waste and recycling storage rooms or areas sized to meet the waste and recycling needs of all tenants. Waste should be separated into at least 4 streams, paper/cardboard, recyclables, general waste, industrial process type wastes.  
• the on-site path of travel for collection vehicles.  
• all other requirements outlined in Section 11h Waste minimisation & management. |
## Part 6 Industrial development

### 6a Industrial development - general

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
</table>
| E. Shadow diagram | Applications that potentially involve overshadowing of the proposed development, or of adjoining or nearby development. | A plan illustrating:  
• extent of shadows cast by existing and proposed buildings, including buildings on adjoining land.  
• position of existing and proposed buildings on the site.  
• shadows cast by existing and proposed buildings at the winter solstice (22 June) for 9am, 12noon and 3pm. |
| F. Landscape plan & report | All applications | Plan and report, prepared by a suitably qualified professional, showing:  
• description of ground preparation and on-going maintenance of landscaping  
• areas of private open space, proposed turf and areas of established gardens.  
• location and species of trees and shrubs to be retained or removed.  
• schedule of plantings, cross-referenced to the site plan indicating species, massing and mature height.  
• details of restoration and treatment of earth cuts, fills, mounds, retaining walls, fencing and screen walls. |
| G. Soil & water management plans or reports | Applications for which soil and water management plans or reports are required (refer to section 11f Soil & water management). | Prepare applicable soil and water management plans or reports, as specified in section 11f Soil & water management. These could include:  
• cut and fill details.  
• erosion and sediment control plan (ESCP)  
• erosion and sediment control strategy (ESCS)  
• soil and water management plan (SWMP)  
• comprehensive water cycle strategy (CWCS). |
| H. Geotechnical hazard & salinity assessment | Applications potentially subject to geotechnical hazards (refer to section 10c Geotechnical hazard). | Include the matters required under section 10c Geotechnical hazard. |
| I. Flooding report | Applications that relate to flood prone land | Include the matters required under section 10a Flood risk. |
| J. Traffic & parking plans & reports | Applications involving vehicle access, car parking or loading facilities. | Include the matters required under section 12a Access & vehicle parking. Actual requirements will depend on the type of development and level and type of traffic generation. |
| K. Crime Risk Assessment | All applications for new buildings/uses, external alterations and additions. | An outline of the development’s consideration of ‘Safer by design’ principles:  
• Surveillance  
• Access  
• Territorial Reinforcement  
• Space Management |
### Part 6 Industrial development

#### 6a Industrial development - general

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>L. Storage details</td>
<td>Applications involving external storage of materials or products.</td>
<td>The location and detail of any materials or products that are to be stored outside buildings</td>
</tr>
<tr>
<td>M. Acoustic assessment report</td>
<td>Applications involving the potential for noise impacts on adjoining development.</td>
<td>Include the matters required under section 11i Buffer areas</td>
</tr>
</tbody>
</table>

#### 6a.6 Assessment criteria

A performance-based approach will be adopted in the assessment of development applications. Applications will be assessed according to the extent to which the outcomes specified in the left-hand column of the following table will be satisfied or achieved by the design, construction or operation of the proposal.

The design guidelines specified in the right-hand column indicate design and best practice solutions by which the required outcomes can be met. They do not preclude other solutions that may be suitable under particular local circumstances. All proposals will be considered on merit.

<table>
<thead>
<tr>
<th>Outcomes to be achieved</th>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development design</td>
<td></td>
</tr>
<tr>
<td><strong>A. Lot size, dimensions &amp; shape</strong></td>
<td></td>
</tr>
<tr>
<td>Note: minimum lot sizes are specified in Upper Hunter LEP 2013 clause 4.1 and associated series of Maps ‘Lot Size’.</td>
<td></td>
</tr>
<tr>
<td>Note: Requirements regarding industrial lots shape and dimensions are given in section 3a Subdivision.</td>
<td></td>
</tr>
<tr>
<td><strong>B. Building setbacks</strong></td>
<td></td>
</tr>
<tr>
<td>■ To reduce the bulk and visual impact of industrial buildings from public roads.</td>
<td></td>
</tr>
<tr>
<td>■ To maintain adequate site distance for road users.</td>
<td></td>
</tr>
<tr>
<td>• Buildings and structures should be setback at least 10.0m from the front (or principal) boundary.</td>
<td></td>
</tr>
</tbody>
</table>
| • Front setbacks can be varied based on assessment of the following criteria:
  - Minimum 6 metres landscaping across the frontage of the site. |
  - Provision of car parking facilities (refer to 12a Access & vehicle parking). |
  - Building height, bulk and layout. Setbacks may be increased for buildings of substantial height, bulk etc. |
  - The nature and needs of the industrial activity. |
  - The existing character of the streetscape. |
| **C. Building height** |
| ■ Building heights do not exceed two storeys or 20 metres above ground level, whichever is the higher. |
| • Buildings of more than one storey should not have blank, featureless facades facing the street or a public place. |
| **D. Floor space ratio** |
| Note: floor space ratio controls are specified in Upper Hunter LEP 2013 clause 4.4 and associated series of Maps ‘Floor space ratio’. At 2014, the floor space ratio was 1:1 for all industrial zones in the LGA. |
### Outcomes to be achieved

<table>
<thead>
<tr>
<th>E. Building general design</th>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buildings integrate with the streetscape and do not adversely impact upon the visual amenity of the surrounding area.</td>
<td>The façade of the building to the primary road frontage shall be constructed in a contrasting material to a height of 2.5 metres and returned along the side for a distance of 2 metres. (A change in the colour of the material is not adequate).</td>
</tr>
<tr>
<td>Buildings are functional and contribute positively to the quality and character of the industrial precinct.</td>
<td>All other elevations, and roof surfaces generally, may be finished in profiled pre-painted metal cladding or other approved non-combustible material.</td>
</tr>
<tr>
<td>Roof surfaces are non-reflective.</td>
<td>External walls of buildings may include profiled factory colour treated metal cladding, masonry, concrete, rendered concrete, fibre cement cladding or a combination of these with low reflective properties.</td>
</tr>
<tr>
<td>The design of the façade of the building to the primary road frontage considers its visual appearance and form and reduce the building’s bulk.</td>
<td>Numbering - Each unit in an industrial development is to be numerically identified in the development application and each unit is to retain such identification unless otherwise approved by Council. Appropriate entrance signage will be necessary.</td>
</tr>
<tr>
<td>Buildings are designed with consideration for the placement of windows and doors so as to achieve best ‘safer by design’ practice.</td>
<td></td>
</tr>
<tr>
<td>External colours and finishes of buildings are consistent with the themes of adjoining development and enhance the visual amenity of the industrial area.</td>
<td></td>
</tr>
<tr>
<td>For multi-unit industrial developments, each unit in the development is numerically identified</td>
<td></td>
</tr>
</tbody>
</table>

### F. Building near water & sewer services

- The development considers the provisions of Council's policy: Building Near Water and Sewer Services.

### G. Industrial retail outlets

- Maximum retail floor area for industrial retail outlets is prescribed in Upper Hunter LEP 2013 clause 5.4. At 2014, the maximum area of the retail floor area of an industrial retail outlet was:
  - 33% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or.
  - 400 square metres whichever is the lesser

### H. Fencing

- Fences are designed to complement the development and to form an important security role taking into account ‘safer by design’ principles.
- Fences are a maximum height of 3 metres.
- Gates are located behind the designated landscape area and must not swing towards the roadway
- Masonry fences are to be articulated, or include infill panels of appropriate decorative materials. Solid masonry fences will not be permitted.
- Green or black plastic coated chain wire fencing may be erected behind the designated landscape area.
- Galvanised chain wire, untreated metal, Colorbond and wooden fencing will not be permitted as fencing in front of the building line.

### I. Noise

- Noise generated from the site does not affect the amenity of nearby residential areas
<table>
<thead>
<tr>
<th>Outcomes to be achieved</th>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>J. Outdoor lighting</strong></td>
<td>Outdoor lighting does not affect the amenity of nearby residential areas.</td>
</tr>
</tbody>
</table>
| **K. Landscaping** | Landscaping of the development contributes to a high standard of environmental quality of both the development and to enhancing the general streetscape and amenity of the industrial area in which the development is placed.  
  - Landscaping provides visual relief.  
  - Landscaping areas should be planted and maintained with suitable drought tolerant trees, shrubs and groundcovers.  
  - Landscaping should take into account the screening of electricity infrastructure.  
  - Low maintenance landscaping should be used, incorporating species appropriate for the scale of buildings on the site.  
  - Landscaping should use locally indigenous species.  
  - Parking areas should incorporate landscaping to provide shade and soften the visual impact of parking facilities.  
  - the provision of landscaping across the frontage of the site having a minimum depth of 6 metres.  
  - The side and rear setback areas should be landscaped if visible from a public area. |
| **L. Advertising & signage** | The development considers the provisions of section 8b Advertising & signage. |
| **Access, infrastructure & services** | |
| **M. Traffic & access** | Ensure adequate facilities are provided within industrial developments for the loading and unloading of goods, collecting garbage and trade waste and for the off-street parking of vehicles associated with that development.  
  - The development considers the provisions of section 12a Access & vehicle parking, and the provisions UHSC Draft Engineering Guidelines for Subdivisions and Developments, as amended.  
  - Driveway crossovers are in locations and at levels which are both safe and convenient, in accordance with Council and NSW Road and Maritime Service requirements.  
  - Each industrial premises is provided with a loading and unloading area on site.  
  - In some cases, a combined ingress and egress may be permitted. |
| **N. Off street parking** | The development considers the provisions of section 12a Access & vehicle parking, and the provisions UHSC Draft Engineering Guidelines for Subdivisions and Developments, as amended.  
  - All parking is provided off-street and is appropriately line marked.  
  - A sign indicating customer parking is displayed at the entrance to the development.  
  - Large expanses of parking are to be avoided and landscaping should be employed to provide visual relief. |
### Outcomes to be achieved

<table>
<thead>
<tr>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access driveways, car parks and loading areas must provide for the safe and efficient movement of vehicles and pedestrians.</td>
</tr>
<tr>
<td>Car parking areas are located behind the landscaped front setback.</td>
</tr>
</tbody>
</table>

### O. Utilities & services

- All industrial development is serviced by electricity, telephone, reticulated water and sewerage.
- Satisfactory arrangements are made with the Council’s Water and Sewer section for the connection of water and sewerage services to the land.
- Each lot that includes a building incorporates a minimum 40,000 litre water storage that is capable of providing a non-potable supply for toilet flushing and garden watering purposes.
- Satisfactory arrangements are made with the relevant utility provider for the provision of underground electricity and telecommunications services.
- The impact of trade waste on Council’s sewerage infrastructure is minimised.
- Easements (benefiting UHSC) shall be provided for all existing and proposed public sewer and water mains within the site.

- Gas - applicants should approach the appropriate gas supply authority to ascertain the availability of natural gas to the site.

### P. Stormwater management

- The impacts of stormwater runoff such as localised flooding and the concentration of flows into neighbouring properties is minimised.
- The development considers the provisions of section 11f Soil & water management and the provisions UHSC Draft Engineering Guidelines for Subdivisions and Developments, as amended.
- Easements (benefiting UHSC) shall be provided for all existing and proposed Council stormwater infrastructure within the site.

### Q. Geotechnical

- The development considers the provisions of section 10c Geotechnical hazard, and the provisions of UHSC Draft Engineering Guidelines for Subdivisions and Developments, as amended.

### R. Waste minimisation & management

This section aims to ensure new developments and changes to existing developments are designed to maximise resource recovery (through waste avoidance, source separation and recycling) and to ensure appropriate, well-designed storage and collection facilities are accessible to occupants and service providers.
The development shows evidence of compliance with any specific industrial waste laws/protocols, for example, those related to production, storage and disposal of industrial and hazardous wastes as defined by the Protection of the Environment Operations Act 1997.

A designated general waste/recycling storage area or room/s as well as designated storage areas for industrial waste streams is provided (designed in accordance with specific waste laws/protocols).

Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitted lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room/s or area/s.

Arrangements are in place in all parts of the development for the separation of recyclable materials from general waste and for the movement of recyclable materials and general waste to the main waste/recycling storage room/area.

Premises that discharge trade wastewater must do so only in accordance with a written agreement from the local sewer authority.

6a.7 Supplementary guidance

The following documents or reference materials provide further advice or information that is relevant to this section.

- UHSC Draft Engineering Guidelines for Subdivisions and Developments, as amended
**Explanatory outline**

Section 6c outlines assessment criteria relating to the Scone Business Park. The following matters are covered:

- Activation of the New England Highway
- Fence along rail corridor
- Open storage and work areas

Note: these criteria do not apply where approval is sought by way of a complying development certificate under *SEPP (Exempt and Complying Development) Codes 2008*. In such cases, the criteria under that SEPP will apply instead.

---

**6b Scone Business Park**

**6b.1 Application of this section**

This section applies to development described in Column 1 when carried out on land described in Column 2.

<table>
<thead>
<tr>
<th>Column 1: Type of development</th>
<th>Column 2: Applicable land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any development that requires development consent. Does not apply to proposals for which a complying development certificate is sought under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</td>
<td>Land within the Scone Business Park, as shown on Map 3 Scone Business Park.</td>
</tr>
</tbody>
</table>

**6b.2 Related sections**

Section 6a **Industrial development - general** will generally also apply to development to which this section applies. In the event of any inconsistency, requirements or criteria contained in this section will prevail.
Map 3 Scone Business Park
6b.3 Objective
The objective of this section is to encourage appropriate industrial development while maintaining a high quality character and appearance to the northern approach to Scone. In the event of any inconsistency with the objectives under section 6a Industrial development - general, this section will prevail.

6b.4 Supporting plans & documentation
Development applications that are subject to this section should be supported by the requirements set out in section 6a Industrial development - general. In addition, for development subject to the ‘Activation of the New England Highway’ development outcome below, landscaping plans shall be submitted showing the details of the landscaping proposed in the vegetation buffer fronting the highway.

6b.5 Assessment criteria
A performance-based approach will be adopted in the assessment of development applications. Applications will be assessed according to the extent to which the outcomes specified in the left-hand column of the following table will be satisfied or achieved by the design, construction or operation of the proposal.

The design guidelines specified in the right-hand column indicate design and best practice solutions by which the required outcomes can be met. They do not preclude other solutions that may be suitable under particular local circumstances. All proposals will be considered on merit.

<table>
<thead>
<tr>
<th>Outcomes to be achieved</th>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development design</td>
<td></td>
</tr>
<tr>
<td>A. Lot size, dimensions &amp; shape</td>
<td></td>
</tr>
<tr>
<td>Note: minimum lot sizes are specified in Upper Hunter LEP 2013 clause 4.1 and associated series of Maps ‘Lot Size’. Note: Requirements regarding industrial lots shape and dimensions are given in section 3a Subdivision.</td>
<td></td>
</tr>
<tr>
<td>B. Building setbacks</td>
<td></td>
</tr>
<tr>
<td>Front building setbacks are sufficient to ensure that adequate area is available at the front of buildings to accommodate landscaping, access, parking and manoeuvring of vehicles, and to reduce the visual impact of industrial development on the streetscape.</td>
<td>Front setback areas should not be used for the storage or advertising of products.</td>
</tr>
<tr>
<td>The following front setbacks from the front property boundary are observed:</td>
<td></td>
</tr>
<tr>
<td>• front setback to an office component minimum 5 metres.</td>
<td></td>
</tr>
<tr>
<td>• front setback to an industrial component minimum 11 metres.</td>
<td></td>
</tr>
<tr>
<td>Building setbacks on corner sites are sufficient to reduce the bulk and visual impact of industrial buildings from public roads and should enable adequate sight distances for road users.</td>
<td></td>
</tr>
<tr>
<td>For corner lots, the following setbacks are observed:</td>
<td></td>
</tr>
<tr>
<td>• primary road frontage to an office component -</td>
<td></td>
</tr>
</tbody>
</table>
### Outcomes to be achieved

<table>
<thead>
<tr>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>minimum 5 metres and industrial components - 11 metres</td>
</tr>
<tr>
<td>• secondary road frontage to an office component - 3 metres and industrial components may be constructed with a minimum setback of 3 metres providing that the entire setback is appropriately landscaped.</td>
</tr>
</tbody>
</table>

### C. Fence along rail corridor

- Allotments that back onto the rail corridor shall provide a 1.8 metre high mesh security fence to prevent unauthorised entry. The fence is maintained in an operational condition for the life of the development. The cost associated with the installation and maintenance of the security fence will be the responsibility of the landowner.

### D. Landscaping

- Landscaping of the development contributes to a high standard of environmental quality of both the development and to enhancing the general streetscape and amenity of the industrial area in which the development is placed.
- Landscaping provides visual relief.
- A minimum of 50% of the front setback area of development is utilised for landscaping.
- For new developments, a minimum depth of 3.0 metres of landscaping is provided within the front setback area (excluding driveway) across the full frontage of the site.

- Landsaping areas should be planted and maintained with suitable drought tolerant trees, shrubs and groundcovers.
- Landscaping should take into account the screening of electricity infrastructure.
- Low maintenance landscaping should be used, incorporating species appropriate for the scale of buildings on the site.
- Landscaping should use locally indigenous species.
- Parking areas should incorporate landscaping to provide shade and soften the visual impact of parking facilities.
- The side and rear setback areas should be landscaped if visible from a public area.

### E. Activation of the New England Highway

**This section applies to all allotments that:**

- have frontage to the New England Highway; or.
- adjoin the cemetery at Lot 58 DP 1096874.

- Site and building design and landscaping creates and maintains an attractive northern entry to the Scone township.
- Vehicular access is provided from the rear of the allotment where it is generally not visible from the New England Highway.
- Car parking areas are located behind buildings so they are generally not visible from the New England Highway.
- A 10 metre wide vegetation buffer is provided and maintained along the highway and cemetery frontage at the developer’s expense, which
  - retains the existing tree plantings
  - includes new plantings with species of moderate height that “filter” as opposed to “hide” the views into and out of the industrial estate.
Outcomes to be achieved

- comprise of low maintenance vegetation.

- Security fencing is provided behind the vegetation buffer.

F. Open storage & work areas

- Open storage areas are screened and are out of sight from a public road.

- In the case of applications that do not include buildings, screen walls or landscaping or other approved screen devices are erected in order to effectively prevent the use of the land being viewed from a public road, nearby public reserve, or dwelling.

- Screening devices are designed to harmonise with any existing or proposed landscaping. Landscaping is used to break up large expanses of screen walls.

- In the case of applications for consent to undertake the repair or wrecking of motor vehicles, the operation of junk yards, or recycling of metal and other waste materials, Council may impose special conditions on outdoor storage. In such cases, early consultation with Council (before applications are lodged) is advisable.
Part 7 Rural development

Explanatory outline

Part 7 specifies outcomes, design guidelines and other requirements relating to development in rural areas. There are separate sections for each of the following matters:

7a Rural development - general
7b Rural dwellings
7c Rural industry & intensive agriculture

Note: see also sections 8a Tourist & visitor accommodation and 8c Wind energy systems for requirements specific to these activities.
7a Rural development - general

Explanatory outline
Section 7a specifies outcomes, design guidelines and other requirements relating to development in rural areas generally. The following matters are covered:

- siting considerations
- general building design
- building height
- building setbacks
- building materials
- farm buildings
- basic amenities for farm buildings
- bushfire
- groundwater
- riparian land
- access and car parking
- water supply
- on-site sewerage management
- telecommunications and electricity

Note: see also sections 8a Tourist & visitor accommodation and 8c Wind energy systems for requirements specific to these activities.

7a.1 Application of this Part
This section applies to development described in Column 1 when carried out on land described in Column 2.

<table>
<thead>
<tr>
<th>Column 1: Type of development</th>
<th>Column 2: Applicable land</th>
</tr>
</thead>
</table>
| Any development that requires development consent. Does not apply to proposals for which a complying development certificate is sought under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. | Land within the following zones:  
- RU1 Primary Production  
- RU3 Forestry  
- RU4 Primary Production Small Lots  
- E3 Environmental Management. |

7a.2 Relevant planning instruments & legislation
The following environmental planning instruments or other legislation are relevant to development to which this section applies:

- Upper Hunter Local Environmental Plan 2013
Further planning instruments and legislation may also be relevant. In the event of any inconsistency, the above listed instruments will prevail over requirements or criteria contained in this section.

7a.3 Definitions
The following terms defined in the Dictionary are relevant to this section:

- building height
- relocated dwelling
- licensed water supply
- setback
- water storage

7a.4 Objectives
The objectives of this section are to:

- ensure building design that is compatible with the rural character of the area and does not detract from the natural or rural setting of the site
- ensure that development is sympathetic to the environmental qualities and environmental capability of the land
- ensure that development respects the scenic qualities of the site and the local area
- minimise the disturbance of land and preserve natural landforms
- ensure that developments have adequate regard for site topography
- ensure that development does not dominate the surrounding landscape and is visually unobtrusive
- provide rural building setbacks that complement the rural character of the area
- ensure that rural development is located to minimise impacts on public places and existing and future land uses on adjoining land
- maintain and enhance water quality in rural areas through protecting water courses from development and incorporating appropriate water and soil management
- recognise the risk of bush fires and to incorporate into the development measures to avoid or mitigate the threat of bush fire
- protect the privacy of and solar access to neighbouring properties
- minimise impacts on the visual amenity and privacy of adjoining development
- ensure that adequate car parking and access is provided to service new rural development
- ensure that farm buildings and structures have regard to the environmental constraints and scenic qualities of the site and do not impact on the visual amenity of surrounding properties
- ensure that buildings and other structures do not dominate the surrounding landscape.
### 7a.5 Supporting plans & documentation

Development applications that are subject to this section should be supported by the following plans and documentation.

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. General requirements</strong></td>
<td>All applications</td>
<td>Refer to section 2c Lodging a development application.</td>
</tr>
</tbody>
</table>
| **B. Servicing strategy** | All applications | Provide evidence of satisfactory arrangements for the provision of the following services to the development:  
- water supply – including domestic water supply, fire fighting provisions and any supply licensed under the Water Management Act 2000  
- sewerage disposal  
- electricity  
- telecommunications.  
- waste removal.  
Please discuss site-specific requirements with council officers. |
| **C. Shadow diagram** | Applications that potentially involve overshadowing of the proposed development, or of adjoining or nearby development. | A plan illustrating:  
- extent of shadows cast by existing and proposed buildings, including buildings on adjoining land.  
- position of existing and proposed buildings on the site.  
- shadows cast by existing and proposed buildings at the winter solstice (22 June) for 9am, 12noon and 3pm. |
| **D. Soil & water management plans or reports** | Applications for which soil and water management plans or reports are required (refer to section 11f Soil & water management) | Prepare applicable soil and water management plans or reports, as specified in section 11f Soil & water management. These could include:  
- cut and fill details.  
- erosion and sediment control plan (ESCP)  
- erosion and sediment control strategy (ESCS)  
- soil and water management plan (SWMP)  
- comprehensive water cycle strategy (CWCS). |
| **E. Geotechnical hazard & salinity assessment** | Applications potentially subject to geotechnical hazards (refer to section 10c Geotechnical hazard) | Include the matters required under section 10c Geotechnical hazard. |
| **F. Flooding report** | Applications that relate to flood prone land | Include the matters required under section 10a Flood risk. |
| **G. Bushfire assessment report** | Applications that relate to Bush Fire Prone Land | Prepare a Bushfire Assessment Report in accordance with the current version of Planning for Bush Fire Protection, as specified in section 10b Bushfire risk |
**Part 7  Rural development**

**7a  Rural development - general**

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>H.</td>
<td>Applications that relate to land with high biodiversity values, or that require significant disturbance or removal of native vegetation or potential habitat for native species (refer to section 11b Biodiversity conservation).</td>
<td>Include the matters required under section 11b Biodiversity conservation.</td>
</tr>
<tr>
<td>I.</td>
<td>Applications involving the potential for noise impacts on adjoining development.</td>
<td>Include the matters required under section 11i Buffer areas.</td>
</tr>
<tr>
<td>J.</td>
<td>Applications that will potentially impact on land that is listed as or contains: • a heritage item • a heritage conservation area • an archaeological site • an Aboriginal object • an Aboriginal place of heritage significance.</td>
<td>Include the matters required under section 9a Heritage conservation.</td>
</tr>
<tr>
<td>K.</td>
<td>More specific information may be required for particular types of rural development.</td>
<td>Include the matters required under relevant sections (refer to section 7b Rural dwellings and 7c Rural industry &amp; intensive agriculture.</td>
</tr>
</tbody>
</table>

**7a.6  Assessment criteria**

A performance-based approach will be adopted in the assessment of development applications. Applications will be assessed according to the extent to which the outcomes specified in the left-hand column of the following table will be satisfied or achieved by the design, construction or operation of the proposal.

The design guidelines specified in the right-hand column indicate design and best practice solutions by which the required outcomes can be met. They do not preclude other solutions that may be suitable under particular local circumstances. All proposals will be considered on merit.

<table>
<thead>
<tr>
<th>Outcomes to be achieved</th>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Siting considerations</td>
<td>• Development should be sited in areas with the least topographical constraints (that is, not on steep slopes). • Development should minimise cut and fill and buildings can be stepped with the slope of the land.</td>
</tr>
<tr>
<td></td>
<td>• Development responds to the site topography.</td>
</tr>
<tr>
<td></td>
<td>• All buildings are sited on land identified as being suitable for construction and free from geotechnical hazards, contamination, flooding and bushfire risk.</td>
</tr>
<tr>
<td></td>
<td>• A suitable buffer between rural dwellings and agricultural operations on adjoining land is provided, in accordance with section 11i Buffer areas.</td>
</tr>
</tbody>
</table>
Outcomes to be achieved | Design guidelines
--- | ---
B. General building design | • All external finishes shall be of tones similar to those inherent in the landscape. Generally all buildings, ancillary structures, including sheds, garages and water tanks are to be of natural earthy colours in the mid tonal range or darker and are to be of a non-reflective finish.

- Development is consistent with the rural character of the area, including roof pitch, colours, materials, textures and window placement.
- The privacy of neighbouring dwellings is reasonably retained.
- Views from neighbouring dwellings is not reasonably obstructed.
- All structures are designed having consideration to:
  • the topography and landscape features of the site.
  • energy efficiency.
  • bush fire risk.
- Particular consideration is given to building location, form, colour and construction materials.

C. Building height | • Buildings are set back to roads and side and rear boundaries as shown in Table 13: Minimum Structure Setbacks - Rural and Environmental Management Zones.

- The height of all buildings and structures respects the rural character of the area.
- The roof line of the building does not protrude above the natural ridge or tree lines when viewed from public areas and roads.

D. Building setbacks |  

- To preserve the rural amenity.
- To ensure farm buildings are sited such that they are not impacted by dust generated from unsealed public roads.

E. Building materials |  

- Use natural colours, muted and earth tones for large surfaces including walls and roof.
- Avoid use of highly reflective glass, metal cladding (such as Zincalume) and plastics on the exterior of buildings to prevent glare nuisance to surrounding properties. Use factory pre-coloured materials with low reflective properties.

- Building colours and materials do not result in adverse impacts to surrounding development.
- External colours and finishes are harmonious with the surrounding natural or rural environment.

F. Farm buildings |  

- Farm buildings and structures shall be set back a minimum of 50 metres from a dwelling on an adjoining property.
- Farm buildings should not be located on prominent ridgelines or knolls or close to property boundaries.
- The design of farm buildings should be in keeping with the character and design of typical rural buildings in the area.

- Farm buildings do not dominate the rural landscape.

G. Basic amenities for farm buildings |  

- Farm buildings should not incorporate any internal partitions or amenities that could be adapted for residential use.
- An amenities outbuilding consisting of a toilet, tub/hand basin and shower may be permitted in a separate outbuilding not attached to the farm building and having
### Outcomes to be achieved

<table>
<thead>
<tr>
<th>Outcomes to be achieved</th>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>an area of up to approximately 10 square metres.</td>
<td></td>
</tr>
<tr>
<td>■ Where an amenities outbuilding is provided, the development must consider the provision of section <strong>11g On-site waste water management</strong>. The system is installed and fully operational prior to use of the amenities.</td>
<td></td>
</tr>
<tr>
<td>■ The amenities outbuilding is located clear of any likely site flooding</td>
<td></td>
</tr>
<tr>
<td>■ A rainwater storage tank with a minimum storage capacity of 20,000 litres is provided</td>
<td></td>
</tr>
<tr>
<td><strong>H. Bushfire</strong></td>
<td></td>
</tr>
<tr>
<td>■ The development considers the provisions of section <strong>10b Bushfire risk</strong>.</td>
<td></td>
</tr>
<tr>
<td><strong>I. Groundwater</strong></td>
<td></td>
</tr>
<tr>
<td>■ The development considers the provisions of section <strong>11d Groundwater protection</strong>.</td>
<td></td>
</tr>
<tr>
<td><strong>J. Riparian land</strong></td>
<td></td>
</tr>
<tr>
<td>■ The development considers the provisions of section <strong>11c Riparian land &amp; watercourses</strong>.</td>
<td></td>
</tr>
<tr>
<td><strong>K. Access &amp; car parking</strong></td>
<td></td>
</tr>
<tr>
<td>■ The development considers the provisions of section <strong>12a Access &amp; vehicle parking</strong>.</td>
<td></td>
</tr>
<tr>
<td>■ Direct two-wheel drive all-weather access is provided from the site to a public road.</td>
<td></td>
</tr>
<tr>
<td>■ Entry gateways/grids are set back from the front boundary and fence splayed to allow vehicles to pull up off the public road carriageway.</td>
<td></td>
</tr>
<tr>
<td>■ New access driveways do not compromise the safety of road users.</td>
<td></td>
</tr>
<tr>
<td>■ The environmental impacts and ongoing maintenance costs of access roads and driveways are minimised.</td>
<td></td>
</tr>
<tr>
<td>■ Access driveways connecting with a sealed road are sealed from the existing road seal to the boundary alignment (boundary of road reserve) to minimise gravel being deposited on the road surface.</td>
<td></td>
</tr>
<tr>
<td>■ Internal access roads may require a two coat dust seal surface treatment in circumstances where there is likely to be an adverse impact on adjoining land uses or environmentally sensitive areas (for example, waterways, wetlands).</td>
<td></td>
</tr>
<tr>
<td>■ Rural property accesses and internal roads are designed so that sediment laden stormwater run-off does not discharge down the access road and onto public roads or cause soil erosion and sedimentation. The development considers the requirements of section <strong>11f Soil &amp; water management</strong>.</td>
<td></td>
</tr>
</tbody>
</table>
Outcomes to be achieved | Design guidelines
--- | ---
L. Water supply | The development is provided with a suitable water supply, if relevant.  
*Note: requirements for water supply for dwellings are included at section 7b Rural dwellings.*
M. On-site sewerage management | The development considers the provisions of section 11g On-site waste water management, if relevant.
N. Telecommunications & electricity | The development is provided with a suitable telecommunications and electricity supply if relevant.

Table 13: Minimum Structure Setbacks - Rural and Environmental Management Zones

<table>
<thead>
<tr>
<th>Zone</th>
<th>Road Frontage</th>
<th>Side/Rear minimum setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>RU1 Primary Production</td>
<td>50 m to bitumen sealed road</td>
<td>30 m</td>
</tr>
<tr>
<td>RU4 Primary Production Small Lots</td>
<td>100 m to unsealed road</td>
<td>30 m</td>
</tr>
<tr>
<td>E3 Environmental Management</td>
<td>50 m to bitumen sealed road</td>
<td>30 m</td>
</tr>
<tr>
<td></td>
<td>100 m to unsealed road</td>
<td></td>
</tr>
</tbody>
</table>
Explanatory outline

Section 7b outlines assessment criteria for rural dwellings. These criteria are \textit{in addition to} those in section \textbf{7a Rural development - general}. The following matters are covered:

- siting near major roads or railway
- general building design
- water supply
- on site sewerage management
- solid waste management
- rural dual occupancy and secondary dwellings
- rural workers’ dwellings
- relocated dwellings
- ancillary structures such as garages and fences
- temporary occupation of farm buildings
- temporary occupation of caravans during dwelling construction.

Note: these criteria do not apply where approval is sought by way of a complying development certificate under SEPP (Exempt and Complying Development) Codes 2008. In such cases, the criteria under that SEPP will apply instead.

\section*{7b Rural dwellings}

\subsection*{7b.1 Application of this section}

This section applies to development described in Column 1 when carried out on land described in Column 2.

\begin{tabular}{ll}
\textbf{Column 1:} Type of development & \textbf{Column 2:} Applicable land \\
- dwelling houses (including relocated dwellings) & Land within the following zones: \\
- dual occupancies & - RU1 Primary Production \\
- rural workers’ dwellings & - RU4 Primary Production Small Lots \\
- secondary dwellings. & - E3 Environmental Management \\
\end{tabular}

Does not apply to proposals for which a complying development certificate is sought under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

\subsection*{7b.2 Relevant planning instruments & legislation}

The following environmental planning instruments or other legislation are relevant to development to which this section applies:

- \textit{Upper Hunter Local Environmental Plan 2013}
- \textit{Local Government Act 1993}

Further planning instruments and legislation may also be relevant. In the event of any inconsistency, the above listed instruments will prevail over requirements or criteria contained in this section.
### 7b.3 Objectives

The objectives of this section are to:

- ensure suitable amenity is provided to dwellings adjacent to major roads and railways
- enable rural workers’ dwellings to be provided to promote and support viable agricultural production.
- ensure all dwellings are compatible with the rural character of the area
- ensure relocated dwellings complement and enhance the overall amenity and character of the area in which they are to be located

These objectives are in addition to those specified in section 7a Rural development - general.

### 7b.4 Supporting plans & documentation

Development applications that are subject to this section should be supported by the following plans and documentation.

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. General requirements</td>
<td>All applications</td>
<td>Refer to section 2c Lodging a development application.</td>
</tr>
<tr>
<td>B. Rural development – general requirements</td>
<td>All applications</td>
<td>All relevant requirements specified in section 7a Rural development - general.</td>
</tr>
<tr>
<td>C. BASIX Certificate</td>
<td>All applications where relevant</td>
<td>Refer to UHSC Application Guide regarding BASIX certificates and also to the on-line assessment at <a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a></td>
</tr>
</tbody>
</table>
| D. Rural workers’ dwelling report | Applications for rural workers’ dwellings | A report and plans demonstrating:  
- that the existing or future uses of the land are of a nature and scale that will require the ongoing employment of additional rural workers on a permanent or seasonal basis. A Business Plan demonstrating this need should be submitted.  
- that the nature of the existing or future uses of the land is such that, if workers would be required to live off-site, there would be a significant adverse impact to the relevant agricultural or rural industry.  
- that the number of proposed rural worker’s dwellings is compatible with the nature and scale of existing or future uses of the land,  
- that the proposed dwelling will be located on the same lot as the principal residence and share a common access to a public road. |
| E. Relocated dwelling report | Applications for relocated dwellings | A report and appropriate plans indicating:  
- a description of the dwelling to be moved  
- the location of the dwelling at present and its age  
- photographs of each elevation of the building at its current address  
- dimensioned elevation drawings  
- the location to which the building is to be moved  
- details and specifications of all new work including footings, repairs, alterations, renovations and the installation of services |
Part 7  Rural development

7b  Rural dwellings

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>• schedule of existing building materials and condition</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• details of termite protection, bracing and tie down</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• A report from a qualified structural engineer:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• certifying that the existing building is able to withstand the wind loads and specifying any additional wind bracing and tie-down necessary to ensure the structural integrity of the relocated dwelling. This is only required where the dwelling is to be relocated into an area of high wind velocity i.e. N2, N3, AS 4055-Wind Loads for Housing.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• specifying the proposed method of rejoining the various sections of the structure.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• specifying whether any dilapidated or rotted structural members or cladding is to be replaced.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• specifying the method of support of any existing concrete floor/s within the building.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Certifying that the existing building is able to be relocated.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>F. Acoustic report  Include the matters required under section 11i Buffer areas.</td>
</tr>
<tr>
<td></td>
<td>Applications for land adjacent to a rail corridor</td>
<td></td>
</tr>
</tbody>
</table>

7b.5  Assessment criteria

A performance-based approach will be adopted in the assessment of development applications. Applications will be assessed according to the extent to which the outcomes specified in the left-hand column of the following table will be satisfied or achieved by the design, construction or operation of the proposal.

The design guidelines specified in the right-hand column indicate design and best practice solutions by which the required outcomes can be met. They do not preclude other solutions that may be suitable under particular local circumstances. All proposals will be considered on merit.

<table>
<thead>
<tr>
<th>Outcomes to be achieved</th>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural dwellings generally</td>
<td>Note: these requirements are in addition to those in section 7a Rural development - general.</td>
</tr>
</tbody>
</table>

A. Siting

- Setbacks meet the minimum requirements under Table 13: Minimum Structure Setbacks - Rural and Environmental Management Zones.
- The siting of dwellings adjacent to a rail corridor or the New England Highway takes into account the proximity of the railway or highway and associated acoustic and visual issues

Note: see also SEPP (Infrastructure) and Development Near Rail Corridors and Busy Roads – Interim Guideline (Department of Planning, 2008).
### Outcomes to be achieved

### Design guidelines

#### B. General building design

Note: these requirements are in addition to the building design issues specified in section 7a Rural development - general.

- Habitable buildings are designed in accordance with solar design and energy efficiency principles.
- Dwellings are constructed of materials that are compatible with the bush fire risk.
- Dwellings are constructed in accordance with any appropriate Australian Standard (refer to section 10b Bushfire risk).
- The scale, form and external finish of buildings recognises the rural vernacular style of country dwellings.

- Dwellings should be designed to locate living rooms to take advantage of winter solar radiation whilst minimising the extent that summer solar radiation enters windows on the northern and western facades of the buildings.
- Verandas (including front and side where appropriate) are encouraged, with the depth of verandas in proportion to the main building.

#### C. Water supply

- Each dwelling is provided with roof water storage tanks having a capacity of not less than 100,000 litres. This water may be used principally for domestic and potable use but may encompass water storage tanks dedicated for fire fighting purposes.
- Each dwelling is to provide water storage dedicated for fire fighting purposes and access to that water as required by Planning for Bush Fire Protection 2006.

#### D. On site sewerage management

The development considers the provisions of section 11g On-site waste water management.

#### Secondary dwellings

Note: provisions regarding secondary dwellings are specified in Upper Hunter LEP 2013 clause 5.4(9) ‘Controls relating to miscellaneous permissible uses - Secondary dwellings’.

- Secondary dwellings should be:
  - on the same lot as the principal dwelling.
  - share a common access with the principal dwelling.
  - sited within 100 metres of the principal dwelling.
  - behind the building line of the principal dwelling to a public road.

#### Rural workers’ dwellings

Note: provisions regarding rural workers’ dwellings are specified in Upper Hunter LEP 2013 clause 4.2C Erection of rural workers’ dwellings in Zone RU1 and Zone RU4.

- The number of proposed rural workers’ dwellings is compatible with the nature and scale of existing or
- Rural workers dwellings should only be provided where there is a genuine need to accommodate a rural worker by reason that:
  - the existing or future uses of the land are to be of a nature and scale that will require the ongoing employment of additional rural workers on a permanent or seasonal basis;
Part 7 Rural development

7b Rural dwellings

Outcomes to be achieved

- Rural workers’ dwellings must share a common access to a public road with the principal dwelling or other existing dwellings on the site.
- The design of rural workers’ dwellings is compatible with surrounding development and the rural character and scenic qualities of the area.

Design guidelines

- the nature of the existing or future uses of the land is such that, if workers would be required to live off-site, there would be a significant adverse impact to the relevant agricultural or rural industry.

Temporary occupation of farm buildings

G. Temporary occupation of farm building

- Occupation of a farm building can only occur where a development application for a permanent dwelling on the land has either been approved, or will be considered in conjunction with a development application for the use of a farm building for habitable uses is sought.
- The farm building must be constructed/upgraded such that it meet the requirements of a Class 1 Building under the Building Code of Australia and has the following:
  - electricity and communications
  - a permanent water closet connected to an approved on-site sewerage management system
  - a suitable potable water supply
  - fire protection in terms of water supply, access and asset protection zones as required under ‘Planning for Bushfire Protection 2006’ and AS3959-2009 - Construction of buildings in Bushfire Prone Areas.
- Occupation is restricted to the intended occupants of the dwelling.
- The period of occupation does not exceed twelve months from the agreed date of commencement.
- Occupation ceases upon completion of the permanent dwelling or the approval expiry, unless Council has reviewed the time period at the end of 6 months in light of progress being made towards completion of the dwelling.

Relocated dwellings

H. Relocated dwellings

- The appearance of a relocated dwelling is compatible with or complementary to the existing streetscape, character and standard of surrounding development in the area.
- The appearance of a relocated dwelling is in keeping with the likely standard of future new development in the locality.
- Relocated dwellings are in a sufficiently safe condition
  - It may be necessary to add to the building or change the design of the proposed relocated dwelling. For example, a flat roof may have to replaced with a pitched roof or a verandah/awning may be attached to enhance or add character to the relocated dwelling so that it is compatible with the existing streetscape or the character of an area.
  - External finishes are required to be compatible or complementary to surrounding development and the established character of the area. All external surfaces are to be repainted. Within areas predominantly brick veneer, finish with a tiled roof may be required.
### Outcomes to be achieved

<table>
<thead>
<tr>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prior to the building being relocated, all materials containing asbestos are to be removed and disposed of in accordance with AS2601-2001 The Demolition of Structures.</td>
</tr>
<tr>
<td>All zincalume or galvanised surfaces are to be removed or the sheets must be painted or replaced with corrugated Colorbond sheets.</td>
</tr>
<tr>
<td>Flat fibre cement sheeting is to be removed and replaced with an approved external cladding.</td>
</tr>
<tr>
<td>Any defective, deteriorated or otherwise damaged materials, structural components or cladding are to be replaced.</td>
</tr>
<tr>
<td>Where there is an existing concrete floor within the building, the slab is to be demolished.</td>
</tr>
<tr>
<td>Rejoining local bearing structural members by use of a cleat or fish plate connection is unacceptable in most circumstances.</td>
</tr>
<tr>
<td>Existing water supply pipes, house drainage pipes and fittings may be reused provided that:-</td>
</tr>
<tr>
<td>- the system complies with the current standards; and.</td>
</tr>
<tr>
<td>- a pressure test is carried out by a licensed plumber and any defective pipes and fittings are repaired or replaced prior to connection to the water supply or sewerage system.</td>
</tr>
</tbody>
</table>

Note: the applicant will be responsible for any damage occasioned to Council or private property and is to ensure that the building is placed on site and completed in accordance with the approval.

Note: the applicant is to ensure that all additional approvals, particularly relating to the transportation of the building, as required by other authorities are obtained prior to the relocation of the building. These authorities include Roads and Maritime Services, NSW Police and the relevant electricity supply authority.

### Ancillary buildings & structures

#### I. General design considerations

- The siting and design of any ancillary residential structures considers likely impacts on adjoining and nearby development, including:
  - structural stability
  - visual impact
  - overshadowing
  - materials and colours
  - heritage considerations
  - impact on stormwater or flooding.

Proposed development should consider all relevant aspects of this DCP.
Section 7c outlines assessment criteria for rural industries, intensive agriculture and related types of development. These requirements are in addition to those in section 7a Rural development - general.

The following matters are covered:

- siting and adjoining land
- loading and unloading facilities
- vehicle access and parking.

### 7c.1 Application of this section

This section applies to development described in Column 1 when carried out on land described in Column 2.

<table>
<thead>
<tr>
<th>Column 1: Type of development</th>
<th>Column 2: Applicable land</th>
</tr>
</thead>
<tbody>
<tr>
<td>• rural industry, including:</td>
<td>Land within the following zones:</td>
</tr>
<tr>
<td>- agricultural produce industries</td>
<td>• RU1 Primary Production</td>
</tr>
<tr>
<td>- livestock processing industries</td>
<td>• RU3 Forestry</td>
</tr>
<tr>
<td>- sawmill or log processing industries</td>
<td>• RU4 Primary Production Small Lots</td>
</tr>
<tr>
<td>- stock and sale yards</td>
<td>• RU5 Village</td>
</tr>
<tr>
<td>• intensive livestock agriculture</td>
<td></td>
</tr>
<tr>
<td>• intensive plant agriculture</td>
<td></td>
</tr>
<tr>
<td>• animal boarding or training establishments.</td>
<td></td>
</tr>
</tbody>
</table>

**Note:** development comprising ‘industry’ and ‘light industry’ (not being a ‘rural industry), and any development in IN1 and IN2 zones is dealt with at Part 6 Industrial development.

### 7c.2 Objectives

The objectives of this section are to:

- ensure that new rural industries and intensive agriculture have minimal impact on the landscape, the natural environment and the amenity of surrounding properties.
- encourage the development of sustainable rural industries compatible with the rural character of the area and other local industries.

These objectives are in addition to those specified in section 7a Rural development - general.
7c.3 Supporting plans & documentation
Development applications that are subject to this section should be supported by the following plans and documentation.

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. General requirements</td>
<td>All applications</td>
<td>Refer to section 2c Lodging a development application.</td>
</tr>
<tr>
<td>B. Rural development requirements</td>
<td>All applications</td>
<td>All requirements specified in section 7a Rural development - general.</td>
</tr>
<tr>
<td>C. Rural industry requirements</td>
<td>Applications for rural industries</td>
<td>Construction and operation details, including:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Description of activities</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Hours of operation</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Production volumes/output</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Waste Management</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Staffing</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Input/raw materials</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Environmental Management</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Access Arrangements</td>
</tr>
<tr>
<td>D. Intensive agriculture requirements</td>
<td>Applications for intensive agriculture</td>
<td>Construction and operation details, as per Preparing a Development Application for intensive agriculture in NSW (Department of Primary Industries (2006)):</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Details of the construction and operation of the establishment, including:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• plans of animal keeping areas</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• noise assessment</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• waste management assessment</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• odour Assessment</td>
</tr>
</tbody>
</table>

7c.4 Assessment criteria
A performance-based approach will be adopted in the assessment of development applications. Applications will be assessed according to the extent to which the outcomes specified in the left-hand column of the following table will be satisfied or achieved by the design, construction or operation of the proposal.

The design guidelines specified in the right-hand column indicate design and best practice solutions by which the required outcomes can be met. They do not preclude other solutions that may be suitable under particular local circumstances. All proposals will be considered on merit.

<table>
<thead>
<tr>
<th>Outcomes to be achieved</th>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Siting &amp; adjoining land</td>
<td>The development is located on a property of sufficient size to accommodate the industry without impacting on adjoining properties.</td>
</tr>
</tbody>
</table>
7c Rural industry & intensive agriculture

Outcomes to be achieved

- The development considers the provisions of section 11i Buffer areas.
- Mitigation measures such as landscaped buffers, acoustic bunds/walls and odour control measures are incorporated into the design of a rural industry to protect the amenity of surrounding properties.

Design guidelines

B. Loading & unloading facilities

- The development considers the provisions of section 12a Access & vehicle parking, and the provisions of UHSC Draft Engineering Guidelines for Subdivisions and Developments

C. Vehicle access & parking

- The development considers the provisions of section 12a Access & vehicle parking, and the provisions of UHSC Draft Engineering Guidelines for Subdivisions and Developments, as amended

7c.5 Supplementary guidance

The following documents or reference materials provide further advice or information that is relevant to this section.

- *Preparing a Development Application for intensive agriculture in NSW* (Department of Primary Industries (2006))
Part 8 Other development

Explanatory outline
Part 8 specifies outcomes, design guidelines and other requirements relating to various types of development not covered in previous sections. There are separate sections for each of the following matters:

8a Tourist & visitor accommodation
8b Advertising & signage
8c Wind energy systems
Explanatory outline
Section 8a outlines assessment criteria for tourist and visitor accommodation. The following matters are covered:
• site location and development design
• access and parking
• waste water treatment
• water supply
• electricity and telecommunications
• stormwater management
• waste minimisation and management
• food preparation location
• bed and breakfast accommodation
• farm stay accommodation
• eco-tourist facilities.
Note: these criteria do not apply where approval is sought by way of a complying development certificate under SEPP (Exempt and Complying Development) Codes 2008. In such cases, the criteria under that SEPP will apply instead.

8a Tourist & visitor accommodation

8a.1 Application of this section
This section applies to development described in Column 1 when carried out on land described in Column 2.

<table>
<thead>
<tr>
<th>Column 1: Type of development</th>
<th>Column 2: Applicable land</th>
</tr>
</thead>
<tbody>
<tr>
<td>tourist and visitor accommodation, including:</td>
<td>Any land.</td>
</tr>
<tr>
<td>- backpackers’ accommodation.</td>
<td></td>
</tr>
<tr>
<td>- bed and breakfast accommodation.</td>
<td></td>
</tr>
<tr>
<td>- camping grounds.</td>
<td></td>
</tr>
<tr>
<td>- caravan parks.</td>
<td></td>
</tr>
<tr>
<td>- eco-tourist facilities.</td>
<td></td>
</tr>
<tr>
<td>- farm stay accommodation.</td>
<td></td>
</tr>
<tr>
<td>- hotel or motel accommodation.</td>
<td></td>
</tr>
<tr>
<td>- serviced apartments.</td>
<td></td>
</tr>
</tbody>
</table>

8a.2 Relevant planning instruments & legislation
The following environmental planning instruments or other legislation are relevant to development to which this section applies:
• Upper Hunter Local Environmental Plan 2013
• SEPP (Exempt and Complying Development) Codes 2008 – particularly Part 4A General Development Code – Subdivision 1 – Bed and breakfast accommodation
• *Food Act 2003*

Further planning instruments and legislation may also be relevant. In the event of any inconsistency, the above listed instruments will prevail over requirements or criteria contained in this section.

### 8a.3 Definitions

There may be terms defined in the Dictionary that are relevant to this section:

### 8a.4 Objectives

The objectives of this section are to:

- ensure that tourist and visitor accommodation facilities respond appropriately to their site context and character of the area
- ensure that tourist and visitor accommodation fits in to the rural or natural setting without adversely affecting the visual character of the area
- ensure that the site chosen for the proposed development is suitable for its proposed purpose
- minimise land use conflict with adjoining land uses
- ensure the scale of development is appropriate to the site capacity and constraints
- encourage development that will benefit the local tourism industry and economy
- ensure that suitable amenity is provided for visitors and guests of accommodation facilities
- ensure convenient and safe access and egress is provided to service the development
- ensure that tourist and visitor accommodation facilities provide services and facilities to meet the demands of the development
- ensure that food storage and meal preparation areas and processes are conducive to the preparation and consumption of food which is safe for guests.

### 8a.5 Supporting plans & documentation

Development applications that are subject to this section should be supported by the following plans and documentation.

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. General requirements</td>
<td>All applications</td>
<td>Refer to section 2c Lodging a development application.</td>
</tr>
</tbody>
</table>
| B. Shadow diagram | Applications that potentially involve overshadowing of the proposed development, or of adjoining or nearby development. | A plan illustrating:  
  - extent of shadows cast by existing and proposed buildings, including buildings on adjoining land.  
  - position of existing and proposed buildings on the site and adjoining land.  
  - shadows cast by existing and proposed buildings at the winter solstice (22 June) for 9am, 12noon and 3pm. |
| C. Servicing strategy | All applications | Information that demonstrates the availability and feasibility of providing the following services appropriate for the scale and nature of development:  
  - reticulated water, including the size and location of water services including any proposed fire service  
  - reticulated sewerage |
## Part 8  Other development

### 8a Tourist & visitor accommodation

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>- liquid trade waste (where applicable)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- electricity and telecommunications.</td>
</tr>
<tr>
<td>D. Landscape plan &amp; report</td>
<td>All applications</td>
<td>Plan and report, prepared by a suitably qualified professional, showing:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- description of ground preparation and on-going maintenance of landscaping</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- areas of private open space, proposed turf and areas of established gardens.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- location and species of trees and shrubs to be retained or removed.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- schedule of plantings, cross-referenced to the site plan indicating species, massing and mature height.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- details of restoration and treatment of earth cuts, fills, mounds, retaining walls, fencing and screen walls.</td>
</tr>
<tr>
<td>E. Soil &amp; water management plans or reports</td>
<td>Applications for which soil and water management plans or reports are required (refer to section 11f Soil &amp; water management)</td>
<td>Prepare applicable soil and water management plans or reports, as specified in section 11f Soil &amp; water management. These could include:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- cut and fill details.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- erosion and sediment control plan (ESCP)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- erosion and sediment control strategy (ESCS)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- soil and water management plan (SWMP)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- comprehensive water cycle strategy (CWCS).</td>
</tr>
<tr>
<td>F. Geotechnical hazard &amp; salinity assessment</td>
<td>Applications potentially subject to geotechnical hazards (refer to section 10c Geotechnical hazard)</td>
<td>Include the matters required under section 10c Geotechnical hazard.</td>
</tr>
<tr>
<td>G. Flooding report</td>
<td>Applications that relate to flood prone land</td>
<td>Include the matters required under section 10a Flood risk.</td>
</tr>
<tr>
<td>H. Traffic &amp; parking plans &amp; reports (various)</td>
<td>Applications that raise significant access, traffic or parking issues.</td>
<td>Include the matters required under section 12a Access &amp; vehicle parking. Actual requirements will depend on the type of development and level and type of traffic generation.</td>
</tr>
<tr>
<td>I. Heritage, aboriginal cultural heritage or archaeological plans &amp; reports</td>
<td>Applications that will potentially impact on land that is listed as or contains:</td>
<td>Include the matters required under section 9a Heritage conservation.</td>
</tr>
<tr>
<td></td>
<td>- a heritage item</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- a heritage conservation area</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- an archaeological site</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- an Aboriginal object</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- an Aboriginal place of heritage significance.</td>
<td></td>
</tr>
</tbody>
</table>
Part 8 Other development

8a Tourist & visitor accommodation

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>J. Flora &amp; fauna assessment report</td>
<td>Applications that relate to land with high biodiversity values, or that require significant disturbance or removal of native vegetation or potential habitat for native species (refer to section 11b Biodiversity conservation).</td>
<td>Include the matters required under section 11b Biodiversity conservation.</td>
</tr>
<tr>
<td>K. Bushfire assessment report</td>
<td>Where the land is identified as Bush Fire Prone Land</td>
<td>Prepare a Bushfire Assessment Report in accordance with the current version of Planning for Bush Fire Protection, as specified in section 10b Bushfire risk</td>
</tr>
<tr>
<td>L. Acoustic assessment report</td>
<td>Applications that involve the potential for noise impacts on adjoining development, or that are located adjacent to a rail corridor or the New England Highway</td>
<td>The report should address and indicate measures to mitigate potential impacts from noise and vibration</td>
</tr>
<tr>
<td>M. Outdoor eating areas</td>
<td>Applications that involve outdoor eating areas.</td>
<td>Plan and written description of the position of tables, chairs, planter boxes, bollards and other objects to be used or displayed.</td>
</tr>
</tbody>
</table>

8a.6 Assessment criteria

A performance-based approach will be adopted in the assessment of development applications. Applications will be assessed according to the extent to which the outcomes specified in the left-hand column of the following table will be satisfied or achieved by the design, construction or operation of the proposal.

The design guidelines specified in the right-hand column indicate design and best practice solutions by which the required outcomes can be met. They do not preclude other solutions that may be suitable under particular local circumstances. All proposals will be considered on merit.

Outcomes to be achieved

<table>
<thead>
<tr>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Screen planting should be provided to filter views into the site from adjoining properties and public roads, particularly if it is likely that adjoining farms have the potential to disturb or annoy guests.</td>
</tr>
<tr>
<td>• Appropriate signage should be displayed within the main reception area that advises to the following effect:  “This accommodation is located in an agricultural area. Farm activities may cause nuisance or inconvenience from time to time, but such activities are essential to the maintenance of the prosperity and character of our local area”.</td>
</tr>
<tr>
<td>• Colours and materials should suit the character of the site and of adjoining and nearby buildings</td>
</tr>
</tbody>
</table>

A. Site location & development design

- The siting and design of accommodation facilities is compatible with the attributes and constraints of the site and locality.
- Accommodation facilities are sited and designed to minimise impacts on the amenity of adjoining properties.
- Accommodation facilities comply with the buffers prescribed by section 11i Buffer areas in order to minimise impacts of from existing rural activities.
- Proposals in rural areas comply with the controls relating to rural building design, building setbacks and materials and finishes in Part 7 Rural development.
- Proposals in urban areas satisfy relevant criteria relating to building design, building setbacks and materials and finishes in Part 4 Urban residential and Part 5 Commercial development.
### Outcomes to be achieved

#### B. Rural scenic character
- Development in rural areas is compatible with the rural or natural setting and local visual character.

#### Design guidelines
- The proposed site, and development concept should have legitimate potential to attract visitors seeking the “country holiday experience” in its different forms.
- Accommodation facilities should not be located on prominent ridgelines or knolls or close to property boundaries.
- If the proposed development can be viewed from adjoining properties or roads, screen planting should be provided to filter views into the site.
- Colours and materials for a proposed development should suit the character of the site and be of dark natural colours of low reflective quality.
- Lighting of outdoor areas should take into consideration neighbouring properties.

#### C. Outdoor advertising
- The development considers the provisions of section 8b Advertising & signage.

#### D. Heritage
- The development considers the provisions of section 9a Heritage conservation.

#### E. Access & parking
- Convenient and sufficient safe access, egress and parking is provided to service the development.
- On site car parking facilities and access is provided in accordance with section 12a Access & vehicle parking and with UHSC Draft Engineering Guidelines for Subdivisions and Developments, as amended.

#### Design guidelines
- On rural properties where there is a significant distance from the road boundary to the accommodation destination, appropriate reinforcement signage along the internal access road should be provided.
- Access to developments in rural areas should be:
  - via a single point of access to a public road
  - flood free
  - able to accommodate a two wheel drive vehicle in all weather conditions
  - suitable for its intended use.
- Internal access roads must be designed and constructed in accordance with relevant AUSPEC criteria based on predicted traffic flows sourced from the RTA Guidelines for Traffic Generating Development, or in accordance with a civil engineer certified design.

#### F. Facilities & Services
- Tourist and visitor accommodation facilities provide services and facilities to meet the demands of the development.
- Reticulated water is provided to all developments within 75 m of a reticulated water supply, otherwise a suitable on-site water supply must be provided.
- If the development is not within 75 m of a reticulated sewerage system, an appropriately designed and sized on site waste water treatment system must be provided to the
### Outcomes to be achieved

- Development in accordance with section 11g *On-site waste water management*.
- Satisfactory arrangements are made with the relevant utility provider(s) for the provision of electricity and telecommunications services.
- Easements (benefiting UHSC) shall be provided for all existing and proposed public sewer and water mains and Council stormwater infrastructure within the site.

### Design guidelines

#### G. Biodiversity conservation

- The development, particularly in a rural area, considers the provisions of section 11b *Biodiversity conservation*.

#### H. Bushfire

- The development, particularly if in a rural area, considers the provisions of section 10b *Bushfire risk*.

#### I. Soil & water management

- The development considers the provisions of section 11e *Soil and water management*, and the provisions of *UHSC Draft Engineering Guidelines for Subdivisions and Developments*, as amended.

#### J. Health requirements

- Food storage and meal preparation areas and processes are conducive to the preparation and consumption of food which is safe for guests.

- Any kitchen used for the preparation or storage of guests food is to comply with the requirements of the *Food Act* and *AS4674 (Design, Construction and Fit out of Food Premises)*.

- Garbage storage areas for collection are to be located remotely from other site facilities, and not in close proximity to any kitchen facilities.

#### K. Bed & breakfast accommodation

*Note: Upper Hunter LEP 2013 clause 5.4 (1) ‘Bed and breakfast accommodation’ provides for a maximum of 3 bedrooms in the development.*

*Note: SEPP (Exempt and Complying Development) Codes 2008 – Part 4A General Development Code – Subdivision 1 – Bed and breakfast accommodation specifies development standards for bed and breakfast accommodation for it to be specified as ‘complying’ development under that Code.*

#### L. Farm stay accommodation

*Note: Upper Hunter LEP 2013 clause 5.4 (5) ‘Bed and breakfast accommodation’ provides for a maximum of 5 bedrooms in the development.*

#### M. Eco-tourist facilities

*Note: Matters for considerations in determining approval for eco-tourist facilities are specified in Upper Hunter LEP 2013 clause 5.13 ‘Eco-tourist facilities’.*
Explanatory outline

Section 8c outlines assessment criteria for outdoor advertising and signage. The following matters are covered:

- Compliance with SEPP 64 - Advertising and Signage
- Locations of signage
- Types and numbers of signs
- Visual impact and scenic quality
- Illumination and noise
- Heritage
- Safety
- Quality

Note: these criteria do not apply where approval is sought by way of a complying development certificate under SEPP (Exempt and Complying Development) Codes 2008 (particularly Part 5 Commercial and Industrial Alterations Code). In such cases, the criteria under that SEPP will apply instead.

For exempt signs, see the Advertising and Signage Exempt Development Code under SEPP (Exempt and Complying Development Codes) 2008.

8b Advertising & signage

8b.1 Application of this section

This section applies to development described in Column 1 when carried out on land described in Column 2.

<table>
<thead>
<tr>
<th>Column 1: Type of development</th>
<th>Column 2: Applicable land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction, erection, placement, alteration, illumination, relocation, attachment, painting or repainting of:</td>
<td>Any land.</td>
</tr>
<tr>
<td>• advertising structures; or</td>
<td></td>
</tr>
<tr>
<td>• signage.</td>
<td></td>
</tr>
</tbody>
</table>

Does not apply to proposals for which a complying development certificate is sought under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

A sign must not be altered in any way (except for removal) after approval has been granted.

8b.2 Relevant planning instruments & legislation

The following environmental planning instruments or other legislation are relevant to development to which this section applies:

- Upper Hunter Local Environmental Plan 2013
- State Environmental Planning Policy (SEPP) No. 64—Advertising and Signage
- SEPP (Exempt and Complying Development) Codes 2008 – particularly the Advertising and Signage Exempt Development Code
- Local Government Act 1993
ROADS ACT 1993.

Further planning instruments and legislation may also be relevant. In the event of any inconsistency, the above listed instruments will prevail over requirements or criteria contained in this section.

8b.3 Definitions

The following terms defined in the Dictionary are relevant to this section:

- advertisement
- advertising structure
- building identification sign
- business identification sign
- signage

8b.4 Objectives

The objectives of this section are to:

- provide a consistent approach to the control, location and design of advertisements and information signage
- ensure that signs complement the architecture of the buildings to which they are attached and their surroundings
- reduce visual complexity of the streetscape by providing fewer, more effective signs
- prevent excessive signage and visual clutter and to encourage the rationalisation of existing and proposed signs
- achieve a gradual replacement of existing unwanted signs with new, good quality, well maintained signs
- ensure that changes to existing signs are consistent with the requirements that apply to new signs
- promote effective and visually interesting advertising of goods and services and ensure that signage is of a high quality design and finish
- ensure that advertisements do not adversely affect the safety of motorists and pedestrians.
- ensure that signs do not affect the amenity of residents by way of shadow or illumination effects
- facilitate the placement of signs that promote businesses in a manner appropriate to the scale and design of the existing built environment
- promote a high standard of commercial advertising which will enhance the appearance of the B2 Local Centre zones
- permit adequate business advertising and identification
- maintain a balance between the established built form and character of the streetscape and the needs of commercial enterprises to advertise their products, services and facilities
- encourage advertising in the town centres which will contribute to the status and viability of the town centre
- ensure that advertising is compatible with the intensity of use in each land zone
- ensure that content of advertising will not interfere with the amenity of the locality or cause offence to the general public
- maintain a degree of uniformity and equity in the extent of advertising permitted
- encourage signage that does not contain excessive information that is ineffective.
## 8b.5 Supporting plans & documentation

Development applications that are subject to this section should be supported by the following plans and documentation.

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. General requirements</strong></td>
<td>All applications</td>
<td>Refer to section 2c Lodging a development application.</td>
</tr>
</tbody>
</table>
| **B. Advertising signage details** | All applications | The following information should be provided:  
  - A site plan showing the position of the proposed sign on the property. The plan should be dimensioned and drawn to scale and must include property boundaries and the distance from the sign to the property boundary and nearest road.  
  - A dimensioned sketch of the sign in the form of a drawing or photograph. This needs to detail the sign face dimensions, overall height of the sign, height of the lowest part of the sign above natural ground level and information applied to the signs (fonts, colours, logos, diagrams).  
  - A plan showing how the sign is to be supported. Detail of post footings, description of materials and the dimensions of any structural members or building specifications and the method of fixing to the existing structures.  
  - Details regarding the lighting or illumination of the sign, where relevant.  
  - The Statement of Environmental Effects (required in General Requirements above) should address safety, pedestrian access, character of the area, views and vistas and illumination.  
  - Council may require a maintenance plan indicating the proposed methods of cleaning, replacement of defective lighting and a detailed maintenance schedule to ensure the ongoing upkeep of the sign.  
  - If the sign is to be erected on land other than the applicant's, then written consent from the landowner is required. If Council is the landowner, then written consent from Council as the landowner must be provided. Note: the seeking of Council’s consent as owner is separate from the development application process. |
| **C. Heritage plans or reports**  | Applications that will potentially impact on land that is listed as or contains: a heritage item, a heritage conservation area, an archaeological site, an Aboriginal object, an Aboriginal place of heritage significance. | Include the matters required under section 9a Heritage conservation. |
8b Advertising & signage

8b.6 Assessment criteria

A performance-based approach will be adopted in the assessment of development applications. Applications will be assessed according to the extent to which the outcomes specified in the left-hand column of the following table will be satisfied or achieved by the design, construction or operation of the proposal.

The design guidelines specified in the right-hand column indicate design and best practice solutions by which the required outcomes can be met. They do not preclude other solutions that may be suitable under particular local circumstances. All proposals will be considered on merit.

<table>
<thead>
<tr>
<th>Outcomes to be achieved</th>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Compliance with SEPP 64 - Advertising &amp; Signage</td>
<td>The signage must comply with SEPP 64 - Advertising and Signage. Note: under SEPP 64 the Council cannot grant consent unless it is consistent with the aims of the SEPP and satisfies the assessment criteria listed in Schedule 1 of the SEPP, being issues relating to: • the character of the area. • special areas. • views and vistas. • streetscape, setting or landscape. • site and building. • associated devices and logos with advertisements and advertising structures. • illumination. • safety. These issues are included in this Development Outcomes and Development Guidelines table.</td>
</tr>
<tr>
<td>B. Locations of signage</td>
<td>In exceptional circumstances, Council may consider the erection of an off-site sign provided that the consent of the road authority or the private land owner has been obtained. Written justification must be provided with any application for an off-site sign. • Consideration should be given to surrounding vegetation and whether the trees or plant species will grow to obscure the sign from view. • Signs should have adequate clearance around poles and electricity wires. • Signs should be placed where they will not impact on visibility for motorists or pedestrians. • All signs should form an integral part of the development and its design. • Signs should, where practical, be located at least one metre behind the property boundary.</td>
</tr>
</tbody>
</table>
Part 8  Other development

8b  Advertising & signage

<table>
<thead>
<tr>
<th>Outcomes to be achieved</th>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>• illuminated signage within residential zones</td>
<td></td>
</tr>
<tr>
<td>• locations that would impact on the visual character of a building or an area with environmental heritage values.</td>
<td></td>
</tr>
<tr>
<td>• public property or footpaths</td>
<td></td>
</tr>
<tr>
<td>• signs within the road reserve or on council land (with the exception of A-Frame/Sandwich Board signs as specified in Table 15: Types of signage and design requirements).</td>
<td></td>
</tr>
</tbody>
</table>

C. Types & numbers of signs

- The maximum number of signs per lot is as specified in Error! Reference source not found. Where there is more than one business present per lot, the numbers specified in Error! Reference source not found. shall be per business..
- Signage and advertising structures must comply with Table 15: Types of signage and design requirements.

D. Visual impact & scenic quality

- Signage and advertising structures is designed so as to consider the following matters:
  - nature and density of existing current approved signs on the property and on any adjoining properties and the potential for clutter
  - scale of the sign relevant to nearby buildings and to viewing distances
  - style of the sign relative to the style of existing development within the visual catchment area of the proposed sign
  - impact of the sign on adjoining development or on the use or enjoyment of nearby buildings or land
  - existing and future likely character and amenity of the area.
  - impact of the sign on the landscape or scenic quality of the area
  - integration of the sign(s) with buildings or other landscape elements
  - visibility of the sign above the horizon or with the landscape as a backdrop
  - effect of the proposal on the natural and man-made landscape.
- Text and graphics are compatible with accepted community standards.

E. Illumination & noise

- The design of signs should respect the character of the landscape or streetscape in which it is placed e.g. urban, commercial, remote rural etc.
- Sign materials should be compatible with the Shire’s rural character and high scenic value.
- Council will generally not favour applications for high intensity illuminated signs.
- Council may require illuminated signs to be fitted with an automatic timing device to extinguish the illumination during specified hours to avoid light spill into surrounding areas.
## Outcomes to be achieved

- Moving, flashing and running light signs that project glare and light spillage are undesirable.
- Any noise emitted from electrical equipment in the advertising structure is minimised where there would be potential for noise nuisance.

## Design guidelines

- Illumination of signs is to be concealed or integral to the sign. Up lighting of signs is prohibited. Any external lighting of signs is to be downward pointing and focused directly on the sign to prevent or minimise the escape of light beyond the sign.

### F. Heritage

- Impact from advertising structures or signage on any heritage item or Conservation Area is considered (refer to section 9a Heritage conservation).
- The sign responds to the character, style, colour, design and materials and fixing methods of the relevant heritage item or to the architecture of the Conservation Area.

### G. Safety

- The design takes into consideration:
  - impact on vehicle and pedestrian movement and safety.
  - structural integrity, with particular emphasis on the ability to withstand wind forces.
- The placement of signs should be appropriate to the horizontal and vertical alignments of the road(s) addressed by the sign and the traffic speeds and volumes specific to the road(s).

### H. Quality

- Signage and advertising structures are to achieve high standards of visual quality
- Signs should be designed for low maintenance and minimum chance of vandalism.
### Table 14: Maximum number of signs per lot

<table>
<thead>
<tr>
<th>Upper Hunter LEP 2013 Zone</th>
<th>Sign type</th>
<th>Maximum number of signs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial (B2, B4) or Industrial (IN1, IN2)</td>
<td>Post supported</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Wall</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Entrance</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Fascia</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Below awning</td>
<td>No limit</td>
</tr>
<tr>
<td></td>
<td>A-frame</td>
<td>1 (2 for corner blocks)</td>
</tr>
<tr>
<td></td>
<td>Business directory</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Window</td>
<td>No limit</td>
</tr>
<tr>
<td>Rural (RU1, RU3, RU4)</td>
<td>Post supported</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Wall</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Business directory</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Entrance</td>
<td>2</td>
</tr>
<tr>
<td>Environmental Management (E3)</td>
<td>Post supported</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Wall</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Business directory</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Entrance</td>
<td>2</td>
</tr>
<tr>
<td>Special Activities and Infrastructure (SP1, SP2)</td>
<td>The type and number of signs should be on a case-by-case basis</td>
<td></td>
</tr>
<tr>
<td>Recreation (RE1, RE2)</td>
<td>The type and number of signs should be on a case-by-case basis</td>
<td></td>
</tr>
<tr>
<td>Residential (R1, R5, RU5)</td>
<td>Business identification</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Window</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Fascia</td>
<td>On merit</td>
</tr>
<tr>
<td></td>
<td>Business directory</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Below awning</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Post-supported and gateway (only for businesses operating under existing use rights –see above table)</td>
<td>On merit</td>
</tr>
</tbody>
</table>
Table 15: Types of signage and design requirements

1. Business identification signs

May only be erected where a registered, Council approved business operates and must be attached to the building or post supports as outlined below. Below awning, window and fascia signs can also be classified as “business identification signs”. The signs must comply with the following:

- A maximum of one sign is permitted per Council approved and registered business.
- Must not exceed a maximum advertising area of 1 sq metre.
- Must only contain directions or cautions as is usual or necessary relating to the premises or any occupation carried on at the place or premises.
- May contain particulars or notification required or permitted to be displayed by or under any Act of the Parliament of the Commonwealth.
- May include the address of the premises and a logo or symbol identifying the business.
- Must be no higher than 2 m above natural ground level.
- Shall be securely fixed to a fence, building or post-supports where it does not constitute a danger to any person or vehicles.
- Must be wholly contained within the site or premises.
- Must not advertise specific product, trade or brand names.

Figure 4 Business identification sign

2. Business directory signs

May only be erected where registered, Council approved businesses operate and must be attached to the building or post supports as outlined below. They should be used where they are more practical than other types of signs (for example, in place of a number of business identification signs) and must comply with the following:

- A maximum of one sign is permitted per Council approved building or site. The sign may identify as many individual businesses within the building or site as required.
- Must not exceed a maximum advertising area of 0.5 m² per individual business.
- Must only contain the name and address of each individual business and a logo or symbol identifying each business.
- Must be no higher than 2 m above natural ground level.
- Shall be securely fixed to a fence, building or post-supports where it does not constitute a danger to any person or vehicles.
- Must be wholly contained within the site or premises.
- Must not advertise specific product, trade or brand names.
3. Window signs

Sign must comply with the following:-

- Signs should be of high quality design and completed in a professional manner.
- Signs may be internally illuminated or floodlit.

![Figure 5 Window sign](image)

4. Fascia signs

Advertisements attached to the fascia or return end of fascia.

Signs must comply with the following:-

- Must be attached flush to the fascia.
- Must not extend beyond the dimensions of the fascia.
- Must not extend above or below the fascia of the building.
- Must not be internally illuminated.
- The information on the sign may only relate to the business name, services or goods provided.

![Figure 6 Fascia sign](image)
5. Below awning signs

Advertisements displayed under awnings and attached to the awning.

Signs must comply with the following:

- Shall not exceed 2.5 m in length and 0.5 m in height.
- Shall be erected horizontal to the ground at least 2.6 m above ground level.
- Shall be erected at right angles to the building to which the awning is attached.
- Shall not project beyond the awning.
- Shall be securely fixed.
- A maximum of:
  - one sign per business or shop; or
  - two signs per business or shop if it fronts two roads (one sign per frontage).
- The minimum distance between under awning signs shall be 3 m and 1.5 m from the shop/business side boundary.

![Figure 7 Below awning sign](image)

6. Flush wall signs

Advertising structure attached to the wall of a building and roof projecting horizontally more than 0.3 m from the wall. The sign must comply with the following:

- Shall not project above or below the wall to which it is attached.
- Only one wall sign permitted per building elevation.
- Must not project more than 300 mm from the wall.
- Must not extend over windows or other openings.
- Shall not obscure significant architectural elements of the building.
- For a building having:
  - An above ground elevation of 200 sq.m. or more – the advertisement must not exceed 10% of the above ground elevation; or
  - An above ground elevation of more than 100 sq.m. but less than 200 sq.m. the advertisement must not exceed 20 sq.m., or
  - An above ground elevation of 100 sq.m. or less – the advertisement must not exceed 20% of the above ground elevation.
8b Advertising & signage

7. Post, pole or pylon signs (including banners & flags)

Advertisement on a pole or pylon independent of any building structure.
The sign must comply with the following:

- Shall not project beyond the boundary of a property.
- Where two signs are proposed the second sign should have the same setback and be of uniform design and spacing.
- Maximum advertising area and maximum height must not exceed:
  - 3 square metres and 2 metres high in rural areas.
  - 8 square metres and 8 metres high in business areas, and.
  - 10 square metres and 8 metres high in industrial areas.

Signs for businesses operating in residential areas under existing use rights will be assessed on their merits. Maximum advertising area is 2 m² and maximum height above ground is 2 m.

Notwithstanding the above, the height of the structure must not protrude above the dominant skyline (including any buildings, structures or tree canopies) when viewed from ground level within a visual catchment of 1 kilometre.
8. Internal signs

Sign must be wholly within the walls of a building.

9. Entrance signs

Sign must comply with the following:
- Must be designed as an integral part of the visitor entrance/s point to a property.
- A maximum of two signs is permitted. One sign is to be located either side of the property entrance or both signs are to be erected in a central landscaped position.
- If the property has two entrance points accessed at different locations at least 30 m apart or from different road frontages, two signs will be permitted per property entrance.
- Maximum advertising area is two square metres and maximum height is two metres.
- Must be securely attached flush to the gateway or alternatively erected on post supports in a set back landscaped position.
- Multiple signs should have the same setback and be of uniform design and spacing.

10. Fin signs

Advertisement erected on or above the canopy of a building (for example, Service Stations). Sign must comply with:
- Shall not be more than 2.6 metres above the canopy.
- Shall not project more than 1.0 metres beyond the building line.
- Where the sign projects beyond the canopy, the lower edge shall not be less than 4.4 metres above the driveway.

Figure 10 Fin sign
11. A-frame, sandwich board & moveable signs

The sign must comply with the following:

- One double-sided A-frame sign is permitted per property street frontage regardless of the number of businesses operating from the site. Two signs are permitted if the property fronts two roads (one sign per frontage).
- The structure must not exceed 1.2 m in height and 0.9 m in width.
- A chalkboard area is permitted provided that the sign has a professionally presented header displaying the business name. The text of the sign displayed shall only relate to the business conducted or goods sold at the premises.

All signs are to be located immediately outside the premises to which they relate and must be positioned:

- Flush against the outer wall, extending no further than 1100 mm on the footpath, ensuring maximum practical pedestrian movement across the footpath; or
- Adjacent to the kerb without being an obstruction to the opening of car doors.
- The sign should be located no closer than 5 metres to another moveable A-frame sign and no closer than 2 metres to any other obstruction (e.g., street furniture).
- The sign is to be suitably weighted so as to be free from any movement and structurally sound, or prevent injury to people or damage to property.
- The sign must be removed outside business trading hours and must be able to be repositioned easily.
- The sign must not be fixed or secured to any Council property (that is, street signs, seating, etc).
- The sign must not have any moving or revolving parts, attention-seeking devices or flashing lights.
- Council as landowner, may at any time revoke its consent allowing the sign to be erected in the road reserve.

Figure 11 A-frame signs, sandwich board & moveable signs

Other information

Development consent under Section 68 of the Local Government Act 1993 and annual registration with Council will be required for an A-frame or sandwich board signs.

Registrations for A-frames will only be valid for twelve months and registration renewal will be required at the end of that period. Upon receiving a registration for their A-frame each property owner will be given a Council sticker indicating approval of the sign. This sticker is to be displayed on the A-frame at all times.
12. Temporary signs

The following temporary signs are permitted without Council development consent provided they comply with the following definitions and standards. Temporary signs outside the provisions outlined below will require the submission and approval of a development application.

Real estate signs (for sale)

General real estate signs must conform to the following:

- No sign shall be erected on any property by an estate agent unless they have been authorised by the owner of the property to act on their behalf.
- Must be wholly contained within the property.
- Signs must be in good clean order and condition and shall not be erected in a manner where they may cause public danger, offence or inconvenience.
- All signs are to be removed within ten days after the letting or completion of sale.
- Shall be limited to one sign per agent per property road frontage.
- May not be internally or externally illuminated.
- Must not be attached to telegraph poles, trees, sign posts, road traffic facilities or the like.
- All signs are to be removed at the request of the vendor, purchaser, owner or the tenant.
- A sign shall reflect the current position of the property regarding sale or lease and be a true reflection of the property's availability or otherwise from the viewpoint of the public.
- Signs are permitted as a temporary sign for a maximum period of 12 months.
- Following expiration of this period a development application is required to be lodged with Council.

Advertising area and height must not exceed:

- 5.0 square metres and 3 metres high in rural zones; and
- 4.5 square metres and 3 metres high in business and industrial zones; and
- 3.0 square metres and 1.7 metres high in residential zones.

Real estate signs (auction)

Auction real estate signs must conform with the following:

- All signs must be erected in accordance with clause 5.12, section a-1 as listed above.
- Auction signs are to be displayed no earlier than 42 days before the day on which the auction is to take place and must be removed within 7 days after the auction.

Advertising area and height must not exceed:

- 5.0 square metres and 3 metres high in rural zones; and
- 4.5 square metres and 3 metres high in business and industrial; and
- 3.0 square metres and 1.7 metres high in residential zones.

The Assessment Criteria at 5.6

A Frame/Sandwich Board sign may be erected/displayed 24 hours prior to an auction and must be removed immediately after the auction. Such signs are permitted within the property boundaries and on any footpath/road reserve provided they do not interfere with traffic or pedestrian movements or safety.

Real estate signs (land release)

Special sale real estate signs must conform with the following:

All signs must be erected in accordance with clause 5.12, section a-1 as listed above.

Advertising area and height must not exceed:

- 5 square metres and 3 metres high in rural zones; and
- 4.5 square metres and 3 metres high in business and industrial zones; and
- 3 square metres and 2 metres high in residential zones.
8b.7 Further information

**Duration of Approval**

Development consent granted under *State Environmental Planning Policy 64 – Advertising and Signage* will last for 15 years as per the SEPP. On expiration of this period, a new development application will need to be submitted and approved by Council.

**Unsafe or unsightly signs**

Any sign that is considered as being unsafe or unsightly will need to be repaired, renovated, removed or replaced as appropriate in the circumstances. Note: Council can issue an order pursuant to Section 121B of the Environmental Planning and Assessment Act 1979.

8b.8 Supplementary guidance

The following documents or reference materials provide further advice or information that is relevant to this section.

- *Advertising and Signage - Exempt and Complying Development* - Information Sheet 2.20 - NSW Planning and Infrastructure, January 2014
- *State Environmental Planning Policy No. 64—Advertising and Signage*
- *Transport Corridor Outdoor Advertising and Signage Guideline* (Department of Planning, 2007)
Explanatory outline

Section 8c outlines assessment criteria for wind energy systems. The following matters are covered:

- general design, construction and operation
- surrounding environment
- cumulative impact
- distances from dwellings and surrounding development
- distances from public roads and boundaries
- visual impact
- acoustic impact
- ecological impact
- water quality impact
- bush fire hazard
- impacts on communications networks
- impacts on aviation facilities
- tourism
- environmental management
- end of life and removal

8c Wind energy systems

8c.1 Application of this section

This section applies to development described in Column 1 when carried out on land described in Column 2.

<table>
<thead>
<tr>
<th>Column 1: Type of development</th>
<th>Column 2: Applicable land</th>
</tr>
</thead>
<tbody>
<tr>
<td>electricity generating works that generate electricity from wind energy.</td>
<td>Any land where electricity generating works are permissible with consent, either through Upper Hunter LEP 2011 or through SEPP Infrastructure 2007.</td>
</tr>
</tbody>
</table>

Note. Depending on the scale of the proposal or the sensitivity of the site, development to which this section applies may be designated development, integrated development or State significant infrastructure. Each of these development categories have detailed procedural and assessment requirements that are beyond the scope of this DCP. It is suggested that proponents seek expert advice.

8c.2 Relevant planning instruments & legislation

The following environmental planning instruments or other legislation are relevant to development to which this section applies:

- Upper Hunter Local Environmental Plan 2013
- State Environmental Planning Policy (Infrastructure) 2007
Further planning instruments and legislation may also be relevant. In the event of any inconsistency, the above listed instruments will prevail over requirements or criteria contained in this section.

The key guideline document for wind farms is *Draft NSW Planning Guidelines – Wind Farms* (Department of Planning and Infrastructure, 2011).

### 8c.3 Definitions

The following terms defined in the Dictionary are relevant to this section:

- host residence
- small wind turbine
- non-host residence

### 8c.4 Objectives

The objectives of this section are that wind energy systems:

- do not interfere with the health and amenity of the community within the proposed locality
- have a consistent approach in their design and the positioning of wind turbines
- adequately consider environmental issues prior, during and in the operation phase
- achieve a built form that does not interfere with the surrounding context
- do not have an adverse impact on Council’s infrastructure
- are afforded an adequate level of public consultation during the development assessment stage.

### 8c.5 Supporting plans & documentation

Development applications that are subject to this section should be supported by the following plans and documentation.

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. General requirements</td>
<td>All applications</td>
<td>Refer to section 2c Lodging a development application.</td>
</tr>
<tr>
<td>B. Site &amp; context plan</td>
<td>All applications</td>
<td>The following details are to be shown on site plans:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• location of proposed wind turbine envelopes</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• site and property boundaries</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• land contours</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• native and existing vegetation</td>
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<td></td>
<td></td>
<td>• land uses within and adjoining the proposal area</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• the location and uses of all buildings on the site</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• power and transmission lines, sub-stations(s)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• fences</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• temporary structures including accommodation</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• extent of ground disturbance</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• route of any proposed transmission lines.</td>
</tr>
<tr>
<td>C. Wind turbine details</td>
<td></td>
<td>The following details are to be given:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• mast and hub heights</td>
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<tr>
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<td>• blade widths.</td>
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<td>• generating capacity</td>
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<td>• life span.</td>
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<td>• colour.</td>
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<tr>
<td>Item</td>
<td>When required</td>
<td>Plans or information to be provided</td>
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<td>------------------------------------</td>
</tr>
</tbody>
</table>
| **D. Servicing strategy** | Yes, for electricity and telecommunications requirements. For water or sewerage management - where the development involves associated buildings requiring associated infrastructure | Provide evidence of satisfactory arrangements for the provision of the following services to the development:  
- reticulated water or on-site water supply.  
- reticulated sewerage or on-site waste water management.  
- electricity.  
- telecommunications.  
Please discuss site-specific requirements with council officers. |
| **E. Landscape plan & report** | All applications | Plan and report, prepared by a suitably qualified professional, showing:  
- description of ground preparation and on-going maintenance of landscaping  
- areas of private open space, proposed turf and areas of established gardens.  
- location and species of trees and shrubs to be retained or removed.  
- schedule of plantings, cross-referenced to the site plan indicating species, massing and mature height.  
- details of restoration and treatment of earth cuts, fills, mounds, retaining walls, fencing and screen walls. |
| **F. Soil & water management plans or reports** | Applications for which soil and water management plans or reports are required (refer to section 11f Soil & water management) | Prepare applicable soil and water management plans or reports, as specified in section 11f Soil & water management. These could include:  
- cut and fill details.  
- erosion and sediment control plan (ESCP)  
- erosion and sediment control strategy (ESCS)  
- soil and water management plan (SWMP)  
- comprehensive water cycle strategy (CWCS). |
| **G Geotechnical hazard & salinity assessment** | All applications | Include the matters required under section 10c Geotechnical hazard. |
| **H. Bushfire assessment** | All applications | The assessment, prepared by a suitably qualified bushfire consultant should include:  
- potential for the wind farm to trigger or influence a bushfire.  
- potential for bushfire damage and proposed bushfire management strategies  
- provision of fire retardant devices within the nacelle.  
- matters required under section 10b Bushfire risk. |
| **I. Flora & fauna assessment report** | All applications | The assessment should be prepared by a suitably qualified and experienced consultant and should include the matters required under section 11b Biodiversity conservation. Specific consideration should be given to migratory and threatened species potentially impacted by the development.|
## Wind energy systems

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
</table>
| **J. Traffic & road management impact report** | All applications | The assessment, prepared by a suitably qualified and experienced consultant should include:  
• proposed haulage routes  
• new roads required  
• proposed upgrading of local roads whether private or Council owned  
• existing road and bridge weight limits  
• strategies to overcome deficiencies in the road network.  
• matters required under section 12a Access & vehicle parking. |
| **K. Acoustic report** | All applications | The report should be prepared by a suitably qualified and experienced consultant and should include a comprehensive noise impact survey and modelling of the proposed development (worst case scenario) in relation to the existing environmental surroundings. Noise modelling shall as a minimum include all residential dwellings and other likely noise receptors within a 3 km radius of a proposed wind turbine. |
| **L. Noise agreements** | All applications | Copies of all agreed and proposed noise agreements that have been entered into or are intended to be entered into. |
| **M. Aviation impact report** | | The assessment should be prepared by a suitably qualified and experienced consultant and should include an assessment of likely impacts on Scone Memorial Aerodrome, and any other airstrips, helipads and aviation facilities in operation in the locality. |
| **N. Communications infrastructure impact report** | | The assessment should be prepared by a suitably qualified and experienced consultant and should include an assessment of the likely impacts on the local, regional and state communications networks (television, radio, mobile phones and two way radios) in operation within the locality, including the establishment of benchmarks on quality and service. |
| **O. Visual impact assessment** | Where wind turbines are proposed to be placed on ridgelines or part of the wind turbine structures will be visible above a ridgeline | The assessment should be prepared by a suitably qualified and experienced consultant and should include, but is not limited to:  
computer assisted modelling to a minimum distance of 10 km from the affected ridgelines.  
photomontages, which should also depict night lighting in accordance with any requirements of the Civil Aviation Safety Authority (CASA). |
| **P. Heritage impact assessment** | All applications | The assessment should be prepared by a suitably qualified and experienced consultant and should include an assessment of the heritage significance of the subject site, nearby sites and surrounds including but not limited to |
8c Wind energy systems

### Item 8c.6 Other information

#### Public notification

Requirements for public notification of wind energy systems are outlined in section **2b Public Participation**. Applicants are encouraged to actively consult with non-hosting adjoining owners during the design process.

**Developer contributions**

Council will require the developer to make contributions in accordance with the *Upper Hunter Shire Council S94A Development Contributions Plan 2008* (as amended). Council may also consider an offer from a developer to enter into a planning agreement, in accordance with S93F of the Act.

Under a planning agreement the developer may offer to pay money, dedicate land, carry out works or provide other material public benefits for public purposes.

#### Consultation

Applicants are advised to consult first with public authorities that may have a role in the assessment of a development application to ensure the application appropriately addresses all relevant and necessary considerations. Council may consult the following agencies in connection with the development application:

- NSW Department of Planning and Environment
- NSW Department of Primary Industries
- NSW Office of Environment and Heritage
- NSW Department of Trade and Investment, Regional Infrastructure and Services
- NSW Roads and Traffic Authority
- The relevant Catchment Management Authority
- Civil Aviation Safety Authority (CASA)
- Australian Rail Track Corporation
- NSW Rural Fire Service
- Department of Defence

#### 8c.7 Assessment criteria

A performance-based approach will be adopted in the assessment of development applications. Applications will be assessed according to the extent to which the outcomes specified in the left-hand column of the following table will be satisfied or achieved by the design, construction or operation of the proposal.

The design guidelines specified in the right-hand column indicate design and best practice solutions by which the required outcomes can be met. They do not preclude other solutions that may be suitable under particular local circumstances. All proposals will be considered on merit.
### Outcomes to be achieved

#### A. General design, construction & operation
- The proposal shall meet the requirements of the following guidelines and documents (as amended or updated):
  -Draft NSW Planning Guidelines – Wind Farms (Department of Planning and Infrastructure, 2011).
  -Draft EIS Guideline “Network Electricity systems and Related Facilities” (Planning NSW, February 2002).
  -Best Practice Guidelines for implementation of Wind Energy Projects in Australia (Auswind, 2006).

The proposals demonstrates knowledge, awareness and reference to the publications (as amended) as listed in section 8c.8 Supplementary guidance.

#### B. Surrounding environment
- The proposal takes into account the surrounding environment. All elements of the proposal are sited and carried out to minimise impacts on the locality, and do not conflict with adjoining or nearby development.

#### C. Cumulative impact
- The cumulative impact of the proposal in connection to existing or approved undeveloped wind power generation has been considered.
- Ridgelines dominated with wind turbines will not be favoured.

#### D. Distances from dwellings & surrounding development
- Distances between proposed wind turbine locations in relation to any dwellings shall give due consideration to the issues of excessive noise, shadow flicker, infrasound and visual amenity.
- The requirements of Draft NSW Planning Guidelines – Wind Farms (Department of Planning and Infrastructure, 2011) (or the appropriate updated document) should be met with regard to distances to neighbouring dwellings and properties.

#### E. Distances from public roads & boundaries
- The proposal is not located within a distance equivalent to 2 times the height of the turbine (including the tip of the blade) from the boundary of a formed public road or a non-host property boundary.

#### F. Visual impact
- The visual impact of the proposal on surrounding development and on the locality is minimised.
- The requirements of Draft NSW Planning Guidelines – Wind Farms (Department of Planning and Infrastructure, 2011) (or the appropriate updated document) should be met with regard to visual impact to neighbouring dwellings and properties.
- Refer to “Visual” references listed in the ‘Supplementary Information section below
### Outcomes to be achieved

<table>
<thead>
<tr>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>G. Acoustic impact</strong>&lt;br&gt;• The acoustic impact of the proposal on surrounding development and on the locality is minimised.</td>
</tr>
<tr>
<td><strong>H. Ecological impact</strong>&lt;br&gt;• The development considers the provisions of section 11b Biodiversity conservation.</td>
</tr>
<tr>
<td><strong>I. Water quality</strong>&lt;br&gt;• The development considers the provisions of section 11f Soil &amp; water management and the provisions of UHSC Draft Engineering Guidelines for Subdivisions and Developments, as amended.</td>
</tr>
<tr>
<td><strong>J. Bush fire hazard</strong>&lt;br&gt;• The development considers the provisions of section 10b Bushfire risk.</td>
</tr>
<tr>
<td><strong>K. Impacts on communications networks</strong>&lt;br&gt;• Impacts communications networks (television, radio, mobile phones and two way radios) are minimised. Any reduction in either quality or service has been suitably addressed to overcome the loss.</td>
</tr>
<tr>
<td><strong>L. Impacts on aviation facilities</strong>&lt;br&gt;• Likely impacts on aviation facilities is minimised. &lt;br&gt;Note: Upper Hunter Shire Council operates a regional airport in Scone. In addition it is likely that there are other airstrips, helipads and aviation facilities within the Shire.</td>
</tr>
<tr>
<td><strong>M. Tourism</strong>&lt;br&gt;• Where a proposal includes 25 or more wind turbines, an area where vehicles and pedestrians (the public) can manoeuvre safely is provided in a position which allows for the safe viewing of the wind farm and provides information on the development. Consultation with Council and the RMS (where applicable) must be undertaken to identify a suitable location.</td>
</tr>
<tr>
<td><strong>N. Environmental management</strong>&lt;br&gt;• If development consent is granted for the proposal, an environmental management plan (EMP) for the proposal is prepared. It will comprise in detail the construction, commissioning, operation and post monitoring of the development. &lt;br&gt;Note: It is likely that if development consent is granted for the proposal, a condition of approval relating to the above will be included. The exact requirements of the EMP will be identified in the condition.</td>
</tr>
</tbody>
</table>
Outcomes to be achieved

0. Decommissioning
- In the event of the wind farm or any wind turbines becoming redundant (not used for generation of electricity for a continuous period of 12 months or more), the dismantling and removal of all structures associated with the development and subsequent site rehabilitation will be required within a period of six months.

Note: It is likely that if development consent is granted for the proposal, a condition of approval relating to the above will be included.

8c.8 Supplementary guidance

The following documents or reference materials provide further advice or information that is relevant to this section.

General

Draft NSW Planning Guidelines – Wind Farms (Department of Planning and Infrastructure, 2011)
Network Electricity systems and Related Facilities Draft EIS Guideline (Planning NSW, February 2002)
Best Practice Guidelines for implementation of Wind Energy Projects in Australia (Clean Energy Council, 2013)
Best Practice Guidelines for implementation of Wind Energy Projects in Australia (Auswind, 2006)

Visual

Wind Farms and Landscape Values: National Assessment Framework (Australian Wind Energy Association and Australian Council of National Trust, June 2007)

Ecology

Cumulative Risk for Threatened and Migratory Species (Commonwealth Department of Environment and Heritage, March 2006)
Assessing the impacts on Birds - Protocols and Data Set Standards (Australian Wind Energy Associations)


Aviation Hazard

Advisory Circular 139-18(0) Obstacle Marking and Lighting of Wind Farms (Civil Aviation Safety Authority, July 2007) Advisory document only.

Wind farm Policy (Aerial Agricultural Association of Australia, December 2009)
Powerlines Policy (Aerial Agricultural Association of Australia, December 2009)
Information Sheet - Airport Related Development (Air services Australia)
Water Quality


NSW State Groundwater Quality Protection Policy (DLWC, 1998)

NSW State Groundwater Dependent Ecosystems Policy (DLWC 2002)

Department of Water and Energy’s Guidelines for Controlled Activities (February 2008)

- Watercourse Crossings;
- Instream Works
- Laying Pipes and Cables in Watercourses;
- Outlet Structures; and
- Riparian Corridors


Part 9 Heritage conservation

Explanatory outline
Part 9 specifies outcomes, design guidelines and other requirements relating to heritage conservation including for:

• heritage items
• development near heritage items
• heritage conservation areas
• aboriginal cultural heritage
• archaeological sites.

Note: development affecting aboriginal cultural heritage is subject to approval requirements under Part 6 of the National Parks and Wildlife Act 1974.

9a Heritage

9a.1 Application of this section
This section applies to development described in Column 1 when carried out on land described in Column 2.

<table>
<thead>
<tr>
<th>Column 1: Type of development</th>
<th>Column 2: Applicable land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development that will, or is likely to affect, the heritage significance of an Aboriginal object or an Aboriginal place of heritage significance</td>
<td>Any land.</td>
</tr>
<tr>
<td>Any development that requires development consent.</td>
<td>Land that is:</td>
</tr>
</tbody>
</table>

Note: clause 5.10 of Upper Hunter Local Environmental Plan 2013 specifies where development consent is required for:

• Aboriginal objects or places of significance
• heritage items
• conservation areas, and
• archaeological sites
• altering the exterior or interior of structures.

Note: Schedule 2 Exempt Development of Upper Hunter Local Environmental Plan 2013 specifies the requirements for exempt development relating to ‘Restumping or repairing structure foundations of and existing building that is a heritage item or in a heritage conservation area’.

Land in the vicinity of a heritage item that Council considers will have a potential impact on that item.
Map 4 Cassillis Conservation Area
Map 5 Central Scone and West Scone Conservation Areas
Map 6 Merriwa Conservation Area
Map 7 Murrurundi Conservation Area
9a.2 Relevant key planning instruments & legislation
The following key environmental planning instruments or other legislation are relevant to development to which this section applies:

- Upper Hunter Local Environmental Plan 2013, particularly clause 5.10 Heritage conservation and Schedule 5 Environmental Heritage.
- Heritage Act 1977
- National Parks and Wildlife Act 1974
- Aboriginal Land Rights Act 1983
- Federal and NSW Native title legislation

Further planning instruments and legislation may also be relevant. In the event of any inconsistency, the above listed instruments will prevail over requirements or criteria contained in this section.

Note: all Aboriginal sites and relics are protected under the National Parks and Wildlife Act 1974. Any Aboriginal sites which are found during development will need to be assessed by an Archaeologist in consultation with the Aboriginal Land Council. Wherever practical all Aboriginal sites and relics are to be preserved but if not practical an application for Consent to Destroy will need to be made to the National Parks and Wildlife Service. All work shall stop pending determination of the application for Consent to Destroy.

Note: all non-Aboriginal sites and relics are protected under the Heritage Act 1977. Any non-Aboriginal sites or relics that are found during development will need to be assessed by an Archaeologist. An excavation permit is required from the Heritage Office to disturb or excavate land known or having reasonable cause to suspect that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed.

9a.3 Definitions
The following terms defined in the Dictionary are relevant to this section:

- Aboriginal object
- Aboriginal place of heritage significance
- archaeological item
- curtilage
- demolish
- heritage conservation area
- heritage item
- Heritage Map
- heritage significance

9a.4 Objectives
The objectives of this section are to:

- facilitate the implementation of the provisions relating to heritage conservation, which are contained within the Upper Hunter Local Environmental Plan 2013;
- conserve the significance of aboriginal cultural heritage;
- conserve the heritage significance of heritage items, heritage conservation areas and archaeological items;
- conserve and ensure appropriate development of heritage items and contributory buildings within heritage conservation areas;
- ensure that new development is compatible with the significance of aboriginal cultural heritage;
- ensure that new development is compatible with the significance of heritage conservation areas, heritage items and archaeological items;
• provide controls that protect the significant character of heritage conservation areas, heritage items, archaeological items and to encourage responsive design appropriate to the character and identified heritage values
• ensure that development is carried out sensitively with respect to its impact on aboriginal cultural heritage values

9a.5 Supporting plans & documentation
Development applications that are subject to this section should be supported by the following plans and documentation.
Applicants should contact Council’s Heritage Advisor to discuss information requirements for complex development applications or those potentially having an archaeological impact.

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. General requirements</td>
<td>All applications</td>
<td>Refer to section 2c Lodging a development application.</td>
</tr>
<tr>
<td>B. Location &amp; site plan</td>
<td>All applications</td>
<td>A location plan and site plan (drawn to scale) showing the location of the heritage item or property and any other features that may be affected by the proposal (for example, neighbouring structures, outbuildings, trees, significant landscape features, views and vistas). It should also show title boundaries and any heritage conservation area boundaries. Depending on the type of development proposed, Council may require the site plan to show levels across the site and adjoining sites.</td>
</tr>
<tr>
<td>B. Location &amp; site plan</td>
<td>Note: these requirements may be in addition to those required in site plans described in section 2c Lodging a development application.</td>
<td></td>
</tr>
<tr>
<td>C. Measured drawings &amp; archival photographic records</td>
<td>As advised</td>
<td>Measured drawings and an archival photographic study may be required where demolition is proposed or major changes are proposed to a heritage item. These should comply with the Heritage Office guidelines: Photographic Recording of Heritage Items Using Film or Digital Capture, 2006. [<a href="http://www.environment.nsw.gov.au/heritage/publications/index.htm">http://www.environment.nsw.gov.au/heritage/publications/index.htm</a>]</td>
</tr>
</tbody>
</table>
| D. Site analysis | All applications. | The site analysis should provide an understanding of the site and the streetscape context. The purpose of the site analysis is to ensure that the relevant constraints and opportunities are taken into account. For any proposed additions, or new buildings, this drawing will usually include:  
• the relative location and siting of neighbouring buildings.  
• the size, location and botanical name of any major trees on the site, or located on neighbouring land close to your boundary.  
• location of any existing view lines from, to or through the site.  
Note: these requirements are in addition to the general site analysis requirements given in section 2c Lodging a development application. |
| E. Plans, sections & elevations | Where required by other plans or assessments in this table | All plans, sections and elevations should be drawn to scale and show the proposed works by colour or hatching, in accordance with standard architectural and technical drawing practice. Fabric |

Upper Hunter Development Control Plan 2015
Part 9  Heritage conservation

9a  Heritage

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>to be removed should be shown by dotted line, new fabric by hatching, colouring or rendering.</td>
</tr>
<tr>
<td>F.  Schedule of material &amp; finishes</td>
<td>All applications</td>
<td>A schedule of materials, colours and finishes listing the proposed work to the item or property and cross-referenced to drawings</td>
</tr>
</tbody>
</table>
| G  Additional consultants reports | As advised | In some instances additional information may be required to assess an application that is complex or where there are subsurface works proposed that may have an archaeological impact. In these instances a selection of all of the following documents may be required:  
• an archaeological assessment report.  
• conservation management plan/strategy.  
• Statement of Heritage Impact (see below).  
• historian’s report.  
• engineer’s report.  
Applicants should contact Council’s Heritage Advisor to discuss information requirements for complex development applications or those potentially having an archaeological impact. |
| H. Statement of Heritage Impact | As advised | The Statement of Heritage Impact should follow the NSW Heritage Office guidelines for Statement of Heritage Impact. Source:  
It must be prepared by a professional heritage consultant as listed on the NSW Heritage Branch website (http://www.environment.nsw.gov.au/heritageapp/HeritageConsultantsDirectory.aspx)  
The statement of heritage impact should address (as a minimum) each of the following:  
Development that would affect a heritage item:  
• the heritage significance of the item as part of the environmental heritage of the LGA  
• the impact that the proposed development will have on the heritage significance of the item and its setting, including any landscape or horticultural features  
• the measures proposed to conserve the heritage significance of the item and its setting  
• whether any archaeological site or potential archaeological site would be adversely affected by the proposed development  
• the extent to which the carrying out of the proposed development would affect the form of any historic subdivision.  
Development in a heritage conservation area:  
• the heritage significance of the heritage conservation area and the contribution which any building, work, relic, tree or place affected by the proposed development makes to this heritage significance, and.  
• the impact that the proposed development would have on the
## Part 9 Heritage conservation

### 9a Heritage

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>heritage significance of the heritage conservation area, and.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• the compatibility of any proposed development with nearby original buildings and the character of the heritage conservation area, taking into account the scale, form, siting, setbacks, materials and detailing of the proposed development, and.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• the measures proposed to conserve the significance of the heritage conservation area and its setting, and.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• whether any landscape or horticultural features would be affected by the proposed development, and.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• whether any archaeological site or potential archaeological site would be affected by the proposed development, and.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• the extent to which the carrying out of the proposed development in accordance with the consent would affect any historic subdivision pattern.</td>
</tr>
</tbody>
</table>

### Streetscape analysis

A streetscape analysis may be required to ensure the potential impact of the proposal on the street is taken into account. A streetscape analysis will describe:

- dominant patterns of building type (scale, form, character, height, roof pitch, front and side setbacks) in the vicinity.
- subdivision and development pattern.
- any consistent horizontal lines in the streetscape, and the general rhythm of buildings and spaces in the street.
- local transport and parking conditions in the street and the location of garage and driveway accesses in the street vicinity.
- major planting in both street reserve and front gardens in the immediate vicinity (species, height and spread); and.
- type and height of fencing to the street.

### I. Aboriginal cultural heritage assessment report

As advised

The application should follow the requirements given in Chapter 3 'Preparing an Aboriginal cultural heritage assessment report' of the document Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW, prepared by the NSW Office of Environment and Heritage, 2011.

### J. Archaeological assessment

As advised

The NSW Heritage Act requires an excavation permit where there is reasonable cause to suspect that excavation could result in an archaeological relic being discovered. An archaeological assessment will advise on the likelihood and potential significance of relics on the site and recommend appropriate action in the context of the proposed development. An archaeological assessment should be prepared in accordance with the Archaeological Assessment guidelines produced by the NSW Heritage Branch.
9a.6 Assessment criteria

A performance-based approach will be adopted in the assessment of development applications. Applications will be assessed according to the extent to which the outcomes specified in the left-hand column of the following table will be satisfied or achieved by the design, construction or operation of the proposal.

The design guidelines specified in the right-hand column indicate design and best practice solutions by which the required outcomes can be met. They do not preclude other solutions that may be suitable under particular local circumstances. All proposals will be considered on merit.

<table>
<thead>
<tr>
<th>Outcomes to be achieved</th>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Aboriginal cultural heritage</strong></td>
<td>• Interpretation of Aboriginal cultural heritage should be considered where a significant site is proposed for development. This should be done in consultation with relevant Aboriginal group(s).</td>
</tr>
<tr>
<td>■ Development does not reduce aboriginal cultural heritage and values.</td>
<td></td>
</tr>
<tr>
<td>■ The assessment of impact on aboriginal cultural heritage follows the matters referred to in Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW, prepared by the NSW Office of Environment and Heritage, 2011.</td>
<td></td>
</tr>
<tr>
<td><strong>B. Heritage conservation areas &amp; heritage items</strong></td>
<td></td>
</tr>
<tr>
<td>■ Where development is to occur within a heritage conservation area, or on land containing a heritage item, the matters discussed in the relevant following Schedules to this DCP are considered and incorporated into the detailed design process.</td>
<td></td>
</tr>
<tr>
<td>• Schedule 2 Former Scone Shire – for properties within:</td>
<td></td>
</tr>
<tr>
<td>• Central Scone and West Scone Conservation Areas as shown on Map 5 Central Scone and West Scone Conservation Area;</td>
<td></td>
</tr>
<tr>
<td>• Schedule 3 Former Merriwa Shire – for properties within:</td>
<td></td>
</tr>
<tr>
<td>• Cassilis Conservation Area - as shown on Map 4 Cassilis Conservation Area; and</td>
<td></td>
</tr>
<tr>
<td>• Merriwa Conservation Area – as shown on Map 6 Merriwa Conservation Area.</td>
<td></td>
</tr>
<tr>
<td>• Schedule 4 Former Murrurundi Shire – for properties within Murrurundi Conservation Area – as shown on Map 7 Murrurundi Conservation Area.</td>
<td></td>
</tr>
<tr>
<td><strong>C. General design &amp; siting</strong></td>
<td></td>
</tr>
<tr>
<td>■ New buildings and infill development does not detract from the setting of heritage items or conservation areas.</td>
<td></td>
</tr>
<tr>
<td>■ The existing characteristics of the street and the surrounding area are maintained and enhanced.</td>
<td></td>
</tr>
<tr>
<td>■ An appropriate visual setting is provided for heritage items and heritage conservation areas.</td>
<td></td>
</tr>
<tr>
<td>■ The significance of the conservation area and heritage items is able to be interpreted and is not subsumed by new development.</td>
<td></td>
</tr>
<tr>
<td><strong>Heritage buildings &amp; conservation areas</strong></td>
<td></td>
</tr>
<tr>
<td>■ Generally alterations or additions should occur at the rear of the existing building to minimise visual impact on the street frontage of the building.</td>
<td></td>
</tr>
<tr>
<td>■ Rear additions are generally best stepped back from side building lines.</td>
<td></td>
</tr>
<tr>
<td>■ Additions to the side of a building should not remove or sever car access to the rear.</td>
<td></td>
</tr>
<tr>
<td>■ Generally alterations or additions should occur at the rear of the existing building to minimise visual impact on the street frontage of the building, particularly where the additions and alterations...</td>
<td></td>
</tr>
</tbody>
</table>
### Outcomes to be achieved

The relationship between buildings and their sites that contribute to the character of the area is not disturbed or devalued.

### Design guidelines

- involve a listed heritage item or a building that contributes to the heritage character of the Conservation Area.
  - An adequate curtilage including landscaping, fencing, and any significant trees should be retained.
  - Larger additions can be successful when treated as a separate entity to retain the character of the original building in its own right.
  - Extensions to the side elevation of a building will not be appropriate if they alter existing, established patterns of buildings and gardens.
  - Additions to the side of a building should not remove or sever car access to the rear, where it is not sympathetically provided elsewhere.

### New buildings

- Development in the vicinity of listed heritage items or within heritage conservation areas should respect and complement the built form character of those items in terms of scale, setback, siting, external materials, finishes and colour.
- Front and side setbacks should be typical of the spacing between buildings located in the vicinity of the new development.
- The orientation pattern of buildings existing in the area should be maintained.
- New development should have regard to the established site patterns of the locality.
- New development should generally be set back from the building line of the adjoining or adjacent heritage item.
- The sensitive selection of materials, colours and finishes is important in terms of achieving compatibility with the heritage items.
- Height and scale of new buildings should not obscure or dominate an adjoining or adjacent heritage item.
- Development in the vicinity of a heritage item may be contemporary in design.

### D. Alterations & additions

- Alterations and additions contribute to the architectural style or vernacular of the heritage item and conservation area.
- Alterations and additions maintain and enhance the existing character and historical layers of development of the heritage item and the conservation area.
- Alterations and additions retain existing patterns of settlement (that is, pattern of subdivision and allotment layout, landscaped settings, car parking and fencing).

- Alterations and additions sometimes have special interest of their own. This is particularly so if they have been around for a long time, and were originally designed to fit in.
- Article 16 of the Burra Charter states that: “the contributions of all periods to the place must be respected. If a place includes the fabric of different periods, revealing the fabric of one period at the expense of another can only be justified when what is removed is of slight cultural significance and the fabric which is revealed is of much greater cultural significance.”
- Often the removal of a balcony or verandah enclosure, for example, will enhance people’s appreciation of an old house. Sometimes however an addition may have interest of its own e.g. a sympathetic Inter-War addition to a Federation house.
- New work should not mimic the design and materials of the building, but be recognisable as new work on close inspection.
<table>
<thead>
<tr>
<th>Outcomes to be achieved</th>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Imitation historical details should not be applied as and it will confuse our understanding between the ‘new’ and the ‘old’.</td>
<td>• An alteration or addition should not be of a size or scale, which overwhelms or dominates the existing building, substantially changes or destroys its identity or changes its contribution and importance in its surrounds.</td>
</tr>
<tr>
<td>• Alterations and additions should not require the destruction of important elements such as chimneys.</td>
<td>• New buildings should be in scale of surrounding buildings:</td>
</tr>
<tr>
<td>• Alterations and additions should be in scale and proportion with existing buildings.</td>
<td>• New houses should remain at single storey in areas where the majority of buildings are single storey.</td>
</tr>
<tr>
<td>• Alterations should be to the rear and where possible not be visible from the street.</td>
<td>• Two storey additions should be to the rear and not dominate the streetscape.</td>
</tr>
</tbody>
</table>

E. Building scale & form

- Alterations and additions respect the character, scale and form of the heritage item and the conservation area.
- The scale and proportions of new buildings respects the significance and character of the surrounding area and does not detrimentally impact on existing patterns.
- New buildings should respect the scale of surrounding buildings. Large houses on small allotments will dominate the surrounding area.
- Landmark buildings in Conservation Areas, which may be heritage items, mansions or public buildings will generally be surrounded by single story buildings, or those of a lesser scale. New buildings should relate to the scale of existing development around the landmark and respect its prominence.
- Window and door openings in street frontages should retain a similar ratio of solid to void to that established by the older buildings.
- New buildings should incorporate the typical proportions of surrounding development, even when using modern materials.
- New buildings should establish a neighbourly connection with nearby buildings by way of reference to important design elements such as verandahs, chimneys or patterns of openings and building entry addressing the street.
### Outcomes to be achieved

**F. Roof forms & chimneys**

- Roof forms do not detract from a streetscape or conservation area as these are obvious elements.
- Roof forms within heritage conservation areas and on heritage items are retained when designing alterations and additions.

**Design guidelines**

- New roof forms should be in keeping with existing roof in pitch, eaves and ridge height.
- Attic areas should be used to keep ridge lines uniform. Dormer windows that do not dominate the streetscape will be considered.
- Chimneys should be retained.
- Service utilities such as water heaters, air conditioning units, antennae, satellite dishes and solar panels must not be located on the principal elevations of buildings. Alternative locations should be considered.
- Use of roof materials should be the same as materials on the existing heritage building and those typically used in the Conservation Area. These include galvanised steel, Colorbond in grey shades, terra cotta tiles and slate.
- Roof details should be used such as appropriate flashings, ridge cappings and barge ends to match existing details.
- If it is important that the roof form remains unaltered, additional rooms can be added in a detached pavilion form placed at the rear or possibly the side if space permits.
- Providing the roof space is large enough, attic rooms should be contained in roof forms.
- New roof elements such as dormer windows and skylights should not be located where they are visually prominent.

**G. Architectural details**

- Original detailing is retained and kept in good repair.
- Original elements and details are reinstated where possible.
- Detailing on new buildings respects but does not imitate original detailing on older surrounding buildings.

**Design guidelines**

- Avoid the imitation of original materials and detailing. These tend to give an impression of superficial historic detail.
- Avoid slavishly following past styles in new development. Simple, sympathetic but contemporary detailing is more appropriate. Original materials and details on older buildings need not be copied, but can be used as a reference point.
- Alterations and additions and new buildings should adopt a level of detailing which complements the heritage fabric, rather than mimic inappropriate heritage detailing and should (in general) be less elaborate than the original.
- Retain and repair original doors, windows, original sunhoods, awnings, gable detailing and other decorative elements to principal elevations. Original leadlight and coloured glass panes should be kept.
- Where original windows, doors and façade detailing have been removed and replaced with modern materials, consideration should be given to reconstructing original features.
- Authentic reconstruction can have a major positive impact and is encouraged. Decorative elements should not be introduced on heritage items and buildings within a heritage conservation area unless documentary or physical evidence indicates the decorative elements previously existed. Undertake thorough research before attempting to reconstruct lost detail and elements.
Outcomes to be achieved

H. Building elements, materials, finishes & colour schemes

- Materials and colours used on new buildings and alterations and additions respect the significance and character of existing buildings and surrounding areas.
- New doors and window openings are proportioned in a manner similar to that which is typical for the locality.

<table>
<thead>
<tr>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The use of highly reflective materials should be avoided.</td>
</tr>
<tr>
<td>• A timber weatherboard extension to a brick house was common practice and this is still appropriate today, as was the use of corrugated iron roofs at the rear of houses behind the main roof which may have been constructed with tile or slate.</td>
</tr>
</tbody>
</table>

Doors & Windows.

- Timber windows should be retained in existing buildings. New doors and windows should be of materials characteristic to the existing building.
- New doors and windows should proportionally relate to typical openings in the locality.
- Simply detailed flush panel solid core, recycled panel doors, four panel doors or those with recessed panels are appropriate.
- Standard windows often come in modules of 900 mm wide. Their use should be limited to single or double format only. The most suitable windows are generally double hung, casement, awning or fixed type.
- If a large area of glass is required, vertical mullions should be used

(See Figure 12: Appropriate heritage windows)

Roofing

- Original roof material should be matched in any addition in material and colour. Corrugated iron is a suitable alternative to the rear.
- Traditional stepped flashings, gutter profiles, barge and ridge details should be used. Ogee profile guttering is preferable to modern quad profile. The use of plastic downpipes should be avoided in prominent positions unless painted to match external colour scheme.
- Corrugated galvanised iron (or zinalume finish) is a most appropriate roofing material for new buildings in historic areas. Colorbond in grey in some circumstances may also be suitable. Modern profile prefinished steel deck or sheet should be avoided.
- Tiles may be appropriate in areas with buildings dating to the 1900’s – 1930’s. Unglazed terracotta tiles are the most appropriate. The colour and glazing of modern terracotta tiles make them inappropriate.

Brickwork

- New face brickwork should match the existing brick in colour and texture, and type of jointing and mortar colour. It may be possible to obtain second hand bricks to match the original or new bricks, which will closely match.
- Existing face brick or stone on heritage items or heritage buildings in a Conservation Area should remain unpainted and unrendered.
- New brick buildings in Conservation Areas are to take into consideration the brick colour and type of surrounding buildings.
Outcomes to be achieved | Design guidelines
---|---
**Imitation Cladding**<br>• Imitation timber boarding may be acceptable providing it matches the profile of surrounding houses in conservation areas or the profile of the heritage item.

**Colour Schemes**<br>• Colours should not detract from the conservation area or the heritage item. A warm palette should be used. Colours should be based on traditional paint charts available from paint companies. The Heritage Advisor at Council is available to advise on colour options.<br>• Colour schemes suitable to the period of the building should be used. Researching the original colour scheme may involve stripping existing layers of paint in a small sample area.

I. Services  
• Any obtrusive effect of new building services and technical equipment is minimised in heritage conservation areas and on heritage items.<br>• Exhaust vents, skylights, air conditioning ducts and units, solar panels, TV antennae and satellite dishes should not be visible on the main elevation of the building or attached to chimneys where they will be obvious. Items should be installed at the rear, within the roof space or flush with the roof cladding and at the same pitch. They are to be of modest size and not prominent from the street.<br>• Essential changes to cater for electrical wiring, plumbing or other services should be limited to what is essential to permit the new use to proceed.<br>• Rainwater tanks are to be located at the rear or side of the dwelling and suitably screened. They should not be obvious from the street.

J. Carports, garages & access  
• New elements do not detract from heritage items or the conservation area.<br>• Hard landscaping and elements that are important to the heritage item or conservation area are conserved.<br>(See Figure 13: Heritage garages)<br>• Garages should be to the rear where possible or set well back at the side of a building behind the rear building line.<br>• Single car garages should be built where visible from the street. Double parking in stacked form will be considered.<br>• Conserve the street pattern of driveways with single driveway access.<br>• Paired wheel strips over public footway areas are preferable to solid driveways.<br>• Use non-reflective paving to driveways.<br>• Preferred materials for driveways include wheel strips and gravel. Large areas of plain or stamped concrete should be avoided.<br>• Do not alter existing pedestrian pavement for driveways.<br>• Conserve existing sandstone kerb and guttering.<br>• Where there is no formed kerb and guttering, retain this and consider the use of swales if drainage is required.<br>• Colours and materials should blend into the surrounding landscape. Galvanised corrugated iron roof profile and timber board profile cladding for walls are common materials used.
### Outcomes to be achieved

<table>
<thead>
<tr>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Garages should have simple hipped, gable or skillion roofs depending on the design of the existing main building.</td>
</tr>
<tr>
<td>• A Gable or hipped roof is the most appropriate double garage roof form.</td>
</tr>
<tr>
<td>• Existing outbuildings should be maintained and reused wherever possible.</td>
</tr>
<tr>
<td>• Simple open light construction carports are preferable to solid heavily detailed buildings.</td>
</tr>
<tr>
<td>• The pitch of a single garage roof should, in most cases, be comparable or slightly lower than that of the main building – generally 25 – 30 degrees.</td>
</tr>
<tr>
<td>• The pitch of a double garage roof should be lower than that of the main building.</td>
</tr>
</tbody>
</table>

### K. Gardens & landscaping

- Maintain the gardens, open spaces and tree planting in as the setting for heritage items or the conservation area.
- Hard landscaping and elements that are important to the heritage item or conservation area are conserved.

- Mature trees should be retained on the street and within garden areas.
- Where there is a consistent pattern of street tree planting this should be retained and new planting should repeat the use of these species.

### L. Fencing

- Hard landscaping and elements that are important to the heritage item or conservation area are conserved.
- Original existing fencing is retained and new fencing that is consistent with established patterns is provided.

- Conserve existing fences.
- New fences are to be in scale and materials to match existing streetscape. Fences should be located on the building line.
- Front fences should be of materials characteristic to the surrounding area, particular to the street and suitable to the era of the house. Examples include timber picket, low masonry and hedges.
- Fencing should generally be open or transparent, or backed with a hedge, not solid.
- Timber picket fences or timber post and wire on streetscape.
- Colorbond fences not to be used where visible from the street.
- Timber paling fences to be used on all side boundaries.
- Rural fence type to be retained where existing. New rural fences to be such as post and rail, post and wire or post and wire mesh.
Figure 12: Appropriate heritage windows

Colonial  Mid Victorian  Late Victorian  Federation

Inappropriate window types with horizontal emphasis

Figure 13: Heritage garages
9a.7 Supplementary guidance

The following documents or reference materials provide further advice or information:

Various information and publications from the NSW Heritage Division of the NSW Office of Environment and Heritage:


Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW, NSW Office of Environment and Heritage, 2011:


A History of Australian Gardening Books and a Bibliography 1806-1950, University of Canberra, 1986


Australian Cottages, R Moore, S Burke and R Joyce, 1989

Australian Houses of the 20s and 30s, P Chuffley, 1989


 Californian Bungalow in Australia, G Butler, 1992

Caring for Old Houses, I Evans, The Flannel Flower Press, 1989

Colour Schemes for Old Australian Houses, I Evans, C Lucas and I Stapleton, Flannel Flower Press, 1984


Decorative Plasterwork: Repair and Restoration, W D Stagg and R Masters, 1986


Getting the Details Right; Restoring Australian Houses, 1890s – 1920s, Department of Planning, Sydney 1989

Great Gardens of Australia, H Tanner Macmillan, 1976


How to Restore the Old Aussie House, I Stapleton, Flannel Flower Press, Sydney 1983


Restoring Old Australian Houses and Buildings; An Architectural Guide, P Cox and H Tanner 1975


The Federation House: Australia’s Own Style, H Fraser and R Joyce, 1986

The History and Design of the Australian House, R Irving, 1985

The Maintenance of Heritage Assets Manual, Department of Planning and NSW Heritage Office, 1994

Part 10 Natural hazards

Explanatory outline
Part 10 specifies outcomes, design guidelines and other requirements relating to the management of natural hazards. There are separate sections for each of the following matters:

10a Floodplain Management
10b Bushfire risk
10c Geotechnical hazard
Explanatory outline
Section 10a outlines assessment criteria relating to the management of development on flood prone land. The following matters are covered:

- compatibility of development with flood hazard
- general flood considerations, including flood proofing requirements
- safety considerations
- habitable (residential) buildings
- alterations and additions to habitable (residential) buildings
- non residential development
- rural development

10a.1 Introduction
The management of flood prone land is primarily the responsibility of councils by implementing the provisions in the NSW Government’s Flood Prone Land Policy and the associated NSW Floodplain Development Manual 2005. Accordingly, this DCP chapter has been prepared with regard to the above provisions.

10a.2 Application of this Part
This section applies to development described in Column 1 when carried out on land described in Column 2.

<table>
<thead>
<tr>
<th>Column 1: Type of development</th>
<th>Column 2: Applicable land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any residential development</td>
<td>On land below the Flood Planning Level (FPL)</td>
</tr>
<tr>
<td>Any other development requiring consent</td>
<td>On any flood prone land, including that as identified on:</td>
</tr>
</tbody>
</table>

- Map 8: Flood Prone Land, Scone and Aberdeen environs;
- Map 9: Flood prone land and flood hazard, Aberdeen;
- Map 10: Flood prone land and flood hazard, Scone;
- Map 11: Flood prone land and flood hazard, Central Scone and Figtree Gully;
- Map 12: Flood prone land and flood hazard, Murrurundi
- Map 13: Flood prone land and flood hazard, Blandford
Map 8: Flood Prone Land, Scone and Aberdeen environs
Map 9: Flood prone land and flood hazard, Aberdeen
Map 10: Flood prone land and flood hazard, Scone
Part 10 Natural hazards

10a Floodplain Management

Map 11: Flood prone land and flood hazard, Central Scone and Figtree Gully
Map 12: Flood prone land and flood hazard, Murrurundi
10a Floodplain Management

Map 13: Flood prone land and flood hazard, Blandford
10a.3 **Relevant planning instruments & legislation**

The following environmental planning instruments or other legislation are relevant to development to which this section applies:

- *Upper Hunter Local Environmental Plan 2013* (clause 6.2 Flood Planning)

 Further planning instruments and legislation may also be relevant. In the event of any inconsistency, the above listed instruments will prevail over requirements or criteria contained in this section.

The NSW Government’s *NSW Floodplain Development Manual 2005* is also applicable.

10a.4 **Definitions**

The terms that are used in this Section of the DCP are consistent with the NSW Government’s *NSW Floodplain Development Manual 2005* and *Upper Hunter Local Environmental Plan 2013*. Relevant terms to this chapter in addition to those found in the UHLEP 2013 can be found in the Dictionary.

10a.5 **Objectives**

The objectives of this section are to:

- To minimise the risk to human life and damage to property by controlling development on flood prone land
- To apply a performance and merit based approach to all development decisions taking into account ecological, social, engineering safety and environmental considerations to ensure development is appropriate and sustainable
- To ensure that the development or use of floodplains waterways and riparian corridors does not adversely impact upon aesthetic, recreational and ecological values
- To ensure that all land uses and essential services are appropriately sited and designed in recognition of all potential floods
- To promote flood compatible building design that considers requirements for the development of flood prone land and does not adversely impact on adjoining properties
- To establish guidelines for the development of flood prone land that are consistent with the *NSW Flood Policy and NSW Floodplain Development Manual (2005)* and as updated by the associated *Floodplain Risk Management Guides*
10a.6 Using this Chapter

Determine your proposed land use as defined in *Upper Hunter Local Environmental Plan 2013*

Refer to the Section 149 Planning Certificate for the subject property to establish if the site is subject to flood related development controls.

1. Refer to Table 20 Land Use Categories to determine the land use category of the proposal.
2. Use the Maps in this DCP Chapter to determine the section(s) of the floodplain that the site is in (ie Flood Planning Level (FPL) to Probable Maximum Flood (PMF); High Hazard, Low Hazard or Other Flood Prone Land (Hazard not identified)).
3. Contact Council to determine a flood planning level for the development site.

Is the development site located on land designated as FPL to PMF or Low Hazard on Council’s Floodplain Mapping?

Refer to *SEPP Exempt and Complying Development* - Can the proposed development meet all other relevant requirements of the SEPP?

If you are concerned that there may be flooding potential for the subject property or proposal that has not been addressed, contact Council.

Can the proposal be considered under the concessional development requirements listed under Sub-Section 10a.7(d) of this document?

Check if the proposal will satisfy the prescriptive criteria under Sub-Section 10a.7(a).

Determine whether the Performance based assessment referred to in Sub-Section 10a.7(b) of this document can be achieved.

Consider building design considerations of Sub-Section 10a.7(c) of this document and the Ancillary Development Requirements listed in Section 10a.8.

Consider all other relevant requirements prior to the lodgement of the appropriate application.
10a.6 Application Requirements

Development applications that are subject to this section should be supported by the following plans and documentation.

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. General requirements</td>
<td>All applications</td>
<td>Refer to section 2c Lodging a development application.</td>
</tr>
</tbody>
</table>
| B. Specific information requirements | All applications | Development Applications for land subject to flood related development controls are to include the following information:  
- A survey plan indicating:  
  i. the position of the existing building/s or proposed building/s;  
  ii. the existing ground levels and features to Australian Height Datum around the perimeter of the site and contours of the site; and  
  iii. the existing or proposed floor levels to Australian Height Datum.  
- Applications for earthworks, filling of land, infrastructure and subdivision are to be accompanied by a survey plan (with a minimum contour interval of 0.25m) showing relative levels to Australian Height Datum.  
- For large scale developments, or developments that in the opinion of Council are in critical situations, where an existing catchment based flood study is not available, a flood study prepared by a suitably qualified engineer using hydrologic and hydraulic dynamic one or two dimensional computer model may be required.  
- Any required information listed in Table 17 Prescriptive Criteria as applicable. |
10a.7 Development Provisions

The development provisions are divided into prescriptive criteria and performance based assessment. Where the prescriptive controls cannot be met, an applicant can refer to the performance based assessment for flood related development controls on their site.

10a.7(a) Prescriptive Criteria

The Prescriptive Provisions shown within Error! Reference source not found. indicate where flood related development controls:

- can be met through the implementation of provisions as indicated (yellow and numbered);
- are not required (shown in green)
- in the view of Council, cannot be met through the use of reasonable development controls and will require further justification to be supported using the performance based assessment approach (shown in orange).

Table 16: Floodplain management prescriptive provisions matrix

<table>
<thead>
<tr>
<th>Proposed Land use</th>
<th>Section of Floodplain</th>
<th>Flood Planning Level (FPL) to Probable Maximum Flood (PMF)</th>
<th>Low Hazard</th>
<th>High Hazard</th>
<th>Other Flood Prone Land (Hazard Unknown)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Single Dwelling Houses</td>
<td></td>
<td></td>
<td>1,2,5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Agriculture &amp; Recreation</td>
<td></td>
<td></td>
<td>2,5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 Sheds / Garages / ancillary Residential</td>
<td></td>
<td></td>
<td>1,2,5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 Commercial and Industrial Uses</td>
<td></td>
<td></td>
<td>2,6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 Medium to High Density Residential</td>
<td></td>
<td></td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6 Critical or Sensitive Facilities</td>
<td></td>
<td></td>
<td>4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7 Land Subdivision</td>
<td></td>
<td></td>
<td>5,6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8 Tourist Development</td>
<td></td>
<td></td>
<td>7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9 Caravan parks - short-term sites</td>
<td></td>
<td></td>
<td>7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 Permissible Earthworks</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Flood related development controls do not apply

Flood related development controls apply (refer to numbered prescriptive criteria in Table 17 Prescriptive Criteria)

If the proposal is to be pursued further, a performance based assessment is to be provided demonstrating that the proposed development is compatible with the flooding characteristics of the site (refer to the section “Performance based assessment” and Table 19 Detailed Assessment Criteria).
### Table 17 Prescriptive Criteria – floodplain management

<table>
<thead>
<tr>
<th>Prescriptive Criteria No.</th>
<th>Prescriptive Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Assessment indicating that the proposal can meet the relevant requirements of the BCA.</td>
</tr>
</tbody>
</table>
| 2                        | Joint report by a professional engineer who specialises in floodplain management and a professional engineer who specialises in civil engineering to certify that the development provides:  
  - Minimum Habitable Floor Levels = 1% AEP flood level plus 500mm freeboard (*Flood Planning Level*)  
  - Minimum Non-Habitable Floor Levels = 5% AEP flood level plus 500mm freeboard.  
  - Minimum level requirements for electrical fittings, internal sewer fixtures, and external overflow gully risers apply as per Building Code of Australia  
  - Minimum levels of open car parking spaces, carports and driveways = 5% AEP flood level  
  - Mine subsidence allowance to be added to levels (a), (b), (c) & (d) above, if applicable.  
  - Low flood hazard access and egress for pedestrians during a 1% AEP flood to an appropriate area of refuge located above the Flood Planning Level.  
  - Low flood hazard emergency vehicle road access (Ambulance, SES, RFS) during a 1% AEP flood event.  
  - All proposed structural components that can withstand the forces of floodwater including hydrostatic pressure, hydrodynamic pressure, impact of debris and buoyancy forces up to the flood planning level.  
  - Building materials and surface finishes at or below the flood planning level are all capable of withstanding prolonged immersion in water.  
  - Negligible flood affectation elsewhere in the floodplain for a full range of flood events up to the 1% AEP flood event, having regard to: a) loss of flood storage, b) changes in flood levels, flows and velocities upstream, downstream and adjacent to the site, c) cumulative impact of multiple development in the vicinity. |
| 3                        | Joint report by a professional engineer who specialises in floodplain management and a professional engineer who specialises in civil engineering to certify that the development provides:  
  - Minimum floor levels = PMF level plus 500mm freeboard plus mine subsidence allowance, if applicable.  
  - Low flood hazard access and egress for pedestrians during a PMF flood to an appropriate area of refuge located above the PMF.  
  - Low flood hazard emergency vehicle road access (Ambulance, SES, RFS) during a PMF flood event.  
  - Risk assessment of flood hazard during a PMF flood event; including consideration of changes to flood behaviour, and location of floodways, to ensure that the consequences of the increased flood hazard are acceptable and manageable.  
  - Negligible flood affectation elsewhere in the floodplain for a full range of flood events up to the PMF, having regard to: |
| 4                        | Joint report by a professional engineer who specialises in floodplain management and a professional engineer who specialises in civil engineering to certify that the development provides:  
  - Minimum height of building footprints, open car parking areas, driveways and new public roads = 5% AEP flood level plus mine subsidence allowance, if applicable  
  - Low flood hazard access and egress for pedestrians during a 1% AEP flood to an appropriate area of refuge located above the Flood Planning Level.  
  - Low flood hazard emergency vehicle road access (Ambulance, SES, RFS) during a 1% AEP flood event.  
  - Risk assessment of flood hazard during a PMF flood event; including consideration of changes to flood behaviour, and location of floodways, to ensure that the consequences of the increased flood hazard are acceptable and manageable.  
  - Negligible flood affectation elsewhere in the floodplain for a full range of flood events up to the PMF, having regard to: |
## 10a Floodplain Management

### 10a.7(b) Performance based assessment

Council will consider development proposals that do not meet the prescriptive requirements of this DCP Chapter only if a report prepared by a suitably qualified engineering professional accompanies the development application and addresses the following criteria. The information listed below can be used to justify minor variations to the prescriptive provisions. Table 19 provides further detail with regard to applying the Performance Criteria mentioned below and will need to be addressed in full for large scale proposals and/or significant variations.

- is compatible with the established flood hazard of the land. In areas where flood hazard has not been established through previous studies or reports, the flood hazard must be established in accordance with the Floodplain Development Manual.
- will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties;
- incorporates appropriate measures to manage risk to life and property from flood;
- will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses;
- is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.
- is consistent with the principles of Ecologically Sustainable Development.

### Notes

- The prescriptive controls have been developed to ensure that proposals that meet the requirements of the relevant Prescriptive Control Schedule will meet the objectives of this Plan. A performance based assessment is likely to involve the submission of independent studies and reports. It is recommended that you should discuss the level of detail required and the likelihood of achieving a successful outcome using a performance based assessment with Council staff prior to making any decision to purchase and/or develop flood prone land.

### Table 19: Detailed Assessment Criteria

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) loss of flood storage,</td>
<td></td>
</tr>
<tr>
<td>b) changes in flood levels, flows and velocities upstream, downstream and adjacent to the site,</td>
<td></td>
</tr>
<tr>
<td>c) cumulative impact of multiple development in the vicinity.</td>
<td></td>
</tr>
</tbody>
</table>

5. No filling allowable apart from area of building footprint, open car parking areas and driveway.

6. Joint report by a professional engineer who specialises in floodplain management and a professional engineer who specialises in civil engineering to include an Evacuation Plan demonstrating that permanent, failsafe, and maintenance free measures are incorporated in to the development to ensure the timely and safe evacuation of people from the development in a 1% AEP Flood event, without significant cost or risk added to emergency services personnel. Signage of the plan must be prominently displayed around the development.

7. Report by a professional engineer who specialises in floodplain management to certify that the development provides: Negligible flood affectation elsewhere in the floodplain for a full range of flood events up to the 1% AEP flood event, having regard to:
   - a) loss of flood storage,
   - b) changes in flood levels, flows and velocities upstream, downstream and adjacent to the site,
   - c) cumulative impact of multiple development in the vicinity.
10a.7(c) Building Design Considerations

Building design, whether relying on the Prescriptive Controls or Performance Criteria, should not result in significant impacts upon the amenity of an area by way of:

- overshadowing of adjoining properties that does not meet the requirements of the relevant development controls adopted by Council;
- privacy impacts (e.g. by unsympathetic house-raising);
- being incompatible with the streetscape or character of the locality. A request to raise the overall building height to beyond the prescribed building heights to achieve the appropriate minimum floor level will not be considered adequate. Building design is to be appropriate to the constraints of the site;
- filling of land to permit the construction of a building that has not been specifically designed in consideration with conditions that may be experienced on the floodplain. Slab on ground construction is generally not considered appropriate on a floodplain.

Figure 14 Floodplain development (where considered acceptable)
10a.7(d) Concessional Development – Minor Additions

In some instances, relatively minor building additions will have a minimal impact on the floodplain and will not present an unmanageable risk to life. Council will give consideration for the following forms of development on suitable sites:

- single dwelling house additions of up to 40m² of habitable floor area at or above the same level as the existing adjoining approved floor level for habitable floor area. The allowance for additions shall be made no more than once for any given development. Proposals for dwelling additions that exceed 40m² of habitable floor area are to refer to the provisions for single dwellings under Sub-Section 10a.6(a);

- additions to Commercial and Industrial Uses of up to an additional 100 m² or 20% (whichever the less) of the Gross Floor Area of the existing building at no less than the same level as the existing adjoining approved floor level. The allowance for additions shall be made no more than once for any given development. Proposals for additions that exceed 100 m² or 20% (whichever the less) of the Gross Floor Area are to refer to the provisions for commercial and industrial uses under Sub-Section 10a.6(a);

Any proposal to be considered as concessional development must:

- be supported with appropriate information at the development application stage that the proposed development can meet the requirements of the Building Code of Australia.

Note: The additional costs in achieving the requirements of the BCA for development below the flood planning level needs to be considered by the proponent prior to the submission of a Development Application.

- comply with the Building Design Considerations, Section 10a.7 – General Requirements, and any other relevant provisions of DCP 2015.

As part of any consent issued pursuant to this Section, Council may require:

- a restriction on use placed on the property title limiting the further development of the site;
### 10a.8 Ancillary Development Requirements

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Requirements</th>
</tr>
</thead>
</table>
| **A. Fencing** | • Fencing is to be constructed in such a manner that it will not modify the flow of floodwaters or cause damage to surrounding land.  
• Fencing construction is to withstand flood waters including debris loads. |
| **B. Car Parking** | • The proposed car park should not increase the risk of vehicle damage by flooding inundation. Any car park is to allow for a maximum of 300mm still water flood water depth unless otherwise provided through a flood study.  
• The proposed garage/car park should not increase the likelihood of flooding on other developments, properties or infrastructure.  
• Open car parking - The minimum surface level of open space car parking subject to inundation should be designed having regard to vehicle stability in terms of depths and velocity during inundation by flood waters. |
| **C. Requirements for Filling Flood Prone Land** | • Filling for any purpose (including the raising of a building platform in flood-prone areas) is not permitted in areas identified as High Hazard or Hazard Unknown in Table 16, unless a Floodplain Risk Management Plan for the catchment has been adopted which allows filling to occur. In all other areas, filling will not be permitted unless a report from a suitably qualified engineer has been submitted and approved by Council that certifies that the development will not increase flood affectation elsewhere.  
• Filling of individual sites in isolation, without consideration of the cumulative effects is not permitted. Any proposal to fill a site must be accompanied by an analysis of the effect on flood levels of similar filling of developable sites in the area. This analysis would form part of a flood study prepared by a suitable qualified professional. |
| **D. On-Site Sewer Management** | • The treatment tank/holding device and electrical components are to be located above the 1% AEP flood contour.  
• The land application area is to be above the 5% AEP flood contour.  
• Refer to Part 11g – On Site Waste Water Management in Non-Sewered areas for guidance with regard to this form of application. |
### Objectives

<table>
<thead>
<tr>
<th>E. Storage of Hazardous Substances</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>To prevent the potential spread of pollution from hazardous substances.</strong></td>
</tr>
</tbody>
</table>

### Requirements

- The storage of products which, in the opinion of Council, may be hazardous or pollute floodwaters, must be placed at a minimum of 500 mm above the height of the 1% AEP flood or placed within an area protected by bunds or levees such that no flood waters can enter the bunded area if the flood level rose to a level of 500 mm above the height of the 1% AEP flood.
### Table 18: Flood proofing requirements

<table>
<thead>
<tr>
<th>Component</th>
<th>1st Preference</th>
<th>2nd Preference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flooring and Sub Floor Structure</td>
<td>Concrete slab-on-ground monolith construction.</td>
<td>Timber floor (T and G boarding, marine plywood) full epoxy sealed joints.</td>
</tr>
<tr>
<td></td>
<td>NB: <em>clay filling is not permitted beneath slab-on-ground construction, which could be inundated.</em> Suspension reinforced concrete slab.</td>
<td></td>
</tr>
<tr>
<td>Nails, bolts, hinges and fittings</td>
<td>Brass, nylon or stainless</td>
<td>Galvanised steel aluminium</td>
</tr>
<tr>
<td></td>
<td>Removable pin hinges</td>
<td></td>
</tr>
<tr>
<td>Floor Covering</td>
<td>clay tiles</td>
<td>cement/bituminous formed-in-place</td>
</tr>
<tr>
<td></td>
<td>concrete, precast or in situ</td>
<td>cement/latex formed-in-place</td>
</tr>
<tr>
<td></td>
<td>concrete tiles</td>
<td>rubber tiles with chemicals</td>
</tr>
<tr>
<td></td>
<td>epoxy, formed-in-place</td>
<td>set adhesive</td>
</tr>
<tr>
<td></td>
<td>mastic flooring, formed-in-place</td>
<td>terrazzo</td>
</tr>
<tr>
<td></td>
<td>rubber sheets or tiles with chemical-set adhesives</td>
<td>vinyl tile with chemical set adhesive</td>
</tr>
<tr>
<td></td>
<td>silicon floors formed-in-place</td>
<td>vinyl-asbestos tiles asphaltic adhesives</td>
</tr>
<tr>
<td></td>
<td>vinyl sheets or tiles with chemical-set adhesive</td>
<td>loose rugs</td>
</tr>
<tr>
<td></td>
<td>ceramic tiles, fixed with mortar or chemical-set adhesive</td>
<td>alkali-resistant grout</td>
</tr>
<tr>
<td></td>
<td>asphalt tiles, fixed with water resistant adhesive</td>
<td></td>
</tr>
<tr>
<td>Wall Structure</td>
<td>solid brickwork, blockwork, reinforced, concrete or mass concrete</td>
<td>Two skins of brickwork or blockwork with inspection openings.</td>
</tr>
<tr>
<td>Roofing Structure (for situations where the flood planning level is above the ceiling height)</td>
<td>Reinforced concrete construction</td>
<td>Timber trusses</td>
</tr>
<tr>
<td></td>
<td>Galvanised metal construction</td>
<td></td>
</tr>
<tr>
<td>Doors</td>
<td>Solid panel with water proof adhesives</td>
<td>Flush panel or single panel with marine plywood and water proof adhesive</td>
</tr>
<tr>
<td></td>
<td>Flush door with marine ply filled with closed cell foam</td>
<td>TandG lined door, framed ledged and braced</td>
</tr>
<tr>
<td></td>
<td>Painted metal construction</td>
<td>Painted steel</td>
</tr>
<tr>
<td></td>
<td>Aluminium or galvanised steel frame</td>
<td>Timber frame fully epoxy</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Sealed before assembly</td>
</tr>
<tr>
<td>Insulation</td>
<td>Foam or closed cell types</td>
<td>Reflective insulation</td>
</tr>
<tr>
<td>Wall and Ceiling</td>
<td>Brick, face or glazed</td>
<td>Brick, common</td>
</tr>
<tr>
<td></td>
<td>Clay tile glazed in water proof mortar</td>
<td>Plastic wall tiles</td>
</tr>
<tr>
<td></td>
<td>Concrete</td>
<td>Metals, non ferrous</td>
</tr>
<tr>
<td></td>
<td>Concrete block</td>
<td>Rubber mouldings and trim</td>
</tr>
<tr>
<td></td>
<td>Steel with water proof applications</td>
<td>Wood, solid or exterior grade plywood fully sealed.</td>
</tr>
<tr>
<td></td>
<td>Stone, natural solid or veneer, water proof grout</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Glass blocks</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Glass</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Plastic sheeting or wall with water proof adhesive</td>
<td></td>
</tr>
<tr>
<td>Windows</td>
<td>Aluminium frame with stainless steel or brass rollers</td>
<td>Epoxy sealed timber water proof glues with stainless steel or brass fittings</td>
</tr>
</tbody>
</table>
Table 19 Detailed Assessment Criteria – floodplain management

<table>
<thead>
<tr>
<th>Component</th>
<th>Assessment Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compatibility with established Flood Hazard /</td>
<td>• impact of flooding and flood liability is to be managed ensuring the development does not divert floodwaters or interfere with flood storage or natural function of the waterway;</td>
</tr>
<tr>
<td>Flooding Impacts and Behaviour:</td>
<td>• flood behaviour (for example, flood depths reached, flood flow velocities, flood hazard, rate of rise of floodwater);</td>
</tr>
<tr>
<td></td>
<td>• duration of flooding for a full range of events;</td>
</tr>
<tr>
<td></td>
<td>• appropriate flood mitigation works;</td>
</tr>
<tr>
<td></td>
<td>• freeboard;</td>
</tr>
<tr>
<td></td>
<td>• Council's duty of care – proposals to address and limit;</td>
</tr>
<tr>
<td></td>
<td>• depth and velocity of flood waters for relative flood event;</td>
</tr>
<tr>
<td>Impact on other land / Cumulative Effects of the Development:</td>
<td>• development should not detrimentally increase the potential flood affectation on other development or properties or infrastructure, either individually or in combination with the cumulative impact of development that is likely to occur in the same floodplain;</td>
</tr>
<tr>
<td></td>
<td>• cumulative effects of the development and precedents created for further cumulative development.</td>
</tr>
<tr>
<td>Manage Risk to Life:</td>
<td>• the proposed development should not result in any increased risk to human life;</td>
</tr>
<tr>
<td></td>
<td>• controls for risk to life for floods up to the Flood Planning Level;</td>
</tr>
<tr>
<td></td>
<td>• controls for risk to life for floods greater than the Flood Planning Level;</td>
</tr>
<tr>
<td></td>
<td>• existing floor levels of development in relation to the Flood Planning Level and floods greater than the Flood Planning level;</td>
</tr>
<tr>
<td></td>
<td>• Council's duty of care – Proposals to address and limit;</td>
</tr>
<tr>
<td></td>
<td>• what level of flooding should apply to the development e.g. 1 in 20 year, etc;</td>
</tr>
<tr>
<td></td>
<td>• effective flood access and evacuation issues;</td>
</tr>
<tr>
<td></td>
<td>• flood readiness – Methods to ensure relative flood information is available to current and future occupants and visitors;</td>
</tr>
<tr>
<td></td>
<td>• where appropriate existing information does not exist, a site specific Flood Risk Assessment in support of the application addressing the requirements of the NSW Flood Policy and NSW Floodplain Development Manual 2005. These documents are available from the NSW Department of Environment, Climate Change and Water website.</td>
</tr>
<tr>
<td>Warning and Evacuation:</td>
<td>• available effective warning time and reliable access for the evacuation of an area potentially affected by floods;</td>
</tr>
<tr>
<td></td>
<td>• evacuation should be consistent with any relevant or floodian event;</td>
</tr>
</tbody>
</table>
evacuation strategy where in existence;

- depth and velocity of flood waters for relative flood event;
- Council's duty of care – proposals to address and limit;
- what level of flooding should apply to the development e.g. 1 in 20 year, etc;
- effective flood access and evacuation issues;
- flood readiness – methods to ensure relative flood information is available to current and future occupants and visitors.

Environmental Impacts:

- will not significantly adversely affect the environment or cause avoidable erosion, siltat ion, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

The Cost:

- the additional economic and social costs that may arise from damage to property from flooding should not be greater than that which can reasonably be managed by the property owner and general community;
- land values and social equity – effect both negative and positive – e.g. development increasing land values, restrictions decreasing land values, etc;
- future development (specifically, the ability of the community and individuals to recover from flood events);
- economic factors both in regard to doing and not doing the development;
- social issues;
- servicing the development safely in flood e.g. potable water, sewer, etc.

Ecological Sustainable Development:

Proposed development must be consistent with ESD principles including but not limited to:

- intergenerational equity – namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations;
- the precautionary approach - namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation;
- biodiversity conservation - namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration;
- improved valuation, pricing and incentive mechanisms - namely, that environmental factors should be included in the valuation of assets and services.

Further information regarding ESD principles may be sourced from the Environmental Planning and Assessment Regulations 2000 Schedule 2 Part 6.

Emergency Services

- development will not unduly increase dependency on emergency services.
Table 20 Land Use Categories – floodplain management


<table>
<thead>
<tr>
<th>Land Use</th>
<th>Specific Use or Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Dwelling Houses</td>
<td>Dwelling houses, exhibition homes (Note: one dwelling per existing residential lot only)</td>
</tr>
<tr>
<td>Medium to High Density Residential</td>
<td>Attached dwelling, boarding house, caravan parks (long term sites), dual occupancy, exhibition village, manufactured home estates, multi dwelling housing, residential flat buildings, rural workers dwelling, secondary dwelling, semi-detached dwelling, shop-top housing.</td>
</tr>
<tr>
<td>Agriculture and Recreation</td>
<td>Agriculture, farm buildings, recreation area, stock and sales yard, environmental facility,</td>
</tr>
<tr>
<td>Shed and Garages, ancillary residential development (Note: ancillary residential development includes swimming pools, cabanas, gazebos and similar structures)</td>
<td></td>
</tr>
<tr>
<td>Commercial</td>
<td>Amusement centres; Boarding houses; Boat sheds; Car parks; Child care centres; Commercial premises; Community facilities; Crematoria; Educational establishments; Emergency services facilities; Entertainment facilities; Environmental facilities; Flood mitigation works; Function centres; Highway service centres; Home-based child care; Home businesses; Home industries; Information and education facilities; Jetties; Medical centres; Mortuaries; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Respite day care centres; Restricted premises; Roads; Seniors housing; Service stations; Sex services premises; Shop top housing; Signage; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies</td>
</tr>
<tr>
<td>Industrial Uses</td>
<td>Boat building and repair facilities; Boat launching ramps; Bulky goods premises; Car parks; Cemeteries; Child care centres; Community facilities; Correctional centres; Crematoria; Depots; Educational establishments; Emergency services facilities; Environmental facilities; Flood mitigation works; Freight transport facilities; Funeral homes; Garden centres; General industries; Hardware and building supplies; Health services facilities; Heavy industrial storage establishments; Heavy industries; Helipads; Heliports; Highway service centres; Industrial retail outlets; Industrial training facilities; Information and education facilities; Jetties; Kiosks; Landscaping material</td>
</tr>
</tbody>
</table>
10a Floodplain Management

- Supplies: Light industries; Mortuaries; Neighbourhood shops; Office premises; Passenger transport facilities; Plant nurseries; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Restricted premises; Roads; Rural supplies; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Take away food and drink premises; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

Critical Infrastructure and Facilities
- Airstrip, air transport facilities, electricity generating works, emergency service facility, helipad, hospital, public administration buildings (occupied by emergency services organisations), public utility undertaking, sewerage system, water supply system

Sensitive Uses and Facilities
- Child care centre, correctional centre, educational establishment, group homes, home based child care, hostel, respite day care centre, seniors housing

Land Subdivision – Torrens Title
- (Note: Does not include Community and Strata Subdivision or Subdivision of approved residential development)

Tourist Development
- Camping grounds, eco-tourist facilities, tourist and visitor accommodation
  (Note: Does not include short-term rental accommodation)

Caravan parks – short term accommodation
- Environmental protection works, flood mitigation works

Permissible Earthworks
- Environmental protection works, flood mitigation works

Not Listed – Merit Assessment
- Forestry, home business, home occupation, home occupation (sex services), wharf or boating facility, signage, boat launching ramp, boat sheds, charter or tourism boating facilities, environmental facilities, jetties, mooring, water recreation structure, extractive industries, open cut mines

Note: The definitions listed above are extracted from the Upper Hunter Local Environmental Plan 2013.

10a.9 Supplementary guidance

The following documents or reference materials provide further advice or information that is relevant to this section.

- Aberdeen Flood Study 2013
- Scone Floodplain Management Study and Floodplain Management Plan 1999
- Draft Murrurundi Blandford Floodplain Management Study 1997
Explanatory outline

Section 10b outlines assessment criteria relating to the management of bushfire risk. The following matters are covered:

- identification of bush fire prone land
- requirements and guidelines for development on bush fire prone land
- bush fire assessment report requirements

10b Bushfire risk

10b.1 Application of this section

This section applies to development described in Column 1 when carried out on land described in Column 2.

<table>
<thead>
<tr>
<th>Column 1: Type of development</th>
<th>Column 2: Applicable land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development comprising:</td>
<td>Land identified as bush fire prone land on the bush fire prone land map.</td>
</tr>
<tr>
<td>• subdivision of land for residential purposes</td>
<td>Note: To determine whether land is affected by this section, refer to the most recent Upper Hunter Shire Bush Fire Prone Land Map certified by the Commissioner of the NSW Rural Fire Service. This map is available for inspection at the office of the Council, and can be viewed on the Council’s web site.</td>
</tr>
<tr>
<td>• residential accommodation</td>
<td></td>
</tr>
<tr>
<td>• residential outbuildings</td>
<td></td>
</tr>
<tr>
<td>• and other development that may be adversely affected by bush fire, such as commercial, industrial and tourist accommodation.</td>
<td></td>
</tr>
</tbody>
</table>

10b.2 Relevant planning instruments & legislation

The following environmental planning instruments or other legislation are relevant to development to which this section applies:

- Upper Hunter Local Environmental Plan 2013
- Rural Fires Act 1997
- Upper Hunter Emergency Risk Management Plan – Natural Hazards

Further planning instruments and legislation may also be relevant. In the event of any inconsistency, the above listed instruments will prevail over requirements or criteria contained in this section.

10b.3 Definitions

The following terms defined in the Dictionary are relevant to this section:

- bush fire hazard reduction work
- bush fire prone land
- bush fire prone land map
- bush fire risk management plan
10b.4 Objectives

The objectives of this section are:

- to ensure development is designed, constructed and managed to minimise risks of bush fire
- to comply with the requirements of the Rural Fires Act 1997
- to apply the guidelines in current version of Planning for Bush Fire Protection.

10b.5 Supporting plans & documentation

Development applications that are subject to this section should be supported by the following plans and documentation.

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. General requirements</td>
<td>All applications</td>
<td>Refer to section 2c Lodging a development application.</td>
</tr>
<tr>
<td>C. Flora &amp; fauna assessment report</td>
<td>Applications that involve clearing for bush fire protection that affects native vegetation</td>
<td>Include the matters required under section 11b Biodiversity conservation.</td>
</tr>
</tbody>
</table>

10b.6 Assessment criteria

A performance-based approach will be adopted in the assessment of development applications. Applications will be assessed according to the extent to which the outcomes specified in the left-hand column of the following table will be satisfied or achieved by the design, construction or operation of the proposal.

The design guidelines specified in the right-hand column indicate design and best practice solutions by which the required outcomes can be met. They do not preclude other solutions that may be suitable under particular local circumstances. All proposals will be considered on merit.

<table>
<thead>
<tr>
<th>Outcomes to be achieved</th>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Planning for bush fire protection</td>
<td>• Bush Fire Assessment Reports must identify bush fire risks, mitigating measures, and detail compliance with the current version of Planning for Bush Fire Protection.</td>
</tr>
<tr>
<td>■ Development must comply with the provisions of the current version of Planning for Bush Fire Protection.</td>
<td>• Biodiversity and ecological values of the land should be identified and protected, as provided for in section 11b Biodiversity conservation.</td>
</tr>
<tr>
<td>■ Bush fire risk is managed while recognising and protecting the ecological and natural values of the site and adjoining land.</td>
<td>• An Asset Protection Zone (APZ) on slopes greater than 1 in 5, and along ridgelines is unacceptable due to the environmental consequences of clearing such slopes and ridgelines.</td>
</tr>
<tr>
<td>• Clearing for the purpose of bushfire risk management must be consistent with the Upper Hunter Emergency Risk Management Plan – Natural Hazards and of the current version of Planning for Bush Fire Protection.</td>
<td>• Fire resistant plant species and landscaping should be provided for development on Bush Fire Prone Land, In accordance with the requirements of the current version of Planning for Bush Fire Protection.</td>
</tr>
</tbody>
</table>
10b.7 **Supplementary guidance**

The following documents or reference materials provide further advice or information that is relevant to this section.


* Upper Hunter Shire Bushfire Prone Land Map*

Part 10 Natural hazards

10c Geotechnical hazard

Explanatory outline
Section 10c outlines assessment criteria relating to the management of geotechnical hazards. The following matters are covered:
• requirements for preparation of geotechnical reports
• development on steep slopes, and potential areas of land slip
• areas subject to fill
• land affected by salinity
• construction works

10c Geotechnical hazards

10c.1 Application of this section
This section applies to development described in Column 1 when carried out on land described in Column 2.

<table>
<thead>
<tr>
<th>Column 1: Type of development</th>
<th>Column 2: Applicable land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any development that requires development consent.</td>
<td>Any land.</td>
</tr>
<tr>
<td>Does not apply to proposals for which a complying development certificate is sought under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</td>
<td></td>
</tr>
</tbody>
</table>

10c.2 Relevant planning instruments & legislation
The Upper Hunter Local Environmental Plan 2013 is relevant to development to which this section applies.

Further planning instruments and legislation may also be relevant. In the event of any inconsistency, the Upper Hunter Local Environmental Plan 2013 will prevail over requirements or criteria contained in this section.

10c.3 Definitions
There may be some terms used in this section that are defined in the Dictionary.

10c.4 Objectives
The objectives of this section are to:
• avoid development on land subject to geotechnical hazards where possible
• ensure potential geotechnical hazards are appropriately considered in development approvals
• identify requirements for geotechnical studies and reports.
10c Geotechnical hazard

10c.5 Supporting plans & documentation
Development applications that are subject to this section should be supported by the following plans and documentation.

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. General requirements</td>
<td>All applications</td>
<td>Refer to section 2c Lodging a development application.</td>
</tr>
</tbody>
</table>
| B. Geotechnical hazard assessment | Applications that involve:  
- land potentially subject to instability, slip, or other mass movement  
- steep land (slopes generally 1 in 3 or greater)  
- significant land surface disturbance  
- large-scale industrial or commercial development. | Geotechnical report, undertaken by a suitably qualified and experienced person, that:  
- considers all relevant matters relating to the development of the land, as outlined in this section, including on and off-site impacts arising from development  
- includes recommendations to be applied in the approval and construction of the development. |
| C. Salinity assessment | Applications that involve:  
- land subject to soil salinity  
- land that adjacent to other land known to be subject to soil salinity  
- land within a sub-catchment identified as Very High/High to Moderate salinity risk in the Hydrogeological Landscapes (HGL) mapping by the NSW Department of Primary Industries (Nicholson, et al., 2014). | Investigations and sampling for salinity should be conducted in accordance with the requirements of the Office of Environment and Heritage booklet ‘Site Investigations for Urban Salinity’ and should be undertaken by a suitably qualified and experienced person.  
In areas of salinity affectation, a Salinity Management Plan is to be prepared to guide earthworks and construction of the subdivision. The Salinity Management Plan is to address the following considerations:  
- minimising groundwater recharge  
- excavation and soil disturbance  
- construction standards for roads, infrastructure and buildings  
- provision of stormwater management facilities and sub-surface drainage  
- location and scale of landscaping and vegetation planting (based on appropriate modelling) and suitable local plant species (local provenance seed stock).  
- a Salinity Monitoring Plan to monitor both on-site and off-site impacts. |

10c.6 Assessment criteria
A performance-based approach will be adopted in the assessment of development applications. Applications will be assessed according to the extent to which the outcomes specified in the left-hand column of the following table will be satisfied or achieved by the design, construction or operation of the proposal.

The design guidelines specified in the right-hand column indicate design and best practice solutions by which the required outcomes can be met. They do not preclude other solutions that may be suitable under particular local circumstances. All proposals will be considered on merit.
Part 10 Natural hazards

10c Geotechnical hazard

<table>
<thead>
<tr>
<th>Outcomes to be achieved</th>
<th>Design guidelines</th>
</tr>
</thead>
</table>
| **A. Land slip & unstable land** | • Applicants must demonstrate that more suitable alternative development sites are not feasible.  
• Measures recommended in a geotechnical report to reduce or minimise hazard are to be implemented |
| Subdivision and development of land subject to land slip or that is otherwise unstable is avoided | |
| **B. Steep slopes** | • The slope of land proposed to be developed is to be surveyed and determined by a registered surveyor.  
• Measures recommended in a geotechnical report to reduce or minimise hazard are to be implemented |
| Subdivision and development of land on steep slopes is avoided. | |
| Hazards associated with the development of steep slopes is adequately assessed, and measures are taken to reduce or minimise hazards to an acceptable level. | |
| **C. Soil salinity** | • Identify hazard areas and processes on the site.  
• Reduce water input and maintain natural water balance that limits groundwater rise and through flow.  
• Maintain good drainage and reduce waterlogging.  
• Retain or increase vegetation in strategic areas.  
• Implement appropriate building controls and engineering responses - concrete foundations, brickwork/masonry products, roads, above ground/ underground infrastructure must be constructed to a standard that appropriately responds to the level of saline conditions affecting the land. |
| Development on saline soils is avoided | |
| Where a development site is subject to salinity, measures are taken to protect buildings and infrastructure from corrosion associated with saline soils. | |
| Development does not significantly increase the salt load in existing watercourses and soils within the catchment. | |
| **D. Construction works** | |
| Works including deep earthworks, and construction on filled land require a geotechnical assessment to identify whether the subject site is suitable for its intended use as part of the development application. | |

10c.7 Supplementary guidance

The following documents or reference materials provide further advice or information that is relevant to this section.


Part 11 Environment protection

Explanatory outline

Part 11 specifies outcomes, design guidelines and other requirements relating to environment protection. There are separate sections for each of the following matters:

11a Tree preservation
11b Biodiversity conservation
11c Riparian land & watercourses
11d Groundwater protection
11e Drinking water catchments
11f Soil & water management
11g On-site waste water management
11h Waste minimisation & management
11i Buffer areas
11a Tree preservation

11a.1 Application of this section
This section applies to development described in Column 1 when carried out on land described in Column 2.

<table>
<thead>
<tr>
<th>Column 1: Type of development</th>
<th>Column 2: Applicable land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ringbark, cut down, top, lop, remove, prune, injure or willfully destroy a tree.</td>
<td>Land that is or forms part of a heritage item as listed in Schedule 5 of Upper Hunter Local Environmental Plan 2013, or that is within the curtilage of a heritage item.</td>
</tr>
<tr>
<td>Note: see definition of ‘tree’.</td>
<td>Land within a heritage conservation area as listed in Schedule 5 of Upper Hunter Local Environmental Plan 2013.</td>
</tr>
</tbody>
</table>

Trees located on land referred to in Column 2 above are hereby prescribed for the purposes of clause 5.9 of the Upper Hunter Local Environmental Plan 2013.

11a.2 Relevant planning instruments & legislation
The Upper Hunter Local Environmental Plan 2013 is relevant to this section, in particular:
• clause 5.9 ‘Preservation of trees or vegetation’
• clause 5.9AA ‘Trees or vegetation not prescribed by development control plan’
• clause 5.10 ‘Heritage conservation’.

Note: proposals to carry out works on land identified as “Biodiversity” on the Upper Hunter Local Environmental Plan 2013 Terrestrial Biodiversity Map should have regard to section 11b Biodiversity conservation.

The following are also relevant to this section:
• Native Vegetation Act 2003
• Rural Fires Act 1997 – particularly provisions relating to the 10/50 Vegetation Clearing Entitlement Area as determined by the Rural Fire Service.

Further planning instruments and legislation may also be relevant. In the event of any inconsistency, the above instruments will prevail over requirements or criteria contained in this section.

Note: actions required or authorised to be undertaken by or under certain other legislation (as identified in clause 5.9(8) of the Upper Hunter Local Environmental Plan 2013) are not affected.
11a Tree preservation

by this DCP. For example, this DCP does not apply to trees that may be damaged or removed under the Electricity Supply Act, Roads Act, Noxious Weeds Act or Forestry Act.

11a.3 Definitions

The following terms defined in the Dictionary are relevant to this section:

- damage
- prune
- remove
- tree

11a.4 Objectives

The objective of this section is to maintain the heritage character, environmental and visual quality of the Upper Hunter local government area by requiring consent for actions likely to adversely affect the health of trees.

11a.5 Lodging an application for tree work

A tree permit application or development application must be lodged with the Council for work to trees identified in clause 11a.1 above, where none of the following exemptions apply.

The exemptions are:

- the removal of or pruning to a tree where the Council is satisfied that the tree is dying or dead, and is not required as the habitat of native fauna
- pruning of a tree by less than 10% of the foliage area in accordance with Australian Standard AS 4373-2007 not more than once annually
- the removal of or pruning of a tree where the base of the trunk of the tree at ground level is located within 3 metres of the foundation of an approved building
- trees deemed by the Council in writing and shown by recorded photographic evidence or written evidence provided by a qualified Arborist (AQF.5) as a risk to human life or that are causing or likely to cause substantial damage to property (AQF is the Australian Qualification Framework, a national framework for all educational and training purposes in Australia).

However, the above exemptions do not apply to work that is contrary to a development consent that requires trees to be retained.

Where works to trees are required as part of other works for which development consent is required, these will be assessed as part of the Development Application.

Requirements for other applications are as follows:

<table>
<thead>
<tr>
<th>Proposal</th>
<th>Application requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minor work to any tree that is or forms part of a heritage item, as described by clause 5.10(3) of the Upper Hunter LEP</td>
<td>Tree permit</td>
</tr>
<tr>
<td>Major work to any tree that is or forms part of a heritage item (that is, work that is not of a minor nature as described by clause 5.10(3) of the Upper Hunter LEP)</td>
<td>Development Application</td>
</tr>
<tr>
<td>Minor work to any tree in a heritage conservation area, as described by clause 5.10(3) of the Upper Hunter LEP</td>
<td>Tree permit</td>
</tr>
<tr>
<td>Major work to any tree in a heritage conservation area (that is, work that is not of a minor nature as described by clause 5.10(3) of the Upper Hunter LEP)</td>
<td>Development Application</td>
</tr>
</tbody>
</table>
Development applications and tree permits that are subject to this section should be supported by the following plans and documentation.

<table>
<thead>
<tr>
<th>Type of application</th>
<th>Specific requirements</th>
</tr>
</thead>
</table>
| A. Tree permit application | • A description of the need for the removal of the tree(s) and an accompanying site map (including the property description) showing:  
  - the location, type, height, trunk diameter at breast height of the tree(s) and the indicative canopy spread.  
  - the location of buildings, driveways etc in relation to the tree(s).  
  - the location of any heritage items and their curtilage  
  - a photograph of the tree(s) |
| B. Development application | • General information as referred to in section 2a Lodging a development application.  
  • Aborist report prepared by a suitably experienced and qualified person, and which contains the following details  
  - name of author, qualifications and contact details.  
  - the purpose and scope of the report  
  - description of the methodology employed in conducting the site inspection and the date and time of the inspection  
  - discussion of the data collected – this may include detailed information about wounds, cavities, cracks, forking, pests and diseases. Include photographic evidence where appropriate.  
  - discussion on the options available (pruning versus removal, structural repair versus removal or pruning, etc.)  
  - recommendation on the preferred option and the rationale behind this position.  
  • Site map (including the property description) showing:  
  - the location of the tree(s) and the indicative canopy spread  
  - corresponding legend or description that identifies each tree by botanical name, common name, height, canopy spread, trunk diameter at breast height and form.  
  - location of buildings, driveways etc in relation to the tree(s)  
  - location of any heritage items and their curtilage |

11a.6 Assessment criteria

The removal of, or work to, trees is to be consistent with the applicable provisions of the Upper Hunter LEP, particularly clause 5.9 (Preservation of trees or vegetation) and clause 10 (Heritage conservation).

The impact of development upon trees will be assessed having regard to arboricultural, ecological and health and safety issues to determine the significance of the trees. Accordingly, any application for removal should demonstrate that the removal of the tree is appropriate based on an assessment of the:

• significance, health and longevity of the tree; and  
• risk to human life or property.

Where trees are deemed by the Council to be significant, the provisions of Australian Standard AS 4970 Protection of Trees on Development Sites should be applied.
All tree pruning work should be carried out in accordance with \textit{Australian Standard AS 4373 Pruning of Amenity Trees}.

\section*{11a.7 Supplementary guidance}

The following documents or reference materials provide further advice or information that is relevant to this section:

- \textit{Australian Standard AS 4970 Protection of Trees on Development Sites}
- \textit{Australian Standard AS 4373 Pruning of Amenity Trees}. 
Explanatory outline

Section 11b outlines assessment criteria relating to the assessment and conservation of biodiversity. The following matters are covered:

- flora and fauna assessment reports
- biodiversity matters that will be considered during the determination of development applications
- land management for biodiversity.

11b Biodiversity conservation

11b.1 Application of this section

This section applies to development described in Column 1 when carried out on land described in Column 2.

<table>
<thead>
<tr>
<th>Column 1: Type of development</th>
<th>Column 2: Applicable land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any development that requires development consent.</td>
<td>Any land.</td>
</tr>
</tbody>
</table>

11b.2 Relevant planning instruments & legislation

The following environmental planning instruments or other legislation are relevant to development to which this section applies:

- Upper Hunter Local Environmental Plan 2013 (clause 6.3 Terrestrial Biodiversity and accompanying map)
- Environmental Planning and Assessment Act 1979 (section 5A)
- Threatened Species Conservation Act 1995
- Fisheries Management Act 1994
- Native Vegetation Act 2003
- Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)
- Noxious Weeds Act 1993

Note: additional approvals may be required for native vegetation clearing under both the Native Vegetation Act 2003 and Environment Protection and Biodiversity Conservation Act 1999.

Further planning instruments and legislation may also be relevant. In the event of any inconsistency, the above listed instruments will prevail over requirements or criteria contained in this section.

11b.3 Definitions

The following terms defined in the Dictionary are relevant to this section:

- biodiversity
- ecologically sustainable development
- native fauna
- native flora
- native vegetation
11b Biodiversity conservation

11b.4 Objectives

The objectives of this section are to:

- protect and preserve native vegetation and biodiversity in the Upper Hunter LGA
- ensure that biodiversity is appropriately considered in the determination of development proposals
- implement the objectives of Upper Hunter LEP 2013, including maintaining biodiversity by:
  - protecting native flora and fauna
  - protecting the ecological processes for their continued existence
  - encouraging the conservation and recovery of native flora and fauna and their habitats
- avoid and minimise land disturbance and clearing of native vegetation and habitat for native flora and fauna
- retain native vegetation in parcels of a size and configuration which will enable the existing plant and animal communities and populations to survive in the long term.

11b.5 Supporting plans & documentation

Development applications that are subject to this section should be supported by the following plans and documentation.

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. General requirements</td>
<td>All applications</td>
<td>Refer to section 2c Lodging a development application.</td>
</tr>
</tbody>
</table>
| B. Flora & fauna assessment report | Applications that relate to land with high biodiversity values, or that require significant disturbance or removal of native vegetation or potential habitat for native species, including listed threatened species or their habitats, or ecological communities or populations. | A Flora and Fauna Assessment Report must be prepared by a suitably qualified person. It should:
  - provide the results of any flora and fauna survey of the development site that may have been prepared. Appropriate flora and fauna surveys by a suitably qualified person may be required to identify biodiversity values.
  - identify existing biodiversity values on the site and the extent to which these will be disturbed
  - identify existing vegetation and vegetation to be removed
  - assess the significance of the flora and fauna
  - assess the ecological significance of the site and assess the impacts that the development may have on flora, fauna and the biophysical environment
  - identify associated legislation and demonstrate compliance with the requirements of the legislation
  - include a discussion of the findings of the survey and a recommendation.
  Where an assessment indicates that a development may, or is likely to significantly affect species or ecological communities listed as threatened under relevant legislation, the extent of the impact and measures to avoid, minimise and mitigate that impact are to be documented.
  The contents and methods of a Flora and Fauna Survey and a Flora and Fauna Assessment Report |
Part 11 Environment protection

11b Biodiversity conservation

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>native habitat for fauna species such as native vegetation, caves, dead trees, hollow bearing trees, bush rock or rocky outcrops, wetlands, streams, lakes, ponds or dams. • where potential impacts are identified by the Council following a site inspection. • the land contains potential Koala habitat that may be affected by the development.</td>
<td>must be consistent with the Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities Working Draft dated November 2004 developed by the NSW Department of Environment and Conservation (DEC). It must also include relevant matters under the Environmental Protection and Biodiversity Conservation Act 1999. Note: the Environmental Planning and Assessment Regulation 2000 (Schedule 1(1)(e)) requires applicants to provide an indication as to whether the development is likely to significantly affect threatened species, populations or ecological communities, or their habitats (unless the development is taken to be development that is not likely to have such an effect, because of the issue of a biobanking statement under Part 7A of the Threatened Species Conservation Act 1995, in which case it is sufficient to indicate that the statement has been issued). Note: consultation with Hunter Local Land Services and relevant NSW Government agencies should be undertaken in relation to any proposed clearing of native remnant vegetation or protected regrowth prior to lodging a development application.</td>
</tr>
</tbody>
</table>

C. Species impact statement
Where the Council has determined that a species impact statement is required, following consideration of the Flora and Fauna Survey and Assessment Report, and having regard to the significance of the impact and the provisions of section 5A of the Environmental Planning and Assessment Act 1979 Where a significant impact is determined, and a species impact statement is required, applicants must consult with the relevant NSW Government agency as provided for in the Threatened Species Conservation Act 1995.

D. Biodiversity management plan
Where a significant impact is anticipated, a biodiversity management plan may be prepared for the land to accompany the development application. This may also be applied as a consent requirement subsequent to an approval determination Biodiversity management plans must outline how biodiversity will be managed during the construction and operational stages of the development, and will be specific to the site. These plans are likely include an offset strategy, management and monitoring measures.

11b.6 Assessment criteria
A performance-based approach will be adopted in the assessment of development applications. Applications will be assessed according to the extent to which the outcomes specified in the left-hand column of the following table will be satisfied or achieved by the design, construction or operation of the proposal.

The design guidelines specified in the right-hand column indicate design and best practice solutions by which the required outcomes can be met. They do not preclude other solutions that may be suitable under particular local circumstances. All proposals will be considered on merit.
### Outcomes to be achieved

<table>
<thead>
<tr>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Biodiversity considerations</td>
</tr>
<tr>
<td>• Development impacts on native vegetation and biodiversity are to be avoided. Where this is not possible, measures to minimise and mitigate impacts must be demonstrated. Mitigating measures may include biodiversity offsets, and properly vegetation plans under the <em>Native Vegetation Act 2003</em>.</td>
</tr>
<tr>
<td>• Where possible, existing native vegetation should be retained.</td>
</tr>
<tr>
<td>• Subdivisions should be designed to minimise the fragmentation of native vegetation.</td>
</tr>
<tr>
<td>• Developments should ensure that ecological corridors are maintained to provide landscape scale habitat connectivity.</td>
</tr>
<tr>
<td>• Appropriate buffers are to be provided between development and native vegetation and significant habitats (for example, streams and water courses).</td>
</tr>
</tbody>
</table>

### B. Land management for biodiversity

<table>
<thead>
<tr>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>• A biodiversity management plan should be prepared for land with high biodiversity values to ensure it is protected, rehabilitated and maintained during construction of the development and over the long term. Flora and fauna assessment reports must assess biodiversity values.</td>
</tr>
<tr>
<td>• Any landscaping or revegetation of cleared or degraded areas should incorporate locally indigenous plant species.</td>
</tr>
</tbody>
</table>

### 11b.7 Supplementary guidance

The following documents or reference materials provide further advice or information that is relevant to this section.

*Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities Working Draft* dated November 2004 developed by the NSW Department of Environment and Conservation (DEC).
Explanatory outline

Section 11c outlines assessment criteria relating to the protection of watercourses and riparian land. The following matters are covered:

- water quality and flows
- aquatic and riparian ecosystems
- watercourse bed and bank stability
- fish and aquatic organism passage
- rehabilitation of watercourses and riparian areas
- water extraction
- measures to avoid, minimise or mitigate development impacts

This section should be read in conjunction with Upper Hunter LEP 2013 clause 6.6 Riparian land and watercourses and the accompanying Watercourse Map.

11c Riparian land & watercourses

11c.1 Application of this section

This section applies to development described in Column 1 when carried out on land described in Column 2.

<table>
<thead>
<tr>
<th>Column 1: Type of development</th>
<th>Column 2: Applicable land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any development that requires development consent.</td>
<td>- Land within the bed of any watercourse shown on the Upper Hunter Local Environmental Plan 2013 Watercourse Map</td>
</tr>
<tr>
<td></td>
<td>- Land within 40 metres of the top of the bank of any watercourse shown on the Upper Hunter Local Environmental Plan 2013 Watercourse Map</td>
</tr>
<tr>
<td></td>
<td>- Land within 40 metres of the top bank of any other river, stream, creek or tributary or other natural water course.</td>
</tr>
</tbody>
</table>

11c.2 Relevant planning instruments & legislation

The following environmental planning instruments, NSW legislation, policies and plans are relevant to development to which this section applies:

- Upper Hunter Local Environmental Plan 2013 (clause 6.6 Riparian Land and watercourses requires consideration of impacts from a development on identified land, and consent must not be granted except where adverse impacts are avoided, minimised or mitigated)
- Water Management Act 2000 (Regulates water planning and licensing)
- Protection of the Environment Operations Act 1997 (Provides a framework for regulating water pollution)

Further planning instruments and legislation may also be relevant. In the event of any inconsistency, the above listed instruments will prevail over requirements or criteria contained in this section.
The Hunter-Central Rivers Catchment Action Plan 2013-2023 also applies. (Catchment Goal 5 is to improve or maintain the ability of catchments to provide fresh water for environmental and human use)

11c.3 Definitions
The following terms defined in the Dictionary are relevant to this section:
- watercourse
- Watercourse Map

11c.4 Objectives
The objectives of this section are to:
- protect and maintain riparian areas from the impacts of development
- protect and maintain natural water courses and associated vegetation and habitats
- ensure that suitable riparian buffers are provided and maintained
- implement the Upper Hunter Local Environmental Plan 2013 objectives relating to riparian land and watercourses.

11c.5 Supporting plans & documentation
Development applications that are subject to this section should be supported by the following plans and documentation.

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. General requirements</td>
<td>All applications</td>
<td>Refer to section 2c Lodging a development application.</td>
</tr>
<tr>
<td>B. Riparian land assessment</td>
<td>All applications</td>
<td>A report, with accompanying plans where necessary, prepared by a suitably qualified and experienced person, that assesses the following matters:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- impacts on water quality and stream flow</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- impacts on aquatic and riparian species, habitats and ecosystems</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- impacts on stream bed and stream bank stability</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- impacts on the free passage of fish and other aquatic organisms</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- any required future rehabilitation of the watercourse and riparian areas</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- impacts on water extraction from the watercourse</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- proposed measures to avoid, minimise or mitigate the above impacts.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- consultation with relevant NSW Government agencies (currently Department of Primary Industries (Fisheries) and NSW Office of Water) in relation to proposed works within riparian corridors or buffers</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- evidence of water licences and other entitlements where this is relevant to achieving the objectives of this part and LEP requirements, particularly in relation to subdivisions creating additional dwelling entitlements.</td>
</tr>
</tbody>
</table>
### 11c.6 Assessment criteria

A performance-based approach will be adopted in the assessment of development applications. Applications will be assessed according to the extent to which the outcomes specified in the left-hand column of the following table will be satisfied or achieved by the design, construction or operation of the proposal.

The design guidelines specified in the right-hand column indicate design and best practice solutions by which the required outcomes can be met. They do not preclude other solutions that may be suitable under particular local circumstances. All proposals will be considered on merit.

<table>
<thead>
<tr>
<th>Outcomes to be achieved</th>
<th>Design guidelines</th>
</tr>
</thead>
</table>
| **A. Water quality & flows**            | - Land use and development is to contribute towards achieving the objects of the Water Management Act 2000 including protecting and managing streams, groundwater and riparian areas to retain natural ecological functions, using water resources in an ecologically sustainable manner, and taking into account the provisions of relevant water sharing plans made under the Water Management Act 2000.  
- Compliance with Department of Primary Industries (DPI) or relevant NSW Office of Water approval requirements, and relevant guidelines. |
| **B. Aquatic & riparian ecosystems**    | - Developments should ensure that habitat connectivity is maintained within and adjacent to streams.  
- Development in riparian buffer areas (within 40 metres of watercourse or stream) should be avoided where other options are available.  
- Protect and maintain habitat for listed threatened species and endangered ecological communities. |
| **C. Watercourse bed & bank stability** | - Developments should not affect bed or stream stability and should comply with DPI guidelines.  
- Riparian vegetation and natural flood flows and floodplains are to be retained and not affected by development. |
| **D. Fish & aquatic organism passage**  | - Compliance with DPI approval requirements, and relevant guidelines or NSW Office of Water requirements. |
| **E. Rehabilitate watercourses & riparian areas** | - Where watercourses and riparian areas are degraded or unstable, measures to rehabilitate these should be considered in conjunction with a development. |
| **F. Water extraction**                 | - Compliance with DPI approval requirements, and relevant guidelines. |
| **G. Measures to avoid, minimise or mitigate development impacts** | - Measures taken to avoid, minimise or mitigate development impacts are to be submitted in development application documentation. |
11c Supplementary guidance

The following documents or reference materials provide further advice or information that is relevant to this section:

- Hunter Unregulated and Alluvial Water Sharing Plan

- Hunter Regulated Water Sharing Plan

- A range of guidelines relating to controlled activities also apply

- NSW Department of Primary Industries, 2013, *Policy and guidelines for fish habitat conservation and management Update*

- NSW Department of Primary Industries (Office of Water), 2012, *Guidelines for riparian corridors on waterfront land.*

- NSW Department of Primary Industries (Office of Water), 2012, *Guidelines for instream works on waterfront land.*

- NSW Department of Primary Industries (Office of Water), 2012, *Guidelines for laying pipes and cables in watercourses on waterfront land.*

- NSW Department of Primary Industries (Office of Water), 2012, *Guidelines for outlet structures on waterfront land.*

- NSW Department of Primary Industries (Office of Water), 2012, *Guidelines for vegetation management plans on waterfront land.*

- NSW Department of Primary Industries (Office of Water), 2012, *Guidelines for watercourse crossings on waterfront land.*

11d Groundwater protection

Explanatory outline

Section 11d outlines assessment criteria relating to the protection of groundwater. The following matters are covered:

- locations identified as having high groundwater vulnerability where development design must take this into account
- objectives and guidelines for protecting the quality and quantity of groundwater
- information requirements for affected developments

This section should be read in conjunction with Upper Hunter LEP 2013 clause 6.4 Groundwater vulnerability and accompanying Groundwater Vulnerability Map.

11d Groundwater protection

11d.1 Application of this section

This section applies to development described in Column 1 when carried out on land described in Column 2.

<table>
<thead>
<tr>
<th>Column 1: Type of development</th>
<th>Column 2: Applicable land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any development that requires development consent.</td>
<td>Land shown on the Upper Hunter Local Environmental Plan 2013 Groundwater Vulnerability Map.</td>
</tr>
</tbody>
</table>

Note: The Upper Hunter LEP 2013 Groundwater Vulnerability Maps show areas of floodplain and alluvial aquifers mostly associated with, and connected to, the major streams occurring in Upper Hunter LGA.

11d.2 Relevant planning instruments & legislation

The following environmental planning instruments, NSW legislation, policies and plans are relevant to development to which this section applies:

- Upper Hunter Local Environmental Plan 2013 (clause 6.4 Groundwater Vulnerability requires consideration of impacts from a development on land identified on the Groundwater Vulnerability Map, and consent must not be granted except where adverse impacts are avoided, minimised or mitigated)
- Water Management Act 2000 (Regulates water planning and licensing)
- Protection of the Environment Operations Act 1997 (Provides a framework for regulating water pollution)

Further planning instruments and legislation may also be relevant. In the event of any inconsistency, the above listed instruments will prevail over requirements or criteria contained in this section.

The Hunter-Central Rivers Catchment Action Plan 2013-2023 also applies. (Catchment Goal 5 is to improve or maintain the ability of catchments to provide fresh water for environmental and human use).
11d.3 Definitions
The following terms defined in the Dictionary are relevant to this section:
- Groundwater Vulnerability Map

11d.4 Objectives
The objectives of this section are to:
- ensure that potential groundwater impacts and risks associated with a development are identified, assessed, and incorporated in development design;
- maintain groundwater quality; and
- ensure any development using or affecting groundwater is consistent with relevant legislative groundwater extraction requirements.

11d.5 Supporting plans & documentation
Development applications that are subject to this section should be supported by the following plans and documentation.

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. General requirements</td>
<td>All applications</td>
<td>Refer to section 2c Lodging a development application.</td>
</tr>
<tr>
<td>B. Groundwater report</td>
<td>All applications</td>
<td>A report, with accompanying plans, prepared by a suitably qualified and experienced person, demonstrating the extent and quality of groundwater resources on and adjoining the site, extraction licence details, a risk assessment, and relevant information demonstrating the impact of the development on groundwater. Applications must provide groundwater usage approvals (licences) and demonstrate that compliance with relevant legislation can be reasonably achieved</td>
</tr>
</tbody>
</table>

11d.6 Assessment criteria
A performance-based approach will be adopted in the assessment of development applications. Applications will be assessed according to the extent to which the outcomes specified in the left-hand column of the following table will be satisfied or achieved by the design, construction or operation of the proposal.

The design guidelines specified in the right-hand column indicate design and best practice solutions by which the required outcomes can be met. They do not preclude other solutions that may be suitable under particular local circumstances. All proposals will be considered on merit.

<table>
<thead>
<tr>
<th>Outcomes to be achieved</th>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Maintain groundwater quality</td>
<td>- Prevent or limit site disturbance and earthworks.</td>
</tr>
<tr>
<td></td>
<td>- Source control of stormwater and other on-site discharges.</td>
</tr>
<tr>
<td></td>
<td>- Regular water quality monitoring program</td>
</tr>
<tr>
<td>B. Groundwater use</td>
<td>- Beneficial groundwater use is to comply with relevant regulatory requirements.</td>
</tr>
</tbody>
</table>
11d.7 Supplementary guidance
The following documents or reference materials provide further advice or information that is relevant to this section.

- Hunter Unregulated and Alluvial Water Sharing Plan

- Hunter Regulated Water Sharing Plan
11e Drinking water catchments

11e.1 Application of this section
This section applies to development described in Column 1 when carried out on land described in Column 2.

<table>
<thead>
<tr>
<th>Column 1: Type of development</th>
<th>Column 2: Applicable land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any development that requires development consent.</td>
<td>Land in the vicinity of Lake Glenbawn, as shown on the Upper Hunter LEP 2013 Drinking Water Catchment Map.</td>
</tr>
</tbody>
</table>

11e.2 Relevant planning instruments & legislation
The following environmental planning instruments, NSW legislation, policies and plans are relevant to development to which this section applies:

- *Upper Hunter Local Environmental Plan 2013* (clause 6.5 Drinking Water Catchments requires consideration of impacts from a development on a drinking water storage, and consent must not be granted except where adverse impacts are avoided, minimised or mitigated)
- *Water Management Act 2000* (Regulates water planning and licensing)
- *Protection of the Environment Operations Act 1997* (Provides a framework for regulating water pollution)

Further planning instruments and legislation may also be relevant. In the event of any inconsistency, the above listed instruments will prevail over requirements or criteria contained in this section.

The *Hunter-Central Rivers Catchment Action Plan 2013-2023* is also relevant. (Catchment Goal 5 is to improve or maintain the ability of catchments to provide fresh water for environmental and human use)

11e.3 Definitions
The following terms defined in the Dictionary are relevant to this section:

- Drinking Water Catchment Map
Part 11 Environment protection

11e Drinking water catchments

11e.4 Objectives

The objective for drinking water catchments is to ensure development shall have a neutral or beneficial effect on water quality by applying the following principles:

- Assessment for a neutral or beneficial effect on water quality is required.
- It is the development proponent’s responsibility to demonstrate that a development will have a neutral or beneficial effect on water quality.
- The level of assessment required matches the level of risk of the development - developments with a greater potential risk to water quality will require more thorough assessment.
- Good project design leading to source management and control, and retaining natural features of waterways, is better than structural and ‘end of pipe’ solutions. All measures must be taken to contain on-site any potential impacts resulting from a proposed development.

11e.5 Supporting plans & documentation

Development applications that are subject to this section should be supported by the following plans and documentation.

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. General requirements</td>
<td>All applications</td>
<td>Refer to section 2c Lodging a development application.</td>
</tr>
<tr>
<td>B. Neutral or beneficial effect on water quality</td>
<td>All applications</td>
<td>Supplementary information demonstrating that the development will have a neutral or beneficial effect on water quality. The following document will provide guidance on the information required: Sydney Catchment Authority (2011) Neutral or Beneficial Effect on Water Quality Assessment Guideline.</td>
</tr>
</tbody>
</table>

11e.6 Assessment criteria

A performance-based approach will be adopted in the assessment of development applications. Applications will be assessed according to the extent to which the outcomes specified in the left-hand column of the following table will be satisfied or achieved by the design, construction or operation of the proposal.

The design guidelines specified in the right-hand column indicate design and best practice solutions by which the required outcomes can be met. They do not preclude other solutions that may be suitable under particular local circumstances. All proposals will be considered on merit.

<table>
<thead>
<tr>
<th>Outcomes to be achieved</th>
<th>Design guidelines</th>
</tr>
</thead>
</table>
| A. Neutral or beneficial effect | • The level of risk to water quality is to be identified, and the assessment should take this into account.  
• The determination of a neutral or beneficial effect may take into account relevant guidelines for other catchments, such as those for Sydney Catchment Authority (2011) Neutral or Beneficial Effect on Water Quality Assessment Guideline. Note: this document was prepared for the purposes of assessing development applications considered under State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011.  

• The development has a neutral or beneficial effect on water quality. This can be satisfied if the development meets any of the following:  
  • has no identifiable potential impact on water quality  
  • will contain any water quality impact on the development site and prevent it from reaching any watercourse, waterbody or drainage depression on the site  
  • will transfer any water quality impact outside the site where it is treated and disposed of to standards approved by the consent authority. |
11e.7 Supplementary guidance

The following documents or reference materials provide further advice or information that is relevant to this section.

- Sydney Catchment Authority, 2011, Neutral or Beneficial Effect on Water Quality Assessment Guideline. (Note: this document has been prepared for the purposes of assessing development applications considered under State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011).
11f Soil & water management

11f.1 Application of this section
This section applies to development described in Column 1 when carried out on land described in Column 2.

<table>
<thead>
<tr>
<th>Column 1: Type of development</th>
<th>Column 2: Applicable land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development that involves the carrying out of:</td>
<td>Any land.</td>
</tr>
<tr>
<td>• earthworks</td>
<td></td>
</tr>
<tr>
<td>• excavation</td>
<td></td>
</tr>
<tr>
<td>• disturbance to soil material.</td>
<td></td>
</tr>
</tbody>
</table>

Does not apply to activities that are necessary during an emergency (such as emergency flood mitigation or activities authorised under the Rural Fires Act).

Note: after an emergency situation has passed, remedial measures should be undertaken to address any erosion hazard and to rehabilitate the site in a manner consistent with this section.

11f.2 Relevant planning instruments & legislation
The following environmental planning instruments or other legislation are relevant to development to which this section applies:

- Upper Hunter Local Environmental Plan 2013, specifically the requirements of clause 6.1 Earthworks
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Water Management Act 2000
- BASIX (Building Sustainability Index) applies to residential development and is implemented under the EP&A Act. [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au)

Further planning instruments and legislation may also be relevant. In the event of any inconsistency, the above listed instruments will prevail over requirements or criteria contained in this section.
11f Soil & water management

11f.3 Definitions
The following terms defined in the Dictionary are relevant to this section:

- drainage
- earthworks
- environmentally sensitive area
- excavation
- fill
- landscaped area
- watercourse
- waterway
- wetland.

11f.4 Objectives
The objectives of this section are to:

- ensure soil and water issues are appropriately considered in the preparation and determination of development applications
- apply measures to minimise soil erosion, land instability and adverse impacts on water quality resulting from land development
- apply measures to manage, and at least maintain pre-development water quality and quantity
- outline requirements for performance bonds to ensure soil and water management requirements are implemented
- identify additional references and guidelines outlining acceptable soil and water management practice

11f.5 Supporting plans & documentation
Development applications that are subject to this section should be supported by the following plans and documentation.

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. General requirements</strong></td>
<td>All applications</td>
<td>Refer to section 2c Lodging a development application.</td>
</tr>
</tbody>
</table>
| **B. Cut & fill details** | Applications that involve cut and fill | Details of the extent of the proposed cut and fill and methods of retaining and draining the cut and fill area are to be submitted with the development application, and include:
- Contour levels identified on the land by a registered surveyor or engineer and within twenty metres (20 m) of the dwelling or to the lot boundary.
- Finished ground levels relative to road level at the property boundary.
- The finished floor level of the dwelling above the finished ground level.
*Note: this information may be submitted as part of the ‘erosion and sediment control’ plans below.* |
| **C. Erosion & sediment control plan (ESCP)** | Applications that involve:
- an environmentally sensitive area
- disturbance to an area of between 250 to 2500 m² (refer to Table 22 Requirements for types of soil and water management plans). | An erosion and sediment control plan is essential for any development likely to cause significant soil erosion and sedimentation. The plan must be undertaken by a suitably qualified person, and the detail is dependent on the potential for impacts.
ESCPs must be submitted with all necessary supporting information and should be prepared in accordance with the broad structure below: |
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11f Soil & water management

**Site characteristics** – including:
- locality plan (1:1000 scale).
- existing contour data.
- principal geographic features.
- natural water flow patterns.
- critical natural areas (for example, river, wetlands).
- location and limitations of major soil types.
- location, nature and condition of existing vegetation.
- soil subsidence.
- climatic data including rainfall and storm events.

**Clearing and disturbance of site** – including:
- nature and extent of vegetation to be cleared, including area and depth of clearing.
- scheduling and time of proposed disturbance.
- methods of site clearance.
- final site contours data.
- areas of cut and fill, location of stockpiles and spoil/vegetation dumping proposals.

**Existing and proposed drainage patterns** – including:
- catchment boundaries.
- existing watercourses or drainage patterns flowing through or adjacent to the site.
- location and extent of impervious surfaces.
- location and capacity of the proposed temporary and permanent site drainage or stormwater system.

**Erosion control practices** – including:
- location, design criteria and construction details of temporary control measures to be implemented.
- location, design criteria and construction details of permanent control measures to be implemented.
- scheduling details of works to be undertaken.
- monitoring and maintenance details.

**Sediment control practices** – including:
- location, construction details and design criteria of temporary and permanent control measures.
- scheduling details of works to be undertaken.
- monitoring and maintenance details.

**Rehabilitation program** – including:
- location of temporary and permanent revegetation sites.
- materials and species selection.
- application and planting methods.
- types and rates of fertilisers and other soil ameliorants.
- mulching details.
- scheduling details of planting and maintenance works.
- monitoring and maintenance details.

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| D. Erosion & sediment control strategy (ESCS) | For staged developments only. Refer to Table 22 Requirements for types of soil and water management plans. |
| E. Soil & water management plan (SWMP) | Large development proposals staged over an extended period require preparation of a strategy for staged plans and schedules of implementation works. |

Applications that involve:
- an environmentally sensitive area
- disturbance to an area

The SWMP should illustrate how soils and water will be managed on the site.

The SWMP must include:
- site characteristics (including existing and proposed
E. Soil & water management plan (SWMP)

Applications that involve:
- an environmentally sensitive area
- disturbance to an area exceeding 2500 m² (refer to Table 22 Requirements for types of soil and water management plans).

The SWMP should illustrate how soils and water will be managed on the site.

The SWMP must include:
- site characteristics (including existing and proposed ground levels, contours within 20 metres of the land, drainage lines, and proposed building locations and levels)
- stormwater planning proposals (including infiltration measures, water discharge points, overland flow paths, flood liable areas, location and levels of stormwater pipes and drainage pits, on site detention facilities, existing or proposed drainage easements
- plan and calculations prepared by a qualified and practising civil engineer
- an erosion and sediment control plan.

Proposals to create drainage easements over downstream properties are to be accompanied by a letter of consent from relevant property owners.

Note: while some of these plans will be submitted at the development application stage, in practice they may also be required as a condition of development consent (for example, for staged developments).

The requirements for a plan, strategy or control measure depend on the area to be disturbed and the type of activity as set out in Table 22 Requirements for types of soil and water management plans.

<table>
<thead>
<tr>
<th>Disturbance area</th>
<th>Activity type</th>
<th>Scope of works</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;250 m²</td>
<td>House extensions, small driveways, garages</td>
<td>No Erosion and Sediment Control Plan required, except for an environmentally sensitive area (such as that within 100 m of a water course) and very steep sites (gradient greater than 20°), but proponents are expected to follow the general principles of this section of the DCP</td>
</tr>
<tr>
<td>250 to 1000 m²</td>
<td>Houses, small commercial development, long driveways, small subdivisions</td>
<td>Erosion and Sediment Control Plan and schedule of works for implementation required</td>
</tr>
<tr>
<td>1000 to 2500 m²</td>
<td>Houses, medium/high density houses, small civil infrastructure / commercial / industrial development, small subdivisions, etc</td>
<td>Erosion and Sediment Control Plan and a Landscape Plan with their associated schedule of works for implementation required</td>
</tr>
</tbody>
</table>
| >2500 m²         | Extensive medium/high density houses, large civil infrastructure / commercial / industrial development, subdivisions, etc | Erosion and Sediment Control Plan and a Soil and Water Management Plan and a Landscape Plan with their associated schedule of works implementation required  
A Staged Erosion and Sediment Control Strategy is required for developments which are proposed for extended periods (longer than 12 months) or those that will be staged over time.  
Most developments will require the preparation of a comprehensive water cycle strategy. |
### Assessment criteria

A performance-based approach will be adopted in the assessment of development applications. Applications will be assessed according to the extent to which the outcomes specified in the left-hand column of the following table will be satisfied or achieved by the design, construction or operation of the proposal.

The design guidelines specified in the right-hand column indicate design and best practice solutions by which the required outcomes can be met. They do not preclude other solutions that may be suitable under particular local circumstances. All proposals will be considered on merit.

#### Outcomes to be achieved

<table>
<thead>
<tr>
<th>Outcomes to be achieved</th>
<th>Design guidelines</th>
</tr>
</thead>
</table>
| **Earthworks, land cut & fill**        | **A. Impacts from earthworks**  
  - Impacts from earthworks are assessed and considered.  
  *Note: Upper Hunter LEP 2013 clause 6.1 Earthworks seeks to ensure that earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land*  
  - Measures to avoid, minimise and mitigate the impacts of earthworks are to be incorporated in the development and documented.  
  - Matters outlined in clause 6.1(3) in Upper Hunter LEP 2013 are identified and considered.  
  - Any application for earthworks shall be accompanied by plans indicating the levels existing and proposed and indicating any necessary retaining walls or drainage works. |
|                                       | **B. Site compatibility**  
  - Building & site design are sympathetic to the natural slope and characteristics of the development site.  
  - Existing vegetation must not be cleared in areas not directly impacted by the development.  
  - Vegetation must not be cleared prior to development approval being granted or before erosion and sediment controls are fully installed; |
|                                       | **C. Structural stability**  
  - The integrity of the development and adjoining buildings and lands is protected.  
  - Cut and fill does not adversely affect adjoining land.  
  - A properly constructed retaining wall designed by a qualified structural engineer is to be provided where cut and fill is along the boundary of a property.  
  - Retaining walls must be within the confines of the allotment and a surveyor's report may be required to clarify that retaining walls and drainage area are located within the allotment. |
|                                       | **D. Standards for cut & fill**  
  - Cut and fill should be consistent with Figure 16: Cut and fill requirements, as specified below.  
  - In R1 and RU5 zones, maximum cut is 1m and maximum fill is 1m.  
  - The cut face is a minimum of 450mm from a boundary to an adjoining lot.  
  - Where cut or fill heights are in excess of one metre (1 m), provide drainage design, engineering, stabilisation and landscaping details to address visual and the amenity for adjoining land.  
  - Prior to commencement of cut and fill, the position and depth of the existing sewer mains and junction location is to be identified and adequate fall determined to connect the house services at the required grade.  
  - The location of Council's utilities, mains and services, and minimum footpath levels is to be determined prior to earthworks and positioning of access driveways. |
Outcomes to be achieved

E. Filling
- Filling of land will not obstruct, divert or alter or interfere with the flow of surface water across the land to be filled.
- Fill is not to cause adverse site or off-site impacts

Design guidelines

- Fill is not to be placed in a natural watercourse without adequate piping being installed of sufficient size to carry water discharge expected in a 1 in 20 year flood event.
- Fill placed on the land must be clean soil, bricks, stone and similar material and no organic matter, rubbish, contaminated material, timber, etc is permitted.
- Fill is to be placed and compacted and battered at edges at a slope less than the angle of repose of the material used in the fill and, where the flow of surface water or, because of flooding, the battered surface is likely to be eroded, the surface to be protected to Council’s satisfaction by stone flagging or similar.

Figure 16: Cut and fill requirements
Erosion & sediment control

F. Erosion, sediment & dust control

- Principles to be applied to planning are:
  - erosion and sediment control measures are planned concurrently with engineering design
  - minimise the area of soil exposure
  - conserve the topsoil
  - control water flow from the top of the site, through the works and out the bottom of the site
  - rehabilitate disturbed lands quickly
  - maintain soil and water management measures at a level to ensure the finally developed site releases water of a quantity and quality equal to, or better than the predevelopment condition.

- Apply adequate erosion, sediment and dust controls to development sites

Apply measures and practices outlined in Managing Urban Stormwater: Soils and Construction that are appropriate to the site. Suitable measures would include:

- Divert clean runoff above denuded areas.
- Minimise slope gradient and length.
- Keep runoff at non-erodible velocities.
- Trap soil and water pollutants.
- Install sediment fences and traps to provide a temporary barrier or filter structure to capture sediment.
- Use of water runoff detention and sediment interception measures, where required.
- Calculations and modelling of runoff and peak flows undertaken by a suitably qualified person.
- Installation of sediment detention basins if total sediment volume calculated for the proposal catchment exceeds 150 cubic metres in the design Annual Recurrence Interval (ARI) 5 year storm event. These basins must be maintained until consent conditions are fulfilled.
- Wind erosion mitigating practices and associated sediment interception structures must be applied to the land to reduce wind erosion and dust nuisance where required.
- Appropriate water and wind erosion control measures will be in place before land is disturbed and maintained until effective land stabilisation is completed.

G. Runoff water control

- Sediment is retained on the development site.

The following principles and practices shall be applied:

- Intercept and divert all uncontaminated runoff around all areas to be disturbed. Alternatively runoff can be directed through these areas in a controlled manner.
- Control all runoff from the proposed development which is likely to cause flooding or erosion of downstream watercourses with appropriate drainage, channel or detention works. These works can be located above, within or below the approved development site provided that these measures are located on private land with the approval of the property owner.
- Ensure all drainage conduits and related structures are completed before they are commissioned.

Roof guttering and downpipes (temporary downpipes are acceptable) shall be installed and connected to Council’s drainage system immediately after roof material fixing. Where roof and downpipe connections to Council’s drainage system cannot be made immediately, additional onsite sediment control devices must be installed to receive and mitigate roof water.

Where no Council drainage system is provided, the roof stormwater shall be discharged away from the building site onto a stable vegetated area within the property boundary with sediment control devices installed.
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H. Groundcover
- Minimise the area of disturbance and maintain suitable groundcover to control erosion

The following principles and practices shall be applied:
- Installation and maintenance of a turf filter strip along the road nature strip/footpath area adjacent to street kerbs (or along the downslope boundary to act as a final filter for the runoff leaving the property. Exposed soil on the footpath and allotment shall be seeded or otherwise revegetated to limit runoff water and sediment. Existing groundcover may also be retained during clearing works.
- Adjacent to bushland, care is needed to prevent the spread of turf grasses or hydromulch material beyond the rehabilitated area. Use of tree mulch or sterile seed/grass stock or native seed/seedling is preferable to pasture species or couch turf in such locations.

I. Access
- Vehicular access to construction sites is controlled to prevent sediment being tracked onto adjoining lands and roads.

The following principles and practices shall be applied:
- Where possible, a single access (3 to 5 metres width per lane) is provided to the building facade.
- A layer of 30 mm to 60 mm aggregate at a depth of 200 mm must be applied to the access for stabilisation and maintained.
- Aggregate and any construction site sediment on sealed roads must be swept and removed to prevent this material entering the drainage system.

J. Topsoil & stockpile management
- Controls will be applied to prevent erosion of topsoil and stockpiles

The following principles and practices shall be applied:
- Topsoil will only be stripped from approved areas to a predetermined depth. It must be stockpiled separately from subsoil for re-use during site rehabilitation and landscaping, or removal if there is an excess. Subsoil spoil not required may be removed or placed on-site, in approved areas, shaped to appropriate land contours, topsoiled and stabilised by the proponent.
- Stockpiles of topsoil, sand, aggregate, spoil, building products or other material shall be stored within the boundary of the property at least 2 metres clear of any drainage line or easement, natural watercourse, footpath, kerb, road surface or established tree.
- Stockpiles must not be greater than 2 m in height.
- Stockpiles must have measures in place to retain such materials on the stockpile. Controls shall be installed or constructed to divert stormwater flows away from stockpile areas.
- Stockpiles must not be placed so as to encroach on erosion and sediment controls which have been installed, stabilised accesses or the nature strip.
- The land adjoining the stockpile shall be protected from degradation by the implementation of erosion and sediment control measures such as a diversion drain, sediment fence, geotextile or other approved devices.

K. Rehabilitation & landscaping
- Rehabilitation and landscaping must form part of the development proposal

The proponent will carry out progressive land surface stabilisation on all disturbed areas until the site is satisfactorily rehabilitated to ensure that soil erosion and sediment discharge is unlikely. Appropriate landscaping must be completed in accordance with
approved landscaping plans and with adequate rehabilitation and soil erosion control measures.

L. Erosion & sediment control maintenance

- Erosion and sediment controls are applied and maintained over the full construction period.

The following principles and practices shall be applied:

- All erosion and sediment control measures must be maintained at workable capacity or condition until permanent rehabilitation measures are fully operational.

- All erosion and sediment control measures, including permanent sediment traps, shall be maintained as per the schedule of works within the approved Erosion and Sediment Control Plan or Strategy (or as required). At least 70% of their design capacity is to be operational until they are decommissioned.

- All material removed from erosion and sediment devices must be either stabilised in situ or removed to an approved disposal site.

- Decommissioning of erosion and sediment control measures must comply with the schedule of works within the approved Erosion and Sediment Control Plan, Strategy or associated develop/activity conditions of consent. Material held in sediment control measures during decommissioning shall be either stabilised in situ or removed to an approved disposal site. All structural materials used to construct temporary erosion and sediment control measures are to be dismantled and removed from site on decommissioning.

- All site debris and unused construction material must be removed from the site or protected from erosion before the site is vacated.

Stormwater management

M. Stormwater design objectives

- Ensure stormwater is controlled in a way that minimises nuisances and damage to the adjoining properties.

- Minimise adverse impacts on the natural water cycle.

- Manage natural drainage lines and water bodies to sustainably protect the health of the receiving waterway.

- Mitigate pollutants from entering waterways.

- Ensure appropriate easements are provided over existing drainage systems on private property.

- Promote and assist the efficient use of water.

Apply the stormwater drainage approach advocated by Engineers Australia in ‘Australian Rainfall and Runoff’ to design surface levels so that very large (major system) 1% AEP (100 year ARI) events can flow around buildings without relying on underground pipes and that the Major drainage system design and construction;

- retains, and where practical, restores natural water courses, native riparian vegetation, wetlands and other natural landscape features,.

- incorporates effective measures to manage and treat stormwater and maintain healthy aquatic ecosystems,.

- satisfies acceptable risk management standards for public safety and flood protection.

- within new developments local drainage shall be designed to avoid local flooding in accordance with the aims and objectives of the NSW Floodplain Development Manual. (April 2005).

Pipe (minor) systems are installed to cater for frequent surface flows up to 20% AEP (5 year ARI). This balances cost of drainage and occurrence of inundation.

Runoff from impermeable surfaces is to be managed by stormwater source controls that;

- Contain frequent, low-magnitude flows,.

- Maintain the natural balance between runoff and infiltration, so
Part 11 Environment protection

11f Soil & water management

as to promote appropriate groundwater, soil salinity and stream flow characteristics,
- Remove some pollutants prior to discharge to receiving waters,
- Prevent nuisance flows from affecting adjoining properties.

Ensure that appropriate long term arrangements are in place to allow for continued use and maintenance of existing drainage systems.

The ultimate discharge for collected stormwater runoff shall be to a street drainage system, to an inter-allotment drainage line, or by approval, to a public area.

The system shall be “gravity” drained. Pumping of stormwater is not permitted.

The development site shall provide an overland flow path for the major storm event (1% AEP)

N. Stormwater drainage design – residential

- Subdivisions and residential dwellings are designed, constructed and maintained so that development is undertaken in a manner that achieves the stormwater design objectives, and:
  - Takes into account site constraints and hazards.
  - Reduces downstream flooding and drainage impacts.
  - Controls soil erosion during and after the construction phase.

- Stormwater drainage is consistent with relevant accepted standards, such as Managing Urban Stormwater: Soils and Construction.

- All public stormwater management assets are to be installed outside the riparian zone of creek lines.

- All urban lots must have connection to the Council’s stormwater management system via direct access to the street gutter or interallotment drainage via a dedicated easement.

- New buildings are not to be constructed over or compromise the integrity of drainage lines or easements originating from outside the site.

- Where an existing drainage line runs under a proposed building, the drainage line and any associated easement is to be diverted around the building. Redundant easements are to be extinguished and new easements are to be created.

- Where an existing drainage system across the site is retained, access to the existing system is not to be affected by the proposed development. Also, the development is to be designed so as not to degrade the structural integrity of the system.

- Water re-use within the dwelling and for landscaping purposes is encouraged, through the installation of rainwater tanks

- Stormwater drainage complies with AS 3500.3.

- Pits are installed to collect water from the low points in yards.

- Down pipes and pits are to be connected to the ‘discharge controls’ for the site.

- The site discharge indicator for the development is no more than 0.3 determined under Water Smart Practice Note No. 11 – Site Discharge Indicator. Preliminary storm water design details demonstrating ability to comply with this requirement are to be submitted with the development application.

O. Stormwater drainage design – non-residential

- Commercial and Industrial buildings are to be designed, constructed and maintained so that development is undertaken in a manner that achieves the stormwater design objectives, and:
  - Takes into account site constraints and hazards.

- Stormwater drainage complies with AS 3500.3.

- Development proposals for this type of development are to demonstrate that the total of the site’s stormwater runoff after development does not exceed the calculated run-off for the site prior to the development for all storm durations for the 5year, 20year, and 100year ARI (Average Recurrence Interval) storm
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- Reduces downstream flooding and drainage impacts.
- Controls soil erosion during and after the construction phase.

Stormwater drainage is consistent with relevant accepted standards, such as *Managing Urban Stormwater: Soils and Construction*.

- Stormwater run-off from roofs and paved areas is to be collected and gravity drained to the street drainage system, drainage easement or natural drainage course or other means as determined by Council.
- Trunk drainage systems should be designed for the 10 year ARI storm event. Overland flow paths should be provided to accommodate the 100 year ARI storm event.

### Table: Stormwater Retention Tank Size

<table>
<thead>
<tr>
<th>Roof area</th>
<th>Required tank size (litres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equal or less than 500 m²</td>
<td>10,000</td>
</tr>
<tr>
<td>More than 500 m²</td>
<td>22,500</td>
</tr>
</tbody>
</table>
An onsite stormwater detention system should be provided to ensure the stormwater discharge for a development site does not exceed pre-developed flow rates for the full range of storm events.

The following design guidelines for on site detention can be used where storage requirements are less than 100 m³. If computed storage volumes exceed 100 m³ then a recognised routing method should be used for calculation of storage volumes.

- The 1 in 20 year Average Recurrence Interval (ARI) storm event for the developed site shall be used for inflow to the basin (Q20dev). The maximum outflow from the basin shall be the 1 in 5 year ARI storm flow from the undeveloped site i.e. impervious area 0% (Q5undev).
- Detention Volume required can then be calculated as.
- Detention Volume (m³) = (Q20dev - Q5undev) x tc20dev x 0.06.
- Where:- Q20dev (litres/sec) Q5undev (litres/sec) tc20dev (minutes).
- The flow from the site in a 100 year ARI storm should then be checked to ensure it does not exceed pre-developed levels. The following formula can be used.

\[ Q_{100dev} - Q_{20dev} + \text{detention outflow (normally }= Q_{5undev}) < Q_{100undev}. \]

If the above equation is not satisfied then generally the detention outflow will need to be further constricted with a corresponding increase in detained volume.

**P. Flooding, runoff regimes & stormwater collection**

- Post development runoff reflects pre-development conditions.
- The development does not result in environmental damage within existing drainage courses and receiving waters.
- Stormwater discharges do not cause excessive nuisance to adjoining or neighbouring lands.

- Development is to be designed so that runoff from low intensity, common rainfall is equivalent to the runoff from a natural catchment. This can be achieved by intercepting and storing runoff in extended storage detention basins and discharging at greatly reduced rates.
- Alternatively, existing degraded down stream streams can be sympathetically engineered to re-establish a natural riparian eco system that can cope with the changed hydrological regime.
- Developments are to be designed in accordance with *Australian Rainfall and Runoff* and the *NSW Floodplain Development Manual*.
- Development is to be designed so that overflows do not adversely affect neighbouring properties by way of intensification, concentration or inappropriate disposal across property boundaries. This can be achieved by securing appropriate easements over downstream properties or discharging overflows directly to the street system where feasible.
- Overflows from paved areas adjacent to the property boundary are to be directed by a kerb or formed gutter to drain away from neighbouring properties.
- Surface levels are to be graded such that sites are generally free draining with sufficient overflow capacity to ensure that waters do not enter buildings when underground drainage systems are beyond their capacity.
- Drainage pits are to be installed so that nuisance water does not collect at low points.
Part 11 Environment protection

11f Soil & water management

- Gutters, down pipes and pits are to be connected to the stormwater management system for the site. *Australian Standard 3500.3* sets appropriate standards for stormwater collection and is to be followed when constructing new development.

- Public use areas satisfy relevant flood safety criteria as assessed with reference to the *NSW Floodplain Development Manual*.

Q. Pollutant management

- Ensure that stormwater generated from development does not result in pollution of water courses or receiving waters.

- Stormwater systems are to be designed to capture and remove all litter larger than 5 mm in size.

- The event mean concentration of specific pollutants is not to exceed that in the following table.

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Maximum event mean concentration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sediment</td>
<td>100 mg/L</td>
</tr>
<tr>
<td>Hydrocarbons</td>
<td>500 ug/L</td>
</tr>
<tr>
<td>Total Nitrogen</td>
<td>1000 ug/L</td>
</tr>
<tr>
<td>Ammonia</td>
<td>15 ug/L</td>
</tr>
<tr>
<td>Phosphorus</td>
<td>100 ug/L</td>
</tr>
</tbody>
</table>

Note: litter traps are not required for houses and multiple housing development comprising less than four dwellings (since people are less likely to litter on their own dwelling site).

R. Plans for addressing soil & water impacts of the development are required

- Appropriate planning is undertaken to ensure erosion and sediment control is provided to the development during the construction stage.

S. Content & format of plans

- Plans have adequate information for the scale and nature of the development.

The degree of detail required will depend on:

- the scale of the activity.
- the area of potential disturbance.
- the complexity of the site characteristics e.g. slope, soil type.
- the sensitivity of the adjoining environment.

Soil and water management plans shall include an erosion and sediment control plan, and may include an erosion and sediment control strategy where appropriate to the development.

T. Compliance with plans

The proponent is responsible for the full cost of all work required to comply with this section of the DCP, as determined by Council. Any off-site damage resulting from the activity is also the responsibility of the proponent. All erosion and sediment control measures or works and rehabilitation measures must conform to or exceed the
specifications or standards set out in Managing Urban Stormwater: Soils and Construction.

U. Implementation & completion of plan

- Council may require the proponent to lodge a performance bond. This is to ensure effective erosion and sediment control measures and rehabilitation works are implemented and maintained. The bond can be required for any activity deemed by Council including the following situations:
  - proposals adjacent to an environmentally sensitive area.
  - proposals with a disturbed area greater than 5 hectares.
  - proposals involving exposure or disturbance of the land surface for periods greater than 6 months.
  - a 12 month maintenance period applies following the completion of work, during which the developer is responsible for repairs to works and infrastructure.

11f.7 Supplementary guidance

The following documents or reference materials provide further advice or information that is relevant to this section.

- Planning for Erosion and Sediment Control on Single Residential Allotments (Landcom NSW, 2006)
- Australian Rainfall and Runoff 1987 or its updated version (currently under preparation)
- Water Smart Practice Note No. 11 – Site Discharge Indicator
**Explanatory outline**

Section 11g outlines assessment criteria relating to on-site waste water management. The following matters are covered:

- adequate land available for on-site disposal
- cumulative impacts
- types of treatment and disposal systems

All developments that have the potential to generate sewage must be connected to an approved sewage system.

In the case of land that cannot be connected to the reticulated sewerage system, a system of on-site waste water management is required.

### 11g On-site waste water management

#### 11g.1 Application of this section

This section applies to development described in Column 1 when carried out on land described in Column 2.

<table>
<thead>
<tr>
<th>Column 1: Type of development</th>
<th>Column 2: Applicable land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development that involves the generation of sewage or other waste water.</td>
<td>Land that cannot be connected to a reticulated sewerage system.</td>
</tr>
</tbody>
</table>

**Note:** all developments that will require a new on-site waste water management system to be constructed or installed or the modification of an existing system must be the subject of an application for approval under Section 68 of the Local Government Act 1993 using Council’s approved form.

#### 11g.2 Relevant planning instruments, legislation & other policies & documents

The following environmental planning instruments and other legislation (or instruments under the legislation) are relevant to development to which this section applies:

- *Upper Hunter Local Environmental Plan 2013*
- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*

Further planning instruments and legislation may also be relevant. In the event of any inconsistency, the above listed instruments and legislation will prevail over requirements or criteria contained in this section.

This section should also be read in conjunction with:

- *AS/NZ 1546.1:2008 On-site domestic wastewater treatment units, Part 1 – Septic tanks*
- *AS/NZ 1546.2:2008 On-site domestic wastewater treatment units, Part 2 – Waterless composting toilets*
11g On-site waste water management

- AS/NZ 1546.3:2008 On-site domestic wastewater treatment units, Part 3, Aerated wastewater treatment systems
- AS/NZ 1547:2012 On-site Domestic Wastewater Management
- AS/NZS 3500.5:2000 National Plumbing and Drainage Domestic Installations

11g.3 Definitions
The following terms defined in the Dictionary are relevant to this section:

- disposal area
- on site waste water management system

11g.4 Objectives
The objectives of this section are to:

- ensure that development is not approved unless there is sufficient suitable land for the disposal of effluent on-site
- discourage the use of above ground irrigation of on site effluent in areas where environmental harm is likely to result
- provide clarity where existing guidelines or standards do not clearly set out requirements
- promote the sustainable use of water and waste resources.

11g.5 Supporting plans & documentation
Development applications that are subject to this section should be supported by the following plans and documentation.

The applicant should consult with Council staff to determine any other additional information that may be required in addition to this section.

In some cases the information required to determine a Development Application may be equivalent to the information required for an application under section 68 of the Local Government Act to install, construct or alter a system of on-site waste water management. A wastewater application may be lodged at the same time as the development application.

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. General requirements</td>
<td>All applications</td>
<td>Refer to section 2c Lodging a development application.</td>
</tr>
<tr>
<td>B. On-site waste water management assessment report</td>
<td>Applications for subdivision of land in Zones RU1, RU4, RU5, E3 or R5 where the proposed lots are less than 4,000 m², or there are environmental constraints such as: • nearby watercourses or waterbodies (&lt;100 m); • unfavourable topography, soils or geotechnical conditions. • high water table. • potential for flooding.</td>
<td>The report shall be prepared in accordance with the EHP Guidelines and AS /NZS 1547:2012 On-Site Domestic Wastewater Management. The report must be prepared by a suitably qualified and experienced person. A plan of the land to be subdivided must be provided clearly showing land that is suitable for effluent disposal in relation to: • homogenous soil capability types. • EHP Guideline buffer distances from water courses, boundaries and roads. • soil permeability classes. • soil depth and depth to groundwater where it is a moderate or major limitation.</td>
</tr>
</tbody>
</table>
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11g On-site waste water management

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• proximity to groundwater bores or</td>
<td>Where a nominal area for an on site system is provided, an appropriately sized polygon should also be marked on the plans to indicate that sufficient area is available.</td>
</tr>
<tr>
<td></td>
<td>• limited available land area.</td>
<td></td>
</tr>
<tr>
<td>On-site waste water management assessment report con’td</td>
<td>Applications for single dwellings or other development catering for less than 10 persons where the allotment is less than 4,000 m², or there are environmental constraints such as:</td>
<td>Where an on site waste water management assessment report has previously been prepared for the land in a previous subdivision application, the same assessment may be submitted where it meets the requirements listed above in the ‘subdivision’ section (and updated as required). Where the site layout or the potential to generate sewage is revised or modified, updated information will also be required. Where a suitable on-site waste water management assessment relevant to the property has not already been prepared, the following minimum information must be prepared by a suitably qualified and experienced person: A plan to scale is to be submitted, showing the location of: • the sewage treatment facility proposed to be installed or constructed on the premises. • any related effluent application areas including 50% reserve area, and. • any buildings or facilities existing on, and any environmentally sensitive areas of, any land located within 100 metres of the sewage management facility or related effluent application areas, and. • any related drainage lines or pipe work (whether natural or constructed) located within 100 metres of the sewage management facility or related effluent application areas. Sufficient information must be included in the report to confirm the size of area required for effluent application areas including reserve area with reference to soil, climate and wastewater flow rate and effluent quality. <strong>Note:</strong> where the precise location of the effluent disposal area is not specified on the plan, a consent may be conditioned to require an approval to install as deferred commencement, or prior to the issue of a Construction Certificate.</td>
</tr>
<tr>
<td></td>
<td>• nearby watercourses or waterbodies (&lt;100 m);</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• unfavourable topography, soils or geotechnical conditions</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• high water table</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• potential for flooding.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• proximity to groundwater bores or</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• limited available land area.</td>
<td></td>
</tr>
<tr>
<td>Commercial, tourist, agricultural and designated development</td>
<td>The following minimum information must be prepared by a suitably qualified and experienced person: • outline of the type and configuration of the proposed system, including tank capacities and specifications • information and calculations showing how the system will cater for the proposed loading and effluent disposal (must reference hydraulic and soil capacities) • water balance analysis • expected wastewater quality • potential adverse chemical or biological inputs into the system and how the treatment device will process these</td>
<td></td>
</tr>
</tbody>
</table>
Part 11 Environment protection

11g On-site waste water management

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>inputs and achieve the accepted effluent quality</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• demonstration that the proposed system meets the objectives and development outcomes of this and other relevant DCP sections and related legislation.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• a design including sizing calculations and construction design regarding the system and effluent disposal area which also includes the details of nearest potential receptors.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• detail of the mitigation measures proposed regarding protection of the system in the event of flood if the land is susceptible.</td>
</tr>
</tbody>
</table>

11g.6 Assessment criteria

A performance-based approach will be adopted in the assessment of development applications. Applications will be assessed according to the extent to which the outcomes specified in the left-hand column of the following table will be satisfied or achieved by the design, construction or operation of the proposal.

The design guidelines specified in the right-hand column indicate design and best practice solutions by which the required outcomes can be met. They do not preclude other solutions that may be suitable under particular local circumstances. All proposals will be considered on merit.

<table>
<thead>
<tr>
<th>Outcomes to be achieved</th>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Adequate land suitable for on-site disposal</td>
<td></td>
</tr>
<tr>
<td>- On-site waste water management systems are not permitted on properties which are less than 2,000 m² in area.</td>
<td></td>
</tr>
<tr>
<td>- On-site waste water disposal areas are sized relative to wastewater generation rates, treatment method and soil type and shall take into account limiting factors.</td>
<td></td>
</tr>
<tr>
<td>- On-site waste water management systems must comply with the minimum buffer distances specified at Table 23 Required buffer distances for onsite waste water management systems. Any variation to these buffer distances will need to be supported by a report prepared by a suitably qualified and experienced person.</td>
<td></td>
</tr>
<tr>
<td>- When determining buffer distances, consideration is given to:</td>
<td></td>
</tr>
<tr>
<td>- the type of land application system to be used</td>
<td></td>
</tr>
<tr>
<td>- surface and subsurface drainage pathways</td>
<td></td>
</tr>
<tr>
<td>- site factors – topography, soil permeability, geology, vegetation buffering</td>
<td></td>
</tr>
<tr>
<td>- sensitive environments – national parks, rainforests, estuaries, wetlands, groundwater</td>
<td></td>
</tr>
<tr>
<td>- extraction areas, and areas with poor tidal flushing</td>
<td></td>
</tr>
<tr>
<td>- development density.</td>
<td></td>
</tr>
</tbody>
</table>
Part 11 Environment protection

11g On-site waste water management

Outcomes to be achieved

- On site effluent disposal areas for dwelling houses must account for wastewater disposal of a minimum of a 5 person equivalent population.
- Surface irrigation is not permitted on properties which are less than 4,000 m² in area.
- An area of land is available with suitable soil and site properties to allow the on-site waste water management system to receive the estimated wastewater loading and have a reserve area equivalent to 50% of the assessed capacity.
- For on-site waste water management systems proposed to cater for more than 10 persons for commercial, tourist, agricultural or designated developments, the system must produce effluent quality of at least a secondary standard however they shall be classified as medium risk systems.

B. Cumulative impact considerations

- The cumulative impact of adjoining and nearby on site waste water management systems is considered

<table>
<thead>
<tr>
<th>System</th>
<th>Required buffer distances</th>
</tr>
</thead>
<tbody>
<tr>
<td>All land application areas</td>
<td>100 m to permanent surface waters (for example, river, streams, lakes etc.),</td>
</tr>
<tr>
<td></td>
<td>250 m to domestic groundwater well,</td>
</tr>
<tr>
<td></td>
<td>40 m to other waters (for example, farm dams, intermittent waterways and drainage channels).</td>
</tr>
<tr>
<td>Surface spray irrigation</td>
<td>6 m if area up-gradient and 3 m if area, down gradient of driveways and property boundaries,</td>
</tr>
<tr>
<td></td>
<td>15 m to dwellings,</td>
</tr>
<tr>
<td></td>
<td>3 m to paths and walkways,</td>
</tr>
<tr>
<td></td>
<td>6 m to swimming pools.</td>
</tr>
<tr>
<td>Surface drip and trickle irrigation</td>
<td>6 m if area up-gradient and 3 m if area down gradient of swimming pools, property boundaries, driveways and buildings.</td>
</tr>
<tr>
<td>Subsurface irrigation</td>
<td>6 m if area up-gradient and 3 m if area down gradient of swimming pools, property boundaries, driveways and buildings.</td>
</tr>
<tr>
<td>Absorption system</td>
<td>12 m if area up-gradient and 6 m if down gradient of property boundary.</td>
</tr>
<tr>
<td></td>
<td>6 m if area up-gradient and 3 m if area down gradient of swimming pools, driveways and buildings</td>
</tr>
</tbody>
</table>

11g.7 Supplementary guidance
The following documents or reference materials provide further advice or information that is relevant to this section.

- AS/NZ 1546.1:2008 On-site domestic wastewater treatment units, Part 1 – Septic tanks
- AS/NZ 1546.2:2008 On-site domestic wastewater treatment units, Part 2 – Waterless composting toilets
- AS/NZ 1546.3:2008 On-site domestic wastewater treatment units, Part 3, Aerated wastewater treatment systems
- AS/NZ 1547:2012 On-site Domestic Wastewater Management
- AS/NZS 3500.5:2000 National Plumbing and Drainage Domestic Installations
Explanatory outline
Section 11g outlines assessment criteria relating to waste minimisation and management. The following matters are covered:

- Demolition
- Construction
- Mixed use developments

Note: specific waste management and minimisation requirements that apply to particular development types are included in:

- section 4a Urban dwellings
- section 5a Commercial development - general
- section 6a Industrial development - general.

11h Waste minimisation & management

11h.1 Application of this section
This section applies to development described in Column 1 when carried out on land described in Column 2.

<table>
<thead>
<tr>
<th>Column 1: Type of development</th>
<th>Column 2: Applicable land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development that is likely to generate a significant volume of waste, including:</td>
<td>Any land.</td>
</tr>
<tr>
<td>• demolition</td>
<td></td>
</tr>
<tr>
<td>• building construction</td>
<td></td>
</tr>
<tr>
<td>• subdivision works</td>
<td></td>
</tr>
<tr>
<td>• food and drink premises</td>
<td></td>
</tr>
<tr>
<td>• a change of use to commercial or industrial premises.</td>
<td></td>
</tr>
</tbody>
</table>

11h.2 Relevant planning instruments & legislation
The following environmental planning instruments or other legislation are relevant to development to which this section applies:

- Upper Hunter Local Environmental Plan 2013
- Waste Minimisation and Management Act 1995
- Protection of the Environment Operation Act 1997

Further planning instruments and legislation may also be relevant. In the event of any inconsistency, the above listed instruments will prevail over requirements or criteria contained in this section.

11h.3 Introduction
Waste and resource consumption is a major environmental issue and a priority for all levels of government within Australia. This is particularly the case as landfill sites become scarce and the
Part 11  Environment protection

11h  Waste minimisation & management

environmental and economic costs of waste generation and disposal rise. Government and society alike are exposed to the issue of managing the increasingly large volumes of waste generated by our society.

Sustainable resource management and waste minimisation has emerged as a priority action area and a key in the quest for Ecologically Sustainable Development (ESD). Critical actions in this regard include the following:

• avoiding unnecessary resource consumption
• recovering resources for reuse
• recovering resources for recycling or reprocessing
• disposing of residual waste (as a last resort).

The building and construction industry in particular is a major contributor to waste, much of which is still deposited to landfill. The implementation of effective waste minimisation strategies has the potential to significantly reduce these volumes. Effective waste planning and management can also benefit the builder/developer. Some of the benefits of good waste planning and management include:

• reduced costs
• improved workplace safety
• enhanced public image
• compliance with legislation such as the Protection of the Environment Operation Act 1997 that requires waste to only be transported to a place that can lawfully accept it.

This section aims to facilitate sustainable waste minimisation and management within the Upper Hunter Shire in a manner consistent with the principles of ESD.

11h.4  Definitions

There may be some terms used in this section that are defined in the Dictionary are relevant to this section.

11h.5  Objectives

The objectives of this section are to:

• minimise resource requirements and construction waste through reuse and recycling and the efficient selection and use of resources
• encourage building designs, construction and demolition techniques in general which minimise waste generation
• maximise reuse and recycling of household waste and industrial/commercial waste
• assist applicants in planning for sustainable waste management, through the preparation of a site waste minimisation and management plan
• provide guidance in regards to space, storage, amenity and management of waste management facilities
• ensure waste management systems are compatible with collection services
• minimise risks associated with waste management at all stages of development
• optimise adaptive reuse opportunities of existing building/structures
• minimise waste generation
• maximise source separation and recovery of recyclables
• ensure waste management facilities are safely and easily accessible to occupants and service providers
Part 11 Environment protection

11h Waste minimisation & management

- ensure appropriate resourcing of waste management systems, including servicing
- minimise risk to health and safety associated with handling and disposal of waste and recycled material and ensure optimum hygiene
- minimise the environmental impacts associated with waste management
- avoid illegal dumping.

11h.6 Supporting plans & documentation

Development applications that are subject to this section should be supported by the following plans and documentation.

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. General requirements</td>
<td>All applications</td>
<td>Refer to section 2a Lodging a development application</td>
</tr>
<tr>
<td>B. Site Waste Minimisation and Management Plan (SWMMP)</td>
<td>Applications relevant to this section</td>
<td>Report and plan outlining measures to minimise and manage waste generated during demolition, construction and ongoing use of the site/premises. The SWMMP should include details regarding: • the location of waste management facilities proposed both during construction and for ongoing operation. • volume and type of waste and recyclables to be generated • storage and treatment of waste and recyclables on site • disposal of residual waste and recyclables • operational procedures for ongoing waste management once the development is complete. Schedule 5 provides a template for the compilation of a SWMMP. More details will be required for larger and more complex developments. In the absence of project specific calculations, the rates specified in Schedule 6 Waste/Recycling Generation Rates and Council’s current rate of provision of services to residential properties can be used to inform the compilation of a SWMMP.</td>
</tr>
</tbody>
</table>

11h.7 Assessment criteria

A performance-based approach will be adopted in the assessment of development applications. Applications will be assessed according to the extent to which the outcomes specified in the left-hand column of the following table will be satisfied or achieved by the design, construction or operation of the proposal.

The design guidelines specified in the right-hand column indicate design and best practice solutions by which the required outcomes can be met. They do not preclude other solutions that may be suitable under particular local circumstances. All proposals will be considered on merit.
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11h Waste minimisation & management

Outcomes to be achieved

<table>
<thead>
<tr>
<th>A. Demolition</th>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>This section applies to all developments involving demolition works.</td>
<td></td>
</tr>
<tr>
<td>- A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the demolition application.</td>
<td></td>
</tr>
<tr>
<td>- All waste likely to result from the demolition is identified, and opportunities for reuse of materials are explored.</td>
<td></td>
</tr>
<tr>
<td>- Reuse/recycling is facilitated by using the process of ‘deconstruction’, where various materials are carefully dismantled and sorted.</td>
<td></td>
</tr>
<tr>
<td>- Salvaged materials onsite are reused or recycled where possible.</td>
<td></td>
</tr>
<tr>
<td>- An area for the storage of materials is allocated for use, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation, and access and handling requirements).</td>
<td></td>
</tr>
<tr>
<td>- Separate collection bins or areas for the storage of residual waste are provided and the purpose and content of the bins and storage areas are clearly ‘signposted’.</td>
<td></td>
</tr>
<tr>
<td>- Measures are implemented to prevent damage by the elements, odour and health risks, and windborne litter.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B. Construction</th>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>This section applies to all developments involving construction works.</td>
<td></td>
</tr>
<tr>
<td>- A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the development application.</td>
<td></td>
</tr>
<tr>
<td>- All waste likely to result from the construction process is identified, and the opportunities for the reuse and recycling of these materials is explored.</td>
<td></td>
</tr>
<tr>
<td>- The use of prefabricated components and recycled materials is incorporated into the construction.</td>
<td></td>
</tr>
<tr>
<td>- An area for the storage of materials is allocated for use, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation, and access and handling requirements).</td>
<td></td>
</tr>
<tr>
<td>- Separate collection bins or areas for the storage of residual waste are provided and the purpose and content of the bins and storage areas are clearly ‘signposted’.</td>
<td></td>
</tr>
<tr>
<td>- Measures are implemented to prevent damage by the elements, odour and health risks, and windborne litter.</td>
<td></td>
</tr>
<tr>
<td>- Ensure that all waste is transported to a place that can lawfully be used as a waste facility. Retain all records demonstrating lawful disposal of waste and keep them readily accessible for inspection by regulatory authorities such as council, Environment Protection Authority or WorkCover NSW.</td>
<td></td>
</tr>
</tbody>
</table>
### Outcomes to be achieved

<table>
<thead>
<tr>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>C. Dwellings</strong></td>
</tr>
<tr>
<td>- The waste minimisation &amp; management requirements of Section 4a Urban Dwellings must be considered.</td>
</tr>
</tbody>
</table>

| **D. Commercial developments and change of use** |
| - The waste minimisation & management requirements of Section 5a Commercial development – general must be considered. |

| **E. Industrial developments** |
| - The waste minimisation & management requirements of Section 6a Industrial development - general must be considered. |

| **F. Mixed use developments** |
| - A completed Site Waste Minimisation and Management Plan (SWMMP) shall accompany the application. |
| - The waste minimisation & management requirements of Section 4a Urban dwellings apply to the residential component of mixed-use development. |
| - The waste minimisation & management requirements of Section 5a Commercial development - general apply to the non-residential component of mixed-use development. |
| - Separate and self-contained waste management systems for the residential component and the non-residential components of the development are provided, including: |
|   - Separate waste/recycling storage rooms/areas for the residential and non-residential components |
|   - Commercial tenants must be prevented (via signage and other means), from using the residential waste/recycling bins and vice versa. |
| - The residential waste management system and the non-residential waste management system must be designed so that they can efficiently operate without conflict. |

### 11h.8 Further information

When implementing a SWMMP, the applicant must ensure:

- Footpaths, public reserves, street gutters are not used as places to store demolition waste or materials of any kind without Council approval.
- Any material moved offsite is transported in accordance with the requirements of the Protection of the Environment Operations Act 1997.
Part 11 Environment protection

11h Waste minimisation & management

- Waste is only transported to a place that can lawfully be used as a waste facility.
- Generation, storage, treatment and disposal of hazardous waste and special waste (including asbestos) is conducted in accordance with relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by WorkCover NSW.
- Evidence such as weighbridge dockets and invoices for waste disposal or recycling services are retained.
- Evidence of compliance with any specific industrial waste laws and protocols, such as the Protection of the Environment Operations Act 1997.
- Materials which are to be disposed of and those which are to be reused/recycled are to be separated through the demolition and construction process.
- Materials that have existing reuse or recycling markets should not be disposed of in landfill when possible.

11h.9 Supplementary guidance

The following documents or reference materials provide further advice or information that is relevant to this section.

**Part 11 Environment protection**

**11i Buffer areas**

**Explanatory outline**
Section 11i outlines assessment criteria relating to the provision of buffer areas to mitigate adverse impacts of development on adjoining land and to avoid conflict between different land uses. The following matters are covered:

- types of land uses where minimum separation distances (buffer areas) apply
- buffer distance and area guidelines for specific locations
- criteria for considering variations to buffer guidelines.

**11i Buffer areas**

**11i.1 Application of this section**
This section applies to development described in Column 1 when carried out on land described in Column 2.

<table>
<thead>
<tr>
<th>Column 1: Type of development</th>
<th>Column 2: Applicable land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development that potentially may cause nuisance to adjacent or nearby land by reason of noise, vibration, dust, smoke, fumes, odour, light or other emissions.</td>
<td>Any land.</td>
</tr>
</tbody>
</table>

**11i.2 Relevant planning instruments & legislation**
The following environmental planning instruments or other legislation are relevant to development to which this section applies:

- *Upper Hunter Local Environmental Plan 2013*
- *Protection of the Environment Operations Act 1999*

Further planning instruments and legislation may also be relevant. In the event of any inconsistency, the above listed instruments will prevail over requirements or criteria contained in this section.

**11i.3 Definitions**
There may be some terms used in this section that are defined in the Dictionary.

**11i.4 Objectives**
The objectives of this section are to ensure that development proposals and land uses avoid and minimise the potential for current and future conflict by:

- identifying and assessing likely impacts from development proposals and the potential for land use conflict (including noise and odour)
- avoiding inappropriate development, or increasing the scale or intensity of development close to existing uses that may have impacts (such as intensive agricultural industries, sewerage treatment plants or similar activities)
- providing buffers separating land uses to minimise potential adverse effects.
11i.5 Supporting plans & documentation

Development applications that are subject to this section should be supported by the following plans and documentation.

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. General requirements</td>
<td>All applications</td>
<td>Refer to section 2c Lodging a development application. Note: the Statement of Environmental Effects must describe potential impacts from or to adjoining land</td>
</tr>
<tr>
<td>B. Acoustic report</td>
<td>Applications involving the potential for noise impacts on adjoining development, including: • residential development that adjoins or is adjacent to a main road (for example, the New England Highway) or a railway line • some types of commercial, industrial or tourist and visitor accommodation activities • applications to extend trading hours</td>
<td>In accordance with relevant environmental protection guidelines. Generally should include sections: • Background • Site Description • Noise Criteria • Noise Assessment • Recommendations • Conclusion</td>
</tr>
<tr>
<td>C. Buffer plans &amp; report</td>
<td>All applications</td>
<td>A plan showing: • location of proposed development • location of adjoining or nearby development • minimum buffer distances specified in this section An accompanying report describing the application of the minimum buffer distances to the development, and any issues arising. If it is not possible or appropriate to achieve the specified minimum buffer distances, describe (with accompanying plans where relevant) the proposed measures to mitigate the effects of the proximity of the development</td>
</tr>
</tbody>
</table>

11i.6 Assessment criteria

A performance-based approach will be adopted in the assessment of development applications. Applications will be assessed according to the extent to which the outcomes specified in the left-hand column of the following table will be satisfied or achieved by the design, construction or operation of the proposal.

The design guidelines specified in the right-hand column indicate design and best practice solutions by which the required outcomes can be met. They do not preclude other solutions that may be suitable under particular local circumstances. All proposals will be considered on merit.
**Outcomes to be achieved**  

**A. Separation distances to primary industries**  
- Minimum separation distances are to apply to maintain a suitable buffer between primary industries and other land uses.  
- Separation distances may be determined on a site specific basis where criteria outlined in clause 11i.7 Variations of assessment criteria are met.

<table>
<thead>
<tr>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>• A minimum buffer of 500 metres is required between residential/urban development and intensive agriculture, rural industries and livestock operations (for example, piggeries, poultry sheds, and dairies).</td>
</tr>
<tr>
<td>• A minimum buffer of 500 metres is required between rural dwellings and rural tourist accommodation and intensive agriculture, rural industries and livestock operations (for example, piggeries, poultry sheds, and dairies).</td>
</tr>
<tr>
<td>• A minimum buffer of 100 metres is required between watercourses and intensive agriculture, rural industries and livestock operations (for example, piggeries, poultry sheds, and dairies).</td>
</tr>
<tr>
<td>• Larger minimum buffers may be required for potentially hazardous or offensive industries (including mines and quarries).</td>
</tr>
<tr>
<td>• Property management practices to apply alternative or specialised management actions in locations where conflict potential is to apply may be required instead of, or in addition to, minimum separation distances (for example, crop spraying practice near residences).</td>
</tr>
<tr>
<td>• In determining appropriate separation distances, Council will have regard to any relevant references and standards, including <em>Department of Primary Industries (2007)</em>.</td>
</tr>
</tbody>
</table>

**B. Separation distances to environmental assets**  
- Minimum separation distances are to apply to maintain a buffer between development and environmental assets (including native vegetation/habitat, waterways, wetlands and significant agricultural land).  
- Separation distances may be determined on a site specific basis where criteria outlined in section 11i.7 Variations of assessment criteria are met.

<table>
<thead>
<tr>
<th>Design guidelines</th>
</tr>
</thead>
</table>
| • A minimum buffer of 50 metres is required between native vegetation and:  
  - residential or urban development  
  - development with the potential to cause adverse impacts including rural tourist accommodation, intensive agriculture, rural industries and livestock operations. |
| • A minimum buffer of 50 metres is required between streams and waterways and:  
  - residential or urban development  
  - development with the potential to cause adverse impacts including rural tourist accommodation, intensive agriculture, rural industries and livestock operations. |
| • A minimum buffer of 100 metres is required between wetlands and:  
  - residential or urban development  
  - development with the potential to cause adverse impacts including rural tourist accommodation, intensive agriculture, rural industries and livestock operations. |
| • A minimum buffer of 300 metres is required between significant agricultural land and:  
  - residential or urban development  
  - development with the potential to cause adverse impacts. |

In determining appropriate separation distances, the Council will have regard to any relevant references and standards, including *Department of Primary Industries (2007)*.
Outcomes to be achieved | Design guidelines
--- | ---
**C. Separation distances for specific land uses**
- Minimum separation distances are to apply to maintain a buffer between development and specific land uses (waste facilities, animal boarding or training establishments, and effluent re-use areas).
- Separation distances may be determined on a site specific basis where criteria outlined in section 11i.7 Variations of assessment criteria are met
  - A minimum buffer of 300 metres is required between waste facilities and residential areas/urban development, rural dwellings, rural tourist accommodation, or similar land uses.
  - A minimum buffer of 500 metres is required between animal boarding or training establishments and residential areas/urban development, rural dwellings, rural tourist accommodation, or similar land uses.
  - A minimum buffer is required between effluent re-use areas and other land uses, with the separation distance based on a site specific determination.

**D. Separation distances to sewerage treatment plants**
- This applies to land in the vicinity of the Scone, Aberdeen, Merriwa or Murrurundi Sewerage Treatment Plants as shown on Maps 14 to 17 below.
  - In considering any development application for residential development in the area identified on Maps 14 to 17, Council shall not approve any increase in residential density on land over that which exists at present unless it is satisfied that:
    - the likely adverse impacts of the proposed development will not impact the existing and continued operations of the Sewerage Treatment Works Buffer Area
    - the likely adverse impact of the development on the existing and continued operations of the Sewerage Treatment Works Buffer Area is minimal
    - the development is sited to maximise the distance between the development and the Sewerage Treatment Works Buffer Area to minimise potential land use conflict
    - the development is suitably located to minimise any views of the Sewerage Treatment Works Buffer Area to avoid any likely adverse visual impact
    - the development has employed measures that will mitigate the effects from the Sewerage Treatment Works Buffer Area
    - the intensity of development is such that it would reasonably be anticipated for the subject site.

**E. Bushfire asset protection**
*Land use buffers may be required in conjunction with bush fire asset protection.*
- Buffers comply with the requirements set out in section 10b Bushfire risk.

**F. Heritage buffers**
- Protection of heritage items may require limitation of development within the curtilage of the item.
- The development consider the requirements in section 9a Heritage conservation.
  - Separation distances for heritage items are determined on a site specific basis taking into account relevant matters, including the heritage significance of the item.
  - A site specific heritage study and associated report is likely to be required. Refer to section 9a Heritage conservation.

**G. Buffer to rail & busy roads**
- The development addresses the provisions of the Department of Planning's publication 'Development Near Rail Corridors and Busy Roads – Interim Guideline' 2008 (or its updated version) and any other relevant guidelines.
Part 11 Environment protection

11i Buffer areas

Map 14 Scone treatment plant buffer
Map 15 Aberdeen treatment plant buffer
Map 16 Merriwa treatment plant buffer
Map 17 Murrurundi treatment plant buffer
11i.7 **Variations of assessment criteria**

The minimum buffer requirements outlined in clause 11j8 *Assessment criteria* will only be varied where it has been demonstrated that they are not appropriate for the site, and the following criteria are met:

- documentary evidence is provided that the minimum standards are unnecessary or inappropriate in the particular circumstances of the case
- relevant State or national guidelines or standards are complied with.

11i.8 **Supplementary guidance**

The following documents or reference materials provide further advice or information that is relevant to this section.

- Department of Planning, 2008, Development Near Rail Corridors and Busy Roads – Interim Guideline
- NSW Department of Primary Industries also has guidelines, manuals and standards for a range of agricultural activities and practices which should be referred to.
Explanatory outline

Part 12 specifies outcomes, design guidelines and other requirements relating to specific infrastructure issues. There are separate sections for each of the following matters:

12a  Access & vehicle parking
12a Access & vehicle parking

12a.1 Application of this section
This section applies to development described in Column 1 when carried out on land described in Column 2.

<table>
<thead>
<tr>
<th>Column 1: Type of development</th>
<th>Column 2: Applicable land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any development that requires development consent, and which requires vehicle access or parking.</td>
<td>Any land.</td>
</tr>
</tbody>
</table>

12a.2 Relevant planning instruments & legislation
The following environmental planning instruments or other legislation are relevant to development to which this section applies:

- Upper Hunter Local Environmental Plan 2013
- State Environmental Planning Policy No (Infrastructure) 2007

Further planning instruments and legislation may also be relevant. In the event of any inconsistency, the above listed instruments will prevail over requirements or criteria contained in this section.

12a.3 Definitions
The following terms defined in the Dictionary are relevant to this section:

- car park
- gross floor area
- parking space

In addition, a range of land use types specified in this section are defined in the Dictionary of Upper Hunter Local Environmental Plan 2013.

12a.4 Objectives
The objectives of this section are to:

- ensure that adequate provision has been made in traffic generating developments for the off-street parking and manoeuvring of vehicles and the loading and unloading of vehicles
- ensure that vehicular parking areas are designed in such a manner as to be functional, aesthetically pleasing in terms of landscaping, and safe for motorists and pedestrians
• ensure that loading and unloading operations do not adversely interfere with vehicle and pedestrian movements
• ensure that the proposed means of entrance to and exit from developments is adequate and that all vehicles entering or leaving properties are driven in a forward direction

### 12a.5 Supporting plans & documentation

Development applications that are subject to this section should be supported by the following plans and documentation.

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. General requirements</td>
<td>All applications</td>
<td>Refer to section 2c Lodging a development application.</td>
</tr>
<tr>
<td>B. Development-specific requirements</td>
<td>All applications</td>
<td>Plans and information required in the development-specific sections of this DCP – e.g. urban residential development, rural development, commercial development, industrial development</td>
</tr>
<tr>
<td>C. Traffic impact assessment</td>
<td>Applications for development that is likely to have a significant impact on traffic movement within the locality</td>
<td>The Traffic impact assessment is to be prepared by a suitably qualified and experienced traffic engineer and demonstrate compliance with the NSW Roads and Maritime Service’s Guide to Traffic Generating Development, SEPP Infrastructure</td>
</tr>
</tbody>
</table>
| D. Vehicle parking & loading details | Applications involving vehicle access, car parking or loading facilities. | Detailed and dimensioned plans are required including, but not limited to, the location and dimensions of all vehicle parking spaces, bays, internal roads, driveways and manoeuvring areas. The plans must show:

- proposed vehicular access and circulation, including on-site vehicular movement and turning circles. (Turning templates should be provided for the largest vehicle proposed to access the site, clearly showing how it will enter and leave the site in a forward direction)
- details of the estimated size and frequency of goods delivery vehicles visiting the premises (where relevant). A study may be required justifying the number of parking spaces to be provided on site. |
| E. Driveways | Applications involving the construction of driveway access to a property boundary (for example, across a public footpath). | • Driveway plans will need to be submitted with a separate section 138 Roads Act 1997 approval (can be lodged in conjunction with the development application).
- Full driveway profile is required for new driveways off public roads. |

### 12a.6 Other lodgement requirements

In accordance with State Environmental Planning Policy No (Infrastructure) 2007, Council is required to refer proposals for major traffic generating developments to the NSW Road and Maritime Services or for consideration by Council’s Traffic/Development Committees.
12a.7 Assessment criteria

A performance-based approach will be adopted in the assessment of development applications. Applications will be assessed according to the extent to which the outcomes specified in the left-hand column of the following table will be satisfied or achieved by the design, construction or operation of the proposal.

The design guidelines specified in the right-hand column indicate design and best practice solutions by which the required outcomes can be met. They do not preclude other solutions that may be suitable under particular local circumstances. All proposals will be considered on merit.

<table>
<thead>
<tr>
<th>Outcomes to be achieved</th>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Number &amp; type of vehicle parking spaces</td>
<td>• Car parking should normally be provided on the site of the development but Council may accept provision of car parking on other land owned by the developer provided that it is satisfied that the alternate location is convenient to the development.</td>
</tr>
<tr>
<td>■ Adequate parking for visitors, employees and users of specific land uses is provided on the development site.</td>
<td>• Minor ancillary or incidental uses will be assessed as part of the main use of the building, i.e., the office, storeroom, staff rooms, etc. of a shop will be included in the area of the shop and will not be treated as a separate store or office use.</td>
</tr>
<tr>
<td>■ Parking is provided at the rate and type specified in Table 28 Car parking requirements.</td>
<td>• Council may, at its discretion, waive the car parking requirements for small scale additions where:</td>
</tr>
<tr>
<td>■ The number of car parking spaces to be provided as set out in the Table is assessed to the nearest higher whole number, provided that a minimum of one (1) parking space is required for each independently assessed use.</td>
<td>- the proposed extension is of a minor nature requiring the provision of not more than one additional car parking space; or</td>
</tr>
<tr>
<td>■ Special parking spaces for people with disabilities are provided at the rate of two percent (2%) of the overall spaces provided for any development that is provided parking for the public or employees. A minimum of 1 space is provided. These spaces are clearly signposted and marked and have a minimum width of 3.2 metres, and comply with the provisions of AS2890.1- Off Street Car Parking.</td>
<td>- the extension is not directly related to the parking generation potential of the development.</td>
</tr>
<tr>
<td><strong>Mixed use development</strong></td>
<td><strong>Low intensity uses</strong></td>
</tr>
<tr>
<td>■ In the case of a combination of land uses on the site, the parking requirement for each separate use is calculated and then added together to provide the total parking requirement. Departure from this method may only be considered where it can be demonstrated that the peak demand for each land use component of the development is staggered.</td>
<td>• Where the proponent of a development is able to demonstrate that it is unnecessary to provide the total number of parking spaces on site as required by this Plan, a lesser provision may be accepted by Council. In such circumstances suitable justification and a detailed analysis should be submitted with the development application.</td>
</tr>
<tr>
<td><strong>Extension of premises</strong></td>
<td></td>
</tr>
<tr>
<td>■ Where existing premises are being extended to create additional gross floor area, the additional parking requirement is calculated in accordance with the parking standards specified in Table 28 Car parking requirements.</td>
<td></td>
</tr>
<tr>
<td><strong>Change of use</strong></td>
<td></td>
</tr>
<tr>
<td>■ Parking requirements for the proposed changes of use is in accordance with the rates prescribed in Table 28 Car parking requirements. Any non-compliance will need to be accompanied by justification and may not be supported by Council if it is not satisfied that adequate parking will be provided.</td>
<td></td>
</tr>
<tr>
<td><strong>Major traffic generating developments</strong></td>
<td></td>
</tr>
<tr>
<td>■ Parking requirements for major new developments takes into account:</td>
<td></td>
</tr>
</tbody>
</table>
Part 12  Specific infrastructure issues

12a  Access & vehicle parking

Outcomes to be achieved  

<table>
<thead>
<tr>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>likely demand for off street parking generated by the development;</td>
</tr>
<tr>
<td>the mix of uses and their parking requirements;</td>
</tr>
<tr>
<td>availability of public transport to service the development;</td>
</tr>
<tr>
<td>probable mode of transport to be used by employees and customers;</td>
</tr>
<tr>
<td>likely peak usage times of the proposed development; and</td>
</tr>
<tr>
<td>existing traffic volumes on the surrounding street network including, where relevant, the potential traffic volumes.</td>
</tr>
</tbody>
</table>

Undefined development

Where a proposed development does not fall within any of the land use categories identified in Table 28 Car parking requirements, Council shall calculate the on site parking requirements having regard to the experience of similar existing development and an assessment of the likely traffic generating potential of the proposed development.

Other

Car parking spaces are used solely for parking purposes.

Areas used for driveways, access, manoeuvring, trolley storage, clothes drying or any other purpose are not used (or counted) as car parking spaces.

Note: where the developer is unable for any reason to comply with Table 28 Car parking requirements, they may be required to contribute to the cost of Council’s car parking areas as per the current relevant s94 or s94A Developer Contributions Plan(s).

B. Car parking & internal road design & construction

The minimum dimensions, design and construction of parking bays, aisles, driveways, loading areas etc is in accordance with Australian Standard AS 2890.1 Off Street Car Parking, or Australian Standard AS 2890.2 Commercial Vehicles Facilities.

Adequate on site manoeuvring and circulating areas is provided to ensure that all vehicles enter and leave the site do so in a forward direction.

The location of the parking area on the site is determined having regard to:

- site conditions such as slope and drainage.
- visual amenity.
- the location of the building; and.
- the proximity to any neighbouring residential development.

Car parking and loading facilities are designed to make

- Parking spaces for visitors and customers should be provided where they are clearly visible from the street so their use is encouraged.
- Parking spaces for employees and for longer duration parking may be located more remotely from the street.
- In choosing the most suitable pavement type the following factors should be considered:
  - anticipated vehicle loads.
  - run-off gradients and drainage requirements; and.
  - construction constraints.
### Outcomes to be achieved

- the facility attractive to users and to visually integrate the facility into its surrounds.
- All signage (whether viewed from internal areas on the site or form external areas) are provided in accordance with the provisions of AS2890.1, AS1742 (all relevant parts) and any relevant guidelines endorsed by the RTA.

### Design guidelines

<table>
<thead>
<tr>
<th>Outcomes to be achieved</th>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>the facility attractive to users and to visually integrate the facility into its surrounds.</td>
<td></td>
</tr>
<tr>
<td>All signage (whether viewed from internal areas on the site or form external areas) are provided in accordance with the provisions of AS2890.1, AS1742 (all relevant parts) and any relevant guidelines endorsed by the RTA.</td>
<td></td>
</tr>
</tbody>
</table>

### C. Access to the site & driveways

- All works required to service the development are designed and constructed in accordance with the relevant provisions of AS2890.
- A safe and stable access from the road formation to the allotment boundary is provided.
- Any works on public land or in the public road reserve (including driveways) that are to revert to the care and control of Council are designed and constructed in accordance with the relevant provisions of UHSC Draft Engineering Guidelines for Subdivisions and Developments, as amended and Standard Vehicle Layback (Drawing No. SVL-001) and Rural Property Access (Drawing No. RPA-001).

*Note: a separate section 138 Roads Act 1993 approval will be required for the construction of a driveway from the road to the property boundary.*

- A vehicular driveway must:
  - be located no closer than 6 metres to a corner boundary
  - not be located within 12 metres on the approaches to a “stop” or “give way” sign
  - cross the footpath or footway at right angles to the centreline of the road
  - be located so that any vehicle entering or leaving the site can be readily seen by the driver of an approaching vehicle in the street
  - be clear of obstructions which may prevent drivers having a timely view of pedestrians
  - be properly signposted by the use of “in” or “entrance” and “out” or “exit” signs, where appropriate.
  - be designed and constructed to suit design traffic loads.

- Internal roads (between the driveway and the parking area) are sufficient to cater for expected vehicle movements. The recommended minimum carriageway widths are in accordance with Table 24 Recommended minimum parking circulation roadway width – two way traffic

*Note: Roads and Maritime Services has adopted seven types of access driveways – types 1 to 5 for cars (or
Outcomes to be achieved | Design guidelines
---|---
light vehicles) and types 6 and 7 for heavy vehicles (as shown on Table 25 Selection of driveway type based on parking spaces).

Table 26 Recommended standards for driveway types shows entry and exit driveway widths and separation between the two where applicable for the different types of driveways.

D. Bicycle parking & access & pedestrian access
- Developments that are likely to attract substantial numbers of the public are located and designed so as encourage access by bicycle and walking.
- Bicycle access and parking facilities are provided in accordance with AS 2890.3: 1993 Bicycle Parking Facilities

E. Landscaping
- A minimum of 10% of the total area of the car park is appropriately landscaped.
  - Long stretches of parking bays should be dispersed with screen planting. A good rule of thumb would be to have no more than 10 parking bays before breaking with planting.
  - Plants should be selected and located to avoid maintenance problems such as interference with overhead wires, underground conduits, damage to paved areas by root systems, and leaf and branch litter.
  - Trees with large surface roots, excessive girth, brittle limbs, fruits which drop and trees which attract large numbers of birds should be avoided in parking areas.

F. Loading / unloading facilities
- In the case of all commercial, retail and industrial development, adequate provision is made on the development site for the loading and unloading of service vehicles.
- The number and dimensions of loading bays required have regard to the nature and scale of the proposed development, the estimated frequency of deliveries and the type of delivery vehicle likely to be involved.
- Loading/unloading bays are designed to ensure that vehicles can manoeuvre into and out of all loading/unloading areas without conflicting with the movement of vehicle and pedestrian traffic on site or in the adjacent streets.
- The loading/unloading areas are designed to accommodate the turning path of appropriate service vehicles detailed in Table 27 Service vehicle dimensions.
- Loading/unloading areas are designed to ensure that vehicles stand entirely within the site during loading and unloading operations.
### Table 24 Recommended minimum parking circulation roadway width – two way traffic

<table>
<thead>
<tr>
<th>Number of parking spaces/service bays</th>
<th>1-24 spaces and length not exceeding 40 m</th>
<th>25-50 spaces OR 1-24 spaces OR 1-24 spaces plus service bay(s)</th>
<th>Over 50 spaces OR Over 24 spaces PLUS Service bay(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>3.5 m wide</td>
<td>5.0 m wide</td>
<td>6.0 – 6.5 m wide</td>
</tr>
</tbody>
</table>

### Table 25 Selection of driveway type based on parking spaces

<table>
<thead>
<tr>
<th>Road frontage</th>
<th>Number of car parking spaces served by the driveway</th>
<th>&lt;25</th>
<th>25-100</th>
<th>101-300</th>
<th>301-600</th>
<th>&gt;600</th>
<th>Heavy vehicles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major</td>
<td></td>
<td>1-2</td>
<td>2-3</td>
<td>3-4</td>
<td>4</td>
<td>5</td>
<td>7</td>
</tr>
<tr>
<td>Minor</td>
<td></td>
<td>1</td>
<td>1-2</td>
<td>2-3</td>
<td>3-4</td>
<td>4</td>
<td>6</td>
</tr>
</tbody>
</table>

**Source:** RTA of NSW: Guide to Traffic Generating Developments and Australian Standard 2890.1-1993 – Parking Facilities

### Table 26 Recommended standards for driveway types

<table>
<thead>
<tr>
<th>Type</th>
<th>Entry width (m)</th>
<th>Exit width</th>
<th>Minimum separation of driveways (m)</th>
<th>Splay at kerb line (m)</th>
<th>Kerb return turnout radius (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>3-6</td>
<td>Combined</td>
<td>N/A</td>
<td>0.5</td>
<td>-</td>
</tr>
<tr>
<td>2</td>
<td>6-9</td>
<td>Combined</td>
<td>N/A</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>3</td>
<td>6</td>
<td>4-6</td>
<td>1-3</td>
<td>1</td>
<td>2-9</td>
</tr>
<tr>
<td>4</td>
<td>6-8</td>
<td>6-8</td>
<td>1-3</td>
<td>1</td>
<td>2-9</td>
</tr>
<tr>
<td>5</td>
<td>Direct feed from a controlled intersection via a dedicated public roadway via an intersection controlled by STOP and GIVE WAY signs, traffic signals or a round about.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>8-10</td>
<td>8-10</td>
<td>3</td>
<td>1</td>
<td>2-9</td>
</tr>
<tr>
<td>7</td>
<td>10-12</td>
<td>10-12</td>
<td>3</td>
<td>1</td>
<td>2-9</td>
</tr>
</tbody>
</table>

* Driveways are normally combined, but if separate, both entry and exit widths should be a minimum of 2.9 metres.

**Source:** RTA of NSW: Guide to Traffic Generating Developments and Australian Standard 2890.1-1993 – Parking Facilities
12a Access & vehicle parking

Table 27 Service vehicle dimensions

<table>
<thead>
<tr>
<th>Vehicle Type</th>
<th>Length (m)</th>
<th>Width (m)</th>
<th>Max height (m)</th>
<th>Turning circle (kerb to kerb) (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Station Wagon</td>
<td>4.7</td>
<td>1.9</td>
<td>1.4</td>
<td>11.0</td>
</tr>
<tr>
<td>Utility</td>
<td>4.7</td>
<td>1.9</td>
<td>1.4</td>
<td>11.0</td>
</tr>
<tr>
<td>Van</td>
<td>5.4</td>
<td>2.1</td>
<td>2.5</td>
<td>13.5</td>
</tr>
<tr>
<td>Small Rigid Truck</td>
<td>6.6</td>
<td>2.1</td>
<td>4.3</td>
<td>14.4</td>
</tr>
<tr>
<td>Large Rigid Truck</td>
<td>11.0</td>
<td>2.5</td>
<td>4.3</td>
<td>21.7</td>
</tr>
<tr>
<td>Large Articulated Truck</td>
<td>17.5</td>
<td>2.5</td>
<td>4.3</td>
<td>16.2</td>
</tr>
</tbody>
</table>

Note: For courier vehicles, standard car parking space dimensions are usually satisfactory.

Source: RTA of New South Wales: Guide to Traffic Generating Development

Table 28 Car parking requirements by development type

<table>
<thead>
<tr>
<th>Development type</th>
<th>Required provision</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential accommodation</td>
<td>1 space per 3 beds or 1 per bedroom, PLUS 1 visitor space per 5 beds or 1 visitor space per 5 rooms PLUS (whichever is the greater) PLUS 1 space per 3 employees</td>
<td>The visitor parking area should be appropriately located and sign posted.</td>
</tr>
<tr>
<td>Boarding houses and hostels</td>
<td>1 space per site, PLUS 1 space per 10 sites for visitor parking.</td>
<td></td>
</tr>
<tr>
<td>Caravan park (including camping ground, moveable dwelling or manufactured home estate)</td>
<td>1 space per site, PLUS 1 space per 10 sites for visitor parking.</td>
<td>The visitor parking area should be appropriately located and sign posted.</td>
</tr>
<tr>
<td>Seniors housing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Self-contained dwellings (private developments)</td>
<td>0.5 spaces per bedroom</td>
<td>Council may consider varying these requirements based upon a plan of management for the facility detailing proximity and availability of services, and regular community transport services to be provided for residents.</td>
</tr>
<tr>
<td>(b) Self-contained dwellings (public developments)</td>
<td>1 space per 5 dwellings</td>
<td></td>
</tr>
</tbody>
</table>

See also SEPP No. 36 - Manufactured Home Estates and SEPP No. 21 – Caravan Parks

Upper Hunter Development Control Plan 2015
### Part 12 Specific infrastructure issues

#### 12a Access & vehicle parking

<table>
<thead>
<tr>
<th>Development type</th>
<th>Required provision</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>(c) Residential care facility or hostel (within the meaning of clause 12 of SEPP Housing for Seniors or People with a Disability)</td>
<td>1 space per 10 beds, PLUS 1 space per 2 employees, PLUS 1 space per ambulance.</td>
<td></td>
</tr>
<tr>
<td>Community</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Child Care Centre</td>
<td>1 space per employee, PLUS 1 space per 15 children enrolled (if provision of 3 set down/pick up areas) or 1 per 10 children.</td>
<td>Council may give consideration to varying the specified parking requirement, depending upon the nature and type of street frontage available for the setting down and picking up of children or if home based child care is proposed.</td>
</tr>
<tr>
<td>Community facility</td>
<td>1 space per 20 m² of gross floor area.</td>
<td></td>
</tr>
<tr>
<td>Educational establishment</td>
<td>Tertiary - 1 space per 2 employees, PLUS 1 space per 5 students Secondary - 1 space per 2 employees, PLUS 1 space per 10 students Primary - 1 space per 2 employees, PLUS 1 space per 12 students</td>
<td></td>
</tr>
<tr>
<td>Hospital</td>
<td>Car parking will be assessed in accordance with RTA Guidelines</td>
<td></td>
</tr>
<tr>
<td>Information or education facility</td>
<td>1 space for every employee or staff member PLUS 1 space for every 30 students over 17 yrs for High Schools and 1 space for every 5 students for Higher Education Establishments PLUS provision for a drop off / pick up area</td>
<td>The parking requirements for each school site may vary. In general a detailed traffic and parking study should be submitted with the application. It is recommended that a school traffic management plan be prepared annually and issued to parents at the start of each school year. Where required by Council, provision shall be made for the access and parking of buses and pick up – drop off areas, which may only need to operate during certain hours.</td>
</tr>
<tr>
<td>Place of public worship</td>
<td>1 space per 10 fixed seats, OR 1 space per 10 m² of gross floor area if seats not affixed, WHICHER IS THE GREATER</td>
<td></td>
</tr>
<tr>
<td>Public administration building</td>
<td>1 space per 40 m² of gross floor area.</td>
<td></td>
</tr>
<tr>
<td><strong>Home activities</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Home based child care or family day care home</td>
<td>Sufficient space on site for drop off/pick up for one vehicle PLUS The street must have sufficient parking capacity during peak periods to accommodate pick up/drop off, and such areas must be within 50 m walking distance from entry.</td>
<td>Car parking for residents in accordance with this table cannot be counted as parking spaces for this home based use.</td>
</tr>
</tbody>
</table>
### Part 12 Specific infrastructure issues

**12a Access & vehicle parking**

<table>
<thead>
<tr>
<th>Development type</th>
<th>Required provision</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home business / home industry</td>
<td>1 space for each employee other than residents of the dwelling.</td>
<td></td>
</tr>
<tr>
<td><strong>Industry &amp; storage</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Industry (general and light)</td>
<td>1 space per 75 m² of gross floor area</td>
<td></td>
</tr>
<tr>
<td>Vehicle repair station</td>
<td>1 space per 40 m² of gross floor area, OR 3 spaces per workshop bay, WHICHER IS GREATER.</td>
<td></td>
</tr>
<tr>
<td>Warehouse or distribution centre</td>
<td>1 space per 300 m² of gross floor area</td>
<td></td>
</tr>
<tr>
<td><strong>Recreation &amp; entertainment</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Entertainment facility</td>
<td>1 space per 10 fixed seats, OR 1 space per 10 m² of gross floor area if seats not affixed, whichever is the greater</td>
<td></td>
</tr>
<tr>
<td>Recreation facility (indoor)</td>
<td>1 space per 25 m² of gross floor area, PLUS 1 space per 2 employees</td>
<td></td>
</tr>
<tr>
<td>General (where not included in the facility types below)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Squash courts, tennis Courts</td>
<td>3 spaces per court, PLUS 1 space per 3 employees or part thereof</td>
<td></td>
</tr>
<tr>
<td>Bowling alleys</td>
<td>3 spaces per lane, PLUS 1 space per 3 employees or part thereof</td>
<td></td>
</tr>
<tr>
<td>Bowling greens</td>
<td>30 spaces for first green and 15 spaces for each additional green.</td>
<td></td>
</tr>
<tr>
<td>Recreation facility (outdoor)</td>
<td>To be assessed on a site by site based on the traffic generating capacity and design of the proposed area. Submit parking study to substantiate proposed car parking provisions.</td>
<td></td>
</tr>
<tr>
<td>Recreation facility (major)</td>
<td>To be assessed for each proposal, based on the traffic generating capacity and design of the proposed area.</td>
<td></td>
</tr>
<tr>
<td>Recreation area</td>
<td>To be assessed on a site by site based on the traffic generating capacity and design of the proposed area.</td>
<td></td>
</tr>
<tr>
<td>Conference Facilities</td>
<td>1 space per 5 fixed seats OR 1 space per 15 m² of gross floor area is seats no affixed</td>
<td>Council may consider a reduced parking rate depending on the nature of use the facility is put to (e.g.: if used for student conferences and transport to and from the site is by bus).</td>
</tr>
</tbody>
</table>
## Part 12 Specific infrastructure issues
### 12a Access & vehicle parking

<table>
<thead>
<tr>
<th>Development type</th>
<th>Required provision</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Commercial premises</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bulky goods premises</td>
<td>1 space per 45 m² of gross floor area.</td>
<td></td>
</tr>
<tr>
<td>Business premises (office premises, financial institutions, real estate agents etc)</td>
<td>1 space per 35 m² of gross floor area.</td>
<td>Provision should be made for the on site loading/unloading of service vehicles as appropriate.</td>
</tr>
<tr>
<td>Cellar door premises</td>
<td>1 space per 7 m² of gross floor area accessible to public</td>
<td></td>
</tr>
<tr>
<td>Function centre</td>
<td>1 space per 10 fixed seats, OR 1 space per 10 m² of gross floor area if seats not affixed, whichever is the greater</td>
<td></td>
</tr>
<tr>
<td>Funeral home or chapel (including mortuary)</td>
<td>1 space per employee PLUS 1 space per 10 m² of gross floor used or accessed by the public</td>
<td>If it is shown that not all surgeries operate at the same time, Council may consider reducing the parking requirement for patients.</td>
</tr>
<tr>
<td>Health Consulting Room</td>
<td>1 space per practitioner, PLUS 1 space per employee, PLUS 2 spaces for patients of each practitioner.</td>
<td>If it is shown that not all surgeries operate at the same time, Council may consider reducing the parking requirement for patients.</td>
</tr>
<tr>
<td>Kiosk</td>
<td>1 space per 25 m² GFA</td>
<td>Provision to be made for car / trailer combinations at strategic locations</td>
</tr>
<tr>
<td>Landscape and garden supplies</td>
<td>1 space per 130 m² of gross display area.</td>
<td>Separate provision should be made for stall holder’s vehicles. Where a market is located within an existing shopping centre, consideration will be given to multiple usage requirements and a lower parking provision may be acceptable.</td>
</tr>
<tr>
<td>Market</td>
<td>Minimum of two spaces per stall</td>
<td></td>
</tr>
<tr>
<td>Medical centre</td>
<td>1 space per 25 m² of gross floor area.</td>
<td></td>
</tr>
<tr>
<td>Pub</td>
<td>1 space per 4 m² of licensed floor area PLUS 1 space per bedroom or motel unit</td>
<td>Parking must be provided to satisfy the peak cumulative parking requirements of the development as a whole. Council may consider relaxing this requirement depending on the characteristics of the proposed development. For this purpose a comparison survey of similar developments, in similar locations should be provided with the development application.</td>
</tr>
<tr>
<td>Registered club</td>
<td>1 space per 7 m² of licensed gross floor area,</td>
<td>Parking must be provided to satisfy the peak cumulative parking requirements of</td>
</tr>
</tbody>
</table>
### Part 12 Specific infrastructure issues

#### 12a Access & vehicle parking

<table>
<thead>
<tr>
<th>Development type</th>
<th>Required provision</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>PLUS</td>
<td>1 space per 5 seats of auditorium, dining room and recreation area, OR 1 space per 10 m² of auditorium, dining room and recreation area, [WHICHEVER IS GREATER, PLUS 1 space per 3 employees.]</td>
<td>the development as a whole. Council may consider relaxing this requirement depending on the characteristics of the proposed development, and comparison with similar developments in the locality.</td>
</tr>
<tr>
<td><strong>Restaurant or cafe</strong></td>
<td>1 space per 7 m² of gross floor area available for dining purposes</td>
<td></td>
</tr>
<tr>
<td><strong>Restricted premises</strong></td>
<td>1 space per 20 m² of gross floor area</td>
<td></td>
</tr>
<tr>
<td><strong>Shop</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) &lt; or = to 1000 m² gross floor area</td>
<td>1 space per 20 m² of gross floor area.</td>
<td></td>
</tr>
<tr>
<td>(b) &gt; 1000 m² gross floor area (includes supermarkets, department stores, shopping centres)</td>
<td>1 space per 30 m² of gross floor area.</td>
<td></td>
</tr>
<tr>
<td>(c) video store</td>
<td>1 space per 15 m² of gross floor area.</td>
<td></td>
</tr>
<tr>
<td>(d) neighbourhood shop</td>
<td>1 space per 25 m² GFA</td>
<td></td>
</tr>
<tr>
<td><strong>Roadside stall</strong></td>
<td>A minimum of 4 off street parking spaces.</td>
<td>Line marking and sealing of the parking area may not be required for temporary or itinerant stalls and will be assessed on a merit basis.</td>
</tr>
<tr>
<td><strong>Service Station</strong></td>
<td>6 spaces per work bay, PLUS 1 space per 20 m² of gross floor area of the convenience store, PLUS 1 space per 6.5 m² of gross floor area OR 1 space per 3 seats if a restaurant facility is provided, [WHICHEVER IS GREATER.]</td>
<td>All car parks must be located clear of vehicle pump paths.</td>
</tr>
<tr>
<td><strong>Sex services premises</strong></td>
<td>2 spaces per room used for the provision of sex services.</td>
<td></td>
</tr>
<tr>
<td><strong>Take-away food or drink premises</strong></td>
<td>1 space per 12 m² of gross floor area, PLUS 1 space per 3 seats.</td>
<td>NB A food outlet that provides no seating will be assessed as ‘shops’. An area for queuing of cars for a drive through facility is required.</td>
</tr>
</tbody>
</table>
### Part 12 Specific infrastructure issues

#### 12a Access & vehicle parking

<table>
<thead>
<tr>
<th>Development type</th>
<th>Required provision</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Timber yards and hardware and building supplies</td>
<td>1 space per 130 m² of gross display area.</td>
<td>If a vehicle repair station is included additional parking will be required at the adopted rate for such a facility (as a guide, 6 spaces per work bay is recommended)</td>
</tr>
<tr>
<td>Vehicle sales or hire premises</td>
<td>0.75 spaces per 100 m² of site area, PLUS 1 space per 2 employees</td>
<td></td>
</tr>
<tr>
<td>Veterinary hospital</td>
<td>3 spaces per practitioner, PLUS 1 space per employee.</td>
<td>If it is shown that not all surgeries operate at the same time, Council may consider reducing the parking requirement for patients.</td>
</tr>
<tr>
<td><strong>Tourist &amp; visitor accommodation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Backpackers’ accommodation</td>
<td>1 space per bedroom, PLUS 1 space per 3 employees, PLUS 1 space for manager</td>
<td></td>
</tr>
<tr>
<td>Bed and breakfast accommodation</td>
<td>1 space per bedroom</td>
<td></td>
</tr>
<tr>
<td>Hotel accommodation</td>
<td>1 space per hotel unit, PLUS 1 space per 4 m² of licensed floor area, PLUS 1 space per 6.5 m² of auditorium, dining room and recreation area, OR 1 space per 3 seats of auditorium, dining room and recreation area, WHICHEREVER IS GREATER, PLUS 1 space per 3 employees.</td>
<td>The proposed hotel development will be compared to similar existing developments.</td>
</tr>
<tr>
<td>Serviced apartment</td>
<td>1-bedroom or studio: 1 space per unit 2-bedroom: 1.2 space per unit (the 0.2 space to remain as common property) 3-bedroom or more: 2 spaces per unit</td>
<td></td>
</tr>
<tr>
<td>Tourist accommodation units</td>
<td>1 space per bedroom</td>
<td></td>
</tr>
<tr>
<td>Motel</td>
<td>1 space per unit, PLUS 1 space per 2 employees.</td>
<td>If a restaurant or function room is to be included, additional parking will be required at the adopted rate for such facilities. Council is willing to review this requirement if it can be demonstrated that the time of peak demand at each facility does not coincide or if the facilities will serve motel customers. Submissions will be assessed on a merit basis.</td>
</tr>
</tbody>
</table>
### Development type

#### Transport & infrastructure

<table>
<thead>
<tr>
<th>Development type</th>
<th>Required provision</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freight transport facility</td>
<td>Cars 1 space per 100 m² of GFA OR 1 space per 2 staff, whichever is the greater</td>
<td>On-site parking for staff / visitors must be located in places that are readily accessible from the principal pedestrian entrances to buildings</td>
</tr>
<tr>
<td></td>
<td>Bicycles Minimum 1 space per 20 staff or part thereof</td>
<td></td>
</tr>
<tr>
<td>Materials recycling or resource recovery centre</td>
<td>1 space per 100 m² of GFA OR 1 space per 2 employees</td>
<td></td>
</tr>
<tr>
<td>Passenger transport facility</td>
<td>To be assessed on a site by site based on the traffic generating capacity and design of the proposed area. Submit parking study to substantiate proposed car parking provisions.</td>
<td></td>
</tr>
<tr>
<td>Transport or truck depot</td>
<td>Cars 1 space per 2 on site staff PLUS 1 space per transport vehicle present at the time of peak vehicle accumulation on site. Vehicle Wash Bay Minimum 1 vehicle wash bay of a size that can accommodate the largest vehicle typically visiting the site Bicycles Staff: Minimum 1 space per 5 staff or part thereof</td>
<td>Under no circumstances is the parking of vehicles on a public street acceptable.</td>
</tr>
</tbody>
</table>

#### Other Information

Where the developer is unable for any reason to comply with Table 28 Car parking requirements, they may be required to contribute to the cost of Council’s car parking areas as per the current relevant s94 or s94A Developer Contributions Plan(s).

#### Supplementary guidance

The following documents or reference materials provide further advice or information that is relevant to this section.

- UHSC Draft Engineering Guidelines for Subdivisions and Developments, as amended
- Australian Standards AS 2890.1 Off Street Car Parking
- Australian Standards AS 2890.2 Commercial Vehicles Facilities
Explanatory outline

Part 13 specifies outcomes, design guidelines and other requirements relating to specific localities. There are separate sections for each of the following matters:

13a St Aubins Estate, Scone
13b Cressfield Estate, Parkville
13c Clifton Hill Estate, Owens Gap smallholding
13d Scone Memorial Aerodrome & environs
Explanatory outline

Section 13a outlines assessment criteria that relate specifically to the St Aubins Estate, Scone. The following matters are covered:

- concept and land uses
- staging and infrastructure delivery
- public road network and street design
- pedestrian and cycling network
- biodiversity, open space and landscape strategy
- flooding and water management
- salinity
- Aboriginal and European heritage
- bushfire management
- significant development sites – seniors living
- significant development sites – education
- residential subdivision
- residential buildings

Note: the requirements of this section are in addition to those specified in other sections for particular development types, for example section 3a Subdivision and section 4a Urban dwellings.

Note: these criteria do not apply where approval is sought by way of a complying development certificate under SEPP (Exempt and Complying Development) Codes 2008. In such cases, the criteria under that SEPP will apply instead.

13a St Aubins Estate

13a.1 Application of this section

This section applies to development described in Column 1 when carried out on land described in Column 2.

<table>
<thead>
<tr>
<th>Column 1: Type of development</th>
<th>Column 2: Applicable land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any Development that requires development consent.</td>
<td>Land within the St Aubins Estate, Gundy Road, Scone, as shown on Map 18 St Aubins Estate, Scone</td>
</tr>
</tbody>
</table>
13a.2 Relevant planning instruments & legislation

*Upper Hunter Local Environmental Plan 2013* is relevant to development to which this section applies. Further planning instruments and legislation may also be relevant. In the event of any inconsistency, the above listed instruments will prevail over requirements or criteria contained in this section.

13a.3 Definitions

There may be terms used in this section that are defined in the Dictionary.

13a.4 Vision for St Aubins

The vision for St Aubins is to create a high quality residential development that facilitates the orderly growth of the Scone town site. Residential streets will be interconnected and legible to establish safe local streets and convenient access in and out of the development area.

Within the overall development, sites have been earmarked for education and seniors living purposes. This is to encourage the establishment of social infrastructure and activities that build a sense of community strength.

Riparian areas will be preserved and water management facilities will be provided to ensure minimal environmental impacts result from residential development. A connected pedestrian and cycling pathway network will align with the riparian corridors and connect to existing pathways in Scone.
13a Objectives

The objectives of this section are to:

- create a high quality residential development that facilitates the orderly growth of Scone
- encourage the establishment of social infrastructure and activities that build a sense of community strength
- ensure minimal environmental impacts result from residential development
- ensure that development contributes positively to Scone and the Upper Hunter’s image
- ensure the orderly development of the land and assist in the coordinated programming and provision of essential infrastructure and services
- facilitate urban development that meets environmental sustainability objectives
- ensure all development achieves a high standard of urban and architectural design quality
- promote housing that provides a high standard of residential amenity
- maximise opportunities for education and seniors living activities
- provide a site to accommodate the future educational needs for Scone
- promote walking and cycling, and provide good access to transport
- maximise opportunities for future residents to access and enjoy the outdoors
- protect riparian corridors, significant trees and vegetation
- ensure the protection of water quality standards and provide water management systems and erosions controls, including during construction
- protect and manage areas and elements of identified Aboriginal and European archaeological heritage
- prevent loss of life and property due to bushfires by providing for development compatible with bushfire hazard
- attract and stimulate investment in the Upper Hunter Shire.

13a.6 Supporting plans & documentation

Development applications that are subject to this section should be supported by the following plans and documentation.

Requirements listed below are in addition to requirements relating to the relevant type of development e.g. section 3a Subdivision or section 4a Urban dwellings.

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. General requirements</td>
<td>All applications</td>
<td>Refer to section 2c Lodging a development application.</td>
</tr>
</tbody>
</table>
| B. Servicing strategy | Applications for subdivision and major development (not for individual dwellings) | Information is required to demonstrate the availability and feasibility of providing the following services appropriate for the scale and nature of development:  
  - reticulated water, including the size and location of water services including any proposed fire service  
  - reticulated sewerage  
  - electricity and telecommunications. |
### Section 13 Specific localities

**13a St Aubins Estate, Scone**

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
</table>
| **C. Landscape plan & report** | Applications for subdivision and major development (not for individual dwellings) | Plan and report, prepared by a suitably qualified professional, showing:  
- description of ground preparation and on-going maintenance of landscaping  
- areas of private open space, proposed turf and areas of established gardens.  
- location and species of trees and shrubs to be retained or removed.  
- schedule of plantings, cross-referenced to the site plan indicating species, massing and mature height.  
- details of restoration and treatment of earth cuts, fills, mounds, retaining walls, fencing and screen walls. |
| **D. Fauna & flora assessment report** | Required in the circumstances outlined in section 11b Biodiversity conservation. Generally applications for subdivision and major development (not for individual dwellings) | Include the matters required under section 11b Biodiversity conservation. |
| **E. Heritage, aboriginal cultural heritage or archaeological plans & reports** | Applications that will potentially impact on land that is listed as or contains:  
- a heritage item  
- a heritage conservation area  
- a potential heritage item  
- an archaeological site  
- an Aboriginal object  
- an Aboriginal place of heritage significance. | Provide a Due Diligence Report  
Include the matters required under section 9a Heritage conservation. |
| **F. Soil & water management plans or reports** | Applications for which soil and water management plans or reports are required (refer to section 11f Soil & water management) | Prepare applicable soil and water management plans or reports, as specified in section 11f Soil & water management. These could include:  
- cut and fill details.  
- erosion and sediment control plan (ESCP)  
- erosion and sediment control strategy (ESCS)  
- soil and water management plan (SWMP)  
- comprehensive water cycle strategy (CWCS). |
| **G. Flooding** | Applications that relate to flood prone land | Include the matters required under section 10a Flood risk. |
| **H. Bushfire assessment report** | Applications that relate to Bush Fire Prone Land | Prepare a Bushfire Assessment Report in accordance with the current version of Planning for Bush Fire Protection, as specified in section 10b Bushfire risk. |
**Geotechnical hazard assessment**

Applications potentially subject to geotechnical hazards (refer to section 10c Geotechnical hazard).

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>I. Geotechnical hazard assessment</strong></td>
<td>Applications potentially subject to geotechnical hazards</td>
<td>Include the matters required under section 10c Geotechnical hazard.</td>
</tr>
<tr>
<td><strong>J. Salinity assessment</strong></td>
<td>Applications for subdivision and major development (not for individual dwellings)</td>
<td>Include the matters required under section 10c Geotechnical hazard.</td>
</tr>
<tr>
<td><strong>K. Traffic &amp; parking plans &amp; reports (various)</strong></td>
<td>Depends on type of development and expected traffic movements and parking requirements</td>
<td>Include the matters required under section 12a Access &amp; vehicle parking.</td>
</tr>
</tbody>
</table>

### 13a.7 Assessment criteria

A performance-based approach will be adopted in the assessment of development applications. Applications will be assessed according to the extent to which the outcomes specified in the left-hand column of the following table will be satisfied or achieved by the design, construction or operation of the proposal.

The design guidelines specified in the right-hand column indicate design and best practice solutions by which the required outcomes can be met. They do not preclude other solutions that may be suitable under particular local circumstances. All proposals will be considered on merit.

### Outcomes to be achieved

**A. Concept & Land Uses**

- Development is undertaken in accordance with Map 19: St Aubins Concept Development Plan (CDP) subject to compliance with the objectives and other development outcomes set out in this DCP.

  *Note: The CDP is a general guide to developing the site and variation from the CDP is permitted providing development is consistent with the Vision and Objectives for St Aubins.*

- Development is undertaken in accordance with Map 20: St Aubins Preferred Land Use Plan (PLUP) subject to compliance with the objectives and other development outcomes set out in this DCP.

  *Note: The PLUP is a guide to allocating land uses to encourage certain activities within the St Aubins development. Accordingly, the PLUP does not limit or prevent any other activities that are permissible under the LEP zoning.*

**B. Staging**

- Appropriate essential infrastructure, services and facilities are established with the timely staging of development.

- Staging and sequencing of the residential development.
Outcomes to be achieved

occurs in accordance with the staging strategy at . The size and boundaries of stages responds to expectant demands for new residential allotments.

### C. Public Road Network & Street Design
- The development satisfies relevant movement and access criteria contained within:
  - section 12a Access & vehicle parking
  - Part 3 Subdivision
  - Part 4 Urban residential
  - UHSC Draft Engineering Guidelines for Subdivisions and Developments, as amended.
- A hierarchy of interconnected streets is provided that enables safe, convenient and legible access.
- Easily accessible connections to Gundy Road are provided.
- Carriageways and verges must match the function of the road.
- Adequate land is provided within verges for infrastructure, landscaping and pathways (if provided).
- Alternative street designs for local streets may be permitted on a case-by-case basis if the functional objectives and requirements of the street design are maintained.
- The public street network is to be provided in accordance with .
- Street design is to comply with the minimum standards in the cross-sections detailed in Figure 17 St Aubins road sections minimum standards.
- Roundabouts are to be provided where a signed intersection cannot adequately manage traffic flows.
- Cul-de-sac roads are permitted, particularly in locations where constraints are present such as sloping land and physical barriers (that is, high voltage transmission lines and riparian corridors).
- Verges abutting open space and riparian areas may be reduced to 1 m in width providing no servicing infrastructure is installed on the non-residential side of the road.

### D. Pedestrian & cycling network
- A pedestrian and cycle pathway network is provided that:
  - provides safe and convenient linkages between residences and open space systems, schools, community facilities and shops, and key destinations beyond the St Aubins site
  - responds to the topography and achieves appropriate grades for safe and comfortable use where possible
  - provides accessible connections to existing pathway networks.
- The efficient use of land is to be encouraged by allowing pedestrian pathways and cycleways to be located within open spaces wherever practical.
- Key pedestrian and cycleway routes are to be provided generally in accordance with Map 23: St Aubins Indicative Pedestrian and Cycling Network.
- The development should respond to the movement and access guidelines contained within:
  - Part 3 Subdivision
  - Part 4 Urban residential
  - UHSC Draft Engineering Guidelines for Subdivisions and Developments (as amended).

### E. Biodiversity, open space & landscape strategy
- Significant trees and other vegetation of ecological, aesthetic and cultural significance are conserved.
- Riparian corridors which contain habitat features are provided, enhanced and protected.
- Groundwater leakage is minimised.
- Landscaping and open spaces are provided in accordance with Map 24: St Aubins Landscape Strategy.
- Appropriate riparian areas can be used for passive open space uses and activities.
- Promote and maintain perennial vegetation to minimise groundwater leakage.
- Establish native tree and shrub corridor(s) in the streetscape to act as salinity intercept planting. Further native plantings are encouraged for the identified riparian corridor and buffer zone as shown in Map 24: St Aubins Landscape Strategy

### F. Flooding & water management
- The development considers the provisions of:
  - section 11e Soil and water management.
  - section 10a Flood risk.

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Outcomes to be achieved

- UHSC Draft Engineering Guidelines for Subdivisions and Developments, as amended.
- Stormwater is managed primarily through the street network and the provision of detention basins.
- Detention basins or stormwater storage areas are sealed or treated such as to prevent the structure being a source of groundwater recharge, influencing salinity levels in an already highly salinised catchment.

G. Geotechnical hazard & salinity
- The development considers the provisions of section 10c Geotechnical hazard

H. Aboriginal & European heritage
- The development considers the provisions of section 9a Heritage conservation.
- Any significant sites or items detected on the site are appropriately protected.

I. Bushfire management
- The development considers the provisions of section 10b Bushfire risk and comply with Planning for Bush Fire Protection.
- Easily accessible linkages are provided to Gundy Road.
- Vegetation outside the core riparian area is designed and managed as a low fuel or fuel reduced areas.

J. Significant development sites – seniors living
- A range of seniors living accommodation is provided on the site marked ‘Seniors Living’ on Map 19: St Aubins Concept Development Plan and Map 20: St Aubins Preferred Land Use Plan, including a Residential Aged Care Facility and Independent Living Units.
- Childcare, community and other ancillary facilities must also be provided within the site marked ‘Seniors Living’ on Map 19: St Aubins Concept Development Plan and Map 20: St Aubins Preferred Land Use Plan.
- The overall seniors living site is generally consistent with the following design principles:
  Layout:
  - The site must present a consistent residential character and sense of place.
  - The site must respond to the natural attributes of the site.
  - Impacts to the existing streetscape are minimised.
  - A high level of amenity is given in terms of solar access, views, outlook or proximity to open space.
  - Clear distinction is made between private and public spaces to encourage casual surveillance of the street.
  - High levels of accessibility is provided in all buildings.
Part 13  Specific localities

13a  St Aubins Estate, Scone

Outcomes to be achieved

and across the wider site.

- Provision of pedestrian linkages throughout the site and to the riparian zone.
- Design site servicing infrastructure, loading, waste storage and collection areas to minimise visual impact on the public domain and impact on neighbours.
- Provision of areas of quality landscaping and deep soil zones for mature tree planting.

Built form and structures:

- Recognise the specific and special functional requirements of residential aged care facilities.
- High quality design and materials appropriate to the rural residential character of the area.
- Provision of range of building heights with a general character and appearance of two stories to the Gundy Road frontage, with building heights being compatible to the surrounding streets and adjoining uses.
- Provision for consistent setbacks to Gundy Road to allow for significant open spaces opportunities for planting and landscaping.
- Provision of landscaped setbacks to internal roads.
- Limit blank walls visible from principle streets and the public domain with design techniques and landscaping employed in such a way as to reduce visual impacts.
- Provision of a materials and colour palette that responds to the rural residential nature of the area.
- The Independent Living Units are generally consistent with the following design principles:
  - Provision of housing choice through a range of dwelling sizes and types.
  - Provision of dwellings that have distinct and safe entries.
  - Provision of quality useable private spaces, landscaped areas and deep soils zones to support mature tree plantings, water percolation and residential amenity.
  - Provision of adequate on-site parking for residents, visitors and staff having regard to the locality and transport provision on site.
  - Minimise the dominance of garages within the streetscape through location, dimensions or external finishes and treatments.
  - Provision of predominantly open front fencing style (that is, visually permeable infill panel of landscaping, decorative steel, wrought iron or timber pickets preferred) where front fencing is proposed.

The Residential Aged Care Facility is generally consistent with the following design principles:

- Encouraged materials for walls include timber cladding, painted weatherboarding, brick, stone, glass, steel timber or concrete.
- Encouraged materials for roofs include pre-finished corrugated roof sheeting.
Part 13  Specific localities

13a  St Aubins Estate, Scone

Outcomes to be achieved

<table>
<thead>
<tr>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>• provision of adequate on-site parking for residents, visitors and staff having regard to the locality and transport provisions on site</td>
</tr>
<tr>
<td>• provision of parking space suitable for an ambulance</td>
</tr>
<tr>
<td>• provision of safe, secure and usable communal open spaces appropriate for the specific user</td>
</tr>
<tr>
<td>• provision of quality landscaped areas and deep soils zones to support mature tree plantings, water percolation and to enhance residential amenity and outlook.</td>
</tr>
</tbody>
</table>

K. Significant Development Sites – Education

This element relates to the site marked ‘School Site’ on Map 19: St Aubins Concept Development Plan and ‘Education’ on Map 20: St Aubins Preferred Land Use Plan.

- The site is designed so that a wide range of educational facilities can be accommodated, including buildings, playing fields and rural learning.
- A high quality education development is provided that responds to the natural landform and provides an attractive interface to adjacent residential uses.
- The site is consistent with the following design principles:
  
  **Layout:**
  - Maximise exposure of the main buildings to the adjacent collector road.
  - Provision of passive surveillance of riparian areas and adjacent streets.
  - Design site servicing infrastructure, loading, waste storage and collection areas to minimise visual impact on the public domain and impacts on neighbours.

  **Built form and structures:**
  - Allow a range of building heights up to a maximum of 2 storeys.
  - Provision of appropriate building setbacks to site boundaries.
  - Blank walls visible from principle streets and the public domain are to be limited.
  - All signage is designed in a co-ordinated manner.

  **Parking and access:**
  - A main site entry is obtained from the collector road. The preferred main entry is from the proposed roundabout shown on Map 20: St Aubins Preferred Land Use Plan
  - Adequate parking for staff, visitors and buses is provided within the site.
### Part 13 Specific localities

#### 13a St Aubins Estate, Scone

<table>
<thead>
<tr>
<th>Outcomes to be achieved</th>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>L. Residential subdivision</strong></td>
<td>• Residential lots should be rectangular in geometry</td>
</tr>
<tr>
<td>■ The development satisfies relevant criteria set out in <strong>Part 3 Subdivision</strong>.</td>
<td></td>
</tr>
<tr>
<td>■ The subdivision layout:</td>
<td></td>
</tr>
<tr>
<td>- utilises residential development areas efficiently and respond to the natural attributes of the site.</td>
<td></td>
</tr>
<tr>
<td>- establishes a consistent residential character and sense of place</td>
<td></td>
</tr>
<tr>
<td>- ensures that residential lots are afforded a high level of amenity in terms of solar access, views, outlook or proximity to open spaces.</td>
<td></td>
</tr>
<tr>
<td>- delivers a legible and permeable street network</td>
<td></td>
</tr>
<tr>
<td>- responds to the natural site topography</td>
<td></td>
</tr>
<tr>
<td>- takes into account the location of existing significant trees</td>
<td></td>
</tr>
<tr>
<td>- is consistent with solar design principles.</td>
<td></td>
</tr>
<tr>
<td>■ Street blocks are an appropriate length and width to facilitate pedestrian connectivity, and achieve stormwater management and traffic safety objectives</td>
<td></td>
</tr>
</tbody>
</table>

| **M. Residential buildings** | |
| ■ The design considers the provisions of section 4a **Urban dwellings**. | • The use of eaves, verandahs, high quality materials/finishes and feature elements on front facades is encouraged. |
| ■ An attractive streetscape is provided through the provision of simple and articulated building and roof forms. | • The following streetscape design features are encouraged within the primary street facade of a residential building: |
| | - entry feature or portico, |
| | - awnings or other features over windows, |
| | - recessing or projecting architectural elements, |
| | - open verandahs, and, |
| | - a mixture of building materials and finishes. |
| | • Residential buildings are to be consistent with the standards in Table 27. |
### Part 13 Specific localities

#### 13a St Aubins Estate, Scone

Table 29: Residential buildings standards. St Aubins Estate Scone

<table>
<thead>
<tr>
<th>Dwelling design aspect</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front setback</td>
<td>(Min.): 6 m to main front building line</td>
</tr>
<tr>
<td>Side setback</td>
<td>(Min.): 1 m</td>
</tr>
<tr>
<td>Site coverage</td>
<td>(Max.): 50% of total lot area</td>
</tr>
<tr>
<td>Building height</td>
<td>(Max.): 2 storeys</td>
</tr>
<tr>
<td>Dwelling floor area</td>
<td>(Min.): 150 m²</td>
</tr>
<tr>
<td>Building materials – walls</td>
<td>Materials are to comprise brick, stone, glass, timber or concrete</td>
</tr>
<tr>
<td>Building materials – roofs</td>
<td>Materials are to comprise tiles, slate, clay/cement products or pre-painted sheet metal</td>
</tr>
<tr>
<td>Front fencing type</td>
<td>Open style fence (that is, visually permeable infill panels of landscaping, decorative steel, wrought iron or timber pickets preferred)</td>
</tr>
<tr>
<td>Front fencing height</td>
<td>(Max.): 1 m</td>
</tr>
<tr>
<td>Side fencing height</td>
<td>(Max.): 1.8 m (behind the main front building line)</td>
</tr>
<tr>
<td>Attached garages</td>
<td>To be located behind building line</td>
</tr>
<tr>
<td>Outbuilding floor area</td>
<td>(Max.): 60 m² for combined total of all outbuildings</td>
</tr>
<tr>
<td>Outbuilding materials</td>
<td>To be constructed of the same materials as the primary dwelling unless the outbuilding is located to the rear of the primary dwelling where pre-painted sheet metal is permitted</td>
</tr>
</tbody>
</table>
Part 13  Specific localities

13a  St Aubins Estate, Scone

Map 19: St Aubins Concept Development Plan
Part 13 Specific localities

13a St Aubins Estate, Scone

Map 20: St Aubins Preferred Land Use Plan
13a St Aubins Estate, Scone

Map 21: St Aubins Indicative Staging Strategy
Part 13  Specific localities

13a  St Aubins Estate, Scone

Map 22: St Aubins Indicative Road Hierarchy
Figure 17 St Aubins road sections minimum standards

Collector roads

Local roads
Part 13 Specific localities

13a St Aubins Estate, Scone

Map 23: St Aubins Indicative Pedestrian and Cycling Network
13a.8  **Supplementary guidance**

The following documents or reference materials provide further advice or information that is relevant to this section.

- Office of Environment and Heritage booklet ‘*Site Investigations for Urban Salinity*’ (Department of Land and Water Conservation, 2002)
- UHSC Draft Engineering Guidelines for Subdivisions and Developments (as amended)
Part 13 Specific localities

13b Cressfield Estate, Parkville

Explanatory outline
Section 13b outlines assessment criteria that relate specifically to the Cressfield Estate, Parkville. The following matters are covered:

- dwelling location and orientation
- landscaping
- building materials
- landscaping buffer
- water supply and conservation
- boundary fencing
- other considerations

13b Cressfield Estate, Parkville

13b.1 Application of this section
This section applies to development described in Column 1 when carried out on land described in Column 2.

<table>
<thead>
<tr>
<th>Column 1: Type of development</th>
<th>Column 2: Applicable land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any development that requires development consent.</td>
<td>Land within the Cressfield Estate, Parkville, as shown on Map 25 Cressfield Estate, Parkville - Area</td>
</tr>
</tbody>
</table>

13b.2 Relevant planning instruments & legislation
Upper Hunter Local Environmental Plan 2013 is relevant to development to which this section applies. Further planning instruments and legislation may also be relevant. In the event of any inconsistency, the above listed instruments will prevail over requirements or criteria contained in this section.
Part 13  Specific localities

13b  Cressfield Estate, Parkville

Map 25 Cressfield Estate, Parkville - Area
13b.3 Background

Bentonite Mine

An existing Bentonite Mine is located on Lot 8 DP 1008618 as shown on Map 26 Cressfield Estate, Parkville – dwelling location restrictions. The mine operates under a consent issued in 1973 by Scone Shire Council. Although extraction has ceased, it is still considered operational.

Future equine development

Scone is recognised as one of the most significant equine regions in Australia and development of an equine nature is likely to occur on adjoining properties.

Water supply and groundwater

The area of Parkville in which the ‘Cressfield’ subdivision is located is not serviced by a reticulated water supply. In addition to domestic supply provision, water for agriculture and stock needs to be carefully addressed so that the natural water resource is not wasted.

The Kingdon Ponds aquifer is an important but limited source of water for agricultural pursuits and in some cases for domestic usage. Kingdon Ponds, Middle Brook and Dry Creek all traverse the ‘Cressfield’ subdivision and should not be seen as a free resource rather, as a resource that needs to be carefully managed if it is to sustain all the competing demands placed upon it.

Heritage

‘Cressfield’ Homestead and associated buildings are listed in Upper Hunter LEP 2013 Schedule 5 as ‘Cressfield Station’, a heritage item of local significance.

13b.4 Definitions

There may be terms used in this section that are defined in the Dictionary.

13b.5 Objectives

The objectives of this section are to:

- encourage protection of cultural heritage, in particular ‘Cressfield Station’ listed in Upper Hunter LEP 2013 Schedule 5 as a heritage item of local significance
- protect the amenity of dwellings constructed in the ‘Cressfield’ subdivision, especially in relation to the neighbouring Bentonite Mine
- encourage development that is compatible with surrounding agricultural uses and the agricultural nature of the locality.

13b.6 Supporting plans & documentation

Development applications that are subject to this section should be supported by the following plans and documentation.

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. General requirements</td>
<td>All applications</td>
<td>Refer to section 2c Lodging a development application.</td>
</tr>
<tr>
<td>B. Development-specific or issue-specific reports</td>
<td>As required under specific sections of this DCP</td>
<td>Refer to separate relevant sections of this DCP, for example subdivision, rural dwellings, etc.</td>
</tr>
<tr>
<td>C. Building materials &amp; landscaping details</td>
<td>Applications for a dwelling on land comprising Lots 3, 4 or 55 DP 1042680, Lots 561 or 562 DP 1077404, or their resultant</td>
<td>Details of building materials and proposed landscaping</td>
</tr>
</tbody>
</table>
13b Cressfield Estate, Parkville

13b.7 Assessment criteria

A performance-based approach will be adopted in the assessment of development applications. Applications will be assessed according to the extent to which the outcomes specified in the left-hand column of the following table will be satisfied or achieved by the design, construction or operation of the proposal.

The design guidelines specified in the right-hand column indicate design and best practice solutions by which the required outcomes can be met. They do not preclude other solutions that may be suitable under particular local circumstances. All proposals will be considered on merit.

<table>
<thead>
<tr>
<th>Outcomes to be achieved</th>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Dwelling location &amp; orientation</td>
<td>• Dwellings on Lots 3, 4 or 55 DP 1042680, Lots 561 or 562 DP 1077404 should be designed to have views oriented away from the Bentonite Mine</td>
</tr>
<tr>
<td>• The location of dwellings on Lots 3, 4, Lot 55 DP 1042680, Lot 561 or 562 DP 1077404 (or their resultant subdivisions) is in accordance with Map 26 Cressfield Estate, Parkville – dwelling to minimise the impacts associated with the adjoining Bentonite Mine</td>
<td></td>
</tr>
<tr>
<td>B. Landscaping</td>
<td>• Earth mounds with plantings can be effective in ameliorating against noise and visual impacts.</td>
</tr>
<tr>
<td>• Landscaping is provided on Lots 3, 4, Lot 55 DP 1042680, Lot 561 or 562 DP 1077404 (or their resultant subdivisions) to screen the views from the dwellings towards the Bentonite Mine.</td>
<td></td>
</tr>
<tr>
<td>• Consideration should be given to the use of appropriate species that are:</td>
<td></td>
</tr>
<tr>
<td>• fast growing</td>
<td></td>
</tr>
<tr>
<td>• drought resistant</td>
<td></td>
</tr>
<tr>
<td>• have dense foliage to provide an effective visual barrier.</td>
<td></td>
</tr>
<tr>
<td>• If proposed trees mature to a height above normal sight lines then consideration should be given to planting shrubs to fill in below tree canopies</td>
<td></td>
</tr>
<tr>
<td>C. Building materials</td>
<td>• The use of insulation, brick and double glazing of windows should be considered as well as the location of openings that may face the mine site.</td>
</tr>
<tr>
<td>• Building materials are selected for dwelling houses placed on Lots 4, Lot 55 DP 1042680, Lot 561 or 562 DP 1077404 (or their resultant subdivisions) that ameliorate intrusion of noise from the adjoining Bentonite Mine (until such time that the Bentonite Mine ceases to operate and has been rehabilitated).</td>
<td></td>
</tr>
<tr>
<td>• The use of appropriate roofing materials can also assist in noise suppression.</td>
<td></td>
</tr>
<tr>
<td>• Barriers such as screen walls or earth mounds are the most effective in ameliorating noise effects from the mine site.</td>
<td></td>
</tr>
<tr>
<td>• The placement of rural outbuildings between dwellings and the mine site can also ameliorate against noise impacts.</td>
<td></td>
</tr>
<tr>
<td>D. Landscaping buffer</td>
<td>• Species selected for the landscape buffer planting should have regard to foliage height at maturity, drought resistance and life span.</td>
</tr>
<tr>
<td>• A 20 metre wide landscape buffer is provided along the access handle as shown on Map 26 Cressfield Estate, Parkville – dwelling location restrictions and landscape buffer.</td>
<td></td>
</tr>
<tr>
<td>• The landscape buffer is to incorporate both earth mounding and plantings of Australian Native species that will provide a screen to the mine and generally enhance</td>
<td></td>
</tr>
<tr>
<td>• Species should be Australian Native and should be wherever possible indigenous to the area.</td>
<td></td>
</tr>
<tr>
<td>• Foliage canopy heights should be supplemented by shrub plantings to provide a continuous screening effect.</td>
<td></td>
</tr>
</tbody>
</table>
## Part 13 Specific localities

### 13b Cressfield Estate, Parkville

<table>
<thead>
<tr>
<th>Outcomes to be achieved</th>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>the visual landscape of the area.</td>
<td>The minimum of 100,000 litre domestic tank or supplied from an independent tank installed in outbuildings or sheds.</td>
</tr>
<tr>
<td>The landscape buffer is maintained for the life of the mining operation and the rehabilitation of the mined area. The responsibility for maintenance of this landscape buffer rests with the owners of Lot 9 DP 1008618. The responsibility for maintenance of this corridor may be reviewed over time such that it becomes the responsibility of the mine operator. This review will occur should any proposals to amend or alter the mining operation be received by Council or another authority.</td>
<td>Compliance with Planning for Bush Fire Protection 2006 (or any updated versions).</td>
</tr>
<tr>
<td>Additional plantings / buffer screens may be required to address both visual and noise concerns.</td>
<td>Utilise water conserving appliances in residences.</td>
</tr>
</tbody>
</table>

*Note: the landscape buffer is required to provide an effective screen to the east from the Bentonite Mine.*

### E. Water supply & conservation

- Each dwelling has an adequate potable water supply for domestic purposes.
- Each dwelling has an adequate water supply for fire fighting supply.
- Water conservation practices are maximised.
- The minimum of 100,000 litre domestic tank or supplied from an independent tank installed in outbuildings or sheds.
- Compliance with Planning for Bush Fire Protection 2006 (or any updated versions).
- Utilise water conserving appliances in residences.
- Water reuse infrastructure can be provided in accordance with relevant legislation and guidelines (for example, grey water for toilet flushing or reuse of treated effluent for irrigation).
- Drought -resistant plant and lawn species should be used.

### F. Boundary fencing

- Boundary fencing has regard to current and future stock uses on adjoining properties
- Whilst cattle and sheep grazing together with cropping is also likely and currently occurs on both “Cressfield” and “Brooklyn” regard should be had to the type of fencing used in this locality.
- Where stock such as sheep or goats are to be kept, five strand plain wire which is the current farming arrangement, should suffice to stop stock from wandering. Specialist fencing requirements may be considered for other uses i.e. deer, alpacas, emus, ostriches etc.

### G. Other considerations

- The development satisfies relevant criteria set out in the following sections:
  - section 3a Subdivision
  - section 7b Rural dwellings
  - section 9a Heritage conservation
  - section 10b Bushfire risk
  - section 10c Geotechnical hazard
  - section 11b Biodiversity conservation
  - section 11f Soil & water management
  - section 11g On-site waste water management
  - section 11i Buffer areas
  - section 12a Access & vehicle parking.
- The development meets requirements contained in **UHSC Draft Engineering Guidelines for Subdivisions and Developments**, as amended.
13b.8 Supplementary guidance

The following documents or reference materials provide further advice or information that is relevant to this section.

- NSW Office of Water information on Harvestable Rights Dams
- The assistance of an Agronomist from the Department of Agriculture may be required in planning for various land uses at “Cressfield”.
- *UHSC Draft Engineering Guidelines for Subdivisions and Developments*, as amended
Map 26 Cressfield Estate, Parkville – dwelling location restrictions and landscape buffer
Explanatory outline

Section 13c outlines assessment criteria that relate specifically to the Clifton Hill Estate rural smallholdings area at Owens Gap, west of Scone. The following matters are covered:

- general design principles
- lot size, configuration and building envelopes
- siting of dwellings and structures
- building design and materials
- fencing
- biodiversity conservation
- soil and water management
- on-site sewerage management
- heritage
- bushfire

Note: the requirements of this section are in addition to those specified in other sections for particular development types, for example section 3a Subdivision and section 7b Rural dwellings.

13c Clifton Hill Estate, Owens Gap - rural smallholdings

13c.1 Application of this section

This section applies to development described in Column 1 when carried out on land described in Column 2.

<table>
<thead>
<tr>
<th>Column 1: Type of development</th>
<th>Column 2: Applicable land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any development that requires development consent.</td>
<td>Land within the Clifton Hill Estate, Owens Gap, west of Scone, as shown on Map 27 Clifton Hill Estate, Owens Gap Rural Small Holdings - Area.</td>
</tr>
</tbody>
</table>
13c Clifton Hills Estate, Owens Gap - Rural Small Holdings

Map 27 Clifton Hill Estate, Owens Gap Rural Small Holdings - Area
13c.2 Relevant planning instruments & legislation

The following environmental planning instruments or other legislation are relevant to development to which this section applies:

- Upper Hunter Local Environmental Plan 2013

Further planning instruments and legislation may also be relevant. In the event of any inconsistency, the above listed instruments will prevail over requirements or criteria contained in this section.

13c.3 Definitions

The following terms are relevant to this section:

- **88B instrument** means an instrument setting out terms of easements and restrictions as to user intended to be created pursuant to section 88B of the Conveyancing Act 1919, and which may include a positive covenant under section 88BA of that Act.

- **building envelope** means an area within the boundaries of an allotment in which all buildings or structures, including dwellings, sheds, garages, pergolas, tennis courts, swimming pools, and waste-water disposal areas must be contained. Building Envelopes for each lot are shown hatched on Map 28 Clifton Hill Estate, Owens Gap Rural Small Holdings - Development Envelopes.

- **conservation area** means an area within the boundaries of an allotment which has been identified as having significant conservation value for flora, or fauna, or has significant scenic quality. Conservation areas are shown on Map 29 Clifton Hill Estate, Owens Gap Rural Small Holdings - Conservation Area.

13c.4 Objectives

The objectives of this section are to:

- encourage development which maintains and enhances the environmental attributes of the land by identifying land having a high conservation value to protect floral and fauna

- maintain and enhance the scenic attributes and visual appearance of the site by maximising the retention to existing native vegetation and protecting the escarpment from inappropriate usage

- avoid inappropriate intrusion on hill slopes, landscape features and drainage lines

- ensure that all new structures are sited within defined building envelopes

- encourage energy efficient subdivision and building design

- ensure that development contributes positively to Scone and the Upper Hunter’s image.

13c.5 Supporting plans & documentation

Development applications that are subject to this section should be supported by the following plans and documentation.

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. General requirements</td>
<td>All applications</td>
<td>Refer to section 2c Lodging a development application.</td>
</tr>
<tr>
<td>B. Subdivision requirements</td>
<td>Applications for subdivision of land</td>
<td>Include the matters required under section 3a Subdivision.</td>
</tr>
<tr>
<td>C. Rural dwelling</td>
<td>Applications for rural dwellings</td>
<td>Include the matters required under section 7b Rural dwellings.</td>
</tr>
</tbody>
</table>
## Part 13 Specific localities

### 13c Clifton Hills Estate, Owens Gap - Rural Small Holdings

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td><strong>requirements</strong></td>
</tr>
</tbody>
</table>
| **D. Soil & water management plans or reports** | Applications for which soil and water management plans or reports are required (refer to section 11f Soil & water management) | Prepare applicable soil and water management plans or reports, as specified in section 11f Soil & water management. These could include:  
  - cut and fill details.  
  - erosion and sediment control plan (ESCP)  
  - erosion and sediment control strategy (ESCS)  
  - soil and water management plan (SWMP)  
  - comprehensive water cycle strategy (CWCS). |
| **E. Bushfire assessment report** | Applications that relate to Bush Fire Prone Land | Prepare a Bushfire Assessment Report in accordance with the current version of Planning for Bush Fire Protection, as specified in section 10b Bushfire risk. |
| **F. Flora & fauna assessment & report** | Applications that relate to land with high biodiversity values, or that require significant disturbance or removal of native vegetation or potential habitat for native species (refer to section 11b Biodiversity conservation). | Include the matters required under section 11b Biodiversity conservation. |
| **G. Landscape plan** | All applications for Dwelling-Houses or any other Residential Accommodation | Plan and report, prepared by a suitably qualified professional, showing:  
  - description of ground preparation and on-going maintenance of landscaping  
  - areas of private open space, proposed turf and areas of established gardens.  
  - location and species of trees and shrubs to be retained or removed.  
  - schedule of plantings, cross-referenced to the site plan indicating species, massing and mature height.  
  - details of restoration and treatment of earth cuts, fills, mounds, retaining walls, fencing and screen walls. |
| **H. On-site sewerage management system plans & form** | Applications for development that will generate sewage waste in locations that are not connected to a reticulated sewerage system | Include the matters required under section 11g On-site waste water management. |
| **I. Geotechnical hazard & salinity assessment** | Applications potentially subject to geotechnical hazards (refer to section 10c Geotechnical hazard) | Include the matters required under section 10c Geotechnical hazard. |
Part 13 Specific localities

13c Clifton Hills Estate, Owens Gap - Rural Small Holdings

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>J. Flooding report</td>
<td>Applications that relate to flood prone land</td>
<td>Include the matters required under section 10a Flood risk.</td>
</tr>
</tbody>
</table>

13c.6 Assessment criteria

A performance-based approach will be adopted in the assessment of development applications. Applications will be assessed according to the extent to which the outcomes specified in the left-hand column of the following table will be satisfied or achieved by the design, construction or operation of the proposal.

The design guidelines specified in the right-hand column indicate design and best practice solutions by which the required outcomes can be met. They do not preclude other solutions that may be suitable under particular local circumstances. All proposals will be considered on merit.

<table>
<thead>
<tr>
<th>Outcomes to be achieved</th>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. General design principles</td>
<td>- Development takes into account the existing natural and cultural features of the site and area.</td>
</tr>
<tr>
<td>B. Lot size, configuration &amp; building envelopes</td>
<td>- Minimum lot sizes are specified in Upper Hunter LEP 2013 clause 4.1 and associated series of Maps 'Lot size'. As at 2014, the minimum lot size in this area was 4 hectares. The minimum lot size was determined having regard to the need to minimise the long term cumulative impacts of on-site effluent disposal and the intention to maintain and enhance the conservation values for fauna and flora on the site. - The lot configuration (that is, the subdivision pattern) considers the following matters: • providing a suitable indicative building envelope (refer below) • respecting the development capability of the land • maintaining an acceptable level of rural amenity • maintaining and supplementing bushland as a habitat for fauna and flora species. • protecting the scenic amenity of the location including distant views • minimising soil erosion • incorporating bush fire protection measures. - Indicative Building Envelopes are provided on each lot to allow the siting of future dwellings and structures. They shall generally be of the size and in the location shown on Map 28 Clifton Hill Estate, Owens Gap Rural Small Holdings - Development Envelopes and Infrastructure Buffers. Note: Conditions of consent may specify that the Building</td>
</tr>
</tbody>
</table>
Outcomes to be achieved | Design guidelines
--- | ---
Envelopes be shown on the plan of subdivision and noted as a restriction as to user on the accompanying 88B instrument. |  

C. Siting of dwellings & structures

- Dwellings, outbuildings, ancillary structures and wastewater disposal area are sited within the relevant Building Envelopes shown on Map 28 Clifton Hill Estate, Owens Gap Rural Small Holdings - Development Envelopes.
- Dwellings are orientated to maximise solar access, views and privacy.
- All new structures are sited to:
  - minimise potential for erosion, sedimentation or contamination of watercourses.
  - avoid natural drainage lines or erodible areas (refer to section 11e Soil and water management).
  - minimise removal of native vegetation (refer to section 11b Biodiversity conservation).
  - recognise Asset Protection Zones for bushfire protection (refer to section 10b Bushfire risk).

D. Building design & materials

- All structures, (that is, dwelling houses, garages, sheds etc) is designed having consideration to the rural character of the area, the topography and landscape features of the site, energy efficiency and bush fire risk. Particular consideration will need to be given to the building location, form, colour and construction materials.
- Dwellings should be designed to be energy efficient through the use of installation, orientation, passive solar design, cross ventilation and other energy saving techniques. In particular, dwellings should be designed to locate living rooms to take advantage of winter solar radiation whilst minimising the extent that summer solar radiation enters windows on the northern and western facades of the buildings.
- Dwellings shall be constructed of materials which recognise any bush fire risk and shall be constructed in accordance with Planning for Bush Fire Protection 2006 and the relevant BAL as required by AS3995 Construction of Buildings in Bushfire Prone Areas (refer to section 10b Bushfire risk).
- All external finishes shall be of tones similar to those inherent in the landscape. Generally all buildings, ancillary structures, including sheds, garages and water tanks are to be of natural earthy colours in the mid tonal range or darker and are to be of a non-reflective finish.
- The scale form and external finish of buildings should recognise the rural vernacular style of country dwellings. Verandas (including front and side where appropriate) are encouraged, with the depth of verandas in proportion to the main building.
- Roofs should be hipped or gabled.
- Dwellings should have a maximum building height above natural ground level not exceeding 7.5 metres.
- Dwellings should be single storey or split level, however, dwellings utilising the attic area with dormer windows as a second level are also appropriate.
- Two-storey dwellings are not preferred.
Outcomes to be achieved

E. Fencing

- Fencing generally is of a visually open character typical of a rural location and preferably comprises rural post and rail or post and wire construction.
- Fencing is designed to facilitate the movement of native fauna (except where associated with the building envelope or residence).
- Fencing inside the building envelope or otherwise in proximity to the dwelling house minimises any fire risk associated with that fencing.
- Boundary fencing satisfies the following:
  - does not exceed 1.5 metres in height
  - utilises barbed wire only where necessary to contain stock
  - comprises predominantly plain wires.
- Non-boundary fencing satisfies the following:
  - does not exceed 1.5 metres in height
  - does not utilise barbed wire
  - comprise of plain wires only.

F. Biodiversity conservation

This outcome and guideline applies to development on land shown on Map 29 Clifton Hill Estate, Owens Gap Rural Small Holdings - Conservation Area.

Land shown on this Map contains important biodiversity values and environmental qualities. The steep sandstone rock escarpments with numerous rock shelves and shallow caves provide habitat for native wildlife and are highly erodible and sensitive to human disturbance.

- Development considers the provisions of section 11b Biodiversity conservation.
- Existing native vegetation is retained wherever possible. The removal of any vegetation may only be carried out in accordance with the provisions of the Native Vegetation Act 2003 and accompanying regulation, and with the consideration of Planning for Bush Fire Protection 2006.
- Natural features are preserved by minimising human intrusion and excluding domestic pets.

The following guidelines should apply to development on the land:

- Effective weed eradication and/or management programs are encouraged. Weed management initiatives include techniques to avoid or remove the factors which initiate the spread of weeds. Such factors include eliminating excessive runoff of nutrient enriched water from houses, minimising soil disturbance including from introduced animals (domestic or feral) and minimising the spread of weed propagules. Weed eradication by herbicides may only be carried out in accordance with the Pesticides Act.
- Locally indigenous flora species should be protected by ensuring gardens associated with residences predominantly comprise suitable local species. The planting of exotic or non-endemic flora is discouraged and may encourage weeds. Where possible, seeds should be collected from trees and shrubs present on the site to retain the endemic gene pool.
- Grasses or lawns shall preferably comprise species having high drought tolerance and low water requirements.
- All landscape or landscape planting should recognise the significance of vegetation as a bush fire risk.
- The keeping and maintaining of goats should be discouraged, unless goats are tethered or contained entirely with the building envelope of the property. Measures should be adopted to prevent soil degradation by tethered or contained goats.

G. Soil & water management

- The development considers the provisions of section 11f Soil & water management.
- Existing drainage lines are to be retained in their natural state where possible. Alternatively, any disturbed drainage lines are to be immediately revegetated with native grasses and local
### Part 13 Specific localities

#### 13c Clifton Hills Estate, Owens Gap - Rural Small Holdings

<table>
<thead>
<tr>
<th>Outcomes to be achieved</th>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>indigenous species.</td>
</tr>
<tr>
<td></td>
<td>• Existing drainage lines are to form part of the storm and run-off drainage management system. Any water control structure installed on the site is to be used solely for the purpose of sedimentation and pollution control, except to the extent that they are incorporated into a Site Water Management Plan to provide for wildlife habitat (for example, wet detention basins).</td>
</tr>
</tbody>
</table>

#### H. On-site sewerage management

- The development considers the provisions of section 11g On-site waste water management

  **Note:** where geotechnical and soil science reports identify the need for specifically located wastewater treatment disposal areas, Council may impose ‘Restrictions as to User’ on the title of any lots created to the effect that:

  - no development, other than for the purposes of disposal of wastewater generated by the lot, is carried out on that part of the land
  - no other part of the land is used for the disposal of wastewater without the prior consent of Council
  - the Council is the authority to benefit from the restriction and in so far as the Council does not otherwise have the power, the Council is to have power to release, vary or modify the restriction.

  **Note:** Council will require that individual owners/occupiers of the land to obtain an approval to operate an on-site sewerage management system prior to occupying the site. The approval may require regular inspections or servicing of the system in accordance with the relevant legislation, Australian Standards or Council’s On-site Sewerage Management Strategy.

#### I. Heritage

- The development considers the provisions of section 9a Heritage conservation, particularly with regard to Aboriginal sites and relics, and to non-Aboriginal archaeology.

#### J. Bushfire risk

- The development considers the provisions of section 10b Bushfire risk.

  • Any vegetation or vegetation planting including landscaping is to recognise the significance of vegetation as a bush fire risk.

  **Note:** Land owners must be aware that no development in a bush fire prone area can be guaranteed to be entirely safe from bush fires. The recommendations in this DCP provide no guarantee that life and assets will be protected in all bush fire situations. Recommendations are made in order to provide an acceptable level of protection from bush fires.
Outcomes to be achieved  |  Design guidelines
---|---
K. Vehicle movement & access
  - The development considers the movement and access provisions of:
    - section 3a Subdivision
    - section 12a Access and vehicle parking
    - UHSC Draft Engineering Guidelines for Subdivisions and Developments, as amended.
13c Clifton Hills Estate, Owens Gap - Rural Small Holdings

Map 28 Clifton Hill Estate, Owens Gap Rural Small Holdings - Development Envelopes and Infrastructure Buffers
13c Clifton Hills Estate, Owens Gap - Rural Small Holdings

Map 29 Clifton Hill Estate, Owens Gap Rural Small Holdings - Conservation Area
### Explanatory outline

Section 13d outlines assessment criteria that relate specifically to the development in the environs of Scone Memorial Aerodrome. The following matters are covered:

- land use suitability in proximity to aerodrome
- aircraft noise
- airspace operations
- light aircraft hangars and outbuildings
- private access to Aerodrome

### 13d Scone Memorial Airport & environs

#### 13d.1 Application of this section

This section applies to development described in Column 1 when carried out on land described in Column 2.

<table>
<thead>
<tr>
<th>Column 1: Type of development</th>
<th>Column 2: Applicable land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any development that requires development consent</td>
<td>Land in the vicinity of Scone Memorial Aerodrome, as shown on Map 30 Land adjoining Scone Memorial Aerodrome</td>
</tr>
</tbody>
</table>

Map 30 Land adjoining Scone Memorial Aerodrome
13d.2 Relevant planning instruments & legislation
The following environmental planning instruments or other legislation are relevant to development to which this section applies:

- Upper Hunter Local Environmental Plan 2013, particularly:
  - clause 6.7 Airspace Operations and accompanying ‘Obstacle Limitation Surface Map’
  - clause 6.8 Development in areas subject to aircraft noise and accompanying ‘Air Noise Exposure Forecast Map’
  - Schedule 1 clause 2 ‘Use of certain land at Bunnan Road, Scone’

Further planning instruments and legislation may also be relevant. In the event of any inconsistency, the above listed instruments will prevail over requirements or criteria contained in this section.

13d.3 Definitions
The following terms defined in the Dictionary are relevant to this section:

- Air Noise Exposure Forecast Map
- Obstacle Limitation Surface Map
- hangar

13d.4 Objectives
The objectives of this section are:

- to ensure that development in the proximity of the Scone Memorial Aerodrome does not affect its operational and permanent status.
- to ensure that development is consistent with any airport master plan adopted by Council.
- to protect the community from undue risk from the operation of Scone Memorial Aerodrome
- to minimise the impact of aircraft noise on nearby development from the Scone Memorial Aerodrome and its flight paths
- to provide opportunities for lots with dwellings adjoining the aerodrome to have access to the aerodrome runway.

13d.5 Supporting plans & documentation
Development applications that are subject to this section should be supported by the following plans and documentation.

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. General requirements</td>
<td>All applications</td>
<td>Refer to section 2c Lodging a development application.</td>
</tr>
<tr>
<td>B. Noise assessment survey &amp; report</td>
<td>All applications</td>
<td>The survey and report should take into account the Air Noise Exposure Forecast (ANEF) Map as contained in the Upper Hunter LEP and determine if any techniques should be incorporated in the construction of habitable buildings to reduce any potential noise impact from the operations of the Aerodrome.</td>
</tr>
<tr>
<td>C. Obstacle limitation surface</td>
<td>All applications</td>
<td>A certificate from a registered surveyor should be obtained showing that the Obstacle Limitation Surface (OLS) is not violated by any structures. The OLS maps are included in the Upper Hunter LEP.</td>
</tr>
</tbody>
</table>
### Item 13d Scone Memorial Aerodrome & environs

#### 13d6 Assessment criteria

A performance-based approach will be adopted in the assessment of development applications. Applications will be assessed according to the extent to which the outcomes specified in the left-hand column of the following table will be satisfied or achieved by the design, construction or operation of the proposal.

The design guidelines specified in the right-hand column indicate design and best practice solutions by which the required outcomes can be met. They do not preclude other solutions that may be suitable under particular local circumstances. All proposals will be considered on merit.

<table>
<thead>
<tr>
<th>Outcomes to be achieved</th>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Aircraft noise</strong></td>
<td>Note: Matters for consideration in determining approval for developments in the vicinity of Scone Memorial Aerodrome in relation to aircraft noise are specified in Upper Hunter LEP 2013 clause 6.8 Development in areas subject to aircraft noise and accompanying map ‘Air Noise Exposure Forecast Map’.</td>
</tr>
<tr>
<td><strong>B. Airspace operations</strong></td>
<td>Note: Matters for consideration in determining approval for development in the vicinity of Scone Memorial Aerodrome in relation to airspace operations are specified in Upper Hunter LEP 2013 clause 6.7 Airspace Operations and accompanying ‘Obstacle Limitation Surface Map’.</td>
</tr>
<tr>
<td><strong>C. Light aircraft hangars &amp; outbuildings</strong></td>
<td>Each hangar is of an approved ‘common’ design and is sited and oriented appropriately to have access to the runway.</td>
</tr>
<tr>
<td></td>
<td>Each hangar is 15 x 12 meters in size.</td>
</tr>
<tr>
<td></td>
<td>Building materials comply with the requirements of Australian Standard AS2021 in relation to the construction of buildings near aerodromes.</td>
</tr>
<tr>
<td></td>
<td>No part of the hangar extends beyond the surveyed boundary of each Community Title lot.</td>
</tr>
<tr>
<td></td>
<td>Hangar doors, where fitted, do not extend beyond the Lot boundary in either an open or closed position.</td>
</tr>
<tr>
<td></td>
<td>Hangar and outbuilding walls, roofs and doors are sheeted with pre-coloured steel sheet. Wall and roof colouring shall be powder coated metal “Colorbond” - “wheat”.</td>
</tr>
<tr>
<td></td>
<td>All buildings are constructed of new materials only.</td>
</tr>
<tr>
<td></td>
<td>Hangar lots are used only for the purpose of constructing light aircraft hangar buildings.</td>
</tr>
</tbody>
</table>
### Outcomes to be achieved

<table>
<thead>
<tr>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>No structures, including masts or aerials, intrude into the aerodrome Obstacle Limitation Surface (OLS) (as shown on the ‘Obstacle Limitation Surface Map’ accompanying Upper Hunter LEP 2013 clause 6.7 ‘Airspace Operations’).</td>
</tr>
</tbody>
</table>

### D. Private access to Aerodrome

<table>
<thead>
<tr>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fences are constructed to restrict access from each lot to the taxiways and runway. Such fences are to include self-closing gates to comply with Australian Standard 921-1993. The gates are locked at all times when not in use.</td>
</tr>
</tbody>
</table>

### 13d.7 Supplementary guidance

The following documents or reference materials provide further advice or information that is relevant to this section.
Explanatory outline

Part 13 provides a dictionary of terms used in the DCP. It includes terms used in the Upper Hunter Local Environmental Plan 2013, and such terms have the same meaning. Many other terms are also included.

In some cases, terms are defined as having the same meaning as in other documents, such as various Acts or Regulations.

Sources of defined terms are indicated at the end of each definition where applicable. The following abbreviations are used:

[UHLEP] Upper Hunter Local Environmental Plan 2013

[DCP] this Development Control Plan

[EP&A Act] Environmental Planning and Assessment Act 1979

[FDM] NSW Floodplain Development Manual 2005

Note that terms for land uses and land use activities are defined in Upper Hunter Local Environmental Plan 2013 and are not necessarily repeated in this Dictionary.

Aboriginal object means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains. [UHLEP]

Aboriginal place of heritage significance means an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the Heritage Map, that is:

(a) the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It may (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or

(b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance. [UHLEP]

Note. The term may include (but is not limited to) places that are declared under section 84 of the National Parks and Wildlife Act 1974 to be Aboriginal places for the purposes of that Act.

Adaptable housing units means housing which is designed and constructed to meet the performance requirements stated in Clause 2.2 of AS 4299 Adaptable Housing. An adaptable housing unit is designed in such a way that it can be modified easily in the future to become accessible to both occupants and visitors with disabilities or progressive frailties.

adjoining occupiers means persons who appear to the Council to occupy land abutting a development proposal or separated from it only by a pathway, driveway, road or similar thoroughfare.
**adjoining owners** means persons who appear to the Council to own land abutting a development proposal or separated from it only by a pathway, driveway, road or similar thoroughfare.

**advertisement** means a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water. [UHLEP, same meaning as in EP&A Act]

**advertising structure** means a structure used or to be used principally for the display of an advertisement. [UHLEP, same meaning as in EP&A Act]

**affordable housing** means housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument. [UHLEP, same meaning as in EP&A Act]

**Air Noise Exposure Forecast Map** means the *Upper Hunter Local Environmental Plan 2013 Air Noise Exposure Forecast Map*. [UHLEP]

**Annual Exceedance Probability (AEP)** means the chance of a flood of a given or larger size occurring in any one year, usually expressed as a percentage.

**archaeological site** means a place that contains one or more relics. [UHLEP]

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

**Australian Height Datum (AHD)** is a common national plan of level corresponding approximately to mean sea level.

**Average Recurrence Interval (ARI)** means the long-term average number of years between the occurrence of a flood as big as, or larger than, the selected event. For example, floods with a discharge as great as, or greater than, the 20 year ARI flood event may occur on average once every 20 years.

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

**basement car parking** means the car parking area generally below ground level or above natural ground level but enclosed by bunding, where inundation of the surrounding areas may raise water levels above the entry level to the basement, resulting in inundation. Basement car parks are areas where the means of drainage of accumulated water in the car park has an outflow discharge capacity significantly less than the potential inflow capacity.

**biodiversity** means biological diversity. [UHLEP]

**biological diversity** means the diversity of life and is made up of the following 3 components:

(a) genetic diversity—the variety of genes (or units of heredity) in any population,

(b) species diversity—the variety of species,

(c) ecosystem diversity—the variety of communities or ecosystems. [UHLEP, same meaning as in Threatened Species Conservation Act 1995]

**building** includes part of a building, and also includes any structure or part of a structure (including any temporary structure or part of a temporary structure), but does not include a manufactured home, moveable dwelling or associated structure or part of a manufactured home, moveable dwelling or associated structure. [UHLEP, same meaning as in EP&A Act]

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

**building identification sign** means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services. [UHLEP]
building line or setback means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

(a) a building wall, or
(b) the outside face of any balcony, deck or the like, or
(c) the supporting posts of a carport or verandah roof,
whichever distance is the shortest. [UHLEP]

bush fire hazard reduction work means:

(a) the establishment or maintenance of fire breaks on land, and
(b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire,
but does not include construction of a track, trail or road. [UHLEP, same meaning as in Rural Fires Act 1997]

bush fire prone land in relation to an area, means land recorded for the time being as bush fire prone land on a bush fire prone land map for the area. [UHLEP, same meaning as in EP&A Act]

bush fire prone land map means a map that is certified by the Commissioner of the NSW Rural Fire Service under section 146 (2) of the EP&A Act. It is available for public inspection at the office of the Council, and can be viewed on the Council’s web site [Refer to sec. 146, EP&A Act]

bush fire risk management plan means a plan prepared under Division 4 of Part 3 of the Rural Fires Act 1997 for the purpose referred to in section 54 of that Act. [UHLEP]

business identification sign means a sign:

(a) that indicates:
   (i) the name of the person or business, and
   (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
(b) that may include the address of the premises or place and a logo or other symbol that identifies the business,
but that does not contain any advertising relating to a person who does not carry on business at the premises or place. [UHLEP]

car park means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not. [UHLEP]

caravan parks

- long-term site means a dwelling site that is specified in the approval for a caravan park as being a long-term site.
- short-term site means a dwelling site on which a moveable dwelling that is ordinarily used for holiday purposes may be installed and that is specified in the approval for a caravan park as being a short-term site.

carport is a structure used to house motor vehicles, which has a minimum of two sides "open" and not less than one third of its perimeter "open".

classified road means any of the following:

(a) a main road,
(b) a highway,
(c) a freeway,
(d) a controlled access road,
(e) a secondary road,
(f) a tourist road,
(g) a tollway,
(h) a transitway,
(i) a State work. [UHLEP, same meaning as in Roads Act 1993]

Note. See Roads Act 1993 for meanings of these terms.

clearing native vegetation means any one or more of the following:
(a) cutting down, felling, thinning, logging or removing native vegetation,
(b) killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation. [UHLEP, same meaning as in Native Vegetation Act 2003]

Council means the Upper Hunter Shire Council. [UHLEP]

Corner lots are sites which have more than one boundary with a road and the angle between those boundaries is less than 135 degrees. [DCP]

curtailage, in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage conservation area, or building, work or place within a heritage conservation area, that contributes to its heritage significance. [UHLEP]

damage, in relation to a tree, means to impair the value or usefulness, or weaken the health or the normal function of a tree or vegetation. [DCP]

defined flood level - referred to in the Building Code of Australia, is taken to be equivalent to being equivalent to flood planning level for residential development.

demolish, in relation to a heritage item or an Aboriginal object, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item, Aboriginal object or building, work, relic or tree. [UHLEP]

development site – for the purposes of this document the area of land where works or structures will be located following the completion of the development.

drainage means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land. [UHLEP]

Drinking Water Catchment Map means the Upper Hunter Local Environmental Plan 2013 Drinking Water Catchment Map. [UHLEP]

dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile. [UHLEP]

earthworks means excavation or filling. [UHLEP]

ecologically sustainable development has the same meaning as in the Environmental Planning and Assessment Act 1979. [UHLEP]

effective warning time is the time available after receiving advice of an impending flood and before the floodwaters prevent appropriate flood response actions being undertaken. The effective warning time is typically used to raise furniture, evacuate people and transport their possessions.

environmentally sensitive area means any of the following:

(i) land within 100m of a watercourse,
(ii) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
(iii) land reserved under the *National Parks and Wildlife Act 1974* or land acquired under Part 11 of that Act,

(iv) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes, or

(v) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*. [UHLEP and DCP]

evacuation is the transfer of people and or stock from areas where flooding is likely, either close to, or during a flood event. It is affected not only by warning time available, but also the suitability of the road network, available infrastructure, and the number of people that have to evacuate during floods.

excavation means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land. [UHLEP]

existing building line means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

(a) an existing building wall, or

(b) the outside face of any existing balcony, deck or the like, or

(c) the supporting posts of an existing carport or verandah roof, whichever distance is the shortest.

extreme flood means an estimate of the probable maximum flood (PMF), which is the largest flood that could conceivably occur at a particular location, generally estimated from the probable maximum precipitation (PMP). Generally it is not physically or economically possible to provide complete protection against this event.

fill means the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include:

(a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land, or

(b) the use of land as a waste disposal facility. [UHLEP]

flood is a relatively high stream flow that overtops the natural or artificial banks in any part of a stream, channel, river, estuary, lake or dam, and/or local overland flooding associated with major drainage as defined by the NSW Floodplain Development Manual (FDM) before entering a watercourse, and/or coastal inundation resulting from super-elevated sea levels and/or waves overtopping coastline defences excluding tsunami.

flood compatible materials include those materials used in building which are resistant to damage when inundated. A list of flood compatible materials is attached.

flood evacuation strategy means the proposed strategy for the evacuation of areas with effective warning time during periods of flood as specified within any policy of Council, the floodplain risk management plan (FRMP), the relevant state government disaster plan, by advice received from the State Emergency Services (SES) or as determined in the assessment of individual proposals.

flood planning area the area of land below the FPL and thus subject to flood related development controls.

Flood Planning Level (FPL) are the combinations of flood levels and freeboards selected for floodplain risk management purposes, as determined in management studies and incorporated in management plans.

Flood Planning Precinct (FPP) – mapped areas of flood prone land that have been established considering the overall impact of flooding. In assessing the flood environment, elements such as known flood behaviour, evacuation issues and site access are used.
flood prone land means land susceptible to flooding by the PMF event. Flood prone land is synonymous with flood liable land.

flood storage means those parts of the floodplain that are important for the temporary storage of floodwaters during the passage of a flood.

floodplain means the area of land which is subject to inundation by floods up to and including the probable maximum flood (PMF) event.


Floodplain Risk Management Plan (FRMP) means a plan prepared for one or more floodplains in accordance with the requirements of the FDM or its predecessor.

Floodplain Risk Management Study (FRMS) means a study prepared for one or more floodplains in accordance with the requirements of the FDM or its predecessor.

floodway means those areas, often aligned with obvious naturally defined channels, where a significant discharge of water occurs during floods. They are also areas where, if only partially blocked, will cause a significant redistribution of flood flow or significant increase in flood levels, which many impact on other properties.

floor area means all habitable rooms, bathrooms, laundry and water closet but does not include a garage, storage shed, or workshop.

floor space ratio—see clause 4.5 of the Upper Hunter Local Environmental Plan 2013. [UHLEP]

Floor Space Ratio Map means the Upper Hunter Local Environmental Plan 2013 Floor Space Ratio Map. [UHLEP]

freeboard is a factor of safety expressed as the height above the design flood level. Freeboard provides a factor of safety to compensate for uncertainties in the estimation of flood levels across the floodplain, such as wave action; localised hydraulic behaviour and impacts that are specific event related, such as levee and embankment settlement; cumulative impacts of fill in floodplains and other effects such as changes in rainfall patterns as a result of climate change.

garage (private) – a building or part of a building used to park or keep a motor vehicle and that is not defined as a carport or car park.

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

(a) the area of a mezzanine, and
(b) habitable rooms in a basement or an attic, and
(c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes:

(d) any area for common vertical circulation, such as lifts and stairs, and
(e) any basement:
   (i) storage, and
   (ii) vehicular access, loading areas, garbage and services, and
(f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
(g) car parking to meet any requirements of the consent authority (including access to that car parking), and
(h) any space used for the loading or unloading of goods (including access to it), and
(i) terraces and balconies with outer walls less than 1.4 metres high, and
(j) voids above a floor at the level of a storey or storey above. [UHLEP]

**ground level (existing)** means the existing level of a site at any point. [UHLEP]

**ground level (finished)** means, for any point on a site, the ground surface after completion of any earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development. [UHLEP]

**ground level (mean)** means, for any site on which a building is situated or proposed, one half of the sum of the highest and lowest levels at ground level (finished) of the outer surface of the external walls of the building. [UHLEP]

**Groundwater Vulnerability Map** means the *Upper Hunter Local Environmental Plan 2013 Groundwater Vulnerability Map*. [UHLEP]

**Hangar** a building used for the purpose of storing recreational light aircraft. The building shall not be used for the operation of a business and no person shall be permitted to reside in any hangar

**habitable floor area** means:

- in a residential situation: a living or working area, such as a lounge room, dining room, rumpus room, kitchen, bedroom or workroom;
- in an industrial or commercial situation: an area used for offices or to store valuable possessions susceptible to flood damage in the event of a flood.

**habitable room** is as defined by the Building Code of Australia but generally is a room (other than a bathroom, laundry, water closet or the like) that is designed, constructed or adapted for activities normally associated with domestic living.

**hazardous materials** are solids, liquids, or gases that can harm people, other living organisms, property, or the environment. These may include materials that are radioactive, flammable, explosive, corrosive, oxidizing, asphyxiating, bio-hazardous, toxic, pathogenic, or allergic. Also included are physical conditions such as compressed gases and liquids or hot materials, including all goods containing such materials or chemicals, or may have other characteristics that render them hazardous in specific circumstances.

**Height of Buildings Map** means the *Upper Hunter Local Environmental Plan 2013 Height of Buildings Map*. [UHLEP]

**heritage conservation area** means an area of land of heritage significance:

- shown on the **Heritage Map** of *Upper Hunter Local Environmental Plan 2013* as a heritage conservation area, and
- the location and nature of which is described in Schedule 5 to the **Upper Hunter Local Environmental Plan 2013**,

and includes any heritage items situated on or within that area. [UHLEP]

**heritage item** means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5 to the **Upper Hunter Local Environmental Plan 2013**. [UHLEP]

**Heritage Map** means the *Upper Hunter Local Environmental Plan 2013 Heritage Map*. [UHLEP]

**heritage significance** means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value. [UHLEP]

**host residence** (in relation to wind farms) – means the dwelling-house or houses that are on the same lot or holdings as the wind farm.

**Land Zoning Map** means the *Upper Hunter Local Environmental Plan 2013 Land Zoning Map*. [UHLEP]

**landscaped area** means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area. [UHLEP]
large scale development is (for the purposes of this document) a proposal that involves site disturbance 2500m² of land or greater.

licensed water supply means a water supply that has received approval under the Water Management Act 2000.

local overland flooding means inundation by local runoff rather than overbank discharge from a stream, river, estuary, lake or dam.

Lot Size Map means the Upper Hunter Local Environmental Plan 2013 Lot Size Map. [UHLEP]

Living area means a room of a dwelling-house such as a lounge, kitchen, dining or family room, which is not a room for sleeping or specialist tasks such as a study or home theatre.

maintenance, in relation to a heritage item, Aboriginal object or Aboriginal place of heritage significance, or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care, but does not include the removal or disturbance of existing fabric, alterations (such as carrying out extensions or additions) or the introduction of new materials or technology. [UHLEP]

mezzanine means an intermediate floor within a room. [UHLEP]

mixed use development means a building or place comprising 2 or more different land uses. [UHLEP]

moveable dwelling means:
(a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
(b) a manufactured home, or
(c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the Local Government Act 1993) for the purposes of this definition. [UHLEP, same meaning as in Local Government Act 1993]

multiple housing means 3 or more dwellings in a development. [DCP]

native fauna means any animal-life that is indigenous to New South Wales or is known to periodically or occasionally migrate to New South Wales, whether vertebrate (including fish) or invertebrate and in any stage of biological development, but does not include humans. [UHLEP]

native flora means any plant-life that is indigenous to New South Wales, whether vascular or non-vascular and in any stage of biological development, and includes fungi and lichens, and marine vegetation within the meaning of Part 7A of the Fisheries Management Act 1994. [UHLEP]

native vegetation is defined as follows:
(1) Native vegetation means any of the following types of indigenous vegetation:
   (a) trees (including any sapling or shrub, or any scrub),
   (b) understorey plants,
   (c) groundcover (being any type of herbaceous vegetation),
   (d) plants occurring in a wetland.
(2) Vegetation is indigenous if it is of a species of vegetation, or if it comprises species of vegetation, that existed in the State before European settlement.
(3) Native vegetation does not include any mangroves, seagrasses or any other type of marine vegetation to which section 205 of the Fisheries Management Act 1994 applies. [UHLEP, same meaning as in Native Vegetation Act 2003]

non-host residence (in relation to wind farms) – means any dwelling-house on a different lot or holding as the wind farm.
**non-potable water** means water that does not meet the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council. [UHLEP]

**Obstacle Limitation Surface Map** for the Scone Memorial Aerodrome means the *Upper Hunter Local Environmental Plan 2013 Obstacle Limitation Surface Map*. [UHLEP]

**parking space** means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park. [UHLEP]

**potable water** means water that meets the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council. [UHLEP]

**primary road frontage** is the road which the front of the house faces or is proposed to face. Most properties only have a primary road frontage. [DCP]

**private open space** means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building. [UHLEP]

**Probable Maximum Flood (PMF)** is the largest flood that could conceivably occur at a particular location, usually estimated from probable maximum precipitation.

**Probable Maximum Precipitation (PMP)** is the greatest depth of precipitation for a given duration meteorologically possible over a given size storm area at a particular location at a particular time of the year, with no allowance made for long-term climatic trends (World Meteorological Organisation, 1986). It is the primary input to the estimation of the probable maximum flood.

**property vegetation plan** means a property vegetation plan that has been approved under Part 4 of the *Native Vegetation Act 2003*. [UHLEP, same meaning as in Native Vegetation Act 2003]

**prune**, in relation to a tree, means to selectively remove branches. [DCP]

**public land** means any land (including a public reserve) vested in or under the control of the council, but does not include:

(a) a public road, or

(b) land to which the *Crown Lands Act 1989* applies, or

(c) a common, or

(d) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or

(e) a regional park under the *National Parks and Wildlife Act 1974*. [UHLEP, same meaning as in Local Government Act 1993]

**public participation** means the process of engaging the public (including industry, businesses, residents, interest groups and organisations) in planning decisions, and includes:

(a) public notification of proposals, such as by written notice, published notice, site notices, media releases or other means

(b) public exhibition of proposals, including supporting documentation

(c) providing opportunities for members of the public to make written submissions

(d) other measures designed to elicit responses from the public or particular sections of the public, such as public meetings, public hearings, briefings, interviews, discussion groups, charrettes, electronic media, and so forth

(e) taking responses received from the public into consideration when making planning decisions.

**public reserve** has the same meaning as in the *Local Government Act 1993*. [UHLEP]

**published notice** means a notice published in a newspaper, website or social media channel.

**Reduced Level (RL)** means height above the Australian Height Datum, being the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971. [UHLEP]
**reliable access during a flood** means the ability for people to safely evacuate an area subject to imminent flooding within effective warning time, having regard to the depth and velocity of flood waters, the suitability of the evacuation route, and without a need to travel through areas where flood hazard increases.

**relic** means any deposit, artefact, object or material evidence that:

(a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and

(b) is of State or local heritage significance. [UHLEP, same meaning as in Heritage Act 1977]

**relocated dwelling** means a structure intended to be used as a dwelling house that is to be relocated to or re-erected at another site, but does not include a moveable dwelling.

**remove**, in relation to a tree, means to cut down, knock down, kill, lop or destroy. [DCP]

**road** means a public road or a private road within the meaning of the *Roads Act 1993*, and includes a classified road. [UHLEP]

**secondary road frontage** - occurs on corner lots and are the road frontages that are not the *primary road frontage* [DCP].

**Section 149 Planning Certificate** provides information, including the statutory planning controls that apply to a parcel of land on the date the certificate is issued.

**setback** means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

(a) a building wall, or

(b) the outside face of any balcony, deck or the like, or

(c) the supporting posts of a carport or verandah roof,

whichever distance is the shortest. [UHLEP]

**sewerage system** means any of the following:

(a) biosolids treatment facility,

(b) sewage reticulation system,

(c) sewage treatment plant,

(d) water recycling facility,

(e) a building or place that is a combination of any of the things referred to in paragraphs (a)–(d). [UHLEP]

**shed** – for the purpose of this chapter includes machinery sheds, garden and storage sheds but does not include a garage or car park.

**signage** means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

(a) an advertising structure,

(b) a building identification sign,

(c) a business identification sign,

but does not include a traffic sign or traffic control facilities. [UHLEP]

**site area** means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan. [UHLEP]
**site coverage** means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

(a) any basement,

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

(c) any eaves,

**small wind turbine** has the meaning given by SEPP (Infrastructure) 2007, meaning a wind turbine that has a generating capacity of no more than 100kW.

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

(a) a space that contains only a lift shaft, stairway or meter room, or

(b) a mezzanine, or

(c) an attic. [UHLEP]

**subdivision certificate** means a certificate referred to in section 109C (1) (d) of the EP&A Act. [EP&A Act]

**subdivision of land** has the meaning given by section 4B of the Environmental Planning and Assessment Act 1979. [EP&A Act]

**subdivision work** means any physical activity authorised to be carried out under the conditions of a development consent for the subdivision of land, as referred to in section 81A (3) of the Environmental Planning and Assessment Act 1979. [EP&A Act]

**suitably qualified engineer** is an engineer who is included in the National Professional Engineers Register, administered by the Institution of Engineers Australia.

**survey plan** is a plan prepared by a registered surveyor which shows the information required for the assessment of an application in accordance with the provisions of this Policy

**temporary structure** includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure. [UHLEP, same meaning as in EP&A Act]

**Terrestrial Biodiversity Map** means the Upper Hunter Local Environmental Plan 2013 Terrestrial Biodiversity Map. [UHLEP]

**the Act** means the Environmental Planning and Assessment Act 1979. [UHLEP]

**trade wastewater** means any liquid, and any substance contained in it, which may be produced at the premises in an industrial and commercial activity, but does not include domestic wastewater (e.g. from hand-basins, showers and toilets).

**waste** includes:

(a) any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment, or

(b) any discarded, rejected, unwanted, surplus or abandoned substance, or

(c) any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, reprocessing, recovery or purification by a separate operation from that which produced the substance, or

(d) any substance prescribed by the regulations to be waste for the purposes of the Waste Minimisation and Management Act 1995. [Waste Minimisation and Management Act 1995]

**waterbody** means a waterbody (artificial) or waterbody (natural). [UHLEP]
waterbody (artificial) or artificial waterbody means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently. [UHLEP]

waterbody (natural) or natural waterbody means a natural body of water, whether perennial or intermittent, fresh, brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).

watercourse means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial). [UHLEP]

Watercourse Map means the Upper Hunter Local Environmental Plan 2013 Watercourse Map. [UHLEP]

waterway means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural). [UHLEP]

wetland means:

(a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or

(b) artificial wetland, including marshes, swamps, wet meadows, sedgelands or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities. [UHLEP]

written notice means a letter served on a person by post or personal delivery.
**Explanatory outline**

Part 15 sets out miscellaneous schedules. The following matters are included:

- **Schedule 1**  Repeal of former development control plans and policies
- **Schedule 2**  Heritage description and statement of significance – former Scone Shire
- **Schedule 3**  Heritage description and statement of significance – former Merriwa Shire
- **Schedule 4**  Heritage description and statement of significance – former Murrurundi Shire
Schedule 1  Repeal of former development control plans & policies

(clause 1a.5)

Development Control Plan – Kelly Street
Development Control Plan - Flood Prone Land
Development Control Plan - Cressfield
Development Control Plan – Clifton Hills Estate
Development Control Plan – Exempt and Complying Development
Development Control Plan – Energy Smart Housing
Development Control Plan—Scone Business Park
Development Control Plan—Outdoor Signage
Development Control Plan—Advertising and Notification
Policy Amenities in Conjunction with Rural Sheds on Rural Land that does not have a Building entitlement
Policy Attached Dwellings
Policy Bed and Breakfast Establishments
Policy Cut and Fill Guidelines
Policy Land Fill
Policy Proximity to the Scone Memorial Aerodrome
Policy Relocated Dwellings
Policy Sheds and Garages in Residential Areas
Policy Use and Occupation of a Moveable Dwelling on Private Land
Policy Builders Hoardings
Policy Code of Practice - Soil and Water Management on Urban Lands
Policy Code for the Erection of Residential Flat Buildings
Policy Standards - Code for the Provision of Off-Street Parking
Policy Re-Sited Dwellings
Schedule 2  Heritage description & statement of significance – former Scone Shire

History

The area around Scone was part of the Wanaruah peoples’ area and the first European explorers came to the district in 1824, approaching from the south and the west, via Mudgee. Henry Dangar (Government Surveyor), travelled through this area on his way to discovering the pass over the Liverpool Range above Murrurundi, while Allan Cunningham also travelled this area.

The first European settlers were Francis and Archibald Little who arrived in 1825 and selected and occupied Invermein and Cressfield. Peter McIntyre selected the Segenhoe area for Thomas Potter Macqueen and numerous squatters followed them.

Invermein became the central point of the District with a slab lockup and a Court of Petty Sessions established in 1830. A Post Office opened at nearby Redbank and later a hospital as well.

Scone was named in 1831 when Hugh Cameron, an elderly Scottish settler from Turanville produced a petition for the Governor requesting that this valley of the Kingdon Ponds be called Strathearn after the Scottish valley close by the Palace of Scone, the ancient crowning place for the kings of Scotland. It became the parish of Strathearn and after various alterations the nearby village reserve became known as Scone.

The town of Scone was laid out in 1837, in the area between the Kingdon Ponds and the Great North Road, now the New England Highway. Early buildings were St Luke’s Church and the St Aubins’ Inn. Thomas and William Dangar of Turanville had a store where the present Rotary Park is and it was held up by the famous Jewboy Gang in 1840. To the south and east of Scone, Henry Dumaresq laid out the private village subdivision of St Aubins to the east of Main Street. This has resulted in the offset of both Kingdon and Liverpool Streets with Main Street today.

The Great North Road was the main communication route for Scone and settlements to the north; however, the 1870s produced a period of change with the amalgamation of the Post and Telegraph services, the arrival of the Railway and the opening of branches of the Bank of NSW and the Commercial Banking Company of Sydney. In 1875 the Catholic Parish of Scone was created, the Scone Public School opened and M Campbell purchased the Flour Mill (now RSL Club) and Store from the Little Family. In 1879 the Post Office was established in its present building. The 1880s saw a new Court House (now Old Court Theatre), Scone Grammar School open, Sisters of Mercy Convent built, telephone lines laid and the Municipality of Scone incorporated. The 1890s brought kerosene lamps to the streets of Scone, land development creating Park St, Waverley St and Oxford Rd. Scone Race course established at Satur and Dr HJH Scott began practicing in Scone.

The 1900s commenced with the Federation of the Commonwealth of Australia, the first motor vehicle in Scone and development of Kelly Street as the commercial hub, with banks and the Olympic Theatre opening. The Scott Memorial Hospital was opened in 1913, electricity generation commenced in 1920; White Park established in 1924, UH District Ambulance formed in 1927 and the Scone Fire Brigade started operation in 1930. 1930 saw the provision of a town water supply with the construction of a well on the Kingdon Ponds and a concrete reservoir with a capacity of 300,000 gallons on the eastern side of town. The 1930s also saw the Court House move to its present position, the Scone Bowling Club established on the corner of Susan and Kelly Streets, (now the Scone Visitor Information and Wine Centre) the Civic Theatre opened, the Ambulance Station built and the Scone town sewerage scheme installed. In 1942 a Military Depot was established; 1945 the Scone Rotary Club was formed and in 1946 Scone Golf Club was reformed and the Scone Race Club formed, both establishing themselves at White Park.

Post WWII and 1950s was a boom time for the district with the commencement of the building of Glenbawn Dam in 1957 and the wool, beef and dairy industries flourishing. In the late 1940s the new police station was erected in Liverpool Street, the War Memorial Carillon installed at St Luke’s Anglican Church and the Upper Hunter RSL Club was formed and established its clubrooms in the old flour mill in Guernsey Street.

In 1955 the township of Scone was flooded when Figtree Gully broke its banks and the waters spread across the flats to Satur. In 1957 Glenbawn Dam was completed and Scone Municipality amalgamated with the (old) Upper Hunter Shire to become the Scone Shire. In 1959 the Upper Hunter County Council was formed to take over the reticulation of electricity in the Upper Hunter area.
During the 1960s the Scone War Memorial Swimming Pool was opened as was the Scone Aerodrome, the Scone High School and the present Fire Station in Kingdon Street.

The present Scone Saleyards were opened by the Hon TL Lewis, MLA, and Minister for Lands and Tourism, in 1973 and replaced the old yards at the corner of Waverley and Susan Streets.

Scone is known as the Horse Capital of Australia and is located on the New England Highway 80 km north of Singleton and 130 km south of Tamworth. Scone is the largest township in the Upper Hunter Shire.

**Places of historical interest**

**Heritage items**

Note: most of these items are listed as heritage items under *Upper Hunter Local Environmental Plan 2013* Schedule 5 and their location is shown on the accompanying Heritage maps to the LEP. Some items may not be listed under the LEP, but are identified potential items of heritage.

- Former Harpers Boot Factory, corner St. Aubins St and Guernsey St.
- Former Boorers Mills, Guernsey St.
- Mill Cottage, Guernsey St.
- Former Catholic Church, Kingdon St.
- St. Lukes Church and Rectory, corner Liverpool St and Hill St.
- Belmore Hotel, 98 Kelly St.
- CBC Bank, corner Liverpool St and Kelly St.
- St. Aubins Arms (former Wool Pack Inn), 245 Kelly St.
- Monuments: Thomas Cook Memorial, Alan Cunningham Memorial, John Graham Memorial, Rotary Park.
- Former Belmore House, now “Geraldton”, Shaw St.
- Former Convent of Sisters of Mercy, 61 Kingdon St.
- Former Grammar School, originally St. Lukes (Anglican) School House 1846.
- Former Constables quarters and Lock-up, now Historical Museum, Kingdon St.
- Former School of Arts, Kingdon St.
- Presbyterian Manse, Main St.
- Former Hospital, Smith St, 1871.
- Scone Railway Station, Susan St, 1871.
- Former Court House (now Old Court Theatre), 1848-9 and 1882, Kingdon St.
- Post Office, 1879, Kelly St.
- Former Presbyterian Church 1861, now Masonic Temple, Kingdon St.
- House c. 1893, Kingdon St.
- St. Aubins House, 1.6 km south of Scone, New England Highway.
- “Invermein”, Cliftland Road.
- Bank of New South Wales, 170 Kelly St.
- Campbell’s Corner, 177-181 Kelly St.
- St. Mary’s Roman Catholic Church, corner Park and Short Streets.
- Former Willow Tree Hotel, now butcher shop, corner Guernsey St and Liverpool St.
- Location of the Railway Gatekeepers Cottage, 1875, Kingdon St.
- Petrified Stump, Moobi Road.
- Commercial Hotel, New England Highway.
- Former M Campbell and Co. store, New England Highway.
Part 15
Schedules

The Grange, New England Highway.
Segenhoe Mill Ruins, Rouchel Road.
Aberdeen Bridge (Hunter River), New England Highway.
Former Butter Factory and Meatworks Water Supply, Rouchel Road.
Segenhoe Inn, New England Highway.
F. J. Walkers Meatworks, McQueen St.

Conservation areas

Central Scone Conservation Area (as shown on Map 5, page 145)
West Scone Conservation Area (as shown on Map 5, page 145)

Rural areas

Note: some of these items are listed as heritage items under Upper Hunter Local Environmental Plan 2013 Schedule 5 and their location is shown on the accompanying Heritage maps to the LEP. Some items may not be listed under the LEP, but are identified potential items of heritage.

“Belltrees”, Homestead and outbuildings, Scone.
“Segenhoe” Homestead and outbuildings, 8 km east of Scone on Pages River, Segenhoe Road, Scone.
“Kelvinside” and outbuildings, Rouchel Road, Aberdeen.
Kelvinside Private Cemetery Monument on riverbank between homestead and river.
Bellevue, 1862, Gundy Road, Scone.
“Elmswood”, 1890, Gundy Road, Scone.
“Cliffdale” Wyoming Stud, New England Highway, Scone
Allen Road Bridge, Allen Bridge Road.
Turanville, New England Highway, Scone.
“The Hawthornes”, Sparkes Creek.
“Abbotsford”, Wingen.
“Murulla”, Wingen.
“Yarrandi”, off Merriwa Road, Scone.
“Thorntwaiite”, Upper Dartbrook Road.
“Nandowra”.
Barry Station.
Glenrock Station.
Grampion Hills, Ridgelands Road, Bunnan.
Milgara Station, Kars Springs Road, Bunnan.
Bundarraga, Bunnan.
The “Cuan” Station, Merriwa Road, Kars Springs.
Cressfield Station, Parkville.
Timber house, Rouchel Road, Rouchel.
“Rosevale”, Rouchel.
Russley and Garden, Gundy Road, Aberdeen.
Satur (rear Sledmere Horse Stud), Satur Road, Scone.
Landscapes

Wingen/Scone Scenic Protection Area - this area is traversed along its eastern side by Kingdon Ponds and along its western side by Middle Brook, with Dry Creek in between.

Lower Dartbrook Scenic Protection Area - this area encompasses the river flats of Dart Brook and its tributary streams.

Momberoi Scenic Protection Area - this area comprises the valleys and streams which rise in the Liverpool Range between Mount Tinagroo and Towarri Mountain and fall away to the south to join Dart Brook.

Segenhoe/Rouchel Scenic Protection Area - this area comprises the fertile flats at the lower end of the Pages River and the section of the Hunter River below Glenbawn Dam, together with Rouchel Brook, which joins the main stream from the east.

Moonan Flat Scenic Protection Area - this area comprises a succession of river meanders and undulating hills, with rolling pastures and scattered woodlands, and stretches from the Mount Royal Range in the north to Glenbawn Dam in the south.

Rossgole Lookout, Gallaghers Mountain.

Castle Rock.

Statement of significance

Scone is a regional centre with a distinctive rural character. The town is of heritage significance for:

• comprising a rare blend of ecclesiastical, historical, legal, community facilities and domestic architecture within a landscape of rural landscapes and gardens.

• the railway and highway networks.

• its coherent aesthetic values resulting from a combination of elevated locations, good soils, large trees, extended views, fine architecture and established gardens.

• the evidence provided by its rich history and all its sequential layers - from very early farming, followed by the growth of suburban development in response to elevated topography, “clean air” and the establishment of the horse industry.

• the evidence offered by its built landscape and garden design incorporating a variety of horticultural styles and in harmony with the natural landscape such as those at large homesteads’ and estates’ private gardens.
Schedule 3  Heritage description & statement of significance –
former Merriwa Shire

History

Merriwa is situated on the Golden Highway between Newcastle and Dubbo in an agriculturally rich area of the Upper Hunter Shire. With a population around 1,000, it is a service town for the diverse and profitable surrounding rural landscape.

Merriwa District was first known as Gummun (or small) Plains.

Distribution of land to white settlers in the Gummun District commenced in about 1830, but as early as 1824 white settlers were moving into the area from the west as well as from the Lower Hunter. Early settlers included John Blaxland, a member of the Legislative Council, AL Mackenzie, Charles Blaxland (Cullingral), WC Wentworth, JB Bettington (Brindley Park also a MLC and a director of the Bank of NSW 1828-1850), George Hall (Gundibri) and Henry Dutton (Terragong).

In the early days, sheep raising for wool was the principal rural industry.

A design for a village to serve the district was presented to the Executive Council on 26 December, 1839 and was gazetted on 22 January, 1840. At the time, village land prices were eight pounds per acre. Merriwa, it is claimed, has three main meanings, including flour made from grass seeds by rubbing them between stones.

Settlement of the Cassilis district commenced at about the same time, early settlers being Donald McIntyre (Dalkeith), Thomas Arnold (Liangolen), Alexander Busby (Cassilis Station), George Clive and EWT Hamilton (Collaroy Station).

Merriwa Post Office was established on 1 January, 1845. Mail arrived two or three times a week from Merton by a two horse mail cart. Cassilis mail was carried on from Merriwa on horseback.

Dr Michael Macartney practised in the district after 1840 and was the district’s first fully qualified medical practitioner and surgeon. Macartney Street, Merriwa was named in his memory.

Rector AR George Boodle of the Parish of Muswellbrook began church life in the district. Construction of the first church commenced in 1850 and was consecrated in 1855 as “Holy Trinity” by William Tyrell, Lord Bishop of Newcastle. Rev William Skinner Wilson was rector from 1862 to 1883. The present sandstone Church was completed in 1900, the same year as the church of St Columba at Cassilis was erected.

A private school opened in 1840 with an enrolment of 21 children. A national school was opened in March, 1850 at the western end of Mackenzie Street, Merriwa. It was one of the earliest in NSW. In 1858 Merriwa had three “respectable inns”, 5 stores and 2 blacksmiths.

A court house was built in November 1858 and a wooden Catholic Church was completed at about the same time, opposite the present Post Office.

In 1866 the population was 200. Cassilis in 1861 had a population of 70 to 80, and a Post Office, Police Station and three hotels by 1866. As Cassilis is one of the lower points on the Great Dividing Range, the traffic route through Merriwa from the west was extensively used until the railway was built over the Blue Mountains. Many dwellers in Merriwa were therefore carriers. Many “selectors” took up selections in the district between 1861 and 1890, including I Noble (Hampshire), J Lennox (Summer Hill), J O’Brien (Green Arm), J Lawler (Tara Hall), W Nixon (High Park), C McRae (Mountain Station), E Potts (Aln-dale) and P Tracey of Dry Gully.

Bishop Torregiano opened St Anne’s sandstone Catholic Church in June. The first Priest in the Parish was Fr T Meagher (1874-1878). In 1885 the first convent school opened with 76 enrolments. Fr O’Reilly was Parish Priest from 1885 to 1922.

The first hospital was established in 1906, the first Shire President being ME Maher. Councillor BF Hegarty MBE was President of the Shire from 1950 to 1976 inclusive. The “Australian Joint Stock Bank” opened in October, 1888 in the “Old Stone Cottage”, Bettington Street, and the first account was the “Merriwa Cricket Club”. The bank collapsed a few years later.
Horse racing was very popular in the 1890s. Races were held at Brindley Park course and also at Bow, Wybong, Denman and Borambil. Cricket was also very popular and athletics clubs flourished. The “Merriwa and Cassilis Standard” was first published in 1895 and was available each Saturday at three pence per copy.

The two main hotels in Merriwa were the Fitzroy, erected in 1892 (James Ell, proprietor), and the “Cricketers Arms” (WJ Gallagher, proprietor). The big sheds would employ 40 to 50 shearers and shed hands, and up to 100,000 sheep were put through the one shed. At the turn of the century a satisfactory price for wool was between 6d and 10d a pound.

Merriwa folklore tells of evil deeds of several bushrangers and outlaws including Joe and Jimmy Governor and Jacky Underwood who murdered five people and wounded several others. An aboriginal “Black Harry” was alleged to have murdered a child at Gundibri and hence “murdering Hut Gully” 9 miles east of Merriwa, on the Scone Road, was named. Much of the foregoing was obtained from information provided by Mrs Helen Bettington of “Terragong”, who produced “The Lure of the Land”, first published in 1974.

**Places of historical interest**

**Heritage items**

Note: some of these items are listed as heritage items under *Upper Hunter Local Environmental Plan 2013* Schedule 5 and their location is shown on the accompanying Heritage maps to the LEP. Some items may not be listed under the LEP, but are identified potential items of heritage.

- FITZROY HOTEL Cnr Bow and Bettington Streets
- ROYAL HOTEL Cnr Bettington and Vennacher Streets
- ASTROS THEATRE Bettington Street
- COTTAGE MUSEUM Bettington Street
- ANGLICAN CEMETERY Cnr Bow and Mackenzie Streets
- ANGLICAN CHURCH Bow Street
- ANGLICAN RECTORY Gooch Street
- SCHOOL OF ARTS Bow Street
- CATH. PRESBYTERY Vennacher Street
- ST. ANNE’S CONVENT Macartney Street
- CATHOLIC CHURCH Macartney Street
- CULLINGRAL GROUP Cullingral Road
- HEAD MASTER’S Cottage Mackenzie Street
- FORMER CBC BANK Bettington Street
- COURT HOUSE Vennacher Street
- CAMPBELLS Bettington Street
- BRINDLEY PK Willow Tree Road
- TERRAGONG Willow Tree Road
- ROYAL HOTEL Buccleugh Street, Cassilis
- COURT HOUSE Branksome Street, Cassilis
- POLICE STATION and POLICE RESIDENCE Branksome Street, Cassilis
- FORMER STORE Branksome Street, Cassilis 1220
- LLANGOLLEN Llangollen Road, Cassilis
- FORMER CHINESE EMPORIUM Branksome Street, Cassilis
- YARRAWONGA Rotherwood Road, Cassilis
- DALKEITH Llangollen Road, Cassilis
FARMHOUSE STONE Merriwa Road, Cassilis
ANGLICAN CHURCH Merriwa Road, Cassilis
CASS STATION Merriwa Road
COLLAROY HOMESTEAD
MUNMURRA ROAD-WOOLSHED Kuloo Road, Borambil
GRAVE OF PETER GEORGE - Main Road, East Gungal
FORMER OLD GREEN HILLS HOTEL Main Road, Turill

Conservation areas
Merriwa Conservation Area (as shown on Map 6, page 146)
Cassilis Conservation Area (as shown on Map 4, page 144)
Murrurundi is located on the New England Highway, approximately 200 km north of Newcastle and 90 km south of Tamworth. It is a thriving township within Upper Hunter Shire, embraced by the Liverpool ranges and enriched by the Pages River running through the centre of town.

Murrurundi was home to the Wanaruah tribes before settlement by white people. Murrurundi gets its name from the Wanaruah place name “Murrumdoorandi”.

Locals understandably claim that it means “nestled in the valley” though it seems more likely that it refers to five unusual rock formations near Temple Court (four now remain) and may mean “five fingers” or “meeting place at the five fingers”. It was in 1824 when Henry Dangar moved through this valley that he was attacked by the Wanaruah people. He retreated but he and other travellers moved on through the Upper Hunter area.

By the early 20th century there were little or no signs of indigenous people still living in the Murrurundi area.

Murrurundi Township was set out by the Government in 1840, however most of the land was held by big landowning families. Ordinary people were unable to purchase building blocks for homes so Thomas Haydon subdivided a large block, “The Commodore Block” and established Haydonton. The first block was purchased by Benjamin Hall, Snr. with his family in 1842. Over years, the name Haydonton fell into disuse. Murrurundi was gazetted a municipality in 1890. The two, separated by Halls Creek were amalgamated in 1913. Haydonton Post Office was closed in 1913 and the new Murrurundi Post Office was opened in its present position in 1913.

It was during the years of 1826 to 1834 that 3,000 convicts built the first road which then formed part of the Great Northern Road. During 1827, following in Henry Dangar’s footsteps, farmer William Nowland from Singleton (formerly known as Patrick Plains) established a station along the Warrah Creek on the Liverpool Plains.

In 1829 William Henry Warland established his estate, ‘Harben Vale’, south of Murrurundi near the village of Blandford. Blandford was named after his birthplace in England. By 1834 Warland had built a homestead and formed a partnership with Peter Haydon whose brother Thomas also acquired land in the area.

Thomas Haydon founded the Murrurundi Race Club and racecourse during 1841 and also donated land for the town’s first church, St Joseph’s Catholic Church, which was built in that year. The first private school in this area was built in 1843 and the seventh national school in Australia was built in 1849.

Murrurundi, in 1867, had a population of around 350 people. During the early settlement in the town, there were many bushrangers lurking in the district. Amongst them were the Jewboy Gang. This gang was hunted down after they murdered John Graham in Scone, rode to Murrurundi, swapped their horses and headed over the range to Doughboy Hollow where police magistrate, Edward Denny Day and his party, caught up and captured them. They were hung for their crimes in 1841. Benjamin Hall, Snr. former convict, settled in Haydonton in 1842 with his family which included his son Benjamin. Ben Jnr. was taken by his father to the Forbes district when he was 13 years old and never returned to Murrurundi to his family.

The railway came to Murrurundi in 1872 and the town was an important railway centre until 1926 when operations were shifted to Werris Creek. The population diminished after 1926.

The work on the tunnel under the Liverpool Range commenced after 1872 and took several years to complete. Additional steam engines were required to haul the steam trains from Murrurundi to Kankool through the tunnel. Several accidents occurred at the end of the tunnel on the Ardglen side as the smoky soot from several engines affected the crew. In 1909 a fireman on one of the trains was scalded to death.

Between 1911 and 1915 Murrurundi was well known for its shale mining with the town’s population being at its highest during 1914. Murrurundi is now a service centre and is sustained by quality sheep, beef and horse studs and by both crop and meat production. Tourism is a vital part of Murrurundi’s economy.
Places of historical interest

Heritage items

Note: some of these items are listed as heritage items under Upper Hunter Local Environmental Plan 2013 Schedule 5 and their location is shown on the accompanying Heritage maps to the LEP. Some items may not be listed under the LEP, but are identified potential items of heritage.

The Literary Institute, Mayne Street - now Murrurundi Museum
RSL Memorial Hall, Mayne Street
Rosedale (National Trust) - brick and timber house in Little Street
Bridge House (National Trust), Mayne Street
Dooley’s Store (National Trust), Mayne Street
White Hart Hotel (National Trust), Mayne Street
Upper Hunter Shire Council Chambers, Mayne Street
Haydownton Inn, Mayne Street
Masonic Hall, Victoria Street
St Joseph’s Catholic Church, O’Connell Street
St Paul’s Church of England, a Horbury Hunt building - built in 1873
Railway Hotel, Adelaide Street
Site of Hall family home, Adelaide Street
Post Office, Mayne Street
CBC Bank premises, Mayne Street
Royal Hotel and Cobb and Co stables, Mayne Street
Telegraph Office, Mayne Street
Suspension Bridge in Murulla Street
Court House buildings - dating from early 1863 - goal built earlier; 1st floor extension 1888.
Murrurundi School - a Horbury Hunt building

Conservation area

Murrurundi Conservation Area (as shown on Map 7 Murrurundi Conservation Area page 146)

Statement of significance

The township of Murrurundi has a distinctive rural character. The town is of heritage significance for:

• comprising a rare blend of ecclesiastical, historical, community facilities and domestic architecture within a landscape of rural landscapes and gardens.
• the railway and highway networks
• its coherent aesthetic values resulting from a combination of elevated locations, good soils, large trees, extended views, fine architecture and established gardens
• the evidence provided by its rich history and all its sequential layers - from very early farming, followed by the growth of suburban development in response to elevated topography, “clean air” and the establishment of the horse industry
• the evidence offered by its built landscape and garden design incorporating a variety of horticultural styles and in harmony with the natural landscape such as those at large homesteads and estates private gardens.
## Applicant and Project Details

### Applicant Details

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<th>Application No.</th>
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<td><strong>Email</strong></td>
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### Project Details

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<td><strong>Existing buildings and other structures currently on the site</strong></td>
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<td><strong>Description of proposed development</strong></td>
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### Declaration:

I acknowledge that this development achieves the waste objectives set out in the DCP. The details on this form are the provisions and intentions for minimising waste relating to this project. All records demonstrating lawful disposal of waste will be retained and kept readily accessible for inspection by regulatory authorities such as council, Environment Protection Authority or WorkCover NSW.

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### DEMOLITION STAGE

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<th>Destination</th>
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<th>DISPOSAL</th>
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<td>Bricks</td>
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<td>Excavation material</td>
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<td>Fencing</td>
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<tr>
<td>Fixtures &amp; Fittings</td>
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<td>Timber</td>
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## CONSTRUCTION STAGE

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### ONGOING OPERATION (Residential, Multiple Housing, Commercial, Mixed Use & Industrial)

<table>
<thead>
<tr>
<th>TYPES OF WASTE LIKELY TO BE GENERATED</th>
<th>ESTIMATED VOLUME PER WEEK (Max)</th>
<th>PROPOSED ONSITE STORAGE AND/OR PROCESSING</th>
<th>DESTINATION – RECYCLING OR DISPOSAL SITE</th>
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</thead>
<tbody>
<tr>
<td>Example: Glass, paper, organic, food waste</td>
<td>Example: Weight, m³, litres</td>
<td>Example: Waste storage and recycling area, onsite composting, compaction</td>
<td>Example: Recycling, landfill</td>
</tr>
</tbody>
</table>

|  |  |  |  |
Schedule 6: Waste/Recycling Generation Rates

**Construction Waste**

‘Rule of Thumb’ for renovations and small home building:

- Timber 5-7% of material ordered
- Plasterboard 5-20% of material ordered
- Concrete 3-5% of material ordered
- Bricks 5-10% of material ordered
- Tiles 2-5% of material ordered


**Ongoing Operation**

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<tr>
<th>Premises type</th>
<th>Waste generation</th>
<th>Recyclable material generation</th>
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<tbody>
<tr>
<td>Backpackers’ Hostel</td>
<td>40L/occupant space/week</td>
<td>20L/occupant space/week</td>
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<tr>
<td>Boarding House, Guest House</td>
<td>60L/occupant space/week</td>
<td>20L/occupant space/week</td>
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<tr>
<td>Butcher</td>
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<td>Delicatessen</td>
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<td>Fish Shop</td>
<td>80L/100m² floor area/day</td>
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<td>Greengrocer</td>
<td>240L/100m² floor area/day</td>
<td>120L/100m² floor area/day</td>
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<tr>
<td>Restaurant, Café</td>
<td>10L/1.5m² floor area/day</td>
<td>2L/1.5m² floor area/day</td>
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<tr>
<td>Takeaway food shop</td>
<td>240L/100m² floor area/day</td>
<td>240L/100m² floor area/day</td>
</tr>
<tr>
<td></td>
<td>80L/100m² floor area/day</td>
<td>Variable</td>
</tr>
<tr>
<td>Hairdresser, Beauty Salon</td>
<td>60L/100m² floor area/week</td>
<td>Variable</td>
</tr>
<tr>
<td>Hotel, Licensed Club, Motel</td>
<td>5L/bed space/day</td>
<td>1L/bed space/day</td>
</tr>
<tr>
<td></td>
<td>50L/100m² bar area/day</td>
<td>50L/100m² bar area/day</td>
</tr>
<tr>
<td></td>
<td>10L/1.5m² dining area/day</td>
<td>50L/100m² dining area/day</td>
</tr>
<tr>
<td>Offices</td>
<td>10L/100m² floor area/day</td>
<td>10L/100m² floor area/day</td>
</tr>
<tr>
<td>Shop less than 100m² floor area</td>
<td>50L/100m² floor area/day</td>
<td>25L/100m² floor area/day</td>
</tr>
<tr>
<td>Shop greater than 100m² floor area</td>
<td>50L/100m² floor area/day</td>
<td>50L/100m² floor area/day</td>
</tr>
<tr>
<td>Showroom</td>
<td>40L/100m² floor area/day</td>
<td>10L/100m² floor area/day</td>
</tr>
<tr>
<td>Multi-Unit Dwellings¹</td>
<td>80L/unit/week</td>
<td>40L/unit/week</td>
</tr>
</tbody>
</table>

Sources: Adapted from Waverley Council Code for the Storage and Handling of Waste.

¹ Appendix A, Better Practice Guide For Waste Management In Multi-Unit Dwellings